

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 16, 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, October 16, 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; Mr. Rich Euson, County Counselor; Mr. Doug Russell, Director, Division of Human Resources; Mr. Dave Curtis, Shop Supervisor 2, Fleet Management; Ms. Irene Hart, Director, Division of Community Development; Mr. Brad Snapp, Housing Director, Housing Office; Mr. Dale Miller, Current Plans Chief, Metropolitan Area Planning Department; Mr. Sherdeill Breathett, Sr., Neighborhood Economic Developer, Division of Community Development; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. Glen Wiltse, Director, Code Enforcement Department; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Rick Cady, Consultant, Channing Bete Company;
Ms. Janice Smith, 8110 E. 32nd Street N., Wichita, KS
Mr. M.S. Mitchell, 1215 Forest, Wichita, KS
Mr. Wess Galyon, 730 N. Main, Wichita, KS
Ms. Sharon Ailslieger, 1421 S. Lark Lane, Wichita, KS
Mr. Ron Suchecki, 10141 B Valencia Drive, Waco, TX
Mr. Tom Powell, Hinkle Elkouri Law Firm, LLC
Mr. Cliff Helms, 212 N. Brookwood, Derby, KS
Mr. Lester Donaldson, 7313 E. 95th Street S., Derby KS
Mr. Mike Loveland, 8230 Overbrook, Derby, KS
Mr. Jennifer Huner, 8815 E. 87th Street S., Derby, KS
Mr. Tad Lavergne, 1312 Hilltop, Derby, KS
Ms. Mary Myers, 613 Briarwood, Derby, KS
Ms. Beverly Ruble, 9031 E. 87th Street S., Derby, KS
Mr. Gordon Ruble, 9031 E. 87th Street S., Derby, KS

INVOCATION

The Invocation was led by Reverend Kevin Graham of St. Matthew CME Church, Wichita.

Regular Meeting, October 16, 2002

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, September 25, 2002

The Clerk reported that all Commissioners were present at the Regular Meeting of September 25, 2002.

Chairman Sciortino said, “Commissioners, I believe you’ve had a chance to review the Minutes of the Regular Meeting of September 25th. What’s the will of the Board please?”

MOTION

Commissioner Gwin moved to approve the Minutes of the Regular Meeting of September 25, 2002.

Commissioner Norton seconded the Motion.

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

VOTE

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

Chairman Sciortino said, “Next item.”

PROCLAMATION

A. PROCLAMATION DECLARING OCTOBER AS “CLEAN WATER MONTH.”

Chairman Sciortino said, “I have a proclamation I’ll now read into the record. It states:

Regular Meeting, October 16, 2002

PROCLAMATION

WHEREAS, clean water is vital natural resource which is basic to the survival of all life; and

WHEREAS, the Equus Beds Aquifer, the Arkansas River and area lakes and streams are crucial for the economic future of our community; and

WHEREAS, Sedgwick County recognizes its responsibility to be a good steward of the natural resources its citizens use; and

WHEREAS, Sedgwick County accepts its duty and obligation to preserve and protect those natural resources; and

WHEREAS, it is the responsibility of all citizens to take care of and protect water resources for current and future generations; and

WHEREAS, October, 2002 is the 30th anniversary of the enactment of the 1972 Federal Clean Water Act; and

NOW THEREFORE BE IT RESOLVED, that I, Ben Sciortino, Chairman of the Board of Sedgwick County Commissioners do hereby proclaim October 2002 as

“CLEAN WATER MONTH”

in Sedgwick County. Furthermore, the Sedgwick County Commission encourages all citizens, all businesses, industries and all levels of government to recognize and acknowledge the importance of protecting our water supply.

Commissioners, what’s the will of the Board on this proclamation?”

MOTION

Commissioner Winters moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Norton seconded the Motion.

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

VOTE

Regular Meeting, October 16, 2002

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

Chairman Sciortino said, “Do we have anyone here to accept the proclamation?”

Commissioner McGinn said, “I sit on the Sedgwick County Soil Conservation Board for all of you and I’m accepting this on their behalf and I would like to share some of the many good things that have been going on in Sedgwick County and certainly want to thank you because it was this board that supported dollars to help do some well pluggings in Sedgwick County, which is very important in protecting our groundwater supply. It was this board that supported a filtering system pilot project in Riverside that has kind of been slowed because of all the things you have to go through with KDHE, but I understand that that is just about to begin very soon.

It was this board that supported having a water quality specialist here in Sedgwick County, which has now formed Friends of Lake Afton, which is an individual that goes out and teaches landowners about best management practices and it is this board that today will be looking at upgrading our sanitary code by looking at ways in which, when we go out and put on . . . or when individuals use on-site sewer systems, we are looking at a system that’s going to improve the environment and decrease what could get into the groundwater. And so I applaud you for your dedication to preserving our natural resources and, particularly today, water quality here in Sedgwick County. Thank you.”

Chairman Sciortino said, “Thank you, Commissioner. And one thing I want to say from the Bench, we’re very fortunate to have Carolyn sitting with us on this Bench. Education-wise, she has a degree in Environmental Studies and is very beneficial for us whenever we’re making any decisions about the environment and what’s good and what’s bad. As a layperson, we may think something is good and then we proceed down a path and it has unintended consequences, but having someone on the Board with Carolyn’s educational background to advise us is invaluable and just wanted to make that mention. So, Clerk call the next item please.”

RETIREMENTS

Regular Meeting, October 16, 2002

B. PRESENTATION OF RETIREMENT CLOCKS.

1. DAVE CURTIS, SHOP SUPERVISOR 2, FLEET MANAGEMENT, WILL RETIRE NOVEMBER 1, 2002 AFTER 21 YEARS OF SERVICE.

Mr. Doug Russell, Director, Division of Human Resources, greeted the Commissioners and said, "We have two retirements today, both in our Fleet Management area. One of the gentlemen cannot be here. Roy Ott will be having a farewell sendoff by his peers, so we agreed that we would give him the clock at that time.

The other gentleman I believe is here, Dave Curtis. Dave Curtis has been a supervisor with Fleet Management for . . . he's retiring after 21 years. Just helped us build the new building. I'll read what Dave had to say. Dave plans to spend time with his wife, Phyllis, their two daughters Pam and Paula, their husbands Gary and Roger and his four grandsons, Alex, Jeff, Evan and Charles. Also, his brother Paul just retired, so he's going to spend some time with him.

Dave says, 'I like to work outside and we are always doing something to the house. I belong to the Lions Club. We just finished our fall festival in Goddard. I am also on the board of trustees at our church and that keeps me busy and Phyllis and I are going to travel'.

David has worked for Fleet Management and Motor Pool, again for 21 years. He describes his employment as rewarding, an opportunity to work with so many nice people and oversee the change of the new building. Change indeed. David also says, 'I would like to thank all the past and present Commissioners for affording me the opportunity to serve Sedgwick County'. And Dave, if I can get it open, here's your certificate and Commissioner Gwin has your clock."

Commissioner Gwin said, "Did we spell our names right on there? That's always a challenge for us. Dave, on behalf of the Board of County Commissioners, we want to thank you for your service to the people of Sedgwick County. He sounds like so many of our employees, that his life is full and busy with other activities throughout his community and this county, so we know you'll be busy in your retirement too. We wish you well. Come back and see us often. Thank you, Dave."

Mr. Dave Curtis, Shop Supervisor 2, Fleet Management said, "Like I say, I see that Fleet Management has closed down today. I apologize for that. Got many friends down there. We're

Regular Meeting, October 16, 2002

going to miss them, my lovely wife, grandkids for very good years that they've put up while I've been out working in the snow and all that good stuff. I guess, like I said, I want to thank the past and present Commission. It's been a pleasure and an honor to serve the citizens of Sedgwick County. But I'll tell you, if you want to see me, just look at the west at the beautiful sunset and I'll be out there someplace."

2. ROY OTT, MECHANIC 2, FLEET MANAGEMENT, RETIRED OCTOBER 1, 2002 AFTER 21 YEARS OF SERVICE.

Mr. Russell said, "Commissioners, Roy Ott also had 21 years with Fleet Management as a Mechanic 2. So we'll miss him as well."

Chairman Sciortino said, "And while we're waiting for Commissioner Gwin to get back, Dave, from personal experience, let me just give you really one bit of advise on retiring. Do not, under any circumstances, on your own try to rearrange your wife's kitchen. It doesn't work."

Mr. Curtis said, "I can't do anything. I tried to do the washing the other day and I put too much soap into one of these brand-new fancy clothes washers and it shut down."

Chairman Sciortino said, "Well, just wanted to remind you about that kitchen thing. I made that mistake in a past life and I just wanted to share with you that experience there."

Commissioner Norton said, "Two magic words, 'yes, dear'."

Chairman Sciortino said, "Clerk, call the next item please."

PRESENTATION

C. PRESENTATION REGARDING ASSESSMENT OF SEDGWICK COUNTY COMMUNITY CRIME PREVENTION PROGRAMS AND STRATEGIES

Ms. Deborah Donaldson, Director, Division of Human Services, greeted the Commissioners and said, "Before I make the introduction, I do want to acknowledge that we do have a number of providers here who provide services through the prevention program."

I am very pleased to be here today to introduce Rick Cady. Rick works with the Channing Bete Company, which is recognized as a leader in prevention science in America. Rick was one of the original developers of the Communities that Care system, along with J. David Hawkins and Richard

Regular Meeting, October 16, 2002

Callono at the University of Washington and there have been people throughout the world who have been involved in the development of this system. As some of you are aware, Dr. Hawkins did come to Kansas and presented this program to the state legislature and the Juvenile Justice Authority adopted that strategy, the Communities that Care, and it's now recognized as a leader in the country for the development of a comprehensive strategy for chronic, serious and violent offenders.

Rick was the project manager, actually, for the Kansas Initiative, so we're really pleased to have him back here three years later to help us evaluate and assess the Community Crime Prevention program that we have. Rick."

POWERPOINT PRESENTATION

Mr. Rick Cady, Consultant, Channing Bete Company, greeted the Commissioners and said, "Thank you very much for the opportunity to be here and to give you the findings of the consulting trip that I spent in August working with the providers. I also want to spend a second thanking Ms. Donaldson, Mr. Masterson, Ms. Livingston and Kautzer for their work while I was here and also the providers. During the month of August, I had an opportunity to visit with all of them and actually perform the consulting visit.

If you'll bear with me for a second, I'm going to see if I can be Powerpoint empowered today. Thank you very much. The purpose, in the next few minutes, that I have is to highlight the findings of this consulting visit that I performed. The original purpose of the visit was really to assess the effectiveness of the currently funded prevention programs and there were five key questions that were asked.

The first was are intended populations being served by the current level of funding? Are the numbers served as agreed and realistic? Are the participant outcomes realistic and measures? Are there opportunities for program to program collaboration and are there changes that would improve the system of prevention services for programs? This was the primary purpose of this visit and, as I mentioned before, it involved interviewing you, the Commissioners, also the providers, all 17 providers were interviewed, along with COMCARE and the Department of Corrections individuals.

I've broken the report down into two sections. One of them is strengths. The second one is recommendations and the recommendations section, it's broken down into three sections. One of them is recommendations on systems changes. Another one is on programs and finally, on communications.

This is the strengths section. I apologize for the abbreviations but if you spell everything out, all of the sudden it becomes a very lengthy Powerpoint presentation, so I appreciate and commend the Commission for investing in the youth and families of Sedgwick County. The investment in

Regular Meeting, October 16, 2002

prevention dollars from County, compared with the Juvenile Justice funds, is unique and it truly is commendable for you to be investing in your families and youth as you have.

Also, I've found in many cases the Department of Human Services, COMCARE and Department of Corrections work synergistically together. This is very unique. I've had an opportunity to work throughout the country with a number of different governments, both state and local governments and I've found that many times what you find is that the departments tend to silo their money and do their own thing. In Sedgwick County, you have a unique situation where you have your department heads working together along with their staff. That's very commendable.

You have effective COMCARE and Department of Corrections evaluation and contract monitoring methods. You're using an outcome based measuring method, which is on the cutting edge in the prevention sciences throughout the country and you also have contract monitoring, which is being done by both Department of Corrections and COMCARE. Both of these are very effective in preventing contract difficulties as you move down the road in actually implementing your prevention programs.

One of the things that I was especially appreciative of, as I interviewed the different providers, was you have dedicated providers committed to positive participant outcomes. Your providers are working very diligently to be able to bring the best services they possibly can to the targeted audiences that they are addressing.

Programs providing services to the intended audience was one of the key questions, and yes they are. They are getting to the populations that they are intended. And providers are invested in the outcome-based methodology that's being used. Many times my experience has been that providers will balk at the outcome-based measures. In this case, in Sedgwick County, you have providers that are committed to being able to measure actually what they are doing and to be able to convey that information to you.

On the systems side, this is getting into the recommendations, as I said the recommendations are broken down into three areas. The first one is systems. The next one is programs and finally, communications. Recommend that you synchronize your fiscal years. Currently, the state Juvenile Justice funds directs the Department of Corrections to let out its dollars on a state fiscal year, so

Regular Meeting, October 16, 2002

you're working July 1 to June 30, whereas the County prevention dollars are let out on a calendar year. It would be very effective if you were able to synchronize those two dates, which ever works best for you, and that would allow then an implementation of a joint Department of Corrections and COMCARE annual review application and evaluation process. Through an annual review and implementation process, it would allow for easier coordination and synchronization of the programs, to look at opportunities for a cross-program sharing and for better coordination with the different programs that you currently are funding.

In the annual review, I recommend that you incorporate some conditions. One of them is you dedicate 60% of the funds be dedicated to tested and effective programs. By tested and effective programs, what I'm referring to is in the prevention science world in the last five or six years, we've begun to find programs that actually do work to address the problem behaviors that we're looking at, specifically through addressing the priority risk factors that you have identified. We know the predictors of these problem behaviors. We now know programs that effectively reduce those risk factors and address the problem behaviors.

There are two sets of tested and effective programs that I'm recommending that you look at. One of them is the Department of Justice Office of Juvenile Justice and Delinquency Prevention, Blueprint for Violence Prevention. The other one is the Communities that Care Prevention Sciences Guide.

Also recommend that you include in the annual review funding restrictions. For example, the State Juvenile Justice Authority funds cannot be used for . . . targeted at kids 0 to 6, so it's seven years old and up. Those restrictions should be clearly stated in your annual review.

Also, which priority risk factors need to be addressed. At the current time, you're looking at family management, early and persistent anti-social behavior, lack of commitment to school and academic failure. Those four risk factors allow you to direct your funds to get the maximum benefit from your investment.

I recommend that you increase the use of the Communities that Care Youth Survey. Back in '98 and '99, the Kansas Juvenile Justice Authority contracted with, at that time, Developmental Research and Programs, which is now known as Channing Bete Company, to actually implement throughout the State of Kansas the comprehensive strategy for chronic, serious juvenile offenders. As part of that, Greenbush and Associates was contracted to administer the Communities that

Regular Meeting, October 16, 2002

CareYouth Survey. If I understand correctly, currently throughout Sedgwick County not all schools are utilizing the youth survey. What this does is not allow you . . . that was a double negative. Sorry about that. This doesn't provide you the opportunity to actually take a look at what are the risk factors throughout your county and to be able to target your funds to where you need them to be most effective in reducing those risks.

Also recommend that you update your risk and protective factor profile and that you also look at the assessment of resources. Recently, Dr. Delores Craig did an update on the risk factor profile, but as far as I know the resource assessment hasn't been done. This will be very effective in giving you an opportunity to take a look at what resources are currently out there and to be able to efficiently target your resources.

I recommend that you enhance the COMCARE, Department of Corrections work with providers in establishing measurable outcomes. This to me is a very critical piece in that the providers, as I mentioned before, are dedicated to try and use the outcome based measures to be able to show what effect they're having on the participants. COMCARE and Department of Corrections has done a masterful job in working with providers and having them identify what their outcomes are. What I'm indicating in here is I think it would be beneficial if COMCARE and Department of Corrections had additional training on establishing outcomes and then, in turn, train the providers so that they could facilitate them, identifying what their outcomes are. I'll get into this in a little more detail in a second.

I just realized something. If you look at the title, Findings and Recommendations, Strengths, this should be systems, my apologies, that's a misspell. I recommend that you revise the COMCARE A to F grading system by replacing it with COMCARE and Department of Corrections outcome based system. Currently, you have two outcome-based reporting methods. One of them is done through Department of Corrections. The other one is done through and that was with the assistance of Dolores Craig. The other one is done through COMCARE and reports out information to you, the Commission.

What I would recommend is that with the annual review and implementation process, that you actually take a look at coming up with a common outcome-based measuring methodology that then facilitates communication to you about what is effectively occurring in prevention."

Chairman Sciortino said, "Let me interrupt you for a minute on that. Does the Department of Corrections have their own system of measuring outcomes? We use an A to F and they have a different system."

Mr. Cady said, "Yes, they do."

Regular Meeting, October 16, 2002

Chairman Sciortino said, "So are you suggesting that is their system a good system?"

Mr. Cady said, "It's a good system but what I'm recommending is I'm not trying to weigh one over the other. I'm recommending that the Department of Corrections and COMCARE consult with Dr. Delores Craig in coming up with a common outcome-based system."

Chairman Sciortino said, "And that's under the assumption that the Department of Corrections feels that their system needs to be modified or changed?"

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

Chairman Sciortino said, "Okay. I have some other questions, but I don't want to interrupt you because you might lose your place there."

Mr. Cady said, "Okay. The next point is COMCARE and Department of Corrections have effectively established program outcomes at appropriate levels. That was one of the questions you asked and I'll come back to that in a second."

Moving on to the program area, you asked that there be four key questions originally. Were populations being served that you intended? Were the numbers being served as agreed and realistic? And were program participant outcomes realistic and routinely measured? I can answer yes to those three. The intended populations are being served. The numbers being served are agreed and realistic and the program participant outcomes are realistic and routinely measured. And again, hats off to COMCARE and Department of Corrections for installing the outcome based methodology.

Also, the quantity of programs funded appears appropriate. This was the question I think you asked me when I had an opportunity to meet with you. We're plowing a field a mile wide and only an inch deep. Should we be plowing deeper? Should we be narrowing down the field? My belief is no. You're actually plowing a mile wide but you're plowing quite deep. I think you're being effective in the distribution of your dollars.

The next one is COMCARE and Department of Corrections receive additional training in writing outcomes and the purpose in here, and I don't want this to be construed as if they don't have a good knowledge base, but what I'm trying to get to is having them have the ability to go work with the providers to train them in writing the outcomes. This isn't that the providers will establish their outcomes on an annual basis. This is in a negotiation process with COMCARE and Department of Corrections having the final say.

Regular Meeting, October 16, 2002

The next piece, recommendations and findings, is communication. I recommend that COMCARE and Department of Corrections meet with the Commission on finding the best communication methodology possible. Right now, if I looked at the sum of the information that you are receiving, I would have to take quite a bit of time to actually understand it and get a handle on it. I'm wondering if it would be beneficial to have something like a one-page executive summary that allows you to go through and look at each one of the programs and find the highlights for what that program actually did during the last reporting period.

Also, COMCARE and Department of Corrections providers meetings to alter them to developments. One of the things I think often occurs is Department of Corrections and COMCARE are moving ahead very quickly. They have a lot of state information. They have a lot of county information. Then the providers are not quite aware exactly what is going to be coming in the near future. So my recommendation was that there be regular meetings for an opportunity for COMCARE and Department of Corrections to actually update the providers with what are the new trends and events that are going to be occurring.

Finally, Communities that Care update seminar for you the Commission, COMCARE and Department of Corrections. It's been three years now since you've heard about Communities that Care, comprehensive strategy and whatnot. There's been a lot of developments in the last three years. I think it would be beneficial if there was a seminar to bring you up to speed on some of the new prevention science that is occurring.

Next one, COMCARE and Department of Corrections sponsored trainings on current prevention science, including tested and effective programs. These are general public trainings for people that are interested, specifically for your providers. Next, COMCARE and Department of Corrections sponsor regular provider forums to enhance program-to-program coordination and resource sharing.

One of the things that I found after I interviewed the 17 providers that are currently receiving funds, it would be very beneficial if there were some cross-sharing, as to what those programs are actually doing. So, if I'm in one provider, I know what other providers are doing and I find opportunities for cross-sharing.

And a final concluding note, again I commend the Commission for investing in the County's youth and families. It's unique and my hat is off to you. I think the Department of Human Services, COMCARE and Department of Corrections work synergistically together and that's especially noteworthy. And the prevention program providers are praised for their dedication and commitment to quality services. I thank the Commission again. I'm more than willing to answer any questions that you have."

Regular Meeting, October 16, 2002

Chairman Sciortino said, "Thank you and I believe there are some. Commissioner Winters."

Commissioner Winters said, "Thank you. I certainly appreciate your input. I think you've given us something that we can continue to improve our system on and which is kind of what brought us to asking Mr. Cady to come about is every time we get into a serious discussion about our prevention funds, we all kind of come away scratching our heads saying, 'You know, we think this is a right track, but we're never sure that we're headed down the right road. And I see a number of our providers are in the audience today and I guess what we've been trying to do is we have confidence in them. Now we just need to have confidence in ourselves that we're on a good track."

A couple of questions. As you talk about dividing it up 60% with tested programs, 40% with promising approaches kinds of programs. Do you have a feel for where we are in that ratio now with our prevention funds?"

Mr. Cady said, "As I took a look at your programs, I realized, to try to answer that very question Commissioner, is I realized I needed additional information to actually be able to put my finger on it and say, 'Yes, this is a tested and effective program'. But in my first cut, holding out diversion and case management, I found that five of your programs are currently tested and effective."

Commissioner Winters said, "All right."

Chairman Sciortino said, "Five percent were . . ."

Mr. Cady said, "Five programs."

Chairman Sciortino said, "Out of how many?"

Mr. Cady said, "You've got 17. Out of that, you have some case management and diversion programs. I can't tell you the tally."

Chairman Sciortino said, "So about a third of our programs are the tested, effective programs that you're recommending?"

Mr. Cady said, "That's correct, Commissioner."

Chairman Sciortino said, "Okay, got it. Did that answer your question?"

Commissioner Winters said, "Yeah. I think the other . . . the two other points I wanted to talk about just briefly and I don't know that we can come to conclusions or I'm not asking for a conclusion but we continue to talk about measured outcomes and I think you've given us some

Regular Meeting, October 16, 2002

things we can think on and build on, but again that's one of the places wherein our problem lies, how do we really measure these outcomes that are probably going to take years to see a real effect on the community and then we're still afraid that we might not see what our real objective is. So, I appreciate your comments about measuring the outcomes but I'm still a little hazy on how we're going to do that real well."

Mr. Cady said, "One of the things that I think you can do and you currently are doing is you're actually measuring your current participant outcomes from the standpoints of are they repeat offenders. Are they doing repeat delinquency or other types of crimes? Are they staying in school? Those are actually now being measured by COMCARE and Department of Corrections. In the long term, part of the reason why I'm recommending you go to tested and effective programs is because we know from them being tested and effective, they have an effect. That's part of where we're trying to move it towards using more tested and effected programs so that you can say, 'In five years, I know I'm going to see a reduction in the incidences of family management problems and in turn, will probably see a reduction in the problem behaviors, delinquency, violence etcetera.'"

Commissioner Winters said, "All right. Well, I'm ready to move on off of the A,B,C,D,E,F deal. In fact, I remember we were sitting down at this table right here one day and I said, 'Well, let's just give them a letter grade. If they're doing great we'll give them an 'A', if they're not we won't. But I think it probably is time to move on past that and refine that a bit.

You mentioned perhaps a seminar and I think that really sounds like a good idea. I was certainly involved with the state when we had those first Community Care seminars. I was the convener for the group here in Sedgwick County, the 18th Judicial District. Talk a little more about what you're seeing in this seminar or meeting. Are you talking about a community kind of event, with providers, commissioners, etcetera, or what were your thoughts there?"

Mr. Cady said, "There's a couple of different ways. My original thought was to have a two-hour seminar, maybe a half day if you have the time, three or four hours that is focused more on you, the Commission, and COMCARE and Department of Corrections. From there, there could be additional trainings for providers, which I would recommend and then beyond that there could be general, public information. The reason I broke it down in my thinking that way is I can imagine that the Commission would have particular questions that are more systemic as to what does Communities that Care mean to our system, how will it effect it? It might not be particularly appealing to the general public, so it was more intended as truly a seminar, so that you had a

Regular Meeting, October 16, 2002

opportunity to hear what the prevention science is, along with your staff, and also to be able to then play questions with ‘What does that mean for us?’”

Commissioner Winters said, “And Commissioners, that might be a way to get a handle on some of our uneasiness that we have occasionally is if we would really, again, look at the Communities that Care system, program, format. I mean, It’s out there. It’s being used in many places across the country and if we could refocus on that a bit, it might help us just individually and as Commissioners. That’s all I have right now, Mr. Chair.”

Chairman Sciortino said, “Thank you, Commissioner. Commissioner Norton.”

Commissioner Norton said, “Just a couple of things. I’d be interested in a couple of the models that are out there that we could review. Obviously, you have a nationwide look at things, and the documents I’ve seen don’t talk about that. Can you give us some information, some readings, some models out there of other communities and kind of how they have stemmed the tide or what they’ve done that’s been really good?”

Mr. Cady said, “I certainly can. I think probably the best way would be to send you some information, rather than try to tell you about it.”

Commissioner Norton said, “That’s fine. I’d just like some readings. We continue to struggle with this and it seems to me that the struggle comes that every time we start talking about building more jail space, we start talking about how do we get upstream to keep people out of jail and we know that we need to work with juveniles to do that, so we keep moving back to that one place.

I’m interested in you said ‘Don’t do anything 0 to 6’ and I know Tom is very interested in the learning that we’ve had that 0 to 6 is where kids are wired and start to form their opinions and those kinds of things. Why that?”

Mr. Cady said, “I passed over that very quickly and my apologies. Actually that’s a funding restriction on the part of the state’s Juvenile Justice Authority funds where they’re saying there are other funds that are going to be targeting 0 to 6. Our funds are targeted at 7 and older. Okay. Currently, you do address some of the youth with your funds in Sedgwick County. So it’s not as if we’re saying ‘no on 0 to 6’. In fact, we know 0 to 6 are very formative years. I believe, and correct me if I’m wrong, but I think you’re implementing the David Olds prenatal program. Okay, that’s critical. That’s one of the most tested, effective programs that we know of and you’re actually starting true prevention, because it’s from conception on up to two years old.”

Regular Meeting, October 16, 2002

Commissioner Norton said, “Well, you went by that pretty fast and it sounded like don’t put any money there and I’m thinking, ‘Wow, that seems like it’s going to derail some other things that we’re doing’. Okay.”

Mr. Cady said, “My apologies, Commissioner.”

Commissioner Norton said, “I didn’t see and hear what those five tested programs that we are presently doing are. Did you innumerate those somewhere?”

Mr. Cady said, “I can. I didn’t, I just listed the ones in notes to myself. But I’d be happy to identify which those are and give them to Ms. Donaldson.”

Commissioner Norton said, “I think it would be interesting for us to know kind of which ones are the five that are kind of nationally tested or locally tested and wouldn’t fall in that kind of new ground being plowed or whatever. I’d like to know that. That’s all I’ve got right now, Mr. Chairman.”

Chairman Sciortino said, “Thank you, Commissioner. Commissioner Gwin.”

Commissioner Gwin said, “Thank you, Mr. Chairman. A couple of things, about your recommendation of the 60% for tested/ effective and 40% for programs that are promising approaches, do you think . . . One of our goals in this organization is to encourage innovation and creativity. Do you think that that split allows then, that 40% remaining, encourages creative kind of innovative thinking, new ways of testing and then coming up with something that hasn’t been done yet?”

Mr. Cady said, “Yes, I do. I think also that you can look at the innovation in that there may be a tested/ effective program but what we know is the innovation is making it work for your particular population that you’re addressing. So there’s creativity in that 60%, I mean figuring out how to make it work at the level of fidelity you need to be getting the effect you have. But I think with the 40% set aside for promising approaches, you’re allowing yourself some room for innovative programs. It also begs the question of do we know all the tested and effective programs. No. It’s a progressive science that we’re working through, so each day the scientists are coming up with new information on tested and effective programs. So hopefully we’ll be able to round out the picture

Regular Meeting, October 16, 2002

more effectively in the future.”

Commissioner Gwin said, “Then secondly, you talk about the assessment, how you evaluate outcomes and I think you’ve suggested that we need to be . . . they need to be very similar. Our Department of Corrections has one evaluation or assessment scale or criteria and COMCARE has another. Do you . . . and you probably don’t have time, but I’d appreciate some more information as to how you would see that, recommend that coming together and how we kind of get on the same page with both of those funding entities.”

Mr. Cady said, “And I think in the report that you have I recommended that Dr. Dolores Craig be consulted on working with COMCARE and Department of Corrections to come up with that common system.”

Commissioner Gwin said, “Well, I have great respect for Dr. Craig-Moreland so I would be interested in that too. Thank you, Mr. Chairman.”

Chairman Sciortino said, “Thank you. Commissioner McGinn.”

Commissioner McGinn said, “Thank you, Mr. Chairman. You may not be able to answer this to the level that I can understand today, but if so, fine. Otherwise, you can get it to me later. On that 60%, you said five of seventeen are the tested/ effective programs. Of those that are not, can they become? Is it just the way in which it’s being monitored and valued or what?”

Mr. Cady said, “There was some question in my mind, as I read through the material that I’d collected, both from Ms. Livingston and Ms. Kautzer and the information in my interviews, where honestly I didn’t want to really pinpoint it and say, ‘These programs are definitely tested and effective, these are not’ because I felt like I needed more information. So the first thing that you’ll notice I recommended was to strengthen your system is to do a resource assessment and part of that would be assessing whether programs are tested and effective. So, out of the five right now I believe those are tested and effective. You may have other programs that are also tested and effective, I just didn’t have enough detail.”

Commissioner McGinn said, “Okay. And the 60/40 split, the 40 allowing for grassroots creativity, that kind of thing, can that mix also include who currently are receiving the dollars or does that say we’re going to be looking at new that hasn’t even been at the table before?”

Mr. Cady said, “No, in fact one of the things I recommend is that you not throw out the baby with the bathwater, so to speak, is that you actually take a look at your current providers and say, ‘Is this still a program that we want to continue to fund?’ No it’s not tested/ effective, therefore it falls into

Regular Meeting, October 16, 2002

the 40% and we want to definitely do that. One of the things that I would recommend with those 40% programs is that there be clear evaluation of their effects over long-term.”

Commissioner McGinn said, “Okay. And it sounded like we do have a good variety of providers right now that’s probably hitting the areas that we need to hit in our community.”

Mr. Cady said, “I think you do.”

Commissioner McGinn said, “Okay. I guess my final question is where do we go from here and that kind of thing?”

Chairman Sciortino said, “Let me ask, were you recommending that we ask our providers whether or not they think their program is effective and whether or not we should continue funding them? Because I can answer for all of them, yes. Are you asking us to engage our providers in asking them if they think we should continue funding their program? Is that what I just heard you say to Commissioner McGinn?”

Mr. Cady said, “Actually, what I’m recommending is that the group that’s formed to implement Communities that Care actually take a look at doing a resource assessment and actually identifying whether programs are tested and effective. In some cases, that can be a provider, but it’s not simply asking a provider ‘show me it’s tested and effective, raise your hand’ because you go through a criteria that we actually work through for the providers to be able to identify with.”

Chairman Sciortino said, “Okay. Commissioner Norton.”

Commissioner Norton said, “When you talk tested and effective, is that a national standard that you’ve looked at several models that fit exactly what we’re doing and it’s nationally recognized as tested and effective?”

Mr. Cady said, “Yes, it is.”

Commissioner Norton said, “Can we put standards on some of our own that will create tested and effective at a local level or does that have to have other models out there that have shown it in other places to become tested and effective? I guess I don’t . . .”

Mr. Cady said, “I’m not quite clear on the question, Commissioner. If you’re asking can one of your programs that’s not currently listed in the tested and effective guides become a tested and effective program.”

Regular Meeting, October 16, 2002

Commissioner Norton said, “Well, if we’re kind of the only person doing that particular model, it’s not out there nationally, how do we get it to know it’s tested and effective, other than comparing it to somebody else, because we’re not comparing apples and apples in some cases.”

Mr. Cady said, “Yes, you can. There is a degree of evaluation that needs to be conducted for those programs and they can be submitted to the Department of Justice and to us and also to the Center for Substance Abuse Prevention for evaluation as to whether they meet the tested and effected programs.”

Commissioner Norton said, “Okay. Do we know that currently in our system that we can do that and that’s an appropriate method for putting the right certification on our programs?”

Mr. Cady said, “I don’t know if you do or not.”

Commissioner Norton said, “It seems like that would be real important, as we move forward, to try to push to have particularly our new and innovative move towards that, even if it’s not shown in a national model anywhere else. Maybe we’re the leaders in some of those things.”

Mr. Cady said, “I agree with you. I’m an advocate. I’m a prevention scientist, so I’m always advocating for a higher level of evaluation of programs.”

Commissioner Norton said, “Okay. Talk a little bit about streamline reporting and outcomes. That’s one of the things I’ve heard from providers, a lot of them in our system, that somehow we need to get it more succinct, easier to provide the information but not make it be huge reports that nobody reads. How do we get to there?”

Mr. Cady said, “Well, that’s one of the key pieces in working with COMCARE and Department of Corrections and Dr. Craig-Moreland is to actually sit down and say ‘What is the best way to measure the outcomes from our programs?’ In my interview with the program providers, some people were saying, ‘We’re doing more than we’re actually getting credit for’. So my first inclination is, ‘What is it?’ and let’s write some outcomes around it. There’s also, if you looked at it, there was a number of different outcomes that were listed. It’s possible to condense that down and be more efficient in it. Those are all questions that I think really have to be addressed by COMCARE and Department of Corrections and with the consultant.”

Regular Meeting, October 16, 2002

Commissioner Norton said, “Okay. Talk a little bit about the simplistic of interpreting it for the BoCC because we need it down and dirty and that we are getting the results and sometimes we get caught up in the lingo of all the providers and the system and trying to read through that and really find out if we’re doing the right things is hard. How do we get to this?”

Mr. Cady said, “I think one of the pieces that would help with that is this seminar that I talked about, so that you get kind of an update as to what is the language, what are we talking about with that language. And the second piece that I recommended in the communications strategy, or communications recommendations was for COMCARE and Department of Corrections to actually sit down with you to figure out what’s the best communication method. Do you want a one-page summary that says ‘Our programs are doing good, here’s how we know that’ or do you want a more elaborate report or both. So I don’t have the right answer for you. That’s really a decision to say, what is the level of information you want, how do you want that information presented to you, how frequently do you want the information presented to you. That’s why I really recommend that COMCARE and Department of Corrections meet with you to identify what that is.”

Commissioner Norton said, “Talk a little bit about overlap of programs and when you have to decide to cut bait, because you know we tend to hang on to programs and continue to roll them over year after year. We’re about in the fifth year . . .”

Chairman Sciortino said, “Now, be careful. You’re scaring half the people in the audience.”

Commissioner Norton said, “This is honest dialogue. We need to be having it. So when do you . . . we’re about five years into the program. When do you start sunseting some programs, or combining them or do different collaborations? What does that look like that you’ve seen?”

Mr. Cady said, “I wish I had the answer for you. What I’ve experienced is as you install programs you see change and then comes the question of ‘Have we addressed the problem and are we no longer in need of that program?’ That’s rare, because typically we’re always trying to do the catch up, we’re always trying to be ahead of the curve in prevention.

I think also that when you go back and you redo your resource and also your risk and protective factor profile, you may find changes in Sedgwick County, which is occurring simply because of the influx and outflow of individuals, there’s a different population than there was here three or four years ago. So that could change the profile of the community. That’s why, in Communities that Care, we recommend that every two to three years you re-administer the youth survey, you re-look at your resources so that what you’re doing is you’re keeping it contemporary. It’s staying current with the current situation in your community.

Regular Meeting, October 16, 2002

I don't think it's wise to think of sunseting programs. I think that's more of a question of are we still seeing the outcomes we want and is that targeted audience still a critical audience that we want to address."

Commissioner Norton said, "Okay, all right. That's all I had."

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

Commissioner Winters said, "Thank you. Just one last thing for me, I guess, and I don't mean to put words in your mouth but one of the things that made sense to me are we continue to ask ourselves that question, are we trying to plow a mile wide and are we not being effective at all, I guess I am glad to hear you say that we may be plowing a mile wide but we may be doing better work than we think we are and we really need to stay the course, although we've got several refinements that we could do. So I guess the expert from Dover that you are . . ."

Chairman Sciortino said, "Is Dover more than 500 miles from Wichita."

Mr. Cady said, "That's the key to being an expert."

Commissioner Winters said, "I guess I do hear you saying that we need to stay the course and refine our methods but stay the course."

Mr. Cady said, "Yes, absolutely."

Commissioner Winters said, "Thank you."

Mr. Cady said, "You're welcome."

Chairman Sciortino said, "Okay, Commissioners, let me try to sum up what we're doing here. I think it would be important for the audience to understand in just Kansas kitchen English why we started this whole process. Our concerns were that we were spending your dollars, these are local dollars, these aren't state-funded dollars, federal dollars, this is in addition to all the other programs out there, this Board made a decision that it wanted to put local dollars into prevention programs. We weren't comfortable that we knew what we were doing or that what we were trying to do was having the result that we wanted to have happen, and I have to tell you, I'm not one that always speaks politically correct, but we wanted to make sure, if our goal was to stop this individual or

Regular Meeting, October 16, 2002

reduce people going to jail and to change somebody's antisocial behavior, we wanted to be able to say 'Okay, we worked with 100 children and 95% of them are now on the right road and we lost five, so we're 95% effective'. That's probably being too simplistic, but that's the only way I can understand things sometimes.

The concept of trying to use tested effective programs, as I read that, like the Olds program. This is something that's been in operation for what 15 years. They already have outcome measurements and they already have a track record saying this is what has happened when you do x, y and z. And we were thinking that maybe we should shift from going to a provider and asking them to come up with a program but to maybe pick a tested program and go to the providers and say could you implement this program with these guidelines, with these outcome measurements. Am I on-track there? Okay. And that I liked personally, because now we already have a blueprint and I would assume that some of these tested effective programs that you mentioned already have, Mr. Cady, outcome measurements that they're recommending. Now I got a little concerned when you said, 'Get with COMCARE, get with DOC and develop your own outcomes' where maybe we should go for this particular program that we may implement, use the outcomes that they have been using that prove them to be effective. Is that what you're recommending?"

Mr. Cady said, "I am."

Chairman Sciortino said, "Okay. Now it's getting to where I can understand it. I get a little nervous if we start saying, 'Well then this program isn't effective, could we put some words in it and then I'll make it into that 60% effective category'. I'm in hopes that you can deliver to us a list of tested programs nationwide. I'm going to be, personally, liking 'here's one that's been in operation ten years' because that lets me know that it's been effective and give us the outcomes that they have and maybe then we could make a decision, yeah these are the programs and then we go to the providers and say 'Here's what we want to have implemented, which of you can implement this program under these guidelines'?"

Mr. Cady said, "That's correct. The other piece to recall though is, as I mentioned in the documents that I recommended, that actually lists the tested and effective programs, they don't cover all of the concerns in a community."

Chairman Sciortino said, "I understand that."

Mr. Cady said, "So there's going to be programs that you're going to need to fund that are not falling into that tested and effective programs."

Regular Meeting, October 16, 2002

Chairman Sciortino said, “And we determine what concerns we have, the fiscal ability to fund too, because the thing that I’ve found very depressing, sitting on the Board, is that we have limited resources trying to fund unlimited needs. I guarantee you that if we found \$10,000,000 today, there would be a way to spend \$11,000,000 by 3:00 this afternoon and all of it would be realistically deserving of those funds. That’s why we have to sit here and try to figure out how do we get the best bang for their dollars. We’re not spending our money, we’re spending taxpayers’ dollars, and I think you’ve got us at least now thinking . . . The one thing, Commissioners, I got a little nervous on is could we also fund test programs that we don’t know if they’re going to work and use some of our prevention funds for kind of R and D, to see if maybe not it will work or not, we just have to make a decision to what level we want to try that and I would be leaning toward maybe trying to really work on some of these that already have a successful track record.

But any rate, I don’t think we’re here to make a decision. I think we want to thank you very much for your time and effort and we’ve got a good start on getting to the goal that we want to get to. So thank you. Commissioners, anything else? What’s the will of the Board on this item?”

MOTION

Commissioner Winters moved to receive and file.

Commissioner Norton seconded the Motion.

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

VOTE

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

Chairman Sciortino said, “Thank you. Mr. Manager, I understand there’s some time restraint and

Regular Meeting, October 16, 2002

you want some item moved up ahead or something?"

Mr. Buchanan said, "If it would please the Commissioners, I would like to take Item H, from the Division of Community Development. It's a loan agreement and a promissory note with an opportunity for Project Charitable Trust for Sedgwick County forgivable loan in the amount of \$63,750."

Chairman Sciortino said, "Commissioners, does that meet with your . . . Item H-1?"

Commissioner Gwin said, "That's fine."

Chairman Sciortino said, "Okay, that's okay. Let's do it. Why don't we wait just a few seconds to let the people that are . . . Well, now we know what percentage of the audience was program providers and we're very glad that you were here. Thank you. Okay, Sherdeill, we're ready for your presentation."

NEW BUSINESS

H. DIVISION OF COMMUNITY DEVELOPMENT.

1. LOAN AGREEMENT AND PROMISSORY NOTE WITH THE OPPORTUNITY PROJECT CHARITABLE TRUST FOR A SEDGWICK COUNTY FORGIVABLE LOAN IN THE AMOUNT OF \$63,750.

Mr. Sherdeill Breathett, Sr., Neighborhood Economic Developer, greeted the Commissioners and said, "In an innovative and creative fashion in working with communities, we're excited that we were able to make a relationship with the TOPS organization. That acronym stands for The Opportunity Project in developing a school in one of the designated areas that is in the Oaklawn community.

I have invited Janice Smith to come along and to just give a brief presentation and just to share with you the unique things that are happening that are going to be very effective and going to really benefit our youth in that portion of our community. At this time let me introduce Janice Smith."

Ms. Janice Smith, Executive Director, The Opportunities Project (TOP), said, "The role that I play in The Opportunity Project is I'm their Executive Director and I want to thank you so much for having the privilege of being here today. I also want to thank several other people that have sort of been helping me try to put together the proposal that is before you and that is Bill Buchanan, he was helpful, Irene Hart and of course Sherdeill Breathett. So I wanted to thank those folks right up front.

Regular Meeting, October 16, 2002

The Opportunity Project is a school that is to be built in the Oaklawn/ Sunview area and we will serve children from birth to six, which sort of is a nice following to the previous presentation because we're addressing a particular group that we feel that we can really make an impact in the community with. We will be operating a childcare center and a preschool and we have various partners in the community, one of which is the Derby public schools and also Sedgwick County Early Headstart. And I thought I would open it up to questions to you, find out what I can do to answer."

Chairman Sciortino said, "Well, Commissioners, let me just make an opening comment. I ran into Janice, no she ran into me. One day I was out jogging, she lives in my neighborhood, and I'm jogging and I usually jog with my head down and I hear the little screech of a tire and a honk and I woke up and she wanted to know if I was Commissioner Sciortino. And I thought, okay somebody's going to complain about a pothole or whatever in the middle of my run and she first introduced herself as this and got kind of involved in it and this has the 100% blessing of USD 260, which is in . . . that's the school district, the Derby school district.

What I like immediately about it is first, it's a private operation. It's going to create 31 new jobs. It's the beginning of a whole development there in that area that other things may happen that are good. But what it's doing, for example, there's a lot of people that need daycare. These are hard-working, blue-collar people that need a place to put their children in. They're also talking not only early childhood, preschool but they're hoping to get all the way through grades six, is that correct, eventually?"

Ms. Smith said, "Originally, we were thinking about elementary school, but at this time, we're going to go ahead and open up the daycare center/ preschool."

Chairman Sciortino said, "And one of the things that we . . . they were requesting of us, they need to get some infrastructure out to that area, sewer and water and what have you and what's before us now is looking at a way of maybe helping them and it's actually a program that is a hand up instead of a hand out and this is a private individual and you haven't really expounded on who one of the larger benefactors of your program is, but this individual, and I'll let Janice talk about that, has been very successful in business and wants to give back to the community and he specifically wanted to target a neighborhood that needed the most help. You may want to expound on that. I don't know for sure."

Ms. Smith said, "The individual that is behind the purchase of the land and basically paying for the

Regular Meeting, October 16, 2002

building, his name is Barry Downing and they have a family foundation. And part of that family foundation is The Opportunity Project Charitable Trust. And through that trust, that's where the monies are coming from towards the building. Also we will have a variety of partners in the community. That's another very strong thing about our position. Basically, we had two things that we wanted to accomplish. One, build a school for children in need. Two, look at what community organizations are doing in Sedgwick County that are doing a good job for that population of children, approach them and see if we can then help them do a better job of what they're doing already.

That is why a portion of our facility is dedicated to Early Headstart. They will then, I believe the proposal is for them to consolidate all their offices to where they will run both their federal and their state program out of our facility. Their federal program then, I think, will then be assisting about approximately 100 families, in addition to the children that are actually in the center."

Chairman Sciortino said, "Okay. Thank you. Commissioners, is there any questions of the applicant? What's the will of the Board on this item?"

MOTION

Commissioner Gwin moved to approve the Loan Agreement and Promissory Note 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 very much."

Commissioner Gwin said, "Thank Mr. Downing again for his ongoing support of this

Regular Meeting, October 16, 2002

community.”

Chairman Sciortino said, “Yes, please. Sherdeill, good job, but what have you done for us lately. Clerk, call the next item please.”

PUBLIC HEARINGS

D. PUBLIC HEARING AND RESOLUTION AMENDING THE *SEDGWICK COUNTY CODE* RELATED TO THE SANITARY CODE.

Ms. Irene Hart, Director, Division of Community Development, greeted the Commissioners and said, “The sanitary code has been 12 months in development and review, resulting in the document presented to you today for public hearing. The revised sanitary code regulates only individual on-site wastewater systems and spa pools. It does not provide for the alternative community systems or the systems that would connect more than one house for wastewater treatment. So there’s been some confusion that some folks think that this includes alternative community sewer systems. The sanitary code only affects individual, on-site wastewater treatment systems.

We’ve had the on-line wastewater treatment systems. We had the on-line public hearing open for approximately six weeks. I believe you all have received a copy of the comments that were received through that process. This proposed revision has been reviewed and approved by the Kansas Department of Health and Environment and I would recommend that you open the public hearing and take comment. I’d be happy to answer any questions that you might have. Glen Wiltse is also here for technical answers.”

Chairman Sciortino said, “All right, Irene. Commissioners, any questions of Irene before I open the public hearing portion? Don’t see that there is, so we’re going to open this to the public. Is there anyone here that would like to comment for or against this item?”

Mr. M.S. Mitchell, Representative, Wichita Builders’ Association, said, “I want to congratulate you on getting to a milestone in this long, winding road that we’ve been on for a number of months and years to get from the conventional, on-site systems to what we think is a great ecological advantage.

I only have one question and I want to say before it’s been a pleasure to work with Irene and Glen Wiltse and Tim Wagner on the technical issues of how we get this done and it’s been an education for me as well as others. There is one item that I want to bring to your attention so that we don’t later come back and say we wish we had thought of it. On page 3, I’m sorry, on page 8 of the sanitary code under Item E, site requirements, E-2, subsection C, the area must have a groundwater

Regular Meeting, October 16, 2002

elevation at least 10 feet below the ground surface, as indicated by soil profile. That's the standard for the septic tank systems today and we don't have any argument with that.

With the advanced systems however and the different ways of disposing of the affluent after treatment, it's been our advice from those technical experts and especially in the meetings we attended in Kansas City a couple of weeks ago that that's well in excess of a practical number because of groundwater returns in this area, we think site specific depths from the disposal system to groundwater can be reduced to as little as three or four feet, but we want to be sure that that authority rests in your technical people for a site specific examination, rather than a cookie cutter 10 foot requirement for every place. Other than that, I don't have any other comments, except again to congratulate you and the staff on where you've progressed to today."

Chairman Sciortino said, "Thank you, Mitch. Any other people here who would like to address us? Yes, sir, your name and address."

Mr. Wess Galyon, President, Builder's Association, said, "And I too am here today to thank you for developing this work product and proposing these amendments to the current Sedgwick County Sanitary Code. Obviously, I represent the Builders Association in the greater area here in Wichita and during the development of this code, our land development, our codes and standards committee and our environmental committee have reviewed provisions of the ordinance and we believe it is a real step forward in terms of regulating the use of sewer treatment systems in the County. We're very pleased that advanced sewage treatment systems, which are also referred to as alternative sewage treatment systems will be allowed to be used under this revised code because we feel they will provide home owners who wish to live on a parcel of land in the County an option, an additional option that they haven't had heretofore to the traditional septic and lagoon systems.

Such advanced systems are obviously more efficient, in terms of operation. They are more environmentally sensitive, which is one of the main reasons why we intend to encourage and support the future use of them in as many applications as possible.

In terms of the depth of groundwater issue that Mr. Mitchell just spoke to, I agree. I think our technical people agree and support a lesser distance when advanced systems are used, as compared to the ten foot of separation that's been the old standard when septic systems are used. They are clearly different, in terms of their efficiency and I believe that separation can be justified based on soil profiling and soil analysis on a site specific basis.

We would urge your consideration and support of the proposed amendments that are presented to you this morning and I too want to thank Glen Wiltse, Tim Wagner and Irene Hart for their good work and I want to thank Commissioner McGinn for her leadership in helping facilitate getting these changes in front of the Commission this morning, which we believe will be very meaningful

Regular Meeting, October 16, 2002

and beneficial to the County and the people that utilize these systems and have this option in the future.”

Chairman Sciortino said, “Thank you. Is anyone else wish to address us on this item? Yes, ma’am. If you’ll just give us your name and address please and I forgot to mention you have five minutes.”

Ms. Sharon Ailsieger, 1421 S. Lark Lane, Wichita, Ks., said, “I am the immediate past president of the League of Women Voters of Wichita Metro and that’s who I am speaking for today. The league is not for or against this. We would hope that it works. Our only concern is the environment. The league has spent years, many years studying environmental issues and water. Kansas currently has some of the worst polluted streams and rivers in the whole country. Why, who knows? We did not . . . We used words like economic development, budget, it’s easier, it’s quicker, it’s more efficient and yet we have these streams. So our concern is that the new system does work and that it be monitored closely and I would add that perhaps more information should have been given out because many people did think that this was a different type of thing than it is and the public . . . to needs to be made clear to the public exactly what this is.

And I would read to you the league’s position, because we do have a position. The league only speaks to items that they have studied intensively. On environmental quality, we promote the wise management of resources in the public interest and an environment beneficial to life, policies to reduce the hazardous waste stream and to ensure safe management and disposal of waste that cannot be detoxified, government regulation of solid waste management and limits on use of non-renewable resources and support action to maintain the supply and quality of water appropriate to various users through prudent planning and management of water resources.

So we would just ask that this would be watched and that the impact on the environment be remembered, because as we all know, it’s harder to clean it up than it is to prevent it. Thank you.”

Chairman Sciortino said, “Thank you very much. Is anyone else here in the audience wish to speak?”

Mr. Ron Suchecki, 10141 B. Valencia Dr., Waco, TX., said, “I’m a manufacturer’s representative of one of these type alternative systems that you’re talking about today and I applaud your efforts here in Sedgwick County for going forward with this because as my friend from the League of Women Voters has noted just now, protecting the environment is the ultimate thing that you need to take into consideration here. These systems aren’t brand new. They’ve been around in various parts of the country for 25 to 30 years with very good proven track records but only proven track records when there is maintenance and service required and I’ve seen that you’ve adopted that as part of your thing too.

Regular Meeting, October 16, 2002

Most of these systems falls underneath a classification called the NSF Standard 40. There are some other alternative systems that haven't had the opportunity to be rated yet and what's good about what you're doing here is you're allowing some of these alternative systems that may be specific to this area or may work better in this area than they do in other parts of the country.

I come from a background of doing this in the states of Florida, Texas, Louisiana. In Kansas, we have several installations in the Emporia area and greater Kansas City area, where what you've taken into consideration here is good. The separation to groundwater, in some of these areas, down in the Florida Keys there is as little as a one foot separation from groundwater from where the water is being disposed of into the ground. So these systems do have filtration and things like that that can insure the public health and environment.

And what's great about them is actually your treatment is not taking place in the soil. It's taking place in a controlled environment, inside of a tank. If a system fails to produce the effluent that's required, you can shut it down and not have it leave the tank, so you can protect groundwater, as opposed to the conventional septic systems and lagoon systems that you've had here in Kansas that just go until they fail. So I applaud you for your efforts."

Chairman Sciortino said, "Thank you. Commissioner McGinn, I failed to notice that you had your light on. Did you have a question for some of these applicants?"

Commissioner McGinn said, "I will wait and see if public comment is finished."

Chairman Sciortino said, "All right, thank you. Anyone else that would wish to address us on this item, now is your chance. Okay. I will now close the public portion of the meeting and reserve further comment to the Bench. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Mr. Chairman. I guess I'd just like to address some comments to Sharon Ailsieger from the League of Women Voters. Thank you for being here today and I also want to thank you for your commitment to the environment and water quality because that's my concern too and I think it's the concern of my colleagues as well.

Three years ago was when this whole process began and part of that was some work that I had been doing, some research on non-point-source pollution as it pertains to agriculture in the rural environment and part of that research indicated that possible contaminants that were getting into the river had to do with septic tanks that are broken down along the river. And so I went to work to research that after we've been using some technology that's been around for 50 years, surely there's a better system out there and so I asked staff to help me with this to see what was out there, nationwide. And the systems that we are looking at today and the upgrading in the sanitary code

Regular Meeting, October 16, 2002

will improve the environment over what we currently have today. The systems that are out there can increase the quality of the affluent by 300% over a septic tank.

The other thing is I believe you talked about monitoring and that is also a very key and important to this whole process. Prior to our looking at this and I guess taking over the Health Department and upgrading our sanitary code, what was done before under a different body than us, there was not monitoring going on. You could go by, get your permit, go put out a septic tank and that was it and nobody ever looked at that again. What we're looking at today is a system that will be monitored on a yearly basis and so we will know if that system has a problem. These are also, if I can get this right, telemetry and that is not a system that we have currently here in Sedgwick County and that system, electronically, will let the provider or whoever is monitoring that know if there's a problem with this system.

So I think, with this, we are making great strides to improve the environment, great strides to improve any groundwater potential contaminants and also, because of the interaction with the aquifer into the river, it's also going to help improve any contaminants that may be getting into our rivers as well. So, I just wanted to kind of answer some of your concerns.

And the other thing, and as far as getting information out, that's just a challenge that we continue to have. I've written numerous articles about this and tried to distribute within my district but also we started this process, I believe really got into it, last spring. We've had a number of workshops and then, Irene, maybe you can share, we've even had some public hearings here and talked about that we were going to do this and that's why the on-line comments have been going on for what, six weeks to two months or something like that. So if you have anything to add on that, Irene, you can. But I just wanted to assure the League of Women Voters that protecting the environment is our number one priority. Thank you."

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

Commissioner Norton said, "Well, I'm going to be very supportive of our new code. A lot of people have worked very hard on this. There's been a lot of input and progress is hard sometimes. Changing from what you've done for years and years and years just can be hard, but the truth is if we keep doing what we've always done we'll keep getting what we've always gotten and that's pollution. So I think we're taking a real step forward. There is going to be good monitoring and permitting. I do have a concern on the site requirements and most all of them, basically, in a general statement because the south side does have many, many groundwater problems, many, many of these things that are described here as far as flood plains, groundwater, soil conditions, sandy and clay, I mean it's a mixed bag on the south side. I want to be sure that these are applied fairly and strictly across the board, because it's going to be very important to some areas we've already started working on groundwater drainage kinds of things in my district to be sure that if

Regular Meeting, October 16, 2002

these go into those areas, somebody is really watching and permitting and licensing and understanding the site requirements before we ever let them go in, because we have a history in some of those areas to let things happen that aren't particularly prudent. So hopefully this will be applied very restrictively in that area. Just a comment, because we need to be sure that area is protected. Thanks."

Chairman Sciortino said, "Okay. Any further comments? Commissioner McGinn, go ahead."

Commissioner McGinn said, "Irene, we had one speaker speak to the 10 feet above ground surface, as indicated by a soil profile. Where did we come up with the 10 feet, in our backup?"

Mr. Glen Wiltse, Director, Department of Code Enforcement, said, "I believe that's what had been in the previous code or the existing code now and we had talked about looking at some of that, but that's one of the reasons why we wanted to . . . just one of many, we wanted to set up the advisory board, which is another one of the resolutions that you'll have before you today, let them take some of the data that we can submit or other contractors and people submit to them and come back, possibly in the near future. You know, this is the beginning workings of changes probably to come, because we want the technical advisory board to have a lot of say so in where we're going and that's going to consist of the public installers, an engineer and those types of people. So, if we change this document, it will have to go back to KDHE for approval. We can't just automatically change it today. Anything we change today, we just have to send back to them because this is what was approved by KDHE."

Commissioner McGinn said, "Okay. And I'm comfortable with that and I'm glad to hear that answer. To me it's kind of we need to walk before we run and I'm comfortable with passing it as is today and then, as you work through these, if you need to come back and change that at a later time, I would be supportive of that."

Mr. Wiltse said, "We would probably almost guarantee that we'll be back six months or so with possibly some changes, better ways of doing what we have presented today."

Commissioner McGinn said, "Okay, thank you."

Chairman Sciortino said, "Well, I'm glad you mentioned it, Commissioner, because that was going to be my question too. I want to be supportive of this effort. I think this is a dramatic start to get us to the 21st Century, which is something I think we should consider joining and I wanted to make sure that we didn't have something in here that was just there because it was there and we kept it there and I think that, if because of the new technology, that one thing about 10 feet above can be reduced safely and environmentally sane, which would allow even further development and

Regular Meeting, October 16, 2002

what have you, I'm glad to see that's a modification that we can make but I agree that I would rather get this passed and not delay it any further and then we can make modifications. So, I don't see that's there's any other questions, so what's the will of the Board on this item please?"

MOTION

Commissioner McGinn moved to open the public hearing, accept public comment, close the public hearing and adopt the Resolution.

Commissioner Norton seconded the Motion.

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

VOTE

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

Chairman Sciortino said, "Thank you. Before we go to the next item, Mr. Manager, there seems to be an awful lot of items on here that require a lot of time. Is this next one going to be a real lengthy one, because I know there's people here . . ."

Mr. William Buchanan, County Manager, said, "This is two and a half minutes, max."

Chairman Sciortino said, "Oh, okay. I can handle that. Next item."

E. PUBLIC HEARING REGARDING THE SEDGWICK COUNTY HOUSING AUTHORITY 2003 ANNUAL PLAN.

Mr. Brad Snapp, Housing Director, Housing Office, greeted the Commissioners and said, "This is the annual plan for 2003. It's been on review in our office for 45 days and on our website. I'll just give you a brief overview and then we'll open it for a public hearing.

We serve extremely low and very low income people in Sedgwick, Butler and Harvey County, outside the City of Wichita. We have a high . . . maintain our high performance rating we received

Regular Meeting, October 16, 2002

this year by adhering to all of HUDS policies, maintaining customer satisfaction and increasing our number of landlords in low poverty areas.

We'll apply for more vouchers as they become available from HUD. One change is we're omitting the preference for victims of domestic violence because we have a long waiting list usually and people need immediate housing assistance in those cases so we're really not set up for that. We are maintaining our preference for people with disabilities and another change this year is we're using housing assistance payments for home ownership opportunities. In those cases, people have to be working. They're on the program a year and they have to be working full-time, at least 30 hours a week, pre and post-purchase homeownership counseling and then there's a variety of funding mechanisms that we can put in place to help them. If you have any questions, we need a public hearing as well."

Chairman Sciortino said, "Okay. Thank you very much, Brad. Is there any comments or questions of Brad? Okay, at this time I'll open the public hearing portion. Is there anyone here that would like to speak for or against this item? Now would be your chance. You're kind of imposing. You might want to back off. Maybe they're a little afraid to get close to . . . Anyone at all that would like to speak? Okay, I hear none, so I'm going to close the public hearing portion, reserve comments to the Bench. Commissioners, do you have any further comments?"

MOTION

Commissioner Gwin moved to open the public hearing, accept public comment, close the public hearing, approve the Plan and authorize the Chairman to sign related certifications.

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, Brad. Next item."

PLANNING DEPARTMENT

Regular Meeting, October 16, 2002

F. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER CON2002-00044 – CONDITIONAL USE TO ALLOW A DOG KENNEL ON A 10-ACRE UNPLATTED PARCEL, GENERALLY LOCATED SOUTH OF 87TH STREET SOUTH AND EAST OF WEBB ROAD, WITHIN THE DERBY ZONING AREA OF INFLUENCE. DISTRICT #5.**

POWERPOINT PRESENTATION

Mr. Dale Miller, Current Plans Chief, Metropolitan Area Planning Department, greeted the Commissioners and said, “As indicated, this is a request for a Conditional Use to permit a dog kennel. The application area is the area outlined in black here. It’s located south of 87th and just west of Webb Road. Rock Road would be over here and Derby city limits would be over here by Rock Road and 87th. As you can see, the application area and the areas surrounding it are zoned ‘RR’ Rural Residential and there are a number of small tracts that are unplatted that have been sold off and some of them have been developed with residences and some of them are vacant tracts.

Gives you an aerial view of the application area. See some of the homes that are located in the area. This aerial is about three years old, so it’s not exactly up to date, but it’s fairly representative. One of the aspects of this case is that it is located near Derby city limits and . . .”

Chairman Sciortino said, “Does that indicate it’s well within a mile of the Derby city limits? That’s a mile section map that you showed us?”

Mr. Miller said, “From there to there would be a mile, so this is approximately 3,000 feet to that corner and the Derby city limits. Derby city limits are in the pink, if I can learn how to talk. There was a 60 . . .”

Chairman Sciortino said, “Could you go back? We just had a question.”

Commissioner Gwin said, “Is that the projected growth area, the green?”

Mr. Miller said, “Yes, and I’m glad you brought that back, because that was the reason I wanted to show the slide was that that is what they’re projecting as their growth area and they project that they’ll be out there in approximately 10 years. And so one of the issues that staff supported in the conditions for approval was that this should be approved for a 10 year time period. Of course, we

Regular Meeting, October 16, 2002

all know how projections can be, that they can either move faster or slower, but that does fall within what they're projecting as their 10 year growth area.

There was a 60% protest on this, but late yesterday afternoon we had two people submit letters withdrawing their protests and it dropped it down to 49% and the two that were withdrawn is the tract here and the tract here."

Chairman Sciortino said, "Which? That one little pie section and where's the next one?"

Mr. Miller said, "Just immediately south. The rest of these are still active and they still total that 49% protest. And this is showing the application area as it looks today, and across the road to the north, east down the section-line road, and west. Let me back this back up to where we can get to the map, so that when people are talking, I'm sure that will be important.

One of the things that you should be aware of, I believe that there was a letter submitted to the Chairman of the County Commission asking for this case to be sent back to Derby and the Metropolitan Area Planning Commission. Between the hearing at Derby and the hearing at the Metropolitan Area Planning Commission, a number of changes were requested by the applicant and the Metropolitan Area Planning Commission included a number of changes that the applicant agreed to that were not discussed at the Derby Planning Commission. When this was heard by Derby, there was a Motion to approve the request that failed on a 4 to 5 vote. There were no other Motions, so based on the way they handle processes, that's the same thing as a denial, which because it's a small city hearing, then is going to trigger that unanimous vote requirement on your behalf if you decide to override their recommendation and want to approve this request.

The Metropolitan Area Planning Commission voted to approve the request and there are approximately 20 conditions that they attach to the approval and some of those conditions have changed and I can run through those briefly. One of them dealt with the length of time the Conditional Use would be in effect. As you recall, staff was recommending 10 years. The applicant is asking for 15, and that's based on trying to match up the length of time that the kennel could be in operation. That's condition number six."

Chairman Sciortino said, "Give us just a second, or give me."

Commissioner Gwin said, "I show it as number five. Number six says it will be limited to a maximum of 50 kennel dogs."

Regular Meeting, October 16, 2002

Mr. Miller said, "Okay, then condition number five deals with the time."

Chairman Sciortino said, "Wait a minute. What page are you on?"

Commissioner Gwin said, "Page 95."

Mr. Miller said, "And they're asking for the 15 year time period to match mortgage or loan repayment time period so that the time that is allowed would match up with if they take a loan out that they would be assured that they would be able to operate for the length of the loan and I assume that helps in securing the loan."

Chairman Sciortino said, "But you approved 10 and they agreed to 10?"

Mr. Miller said, "The Planning Commission, the Metropolitan Area Planning Commission approved 15. Staff was only recommending 10. We don't really oppose the change to 15. Our rationale was just on the basis that if Derby does grow out there, what they indicated at the Derby Planning Commission was that their zoning code does not allow kennels in anything but industrial districts and so if this property is annexed by Derby, it would become a non-conforming use immediately."

Chairman Sciortino said, "Okay, but my question is, if we adopt the way it's being recommended, we adopt your findings, is the applicant agreeing to 10 years then?"

Mr. Miller said, "The Planning Commission is recommending 15, and that's what the applicant wants."

Chairman Sciortino said, "Okay, so then we would be . . . he would be agreeing to 15."

Commissioner Gwin said, "Okay, on page 128 I find the resolution from the Planning Commission and in that one it does show . . . It's item six then, it would be valid for 15 years."

Chairman Sciortino said, "Well, what I'm trying to get my hands around, is that good, bad or indifferent, but when they were in front of the Derby Planning Commission . . ."

Mr. Miller said, "They were only asking for 10 years."

Chairman Sciortino said, "Okay."

Mr. Miller said, "So that is a change. Then the other issue was the maximum number of dogs allowed. When we were at Derby, we were discussing 50. They are asking for 60. The

Regular Meeting, October 16, 2002

Metropolitan Area Planning Commission supported the 60.

Then there was another issue, I believe it's condition number nine on the resolution, about when the dogs would be allowed outside and had to do with the hours that dogs could be outside and it's my understanding that what you will hear today is the applicant has kind of a two-step proposal that for the time being, since they only have one building that they are going to use, that they would restrict the number of dogs that they have to 30 and they would need to be able to have them to be outside for that two-hour time period, but that when they build the second building, then they would be able to jump up to the full maximum number of dogs, whether that's 50 or 60 and at that point, then they would keep the dogs inside all the time is my understanding and the applicant can clarify that if that's not correct."

Chairman Sciortino said, "And what did you all approve?"

Mr. Miller said, "We were initially recommending the approval of the two hours outside and the 50 dogs. Think staff's opinion was if you have 50 dogs, it's not going to make any difference if there's 10 more."

Chairman Sciortino said, "Okay, but you approved the 50?"

Mr. Miller said, "The Metropolitan Area Planning Commission approved 60."

Chairman Sciortino said, "Okay, so you approved 60, plus the thing that says here two hours a day between 8 a.m. and 8 p.m. You approved that."

Mr. Miller said, "That's correct, yes."

Chairman Sciortino said, "I think I'll reserve the rest of my questions when the applicant . . . something about now it's going to 30 because there's only one build . . . I'll talk to him when he gets there. Okay, go ahead."

Mr. Miller said, "The next thing was the requirement for sound-insulated building. That was one of the conditions that was in the Derby Motion that failed was a requirement that the buildings be sound insulated and they have agreed to that and that was put in the Metropolitan Area Planning Commission recommendation. I believe it's condition number ten."

Chairman Sciortino said, "So that's a change that the Derby Planning Commission did not hear?"

Mr. Miller said, "Well, that is one of the ones that they heard. It's in the motion that failed."

Regular Meeting, October 16, 2002

Chairman Sciortino said, "That they would put sound insulation or they would not?"

Mr. Miller said, "They would and they have agreed to that."

Chairman Sciortino said, "Wait a minute. The Derby Planning Commission asked them to look at sound insulation and they said 'yes' to the Derby Planning Commission?"

Mr. Miller said, "Yes. If you remember back, the Derby recommendation, the Derby motion was a motion to approve and part of that approval had some of these conditions that we're discussing here and one of them was sound insulation."

Chairman Sciortino said, "Oh, but that motion failed to approve. Okay."

Mr. Miller said, "Right, so the Metropolitan Area Planning Commission then incorporated that into their motion."

Chairman Sciortino said, "Okay, got it."

Mr. Miller said, "Then on item number 11, it's the time period when dogs can be picked up or dropped off, they changed that by two hours. It was originally 10 p.m. to 6 a.m. and now it's 8 p.m. to 6 a.m. and that condition is approved by the applicant and by Metropolitan Area Planning Commission."

Chairman Sciortino said, "This says here, this is the time that they will not be dropped off."

Mr. Miller said, "Correct. It limits the time that dogs could be dropped off or picked up and during the 8 p.m. to 6 a.m. they could not be dropped off or picked up."

Commissioner Sciortino said, "But from 7 a.m. to 8 p.m. they can be dropped off."

Mr. Miller said, "Yes."

Chairman Sciortino said, "Okay and that's a change."

Mr. Miller said, "Yes, by the two hours. As I've indicated, you've seen that this area is kind of a suburban area that is close into Derby. Planning staff and the Metropolitan Area Planning Commission are recommending approval, subject to the conditions that are in the resolution. The

Regular Meeting, October 16, 2002

Derby Planning Commission did recommend denial, so if you decide to overturn that denial, it would take a unanimous vote. You do have the option to send it back, since some of these items are new or weren't fully discussed at the Derby Planning Commission. That would be another option that you would have and I think what you'll hear from the applicant is that's their desire. I believe that some of the neighbors who have filed a protest have a representative here and they would like to speak about that issue as well. Try to answer any questions if I can."

Chairman Sciortino said, "Okay, thank you. Do we have any questions of Dale at this time? Okay, I don't see that we have. We may have to reserve the right to call you back, so don't leave. Please don't leave. I'm going to, Commissioners, if there are no further questions, try to move this along. I'd like to now hear from the appli . . . Well, we're going to open up the public hearing portion, but it's been our kind of style to listen to the applicant first. So, if the applicant or an individual would like to speak to the applicant would now come forward please."

Mr. Tom Powell, Representative of Applicant, Hinkle Elkouri Law Firm LLC, greeted the Commissioners and said, "I'm here today representing the applicants in this case, Gordon and Beverly Ruble and they're here and they're here to assist me and probably answer some of the questions that you have that I might not be able to answer. As Dale pointed out, this was approved by the Planning Commission and that was a 13 to 1 vote. The conditions that the Planning Commission placed on the application, or on the Conditional Use are all acceptable to the applicants. They think they're good conditions and they're certainly more than willing to accept those and live with them.

I'd also point out that staff, the Metropolitan Area Planning Department staff also recommended this application for a Conditional Use. As Dale pointed out to you however, it was not approved by the planning commission at Derby and as Dale indicated to you, the applicant was going to be asking for that to be sent back to the Derby Planning Commission and as part of that, it would also go back to the MAPC after it had been to the Derby Planning Commission and the reason that we're making that request is, just as Dale indicated, that we think there has been some changes that have occurred to this application, additional conditions that weren't considered or weren't fully discussed with the Derby Planning Commission that are reasons for you to make that action.

In that regard, as Dale pointed out, one of the items that has changed is that the planning commission has placed conditions that not only the dogs be kept indoors but that they have sound insulation. As indicated by Dale, this was part of the Derby motion that failed. It wasn't a matter however that was discussed or agreed to at that time by the applicants because they didn't have a

Regular Meeting, October 16, 2002

chance to discuss it. They'd like to take that back to the Derby Planning Commission and fully discuss that now definite change in their application.

Another significant change that we think needs to be considered by the Derby Planning Commission is the fact that the hours the dogs can be dropped off or picked up has changed, as Dale indicated. That's not to be done between 8 a.m. and . . . or 8 p.m. to 6 a.m. and we think that's a significant thing that the Derby Planning Commission should hear before they . . . and have another opportunity to listen to this case.

Another item that has changed is the fact that when it went before the Derby Planning Commission there was discussion of 50 dogs and, as Dale has indicated, that has also changed. Before the planning commission there was a discussion and I think Dale said they approved 60 dogs. However, that's changed a little bit even at this point and that is that the applicant only has one building and the applicant feels the most dogs that should be in that one building is 30. So the application would be changed next time around to 30 dogs maximum for the one building, with 60 dogs if and when they build a second building. So that's an item we think that might be of interest to the Derby Planning Commission if they're given the opportunity to reconsider this matter.

We also are concerned about some of the things that have been said, maybe some misunderstandings that people have had about this kennel that we're proposing. At the Derby Planning Commission, for that matter before the MAPC and probably today, and I know that's one of the things that Mr. Kaplan has given me a handout. This application and this kennel . . ."

Chairman Sciortino said, "Tom, just for a second. Commissioners, I know we have a time limit of five minutes but I'm inclined to want to give anyone on this issue sufficient time. I know, if Mr. Kaplan speaks it's kind of a moot point to ask him to reserve it to five minutes, so I want to give you whatever time, Tom, that you need."

Commissioner Gwin said, "Within limits."

Commissioner McGinn said, "With the applicant or are you talking about everybody that speaks?"

Commissioner Gwin said, "I was going to say, within limits, Mr. Chairman."

Chairman Sciortino said, "Yes, I want to do it within limits, because we would like to try to keep it . . . how much time do you need, Tom, to just finish up do you think?"

Regular Meeting, October 16, 2002

Mr. Powell said, "I'll hurry along. About three or four minutes."

Commissioner McGinn said, "I'm just saying, generally we give the applicant more time. That's the only thing I was saying and then just clarifying for public hearing."

Chairman Sciortino said, "If it's okay with the Board, I'd like to give the applicant the time that he feels he needs to present this case to us, if that's okay."

Mr. Powell said, "I apologize. I know your time is valuable."

Chairman Sciortino said, "That's fine, go ahead. Just we don't want to cut you short."

Mr. Powell said, "In any event, there's differences between that Mulvane kennel that we've been compared to. We think that we're going to have a place that's climate controlled, an indoor facility, there's not going to be dogs outside except within this two hour period that we stipulated to. We think that a more accurate comparison might be a facility located here in Wichita on North Madison or North Mathewson that's called the Doggy Care Facility. And there are residential properties that are much closer to that facility than what is going to be the case if our conditional use is granted.

Would also just point out that we're going to be members of the American Boarding Kennel Association and that's a pretty high standard that they require people that have kennels that are members of that group to follow, so this will be a top-notch, top run facility.

I think that . . . Finally, I want to point out to you that, as indicated by Dale, at least two of the previous protestors have now dropped their protests. We would like the opportunity to spend some time visiting with people about this. We'd like the opportunity to visit about the changes that we've made, but not only that, if there's some concerns out there that we may not know about, that can be addressed. We would like the opportunity to hear what those are and like to have the opportunity to try to address them to make this a better facility and a better operation for the area and everybody. So that's an additional reason that we would ask that you refer this back to the Derby Planning Commission and that's just to give the applicant some time to meet with the people out there for the purpose of discussing some of the concerns they might have that we might not know about that we can certainly address before this comes back before your body. With that said, we'll be glad to answer any questions that you might have and I have again, both the applicants here and they assist me on questions."

Regular Meeting, October 16, 2002

Chairman Sciortino said, "Okay, thank you. Any questions of the applicant's representative at this time? I just have one comment. If I understood that last part of your thing, it's your hopes, if I heard it right, by going back through the process again, that you may be able to resolve all the protests and maybe get that to where, when it comes back again, there are no protests. Would that be a goal that you would have in mind?"

Mr. Powell said, "That would certainly be a hope and that would be what we would attempt to do is try to meet with them and find out what their concerns are and see if we can't address them, so that if it did come back to you, maybe that would be a different situation."

Chairman Sciortino said, "Okay. Any other comments? Okay, thank you very much on that. I don't see that there's any questions on that one. And Commissioners, that's an intriguing concept. It would be kind of nice if something could come before us without any protests. But I mean, that's a goal and that's an admirable one and that's one we're going to consider here."

Okay, anyone else that might want to speak to us, please come forward at this time."

Mr. Robert Kaplan, 430 N. Market, Wichita, Ks., said, "I'm not sure, Commissioner, that the shake of the head was very conducive to my presentation, but I'll try to do it in five. I'll do the best I can. I have been retained by the Hunter family and by several of the neighbors who are also present to represent them in this matter. I come into this after the planning commission meeting. These neighbors thought that the Derby rejection ended this case and only two of them appeared at the planning commission session, believing that there was nothing further to be discussed. So the neighborhood really did not, through their own misreading of the notice. They were certainly advised. Through their own misreading of the notice failed to appear."

Let me tell you what the problem is. It is commendable and I hear that it would be nice if accommodation could be reached. Unfortunately, this case proceeded through the process until at least planning, when Mr. Greg Farris got involved and today when I got involved without any professional guidance from anyone, without any representative guidance from either lawyer or layman or any representative that was acquainted with issues or land use. And it got badly off track and it's unfortunate for two reasons.

Number one, and I'm going to say this because if you're considering sending it back, I think it's important. Otherwise, I'm wasting my precious five minutes. The applicant has been very, very proactive and he's been proactive in a manner which has charged this atmosphere to the point where we cannot now have meaningful dialogue. It's going to be very, very difficult. What we used to call with the Walmart Rock Road, the dirty diaper case, the neighbors do not like flyers in mailboxes threatening to substitute a pig farm if this isn't approved. I can't say the applicant did it. I can tell you somebody did it. It's in your booklet. It's signed with my client's name. My client

Regular Meeting, October 16, 2002

did not sign that. I don't know who did it. I can't make an accusation. I have no proof. It's under the five tab in your book.

Signs on the barn, 'future site of pig farm, how are you going to like the pig farm, the pig farm smell' that is not conducive to meaningful dialogue. It charges the atmosphere. It puts this case in a situation where what ever meaningful dialogue I might have had is not now going to be possible.

This case should never have been filed without a preliminary meeting with the neighborhood. I've got another neighbor here that I represent, the gentleman right next door. I've got another gentleman within about 180 feet of this site. The site plan is going to have to be revised. This thing has enough technical exceptions that it really can't be approved anyway. He's got to revise the site plan. Right now, he does not have appropriate code separation. The neighbor that's here to speak, Mr. Lavergne, has been offered, if he would withdraw his protest and not object to it, he's been offered financial support, financial compensation if he supports loss. You know that may be well intended to say if you lose money or you can't sell your house or you lose your tenant, I'll pay you. That may be well intended. I can't say it's not well intended but it comes across very, very badly. It comes across as an attempt to buy a vote and the neighbor doesn't appreciate it, and it makes it very, very difficult.

So when I'm here today, I think that under the criteria, I think the staff has missed, of the nine points, the staff has brought up five. Those five criteria simply do not support the approval of this application, they actually mandate the denial of the application and the staff writer, in this case, I think was incorrect. I think that Ms. Hunter did a good job in what she did in reviewing the criteria that's in your book. I know I step around here and then I can be heard anyway. This is my client's property here. This is her pond. The application property, there's a house right in here, within 180 feet. The reason I put that site plan in the book . . . You've got to pull it out and you've got to bend it out or you can't see it. My secretary did a bad job. If you'll pull it down, you'll see the lagoon. You'll see the lagoon. Look at where the lagoon is, if you can get it out of there. It's in the floodway. The problem with a lagoon in the floodway, that floodway flows directly into the lake on my client's property. Now, I assume that's a non-discharge lagoon, but nonetheless, a lagoon in a floodway and the planning commission was told in Derby by Mr. Ruble that he was told that he could utilize his residential lagoon for his animal waste. Now Mr. Wagner is here. I didn't ask him to be here but he's here on another matter. Mr. Wagner says I did not say such a thing and he can not do that. He can use his residential lagoon for fluids but he's not going to dispose of waste from

Regular Meeting, October 16, 2002

60 animals on a daily basis in a residential lagoon. He said we're not going to permit that. And Tim is here. You could ask that question directly of him if you like.

So, there are a number of issues here. Mr. Powell says well, we'll sound insulate. Sound insulation, you know what that's like, Commissioners? That's like walking onto a car lot and that's like saying to the salesman on a car lot, how much does a car cost. Tell me how much a car costs. There are a myriad of sound insulation systems, just like there's a myriad of sanitation and alternative systems. You cannot eliminate sound. You can mitigate it, you can reduce it. I've represented a lot of nightclubs with a lot of complaining neighbors about jazz bands and we talk in terms of transmission loss and putting in soundproof doors and soundproof systems and they guarantee a certain decibel reduction. You don't eliminate it, you can reduce it.

Given the shortage of time, I don't understand staff comments at all. The suitability of the subject property for the uses to which it has been restricted, that criteria means that if it is suitable as restricted, it doesn't need to be . . . it doesn't need amended. It doesn't need rezoning. It can be used in the category in which it's currently zoned. Staff takes that and says that supports rezoning because it continued to be used as a residence without the conditional use. So what. It can be used as a residence. That criteria is negative, not positive. Removal of the restrictions will detrimentally effect nearby property, they acknowledge that it will. They say they can mitigate it with conditions, but certainly that criteria is not met. Requested change to the recognized comprehensive plan, it's not. It is not in conformance with the small cities growth area, with the City of Derby future growth area.

The City of Derby absolutely prohibits kennels in residential areas under their zoning. So what you would be doing, if you were to approve this Commissioner, you're just creating a non-conforming use. All you're doing is creating a use which is ultimately going to be a non-conforming use. Why do we want to do that.

And impact on facilities, we've got a very poor section-line road that really can't handle additional traffic. It's not, I'm sorry, well maintained now."

Chairman Sciortino said, "Now, you're referring to 87th Street?"

Mr. Kaplan said, "Yes. It's not very well maintained. I went down there and looked at it and I know, Commissioner, you're familiar with it. You've got some pictures in the book. It's really not going to handle traffic. So we've got a myriad of problems and while that might suggest sending it back to Derby and try to work them out, what the neighbors are telling me, and there are a number of people who want to speak . . . I've organized my speakers. You're not going to hear redundant, repetitive material. We've limited it to just a few people. So there's a lot of people here but only a

Regular Meeting, October 16, 2002

few are going to speak. There are members of the Derby Planning Board here, if you want to hear from them as to their rationale for denial they're available.

I have the consultant we used. May I have a couple, three minutes. I have the consultant we used that owns the dog kennel whose letter is in the file. I'm not going to ask her to speak because you've already got her letter but she's here if you want to talk to her. We have J.P. Weigand we've asked to come discuss property values. Mr. Loveland is here and can address that. The church representative is here for the new church that is planning to be built on the north side of 87th, large congregation, large plans, major investments. This concerns them a great deal. The gentleman of the facilities committee is here.

My estimation on this thing, as it stands right now, not only should it not be approved today, it should not even be referred back because it's not going to change the situation. Mr. Ruble, I'm sorry to say to him, but Mr. Ruble kind of ruptured the duck in offering people money, even though he may have been well intended, he ruptured the duck in painting signs on his barn that it will be a pig farm. Someone ruptured the duck in putting flyers in mailboxes talking about I'll get 40 hogs in here and I'll be in business next week. I don't know that he did it, somebody did it. We didn't do it and it charged the atmosphere.

These people are so upset now about this kind of proactive conduct that we can't sit down and talk, everybody's mad and you can understand why. That's just not the way that you approach neighborhoods and it's got nothing to do with the land use issue but if you think that sending it back is going to result in accommodation, I don't think so, Mr. Chairman. I'm not sure that I can even get the parties together under the atmosphere that exists and I'm sorry for that but that's the way this case has been conducted. Had it had professional representation in the first place, it might not have happened.

So when you take the criteria, the criteria . . . of the five criteria that planning used, impact on community facilities, there is a negative impact on 87th. It doesn't comply with the small cities growth plan. That criteria doesn't support it. Restrictions, removal will detrimentally effect, that doesn't support it. It's suitable for its present use. It doesn't need rezoning. That doesn't support it. I cannot relate to this report at all. So I've used my preliminary time. I am going to ask you to hear from a few other people and then I will take questions, if you have them at the moment. Here is another map. I don't know if this is any better, if that will help you any. This is basically the site area and these red dots indicate the residences and this is the city limits. We're within half a mile, I think 6/10th of a mile from the Derby city limits to the site. This place is simply not the place for

Regular Meeting, October 16, 2002

this kennel. That's the bottom line, okay."

Chairman Sciortino said, "Thank you. We have a question, Mr. Kaplan. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Mr. Chairman. Mr. Kaplan, would you please take that, the last one you just put down, and use your laser light or whatever and give me an idea of what I'm looking at right here, in this book, the site plan exactly."

Mr. Kaplan said, "This is my client, this is Ms. Hunter's home right here."

Chairman Sciortino said, "I don't see your light."

Mr. Kaplan said, "This is her pond. This is a floodway area."

Commissioner McGinn said, "That's what I want to see and I'm having a hard time with the lighting."

Mr. Kaplan said, "This is the city GIS, Commissioner."

Commissioner McGinn said, "Well, why don't you just use your finger. That always works. Thank you."

Mr. Kaplan said, "This is Mr. Lavergne's home right here. That's within 180 feet of this proposed . . . of the existing barn. The existing barn is right here that he wants to use. It's 180 feet to this property. He's not living in it. It's a rental property. He intends to build himself a home. It's 180 feet, so this site plan is going to have to be changed because this doesn't meet code separation. There is a floodway and it runs right through here and it's shown on the site path that I gave you. It's a floodway reserve and the water flows to the southwest. So this floodway flows into this pond, which they use for fishing, they use it for swimming, they use it for entertainment. I acknowledge that this is probably a non-discharge lagoon but who is to say what might happen in terms of high water."

Commissioner McGinn said, "Okay."

Mr. Kaplan said, "Entries coming into my client's house, Mr. Lavergne's house and then the neighboring residences that you see."

Chairman Sciortino said, "Mr. Kaplan, the thing we have on the screen, where is your client's

Regular Meeting, October 16, 2002

property in relation to the site? That's the site."

Mr. Kaplan said, "We're just immediately . . . we're to the west, I think that's right. We're immediately right here to the west and Mr. Lavergne has a property in here. We have a lagoon here and then a floodway running generally this direction."

Chairman Sciortino said, "Thank you. Is that all that you had right now?"

Mr. Kaplan said, "If there are other questions at the moment."

Chairman Sciortino said, "Any other questions of Mr. Kaplan at this time? Okay, who else would like to speak for or against this item? Could I have maybe a show of hands of how many people do want to speak? That's a few. Okay, got it. Go ahead."

Mr. Mike Loveland, 8230 Overbrook, Wichita, Ks., greeted the Commissioners and said, "Lifelong Sedgwick County resident, licensed real estate broker for 21 years, 18 years with J.P. Weigand."

Chairman Sciortino said, "And could you also please give your address? We ask for the name and address."

Mr. Loveland said, "8230 Overbrook here in Wichita. I've been in the construction/ real estate development business for about 25 to 26 years and I'm familiar with the subject property and the surrounding residential homes and was asked by one of the homeowners for my opinion on the proposed use and its long-term effect on their property.

In my opinion, the proposed use for the subject location is not proper for three reasons. Number one, the property is close to surrounding existing residential homes, which would certainly devalue these properties because of a dog kennel operation. Number two, the subject property is just a little over a half mile from some of the nicest residential developments in Sedgwick County, which development is most certainly headed toward these properties, which would cause problems in the very near future. And number three, the addition of more traffic on 87th Street, a road which is rough and has drainage problems would cause additional problems.

It would be my hope that you would deny the request, because of its impact on the existing residential homes and the development that's coming that direction. Thank you."

Chairman Sciortino said, "Thank you. I don't see that there's any questions. Next speaker, and

Regular Meeting, October 16, 2002

the only thing I'm going to try to encourage you, just for the sake to make sure everybody gets to speak, please as well as you can don't be redundant and keep telling us the same thing we've heard and try to limit it as much as possible to five minutes. So, you all are going to have to arm wrestle as to who goes next. I don't care. You might want to start moving towards that side. Yes, ma'am, your name and address please."

Ms. Jennifer Hunter, 8815 E. 87th Street S., Derby, Ks., said, "I'm here on behalf of my mother, Marian Hunter. I live in Arizona right now but I grew up in Derby on this property and I went to high school there, along with my three brothers. My father owned a business in Derby, Hunter's Pharmacy.

I'd just like to share with you a little history, so that you sort of understand the value of this property to my family. My mother and my father have lived in Derby for 40 years. They lived on this property for 25 of those 40 or 42 years. They've lived there peacefully, quietly. They have never bothered anyone.

My mother is now 71 years old. She's a widow. She plans on living on this property through her golden years. My brothers and I come home quite often. I come home for the summers and I want you to understand that her home may be modest but it's really the land that we appreciate.

This is a place where my family gathers. We play baseball, we play basketball, we swim in the pond or at least I don't but my mother's grandchildren do. The kids have a go-cart. We have huge family picnics. It's really a place that all of us gather, have huge family reunions. It's a really special place. My father planted 350 trees there. There was nothing out there at one point. It's a place where we can all go, because his spirit is still there.

The property is still dear to me because I do come home in the summertime, because I want my family to understand the true values of Kansas, the home, the family, the church and for some reason we just can't find it anywhere else in the United States. So I come home to make sure that my little boy has this atmosphere so that he can learn the values that I grew up with.

So you see this land has a special meaning to my family and me and many of the neighbors and myself included are strongly opposed to this dog kennel. There are several reasons why we are opposed to it. Now the concerns that we have have never been adequately addressed. They've said, 'Oh, yes we know there's going to be noise, this is what we're going to take care of it, we're going to insulate the barn' those kinds of things. Have you ever heard 40 dogs in a barn or 30 dogs in a barn? *(Plays tape of dogs barking)*

Regular Meeting, October 16, 2002

You know I set out and I tried to be very open about this dog kennel and if you knew me you would understand that I need to know the facts before I make a decision. So, I went out and I have visited every dog kennel there is around here. I've gone to the brand new one, which is absolutely gorgeous. It's a multi-million dollar facility in Andover. They have an outdoor area that I know the dogs bark.

And I also went to a kennel that is just outside of Mulvane, just outside of Mulvane about five and a half miles and there I found a location that I don't want to simulate it but it is perhaps similar to what may happen in this location. This woman, her name is Dorland Cowen and she is in audience if you have any questions for her. She has two metal barns that are insulated. And several of us went out to visit her because we wanted to find out for ourselves is this a really bad thing or is a good thing. Is it something that we don't need to be worried about? We stood out outside the barns, we went inside the barns, we went inside of her daughter's home. The noise inside of the daughter's home, her children sometimes cannot sleep because of the dogs. Now they choose to live there but she told me that if they had their druthers, they would never live by a dog kennel.

Now my mother has been living there for 25 years and you're asking her . . ."

Chairman Sciortino said, "Ms. Hunter."

Ms. Hunter said, "I know, I understand but give me two more minutes."

Chairman Sciortino said, "I would like to ask you just if you could wrap it up. I think we get a real good feel for where you're at on this item."

Ms. Hunter said, "Okay, all right. Mr. Kaplan has addressed all the issues regarding the lagoon, which is a major issue for us.

In closing, I want you to understand that I love animals. I have two large black dogs, they're 60-80 pounds. I'm the first person to pick up an animal and take him down and help him. But this location is wrong for this neighborhood, this dog kennel. The home and residences are too close. We heave our doors and windows open in cool, nice weather. I believe that this fellow is infringing upon other people's rights to enjoy their own private property.

I'd like to say to you now and everyone in this room, I want you to think back about your mother and father. Would you want your mother or father or loved one to live out their days next to this . . . Thank you."

Chairman Sciortino said, "Thank you. Commissioner McGinn, your light was on. Did you have a . . .?"

Regular Meeting, October 16, 2002

Commissioner McGinn said, “Ms. Hunter, I have a quick question please. I need you to just come around and please point out the property on the map and also up here that you’re talking about.”

Ms. Hunter said, “My mother’s home is right here. Mr. Lavergne’s is right there and the barn proposed is right here. She’s 350 feet from that barn.”

Commissioner McGinn said, “Okay, thank you.”

Mr. Lester E. Donaldson, 7313 E. 95th St. S., Derby, Ks., said, “And I don’t live on the property that joins this people’s property but I do own the 80 acres. I’ve had it since 1957, the 80 acres that lay . . .”

Chairman Sciortino said, “It would help us if you could point out on the map.”

Mr. Donaldson said, “On the road a half a mile back here. So it’s back here, a half a mile, that’s 80 acres. It’s bare 80 acres. I had hopes that it would be developed property. Now there’s a lot of times they take in 20 acre tracts and stuff and I’ve kept it open. I hope that Derby, some day, can develop that in with their plans. And so, it just lower the property value with something like this next door. Where I live, I’ve been in the same place for 52 years and I’ve had that since 1957. It’s just a farm, bare farm, no houses on it or anything. Thank you.”

Chairman Sciortino said, “Thank you, sir. Next person that would like to speak to us.”

Mr. Clifford Helms, 212 N. Brookwood, Derby, Ks., greeted the Commissioners and said, “And I’m also Chairman of Facilities for the First Christian Church in Derby. We presently own a facility on the corner of Market and Derby Street now, but three year’s ago we purchased, at a cost of over a half million dollars, 75 acres at 87th and Rock Road. So you see the group of housing to the left on the screen. Our property is right across Rock Road.”

Chairman Sciortino said, “That’s in the white area, Cliff?”

Mr. Helms said, “Yes.”

Regular Meeting, October 16, 2002

Chairman Sciortino said, "That would be on the northeast corner of Rock and 87th."

Mr. Helms said, "Right. This is our property. It's about two-tenths, three-tenths of a mile from the location, proposed location for the doggie daycare center. And we appreciate entrepreneurship, we appreciate private enterprise and we appreciate people that want to go out, start a business and do well.

But we think the business must be an appropriate business for the location. We have right now about 750 members. When we move out there, probably within five to ten years, we'll be spending anywhere from a minimum of \$6,000,000 upwards of \$10,000,000 for our first phase of development, which will impact about 1,000 parishioners or 1,000 members.

Some of our concerns, and I don't know how great these concerns are because I have no way of measuring that myself because anything that is said is really ambiguous because there's not been a measurement at this time. But you know there's a concern about what time the dogs will be outside and they will be outside at some point in time and we certainly wouldn't want to do anything that would impede our worshipers coming to worship their God on a Sunday morning and services start at 8:30 and continue on until 12 and then there's other activities too. Throughout the week, we have a lot of activities for not only church related activities but we also do some community related activities.

So those are some concerns of ours. While we appreciate the Rubles and we appreciate them as a family, we just think that we want to make sure that this is an appropriate business for that particular location. And I do think that whatever the decision that's made, if the decision is made to go ahead with that, then the County is going to have to look at improving that road on 87th Street because it is not a road. It's a farm to market road. It's not a road that's developed for commercial, industrial purposes. Thank you very much."

Chairman Sciortino said, "Commissioner Gwin."

Commissioner Gwin said, "Just real quickly, when you purchased those acreage, what are your intentions? What do you plan to do with that?"

Mr. Helms said, "Well, our intention, we have 75 acres and we have probably . . . will probably retain around 40 acres for strictly church activities. But there's other outreach activities that we want to look at in the future, perhaps of even having you know some ministries that reach out to help people. You know like we might have buildings that have furniture that we might give for charity or something of that effect."

Regular Meeting, October 16, 2002

Commissioner Gwin said, "Any residential uses?"

Mr. Helms said, "We may have some residential uses and if that does come about it is . . . We do have a preliminary plat where there's between 90 and 120 lots platted around the east and north section of that but nothing has been determined, nothing is locked in concrete as to what we're going to do right now."

Commissioner Gwin said, "But the church for sure."

Mr. Helms said, "But that's for the future. But it would, if that does become re-sellable residential lots, any developer is going to frown on that with that type of business right there."

Commissioner Gwin said, "Just wanted to see what your intent was. Thank you. Thank you, Mr. Chairman."

Chairman Sciortino said, "Thank you, Mr. Helms. Mr. Manager, we're having a little bit of a time constraint here on some commitments that some of the Commissioners had. I want to allow everyone to speak but we may have to decide to recess until later on this afternoon or . . . I want you to be, while these speakers are talking, I want you to look at these items that are left before us to see how many of these we can defer to another meeting if possible, too."

Mr. Buchanan said, "Well, there's maybe another possibility too in that I could briefly describe each one, we could do them all under Consent and approve them."

Chairman Sciortino said, "Okay, all right. Next speaker that would like to speak. How many more do we have left here? Just one more and I think this gentleman, the applicant hasn't spoken either. Yes, sir. Your name and address and feel free to limit yourself to less than five minutes if you want to. There's no problem."

Mr. Tad Lavergne, 1312 Hilltop, Derby, Ks, said, "I will try to do that. I own the property directly adjacent to the Ruble's house. What I want more than anything is I really like to figure out what we're going to do and try and get it accomplished. I have tried to stay in the middle of this somewhat. I'm in it for myself. I'm not on either side here, per say. I was concerned, I told both sides I'm concerned with property value, noise and sound and I'm still somewhat concerned on all three.

I've had several different talks with both sides and have tried to share that information with the other side. I've tried to hide nothing and I'm really worried. I'm just concerned as to where this thing is going. You've heard of some of the instances that have happened out there. I talked to

Regular Meeting, October 16, 2002

both people, both sides yesterday. Gordon came and talked to me and I told him I'm concerned about my noise pollution and my renter moving out if it's bad and that's where he had offered to pay rent if my renter was to move out until I could get somebody back in there or buy the property outright. I really don't know what the intent was there. I don't try to explain what the intent was but he did say that I could bring that up at this meeting, so hopefully there was nothing bad about that.

So really what I'm after here is for some group to come up and make a decision on our neighborhood, because I do plan to move out there. I don't think it's going to be ten years. Hopefully it will be sooner than that but anything can happen. But I do sincerely have the intent to move out there. So I'm still looking for the issues of how we're going to address noise, property value and smell. I mean, we had excellent people here earlier. I wish we could have held them and told us if this water will smell going into the lagoon. I did go to Grandpa's. The one thing that I did feel was apples to apples was the lagoon issue. The woman that ran that facility said that it does smell on windy days and on hot days. That particular day, in all fairness, I did not smell it.

There's a hundred things. I know you guys are trying to move on and I don't want to go over the same things or hash it out. I just basically appreciate you guys letting me talk and those are my concerns and I really would like resolution as soon as we can get it, because it is extremely stressful out there."

Commissioner Gwin said, "And where do you live? You said you live next door. Where do you live? Do you live east or west of the parcel?"

Mr. Lavergne said, "Actually, I'm the one . . . I've heard several different issues that I live within 160 . . . I don't even know where I'm at here. Okay, I see. I own a house right here that I rent. It is within eyeshot and earshot of the barn. I have no idea what the exact distance is."

Chairman Sciortino said, "That's fine. Let me ask one question, sir. Are you for or against this application? Are you one of the protesters that signed a protest? Where are you on it?"

Mr. Lavergne said, "I'm against it if it's going to reduce my property value, I'm going to smell it and I'm going to hear it."

Chairman Sciortino said, "Okay, got it. That's as clear as I can understand. Is there anyone else that wants to speak? I was trying to hold off. I think the applicant wants to speak too but he would benefit . . ."

Regular Meeting, October 16, 2002

Ms. Mary Myers, Member, First Christian Church of Derby, 613 Briarwod, Derby, Ks., said, "I'm not going to say too much because everything's been said that I was going to say."

Chairman Sciortino said, "You could just say 'Me too' and sit down."

Ms. Myers said, "Anyway I can say my name. That hasn't been said yet. My name is Mary Myers. I'm a member of the First Christian Church of Derby. I live at 613 Briarwood, which is on the east side of Derby. I am a trustee in the Christian church and our church has purchased 75 acres, which Clifford has gone into all of that. I'm not going to rehash it or anything, but I do not feel having a kennel that close will be beneficial to our church and to the other property around it.

Here is what I firmly believe. I'm a Realtor. I've been a Realtor for 27 years in Derby and the surrounding areas. I feel like this is prime property. Mr. Donaldson's property is prime property, ours is prime property. We have had developers come to us and say, 'When you develop that or if you're going to or what are you going to do? We want first choice at it.' And we've had many people do this.

Oh dear, I lost my train of thought. I'm going to find it again, just a minute. Okay, if the kennel is put in, I don't care what the stipulations are, what the requirements are or anything like that. If it is known that a kennel is that close to Mr. Donaldson's land or to our land, it is going to be a detriment and it is going to decrease the value of the property. I firmly believe this and I've talked to one appraiser and he has kind of said that he felt the same way.

So this is what I just wanted to say, that I do not feel this is a proper place. I feel like the dog kennel will be great. I love dogs but it should be outside of Derby, out like the one in Mulvane, way far out somewhere. Okay, thank you."

Chairman Sciortino said, "Thank you, Mary. Anyone else that wishes to speak for it? Okay, I believe the applicant wanted to say something, so please come forward."

Ms. Beverly Ruble, 9031 E. 87th Street S., Derby, Ks., greeted the Commissioners and said, "When my husband and I first started talking about starting a dog daycare, we visited a number of kennels and daycare places to get a feel for what we were about to get ourselves into. We quickly decided that the traditional dog kennel with outside runs was not for us. We enjoy our peace and quiet and we began making plans for an indoor facility, heated, air-conditioned with inside kennels and a play area for the visiting K-9s.

A petition of opposition has been circulated and it fails to point out anything about the kennel and the play area being indoors, thereby misrepresenting the type of business we're trying to start. It says the acreage is too small. There are dog daycares in town on city lots in residential

Regular Meeting, October 16, 2002

neighborhood. We visited a Doggie Daycare in Wichita just this week and they have been in operation for about the past five years. There are no foul odors upon entering their establishment. They are located in a residential neighborhood. They have up to 60 dogs at a time and they have had no complaints from their neighbors about noise or smell.

The petition says the business does not belong in the area. There are already businesses in the area, including an auto/ body shop, and a party facility that rents to groups. The petition says additional traffic will aggravate the poor road conditions. As our facility stands currently with only one building, the maximum number of dogs that we could have and still maintain our play area is 30. Based on statistics from the American Boarding Kennel Association, the average fill rate over a span of a year for a kennel is 63%. This amounts to an average of 18 dogs a day and since we will operate a pet taxi, this will help minimize the traffic and the impact on 87th Street.

As far as being compatible with the long-term Derby planning, Derby is not even going to look at annexing until 2010. Our Conditional Use permit is only for an additional 7 years beyond that and even if Derby does annex us, it does not mean that our area would turn into the middle of downtown Derby overnight. We have people ask us what if we decide to move or one of us dies? We have lived there for over 18 years. It is the only home our daughter has ever known. Her friends are here. Her life is in Derby, with 4-H and Girl Scouts and she's told us many times that if we move she's not moving with us.

All I can tell you is what I know now. This is our home and we have no plans to be anywhere else at this time. I don't have a crystal ball to see what the future holds. To the best of my knowledge, no one else does either. The petition alludes that we will pollute the area streams and ponds. We rely on a well for our own water supply. It would not be in our own best interest to pollute that. Solid wastes are going to be picked up and disposed of properly, in accordance with ABKA guidelines and OSHA regulations. Our lagoon has been approved by the County sanitation engineer as more than adequate to handle this operation.

My husband and I have already voluntarily invested to join the American Boarding Kennel Association who, for the first time, has established nationally accepted standards of design and performance for boarding kennels. These standards were developed over a six year period and the resulting program contains over 200 standards of operation in addition to applicable OSHA requirements. Currently, only five kennels in Kansas are ABKA accredited. The one that Jennifer mentioned is not. We have already budgeted a portion of our income to voluntarily seek accreditation by the ABKA, which includes completing a three-part course in pet care and kennel management. I have copies of the rules and regulations, if anyone is interested in looking at them.

There are biodegradable products available on the market to neutralize odors, should any surface.

Regular Meeting, October 16, 2002

Our lagoon is 150 feet directly south of our house. We have never had any odor from it and if you've ever lived in Kansas for any time at all, you know that the wind is predominantly from the south, so I don't think that, when they say we won't monitor the situation, I believe that our noses probably will do that for us.

My husband and I have a sizable investment in our property. We have continually made improvements to our property since it was built over 18 years ago. It would not make good sense for us to do anything to our property that would diminish it or our neighbor's values. Any property devaluation from a dog daycare facility comes from having a building that has been modified for indoor/ outdoor runs, in a lock-down operation and from the lack of maintenance by its operators, neither of which we are going to do.

My husband and I do not take our citizenship lightly. We have been members of the Sedgwick County Sheriff's Reserves and the Mulvane and Maize Police Departments. We are currently leaders in the local 4-H Club and Girl Scouts, both programs based on teaching community service and good citizenship to our youth. My daughter and I started volunteering at the Kansas Humane Society last year . . ."

Chairman Sciortino said, "Ma'am, let me just ask, how much more time . . .?"

Ms. Ruble said, "I'm done. We are committed to our community. Thank you for your time."

Chairman Sciortino said, "Thank you."

Mr. Gordon Ruble, applicant, 9031 E. 87th St. S., Derby, Ks., said, "Owner of the property in question. When we first started down this road, we had no idea that it was going to end up in this type of fiasco. We visited with every single one of the resident neighbors, asked them what they thought of our idea, including Ms. Hunter. At that point in time, she said 'I'll send my daughter's dog over when she comes to visit', so we thought we had clear sailing. Now, all of the sudden, we've run into all kinds of opposition.

So, we thought maybe we were off on left field, so we decided to run a survey and collected these petitions throughout the City of Derby. That is 242 residents of Derby who are in favor of this. There's a total of 376 that are in the outlying area, I mean not total . . . there's a total of 376 that have signed this and of that, 242 are residents of Derby.

As far as what Mr. Lavergne said, yes I did. I went to him and I told him I am so confident that we will not cause a problem with your property that I will be more than happy to pay for the rent or, if in fact you do lose your renter because of the problems with the kennel or I will buy it from you at

Regular Meeting, October 16, 2002

market value. Now, is that not pretty much what I said?"

Mr. Lavergne said, "That is correct."

Mr. Ruble said, "Okay. The dog kennels that have been alluded to are outside dog kennels. These are lock-down dog kennels and you will have a problem with those, with barking and smell. The kennel that we of course have proposed is all inside and I won't reiterate on that.

We are bound by the AKA and all their governing, local requirements so there we are. Any questions? I made mine nice and brief."

Chairman Sciortino said, "We thank you very much for that. We're going to try and maybe hold off until we see is there's anyone else here now that would like to address us, either for or against this item? Okay, hearing none, we're going to limit the comments to the Bench. Commissioners, do you have any comments on this or any direction? This is not an easy thing. We have private enterprise, we have citizens, we have comments from the Bench. Okay, Commissioner Winters was the first one I think."

Commissioner Winters said, "Thank you, Mr. Chairman. This is a very difficult case and I'm just going to put this out for Commissioner discussion to see what you think about perhaps considering that we send this back to the Derby Planning Commission. Since I've been a Commissioner 10 years, I think I . . . I know I can count on one hand and maybe just one or two fingers the times we have sent cases back to the Metropolitan Planning Commission for reconsideration or ask a small city to reconsider one of their original decisions. But I'm a little bit confused about the number of changes that have been introduced since Derby first heard this and just jotting some down, it is the consideration of this being an indoor facility, as opposed to being partly outdoors, sound insulation, the change in the hours of operation, the number of dogs and now I'm confused. I mean, I've heard 30, 40, 50 and 60, depending on . . .

And then something as interesting about this withdrawal of one of the protests and then just lastly, I know that there are dog daycare facilities in the City of Wichita and it would appear to me, if something could happen in a neighborhood in the city, there ought to be something here that possibly is workable. But there are enough people here that are concerned about this in their neighborhood and with the Derby Planning Commission, you know I just normally take those small city planning commissions very seriously, but somehow I just don't think we're getting . . . I don't think I'm getting the full uptake here and if Derby's Planning Commission could reconsider this and if they could look at these changes and find a way to think differently about it, then maybe that would be something else again. I just want to make sure everybody has a fair chance with all of

Regular Meeting, October 16, 2002

these changes that have taken place. So, this is a very difficult case. That's just a suggestion to send it back to Derby's Planning Commission and ask them to reconsider."

Chairman Sciortino said, "Okay. Commissioner Norton."

Commissioner Norton said, "Well first I happen to agree with Tom that the prudent way to deal with this is to let Derby have another look at it. I really hold them in high regard, as I do all the city planning commissions. I think they should control their growth and the zoning around their areas and to have the MAPD and the MAPC to take a look at it and change all of that is one thing. For me, there's too much information and too much of it's changed. I hadn't been able to process it and I tried to read everything before I got here and now some of it sounds like it's changed. So I don't think it would be prudent to make any decision today until we can check off that we really know what's being proposed, because I'm not sure I know that, based on the dialogue and what I've read and the changes that were made on the fly today.

I have some concerns about the Rules of Golden being followed and I think that's what Mr. Kaplan was referring to. When you look at those nine rules and they are what guide zoning changes, I'm not so sure that they were all really followed by the letter of their intent and I'd like to review that a little further before I would make any decision, because that is the rule, that is the rule of law that has to be followed in these cases. And Mr. Kaplan says there's five of them that he doesn't think were followed very well and I happen to agree, based on that dialogue, that maybe they weren't and I'd like to review that a little more.

I have a problem with who is going to monitor all of these conditions. You know, the list keeps growing, 18, 20, 30, 50 conditions and that's going to fall on someone and is that the City of Derby, is that Sedgwick County Code Enforcement? That is a lot of conditions being written into this that is not a simple this is a commercial property and here's what it is. It is a Rural Residential with a lot of conditions and it seems like to me that it would become imperative that Ms. Hunter and Mr. Lavergne and Mr. Donaldson will probably be the people that will have to monitor it because I don't think there will be Code Enforcement people out there every day looking at this. And the neighbors would be the ones that would monitor the smell, monitor the noise, monitor the number of dogs, monitor all of those things and I think that puts an imposition on them.

Now, maybe that's not the case but with that many conditions, it seems like that would be hard to do, so I think I'm going to follow Tom's lead. I believe that Derby knows best for Derby and we should send it back to them and let them take another look at this, with all the conditions and all the

Regular Meeting, October 16, 2002

monitorings that are going to have to be done and be sure that they have a firm, strong recommendation.

One of my concerns though is that if it goes back then it comes back to us, it comes back with a different voting mechanism, I believe. It doesn't have to be a 5-0 vote. Then it can be 3-2. Is that correct? What does that look like?"

Mr. Richard Euson, County Counselor said, "That's not easy to answer very quickly because the Derby Planning Commission voted to reject an approval and it's not necessarily the same as a denial, and so there's some question about whether they've actually denied. If they have, then it requires a 5-0 vote for the Board of County Commissioners to approve it. If the Metropolitan Area Planning Commission votes to approve it and you want to override them, then it requires 4 votes to override them."

Commissioner Norton said, "If it goes back to Derby's Planning Commission though and they vote to deny again, what kind of a vote the second time does it take?"

Mr. Euson said, "It's going to take 5 affirmative votes to override the Derby Planning Commission."

Commissioner Norton said, "It will still take 5, even if we sent it back to them and they come with a different recommendation it will still take 5-0 vote."

Chairman Sciortino said, "I think what Mr. Euson has just said, he's not too sure they voted to deny this time. He said that they voted against approval, but they didn't vote to deny and he's questioning whether or not, legally, what the vote count there is.

But let me jump into the middle of this fray if I can. I share with you and Tom. I am very reluctant to go against the local planning commissioner's recommendations. They are the people right there and they should know best how to direct their own destiny, so to speak. The Metropolitan Area Planning Commission overwhelming voted to approve. I don't like denying people' right for their livelihood and for conducting businesses. I've heard that . . . and I know that there are these type of businesses right in the middle of residential areas. There are a little difference there because they're usually piped into a sewer system, as opposed to a lagoon, etcetera and so forth.

The one thing, I'm a realist but the one thing that was mentioned by the applicants' representative was the applicant's desire or hope to be able to continue dialogue with the people that are protesting in the hopes to eliminate the protests. Now I don't know what the odds are on that. I've heard

Regular Meeting, October 16, 2002

some pretty emotional testimony. I think that's a big uphill battle. But you know at least there might be a chance there. There was some discussion where it went from 60 to 49. I don't know if I were betting on that chances what I would lay down as a form of a bet, but I like the concept of at least being able to have people talking to themselves.

Mr. Euson, let me ask you again, if we were to vote to send it back to Derby, that would not negate . . . they would still then have to go back to the MAPC. Is that correct, regardless of what happens in Derby?"

Mr. Euson said, "Well, you could actually send it back to Derby and have it come directly back here or you could send it back to both planning commissions. That's your choice."

Chairman Sciortino said, "Well, if I understood it right, the people protesting preferred us to send it to the MAPC is what I heard. So I would think that if we're going to send it to Derby, we'd want to send it back to the MAPC also and have the whole process. I think I would be in favor of what you and Tom are trying to do, just in the hopes that the Derby Planning Commission gets to see all the new facts and their vote may be much stronger than what it was this time, once they get all the facts and then we'll eventually get it back again. And if I understand it, if it's going back to both, that's what both sides wanted.

Anyway, any other comments or questions on it? Go ahead, Commissioner Winters."

Commissioner Winters said, "The only comment I'd have about sending it to Metropolitan Planning Commission again, I think the record was pretty clear on what they arrived at. To me it's Derby that I'm interested in hearing and is what I think is going to play an important role is how the Derby Planning Commission looks at it. And so, again, I'll do whatever the rest of the Board thinks is prudent but to me, it would be okay if we sent it back to Derby and then it came back to here. But I'll follow your lead."

Chairman Sciortino said, "Well, I want to make sure that both sides feel that they have been given fair hearing on this case and I would support sending it back to Derby, but only if then it was sent back to the MAPC. I think that's only fair and I would entertain a Motion to that effect."

MOTION

Regular Meeting, October 16, 2002

Commissioner Winters moved to return this case to the Derby Planning Commission, as then to the Metropolitan Area Planning Commission for them to consider the changes that have been made, to changes that have been talked about and the conditions as they now appear.

Commissioner Norton seconded the Motion.

Chairman Sciortino said, "Discussion. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. I'll vote to support the Motion. My concerns are however that some of the changes made by the planning commission are even more liberal than what Derby denied. And so I'm not very optimistic that Derby Planning Commission will change their minds. If you extend the time of the Conditional Use from 10 to 15 years and you didn't like 10, I don't think you're going to like 15. If you change the number of the dogs, what Derby heard is 50, to 60 I'd be hard pressed for the Derby Planning Commission to see that they would change it. But I'll support it. I mean, there's been some substantive changes here and I think they should have the ability to go back and discuss those. But I'm not very optimistic that that will change their vote, but I will support the Motion."

Chairman Sciortino said, "Commissioner Winters, did you? I'm sorry. Commissioner Norton."

Commissioner Norton said, "Well, just a final comment. Probably, if we had to vote on it today, I would vote to deny. So I think to let Derby take a look at it, MAPC and for the parties to continue to try to dialogue, I think I'll vote for this but if we had to vote on it otherwise today, I would vote to deny because I just don't think all the information is there. I don't think all the Rules of Golden were followed and I'm not so sure we can monitor all those conditions that are being placed on there without having a detriment to the people in that community. So, I'll be supportive of the proposal we have now."

Chairman Sciortino said, "And that's my position too. I mean, I want to . . . we sit here and we have an obligation to be fair to both sides. We are supposed to listen, unemotionally and not be

Regular Meeting, October 16, 2002

swayed by a Motion. We have to make a rule based on the rules of law. I share your concerns that maybe some of those rules weren't followed. I would be leaning very heavily to doing the same thing that you're suggesting if we were to do it today, but I want to be fair to the applicant also. He's requested this. The people that are protesting are wanting their day at the MAPC again if that's the case and in the maybe vain hope that warring parties can reach a peaceful solution, I think it's something that's worth trying. So, okay, any further comment? We have a Motion and a Second, is that correct, Madam Clerk? Please call the roll on this item."

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 for having to wait as long as you all have and feel free to stay here and we'll listen to the rest of the interesting meeting if you'd like. Let's take a five minute break. Next item please."

Mr. Buchanan said, "Mr. Chairman, I think if it suits you, we can get rid of . . . do all this business in a very short period of time. I would propose that I go over each agenda item briefly and then ask you to adopt them, en masse, which would be appropriate. If there are questions, we have the departmental experts here that can answer them, any questions that you have. But you've had this material before you, you read it and we've briefed you about it. So, if that would suit you, Mr. Chairman, we could do that or we could come back later this afternoon."

Chairman Sciortino said, "I think I would be agreeable to it if the Board is acceptable to that."

Commissioner Gwin said, "Unless there's some items, is there any particular items that someone needs to talk about?"

Commissioner McGinn said, "I looked ahead, I mean I'll just share. I just had a quick question on F-2, F-3, a comment on H-2 and on the Item N, the Coliseum monthly report, I'd like to see that deferred rather than put on Consent Agenda."

Commissioner Gwin said, "Okay."

Regular Meeting, October 16, 2002

Mr. Buchanan said, "The Coliseum monthly report will be deferred."

Commissioner McGinn said, "Thank you."

Chairman Sciortino said, "Okay, let's give it a shot, Mr. Buchanan."

2. **RESOLUTION TO APPROVE THE FILING OF AN APPLICATION FOR A TRANSPORTATION ENHANCEMENT PROJECT TO KANSAS DEPARTMENT OF TRANSPORTATION (KDOT).**
3. **UNIFIED PLANNING WORK PROGRAM FOR FISCAL YEAR 2003 AND JOINT RESOLUTION WITH CITY OF WICHITA, KANSAS AUTHORIZING THE DIRECTOR OF MAPD TO SUBMIT APPLICATIONS, NEGOTIATE AGREEMENTS AND EXECUTE CONTRACTS IN SUPPORT OF THE PROGRAM.**

Mr. Buchanan said, "Items F-2 and 3 are standard form resolutions from the Planning staff for the Transportation Enhancement, which is a bike path and number 3 is the Unified Work Plan that we have submitted each and every year to the state to receive federal, state and federal funds and in this plan there's no call for additional matching funds from either the City or County."

Chairman Sciortino said, "All right, thank you. Commissioner Winters, quickly."

Commissioner Winters said, "I see Jamsheed is here. Is there a way that we can defer . . . Take action on it today but hear this report at a meeting where we have time to hear it? I mean, Jamsheed I think is doing a good job in Transportation at the Planning Commission and I think we need to hear his report and what these items are. I'm okay with voting on them today, but I'd like to hear his report."

Mr. Buchanan said, "We'll have a report scheduled in the next couple of meetings."

Commissioner Gwin said, "But he could even come to a staff meeting."

Mr. Buchanan said, "Yes."

Commissioner Gwin said, "I mean, if the schedule at City Council works out, whatever."

Chairman Sciortino said, "Commissioner McGinn."

Regular Meeting, October 16, 2002

Commissioner McGinn said, "Yes, I had questions and comments about both but I can get them done that way."

Chairman Sciortino said, "Good. Let's move along."

DEFERRED ITEM

G. RESOLUTION AUTHORIZING SEDGWICK COUNTY TO JOIN THE LOCAL ELECTED OFFICIALS BOARD.

Mr. Buchanan said, "Item G is the resolution authorizing Sedgwick County to join the Local Elected Officials Board. This is from the Workforce Investment Act of 1998. It gets us a seat on the board that helps distribute dollars for training programs in this region."

Item H is the Division of Community Development. You already did H-1.

2. RESOLUTION PROVIDING FOR THE LICENSING AND REGULATION OF ONSITE WASTEWATER SYSTEM INSTALLERS; AND

RESOLUTION PROVIDING FOR THE LICENSING AND REGULATION OF SANITARY SERVICE; AND

RESOLUTION ESTABLISHING A SEDGWICK COUNTY ADVISORY BOARD OF ONSITE WASTEWATER SYSTEM INSTALLERS AND SEWAGE HAULERS.

H-2 is a resolution providing for the licensing and regulating of on-site wastewater system installers. You recall that you just approved earlier, had the hearing on the sanitary code. This helps implement the new sanitary code. There's also a resolution for the licensing regulation of the sanitary service. These are the people that do the installation and the service end of it. And the third resolution establishing an advisory board, which Irene referred to in the past. Ms. McGinn had a question."

Commissioner McGinn said, "And I'd like to have Glen Wiltse come forward please. In talking about improving and enhancing our sanitary code and in some of the systems that we're putting out there to better protect the environment, I'd just like to ask a couple of comments and make sure that that is correct."

One is now you have to have a license in order to install these systems, is that correct?"

Regular Meeting, October 16, 2002

Mr. Wiltse said, "You will after January 1, yes."

Commissioner McGinn said, "Okay. And the other thing is they will be required to get a permit for getting the system in."

Mr. Wiltse said, "That is correct."

Commissioner McGinn said, "And that permit will cost \$100."

Mr. Wiltse said, "That is correct."

Commissioner McGinn said, "And then the other thing is, I know I've heard a lot of people have concern about whose going to pay to monitor these systems. It's my understanding, under section four, an annual operating permit for these systems will be \$25 per year and that will be paid by the homeowner. Is that correct?"

Mr. Wiltse said, "That is correct. Some of the maintenance contractors may include that into the service, but that \$25 comes to our department for record keeping costs basically."

Commissioner McGinn said, "But to make it clear to the public, the general taxpayers will not pay for this. It will be paid for by the homeowner that uses this system."

Mr. Wiltse said, "That is correct."

Commissioner McGinn said, "Okay, thank you."

Commissioner Norton said, "I have one question real quick. Describe the advisory board, how many people and how they're appointed because we're getting ready to do that soon I'm sure."

Mr. Wiltse said, "It's a five-member board. I believe the board consists of one engineer, one individual from the public at large, two contractors basically in the business and I cannot remember . . ."

Commissioner Gwin said, "One sewer hauler."

Mr. Wiltse said, "Yes, and one of the sewage haulers, that's correct."

Commissioner Norton said, "If we were to have a recommendation or two of people that we would like to see appointed, who do we give those to?"

Regular Meeting, October 16, 2002

Mr. Wiltse said, “Well actually, the board will be appointed by Commissioners and they can either give their recommendation . . . anyone that wants to serve on the board can either come through me and I’ll hand those to the Commissioners, or contact you directly I believe.”

Commissioner Norton said, “Okay. That’s all I have. Thanks.”

Chairman Sciortino said, “Thank you. Mr. Buchanan . . .”

Commissioner McGinn said, “I was just going to add that this is an advisory board that we will all together decide who those people will be.”

Chairman Sciortino said, “Mr. Buchanan, continue.”

3. SEDGWICK COUNTY HOUSING AUTHORITY ADMINISTRATIVE PLAN REVISION.

Mr. Buchanan said, “Item 3 is the annual Sedgwick County Housing Authority Administrative Plan Revision. We’ve revised that plan from time to time. You’ve had the public hearing on that and this is a routine matter which we need to submit to the Department of Housing and Urban Development.

I. RESOLUTION ADOPTING REVISIONS TO SEDGWICK COUNTY PREMIER LEGAL PLAN DOCUMENTS.

Item I is a resolution adopting revision to Sedgwick County Premier Plan. This is our plan for benefits. The attorneys tell us to meet the code with the IRS that we need to proceed with the adoption of those documents and there’s no substantive change in the plan. It is about making sure we meet the code so that your medical account and your dependent care accounts qualifies as a pre-tax contribution.

J. DIVISION OF HUMAN SERVICES.

1. AGREEMENTS (FIVE) TO PROVIDE DELIVERY OF USDA COMMODITIES.

- **CITY OF CLEARWATER, KANSAS**

Regular Meeting, October 16, 2002

- **BENTLEY UNITED METHODIST CHURCH**
- **CITY OF GODDARD, KANSAS**
- **COLWICH COMMUNITY SENIOR CITIZENS**
- **CITY OF PARK CITY, KANSAS**

Item J is the Division of Human Services and there are five different places where commodities will be provided and you can see that they are throughout the rest of Sedgwick County.

2. **AGREEMENT WITH KANSAS DEPARTMENT ON AGING FOR CENTRAL PLAINS AREA AGENCY ON AGING TO ASSIST WITH ELIGIBILITY DETERMINATION FOR THE STATE SENIOR PHARMACY PROGRAM.**

Item J-2 is an agreement with the Department of Aging for Central Plains Area on Aging to assist eligibility determination of the state senior pharmacy program. This is a program that allows seniors to get drugs, pharmaceuticals at a discount and allows us to determine folk's eligibility for that program.

3. **AGREEMENTS (TWO) FOR SEDGWICK COUNTY TRANSPORTATION BROKERAGE TO PROVIDE MEDICAID BILLING SERVICES FOR TRANSPORTATION PROGRAMS.**
 - **HARVEY COUNTY, KANSAS**
 - **STARKEY, INC.**

We have two agreements to allow Harvey County and Starkey, Inc. to bill Medicaid directly for the Transportation Brokerage services.

4. **CONTRACT WITH HICKOK AND ASSOCIATES, INC. TO PROVIDE PROFESSIONAL LABORATORY CONSULTING SERVICES.**
5. **CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE COMMUNITY-BASED SERVICES FOR ADULTS, CHILDREN AND ADOLESCENTS WITH MENTAL ILLNESS.**
6. **CONTRACT WITH FAMILY CONSULTATION SERVICE OF WICHITA, INC TO PROVIDE COMMUNITY-BASED SERVICES FOR CHILDREN**

Regular Meeting, October 16, 2002

AND ADOLESCENTS WITH MENTAL ILLNESS, AND THEIR FAMILIES.

7. GRANT APPLICATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, CENTER FOR MENTAL HEALTH SERVICES, FOR FUNDING OF PREVENTION AND EARLY INTERVENTION SERVICES.

Item J-4 through J-7 is a contract with Hickok and Associates and they provide laboratory services for those people who are our clients who need blood tests for the drugs that they are prescribed in our system.

Item 5 is a contract with Mental Health Association of South Central Kansas to provide community based services for adults and children and adolescents with mental illness. It's a standard form contract and we've done business with them for lots of years.

Item 6 is Family Consultation Service, a contract with them to provide community based services for children and adolescents with mental illness in their families and again, a standard form contract and we've done business with them also for lots of years.

Finally is a grant application to the Department of Health and Human Services for substance abuse, for mental health administration, for the Center of Mental Health Services for funding of prevention and early intervention of abuse issues.

8. AGREEMENTS (EIGHT) SUBCONTRACTING THE PROVISION OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITY SERVICES.

- **ZACHARY HOUSE**
- **STARKEY, INC.**
- **RAINBOWS UNITED**
- **HOUSE OF HOPE**
- **ENVISION**
- **CATHOLIC CHARITIES**
- **KETCH**
- **ARROWHEAD WEST**

Item J [sic] are several contracts, eight of those with people who provide services to citizens of Sedgwick County who have mental retardation and developmental disability issues and those eight

Regular Meeting, October 16, 2002

are listed: Zachary House, Starkey, Rainbows, House of Hope, Envision, Catholic Charities, KETCH and Arrowhead West. Again, we've done business with those folks for years and it's a standard form contract.

K. AGREEMENT WITH CITY OF WICHITA, KANSAS AND RCC CONSULTANTS, INC. (RCC) FOR RCC TO PROVIDE CONSULTING SERVICES RELATED TO WIRELESS DATA INFRASTRUCTURE AND IMPROVEMENTS TO SUPPORT AN AUTOMATED VEHICLE LOCATION SYSTEM.

Item K is a contract with the City of Wichita to provide for information and technology about Automated Vehicle Location service. We are beginning a new process with the State of Kansas, City of Wichita and Sedgwick County to look at these issues and this is a consultant will come in and help us determine the infrastructure improvements to support that issue.

Chairman Sciortino said, "Now hold on just a second. Commissioner Winters has a question on Item K please."

Commissioner Winters said, "I think this is something important enough that we have a discussion about. I'm going to be supportive of this. I just think we need to have more detail and more than we can get in a couple of minutes. I don't know whether this needs to be approved today and then a follow up report or whether we just need to defer this item."

Chairman Sciortino said, "Mr. Buchanan, can we defer this item for a week, so we can . . . Is there any time crunch? Let's set this one aside for deferral so we can give it . . ."

Mr. Buchanan said, "We are very supportive of this but this is a new area of cooperation that we are entering with the City of Wichita and the effect on citizens would be significant."

Chairman Sciortino said, "So you're comfortable we can defer this so we can discuss it in depth. Okay, thank you. Continue please."

L. AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM TO INCLUDE #R-286, RECONSTRUCTION AND WIDENING OF HOOVER ROAD FROM 35TH STREET SOUTH TO HARRY.

Item L is amendment to the Capital Improvement Program to include R-286, reconstruction and widening of Hoover Road from 35th to Harry Street, which we have discussed with you in the past.

M. KANSAS COLISEUM MONTHLY REPORT.

Regular Meeting, October 16, 2002

We want to defer Item M, so that's Item K and M deferred.

N. PUBLIC WORKS.

- 1. KDOT FORM 1309, AUTHORITY TO AWARD CONTRACT COMMITMENT OF COUNTY FUNDS, FOR SEDGWICK COUNTY BRIDGE REPLACEMENT PROJECT 606-23-4950, 53RD STREET NORTH OVER THE BIG ARKANSAS RIVER. CIP# B-269. DISTRICT #4.**

Item N is a standard KDOT Form 1309, authority to award a contract to commitment of county funds for county bridge replacement on 53rd Street North over the Big Ark River.

- 2. AGREEMENT WITH THE CITY OF WICHITA, KANSAS FOR WIDENING OF HOOVER ROAD FROM HARRY TO SOUTH OF 31ST STREET SOUTH AND THE INTERSECTION OF K-42 AND HOOVER ROAD. CIP# R-286. DISTRICT #2.**

And the second item under N is an agreement with the City of Wichita for the widening of Hoover Road from Harry south to 31st Street and that's a standard form that David negotiates with his counterpart across the street.

O. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF OCTOBER 10, 2002.

We have the Bid Board, Board of Bids and Contracts. There were three items I believe and two of them were single source and the third item we are recommending you accept the low bid of Railroad Salvage Restoration for the railroad spur parking lot, Economic Development and United Warehouse funding the Economic Development fund.

CONSENT AGENDA

P. CONSENT AGENDA.

- 1. Right-of-Way Easements.**

Regular Meeting, October 16, 2002

- a. One Temporary Construction Easement and one Temporary Easement for Ingress and Egress for Sedgwick County Drainage Project on 45th Street North. District #1.
 - b. Three Temporary Construction Easements and three Permanent Floodway Reserve Easements for Greenhaven Drainage Project. CIP# D-2. District #5.
 - c. Three Temporary Construction Easements for Sedgwick County Idlewild Street Drainage Project on Idlewild from Clifton to the Arkansas River. CIP# D-3. District #5.
2. **Agreement with Wichita Children’s Home for provision of emergency temporary shelter services.**
 3. **Agreements (11) providing approved Developmental Disability Provider status.**
 - Advantage Home Care
 - Brandy Ferren Dockers
 - Hart Medical Equipment
 - Payroll Plus of Kansas
 - Leticia Aldrete
 - Epimelos Associates
 - Life Patterns
 - Special Needs Billing
 - Dependable Assisted Living
 - Hortencia Granado
 - Kansas Truck Equipment Company
 4. **Application for License to Retail Cereal Malt Beverages.**

<u>Applicant Name</u>	<u>Business Name</u>
Sharon F. Andersen	Bus’s Bait & Burgers
 5. **General Bills Check Register(s) for the week of October 9 – 15, 2002.**

Regular Meeting, October 16, 2002

And the Consent Agenda that you have before you. I would recommend that you adopt all the items on the agenda except L . . .”

Chairman Sciortino said, “Except K.”

Mr. Buchanan said, “Except K and M, which are deferred for one week.”

Chairman Sciortino said, “Okay, and then the other item we’re going to approve but we’ve asked for other discussion on it. What item was that, if I can just remember. It was on the one that Jamsheed . . .”

Mr. Buchanan said, “H-2 and 3 [sic] which we’ll put on next week’s agenda.”

Chairman Sciortino said, “Okay, fine. Commissioners, what’s the will of the Board?”

MOTION

Commissioner Norton moved to add the items presented by the Manager to the Consent Agenda, with the deferments and removals as noted.

Commissioner Norton said, “I would like to add that we have three BoC approvals on the Bid Board, one for \$7,235 to Piping & Equipment, one to Ritchie Paving for \$141,837.68 and one to Railroad Salvage and Restoration for \$308,075.34.

Commissioner Gwin said, “Excuse me, let me clarify. Your Motion is to move those to the Consent Agenda and then we’ll get to the Consent Agenda and move that.”

Chairman Sciortino said, “Then we just make it as one.”

Commissioner Norton said, “Everything would be moved to Consent Agenda except the ones we defer and the ones we want to talk about, and with the stipulation that there was Bid Board.”

Chairman Sciortino said, “That’s one Motion.

Commissioner Norton said, “Then we’d come back and do the Consent Agenda.”

Commissioner Gwin seconded the Motion.

Regular Meeting, October 16, 2002

Chairman Sciortino said, "I've got a Motion and a Second. Clerk, call the roll."

VOTE

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

Mr. Buchanan said, "I recommend that you approve the Consent Agenda."

MOTION

Commissioner Gwin moved to approve the Consent Agenda with additions as noted.

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. And I really appreciate, Mr. Buchanan, the way you got us to move along. You might want to consider doing that more often. Commissioners, I believe there is a need for a short Executive Session and I would entertain a Motion to that effect."

Q. OTHER

MOTION

Regular Meeting, October 16, 2002

Commissioner Gwin moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return from Executive Session no sooner than 12:15 p.m.

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. We are now recessed into Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 12:05 p.m. and returned at 12:16 p.m.

Commissioner McGinn left at 12:06 p.m.

Chairman Sciortino said, "We're back in from Executive Session. There was no binding action taken in Executive Session but I believe there is some action that we now have to take. If you notice, Commissioner McGinn left with us but she had to go to a lunch, so that's why she's not present here, but we have a quorum. Mr. Euson."

Mr. Euson said, "Yes, Commissioners, this matter involves the case that the Board of County Commissioners brought against Firemen's Fund Insurance Company. We received a jury verdict of \$854,000 in June. That is reduced by the amount of our deductible, so the net amount of recovery was

Regular Meeting, October 16, 2002

\$754,000. We have filed motions in court for prejudgment interest and attorney's fees based upon that verdict and the insurance company has offered to settle for a net \$850,000 for a final settlement in this case."

MOTION

Commissioner Norton moved to approve the final settlement as presented by Mr. Euson.

Commissioner Gwin seconded the Motion.

Chairman Sciortino said, "Before we vote on it, I think the public needs to know that . . . is it appropriate for me to share what . . . Okay, because earlier into this case, we agreed to settle for \$600,000. They turned that down and they felt they could go to court with it. We felt we were right. We did not cave to any intimidation. We decided to go ahead and go to court and we prevailed and the net result is we're now going to get \$850,000 instead of the \$600,000 that we had offered to settle to move this along. So I'm very happy that the good guys won one once."

Commissioner Norton said, "And we might want to explain what the suit was about, it was about the Pampas/ Outback and the roof that caved in."

Chairman Sciortino said, "Yeah, the roof and the whole bit and there was a lot of things said in the trial trying to demean our zoo and I'm glad we won it."

Commissioner Gwin said, "And further, from being up there, the testimonies of Mark Reed and zoo staff were just strong and powerful and couldn't have been more convincing. So I want to commend those folks who love and work at the zoo every day."

Chairman Sciortino said, "Wait a minute. Now, Mark had agreed to \$600. We got the 800, so we could put the other 200. Okay, fine. I want to make sure he gets exactly what he agreed to settle on."

Commissioner Norton said, "That's not part of my Motion, Mr. Chairman."

Chairman Sciortino said, "We need to move quickly here. We have a Motion and a Second to accept the settlement. What's the will of the Board? Would you call . . .?"

VOTE

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

Regular Meeting, October 16, 2002

Commissioner Carolyn McGinn Absent
Chairman Ben Sciortino Aye

Chairman Sciortino said, "Thank you very much. Is there anything else to come before this Board? Hearing none, this meeting is adjourned."

R. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:20 p.m.

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

BEN SCIORTINO, Chairman
Fifth District

BETSY GWIN, Chair Pro Tem
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

CAROLYN MC GINN, Commissioner

Regular Meeting, October 16, 2002

Fourth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2002