

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

### **REGULAR MEETING**

**November 13, 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, November 13, 2002 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chair Pro Tem Gwin with the following present: Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Commissioner Carolyn McGinn; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Kathy Sexton, CIO, DIO; Mr. Dale Miller, Acting Director, Metropolitan Area Planning Department; Ms. Jan Kennedy, Treasurer; Ms. Jacque Wedel, Sales and Marketing Manager, Kansas Coliseum; Dr. Mansoor Tahir, Senior Epidemiologist, Health Department; Mr. Larry Ternes, Youth Services Administrator, Department of Corrections; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Mr. Byron Chrisler, Division Chief Medical, Fire District #1; 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**

King David Davis, 1041 S. Seneca, Wichita, Ks.

Ms. Carol Bloodworth, City Clerk, City of Maize.

Mr. Clair Donnelly, 709 Trotter, Maize, Ks.

Mr. Rob Hartman, agent for applicant, Professional Engineering Consultants.

### **INVOCATION**

The Invocation was led by Mr. Ashok Aurora of the Hindu Temple of Greater Wichita.

### **FLAG SALUTE**

### **ROLL CALL**

The Clerk reported, after calling roll, that Chairman Sciortino was absent.

**Chair Pro Tem Gwin** said, "Next item."

**Regular Meeting, November 13, 2002**

**CONSIDERATION OF MINUTES:**    October 16, 2002

The Clerk reported that all Commissioners were present at the Regular Meeting of October 16, 2002.

**Chair Pro Tem Gwin** said, “Commissioners, I believe we’ve all seen those Minutes for review. What’s the will of the Board?”

**MOTION**

Commissioner Norton moved to approve the Minutes of the Regular Meeting of October 16, 2002.

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	Absent

**Chair Pro Tem Gwin** said, “Next item.”

**PROCLAMATION**

**A.    PROCLAMATION DECLARING NOVEMBER 15, 2002 AS “AMERICA RECYCLES DAY.”**

**Chair Pro Tem Gwin** said, “I’ll read this into the record for the Chairman.

**PROCLAMATION**

**WHEREAS**, Americans generate nearly 232 million tons of municipal solid waste each year, or more than 4.5 pounds per person per day; and

**Regular Meeting, November 13, 2002**

**WHEREAS**, the average Sedgwick County resident generates approximately 6 pounds of waste each day, and more than one ton annually; and

**WHEREAS**, reduction, reuse and recycling activities can significantly impact the amount of waste going to local and regional landfills; and

**WHEREAS**, buying products that are made with recycled contents is the final and most important step in recycling; and

**WHEREAS**, participating in America Recycles Day is one way citizens, businesses, industries, government agencies and organizations can raise awareness about the need to reduce waste and protect our environment.

**NOW THEREFORE BE IT RESOLVED**, that Ben Sciortino, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 15, 2002 as

**“AMERICA RECYCLES DAY”**

and urge every Sedgwick County citizen, business, government agency, civic group and every other organization to be a “Kansan Making a Difference” by signing a pledge to renew their commitment to recycling.”

**MOTION**

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

Commissioner Winters seconded the Motion.

**Commissioner Gwin** said, “Thank you. And it looks like Kathy Sexton is here to accept this. Let me call the vote. Clerk, call the vote please.”

**VOTE**

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

## Regular Meeting, November 13, 2002

**Chair Pro Tem Gwin** said, "There you go, your turn."

**Ms. Kathy Sexton**, CIO, DIO, greeted the Commissioners and said, "Thank you very much. On behalf of your Waste Minimization Team, I am pleased to accept the proclamation. Thank you very much for declaring November 15<sup>th</sup>, this Friday, as 'America Recycles Day'. Just to give you a little flavor of a couple of the activities that are going to be going on in the courthouse on Friday, we will have a booth in the lobby of the courthouse from 9 a.m. to 2 p.m. on Friday, November 15<sup>th</sup> and what we're going to be doing at that booth are a couple of things. One, anyone who is interested in obtaining information about recycling, how to do it, where to do it, anything like that, please feel free to stop by the courthouse on Friday between 9 and 2. We'll provide that information and answer any questions that we can. Also, we will have a pledge card drive and be registering for prizes. This is a national thing where people get information about recycling and register for some prizes that are coming up and that can also be done from the County's website at [sedgwickcounty.org](http://sedgwickcounty.org).

The third thing, though I want to tell you all about is that we'll be doing Friday is we will also be accepting cell phones, old cell phones you no longer use at home, your personal cell phones. For County employees, not county issued cell phones but for members of the public, all your old phones, if you have those, feel free to bring those by the courthouse on Friday to our booth there in the front lobby of the courthouse. We are going to be accepting those and recycling those. We have found a company that will recycle those and dispose of the materials in an EPA approved manner and I think we've maxed out our local charitable organizations. We're been giving them as they need. I think a lot of people in the community have and they tell us they have plenty right now so we have found another organization to take these so we'll just be willing to take any personal cell phones that are old, no longer needed, this Friday from 9 to 2 in the courthouse.

One other mention I would tell you all about is in terms of the proclamation and talking about closing the loop, buying recycled products, pleased to report that County has an effort going on right now that we're, just within County government itself, that we are attempting to buy remanufactured toner cartridges for our printers. You all approved the vendor for that a couple of weeks ago on the Bid Board agenda and the staff have been busy working to put up a website for the internal county departments where they can buy cartridges at 25 to 60% less cost than what they were buying new ones for before. And so we'll be launching that project this week as well.

So, the main thing is we have a booth in the lobby on Friday for any county employees or any members of the public who would like information about recycling. Thank you very much."

**Chair Pro Tem Gwin** said, "Thank you, Kathy. Next item please."

**Regular Meeting, November 13, 2002**

**APPOINTMENTS**

**B. APPOINTMENTS.**

**1. RESOLUTION APPOINTING JAIME LOPEZ TO THE SEDGWICK COUNTY ADVISORY BOARD OF HEALTH.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "We have prepared a resolution for this appointment to the Board of Health. This is for a four-year term to expire in November of 2006 and I recommend that you adopt the resolution."

**Commissioner Winters** said, "I heard one of the secretaries, I don't think Mr. Lopez is here today and wanted to be here and I heard her talking about deferring this a week until he was here."

**Commissioner McGinn** said, "I had conversations with them and asked . . . It was a choice that he could make on that."

**Commissioner Winters** said, "Okay, that's fine."

**MOTION**

Commissioner McGinn moved to adopt the Resolution.

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	Absent

**Chair Pro Tem Gwin** said, "Is there something else to say? Your light was on. Carolyn goes first. Go ahead, Carolyn."

**Regular Meeting, November 13, 2002**

**Commissioner McGinn** said, “Yes, I was glad to hear that Jaime Lopez would serve on this board. I know a lot of people know Jaime well in the Latino population, but Jaime is very well known throughout this entire county and well respected and involved in a lot of community groups and I think he will, I know he will serve us very well in this capacity. He was anxious to get started on this and that was part of . . . I guess the choice was we could get him on this week or we could wait another week and I didn’t know where the meeting timeline was and so I left it up to him. I’m sorry he wasn’t able to be here today, but I do know he will serve us very well.”

**Chair Pro Tem Gwin** said, “And I certainly agree. If he would like to come back though and be sworn in, do we have like an official time that he could drop back by at a meeting? Is that what you were thinking, Tom?”

**Commissioner Winters** said, “I’m not sure. I just heard Lisa in our front office saying that Mr. Lopez was in Topeka today, wanted to be here she thought and so I just overheard the conversation. I was just going to say a couple of positive things about Jaime. I think he’s going to be good on the board and if he wants to drop by the courthouse again, we’d certainly recognize him if that needs to occur.”

**Chair Pro Tem Gwin** said, “Yeah, the best part is he was ready to go to work. That’s terrific. I like that. We certainly appreciate his willingness to serve and look forward to having him serve on that advisory board. Next item please.”

**2. RESOLUTION APPOINTING REPRESENTATIVES OF THE BOARD OF COUNTY COMMISSIONERS TO THE OFFENDER REENTRY TASK FORCE.**

**NEIGHBORHOODS**

**MENTAL HEALTH  
SUBSTANCE ABUSE**

**HOMELESS COALITION**

**VICTIM RIGHTS**

**DISTRICT COURT**

**JOAN CHILDERS**

**TREATHA BROWN-FOSTER**

**MARILYN COOK**

**HAROLD CASEY**

**REVEREND RICK CLINE**

**ANN SWEGLE**

**ROBERT TILLMAN**

**Mr. Euson** said, “Commissioners, this resolution has to do with the task force that comes to you from a recommendation made earlier this year, in February, by the Wichita Assembly and they recommended that a joint task force of members comprised from recommendations from both the County and the City of Wichita be created and that these members be appointed within certain categories that would express a true community-wide flavor to the force.

## **Regular Meeting, November 13, 2002**

And in your resolution, the member categories are neighborhoods, mental health, substance abuse, homeless coalition, victim's rights and adult probation. And to those categories, in the recommendations, are that you appoint Joan Childers and Treatha Brown-Foster in the neighborhoods category, Marilyn Cook in the mental health category, Harold Casey in the substance abuse category, Reverend Rick Cline in the homeless coalition, Ann Swegle in the victim's rights category and Robert Tillman in the adult probation category. We have grouped all these together in one resolution, since this is a task force and I would recommend you adopt the resolution."

### **MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner McGinn seconded the Motion.

**Chair Pro Tem Gwin** said, "Discussion? Carolyn, you had your light on."

**Commissioner McGinn** said, "So we still have two positions that we have not filled, is that correct?"

**Mr. Euson** said, "I believe there is at least two. There is small cities, well there's small cities parole and work force."

**Commissioner McGinn** said, "And also, just for clarification, Joan Childers and Treatha Brown-Foster are co-chair, or co-representing that area as well. And just, I guess a reminder or a refresher for all of you, I know you attended the Wichita Assembly, it was about a year ago now I think. And part of that whole discussion was how do we integrate past offenders back into our community and make them successful, so that they don't get back into the system as well. So, I approve the individuals that we have before us today. I'm still not sure that we have everybody at the table yet, and so I guess I'll be talking to the Manager later about possible other appointments on this."

**Chair Pro Tem Gwin** said, "Now are there other categories or are you looking for just folks at large?"

**Regular Meeting, November 13, 2002**

**Commissioner Gwin** said, “Well, you know I look in the backup material, it talks about ‘bring together individuals representing all sectors of community’, those kinds of things and when you look at where currently some of these places are located, they’re in neighborhoods, and I’m wondering if maybe we need a little stronger voice in the neighborhood sector to work through these problems. Because I think, as we’re faced with this, we’re going to need partners out there and people that understand what it is that we’re trying to accomplish as well. So that’s the area I feel that may need more representation.”

**Chair Pro Tem Gwin** said, “Well, since so many of these are located in Carolyn’s district, I would hope that you would take the lead on behalf of the Board and come back and give us your best opinion. Any other comment on the Motion? Voting on the Motion then, Clerk call the vote.”

**VOTE**

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

**Chair Pro Tem Gwin** said, “The next part of our agenda is citizen inquiries and before I ask the Clerk to call it, this is the part of our agenda where we will take public comment. We ask that folks notify the Manager a week to 10 days in advance in writing and that we do limit the comments to five minutes. Madam Clerk, please call Item C.”

**CITIZEN INQUIRIES**

**C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING “WHY THE POLITICAL STANDARDS OF THE STATUS QUO HAS GOT TO GO AND THE IMPLEMENTATION OF HONORABLE JUSTICE IS A MUSTIS.”**

**Chair Pro Tem Gwin** said, “This was requested by King David Davis. Mr. Davis, you want to come on up please. You need to give us your name and your address for the record please.”

**King David Davis**, 1041 S. Seneca, Wichita, Ks., greeted the Commissioners and said, “It is with great honor and thanksgiving to God that I stand here today and address you concerning why the standards of status quo has got to go and honorable justice is a mustis in our society.

## **Regular Meeting, November 13, 2002**

We already know that the standards of status quo make possible the few that exist at the expensive of the many, the primary source of injustice. We already know that for justice to be honorable, it has to be pleasing to God, be in harmony with His written word and respectful of all mankind equally. When the standards of status quo when rendered to my son, a judicial injury over and over by a judge who was the best they had to offer I knew something was terribly wrong. And when I realized my children were going to grow up in this city, I could not bear the thought of my children going through what I and so many others have experienced over and over.

The standards of status quo are shortsighted and destructive, yet when you talk to a status quo person, everything is just fine just the way it is because under status quo standards of leadership doesn't have to be accountable. Just blame it on somebody else. Their words don't have to have substance, meaning or accuracy. The most important feature is were the words pretty, did they offend anyone and did they buy us enough time to pull the wool over someone else's eyes.

This is one more reason why the American people have lost respect for an institution that was meant to house the noblest of all human character and today it is referred to as a house of liars and a den of thieves, a place where wolves in sheep's skin seek shelter and status quo sets the goals and standards while providing cover-up scapegoats and unlimited excuses why they can't do the right thing.

What they don't realize, everything in life is three-dimensional, relative to one another and can be calculated mathematically. Those who understand the principals of honorable justice also understand this as well. This is why I am so often misunderstood because from time to time I forget that I am speaking to someone who may have a limited comprehension capacity disorder, LCCD, simply put a severe case of status quo.

I'm not trying to offend anyone or be funny, I'm just trying to be honest with what I know to be an indisputable fact. Everything I believe I have scrutinized over and over so that the only thing I carry around in my head is knowledge that has the power to hold it's own when subjected to the adversities of life.

With honorable justice you can take a simple principal that's proven itself on a small scale, multiply it out a hundred or a thousand times and you will have a small taste of a much brighter future. Here's a few proven benefits of honorable justice principals. Opposition work together for the common good with the shared hope of honorable justice, because when justice is honorable, we all win. Yes, everyone is a winner. It puts in check bully mentality, holds back the hand of destruction, while paving a safe passage for others to follow after. It raises up the old foundations to rebuild on.

## Regular Meeting, November 13, 2002

The principles of honorable justice make possible what status quo says is impossible. Status quo sees the world with limitations. Their favorite word is 'you can't do this or that', whereas the principals of honorable justice all things are possible through God. It is the most valuable resource any community can have for its future. Case in point, here is a simple math equation, if God honors those who honor him and honorable justice honors God, what does that say God will do for those people whose justice is honorable?

I've tried to give you, in five minutes, a taste of a highly condensed version of the principal difference of status quo versus honorable justice. Maybe some day this community will realize the enormous resource God has placed at your fingertips. Until then, I must do what I must to protect my children, my friends and all the people I love from the dangers of status quo.

And if, from time to time, I ruffle a few feathers, create a disturbance or am plain, outright misunderstood just remember when honorable justice finally comes full circle, its always on top, commandeers the respect of the opposition, enables those who engages it to be much wiser the next time around.

Wouldn't it be wonderful to have the principals of honorable justice setting new standards for local government, society and anyone who believes they are a big dog? As a citizen of the city who is a father, a friend, a confidante of those who have been stung by the sting of injustice, I beseech you with tears and a crying heart that you will join in the effort that justice in Wichita will one day be honorable, across the board, and is the new norm. Knowing what I know, I cannot imagine anyone being satisfied with the standards of status quo except status quo.

Like I said status quo really does have to go. Thank you."

**Chair Pro Tem Gwin** said, "Thank you for being here this morning."

### **MOTION**

Chair Pro Tem Gwin moved to receive and file.

Commissioner Norton seconded the Motion.

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

**Regular Meeting, November 13, 2002**

**VOTE**

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

**Chair Pro Tem Gwin** said, “And Item D is also a request from the public. Madam Clerk, call that.”

**D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING LEASE OF PROPERTY AT 2618 EAST 21<sup>ST</sup> STREET.**

**Chair Pro Tem Gwin** said, “This was requested by Gregory Barnes. Is Gregory Barnes in the meeting room today? I see not. Yes, Mr. Manager.”

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, “It doesn’t appear that he is here and perhaps will show up later and we could just move on with the agenda.”

**Chair Pro Tem Gwin** said, “Okay. We’ll, for the time being, I think we’ll skip this item and go on to Item E and then if Mr. Barnes comes up we’ll allow him his time. Madam Clerk, call Item E please.”

**PLANNING DEPARTMENT**

**E. CASE NUMBER ZON2002-00029 (CUP2002-00025 DP262) – ZONE CHANGE TO “LC” LIMITED COMMERCIAL; CREATION OF 37<sup>TH</sup> AND MAIZE COMMERCIAL COMMUNITY UNIT PLAN (CUP), GENERALLY LOCATED AT THE NORTHWEST CORNER OF 37<sup>TH</sup> STREET NORTH AND MAIZE ROAD. DISTRICT #4.**

## **Regular Meeting, November 13, 2002**

### **POWERPOINT PRESENTATION**

**Mr. Dale Miller**, Acting Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Commissioners, this is the zoning map depicting the area that's under consideration and the area is outlined in black. It's located north of 37<sup>th</sup> and west of Maize. As you can see, it is currently zoned 'SF-20', as is the property surrounding it except that to the north, which is zoned 'RR', Rural Residential. 37<sup>th</sup> Street currently today is a two-lane sand and gravel road, where as Maize is an improved four-lane roadway.

Aerial depicting the site, as you can see the property currently is being farmed, as is the property around all sides of it except that to the south. There are smaller lots, there's a horse stable and then smaller suburban scale residential developments along that stretch of 37<sup>th</sup> as well.

This is the comprehensive plan map that depicts this area. The application area is there. You can identify that it shows up as being appropriate for low-density residential uses envisioned by the plan at the time. There are these dark lines running through here. That represents the corridor for the northwest bypass. The exact alignment for that particular roadway has not been determined at this point, but there is some expectation that if that project goes ahead it's going to be somewhere in this general area. This red line represents the 2010 urban service boundary that was developed and adopted as part of the comprehensive plan activities this last go around. It depicts the area that would be expected to be served by urban services by 2010 and then, bumping up to that line there, that is the 2030 urban service boundary line. This would be the City of Maize. This would be what was depicted as an urban service boundary line on the comprehensive plan map at that time. The Maize zoning area of influence runs right through at the half-mile line, north of 37<sup>th</sup> or south of 45<sup>th</sup> Street currently today as well."

**Commissioner Winters** said, "Dale, before you . . . could you go back to that one? And the dark, the blue square?"

**Mr. Miller** said, "The blue area is the . . . I believe that's the Maize Middle School."

**Commissioner Winters** said, "That's the new school that's just being constructed."

**Mr. Miller** said, "It's a mile to the east."

**Chair Pro Tem Gwin** said, "And what's the big gray area then up to the north that's in the cross-hatch?"

**Mr. Miller** said, "That is shown as being appropriate for industrial uses."

## Regular Meeting, November 13, 2002

**Commissioner Norton** said, "Is it currently in the County? It's not in the Maize city limits."

**Mr. Miller** said, "The pink area, as I understand it, is the current Maize city limits. They also have this little island piece down here and then they have a piece down here and apparently a little piece here is my understanding. I believe there are representatives from Maize here if you have specific questions about their boundaries."

**Commissioner Winters** said, "Well, I just thought it was helpful to talk about that map, just for a bit."

**Commissioner Norton** said, "You've got to realize, school districts don't match up with city boundaries. I mean, that's a huge school district, which has been one of the dilemmas for Maize for a long time. Their city is not large enough to carry the burden of that huge school district."

**Chair Pro Tem Gwin** said, "Okay. Anything else on that map? Okay, Dale go ahead."

**Mr. Miller** said, "This is a depiction of the commercial community unit plan that's being requested. They are also asking for 'LC' zoning to cover the entire area of the commercial community unit plan. The applicant also owns the property to the west that they are depicting as being developed with residential purposes, which is not part of the application today. The only part that's under consideration today is the commercial Community Unit Plan in that location."

They are proposing, as I indicated, to get 'LC' zoning, which is the Limited Commercial zoning district that primarily serves retail sales. There is a kind of a general list of uses that are excepted out in commercial Community Unit Plans. Generally speaking, those are group homes, correctional placement residences, outdoor storage, asphalt and concrete plants and on this particular community unit plan they are also limiting service stations, convenience stores with gas islands and restaurants with drive-in/ drive through facilities. Those will be prohibited within 200 feet of residentially zoned property. So, in the first 200 feet around this, as it stands today, those particular types of uses would not be allowed. And then the correctional placement, the group home, the asphalt plants, those wouldn't be permitted at all.

## Regular Meeting, November 13, 2002

Maximum building heights on parcels one and two, which are the northernmost parcels, would be 45 feet. The rest of the CUP would be limited to 35 feet. There would have to be screening placed along the north and the west line of the Community Unit Plan. This is a shot of the existing area today looking east from 37<sup>th</sup>. As I indicated, it is a sand and gravel road, looking back towards Maize Road and the improvements that are currently going on to help facilitate development at the school site. I believe the County is paving a portion of this with cold mix and looking at the site, back towards the City of Maize in the background. The application area, Maize Road is on the right-hand side. Looking west, on 37<sup>th</sup>, this is the property to the south that has a horse stable on it. And staff is recommending approval.

The Planning Commission is recommending approval and Maize Planning Commission reviewed this. They also recommended approval and the recommendation also includes a proposal that the extension and determination of which facilities, who would serve which facilities would be determined at the time of platting, as there is some uncertainty at this point in terms of what's going to be where and what's the best way to go. The agent for the applicant is here as well and so staff would entertain any questions."

**Chair Pro Tem Gwin** said, "Questions for Dale at this time? Tim."

**Commissioner Norton** said, "Well, it kind of dovetails on what you were saying. I have a concern of where the infrastructure is going to come through as far as water and sewer and everything to serve that. That's already in that kind of gray ground that we've already started to have some acrimony on between the City of Wichita and Maize as far as zoning and where those properties go, and I'd like to hear more about that before we make any determination, because I think that puts us in a funny situation later. There's some arguments there as to whether that should be in Maize, in their growth ring or in the City of Wichita.

The other thing is the roads. It looks like it's a lot of sand and gravel roads and what is that increase in traffic going to do to County roads and township roads up there. I think we need to be thinking about that. Seems like every time we have those, that we don't talk about what is going to happen to the roads. Obviously Maize Road is in pretty good shape, but those others didn't look anything other than township roads to me."

**Mr. Miller** said, "Correct. Do you want me to respond to any of that?"

**Commissioner Norton** said, "Just kind of general statements, if you have a response."

**Chair Pro Tem Gwin** said, "General statements if you have a response. Otherwise, we have some more comments or questions for you."

## Regular Meeting, November 13, 2002

**Mr. Miller** said, "What I know at this point is the City of Maize does have a water line that runs from a well field that is approximately a mile to the west and then a mile to the south and it comes up and diagonals across this section to the south and then, at some point, comes up Maize Road. There are representatives here and they could probably detail exactly where that is. That's my understanding."

The City of Wichita has a wastewater treatment plant a mile and a half to the west and about a half a mile north and it's my understanding that they are in the process of they've already committed to providing sewer service to the middle school a mile to the east of the application area and they will be running a sewer line along 37<sup>th</sup> to go serve the middle school over here a mile to the east.

It is also my understanding that the City of Wichita is extending and in the last phase of design on extending a water line north from the 21<sup>st</sup> and Maize area, north . . . that would be north of 29<sup>th</sup> eventually. And so that was why staff was recommending that determination about the services be determined at the time of platting, so that hopefully at that time there would be a better understanding of which services make the most sense to be used on this site. The applicant would have time to review what his options are and make those decisions as part of the platting process."

**Chair Pro Tem Gwin** said, "Okay. Commissioner McGinn, you were next."

**Commissioner McGinn** said, "Well, I didn't know if we were going to hear from the applicant first and then . . ."

**Chair Pro Tem Gwin** said, "I'd be happy to hear . . . I'd like to hear from him too, unless you had any other questions, Tom?"

**Commissioner Winters** said, "I see there's representatives from the City of Maize and I'd like to have them have the opportunity to . . ."

**Chair Pro Tem Gwin** said, "That's my intension. Tom, did you have questions of Dale?"

**Commissioner Winters** said, "No, I have several questions but I wanted to hear if there was anybody here in the audience that wants to speak to it at all and then talk out about it after that."

**Chair Pro Tem Gwin** said, "Okay, that's fine. It was my intent to do so. It is not required but it is our custom to get comments from folks on zone changes. We would first like to offer the opportunity to the applicant or the applicant's agent to come forward, either give us a presentation or just be available to answer questions. Good morning. Please give your name and address for the record."

## Regular Meeting, November 13, 2002

**Mr. Rob Hartman**, agent for Marv Schellenberg, Professional Engineering Consultants, greeted the Commissioners and said, "And I'm here I guess to answer questions. I can say, from the applicant's standpoint, he has talked to the City of Maize and he has talked to the City of Wichita both. At this point in time, he hasn't decided, from his standpoint, which would be in his best interest. He would still like to look into . . . some of his concerns are adequate fire protection, making sure both cities or whatever can offer adequate fire protection and he would like to provide for the streets and the water and the storm sewer, he would like to do those as public improvement projects, so he's somewhat concerned about the bonding capacity of Maize to provide those services and the timing of those services. But if there's no problem with that, he doesn't care either way whether he's served by the City of Wichita or the City of Maize.

I think at this time we have not, as his agent, we have not really looked into the timing. We talked to people at Maize and talked to people at the City of Wichita. We know that both of them are kind of in the process of designing sewer systems that would serve the site and Maize, obviously, already has a water line that runs by the project and I guess the City of Wichita is in the process of having one designed that will run by the project. So, we're kind of in a unique situation here where you have services from two different directions, which is kind of unusual. But I guess I'll just be open for questions."

**Chair Pro Tem Gwin** said, "It's nice to be wanted, isn't it. Are there any questions of the applicant at this time? We want you to stand by though, in case there are. Okay, thank you Mr. Hartman. Appreciate it.

Is there anyone else that would like to address the Board on this issue? Representatives of the City of Maize, can we hear from you? For the record, please give your name and address."

**Ms. Carol Bloodworth**, City Administrator, City of Maize, said, "I want to say first off that the City of Maize does not have any objection to the zoning of this and the proposal that is proposed for this site.

If you will look at the little map that I presented you, you kind of get a better idea of where we're talking about in relation to the current city limits. The city limits is delineated on the map that I gave you. The latest annexations are not on this map yet. The area that is hatched there is either in the city limits currently or there is one corner, up at the northwest, that is in our annexation that we're currently in process of.

The City of Maize has a 12-inch water line running past this site and you may trace that on the map

## **Regular Meeting, November 13, 2002**

I gave you but I wanted to make sure that you knew this was already in place. When this staff report came to the City of Maize, it stated that the City of Wichita will be providing water and sewer to the site. The presumption that this was their area to serve and as we all know, they have built a new sewage treatment plant in our backyard, but we did not expect that would give them our backyard.

This particular site, we have, as you can see, annexations going down Maize Road on both sides for which the sewer plans have already been drawn and the engineer is working on the final plans right now. We have to serve these people with sewer, regardless of whether we serve this development but it would be much less expensive for us and for everybody if we could put the infrastructure in at one time for the whole area.

It makes no sense to anybody, taxpayers of Sedgwick County or Wichita or Maize, to duplicate services that are already in place. The citizens of Maize put out a \$5,000,000 loan to get the water infrastructure in place and this is just a natural part of where one is expected to be able to produce revenue on this site.

Fire protection in this area is served by the County, regardless right now and interlocal cooperation agreements and those kinds of things, even if it were annexed it probably would be Sedgwick County's for quite some time until something got closer. And fire hydrants of course would be installed no matter who serves this site.

But, as you all know, the City of Maize is in a unique situation in that we have 5,600 children in our school system and 720 teachers who come to Maize every day. Maize's population, I think at its last official count, was 1,916. This places a terrific burden on the taxpayers of Maize to support the streets and the police department and those kind of infrastructure that is required. The only thing Maize can do is to build up its city size, its tax base in order to support the infrastructure that's already required and they're already having to support. This is a logical extension of Maize's city boundaries.

When you look at this map, on planning for the northwest bypass, one thing they don't show on any of these maps that show the northwest bypass location is the connection from 96 coming from the north and that connection that they have planned at this point, and of course nothing has been settled at this point, runs right through one of our platted subdivisions where we had expected to expand already. So the west half of the Carriage Crossing subdivision would be entirely taken up or cut off by the north connection to the 96 bypass.

Maize is already, as far as growth, pretty hemmed in by 96 highway and the expenditures that are

## Regular Meeting, November 13, 2002

required to put in services underneath 96 highway. There's also the railroad track there and a 60 inch water line the City of Wichita has that runs down that railroad track. So the north and the west are going to be . . . north and the east are going to be very expensive for Maize to provide services to for development in that area.

So if Maize is to grow, we need to grow where our infrastructure already is and that is to the south and to the west and there are some other folks that want to speak to you but does anybody have any questions about . . .?"

**Chair Pro Tem Gwin** said, "Commissioner Winters I think has a question for you."

**Commissioner McGinn** said, "Just one. Carol, from this development, how far north is it to the Maize city limits?"

**Ms. Bloodworth** said, "550 feet."

**Commissioner McGinn** said, "Okay, thank you. That's the only question I have now."

**Chair Pro Tem Gwin** said, "Okay, Carol thank you. Stand by though because we might have others. Are there other folks that would like to address the Board on this particular item?"

**Mr. Clair Donnelly**, 709 Trotter, Maize, Ks., said, "I sit on the Maize City Council. I live in Maize, at 709 Trotter and I just wanted you to know that the council does support this and we're very much in favor of taking that into our area and, as Carol said, we already have our water line going through there and we have been in conversations with Sedgwick County to move a fire station into Maize, which would help with the fire protection there. As of right now, we have a fire hydrant across the street from Woodards, which isn't very . . . that's that one little pink square there, so right now we don't have a fire hydrant very far from there as we stand today, which I'm sure there would be more put in if we had that development. And I just wanted you to know that the council is in favor of it and we support it."

**Chair Pro Tem Gwin** said, "Okay. I think Commissioner Winters has a question or a comment for you."

**Commissioner Winters** said, "And I guess that was . . . You answered it then again for the second time. Regardless of where we're thinking about services coming from, you're supportive of this zone change of this piece of property."

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

## Regular Meeting, November 13, 2002

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

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

**Commissioner McGinn** said, "The applicant had said something about the ability to provide . . . Mr. Donnelly, the applicant had shared that they didn't have a problem going either way, based on the fact that as long as you could provide services. We already know your water line is there, your sewer line. There wasn't going to be any additional costs."

**Mr. Donnelly** said, "We're going to have to run sewer down there for the areas that we have already annexed and at our last council meeting, we approved an engineering contract for the engineer to finalize the plans for that sewer moving on south and we're ready to proceed on with that."

**Commissioner McGinn** said, "So there wouldn't be any extra cost for the developer. It would just be whatever the cost is for anyone that would hook up to a sewer system in your community along that line."

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

**Commissioner Winters** said, "Okay. So . . ."

**Ms. Bloodworth** said, "This will be a benefit district when the sewer comes on line. There will be some charges to the developer, just like there would be in any other cases, along with the other persons who are to be served by this."

**Commissioner Winters** said, "But not out of the ordinary."

**Ms. Bloodworth** said, "No, we definitely . . . This is going to be very, very close to what they could get sewer for anyway and developers . . . this will be a business decision, you know. They will make this based on whether or not this makes sense to them or not. We just don't want the question closed before it even gets opened, by presumption that because Wichita has declared that their urban service area for 2030 that it's theirs. Maize's area of growth was set many years ago, when 21<sup>st</sup> and Maize Road was out in the County and we all know that that was a County project to begin with. So Maize hasn't annexed a whole lot since then but Wichita certainly has and we just need to protect what little we have left that is economical to service."

## Regular Meeting, November 13, 2002

**Chair Pro Tem Gwin** said, "Okay. Commissioner Norton, I don't know for whom you have a question, but go ahead."

**Commissioner Norton** said, "Maybe for Carol. Is there going to be language or do you have a standard language when you provide water that annexation would not be fought at some point? I mean, that falls into the question we're going to have at some point is does that go into the City of Maize, with the water agreement, or is that something that Wichita is going to push out and try to take that over. Do you have that language in your . . .?"

**Ms. Bloodworth** said, "I think Wichita has that language in their plans. However, as you may well know, Maize currently, their water system, they put water in the lines yesterday. So this has not been an issue that we have been dealing with for some time. But yes, I expect there will be specific language that at the time that it becomes reasonable to do, that annexation would be expected."

**COMMISSIONER NORTON** said, "But you don't have that as a natural thing right now, just because this is a pretty new water line and everything."

**Ms. Bloodworth** said, "Right now, since this is a new waterline, that question has not come up."

**Commissioner Norton** said, "Okay. It's something you probably need to be sure you nail down."

**Ms. Bloodworth** said, "Yes, that has been discussed and that is usually standard operating procedure for anybody who provides services to require that a consent to annex be signed at that time."

**Mr. Donnelly** said, "I might say too that we have the sewer capacity and we have the water capacity to come on that far south and we would like to eventually get as far south as 29<sup>th</sup> Street but we have our water line coming through there about 100 yards north of 33<sup>rd</sup> Street and we feel like that if we moved our city limits to 29<sup>th</sup> Street, that would protect our water line going through there. And we have an island annexation at 29<sup>th</sup> and 119<sup>th</sup> and we have two well sites right along in there."

**Chair Pro Tem Gwin** said, "Okay. This particular parcel is outside the corporate city limits of any city and so it is currently provided fire service by Sedgwick County Fire District #1. Maize is a part of that Fire District #1 also, is that correct?"

**Mr. Donnelly** said, "Yes, ma'am."

**Chair Pro Tem Gwin** said, "And so if it were annexed, it would still be protected by Sedgwick

## Regular Meeting, November 13, 2002

County Fire District #1. Okay, I just wanted to make clarification for my own self on that.”

**Ms. Bloodworth** said, “I did want to clarify something and I think Dale misspoke himself when he talked about Maize’s area of influence that it is south, half a mile south of 37<sup>th</sup> not north of 37<sup>th</sup>.”

**Chair Pro Tem Gwin** said, “Okay, thank you for that clarification. Anyone else who would like to address the Commission on this particular item, on Item E? Seeing no one, then I’ll research comments to the Commission, to the Bench and staff. Are there any questions or comments up here? Commissioner McGinn.”

**Commissioner McGinn** said, “David, can you share with us a little bit. The northwest bypass that may fall off the table at the state level anyway, and we don’t even need to worry about it, but if it doesn’t, can you share whether this development is going to hinder that project, especially if we get an interchange there, because that’s where the local folks seem to think it needs to be rather than state.”

**Mr. David Spears**, County Engineer/ Director, Bureau of Public Work, said, “Right, yes ma’am. You can see on the map, and I’ve got a pointer here, right there is K-96, and we expect it to more or less come down about the half mile line right here. Now we have asked for, but not received confirmation of that we want an interchange also here on Maize Road because Maize Road is a four-lane road, a major arterial, it leads down to New Market Square and up to Maize. We just think that’s very important to have an interchange there.

Okay, so there was a meeting at city hall which KDOT people were there and we had our staff there, city staff was there and this was discussed extensively. The only thing that I would think . . . even the ramps that would come out would not effect this here. The ramps would be north of that. It could effect anything to the north of there if more development happened and that’s why, if you look at your backup on item c, it’s in two places, it’s on page 39, item c in the transportation requirements and on page 25 under transportation requirements, those are identical and they’re in there twice, so it’s item c. It says ‘To insure adequate and balanced access of adjacent properties to the arterial street system, the CUP should show access/ connectivity to properties north of the proposed CUP’. That means that instead of coming off of Maize Road into developments up in here because there may be an interchange here, we would like to be able to come off of here into the developments to the north and that’s why that statement is in there. But this particular subject today should not be effected by the K-96 bypass.”

## Regular Meeting, November 13, 2002

**Commissioner McGinn** said, "I just have a couple of questions, I guess, for Dale before we move into some comments. Dale, we've got . . . I know in my district I have at least three cities that are growing into Wichita and back and forth and we're all coming together here and I was a little disturbed by reading the backup comments. The Maize Planning Commission had their meeting on October 3<sup>rd</sup>. The Metropolitan Planning Commission had their meeting October 10<sup>th</sup> and the planning commissioners did not have Maize's backup material or they received it that day. And I guess, is there a way that we can get some of this small town input to our planning commission prior to the meeting so that they can have a voice in what's going on here? Because it looked like, from the backup material where it shared that Wichita would provide the services. If it hadn't been for the representatives of Maize to come forward at that time and share that they already had a water line and share that they could provide the sewer, they would have been completely left out of this picture. Is that something that we can improve on in the future?"

**Mr. Miller** said, "Yes. I think, under the previous director, there were some misunderstanding in terms of who was committing to what. My understanding was that there was a feeling that there was strong interest to get services from the City of Wichita at that time and the staff report reflected that but in between that time, when the Maize Planning Commission had their meeting and then the full Metropolitan Area Planning Commission, I think it became a little clearer what the intentions were. So staff, when they wrote that staff report, were operating under a different set of facts than what we are today in the presentation today."

**Commissioner McGinn** said, "Okay. Well, I hope we can improve on that area in the future because we're going to continue to have those challenges, the cities moving together, and I think they all need to have a voice in this whole process. And that means the Planning Commission needs to have this information I think prior to when the applicants come up and other people that come up to speak."

**Mr. Miller** said, "We mail them, we do a mailing on Friday, before the Thursday Planning Commission, and so if we receive information prior to that it's included in the mail-out. If we receive it after, then we hold it and present it to the Planning Commission to prevent duplicate mailings, but we can look at mailing stuff out in between if there's time."

**Commissioner McGinn** said, "Or maybe it's even in our scheduling process, we're going to have to maybe do that different and I know you're, by law, you have a few constraints in that area, but I hope we can improve that in the future. I don't have any questions at this time, but I think I will have some more here in just a little bit."

**Chair Pro Tem Gwin** said, "Okay. Commissioner Winters."

## Regular Meeting, November 13, 2002

**Commissioner Winters** said, “Thank you. This is in Commissioner McGinn’s district but my district follows Maize Road up to 29<sup>th</sup> Street so, again, I’m going to certainly be very attentive to what Commissioner McGinn thinks about all of the issues involved here. But this Maize Road corridor between 21<sup>st</sup> and the City of Maize is really over the next fifteen or twenty years I think going to develop into a really a special place. I think it’s going to be one of those areas where a lot of people are going to want to be. There’s going to be a lot of traffic, there’s going to be a lot of activity going on, so we really need to make sure that we put together some good plans.

Dale, can you . . . Commissioner Norton started to mention the issue of 37<sup>th</sup> Street North, headed west from Maize Road, which would be on the southern edge of this development and the intersection itself at 37<sup>th</sup> and Maize Road, with the school to the east a half of mile, we know that is going to become one pretty busy intersection. What’s the discussion been, up to this point, about 37<sup>th</sup> Street and its gravel road-ness and the lack of traffic light at that intersection?”

**Mr. Miller** said, “At the time of platting, that issue would be reviewed. Typically, under the current policy, generally speaking when an applicant develops new property, he is required to pave from wherever the paved road stops to his first intersection, so if he had an entrance off of 37<sup>th</sup> Street, as part of this platting, he would be required to at least pave to that point and that would be included as part of the platting process and then they also review the need for signalization at that same time. It’s evaluated based on traffic trips and so forth. Mr. Spears may have a better idea of what’s going to happen there, since this still is in the County, but that typically are the kind of things that we’d look at at platting.”

**Chair Pro Tem Gwin** said, “David.”

**Mr. Spears** said, “Commissioner Winters, if you would look at items H, I, J and K on page 40 of the backup, I think it addresses all of your concerns. It mentions the signal, item J mentions the signal that the CUP should guarantee the costs of configuring and installing a traffic signal, if warranted in the future, at the northernmost entrance on Maize Road.”

**Commissioner Winters** said, “Right, but that does not say at 37<sup>th</sup> and Maize Road. It says 1,000 foot north of there.”

**Mr. Spears** said, “That’s right.”

**Commissioner Winters** said, “So what about the intersection itself?”

## Regular Meeting, November 13, 2002

**Mr. Spears** said, “Well, that is not addressed . . . that would be more of a countywide issue, because I don’t believe you would expect the developer to pay for a major signal at there because others are using that just besides his development. So it addresses the one to the north. So you were referring to the one at the intersection.”

**Commissioner Winters** said, “Yes, and because . . . And I mean, I would think that this development is not going to be the whole need and cause to have an intersection there. Probably as much is going to be the school a half a mile to the east of there. But we know that at the intersection of Maize Road and 45<sup>th</sup> Street, we know what that intersection became, like right on the south edge, and we did put in a new intersection there, which greatly enhanced it, but it was a County expense, but it was a County road going through there. So I mean, I certainly don’t have a problem with us doing that, I just think we need to be aware that now 37<sup>th</sup> Street, we’re probably going to need to have a similar project.”

**Mr. Spears** said, “Yes. And I agree and our traffic people watch items like this and I would say it would be a County project at some later date, but we have to be sure that an engineering study shows that it’s warranted before we install it.”

**Commissioner Winters** said, “Okay, very good, thank you. And I’m sure I missed this one, but two issues . . . Somehow I didn’t get all of the backup material in the first packet, so Dale I may be asking questions that I should know the answer to, but the screening that’s going to be on the north and the west edge, I read one place where it wasn’t specified what that was, what type of material. Is that now specified to be masonry?”

**Mr. Miller** said, “Typically, with Community Unit Plans, you get some sort of masonry. Now it could just be the concrete poured in place and painted or it could be something else. We generally don’t require that kind of specificity. The code requires that it be some sort of masonry wall.”

**Commissioner Winters** said, “Okay, well I would certainly support the masonry wall. Again, I think this area is going to be . . . needs to be just a very first-class kind of development, so I would certainly support that. Then the signage, there was some discussion about signage here and with the New Market Square taking place just a few miles to the south of there, will the signage and requirements at this location be similar to what they have down at New Market Square?”

**Mr. Miller** said, “Yes. We resolved that issue. It’s on . . . I don’t have the same page number that you have but they’re on 7a through g, it does specify the sign requirements and they are similar to what you would find in other Community Unit Plans that have been developed.”

## Regular Meeting, November 13, 2002

**Commissioner Winters** said, “And so what principally we’re talking about today is the proper land use here, the zoning, and we’re not here today necessarily today to make a decision on where services for this project are going to come from.”

**Mr. Miller** said, “Correct. Typically, staff tries to identify that as part of the zoning procedure so that the applicant has some idea, given the murkiness of this particular case. That’s why we’re suggesting it should be left to the platting stage and determine it then.”

**Commissioner Winters** said, “Okay. If it’s left to the platting stage, and again I’m not trying to make a decision today, but I’m trying to understand if it’s left to the platting decision process, who then will make that decision in the platting process?”

**Mr. Miller** said, “The applicant would file a subdivision plat. It would go through the Metropolitan Area Planning Commission, go through a review, through their subdivision committee, the Planning Commission and then, ultimately, it would come to you for adoption of the dedications and easements.”

**Commissioner Winters** said, “And so which ever, if it was . . . if, through that process it was determined that either of these cities was going to provide the service, then there’d have to be an island annexation process for one or the other or both of them?”

**Mr. Miller** said, “Well typically, as Ms. Bloodworth indicated, provides services usually has a requirement that the property request annexation as part of the extension of services. So that currently is the standard practice with the City of Wichita, so if the services were to come from them, then generally they would be expected to ask for annexation as part of the platting process. I don’t know what the Maize’s process is, but I think she indicated that she expected it would be similar if they provided the services.”

**Commissioner Winters** said, “Well, you know this is going . . . and again, on one hand I don’t want to get into this discussion today but here I keep talking about it. It’s going to be a pretty big decision. I mean, it’s going to effect the future development of both of these communities in this part of area along Maize Road, between the City of Maize and Wichita. And I know the platting process, I have confidence in how that works, but this may need to be a decision that’s made for reasons other than you would find in a normal platting process, because it will be a decision that effects how each of these communities in the next twenty years grow in this area. And where we set that boundary line, I think, is going to be important. And if we’re going to have a part in it, I think we need to have a pretty serious discussion about it.”

**Chair Pro Tem Gwin** said, “But after it leaves us today, it doesn’t come back to us, does it?”

### **Regular Meeting, November 13, 2002**

**Mr. Miller** said, “The zoning would not. I mean, what you’re approving today is you’re approving the zoning subject to platting.”

**Chair Pro Tem Gwin** said, “I know, but once the plat is approved, subjected to platting within one year, and I’m sorry to interrupt but I need to understand the process too. But the plats don’t come back to us except on the Consent Agenda do they? Or do they even do that any more?”

**Mr. Miller** said, “Plats do come back here for your acceptance. Now it’s my understanding that you handle most of them as Consent.”

**Chair Pro Tem Gwin** said, “We could take that up for discussion though.”

**Mr. Miller** said, “Bring it off and discuss it. We’ll certainly notify interested parties of the platting dates and times so that they can be present and discuss the issues.”

**Commissioner Winters** said, “But I guess if we’re going to have a part of that discussion, and I don’t mean to say that we have the ultimate wisdom about where Maize should grow to the south or the City of Wichita grow to the north, but I would like to see it left to that . . . no disrespect for the engineers, but left to others besides the engineers designing the plat, because they’re going to look at it with their engineering technology, which is very important to have in every project, but there are policy issues here that need to be talked about that have nothing to do with platting.”

**Chair Pro Tem Gwin** said, “Have nothing to do with zoning.”

**Commissioner Norton** said, “It looks to me like it’s the Concord of the revolution. You’re going to see the shot heard around the world in that piece of property over who gets to take it. It’s that important. It will set the boundaries for a long time.”

**Chair Pro Tem Gwin** said, “Okay, Commissioner McGinn you had a comment?”

**Commissioner McGinn** said, “Dale, I guess that’s where I’m back to. You said the subcommittee?”

**Mr. Miller** said, “The subdivision committee of the Planning Commission.”

## Regular Meeting, November 13, 2002

**Commissioner McGinn** said, “And those are folks that are comprised from the Planning Commission and I haven’t looked lately at the makeup of that, but it seems to me there are maybe one or two people that don’t live in the City of Wichita out of fifteen. So, what . . . I see this snowball going down the hill and so then, now we don’t have a voice once again from small communities to be represented at this, and so then it passes that, passes the Planning Commission, we pull it off the Consent Agenda but then we’re getting into super-majority votes and all those kinds of things if we don’t perhaps agree with that. And so maybe, I guess, my big hang up is maybe it’s the makeup of the Planning Commission, maybe it’s the process we go through. I’m not sure. Maybe we need to change some of the ways that we review some of these kinds of things. But that’s exactly . . . once we approve the zoning today, that’s exactly or probably the route it’s going to take.”

**Mr. Miller** said, “The only thing I can say is the Wichita City Council and the Board of County Commissioners appoint the members to the Planning Commission. They are supposed to be representative of the views of the community that they’re representing.”

**Commissioner McGinn** said, “I agree with you. I understand, that’s why I’m saying maybe we need to totally take a look at everything here, all of us, because we have more and more cases like this and we do not have the voice of small communities on the Planning Commission.”

**Chair Pro Tem Gwin** said, “Okay. Anything else right now? Commissioner Norton, I think you were next.”

**Commissioner Norton** said, “Well, I’ve really kind of said what I’m thinking is that this is going to have ramifications for 50 years. I mean, when the bypass goes through there, if that property was south of the bypass, that means there’s a leap past that natural boundary that’s there, and that’s going to spread out what would happen if that goes into Maize. If it goes into Wichita, then that gives them the ability to push up further up to the bypass, if you look at it that way.

I mean, I have a real value on this just because I’ve been a mayor of a small town and it’s very important that they be able to have the ability to grow their communities too and have the ability to take something like that, if they can supply services, and set some new boundaries and growth rings of their own. And depending on how this plays out, at some point that could eliminate them ever having a voice for what’s going to happen up in their area. I think it’s going to be a huge conundrum for every elected official that deals with this, not only small town officials in Maize, County officials and Wichita officials to figure out. And I don’t know what the comprehensive plan says for that gray area up there, but this one piece of property may set what the comprehensive plan looks like when we get ready to look at it again.”

## Regular Meeting, November 13, 2002

**Mr. Miller** said, "This is the comprehensive plan, this is the adopted comprehensive plan map. Those are the boundaries as they stand today."

**Commissioner Norton** said, "But this could, depending on how it goes, could change it just like that, could it not?"

**Mr. Miller** said, "I see what you're saying, yes."

**Chair Pro Tem Gwin** said, "Just by the decision made here. It is not my practice or not the Board's practice to allow public comment after we've closed it but Mr. Donnelly, as a courtesy to you as an elected official of the City of Maize, you indicated you wanted to add something else to the discussion."

**Mr. Donnelly** said, "As I sit there and listen to your conversation, it occurred to me that you may wonder why we didn't supply services to the new Maize school and we tried very hard to do that, but the school board didn't feel confident in the fact that we could have water at that point, by the time that they were going to need it. And we have proved that we can put it there and we have put it there and we will put the sewer to this side if we're allowed to do that."

**Chair Pro Tem Gwin** said, "Okay, thank you. Thank you for that clarification. I appreciate that. Commissioner Winters, your lights back on."

**Commissioner Winters** said, "Yes. I have a question for Rich Euson. If we make a decision today on the zoning, have we then given away our ability to be involved in the process of determining whether this property will end up in the City of Maize or the City of Wichita or will we still have some ability to influence that?"

**Mr. Euson** said, "Commissioners, the law is just a little bit unclear as to what happens when you accept dedications on a plat but we have been of the opinion that when you accept those, you have the ability to approve or deny the plat and so I think when the plat comes to you, you do have the ability to deny it. But of course you do have to have some reasons for doing that and it just depends on what services are chosen and whether or not they're reasonable to be provided.

That's the difficulty for you. I mean, you can certainly deny the plat but you have to have some reasonable basis for doing it and usually by the time it gets to you, all those considerations that are in the subdivision regulations have been addressed and taken care of.

## Regular Meeting, November 13, 2002

Really, the bigger issue for you I think is you have two cities with competing services that are growing towards each other, they have a tremendous investment in water and sewer, there is absolutely no clear line of demarcation between the two of them and you know that a major boundary line, as Commissioner Norton referred to, in the form of the northwest bypass is going to occur. And so you're left trying to sort out how you deal with the utilities but it's really the cities, it's really up to the cities to tell you how they're going to do that and you should, some how or another, encourage them to bring you a plan to show you how they're going to protect their investment in the future and recognize some of these natural boundaries that are going to happen."

**Chair Pro Tem Gwin** said, "Would that . . . My question to him then, if you don't mind, would be well would that be during the process of zone changes or is that in the process of platting then? Where would it be most appropriate for the cities to bring the Board of County Commissioners that kind of information?"

**Mr. Euson** said, "I think that starting today, it would be a good idea to write both of them and tell them that you've had this difficult zoning case and that you would encourage them to assist you in the future by coming up with some mutually agreeable plan to define where they think their services are going to go."

**Chair Pro Tem Gwin** said, "Okay. Tom, you had something else for him. I'm sorry."

**Commissioner Winters** said, "Well, I think you're correct in saying that the problem here is no clear line of demarcation and I hate to slow the process down. I'm confident that we've got an exceptionally good developer whose going to put together an exceptionally good plan and do a development that we'll all like and enjoy going there and the residential on to the west. Mr. Donnelly mentioned 29<sup>th</sup> Street as a place, a line. I don't know if that's right, I don't know if this is right. It's like I feel like I have enough information to make a decision about this zoning case. I'm not sure I have enough information to decide exactly where how far south of Maize Maize should grow and how far north the current Wichita city limits, they should grow. So that's my quandary."

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

**Commissioner McGinn** said, "That was a long time ago. I'm ready to move forward, unless we have more questions."

**Chair Pro Tem Gwin** said, "There's nothing on the board at this moment."

## Regular Meeting, November 13, 2002

**Commissioner Winters** said, “Are you getting ready to make a Motion? As discussion then, would you agree that after we make that Motion we should send correspondence to the City of Wichita and to Maize through the Planning Department or through someone that someone has a policy discussion about where this line of demarcation should be?”

**Commissioner McGinn** said, “And hopeful that something will happen. I remember you and I had a meeting with both the cities four or five months ago so we would be having this discussion today and nothing happened.”

**Commissioner Winters** said, “Right, and in my conversation with Marvin Krout before he left I believe he was contacted by Maize. Carol Bloodworth did contact him, said when we going to have another meeting, when can we talk about this, and it just never happened. So maybe we could try again.”

**Chair Pro Tem Gwin** said, “Commissioner Norton.”

**Commissioner Norton** said, “Well, I agree with Tom. We can move today on this action, because I think it’s going to be a great development, it probably needs to happen, but I can guarantee you that somebody is going to be bidding for the water rights to that, because with that agreement over annexation, that piece of property is going to set the tone of what that’s going to look like up there. Whoever gives them the water rights, with the addendums on there that annexation won’t be fought, that will become an island annexation pretty quick I would imagine. You can just look for it to be that way.”

**Chair Pro Tem Gwin** said, “But is that not the developer’s decision? My point being that if you have two municipalities who are ready, willing and able to provide you with water and sewer services, then as the owner of that property or the developer of that property, don’t I have to make a business decision to which one that I believe would be most advantageous to me.

Now I don’t know whether that’s the Board of County Commissioners . . .”

**Commissioner McGinn** said, “That comes back to us, whether or not this hinder or . . .”

**Chair Pro Tem Gwin** said, “That’s right. If it becomes an island annexation, then it comes to us. If they extend water, based upon an agreement that says, ‘Oh, when we get to you, you won’t fight annexation’, then you wait the natural turn of things when it’s a (*inaudible*) annexation and it never would come back to this board.”

**Regular Meeting, November 13, 2002**

**Commissioner Winters** said, “Well, part of that I agree with, part I don’t. But I think perhaps even Mr. Hartman is here and Mr. Schellenberger, they have a great deal invested in this northwest part of Sedgwick County. Perhaps they can help us to come to some areas about how they see this part of the County growing. So you may not be far off base.”

**Commissioner McGinn** said, “Well, I’m ready to move forward with the Motion. Do you want your letter to the cities in that or we’ll be doing that?”

**Commissioner Winters** said, “No.”

**Commissioner McGinn** said, “We’ll be doing that. Okay.”

**Chair Pro Tem Gwin** said, “Go ahead, Commissioner McGinn.”

**MOTION**

Commissioner McGinn moved to approve zone change and creation of the CUP, subject to platting within one year, direct staff to prepare an appropriate resolution after the plat is approved, and authorize the Chairman to sign the resolution.

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	Absent

**Chair Pro Tem Gwin** said, “Thank you all. Thanks for being here. Next item please.”

**Regular Meeting, November 13, 2002**

**NEW BUSINESS**

**F. ADDENDUM TO LEASE WITH IPC RETAIL PROPERTIES, LLC PROVIDING FOR EXPANSION OF THE BRITTANY TAG OFFICE.**

**Ms. Jan Kennedy**, Treasurer, greeted the Commissioners and said, “What you have before you is an opportunity for us to put under lease the property that currently is adjacent to our Brittany tag office. Brittany has been growing at a rate higher than overall business we’re doing and they’re very, very crowded. We have trouble giving good citizen service when there’s not room for the citizens to actually accommodate them in the space. So we would like to have the opportunity to have more room for our citizens to provide better citizen service and that would give us an opportunity to do that at Brittany.

It would also generate more net revenue for the overall business, although the cost of remodeling that goes beyond what the allowance that the landlord has offered is higher, since we did the projections, because we now have a firm bid. And so we know that the additional cost to remodel will be about \$20,000. We anticipate the operating costs would bring in about \$12,000.”

**Chair Pro Tem Gwin** said, “Okay. Well, anything else Jan? The issue I think that’s been brought to me, and that I received some comments and particularly a call yesterday, I think the gentleman called you too, has to do with the vehicle inspection relocation. And that seems to be problematic for some folks because they see it as moving it from a central location to farther away or whatever. Talk to me about that.”

**Ms. Kennedy** said, “I’m sure it is.”

**Chair Pro Tem Gwin** said, “That seems to be the issue and I think that’s an issue that’s difficult for me. Talk to me about your thought process on suggesting that.”

**Ms. Kennedy** said, “Well, the Highway Patrol is now providing inspections only at Murdock. Up until the year 2000, they also provided inspections at the substations on a scheduled basis. The current captain that’s in charge of it is not anxious to redo that. It’s a manpower issue. It’s also citizens show up on the wrong day. If you’re scheduled to be at Crossroads on Tuesdays and Thursdays, citizens show up on Monday and Wednesday and then they have to be told they have to go downtown or wherever.

## **Regular Meeting, November 13, 2002**

As long as the Highway Patrol is willing to cooperate with us and is willing to provide services adjacent to one of our offices, at least we have one place where you can get an inspection and a title, as opposed to the alternative, which the Kansas Highway Patrol would do all inspections at 37<sup>th</sup> and Hillside, which is their major building. So, yes I do believe there will be some citizens that are impacted by the decision that the Highway Patrol has made to move. It would substantially increase their space. They would have more access to larger vehicles, which is very problematic at Murdock. It relieves some of the parking problems at Murdock, because the current spaces that are reserved for inspections would then be available for other citizen parking and the landlord has agreed to set aside parking space for the Highway Patrol to facilitate their being able to use that location.”

**Chair Pro Tem Gwin** said, “Do you know how many vehicle inspections are done a year at Murdock?”

**Ms. Kennedy** said, “Yes, ma’am. About 21,000, which is about . . . which is under 4% of the number, overall number of transactions we do in the tag offices.”

**Chair Pro Tem Gwin** said, “Just under 4% of the total transactions.”

**Ms. Kennedy** said, “Yes, ma’am.”

**Chair Pro Tem Gwin** said, “Okay. Commissioner Winters.”

**Commissioner Winters** said, “Thank you. Jan, my only concern has to do with the vehicle inspection unit. I mean, if we were just talking about expanding Brittany, I would be supportive. I’m going to probably end up asking that we maybe defer this for at least a week or so. You know, I would make the comment I think that the Treasurer’s Office has done a very good job in providing ways for citizens to buy their tags and do their registrations. We’ve got the downtown office, the Brittany office out at Woodlawn and 21<sup>st</sup>, got an office out at Maize and West 21<sup>st</sup> and down at Derby.”

**Ms. Kennedy** said, “The southeast station, where we now have appraisers.”

**Commissioner Winters** said, “So then you can also, if you don’t want to go any place, you can mail it in and pay 50 cents and have it mailed in. The Treasurer’s Office just opened up the Internet filing, so if you don’t want to mail it, you can sit at your computer and do that. So we’ve given the community ways in which to take care of their tag business all over the County.

## **Regular Meeting, November 13, 2002**

I didn't have a lot of calls but I had four or five calls yesterday and as you can imagine, they were all from far west-siders who routinely have some kind of inspection work to do and they were not happy about thinking about for some people west of town, 21<sup>st</sup> and Woodlawn is like going to El Dorado to them. I mean, it's a long way. So, I'm going to probably be wanting to defer this for at least a time, so that I can help get my arms around what all this means with the Highway Patrol and closing the tag office or closing the inspection office downtown."

**Ms. Kennedy** said, "May I respond?"

**Chair Pro Tem Gwin** said, "Sure."

**Ms. Kennedy** said, "I agree with you. I think that there are going to be people that are inconvenienced. I believe there are people that are inconvenienced by having to come to the downtown area now. At 21<sup>st</sup> and Woodlawn, at least you have four-lane streets on all sides and with 96, you can . . . actually, you can probably get to Brittany from the west side faster than you can get to Murdock, and that's just a speculation on my part. So I think it will be more miles, it may not be more time. On the other hand, for some people it will be more convenient. I mean, it's that kind of trade-off consistently in anything we do."

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

**Commissioner McGinn** said, "Jan, the 37<sup>th</sup> and Hillside Highway Patrol area, they do inspections there still and they will always do it in there, right?"

**Ms. Kennedy** said, "Yes."

**Commissioner McGinn** said, "So that's another location that we have that somebody could go to."

**Ms. Kennedy** said, "Yes."

**Commissioner McGinn** said, "Okay, which is right off of 254."

**Commissioner Winters** said, "On the east side of town."

## Regular Meeting, November 13, 2002

**Commissioner McGinn** said, “And on the east side of town, but I’d be happy to defer this, to look into things a little bit more. I agree with Ms. Kennedy as far as access. It probably is easier to go get on 96 highway and get over there to Brittany Center than it is to go downtown. But I guess what I haven’t heard any information about anybody looking at something at a better location downtown. The area that she’s at right now, it isn’t easy to get in and out of there. The parking is horrible. I don’t know what size trucks you have to bring in there, but I think it’s hard to pull in there. So I would like to know if we could look at some other location perhaps, access closer to 54 highway or is there something else we can do at the Murdock area that makes it easier to get in and out of there. So I don’t know how soon you have to have this decision, but I would support someone helping Ms. Kennedy or you using your staff to look at some other solutions before I move forward on this particular one.”

**Chair Pro Tem Gwin** said, “The . . . and I was telling Tim, the folks who called me happened to live south, which I thought was interesting because that’s not an area I represent and going south, you don’t . . . there’s no southeast bypass, I mean there’s no way to quickly get there. And I agree, the Murdock station is limited logistically. It is pretty tedious to get in and out of there. So I understand what you’re trying to do and I understand that’s used often. The fellow that I had a real interesting conversation with was a small car dealer and I think he called you too. And I hadn’t thought about it, but he said, you know here I have my little mom and pop store and I don’t have very many of these to get inspected in a given year, but occasionally. Well, it so happens that I can kind of lock the door, get that up there real quick to Murdock and Main, around that neck of the woods, get my inspection done and get back and open up for business and not really lose much time. And his concern was for the other small automobile dealers who have to do that themselves that it really becomes time is money. And the more central you can get it, the better it seems to me it would serve them. He also explained, and I wasn’t aware of it, that bigger dealerships who have a whole lot of them, the Highway Patrol is very accommodating, will come to you, which certainly makes sense, because we don’t need all those folks bringing all those cars.”

**Ms. Kennedy** said, “That is a five car limit, five cars to be inspected.”

**Chair Pro Tem Gwin** said, “I thought that there were certainly things that had been made to make accommodations for the big users so that they don’t fill up all that time and space. But I too, like the others, I have concerns about maintaining a central location for that kind of necessary use. I certainly don’t want to close the Brittany station because I know it serves the folks on the east side for renewals and other things.”

**Ms. Kennedy** said, “Well, and the northeast also.”

## Regular Meeting, November 13, 2002

**Chair Pro Tem Gwin** said, "That's right, it's well located for that. I'm not so sure I'm convinced it's well located for an essential service of the inspection and so I might support a deferral to see if there's some way we could find . . ."

**Ms. Kennedy** said, "Are you saying that as maybe a bifurcated decision?"

**Chair Pro Tem Gwin** said, "Well, I want to continue . . ."

**Ms. Kennedy** said, "The space to expand is one issue and the movement of the Highway Patrol is another issue. Of course we can't tell the Highway Patrol what to do."

**Chair Pro Tem Gwin** said, "Well, if we don't give them the space though they kind of have to figure it out or if we find a more appropriate space maybe."

**Ms. Kennedy** said, "Well, we have looked at . . . we've also talked to the Department of Motor Vehicles because of the closing of the driver's license offices about trying to put driver license function in this additional space to, again, try to make a place where citizen's can get most of their business done.

We are not expecting a decision on that until possibly sometime next spring and they weren't necessarily very positive and it has to do with staffing and this, that, the other that occurs because of the closing of the Parklane office."

**Chair Pro Tem Gwin** said, "I know. That's still a difficult decision for me."

**Ms. Kennedy** said, "You know, I think it would be helpful if we could provide those kinds of services to our citizens."

**Chair Pro Tem Gwin** said, "Well, I was disappointed in the closure too. Any other comments on this one? Do we have a . . . Do you want to try a Motion or something?"

**Commissioner Winters** said, "Tim, did you have something?"

**Regular Meeting, November 13, 2002**

**Commissioner Norton** said, “Well, just that the further we get that away from the south side, I mean we’re really limited on services, those kinds of things anyway and we’re just pushing more and more away from the south side. I mean, I see some areas that could use that kind of facility. We look at strengthening the Stillwell complex down in there. I don’t know. There’s some areas there that could really use a tag office and a central inspection and maybe we need to think outside the box before we go forward on this, but there’s some other great locations that could be centrally located and serve the community really well. And I don’t know if we have the will to do anything different than what we’re doing, but we need to think about that.”

**Commissioner Winters** said, “Well, I think I’d like to make a Motion.”

**MOTION**

Commissioner McGinn moved to defer Item F for two weeks and ask the Treasurer not to move forward until we’ve had a chance to respond.

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	Absent

**Chair Pro Tem Gwin** said, “Thank you. Let’s take a five minute break please.”

**The County Commission was in recess from 10:30 a.m. until 10:45 a.m.**

**Chair Pro Tem Gwin** said, “We’re back from our recess. Madam Clerk, call Item G please.”

**Regular Meeting, November 13, 2002**

**G. AGREEMENT WITH FOX KANSAS FOR ADVERTISING RIGHTS AT KANSAS COLISEUM.**

**Ms. Jacque Wedel**, Sales and Marketing Manager, Kansas Coliseum, greeted the Commissioners and said, “We have a renewal of an existing agreement with Fox Kansas, who sponsors our close circuit television system, and they have monitors located in 12 food court locations and that gives us an opportunity to run advertising messages for our advertisers, as well as give our patrons a chance to watch the action that’s going on inside the arena during hockey games and that kind of thing.

This is a three-year renewal. It’s partial cash and partial trade. The trade allows us to market events that we promote in-house and we recommend approval, unless you have any questions.”

**Chair Pro Tem Gwin** said, “Any questions for Jacque?”

**MOTION**

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

Commissioner Norton seconded the Motion.

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

**VOTE**

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

**Chair Pro Tem Gwin** said, “Thank you, Jacque. Next item please.”

**Regular Meeting, November 13, 2002**

**H. HEALTH DEPARTMENT.**

**1. CONTRACT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) PROVIDING TERMS FOR USE OF GRANT FUNDS FOR THE HEALTH DEPARTMENT'S WOMEN'S, INFANT'S AND CHILDREN'S PROGRAM AND THE IMMUNIZATION ACTION PLAN.**

**Mr. Terry Harrison**, Immunization and Health Screenings Supervisor, greeted the Commissioners and said, "I'm presenting to you today to sign the contract to continue the program that we have, the collaboration between the WIC program and the Immunization Action Program for WIC clients and I wanted to make a correction here. Under financial consideration there is a typo here. This is a 14-month contract and what they were trying to do is they were trying to make the contract an end-of-the-year rather than the last part of the year, the last two months of the year. So that's the only change that I have there.

But as you can see, this has been a collaborative effort between the Immunization program and the WIC program to make sure that immunizations for WIC clients are compliant with immunizations in Sedgwick County."

**Chair Pro Tem Gwin** said, "It's a good way to do that."

**Ms. Harrison** said, "Any questions?"

**Chair Pro Tem Gwin** said, "Any questions?"

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**Regular Meeting, November 13, 2002**

**VOTE**

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

**Chair Pro Tem Gwin** said, “Thank you.”

**Ms. Harrison** said, “And before I leave, I have something for you guys and I would like to invite you to get your flu shots Monday at COMCARE.”

**Chair Pro Tem Gwin** said, “So Monday at COMCARE, right?”

**Ms. Harrison** said, “Yes, Monday at COMCARE.”

**Chair Pro Tem Gwin** said, “Thank you so much and thank you for the good work that you do for our community. Well, and speaking of that, we got a note that he’s watching. Ben, take your medicine and go back to sleep. Leave us alone. Next item please.”

**2. CONTRACT WITH KDHE FOR FUNDING OF AN EPIDEMIOLOGIST POSITION.**

**Dr. Mansoor Tahir**, Senior Epidemiologist, Sedgwick County Health Department, greeted the Commissioners and said, “I’m here to request you to approve the contract between Kansas Department of Health and Sedgwick County Health Department for an epidemiologist position. Kansas Department of Health has helped to fund an epidemiologist position for Sedgwick County Health Department since 1999. At that time, the need for this position became more apparent due to population growth and the possibility of terrorist activities.

The responsibilities of an epidemiologist include investigations and disease control activities aimed at reducing the spread of infectious diseases in Sedgwick County and transporting disease reports to Kansas Department of Health and Centers for Disease Control and Prevention on a daily and weekly basis.

## Regular Meeting, November 13, 2002

This position plays an integral role in reducing the spread of infectious diseases in Sedgwick County. According to KDHE, support for this position is justified by the important share that Wichita and Sedgwick County have of state population and reportable conditions by the presence of several tertiary care hospitals in Wichita and by the presence of a committed local public health department willing to invest resources to build epidemiologic and surveillance capacities.

The KDHE, that's Kansas Department of Health and Environment, epidemiologist contract provides for additional capacity to control infectious diseases spread in the county. These funds will assist the Health Department of meeting the goal of maintaining an active surveillance which includes knowledge of reportable diseases, as well as obtaining knowledge of non-reportable disease occurrence to maintain a secure informational base to combat disease outbreaks.

If we don't approve this contract, the alternative will be to identify other funding options for the epidemiologist position or we might have to downsize the health department, Health Surveillance and Disease Prevention program.

KDHE will provide \$45,000 for wages, fringes, recruitment costs, training and travel for this position and there is no match requirement for this position. So I request you to please approve this contract with KDHE and the Health Department.”

**Chair Pro Tem Gwin** said, “Okay, we have a couple of questions or comments. Commissioner Winters.”

**Commissioner Winters** said, “Mansoor, is this coming from Homeland Defense kinds of funds through KDHE or is this more routine disease control or what's the balance between this position as being someone who is going to be able to look at threats from terrorists kinds of activities? Is there a connection here?”

**Dr. Tahir** said, “Yes, actually. This is not a new position and the money is not coming from the Homeland Security budget. This position has been funded by KDHE since 1999 and the Homeland Security budget that . . . we got that money last year. This position, we had the contract with the City of Wichita, but since we moved to County so we need to renew this contract.”

**Commissioner Winters** said, “I got you. Thank you.”

**Chair Pro Tem Gwin** said, “You're welcome. Commissioner Norton.”

**Commissioner Norton** said, “My question is how many epidemiologists do you have on staff now

**Regular Meeting, November 13, 2002**

with this? I mean this is one position.”

**Dr. Tahir** said, “Well, in the epidemiology section of the Health Surveillance and Disease Prevention division, we have staff of six people. And we have two epidemiologists, three disease investigators and one state person that is not hired by county but the person utilizes our resources, utilizes our office space and work with us. So, in total, we have six people in epidemiology section.”

**Commissioner Norton** said, “Okay. And that capacity really can serve a relatively larger area than just the County of Sedgwick, is that correct? At some point there will be capacity to help out some of the smaller communities to the west?”

**Dr. Tahir** said, “That’s right. Actually this position that is funded by KDHE includes the condition that if the KDHE needs someone from us, from our department, we’ll go out and help wherever they want.”

**Commissioner Norton** said, “Okay, good. Thanks.”

**Chair Pro Tem Gwin** said, “Any other questions? What’s the will of the Board on this item?”

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Chair Pro Tem Gwin** said, “Thank you. Next item.”

**Regular Meeting, November 13, 2002**

**I. DIVISION OF HUMAN SERVICES.**

**1. AGREEMENT WITH NORTH CENTRAL KANSAS REGIONAL JUVENILE DETENTION FACILITY TO PROVIDE OFFSITE JUVENILE DETENTION HOUSING SERVICES.**

**Mr. Larry Ternes**, Youth Services Administrator, Department of Corrections, greeted the Commissioners and said, "The agreement before you this morning, if approved, will allow for the continuation of off-site juvenile detention housing at the North Central Kansas Regional Juvenile Detention Facility in Junction City, Kansas. The agreement continues the daily per diem rate at \$115 for juvenile detention beds for a one-year period. If the county houses five or more juveniles in this facility on a given day, the per diem rate will reduce to \$100 per day.

This agreement does not include a guaranteed minimum of residents being required to be detained per day. We request that you approve this agreement and authorize the Chair to sign and I'd be happy to answer any questions that you may have."

**Chair Pro Tem Gwin** said, "Questions of Mr. Ternes on this item? Yes, Commissioner Winters."

**Commissioner Winters** said, "Just one. Larry, is there a routine number that you normally have at this facility or does it just vary all over the place?"

**Mr. Ternes** said, "At this facility, we have a very small population that we send there because of the distance. We try to keep as many, as you know, here in Wichita if that's at all possible. We don't have a specific average that we maintain there. We do at the Clarence Kelley Facility in Topeka, Kansas but overall our offsite average daily population for all of our kids that we send out of Sedgwick County is roughly 19 and a half at this particular time of the year."

**Commissioner Winters** said, "Okay. Hate to be that half a kid."

**MOTION**

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

Commissioner Norton seconded the Motion.

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

**Regular Meeting, November 13, 2002**

**VOTE**

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

**Chair Pro Tem Gwin** said, “Thank you, Larry. We know you care about those kids whether they’re whole or half. Next item please.”

**2. AGREEMENT WITH DAVID HON, M.D. TO PROVIDE SERVICES AS ASSISTANT MEDICAL DIRECTOR OF COMCARE.**

**Ms. Marilyn Cook**, Director, Comprehensive Community Care (COMCARE), greeted the Commissioners and said, “David Hon, Dr. Hon will be joining COMCARE as our assistant medical director. His time is going to be divided among three programs. He’ll spend about half of his time at our Community Support Services program at Twin Lakes. He will spend about eight hours a week at out-patient, where he will bring some of his private-pay patients with him and he’ll be spending about twelve hours in our crisis program. He is homegrown. He was born in Wichita, went to school at Kansas Newman, undergraduate and then went to K.U. School of Medicine Wichita for his degree in medicine and he’s been practicing psychiatry since he graduated at Halstead and when their facility closed he looked all around the area for another place to call home and we are very, very pleased to have him land with us.

He was the chief resident in his graduating class and that was the same class that our current medical director, Dr. Rex Lear, graduated in. So they have known one another. Although they’ve not worked closely together, they have known of one another’s careers and I think Dr. Lear had a very strong influence on getting Dr. Hon to agree to come to work with us. He has a wonderful reputation and I am asking that you accept this agreement and authorize the Chair to sign.”

**Chair Pro Tem Gwin** said, “Any questions? If not, what’s the will of the Board?”

**Regular Meeting, November 13, 2002**

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Chair Pro Tem Gwin** said, "Next item."

**3. AGREEMENT WITH CODY SPARKS, LMLP TO PROVIDE PSYCHOLOGICAL SCREENING AND INTAKE SERVICES AT TRI-CITY DAY SCHOOL.**

**Ms. Cook** said, "We have had the therapeutic day program going for a couple of years and that is therapeutic day program for kids who are actually elementary through high school age whose behavior prohibits them from being maintained in a regular classroom. And that's a collaborative effort among Haysville and Derby and Mulvane.

Cody Sparks is a psychologist that works in that program, but he also has been working for us for a couple of years and this is a renewal on his contract. He does intakes, what we call intakes or opens clients up in a system for us who are participating at the school. He runs psychosocial groups and he supervises the case management staff that are at the school and during the summer Haysville was gracious enough to allow him to stay in that building and run groups with the kids that he'd been involved with, so there wouldn't be a disconnect in services. I'm requesting that you approve the contract and I'd be happy to answer any questions you might have on this one."

**Chair Pro Tem Gwin** said, "Any questions, comments?"

**Regular Meeting, November 13, 2002**

**Commissioner Norton** said, "I'll make the Motion. Just a comment, that's become a wonderful program for the south side, for the partners, and I hope we can continue to build the capacity of that particular program because it has been just a Godsend for a lot of youth on the south side, particularly from those school districts."

**MOTION**

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

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	Absent

**Chair Pro Tem Gwin** said, "Next item."

**4. CONTRACT WITH UNIVERSITY OF KANSAS SCHOOL OF MEDICINE-WICHITA FOR COMCARE TO PROVIDE TEACHING SERVICES.**

**Ms. Cook** said, "This is a contract between COMCARE and the University of Kansas School of Medicine in Wichita. Dr. Susan Brewer is a full-time outpatient psychiatrist with us and she has a specialty area in terms of teaching in psychodynamic theory and there are very few psychiatrists in this area that have that specialty. So Dr. Brewer has, for the second year, agreed to teach a three-hour class for medical students at K.U. and this contract also allows her one-hour of case management formulation sessions with medical students. In other words, they go over cases that they're having difficulty with. And the contract is not to exceed 160 hours and they're paying us well for her time. I request that you approve the contract."

**Chair Pro Tem Gwin** said, "Any questions?"

**MOTION**

**Regular Meeting, November 13, 2002**

Commissioner Winters moved to Approve the Contract and authorize the Chairman to sign.

Commissioner Norton seconded the Motion.

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

**VOTE**

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

**Chair Pro Tem Gwin** said, “Thank you, Marilyn. Next item.”

**J. PUBLIC WORKS.**

- 1. RESOLUTION RECLASSIFYING 29<sup>TH</sup> STREET NORTH FROM 119<sup>TH</sup> STREET WEST TO TYLER FROM THE DELANO TOWNSHIP ROAD SYSTEM TO THE SEDGWICK COUNTY HIGHWAY SYSTEM. DISTRICTS #3 AND #4.**

**Mr. Spears** said, “On June 18, Delano Township voted to dissolve. Based on that action, by law Sedgwick County will be taking over their last two miles of township road. Those miles are located on 29<sup>th</sup> Street North from 119<sup>th</sup> Street west to Tyler. A resolution has been prepared by Legal staff to that effect and I recommend that you adopt it.”

**Chair Pro Tem Gwin** said, “Thank you. Commissioner Winters.”

**Commissioner Winters** said, “Thank you. Just to restate David, this had become a very small township that most of the property area in this township was annexed into the City of Wichita over a period of the last 25 years or so and the remaining residents did vote to dissolve at a regularly scheduled election held by Marilyn Chapman. So this township is going away.”

**Mr. Spears** said, “It was a unanimous vote, twelve to nothing.”

**Commissioner Winters** said, “All right, thanks.”

**Regular Meeting, November 13, 2002**

**MOTION**

Commissioner Winters moved to adopt the Resolution.

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	Absent

**Chair Pro Tem Gwin** said, "Next item please."

- 2. FORCE ACCOUNT AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY BRIDGE REPLACEMENT PROJECT 606-23-4950; 53<sup>RD</sup> STREET NORTH OVER THE BIG ARKANSAS RIVER. CIP# B-269. DISTRICT #4.**

**Mr. Spears** said, "Item J-2 is a force account agreement with the Kansas Department of Transportation to reimburse Sedgwick County for construction engineering services performed during construction of the bridge on 53<sup>rd</sup> Street North over the Big Arkansas River. This project is designated as B-269 in the Capital Improvement Program and will have 80% reimbursement. The maximum amount of federal funds the county can receive is \$66,690.11. I recommend that you approve the agreement and authorize the Chair Pro Tem to sign."

**MOTION**

**Regular Meeting, November 13, 2002**

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

Commissioner Norton seconded the Motion.

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

**VOTE**

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

**Chair Pro Tem Gwin** said, "Thank you, David. Next item please."

**K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF NOVEMBER 7, 2002.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "There are six items for consideration today that resulted from this meeting of November 7<sup>th</sup> Board of Bids and Contracts.

**1) FULL SIZE CARGO VAN- FLEET MANAGEMENT  
FUNDING: VEHICLE ACQUISITION**

First item, full size cargo van for Fleet Management. Recommend the low bid meeting specifications, including trade-in, from Lubbers Ford in the amount of \$18,330.

**2) SEDANS- FLEET MANAGEMENT  
FUNDING: VEHICLE ACQUISITION**

Item two, sedans for Fleet Management. Recommend low bid, including trade-ins, from Don Hattan Chevrolet in the amount of \$48,792.

**3) FIRE SQUAD TRUCK- FLEET MANAGEMENT  
FUNDING: VEHICLE ACQUISITION**

**Regular Meeting, November 13, 2002**

Item three, fire squad truck from Fleet Management. Recommend the low bid from Rusty Eck Ford in the amount of \$41,604.

**4) RUGGEDIZED LAPTOPS- SHERIFF  
FUNDING: SHERIFF'S FLEET**

Item four, ruggedized laptops for the Sheriff. Recommend the low bid meeting specifications from PCS in the amount of \$27,540.

**5) 2003 TRIPLE COMBINATION PUMPER- FIRE DISTRICT/ FLEET  
MANAGEMENT  
FUNDING: VEHICLE ACQUISITION**

Item five, 2003 triple combination pumper for Fire District and Fleet Management. Recommend the low bid meeting specifications from Pierce Manufacturing in the amount of \$212,212.

**6) ERGONOMIC CHAIRS- HEALTH DEPARTMENT  
FUNDING: HEALTH DEPARTMENT**

And item six, ergonomic chairs for the Health Department. Recommend the quote from Scott Rice in the amount of \$42,640.01.

Be happy to answer any questions and recommend approval of these items.”

**Chair Pro Tem Gwin** said, “Thank you, Iris. Any questions?”

**Commissioner McGinn** said, “Well, kind of.”

**Chair Pro Tem Gwin** said, “Okay. Commissioner McGinn.”

**Commissioner McGinn** said, “82 chairs, how come there was just one bid on that?”

**Ms. Baker** said, “It was a quote. We have a current county contract in place for ergonomic chairs, and based on the value of this quote, it went through bid board.”

**Ms. Baker** said, “There are about nine different chairs in that quote and they average in price from \$350 to \$730.”

## Regular Meeting, November 13, 2002

**Commissioner Winters** said, "Madam Chair, may I make a comment?"

**Chair Pro Tem Gwin** said, "Sure."

**Commissioner Winters** said, "Didn't we, several years ago, go through a chair process of looking at chairs for, depending on what your job is, where you do it, it seems like we had a study that lasted six months and we set a pattern for, a standard for your job whatever and I would assume that this is following that logic of that study. So this was not just a decision to go out and buy 82 chairs and randomly pick them, I would assume."

**Ms. Baker** said, "Correct. And assessment was done, chairs were sampled before a quote was put together."

**Commissioner Norton** said, "Gee, I didn't get to see the chair selection when I got my chair. I wish I'd seen the chair selection. I would have picked differently."

**Commissioner Winters** said, "I'm probably talking about something that I don't know much about, but I mean it was . . . to think about chairs that people are going to be sitting on for 40 hours a week is not a simple process to just go pick chairs and I think even we've probably had personal experiences of finding a chair that works and I think Ken Arnold was here perhaps when we did that and the guy that was really . . . worked through all of that. I mean, they did a very extensive test and sampling of chairs to find good chairs and at a price that was reasonable and some may not think that this is reasonable, but chairs are not inexpensive, as you probably know. So I hope that is helpful. It may not be."

**Mr. Buchanan** said, "Commissioners, if it please the Commission, this is part of the process that we've started in assuming responsibility for the Health Department. We've purchased some new computers. We've purchased new work stations. We did an environmental assessment of the employees. We tried to figure out, ergonomically, what makes sense. We're relocating and restructuring offices to be more effective and more efficient and this is a final piece of that plan."

**Chair Pro Tem Gwin** said, "Okay. Any other questions about any of the other items on the Bid Board?"

**Commissioner Norton** said, "Well, it's a simple thing but also when you look at the morale of the Health Department and all of that, just some simple things like good equipment makes a huge

**Regular Meeting, November 13, 2002**

difference in your workday world. So, I'm going to be very supportive of this. We kind of laugh about it, but somebody that sits at a computer for 8 hours a day doing computer work will have shoulder and back problems, which leads to other kinds of things. If the chair is too low and you're disengaged from your computer you've got carpal tunnel problems. So ergonomically designed chairs are very important for a workplace where people really do work."

**Commissioner McGinn** said, "I agree."

**Chair Pro Tem Gwin** said, "And it has to do with productivity and as you said, the wherewithal and the good feelings about coming to work and I suspect that there hadn't been much changed there for quite a while. So, I suspect they were dealing with something way back when. Any other questions about any other items on the Bid Board? If not, what's the will of the Board please?"

**MOTION**

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

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	Absent

**Chair Pro Tem Gwin** said, "Yes, Commissioner Norton."

**Commissioner Norton** said, "Just one quick comment. If you would talk about the fire truck, the \$200,000. I think it's important. That's a huge purchase and just a little information to the public would be good, where that's going to be stationed. That's just a huge purchase and I think the citizens need to know how we're spending that money."

**Mr. Byron Chrisler**, Deputy Chief of Operations, Fire District #1, greeted the Commissioners and said, "Commissioner Norton, you're going to like this one, because this truck is going to down to

## Regular Meeting, November 13, 2002

the station by Haysville.”

**Commissioner Norton** said, “Oh, heck, how did that happen.”

**Mr. Chrisler** said, “We’ve reevaluated a lot of our vehicle needs since we’ve kind of joined forces with Fleet Management under some of the expert guidance of Marvin Duncan has helped us out quite a bit on this and the one truck that’s going to be leaving our fleet is one that Commissioner Gwin liked so well, the old Brigadier that sounds like it’s going 100.”

**Commissioner Gwin** said, “Oh, is that finally going away? Oh, thank you. The old Betsy is finally leaving. Thank heaven.”

**Mr. Chrisler** said, “So anyway, it’s really needed in our fleet in a bad way. We’ve had some major problems going throughout the summer with some of the trucks and some of the ages of them and some of the manufacturing process that was done back when those trucks were assembled and hopefully we’re getting an edge on them now.”

**Chair Pro Tem Gwin** said, “That dear old thing was hardly able to even move, much less be very responsive. What about the squad then? Where’s that going to be?”

**Mr. Chrisler** said, “The squad is a replacement for the one that was forced off the road down by Derby in a wreck and was totaled out, so it’s going to be going to a station down by Derby, Station 36. So it’s a replacement for the one that was totaled. So the new ones are all around you, Commissioner.”

**Commissioner Norton** said, “So if I kind of stop by Station 34 I might be able to ride on the truck at some point?”

**Mr. Chrisler** said, “Absolutely. I’d make sure they gave you a ride on it.”

**Commissioner Norton** said, “I don’t have to sit in the back with the Dalmatian again, like I did before, do I?”

**Mr. Chrisler** said, “No.”

**Commissioner Norton** said, “Thanks, Byron.”

**Chair Pro Tem Gwin** said, “Thank you, Byron. Next item please.”

**Regular Meeting, November 13, 2002**

**CONSENT AGENDA**

**L. CONSENT AGENDA.**

- 1. Easement for Right-of-Way for Sedgwick County Project 634-28 and 29; 63<sup>rd</sup> Street South between Hydraulic and K-15. CIP# R-247. Districts #2 and #5.**

- 2. Section 8 Housing Assistance Payment Contracts.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V020064	\$256.00		John Solomon
V020071	\$423.00	2	William Favreau
V020072	\$301.00		Brookside Cottages
V020073	\$429.00	2	Chapel Ridge Apts.

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V94116	\$466.00	\$472.00
V020061	\$350.00	\$441.00
V020016	\$340.00	\$230.00
V020031	\$402.00	\$424.00
V2053	\$385.00	\$271.00.
V020028	\$234.00	\$398.00
V010114	\$259.00	\$292.00
V94101	\$206.00	\$231.00
V20134	\$535.00	\$535.00
V010164	\$325.00	\$325.00
V020012	\$463.00	\$498.00
V99085	\$600.00	\$600.00
V99082	\$448.00	\$509.00

**Regular Meeting, November 13, 2002**

V010167	\$392.00	\$290.00
V20138	\$312.00	\$297.00
V99079	\$473.00	\$236.00
V20143	\$480.00	\$407.00
V010170	\$590.00	\$590.00
V99075	\$200.00	\$206.00
V020003	\$337.00	\$334.00
V010168	\$324.00	\$328.00
V97069	\$284.00	\$332.00
V20142	\$318.00	\$000.00
V01085	\$155.00	\$309.00
V020061	\$441.00	\$510.00
V20102	\$385.00	\$385.00

**4. Plats.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2001 and prior years have been paid for the following plat:

Broad Street Addition  
Sedgwick County Electric Cooperative Association Addition  
Sierra Hills Golf Club

**5. Applications for License to Retail Cereal Malt Beverages.**

<u>Applicant Name</u>	<u>Business Name</u>
Michael Roy Billingsley	Course Strategy, LLC
Mark C. Reed	Sedgwick Co. Zoological Society, Inc.
Samuel G. Eberly	Eberly Farm, Inc.
Donald R. Albers	Cheney Lanes Inc.

**6. Amendment to the 2002 Capital Improvement Program to increase funding of Project D4, Storm Sewer at 95<sup>th</sup> Street South.**

**7. Local Elected Officials Board Agreement defining the duties and obligations of,**

**Regular Meeting, November 13, 2002**

**and procedures to be followed by, the Local Elected Officials under the Workforce Investment Act of 1998.**

- 8. Orders dated October 30 and November 6, 2002 to correct tax roll for change of assessment.**
- 9. General Bills Check Register(s) for the weeks of October 30 – November 12, 2002.**

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

**Chair Pro Tem Gwin** said, “Okay. Commissioner Winters has a question.”

**Commissioner Winters** said, “Thank you. Yesterday, late afternoon, I received just an e-mail from the REAP executive director and on our Consent Agenda we have the final approval of the local elected officials board agreement. We talked about that and took action several weeks ago and it is finalised up. Keith Lawing sent a note saying that that’s going to have to be revised again. So, I would assume that we should just leave it on the Consent Agenda or we can take it off, which ever Mr. Manager or Rich would suggest. But it looks like this is not a final work yet.”

**Mr. Buchanan** said, “It isn’t and I’ve made a note to myself that I forgot to read. I would recommend you approve the Consent Agenda without that item.”

**Commissioner Winters** said, “Eliminating item 7. And then just for the Commissioners information, this local elected official board with the Workforce Investment Act will come back to us again for more discussion.”

**Chair Pro Tem Gwin** said, “Is there a Motion then to approve the Consent Agenda without item 7?”

**MOTION**

Commissioner Winters moved to approve the Consent Agenda without item 7.

Commissioner McGinn seconded the Motion.

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

## Regular Meeting, November 13, 2002

### VOTE

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

**Chair Pro Tem Gwin** said, "I have a little housecleaning to do. Item D we did not consider because I don't believe the gentleman who requested that ever came forward. Is Mr. Barnes in the room at this time? I don't see him. I just need to make that note clear that we did not consider Item D because the requester did not appear. We have a Fire District agenda and before we come back to our other business and whatever, I'd like to recess this meeting, the regular meeting of the Board of County Commissioners at this time."

**The Board of Sedgwick County Commissioners recessed into the Fire District #1 meeting at 11:15 a.m. and returned at 11:25 a.m.**

**Chair Pro Tem Gwin** said, "I'll now call back to order the Regular Meeting of the Board of County Commissioners for other items."

### **M. OTHER**

**Commissioner Norton** said, "Do you want to do 'other' Other or do you want to do Executive Session?"

**Chair Pro Tem Gwin** said, "Let's do 'other' other and then we'll do Executive Session."

**Commissioner Norton** said, "Is that okay? Then I have some others. I'd just like to comment that the Haysville Library just celebrated their 25 years of service to the Haysville community and that's a nice milestone, quarter of a century that they've been serving the south side and Haysville community.

Carolyn may have some comments on the event at Cowtown this past week, so I'll pass on that one but that was a wonderful event. I got to cook some of the dinner that night and had a great time just kind of helping out but it was a wonderful event and I'm sure Carolyn will talk about that.

Last night, I had a chance to go to the Southwest Village Neighborhood Association. They had around 50 people show up and I've got to tell you, for a neighborhood association that's a pretty

## **Regular Meeting, November 13, 2002**

good turnout. They're working on two or three park areas, although that falls within all the auspices of the city limits of Wichita, I think it's a wonderful citizens' group putting together two or three park areas in their community down there and they're going to work real hard on that. They may come to the County for some help with that. I offered our help on some grant writing they may have to do on T-21 funds for pathways and jogging paths and bike trails and I said we've got some people that write those grants all the time that have some expertise on that. But it was really encouraging to go to a neighborhood association and really be able to be with a large group of citizens, other than just a handful and they were very engaged and very involved and really challenged me, when I had a question and answer session on some of the things we're doing as far as Coliseum and trash and some other issues.

And then finally, I was at a kick-off for the YMCA Strong Kids program last night and just a comment that YMCA is up to five centers that serve a large portion of our constituents. They now have a center in El Dorado. They're getting ready to open the north Y up on Woodlawn and just a note, they're the number one child care provider in Sedgwick County, the YMCA. And we're so attached to social services and getting kids a healthy start and we think about juvenile justice and getting to kids early, the YMCA provides a great service there with child care."

**Commissioner Gwin** said, "That's great. I don't know who are next, but in deference to Commissioner McGinn, I'll go to her."

**Commissioner McGinn** said, "Thank you. Well, Saturday started for me the fifth annual Doris Kerr Larkin luncheon presented by the Kansas African American Museum. Their guest was Carl Gordon, former actor, still acts I believe but instead of giving a speech or anything like that, it was more of a testimony of his life and it was very good. Anyway, I commend the staff and Eric Key at the African American Museum for the work they've done. They've put on a very good luncheon for five years in a row now. So I hope that continues to grow and it has.

And then the evening event was the Calamity at Cowtown and they had a pretty good crowd. It was their first event ever. I think they're trying to find their Zoobilee nitch and we had a lot of great people that came forward and made some contributions, wagon masters with part of the meat and

## Regular Meeting, November 13, 2002

those kinds of things. Other people stepped up with some other donations, had a silent auction. It was great. You just got to kind of wander around Cowtown for the early reception. Then later on, you go in and have your dinner, and then they have a kind of melodrama mystery and you have to solve the who-dun-it kind of thing. So, it was very good. It seemed like everyone seemed to enjoy themselves that evening. Tim gave us the halftime report for the K-State game and seemed pretty well worn out after that. So, anyway, they had a great event and I hope it is something that they are able to do year after year and the first results are in, they made some money. So, that's good for Cowtown."

**Chair Pro Tem Gwin** said, "Great, wonderful. Commissioner Winters."

**Commissioner Winters** said, "Just a couple of quick things, a couple of small town notes. Clearwater, last Saturday, opened their fitness center, which was really an effort of a lot of people in that community, plus some contributions, but a lot of volunteer hard work in converting an older building into a fitness center so the people in Clearwater would have the advantage of that. This Saturday, Colwich is having their 2002 volunteer appreciation dinner. City council hosts a dinner and a program for anyone who has volunteered in the city over the past year and so they always have a good event out at Colwich.

Then this Sunday, the Kansas Association of Counties begins their meeting here in Wichita. The Hyatt Hotel is the meeting place of most of the meetings but there will be County people, commissioners, treasurers, clerks, register of deeds, staff people, engineers, from all over the State of the Kansas will be gathering in Wichita starting Sunday afternoon through Tuesday and we'll be part of a hosting event at Exploration Place on Sunday evening, so there will be lots of folks here from out of town this weekend. We appreciate them coming and choosing Wichita to host their site. So, if any of them might be watching, we're going to welcome you this coming weekend. So, that's it."

**Chair Pro Tem Gwin** said, "Okay. Yesterday, Commissioner McGinn and I and some other staff people attended the McConnell luncheon. Got a briefing on McConnell Air Force Base. Being reminded again how valuable they are, not only to our community, but to the world and the United States and the way they serve us all. It was very well attended and I appreciate Commissioner McGinn and other staff members being there.

Tomorrow morning, bright and early, is the Annual Economic Conference at a time when our community is in the throws of lay-offs and other, I think it will be real worthwhile to get some input from some of those folks who are dealing with those issues now and kind of get their view of what the next year or so is going to look like to their company. Hopefully, it will be candid and very

**Regular Meeting, November 13, 2002**

realistic and we'll understand what it is we're facing in the community in the years to come.

The other item is that it occurred to me, as we were talking about Commissioner Sciortino not being available, that I want to express my sympathies to Mary because I know now her responsibilities have quadrupled by trying to take care of Ben in his recuperative state, so Mary, my thoughts are with you, as Ben spends more time around the house. But Ben, we want you to get well and hurry up and get back and I think no one wishes you that more than Mary does.

That's all of the other until we have the official 'other'. Mr. Norton, would you like to do the honors?"

**MOTION**

Commissioner Norton 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 legal advice and that the Board of County Commissioners return from Executive Session no sooner than 11:45 a.m.

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	Absent

**Chair Pro Tem Gwin** said, "We are recessed into Executive Session."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:35 a.m. and returned at 11:47 a.m.**

## **Regular Meeting, November 13, 2002**

**Chair Pro Tem Gwin** said, "We've returned from Executive Session. Let the record show that there was no binding action taken while we were in Executive Session. Mr. Euson, anything? Mr. Buchanan? Commissioners?"

**Commissioner Norton** said, "I have one thing. The homeland defense group is having a meeting on that facility."

**Commissioner McGinn** said, "I haven't answered your e-mail yet."

**Commissioner Norton** said, "But I'm not going to be here. I think Bill is going to be there but it would be great to have somebody else there, because we're getting pretty close."

**Commissioner McGinn** said, "I'm going to try to make it. I've got to schedule something."

**Commissioner Norton** said, "Friday at 1:30, Bill?"

**Mr. Buchanan** said, "1:30 to 2:30."

**Commissioner Norton** said, "At Gosen-Livingston."

**Commissioner Winters** said, "I can't be there."

**Mr. Buchanan** said, "Are you going to be at the 3:00 meeting?"

**Commissioner Winters** said, "Yes, but I've got a tele-conference at 2:00."

**Chair Pro Tem Gwin** said, "We'll work on getting somebody there then."

**Commissioner Norton** said, "We're getting pretty close. The armory is ready to go and they want to talk about all the other stuff and it's getting pretty complicated, so we need somebody."

**Chair Pro Tem Gwin** said, "Okay, well check in with one of us. Anything else? This meeting is adjourned."

## **N. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:48

**Regular Meeting, November 13, 2002**

a.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  
Fourth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

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