

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

### **REGULAR MEETING**

**September 4, 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, September 4, 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; Mr. William P. Buchanan, County Manager; Ms. Jennifer Magana, Assistant County Counselor; Mr. Tom Pollan, Director, EMS; Ms. Stacy Cotten, Corrections Worker, Department of Corrections; Mr. Dale Miller, Chief Planner, Metropolitan Area Planning Department; Mr. Mark Sroufe, Parks Superintendent, Sedgwick County Parks; Ms. Kathy Sexton, Assistant County Manager; Ms. Marilyn Cook, Director, Comprehensive Community Care; Ms. Irene Hart, Director, Division of Community Development; Mr. John Nath, Director, Kansas Coliseum; Mr. Marvin Duncan, Director, Fleet Management; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Bethany Carpenetti, Deputy County Clerk.

### **GUESTS**

Ms. Cherri Willbanks, Representative, Sam's Club East.

Mr. Robert Nices, Lead Assistant, Executive Security.

### **INVOCATION**

The Invocation was led by Bishop Forrest Benedict of Church of Jesus Christ of Latter-day Saints, Derby Stake.

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES:** Regular Meeting, August 14, 2002

The Clerk reported that all Commissioners were present at the Regular Meeting of August 14, 2002.

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**MOTION**

Commissioner Gwin moved to defer the Minutes of the Regular Meeting of July 31, 2002 for one week.

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, "Thank you. Next item please."

**DONATIONS**

**A. DONATIONS TO BE USED BY SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE (EMS).**

**1. DONATION BY SAM'S CLUB OF A \$1,200 SAFE NEIGHBORS HEROES GRANT TO PURCHASE DIGITAL CAMERAS.**

**Mr. Tom Pollan**, Director, EMS, greeted the Commissioners and said, "And today I have with me, representing Sam's Club East, Cherri Willbanks. And a couple of good things, she's here if she has any comments that you would like to make. She's also carrying a check."

**Chairman Sciortino** said, "Oh, she's welcome anytime."

**Mr. Pollan** said, "Again, this is a grant or a donation to Sedgwick County EMS and the primary

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focus of this is to start our pilot project on digitalized photographing of trauma scenes. We have a very excellent trauma system in Sedgwick County and one of the things that we discovered is it is very difficult sometimes. The vehicle looks really bad and the patient doesn't demonstrate that yet. So, if we can show that to the physicians, they can see why we're concerned and they're able to follow up that patient even closer. So, with that I would ask Cherri if she has any comments."

**Ms. Cherri Willbanks**, Representative, Sam's Club East, greeted the Commissioners and said, "This grant was made available by Walmart Incorporation. It's given out, like you said, \$1,200. Any local law enforcement, fire, rescue or EMS organization is eligible to get this grant and this year we've decided to give it to the EMS."

**Chairman Sciortino** said, "Well, we do want to really thank you for that too because I think Sam's Club/ Walmart has proven time and time again that they are a very good corporate citizen of Sedgwick County and I have a sneaking suspicion that the employees have a lot to do with that company being as good a corporate citizen as they are. So we want to thank you very much for that."

**Mr. Pollan** said, "Based on that information, I'd recommend your approval and allow the Chair to sign a letter of appreciation."

**MOTION**

Commissioner Norton moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

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

**Chairman Sciortino** said, "Again, thank you very, very much and please pass on our thanks to the employees and to the management staff. Next item please."

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**2. DONATION BY CHURCH OF CHRIST, 1144 SOUTH EMPORIA, OF 107 TEDDY BEARS.**

**Mr. Pollan** said, “This is a donation for our program of giving teddy bears to those children who are injured or ill. And obviously, when a small child, an infant is ill or injured they’re very difficult to control, even for parents and this just gives us one more tool to help settle them down so we can take a look at them and hopefully find out what’s wrong and get them transported to the hospital. I would recommend your approval and allow the Chair to sign a letter of appreciation.”

**Commissioner McGinn left at 9:10 a.m.**

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Commissioner McGinn returned at 9:11 a.m.**

**Chairman Sciortino** said, “Thank you. And Tom, being one that understands how soothing a teddy bear can be, I had occasion, many years ago before coming on this bench to take part in . . . my previous company had made donations to various sheriff’s departments in which we had our

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company business and I had occasion to see that in action and that really does quiet down, builds up a little trust between that small patient and those medical providers that are trying to take care of that patient. And I'm just really happy and I'm glad that the church did that and I hope they'll take that on as a ministry and maybe consider doing that in the future. But that's really great. Thank you."

**Mr. Pollan** said, "I might add, this is their second donation, so they have taken it on. Thank you very much."

**Chairman Sciortino** said, "Fantastic. Okay, thank you. Next item please, Madam Clerk."

### ADOPT A HIGHWAY

#### **B. APPLICATION BY JUDGE RIDDEL BOYS RANCH FOR THE SEDGWICK COUNTY ADOPT A HIGHWAY PROGRAM FOR LAKE AFTON PARK ROADS 788-U, 789-U AND 630-10. DISTRICT #3.**

**Mr. David Spears**, Director/County Engineer, Public Works, greeted the Commissioners and said, "Item B is a renewal agreement with Judge Riddel Boys Ranch for the Sedgwick County Adopt a Highway program. They will be responsible for litter pick up on the roads around Lake Afton Park. They are represented today by Stacy Cotten, who may or may not want to say a few words. I recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Sciortino** said, "Okay. Before we do that, why don't we ask Ms. Cotton, if you did have something to say to us, please come forward."

**Ms. Stacy Cotten**, Corrections Worker, Department of Corrections, greeted the Commissioners and said, "I'd just like to say, we appreciate the opportunity. We have 49 students at the ranch who must, as part of the program, they're required to get ten hours of community service in. It's not our only project that we do, but it's one that we can . . . it's readily available, if we have students that need to get it done, we can just take out a group and take care of it. The kids like to do it. They like to go out and put the sign down and wear the safety vests and trot around and pick up whatever they can. It keeps the lake clean, nice for the rest of the County to come out and use."

**Chairman Sciortino** said, "I just want to . . . if . . . So you find this to be very therapeutic and beneficial to the students?"

**Ms. Cotten** said, "Oh, absolutely. I mean, it gets them out. They get to get some fresh air and see everything that's going on. They like to watch the boats go around the lake, stuff like that."

**Chairman Sciortino** said, "Well, I'd like to extend some additional help to them. I have a place out on 143<sup>rd</sup> and Kellogg. It has a little lake and if they need some more therapy, I'd be very

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willing to donate my back area and my shore line and let them have at it. It will help them.”

**Ms. Cotten** said, “Give us a call, we’ll come out.”

**Chairman Sciortino** said, “All right, what is the will of the Board on this item please?”

**MOTION**

Commissioner Winters moved to approve the Application 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

**Chairman Sciortino** said, “David, could I just ask you, just for my own knowledge, what is that 788-U, 89-U, 630-? Are those road numbers?”

**Mr. Spears** said, “Those are our road numbers on our county road system.”

**Chairman Sciortino** said, “How many miles is that that they’re actually taking over?”

**Mr. Spears** said, “I would guess it’s about three.”

**Chairman Sciortino** said, “Three miles. Okay, thank you. Next item please, Madam Clerk.”

**PLANNING DEPARTMENT**

**C. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).**

- 1. CASE NUMBER ZON2001-00002 – EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM “RR”**

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**RURAL RESIDENTIAL TO “GC” GENERAL COMMERCIAL,  
GENERALLY LOCATED AT THE NORTHWEST CORNER OF K-254 AND  
143<sup>RD</sup> STREET EAST. DISTRICT #1.**

**POWERPOINT PRESENTATION**

**Mr. Dale Miller**, Chief Planner, Metropolitan Area Planning Department, greeted the Commissioners and said, “This is a request, as indicated, for an extension of time to complete a plat. Back in March of 2001, the applicant received approval for a zone change from ‘RR’ to ‘GC’, General Commercial. That’s this tract here. The platting, as is typical, gave them a year to complete the plat from the time the zone change was approved. And then in May 21<sup>st</sup> of 2002 they asked for an extension and they did receive an administrative extension, which policy five allows and that extension is going to run out September 7<sup>th</sup>. And so now they’re asking for an additional extension of one year time period.

Aerial of the site, Highway 254, 143<sup>rd</sup> Street, it’s the old gas station that was out there that was converted to a fuel outlet and now they’re selling propane as well. And that’s what it looks like today. And so they are asking for the extension. Staff is supportive.”

**Chairman Sciortino** said, “You say staff is supportive of that request?”

**Mr. Miller** said, “Yes.”

**Chairman Sciortino** said, “Commissioners, any questions of Dale on this item? If not, I was going to ask if the public . . . It’s our policy, although it isn’t a requirement, to solicit any comments from the public. So at this time I’ll just ask if anyone is here in the public that would like to speak for or against this request, now would be the time to come to the podium. I don’t see that there are any so I’ll hold back now, any comments just from the Bench.”

**MOTION**

Commissioner Gwin moved to approve one-year extension of time to complete platting.

Commissioner Norton seconded the Motion.

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

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### VOTE

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

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

- 2. CASE NUMBER ZON2002-00035 – ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "NR" NEIGHBORHOOD RETAIL, GENERALLY LOCATED NORTH OF PAWNEE, APPROXIMATELY ONE-HALF MILE EAST OF 127<sup>TH</sup> STREET EAST. DISTRICT #5.**

### POWERPOINT PRESENTATION

**Mr. Miller** said, "Commissioners, this is a zone change request to go from 'SF-20' single-family, to 'NR' neighborhood retail. The application area is indicated here in black, about half a mile east of 127<sup>th</sup> north of Pawnee. It is part of a golf course that is currently being developed and they intend to put a clubhouse in. And in order to get a license to sell beer or any kind of alcoholic beverage, they have to have zoning that is more intense than the residential district. The 'NR' district is the first one that would permit that and so that's why they're seeking this zone change from 'SF-20' to 'NR'. We did not have any protests on this particular case. Both staff and the Metropolitan Area Planning Commission have recommended approval.

This is the Comprehensive Plan map, indicating that low density uses are appropriate for that particular location. This is the way the site looked earlier this year. On the plat, the application area is right now in this area. You can see the golf course is expected to be developed here, a little further to the west and to the north of the area that's requesting the zone change."

**Chairman Sciortino** said, "Now Dale, I'm fairly familiar with this project. It's going to be an executive par three course, but where is the clubhouse now in relation to the proposed golf course?"

**Mr. Miller** said, "The golf course is shown as basically that area."

**Chairman Sciortino** said, "Okay, fine. And right there in the center is 127<sup>th</sup> Street. Show me 127<sup>th</sup>. Okay, got it."

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**Mr. Miller** said, “And then the clubhouse would be down in this area.”

**Chairman Sciortino** said, “And then I think he proposes a housing development around the perimeter of it too, or he will. Okay. Is that all that you had? Okay, is there anyone here in the audience that would like to speak to this item? Okay, I don’t see any, so I’ll reserve just the comments from the Bench. Does anyone have any comments on this item? Okay.”

**MOTION**

Chairman Sciortino moved to approve the zone change, subject to platting within one year, direct staff to prepare an appropriate resolution after the plat has been approved, and authorize the Chairman to sign the resolution.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Sciortino** said, “Thank you very much, Dale. Next item please.”

- 3. CASE NUMBER ZON2002-00036 – SEDGWICK COUNTY ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “SF-20” SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE 71<sup>ST</sup> STREET SOUTH AND 151<sup>ST</sup> STREET WEST INTERSECTION. DISTRICT #3.**

**POWERPOINT PRESENTATION**

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**Mr. Miller** said, "This is a request to rezone from 'RR', Rural Residential to 'SF-20'. The application area is outlined in black. It's located north of 71<sup>st</sup> Street south and just east of 151<sup>st</sup>. It's about three and a half to four miles north of Clearwater, on Clearwater Road. It's a nine acre tract. It's unplatted but it's included in part of a plat called Dove Haven Second that would encompass that larger area. And what they're proposing to do is . . . There's an aerial. You can see that it's a large lot. There are a few large-lot residences in this area. This ownership is 160 acres. There are two one-acre tracts over here but the rest of it, I believe, is an 80-acre tract. There's another large tract here, either 80 acres or larger and to the east is another 80-acre tract.

The property immediately north has been platted as Dove Haven First and it does have four-acre to five-acre size lots on it and it's already been approved. There's the site today, as it is undeveloped. You can see, it's pretty agricultural and low-density type residential. Here's a copy of the plat. The zone change area is this area right here. The larger plat that would surround it. As you can see, these are all larger lots, the four and a half to five-acre lots. They are proposing to do the smaller lots there in the center. Instead of doing the four two-acre lots that they could do that would be allowed by the existing zoning, they're proposing the eight one-acre lots. There aren't any public services out here, so there's no sewer or water. All the services would have to be on-site, wells and septic systems.

Staff recommended denial on the basis that 'SF-20' zoning was specifically intended to be used in areas where public services were anticipated or expected. There's also another little blurb in the preface to that district that says the 'SF-20' zoning is appropriate where soils can accommodate septic systems, so we kind of have a contradictory statement there in that sense. But I think what staff's intension was, that if you look at the way 'SF-20' zoning was originally used back when they established that district, that zoning is all pretty much located fairly close in to what was then the city limits of particularly Wichita and the smaller communities. As I said, this site is nearly four miles away from Clearwater. It's highly unlikely that they're going to have any public services out there any time soon.

Planning Commission recommended approval on this on a ten to two vote. There haven't been any protests. There was a letter expressing opposition, but it was not an official protest so it doesn't have any impact, as far as the voting requirement for this particular case. I think, in terms of the applicant, what they were thinking they were doing was the right thing in asking for this, in the sense that the Planning Commission has been encouraging people who are doing large lot developments to show how those larger tracts could be re-subdivided at some future point when public services are out there. And I think her testimony at the Planning Commission meeting, she indicated that because these were larger lots, that she thought that by going down to the smaller lots that they were kind of complying with what the intension was. And I think that probably had a lot

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to do with the Planning Commission's decision to recommend approval. With that, I'd try to answer any questions."

**Chairman Sciortino** said, "Dale, is this just sort of speculative on their part? They haven't got a plan in place where they're going to commit to building on those lots and they're going to either put alternative sewers or septic. This is just speculative, so that if and when infrastructure ever comes out there, then they'll be ready to do it? What was your feel on that?"

**Mr. Miller** said, "Well, I don't know whether their intension is to actually use septic systems. The staff report indicates that they were going to use septic systems, but with the recent changes or at least the proposed changes, alternative systems would be available to them, assuming that that all goes well.

As I said, the property to the north, if I can get back to the aerial, is property that the applicant owns and is currently . . . That's where Dove Haven One that's already been approved would be just north of there and it's the larger lots. And so I think they were just finishing out their ownership, in terms of getting it platted. I don't know if the agent or the applicant are here."

**Chairman Sciortino** said, "Because if we ever do get . . . Well, not if, when we get a plan put to bid for alternative sewers, argumentatively it could be on smaller than two-acre lots too."

**Mr. Miller** said, "Yes, it certainly could. It's just this will be a spot, if you will, of 'SF-20' surrounded by 'RR' zoning."

**Chairman Sciortino** said, "Okay. Any comments from the Bench from Dale? If not I'll ask if there's anybody in the audience. Is anyone here in the audience that would like to speak to or for or against this item? I see none, so I'll close that portion of the meeting and restrict all comments to the Bench. Commissioner Gwin, I believe your light was on first."

**Commissioner Gwin** said, "Thank you, Mr. Chairman. Dale, clarifications. We heard a case a week or so ago that we approved near Bentley that was calling for smaller lots with alternative sewers. Remind me again, how far away was that from Bentley?"

**Mr. Miller** said, "About three-quarters of a mile, if you follow the road, about a quarter of a mile following the railroad tracks."

**Commissioner Gwin** said, "Okay. And those lots were going to be one acre, if I remember right and using alternative sewer system."

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**Mr. Miller** said, "Yes, it had a protective overlay that required that."

**Commissioner Gwin** said, "Well, after . . . your presentation raises some concerns then about what's happening here for me. First of all, it's four miles or so away from Clearwater. And though, as the Chairman points out, we don't have the plan yet for how alternative sewers or those kinds of things are implemented, the issue for us has been density. But my picture is that the closer they are to the boundaries of an incorporated city, the more dense they can be and the farther out they go the less dense they should be. So the proximity from Clearwater is a concern for me.

I also have a concern about using one-acre lots and using septic systems. I don't know. I'm assuming that the soil is more sandy, but there's a . . . philosophically, I think I have a problem with that. My district which has so much clay soil has had problems with that and some of the older neighborhoods that I've seen and luckily some of those have now been converted to the sewer system. But they're very problematic. The vision of larger lots being platted, or the land being used for smaller lots in the future is probably a good one and that's one reason I like the alternative sewer systems, because if a city does grow there, if you have some open space or smaller sized lots with alternative sewer systems, it's been my belief that you can more readily connect to a city sewer system and move on and won't have to have the big five-acre tracts that have been so much trouble for us.

I kind of like the picture, if Dove Haven One, north of this, as you said has been platted with larger lots and those have been received well and they're ready to go to phase two, I think I'd be more comfortable maintaining those lot sizes in this location. I don't know that I'd be . . . that I'm prepared yet, this far away from the corporate boundaries of a city and using septic systems, to put less square footage on the lots. Right now, I suppose what I'm saying is I'm probably going to side with staff on this one, because I just . . . I don't mind the other ones being a little larger. I'm a little concerned about the one-acre lots in that center turn. I'll listen to what my colleagues say, but those are some of the concerns that I have. Thank you, Mr. Chairman."

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

**Commissioner McGinn** said, "You're next. I was just getting in line."

**Commissioner Winters** said, "I'll speak about this. Thank you, Mr. Chairman. Well, I think I'm also going to agree with staff on this and follow their recommendation, at least in my opinion, to not approve this. There are several reasons. I know that there's a small number of lots here. We're only talking about eight lots as opposed to four lots. But the developer still has 80 acres that are undeveloped here. I mean, there's only one foundation poured so far. So lots of request for change could happen between now and the time this development is completed.

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We did have one letter of protest. Was signed by, their words, 'two senior citizens', J.C. Richardson and Norma Richardson. I thought they had a good question about the water here. They really said they're not opposed to development in the area and want development to enhance Clearwater but they are concerned about the water wells there. And I'm concerned about the water here too and I know we really don't have any real regulations about the water but I have visited with some folks and I noticed in the Clearwater news that there's a development at 87<sup>th</sup> and 135<sup>th</sup>, so this would be back to the Clearwater Road a mile east of here and then two miles to the south. The development with 30 houses and their wells are going dry. And so they're looking to Clearwater for help on trying to bring Clearwater water out over a mile and a half to that development. So I'm not sure if the developer here has really checked his water.

But that's not the reason I'm going to make my decision, because I think there's a good chance there probably is water here. But I do believe that this is not consistent with the rest of the area in the neighborhood, which is traditionally larger lots, either two or five acre lots. This property can be developed in two-acre tracts, so I don't think we're going to cause a hardship by preventing them from doing the development. This is in an area that the Comprehensive Plan does not show that we're going to have public services in the future. I think the impact of community facilities will probably be pretty slight. I mean, we're talking about an additional four houses, but this is where, again, we need to have the discussion about how we're going to view roads. 151<sup>st</sup> is a gravel road and we've got an 80-acre development that could very possibly turn into a 160-acre development because there's nothing on this property. It's a nice piece of property. How are we going to handle 151<sup>st</sup> Street.

So, you know, I think the applicant's agent did make some comments about liking small lots. I like small lots and I think that's what we need to do though is have the discussion of how are we going to let alternative sewers play a part in letting some of these smaller lots happen. But I think we need to do it in an orderly way and I'm not prepared today to approve this zone request. So, that's my thought."

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

**Commissioner McGinn** said, "Thank you, Chairman Sciortino. I was not sure of the water availability in that area, and I know half my district has the equus beds and half has the outcrop, so it's kind of hit and miss. So when I start hearing people talking about their wells drying up, that concerns me. That too, I think sometimes I think we need to look at, when we're in those areas, of having some test wells dug, drilled so we don't run into that problem, especially when it's this far

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out.

When I looked at where this was on the Sedgwick County development guide, I was real surprised. You know, we talked about, as Commissioner Gwin said, a couple of weeks ago a case that was within or very close to a half mile from the City limits, and that makes sense to have smaller density close to a city that is going to grow in just a few years to that area and makes public services a lot easier. So when I look at this map and find out that actually we're increasing density out in the middle of nowhere, that's part of the discussion we've had and want to have about where should these be located, especially as I know this isn't a community system but we are decreasing the density. And so, I think we need to have that discussion of as we increase density, where should that increased density go. Should it be close to a community or out in the middle of nowhere and we have not had that discussion yet and I think that discussion needs to be had.

So, I have a problem supporting this, primarily because of the distance that it is away from a community. I have a question for Dale, just out of curiosity. In looking at the backup and some of the comments that Marvin made. And I know he's not here now but I need to understand this. He shares a lot of information but he made a comment in here that when you have these kinds of things, city taxpayers, when the County taxes go up, the City of Wichita pays those taxes and I'm just trying to understand what kind of increase he was talking about. Because when I think about Fire, that's a district in itself. Those that use that service pay for it. No one else pays for it. Can you give me some examples of other things he might have been talking about?"

**Mr. Miller** said, "I think what he was trying to say was that county-wide taxes, that folks that live in the City of Wichita are also hit with those same taxes, except for the Fire District and three-fourths of the population of Sedgwick County is in the City of Wichita. And so, from his perspective, the citizens of the City of Wichita are paying taxes that are then used out in the County for services that, I suppose in their mind, they're really not making use of."

**Commissioner McGinn** said, "Well, and that's what I don't understand. What services?"

**Chairman Sciortino** said, "They're talking about any time we improve a road."

**Commissioner McGinn** said, "Okay. And we had that discussion. We want to talk about whether roads are extended or, you know, like we had talked about two weeks ago, especially in the Bentley situation that perhaps maybe at some point in time we'll say the developer needs to build a road out to the first entrance into that development. Now I see this being four and five miles out, between

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Wichita and Clearwater, and I don't really see the County going to build a road. I guess it was close to 71<sup>st</sup> Street too. So you're specifically talking about a road."

**Mr. Miller** said, "Roads and Sheriff's service, Code Enforcement, the kinds of things that are supported by just general wide revenues, as opposed to a district kind of levied thing."

**Commissioner McGinn** said, "Well, to me people are going to live somewhere and so they're going to, if they get into those situations, I mean we're going to provide those services anyway. And so, I guess I need some more specifics on that, because I don't agree with his comment there. Yes, David."

**Mr. Spears** said, "I might just say one thing, to add to this discussion, that doesn't always apply to roads, because most of the roads we build are sales tax and not from ad valorem. The ad valorem would be paying for like the General Obligation Bond roads that we do. Now we do do some of those, which are our huge, huge projects. But for the most part, which is \$10,000,000 a year we spend sales tax on roads."

**Commissioner McGinn** said, "That's correct and I know this is a whole other topic, but it's part of the discussion that we're going to have and so if those specifics could be clearer to me as we get into that, I appreciate it. Thank you."

**Mr. Miller** said, "Okay."

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

**Chairman Sciortino** said, "And I want to make a comment on that too, Commissioner McGinn, because I've heard that said before that the City of Wichita, I have a feeling that it's the elected officials within the City of Wichita, continually say 'well, anything that the County does, the City of Wichita citizens pay for it and that's not fair because they don't get to use it as much'. But what's conspicuously absent in that comment is that if you were to take the City of Wichita as one large community, there's probably pockets within the City of Wichita that the City pays for that the majority of the citizens within the City of Wichita don't make use of. For example, any work that the City of Wichita does in Planeview. The majority of the citizens in Wichita won't be accessing Planeview or using Planeview, so that their tax dollars are gone to a service that they won't specifically use as much as the citizens of Planeview would benefit from and that's what a community is all about.

A community, like Sedgwick County, it doesn't matter if you're in Wichita or not, if we do something for the community that benefits Cheney, myself living way out on the eastern fringe of our County very seldom has occasion to go out there to take benefit, but I understand that because

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that's the community that we live in and there's times that they'll do something that's closer to me that I would have more benefit from. Like the Tyler/ Maize Road that we're working on. I don't drive out there because I don't think . . . Well, I just don't have that much use to drive out there but I understand it's important to the whole community. So that kind of argument falls on a little deaf ears. We're not isolated individuals. We are part of one huge community and you have to have give and take within the community and that's where the economies of scale come in. It may benefit you tomorrow, but I'll have some benefit from some project the next day. So that would not be a reason why I would not be supportive of this.

My main concern is that it looks like it's more speculative in nature and they don't have a real hard set plan on what they're going to do on it. But I will listen. I believe Commissioner Winters wants to say a few more words about it. So, Commissioner Winters."

**Commissioner Winters** said, "Had a question of Dale and then a comment. One more comment about the water and, again, that's not affecting my vote here. They may have water. This is kind of a unique area. As I said, two miles to the south wells are going dry. Two miles to the north though there's agricultural irrigation taking place. So some places out there there is certainly good water.

Dale, Metropolitan Planning Commission voted to approve this. What kind of a vote then does that put us in today, if we vote to approve or if there's a Motion to deny?"

**Mr. Miller** said, "It's a simple majority."

**Chairman Sciortino** said, "To approve is a simple majority but to deny . . ."

**Mr. Miller** said, "To override the Planning Commission recommendation, you need to have the two-thirds vote."

**Chairman Sciortino** said, "But let me ask our attorney. I just want to get it from the horse's . . . Well, that's not the right thing. I want to get it from our attorney."

**Ms. Jennifer Magana**, Assistant County Counselor, said, "To override the Commission's recommendation would take a four to one vote."

**Chairman Sciortino** said, "So four people would have to vote to deny in order to have the denial legal?"

**Ms. Magana** said, "Correct."

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**Chairman Sciortino** said, “What happens if three vote to deny, two vote to approve? Does it go through because it wasn’t denied or what happens there to it?”

**Ms. Magana** said, “And Dale can comment on this, it would be referred back to the Commission.”

**Chairman Sciortino** said, “Let’s say we didn’t refer it back to the Planning Commission. We voted . . . A motion was made to deny, it was seconded. Only three of us voted to deny, two voted to approve. Motioned failed to deny. Does it automatically be approved?”

**Commissioner Gwin** said, “No, you’d have to have another Motion.”

**Chairman Sciortino** said, “And what happens if there isn’t another Motion?”

**Mr. Miller** said, “Then it’s dead. It’s what’s happened in the past.”

**Chairman Sciortino** said, “Okay. Well, this will be fun. Any other questions or comments?”

**MOTION**

Commissioner Winters moved to deny the zone change request.

**Commissioner Winters** said, “And that denial based on the character of the neighbor, which generally all over the County is either two or five acre lots. And the suitability for which the property is currently used, it can be developed on two-acre lots. This area, in our Comprehensive Plan, is not recognized as a place that will have services and the impact on public facilities, though not large, will have an effect on the road system out there, 151<sup>st</sup> Street. And if ‘SF-20’ zone, it’s normally expected that public services will be available some day and I do not believe public services will be available here. That’s the Motion.”

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	No
Commissioner Thomas Winters	Aye

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Commissioner Carolyn McGinn      Aye

**Chairman Sciortino** said, "Okay, let me get this straight. Yes means no. Is that right? Yes means you're denying it. Is that so?"

Chairman Sciortino      Aye

**Chairman Sciortino** said, "I guess we're done with that item. So we go to the next item."

**Commissioner Norton** said, "I do have a comment. I voted against it because I think it's imperative that we move forward on our plan for alternative sewers and what we're going to do. We're going to continue to have these where we're in a conundrum if we don't get this solved. I mean, we keep having these that we have to debate whether we think it's good or not and we should have a policy that guides us on that and we're just floating out there."

**Chairman Sciortino** said, "I agree with you 100% and Mr. Buchanan, I would encourage you to get staff to work with us or however it does because we really . . . I think the will of this Board is to try to get a policy established that we could all agree upon as quickly as possible, so that we avoid these types of debates that we have. Commissioner McGinn."

**Commissioner McGinn** said, "I agree with you, Commissioner Norton, about we need to move forward on these and I see it that we are. We're going to be looking at adopting the Sanitary Code here very, very soon. That's the first step and the second step is getting the community systems going but we have not had the discussion as to where these community systems will go. And I feel that we need to have that discussion. And until we have that discussion, I cannot vote to have a system that could possibly be more dense out in the middle of nowhere. Because the thing I heard from constituents loud and clear was let's not just start these little developments out in the middle of nowhere and then, next thing you know they may become a city, they may not. I don't know if that would ever happen but I think that discussion needs to be had before we move forward.

If this site was close to a city, I would be supportive of it and again, I total support alternative sewer systems and I hope that at some point in time that's what we will see only and not septic tanks. Thank you."

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

**Commissioner Winters** said, "Well, thank you. And Commissioner Norton, I agree with you. I'm a little bit perplexed though. I'm a supporter of the alternative sewer system and figuring out a plan but this, in effect, has not been my issue. And I don't know whose it really is but somebody needs

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to take it and do that. And I'm going to continue to vote 'no' on them until somebody gets that done. And I'd say, if we started today, it would probably be a year before we get that worked out. Now, we may be able to do it quicker than that but I see some serious discussion going on and it's going to take a while, I think, to develop a good plan. But I'm going to continue to vote 'no'.

You know on one hand I wish we had the plan developed but we don't have and to vote 'yes' just because we don't have a plan I don't think is very logical. I think we've got to sit down and get this discussion going. And I'm ready to start this afternoon, if somebody wants to have a meeting and start talking about it. But I think we need to be diligent but careful, I guess. Thank you, Mr. Chairman."

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

**Commissioner Gwin** said, "And isn't this interesting that we're having as much lively discussion after the vote than we did before. But one of the reasons I opposed this was, first of all, this one is not an alternative sewer system. I mean, this one was septic. That's what the paperwork tells me. I liked . . . I supported the Bentley plan because, first of all I liked the alternative sewer systems better. I agree with Commissioner McGinn. I'd rather we never have to place a septic tank or a lagoon anywhere but that's in the future.

But this one . . . and I think my vision is that you have kind of these expanding rings that permit different densities and this one, for me, would be too far out of the vision I have in my head for the appropriate densities. I concur, we don't share that vision yet, but this one I see differently than the Bentley one, primarily because of the distance from a city and the density and the fact that they were going to use septic on one-acre tracts. That troubles me and those were the main reasons that I opposed this one but your comments are well taken and I don't know, maybe we're just going to have to go put a drop-dead date, if you will, on this is when our discussions are going to start and this is when our discussions will end. We haven't even set that target up to be shot at yet, if you will. So I think, as a group, we need to get staff to help us draw a timeline and a start date and a stop date, by which time we'll make a decision on what those densities look like. We really do have to have a plan. You're correct. Thank you, Mr. Chairman."

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

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**Commissioner McGinn** said, “Thank you. I just want to follow up on Commissioner Gwin and Commissioner Sciortino’s comments and that is I do believe we had a staff meeting, I think a week or so ago, and I think the Manager is working on that and it would be my goal, and I think the goal of the rest of the Commission, that we perhaps get this concluded by the end of the year, no later. So, just a follow up and I would suggest that the Manager come around some time this week and give us some timelines.”

**Commissioner Gwin** said, “I think that’s a great idea. We need that.”

**Chairman Sciortino** said, “Yes. Mr. Buchanan.”

**Mr. William Buchanan**, County Manager, said, “At the last staff meeting, Commissioner McGinn is correct, we did talk about it and we did indicate to you that next Tuesday we will bring you a proposal about how to begin to get to a point that we can agree upon. We are examining consultants to take a look at some of the land use issues and I think we have that narrowed and I think we’re prepared to tell you about that on Tuesday and we will have a timeline by which we can discuss with you some of our ideas.

One of the things that we talked about at that meeting was engaging the community, or at least engaging the elected officials from the other cities in a discussion and that will take some coordination but I think that’s essential to our decision-making process. And that will all be part of the presentation next week.”

**Chairman Sciortino** said, “Well, Mr. Buchanan, I think what you’re hearing pretty clearly from this board is that we want to move on this. We want to get it started and concluded. I would have no problem supporting what Commissioner McGinn said. I would like to see it started and completed by the end of the year, if that’s possible.

The one thing that I look forward to is healthy debate, and I mean public healthy debate and not closed door debate. I’ve heard, you know, if we build it out in the middle of nowhere, pretty soon there will be enough people and they’ll be arrogant enough to think they could form a city. Well, so what? I don’t know that that’s a sin that a group of people decide to go out in the hinder lands and form another community and develop it because they feel that they want to run their own . . . I don’t know that that . . . just the concept of some citizens deciding they want to form a city should be considered a sin or wrong. So I don’t know that I would use that as a reason to deny anything that we might be discussing. I’d want to keep an open mind on that.

But as a general rule, I welcome the debate that we’re going to have. I agree with what Commissioner Gwin said that the one thing that we’re going to have to decide on is density, because this new technology does afford us the opportunity to at least consider lots of less dense

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size, which is in keeping I think with the general concept of our plan, which is more efficient use of farm land. So I think, for me I think this debate is needed and I'm confident now, with what Mr. Buchanan said and what Commissioner McGinn has asked for, is going to move it along to where we're going to be able to have this debate and stop having case by case debates and stop having longer debates after the vote than we have when we're taking the vote. So, why don't we see if we can't move on that and let's move on with what we're doing today. So, if there's nothing else, next item please."

### NEW BUSINESS

#### **D. SEDGWICK COUNTY PARKS.**

- 1. RESOLUTION AMENDING CHAPTER 20, ARTICLE IV OF THE *SEDGWICK COUNTY CODE* RELATING TO RULES AND REGULATIONS FOR USE OF SEDGWICK COUNTY PARKS, LAKES AND RECREATIONAL FACILITIES.**

**Mr. Mark Sroufe**, Parks Superintendent, Sedgwick County Parks, greeted the Commissioners and said, "I come before you today to ask your approval of some fee changes, some wording and some rules changes to the resolution for both parks. That would be Lake Afton and Sedgwick County Park. The highlights of the changes are at Sedgwick County Park, the Sunflower Shelter with the renovations that we've done to that we will increase that from \$90 a day to \$150 per day. The clean up deposits were \$100. We're requesting to raise that to \$150. It is a refundable deposit. Horseshoe and Plum Shelters, with the addition of the small air conditioners, we'd like to increase that from \$65 to \$75 per day. The portable barbeque grill/ smoker that we rent at Sedgwick County Park was \$20 a day. We'd like to increase that to \$40 per day.

The entrance signs based around this is something new. In the previous . . . in the past, we've allowed people to use these arrow signs out in front. Since we've replaced those with very good looking signs, we're going to allow people to rent that space and we'll put the lettering on them and allow them to rent that from us as well.

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Lake Afton Park, the fee change for boating is for row boats, canoes and sail boats and any boat up to 20 horse power will go from \$2.00 a day to \$3.00 a day, or \$20 a year to \$30 per year. Those fees are changed to meet the state's regulations so the state enforcement officers can cite people for violations and we're also going to prohibit the burning of wood pallets at Lake Afton Park."

**Chairman Sciortino** said, "Burning what?"

**Mr. Sroufe** said, "Wood pallets."

**Commissioner McGinn** said, "What was that all about?"

**Mr. Sroufe** said, "That becomes a maintenance issue."

**Commissioner McGinn** said, "I mean, why were we doing that? Like a bonfire or something?"

**Mr. Sroufe** said, "Yes, they're using them for campfires and when they set them on top of our cans and burn them, the centers burn out and then all the trash falls to the ground. We have nails and ashes and things that we have to go behind and pick up and we've tried to eliminate that problem."

**Commissioner McGinn** said, "Now I know how to get rid of our wood pallets."

**Chairman Sciortino** said, "Save the nails."

**Mr. Sroufe** said, "If you have any questions, I'd be glad to answer them at this time."

**Chairman Sciortino** said, "I, just as a general comment, how did we come up with these new fees? I know some of them seem to have risen dramatically but how did you actually come up with, 'yeah, it is a reasonable increase'?"

**Mr. Sroufe** said, "The shelter fee, for Sunflower Shelter especially, that brings that up to the amount that we charge for the very same buildings at Lake Afton, which back in 1999 we did a fee study and we raised the rates for 2000 to that and this will equal that."

**Chairman Sciortino** said, "Okay. And the other fees that we raised?"

**Mr. Sroufe** said, "That's the same. Horseshoe Shelter and Plum will be \$75 per day and those are very similar to the shelters #2 and #5 at Lake Afton, which are the same size for the same price."

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

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**Commissioner Winters** said, "Thank you. To expand on that a little bit, Mark, tell us about the work that's been done at the Sunflower Shelter. Describe that shelter, tell us what's available and why it's worth \$150. Is that going to \$150 a day? Can you describe that shelter?"

**Mr. Sroufe** said, "That's a 30 by 70 enclosed building. Previously it was just a building, enclosed with folding tables and chairs and had a canopy on the west side. We went in early this year and we added kitchen and restroom facilities, forced heating and cooling, we tiled the floor, we remodeled the total inside and the outside."

**Commissioner Winters** said, "Okay. So this shelter, in effect, would be capable of hosting a wedding reception or a party of some significance, really."

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

**Commissioner Winters** said, "Did you do any comparisons with other meeting facilities and parks or not? If somebody needed a place for 150 people, is this in line with what they would end up doing someplace else?"

**Mr. Sroufe** said, "Back in 1999, we did that study when we raised the prices to the levels that they are now and this will put us at that level, comparable to the City. The state don't have any buildings like this. Winfield City Lake, Wellington City does not. Harvey County does, but they're not as fancy of a building, if you would, as this building is."

**Commissioner Winters** said, "So you have done some comparisons with places that are available."

**Mr. Sroufe** said, "Yes, sir."

**Commissioner Winters** said, "Okay. Out at Lake Afton, we had one shelter that went up three times, 300%. Can you tell us about that shelter? Was it out of line? Have you done work to that shelter? I think it's shelter #3."

**Mr. Sroufe** said, "Shelter #3, the fee that's proposed in this will be for the new building that is going to be built this fall. That building is going to be removed within the next 30 to 60 days and new construction will start for that replacement. That price will reflect the new building that's going to be put in its place."

**Commissioner Winters** said, "Will it have air conditioning and restroom capacity?"

**Mr. Sroufe** said, "It will have heating and air conditioning. We don't know for sure if we're going

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to have restroom facilities yet.”

**Commissioner Winters** said, “Okay. What about the other shelters at Lake Afton. You know, the comment was made that now the least expensive shelter at Lake Afton is \$75. What if somebody just wants to go out for the afternoon at Lake Afton? Are they going to need to pay \$75 to get a shelter?”

**Mr. Sroufe** said, “The enclosed buildings we don’t break in to hours or half days. It’s always been the full day rate.”

**Commissioner Winters** said, “But you do have open shelters that . . . What’s it cost to rent an open shelter?”

**Mr. Sroufe** said, “We have about 10 open shelters that are first come first serve and there’s no charge for those.”

**Commissioner Winters** said, “So there are facilities at Lake Afton that have no fees associated with being in a shelter. They’re just open shelters. The expense comes for the enclosures, air conditioning, may or may not have restroom facilities, but really become a meeting room.”

**Mr. Sroufe** said, “Right.”

**Commissioner Winters** said, “One of the rules changes that I’m not sure I understand was ‘a person shall obtain a Lake Afton camping permit prior to camping at any shelter house’. That’s on page 17, the very last item, number four. And you crossed out, or we eliminated ‘at the time of camping’. Now you know I know that sometimes people get out and they start camping, they set up camp and a park employee comes by and sells them a permit. Are we going to write him a ticket, as opposed to selling him a permit now?”

**Mr. Sroufe** said, “No. What we try to encourage everybody to do is stop by the bait shop first and get the permits and we do that to limit our field guys from having to go and sell these permits and carry that money with them. We would try to make all those transactions happen at the bait shop.”

**Commissioner Winters** said, “That sounds like a good plan. I just hope we don’t start writing tickets, because I think that’s going to be a big change.”

**Mr. Sroufe** said, “I’ve never been one to want to write anybody a ticket. I’ve always given them ample opportunities to either stop at the bait shop and purchase them, we have a self-pay station where they can purchase that after-hours or they can purchase it from our security people out in the

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field. A ticket is the last resort.”

**Commissioner Winters** said, “All right and back in 1999, and I guess I do remember this, you did a much more extensive research in making sure that we were not getting out of line with any surrounding communities or any other park type shelters that we were renting.”

**Mr. Sroufe** said, “That’s correct. We did an across the board fee increase for 2000 and before we did that we studied, we compared Lake Afton to Harvey County Lake, Marion County Lake, Winfield City Lake, Wellington City Lake. We did not compare ourselves to the State because their fee structure is a little different.”

**Commissioner Winters** said, “And the one that’s gone up 300% in cost is actually going to be a new shelter that’s going to be constructed this fall. So it’s not going to resemble the old one at all.”

**Mr. Sroufe** said, “No.”

**Commissioner Winters** said, “And Sunflower Shelter also had major renovation work, adding a kitchen and that kind of . . .”

**Mr. Sroufe** said, “That was about a \$20,000 project, just for materials only. All the work was done by the park staff.”

**Commissioner Winters** said, “All right, thank you.”

**Chairman Sciortino** said, “If I can remember what was said here, there’s still going to be some shelters that they can just reserve and there’s no fee.”

**Mr. Sroufe** said, “That’s the open shelters at Lake Afton. That’s correct.”

**Chairman Sciortino** said, “And then you have Shelter #4. That’s still \$30 a day if you just rent it for one day. Is that correct?”

**Mr. Sroufe** said, “Yes.”

**Chairman Sciortino** said, “But you have to put a deposit of \$60 but you get that back if you don’t tear it up and what have you.”

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

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**Chairman Sciortino** said, "And am I right in my assumption that when you looked at seeing that these new rates were in keeping with comparable venues, that that also held for what we're charging for putting in a canoe or a sailboat or motor boat horse power. All that was just try to keep us . . . We must have been below what our peers are charging."

**Mr. Sroufe** said, "A lot of the other city/ county lakes, if you go to Wellington and Winfield, as a non-resident of that county they normally charge double the rate, so at this level we're way under and we eliminated the non-county fees some five or six years ago, in an attempt to invite more people to come to our park and spend their money here."

**Chairman Sciortino** said, "That's a good idea."

**Mr. Sroufe** said, "I might add, as well, with these fees is that when the people use the park, they help offset the tax support that we need to operate the park and our goal is, consequently, to becoming 100% free of tax dollars and maybe some day we'll get there. I hope so."

**Chairman Sciortino** said, "Okay. All right. That's all I had. Any other comments or did you have something, Commissioner Norton?"

**Commissioner Norton** said, "Just a couple. Describe the maintenance for the upgraded shelters, the difference between that and just the open shelters. There's got to be a huge difference in how you keep them up and everything."

**Mr. Sroufe** said, "With the enclosed building, yes, we have to go in and we scrub the floors, we clean the filters in the air conditioners, we clean the bathrooms, we clean the tables. The maintenance has increased a lot. Also, as well the utility costs have increased with the addition of the air conditioners."

**Commissioner Norton** said, "Describe the methodology used on increasing the deposit from \$100 to \$150."

**Mr. Sroufe** said, "A good example of that would be in these buildings we use the Mighty-Lite fiberglass folding table and those, by themselves, are around \$120 a piece and we have 20 of those in some of these buildings and if they break one, and at the old \$100 deposit, we're not collecting enough to recover that damage."

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

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**Chairman Sciortino** said, “All right, thank you. Commissioner Winters one more time.”

**Commissioner Winters** said, “I think I’m going to be supportive of these changes. I would make a comment that I think providing good recreational activities is something that we need to be attentive of and do. I’m always amenable to trying to make fees pay for what needs to be done but I think we could get to a point here that if we made our parks and recreation totally fee-based and I’m not sure that we want to get there.

You know, I had an opportunity Labor Day to drive out to Lake Afton in fact and spend some time out there and boy there were a lot of people out there enjoying Lake Afton. And it was really, it’s a pretty inexpensive way to have some recreation and some good family time and I would hate to think we’d get to the point where we’re driving folks away from parks because they, for some reason, believe they can’t afford to go to the park.

So, I’m going to support these changes and mainly because the biggest changes are for really the rooms and the shelters that are meeting rooms. They will stand up with any meeting room in the city and they’re good places to be. I still think we need to have free shelters out there for people that are on tight budgets and just need a place to take their family for the weekend or for the day. And so I’m going to support these requests, but I’m not going to be one that’s driving towards making parks pay for themselves.”

**Chairman Sciortino** said, “Okay. Any other comments? If not, I would entertain a Motion.”

**MOTION**

Commissioner Gwin 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

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

### **2. AGREEMENT WITH EAGLES REALM, L.L.C. FOR USE OF SEDGWICK COUNTY PARK SEPTEMBER 27-30, 2002 TO HOLD A GREAT PLAINS RENAISSANCE FESTIVAL.**

**Mr. Sroufe** said, "Eagles Realm, L.L.C. has previously held this event at the Kansas Coliseum and they approached me, earlier this year, wanting a change in venue. This festival will include two sword theatrical shows lasting approximately one hour each."

**Chairman Sciortino** said, "Two what kind of shows?"

**Mr. Sroufe** said, "Theatrical sword. Four heavy armor combat shows per day, twelve Amira Bell Dancer shows per day, various musical performances and 50 to 60 vendors selling goods and performing demonstrations. I'm in support of having this event at Sedgwick County Park and I would entertain any questions that the Board may have regarding this."

**Chairman Sciortino** said, "Just to give maybe the public a general feel for the size of this event, if you were to compare it to what Kansas Newman does at their renaissance fair, is the magnitude of this going to be equal to theirs, is it bigger than theirs?"

**Mr. Sroufe** said, "It will be similar but smaller."

**Chairman Sciortino** said, "A little smaller than theirs. Okay. Are they going to still have those big drumsticks and then the corn on the cob with the husks?"

**Mr. Sroufe** said, "Yes, sir."

**Chairman Sciortino** said, "Okay, I'll go and chocolate chip cookies, I hope. Yes, Commissioner Norton."

**Commissioner Norton** said, "Will this be cordoned off where there's an entry fee to get in?"

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**Mr. Sroufe** said, "That is correct. They'll fence the area off and then they'll have their staff at the gate collecting tickets."

**Chairman Sciortino** said, "It says admission will be \$5 in advance, \$7 at the gate."

**Commissioner Norton** said, "Will there be other accesses to Sedgwick County Park? This is just a small area in the park. The rest of the park will be available to the average citizen, no charge as always?"

**Mr. Sroufe** said, "Yes, sir."

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

**Chairman Sciortino** said, "Any other comments from the Bench? I would entertain a Motion 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, "Thank you. Thank you very much. Good luck to you and next item."

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**E. AGREEMENT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (SRS) FOR SRS LEASE OF SPACE FOR SNACK BAR AND VENDING SERVICES ON COUNTY PROPERTY.**

**Ms. Kathy Sexton**, Assistant County Manager and CIO, Division of Information and Operations, greeted the Commissioners and said, "This item is a three-year agreement with the state to provide space in the courthouse, first floor for a snack bar and also for their organization, Business Enterprise Program for the Blind, to operate our vending machines in the courthouse complex of buildings. I am available for any questions and recommend you approve the agreement and authorize the Chairman to sign."

**Chairman Sciortino** said, "Kathy, now don't they pay us like on a percentage of their revenues?"

**Ms. Sexton** said, "They will be after this agreement is approved. It will be 5% of their gross sales, after sales tax."

**Chairman Sciortino** said, "Okay. Gross sales after . . ."

**Ms. Sexton** said, "After sales tax."

**Chairman Sciortino** said, "So we can add the sales tax to the product and then we get 5% of that total figure? Is that what you mean 'after sales tax'?"

**Ms. Sexton** said, "Five percent of gross sales, after they pay their sales tax."

**Chairman Sciortino** said, "So it's gross sales before you figure sales, not after. Okay, I was getting confused. I guess it comes out the same way. It's just if this product costs a dollar, you get five cents and then they pay their . . ."

**Ms. Sexton** said, "Just a clause they wanted in there to make very clear what their gross sales were."

**Chairman Sciortino** said, "It was clear as mud but I understand it now. We don't get 5% of the

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sales tax. Okay, any comments or questions of Kathy? Commissioner Gwin.”

**Commissioner Gwin** said, “Just a comment. I’m certainly going to be supportive but want to commend Kathy and the staff for the snack bar and the renovated space down there. It really does work very well and seems to be certainly more utilized than the small little closet size space they had before. So it’s nice space.”

**Chairman Sciortino** said, “Are they going to have popcorn again? Because they don’t have popcorn. Do they have popcorn?”

**Ms. Sexton** said, “I’ll have to check. I didn’t realize.”

**Chairman Sciortino** said, “I can’t remember, I know they’ve added a lot of things to it including a little space where you can sit down and eat, which I think is nice. But find out if they have popcorn.

Okay, if there’s no other questions or comments, what’s the will of the Board on this item please? Oh, excuse me. I have one question. Is that concept of how they reimburse us, is that kind of standard throughout the state that these other type of snack bars are paid on a commission? Or how does that work or how do we get to that?”

**Ms. Sexton** said, “It varies quite a bit in the various buildings they are in, both in our city here and throughout the state. Some organizations they do pay a commission, you might say, to cover our costs of the utilities and providing them the space. Other places they don’t. It just kind of depends on what you negotiate with them.”

**Chairman Sciortino** said, “Okay. And I assume you looked at their projection of what kind of revenues they reasonably could be getting and figure that would at least cover our costs and what have you for having that there?”

**Ms. Sexton** said, “Right.”

**Chairman Sciortino** said, “You’re comfortable with that?”

**Ms. Sexton** said, “Yes, I am.”

**Chairman Sciortino** said, “All right. Has a Motion been made and Seconded? Then I’ll entertain a Motion on this item please.”

### **MOTION**

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

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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, “Thank you very much, Kathy. Next item please.”

**F. COMPREHENSIVE COMMUNITY CARE (COMCARE).**

**1. AGREEMENT WITH SRS PROVIDING CERTIFIED MATCH ALLOCATIONS TO COMCARE TO MATCH THE FEDERAL PORTION OF MEDICAID RECEIPTS.**

**Ms. Marilyn Cook**, Director, Comprehensive Community Care, greeted the Commissioners and said, “Who is now starving after listening to you talk about food all morning. This contract, the purpose of this is to provide COMCARE and Family Consultation Services as community mental health centers certified match from the state general fund for . . . to match services that we bill on through Medicaid where we collect the federal portion on that. Sedgwick County, and that includes both of us, both COMCARE and Family Consultation Services will receive a total of a little over 3.4 million dollars in 2003 from the certified match program.

The state has, in their coffer, a little over \$11,000,000, so we get about a third of all of the certified match money that comes to the state, which is about right because a couple of years we had about 25% of the Medicaid population living in Sedgwick County.

Our responsibility is to provide a quarterly report to the state to talk about the actual billings that we have and they do two consensus estimating sessions, one in November of this year they’ll do one and one in April of next year where they calculate what that formula will be for the following year. I’d be happy to answer any questions you have on that. We are recommending that you approve the agreement.”

**Chairman Sciortino** said, “Thank you. Any questions of this presenter? What’s the will of the

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Board please?"

**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, "Thank you. Next item."

**2. CONTRACTS (TWO) TO PROVIDE HEALTHWAVE TITLE 21 MENTAL HEALTH SERVICES.**

- **FAMILY CONSULTATION SERVICE OF WICHITA, INC.**
- **SUMNER MENTAL HEALTH CENTER**

**Ms. Cook** said, "COMCARE is the local managed care organization for both Sumner and Butler Counties and Family Consultation Service. This particular contract covers the agreements only so far with Family Consultation and with Sumner County.

Healthwave is the program that started in 1999, through the national CHIPs program, the Children's Health Initiative Program. We just called ours Healthwave in this state. And we contract with a consortium in Topeka for this business and they pay us on a capitated rate, per member per month rate. So far, since 1999, we have seen 1,006 children who have been referred to us through this Healthwave program and currently 67 of them are open in our system and in Family Consultation system. So we've provided quite a bit of service to this group of children who otherwise would have been really struggling for some health services and some mental health services.

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I did go to a meeting yesterday in Topeka and learned that the state anticipated that we would be at about 40,000 total Healthwave members at this point. But with recent layoffs and results from 9-11, we are up on a state number to well over 50,000 covered lives with this contract. And they're anticipating it going even higher. So it's a program that's been well received in this state. I'd be happy to answer any questions that you would have on this one."

**Chairman Sciortino** said, "I don't see that there are any questions. So I'll just ask the Board what's your will on this item please?"

**MOTION**

Commissioner Norton moved to approve the Contracts 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

**Chairman Sciortino** said, "Thank you very much. Next item please."

**3. CONTRACT WITH BREAKTHROUGH CLUB OF SEDGWICK COUNTY TO PROVIDE PSYCHOSOCIAL REHABILITATION AND CASE MANAGEMENT TO SEVERELY AND PERSISTENTLY MENTALLY ILL PERSONS.**

**Ms. Cook** said, "This is a contract that's a renewal of a contract with the Breakthrough Club. I came before you, about a month ago, with an affiliation agreement for Breakthrough Club. This contract is kind of three-pronged. It provides for some financial support for the psycho-social rehabilitation program for adults that Breakthrough Club does for us at their location. They provide some case management and some flex-funds for that and a transitional age program.

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The total amount is not to exceed \$201,000. And it's an increase of about 6% over last year, primarily in increased case management services and the transitional age program services. We're requesting that you approve the contract and I'd be happy to stand for any questions on this one."

**Chairman Sciortino** said, "I just have one question. Could you explain to us, under the financial consideration, what flexible funds are? What is that item?"

**Ms. Cook** said, "Flexible funds are funds that we give Breakthrough Club to be able to serve consumers who have needs, especially in case management or those that are attending their transitional age program. We have flex-funds in all of our services and programs where case management is provided. Sometimes, if they're doing case management, someone needs assistance with rent. Sometimes they need help with a car repair. It all has to go through a fairly thorough process in terms of approval before that flex fund is spent. But it allows them an opportunity, just as we do in our system, to help people out when a financial hardship gets in the way of a treatment process."

**Chairman Sciortino** said, "Is this something that maybe in the private sector they would call a contingency fund? You don't know for sure what might happen during the course of the year but you want to have some funds to take care of anything that you haven't anticipated?"

**Ms. Cook** said, "Exactly, with the exception that this goes toward consumers. It's doesn't go toward their organization."

**Chairman Sciortino** said, "And what is the source of the flex-funds? Is that the state grants also?"

**Ms. Cook** said, "Yes."

**Chairman Sciortino** said, "Commissioners, . . ."

**Commissioner Gwin** said, "The only question I have of Marilyn, can you remind the folks watching about the Transitional Age program? What aged folks are in that?"

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**Ms. Cook** said, “That’s changed a little bit. The Transitional Age programming was an effort and is an effort to kind of see where people are, where consumers are developmentally and make sure that they are affiliating and socializing with an appropriate age group. So we have our children’s program that serves kids up to age 21 but often they’re earlier than age 21, around age 17 or 18, they’re getting to the point where they really want to socialize with kids their age. And so the Transitional Age program helps those individuals become involved in social activities and experience social contacts in a meaningful way before they would go on to the adult program. Some are just not ready to do that. Some never go on to the adult program. They finish with services before that happens.”

**Commissioner Gwin** said, “Thanks for the refresher course. Thank you. Thank you, Mr. Chairman.”

**Chairman Sciortino** said, “If there’s no other questions or comments, what’s the will of the Board on Item F-3?”

**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
Commissioner Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

**Chairman Sciortino** said, “Next item please.”

**4. AGREEMENT WITH HORIZONS MENTAL HEALTH CENTER, INC. FOR**

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**COMCARE TO PROVIDE PSYCHIATRIC SUPERVISION AND CONSULTATION SERVICES.**

**Ms. Cook** said, "This is also a renewal of an agreement we've had for a couple of years with Horizons Mental Health Center in Hutchinson. Dr. Kathryn Madden is board certified in children's psychiatry and we're very fortunate to have her here in Wichita. They could not find or get child certified psychiatrists to live and work in Hutchinson so what they've done instead is they have hired a Nurse Practitioner and Dr. Madden does supervision with this Advanced Nurse Practitioner through our tele-medicine unit that's located at Children's and she does that up to three hours a week. If the ANP has a difficult case, she will also view the child or the family member through the tele-medicine unit as well. And they pay us up to three hours, whether there is a need for that supervision that week or a case that needs consultation or not. It's kind of just a standard thing that they do. Be happy to answer any questions you have on that."

**Chairman Sciortino** said, "Okay. I don't see that there are any questions here at the Bench. So, what's the will of the Board on this item please?"

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Chairman Sciortino** said, "Thank you very much. Next item please."

**G. GRANT APPLICATION TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR LOCAL ENVIRONMENTAL PROTECTION PROGRAM**

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**TARGET FUNDS, TO BE USED FOR ACTIVITIES RELATED TO THE ARKANSAS RIVER.**

**Ms. Irene Hart**, Director, Division of Community Development, greeted the Commissioners and said, "Target funds in the amount of \$23,996 are requested to perform activities specifically related to the Arkansas River and for celebrations for the Year of Clean Water, as sponsored by the Environmental Protection Agency. The City of Wichita will provide local in-kind matching funds totally over \$11,000. Sedgwick County is the grantee for the LEPP program. The application for the target funds is made on behalf of the City of Wichita. I'd be happy to try to answer any questions you might have."

**Chairman Sciortino** said, "Irene, I have a question. Is there already certain activities planned that these funds will be used for for the coming year? What are we talking about?"

**Ms. Hart** said, "There are . . . In particular, there are two committees working. One is a citizens' committee, one is a technical committee working on water quality related to the Arkansas River. The other is they've established a date, I believe in October, for celebrations for the Year of the Clean Water. They've asked us to make this request of KDHE."

**Chairman Sciortino** said, "I understand that but when they say 'requested to perform activities related to the Arkansas River' I get the idea . . . My mind conjures up a bathtub race on the river. Are these just for studies, how to recharge the equus beds with Arkansas River water or what does that mean, 'activity'?"

**Ms. Hart** said, "Primarily, it's staff support for those two citizens' and technical committee regarding TMDLs, the water quality of the Arkansas River, evaluating the research being done, translating that into public education and remediation type activities. The celebration part of it, I've not been a member of that committee and I'm not as familiar with what they're planning."

**Chairman Sciortino** said, "Would we be then approving each one of them, once it becomes a little clearer as to what the celebration involves or what have you? How does that work?"

**Ms. Hart** said, "I think the plan is that if these grants are awarded to us, then we will pass them on directly to the city Environmental Health Department."

**Chairman Sciortino** said, "And then they would then have the sole responsibility and authority to do whatever they wished?"

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**Ms. Hart** said, "They would need, according to the grant conditions, they would be required to report to us both program and budget-wise and we would transmit those to Kansas Department of Health and Environment."

**Chairman Sciortino** said, "Would we have the authority to decline their request or do we just act as the pass-through and they say, 'this is how we're going to spend the money'. We pass it up to KDHE or whatever? I'm still confused. I don't know what this is. Do you?"

**Ms. Hart** said, "There's a base, in the LEPP program, there's a base grant."

**Chairman Sciortino** said, "Can I ask you what LEPP is?"

**Ms. Hart** said, "Local Environmental Protection Program. And we are the grantee. We have the relationship with the Kansas Department of Health and Environment and we've had that award. The funds that were awarded in the base grant were insufficient to carry on the activities that the city already has planned, related to the Arkansas River and to the Year of the Clean Water celebration. So this is an additional or a supplemental grant that we're asking for on their behalf. We agreed to do that."

**Chairman Sciortino** said, "With this supplemental request of \$23,000, what does that bring the total amount that they'll be getting to?"

**Ms. Hart** said, "Nearly \$150,000."

**Chairman Sciortino** said, "Okay. I'm just one person here on the Bench, but I still don't know how they're going to spend the \$150,000. Do you?"

**Ms. Hart** said, "Yes, sir. We have . . . Earlier this year, you all approved a work plan and a budget for the earlier portion of it, the base portion of it. It will support, the total program will support four staff members who are currently on staff at City Environmental Health. They'll be working directly in water quality issues, both with the Arkansas River. They are to be drafting a water well code for our consideration, since they do have experience in that. They continue to do evaluations of water wells countywide for us. So this is a way to continue the activities that they currently conduct in Sedgwick County and within the City of Wichita."

**Chairman Sciortino** said, "I'm going to assume that you all know more . . . I'm a little confused but I assume you all are up to speed and you understand what this is. Commissioner McGinn, could you enlighten us a little bit maybe?"

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**Commissioner McGinn** said, "I thought I'd try to muddy the waters a little more."

**Chairman Sciortino** said, "Muddy the waters more. Good. No pun intended."

**Commissioner McGinn** said, "I'm thinking, in the past the LEPP program has been used, basically, by the City of Wichita because at that time they controlled the Health Department and they controlled septics and lagoons and monitoring those kinds of things is my understanding of that. And with the changes that we've made with the Health Department, in that we're continuing to have a transitional change here, I'm trying to understand. I'm thinking that this is part of that transition and we're just finishing up some of the things that they were doing that they were involved in when they received these LEPP grants from the state. And so, I'm thinking that that comes to closure this year and then the County will receive those because we're in the business now of hopefully alternative sewer systems and not as many septics and lagoons in the future.

So that's kind of my understanding of LEPP. I know it can be expanded to other things as well and you get into septics and those kinds of things, you're also . . . It broadens not just to ground water. It can broaden to surface water as well. And so, you know, Irene can come around and give us more information but it's kind of my understanding is this is just part of the phase-out of the control from the City of Wichita in the Health Department as we're moving into that."

**Chairman Sciortino** said, "Is that your understanding, Irene? That next year that this plan or program would come to us and we would be in charge of it?"

**Ms. Hart** said, "I think next year is still open to negotiation. We do have an agreement with the City of Wichita regarding environmental health and we need to evaluate that agreement and see how next year's LEPP program fits into that agreement."

**Chairman Sciortino** said, "Well, I'm going to defer to Commissioner McGinn, because I have a lot of respect for her knowledge of anything that has to do with environmental programs. So okay."

**Commissioner McGinn** said, "Just one more comment and I think while this is fresh in our minds, I think it would be good for you to come around in the next week or two and really share what that total program is about because I don't think . . . You know, I know it from septics and lagoons and I think it's an expanded program as well and maybe we need to better understand that. Thank you."

**Chairman Sciortino** said, "That's a good idea. Okay, any other comments or questions? What's the will of the Board on this item?"

## MOTION

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Commissioner Winters 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 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, “Thank you very much, Irene. Sorry to be such a problem for you but I just need to get my hands around what was going on.”

**Ms. Hart** said, “Well, this is a new program for me too. So we’ll learn through this.”

**Chairman Sciortino** said, “Great, thank you. Next item please.”

**H. PURCHASING DEPARTMENT.**

- 1. RECONSIDERATION OF ITEM 3 OF THE MINUTES OF THE BOARD OF BIDS AND CONTRACTS MEETING OF AUGUST 22, 2002: STAFFING SERVICES – KANSAS COLISEUM.**

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**Mr. Buchanan** said, "Commissioners, You referred this item to me to review to bring back to you. I've had that review conducted. In the evaluation we only did the review . . . First of all, this was a Request for Proposal. And Requests For Proposals, as you well know, allow us to decide, make decisions and do an analysis based more on just price. Based on the criteria established in the proposal. The evaluation was conducted. It was solely based on the content of the written proposals. The Request For Proposal identified four criteria. Four Request for Proposals and miscellaneous instructions as outlined herein, and the clarity, completeness and comprehensiveness of the proposal, references which may be contacted, all Requests for Proposal mandatory requirements as outlined herein and proposed services described herein with the most advantageous and prudent methodology and cost. No vendor, none of the vendors satisfactorily addressed every requirement but most of those were insignificant or immaterial, in our judgment. There were a couple that were not and that helped in the decision making process.

The three firms submitted proposals that provide clear explanations of their organizations. WD Enterprises did not provide adequate explanation of their methods. On the basis of price, Executive Security appears to be the best deal. Smart Security and WD Enterprises each failed to identify hourly rates for one or more of the required classifications. Elite Professional Services proposed hourly rates that range from \$.75 to \$2.20 an hour higher than Executive Security. In additionally, the firm proposed rates for seven classifications not identified in the RFP.

However, on the basis of relevant experiences, Elite Professional Services appears to be the best. The firm has worked for the Coliseum since '95 and has worked for similar facilities in Oklahoma City, Tulsa, Topeka, Amarillo and several other cities. Executive Security has worked for W.S.U. and Kansas State University and Wichita Festivals and reports having worked quote with 'local radio stations on concerts of various sizes' but doesn't name any of those. Smart Security has worked for Wichita Festivals Inc., River Festival, Hootie concert, etcetera but reports no experience with sports events or arena facilities. And WD Enterprises appears to have significant experience in providing security for military and government facilities, but didn't report any experience for sports, concert or arena facilities.

John Nath, Director of the Coliseum, has stressed the importance of the experience in the events conducted at the Coliseum for not only sports, but concert and family entertainment. And Elite Professional Services is the only responding vendor who cites extensive experience with this variety of events.

On balance then, considering the importance that Mr. Nath placed on comparable experience, I recommend that the contract be awarded to Elite Professional Services, on the condition that the firm required provide insurance companies for its employees, including workers' comp for Sheriff's

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officers who work for the firm.”

**Chairman Sciortino** said, “Okay. I just have one question. I understand wanting to look at depth of experience and I think that’s very important. I also think it’s important, once you get comfortable working with a particular vendor and you know what they can and can’t do, and that’s very important. But what would be the break-over to where that would pale to nonexistence? I mean, is it like if the costs of another qualified vendor was 50% of what the existing vendor is, would that get us to change? Or under no circumstances would we ever change and if that’s the case, why are we sending out to other vendors?”

**Mr. Buchanan** said, “First of all, change is always possible and I think the process of doing a Request for Proposal serves several purposes. One, in writing the Request for Proposals, it allows us to examine what we’ve done in the past, is it the smart thing, is it the right thing, is it the good business sense to do and are there ways to rethink and change our doing business. So it forces management to review the current operations and see what’s needed in the future.

Second, it requires competition between the vendors and allows them, in a Request for Proposal form, to show their stuff. To show their price, to see how competitive that may be, and to show their experience, which is also in this case I think an important role.

I don’t know that there’s a quantitative number or percent above what we’re paying now that would cause us to switch but there is a number and there is conditions that if the vendor was not performing, if the price was increased significantly, that we would not hesitate to do so.”

**Chairman Sciortino** said, “Well, I get a little uncomfortable . . . First of all, I don’t want to micro-manage and I do put a lot of credence into what John does at the Coliseum and I think he does an excellent job and I don’t want to be in the middle of trying to micro-manage who he decides that he would like to have as a vendor. I’m just questioning why . . . Maybe it’s by law we have to, but I mean, if he’s real comfortable with the vendor, why can’t he just renegotiate a contract with that one vendor and forget about the whole process of letting it out for bid.”

**Mr. Buchanan** said, “Because our bureaucratic policies require him to seek requests for proposals so that we can compare prices and compare services and make a business decision based on that criteria.”

**Chairman Sciortino** said, “Okay. Well, I just don’t want to give the other vendors false hope into thinking that . . . They have a right to believe that they would be given a fair and equal shot at it, if they’re being let out to bid. Okay, I’m done. Anybody else have any questions? Commissioner Norton.”

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**Commissioner Norton** said, "What is the length of the contract?"

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The term is a three-year term, with two one-year options to renew."

**Commissioner Norton** said, "Will we automatically go out for Request for Proposal after three years, or is it up to who to decide if we take those options?"

**Ms. Baker** said, "That would be up to the contract manager at the time. Right now it would be John Nath."

**Commissioner Norton** said, "Okay, so it does not come back before Commission at that time. It's automatically renewable at that time. Okay. Describe the post-bid briefing for those that do not . . . You know, are not received as the bid winner."

**Ms. Baker** said, "The process? Once the award is made, letters go out to the vendor who received the award, as well as those who did not."

**Commissioner Norton** said, "Is there any other process past that that would talk to the other bidders on maybe why they weren't considered as strongly, other than the debate that we've had here? Is there other information that would go to them, particularly when you're talking about maybe some organizations that are relatively new in the business or trying to get their foot in the door and maybe don't understand all the bid processes. Are there things that we do to encourage them to bid again and to understand the process and to be better at it the next time?"

**Ms. Baker** said, "Yes. In terms of future business, the letter does. It's a standard letter format. It addresses that. Oftentimes, vendors will call and come in and we'll discuss the evaluation process. All of the documentation is open to public record after the award is made and some vendors choose to take a look at that information as well."

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

**Chairman Sciortino** said, "Okay. Any other comments? I'm going to go ahead and allow public comment on this one. I believe you came before us last time, if I'm not mistaken. Is that correct?"

**Mr. Robert Nices**, said, "Yes, Commissioner."

**Chairman Sciortino** said, "If you have something additional to tell us that's fine. If it's going to be just rehashing what you said before."

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**Mr. Nices**, Lead Assistant, Executive Security, said, “No, all I wanted to do was to a) listen to what had to be said b) make one quick comment and c) show you something.”

**Chairman Sciortino** said, “That’s fine. So for the record, if you’d give your name and address and you’re limited to five minutes.”

**Mr. Nices** said, “Thank you. I don’t understand. My only question is how will we get this quote, unquote experience if we’re a local business, which my understanding was this was Sedgwick County’s policy to try to use local businesses whenever to can. Job loss would be negative. You’d send a supervisor from Oklahoma back to Oklahoma and the out-of-state owners would stay out of state.

My final thing is, I would believe that this position, especially with everything, experience, would come down to trust and reputation, which is why I brought this. I’d like to, if I could, distribute it. It is from Sedgwick County 18<sup>th</sup> District Court, case 97-CR-2227, multiple felonies committed by the district manager of Elite Security while on his post in 1997. I alluded to this a little bit. I went ahead and did the digging and I have here, I’d like for you guys to at least look at it. Three cases of drug possession, . . .”

**Chairman Sciortino** said, “Is this something you want us to see? Kristi, if you’ll . . .”

**Mr. Nices** said, “I mean, I just don’t understand how . . . What a good working relationship, if you have supervisory people for that company creating these crimes yet, . . . I mean, I know they said it was hearsay but here’s proof and that was basically . . . I’d like you to look at that and explain to the people of Sedgwick County how we can have a company that employs people that not only was a convicted felon when he was employed by them, but then goes on to commit these felonies on property. And through my digging also, I found out he is now sitting at the Norton Correctional Facilities for committing further crimes at his post, once he was removed from the Coliseum. I just say that would, I think, reflect on the company a little bit more than a lot of things.”

**Chairman Sciortino** said, “Okay. Is it your contention that this was a former employee and when he was found to have done something illegal, he was removed from that employee?”

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**Mr. Nices** said, "He was the district manager of the Coliseum for Elite Security and he was their main supervisor. I know Mr. Nath knows him. Dave Rush is on the witness list as somebody who was a witness against him in the case. He stole tickets and credit cards from the Coliseum and when he was arrested, had I believe it was meth-amphetamines, cocaine and marijuana in his possession."

**Chairman Sciortino** said, "Okay, all right. Thank you. Is that it?"

**Mr. Nices** said, "Yes. I just want to thank you for your time."

**Chairman Sciortino** said, "Thank you. I'd like to just ask . . . I don't know if I want to ask it of you, Mr. Buchanan or Mr. Nath. But I mean, okay, just in general, a company has an employee. The company is . . . The employee has been found to have done something wrong or illegal and I assume that employee was removed from his position and the company goes on. I don't know who needs to address . . . But that's a legitimate question."

**Mr. Buchanan** said, "I'm not so sure I know what the question is but if the question has to do with us hiring companies who have employees who misbehave and pay the consequences, we don't . . . That's a company decision and it's not necessarily the relationship we have with the individual business. We have employees, other people have employees who, from time to time, violate the law and they are dealt with individually, as individuals and not necessarily as an organization. Is that . . .?"

**Chairman Sciortino** said, "I think so. Mr. Nath, could you come forward just for a minute? Were you aware of this situation, this particular situation?"

**Mr. John Nath**, Director, Kansas Coliseum, said, "Yes, I was Commissioners. That incident did happen in 1997 and when it was discovered, that man was removed immediately and prosecuted. And Elite made everything fine."

**Chairman Sciortino** said, "And Elite reimbursed the County of any . . .?"

**Mr. Nath** said, "That is correct. Well, the individual reimbursed."

**Chairman Sciortino** said, "Okay, but I mean the County got . . ."

**Mr. Nath** said, "A new manager was immediately put in place."

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**Chairman Sciortino** said, “And I assume that you probably inquired of Elite did they set up any other procedures or policies that might make it a little more difficult for another employee in this position to commit the same crimes?”

**Mr. Nath** said, “They did revamp some of their hiring policies. This was a long-term, trusted employee that committed these crimes.”

**Chairman Sciortino** said, “Okay, so you’re comfortable that Elite did everything that you might reasonably expect them to do to protect us or to protect their company.”

**Mr. Nath** said, “That is correct. If it was my company, I would have done the same thing.”

**Chairman Sciortino** said, “Okay, thank you. That’s all I had. Any other questions on this? Anyone else here in the audience that wants to speak about this item? Okay, I don’t see any. I don’t see there’s any other questions of you, John. So I’ll limit the discussion to the Bench. Does anyone have any other comments that they want to make? If not, what’s the will of the Board on this item?”

### **MOTION**

Commissioner Winters moved to approve the recommendation of the Board of Bids and Contracts and we accept the proposal and execute a contract with Elite Professional Services for items 1 through 6, 8, 9 and 10 and to accept the proposal and execute a contract with Stagecraft for item 7.

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, “Just one general comment and this is just me speaking. I would like to see us, whenever possible if it’s a level playing field, to give serious consideration to local vendors, if at all possible. So, that was just a comment I had. All right, next item please.”

**2. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF AUGUST 29, 2002.**

**Ms. Baker** said, “There are six items for consideration that resulted from the meeting of the Board of Bids and Contracts August 29<sup>th</sup>.”

**1) AGGREGATE ROCK- PUBLIC WORKS  
FUNDING: PUBLIC WORKS**

First item, aggregate rock for Public Works. Recommend the low bid from Martin Marietta Aggregates for \$34,000.

**2) SERVERS- DISTRICT COURT  
FUNDING: DISTRICT COURT JUVENILE DIVERSION PROGRAM**

Item two, servers for the District Court. Recommend the low bid from Dell of \$33,775.

**3) NOKIA FIREWALLS- DIVISION OF INFORMATION & OPERATIONS  
FUNDING: SYSTEMS & SECURITY**

Item three, Nokia Firewalls for the Division of Information and Operations. Recommend the quote from Fishnet Security in the amount of \$38,982.50.

**4) COMPUTERS- EMERGENCY COMMUNICATIONS  
FUNDING: EMERGENCY COMMUNICATIONS EQUIPMENT**

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Item four, computers for Emergency Communications. Recommend the quote from Gateway in the amount of \$33,580.

**5) FOUR-DOOR INTERMEDIATE SEDANS- FLEET MANAGEMENT**  
**FUNDING: VEHICLE ACQUISITION**

Item five, four-door intermediate sedans for Fleet Management. Recommend the low bid, including trade-ins, from Lubbers Chevrolet in the amount of \$87,769.

**6) TANDEM AXLE DUMP TRUCKS- FLEET MANAGEMENT**  
**FUNDING: VEHICLE ACQUISITION**

And item six, tandem axle dump trucks for Fleet Management. Recommend the low bid meeting specifications including trade-ins, from Doonan Truck and Equipment in the amount of \$197,620.

Would recommend approval of these items and would be happy to try to answer any questions.”

**Chairman Sciortino** said, “I just have one. What’s the difference between option one and option two? Was there two different ways that they could make the bid?”

**Ms. Baker** said, “I can let Marv Duncan address that.”

**Chairman Sciortino** said, “They also had an option three, apparently. Is there three ways that they could make the bid?”

**Mr. Marvin Duncan**, Director, Fleet Management, greeted the Commissioners and said, “The difference in the options are they sublet the dump bodies out to different vendors here in town and based on the bids they get back from those vendors, that creates a different option for them. The base price of the truck stays the same. It’s the sub-vendors that cause the difference.”

**Chairman Sciortino** said, “Well, I didn’t see that the base price did stay the same though. It looked like the four each tandem axle changed on each option.”

**Mr. Duncan** said, “I’m talking just the base price of the chassis that I see on the bid response. It stays the same and then they marry that up with a different sub-vendor for the dump body and that creates the overall option price.”

**Chairman Sciortino** said, “Okay but I see like, let’s say . . .”

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**Commissioner Winters** said, "But that \$76,000 includes both the chassis and the dump body."

**Mr. Duncan** said, "Yes, sir."

**Chairman Sciortino** said, "So we don't know what the base price was here. So when it says tandem axle \$76,000, dump truck 307, does that mean the 307 is already in the dump truck price of \$76,000?"

**Mr. Duncan** said, "The dump body is already included in that."

**Chairman Sciortino** said, "So we would take 307 divided by four and that would be the cost of the dump truck per item?"

**Mr. Duncan** said, "Perhaps I can clear it up a little bit. If you look at the bottom of your bid sheets there, you'll see in each column at the bottom, like on Rusty Eck, option one, you'll see at the bottom truck parts and equipment. That's the vendor that provided the dump body and the hydraulics. The next column was a different sub-vendor, Midwest Truck and then the third one is Kansas Truck. And then they marry up their bids to their base price for the chassis to come up with the overall price and that's what creates a little bit of difference in the options."

**Chairman Sciortino** said, "Okay. But they all use the same vendors."

**Mr. Duncan** said, "Yes, sir. And I also see what those sub-vendors are giving the different dump truck dealers and they're all the same price. In other words, Midwest gives the same price to Rusty Eck. They give the same price to Peterbilt and then Kansas Truck, they offer the same price for their goods to each vendor."

**Chairman Sciortino** said, "Okay, so if Truck Parts and Equipment, Midwest Truck and Kansas Truck Equipment gave the same price to Rusty Eck and to Doonan, how come there's a difference in what they're saying the dump truck costs them."

**Mr. Duncan** said, "The difference is in the price of the chassis offered by Rusty Eck and Doonan and that's one thing you don't see. And then the other difference would be on the trade-ins."

**Chairman Sciortino** said, "All right. I hate to be just a pain in the ass, okay. I'm looking at page 96. I'll go to Rusty Eck option one, dump trucks \$304,280 from Truck Parts and Equipment. That's what Truck Parts and Equipment charged Rusty Eck for option one?"

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**Mr. Duncan** said, "No. Part of that is truck parts and part of that is the chassis, the cost of the chassis."

**Chairman Sciortino** said, "Okay. Under dump bodies, Truck Parts and Equipment, what is their price? Does it show what they charged Rusty Eck on option one?"

**Mr. Duncan** said, "Not on this document. It's included in other documents that we get."

**Chairman Sciortino** said, "Okay, so the option one of Doonan is \$308,000. The option one for Rusty Eck is 304 but that's not truck parts and equipment, the company making that bid?"

**Mr. Duncan** said, "It's the total of truck parts and Doonan chassis together."

**Chairman Sciortino** said, "If I were to take Rusty Eck Ford option one, \$76,070, times it by four, would I come up with \$304,280?"

**Mr. Duncan** said, "Yes."

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

**Mr. Duncan** said, "And don't forget the trade-ins."

**Chairman Sciortino** said, "I understand that. I'm just trying to get to the base price. So we don't know what the base price is?"

**Mr. Duncan** said, "I do, from other documents that we got with the bid proposal. The base price is somewhere around \$50,000 and then the sub-vendors, for the hydraulic work and the dump bodies, they'll run around \$18,000 and then together you get a price of . . . You get that \$76,000."

**Chairman Sciortino** said, "I don't know that I want to belabor all this for . . . The difference I think is only two or three hundred dollars a truck. I'll just be quite. Okay, anybody else have any questions on this? Okay. What's the will of the Board?"

### **MOTION**

Commissioner Winters moved to approve the recommendations of the Board of Bids and Contracts.

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Commissioner Norton seconded the Motion.

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

**VOTE**

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

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

**CONSENT AGENDA**

**I. CONSENT AGENDA.**

- 1. Easement for Right-of-Way for Sedgwick County Project 634-28 and 29; 63<sup>rd</sup> Street South between Hydraulic and K-15. CIP# R-247. Districts #2 and #5.**
- 2. Agreement with Family Consultation providing on-line access to Sedgwick County's electronic data.**
- 3. Application to SRS to renew the treatment license for the Health Department's Behavioral Health Center.**
- 4. Amendment to Agreement with SRS for Healthy Family Kansas Program Services.**
- 5. Section 8 Housing Assistance Payment Contracts.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V020053	\$267.00		Anne R. Wall
V020054	\$320.00		Andover Crossing Apts.
V020055	\$590.00	5	Helms Rentals
V020056	\$222.00	5	Hearth Hollow Apts.

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V020057     \$535.00            2            Country Walk Apts.

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V2083	\$327.00	\$370.00
V2075	\$366.00	\$425.00
V010129	\$284.00	\$318.00
V2078	\$396.00	\$493.00
V20010	\$378.00	\$535.00

- 7. Order dated August 28, 2002 to correct tax roll for change of assessment.**
- 8. General Bills Check Register(s) for the week of August 28 – September 3, 2002.**

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

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner 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

**Regular Meeting, September 4, 2002**

**Chairman Sciortino** said, “Thank you. I would like to, at this particular point, recess the Regular Meeting of September 4<sup>th</sup> of the Board of County Commissioners.”

**The Board of Sedgwick County Commissioners recessed into the Fire District #1 meeting at 11:00 a.m. and returned at 11:41 a.m.**

**Chairman Sciortino** said, “Is there anything else to come before us at this time?”

**Commissioner Winters** said, “Well, we were going to have Executive Session, but since we’re getting short on Commissioners and close to the lunch hour, I suggest we don’t have that.”

**Chairman Sciortino** said, “That sounds good to me and I don’t think we have to have a Motion. So, if there’s nothing else, then the Regular Meeting is now adjourned.”

**J. OTHER**

**MOTION**

Commissioner Gwin moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with legal counsel on matters privileged in the attorney client relationship relating to legal advice and that the Board of County Commissioners return from Executive Session no sooner than 10:24 a.m.

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

**Regular Meeting, September 4, 2002**

**Chairman Sciortino** said, "Thank you. We are now recessed into Executive Session."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 9:55 a.m. and returned at 10:58 a.m.**

**Chairman Sciortino** said, "We're back from Executive Session. Let the record show that there was no binding action taken. Is there any further business to come before this Board at this time? I don't see that there is any, so this meeting is now adjourned."

**K. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:42 a.m.

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

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**BEN SCIORTINO**, Chairman  
Fifth District

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**BETSY GWIN**, Chair Pro Tem  
First District

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

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

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**CAROLYN MC GINN**, Commissioner  
Fourth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2002