

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

### **REGULAR MEETING**

**January 22, 2003**

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, January 22, 2003 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Tim Norton; with the following present: Chair Pro Tem Thomas G. Winters; Commissioner David M. Unruh; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Bob Lamkey, Director, Division of Public Safety; Mr. Randy Duncan, Emergency Manager, Emergency Management Department; Ms. DeAnn Konkel, Project Impact Coordinator, Emergency Management; Sheriff Gary Steed; Mr. Jamsheed Mehta, Chief Planner, Metropolitan Area Planning Department; Mr. Dale Miller, Acting Director, Metropolitan Area Planning Department; Mr. Robert W. Parnacott, Assistant County Counselor, County Counselor's Office; Ms. Jan Kennedy, County Treasurer; Ms. Monica Cissell, Director of Housing and Community Services, Department on Aging; Mr. Larry Ternes, Youth Services Administrator, Department of Corrections; Mr. John Nath, Director, Kansas Coliseum; 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**

Ms. Paula Feist, Representative, Feist Communications.  
Professor Kevin Hager, Elliot School of Communication, W.S.U.  
King David Davis, Wichita, Ks.  
Mr. Greg Ferris, Applicant's Agent, P.O. Box 573, Wichita, Ks.  
Mr. Bob Kaplan, Kaplan, McMillan & Harris, 430 N. Market, Wichita, Ks.  
Mr. Terry Cassidy, City Manager's Office, City of Wichita, Ks.  
Mr. Bob Courtney, Sumner County Commissioner.  
Mr. Jack Focht, Attorney for Jan Kennedy,  
Chief Larry Garcia, Wichita Fire Department.

### **INVOCATION**

The Invocation was led by Ms. Liz Owens of Bahai of Wichita.

### **FLAG SALUTE**

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**ROLL CALL**

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

**CONSIDERATION OF MINUTES:** Regular Meeting, December 11, 2002

The Clerk reported that Commissioner Sciortino was absent at the Regular Meeting of December 11, 2002.

**Chairman Norton** said, “Commissioners, you have the Minutes before you of the Regular Meeting. What’s your will?”

**MOTION**

Commissioner McGinn moved to approve the Minutes of the Regular Meeting of December 11, 2002.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Abstain
Chairman Tim Norton	Aye

**Commissioner Winters** said, “Mr. Chairman, before we move on, I would like for us just to note that we have a visiting county commissioner in the meeting room, Bob Courtney from Sumner County is in the room. Bob, welcome to our commission meeting this morning.”

**Commissioner Sciortino** said, “Nice to see you. Would you like to trade places? We’ve got some issues here.”

**Chairman Norton** said, “Well before we get started today I would use my bully pulpit as Chair just to make some comments, if you would indulge me, on my thoughts on the chairmanship for 2003.”

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**Commissioner Sciortino** said, “Do we have an option?”

**Chairman Norton** said, “No option today. There may be other days you’ll have an option.

First of all, I want to thank my colleagues for giving me a turn with the gavel and a chance to take the leadership role for the county. I’m not sure if it was a vote of confidence or a realization that this could be a very tough year to be chair, with the uncertainties of budgets and the tough decisions that most likely will come before us this year. I can empathize with Mikey in the cereal commercials, just give it to Norton, he’ll do anything. Be assured that I will jump right into the new assignment, do my best to continue to do the good work of communicating the County Commissioners’ combined viewpoint, while articulating my own values and beliefs and community vision. In my new role, I believe it is imperative that I understand the gravity of the Chairman’s position and accept the challenges inherent with fostering good, open dialogue, moving us to decisions on issues that may not agree and accepting the outcomes of our actions as my own.

I understand that my level of representation of the county has increased, while my exponential power as Chair is only enhanced when my leadership activities are endorsed or encouraged by my colleagues. Truly, I value their individual wit and wisdom. I depend on their abilities to make collaborative decisions and utilize their collective intellectual capital for the good of the citizens of Sedgwick County.

Having said all that, I hope the Commissioners will indulge me a little longer while I lay out some of my vision for 2003. As Chairman in the upcoming year, I am dedicated to several core principles of leadership. They are not new, they’re not hard to describe. They are, however, challenging to adhere to every day in every action, with every communication, with every interaction with employees, constituents and other electeds.

I am dedicated to five core values that I believe are critical to those that accept leadership positions. Articulate a shared vision; along with my colleagues, I want to inspire the organization to understand our vision for Sedgwick County. It is imperative that we understand where we want to go, how we want to get there and to doggedly strive to weigh all our decisions against the vision, mission and goals of the organization. Communication of our vision to the taxpayers is critical. It will not only ensure understanding of our decisions, but it will serve as the litmus test that validates our actions and policies.

Modeling the way; I believe I must work harder, work smarter and motivate through actions, not rhetoric. 2,700 employees, thousands of citizens and my colleagues depend on me to set the example of public service in Sedgwick County, the region and the state. It is a task I understand and will attack with vigor.

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Encouraging the heart; making sure we do the hard job of government while maintaining the highest level of respect for citizens and employees, while recognizing good work and good deeds is not negotiable. Civility is my mantra. Seeking out the best in all people that aspire to make a difference, challenge the status quo, defend a position or advocate for an idea must be an uncompromising ideal. We must seek to understand, to listen and to value all opinions, even when they may be the voice of opposition. We represent an electorate that is increasingly diverse. We must strive to understand our differences and celebrate our commonalities.

Empowerment; I am convinced that one of the defining characteristics of a good leader is the ability to empower people to reach the highest level of their potential. We have a tremendous cadre of intelligent and dedicated employees at the county. We must continue to coach and train them, give them consistent and honest feedback, encourage and reinforce their good actions and engage in the business of supporting them as they strive to serve the public. In addition, we must encourage the general public to engage in government and not be skeptical, distrustful of ambivalence. We must connect with citizens' groups and volunteers and appointees and give them the right avenues to help us create good government.

Being a change agent; I have ideas. Most days I think differently about government. I believe it is incumbent on leaders to challenge the status quo, to think all the 'what ifs', to engage in open dialogue that moves people to accept change as a natural part of life and of good government. Change is not easy. Change is unnerving. Einstein said, 'If you keep doing what you've always done, you'll keep getting what you've always gotten'. Our economic environment pushes us to think differently.

As we move into 2003, I would like to outline some of the issues with which we will be dealing. I've challenged my fellow commissioners to join me in staying committed to the resolution of these ideas. We will attack these agendas with our best problem-solving and critical thinking skills. We have already changed the way we conduct our Tuesday staff meetings so it is more fluid, more interactive and keeps us more informed on issues and stimulates open dialogue on the topics that are the most important. It is a great first step.

Here are just a few of the things that I think we will deal with and I'm committed to working on in the year 2003: our budget and fiscal condition. It is not an easy time I find myself coming to as chair of the County Commission. State budget problems and revenue downfalls will be a challenge.

We will work on it hard and diligently and it will be the number one priority of Sedgwick County under my administration.

Secondly, Health Department initiatives; there is a new reality out there I believe that is pervasive in health care. The downturn has brought many people that had insurance without insurance. I

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think we have to deal with that openly and honestly and learn new methods to help people provide themselves primary health care. Second to that, and it ties in with it, is bio-terrorism. There's a new reality in our world and the Health Department will have to be engaged in bio-terrorism and elected officials will have to understand how they fit in to some very important decisions that may be before them.

Finalize the solid waste plan; we've talked about this for 18 months, it's on the agenda, it's been talked about and it's time for us to move to action one way or the other. I will facilitate that.

The Heartland Defense Center, we've worked diligently over the last 18 months to collaborate with the state and General Gardner and the City of Wichita in developing the Heartland Defense Center, or preparedness center, that will build capacity for us to deal with the kinds of homeland defense issues that elected officials will be challenged to face in this century.

The Coliseum upgrade decision, we're faced with trying to decide what to do with the Coliseum in lieu of no downtown arena. It is imperative that we take bold actions, engage the community and understand that we take the leadership role in this issue.

The jail expansion, Sheriff Steed has come before us and laid out a pretty provocative plan for what we may have to do in the future to mitigate the jail issue. We will engage in that, have many dialogues and make sure that we make smart decisions on this issue.

The future of Cowtown, Carolyn McGinn has brought to our attention that there is needed work to be done if we have a vision for Cowtown and we will move forward on those issues. Money will be tight, but there's a lot of ways to skin a cat and I look for Carolyn's leadership in helping us decide the future of a very important entity in our community.

The Air Museum and the African American Museum, this is a new issue that we'll have to deal with and try to build density on this year, as we make some very tough decisions about the quality of life and the museums in our county.

Understand our role in economic development, workforce development and job creation. In these tough economic times, it is very important that we look forward, make sure that we're not giving fish to people, but that we're giving them fishing poles, that we're creating jobs, that we're doing new trainings, that we're making sure we're engaged in economic development so that the economy does rebound quicker and when it does there's a trained workforce and there's good jobs for all. We have a prime instinct to do that.

Constituent communication; I don't think it's ever good enough to allow one bit of information not to make it to the community in some form. I will work very hard to make sure this is an open,

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honest year and we communicate every bit of information as honestly as we possibly can as often as we possibly can.

Small town collaborations; we've got some powerful small towns in our community and we need to hold them up, help them flourish and be sure they're engaged in government and not on the outside and in the fringe.

Relationship with the District Court; I've already made one trip upstairs to talk to Judge Ballinger and I'll make many, many more. It is my chance to hold out the olive branch and make sure that we have good relationships with people that we house with every day in the county courthouse. That will not be an issue this year.

Strong city and county partnerships; it is increasingly important that we narrow the gap of Central Avenue between the City of Wichita and the County of Sedgwick. I've already made one trip across the street and I'm dedicated to making 51 more while I am the Chair of the County Commission. And I invite my colleagues across the street to amble across Central Avenue occasionally themselves to build the kind of relationship that creates good government for Wichita, Sedgwick County and the small towns.

Expand our voice at the state level, I think it's imperative in these hard times that we collaborate with state government and Governor Sebelius and Lieutenant Governor Moore to make sure that this area, Sedgwick County, and the area of the central part of the state and the REAP organization is healthy and has a voice and I commit myself to that this year.

I want to review the technology plan for the three-year and ten-year period in Sedgwick County. We spend a lot of money on technology, it's very important. It helps our employees do a better job, but because it's so much money, I think the Commission has to be engaged in where we're spending the money; what it's giving us and what the down sides are.

I'll ask for a facility inventory, engage in a review of all of our facilities. I think it's critical that we understand, as a County Commissioner, what we own, what we manage, what the facilities shapes are in and where we go from here.

I'll ask for a more active participation with advisory boards and engage them and challenge them. Many times we appoint them and then abdicate the responsibility for the actions that they give us. We need to engage and make sure that we are concerned every day with what they are dealing with, as opposed to occasionally when they present something to us.

I would encourage the BoCC to sponsor a town hall meeting in every district this year so that we're out in the community engaging them on many of the issues that we've talked about. Government

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doesn't always happen in these chambers. Government can happen out in the individual parts of our community and we need to be there listening more often than we have.

And finally, I will encourage the BoCC to embrace me on the road district tours idea, where we'll go into each district sponsored by that individual commissioner and engage with small communities, neighborhood associations, look at the bridges and roads that we've spent a lot of money on in districts that we've never seen. It is very important that we may be elected from one district, but once we're here to serve we serve all districts and we need to understand that our votes have an implication throughout the county, not just within the walls and dotted lines of the district we serve.

These are the ideas that I have. These are the things that I will stand for this next year. I urge my commissioners, even though we are very much equal and we are only powerful as we vote in session, that they join me on these issues, give me good feedback and help me through this year. Thank you very much."

**Commissioner Sciortino** said, "Well that's it then. Shall we make a motion to adjourn?"

**Chairman Norton** said, "Thank you for indulging me. I appreciate it. Clerk, call the next item."

### **AWARD PRESENTATIONS**

- A. INTERNATIONAL ASSOCIATION OF EMERGENCY MANAGERS AWARD PRESENTATIONS (FOUR).**
- 1. AWARD TO RANDY DUNCAN FOR WORK AT GROUND ZERO SHORTLY AFTER THE 9/11 ATTACKS.**
  - 2. AWARD TO FEIST PUBLICATIONS FOR "EMERGENCY WARNING AND RESPONSE FOR YOUR FAMILY" PUBLICATION.**
  - 3. AWARD TO KWCH CHANNEL 12 FOR "READY TO RESPOND" TELEVISION SHOW.**
  - 4. AWARD TO EMERGENCY MANAGEMENT FOR "READY TO RESPOND" PROGRAM.**

**Mr. Bob Lamkey**, Director, Division of Public Safety, greeted the Commissioners and said, "It's

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my pleasure to be before you this morning to talk about good works. The International Association of Emergency Managers is the definitive professional organization for that career path and late last year Sedgwick County and some of our partners were given a number of items of recognition. One of them was for individual recognition and three of them were first place media awards in a number of categories.

The first recognition is to our Emergency Manager Randy Duncan for his work in support of the September 11<sup>th</sup> tragedy in New York. As most of you know, he was asked and you permitted him to work in the Department of Justice Command Post for 10 days during that awful event and we are very fortunate, because Randy has developed partnerships at the state and federal level, is recognized for his competence and capability and you have allowed him to participate in a number of those kinds of events in support of our nation. So, Randy, this is your recognition and thank you.”

**Mr. Randy Duncan**, Emergency Manager, Emergency Management Department, said, “Thank you very much. And commissioners, I would like to add my thanks and to County Manager Buchanan and Bob, my boss, thanks to all of you all for supporting these activities, allowing me to go out and gain this experience to bring home and utilize here, God forbid should these events ever occur in Sedgwick County. Thank you very much.”

**Chairman Norton** said, “Randy, don’t step down yet. The first time I really ever had a chance to deal with Randy Duncan was in the basement of a city building in Haysville, Kansas after a tornado. And I tell you what, it’s better to have and not need than, to need and not have; and we’ve got someone that adds great density and capacity to our county and it only is fitting that he’s honored for the good works that he does. So, thank you Randy. We appreciate you.”

**Mr. Duncan** said, “Thank you very much, greatly appreciate it.”

**Mr. Lamkey** said, “Partnerships are very important in the business that we do. Emergency Management, we can do public service announcements and all those kinds of issues, but it’s very important that we engage in community partners to help deliver our message. We’re very fortunate that Feist Publications has been such a partner for us. This particular award is for their 2001-2002 publication of this slick, ‘Emergency Warning and Response’ in their directory publication. It was the first place winner in the category of reference materials. I need to let you know that Feist continues to be a good public partner. In this year’s directory, they not only have information about Ready to Respond programs, severe weather, but they also have included the MMRS program, and so folks can look at pages 47 through 49 in their civic center and look at their MMRS distribution centers and severe weather awareness information and information about Ready to Respond. So it’s with great pleasure that I award this to Paula Feist, representing Feist Publications for their public service. Thank you very much.”

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**Ms. Paula Feist**, Representative, Feist Publications, said, “We’re happy to have the opportunity to be able to print this in our directory and the real reward here is being able to provide the information for the public and possibly to save lives or to help out. So, thank you.”

**Chairman Norton** said, “Now, don’t step down yet. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Yes, I just wanted to publicly compliment you and your publication. Feist has proven once again how good a corporate citizen that you are. Your directory has become so much more than just a place to find phone numbers. You’re actually kind of a one stop shopping center for what’s happening, what’s occurring in Wichita and I just want to thank you again for your commitment to really help the community. So, thank you.”

**Ms. Feist** said, “Thank you, appreciate that.”

**Mr. Lamkey** said, “Our next award is the category of video. Again, it’s a first place award and it’s awarded to Channel 12. However, I need to define this a little bit. We were approached by Professor Kevin Hager from W.S.U.’s Elliot School of Communications in partnership with Channel 12 about creating a video premiering our Ready to Respond program last March. Professor Hager took the lead in that process, worked with Channel 12 and developed a 30 minute video which was presented throughout the community, again sending our message to the community about what they can do to be ready to respond, and in the wake of 9/11 and the fact that we were in the middle of severe weather period of time, it was a very important public message. So, Professor Hager. And we’ve got two of these, one that can go to Channel 12 and one that he can hang in his office at W.S.U. So thank you sir.”

**Professor Kevin Hager**, Elliot School of Communications, Wichita State University, said, “As broadcasters and journalists, we take public safety very seriously and so we always appreciate the cooperation that we received from the County Communication Office, from Emergency Management that we had for this project and that we continue to have. So thank you very much.”

**Mr. Lamkey** said, “Well, the last award is for the educational campaign and it is for the Ready to Respond program. This is the second award this program has won. It was also a NACO

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achievement winner. And the thank yous for this program are kind of like the Golden Globes of the Oscars. The germ of the idea started under Commissioner McGinn's leadership as Chairman. All of you who were on the bench at that time participated in the program. As we delivered this program, you were there interacting with your constituents in the community and talking about how this program related to them and the importance of this, particularly in the wake of 9/11.

Jack Kegley and DeAnn Konkell from Emergency Management carried the load in delivering most of the program, but we've got Darryl Fox from Animal Control who participated, Marv Duncan. We could not have done it without our Communications Department who put the information together and helped package the media. Sedgwick County Fire Department delivered some of the fire components of the program, as did our friends from Wichita Fire Department when we did it in Wichita. So, this was truly a partnership program and if I've left anybody out, as they say on the camera, I'm sorry, but this was a wonderful program that continues today and has developed and again, it was a first place winner. So, since it says Sedgwick County Emergency Management, I'll give it to Randy so he can hang it in his office, but I want to thank all of those who participate in making this successful and the program continues and will continue to be successful."

**Mr. Duncan** said, "Thank you very much. Commissioners, we very much appreciate the opportunity to receive the accolades in public, but I'd like to echo Bob's statements. The real accolades here originated under Commissioner McGinn's leadership and administration in responding directly to people's concerns about what can we do and what information can we find out and how can we prepare ourselves for emergencies and disasters as a result of the September 11<sup>th</sup> issue. I know that we've had our fair share of dealing with those issues over the last four years, primarily natural hazards, tornadoes and floods and things of that nature; and while nobody likes those, I do very much like the concept that we are as prepared as we can be to deal with those and I also very much like the concept that we give our citizens, here in Sedgwick County, a tool kit to help them be prepared in case those incidents should happen.

And if I may, I'd like to ask DeAnn Konkell, who chairs our Project Impact project at the current time. DeAnn, can you tell us roughly how many citizens have we presented the Ready to Respond program to?"

**Ms. DeAnn Konkell**, Project Impact Coordinator, Emergency Management Department, said, "To date, we've done 3,760 people in about 83 or 4 classes since 9/11. So we've done real good. We have a lot more scheduled. We're also incorporating the Ready to Respond with all of our MMRS

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training that we're doing with all of the people that will be working with our sites. So we go out to each one of those trainings and they take the class on Ready to Respond as well so they can be prepared at home before they would come to work at their distribution center."

**Mr. Duncan** said, "And if you don't mind me clarifying, MMRS is Metropolitan Medical Response System. That's the system that joins the public health providers and the hospital providers, together with us in emergency service to form one seamless team to help out citizens, should bio-terrorism or other types of terrorist attack occur and we would need to provide immunizations or special medications to the public as a result of that."

Commissioners, if there are no further questions, I'll say thank you very much."

**Chairman Norton** said, "Well don't move on. I have a couple of Commissioners that would like to comment. I would like to say that DeAnn's probably really happy to deal with emergencies on the front end. She happened to be the liaison to the community through the mayor's office after the tornado in Haysville, so she's got a connection with dealing with crisis on the back end and I'm sure you're pretty excited about doing it on the front end. So, Commissioner McGinn."

**Commissioner McGinn** said, "Thank you, Mr. Chairman. I just wanted to make sure that DeAnn Kunkel was duly recognized because we participated in some of the education training around the district, but you were there at about all of them, I believe. And every time I was going out the door, you were on your way to another one and I just want to thank you for all your work and dedication. Thank you."

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

**Commissioner Sciortino** said, "This is embarrass DeAnn time. I wanted to say basically what Carolyn said. All of us attended some of those evening meetings and you were always there. The information that you were disseminating was given in a mode that was humorous at times, it was succinct, it was understandable, there wasn't a lot of technical terms used and the people that I talked to on exiting those meetings I think were very gratified that you and some of your staff showed up and I know after putting in a full day, then to go out in the community for two or three hours and get home at 10 or 11 and have to repeat that the next evening sometimes can be tiring and I just want to publicly thank you for your efforts. That's all I had. Thank you."

**Mr. Duncan** said, "Thank you very much."

**Chairman Norton** said, "Clerk, call the next item."

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**DONATION**

**B. ANONYMOUS DONATION OF \$10,000, TO BE USED BY THE SEDGWICK COUNTY SHERIFF'S DEPARTMENT TO PURCHASE BULLETPROOF VESTS FOR DEPUTIES.**

**Mr. Gary Steed**, Sheriff, Sedgwick County Sheriff's Department, greeted the Commissioners and said, "It's my first opportunity to welcome Commissioner Unruh aboard. Looking forward to working with you for the next four years.

My first opportunity also to thank Commissioner Sciortino for a great year as Commission Chairman and Commissioner Norton, I'm looking forward to working with you. I share your vision for service to our community and I recognize the importance that your placing on the jail expansion and I appreciate that.

Today I have one of those 'GS' things, those good stuff things. We received a donation of \$10,000 anonymously to be applied to the purchase of body armor and I would ask that you accept the donation today."

**Chairman Norton** said, "Okay. Commissioners, are there any . . .?"

**MOTION**

Commissioner McGinn moved to accept the donation.

Commissioner Winters seconded the Motion.

**Commissioner McGinn** said, "Just one question. I'm sorry about the light."

**Chairman Norton** said, "I didn't miss your light though."

**Commissioner McGinn** said, "I know. You're doing good. I'm just curious, Gary, how much do one of these bullet proof vests cost?"

**Sheriff Steed** said, "Well, body armor generally costs about five to six hundred dollars and we apply this money with a matching grant program for the government to purchase body armor for all of the Commission deputies."

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

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**Chairman Norton** said, “Thank you. If there’s no other questions, I’ll call the roll please.”

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Clerk, call the next item.”

**APPOINTMENTS**

**C. APPOINTING RESOLUTIONS.**

**1. RESIGNATION OF ROGER GREGORY FROM APPOINTMENT AS CLERK OF ERIE TOWNSHIP.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “Mr. Gregory was elected to this position as a write-in. However, he also holds the position of Erie Township Treasurer and so he is asking that you accept his resignation as Clerk of Erie Township.”

**MOTION**

Commissioner Winters moved to accept the resignation.

Commissioner Unruh seconded the Motion.

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

**VOTE**

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Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

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

**2. RESOLUTION APPOINTING KEN PIPKIN (COMMISSIONER WINTERS' APPOINTMENT) AS CLERK OF ERIE TOWNSHIP.**

**Mr. Euson** said, "Commissioners, we've prepared this resolution to fill the vacancy just created. This is for a four-year term and I'd recommend you adopt it."

**MOTION**

Commissioner Winters moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Clerk, call the next item."

**3. RESOLUTION APPOINTING ALBERT DENNY, CLIFF SONES AND ROB SNYDER (COMMISSIONER UNRUH'S APPOINTMENTS) TO THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE.**

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**Mr. Euson** said, “Commissioners, we’ve prepared this resolution for these three appointments. Each commissioner has three appointments to this board and this is for Albert Denny and Cliff Sones, each having a term until December of 2004 and then Mr. Snyder would serve for a term until the end of this year, December 2003. I’d recommend you adopt the resolution.”

**Chairman Norton** said, “I would entertain a Motion.”

**MOTION**

Commissioner Unruh moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “And do we swear. . . do they get an oath today? I think they’re here. So if Don Brace is here, we’ll ask him to come forward and the appointees to come forward. We should do the Solid Waste and then do the township. Why don’t we do it that way.”

**Mr. Don Brace**, County Clerk, said, “Raise your right hand please.

*I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Solid Waste Advisory Council, so help me God.”*

**Mr. Albert Denny, Mr. Cliff Sones and Rob Snyder**, Members, Solid Waste Advisory Council, said, “I do.”

**Mr. Brace** said, “Congratulations.”

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**Chairman Norton** said, "And now we'll go back and I apologize to Ken for not bringing him up right away, but we'll do the oath of office for Ken Pipkin."

**Mr. Brace** said, "Ken, raise your right hand."

*I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of Erie Township Clerk, so help me God."*

**Mr. Ken Pipkin**, Erie Township Clerk, said, "I do."

**Mr. Brace** said, "Congratulations."

**Chairman Norton** said, "Clerk, call the next item."

**4. RESOLUTION APPOINTING ELLEN QUERNER (COMMISSIONER WINTERS' APPOINTMENT) TO THE SEDGWICK COUNTY ANIMAL CARE ADVISORY BOARD.**

**Mr. Euson** said, "Commissioners, this is a new appointment to this board. We've prepared a resolution for this four-year appointment. I'd recommend you adopt it."

**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 David M. Unruh	Aye
Commissioner Thomas Winters	Aye

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Commissioner Carolyn McGinn     Aye  
Commissioner Ben Sciortino     Aye  
Chairman Tim Norton             Aye

**Chairman Norton** said, "Is Ellen here?"

**Commissioner Winters** said, "Yes she's here. But we have two appointees to that board. You want to do them at the same time?"

**Chairman Norton** said, "Why don't we do that. Let's go to the next item."

**5. RESOLUTION APPOINTING STACIA MILES (COMMISSIONER MCGINN'S APPOINTMENT) TO THE SEDGWICK COUNTY ANIMAL CARE ADVISORY BOARD.**

**Mr. Euson** said, "And Commissioners, this is also a new appointment and I recommend you adopt the resolution."

**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 David M. Unruh     Aye  
Commissioner Thomas Winters     Aye  
Commissioner Carolyn McGinn     Aye  
Commissioner Ben Sciortino     Aye  
Chairman Tim Norton             Aye

**Chairman Norton** said, "And we'll ask Stacia and Ellen to come forward."

**Mr. Brace** said, "Raise your right hand please."

*I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of Sedgwick County Animal Control Board, so help me*

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*God.”*

**Ms. Ellen Querner and Ms. Stacia Miles**, Members, Sedgwick County Animal Control Board said, "I do."

**Commissioner McGinn** said, "Before you guys sit down, Ellen and Stacia, we have some questions for you."

**Chairman Norton** said, "We're not going to let you off the hook that easy."

**Commissioner McGinn** said, "Ellen, would you just give just a little bit of background that you've had in the animal world, as I call it, some of the things that you've done as far as through the Humane Society and those kinds of things."

**Ms. Querner** said, "I don't like to give speeches. I've been in animal welfare for about 30 years. I was with the Kansas Humane Society for 14. I have previously served on this board before. I have served on the City Animal Control Advisory Board and the State Animal Control Advisory Board. And I am president, right now I am president of Pals Animal Rescue."

**Commissioner McGinn** said, "Great. Glad to have you here. And Stacia, I know . . . would you please come forward. I believe you just got appointed to the State Animal Advisory Board."

**Ms. Miles** said, "Yes I did."

**Commissioner McGinn** said, "So we look forward to having that connection here back home. And I believe you were also involved in rescues."

**Ms. Miles** said, "Yes, I work with several different rescues. My main one is the Gold Retriever Rescue."

**Commissioner McGinn** said, "Okay. Well thank you both for serving."

**Chairman Norton** said, "Commissioners, at this time I would entertain a Motion to take some Off Agenda appointments."

**MOTION**

Commissioner Winters moved to consider four Off Agenda items.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “At this point, we’ll take the Off Agenda items. Rich.”

**OFF AGENDA ITEMS**

**Mr. Euson** said, “Commissioners, items one and two have to do with a resignation of Mark Girrens as the Trustee of Waco Township and then also a resolution appointing Charles Becker to that position and I would recommend that you take both actions.”

**MOTION**

Commissioner Winters moved to accept the resignation and adopt the resolution.

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye

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Chairman Tim Norton

Aye

**Chairman Norton** said, "And Charles is here, if he'd like to come forward and we'll swear him in."

**Mr. Brace** said, "Raise your right hand please.

*I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Waco Township Trustee, so help me God."*

**Mr. Charles Becker**, Trustee, Waco Township, said, "I do."

**Mr. Brace** said, "Congratulaions."

**Mr. Becker** said, "First I would like to commend Tim Norton for his mission statement and his vision. I have appeared at his podium many times just to make statements, make requests and ask support for different things that appeared in the County; but Carolyn, this is my first shot at public office and I look forward to it and thank you very much."

**Chairman Norton** said, "Before you get away, Charles, and let it be on the public record that he actually volunteered to do this when we found out that Mark couldn't continue; and I think that's admirable. It's just what I'm talking about that citizens need to step up and fill the gaps to help us do good government. So thanks, Charles, I appreciate it."

**Mr. Becker** said, "Thank you."

**Chairman Norton** said, "Clerk, call the next item. I don't think you have it, so Rich."

**Mr. Euson** said, "Commissioners, items three and four have to do with the Clerk of Ohio Township and this involves the resignation of Betty Jo Allen as Clerk and also a resolution appointing Ray York as Clerk of Ohio Township. I recommend that you accept the resignation and adopt the resolution."

**MOTION**

Commissioner Winters moved to accept the resignation and adopt the resolution.

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “And I don’t see Ray here. So we’ll contact him and have him come in for his oath at some point. Clerk, call the next item.”

**CITIZEN INQUIRY**

**D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING “WHERE DO WE GO FROM HERE?”**

**King David Davis**, Wichita, greeted the Commissioners and said, “Once again, I am honored to stand before the people’s servant, my fellow citizens and the God of our nation, for whom I stand humbly.

Today I come to you with a question. Where do we go from here? A question I believe we all should be asking ourselves, taking into consideration there are those that will go to any extreme to maintain their controls over the political processes with no regard to who they injure along the way or those who fall to the wayside as a result thereof.

I have been analyzing the politics of our community for a long time and I have come to realize there is an underlying factor that is fully determined to achieve their less than honorable objectives any way they can.

If we as a community don’t decide where we are going, there are those that would decide for us and if we aren’t happy with the way things are now then you might as well multiply the frustration, disappointment and grief 10 to 100 times. You see, you can take cow dung, cover it with chocolate, gift wrap it and then serve it on a silver platter and no sooner said it’s amazing how soon we forget that, in the end, it is still cow dung.

There is a principle in nature to return to that which made us sick, as likened to the dog that eats its

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own vomit. These are not pleasant thoughts yet they are no less true. Like I said, where do we go from here?

For years now I've seen the evidence of status quo over and over and in the end it's always the same, cow dung. I don't mean to be unpleasant with my words. It's just I don't know how better describe what I know to be an absolute fact. I have lived, experienced and known first hand the realities I have described here and I consider my words here today to be an understatement, so what do we do?

Well, if we don't learn from the lessons of our past, then we are certain to re-eat them, I mean relive them. I once advised someone 'If you're not sure which way to go in life then go in the opposite direction you don't want to be' and the opposite direction of status quo is honorable justice.

For some, it will be unfamiliar terrain, others a journey most longed for and for a few the end of the road, but for the rest of us a day to celebrate, a time for both citizens and government to embrace with a renewed sense of purpose. This I know we can do, as we hold each other up with the utmost respect. I too believe in the dream where one day a man will not be judged by those things we see, but rather the things in the heart that are unseen the true measure of a man, not his status quo. It is time that we as a society embrace the dream, follow the lead of Martin Luther King from the top to the bottom and from the left to the right and make the dream complete. I believe we can make history in Sedgwick County. I believe, once again, we can rise to the greatness by the greatness that lies in each one of us, those things endowed to us by our creator.

I believe by establishing an environment where the God-given greatness will be protected, defended and strengthened. We will be setting the stage for the individual to flourish and when the individual prospers we all prosper. Therefore, I call upon the elect to join forces with the good and honorable citizens of Sedgwick County so we can truly get back on the road to greatness and prosperity.

If Wichita is an All American City by the standards of status quo, then let's make Sedgwick County known for the greatness to the principles of honorable justice. This is the closest we've come in a long time. I beseech you for everyone's sake, especially our children and those who have been stung by the sting of injustice. Let's not allow this opportunity to pass us by. Remember, God honors those who honor him and the principles of honorable justice honors the God of creation. Remember, it's through God all things are possible and as far as I'm concerned, (*inaudible*) is not even an option. Thank you and Commissioner Tim Norton, as a citizen of this community and a prospective leader, you have my full support in your effort and your vision and I thank you all for

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this opportunity.”

**MOTION**

Commissioner Sciortino moved to receive and file.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Clerk, call the next item.”

**PLANNING DEPARTMENT**

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

**1. RESOLUTION ADOPTING AN ACCESS MANAGEMENT POLICY.**

**POWERPOINT PRESENTATION**

**Mr. Jamsheed Mehta**, Chief Planner, greeted the Commissioners and said, “Before you is a

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resolution that adopts an access management policy for Sedgwick County and it specifically applies to rural, arterial and section-line roads that are within your jurisdiction.

For quite a few years now, planning staff along with your staff at the Public Works Department have been trying to raise the awareness of benefits of good traffic engineering principles and planning practices. While we have been talking about access management for a while and applying these principles to new developments, our efforts have been inconsistent for lack of a written policy.

For most of you, access management is not a new concept. In the year 2001, while we were still drafting a policy, I had presented the basic concepts of access management to you at a workshop. After we were done with the final draft of this policy Mr. Jim Weber from County Public Works also presented the task force findings and recommendations to you in July last year. What I am presenting today is exactly the same draft policy. It just took us a while to get here for final action.

In this graphic, just to begin with, is what hopefully access management will help avoid. The policy recognizes the dual role of arterial roadways and tries to balance these two conflicting roads. Without a policy in place, each time we allow an access point in an unsafe location, we take away from the other function of providing safe mobility.

The main focus of this policy is safety. By separating minor turning movements from major movements, we can lower the accident rates on the arterial streets. There are other economic benefits as well. You can preserve the capacity of a roadway for a longer period, which means you don't need to widen as often from say a two-lane facility to a four-lane road.

Formal efforts to draft an access management policy began in the year 2000 with the formation of a task force. In 2001 we hired a consultant to review our development regulations and to provide us with tried and tested examples of policy that is practiced nationwide.

Members of the development community here in Sedgwick County took very special interest in the affect of such a policy on them and we expanded the task force to ensure that local concerns from these local stakeholders was adequately addressed.

By the summer of last year, we had a draft that was acceptable to all task force members. It is that same policy that I mentioned Jim Weber presented to you six months ago and that was also reviewed by the Metropolitan Area Planning Commission. As you can see on the bottom of this graphic, the City of Wichita did adopt this policy in a formal action in August 2002.

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The formation of a task force was initiated by Wichita City Council, but we ensure that Sedgwick County officials play a key role in it. In fact, the recommended policy before you today has some unique county standards that are different from the urban or city standards. This is the rest of the task force members and, as you can see from their affiliations, local development industry was well represented.

The rich mix of business leaders and developers helped the group understand some of the local challenges and I think the end result is that everybody felt that the draft policy is an improvement over past practices.

Now, I'd like to guide you through the recommended policy. It's in the same order as the document you have with you in your agenda packages. This graphic reflects the most debated standard. That is the driveway distance from two intersecting arterial streets. By examining other studies, we know where not to locate driveways and to recognize the functional area of intersections. Every dimension in the access management policy before you is well researched and documented in engineering journals and publications.

So, policy number one identifies those distances back from the center line of two intersecting arterial streets. There will be no driveway for the first 330 feet and full movement driveways are permitted at 660 feet. The city standard is a little bit less than this dimension, but County roads are different in that the speeds are higher, the commutes are longer and safe stopping side distances are greater in the rural areas.

The policy allows interim or temporary access in instances where the final driveway design cannot be implemented immediately so development is not held up and temporary driveways can be taken out later when the permanent driveway is built.

The policy identifies the minimum setback of private drives on collector streets and local streets as measured from arterials. The first driveway on a collector road will be 150 feet from the right-of-way of an arterial street. Similarly, for local streets, that dimension is 75 feet from the arterial right-of-way. When an arterial street intersects with the ramps of a highway interchange, then the separation distances for limited driveway, that is one that only allows right turns, will be 660 feet and the first full movement at 1,320 feet from the intersecting ramp. So for this particular policy, we are ahead of the game when it comes to new interchanges along future highways such as the northwest bypass or the south area bypass projects that, in the future, we'll have these dimensions in place in advance of private development.

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Policy number two deals with the right-of-way. At the approach of an intersecting arterial street and for a distance of 250 feet from the center line of a intersecting arterial the right-of-way width will be 150 feet. That's what it is by subdivision standards today, so there really is no change here.

Following a 100-foot taper, the recommended right-of-way will be 120 feet. In the case of Sedgwick County roads, it was already 120 feet, but now this would include all roads in the county and there will be corner clips measuring 25 feet along the two arterial sides required to accommodate wider turning radiuses, future signal installations, separation of utilities, pedestrian sidewalks, etcetera.

As we move away from the intersection, policy number three identifies the spacing between subsequent driveways and minor streets along the section-line road. The minimum spacing between two full movement driveways along the same side of the street will be 660 feet. You can have a driveway with only right turns every 330 feet or between regular driveways. Driveways on the opposite side should ideally line up across the arterial street but the policy does provide for driveways that are offset from the center lines. If there is no conflict between opposing left-turn movements, such as between these two driveways, then the minimum spacing will be 330 feet. And if the left-turns conflict with each other, as is the case with these two here, then the minimum spacing is expanded to 660. Again, the practice of granting of interim or temporary driveway locations share apply to these driveways as well, in the mid-mile, as they do for those close to the intersections.

We have asked for traffic reports in the past, usually in conjunction with large development applications, but for the first time now we will have a measurable threshold of development sites. A limited study would be one that looks at peak hour movements, length of queues or to justify a deviation from the spacing standards. A full traffic impact study evaluates the levels of service along the abutting arterial streets, the intersections and may include different traffic and land use scenarios.

Policy number five deals with cross lot access. Here's the problem. When each lot owns separately or under single ownership gets a separate driveway spaced too close to each other. This policy encourages cross-slot easements to link the separate businesses to common driveways. Instead of each potentially causing 36 conflicting movements, the policy recommends consolidation of these separate conflicting movements into one centralized locations.

The policy provides for deviations from the standard. Deviations will be allowed where the character of the street or the site or the area is unusual and does not fit the standard exactly. If the area is going to urbanize, then the standards can be relaxed or city standards may be applied. Naturally, again deviations will also be granted when applying these standards can result in either undue hardship or impracticalities.

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This policy will apply to existing development and previously platted subdivisions only if it generates more than 10% of additional traffic than it was initially approved for. The increase in site-generated traffic can come from either a change in use that is more intense than initially allowed or the size of the floor area of a business increases significantly to generate that much extra traffic.

This is the final statement in the access management policy before that provides for a periodic review of the standards. After a few years we will have had a chance to look at successes and failures and if changes are needed then this policy supports using a similar task force to work together and prescribe any changes.

The recommended policy is not an all encompassing comprehensive document. Clearly, there were differing opinions for each of our many drafts that staff and the task force went through. This policy is the result of listening to the stakeholders, compromising on positions and ultimately taking a step forward in formalizing a policy that all participants can live with.

Mr. Chairman, this concludes my presentation and I'll be glad to take any questions before you vote on it."

**Chairman Norton** said, "Thank you, Jamsheed, I appreciate it. If the Commissioners don't have any to start off with, I'll start off with one. What do we do with grandfathering of those that are at a certain level at the county now? What is the mechanism? Is it the 10% increased traffic and how do we get that point to figure out what we're going to have to do with existing entries and exits?"

**Mr. Mehta** said, "It is an existing business, existing driveways, where they are. They're there where they are and that's fine, it's grandfathered. If, through the platting process, it is realized that they are in fact adding significantly more to the floor area, it's not so much the land or the parcel area, but the floor area that would be used to generate the traffic, then it's a quick review of how much additional traffic would be generated. These come out of standard trip generation manuals.

The other situation that could happen is if, in the case of zoning, especially large commercial shopping centers, which are CUPs, where the size of building is already measured and if those businesses are to expand, then that will again trigger the need to examine if in fact it's triggering more traffic or not. Again, the authority is granted to the public works department to review and see if it really needs it. There are instances where 10% more traffic might be fine, but your street

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can handle it so there's no real need to do a detailed traffic study or even a limited one but we have it in the form of a policy so that we at least have a way of checking to see how we add additional traffic to our street system."

**Chairman Norton** said, "Well I can just think of a couple of instances, at least in my district, where it's a county road but the traffic is increasing so exponentially that we'll get to that point and I know they probably don't fit the new standards and I want to be sure we understand that particular scenario. Commissioner Winters."

**Commissioner Winters** said, "Thank you. Jamsheed, a good presentation. I want to commend you for having a lot of community folks involved and it sounds like there has been a lot of involvement. Has the City Council passed on . . . have they taken action on this and did they have any discussion or what was their . . .?"

**Mr. Mehta** said, "I wasn't there personally, Commissioner, but I do believe they passed it August 20<sup>th</sup> of last year. That was the city's standards version that was approved. There are some differences where I mentioned the dimensions. For the most part, wherever you have a dimension which is separating the driveways the county standards, as I mentioned, are a little bit larger than the city's standards. It has to do with the speeds and the area that the county facilities are located in. They did approve it unanimously. It had the support of the Builders' Association and those other task force members who had participated."

**Commissioner Winters** said, "All right, thanks. That's all I need."

**Chairman Norton** said, "Any other comments from the Commissioners? What's the will of the Board?"

#### **MOTION**

Commissioner Winters moved to adopt the Resolution.

Commissioner Unruh seconded the Motion.

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

#### **VOTE**

Commissioner David M. Unruh      Aye

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

**Chairman Norton** said, "Clerk, call the next item."

**2. CASE NUMBER DR2003-01 – RESOLUTION AUTHORIZING ADJUSTMENTS TO FILING FEES FOR DEVELOPMENT APPLICATIONS.**

**Mr. Dale Miller**, Acting Director, greeted the Commissioners and said, "As the Commissioners know, we are entering kind of a period of economic uncertainty and future revenue projections are not looking real positive in terms of the way we finance operations in the planning department. We are a small department, and as part of the County's efforts to try and address future revenue issues, we were asked to take a look at what we could do to try and be as economically efficient as we could. One position has already been cut and two other positions have been frozen and as I said, since we do have a small department, it's awfully hard to find other places to cut and so we were forced to take a look at our fee schedule. That's one of the few revenue generators, if that's the right term, to use, since the revenue that we get from fees only goes to support about 60% of one division's required expenditures.

So, we took a look at our current fee schedules and the last time the county made adjustments was in 1999 and so we're recommending that you approve a 10% increase in the fee schedules. There is a comparison that's attached, attachment number one that shows you the current filing fee and then the proposed filing fee for each one of the categories that we take applications for. Staff would recommend approval of this. Be happy to answer any questions."

**Chairman Norton** said, "Is there any comments from Commissioners? I do have one question, Dale. It appears that we postponed the last fee increase as a county. Is that correct?"

**Mr. Miller** said, "That's correct. Typically the department brings fee schedules forward every three years. We have attempted to try and keep the city and the county fees the same so there's no confusion but at that time period it was decided not to increase fees on the county side. So we have, for the last couple of years, have been operating with two fee schedules."

**Chairman Norton** said, "So at that point, the city did take the action and increase their fees, the county held off on that at the time, is that correct?"

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

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**Chairman Norton** said, "Okay. Commissioner McGinn."

**Commissioner McGinn** said, "I'm going to take my best shot at a question on this one. Well, I just remember a memo from Wichita's finance about the fact that we didn't adopt these and I was curious, the fact that we didn't raise the fees, was that billed into our 50% and would these be over and above or are these separated, as far as revenue received and allocated differently?"

**Mr. Miller** said, "I was afraid a question like that was going to come up, so I did bring Mike Hampel with me, who is our department finance guru and if Mike knows the answer, I'd be happy to have him come up and try and answer that for you."

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

**Mr. Mike Hampel**, Planning Staff, Metropolitan Area Planning Department, said, "Yes, they're separated. We generate approximately \$250,000 a year in development application fees and that's completely separated from what Sedgwick County contributes to the Planning Department budget and the City and County still contribute equally 50%."

**Commissioner Sciortino** said, "I don't know if that was the question."

**Commissioner McGinn** said, "Well, I'm trying to recall, like I said, when we were preparing our budget for 2003 there was some kind of response from Wichita's finance that we should pay more. Bill, can you help me out on this?"

**Mr. William Buchanan**, County Manager, said, "I'd really need to get the Budget folks here, but I recall that we ignored that."

**Commissioner McGinn** said, "Okay. And so my question is then it was not . . . the fact that we did not increase our fees was not built in to the 50% budget that we adopted for 2003."

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

**Commissioner McGinn** said, "Okay."

**Mr. Buchanan** said, "This increase is in direct response to the state reduction of \$3,000,000 to us this current fiscal year and six more million in the next fiscal year."

**Commissioner McGinn** said, "And I understand that's why we're taking the action now is because of the state's reductions and I just didn't know if the fact that we didn't increase these was built into

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our 50% and so now we're over and above, paying over and above."

**Mr. Buchanan** said, "I'd have to check, but I don't believe so. The agreements call for 50% of tax supported funding to that department, 50% from Sedgwick County."

**Commissioner McGinn** said, "And if these revenues are directly tied to certain expenditures, then it could be tracked."

**Mr. Buchanan** said, "Yes."

**Commissioner McGinn** said, "Okay. Thank you."

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

**Commissioner Sciortino** said, "Let me try to attack the question, if I understood what Commissioner McGinn was trying to say. We have a budget set for 2003. The Planning Department is set up, here's what we have to spend money on, here's areas where we're getting money from and the difference, the city and county, you have to split it 50/50. That budget is set."

**Mr. Hampel** said, "Yes."

**Commissioner Sciortino** said, "Okay. Now we're finding \$15,000 more in revenue. Are you planning to spend an additional \$15,000 on other services, or does that reduce the city and the county's portion of the expenses? If that's not what she wanted to have answered, that's what I wanted to have answered. If we have new-found revenue, how does that help us in trying to manage our budgets? Where does that revenue go when we get it?"

**Mr. Hampel** said, "Well, the additional 15,000 will be help to fund our current plans division. The 50% will stay equal between the city and the county. What we're expecting this year, because of the economic downturn, we're probably going to have fewer development applications and I think the extra \$15,000 was just going to be able to help us to keep our service level at its current level."

**Commissioner Sciortino** said, "All right. So if I heard it right, you budgeted 'x' number of dollars in fees and what have you. You're anticipating that will come in below budget and this \$15,000 will help augment it to get it closer to what you budgeted for."

**Mr. Hampel** said, "That's correct."

**Commissioner Sciortino** said, "Thank you very much. That's all I have."

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**Chairman Norton** said, “Any other discussion, comments?”

**MOTION**

Commissioner Winters moved to adopt the Resolution.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Clerk, call the next item.”

- 3. CASE NUMBER ZON2000-00023 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “LI” LIMITED INDUSTRIAL. GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 29<sup>TH</sup> STREET NORTH AND GREENWICH. DISTRICT #1.**

**POWERPOINT PRESENTATION**

**Mr. Miller** said, “This is a fairly straight forward request. This particular piece of property was approved for a rezone to ‘LI’ Limited Industrial. At one point, it was up for consideration for a major corporation’s warehouse and distribution center and that zone approval was subject to platting within one year and because of the site being considered for that corporation they held off on doing anything until they found out what the outcome of that was going to be, because that would probably dictate how it would best be platted and that project did not move forward and so they’re asking for an extension to February 9<sup>th</sup>, 2004 to give them time to plat now. I’m advised that property zoned this way is not in heavy demand at this point and so they feel like they need the additional time to kind of sort things out.”

**Chairman Norton** said, “Any comments or discussion from the Commission?”

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**MOTION**

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

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Clerk, call the next item."

- 4. CASE NUMBER VAC2002-00024 – VACATION ORDER TO VACATE A PORTION OF A PLATTED TEMPORARY SETBACK, GENERALLY LOCATED SOUTHEAST OF THE 183<sup>RD</sup> STREET WEST AND 4<sup>TH</sup> STREET NORTH INTERSECTION, AN UNINCORPORATED SECTION OF SEDGWICK COUNTY. DISTRICT #3.**

**POWERPOINT PRESENTATION**

**Mr. Miller** said, "This request, this is the first time I've handled a vacation request here at the county but the applicant was desiring to put an accessory building up on his property. He poured the footings and then after the footings were in place, discovered that there was this temporary building setback that existed. It's hard to tell with this aerial, but there is a road that runs right down through there currently. The property to the left is platted. The property to the right is under platting consideration and so, as a result of that temporary building setback, his building can't proceed and so he's seeking to vacate that temporary building setback.

Staff and all the folks that review these things have recommended approval. The temporary building setback was only obtained in order to protect a temporary cul-de-sac in the event that 179<sup>th</sup> Street, which comes down here and stops right in this general area today, in the event that that would stop and stay there, we need a way for the police and fire department folks to get their

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vehicles turned around. And so that's why we had the temporary building setback that the thought is that eventually this is going to go on down and connect up with somebody else, another street at some point, and when that happens then that building setback would go away, so it's thought that the encroachment is not critical and recommend approval of the vacation."

**Chairman Norton** said, "Any discussion or questions?"

**MOTION**

Commissioner Winters moved to approve the Vacation Order and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

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

- 5. CASE NUMBER VAC2002-00026 – VACATION ORDER TO VACATE A PORTION OF AN ALLEY, GENERALLY LOCATED SOUTHWEST OF THE 111<sup>TH</sup> STREET EAST AND 109<sup>TH</sup> STREET NORTH INTERSECTION, NORTH OF 4<sup>TH</sup> STREET IN FURLEY, KANSAS, AN UNINCORPORATED SECTION OF SEDGWICK COUNTY. DISTRICT #1.**

**POWERPOINT PRESENTATION**

**Mr. Miller** said, "Commissioners, as she indicated, this is a request to vacate an alley that runs over this doglegged pattern today. The applicant owns all the parcels that adjoin the alley, except for this stretch on the west side here that's a dedicated right-of-way. I believe it's a portion of the railroad tracks. There is an elevator located a little bit further south and they've got anhydrous ammonia tanks and various equipment scattered up and down that right-of-way.

Given the fact that the property to the north . . . this apparently was platted at some time in the past

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and then this entire area was vacated. Given the fact that the applicant owns all the land, basically, adjoining it, staff is recommending approval of vacation of this alley.”

**Chairman Norton** said, “Any discussion or comments from Commissioners?”

**MOTION**

Commissioner Unruh moved to approve the Vacation Order and authorize the Chairman to sign.

Commissioner Winters seconded the Motion.

**Chairman Norton** said, “Any other discussion?”

**Commissioner Winters** said, “Mr. Chairman, I did think it was interesting in the backup that other similar alleys were vacated in 1893. So they’re just catching up.”

**Chairman Norton** said, “Just 110 years behind is all. If there’s no other discussion, Clerk call the roll.”

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Next item.”

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

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### **POWERPOINT PRESENTATION**

**Mr. Miller** said, “Commissioners, four of you have heard this request before. This will be new for Commissioner Unruh. This is the dog kennel case that you heard a few months back. It was heard by the Derby Planning Commission and part of the reason it was sent back was at their first meeting they made a motion to approve, which did not carry enough votes to take a positive action and then they didn’t do anything else. So then we moved it ahead, took it to Planning Commission. They recommended approval and then when you considered it the first time, the fact that the Derby Planning Commission had not taken an affirmative action on a specific motion and also the fact that the applicants had modified their request from what was heard at Derby you thought it was appropriate to return it to Derby and have them rehear it. We have done that. The Metropolitan Area Planning Commission has also heard it the second time.

But just for the sake of review, what the applicants are requesting as indicated is a dog kennel and it’s proposed to be on a ten-acre tract, outlined in the black tape. They are proposing to have up to 60 dogs. Based on the number of buildings, as you can see currently there’s a house that sits here and then they have a barn that sits there and the proposal is as long as they only have the already built barn they would be restricted to 30 dogs, but the site plan that is included with part of your packet indicates that they have plans that if this is approved they would build a second barn that would basically be located just to the north and when they have the second barn then they would be able to expand to 60 dogs.

Part of their proposal currently is that as long as they only have the one barn that they would be allowed to have an outdoor exercise area where the 30 dogs, not necessarily all at once, but I suppose they could be, would be allowed to be outside for a maximum of two hours at any one time during the day. Once they build the second barn, then the dogs would not be allowed outside at all.

Apparently, the plans are to shift the dogs from one building to another, build a breezeway between the two buildings so they couldn’t be outside. So once they go to the second barn and the 60 dogs, then the dogs would not be allowed outside at all.

The properties around the application area, as you can see, are developed with large lot, single-family homes for the most part. There’s at least one home here and one here. The distance from these homes varies from approximately 200 feet up to about 600 feet, as scaled off this map. Now there are problems with scaling off the map because it’s only rectified to three corners so there’s some issues there, but that’s an estimate. They can actually do the exact measurements in the field because there is a requirement by the zoning code that any outdoor dogs have to be a minimum of 200 feet away from the nearest home that’s not on the property. And the applicants have indicated to us that they have done that measurement and it does exceed the 200 feet. I assume that if this is approved that County Code Enforcement would verify that measurement, as part of the permitting

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process.

As you can see, this application area, this is the Derby city limits and as I indicated, is in the Derby zoning area of influence and they have heard the case twice. The second time they heard it, they did make a motion to recommend denial and that was approved and so we do have an affirmative action on a denial and that triggers a unanimous vote requirement by this board to override the Derby Planning Commission recommendation for denial.

The basis, or one of the main basis that they considered was this green area shows what Derby's comprehensive plan depicts as their future growth area and they are estimating that they will grow out to that area in the next ten years. And so, one of their concerns was if they approve the dog kennel here that that use would not be appropriate with promoting development at an urban scale as it moves east and south from the existing city limit line.

There were also property owners who were present at all of the meetings that protested the application on the basis of noise and odor and increased traffic. And I'm sure if you take testimony today that there's at least an agent for some of the protestors today and they can better clarify their position, but we are aware that there is protest and in fact we have protest signatures 49% and you can see property owners that are represented with that.

There are a number of conditions for approval that are contained in the staff report and I won't go through those but the Metropolitan Area Planning Commission did recommend approval. The Derby Planning Commission recommended denial. That does trigger a need for a unanimous vote to overturn their denial. With that, I'd be happy to answer any questions. I can show . . . go the other way here. This is the application area looking to the north at some of the adjoining properties, to the east down the section-line road, west and that's the extent of the slides. Be happy to answer any questions."

**Chairman Norton** said, "Commissioners, at this point I'll allow questions of Dale. I am going to allow both sides of the issue to have five minutes. We've already heard this several times and we've got plenty of information, but because Dave is new here I would offer five minutes to both sides but I'm going to limit the questions right now to Dale and what we're dealing with. Any questions, comments? Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. Can you tell me, what use is allowed for that property now in terms of animals? I mean, is it permissible to have cows and how many dogs are allowed under the current zoning, or give me a little outline of what is allowed now."

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**Mr. Miller** said, “Well, basically it is a property that is zoned ‘RR’ Rural Residential and that allows large-lot residential uses and agricultural uses are not controlled by the zoning code by state law. So one could have anything that’s considered to be an agricultural operation. Probably the biggest restriction would be the fact that it’s only a 10-acre parcel, it’s already got a home on there, so there would be some limits to the kinds of agricultural uses, but there was testimony that the property surrounding it, that they at least have cattle running on it and that they can hear cattle and so the area is in that state of transition, is what I would call it, from predominantly agricultural use to one where they’ve developed the large-lot residential uses and as time progresses then at least Derby is expecting their city limits to move that way and to be more intensively developed.”

The ‘RR’ Rural Residential district allows boarding and breeding kennels, training kennels as they’ve applied for as a Conditional Use. It’s not a use by right in the ‘RR’ district. It is a use that is determined on a case by case basis that the applicant’s particular situation and the size of the property and what they’re proposing to do is considered based on the criteria that’s in the zoning code and then, on an individual basis planning commissions and county commissions make a decision whether each individual application is appropriate.”

**Commissioner Unruh** said, “But the owner could, under current zoning, have 10 cows out there without protest.”

**Mr. Miller** said, “Theoretically, yes.”

**Commissioner Unruh** said, “Thank you. That’s all I have.”

**Chairman Norton** said, “Commissioner Sciortino.”

**Commissioner Sciortino** said, “I want to expand on that. Right now, could the owner decide to have 30 or 40 pet dogs out there if he wanted to, just for his own . . .?”

**Mr. Miller** said, “I believe once they get . . . I’d have to look, but I believe once they get over ten dogs, then they would be bumped into the next category. As long as they own, I believe it’s less than ten, then they could do that by right. I’d have to check the zoning code, but I think that’s the right number. There is a category called hobby kennel but they are allowed to operate that doesn’t require a conditional use as long as they own the dogs and stay under the allowed number.”

**Commissioner Sciortino** said, “I understand. Thank you. I have no other questions right now.”

**Chairman Norton** said, “Any other questions from the Commission? At this point it is our tradition, although we don’t have to, because it’s not a public hearing, at least some public comment from both sides and I would offer that to the applicant, if they would like to take five minutes, or

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their agent. Please state your name and address for the record please.”

**Mr. Greg Ferris**, Agent for the applicant, PO Box 573, Wichita, greeted the Commissioners and said, “I am the agent for the applicant, who is here if you have any questions, Gordon and Beverly Ruble. First of all, congratulations Commissioner Norton on a wonderful speech on what the future holds and I think that was excellent and welcome to Mr. Unruh as well.

There has been a lot of testimony on this case. A lot of it has been very emotional and any time you talk about people’s property it becomes emotional. However, your decision today is by what you’ve approved as the Unified Zoning Code is based on what you call your review criteria. Your review criteria is laid out specifically in the zoning code and I would attempt to keep my comments directed specifically to that.

First of all, as Mr. Miller said, this is an acceptable use in Rural Residential. We’re not asking for a zone change. When you have a conditional use, what has been determined by the governing bodies is that it’s an appropriate use if you put conditions on it and if the conditions are met such that it remedies any impacts it might have, then it is an acceptable and appropriate use for an area.

Your review criteria however, and as you’re all familiar with, you consider what we call the ‘golden rules’ and they’re in the zoning code, anybody can look at them. First one is zoning uses and character of the neighborhood. This is clearly all Rural Residential, regardless of what’s happening in the future with Derby, this is the character of this neighborhood is Rural Residential, which means as was testified that you can have cows, chickens, dogs, pigs, whatever you want on that property with certain limits. And on this case, it will be limited only . . . except for dogs, only by the size of the property. So the character of the neighborhood is clearly rural and in fact, what we’re proposing with the conditions actually limits the impact on the area over what would be allowed. The extent to which removal of restrictions will detrimentally effect nearby property; even at the Derby Planning Commission, the planning commission testified that they didn’t believe odor and noise were an issue. They have seen these facilities. These facilities are in neighborhoods, in west Wichita and in Derby itself there are veterinarian clinics that have outdoor dog runs. They’re very similar to this. They’ve had no detrimental impact on the area. There’s been no proven testimony, testimony that can be documented, that there’s any negative impact and in fact we presented and showed how that in some of these areas property values are going up faster than in any other areas.

Another thing to consider, it’s a relative gain to the public health, safety, welfare compared to the loss and hardship. This is a service that can be provided to Derby. It’s something new. It will be a

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tremendous hardship on the applicant if this is denied. They have spent a lot of time and money getting to this point. We all know that that's a process. Mr. Ruble has looked at this as a career change since he was laid off at Boeing and this is his future, so it would be an extreme hardship and there would be no negative impact on the health, safety and welfare. One of the things I want to just briefly mention is the whole issue of waste disposal. The county has been out there and reviewed the lagoon. They have passed it with flying colors. You have a letter in the packet that shows there are no issues whatsoever in the use and operation of this lagoon. We have also submitted in that packet a plan for solid waste disposal which has also been approved by the county, so there is no negative impact.

The conformance to which the requested change to the adopted or recognized comprehensive plan or policies of the counties or other cities; this was an area we stumbled with a little bit obviously, because Derby is growth area. We have modified the request now. This has been approved by the planning commission and what's before you is a ten-year conditional use. Ten years is when they project they will be out in that area. If they are out in that area, the conditional use will have been expired. It will have no impact on the plan of Derby. Sedgwick County plan, however, allows this. So when you look at the conformancies with plans, we conform with a ten-year conditional use, so we have now met that criteria.

The impact on the proposed development on community facilities; 87<sup>th</sup> Street as was mentioned is an unpaved road. There will be an increase in traffic. However, and I've provided you statistics that will show that for the most part you're looking at 20 or 30 trips a day on a road that I can't believe that there's a road in the county that can't handle 20 or 30 trips a day, especially when you consider that this was an agricultural road that if we put major, heavy agricultural equipment will do much more in one day to this road than 10 or 15 passenger vehicles would do. So we don't believe that there's any negative impact on community facilities.

Opposition in support of neighborhood residents is another thing to consider and that's a little bit of a tough one because in your book you have protest petitions, but you also have letters of support from the same number of people, people around it. You also have petitions for over 400 signatures in support.

And finally, if I might just summarize, the planning staff is the last issue. They have recommended approval of this; planning Commission has recommended approval; planning staff is recommending approval. I know your bound a little by what Derby does but I believe in this case Derby is wrong. Thank you very much, be glad to answer any questions."

**Chairman Norton** said, "Any questions from the Bench? Mr. Ferris, thank you Greg. Is there

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anyone that would like to speak in opposition? Please state your name and address for the record.”

**Mr. Bob Kaplan**, Kaplan, McMillian & Harris, 430 N. Market, Wichita, greeted the Commissioners and said, “I am here on behalf of Jennifer Hunter and her family. I have an entirely different focus on this case. I believe, and I’m going to come back to this because I want to do some things in regard to the criteria as Mr. Ferris did, but I believe this case transcends, greatly transcends, the issue of whether or not we are going to allow a dog daycare in this area. Because of the location of this kennel on the fringe of Derby, because of Derby’s development plans, because it lies within their comprehensive plan area, I believe you are setting precedent here today as to who is going to determine the future of Derby. Is the destiny of Derby and the future of Derby, their development plan and Derby’s growth, is that going to be determined by the Derby leadership, or is that going to be determined by county government. I believe it’s their call.

Now I’m up here and I’ll be up here again arguing and asking the commission to reverse or decide a question where a city of influence has answered it negatively, but not in a situation where a commercial use is located, where it is immediately adjacent. This is like 2,000 from the Derby city limits, less than half a mile. Where that situation occurs and where the comprehensive plan of that community, the development growth of that community negates this kind of use and that community says under those circumstances we don’t want it. I believe that the destiny of that community and their growth ought to be decided by the leadership in that community, not by county government. Although, you have the jurisdiction and you have the ability to do it.

As we went back through this process and we reheard this matter, we only enhanced the opposition. The Derby City Planning Board voted 5 to 2 in opposition, two members were absent. We believe that they would have voted in the negative. MAPC, again, approved it, but they approved it with less plurality than last time. There was considerable discussion and there was even a motion to deny this time around, although it was not successful.

Another thing, Commissioner Norton, you brought up the fact of the staff report. I argued that the staff report was fallacious in the criteria. I still believe the staff report to be fallacious and the staff report remains so because staff did not take any of those considerations to heart. They did not change their report. They concluded, for example, as an example, that the suitability of the property for the use to which it was presently allowed was residential and it contains a residential home, but

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they came to the conclusion that that supports commercial. If it's suitable for residential, if it's used for residential, how does it support commercial? It's only when the suitability for the existing use does not exist that you change it. So, that doesn't follow at all. They say that it has an adverse effect on nearby residences, which I agree, but they say it's going to be mitigated. They don't say it's going to be eliminated. They say it's going to be mitigated. Greg argued the Derby comprehensive plan, the Derby city code prohibits dog kennels in residential areas. It is flatly a prohibited use. Were the Derby city code applicable to this area, we would not be here. There would be no issue. You cannot do it in the city of Derby.

I think that if you review, and I set it out in my booklet, and it's in the minutes, the reasons . . . we had an extended hearing at Derby this time and I appeared in this case this time, which I did not do previously. They set out four reasons, very cogent, very solid, very rational reasons for denying this and they make sense. But, what I basically come back to, given the limited time here ladies and gentlemen, is are we going to decide at county level the future development and growth of this community? Are we going to tell them what they are going to permit within their city boundaries when they get to that point or are we going to let them make that call? And I submit, under the circumstances of this case and the proximity of this location to Derby that is Derby's call. This is not county government's call. Questions?"

**Chairman Norton** said, "Thank you. Any questions of Mr. Kaplan from the Commissioners?"

**Commissioner Winters** said, "I think I have one. I just have one question and you may not know the answer. If you don't, I just need 'I don't know'; but I was somewhat confused by the action of the church that was represented at the earlier meeting. Were those folks here, do you know, as individuals or did the church governing board take an action on this issue? Do you know the answer to that?"

**Mr. Kaplan** said, "Commissioner, I don't know. There was a speaker here that spoke on behalf of the church. There were church members here who spoke on their own behalf as members of the church, but not officially on behalf of the congregation. I think that's a correct . . . Mary's nodding her head yes."

**Commissioner Winters** said, "Thank you."

**Chairman Norton** said, "Commissioners, any other questions of Mr. Kaplan? At this point, I'll limit the dialogue and discussion to the bench. Any other comments? Then I would entertain some kind of a motion."

**Commissioner Winters** said, "Well, Mr. Chairman, before I make a motion, I guess I would just

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say that I think after reviewing all of the material here that we've had and the discussion we had last time and the accommodations that appear to me to be somewhat better and workable, right now I'm prepared I think to think about making a motion for approval of this. I know maybe we need to talk a little bit more about it here. I know the Derby issue that Mr. Kaplan raised is certainly an issue but, you know, when you look at the two things I think that would be troublesome to me is noise and odor and I don't think those are a factor in this case, that leads me to head down this road. I'd be interested in hearing what others think."

**Chairman Norton** said, "Commissioners, any other thoughts or discussion? Commissioner Unruh."

**Commissioner Unruh** said, "Well, I am also pretty much echoing what Commissioner Winters says. I am sensitive to the issue of us exercising undue authority over a municipality. I think that's a real issue and we need to be cautious about doing that, but coming from a background of a small business person, I'm also sensitive to the needs and I suppose the word is rights of an individual to open up a business and try to bring benefit to the community."

I appears that most of the objections about sound and about waste and about screening, that those have been addressed, so I at this point am thinking that with a ten-year usage, that when the city finally grows out there, if they don't want to allow that any longer, well this allowance would expire and the city can continue with its growth. So I'd be inclined to favor adoption of the resolution or the request."

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

**Commissioner McGinn** said, "I agree with Commissioner Unruh on many of the things he said. I too hate going against any city planning commission, but this is not in the city, correct? And Derby city code prohibits dog kennels but in looking at the growth pattern and the fact that this conditional use is tied to ten years that that could be changed at that time, once the city does grow out there."

Looking at some of the other detrimental effects and those types of things, it appears to me that noise has been taken care of. Sewage and those other sanitary waste disposal needs have been addressed as well and so, I guess, in looking at many of our planning rules that it appears that this dog kennel should be able to operate. Thank you."

**Chairman Norton** said, "Okay. I know Commissioner Sciortino wants to wrap it up because it's his district but I have a couple of comments. First of all, for me it has to be a small city issue. I

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come from a small city. I understand that and I've got to tell you, them having some ability to control their own destiny is very important. It is very easy for us to try to make sure that we restrict their boundaries, that we referee the fight between the City of Wichita and the bigger cities and small cities but it's also very important that we understand that they have appointed councils and commissions that are citizens of their area that try to make the best decisions for the future of their community.

So at first blush, I've got to tell you, I'm pretty well succinct with what their planning commission recommended and I would hope, depending on how the vote goes today, that a good businessman would alter his plan, go back to his commission, try to urge them, depending on what happens today, if it doesn't go in his favor, to mitigate it and to make sure he can do business within the auspices of what's going to happen in the near future.

Ten years may be a long-term or it may be a short-term. Based on what I've seen with the growth of Derby, ten years may happen really fast. I mean, that development may get there much quicker. So I think we need to be very prudent with our decision today and uphold that small towns do have some ability to control their own growth and their own destiny.

Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you. I'm not going to be supportive of this motion. Excuse me. I'm not going to support this motion, but I do agree with you, Mr. Chairman. We sent this back to the Derby Planning Commission to hopefully be able to get the applicant to make peace with the people that were opposed to it and get the Derby Planning Commission to agree that it was a suitable use for this and that failed. And if this motion does not get approved here, it isn't the end for the applicant. It just means sharpen your pencil, go back to the Derby Planning Commission and somehow convince them that this is a viable business that should be within your area of influence.

My reasons for not approving this are based on basically the reasons that were cited by the Derby Planning Commission on November 21<sup>st</sup> of last year. And based on the record that we have considered in this case and in the consideration of the review criteria in the United Zoning Code, and let me just read those into the record.

Number one, the proposed use is not consistent with the uses and character of the neighborhood. The property is suitable for use as it is currently restricted. The removal of those restrictions would detrimentally effect the nearby properties, the relative gain to public health, safety and welfare outweighs the loss in value or hardship to the applicant. There will be a negative impact on the community facilities and that is 87<sup>th</sup> Street and there is strong neighborhood opposition to the proposed application.

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We've heard all of this and it's my hope and I would encourage the applicant to please put together a different plan, go back to the planning commission. The key for me, as Commissioner Norton mentioned, is to see to it that you could get the Derby Planning Commission to approve of this project. So, I won't be supporting this motion for these reasons that I've mentioned."

**Chairman Norton** said, "Any other discussion, comments from the bench? Commissioner Winters."

#### **MOTION**

Commissioner Winters moved to adopt the findings of the Metropolitan Area Planning Commission and approve the request.

Commissioner Unruh seconded the Motion.

**Commissioner Winters** said, "And Mr. Chairman, I guess for clarification then, if this motion receives any negative vote then the application is denied. Is that correct? Am I confused?"

**Mr. Euson** said, "I believe that's the effect of it. If the motion fails then it's deemed to be a denial."

**Commissioner Winters** said, "If it has any negative vote."

**Chairman Norton** said, "It has to be a 5-0 vote, unanimous. What are the options, if it . . . We know what the options are if it passes. What are the options if they fail? They have to go back through the Derby Planning Commission. Is that correct?"

**Mr. Euson** said, "They would have the ability to file a new case. Dale Miller can speak to that. It may be six months to a year before they could refile, depending on circumstances."

**Mr. Miller** said, "Yeah, the code would prohibit them from filing a case that is similar within a year. If they make substantial changes to the application then they could come back, but if it's deemed to be similar to what you've already heard today, then they would have to wait a year."

**Chairman Norton** said, "Would the Derby Planning Commission make that determination whether it was similar or not?"

**Mr. Miller** said, "No. It would be the County Code Enforcement zoning administrator who would make that determination if there was question."

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**Chairman Norton** said, "But then it would have to go through Derby and then go through the process again."

**Mr. Miller** said, "It would be identical to what happened here, yes."

**Chairman Norton** said, "Okay. We have a motion and a second. Any other discussion or questions?"

**Commissioner Winters** said, "And the motion was to approve the request."

**Chairman Norton** said, "Motion to approve the request. Clerk, call the roll."

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	No
Chairman Tim Norton	No

**Chairman Norton** said, "Clerk, call the next item."

**PUBLIC HEARINGS**

**F. PUBLIC HEARINGS.**

- 1. PUBLIC HEARING TO CONSIDER WHETHER CITY OF WICHITA (CITY) HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR AN ANNEXATION THAT BECAME EFFECTIVE AUGUST 29, 1997, GENERALLY LOCATED WEST OF LEGION, EAST OF MERIDIAN, AND NORTH OF 53<sup>RD</sup> STREET NORTH.**

**Chairman Norton** said, "We're going to take a quick five-minute break and we'll be right back."

**The County Commission was in recess from 10:55 a.m. to 11:00 a.m.**

**Mr. Robert W. Parnacott**, Assistant County Counselor, County Counselor's Office, greeted the Commissioners and said, "K.S.A. 12-541, Kansas Statute, provides that when a city unilaterally annexes property and prepares a service plan that five years after the effective date of this

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annexation, the county commissioners must hold a hearing to determine if they've provided services in accordance with the service plan.

We have a couple of visual aids for you. We have a blown-up map of the area and yellow shows the area that was annexed back in '97. On the screen is the final page of the service plan which lays out the timing of services and how they were going to be provided. It also requires we provide notice by sending a notice to the city of the hearing date and also to every landowner in the area annexed and we have done that.

We did receive about six or seven phone calls from people after they received the notices. None of them had any indication that the services had not been provided, as stated in the plan. There were all other kinds of questions, like there was a lane that wasn't lighted according to the property records and they wanted to know what they needed to do to get street lights put in and those types of questions are referred to the city and they handle those.

So today, what we need to do is have you open the hearing, see if there's any . . . We have representatives from the city to answer any questions and they can make some statements. Anybody from the annexed area can speak to the matter too. At the close of the hearing your requirement is to make a finding whether or not the City of Wichita has provided services in accordance with the service extension plan.

So having said all that, I don't know if I have much to add at this point, other than I suppose the hearing should be open."

**Chairman Norton** said, "At this time I will open the public hearing and would ask if there's any speakers, if they would come forward and we will offer the city the time they need to present and then we'll go through anyone else that may want to speak."

**Mr. Parnacott** said, "If I might comment, the service plan that's up on the screen is on page 134 of your backup. It might be a little easier for you to read."

**Chairman Norton** said, "Please state your name for the record."

**Ms. Terry Cassidy**, City of Wichita Manager's Office, greeted the Commissioners and said, "We have just a very brief statement to make. We consider service delivery to all of our citizens to be of the utmost importance, including certainly those in the newly annexed area. We do believe we are in complete compliance with the requirements of the service plan as outlined, of which you have a copy. Also there will be highlights of the summary is on the screen and we do have staff here from the various departments that can respond to questions if you have any of those for us."

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**Chairman Norton** said, "Okay. Any other questions about Terry and the city to start us off?"

**Commissioner Winters** said, "I just want to make sure there's no one from the public here that wants to speak."

**Chairman Norton** said, "I thought we'd hit the city and then open it up for every other person. I see none, so we will move forward. Is there anyone else from the general public that would like to speak, either pro or con on this subject? I see none, so at this point I will open the floor and I think Commissioner McGinn will start it."

**Commissioner McGinn** said, "I actually just have a question for Bob."

**Chairman Norton** said, "At this point, I'll close the public hearing and allow just the comments from the bench."

**Commissioner McGinn** said, "Bob, I know you've been working with the City of Wichita and hearing from the public as well, residents in that area, and it is my understanding that all things have been taken care of and resolved satisfactory?"

**Mr. Parnacott** said, "I have not heard anything to the contrary."

**Chairman Norton** said, "Any other questions? Commissioner Winters."

**Commissioner Winters** said, "Thank you. Well, I'm going to be supportive of this. I think if we'd heard a lot from the public we might have had some discussion, but I'm going to be supportive. But I do want to take an opportunity. I see that Chief Garcia is here and I have a question. I've had a couple of people . . . Please come forward. I just would like to know how your department responds and how you handle duly annexed locations, but yet do not have water service there or hydrants. And again, I'm not trying to put you on the spot, but I know you must have a plan out there. I don't mean to put you on the spot."

**Chief Larry Garcia**, Wichita Fire Department, said, "We have what we call a First Responder program that includes Fire District #1 and we respond in areas where the nearest, in terms of length of response time, units would be sent from a given station, whether it be the county or whether it be the city. Getting specifically to your question, we carry water. We have a single tanker that we use in those areas where the water is limited, access to water is limited. For instance, up to the extent that the county has over the years, had to do that with tankers, they respond with us and we in most instances are able to take care of that need for water for residential, commercial and that kind of fire incident."

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**Commissioner Winters** said, "So if you are responding to a location that you know there is a potential problem for county firefighters to respond, with assistance and in a first responder agreement."

**Chief Garcia** said, "Without exception, Commissioner, the dispatch plan program provides for certain units to take care of those kinds of deficiencies in the infrastructure."

**Commissioner Winters** said, "All right. That's all I had and it was probably not necessarily germane to this area, but I certainly wanted to let everyone know that there is a concern about annexation and then waiting for services, which takes time. People petition to get services, whatever, but there is a time period in there where there's certainly some citizens inside the City of Wichita that don't have close access to fire hydrants. But thank you, Chief. I appreciate your answer."

**Chairman Norton** said, "Commissioner McGinn, did you have something?"

**Commissioner McGinn** said, "Yes, just one other thing. Since Tom brought up fire, even . . . Water is certainly an issue, but I will point out in this particular area the City of Wichita is just about to complete a fire station not even two miles away I believe. Isn't that correct?"

**Chief Garcia** said, "I think within the next several weeks, and perhaps even shorter period of time, that we're going to take possession of a new fire station. It's a relocated station at 42<sup>nd</sup> and Meridian and it's going to reduce, into this particular area, it will reduce the response times considerably."

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

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

**Commissioner Sciortino** said, "Chief, let me ask you this, just on that new fire station, will that include a new pumper?"

**Chief Garcia** said, "No."

**Commissioner Sciortino** said, "So the City has just one pumper right now, is that correct?"

**Chief Garcia** said, "Well we've got pumpers for every fire station."

**Commissioner Sciortino** said, "Or tanker I guess."

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**Chief Garcia** said, "One tanker, that's right."

**Commissioner Sciortino** said, "Is there any plans in the near future for putting in hydrants and water there?"

**Chief Garcia** said, "Are you talking about this immediate area?"

**Commissioner Sciortino** said, "Yes."

**Chief Garcia** said, "No, it's got plenty of water throughout that particular addition. There are ample numbers of plugs and strategically located. I don't think that there's, to my knowledge, there's not a water problem there. There are, almost without exception, every addition throughout the populated areas of Wichita and surrounding communities there may be water problems and that's the reason that specifically the fire district has those tankers.

We, because we were on the far west side and taking care of some annexation to the far west, acquired a tanker to help us in those areas where there were limited fire hydrants. We've been well served by the First Responder program."

**Commissioner Sciortino** said, "And that program works extremely well and it's a two-way street and we know that. The only concern that we have, I think, at the county level with again what we're all experiencing in cuts and limitations and in funding. Every time there's an annexation that reduces the revenue that we get in our fire district, but often time doesn't reduce the obligation that we have to serve and it gets tighter and tighter as we lose our revenue base and that's the only reason I was asking."

**Chief Garcia** said, "The simple fact, Commissioner, is that for years we were responding into those areas and it was not our jurisdiction and we developed this plan to do a joint effort and so now the worm has turned, if you will. We, in many instances, have to rely on the resources of the fire district to help us get that."

**Commissioner Sciortino** said, "Sure, and we'll be there. I mean, there's no question. I think that First Responder . . ."

**Chief Garcia** said, "We've been well served, the community has been well served by this plan."

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**Commissioner Sciortino** said, “And that First Responder unit, it helps the public, no matter where you live and we understand it and we’re going to honor our obligations on that. Thank you. That’s all I had.”

**Chairman Norton** said, “Any other comments, discussion, questions from the Commission? What’s the will of the Board?”

**MOTION**

Commissioner McGinn moved to that the City of Wichita has extended services in accordance with the service extension plan.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Next item.”

**Mr. Parnacott** said, “Commissioners, we will prepare a resolution to formalize that finding and put it on the next available consent agenda.”

**2. PUBLIC HEARING REGARDING INCORPORATION AND ORGANIZATION OF THE PECK IMPROVEMENT DISTRICT.**

**POWERPOINT PRESENTATION**

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**Mr. Parnacott** said, “I have kind of a somewhat unusual item here. It’s the creation of an improvement district and it makes it a little more unusual in the fact that it straddles the county line. This is the area known as Peck, which is on Meridian. If you go south on Meridian to the county line you can see the intersecting line in the middle of the area. That would be the county line and then Meridian is the street . . . Meridian and then the county line.

And this is a process that begins with a petition by the residents of the area to seek to have an improvement district created. In this particular case, the purpose of the improvement district will be to allow them a framework to do some sewer facilities for the area, as currently doesn’t . . . is not served by water or sewer and they would like to be able to obtain that type of services.

As noted earlier, we have a representative from the Sumner County Commission here. We also have Al Rice, who is the engineer who has been working on this project for them and if necessary they can answer any questions later on in the preceding.

This statute also requires that we provide really a substantial amount of notice, in the sense that we have to publish notice twice in the official county newspaper of the hearing. We have to post notice in three public places in the Peck district, or the proposed district. Don Brace went down personally and posted those notices at three locations. I believe it was at the coop, the post office and maybe the community center. They have a nice little community down there, mostly residential. There is a little bit of commercial, it looked like. There’s certainly the coop and I’m not sure what else is down there at this time.

In addition to those notices, we also have to mail notice to several . . . we have to mail notice to the City of Haysville because they’re within five miles, to the director of community development for the State Department of Commerce and Housing, the Metropolitan Area Commission and all those notices were mailed. So, we’ve fully complied with all the notice requirements of the statute.

In addition, the other thing that you have to make a finding on and we’ll get to the findings a little bit later, but another finding is that the petition conforms with the statute and the statute requires the petition provide a certain number of things and I’ll go through them right now and tell you that they have conformed to all these requirements that the statute of the petition is sufficient.

The petition must describe the property to be incorporated into the improvement district; it must

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show the quantity of land involved and what the percentage is between platted land versus unplatted land. There's a small amount of platted property in this area, but most of this is unplatted.

It has to provide a brief description of facilities that do exist in the area, reason for petition, which I noted previously was to allow them to put some sewer facilities in and create a framework for financing those. The map, which you see here, is what's attached to the petition. The statement of an assessed valuation must be prepared by the appraisers in each county and we have those and those are part of the backup. There's a prayer, what we call a prayer in the petition for the creation of the district and then it has to be appropriately signed by the right number of signatures and those signatures have been verified, too, to meet the requirements of the statute.

So having said all that, I think at this point maybe it would be appropriate to open the public hearing, hear any public comment on the matter and then close the public hearing and we can talk some more about some of the factors that you should consider in making this decision."

**Chairman Norton** said, "Thank you, Bob. At this point, we'll open the public hearing. Is there anyone that would like to come forward and speak, either for or against this item on the agenda?"

**Commissioner Winters** said, "I'd be interested in hearing what the county commissioner from Sumner County has to say on this project."

**Chairman Norton** said, "You're on the firing line, Bob."

**Mr. Bob Courtney**, Sumner County Commissioner, greeted the Commissioners and said, "I think there's two things that I've heard from the meeting this morning that this complies with. One is Commissioner Unruh's comments about small business. We've had some zoning issues that we've dealt with in this area. We are starting to see small business owners start to invest in this area and I think the other area that is common for Sedgwick County Commission and Sumner County Commission is this is a great way for two governing bodies to reach across and identify people that want to control their own destiny instead of putting in lagoons and septic systems. They're seeing the potential for themselves and I think, along with Sedgwick County Commissioners cooperation, Sumner County is ready to take the project on. I think there's some good folks here in Peck that would be well served by this action."

**Chairman Norton** said, "Thank you, Bob. Anyone else from the public that would like to speak? At this point I'll close the public hearing and limit the comments to the bench. Commissioners, any comments, questions, discussion?"

**Commissioner Sciortino** said, "My only question was going to be whether or not Sumner County agreed and I think we just found out Sumner County agreed with this action. So that's all I have."

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**Mr. Parnacott** said, “Well, let me briefly run through some of the factors the statutes sets out that you should consider in making this type of decision and obviously there’s no opposition to this and it sounds like a really good idea, so some of these factors may not even really apply to this particular situation.

But there are a general set of factors that are applied to all sorts of improvement districts and then a more limited set that are also applied when it’s close to a city like Haysville. But the general factors are if you look at the population density of the area, certainly the land area and the natural boundaries and drainage basin, again the area of platted land versus unplatted and this is certainly mostly unplatted. I think the ratio is 18 acres of unplatted . . . I’m sorry, 18 acres of platted and about 95 acres unplatted property, the extent of residential business, commercial development in the area. Obviously, there’s lots of residential and now, there’s some commercial moving in also it looks like. Any past expense, in terms of the population or construction, likelihood of significant growth in the area over the next ten years. Probably the next factor is one of the more important ones, the present cost and adequacy of governmental services. Obviously, they don’t have those sewer services and that’s what they’re doing this for.

The need for public improvements in the district, which again dovetails into that and then the effect the proposed action would have on the adjacent areas and on the local governmental structure of the general area, which kind of dovetails into the cities factors. Because this is close to a city and incorporating these types of districts close to cities that you don’t impact negatively on a city’s growth and you look, in the case of the city, you look at their population and their growth patterns. This is outside of Haysville’s small city growth area, according to our comprehensive plan. I know that Haysville is a growing community, but I don’t see them growing down here any time soon, I wouldn’t think.

And then again, the probably of the growth of the territory of the city toward that territory over the next ten years and the willingness of the city that might want to annex it at some point, but I believe they would be able to annex it. Depending if they got down that far, there would a procedure for them to be able to annex the property if they wanted to. And then, the final factor is the general effect upon the entire community, considering orderly development, economic development of the area and to prevent an unreasonable multiplicity of independent, municipal and special district governments, but I wouldn’t see that as a problem here either.

So, having said all that, I can answer any more questions that you might have.”

**Chairman Norton** said, “Any other discussion or questions from the Bench? If not, I would

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entertain a motion.”

**Commissioner Winters** said, “Would you like for me to make a motion?”

**Chairman Norton** said, “I’ll let you make it. I don’t have a problem with the jurisdictional things here.”

**Commissioner Winters** said, “I’d like the record to reflect that Bob Parnacott has made all the necessary findings for us that this is statutorily a proper thing to do.”

**Mr. Parnacott** said, “And again, this is a laundry list of the factors or the findings you should make in this particular motion.”

**Commissioner Sciortino** said, “Do we have to necessarily re-read those into the record from the Bench or is your reading of it sufficient?”

**Mr. Parnacott** said, “I would defer to Mr. Euson on that issue. I would assume it would be sufficient and I could certainly read it into the record at this time if you’d like.”

**Mr. Euson** said, “Commissioners, it’s sufficient if you have stated that you’ve considered those and that your action is based upon them.”

**MOTION**

Commissioner Winters moved to declare the Peck Improvement District to constitute a public corporation.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Clerk, call the next item. Thank you, Bob.”

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**NEW BUSINESS**

**G. INTERLOCAL AGREEMENT WITH SUMNER COUNTY, KANSAS REGARDING THE PECK IMPROVEMENT DISTRICT.**

**Mr. Parnacott** said, “Again, one more time, this is the final wrap-up for this particular item at this time. As we’ve discussed, it does straddle the county border and we’ve had an inter-local agreement proposed by Sumner County for them to take the lead in this matter really on some of the matters of setting it up because they have the majority of the property. We just have a little bit above the county line. We will certainly retain the necessary responsibilities for levying taxes, assessments, authority to issue bonds, those type of things will be retained by Sedgwick County under the agreement.

We will probably have to work with them over the next few months. They will also have a separate public hearing and go through the same process we’ve gone through today on their side of the border to finalize the creation of the district and we will work with them closely on that.

So we would propose that you approve this inter-local agreement and authorize the Chair to sign.”

**Chairman Norton** said, “Any other discussion or comments? If not, I would entertain a motion.”

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Clerk, call the next item.”

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**Mr. Parnacott** said, "I'm sorry. One more comment. Again, like the other item, we will prepare a resolution to formalize the findings that you made today and put that on the next available consent agenda."

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

### **H. DISCUSSION REGARDING THE SEDGWICK COUNTY TREASURER.**

**Chairman Norton** said, "I'll kick this off. As elected officials, it is always hard to deal with some of the issues that we have in our community. There's easy decisions, there's hard decisions, there's information that's easy to process and there's information that's hard to process. And many times we're faced with conundrums, things that don't seem so easy to have to deal with and we have one before us today that we've talked about, we've challenged ourselves and find ourselves in a place where we need to deal with it. I see that it's like the elephant in the room.

There's an issue that is before us and we can either ignore it or not, but you know the elephant doesn't go away. It is still there and we are faced with, as men of good will and women of good will, move forward, address the issue and move forward on the good government.

At this point, we've got that issue. I'd like to recognize Jan Kennedy for being here today. Jan and I met last Thursday and I outlined, as the new Chairman, that I would be trying to deal with this and urge the commission to take whatever action they deem necessary. I asked that Jan, if she wanted to, to be here today to make comment or respond in any manner that she might and Jan, I welcome you today and thank you for coming and joining us as we try to deal with this issue. Would you like to make any comments at this point?"

**Mr. Jack Focht**, Jan Kennedy's lawyer, said, "I'm not going to make any comments right now until you have an opportunity to tell me where you're going."

**Chairman Norton** said, "Okay. Thank you, Jack.

So at this point, I would like to enter into the record for consideration of my colleagues the following statement, it's a resolution:

Whereas, on January 10<sup>th</sup>, 2003 District Attorney Nola Foulston issued a report finding that Sedgwick County Treasurer Jan Kennedy contracted to pay public funds to a company in which the treasurer had a substantial

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interest and

Whereas, the District Attorney concluded that the contract may have constituted a violation of the Kansas law pertaining to conflict of interest and,

Whereas, the allegation that the county treasurer may have violated the law is an allegation that reflects negatively on all county public officials,

Now, therefore, be it resolved by the Board of Sedgwick County Commissioners that county treasurer Jan Kennedy is hereby publicly reprimanded and publicly censured for her actions in entering into a contract with Effective Search Incorporated at a time in which she had substantial interest in said company, as disclosed in the January 10th, 2003 report of the 18<sup>th</sup> Judicial District Attorney.

And I would open it up to comments from Commissioners if they have any. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you, Mr. Chairman. This is not easy for any of us to talk about actions of another elected official, but I have received a lot of phone calls because there’s a perception of the citizens of Sedgwick County that the Board of County Commissioners controls what’s going on in the courthouse and they come to us regardless of what’s happening and asking us why are we allowing this, permitting this and what have you.

We are very limited in anything that we can do when it pertains to another elected official’s position, but I think it’s important for people to know that if they have a problem with any other elected official, in what he or she may be doing, that they don’t feel is proper, to please call that elected official. It’s very apparent, according to state statutes, that we had no control over who got this contract, how it was let, the manner in which it was decided to have it let and if there’s any concerns that the public may have, then you should address those concerns to the treasurer and allow her the opportunity to explain her actions to you.

I, personally, feel that there should be some oversight established by the legislature that would allow some entity some look into the actions of individual elected officials. At present, that is not the law and hopefully that law, if the public decides that that’s something that should be done, would be changed.

One thing I just . . . I would like to ask the Manager, if you could let us know, are there any other situations or circumstances by any of the other elected offices that we have absolutely no control over, such as this. Just to let us know so that the public can know that in these certain areas if

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something is going on to please contact that elected official. That while we're here, there's very little we can do about it. I just think that would be important and, as far as the resolution, I'm going to be supportive of it. I agree with the contexts of the resolution and I think that this is action that's appropriate for us to take and that's all I have. Thank you."

**Chairman Norton** said, "Okay. Any other discussion?"

**Commissioner McGinn** said, "Is the Manager going to respond to your question or did I not understand your question?"

**Commissioner Sciortino** said, "I didn't make a question, I just made a demand."

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "There are a couple of funds that I'm aware of that are in the . . . as the tag office tag fund is in the control of the treasurer, there are other funds that are controlled by other elected officials, but I'm going to need a little bit of time to make sure I have them all and report back to you."

**Commissioner Sciortino** said, "Okay. Well, again then, let me ask you another question here. What do we do, in working with the treasurer, I mean, we approve their budget, is that correct?"

**Mr. Buchanan** said, "Yes."

**Commissioner Sciortino** said, "Is that basically what we do? Is that the alpha and the omega of what we do from this bench?"

**Mr. Buchanan** said, "In the case of the Treasurer's Office itself, the process and procedures are county processes and procedures and the treasurer is required to follow the personnel rules and purchasing regulations that are in place.

For the tag office it's a special fund. She's acting as an agent of the state and is outside of the . . . although the check comes through Sedgwick County, outside the operational purview of Sedgwick County. Is that . . ."

**Commissioner Sciortino** said, "Okay, all right. Thank you."

**Chairman Norton** said, "Any other discussion or comments from the bench? Let us finish up at the bench Jack, and then I'll get to you. Should we open it up to Jack's comments? I would entertain a motion at this point."

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**MOTION**

Commissioner Sciortino moved to approve the resolution as stated.

Commissioner Unruh seconded the Motion.

**Chairman Norton** said, "Is there any other discussion? Clerk, call the roll."

**Mr. Focht** said, "Are you not giving us an opportunity to respond to your motion?"

**Chairman Norton** said, "That is fine, Jack. I will open that up before we call the question."

**Mr. Focht** said, "And I would point out that we advised your counsel that you were about to, and I think you just did, invade certain liberty interests that Jan Kennedy has by what you've done. But I want to talk to you about your resolution.

I was going to urge you to take no action or to modify any action you did take. First of all, you start out with what you recognize and that is you have no jurisdiction or power to discipline an elected official. The power there is in the people. We recall you when we want to. The power is in the Attorney General to oust you from office, but not for, for example I did not see this commission censuring or reprimanding Judge Buchanan when he did certain things with which you disagreed and you are free to disagree. Nobody quarrels about that at all. The terms of your resolution however, which was faxed to us, are punitive in nature and discipline, not just a comment. Look at what you've said. You've said 'Jan Kennedy is hereby publicly reprimanded and publicly censured'. Those two terms are uniquely used in the law and they are given to disciplinary groups as a part of the discipline. For example, I may be publicly censured or I may be publicly reprimanded by one group and that is the Supreme Court of the State of Kansas.

I heard you all, with some reverence, pointing out that these people were taking oaths to protect and defend the Constitution of the United States and the Constitution of the State of Kansas. I think you ought to be mindful of that as you consider what you're doing here, because what you said in your resolution very simply is you're going to reprimand and censure. Those are punishment terms. Very simply, look them up, they're punishment terms and the following boards are given power to censure and reprimand: the Board of County, the Board of Law Examiners, the Board of Healing Arts, the Board of Behavior Science Board. If Judge Buchanan, for example, were to be censured it would be done by the Commission on Judicial Qualifications.

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Even grand juries, even grand juries which we think of as one of the most powerful instruments for citizens in this country are not permitted to censure public officials. Supreme Court of Georgia said, 'A grand jury has no right in the absence of specific authority to file a report charging or casting reflections of misconduct on the office of a public official or impugn his character except by presentation of a true bill of indictment charging such individual with a specific offense against the state'. You, too, don't have any grant of authority to do it and you recognize that you don't.

All right, then we look at what you said in the beginning. It says, 'Whereas, the District Attorney has concluded'. We operate on a system of justice in this country that says if the district attorney wants to do anything, she charges somebody with a crime. They are then presumed to be innocent. They then prove that crime before a jury of their peers beyond a reasonable doubt. The district attorney doesn't conclude, but what did you say she did conclude? That she has concluded the contract may have constituted a violation of the Kansas law. If you'll read what she concluded further than that, she said very clearly that Jan Kennedy thought she had the right to let that contract and she had consulted with the office of the County Commission prior to doing so.

I discovered only this morning that when the Wichita Eagle made its request for open records to the Office of Jan Kennedy, which was then forwarded to the County Counsel, that one record at least was withheld. It was withheld on the grounds that it was attorney/ client privilege. Now, who has the privilege? Jan Kennedy had the privilege and what was the record, it was a profs from the County Counselor's Office saying . . . and let's put it on the record right now. Can you turn this thing on for me so that we can . . ."

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "This is a little unusual. We're getting into an area of the law that is a little nebulous and that is when an attorney represents an organization, who has the right to waive that privilege. If I have a conversation with Bill Buchanan or with the register of deeds, does the privilege belong to them or does it belong to the organization? And I think the answer is it belongs to the organization. So, then the question is who has the authority to waive that privilege? The fact that I have had a conversation with Jan Kennedy does not necessarily mean that she has the authority to waive it and I think she's treading . . . I think Mr. Focht is treading on some pretty dangerous ground by suggesting that she does. So, you can read it into the record, Mr. Focht, if you wish to, but I doubt if you will ever be able to get it into evidence and we will take whatever actions we deem appropriate if you choose to read it in."

**Mr. Focht** said, "I'm going to put it into the record because it's my believe that Jan Kennedy is an elected official and is not part of the organization. If the county chooses to give her an attorney, she has the attorney/ client relationship and she is free to waive it. Now, if you tell me I can't do that, Mr. Norton, that's real fine. But, what it says very simply is that she consulted, in March before the

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contract was made in May, with the County Counselor's Office as to whether she could do this or not and she was informed that she could do it."

**Commissioner Sciortino** said, "Let me ask you a question right now. I just want to ask one question. Is Jan Kennedy saying that she told our County Counselor that she was entering into a contract with a person that she had a substantial conflict of interest in?"

**Mr. Focht** said, "She didn't use those terms of course, but what she said to the County Counselor's Office was 'I want to use this company, they're my client, I know they have this special kind of ability'. If you'll look at Nola Foulston's full statement you will find that it says in there that Jan Kennedy would have defended, had they filed the case, upon the grounds that she had a right to let the contract and she had communication with the County Counselor's office. That's not been any surprise to them.

Further, what the District Attorney's office says when you get right down to it is the statute of limitations has run on it and we can't do anything."

**Commissioner Sciortino** said, "Okay, but let me clarify the accusation that Jan Kennedy is making to our County Counselor, which she knows he's bounded by attorney/ client confidentiality and can't defend himself. Is she waiving her right of confidentiality so this man who has been accused of something can defend himself?"

**Mr. Focht** said, "It isn't this man, sir, and that man, sir, told me she didn't have that right. Now you're going to have to go one way or the other. I don't care which way you go, but if she has a right, we're perfectly willing for you to look at the profs that was dated May 5<sup>th</sup>, 1999. I mean, you're trying to censure and reprimand somebody on these grounds. I suggest you ought to think about what you're doing here. There hasn't been any trial. There hasn't been a determination she did anything wrong. We've never had an opportunity to present any evidence and you should put that kind of word in a resolution.

Say you disagree with her, that's fine. Say you disagree with the way she handled the situation, that's fine. Publicly reprimand her or censure her for something that you don't, one, have authority to do and, two, haven't heard any evidence, that's not fine. You know, you basically have ignored those fundamental principles of the Constitution you said you would uphold."

**Chairman Norton** said, "At this point, I don't want to get into a long, protracted litigation of all the facts and everything. We have not even voted or taken the action yet. Commissioner Winters."

**Commissioner Winters** said, "My only suggestion, Mr. Chairman, and this is just for your

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consideration, our consideration. Since we've all acknowledged that we don't have the authority, the power to pass out any kind of punishment and if the words 'reprimand and censure' are words that have tripped this lever, I'm willing to substitute something to the affect of 'hereby is publicly acknowledged that the Board of County Commissioners was not pleased and happy with the way this action took place' and leave it at that.

The public reprimand and censure is nothing special to me, so I'd be inclined to change those two words and somehow leave the resolution somehow intact is just expressing displeasure in what appeared to be not a good deal."

**Chairman Norton** said, "Okay. Commissioner McGinn."

**Commissioner McGinn** said, "Just thinking on the spot here, I think I could support Commissioner Winters on this and the reason is I've been uncomfortable with this thing from the beginning. I guess I'd like to ask the County Counselor Richard Euson if this has ever been done in the history of the Board of County Commissioners, to your knowledge?"

**Mr. Euson** said, "To my knowledge, and I've been here since January of 1981, it has not been done formally, in so many words, as a Board. I can't speak to whether and how individual commissioners might have reacted or as to how commissioners might have reacted orally from the bench that may have appeared as joint action, but I don't recall that it's been done in a resolution form."

**Commissioner McGinn** said, "Okay. And I understand the feelings of those that wanted to bring this up today. I agree that our citizens want accountability. I'm not sure if this is exactly how we bring that about for us to do that. I think it has . . . the situation has been in the media, in the press, educating the citizens about what has happened. I think that we have tried to share that we are all elected officials and accountable for ourselves. I think the citizens can make that judgment at election time as well.

And so, if it's the will of this board to share that we have displeasure with these actions in the past, I'm certainly willing to go along with that. My whole goal of this whole thing is in hope that it promotes further elected bodies to use some of our county policies that we have in place. They're there for a reason and it's so that these kinds of things don't happen in the future. So, those are just my comments. I'll be happy to listen and keep an open mind what else is said, but at this time I would support changing some wording in this resolution. Thank you."

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

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**Commissioner Sciortino** said, "I have a question, Mr. Euson. Are you as concerned with the wording of the resolution as the attorney that made the presentation on behalf of Ms. Kennedy?"

**Mr. Euson** said, "I would actually rather answer that in closed session."

**Commissioner Sciortino** said, "Okay. The concern that I had and I'm a little . . . You know, I'm not expert at this, but I took offense at somebody stating that they said something to you and that you feel compelled that you can't defend yourself and say whether or not that happened; and I thought that would require Ms. Kennedy to waive her right, but now did I hear something different in your presentation this morning or what have you?"

**Mr. Euson** said, "Well, I guess my response was is I'm not sure that the privilege belongs solely to her and I guess if you all are comfortable hearing what that is and you want to waive that privilege, that's fine, but it gets us into some other considerations regarding whether you're just waiving the privilege for this purpose or you're waiving the privilege for the whole issue and it just gets into some things that I'd rather not get into."

**Commissioner Sciortino** said, "Okay. What was your answer as far as the verbiage here? I mean, are you comfortable with the verbiage the way it's printed or would you be more comfortable if we modified the . . . the Chairman modified the resolution and if so, what are you're recommendations on modification if you feel that we should consider that?"

**Mr. Euson** said, "I think that's something we ought to talk about in closed session."

**Commissioner McGinn** said, "Do we want to go to a closed session?"

**Commissioner Winters** said, "No, I do not."

**Commissioner Sciortino** said, "You don't want to go into a closed session?"

**Commissioner Winters** said, "No."

**Chairman Norton** said, "At this point, if we decide to go to closed session we'll need a motion to that affect. We can have some more dialogue. I think Tom has crafted some information there, a substantial change maybe in the dialogue that goes into the resolution.

I think it's important to remember that whether this is comfortable or uncomfortable, whether we want to do it or not, the constituents, the media and the legal system will push us towards dealing

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with this at some point or another. And it's better to deal with it in the sunshine and the light of day here in open session than it is to ignore it and think that it's going to go away.

It is incumbent upon us, and I think Jan knows this because we talked, that as elected officials we are held to high standards. We work hard to make good decisions and many times, after the fact, we look at what we've done and go 'Wow, based on what I knew, I thought it was a great decision and now, maybe, I think it was a mistake'. But you know what, we have to deal with those.

We can't ignore them. It is part of what being a public servant is all about and I would urge all of us to seek the higher ground today, to know that sometimes we do have to buck up and swallow hard and say 'You know what, it wasn't the greatest action' and you know what, we have to point it out. We are charged with that as public servants. We can't ignore it. We have to look at all of us as one body of elected officials serving Sedgwick County and just like when you're raising a child, you can't ignore that you love them, that you work with them, you're compassionate but sometimes you have to say 'That wasn't right' and in this case that's what we're trying to muddle through. We're trying to say, 'You know, we don't think it was right'.

It's not an indictment. It's not trying to be self-righteous. It's trying to uphold the ethics that we are bound to live by as public servants and I would hope that as intelligent people, that we would come to that final conclusion somehow today. We can put this at rest and we can move on to the twenty or so things that I said were the important issues for Sedgwick County this year, and this ain't one of them. So I would urge my colleagues to try to come up with some kind of resolution. Mr. Winters."

**Commissioner Winters** said, "Well, I would change the resolution to read 'County Treasurer Jan Kennedy is hereby publicly notified that the Board of County Commissioners were displeased with her actions in entering into a contract with Effective Search at a time in which she had a substantial interest in the company as disclosed in a January 10<sup>th</sup>, 2003 report from the 18<sup>th</sup> Judicial District Attorney'. And by changing that, I for one Commissioner am going to let that stand on its own. That's it. Publicly lets folks know of our displeasure. I'm not in favor of us proceeding on one minute past the expiration of this meeting today. As far as I'm concerned, we can get on with all of the stuff we need to be working with over this coming year and that's the end of this deal."

### **SUBSTITUTE MOTION**

Commissioner Winters moved to approve the resolution as amended.

Commissioner McGinn seconded the Motion.

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**Chairman Norton** said, “And discussion? Commissioner Sciortino.”

**Commissioner Sciortino** said, “Mr. Chairman, since you were kind of taking the lead on the drafting of this resolution, if you’re supportive of those changes I would support that also.”

**Chairman Norton** said, “Well, I would be supportive and for one reason. We’ve handled it in public. We’ve looked each other in the eye. We’ve tried to deal with a very complicated and unnerving situation and I hope that we could join with Jan to move past this. I hope it’s okay with her attorneys and I would be very supportive of this. But the truth is not handling it in public, you know, not dealing with it, letting the media drive what we do, as opposed to men and women of good will is not the way to do government. So I would be supportive of the changes and I hope we can move forward right now.”

**Mr. Focht** said, “I think that Jan is always supportive of doing things in public. That’s why she brought this contract to the commission in the first instance when she didn’t have to.”

**Commissioner Sciortino** said, “Just for clarification, you’re talking about May 19<sup>th</sup>, 1999 and never once, according to the minutes that I’ve read, did she say or indicate that she had a substantial interest in the firm that she was going to let the contract out to.”

**Mr. Focht** said, “No she didn’t, according to the minutes say that to you.”

**Commissioner Sciortino** said, “That’s correct and had she said it, I have a feeling that some of the Commissioners might have had something else to say.”

**Mr. Focht** said, “Why, you didn’t have any right to vote on it.”

**Chairman Norton** said, “At this point, we have a motion on the floor. I would like to move for closure and if there’s no more discussion, I’ll call for the roll call.”

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye

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Chairman Tim Norton

Aye

**Chairman Norton** said, "Thank you for being here, Jan. I appreciate you coming and facing us eyeball to eyeball to let us come to some resolution."

**Ms. Jan Kennedy**, County Treasurer, said, "May I speak?"

**Chairman Norton** said, "Only if you would like to speak. That is not incumbent on you if you don't want to."

**Ms. Kennedy** said, "I am a believer in public government. I appreciate the fact that you're willing to stand in front of me and have the discussion. I guess my concern all along is doesn't anybody care about my side of the story. It's not been in the paper. It's not been presented to the County Commission. I think, in all fairness, you ought to have asked to hear it prior to today. You didn't, it's over, you know, that's the way it goes. That's it."

**Chairman Norton** said, "Thank you very much."

**Mr. Euson** said, "You gave the Treasurer a chance to speak before you took up the motion. You gave the Treasurer a chance to speak after you took up the motion. If she desires to tell her side of the story, this is her time to do it and that's exactly what you're asking her to do. Let's hear her side of the story if she wants to tell it and if she doesn't, she's had her opportunity."

**Ms. Kennedy** said, "I'm not sure that this is the appropriate forum."

**Chairman Norton** said, "I think, at this point, we have come to a resolution today. We have voted. I'd like to have closure and if there's more information, you know what, I think the constituents, I think the media and I think other parties will probably take control of that and not us as an elected body."

**Commissioner Sciortino** said, "I just have to have one small comment, if you will allow me. I just take umbrage of her statement that she wasn't given a chance to tell her side of the story. You met with her Friday and explained to her. You asked her before we said anything if she would want to tell her side of the story and afterwards and she chose not to. So the fact that we never allowed her an opportunity to speak and now she says it's not the right forum . . . All right, I'm done."

**Mr. Focht** said, "The matter's over. The fact was you wouldn't let me present the one piece of evidence."

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**Chairman Norton** said, "At this point, I'm going to ask the Clerk to call the next item."

**I. DIVISION OF HUMAN SERVICES.**

**1. MODIFICATION OF CONTRACT WITH THE CITY OF DERBY PROVIDING ADDITIONAL FUNDS FOR THE DERBY MULTI-PURPOSE SENIOR CENTER.**

**Ms. Monica Cissell**, Director of Housing and Community Services, Department on Aging, greeted the Commissioners and said, "And today I have a modification for the 2003 Derby Multipurpose Senior Center contract and this modification includes an additional \$4,600 for the senior center clerk position at 10 hours per week.

The senior center clerk will assist the senior center director in programming and also in various administrative duties. And at this time I would like to recommend that the commissioners approve this modification and authorize the Chairman to sign. If you have any questions, I'd be glad to address those as well."

**Chairman Norton** said, "Thank you. I don't see any questions right now. Is there any comments, discussion from the bench? If not, I would entertain a motion."

**MOTION**

Commissioner Sciortino moved to approve the Modification of Contract and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

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

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**2. AMENDED AGREEMENT WITH CLARENCE M. KELLEY DETENTION SERVICES, INC. TO PROVIDE OFFSITE JUVENILE DETENTION HOUSING.**

**Mr. Larry Ternes**, Youth Services Administrator, Department of Corrections, greeted the Commissioners and said, “This agreement is necessary to assist with the overflow population of the Juvenile Detention Facility. It represents no increase over last year’s contract and maintains the same guaranteed payment for a monthly average daily population of 20 juveniles through December 31<sup>st</sup> of 2003. I recommend that you approve the agreement and authority the Chair to sign. I’d be happy to answer any questions that you may have.”

**MOTION**

Commissioner Winters 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 David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Thanks, Larry. Next item.”

**J. AGREEMENT WITH WICHITA PROFESSIONAL FOOTBALL, LLC FOR USE OF KANSAS COLISEUM FOR ITS 2003 ARENA FOOTBALL 2 SEASON.**

**Regular Meeting, January 22, 2003**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, “This agreement will just cover the 2003 upcoming season. It is identical in terms of conditions to the just expired agreement of last year. It is a one-year agreement because we anticipate an ownership change sometime during the season with local ownership being involved. We recommend approval.”

**Chairman Norton** said, “Any discussion or comments?”

**MOTION**

Commissioner McGinn 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 David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Thanks, John. Next item.”

**K. PUBLIC WORKS.**

**1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH KLAVER CONSTRUCTION CO., INC. FOR BRIDGE PROJECTS. DISTRICT #3.**

- **791-A-5209 BRIDGE ON 231<sup>ST</sup> STREET WEST BETWEEN 117<sup>TH</sup> AND 125<sup>TH</sup> STREETS NORTH; CIP# B-316: \$1,025.00**
- **795-A-2713 BRIDGE ON 199<sup>TH</sup> STREET WEST BETWEEN 117<sup>TH</sup>**

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**AND 125<sup>TH</sup> STREETS NORTH; CIP# B-317:  
\$7,235.94**

- **596-16-4637 BRIDGE ON 93<sup>RD</sup> STREET NORTH BETWEEN 151<sup>ST</sup>  
AND 167<sup>TH</sup> STREETS WEST; CIP# B-319:  
\$5,020.45**
- **833-A-4983 BRIDGE ON WEBB ROAD BETWEEN 117<sup>TH</sup> AND  
125<sup>TH</sup> STREETS NORTH; CIP# B-350: \$1,170.00**

**Mr. David Spears**, P.E., Director/County Engineer, greeted the Commissioners and said, “Item K-1 is a modification of plans and construction, request number one and final involving four Sedgwick County bridge projects. The first is a bridge on 231<sup>st</sup> Street West between 117<sup>th</sup> and 125<sup>th</sup> Streets North designated as B-316 in the Capital Improvement Program. The second is a bridge on 199<sup>th</sup> Street West between 117<sup>th</sup> and 125<sup>th</sup> Streets North designated as B-317 in the Capital Improvement Program. The third is a bridge on 93<sup>rd</sup> Street North between 151<sup>st</sup> and 167<sup>th</sup> Streets West designated as B-319 in the Capital Improvement Program. And the final bridge is on Webb Road between 117<sup>th</sup> and 125<sup>th</sup> Streets North designated as B-350 in the Capital Improvement Program. This project has been completed and is ready to be ‘finalized out’. There will be a net decrease of \$14,451.39 due to variations in plan quantities from actual field measurements. I recommend that you approve the modification and authorize the Chairman to sign.”

**MOTION**

Commissioner Winters moved to approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Next item.”

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**2. SUPPLEMENTAL FORCE ACCOUNT AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION FOR THE SEDGWICK COUNTY BRIDGE REPLACEMENT PROJECT ON 83<sup>RD</sup> STREET SOUTH OVER THE ARKANSAS RIVER. CIP# B-219. DISTRICTS #2 AND #5.**

**Mr. Spears** said, “Item K-2 is a supplemental agreement between Sedgwick County and the Kansas Department of Transportation for the bridge replacement project on 83<sup>rd</sup> Street South over the Arkansas River designated as B-219 in the Capital Improvement Program. The original agreement approved by KDOT on October 28, 1998 estimated the County force account cost would total \$152,429.72. Actual costs were \$168,449.07, creating a reimbursement balance of \$134,759.26. That’s 80% of the total of the \$168,000. This would be payable to Sedgwick County. This is an increase of \$12,815.49 above the previous agreement that we will receive from KDOT. I recommend that you approve the agreement and authorize the Chairman to sign.”

**MOTION**

Commissioner Sciortino 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 David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Next item.”

**CONSENT AGENDA**

**L. CONSENT AGENDA.**

**Regular Meeting, January 22, 2003**

- 1. Two Easements for Right-of-Way, one Temporary Construction Easement and one Real Estate Purchase Contract 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. Order dated January 15, 2003 to correct tax roll for change of assessment.**
- 3. General Bills Check Register(s) for the week of January 15 – 21, 2003.**

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

**MOTION**

Commissioner Winters moved to approve the Consent Agenda as presented.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**OTHERS**

**Chairman Norton** said, “Next item. Other, anything else to come before the Board of County Commissioners.

Well, I have a few. I guess I’ve got to keep this going somehow. January 25<sup>th</sup>, which is this Saturday, there will be an advisory recognition event that we’re sponsoring for all the folks that sit on advisory capacities and commissions throughout the county. It’s our chance to kind of honor

### **Regular Meeting, January 22, 2003**

them for their volunteer service. Going to have a short meeting in the beginning and then we're going to go to the rodeo and maybe do some dancing. So hopefully, the commissioners will be able to be there and we can honor those folks that serve us tirelessly in the volunteer capacity.

We'll also be going to the extension building this week to meet with K-State extension officials. It's our first chance to kind of meet some of the officials in the new alignment of the extension division through K-State and I am hopeful that we'll make some very important points with them and create some dialogue with that important group that serves in our community.

And then finally, maybe Carolyn will want to comment, but Martin Luther King events were this past weekend and I had a chance to participate in a couple and it was pretty awe inspiring to remember that gentleman that so affected our country.

So, I do see some lights flashing now and I don't know whose first, but I'll go to Commissioner Winters."

**Commissioner Winters** said, "Well, thank you very much. I was just going to say if there's anybody from Viola watching, I'm not going to be at the Annual Viola Appreciation dinner Saturday evening. I'm going to be at the Kansas Coliseum at that event. So, sorry to the folks at Viola, I'm not going to be out there this year. Thanks. That's all I had."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Yes, I guess I'd just like to share with folks that have never participated in any of the Martin Luther King activities in the past to put it on your calendar for next year because we just have a wealth of talent in this community and then some of the organizations bring in some great speakers and great entertainment. Started Friday night with the battle of the bands. My son had a game. I was not able to attend. I heard it was excellent, but I know people were cold. It was cold that night but people did come out to watch that. The next day was the Martin Luther King parade and we had four commissioners in there. It would probably be easier to say who wasn't there."

**Commissioner Sciortino** said, "I wasn't there, if you wanted to say that in public. I wasn't there."

**Commissioner McGinn** said, "You had other commitments and the only reason I say that is Commissioner Sciortino has been there in the past and this was the first time. In fact, he's joined me solo, but this is the first time that we've had four and I know you weren't able to attend this year.

### **Regular Meeting, January 22, 2003**

And then it went to that evening they had award night for a lot of businesses and community leaders in the African American community to recognize those people. The next day was the Orpheum Theater at the 4:00 thing that was sponsored by the Kansas African American Museum where they had Fredrick Douglas IV give speeches in costume as his great-great-great-grandfather, if I said that correctly. And then that night, as well, they had some great local music artists there that did an excellent job.

And then the next day, Tim Norton joined me and that was at the Metroplex, the big event that Ministerial League sponsors and they had Eugene Rivers III from Boston, Massachusetts and he gave an excellent sermon as well. And then, it concluded that evening with a service that I want to say Strangers . . . I've seen it written so many different way, a Stranger's Rest I believe and I wore out before I made it to that one. So, anyway, a lot of events so you can kind of go to all or pick and choose as you please. Thank you."

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

**Commissioner Sciortino** said, "There was something else that happened that I thought was first time, the new awards in northeast Wichita awards. You might want to expand about that."

**Commissioner McGinn** said, "I was thinking that was the second year and that was the one where they have the . . . I didn't call them. It was the awards ceremony that they had Saturday night."

**Commissioner Sciortino** said, "They play that like it's almost like the Academy Awards type thing, bring the envelope please and it was pretty neat.

I hear that the crowds were a lot bigger this year, too. So, I think that's becoming more and more of a big popular three-day event.

I just need to state for the record on this advisory board proceedings that we're going to have this weekend, I have a previous commitment and I'm not going to be able to join in on the rodeo and what have you, but I'll be there in spirit, but I do have a previous commitment up north that I have to attend. So, that's all I have."

**Chairman Norton** said, "Anything else? If not, we are adjourned."

**M. OTHER**

**N. ADJOURNMENT**

**Regular Meeting, January 22, 2003**

There being no other business to come before the Board, the Meeting was adjourned at 12:04 p.m.

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

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**TIM NORTON**, Chairman  
Second District

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**THOMAS G. WINTERS**, Chair Pro Tem  
Third District

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**DAVID M. UNRUH**, Commissioner  
First District

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**CAROLYN McGINN**, Commissioner  
Fourth District

**Regular Meeting, January 22, 2003**

**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2003