

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 21, 2002

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, August 21, 2002 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Ben Sciortino; with the following present: Chair Pro Tem Betsy Gwin; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Commissioner Carolyn McGinn; Ms. Kathy Sexton, Assistant County Manager; Mr. Rich Euson, County Counselor; Mr. Dale Miller, Chief Planner, Metropolitan Area Planning Department; Ms. Irene Hart, Director, Division of Community Development; Mr. Colin McKenney, Director, Community Developmental Disability Organization; Mr. Larry Ternes, Youth Services Administrator, Department of Corrections; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Ms. Annette Graham, Director, Department on Aging; Ms. Gloria Vermie, Metropolitan Medical Response System Coordinator, Health Department; Mr. Randy Duncan, Director, Emergency Management Department; Mr. Pete Giroux, Senior Management Analyst, Budget Department; Mr. Doug Russell, Director, Division of Human Resources; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Robert W. Kaplan, Attorney, 430 N. Market, Wichita, Ks.
Mr. Harlan Foraker, Professional Engineer, Certified Engineering Design, P.A.
Mr. M.S. Mitchell, 1215 Forest, Wichita, Ks.
Ms. Mary Garvey, 210 E. Ragan, Bentley, Ks.
Ms. Bessie Black, 10750 N. 135th St. W., Bentley, Ks.

INVOCATION

The Invocation was led by Mr. Jeffrey Faus of Trees for Life.

FLAG SALUTE

ROLL CALL

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

Chairman Sciortino said, "Next item."

CONSIDERATION OF MINUTES: Regular Meeting, July 24, 2002

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The Clerk reported that all Commissioners were present at the Regular Meeting of July 24, 2002.

Chairman Sciortino said, "Commissioners, I believe you've had occasion to review the Minutes of the July 24th meeting. What's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the Minutes of the Regular Meeting of July 24, 2002.

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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, "Next item please."

AWARD

A. PRESENTATION OF ERP EINSTEIN AWARD TO SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE.

POWERPOINT PRESENTATION

Ms. Kathy Sexton, Assistant County Manager and CIO, Division of Information and Operations, greeted the Commissioners and said, "We have this morning just a recognition of some people first and then some explanation on the screen.

First some people, Tom Pollan, the Director of EMS, Greg Schuessler, Division Officer and Lieutenant Barry Guinn and Dave Pollin who couldn't be here today but he's Emergency Services

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Technician and these four gentlemen had a big part to play and the whole EMS Department had a big part to play in implementing the SAP system, financial services system software in the EMS department. What we have here is recognition of their work in implementing the inventory system.

And what we use to have in this department is a manual inventory system to handle \$600,000 a year of inventory of more than 500 items, various drugs, syringes, gauze pads, all the medical supplies that they need to do their job costs the County about \$600,000 a year. And what we've done is we have automated their inventory system.

And what we wanted to do in recognizing them today with the Einstein Award is recognize the fact that even though you invest in good new software, it takes people thinking and people working hard to improve our processes and save taxpayer dollars.

If you would direct your attention to the screen at this time, I want to show you four benefits we have seen from using the SAP inventory system in EMS. Number one is a reduced time required for paramedics to enter the data. Under the old system, the paramedics had to enter a date one at a time, one person at a time, and so they had to wait. Not literally standing in line but virtually, in terms of 'well, the computer's busy, I'll have to come back later. Well, the computer is still busy, I'll have to come back later'. So this is much more efficient doing it in the SAP system, which is multiple people can enter at the same time. They don't have to wait on each other. So that is definitely more efficient for them.

A second benefit we saw is that we saved one to two hours per week in duplicate data entry. Under the old way, support staff had to re-enter the same data that the paramedics just entered, the support staff have to re-enter it into a Quickbooks software accounting system. So now, instead of having to do that, we have only one data entry which obviously saves times and reduces errors as well.

The third benefit is an automatic re-ordering of supplies at night, which I think is awesome. The old system we had to literally, people sat there for pretty much two days every quarter manually creating requisitions so items would get purchased. Now, because of the automated inventory system, it takes those staff only four hours. We cut by 75% the amount of time it takes to do that and truly the program runs at night and orders those supplies.

The fourth and final benefit is that we have improved management information and as you know this was a primary reason we wanted this software so we would have better information by which to manage. In the old system only five computers in the entire EMS department were set up to access the inventory information. And as you know, we have 12 posts, EMS posts around this entire

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community and of course the main office. In the SAP system, they can access current inventory levels at any computer at the 12 posts and in the office. So again, a much more efficient and better way of doing business. So to recognize the gentlemen today we have the ERP Einstein Award and if it looks sort of like squishy brains on our award, that's what it is. This is the award that we have now and they are the first recipients of this award for thinking and working hard and trying to use new software to really make a difference in the way we do business. So, Tom Pollan, thank you very much. Congratulations."

Chairman Sciortino said, "Thank you. Next item please."

PLANNING DEPARTMENT

- B. CASE NUMBER ZON2001-00073 – SEDGWICK COUNTY ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “SF-20” SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED WEST OF 135TH STREET WEST, ¼ TO ½ MILE SOUTH OF 109TH STREET NORTH, IN THE BENTLEY, KANSAS AREA OF INFLUENCE. DISTRICT #3.**

POWERPOINT PRESENTATION

Mr. Dale Miller, Chief Planner, Metropolitan Area Planning Department, greeted the Commissioners and said, "You review a lot of cases and most of them are fairly routine. They're important to the individual applicant and they're important to those of us that process them but every once in a while a case comes along that has larger implications for overall policy development and this is one of those cases because, as you have reviewed the data in the minutes and the information provided to you from both staff and from the applicant, you'll see that there was a lot of testimony that dealt with what is the appropriate dwelling unit density in a rural setting.

There was discussion about what impact will this project have on the provision and maintenance of community facilities, are the soils appropriate for on-site services, will this project negatively impact groundwater quality, who has the right to withdraw groundwater from beneath this site and what level of development should property owners expect in similar situations.

In reviewing these reports, the facts are these, the application area is located just west of 135th Street and approximately a quarter mile south of 109th Street. Essentially, it's a quarter of a mile, as the crow flies or down the railroad track from Bentley, three-quarters of a mile if you take the section-line roads. The property is currently zoned 'RR', Rural Residential and they are requesting a zone changes to 'SF-20', Single-Family. The main difference between these two zoning districts

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is the 'RR' district has a minimum lot size of two acres, where the 'SF-20' district has a minimum lot size of 20,000 square feet.

The applicant proposes to build a subdivision that would have 36 lots that would have a minimum lot size of 40,000 square feet on this 49 acres. The site is not currently served by public services and so each individual lot would have to be served by individual well and sewer systems. Access to the site would be off of 135th Street. The application area is located within the equus beds, Groundwater Management District #2, which manages the equus beds aquifer. All surrounding property . . . and I thought I was getting to a zoning map, but apparently it's not there. Anyway, all surrounding property is currently zoned 'RR' Rural Residential and is used for large-lot residential uses or agricultural uses.

Run through the slides here real fast so you can see the application area. This is looking at the site, looking at the section-line road towards the north, towards the south, to the east, west of the application area. And this is the proposed development layout with the 36 lots.

Staff has recommended denial on this particular application. The findings for that recommendation are in the staff report but I'll summarize briefly here that the application area is currently zoned 'RR', as is all surrounding land. All surrounding properties are used for large-lot residential and agricultural uses. In fact, on this aerial here you can kind of see from a larger viewpoint how most of the area is very large lots. There are some smaller lots that are across the street from the application area, right in here. There are 19 of those lots that directly abut the application area. Of those 19, five of them are less than two acres in size. And of those five, they range in size from .41 acres to 1.99 acres, or just barely under the two acre minimum lot size for the 'RR' district. The rest of the lots are from 3.2 acres to 156 acres in size. So, based on that, you can see that the majority of the lots that are in this area are large lot, Rural Residential or agricultural type lots.

The County's comprehensive plan designates this area as appropriate for residential uses and in staff's opinion, approval of 'SF-20' would not be consistent with the character of the zoning as it is today, nor with the size of the lots that are out there today. That the site could be developed as it is currently zoned, with the 'RR' Rural Residential designation that it has today. The only difference is the density, as we'll get to with the Planning Commission recommendation. They recommended that the application be approved, but that there be a minimum lot size of 40,000 square feet or approximately one acre. So it's about half, if the application is approved, they would end up with

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density about twice what they could have today, assuming that this plat approved as designed and drainage and so forth can all be handled.

The other issue that was of concern and brought up by neighbors at the Planning Commission meeting had to do with the section-line road, 135th Street. It is unpaved and there were concerns about additional dust and additional cost to maintain an unpaved road.

Bentley, the City of Bentley's Planning Commission heard this case twice. The first time they recommended denial but the second time they recommended approval and it's that second recommendation which applies here today. They did have several people who spoke against the project, citing concerns for groundwater contamination, additional dust off the road and the cost to maintain or to provide additional levels of service to increased density that this project would generate.

The MAPC also heard this case twice. At the first hearing the commission took testimony and recommended a deferral to allow for more discussion regarding the proposal and particularly with the development of a policy for individual, on-site, alternative wastewater treatment systems and they also sent the case back to Bentley. That's why they heard it twice. They typically do not.

At the second meeting, the MAPC recommended approval, as I indicated earlier, subject to platting and conditions contained in a Protective Overlay that required a minimum lot size of 40,000 square feet, that no development is to occur until the County has adopted an updated sanitation code permitting individual alternative on-site sewer systems and the applicant had volunteered to put four inches worth of asphalt millings on 135th Street as a way to improve the street and address the concerns and that was part of the motion, but after the Planning Commission approved that motion and in talking with the County Public Works and as I understand it with the township, they don't think that's a good idea and so they will need to address some other solution and that probably more rightly would come up, if this is approved, during the platting stage where most road improvements are addressed. Although, if it is a concern during a zoning issue, that could be addressed as part of a Protective Overlay, but typically it is a platting issue.

At the MAPC, in addition to the neighborhood opposition, the City of Wichita's Directors of Sewer and Water and Health spoke in opposition, citing the fact that neither a traditional septic system nor an alternative system removes nitrates, chlorides or domestic solvents and that the water in the equus beds has already been over-allocated. A representative of the equus beds management district was also present and spoke against the project. However, testimony in support came from the applicant's agents, who contended that there were not any restrictions on drilling private, residential water wells and they presented data to show what sort of recharge rates are going on out there. They also indicated that they would not develop the property until alternative systems are in place and they would improve 135th Street.

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The other thing that I think probably played into the Metropolitan Area Planning Commission's decision was the applicant indicated that he had requested annexation to the City of Bentley but had been denied and it is our understanding that the denial for the annexation had to do with the fact that they have already committed all their existing sewer capacity to a project that is located immediately east of Bentley and has been annexed and, as I understand it, there is a plat even on that property. And so it was a case of them not having the ability to commit to additional wastewater treatment facilities. Now I suppose in the event that that project doesn't develop as intended or completely developed, then they might have surplus space. But I think that probably played a role in the Planning Commission's decision.

As indicated earlier, this project does have a 37% protest, which does trigger a three-quarters voting requirement to override the neighbor's opposition. Also, this project if approved will end up being platted. In fact, there was a plat submitted, late last year I think, that has been on deferral pending the outcome of this case. With that I'd be happy to try and answer any questions."

Chairman Sciortino said, "Let me just add, just for clarification purposes here, right now the developer could develop that property, two-acre lots, about 24 or 25 lots, without any approval from anybody. Is that correct?"

Mr. Miller said, "They would not need any zoning approval. They'd just have to go through the subdivision process."

Chairman Sciortino said, "And what they're asking for is to increase that density to about 35, did you say?"

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Mr. Miller said, "Thirty-six lots is what they're proposing."

Chairman Sciortino said, "So about 11 or 12 more lots. Is that basically . . .?"

Mr. Miller said, "Depending on how many they actually could get out of there, if they don't change it, but roughly that's about right."

Chairman Sciortino said, "Okay. Now did I also hear you say that the applicant agreed that no development would occur even though . . . Say we approved this. No development would occur until we establish our alternative sewer plan?"

Mr. Miller said, "That was a statement that was in the minutes, yes, by the applicant's agent."

Chairman Sciortino said, "Okay. Let me ask Mr. Euson, is something like that, could we enforce something like that? Could that be a mandatory obligation of the applicant, his statement that he would not development until a plan was established? Could that be enforceable?"

Mr. Richard Euson, County Councilor, greeted the Commissioners and said, "Yes, that could be enforceable through the platting process but we would have to have some kind of a covenant from the developer I think."

Chairman Sciortino said, "I don't have any . . . Let's see, I had one other question. I can't remember what it was. I guess that's all I had for right now. Commissioner Norton."

Commissioner Norton said, "Talk about drainage. Show the picture again. Is there a lake involved in this too or a retention pond?"

Mr. Miller said, "They are showing, on their development concept, a reserve area and the applicant's agent can probably detail it better than I can, but I'm assuming that's for a detention or retention pond. He's indicating yes."

Commissioner Norton said, "What are the storm water implications in that area? I know the groundwater is pretty shallow but what about the storm water implications, flooding and runoff?"

Mr. Miller said, "I don't have any direct knowledge of that, other than the fact that most of Sedgwick County is pretty flat and so one does have to take pretty close attention to storm water and make sure that you address that. That's why, as part of the platting stage, they're required to submit a storm water plan and a drainage plan and have that approved."

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Commissioner Norton said, "With the retention on site, do you feel that will mitigate any problems of pushing water to a neighboring area?"

Mr. Miller said, "According to the regulations, they're supposed to handle all the water that would fall in that site as if it were undeveloped and that any development has to be . . . Any runoff as a result of development has to be retained or taken care of on-site."

Commissioner Norton said, "Do you have a map that shows where that other platted home sites are that Bentley is hooking onto their sewer treatment plant? Is that on any of the maps that we have?"

Mr. Miller said, "This is the site. Castle Estates apparently is the name of it and that's the location."

Chairman Sciortino said, "Oh, it's to the north? I thought you said it was to the east. Oh, north of Bentley."

Commissioner Norton said, "So those are not existing . . . They're platted but not existing home sites right now."

Mr. Miller said, "That's my understanding."

Commissioner Norton said, "And where is Bentley proper? Show us again on that map where the heart of Bentley is."

Commissioner Gwin said, "We have a GIS map that we just received this morning, same thing, it's just closer for us."

Chairman Sciortino said, "Any other questions, Commissioner Norton?"

Commissioner Norton said, "Yes. You indicated there were small lots in that area already. Where are those small lots on the map? Have you got a place to . . .?"

Mr. Miller said, "Right here. This is the application area and just immediately east there are smaller tracts that have been cut up."

Commissioner Norton said, "Describe those to me. Are those just lots that have been divided up but have no home places on them or no buildings on them or are they occupied somehow? Are they being used with some kind of facility or building on them?"

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Mr. Miller said, "Based on the aerial, it looks to me like many of them have either farm or homestead sites on them, with the exception of possibly this one. Just looking at the aerial, there are homes there. As I indicated, the five that fall below two acres in size range in size from .41 acres up to 1.99. Now two of these, two of the smaller ones over here are owned by the same person and if you take those two and total them up it comes up to about one and a half acres in size. The smallest one that's a stand alone in the sense of it's only owned by one person is the .41."

Commissioner Norton said, "Okay. And how . . . Are they residential home sites?"

Mr. Miller said, "They appear to be."

Commissioner Norton said, "They appear to be. Do we not know that? I mean it seems to me, number one, how did they get to be . . .?"

Commissioner McGinn said, "Are you talking about this one here? Those are manufactured homes on foundations and they just went in here in the last five years."

Chairman Sciortino said, "No, but how did they get approved?"

Mr. Miller said, "The ones, the older ones here were done before there were County regulations. They're not platted tracts, they're just split offs from what were probably larger tracts and a willing seller and a willing buyer and that's what they bought."

Commissioner Norton said, "Are any of them newer? I mean, Carolyn has indicated . . ."

Commissioner McGinn said, "Not in that first part, just down here at the bottom, those are the new areas."

Commissioner Norton said, "Okay. But none of those are smaller than two acres."

Mr. Miller said, "This one right here on the corner is the 1.99 and then everything else that I counted was up this way, around and around this way."

Commissioner Norton said, "It appears, off 109th Street, up in an area that there's a cul-de-sac with some pretty small lots around it. What is that? What size lots are those?"

Mr. Miller said, "I didn't go over that far and look at them, so I can't speak to that."

Commissioner Norton said, "I mean, there's some large deep lots but then there's a cul-de-sac."

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Chairman Sciortino said, "Do you see where we're looking at?"

Mr. Miller said, "Yes, and I didn't look at those individually, lot by lot. I was mostly looking at the lots immediately surrounding the application area."

Commissioner McGinn said, "They're housing on small lots and they've been there a long time."

Commissioner Norton said, "Have they?"

Chairman Sciortino said, "Any other questions, Commissioner Norton?"

Commissioner Norton said, "No, that's all I've got right now."

Chairman Sciortino said, "Okay. Commissioners, any other questions of Dale right now. Okay, thank you very much, Dale. Who else would like to speak to this issue? We're going to let the applicant and then we'll open it up. Everyone will be able to speak their peace, I guarantee you."

Mr. Robert W. Kaplan, Attorney, 430 N. Market, Wichita, Ks., greeted the Commissioners and said, "I represent Mr. Bellanger, who as you know is requesting an 'SF-20' zoning for approximately 49 acres. You've got the location just south and east of Bentley, Kansas.

Mr. Chairman, I am going to in light of a lot of the press that this case has received, I did not believe that I had a large case on my hands. I thought I had a very routine case, Chairman, as you so aptly put it, going from 25 to 36 lots, and I felt it was fairly routine. But as the press developed and as the agencies came in with their comments, we found that we should probably address far more issues. So the purpose of my comment, Mr. Sciortino, is to request that we be given some additional time here. I can get through my presentation very quickly.

I would like to reserve, if the Commission would kindly do that, about 30 minutes for Harlan Foraker, the engineer. We've got some other speakers, but Harlan has a very detailed Powerpoint presentation and we will go into all of the land use issues. He will go into all of the equus beds issues, all of the water quality and quantity issues, the alternative treatment plant issues and I think he's going to need about 30 minutes to get through his Powerpoint. I think it's extremely important to you because it's extremely detailed. It's illustrated with graphs and it's illustrated with aerials and slides and I think that if you'll take the time to listen to Mr. Foraker carefully, when coupled with the volume of material you've received, which is a great deal of material.

I don't know if you could conceivably get through it all properly but Harlan can pull all that together. So, I'd like to have that additional time allocated, maybe a total of 45 minutes for the applicant. I know that's somewhat unusual but that's about the only way we can be fair to the

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applicant and address all the issues.”

Chairman Sciortino said, “Well, it is very important for us to be able to get as much evidence as we can in order to make that decision. I would be inclined to give the applicant sufficient time to present their case. Support on that? Just, Mr. Kaplan, since it took you 12 minutes to ask us for 45 minutes, if you could maybe keep it as succinct as you can. But we do want to receive this information.”

Mr. Kaplan said, “I will do that, Mr. Chairman. I think what I have to say preliminarily is not nearly as important as the engineer’s presentation. This case has received, as you know, an abnormal amount of attention. Unfortunately, Commissioners, it has also generated an abnormal amount of advocacy. And more unfortunate yet is the fact that the agencies who are advocating in opposition have, in my opinion and I believe it’s going to be documented by the record, given you pieces of data. They’ve really provided data out of context. I’m going to give you some examples of that. They are supporting predetermined conclusions and those predetermined conclusions that they wish to support with data taken out of context are basically inaccurate, they’re incomplete and I think you’re going to agree with me, after you listen to Mr. Foraker and after you see the slides and after you see the data in the Powerpoint, which is taken basically from public records.

This development has no measurable impact. It has no measurable impact on the environment or on the equus beds aquifer. It just simply does not. Now if the County representatives wish to, and if they were motivated to and would take the time to have investigated it, I think they would concur with what we’re going to tell you today.

I want to go back for just one moment and I will, Mr. Chairman, get through it as quickly as I can, reiterate something that Dale said and, Chairman Sciortino, I want to pick up on your comment because I think you’ve focused on the issue. And the issue is basically simplistic. It’s not a difficult issue at all here today. This property, as you know, is currently zoned for Rural Residential development and Mr. Sciortino, as you pointed out, that’s going to allow development on two-acre lots. And we’ve got plus or minus 50 acres, 49 acres so depending how adept the engineer is at laying out the lots, depending on how he lays them out, he’s going to get 20, 25 lots with no legal issue from anybody. Mr. Wiltse is going to issue building permits, because Mr. Wiltse is going to have no legal alternative, the way the resolutions are written, the way the regs are written today, we put in two-acre lots and we don’t have to be here at all.

Now we’ve got a plat so we’re going to put 20, 25 whatever it works out in the platting site-built homes on this site. And what are we going to do? We’re going to do what we’ve legally obligated to do and that is we’re going to put in private water wells and we’re going to put in septic systems and those are permitted and nobody can prevent it. Mr. Wiltse can’t prevent it and he’ll issue permits and he’s already said he would because he told the Planning Commission I’ve got to. If

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you don't want me to then change the law. As long as the law is written the way it is today, Mr. Kaplan and his client come down for a building permit, they're going to get it because I've got to give it to them.

That's item a. Alternative b is what we've asking for. What's the alternative? The alternative we're telling you Commissioners is give us a few additional lots, give us another 11 lots or 15 lots or maybe it will be 10, whatever we can get in the 40,000 square feet, with the interior roadways and the access and the things we need and what will we do in exchange for those 10 or 11, 12, 15 whatever it turns out to be, it's a handful of additional lots, we will go to private treatment systems, what we've been calling the alternative and I've got people here today, including Mr. Mitchell, who knows more about it perhaps than anybody in the room, and we will go to private systems which will properly process and oxygenate any disposal of any sewage so that we will not effect and cannot effect the aquifer.

It's a little bit, frankly . . . Probably going to make some people mad when I walk out of here today, but it's a little bit of a red herring to talk about 1,400 square miles of equus beds. Cover four or five counties, 900,000 acres of equus beds and we want 12 or 14 homes and everybody is suggesting that we're poisoning the city water supply. I mean, the comments and the conclusions that have been drawn are so far out of context and maybe you saw Channel 10 last night, a football field 10 feet deep in sewage coming from the groundwater management comment. Come on. If we pumped raw sewage from the new homes directly into the aquifer maybe, but not going through these treatment systems. We've been to the plant. We've seen the treatment systems, we've investigated it very carefully.

What I'm telling you is that in the interest of the County, the overall interest of the County, we are better off with 36 one-acre lots and 36 new site-construction, site-built homes with owners who own and occupy and take care of their lots than we are with 20 or 25 larger lots and the township will tell you and Mr. Foraker will tell you that when you get into large lots, you know what happens when you get into 5 and 10 acre lots, you know what it is and the township has talked to us about it. They've talked to Mr. Foraker about it. People do not maintain 5 and 10 acre lots like they maintain a one-acre lot that's their front and back yard and their home. They just don't. They don't

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now them. They become a disposal area for inoperable vehicles and the storage of other equipment. They grow up in weeds. This is the township talking and I don't know whether you've got that. I don't know if you've got the minutes of the township meeting. Mr. Foraker has got it but they make these comments. These large lots go unattended. The small ones are taken care of.

Now let me give you just a couple of examples that I think are very important. In some of the materials that you've received you've got groundwater management. Groundwater management comes up with a report and they give you . . . and you've got these, they give you . . . I don't know where it is in your booklet. I've got so darn many books in this case. I've got three books. I think you've got two. No, you've got three too."

Commissioner Gwin said, "We've got a report in our backup from Mike Dealy in our backup page 56."

Mr. Kaplan said, "Yes, is that, Commissioner Gwin, the water quality data base reports? There's about 10 of them."

Commissioner Gwin said, "It's a presentation that he made to the Metropolitan Area Planning Department that I'm starting with but I see those in here too."

Mr. Kaplan said, "Along with that, Commissioner Gwin, are ten reports. I just want to show you what's happened in this case and to bring this thing back into perspective, all I ever wanted to do here was start out even and I felt like, with the material that had come forth and the comments that have been made, we weren't quite starting out even. I didn't think that was very . . . There's ten reports here on nitrates. Of those from different monitoring wells . . . Now, listen to this. Of those ten reports, nine of them either are not measurable at all or they're negligible, they're minimal."

Chairman Sciortino said, "Just one second. As Commissioner McGinn just pointed out to us, Commissioners, it's on page 24 and 25 and 26, if we need to refer to what Mr. Kaplan is mentioning."

Mr. Kaplan said, "As you look through those, and I won't take a lot of time with this and Mr. Foraker can go into it. I just want to show you what's happened in this case and why I'm as upset as I am about the fact that the reports we're getting are not meritorious. If you look through those nine, you'll see almost every number is a point something, a fraction of a percent. You see how negligible all those numbers are. But then he found one report that did have nitrates and he focused, the groundwater management report is focused on the one report out of ten that did measure nitrates. Only one of ten and what was the problem with that? The problem with that was that even then he didn't have complete information. He stopped with 1990, showing a quantity of 15.20."

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That's the one report he could cite and say, 'Gee, there's a lot of nitrates out there'. When you get to '91 reading, which he didn't have or didn't solicit or didn't . . . I don't know. He wrote his report before that I guess to give him the benefit of the doubt. That nitrate level has dropped to 8.8. It has dropped by half."

Chairman Sciortino said, "The '91 report?"

Mr. Kaplan said, "Yes."

Chairman Sciortino said, "We don't have that here."

Commissioner McGinn said, "Page 25, I believe."

Chairman Sciortino said, "Yeah, but this says 7-30-90 was when it was analyzed."

Mr. Kaplan said, "There's a 7-26-01 date. May I just approach the Bench?"

Chairman Sciortino said, "We have it. I've got it now."

Mr. Kaplan said, "So you can see that that has . . . It's not my job, Commissioners. I'm not an engineer. These are not subjects that I have any expertise or familiarity with. These are questions you'll have to address to Mr. Foraker, who knows these matters. What I'm attempting to point out is the fact that you take things out of context and you focus a report on it and you say, 'My goodness, we've got a lot of nitrate levels'. And in the Planning Commission report, they talk about 14 to 17.4. Well, that's simply not true and it's not appropriate to come in and base conclusions on that kind of insufficient and incomplete data.

The same things happen when we come to the water department. The water department writes a report, May 9th of 2002, and certainly they have a right to intervene. They've got a right to intervene. I assume they're here today and they're going to want to rebut. And he says, with four existing water supply wells, and he designates them, M29, 30, 31 and 32, all located almost within one mile, they're about a mile and a mile and a quarter, of this proposed development. The pollution risk to the city's water supply is real. Now what doesn't he tell you? What he doesn't tell you that all these supply wells that he's talking about are to the north of the development. He doesn't tell you that the gradient is to the south and to the southeast. The water flows south, not north. There is no way that there is anything from this site, unless someone can demonstrate that

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the water is going to flow uphill, that these wells can in anyway be affected. They are north of the site and we've got a southerly gradient, a southerly downgrade water flow. So you don't hear these things. Gosh, they're within these wells and it could affect these wells. It can't affect these wells. It's impossible.

And those are a couple of examples, as I go through these reports. And that's what disturbs me. Those are a couple of examples of the kind of information you're being given because it's incomplete. It says it will affect these wells. It won't affect them and the water department knows that. They know what the gradient and the flow is. It's away from them. So those are cited not to take issue with people, not to start a debate, but to show you that the information that they're asking you to rely on is just simply incomplete, it's out of context and it's simply inaccurate.

Now, I don't know. The technical merits, I really . . . I'm going to tell you frankly, this case has taken on a life of it's own and I frankly don't know, as I stand here today, essentially what it is you want to hear and essentially what it is you want to address. It should be a land use case. It seemingly, and I've let it happen I guess, turned into a technical merits case on the technology and on the equus beds and the water and the waste. But I do want to talk about land use for a moment, because that's basically where we ought to be.

Before I do that, I'll tell you one thing that was very, very refreshing was the letter you received from your County Environmental Officer and I hope you had a chance to review that, from Susan Erlenwein. Susan has written a letter to you and in all fairness, the County staff, ladies and gentlemen, have just been remarkably balanced in this matter and remarkably fair in seeing that the record that was brought before you was a balanced record and Susan's letter is in there. It's been provided. Now if you'll look at Susan's letter she'll tell you exactly that there is no environmental problem here. There is no risk here to the equus beds, to the aquifer, water supplies or anything else. If you don't have it, I've got a whole bunch of additional copies I can . . ."

Commissioner Gwin said, "We can get it. We've just got to locate it here."

Mr. Kaplan said, "Her letter is short and I wish, if you haven't had the opportunity to, I know it came in late, if you haven't had the opportunity to, I wish you would take a minute and peruse it because she says that the potential risk is infinitesimal, infinitesimal. She says that the risk of private septic systems, as a whole, to the equus beds is not significant. Now that is the fact of the matter and that is what's going to be supported by Mr. Foraker. As I say, I don't know. The City of Bentley wants this development. Once they had the right picture, once we were able to go out there, the second time around and we were able to take Mr. Mitchell in and take Mr. Foraker in and I was able to attend and we were able to make a bilateral presentation, instead of the unilateral presentation that they heard initially, because Mr. Bellanger didn't know. He went out there and sat in the third row and listened to his development get shot down. He should have had representatives.

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He does now. But the City of Bentley, once they heard the facts and heard it they said, yes we want this development. The MAPC says we want this development. In response, Commissioner to your question and your County Counselor has already accurately answered it, but rather than the covenant, what the Planning Commission recommended was a protective overlay and that can get exactly where you want to go where nothing happens until and unless you make your amendment to your sanitation code and we get the alternative systems in place.

That's basically what I wanted to tell you. Mr. Foraker has got a number of things. I'm not going to take the time to go through it all. It would be duplicitous. This area out there, and I know there have been some concerns expressed I guess about the compatibility of this area. You're going to see the GIS map, which you already have in your book and on your Powerpoint, you're going to see that GIS with this subdivision overlaid and it is compatible. There is everything from the .4 acre lots to one acre lots. There are three-acre lots, there are five acres lots, there are ten acre lots, there are mobile homes. This area is a mix. It is a real, real mix and we're coming in with these 36 homes. These are going to be brand new, stick built homes. They're not going to be mobile homes. We're not bringing anything in. They're going to be site built, stick built homes, one to 40,000 square feet, one to an acre. It's going to be nice. It's going to be absolutely compatible.

The neighbors said the road is dusty. We said we'll come in with four inches of asphalt filings and we'll eliminate the dust and the County doesn't want that, so the township said just put in four inches of AB3 and then cover it with gravel and that will work. Okay, we'll do that. We'll do whatever. We'll do the alternative system. We won't do anything until they're approved and accepted and they work and we know they work and you can ask Mr. Mitchell about that. It's just a lot of raw, generic conclusions. I think that there is no reason, there is no legal reason, I'm confident of that. I'm not suggesting that if you turn it down I can do anything about it. May not be able to but there is no legal reason to deny the addition of 10 or 15 additional lots, given the fact that we're going to compensate for those additional lots by going to a state of the art system instead of a septic system. We're willing to work on the road and we're willing to comply with most any reasonable condition that you want to put on it in a protective overlay. So, with that and with the additional time I would like to turn it to Mr. Foraker and if he could proceed next, I think that you'll have some continuity in your presentation. I'll take questions."

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Chairman Sciortino said, “Yes, let’s just stand by for a second. Any questions at this time for Mr. Kaplan? Mr. Euson, I have a question just to try to get my hands around this as it’s being presented. If I understand it right, right now the developer could go in and put site-built or I guess even a mobile home if he wanted to, is that correct, on two acres, manufactured home, excuse me and a septic tank and it wouldn’t be coming before us because that would already comply with the present zone. Is that correct?”

Mr. Euson said, “Yes, sir. That’s correct.”

Chairman Sciortino said, “Okay, that’s all I had. Any other questions of Mr. Kaplan? Thank you, Mr. Kaplan. Sir, we’re ready for you. If you would just, for the record, please state your name and address. I believe we already know Mr. Kaplan’s address. He’s been with us many times, unless he has changed his address. But if you would just state your name and address and take as much time as you need.”

POWERPOINT PRESENTATION

Mr. Harlan Foraker, Professional Engineer, Certified Engineering Design, P.A., greeted the Commissioners and said, “We’ll move along as quickly as we can. We’d like to take a moment to . . . How do I back this up to the concept layout? Very good. I wanted to let you know again, I am a licensed professional engineer in the State of Kansas and in Oklahoma. I have degrees in civil engineering and geology from Kansas State University. I’m representing Bentley Meadows, Bentley Growth L.L.C. today. Most of my presentation, I know you have a lot of information. Most of my presentation is in the Powerpoint slides. There are a couple of items, Mr. Dealy’s report, you have that of February 28th. Mr. Warren’s report of May 9th and then also the recent report on the water quality, which you received from the Ground Water Management District that was requested by the Planning Department is also another bit of information that I’ll be referring to. So those are the three items that I’ll be making comment on.

This is the concept layout that we have prepared. Of course when we get into the platting process

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we will define this better but essentially 36 lots proposed on a 50 acre development with interior streets constructed to the Sedgwick County's suburban standard for gravel roads. And I have also depicted a retention pond in which it has been sized, conceptually, to retain the entire runoff from this site. And at this point we intend to take care of our own storm drainage on site, in answer to your question, Commissioner Norton.

The other thing that I've shown on this is a general depiction of what the traffic flow out of this development might be. There will be two exits from the development out onto 135th Street West. The traffic would most likely travel north to 109th Street, which is the nearest county paved road, and then continue, as shown on this aerial photograph, on 109th to 151st Street, the reason being that's the only way to get across the Arkansas River, and can go down to K-96 highway four miles down, to K-96 highway to access it and potentially reach a destination that would be in Wichita.

A couple of things in regard to the condition of 135th Street. We and the developer are sensitive to the condition of that and what this development will do to that. That is the reason that we agreed to the protective overlay and an attempt to use the asphalt millings. At the Planning Commission meeting we subsequently were informed that County Public Works was not favorable, did not recommend that. We subsequently met with the Eagle Township board on August 12th, a week ago last Monday, and discussed with them what their concerns were and informed them that County Public Works did not recommend the use of asphalt millings.

Therefore, we were able then to further discuss this and made the offer to the township that they were concerned about, first of all, the structural stability of that road and they felt like, with the addition traffic, that stability would be brought into question. We were agreeable and offered the four to six inch rework of the base of that road with AB3 and a two-inch top-dress of road gravel to that section of 135th Street West and they were agreeable to that and they thought they could maintain that. So I guess what I'm here to offer today is that a revision potentially to that protective overlay, if that can be done, to a proposal that is acceptable to the township, as we have discussed. And I'm here to represent that the applicant will do that.

A couple of other items that I'd just like to quickly mention. In my discussion meeting with the township was that there are several farmers on that board and they would not consider this prime agricultural farm ground. If it was prime farm ground, a farmer recognizing the agricultural production potential of this piece of ground would have purchased it when it came up for sale. They are also concerned about the larger lots, five-acre lots, the two-acre lots because they have a number of these lots in their township. They live in the area. They see what happens to them and they are concerned about the lack of maintenance that is occurring on these larger acreage lots and they believe as well that the abandoned vehicle problem that they have in the area is because of this.

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They also were concerned about who is going to own these lots and who is going to own the homes. They have several developments within their township, which our developer owned. The developer develops the property, continues to own it, finances it for a potential owner, finances the house, finances all the improvements and that has created a situation that has not been desirable out in their township. And I'm here to represent to you that this developer, these will be owner-financed, owner-occupied lots within this development. This developer does not intend to retain ownership of these lots and finance it for potential owners. Those are just a couple of the additional items that the township conveyed to me during my meeting with them.

As was previously mentioned, this is a graphic of the equus beds area that encompasses the larger portion which encompasses four areas in the Sedgwick, Harvey, McPherson and Reno County area. The Bentley Meadows addition would be approximately right in this location. Bob has mentioned that the equus beds consists of a 1,400 square mile area, approximately 900,000 acres. And just for comparison purposes, the Bentley Meadows addition is 50 acres in size and less than a tenth of a square mile in area.

I've prepared this next slide to give you a representation of what the annual water usage could be predicted to be for this development. There are three examples here of how . . . that have been presented of what the water consumption would be for these 36, 37 lots. In the Groundwater Management District report of February 28, they represent approximately 6,000,000 would be the estimated water use. And how we arrive at this is we use a estimated per person per day water usage and then extrapolate that over the number of people that are going to be involved over the period of time that they're going to be using water. On an annual basis, using KDHE standards that are published in their minimum standards for design, they use 100 gallons per person per day, which would equate to 5,402,000 gallons of water usage on an annual basis."

Chairman Sciortino said, "Now that's based on four persons per home?"

Mr. Foraker said, "Four persons per home, 37 lots, 100 gallons per day, 365 days per year. Alternatively, we have pulled from the Bentley comprehensive plan, they have a published average water use of about 83 gallons per person per day. And if you extrapolate that out over this development, that would equate to 4,483,660 gallons. We feel like this is the range of the potential water use from this development. I think in some of your packets it's been represented up to 12,000,000 would be the water use and that would equate to almost twice what KDHE has used for typical water use of a residential household.

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The other bit of information that I would like to introduce into the equation here is that in addition to this water that's being withdrawn from these private, domestic water wells there is continually recharge occurring into that equus beds on an annual basis from annual rainfall and this is a calculation of the annual rainfall and that portion of which ultimately reaches the equus beds, groundwater table for the purposes of recharge. And I think in your information and it was presented at the Planning Commission that that recharge amounted to three inches. They . . . The Groundwater Management District allows a certain amount of the annual rainfall, as to ultimately reach and be used to recharge.

I was corrected by our groundwater hydrologist, Mr. Bob Vincent, that actually six inches is what is recognized by the Groundwater Management District as recharge, which ultimately reaches that area. And so, if you equate that six inches over a 50 acre area, this amount of 8,145,720 gallons is what would occur just over this 50-acre site of annual recharge into the equus beds aquifer from our 50 acres."

Commissioner McGinn said, "So our backup material is incorrect?"

Mr. Foraker said, "That is correct. It does represent a three-inch recharge where I've been corrected and six inches is the actual number."

Chairman Sciortino said, "And your source of information on six inches is from where?"

Mr. Foraker said, "That is from Mr. Bob Vincent, our groundwater geo-hydrologist. And if you would like, I believe the Groundwater Management District may confirm that for you, but six inches is the . . . I'm not sure if that appears in this report."

Chairman Sciortino said, "That was something that I think some of us were taking question of. But I think that's cleared up."

Mr. Foraker said, "So I would represent to you that the six inches is accurate, unless corrected."

Chairman Sciortino said, "Okay, thank you."

Mr. Foraker said, "And I guess the point to be made here is I would ask you just to look at what is the net effect of this development and the net effect is that there still will be recharge into the aquifer over this development and that the proposed water use here, whether it be 4,000,000 or whether it be 6,000,000 is less than the potential recharge which occurs over that 50 acre

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development.

I'd also like to give you this pie chart to give you a representation of what that 6,000,000 gallons, if we go ahead and assume that 6,000,000 gallons that Groundwater Management District has estimated we will use, what that 6,000,000 gallons represents in relation to first of all the water volume which exists under our 50-acre tract. And the area in blue here represents the total water residual which will remain annually within the aquifer under our 50-acre tract. The amount of water used, the 6,000,000 gallons represents 1.04%, assuming no recharge. But as I previously said to you, there was 8,000,000 gallons of potential recharge that is recognized by the Groundwater Management District. So actually the net loss here would be zero or actually a negative number, because the net loss, there is an increase of the amount of water being contributed to the water table in that area."

Chairman Sciortino said, "Let me interrupt for just a . . . I just have to sometimes ask questions or I'll totally forget I even had one. It's my age I think. But you said you were estimating four people per household but I didn't think Wichita area, I didn't think we were averaging four people per house. I thought it was less than two per household."

Mr. Foraker said, "Well, it may actually be between three and three and a half. I'm not sure what it is in Wichita. I know, typically, when I size sanitary sewer systems or do studies for that purposes, we typically use . . . And it is a conservative estimate."

Chairman Sciortino said, "So you're not saying it could be more. It probably might be less, but it wouldn't be any more."

Mr. Foraker said, "Certainly."

Chairman Sciortino said, "Okay, all right. I just wanted to make sure. So you were being generous, not conservative. You were being generous in that estimation. Okay."

Mr. Foraker said, "We would represent that the 6,000,000 gallons would be an upper level.

The other slide that I've presented here is that annual water use that we've discussed, the 6,000,000 gallons in relation to the total water volume in the equus beds under an area of two-mile radius and you might ask why two-mile radius and I'll be happy to share that with you is that that is the area that is used by the equus beds, by the Groundwater Management District in order to determine what permits currently exist within a proposed water rights application. They would take a two-mile radius from the point at which the new application is being applied for and they would tabulate how much water is being withdrawn to determine if this area is suitable for an additional municipal or

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commercial water right to be issued.

Now keep in mind, we're dealing with private domestic water wells, which do not require a permit through Groundwater Management District or through the state. But just to give you a comparison that we're speaking of the area in blue, of that volume of water that exists within this two-mile radius and the total annual water use of our development, at 6,000,000 gallons, doesn't even appear as white. It appears as a black line there, because it's seven one-thousandths of a percent of the amount of water that underlies that two-mile radius area. And maybe I can show you better is that this is a pictorial of that two-mile area, our development being located right here and if you were to go out two miles in any direction, a two-mile radius, this is what they look at, this was prepared by the Groundwater Management District in order to determine what wells currently exist in the area and those wells are represented by the 'x' inside the circle.

So the other piece of information I'd like to share on this graphic is that this well here is well M-29 that the City of Wichita references in their report of May 9th. This well, based upon the best of my information, is well M-30. One of these wells is M-30, one of them is M-32. This is the location of the M-32 well, or the four wells that are referenced in the water and sewer department report which are going to be affected from groundwater flow and the water use from our development at this site and I have information prepared and a map was prepared in 1988 by the U.S. Geological Survey that says that the trend of the groundwater flow in this area is east/ southeasterly or south/ southeasterly in this area. So the trend for groundwater flow from this area is away, is in this direction. This is the location of the wells that were referenced as the City of Wichita wells in your report."

Chairman Sciortino said, "So, is it your assertion that those wells could not be negatively affected because of that?"

Mr. Foraker said, "There could be a scenario in which if there was overproduction of these wells to the point it pulled the water table down, that it pulled water towards them but the way the groundwater table lays right now, that is up-gradient, that is up-gradient of the water surface at this location, as compared to the location of the Bentley Meadows addition."

Commissioner McGinn said, "Do you know what the average cone of influence is on those wells, because I can't see it being that as it relates to the city's wells?"

Mr. Foraker said, "On the city's wells, we did not calculate a cone of depression on those wells,

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but I wouldn't think it would be over one mile but again we don't know, I don't know. Can't answer that.

Okay, subsequently, the other bit of information I'd like to show you, this is a tabulation, a lot of numbers that was prepared by the Groundwater Management District that were permits currently existing in the area and what I would like to point out to you is that the lower right-hand corner, you have two numbers there. What the existing appropriation or the existing permits that exist within the area of our development, the two-mile area, you can read the number there, 12,464 acre feet of water has been permitted to be withdrawn from the aquifer within the two mile radius of our site. The number just immediately below that is the allowable safe yield that the Groundwater Management District determines is safe in order to avoid depletion of this aquifer and it amounts to 4,021 acre feet. And the point I'd like to make here is that currently the permits that are out there that exist which are almost three times the quantity of water that the Groundwater Management District has determined is a safe yield for removing without depleting the aquifer.

And to tie this together what I would like to then read then is from Dr. Dealy's report of February 28th. On page 3, second paragraph, he discusses the water levels at an observation well immediately adjacent to our site and his last sentence in that paragraph says, 'The water level ranged from a low of 19.4 feet below land surface in July of 1991 to a high of 8.9 feet below land surface in January of 2001. So in that ten-year period, they have actually seen in an observation well closest to our site, an increase in the water table of nearly ten feet. While there are permits out there that are almost three times what the safe yield that they estimate for the equus bed aquifer in that area. And I guess the point that I would make there is that the recharge that is occurring to that aquifer is much larger than the six inches that is used by the equus beds to calculate how much water can be safely withdrawn. That six inches figure that I showed you back in that previous slide is probably greater than the amount of . . . The amount of recharge is probably greater than that six inches amount that I've shown you because we're seeing groundwater tables not decline, but by all means they appear to be increasing.

The other bit of information, just in reference to Bob has already referenced to and I'm not going to hash it out again, but the water quality report, we did not solicit that information from the Groundwater Management District. That was information that was in the packets that we received from Sedgwick County on this agenda item. It was information that the Planning Department had solicited from the Groundwater Management District. They provided that information to the Planning Department. We reviewed it and our opinion or our interpretation would be that the nitrate levels out there at that one particular well, yes there appears to be a problem but it has declined at the well number 202, which is immediately adjacent to our site.

However, we're sensitive to the potential nitrate contamination to the groundwater. We're intending to employ the alternative treatment systems, which manufacturers have represented to us,

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not just independently, but through EPA studies and studies in Florida that result in an up to 75% reduction in the amount of nitrates discharged from a standard, domestic waste household. So, the point is, we intend to be sensitive to that area and that's why we have committed from the beginning, and I have instructed the developer from the beginning that the alternative waste water individual system was the way to proceed with this project.

We intend to, as previously mentioned these lots will be served with 37 individual private domestic water wells. It's been represented that private domestic water wells pose a pollution threat to the equus beds aquifer. We have a report in some of your documentation from Mr. Vincent that says properly installed domestic water wells are not a pollution threat, as long as they are installed by a licensed water well driller, licensed by the State of Kansas. And these wells will have to be installed by a licensed water well driller in the State of Kansas. And we don't perceive that there is a threat.

However, in comparison, I'd like to present this to you as within the past year, the Groundwater Management District has installed monitoring wells at 38 additional sites. Our development is right here, just south of Bentley. Thirty-eight additional sites for monitoring the aquifer at these locations shown on this map, and at each one of their sites there are two wells at each of these locations. So we're looking at a total of 76 wells that have been installed within the last year by the Groundwater Management District to the same standards that we would be required to be installed for our private domestic water wells. And we just find it interesting that our domestic water wells will be a threat of pollution to the aquifer when recently the Groundwater Management District has installed 76 monitoring wells in a similar fashion.

Finally, I think Bob has mentioned that we would like to bring the discussion concerning this proposed zone change to consideration of the land use and the lot density. It's already been mentioned that this property is zoned Rural Residential. This is a copy of the tract map and I did not tabulate up the number of lots but Dale has mentioned there are five one-acre lots or below in this area and I'm not sure, did you say 19 additional lots up to five acres? Nineteen total. And it was mentioned that these lots up in here are one acre in size. There's one, two, five, three, ten-acre size lots in this area. This is a five-acre development here. These are typically unplatted, tract developments. What I would like to show is this is our development overlaid into that piece of ground and we don't find that that layout and that size of lots, by any means, if incompatible with the existing lot sizes that are in the area, particularly with these lots typically done as unplatted tracts, long and narrow. We think this is a much more organized and thought out and well-planned development and would be an amenity to this area, would be an improvement to this area with regard to the lot density area.

That's the end of my presentation. I'd be happy to entertain any questions you might have."

Chairman Sciortino said, "We have a few questions. Commissioner Winters."

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Commissioner Winters said, “Just one. Mr. Foraker, what kind of road material is going to be used inside the development?”

Mr. Foraker said, “It will be a suburban standard gravel road.”

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

Chairman Sciortino said, “I have one question. I don’t know whom it’s directed to but with respect to the draining or the use of the equus bed waters and putting into jeopardy Wichita’s ability to get sufficient water. If this development was moved closer to Bentley and Bentley hooked it up on their water system, where does Bentley get their water?”

Mr. Foraker said, “I also am the city engineer for the City of Bentley and they purchase their water from a raw water line that comes out of the equus beds and that raw water line is owned by the City of Wichita. What they do, they have a pump house down at . . . just north of 101st Street I believe it is in which they obtain water, pressurize it, chlorinate it and pump it to their water tower.”

Chairman Sciortino said, “Okay, so either directly or indirectly, wherever this might be built, the water would be coming out of the equus beds and probably be delivered or serviced by the City of Wichita, if it was patched to Bentley or if it was closer to Wichita and it was just being annexed by Wichita, they’d draw the water out of the equus beds and deliver it to these folks, right?”

Mr. Foraker said, “Yes. The water ultimately from the City of Bentley to be delivered to this development would have to come from the City of Wichita and equus beds.”

Chairman Sciortino said, “Okay, that’s all I had right now. Commissioner Norton is next.”

Commissioner Norton said, “The area that’s been platted in Bentley that has not been built on yet, where will the water come from in that area?”

Mr. Foraker said, “It will come from the City of Bentley water supply, sir.”

Commissioner Norton said, “And where does that water come from?”

Mr. Foraker said, “From the equus beds.”

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Commissioner Norton said, "Did the City of Wichita protest that platting and building?"

Mr. Foraker said, "No, not that I'm aware of."

Commissioner Norton said, "Okay. It's the water out of the equus beds but they haven't protested it."

Chairman Sciortino said, "And the City of Wichita is selling that water to Bentley."

Commissioner Norton said, "Oh, okay. So they're selling that water. So it's okay that it comes out of the equus beds if they can sell it. Is that correct? That's just my comment.

Talk about quality in the equus beds of the water going in as a recharge from the Arkansas River. Are there no nitrates, there's no pollution, there's not anything in the affluent going in from the recharge of the Ark River that would be suspicious any more than . . .?"

Mr. Foraker said, "I don't have scientific information but I've read enough literature there are chloride problems, salts from the Arkansas River that can potentially get into the equus beds. That's is a concern."

Commissioner Norton said, "Okay. Any more or less volatile than what could happen to the equus beds with the water wells that are being drilled?"

Mr. Foraker said, "Not that I can testify to."

Commissioner Norton said, "And maybe there's others here that can talk about that. What is the capacity or the water pumped out of the City of Wichita wells, the four wells, compared to all of those other wells in there? How much is drawn out of the equus beds on those four wells?"

Mr. Foraker said, "I can't answer that question. I don't know. We're talking acre feet of water, several probably thousand acre feet or thousand acre feet or water."

Commissioner Norton said, "Oh well. Compared to the water that's going to be drawn out by, the 6,000,000 gallons a year. Do we know the comparison of how much will actually be pulled out of those commercial wells?"

Mr. Foraker said, "No, I can't speak specifically but I would say we would be talking about in the . . . at or slightly around the one or two percent, if not lower in comparison to what the amount

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drawn with those well.”

Commissioner Norton said, “Well, what I’m getting at is there’s four wells that have the potential of drawing more water than all of those other wells combined. Is that correct?”

Mr. Foraker said, “Certainly, no doubt. On a tenfold scale.”

Commissioner Norton said, “Okay. What kind of sewer treatment does Bentley have, sewer treatment plant?”

Mr. Foraker said, “They have lagoon system, three-cell lagoon system.”

Commissioner Norton said, “Okay. Is that safe for the equus beds groundwater?”

Mr. Foraker said, “It . . . I guess I can answer that is that recently K. State I believe did a study up in the equus beds when the concern about feed lots being placed over the equus beds was a hot issue a couple of years ago and I don’t . . . I think that it was inconclusive that those were a safety hazard. There was no proof that they are a safety hazard to the equus beds, properly constructed lagoons, lined lagoons.”

Commissioner Norton said, “Okay. One hundred year flood comes and it jumps its bank and spills all that out into the . . . a potential of going into the groundwater.”

Mr. Foraker said, “No. The City of Bentley lagoons are not located within the flood plain, any mapped flood plain. They are outside any flood plain.”

Commissioner Norton said, “Okay. Any difference in the ability to pollute from alternative sewer systems and a lagoon system?”

Mr. Foraker said, “I don’t know that I can make that comparison. Yes, you have concerns. I think you could have equal concerns with lagoons. A number of communities, I know Johnson County, Miami County have outlawed lagoons. They no longer allow them. They’ve gone strictly to primary treatment systems, alternative treatment systems as a method of on-site waste disposal.”

Chairman Sciortino said, “Who has?”

Mr. Foraker said, “Johnson County and Miami County.”

Commissioner Norton said, “Alternative sewer systems are self-contained. Is that correct?”

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Mr. Foraker said, "Yes, yes. They do have a . . . in our particular application, we are proposing the use of the FAST system. There is an external blower that aerates the tank, and that sits outside, up against the house, so that would be external to the whole system."

Commissioner Norton said, "But raw sewage and everything is self-contained and everything."

Mr. Foraker said, "Oh, certainly, yes."

Commissioner Norton said, "Does any of that go into the ground unless there's a malfunction? Any of the affluent, any of the waste, anything go into the ground somewhere?"

Mr. Foraker said, "Well, the method of disposal is ultimately through a lateral system or a drip system even with these alternative system. The primary treatment, the majority of the treatment occurs within the tank itself and then the method of the water disposal and the ultimate final cleansing of the affluent occurs in the lateral fields and the soils immediately surrounding the lateral fields."

Commissioner Norton said, "Okay. What's the difference in the affluent that goes into the ground and a normal septic system?"

Mr. Foraker said, "I don't know. Perhaps Mitch can answer some of those questions. I guess I would say is that lower bacterial content, certainly lower nitrate content and those two would be the ones I could refer to."

Chairman Sciortino said, "Lower which system, a septic tank or an alternative?"

Mr. Foraker said, "The alternative system is lower than the standard septic tank system. It is a much more efficient method of treatment."

Chairman Sciortino said, "Okay."

Commissioner Norton said, "What are Bentley's water rights, presently?"

Mr. Foraker said, "They have a contract with the City of Wichita and I do not know what the total quantity is. I think it was a ten-year contract and that may be coming up for renegotiation but I can't tell you the exact number."

Commissioner Norton said, "Okay. That's all I have for right now, Mr. Chairman."

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Chairman Sciortino said, "Thank you. Commissioner McGinn."

Commissioner McGinn said, "Thank you. I guess I just wanted to tag on to a few of Tim's questions, comments. It is my understanding February 26th in the Planning Department conference room Jerry Blaine did state that . . . I don't know if it was this site or another proposal that, if I understood it right, he would allow three times the amount of density that we're currently talking about, as long as they bought the water from Bentley. So to answer your question on that and yes, it is the same equus beds water.

The other thing, I guess, to answer your question on how much the City of Wichita has, it is my understanding that they're allowed 40,000 acre feet of water. They are currently taking 20,000 acre feet of water and each site, each well site is normally taking around 1,000 acre feet, just to answer your question on that.

You are correct on the lagoons. The K. State report, I followed that. It seems like, I guess, when the report came out it really . . . It talked about how lagoons seal and the seepage is very little, very insignificant. Their biggest concern had to do with the closure of the lagoon afterwards. For some reason that didn't get in the paper after that report was finalized.

And then the other thing, just on the alternative sewer systems that you talked about, because this has a pump in there unlike a septic system, it re-circulates. So it has an opportunity to clean more and you had indicated earlier in your presentation, I believe it was 75% improved reduction of the quality or taking out some of those nutrients, so it improves the affluent by two-thirds. So, at least from some of the systems that I've studied and I believe you alluded to that as well."

Mr. Foraker said, "Yes, there are several systems out there and they all have different levels of efficiency that they claim to but there's several systems."

Commissioner McGinn said, "And I think that you indicated the FAST system and just so it's on record, I know the County has been looking at the Orenco system."

Mr. Foraker said, "Yes, and I would say that your Code Enforcement staff has been very actively involved in reviewing the literature and studying the technology here and you know, I must compliment them because they seem to be very interested in trying to improve the method of on-site

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waste disposal systems and they do recognize this FAST system, I believe is one of them that is certainly compatible.”

Commissioner McGinn said, “That’s all I have.”

Chairman Sciortino said, “Thank you. I don’t see that we have any further question. We have one more perhaps.”

Commissioner Norton said, “How many other entities or municipalities or commercial wells are into the aquifer in Sedgwick County?”

Mr. Foraker said, “Oh, within Sedgwick County. I couldn’t tell you the communities. I know there has been some joint water districts up in that area. Halstead, I believe, would . . . I think they have formed a joint water district but there are a number of communities, in Sedgwick County, outside of Sedgwick County that pull water out of the equus beds aquifer.”

Commissioner Norton said, “And maybe somebody knows that, but is Mount Hope, do they get their water supply from the equus beds?”

Mr. Foraker said, “Well, I think that if we could . . .”

Commissioner Winters said, “Everybody’s water comes out of the equus beds north of Wichita.”

Commissioner Norton said, “Okay, all of them.”

Commissioner Winters said, “You either get it from the City of you’ve got your own well, it’s in the equus bed.”

Commissioner Norton said, “Okay, so the potential for any growth, the use of water will come out of the equus beds.”

Chairman Sciortino said, “Yes, I think so.”

Commissioner Norton said, “So we could be setting precedent for the rest of the growth for the rest of the County on anything that goes in the equus beds by the decision we make today. By saying that nobody has permission to go into the equus beds other than users or controllers of it through Wichita. Is that kind of what we’re saying here? I just want to be sure I’m clear.”

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Chairman Sciortino said, "I don't know that we're going that far yet."

Commissioner Norton said, "Well, but who . . . I mean I guess that's what I'm saying. Who has rights to go into the equus beds?"

Mr. Foraker said, "Well, currently any private domestic water well, there's nothing that restricts a private domestic water well from being drilled in the equus beds. Now a commercial . . . an irrigation well, a municipal well would require a permit through the Groundwater Management District and so they would have to go through a process of being reviewed as to what the existing permits are within an area, is there an over-allocation and are there additional water rights available. So, those would be controlled by GMD too."

Commissioner Norton said, "Okay. A municipal well that's already sited, does it have a limitation of capacity that it can pump?"

Mr. Foraker said, "Yes. You're limited to a certain amount of acre feet."

Commissioner Norton said, "Good. That's all I've got."

Chairman Sciortino said, "I think . . . I guess we're done with that one. Now, next presenter please. Again, just for the record, name and address."

Mr. M.S. Mitchell, 1215 Forest, Wichita, Ks., greeted the Commissioners and said, "And I'm here today as a representative of the Wichita Area Builders Association asking you to support and approve the zoning application for Bentley Meadows. My role is to support the use of alternative systems, individual, on-site use at any place in Sedgwick County. This has long been a goal of mine and of the associations to overcome bad publicity about individual on-site sewage systems in general. Lagoons that take up too much space and septic tanks, normally characterized as leaking septic tanks by the Eagle reporter in this particular instance.

They encourage the use of technology, advances that produced the alternative, individual on-site sewage treatment systems because these systems are much more efficient in the treatment of residential sewage than the traditional methods now being used and they are more efficient in the use of land.

Both objectives should be a goal of all local government and Sedgwick County is just now at the point where the use of alternative sewer systems for both communities and for individual on-site applications are ready to be permitted. I am greatly disappointed in the recent action taken by the City of Wichita to recommend against alternative sewer systems for on-site use and their allegation

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that only the City of Wichita has the right to use water from the underground supply in the region around the City of Bentley and beyond.

The City of Wichita has no basis for claiming that Sedgwick County cannot assure the design, construct, operation and maintenance of individual on-site alternative sewer systems will perform as designed and as has been proven in other places in Kansas. And the City of Wichita falsely states that the right of the individual landowners to use domestic wells is a legislative loophole and that the City intends to try to close that loophole.

Mr. Chairman, Commissioners please vote today to permit the use of the advanced technology of alternative sewer systems in parts of Sedgwick County where the City of Wichita does not deem it profitable to serve with municipal sewers and to reaffirm the right of landowners in those places where the City of Wichita will not provide for water treatment and water distribution to have individual domestic wells. And I'll try to answer questions if you have them."

Chairman Sciortino said, "Mitch, did you tell me that Wichita is planning on introducing legislation in Topeka which would deny any domestic wells being used over the equus beds? Is that what I just heard you say?"

Mr. Mitchell said, "That's what I am told, yes."

Chairman Sciortino said, "Well, then that would stop any development whatsoever in a four county area, if that's true, unless they were hooked up to a municipal water system I guess. Okay, well I wish them luck on that effort. Any other questions or comments of Mitch on this one? I don't see any so thank you very much. We want to offer now . . . I think that's all the professional presenters so is anyone here in the audience that would like to speak for or against it please come forward and give your name and address and you'll have as much time as you feel you need to present to us whatever you wish, ma'am."

Ms. Bessie Black, 10750 N. 135th Street W., Sedgwick, Ks., greeted the Commissioners and said, "And I live directly across from this property that they're planning to zone."

Chairman Sciortino said, "Could you just, maybe for us, on that map to your left just kind of point roughly where it is you're . . ."

Ms. Black said, "I live about right in there, right across, just about in the middle."

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Okay, first I want to thank the citizens of Wichita and all of the County and anyone who is against water pollution. Thank you for your response. Good morning. I'm here to talk about the zoning. We live directly across the road. I already told you that. First, I and others who live by or near or by this property want you to know and realize that this land, once it's in houses will be polluted forever if this zoning goes through. You may take your drinking water for granted but we should not. This is on sandy soil and it is the equus beds. I worked for Culligan for two years and we know for a fact that once anything gets on the ground it goes into the water. It takes a while but it does get there.

We all need to be concerned about this water. It is our future. We tell our kids not to pollute, not to trash the streets and here we are, you're taking our water and yet you want to pollute it. We cannot allow this. We just must protect it.

People are not good caretakers of our land, water or air. They pollute everything. Once this is in housing, it will be polluted from then on with herbicides, termite treatment, people drop gas, they paint, it's gone forever. It will just be polluted from then on.

We cannot afford to pollute the equus beds aquifer. It's the only source of decent water we have. Please listen to the professionals when they say we are not for this development and why. They are telling you it will pollute. There should not be any industry or housing built on this ground because of where it is, on the equus beds. We must protect this water now and for the future. Taxpayers do not want to pay for equus beds water clean up in the future.

There are several others reasons why this should be turned down. Bentley turned this developer down for sewer and water. They are already capacitated. The Sedgwick County Water Department is against this development. They know it will pollute. And the environmental agency is against it. They know that too. That should tell you that this is not the right thing to do.

There is another reason that will effect very many in this community. Our taxes will go up. There are over 50 families in our small community, 50 of them on fixed incomes in this area. Fixed income people cannot afford any extra for anything.

People that move to the country, they want country life but they want city amenities. There are no stores out there. We have one little filling station. They're going to have to drive to the grocery store. There's no McDonald's out there. These amenities cost, raising our taxes for school, street, water, sewer and many more luxuries that they want. We are not against people having homes, because that's the American dream but we would like people who live in our community to respect

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us and our property. That has been a problem in the past.

The equus beds Groundwater Management is putting test wells and by the way, the wells that Mr. Kaplan was talking about, those are not wells that are supplying water to the Bentley rural area. The test wells, there's a test well right there by Barrs and there's a deep well and a shallow well and that's where Mr. Dealy took his data from so they know the quality and quantity of water. And Mr. Dealy, I must defend him by the way. He has expertise and a degree in water technology and he has no reason to gain, nothing to gain from this so I know he wouldn't falsify or give you wrong data on the water management."

Chairman Sciortino said, "Just one second please, ma'am. Just for a housekeeping thing, Commissioners I'd like to go ahead and waive the five-minute requirement, if it's okay with you, and let this lady finish. You take whatever time you need."

Ms. Black said, "Okay, thank you. So they know the quality and quantity of water. They are very concerned with pollution of this water and you should be too. As elected officials, it is your responsibility to protect the water for all of the citizens of Sedgwick County for now and the future.

Please keep in mind that if you approve this parcel of land for houses with septic tanks, private wells, propane tanks then you cannot refuse the next developer who wants to do the same, polluting more.

The decision you make today will affect thousands of people. If all agencies were for this, then I would say okay but they are not. Why do we have these professionals on our payrolls if we do not listen to their expertise? Because of pollution, higher taxes and three agencies all against this zoning, you must vote no. I believe that the citizens of this County and city and neighboring cities does not want the equus beds aquifer polluted. Thank you."

Chairman Sciortino said, "Yes, ma'am. Thank you. Ma'am, we may have some questions for you. Were you first, Commissioner Gwin?"

Commissioner Gwin said, "Thank you, Mr. Chairman. Ms. Black, just a couple of pieces of information for me. You live across from that. How long have you owned that property?"

Ms. Black said, "Thirty-eight years."

Commissioner Gwin said, "Thirty-eight years. And then you're not a part of the City of Bentley then."

Ms. Black said, "No, we are not."

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Commissioner Gwin said, "Okay. And then your source of water?"

Ms. Black said, "We have a well and we went from 15 feet to 96 feet."

Commissioner Gwin said, "You had to go down."

Ms. Black said, "But we do not drink our water."

Commissioner Gwin said, "You do not. So you use private . . .brought in water."

Ms. Black said, "We buy it from the store, from the grocery store. It's Culligan water."

Commissioner Gwin said, "That's a good kind. And then for waste treatment you have a lagoon or a septic?"

Ms. Black said, "We have a septic system and I know it does pollute, as all of them will. Any septic system that has a lateral, if it's not pure water that comes out of that lateral, then it will pollute."

Commissioner Gwin said, "I see. Okay. And is your home, it's just a domestic home. It's not agricultural or anything like that?"

Ms. Black said, "No, we do not. We just have an acre and a short half acre."

Commissioner Gwin said, "Okay, all right. Thanks."

Ms. Black said, "Too big to mow and not enough to farm."

Commissioner Gwin said, "I hear you."

Chairman Sciortino said, "Ma'am, we've got some more. You're very popular this morning. Commissioner Winters."

Commissioner Winters said, "Thank you. Ms. Black, just a couple of questions. After 38 years you probably know about 135th Street, out in front of your house. Tell me about the condition of that road and what you think about it."

Ms. Black said, "Well, I drive a '79 Ford. Does that tell you something? I don't want a new car

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because it will tear it up. We can grade it one day and two days later it's just washboard-y."

Commissioner Winters said, "And that's with the tractor . . ."

Ms. Black said, "It has jarred my battery cables off, that's how bad it has been."

Commissioner Winters said, "And that's with the traffic that's out there locally now."

Ms. Black said, "It's getting worse. The dust is terrible and Jamie Woolf lives right on the corner down there and she can testify also. It's really bad."

Commissioner Winters said, "All right, thank you. That's all I have."

Chairman Sciortino said, "Just one other comment from myself, Ms. Black. Now you are aware that the developer could go ahead and put 25 homes and 25 septic tanks and 25 additional wells and there would be nothing we could do."

Ms. Black said, "That's true. That is true but I keep praying that he'll have enough common sense not to."

Chairman Sciortino said, "Okay."

Ms. Black said, "I recommended a cemetery."

Chairman Sciortino said, "Well now wouldn't they . . . never mind. I don't see that we have any other questions of you this time. Thank you for coming before us. Is anyone else here in the audience that would like to speak for or against this item? Yes ma'am, please come forward. And again, just for the record, if you would give us your name and address and on this particular item we're going to give you as much time as you feel you need to address us."

Ms. Mary Garvey, 210 E. Ragan, Bentley, Ks., greeted the Commissioners and said, "And I had no intentions of speaking this morning. I live in Bentley but two things I took exception to. Mr.

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Bellanger developed Dawn Estates in Bentley. They were supposed to build a certain type of house. Well, they built four homes, which are acceptable. Then the last two homes they built there were double-wide trailers put on a basement, undeveloped, and they put a garage on. That's stick-built homes. Okay. That's one reason Bentley has objected . . . and I have not talked to anyone in Bentley that wants this project because of our schools, our retired people live there, the taxes will be raised.

And Dawn Estates, there's not four people . . . The four houses that are . . . live there, people have five and six children and I'm sure that once they get these whatever they're going to build out there, there will not be four people. There will be more, just like in Bentley and the addition that we're building north of Bentley, this property is sold. Then they're building a home on it, stick-built, nice homes. I mean that is an extremely nice . . . You ought to come out and look at it. It's a very nice addition and Bentley is real proud of it. So that's all I wanted to say. Thank you."

Chairman Sciortino said, "Thank you very much, ma'am. Anyone else here in the audience that would like to address this item, either for or against? Okay, I see none, so I'll restrict now any further comment now from the Bench."

Mr. Kaplan said, "I can do it in a minute. Let me just make a couple of points."

Chairman Sciortino said, "Wait a minute. We're going to put a timer on you. Go ahead."

Mr. Kaplan said, "On the road, we will improve that road to County standards and that should be, if you approve this, that should be an item in your protective overlay to bring that road up to County standards. That's our commitment. Concerns about modular, manufactured homes, that can be in your overlay that they will be site-built, stick-built homes. That can be a condition in your overlay. We're agreeable to that. As far as the school district, these other matters Ms. Black brought up, it's our impression that Bentley school wants the students.

And finally, there really is not precedent in land use per say, and you ladies and gentlemen know that. Because you approve this case doesn't mean you have to approve the next case. I know of nothing in the law that the Supreme Court said that if you approve one case you have to approve a neighboring case. Each case stands on its own merits and that's why you conduct a public hearing, and hear them individually. Thank you."

Chairman Sciortino said, "Thank you, Mr. Kaplan. We didn't officially open a public hearing but I think now that we'll just restrict further comments here to the Bench. Mr. Euson, could you maybe just, in general, instruct us on this particular item. You know it's been said that the only

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thing we should take into consideration is proper land use or what have you. But could you instruct us as to really what it is we should be considering on this item.”

Mr. Euson said, “I will do my best. The matter before you is a matter of land use. It not merely a matter of pollution or a matter of what’s appropriate sewer systems. It’s a matter that encompasses all of the considerations that you use in a zoning case to determine whether a re-zoning is proper and that includes the considerations related to the character of the neighborhood and the existing zoning and the availability of utilities to serve the site and the detriment to the applicant if you don’t grant the re-zoning and the recommendations of staff and a consideration of the comprehensive plan. And all of those that you normally go through, all of those considerations are present in this case and that’s what you should consider.”

Chairman Sciortino said, “All right, thank you. Commissioners, any additional comment? I have a comment from Commissioner Winters.”

Commissioner Winters said, “All right, thank you. I would appreciate the opportunity to perhaps begin the discussion about this issue. This proposed development is in the district that I represent near Bentley. But I want to assure everyone here and those that are watching that even though individual Commissioners who have issues that are in their district sometimes get some special treatment but not very often here. Commissioners have a very individual outlook on what is the good of the overall County and I’m sure that, Commissioners, as you think about this case you’ll be thinking about much more necessarily than just this particular development, but how it would affect each of your districts. And so I certainly recognize that my opinion is probably not any more special than anybody else’s just because this is in my district.

I’ve listened very carefully today and I’ve gone through the backup material that has been supplied to us in very much detail, as much as I could, and I’m not going to be supportive of this request today and I want to visit with you Commissioners about that for a bit and see if we can come to some kind of conclusion.

Part of my concern is based on the fact that we have current zoning and sanitation policies and it applies to this piece of property and everyone is correct. If the developer wants to develop on two-acre lots then so be it. He needs to proceed and do that. Part of this discussion has revolved around the alternative sewer systems. I’ve been supportive of alternative sewer systems and I’m going to continue to be supportive of them. I think the old style systems of septic and laterals or lagoons, I

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think there is a new, better and more advanced technological way to handle this problem. I agree with Mr. Mitchell. I think there are some folks that are using these systems and they're having some very good results. But this Board has not had the discussion about how a more dense environment is going to affect the unincorporated parts of Sedgwick County. This is just one but we need to be thinking about these kinds of developments in other locations in the County and we've not had that discussion, so thus we have not changed our current zoning and sanitation codes. I think that's the first step. We need to analyze what it is that we're going to look for, what it is we're going to try to accomplish and then change our zoning codes and our sanitation codes.

You know I agree with the people that are concerned about water quality and quantity. I do not want to be a part of anything that's going to jeopardize, even if it's in a very small way, that's going to jeopardize the quality of the water that comes out of the equus beds. But I think we got kind of side tracked because to me water quality is only part of the discussion. It's an important part but it is not the reason that I'm making this decision today.

I think there are several others. As we take a look at the road issues at 135th West, still today probably the most complaint calls that I receive are from citizens that live in the unincorporated part of the County and they don't like their township road. Now I don't pretend to be an engineer, but I would bet a lot of money on the fact that you've put 35 more houses on this road and 135th is not going to stand up. And I'll guarantee you, from experience, that the people that live in these 36 lots are not going to like their road in front of their house that's a sand road either. That road is going to be bad and 135th is going to be bad.

Well, what kind of responsibilities do we want the developers to have in roads. Well, we haven't sat down and had that discussion to determine what kind of parameters we want to put out there and we want to really work with.

One of the things too that I think alternative systems can do is help us with this more efficient use of land. We've heard about that. We've heard about that from part of the applicant's presentation. Well, is there a way to work our system now into that more efficient use which is going to ultimately, hopefully preserve some open space and perhaps even preserve farmland? Now the preservation of farm land is not something that I think is going to change the way we do business in Sedgwick County. I think we're still going to want to provide people places to live in the unincorporated parts of the County but what is the proper density. If you take a lagoon system and

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have a development with 20 or so houses, provide for some roads, we'd probably get to the point where we've got one lot for every six acres of a development. Well, I would like to work with the builders and the developers and figure out well what is the proper land/ lot ratio. Is it 1.6 or is it 1.4, is it 1.2? Is it then preserving some of that for truly saved space in the area? Is there a way that we can make sure that there's some preservation of some open space? We've not had that discussion. We've not worked through all of that.

So again, the water quality is only part of it. I don't think we've had discussions on the roads and who is going to pay for any kind of road improvements. We have not talked about cluster developments and saving the open spaces. We've not talked about these kinds of alternative sewers, where they're close to urban areas. This place is really not that far from Bentley. In a few years, will Bentley have the capacity to put it on their system? Would they want to put it on that system? We haven't had that discussion about the relationship of these kinds of developments close to an urban area or if it's six miles south of Garden Plain. Whole different story, I think. We have not decided how to do that. And we haven't really had the discussion on these unique and sensitive areas, like the equus beds or wetlands or oil fields. How do we need to incorporate all of that into a decision?

Now I may get hung up on a technicality here, a legal technicality, but to me this is a land use issue and we have a zoning code in force, we have a sanitary code in force that tells us how to work with this kind of land use case. For us just to pluck this case out and approve it would be going around the current regulations that we've got in effect now. And if we think those regulations need to be changed, and I personally think they do need to be changed. I think they do need to be changed with how we see that we can provide for sewer disposal now in a new method, I think they need to be changed. But for us to do it at the meeting today, as a group of Commissioners, I believe would be a mistake. I think we need to include a discussion with the small cities, their planning commissions or their councils, a discussion with citizens and others to really come to a good conclusion. Now that's going to be a messy debate. It's not going to be fun. It's going to be hard work. It's going to take some time to really get all those people together and do that but until we have those issues discussed, I don't see how we can grow in a smart way.

I think our commission has demonstrated that we are a commission that believes in growth and that's the way we develop economic prosperity for all of our citizens is to be growing and having new things happening. But until we really plan for all those issues, I believe we'd be making a mistake to approve this today. Thank you."

Chairman Sciortino said, "Thank you, Commissioner. Any other comments? We have a comments or a question."

Commissioner Gwin said, "A couple of things. I agree with Commissioner Winters in several of

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the areas that we do, this Commission will have to have discussions I think about the alternative sewer systems and I think we've had some discussions among ourselves that we do like these new technologies. I think that each of us, in his or her own way, has expressed that we think these kinds of systems are a better way and a less harmful than septic and lagoons.

I also believe that getting to the density issue, which is where we all seem to be a little hung up, will in fact take some discussion and consensus building. That probably will not . . . my picture of it is that will not occur before I leave this Bench. My thought about it, as I was looking at this, is that we are prepared to support alternative sewer systems, but I don't know that we have a target yet or a picture of what that looks like. And so I would hope that soon maybe we could start trying to visualize a density plan, if you will, as Commissioner Winters has talked about.

Is it more appropriate to have a heavy density within the growth area of a city? More appropriate to have it a lesser density as you move away from that growth area, an even lesser density if you're in the outreaches of the unincorporated area of this County. I suspect, as we've talked about in some of our staff meetings, that there are a number of small communities who don't want to see another city burst up within a couple of miles of where they are. And so we have yet to get that vision. It would be nice, before I leave I think, to be able to put up . . . and I talked to somebody the other day about putting up a map of this county and at least have a target at which to shoot. I don't think we have that yet but we'll get there. And I concur. I think we'll need to get there with a lot of public input, talking about particularly the issue of density. I don't think there's anyone on this Board or in this County or in this state, because I traveled around a year or so ago talking about water quality and quantity issues, I don't think that any of those folks want to jeopardize the water that we have available for us.

Parts of this state it's a quantity issue and at the Ogallala Aquifer. It continues to be a quantity issue and most of their water is taken away for agricultural and irrigation uses. Johnson County and up in the northeast part of the state their issue is not quantity certainly, because they can draw from the rivers, but how you treat that to a quality and be able to pass it along into folks who utilize it. It would never be my intension or anyone else's to harm such a precious resource and so I think part of that basic value has to do with the reason we support alternative sewer systems. Also of course the issue of density and where it's appropriate is a factor of that. But setting those aside, and you can't in all cases, but you set those aside and you look at, as Mr. Euson has reminded us, that in a zoning case, in a land use case there are certain things that we can consider. There are certainly other areas, as the speakers have brought to our attention, that we can also set in to consider. I think this one, and I'll be happy to hear comments from my colleagues, but this one has been particularly difficult because I have people's opinions whom I value on either side of this issue. So it has been particularly difficult I think, when I have a great deal of respect for individuals on both sides of this matter and their expertise and their education and certainly their day to day work in these kinds of areas. So, I wanted to concur with Commissioner Winters on some of those statements and we'll

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wait to hear if there are other comments from others before I try to settle on where I'm going to go here. Thank you, Mr. Chairman."

Chairman Sciortino said, "Commissioners, any other comments?"

Commissioner Gwin said, "Do you have comments? I think I would try to craft a Motion here."

Commissioner Norton said, "The last comment I have is that probably a year ago I started urging us to make our final decisions on alternative sewer plans. I think I called for a staff meeting. We've met with the MAPC. I think we've kind of drug our feet on that and we're forced to start making that decision right now because we have a case in front of us.

I don't know that I'm going to be opposed to this. I do like the idea that we will finalize what we're going to do with alternative sewer systems before we allow this to go through. I think that's going to be an important caveat to this whole thing that we do end up with a decision that feels right, that looks right and that gives us a base-line to start making our decisions in the future.

I think Tom's right. That issue of density and all that needs to be resolved but I think this case forces us to do that. I think it puts it on the table in a pretty demonstrative way that we need to make a decision. I'm a little saddened that we didn't realize this a year ago when we first started having these discussions and said, 'You know, this is going to come up'. I remember we talked about it a lot and I ran up a red flag that said, you know what, this is going to be a big deal. It's going to . . . There is going to be a landmark case that comes up and we're going to have to deal with it and I think this is probably it. This is the bell weather case that we'll have to deal with.

I am particularly interested in alternative sewers. As I look around . . . We had a woman that lives out there that admitted that she's polluting the aquifer with a septic system, you know and thanks for being honest. I think we need to look at the new technologies and then figure out how we apply it to zoning and density and all those kinds of things.

I'm not particularly opposed to this because it is close to Bentley. I think that we'll find data later that where it's close to small cities and close to incorporated areas that that's a good use of it. It doesn't create another town, it just gives them the ability to grow into an area and as I understand alternative sewer systems can be hooked onto municipal systems when the growth gets there. It appears to me that the growth is going to get there relatively soon. There's other tracts of land that are pretty darn close that if they were developed that they would be probably the ability for Bentley to move out that way. And you know what, it doesn't have to be costly to them, depending on how they do it and if it hooks up in a straight line. There would be impact fees and hook-on fees and

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things that would make it worthwhile for this city to do. Obviously, leaping right now would maybe not be easy, but that's not going to be the case here real soon.

So, I understand Tom's concerns. I've tried to keep a very open mind as we went through this process and did a lot of listening and asked a lot of questions today. I think I'm going to be in support of it but with the caveats that we resolve our alternative sewer dilemma and make sure we do have a very, very succinct ordinance and plan in place to be sure that we know where we want to go with it. And that may hold up the development for a little while, until we make that decision, but it sure pushes us off-center and we can't keep studying it and think about it. We need to make a decision pretty quick because there's going to be more of these out there, and we don't want to get balled up every time that we have one come before us."

Chairman Sciortino said, "And Commissioners, I understand the protective overlay indicates that nothing happens to that development until we have a plan in place. Commissioner McGinn."

Commissioner McGinn said, "Thank you. Boy, this has been a long meeting and I guess I'm going to make it a little longer here yet. But I'd like to visit just one more time a little bit about the alternative sewer systems. Ben and I went on a field trip to some other communities that were using these types of systems and that was almost three years ago now, I think. And that's when we started thinking about this. So it's not just, you know, last month all the sudden, 'Hey, guys, we've got this new system, let's try it'. I think we've been studying it, staff's been studying it.

Part of the reason why I wanted to take a good, hard look at it had to do with my education and knowledge of what I've learned about septic tanks and I didn't understand why this county was using the same technology for over 30 years when there's new technology out there across the nation. Why aren't we looking at it? And one of the goals that I have is that I want to improve the environment and I want to improve what kinds of things might leak into our groundwater.

These alternative sewer systems, the ones that I've studied and staff has studied, as I shared earlier, cleans the affluent 75% to a better quality. That's three times the quality that we have currently with septic tanks. The septic tanks, as many of you indicated, that's what we can use right now today and we don't even have to have this discussion. And so we could put 20 septic tanks out there, twenty-some septic tanks and here we're putting in a system and we're putting in another 12 to 15 more sites but we're improving the amount of water quality that's coming out of these systems, if we even increase in the density, versus what we have today. So I think that's important and that's why I wanted to look at these systems.

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The other thing was when we had our comprehensive plan discussion about two years ago, one of the things that was very important to people was the fact that we decrease the amount of land that is used for development and try to preserve some open spaces and that type of thing. Because of that was such a contentious issue, we had a follow up group that spent almost a half a year talking about land use and we had farmers on that group, we had other folks from small towns and everybody represented we felt there. And one of the things that came out was we've got these five and ten acre lots and it's usually determined based on the type of sewer system we have today. And so people, they say I want to move to the country. They move to the country, next thing you know, not all of them, but some you either have junk cars or you have people that find out I've got to mow the lawn on the weekend. I've got to mow five or ten acres and I don't want to do that. And so that was some of the discussion that came out of that community team to talk about these issues in the Comprehensive Plan. And so, the only way that you could decrease the amount of land that people use was by going to a different kind of system that we don't have here in our county today and that's these community type systems.

The other thing that I'd like to, I guess, talk about that hasn't been discussed today, in all the readings that I've looked at, you know, or people I've talked to have said 'You know who is going to monitor'. Well, guess what. For 30 years no one has monitored lagoons or septic tanks once they were put in. And with these systems, one of the things that we have talked about that is in our plan, that is that they will be monitored yearly and they will not be paid by taxpayers. They will be paid, that monitoring will be paid by the homeowner using these systems.

So there's another thing to me that is very important to improving the water quality and environment in our county is the fact that now we've got somebody that's going to go out and monitor these yearly and they'll know if this system is not working, if there's a problem. And so I think that's a plus to our community.

I don't want to belabor this long, but I know this is a zoning case but I know alternative sewer systems have come up and since I have looked at these for some time, I just want real quick, Jim Weber to come up here and we need to turn the lights down, I think, if he has a picture. I think people don't understand these kinds of systems and I think it's important to understand what happens when you go to an alternative sewer system and it's not just this pumping of pollution in the aquifer. There's a process that it goes through that cleans this. And Jim, don't take a lot of time but please show this system so that the folks viewing at home and those in the audience can see this system and I think that would help a little bit for people to understand what it is we're trying to bring to this county."

POWERPOINT PRESENTATION

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Mr. Jim Weber, Deputy Director, Bureau of Public Works, greeted the Commissioners and said, "I will be brief."

Commissioner McGinn said, "And by the way, Jim Weber has been working on this for a couple of years too as well and used to run our sewer department."

Mr. Weber said, "We went on the trip together almost three years ago. Briefly, this particular system as depicted here is the Orenco system. There are a number of them on the market. This happens to be the one that we looked at and one that I spent a lot of time with because they have a lot of good information on them. But of course this is an on-site system, not a community system. This is equipment that would be near the house."

Chairman Sciortino said, "Jim, let me interrupt. Is this sort of representative of the type of system that the developer's wanting to put in is these stand alone systems?"

Mr. Weber said, "Yes."

Chairman Sciortino said, "Okay, I just wanted to make sure we were looking at a . . ."

Mr. Weber said, "They mentioned a FAST system, which is just a different brand. Maybe slightly different, but the principles are the same.

The bottom part of this, they're depicting a concrete tank, essentially a septic tank. It's built a little differently. The ones that we're actually looking at, the Orenco installations, are turning out to be fiberglass tanks, 1,000 to 1,500 gallon tank and this part looks a lot like the septic system. You've got the discharge or wastewater coming out of the house and into the first chamber in the tank and really here we have the most primary kind of treatment going on. We have solids settling out to the bottom where they are, over time, treated by anaerobic digestion and we have the floatables, the grease and oils and those things that will come to the top.

In this area right here they're depicting a little slot in the wall of the baffle. What they've done is they create a clear zone here in the middle. The tank is built with enough capacity to provide about five days of detention time in the tank, so the water would come into the tank, you'd have the settling, the floating and then what you have is an almost clear liquid that actually moves into the next chamber.

There is a pumping system in here that has been referred to earlier. This is pretty simple equipment.

The pump in there is essentially a souped up water well pump, a submersible pump. If I held two of them up you wouldn't know the difference. And the Orenco system is using a filter tube system to make sure that anything else that, suspended solids that would happen to come through in here

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would not get sucked up into the system. There are timers, floats to control all this. Now they're depicting on top of this, this green unit here is basically the treatment unit and they've shown a cut-away but what you have in here and this thing is about four foot long and two and a half feet deep and two and a half feet wide, you have in this tank basically vertical blankets laying in there, like poly-fiber, poly-filled blankets and on top you have a header system of small, like one inch diameter pipes. The pump comes on for a couple of minutes and basically just trickles water, wastewater over the top of these blankets. It comes down through here. The purpose of the blankets is to provide a place for bacteria to live. The bacteria takes the waste materials out of the water. They use it for food and dump it back into the tank.

There's a re-circulation valve in here in the process and the point of that is that anytime the pump comes on, about 20% of the wastewater goes out to a lateral field in the yard, 80% of it is coming back through the filter system, what they call a filter. So you basically cycle that five times before it goes out into the environment.

Now, the next big difference is when we go out into the lateral system, the septic tank is using a four-inch diameter pipe with perforations in it, holes every six inches or every foot and these systems, because we have the pump, we can go to a pressurized lateral field. They're using one-inch diameter PVC pipe with small holes in it. This is important because if you have a standard septic system, let's say particular in this area, if the soil is kind of sandy, the wastewater in a septic system comes through the tank and goes out and the first place that it can drop out of the lateral it will. There's nothing to keep it in the pipe to run it farther out to the end of your lateral. By using the small diameter pipe and the small holes and the pump, they can pressurize the whole lateral field so if we've got 500 feet of lateral, we're going to use all 500 feet and just hit it with a little bit of water instead of hitting the first 100 feet with a bunch of water. And this goes a long ways towards preventing the short-circuiting or the letting of that wastewater go straight now to the water table, wherever it may happen to be.

That's pretty much it. The other thing is it's very difficult to get an accidental discharge from one of these things because of the pump system. If there's no electricity, you can't put untreated wastewater out into the lateral field. You kind of have that with a septic system on a private well because you can't get water to it but if a public water supply were to come in or be available, you could take a septic that's leaking and continue to push water out into the yard. Pretty much covers that.

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The other thing I wanted to hit real quick, since I was digging through the stuff back there, there was a really nice study that was done by Venture County Sanitation District in California. In fact, they just published it about a little over a year ago in June of 2001. It's not quite a half an inch thick but they actually are interested in these things and they set up a test bed of eight or nine systems, different brands of systems against the standard septic system. I would say everybody's household is different so they put this out at a treatment plant and they brought in raw wastewater, same thing that would have been going to their treatment plant, and fed all of these units. And for this one, I was just talking about the Orenco at the time, a BOD, which is a biological oxygen demand, it's a measure of how much material is left in the wastewater. Even if it's clear water, it can have micro-nutrients in there. Standard septic system was putting out 158 milligrams per liter and the Orenco was putting out 4.6. TSS is total suspended solids. There are solids, bits of paper and stuff that's gone through the garbage disposal that won't really drop out, that won't really float and that can get out into the system, 58 on the septic system and 10 on the Orenco. And this is a measure of ammonia out here. The septic system was putting out 28 milligrams per liter and the Orenco was putting out one. That's pretty fantastic.

The other thing that we use to talk about community systems also but on the typical Kansas permit, if you're a municipality discharging to say the Arkansas River, typically you're going to be required to have your wastewater treated so the BOD and the Total Suspended Solids are under 15 and clearly the Orenco can do that. So it is in the range of the best municipal treatment that we have out there today. That's all I have unless you have a question."

Commissioner McGinn said, "Thank you. Does anyone have a question for Jim? Thank you, Jim. And just to belabor this just a little bit longer, I have an EPA report, response to congress on the use of decentralized wastewater treatment systems and they were asked to do this report because they made sense for small communities and small densities but they wanted to make sure they were good systems. And part of the EPA's comments had to do with 'that it protects public health and environment. Properly managed decentralized wastewater systems can provide the treatment necessary to protect public health and meet water quality standards just as well as centralized systems.

Also these systems can help to promote better watershed management by avoiding the potentially large transfers of water from one watershed to another that can occur with centralized treatment. It's appropriate for low density communities and small communities with small population density and most cost effective option is often decentralized systems. Appropriate for various site conditions, decentralized systems are suitable for a variety of site conditions, including shallow water tables or bedrock, low permeability soils and small lots sizes. Additional benefits, decentralized systems are suitable for ecologically sensitive areas where advanced treatments, such

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as nutrient removal or disinfection is necessary. Since centralized systems require collection of wastewater for an entire community at a substantial cost, decentralized systems, when properly installed, operated and maintained can achieve significant costs savings, while recharging local aquifers and providing other water reuse opportunities close to points of wastewater generation'. I just wanted to read that into the record, since it did come from the EPA.

The other thing, real quick, the quantity issue, these homes are over the equus beds and the water goes back to the equus beds. Unlike the City of Wichita, and I'm not . . . They have water rights. I understand that and I'm not saying anything bad about that. It's just that the water comes out of the aquifer and is treated in south Wichita and goes down the Ark River. So these systems are actually recharging the aquifer there.

The city well locations, I know that was brought up at the City Council meeting. I think we've had a little bit of discussion about that but in looking at a map that I have, the wells, the water flows to the southeast and their wells are primarily north and east of that location. And so I don't see that there's even an impact with the City of Wichita's water wells.

The other thing, and Dale, is he still here. Just come on up. Just a quick question and that has to do with the roads. I do have a concern about that. I live on a country road and it was there when I built and I just tolerate it. But I do know, as it increases the traffic, that it can break down township roads. And what I was wondering was the City of Wichita, when they have a development, a lot of times I'll see where they've skipped a quarter-section or whatever and they start this development. And I was just wondering, what kind of requirements do they have and at what point in time to take care of increased traffic on the roads?"

Mr. Miller said, "The policy is that the developer would bring pavement from wherever the last paved road is to the first entrance to the addition as part of the subdivision process."

Commissioner McGinn said, "And we have the set of rules and I guess what I don't know is why we don't do that, the County. And maybe that goes back to Tom's point of the discussion hasn't been had. I don't know. But I do have a concern about that.

In looking at this site though, it doesn't look any different than some of the kind of developments that occur around the City of Wichita. Here's a small town that wants to grow. It's within a half a mile of their city limits. If we're going to look at alternative sewer systems, the place that I wanted to look at them was close to communities and on a smaller lot so that if they do want to hook up at some point in time that they can and it makes it easier to provide public services. That's all I have for the moment, I guess. Thank you."

Chairman Sciortino said, "Thank you. Commissioners, we've had a request. We've broken some precedence here. You know we're expanding the normal five minute speaking and I believe Ms.

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Black wanted to speak to us again. We've never done this before, Ms. Black, but we're going to give you a chance. I don't want to reopen up this whole thing but I do want to make sure that everybody is treated fairly because this is a pretty . . . there's been some contention on both sides so I want to make sure you get to be able to say whatever you wish to say."

Ms. Black said, "Thank you very much. We were talking about water. You haven't heard anything about the farmer's irrigation wells. They take a lot of water. I've lived out there 38 years. Sometimes the water table is really low, if it's a drought year. Sometimes it's okay but you need to take that into consideration because when those wells are pumping and Wichita is consuming all their water for the summertime, the water table is really low.

Let's see. I had something else I wanted to say.

This gentleman mentioned about this new water . . . new septic system and he mentioned that 20% of the waste water would go into the laterals, 20%. The other percentage would be purified, I understand. But 20% he said would go into the lateral. Lateral water, if it's not pure water, it will pollute. So you need to keep that in mind and once this is in houses it's there forever, ever. It's forever so that is the equus beds."

Chairman Sciortino said, "Okay. Thank you, ma'am. Commissioner Winters."

Commissioner Winters said, "All right, thank you. I kind of get the feeling that I'm a lone voice here but I'm going to just say a couple of more things for your consideration. Commissioner McGinn, I appreciate your further explanation about the alternative sewer systems but again, to me alternative sewer systems is not the issue here. We've talked a lot about quality and quantity of water and although that's very important, that's just part of it and that's not the major issue to me again.

The issue is good planning and I have probably my biggest concern is about 135th Street. From personal experience of living in the unincorporated part of the County, again I know that those people that are going to buy into the development, after it gets full will not like the road in front of their house but that will be their problem. If they decide to petition and pave it, they can do it. The arterial township road will be our problem and it will cause significant dust and drivability conditions for the folks out there. I'm at least glad that they're not going to think about the asphalt filings because we've gone out and helped townships tear up roads that were made out of asphalt filings. That does not work. So the road again is my most important issue.

But as we talk about moving forward, is this going to be a community system or is this going to be individual systems and who is going to decide that. How did we come up with one acre? Did the

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MAPD grab that out of the air? I don't know that I know. Why isn't it 20,000 square feet? What was the rationale that went into that decision? I just don't know those and I think that we ought to start down a uniform road of having all those issues discussed and then we need to change our zoning codes and our sanitation codes. Thank you. I think that's all I have."

Chairman Sciortino said, "Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. As I said earlier, this case does come to us with conflicting recommendations and certainly analysis from a number of people, folks I admire. The questions, I guess, of whether or not this application should be approved has certainly been extensively debated, not just the few hours this morning, but Bentley Planning Commission, Metropolitan Area Planning Commission, certainly with the applicant and others. We've had a lot of paperwork and backup on this and I appreciate the thoroughness of it. If you review the arguments of all the people involved I think you're going to recognize that there are risks and benefits to approving an application like this one. As with any development there are impacts and not everyone is going to consider those as positive but, again, as it also often does it falls upon this Commission to weigh the risks and the impacts and the benefits and reach what we hope is a reasoned and reasonable decision.

But this case doesn't really suggest only one defensible outcome, I don't believe. But after hearing the information that we got this morning and reading all the backup that we've gotten over several weeks time.

MOTION

Commissioner Gwin moved to adopt the recommendations of the Metropolitan Area Planning Commission and approve this application, subject to the platting conditions contained in the protective overlay number 112, and I want to amend that to amend the requirement about the road to include an AB3 cover with gravel on 135th Street, direct the staff to prepare the appropriate resolution after the plat is approved and authorize the Chairman to sign that, all based upon the following findings, with respect to the factors that we are required to consider under the Unified Zoning Code.

And I want to get back to some of those things that I believe are relevant and pertinent and the kinds of things that the law tells us that we must consider. The first of those I want to discuss is the zoning and the character of the neighborhood. I think the map and everything else indicates that this is in rural Sedgwick County in a neighborhood comprised of property that's zoned Rural Residential and near the City of Bentley. It does have areas, it does have properties of varying size out there, a lot of rural residences but along some agricultural uses too.

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The zoning code, in its description of 'SF-20' zoning classification, provides that the designation is generally compatible with rural designation in Wichita/ Sedgwick County Comprehensive Plan and it's intended to be applied, is intended to be applied in unincorporated areas of the County, which this certainly would be.

This proposed development, as the applicants brought it to us, is somewhat denser than allowed under 'RR'. It is consistent with a number of rural residences that already exist in the area, I believe. And the proximity of the proposed development to the much higher density residences of Bentley. But even saying that though, since we've not approved an alternative sewer system policy yet, that density may very well change based upon that policy, but I don't think this density is unacceptable to me.

One of the other issues I wanted to address is the extent to which the removal of these restrictions will detrimentally effect nearby properties. You know the neighboring property owners have expressed concerns with regards to the additional traffic that's proposed. I would believe that in the protective overlay and the requirement of the AB3 cover with gravel, I'm hopeful and I believe it that that will mitigate a number of those problems.

Under the current zoning classification, however, the property can already be developed with additional residences and without any commitment on behalf of a developer to do anything to improve the property. So the problem of dust during the dry weather is going to be a problem, no matter where you are, but approving this application I think doesn't add a great deal more traffic than what could be added without even asking our permission and certainly there would not be any requirements for anything to improve the roadway, so I think we're trying to help here.

You know, there is a sincere concern I think about taxes and what those costs might be to folks. New development, the fact that the proposed development will use private water wells and these private sewer systems I think means that the costs of the facilities will be paid by the developer and not by the community at large. This property, of course, has remained vacant as long as I know, so I think that factor doesn't really have much importance in this case.

Another one of the things we're to consider is the relative gain of public health, safety and welfare as compared to the loss in the value or the hardship imposed upon the applicant. I think that's one that we've talked about in some regards today and certainly the record reflects concerns about the equus bed and the environmental resources. I think we all acknowledge that importance but I think

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it's been pointed out in the presentations that the risk to the equus bed from this particular development is marginal at best.

The developer has committed to install these private alternative septic systems that I think, according to Mr. Weber's presentation, certainly offer significantly improved performance over traditional septic tanks and I don't know that I'd be as excited about it or even as interested if it were just traditional. I don't see any evidence that's been introduced to meaningfully question the effectiveness of these kinds of systems.

Furthermore, I think the wells that draw the water for the City of Wichita, located to the north and east of this development, and I think Commissioner McGinn and others have pointed to us that this development, they're not in direct flow of the groundwater under this property. I think there would be a greater risk posed by septic systems being installed as they currently could be, than there is under this plan.

In addition, you know you measure the impact of a zoning change by comparing the permissible land uses before, as we've talked about, the change with the land proposed. As we've said, here the developer is proposed, what, 12 to 14 maybe 15 more private homes than would currently be allowed and I don't think that's pushing it much.

We've talked about the use of water wells and the impact on that and the capacity of the equus beds. I appreciate the presentation too that indicated to me that the recharge is probably . . . it should be greater than what's drawn out currently, again because of this development. There's a lot of useage by other entities, other than just these thirty-some homes and what that future impact might be on the equus beds.

Certainly the issue of irrigated agricultural uses of this property would draw greater or equal if not greater uses if we didn't approve this. Your agricultural uses, as I pointed out over the Ogallala Aquifer, is probably ninety-some percent of that. But I think even agricultural irrigation would use more than what this one is.

I think it's unlikely that any landowner would seek a zoning change if there were not some advantage to be gained from doing so. The advantage is the potential to build several more homes on the property than the current zoning classification would permit. I mean, again we've discussed this that this developer could go out and build the 22 to 24 homes already, sink septic tanks in the ground, even without having to ask our permission and I don't know that I'm prepared to encourage that behavior.

But anyway, given all the discussion on that, I believe that I find the potential gain to public health, safety and welfare from denying the application is outweighed by the loss in value of hardship to the applicant if this application were denied.

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One of the other issues is the conformance of the requested change to the adopted or recognized comprehensive plan or other plans or policies being utilized by the city or county. The Comprehensive Plan does not prevent the rezoning of property for denser residential development allowed under the 'SF-20' zoning application. The proposed development is contiguous to existing residential uses of slightly lower density and achieves a compactness that cannot be achieved with the current zoning. Allowing the proposed development in this area would create an option that's not currently available and I think promote this aim of the plan. But again, there are other issues here, but I find on balance, I find this factor supports the proposed change.

Again, the impact of the proposed development on community facilities, because this development lies outside of any city or water district or sewer district, it doesn't have a direct impact on those facilities. There may be some impact on fire, or the sheriff, by increasing the demand, but again it's minimal over what could exist without the zone change.

It might negatively impact the water supply of the City of Wichita, some have suggested, but I don't think the weigh of evidence before us suggests that the potential negative impacts on water quality or the amounts are significant. Certainly, one of the areas we always consider is the opposition or support of neighborhood residents. That is one of many that we have to consider. I acknowledge that there is a valid protest petition in this case, filed by the neighbors. I certainly understand their concerns about dust and other things that would arise from this development, but again I say, based upon what the developer indicates that he will do if we would approve this today, I think that's a step in the right direction to help minimize some of the concerns that the neighbors had. I don't think there's a necessary connection between approving the application and taxes on the neighboring property. I don't quite get that connection here.

The considered . . . here's where the conflicts . . . The consideration of recommendations of professional staff. The Planning Department recommended denial. The Planning Commission says yes. The Bentley Planning Commission had two opportunities, one was a no, one was a yes. We have reports from some of our staff saying it's fine. We have reports from experts encouraging adoption and others who continue to express their concerns. I think we have to be very wary however of unsubstantiated numbers. You know there are some numbers that are purported in some of these documents that were given to us that I'm not quite sure what the basis of the numbers are. But to the extent that the staff recommendation is based on the recommendation of the Equus Beds Groundwater Management District that all types of septic tanks and private wells should be

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prohibited in the area, I don't think that's entitled to very much weight.

I just . . . Other people are building and utilizing those things now. We've not been presented with any sufficient data to conclude that as a general proposition the use of any private well or any private system incorporating a tank on property above the equus beds poses a real threat to any public water supply.

In this case, I think though it's particularly difficult to conclude that the risks to the City of Wichita water supply is a large one, given that the water in the aquifer does not flow from this area towards the City's wells.

Staff's determination that the proposed development is inconsistent with the Comprehensive Plan is not persuasive, is unpersuasive to me because it relies on the older version of the plan and distinctions between agricultural and suburban classifications that we eliminated in 1999. I read that in the backup.

And I think the MAPD staff finds that the proposal is inconsistent with the character of the neighborhood, that reflects to narrow of a view of how the neighborhood has been developed. I think the degree to which it has been developed with residential uses that are not primarily supportive of large, agricultural operations and it suggests that additional residential development is a natural growth of the uses the market in the area demands. There are several others, but I think certainly those areas that I have outlines are reasons or findings that I've made the Motion that I've made, Mr. Chairman. Thank you."

Chairman Sciortino said, "Thank you. We have a Motion. Is there a second?"

Commissioner Norton seconded the Motion.

Chairman Sciortino said, "Any further comment from this Board? Commissioner McGinn."

Commissioner McGinn said, "I appreciate Commissioner Gwin going over some of the things that we have to consider in looking at a zoning case and that's exactly what this is is a zoning case but there have been some other factors that have come up that we have addressed today and talked about because I think it's also good to talk about some of the things that may be about the future of Sedgwick County and how we grow.

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I agree with the zoning and character of the neighborhood. I do live up in that area. It has a mixed lot size up there all around. I look at how close it is to the city and that seems to make sense to me.

Approving this would improve what would currently happen under the laws that we have today and the systems that we have today. When we're talking about water quality, this will improve what could occur right now without even coming before us. And then, as I said, it's less than a mile from the city limits.

The other thing, I guess, I just want to briefly mention, I appreciate the City of Wichita's concern. They do draw a great deal of their water from the equus beds. They have worked diligently on their recharge project and that type of thing. In the resolution that I . . . there were some things I guess that didn't make sense, the legal isn't correct. They did refer to the systems that we're going to use as septic tanks. They're not septic tanks. They're alternative sewer systems and hopefully somebody is letting them know that over there that we're not talking about septic systems. The amount of gallons per year that they indicated on here is not what was presented in the facts. It was about double in the resolution. And so, just wanted to make that clear so maybe they don't have all the information they need and hopefully we can get that to them as well.

Another thing I just want to bring up too and that is the water quality up there. I drink the water raw right out of the ground and many other people do too. And as I visited with folks from that community, there were people for this and there were people against this as well. One of the things I found out though, as I was up there, is that there is a problem . . . I don't know if it's a problem or not, but north and east of this area is where the City's recharge project is, there are pits that they're not using right now and the trees are dead south of that, the pits, in the direction of the way the water goes. And so it is my sincere hope, the farmers that I talked to, they said they're not getting answers and it's my sincere hope that, as good as they've worked, or as diligent as they've worked to preserve that aquifer, that they'll look into that and give some answers to the farmers up in that area."

Chairman Sciortino said, "Now when you say 'they' who are you referring to?"

Commissioner McGinn said, "The City of Wichita or KDHE or whoever needs to step in and at least give them some answers to what's going on next to the recharge project."

Chairman Sciortino said, "Yes, I think I saw the same . . . a whole row, a hedgerow, a whole line of trees that have died."

Commissioner McGinn said, "Just where the pits are."

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Chairman Sciortino said, “Yes. Okay, Commissioner Winters, did you want to speak again?”

Commissioner Winters said, “Yes. Thank you, Mr. Chairman. I’m going to vote no on the Motion. You know, I would encourage us, even if this Motion does pass, I would encourage us to begin some kind of discussion about the issues we’ve talked about today. We have all heard from our citizens, from the farmers that live in our districts about their dislike of the large five-acre lots and how much land they consume.

The alternative sewer system I believe is going to give us an alternative to development in that process but we’re going to start off in a willy-nilly kind of unorganized, un-thought out plan if we don’t develop some real guidelines for how we need to think about preserving land. I think we can get a lot of density on less space and preserve some of the rural nature, which I hear a lot of people talking about but we just need to have that discussion, because I don’t think it’s going to happen by a piece meal approach. So thank you.”

Chairman Sciortino said, “Commissioner McGinn, did I just not turn off your light or did you have something else?”

Commissioner McGinn said, “No, I had one more thing I forgot about, the roads. I’m interested in seeing how this works but I think for future conversations or things that come before us in the future, I think we need to talk about that and if the city . . . and I don’t know if this is the right way to go but if the City of Wichita currently says if you build out there you’ve got to have a road up to your first entrance, maybe we need to talk about that too and especially if we’re going to get into these kinds of systems that allow the 19 other communities in Sedgwick County to grow, maybe we need to start looking at that as well and address this road issue. So I want to continue to have conversations on that as well. Thank you.”

Chairman Sciortino said, “Okay. Depending on where this goes, the one by-product, if this is approved this morning, is that we are going to feel, I think, enough pressure to move forward and get some of these plans, like alternative sewer plans, completed. Commissioner Gwin said that she was a little bit hesitant to say it might be here while she’s still on this Bench and I’m one person that says that I would like to see it completed before she leaves because the experience she had in dealing with this over the years, we would really be at a loss without some of her input. And I would charge all of us to move, regardless of how we vote on this, let’s get forward and let’s get this thing completed and let’s not lose one valuable asset that we have here.

Okay, there’s been a Motion and a Second. Is there any other comments?”

Commissioner Gwin said, “I just have a question. Mr. Euson, I tried to touch all the things that I

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thought were important here. Did I state everything the way I should have? Did I miss something? Was there some technical something that I didn't get in my Motion?"

Mr. Euson said, "No, I think it was a very thorough discussion."

Commissioner Gwin said, "Okay, I just wanted to make sure."

Chairman Sciortino said, "And one other thing to mention. If I understand it right, Mr. Euson, there was a valid protest. It would require four votes to approve and it would also require four votes to deny. Is that correct?"

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

Chairman Sciortino said, "Okay. All right, we have a Motion and a Second to approve. No further comment. Clerk, call the roll."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	No
Commissioner Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, "Next item please."

NEW BUSINESS

C. RESOLUTION CREATING A LIBRARY DISTRICT PURSUANT TO K.S.A. 12-1236 ET SEQ.

Mr. Euson said, "Commissioners, you have a resolution before you that we have prepared to create the Andale Library District and you may recall that this issue came before you in late June to place on the ballot on August 6th. And it was placed on the ballot and the voters in Andale and in Sherman Township did approve that and so the action before you this morning is merely to create that district. That's what the resolution does.

Once that is done, then your role is complete and the Election Commissioner will proceed to gather a meeting of the residents and electors out there. They will elect a seven-member board and that

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board has the authority to raise taxes and enter into contracts for that district. So all you are doing is merely approving the creation of the district. I'll be glad to answer any questions."

Chairman Sciortino said, "Fine, thank you. I don't see that there's any questions for Mr. Euson. What's the will of the Board on this item please?"

MOTION

Commissioner Winters moved to adopt the Resolution.

Chairman 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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, "Thank you. Before we go to the . . . Commissioners, if I might, because I know at least one Commissioner, Commissioner Winters, has to leave by two and I know we have a lot of work here. I'm going to maybe suggest that we consider going to exec . . . Recess and go to an executive session on the item that's pertaining to our fire . . ."

Commissioner Gwin said, "Fire District. Which would be more appropriate? We've got two."

Chairman Sciortino said, "I think maybe the Fire District. So maybe we could recess this meeting, go to the Fire District, go into executive session to take care of that to ensure the fact that Mr. Winters would be present for that and then come back. I would like to recess the Regular Meeting of the Board of County Commissioners of August of 2002."

The Board of Sedgwick County Commissioners recessed into the Fire District #1 meeting at 12:00 p.m. and returned at 1:03 p.m.

Chairman Sciortino said, "Commissioners, what I would like to do, I know we have an Executive Session that we have to address here but time is getting a little tight and Commissioner Winters does have to leave. I'm going to suggest that we take an item out of context here and that we take

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Item I.”

MOTION

Commissioner Norton moved to consider Item I out of order of the Regular Agenda.

Commissioner McGinn 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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, “Doug, you’re up.”

I. ORGANIZATIONAL POSITION CHANGES.

Mr. Doug Russell, Director, Division of Human Resources, greeted the Commissioners and said, “Item I is for 14 reclassifications over the last year and I’d be happy to answer any questions.”

Chairman Sciortino said, “I never got, Doug, the information that I had requested when I had our meeting. Remember, I requested some backup information. That was never delivered to me.”

Mr. Russell said, “It went to me and not to you. I apologize, sir. I have got it.”

Chairman Sciortino said, “Have you got it there?”

Mr. Russell said, “I do indeed. I apologize. I do have it.”

Chairman Sciortino said, “You have it at your office?”

Mr. Russell said, “Yes. I’ve got it here too.”

Chairman Sciortino said, “I really need it.”

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Commissioner McGinn said, "He says he has it here too. Can somebody make him a copy?"

Chairman Sciortino said, "You have no presentation that you want to make to us about this or anything? You just want us . . . You've already shown us. You just want a response?"

Ms. Sexton said, "Commissioners, I've asked all the staff to just keep their comments very brief, in fact very little. But if you would like any questions answered or any presentation from any staff, they're prepared to do it."

Chairman Sciortino said, "All right. Commissioner Winters."

Commissioner Winters said, "I was just going to ask Doug, each one of these, how many adjustments are there here?"

Mr. Russell said, "There are 18 people, 14 positions."

Commissioner Winters said, "Fourteen positions and in a combination you and Jane have looked at each one of these?"

Mr. Russell said, "Yes."

Commissioner Winters said, "You've done your routine due diligence?"

Mr. Russell said, "A little more than that. Normally, we would have brought a hundred in this period of time, not 14. We have brought none in the last year."

Commissioner Winters said, "These are the first adjustments that we've had in a year."

Mr. Russell said, "Yes."

Commissioner Winters said, "Do you anticipate that . . . will the SAP system be more helpful here? Do you anticipate that we'll be back to having a whole lot of these changes or do you think that we're getting things pretty well lined out so maybe we won't see the hundreds?"

Mr. Russell said, "I don't believe you'll see the hundreds and some of the management philosophy will allow it to where you guys won't have to have these brought before you at all. We can bring you reports that shows you what we're doing with your resources."

Commissioner Winters said, "Well, I think it is a issue. We can talk about that. I think it is

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something that the Commissioners do like to at least have this kind of backup information that we can review and see what kind of changes we're making. What's the total fiscal impact? What's the numbers that are behind all of these?"

Mr. Russell said, "About 20,000 for the rest of this year and 49 thousand something for next year, about 50,000 for next year."

Commissioner Winters said, "And you've reviewed these with senior management staff and the senior manager . . .?"

Mr. Russell said, "Oh, yes. This represents six divisions and ten departments. They've been pushing us hard for a year to bring these in. Most of these people have been doing these jobs for over six months to a year."

Commissioner Winters said, "And one of the reasons . . . and I guess I don't want to anticipate. I know that there are some folks that are having some difficulty with this issue and I understand that. These are tough budget times. They're uncertain budget times. I mean, we're very healthy. We know where we're at but we still have this negative out there that we're not sure what the future brings, as far as budgets. But I'm going to be supportive of this recommendation and principally because I think it's the way we keep County employees as employees and in these certain kinds of job positions we're not the only employer where these folks could find work and, again, I appreciate those that are going to have difficulty with this but I think that's what Human Resources' task is, is to make sure we're in the job market and I'm going to be supportive of this. Thank you, Mr. Chairman."

Chairman Sciortino said, "Thank you. I don't see the light on for anyone else. Anyone else have a comment?"

Commissioner Norton said, "Probably just a general comment, Mr. Chair. I think it's imperative, across organizations, that we not only look at raising the level of some areas, but downgrading others where jobs have changed and they're not doing the same work and maybe putting the idea in the head that that job is never going to be worth more than it is today because you're doing less work and you're not just going to occupy an office. So it's just kind of an idea, a philosophy idea that as many of these as we move up, there's just as many that we're going to have to look at and

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go, 'Man, this job has changed, it's not as important as it used to be', SAP has changed it or whatever and maybe there is not going to be any growth in the salary or it's going to be worth less and it needs to be downgraded in the pay scale. So I guess my challenge is as we authorize these, we as an organization need to realize that some jobs change the other way too."

Mr. Russell said, "Absolutely. Some jobs are obsolete."

Commissioner Norton said, "Just kind of a statement. Thank you, Mr. Chair."

Chairman Sciortino said, "Doug, do you realistically think, in your wildest dreams that you're ever going to come before us and recommend reduction in salary of any employee at Sedgwick County?"

Mr. Russell said, "Positions yes, salaries, I don't know."

Chairman Sciortino said, "I think that's what Commissioner Norton was talking about."

Commissioner Norton said, "Well, certainly and I think how you do that is systemically changing the position and not the person that's in it right then but once that person leaves and we rehire that position, it may come back three or four steps below. And that's my challenge to you."

Mr. Russell said, "I believe absolutely that will happen."

Commissioner Norton said, "But if the person doesn't quit, they still keep getting meritorious raises and cost of living raises, even though the job . . ."

Commissioner Norton said, "Usually, in private industry, the way I used to handle that at Target is sometimes you move people and put them into another job that was similar because you could not keep paying them the higher wage for a job that was worth half of what it was ten years prior. You've got to be smart with it and that's a business approach but I think it's a good philosophy in government too."

Chairman Sciortino said, "I don't see anybody that needs to speak and have the light on. If not, I'll speak. I have a problem with this that I got you shaking almost in front of me but I'll say it to you publicly. I think our system of steps and levels and grades and everything, we might as well have unions because that's how unions do it. And by doing this that was not budgeted in 2002, some of these people are going to receive double-digit increases because of the fact that there will be a meritorious raise on top of that and there will be a cost of living come January 1st on top of that

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etcetera and so forth.

I don't share Commissioner Winters concern or anyone else's concern here that anybody that these get effected will leave us if we don't go ahead and just wait until January 1st when we have these raises budgeted. I mean, why we have to implement them today because of fear that if we don't they'll be . . . They're so underpaid or they're so mad they're going flock out to all those thousands of jobs that are going begging, that are looking for these people and can't find them. I don't think that they exist, number one. We just went through a budgeting cycle where we had to cut into reserves just to . . . it was almost the same amount, \$20,000 that we had to, after a while, cut into our reserves. I think the timing of this is wrong. If we knew this was coming, we should have dealt with it when we were doing the budgeting process.

I would probably support it, although . . . I mean, I would support it to be implemented January 1st. They're going to still get now another COLA based on their 2001 budget. If we do it now, they'll get a COLA based on whatever we put in place today and in looking at some of these and this isn't exactly what I asked for, but I'm seeing 6, 9, 11, 7% increases which I think is a wrong message to give the public, given the fact that we've been saying that we have an austere budget. So people in some businesses, I have to assume in Wichita, Kansas some companies didn't get any raises this year. I just suspect that there are some private industry people that didn't get COLA plus meritorious plus new job classification and that they were just happy as heck they had a job. I think that happened at the state level this year. So I will not be supporting this if it is to be implemented immediately. I would support it to be implemented after January 1st. Thank you. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. I'm going to make a Motion first and then I've got some comments."

MOTION

Commissioner Gwin moved to approve the position changes and implement them as recommended by staff.

Commissioner Winters seconded the Motion.

Commissioner Gwin said, "Discussion on that Motion then. I'm doing so because 11 of these

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positions are identified as having the scope of their job change. My intent here is not just to pick people out and decide who is going to get an adjustment or a change. But 11 of these are identified as job scope changes, nine of them, and there are some duplications there, are part of organizational change or reorganizing certain divisions. And there are three who are a result of some program change. So, I appreciate the spreadsheet. It made it pretty clear to me and since I made the Motion, I'll certainly be supportive of it."

Chairman Sciortino said, "Thank you. Commissioner McGinn, your light was on."

Commissioner McGinn said, "Doug, did you share with me, I think you said it today and I think you shared it with me the other day, these have been put off for a year, right?"

Mr. Russell said, "That's correct. This is a year of items."

Commissioner McGinn said, "Something that we meant to do a year ago."

Mr. Russell said, "Any time during this year."

Commissioner McGinn said, "Thank you."

Chairman Sciortino said, "Okay. Well, again, not to belabor it but I will not be supporting it because the way it's presented it's going to be implemented immediately. I have seen us spending now, I don't know what this new system, how many millions of dollars, \$5,000,000, \$6,000,000 we've spent on technology meant to make work easier and less people-intensive but I have not seen what Commissioner Norton alluded to, any reduction in the number of county employees. I look at the Tag Office, just as an example, with all the technology but there's more people working there than there was a few years ago. So if technology is designed to lower the labor force to make it less labor-intensive, I haven't seen that happen. And given what we went through in the 2003 budget, and that there were still some areas that we couldn't fund, and then all of the sudden, for whatever reason, we should have, we didn't. For example, why did we put a freeze on these last year?"

Mr. Russell said, "So that we could redesign our system without it moving around and come to you with a broad-banding model, which we will be doing again by the end of the year."

Chairman Sciortino said, "Why don't we, if the idea was to freeze them until you could come forward with this, why are we now unfreezing it and you still haven't come forward yet? Why don't you continue the freeze until you come forward, which was by your own volition what it was designed to do. You were going to freeze it until you could come to us with a new model. Why are we thawing it out now and you still haven't come to us with a new model? What's the urgency to have to do it right now today?"

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Mr. Russell said, "It's not an urgency, Commissioner. It's probably more important. The division directors feel that these people are inequitable in the current system and have been for some time, despite the freeze."

Chairman Sciortino said, "Okay, but if we were to have the freeze lifted but implemented January 1st, you would have sufficient time to have already come forward with us with a new model. Is that correct?"

Mr. Russell said, "Oh, I'll be doing that for sure, yes."

Chairman Sciortino said, "Would you consider an amendment to your Motion to say that this would be implemented January 1st and then he could get that reason for freezing it to us?"

Commissioner Gwin said, "No, sir. I'm comfortable with my Motion."

Chairman Sciortino said, "Okay. Commissioner Winters."

Commissioner Winters said, "I was just going to say no, I'm uncomfortable. I think you're in the same spot that I was earlier today."

Chairman Sciortino said, "And if I understand it right, it's going to take four votes to approve this. Is that correct? All right, I think I've said all I need to say on the issue. Any other questions to come before the Board? Clerk, call the roll."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Chairman Ben Sciortino	No

Chairman Sciortino said, "Thank you. Okay, now I think we should recess . . . What?"

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Commissioner McGinn said, "Well, I didn't know. Some of these people don't locate in the courthouse and I didn't know if any of those were quick items or not before we recess into Executive Session."

Commissioner Winters said, "How long is the next Executive Session going to take?"

Commissioner Gwin said, "According to this, 20 minutes."

Ms. Sexton said, "These are all quick items."

Chairman Sciortino said, "Why don't we do this. Why don't we see what we can accomplish between now and 1:30 and then we could recess. Okay, let's go. Where were we before we took . . . Okay, let's take Item D."

D. DIVISION OF COMMUNITY DEVELOPMENT.

1. NOTICE OF PUBLIC HEARING FOR REVISED SANITARY CODE.

Ms. Irene Hart, Director, Division of Community Development, greeted the Commissioners and said, "This sets a date of September 18th for public hearing on the revised sanitary code."

MOTION

Commissioner Norton moved to establish the date of September 18, 2002 to receive public comment on the Revised Sanitary Code, and authorize the Clerk to publish notice of the hearing as required by law.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Sciortino said, “Now this is just where we have the public comment? It says September 18th. We’re just setting the date for the public comment on the code.”

Ms. Hart said, “And I’ll be back next week with a more in depth presentation about the public hearing and about the code itself.”

Chairman Sciortino said, “Okay, fine. Thank you. Next item please.”

2. AGREEMENT WITH URBAN LEAGUE OF WICHITA, INC. TO PROVIDE FAIR HOUSING INITIATIVE PROGRAM SERVICES.

Ms. Hart said, “This is a contract with the Urban League for fair housing services, \$5,000 cash that’s budgeted in the Housing Department and some in-service, in-kind services.”

MOTION

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

Commissioner Norton seconded the Motion.

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

VOTE

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

Chairman Sciortino said, "Next item."

E. DIVISION OF HUMAN SERVICES.

- 1. CONTRACT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, DIVISION OF HEALTH CARE POLICY (SRS), FOR COMCARE TO PROVIDE DEVELOPMENTAL DISABILITY SERVICES.**

Mr. Colin McKenney, Director, Community Developmental Disability Organization, greeted the Commissioners and said, "This is our annual contract with the State of Kansas to provide developmental disability services in Sedgwick County. You have previously been provided the agreement. I'd be happy to answer any questions you may have."

MOTION

Commissioner Gwin moved to approve the Contract and authorize the Chairman 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

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Commissioner Carolyn McGinn Aye
Chairman Ben Sciortino Aye

Chairman Sciortino said, "Next item."

**2. AGREEMENT WITH UNIVERSITY OF KANSAS SCHOOL OF
MEDICINE-WICHITA MEDICAL PRACTICE ASSOCIATION TO
PROVIDE MEDICAL SERVICES TO JUVENILES IN DEPARTMENT OF
CORRECTIONS' RESIDENTIAL FACILITIES.**

Mr. Larry Ternes, Youth Services Administrator, Department of Corrections, greeted the Commissioners and said, "Also here to have you review an annual contract with the University of Kansas Medical School for residential services for our residential facilities. I'll be happy to answer any questions that you have this afternoon."

Chairman Sciortino said, "What percentage of increase are we looking at this year?"

Mr. Ternes said, "It's roughly a 5% increase, sir."

Commissioner McGinn said, "10,000."

Chairman Sciortino said, "I know the dollars. I just couldn't figure out the percentage. Any questions or comments on this item?"

MOTION

Commissioner Gwin moved to approve the Agreement and authorize the Chairman 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 Carolyn McGinn Aye
Chairman Ben Sciortino Aye

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Chairman Sciortino said, "Thank you. Next item please."

3. AGREEMENT WITH SRS AND WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION PROVIDING A PSYCHIATRIC RESIDENCY PROGRAM.

Ms. Marilyn Cook, Director, Comprehensive Community Care, greeted the Commissioners and said, "This is an agreement to allow one full-time equivalency for five psychiatric residents to perform services at COMCARE this year. Be happy to answer any questions."

Chairman Sciortino said, "Would they be willing to come back once in a while to our Executive Sessions and work with us too?"

Ms. Cook said, "We could add that in there."

Chairman Sciortino said, "Any questions of Marilyn on this item?"

MOTION

Commissioner Gwin moved to approve the Agreement and authorize the Chairman 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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, "Next item please."

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4. AGREEMENT WITH GARRY PORTER, M.D. TO PROVIDE PSYCHIATRIC SERVICES.

Ms. Cook said, "This is an agreement for four hours a week with Dr. Porter to come back and provide some services in our crisis program and we are requesting that you approve the agreement and I'd be happy to answer any questions."

MOTION

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

Commissioner Gwin seconded the Motion.

Chairman Sciortino said, "I have a question."

Commissioner Winters said, "And Marilyn, you're satisfied with the work that's being performed by this doctor?"

Ms. Cook said, "Yes. He used to be our . . . He was our first medical director and he was with us until . . . we have a policy that you can't have a private practice and a full-time position at COMCARE so he left COMCARE to be able to do two jobs."

Commissioner Winters said, "Okay. Just wanted the record to be clear that we're confident in his competency and his abilities to perform."

Ms. Cook said, "Yes, our clients are very well known to him."

Commissioner Winters said, "Thank you."

Chairman Sciortino said, "I have a Motion and a Second. Clerk, call the roll on this item."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye

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Chairman Ben Sciortino Aye

Chairman Sciortino said, "Next item please. Thank you."

- 5. AGREEMENT WITH KANSAS DEPARTMENT OF COMMERCE AND HOUSING, HOUSING DEVELOPMENT DIVISION, PROVIDING FUNDING FOR A PROGRAM TO ASSIST OLDER ADULTS WITH MINOR HOME REPAIRS.**

Ms. Annette Graham, Director, Department on Aging, greeted the Commissioners and said, "This is the contract with the Kansas Department of Housing and Commerce to manage the Kansas Accessibility Management Program and they offer that service, this will be our third year. And I'd be happy to answer any questions."

Chairman Sciortino said, "I don't think there are any."

MOTION

Commissioner McGinn moved to approve the Agreement and authorize the Chairman 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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, "Next item please."

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6. AGREEMENTS (THREE) TO PROVIDE TARGETED CASE MANAGEMENT SERVICES TO HELP OLDER PERSONS AT RISK OF NURSING HOME PLACEMENT TO REMAIN INDEPENDENT.

- **LINDA KAY ADKINS**
- **DUSTIN A. DESCHAINE-COSTELLO**
- **REGINA GASTON**

Ms. Graham said, "This is three contracts for targeted case management. We had presented contracts earlier this year and needed some additional contractors to fulfill this. I'd be happy to answer any questions."

Chairman Sciortino said, "I have one just real quick one, Annette. What exactly does that mean, targeted case management?"

Ms. Graham said, "Under the HCD home and community-based frail and elderly waiver program, that's what they're called, targeted case managers and these are just case managers for this specific program and we contract with some individuals to do that and we have some in-staff that do that."

Chairman Sciortino said, "Oh, okay. So these are the ones that we go outside, like for lack of a better word a temp. You need somebody to do a particular job. Instead of putting them on the payroll, you hire them to do this specific case management."

Ms. Graham said, "Right. We just contract."

Chairman Sciortino said, "I understand that. All right. Commissioners, what's the will of the Board on this?"

MOTION

Commissioner Gwin moved to approve the agreements and authorize the Chairman 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

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

Chairman Sciortino said, "Thank you. Next item."

7. CONTRACTS (24) TO PROVIDE SERVICES THAT WILL ALLOW OLDER PERSONS TO REMAIN IN THEIR HOMES.

- **ADVANTAGE HOME CARE, INC.**
- **AFFORD-A-CARE, INC.**
- **ALL SAINTS HOME CARE, INC.**
- **ASSOCIATED HOMECARE**
- **CARE 2000 HOME CARE**
- **CATHOLIC CHARITIES ADULT DAY SERVICES**
- **DEPENDABLE ASSISTED LIVING, INC.**
- **HEAVENLY HELPERS, INC.**
- **HOME HEALTHCARE CONNECTION**
- **KELLY HOME CARE**
- **LINK TO LIFE**
- **LOVING HEARTS**
- **MEDICALODGE HOME CARE**
- **MT. HOPE HOME HEALTH**
- **PROACTIVE HOME CARE, INC**
- **PROGRESSIVE HOME HEALTH CARE**
- **RESOURCE CENTER INDEPENDENT LIVING**
- **RIGHT AT HOME**
- **ST. RAPHAEL HOME CARE SERVICES**
- **SENIOR SERVICES, INC.**
- **TOPEKA INDEPENDENT LIVING RESOURCE CENTER**
- **VIA CHRISTI RIVERSIDE HOME CARE**
- **WESLEY MEDICAL CENTER**
- **WICHITA LIFELINE**

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Ms. Graham said, "This is contracts for the Senior Care Act program. These are the vendors that we contract with in the tri-county area. It's for the new fiscal year that started July 1st and I'd be happy to answer any questions."

MOTION

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

Commissioner Norton seconded the Motion.

Commissioner Winters said, "I have a quick question."

Chairman Sciortino said, "I think I have too. My question is you've listed quite a number of providers and you've shown as a total dollar amount. Has there been individual contracts negotiated with these individuals or you just take the dollar amount divided by the number of individuals and that's what they get or how does this work out?"

Ms. Graham said, "No, this is a fee for service, so it's based on the units of service they provide and this program operates on the clients get to choose who their provider is. So we don't guarantee any certain amount, a dollar amount per each vendor. It's just based on the unit of services they provide and we negotiate around a rate, a pretty standardized rate for reimbursement."

Chairman Sciortino said, "And so each of these we've negotiated an hourly rate for services they provide, depending on what service they provide and then we then send them clients and they perform and the most that all of them collectively can charge us is this figure here on page 267, the \$973,435."

Ms. Graham said, "Yes, that's the total dollar amount of funding for this program."

Chairman Sciortino said, "Okay. And is the fee that we negotiate, is that something that the state has guidelines as to what we should accept or what's excessive or what isn't?"

Ms. Graham said, "No, it's pretty much community-based because in some communities it's very

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hard, in rural Kansas it's very hard to find providers and because of the distance they have to travel and the mileage is not reimbursed and so that varies. And so it's kind of the best market price you can get in your area."

Chairman Sciortino said, "Okay, and we don't have to have any approval of what those fees are? We don't have to approve the hourly rate that you're negotiating?"

Ms. Graham said, "No, well in our contract with KDOA we indicate what our rates are and who our providers are so they do see that."

Chairman Sciortino said, "I mean, this Board doesn't have to approve those hourly rates, or have we already?"

Ms. Graham said, "The way that's been done has been with a vendor grade and it hasn't gone through the bid process. These are home health agencies that are providing a professional service and they're a licensed home health agency. The state requires that you meet the certain licensure requirements to provide that level of service."

Chairman Sciortino said, "Okay, so we don't get involved in approving the hourly rate. Is that what you're saying to us? Okay. Commissioners, what's the will of the Board? We had a Motion and a Second. You had a question? I'm sorry. Commissioner Winters."

Commissioner Winters said, "I guess kind of almost a little follow up on that. How do we make sure that one company is not charging an abnormally high amount?"

Ms. Graham said, "All of the vendors get the same hourly rate, except I think there's one or two in Harvey County that got like a dollar an hour higher rate and it's historical. It's based on that they weren't located in Harvey County and we were having a difficult time getting vendors to go to Harvey County so they negotiated a slightly higher rate to allow them to come to that county."

Commissioner Winters said, "Well, my question was going to go more towards the quality assurance. What do we do to make sure that these people are all reputable and all doing acceptable work?"

Ms. Graham said, "There are requirements set out by the Kansas Department on Aging about the licensure, about the background checks, about certain activities they have to do, certain amounts of training. Kansas Department on Aging conducts ongoing quality assurance so they go out and talk to the clients and look at the services. We also do quality assurance and have certain requirements within our contract and then the final thing would probably be it's based on client choice, so if

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they're going to get clients to serve, they're going to be having to provide a quality service so they can get additional clients."

Commissioner Winters said, "So that if the client has a problem with one, they can go to somebody else."

Ms. Graham said, "Exactly."

Commissioner Winters said, "Okay. That's all I have. Thank you."

Chairman Sciortino said, "Who from the County negotiates these rates? Can you give me the name of a person who negotiates these rates?"

Ms. Graham said, "That's done with Joan Flynn is our Senior Care Act Administrator and then in conjunction with the finance, our internal finance at the Department on Aging."

Chairman Sciortino said, "So Joan Flynn works in your department?"

Ms. Graham said, "Joan Flynn does, yes."

Chairman Sciortino said, "And she works with somebody."

Ms. Graham said, "So we send out the applications and kind of say this is what we have been paying, this is what we'd like to continue to pay. Will you do it for that rate?"

Chairman Sciortino said, "Okay. So she's the one that . . . She will then negotiate the extra dollar or try to strong-arm into lowering fifty cents or something."

Ms. Graham said, "And pretty much our rates have been pretty much the same for I think three or four years. There's not been any movement in the rates."

Chairman Sciortino said, "Okay. Any other questions, Commissioners? I think we have a Motion and a Second so let's call the roll on this one."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye

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Commissioner Carolyn McGinn Aye
Chairman Ben Sciortino Aye

Chairman Sciortino said, "Commissioners, it's 1:30. Kathy, looking at this . . . we're almost done. Let's keep moving. Maybe we can get this thing wrapped up real quick. Let's go to Item F please."

F. GRANT APPLICATION TO U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR FUNDING OF A MEDICAL RESERVE CORPS PROJECT TO BETTER PREPARE FOR EMERGENCIES AND PUBLIC HEALTH NEEDS, ESPECIALLY THOSE INVOLVING MEDICAL MASS CASUALTY MANAGEMENT.

Ms. Gloria Vermie, Metropolitan Medical Response System Coordinator, Health Department, greeted the Commissioners and said, "And can I answer any questions regarding this request?"

Chairman Sciortino said, "No."

MOTION

Commissioner Gwin moved to approve the grant application and authorize the Chairman to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this Application.

Commissioner Norton seconded the Motion.

Commissioner Winters said, "And we'd like, after we get the grant, come back and spend more time with us."

Ms. Vermie said, "Yes. The one thing I want you to be mindful of is they're only going to accept 100 of these grants nationwide and I heard, as of yesterday, there were already 900 applications so there's going to be some real tough competition for us."

Commissioner Gwin said, "Good luck."

Chairman Sciortino said, "Let's go with the roll call, Clerk."

VOTE

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

Chairman Sciortino said, "Next item."

G. AGREEMENT WITH KANSAS DIVISION OF EMERGENCY MANAGEMENT PROVIDING FUNDING FOR SEDGWICK COUNTY'S LOCAL EMERGENCY MANAGEMENT PROGRAM.

Mr. Randy Duncan, Director, Emergency Management Department, greeted the Commissioners and said, "May I answer any questions regarding this agreement."

Chairman Sciortino said, "Let's see what it is first."

Mr. Duncan said, "Basically, this is the standard annual agreement that we sign every year with the Division of Emergency Management. This funding originates with FEMA and is passed through the state to reimburse a part of the costs of operations of Emergency Management at the local level. On good days we refer to this as our cooperative agreement. On bad days we refer to this as our coercive agreement."

Chairman Sciortino said, "Thank you very much."

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

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Chairman Sciortino said, "Next item please."

Commissioner Winters said, "How much money is involved in this deal?"

Mr. Duncan said, "It varies from year to year and we don't know until congress approves it."

Commissioner Winters said, "Okay. Got ya."

H. AMENDMENTS (TWO) TO THE 2002 CAPITAL IMPROVEMENT PROGRAM (CIP).

1. DESIGN OF IMPROVEMENTS TO 111TH STREET SOUTH.

POWERPOINT PRESENTATION

Mr. Pete Giroux, Senior Management Analyst, Budget Department, greeted the Commissioners and said, "Do you have any questions on this first CIP amendment?"

Commissioner McGinn said, "Whose district is this in?"

Chairman Sciortino said, "It's in my district, Carolyn."

Commissioner Gwin said, "It used to be in Tim's."

Chairman Sciortino said, "It used to be in Tim's. You've already committed to this project, Carolyn."

Commissioner McGinn said, "I think we have some things to discuss."

Chairman Sciortino said, "Okay."

Commissioner Gwin said, "Where exactly is 111th Street South?"

Commissioner McGinn said, "I think it's still in the County."

Ms. Sexton said, "Pete does have a brief Powerpoint with a map on these two CIPs if you want him to show it on the screen he sure can."

Chairman Sciortino said, "Okay."

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Mr. Giroux said, "If you'd like to take a quick look, it's directly north of Mulvane. It's a township . . ."

Commissioner Gwin said, "Maybe we don't. Does anybody want to?"

Commissioner Norton said, "I know exactly where . . ."

Chairman Sciortino said, "I know where it is too. I think I can make this presentation. This is a road that we're getting ready to develop. We've negotiated with Mulvane. They're going to pay for half of it and we're going to pay for half of it, which is pretty neat in a way."

Commissioner Norton said, "The County went in about 10 years ago and surfaced it and that was a good stop-gap measure, but it is falling apart, it's terrible and truthfully there's a lot of traffic from all over the County that goes on that road because the Sports Complex is there. I know my kids played there for years and we drove through there and boy, that road is in pretty terrible shape."

Commissioner McGinn said, "Commissioner Sciortino tried to convince me that it even served my constituents."

Chairman Sciortino said, "It did, three teams and they won."

Commissioner McGinn said, "Okay, let's move on."

Chairman Sciortino said, "All right, what's the will of the Board on H-1 please."

MOTION

Commissioner Norton moved to approve the CIP amendment.

Commissioner Winters seconded the Motion.

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

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VOTE

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

Chairman Sciortino said, "Next item."

2. UPGRADE OF FIRE ALARMS AND VOICE NOTIFICATION SYSTEM IN THE COURTHOUSE COMPLEX.

MOTION

Commissioner Gwin moved to approve the CIP amendment.

Commissioner Norton seconded the Motion.

Chairman Sciortino said, "We have a Motion and a Second. Let me, just for comment say I've talked to Kathy about this. I was having a little problem with we had to spend whatever this was, \$105,000, just to have the fire alarms say 'There's a fire' when you know that's the fire alarm. But as I . . . was explained to me, along with this upgrade, there are pockets within the courthouse that that fire alarm doesn't sound very loud and this is to also upgrade that so that people working now in these little pockets can hear that fire alarm with the same intensity we hear it on this floor, plus it will tell you it's a fire alarm."

Commissioner McGinn said, "Commissioners, you need to leave too."

Chairman Sciortino said, "Yeah, commissioners, you need to leave too. Get out of Dodge."

Commissioner Norton said, "Is this the new standard too for public buildings? Aren't they soon to upgrade it with fire alarms?"

Chairman Sciortino said, "We already are out of compliance with City code on this one. We just need to get into compliance on it. What's the will of the Board on this item? Have we had a Motion and a Second? Let's call the roll."

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VOTE

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

Chairman Sciortino said, "Next item."

J. RESOLUTION AUTHORIZING ESTABLISHMENT AND INSTALLATION OF TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS OF TOWNSHIP ROADS WITHIN RIVERSIDE TOWNSHIP, AND PROVIDING FOR ENFORCEMENT THEREOF. DISTRICT #5.

Mr. David Spears, Director/County Engineer, Public Works, greeted the Commissioners and said, "Item J, this is a resolution establishing a stop sign at the 'T' intersection of Cumberland Way and Cumberland in Riverside Township. The township requested a study be performed at this location, and they concurred with our recommendation that stop control be established for the westbound approach on Cumberland Way, due to sight restrictions in the southeast corner. The township will be responsible for the installation and maintenance of this sign. I recommend you approve 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.

VOTE

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

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Chairman Sciortino said, "Next item."

CONSENT AGENDA

K. CONSENT AGENDA.

1. Agreements (14) with community developmental disability organization affiliated service providers for payment of case management funding.

- The Arc of Sedgwick County
- Catholic Charities
- Dream Catchers
- Faith Village
- KETCH
- New Hope
- Starkey, Inc.
- Arrowhead West, Inc.
- Cerebral Palsy Research
- Envision
- Goodwill Industries
- ResCare, Life Choices
- Rainbows United, Inc.
- TSS, Inc.

2. Agreement with The Consortium, Inc. to provide screenings for persons with developmental disabilities.

3. The following Section 8 Housing Contract is 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>
V95119	\$162.00	\$293.00

4. Order dated August 14, 2002 to correct tax roll for change of assessment.

5. General Bills Check Register(s) for the week of August 14 – 20, 2002.

Ms. Sexton said, "You have the Consent Agenda before you. I recommend approval."

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MOTION

Commissioner Gwin moved to approve the Consent Agenda as presented.

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 Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, “Thank you. Why don’t we go ahead and consider moving to Executive Session. Then we can come back after that and do other.”

MOTION

Commissioner Gwin moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney client relationship relating to legal advice and personnel matters of non-elected personnel and that the Board of County Commissioners return from Executive Session no sooner than 1:58 p.m.

Commissioner Norton seconded the Motion.

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

VOTE

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

Chairman Sciortino said, "We're now recessed into Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 1:36 p.m. and returned at 2:05 p.m.

Chairman Sciortino said, "We're back from Executive Session. Let the record show that there was no binding action taken while in Executive Session. Is there anything else to come before this Board? There is one thing that I want to say. I'd like to make a Motion that we defer the item L, which is Other, until next week when we can have a double Other when there will be somebody there how we did at the Mulvane Old Settlers Day. All right, that's all. We're adjourned."

L. OTHER

M. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 2:06 p.m.

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

Regular Meeting, August 21, 2002

BEN SCIORTINO, Chairman
Fifth District

BETSY GWIN, Chair Pro Tem
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

CAROLYN MC GINN, Commissioner
Fourth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2002