

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

### **REGULAR MEETING**

**June 4, 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, June 4, 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; Dr. Cindy Burbach, Director, Health Surveillance and Disease Prevention, Health Department; Mr. Joe L. Norton, Gilmore and Bell, P.C., Bond Counsel; Mr. Dale Miller, Acting Director, Metropolitan Area Planning Department; Mr. Scott Knebel, Planning Staff, Metropolitan Area Planning Department; Mr. Ellen House, District Court Administrator; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

#### **GUESTS**

Mr. Bob Kaplan, Agent for applicant, 430 N. Market, Wichita, Ks.  
Ms. Lynn Wasinger, Outreach Specialist, Community Housing Services.

#### **INVOCATION**

The Invocation was led by Mr. David Cline of South City Baptist Church, Wichita.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES:** Regular Meeting, May 21, 2003

The Clerk reported that all Commissioners were present at the Regular Meeting of May 21, 2003.

**Chairman Norton** said, "Commissioners, you have the Minutes before you. What is the will of the Board?"

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**MOTION**

Commissioner Sciortino moved to approve the Minutes of the Regular Meeting of May 21, 2003.

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."

**CITIZEN INQUIRY**

**A. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING A JUNE 14 COMMUNITY HOUSING SERVICES NEIGHBORWORKS WEEK OAKLAWN PROJECT.**

**Ms. Lynn Wasinger**, Outreach Specialist, Community Housing Services, greeted the Commissioners and said, "We'd like to invite you to come down and join us for our Neighborhood Works Week project this year. I promise, Commissioner Sciortino, we won't make you paint houses this year.

But we will be picking up overgrown branches that have been cut down by Westar. We have been partnering with them. They are also going to be removing a couple of dead trees along Oaklawn Drive. We're going to be working from Idlewild Park, eight blocks down to the connection at Tiara, and Westar is going to be trimming branches and taking out dead trees for us. We will be picking up and putting into trucks and taking out to the woods. Oaklawn Improvement District will be chipping those and if anybody wants some mulch, come on down and get some mulch. You'll have to come in off 47<sup>th</sup> Street, but mulch will be available.

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And then we're going to also be painting three fire plugs along Oaklawn Drive there and we're getting the neighborhood involved in volunteer groups and we welcome anybody who would like to come down and join us before they go to Old Town on the 14<sup>th</sup> of June. We'll be meeting at the community center at 8 a.m. My apologies for not having cookies for you this morning, but we promise we'll have some there on the 14<sup>th</sup>. Thank you very much for your time and we hope, if you take the opportunity while you're down there to go out and see the new houses. The basement was poured yesterday and the footing on the Jade address, so we hope you'll come down and look at the new houses as they're going up."

**Commissioner Sciortino** said, "You might just expand on that briefly. Because that was really neat that we went to that groundbreaking."

**Ms. Wasinger** said, "Oh, it was a wonderful groundbreaking. Community Housing, along with assistance from Sedgwick County, are building two brand-new houses in Oaklawn and they will be selling for the assessed value. In the meantime, the plan has been approved. We have one of them already pre-approved, so the owners have already . . . or will be building or working in their own home too. And these are the first, as far as I know for a long, long time, new buildings, other than the Opportunity Project that's going on up at K-15. But we are just delighted to be building some brand-new houses. We have rehabbed one on Fairhaven that has sold. And so we're hoping to get more people into home ownership. These are for first time home buyers and we also provide home buyers education classes to teach people how to go about buying a house and what's involved in it. So, we hope you come look at the new houses as they go up. One is on Cedardale, 5028, and Jade is 5027."

**Chairman Norton** said, "And these are infill houses, are they not?"

**Ms. Wasinger** said, "Yes, sir."

**Chairman Norton** said, "Right in the neighborhoods that we're trying to work on fixing up."

**Ms. Wasinger** said, "Yes, sir. We took out slabs that were left from the tornado and we bought the two lots, tore out the slabs and then building and these will have basements, which is unusual for the Oaklawn area."

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**Commissioner Sciortino** said, “Mr. Chairman, the neat thing about this project is they’re starting from scratch. It’s the first time, they think as far as they can check, in about 45 years that a new home has been built in Oaklawn and the really exciting thing is there’s a young couple that’s already bought the house before it’s even built and they were there at the groundbreaking. They’re all excited and they’re going to be helping actually build their home. And when you just saw the glow in this young couples face and because of our assistance, it probably up-ed them by 10 or 15 years before they would have been able to afford to buy a home on their own. So it was kind of exciting and it’s kind of neat to see things like that going on in a neighborhood that was on the decline and it’s reversing its trend.”

**Chairman Norton** said, “It’s certainly a good way to use existing infrastructure too. We talk about we’re trying to deliver infrastructure out on the fringes but there’s infrastructure in a lot of these areas where it’s already there and we can take advantage of it. That’s good. Dave.”

**Mr. David Spears**, P.E., Director/County Engineer, Bureau of Public Works, greeted the Commissioners and said, “I might mention, we have two significant projects in Oaklawn. The Greenhaven drainage project, which is a great drainage project. You ought to look at that, Commissioner Sciortino, if you haven’t already. It’s a concrete-lined ditch and will provide relief for a lot of drainage problems in Oaklawn. And then we’re also in the process of working on Idlewild Street to redo that and provide drainage there.”

**Commissioner Sciortino** said, “And also, aren’t you providing a couple of trucks for this weekend, or next weekend’s activity to try to help them cart off some of the stuff too.”

**Mr. Spears** said, “Yes, sir. We’ll provide two dump trucks.”

**Commissioner Sciortino** said, “And you’re going to be there at 8 o’clock with me to help chip up things and everything on Saturday morning.”

**Mr. Spears** said, “Whatever time you want.”

**Ms. Wasinger** said, “Yes, we have a wonderful partnership between Sedgwick County for the

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dump trucks and drivers and Westar is going to provide the cutting of the trees and taking out the dead . . . we have two large dead stumps and three dead trees that will be removed. And they're also going to go around Tiara but they'll take that debris, where we'll be picking up the debris on Oaklawn. But we also have OID that's going to be providing a person to chip, out at the wooded area where the chipper is, and Riverside Township is also providing a truck and a trailer and two drivers that go around the neighborhood and pick up piles of debris, you know, bushes and trees. This is strictly limbs and branches and stuff like that that we will be disposing off and they're going to be driving around the area, picking up and taking out to have them chipped up also."

**Commissioner Sciortino** said, "Eight a.m., June 14<sup>th</sup>, community building, that's where we're going to get started."

**Ms. Wasinger** said, "Yes, sir."

**Commissioner Sciortino** said, "Got it. Okay."

**Ms. Wasinger** said, "Thank you so very much."

**Chairman Norton** said, "Thanks for being here today, Lynn, appreciate it. Next item."

### **PRESENTATION**

#### **HEALTH DEPARTMENT**

##### **B. PRESENTATION REGARDING WEST NILE VIRUS PREVENTION ACTIVITIES.**

#### **POWERPOINT PRESENTATION**

**Dr. Cindy Burbach**, Director, Health Surveillance and Disease Prevention, Health Department, greeted the Commissioners and said, "And we've got a lot of things going, but one of the things that we have going is facing mosquitoes, so to speak. Main goal of course is to prevent, minimize, hopefully completely have none of it, West Nile Virus.

Okay, so you've heard from us a couple of times before and we're going to do it again, because in fact since the last time that you heard from us about this, we have gotten a lot of things started already.

You've heard this before, but West Nile Virus first appeared in North America in 1999. It is a

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threat to humans and animals, responsible for the largest epidemic of arboviral disease ever documented in the U.S. It has spread to 44 states and D.C., with over 4,000 human cases and 284 deaths last year. In the summer of 2002, detected for the first time in Kansas, reported in 103 counties, 22 human cases, 800 horse cases, no human deaths in Kansas, two human cases in Sedgwick County and plenty of horses.

Experts predict that a similar or worst season this year and as of yesterday, I know that says the 3<sup>rd</sup>, but I read this yesterday so it had to be as of yesterday, Washington State reported the first suspected human case and we say suspected because we've got to wait for lab results. This state had no West Nile Virus last year, so not only did they . . . we expected all the states to have it this year, but they happen to be the first state in the Union to have a human case. Nine states have reported positive birds, two states positive mosquito pools and three states reported positive horses. The first state to report positive horse was Minnesota, which I think happened towards the end of March, which was awfully early. I figured the snow was still flying there by then, but they were the first ones to report a horse. No evidence, so far in Sedgwick County.

As you've heard before, anyone exposed to infected mosquitoes, not any mosquitoes, but infected mosquitoes can get West Nile Virus. Principle route is through the mosquito bite. Additional routes of infection became apparent during the 2002 epidemic in transplanted organs, blood transfusions, trans-placental cross and breastfeeding. Those have been very, very, very minimal in number.

Most people do not become ill though, so it is very possible that person with a real mild, mild symptoms could in fact have had West Nile infection. Very few people develop a fever or full blown Encephalitis. Individual preventative measures, personal protection. We talked about sun screen for years, now we're talking about screening against mosquito bites to your person. And then of course, what else the individuals can do, and that is to reduce the source of mosquitoes, help reduce their breeding and their making it to adulthood. And of course, on our side, on the government level, we're talking about controlled responses and that includes surveillance and mosquito control and public education.

As far as what those goals of ours are, they include a new surveillance and response plan. We have presented that to you in the past couple of months. The primary goal, of course, is to prevent and control the disease. We continually collaborate with KDHE at the state level and we have implemented additional responses over and above what the state is doing, mostly in the area of surveillance, control and public education.

Surveillance of course is a tool for early detection. We can know how to act and how to behave and how it's coming and where if we do constant surveillance, because of course mosquito control is

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required to reduce the disease carriers. And of course the public education increases the public's awareness and of course their help is what we're asking for in preventing and controlling this.

We're working with KDHE in bird surveillance and we are not testing and collecting birds at the numbers that we were last year, because the attitude is we know it's coming, we know it will be there. It's not a matter of collecting and testing every dead bird. However, there is an algorithm of how many birds essentially a sampling of birds that are dead that will get tested. So we're still asking for reporting of dead birds and we're asking of that from the public, by way of a phone number that's listed on some information that we'll show later, but basically to say that if you report and then we keep track, KDHE keeps track and if there's 'x' number of birds in 'y' area over this amount of days, there's a rule for who gets tested. Therefore, if a person is calling for a dead bird and you're the winner because you're the tenth bird on the list, or whatever that happens to be, then we'll ask for the bird to be tested.

Mosquito surveillance, we have pools of mosquitoes that are traps for mosquitoes and we'll get into more of that in a minute. Also, there are blood samplings of horses, which are going through the animal health folks at Kansas State. And of course, if humans need to be tested based on their symptoms, we've got that available and in fact, I just learned a couple of days ago that we can do that testing here, that lab testing here as opposed to sending it off, so we'll get a much faster turn around than we did last summer.

And here's where the mosquito trappings come. We have contracted with a specialist for increased surveillance. We have set up 40 traps which will be checked per week from May till September. This is already going on. In fact, our refrigerator in the lab at the Health Department, little bottles of frozen dead mosquitoes there as we speak. Thirty traps are in the city and ten traps are in other areas of the county. These will provide information about the location of mosquitoes, the type of mosquitoes, the density and the presence of West Nile Virus in those mosquitoes. How these folks can find a virus in that little mosquito, to say nothing of decide what kind of mosquito it is, it's pretty amazing.

This will provide information on the species, allowing us to make informed decisions about the use of pesticides, as to which mosquitoes need the pesticides, where they are, how many there are, so forth. Testing of these mosquitoes, as I mentioned, is being done locally already.

Mosquito control will be done primarily by larvae-ciding, which essentially we're saying that we don't want the eggs to become adult mosquitoes. So the eggs that get laid, we hope to prevent them from developing by larvae-cides, which in some cases are briquettes which can be put into standing

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water that either is not draining, even though it should be draining, or it's there for a purpose. You know, if it's a backyard pond or it's a stock pond or something like that, then that's where these things will be placed. Adult-aciding, which most people will call fogging, will be used as the very last resort. Nationally, that has not been shown to be effective. If you think of it, if you're just throwing fog out into the air and you just hope the right mosquitoes fly through the fog at the instance before the fog goes away, you can see it's not terribly efficient, to say nothing of the potential for harm, but it's just not efficient.

Biological methods will also be encouraged. We have mentioned those on the fact sheets that we're putting out. There are minnows that can be placed in ponds that can eat, that do eat larvae, mosquito larvae and we've talked to some bait shops and so forth about that and they're ready. They're almost, if not more knowledgeable, some of them are more knowledgeable about this than we are. So that's very encouraging to me. There is . . . some readings will tell you that certain birds, the swallow family of birds, including the Purple Martins, may eat mosquitoes. I haven't seen any literature to say yes or no. So, whether that's scientifically proven, can't hurt of course, but that is a possibility.

Training on appropriate use of larvae-cides is being offer, in fact today. That's why we asked to be early on the agenda because we've got a training that starts at 11:00. We've got our contracted person coming in from out of town today. Mansoor Tahir, our West Nile specialist, is going to pick him up at the airport and start today with folks from all over the city and the county and other public place people that are out and about that will have training on the use of the larvae-cides.

We have a truck which can handle larvae-ciding and especially larvae-ciding that can be done with spraying. I want to distinguish between fogging and spraying. There is spraying that is larvae-ciding that's done, you know, on ponds and what not and so we've got the equipment for that. We've got an ATV to reach the hard to reach sites that can be used by county folks.

The facts sheet that you have before you has been printed, oh I think 5,000 of them we're printed on the first round. This is two-fold, to help folks know how to prevent mosquito bites on their body, and also to ask folks how to help with the larvae-ciding and controlling the breeding. It's available, will be distributed through field staff from all kinds of county and city agencies, folks at the zoo, at the parks, at the county, the people that go out from various agencies and their work is in the field can help hand these out. If anybody needs numerous quantities of these, we'll be glad to supply them. Questions?"

**Chairman Norton** said, "Talk more about larvae-cide and where those places are and are we supplying that free, or is there a cost to the citizens to pick up the larvae-cide."

**Dr. Burbach** said, "We're supplying it free. We want to make sure that we're not just everybody

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who comes to the right Health Department station gets handed a tub of them, because they need to be more controlled than that. They're not, in terms of comparing them to prescription drugs, you know it's not prescribed such that a person has to be licensed to put them in, like other pesticides do. However, it's like an over the counter drug that you just don't want to hand to your kid to take as many aspirin as they want to take. So it's a matter that they need to be controlled so that, yes they are going to be put out with no cost, but we need to have some trained people, which is what the training is today, to know 'Yes, this water needs it', 'No, that water doesn't' and 'Yes, this water needs this many, and not again until then' as opposed to potential abuse and waste."

**Chairman Norton** said, "I've already had a few people in my district call and talk about standing water in bar ditches or whatever and are interested in how to do this. Where can they call? Give me an idea of that information."

**Dr. Burbach** said, "Okay. The water is going to the city or the county person or are they all the water calls come to you? Okay, we're keeping Mansoor very, very busy this summer and he's responsible for the reduction that we've gotten so far. The number on the card is 660-7392, so all calls, like standing water, like please come look at my water, see if it needs larvae-cides in it, so forth, all calls will come to that number. We've got that number forwarded to the epidemiologist on call, because we rotate and then that will then be forwarded to Mansoor. The epi on call can answer limited questions, but then when it needs an action of some kind, then Mansoor will take those calls."

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

**Commissioner Sciortino** said, "We have a technological problem here, Mr. Buchanan. None of our light switches are working, so we're going to have to use the old flag system. Hang on. If in doubt, plug it in."

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

**Commissioner Sciortino** said, "Doctor, the things that you're going to be educating the public on on how to larvae-cide and what have you is actually going to be generic that it will kill all mosquitoes, not just those that are . . . so it's a good education on how to do away with a pest that can cause problems, if nothing more than just a lot of bites and a lot of scratches. So, we don't get

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the public overly concerned, isn't severe reaction to a Nile Virus infected mosquito to where it would cause severe respiratory problems or severe illness or death very, very rare. I mean, in the single percentile or point percentile?"

**Dr. Burbach** said, "Maybe one in a hundred mosquitoes has the virus. Maybe one in a hundred bites from one of those mosquitoes will turn into a disease of any kind, maybe not even the most extreme."

**Commissioner Sciortino** said, "Okay. So we're getting to pretty . . . but it's good to keep the public informed, but I think it's just good education on how to live in the summer in Kansas with bugs. So, okay, great, thanks."

**Chairman Norton** said, "Any other questions or discussion? Okay, thank you Cindy, appreciate it. Thanks, Mansoor for being here too. Clerk, call the next item."

### **PUBLIC HEARING**

- C. PUBLIC HEARING AND RESOLUTION REGARDING PROPOSED SPECIAL ASSESSMENTS FOR AN INTERNAL IMPROVEMENT PROJECT (SAVANNA AT CASTLE ROCK RANCH 9<sup>TH</sup> ADDITION-PHASE 2 - STREET).**

### **POWERPOINT PRESENTATION**

**Mr. Joe L. Norton**, Gilmore & Bell, P.C., Bond Counsel, greeted the Commissioners and said, "As you may recall, two weeks ago this Board received and approved a statement of final costs and established today's date as a public hearing for those affected property owners with respect to a public improvement located in the Savanna area of the county. Notice of that hearing has been published and mailed in accordance with appropriate law. For your consideration today is a public hearing on this special assessment and a resolution which would levee the assessments.

Again, the area in question is Savanna at Castle Rock. It's located immediately south of the railroad tracks, which are just north of 13<sup>th</sup> Street, and 143<sup>rd</sup> Street East. Phase II is what we're talking about today. That is the area depicted in the blue outline. Draw your attention to the four lots at the lower right-hand corner of the blue area that are on Sundance Street. Those lots have

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also received a partial assessment for another street in the area and therefore are assessed at one-half the cost of the other lots within the area getting streets for the first time.

This project was commenced by a petition signed by 100% of the owners of property proposed to be assessed for this project. Before you on the screen are the costs that were approved two weeks ago. I might point out that the base authorization line, about two-thirds of the way down, at the time this project was petitioned the estimated cost was approximately \$370,000. Right above that, the benefit district's share of a little over \$181,000 are the final costs. So the costs came in at approximately one-half of the estimate. There are 68 properties to be assessed. The lots 13 and 16, block 2, right down there below there, get the \$2,668.06 proposed assessments, with the remaining lots at \$5,336.13.

Again, Mr. Jim Weber of Public Works is here, who knows about the project to answer questions. I'll try to answer what you may have at this time. If there are no questions, then it would be appropriate to open the public hearing, receive comment from the public, and then we can close the hearing and consider the resolution."

**Chairman Norton** said, "Okay. Any questions of Joe? And by the way, we do have the lights working now. Okay, I see no questions of Joe, so I'll open the public hearing and accept public comment from any of those that would like to come forward. Is there anyone that would like to speak to this issue, pro or con? Anyone? At this point, I will close the public hearing and limit the comments to the Bench. What's the will of the Board?"

#### **MOTION**

Commissioner Unruh moved to adopt the Resolution.

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

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Commissioner Ben Sciortino      Aye  
Chairman Tim Norton              Aye

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

**PLANNING DEPARTMENT**

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

- 1.      CASE NUMBER CON2002-00055 – RESOLUTION AMENDING CONDITIONAL USE CASE NUMBER CON2002-00021 TO ALLOW OUTDOOR PARKING OF VEHICLES ASSOCIATED WITH A PERMITTED RURAL HOME OCCUPATION FOR VEHICLE REPAIR, GENERALLY LOCATED NORTH OF 69<sup>TH</sup> STREET NORTH ON THE EAST SIDE OF 135<sup>TH</sup> STREET WEST. DISTRICT #3.**

**POWERPOINT PRESENTATION**

**Mr. Dale Miller**, Acting Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “Commissioners, this is a request, a follow-up request to one that you approved a little while back. What was approved was a Conditional Use for a vehicle repair limited. The applicant operates a transmission repair shop at this location. As you can see here, it’s located east of 135<sup>th</sup> and north of the K-96/ 69<sup>th</sup> Street intersection. All surrounding properties zoned ‘RR’ Rural Residential. Aerial gives you a good idea, that it’s largely an agricultural area with a few homes scattered nearby.

And this is a depiction of the site plan. It shows the main house and garage and then the other outbuildings. I’ll let the applicant describe which ones are actually actively involved in the transmission repair operations, but these are three outbuildings. And then the, I guess what is the crux of the request, at the previous conditional use hearing, one of the conditions prohibited any outside storage and so, in this particular case, the applicant is finding that he needs to have outside storage and so he’s proposing to place those vehicles inside a fenced-in area that would be located in this area here.

This is the home, looking from the road towards the east and you can see the accessory buildings there on the far right.”

**Commissioner Sciortino** said, “Now would you go back to that? Now that fence between his

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home and I guess another garage area, that's the area that he's proposing to house the outside vehicles?"

**Mr. Miller** said, "No, I think it's actually further back behind this building here."

**Commissioner Sciortino** said, "Okay, but that fence acts as a barrier too then."

**Mr. Miller** said, "I believe that fence is his backyard but it would be a barrier as well to where the location is, yes."

And this is looking southeast, just shots in all directions to give you some idea of what the area is like."

**Commissioner Sciortino** said, "Now is that the house across the street from the applicant's?"

**Mr. Miller** said, "To the west, yes."

And then southwest. This is a little further south of the application area and then west. And the aerial again."

**Commissioner Sciortino** said, "Now where is Colwich in relation to that map right there? Isn't it past 69<sup>th</sup> Street?"

**Mr. Miller** said, "It would be down here somewhere."

**Commissioner Winters** said, "K-96 to the west."

**Commissioner Sciortino** said, "To the west and south."

**Mr. Spears** said, "It's on 167<sup>th</sup>."

**Commissioner Sciortino** said, "Yeah, it's below the map. Thank you."

**Mr. Miller** said, "Colwich did review this request and they recommended denial and so that will trigger the need for a unanimous vote on your part to approve the request. The Metropolitan Area Planning Commission reviewed the item and they recommended approval 8 to 3. They did amend condition three of the application, dealing with the outside storage and what they approved is the

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following language that I'll read into the record:

*Storage outdoor, as that term is defined in the Unified Zoning Code, Article 2, Section 2-B12R, of vehicle, equipment, parts, waste, waste containers, or any other associated item is prohibited. The outdoor parking, as that term is defined in the Unified Zoning Code, Article 2, Section 2-B10A of operable vehicles associated with a conditional use shall be permitted, so long as the number of vehicles parked outside at any one time shall not exceed six in number and are parked within the fenced enclosure provided therefore. All operable vehicles and any operable vehicles that would exceed the number permitted to be parked outside shall be maintained inside the designated and approved 30 by 60 foot garage.*

So with that I'd try and answer any questions. Scott Knebel is here from staff. He attended the Colwich meeting, if you had any questions about that particular meeting. The applicant and his agent are here as well."

**Chairman Norton** said, "Okay, I'd like to see if there's anybody else that would like to speak to this issue. We do not have to open a public meeting, do we not?"

**Mr. Richard Euson**, County Counselor, said, "That's correct."

**Chairman Norton** said, "But I would entertain comments from the audience if there's anybody that would like to speak in protest."

**Mr. Miller** said, "There were three e-mails that were included in the packet in opposition and one in support, as I recall."

**Chairman Norton** said, "Okay. I'm going to defer to Commissioner Winters to kick us off, since it's in his district, and then I'll come back to you, Commissioner Sciortino. Is that okay?"

**Commissioner Winters** said, "Well, I'd just make several comments, but I believe the applicant is here with some photographs that I think, if we take a look at those photographs it maybe will answer some of Commissioner Sciortino's questions about that fence he saw. So, Mr. Chairman if it's all right with you I'd like to ask the applicant or his agent to show us the photographs that they have."

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

**Mr. Bob Kaplan**, agent for applicant, 430 N. Market, Wichita, greeted the Commissioners and

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said, "I was going to inquire whether or not there was any need, if I was going to prejudice my cause by not speaking, then I thought I may prejudice my cause by speaking. I don't know. If we're just simply going to the photographs, what you see in the first board is the applicant's property. We have 135<sup>th</sup> Street West here and you're looking north from the applicant's home. We have the applicant's home and this is the building in question. This is looking north, from 69<sup>th</sup> Street North, so we're to the south and, again, here is the building. It's directly behind this building we have the fenced enclosure. This will give you a little better view, this second . . . this is actually the building where the work is being done and this is, I think, an eight foot high, I believe it's eight feet . . . six foot high cedar fence which totally surrounds it.

The only serious opposition we've had in the past, I believe this gentleman, who I don't believe . . . there's obviously no one here to speak in opposition. Mr. Tauber lives in this property back here to the southeast. That's probably, oh it's a good eighth of a mile."

**Commissioner Winters** said, "Point to it on that map up there. It would be right down there on 79<sup>th</sup> Street [sic] right there."

**Mr. Kaplan** said, "It would be right in here, the actual fenced enclosure would be back in this area and you can see if you can see it. It's not very clear. This is his home, so about the only thing that he can possibly see from his home might be the corner of the fence, certainly none of these vehicles.

Again, the Jett home. Planning Commission, Morris Dunlap made the comment, one of the planning commissioners, he went out there. He said this is about as nice a farmstead as you're going to find. It's about as clean a farmstead and about as well kept. The Jett's are really immaculate throughout their place, inside and out, the landscaping, the trimming. They take good care of things.

Here we're looking north. There's really nothing around. It's all mostly ag. The gentleman who owns the majority of the property around there to the east, all of this property, he has no opposition to it. It's basically just an ag area. There is a mobile home, or a modular to the north. They've got some junk cars in here. There's some junk cars stored back in this grove of trees. They're not ours.

Basically, what happened is the Colwich Planning Commission asked that this be returned to them. We didn't ask that it come back but I got a call from planning said they want to look at it again, they want to reconsider it for whatever reason. So we went back out there and it was very clear to me at the conclusion of the Colwich hearing that they were going to approve it. The conversation was all favorable. Mr. Tauber, the gentleman whose home I showed you, who lives to the

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southeast, they asked him, ‘Do you have a problem with five or six cars, if they’re kept in the enclosure?’ And I can quote him verbatim and he said, ‘I can live with that’. And so I thought they were all set to approve it and then one of the planners, one of the Colwich planners brought up the subject of the County Commission having reversed their initial decision and he was upset by it and he turned the whole thing around and except for one lady commissioner who was very upset that they weren’t recommending approval, convinced them to vote again to deny it and they did recommend denial four to one. And I think Scott Knebel is here. He was at that meeting. Is Bob Parnacott still in the room? He was at that meeting and the planning commissioner said, ‘Mr. Kaplan told us that Colwich was on the verge of approving it, is that correct?’ and Scott confirmed what I told him.

I thought they were going to . . . You know, he wanted to be consistent. I think this is probably not a nice comment. I think, what did Emerson say, ‘Consistency, the hob-goblin of small minds’, I think that’s what happened. They had initially voted to deny it and they just didn’t feel that they could take any adverse action and they were visibly upset, or at least this one gentleman was, that you Commissioners had reversed it.

So, what happened . . . actually, it’s my mistake. I talked Steve . . . we got mixed up in this parking storage. We had, until I gave it up, we had an absolute statutory right to 72 hour parking. It’s in the code. You’ve got a right to park vehicles for 72 hours, unless there is a prohibition against large, commercial vehicles that weight over, I think the code says 25 or 26,000 pounds. They don’t want tractor-trailers parked in front of residential properties. So, you’ve got a right to do it. But then when I came in for the conditional use, I told Steve ‘Why can’t you do like I do?’ Why can’t you just work by appointment, and when you have a car picked up, you bring a car in and that way you don’t have to have anything parked outside. And we got into this storage parking issue in which there’s a big distinction and then I apparently, in putting in that condition agreeing to a condition of no outside parking, I waived his statutory right to have parking.

So I really kind of feel responsible here. I’m going to feel badly if you don’t approve it. So now I want that statutory right back and I can’t see that five or six cars in that fenced in enclosure really is going to bother anybody. So that’s kind of where I am on it, so unless you have questions.”

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

**Commissioner Sciortino** said, “Well, I was going to ask . . . I had two questions. One, I was going to ask Dale what was the reason then for the turn around at Colwich? What was the reason given for why they denied it again? Or somebody that could answer that.”

**Mr. Miller** said, “Scott Knebel attended the meeting. I’ll let him get up and speak to that

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specifically.”

**Commissioner Sciortino** said, “And then I have a question of the applicant.”

**Mr. Scott Knebel**, Planning Staff, Metropolitan Area Planning Department, greeted the Commissioners and said, “I think Mr. Kaplan has stated it accurately. I agree with him, that the crux of the conversation toward the end of the meeting was that ‘Well, how can we recommend amending something that we didn’t recommend approving in the first place?’”

**Commissioner Sciortino** said, “Okay, all right, thank you. And then I was going to ask a question of the applicant as to why he had committed to . . . yeah, to outside storage and then all the sudden is back immediately and, as I understand it now, was just very bad advice from his attorney and would encourage you to negotiate a reduced rate if he’s causing you any embarrassment. I’m sure he would comply with that. Well, this *mea culpa* stuff has got to have a financial end to it.

I’m now completely comfortable as to why he had committed to that and then came back very shortly and now can’t live with it. So, that’s all, I didn’t have any other.”

**Chairman Norton** said, “Okay. Commissioner Winters.”

**Commissioner Winters** said, “Well, thanks. I’m going to be supportive of this request today, and I think as Mr. Kaplan explained, I think there was confusion last August when we heard this case between storage and parking and we just got confused, I think, about what Mr. Jett really intended for his use in his operation. And I think there was, on one hand, some concern about which way the Commission was going to go that day, and so I think they were trying to be as accommodating to get something done as possible.

One of the benefits, I think, of that though has been that, over the last nine or ten months, I’ve had a chance to observe Mr. Jett’s operation. I have probably been by his place more than a dozen times, probably closer to 20, and every time I’ve driven by there, everything is just very neat, well kept, trimmed, the grass is cut, the trees are . . .”

**Commissioner Sciortino** said, “Yeah, but that’s his wife doing that around the house.”

**Commissioner Winters** said, “Well, whoever, this is a very neat operation. And if, after first ten or twelve months, if we were looking back today and saw something out there that was really a problem and an eyesore, I think we’d be in a place today to really take some action to try to correct that. So, the neatness and the way his operation looks has been very important to me.

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Then I'm also . . . the issue, and I might ask Rich or Dale to expand on, if he had 20 acres here, he only has five, if he had 20 he'd be able to do what he's doing now. He wouldn't need to ask us to do this. And so, you know, I think that's an important item to me.

Also, all of the tracts surrounding this area are large either farming or larger tracts. This is not a group of small tracts of individual property owners. And I do . . . you know, I'm sorry that I disagree with the Colwich Planning Commission here, but out there I really see K-96, a four-lane divided highway, as being a pretty significant barrier to what Colwich is going to do out there, maybe for the next 20, maybe the next 50 years and we still need to remember that between Colwich and this facility is the High Plains Ethanol Plant and KG&E's plant and several tall television towers, so this is an area that I think, beyond K-96, I just don't see how this can have a negative impact on the City of Colwich. I really do not think that it will.

Also, the Metropolitan Area Planning Commission voted to approve this request, 8 to 3 was their vote and then another factor affecting me is the limited amount. I mean, now the number of cars is still six. I mean, this is not a huge number. So, when you think about that in connection with I don't think the fence will have any detrimental effects on the neighborhood. I don't think there will be any relative gain to public health and safety if parking is not allowed, but there will be hardship imposed on the applicant if we do not allow this parking. And I just don't think that the fencing and a limited number of cars being parked there will not impact any community facilities or the neighborhood.

So, I'm interested if other commissioners have questions or comments, but that's kind of the list of reasons why I'm going to be supportive of this request."

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

**Commissioner Sciortino** said, "Well, I also went out, at a request from Commissioner Winters, and viewed this property and quite frankly I was amazed. I didn't think I was going to see the type of buildings. It's a very nice, rural home setting, very well kept. There's not deterioration between the quality of the home and the garage. It's all color coded or what have you and it looks very, very well kept.

The only question I guess I have of the applicant is are you very comfortable with that six cars is going to be sufficient for you? Okay. I'm going to be wholly supportive of this and I have no further . . . I was amazed that there was any protests at all, because it's really no . . . I'm not trying to put down any . . . but it's out in the middle of nowhere. You can't even see Colwich from where they are. K-96 blocks everything and there's not much out there, so I'm going to support this motion."

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I'm going to be supportive of this also. I've had the opportunity to use Mr. Jett's service and so I know that not only does he do a good job inside and outside both. So I don't really see a real reason to deny the request. The fence is already there. It's high enough to shield any vehicles. If it hadn't been for maybe a little miscalculation the first time around, he'd already have this authority to park the vehicles. So, it doesn't seem to me to be a good, logical reason to deny the request. So I will vote in favor of it."

**Chairman Norton** said, "Okay. Bob Parnacott, on that property, how many people could just come, if he was having a family reunion, and park on his premises?"

**Mr. Robert Parnacott**, Assistant County Counselor, said, "My off the top of my head guess is about anybody he wants to invite. I mean, that's kind of an accepted practice."

**Chairman Norton** said, "So you could have just as many cars on his property every day of the year that could be there, on a personal basis."

**Mr. Parnacott** said, "I mean, there might be some sort of a technical something."

**Chairman Norton** said, "As long as they're not there over 72 hours. Okay. What is our code, as far as inoperable vehicles on property behind a fenced area?"

**Mr. Parnacott** said, "There is a distinction to be drawn between inoperable vehicles that you own and that you don't own."

**Chairman Norton** said, "But if he had inoperable that he owned, how many could he have behind a fenced area?"

**Mr. Parnacott** said, "I don't know the exact number."

**Commissioner McGinn** said, "Nine."

**Mr. Parnacott** said, "Nine, I hear."

**Chairman Norton** said, "It just makes sense to me that if he's going to have six that are probably operable that will move on, but he could have nine behind that fence totally junked and everything, that we've probably got a better scenario than with nine junk cars that he could legitimately have."

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So, I'll be very supportive of this myself. So, thanks. Any other discussion? What's the will of the Board? Excuse me. Commissioner McGinn."

**Commissioner McGinn** said, "I was just going to say, I agree with Commissioner Norton. We have the law on the books already, at five acres you can have up to nine inoperable vehicles. Here we've got vehicles, six, coming and going and behind screened fencing, and so just seems like it makes sense. So, thank you."

**Commissioner Winters** said, "I'm prepared to make a motion. I'd like to ask Dale to come and make the motion. I think that if you would just read into the record again, Dale, the comments, just to make sure that we get the technical side of it correct."

**Mr. Miller** said, "You'll essentially be approving it as recommended by the Planning Commission, subject to that language that I read in earlier. Do you want me to read that again, or are you satisfied with that original reading?"

**Commissioner Winters** said, "Rich, is that original reading good enough?"

**Mr. Euson** said, "I think as long as everybody understands what the original reading was and unless you have any confusion about it, it's sufficient to just refer back to that."

#### **MOTION**

Commissioner Winters moved to concur with the findings of the Metropolitan Area Planning Commission and approve the Conditional Use amendment, as noted earlier by Dale Miller and authorize the Chairman to sign the Resolution.

Commissioner Unruh seconded the Motion.

**Chairman Norton** said, "I have a Motion and a Second. Any other discussion?"

**Commissioner Winters** said, "I would then just make it clear that the reasons that I stated were the reasons for making the Motion and those did include a couple of the issues, as we refer to the Golden factors, and that would be one, because the fenced screening there will have no detrimental effect to the neighborhood, and secondly, there is no relative gain to the public health, safety and welfare if parking is not allowed, but there would be hardship imposed on the applicant by not allowing parking and three, that the fencing and limited number of cars being parked will not

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impact or detrimentally effect community facilities or the neighborhood. So that's just a couple of reasons why, again."

**Chairman Norton** said, "Okay. We have a Motion and a Second. Any 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, "Thank you. Clerk, call the next item."

- 2. CASE NUMBER CON2003-00011 – RESOLUTION APPROVING A CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY, GENERALLY LOCATED APPROXIMATELY ONE-HALF MILE SOUTH OF 111<sup>TH</sup> STREET SOUTH ON THE WEST SIDE OF THE KANSAS TURNPIKE. DISTRICT #2.**

**POWERPOINT PRESENTATION**

**Mr. Miller** said, "Commissioners, this is an application to locate a tower. It would be a 250 foot communication service tower. All surrounding properties, you can see on the map here, are zoned Rural Residential. The tower would be in the location where the arrow is pointing.

You can see by the aerial, it's a fairly remote agricultural area. As I understand it, it's intended to provide service in the southern part of the County. This is located very near the south Sedgwick County line and that there is a gap in service between the Haysville area and this would pick up that area and provide service to Mulvane, Derby and then to points south as well.

Show the Comprehensive Plan map, shows this area is appropriate for rural uses. And this is a diagram that the applicants have provided, giving some indication of what they see is their service area and what they need to do to have complete service.

Site plan of the tower, as you can see, it's a self-support structure. Layout of how the site would be developed and you're looking at the site where the tower would be constructed. More views of the

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area in general. You can see the turnpike right back here and I believe this is the closest home to the site.

We are recommending approval. MAPC recommended approval of the tower at 250 feet and as part of this request, as we've started doing, is they intend to use the red flashing lights at night and the medium intensity strobe lights during the day. That does require Commission approval and so, if you decide to approve that, you may want to make sure that you specifically indicate that that's your intension. I understand that that's what we've done on other towers. But with that, I'd answer questions."

**Chairman Norton** said, "Dale, were there any protests at all the time this came before the MAPC?"

**Mr. Miller** said, "No. And we received no phone calls on that as well."

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

**Commissioner Sciortino** said, "Just a quick one, Dale. Who is the applicant?"

**Mr. Miller** said, "AT&T."

**Chairman Norton** said, "Well I'm going to be supportive of this, but I will ask from the audience if there's anyone that would like to speak to this issue, pro or con? I see no one."

**MOTION**

Chairman Norton moved to approve the Conditional Use and authorize the Chairman to sign the Resolution and contain the language that talks to the strobe lights and red lights that Dale has given us.

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

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Chairman Tim Norton

Aye

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

- 3. CASE NUMBER CUP2003-16 (ASSOCIATED WITH ZON2003-18) – DP264 LOUIS DEVELOPMENT COMMUNITY UNIT PLAN (CUP) AND ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL AND "SF-5" SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED NORTH OF 13<sup>TH</sup> STREET NORTH AND EAST OF 135<sup>TH</sup> STREET WEST. DISTRICT #3.**

### **POWERPOINT PRESENTATION**

**Mr. Miller** said, "This is a fairly straight forward request for a combination of limited commercial uses and residential uses. The part that gets a little complicated is that the ownership is evenly divided. This part has already been annexed in the City of Wichita and this part is still in the County. And the owner and the applicant did not want to finalize the deal till the zone case had been approved and so that's why we're having to handle it in both here and across the street is two separate cases. This side has already been reviewed by the Wichita City Council and approved and so what you're reviewing today is this request to go from 'SF 20' zoning to 'SF-5' on the back portion of it and to go from 'SF-20' to 'LC' Limited Commercial on the front half and mirror zoning is on the eastern half as well.

They've proposed to develop the front part with limited commercial uses, minus the usual suspects of adult entertainment, taverns and correctional placement residences and those sorts of things. And the back part would be approved for single-family and under a Community Unit Plan, you can build any type of structure, whether it's apartment, townhouses, or single-family detached, as long as the density doesn't exceed one unit per 5,000 square feet, so that's what they're proposing in this case.

As you can see, aerial is a little outdated. It's not on the corner where you typically would expect that commercial development, but there's a church here and there's also a church there. There's a utility substation located here and this portion has already been approved for some 'LC' zoning, as has that corner. And so staff is seeing that these two corners are blocked and that we typically do see limited commercial uses on the corners. We felt that this was close enough that we could make

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this work in that location. There is a residential development that's developing here to the south that has been platted.

You see the map indicates that this area is appropriate for low density residential and you can see the site as it is today. That's looking back at one of the churches. Some of the homes in the area, substation, I believe that's the church right on the corner as it's being constructed.

Staff is recommending approval and Planning Commission recommended approval as well and I'll try to answer any questions."

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

**Commissioner Winters** said, "Thank you. Dale, in reviewing backup information we received, none of the other neighborhood areas sounded any kind of protest or alarm or concern."

**Mr. Miller** said, "That's correct. We had one person who came and spoke at Planning Commission and his interest was how soon 13<sup>th</sup> was going to be approved and the bridge rebuilt."

**Commissioner Winters** said, "All right. And that is on the City of Wichita's agenda? They have a scheduled date to do that road and that bridge?"

**Mr. Miller** said, "2004, I believe."

**Commissioner Winters** said, "Well, I think it looks like it's going to be a good project, so I'm going to be supportive. If anyone has got questions before we make a Motion."

**Chairman Norton** said, "I, at this point, see no other discussion. I would entertain a Motion."

### **MOTION**

Commissioner Winters moved to approve, subject to conditions.

Commissioner McGinn seconded the Motion.

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**Commissioner Winters** said, "I'm not exactly sure what that 'subject to conditions' means, but that's what the recommended action appears to be."

**Mr. Euson** said, "It would be subject to the recommended conditions."

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

**Chairman Norton** said, "Okay. I have a Motion and a Second. Any 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, "Thanks, Dale. Dave, before you start, I've got an Off Agenda item that I'd like to add onto the agenda and take at this point, as we start new business."

**MOTION**

Commissioner Winters moved to consider an Off Agenda item.

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

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Commissioner Ben Sciortino      Aye  
Chairman Tim Norton              Aye

**Chairman Norton** said, "This will be Mr. Buchanan and it's authorization for Commissioners to travel to Jacksonville, Florida to review health department organizations. Mr. Buchanan."

**OFF AGENDA ITEM**

**AUTHORIZATION FOR COMMISSIONERS TO TRAVEL TO JACKSONVILLE, FLORIDA TO REVIEW HEALTH DEPARTMENT ORGANIZATION**

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "Yesterday, at the staff meeting, we talked about this trip that was being planned by the Health Department and the K.U. Med School. K.U. Med School . . . the president, Dr. Desmuke, has discovered that Jacksonville, Florida Health Department and Medical School have created a unique relationship. They share some buildings, they share a lot of programs and the ways in which they accomplish things are different from most public health departments around the country. It is a model of behavior and organization structure that is appealing to him and . . . it's appealing to Dr. Desmuke and I think it is important for us to make sure we understand the nuances of how that department works and how the med school works and how they interact together.

So, Jerry Frantz, the acting director of the Health Department, is going to go with Dr. Desmuke and we're going to send some other folks, including Assistant County Manager Sexton and the Chief Financial Officer Chris Chronis to this meeting. I cannot attend. I think it makes sense, a great deal of sense for Commissioners to go to talk to . . . to see if we can talk to at least your counterparts and to see the nuances of the department to make sure that we all understand what it looks like and how it works. I would recommend that you authorize two Commissioners to do so."

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

**Commissioner Winters** said, "Thank you. I'm going to be very supportive of this. You know, we're very fortunate to have the K.U. Med Center here in the City of Wichita and Sedgwick County. And I think anything that we can do to help solidify the relationship between our health department and that group of folks doing business here would be extremely beneficial and if there's a model in Jacksonville with a public health department and a medical school doing some new,

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unique and creative things, I would support any commissioners who would want to attend that. I'm not able to attend myself, but I'm going to be more than supportive of others that want to attend this meeting. Thank you."

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

**Commissioner Sciortino** said, "Well, I'm going to be 100% supportive of this and I'm the one that's always saying cut expenses, cut travel, cut phones, cut, cut, cut. But we are in the process of trying to redefine the Health Department, redefine how it can be more efficient, how it can better serve the public and I think it's very important for a couple of us to be able to go and see first-hand and not just rely on second-hand information from staff. Not saying that staff wouldn't give it accurate, but I think, especially if the Commissioners that go can have some time to talk to their counterparts and ask commissioner to commissioner questions about how it's working will give us some insight on perhaps maybe we could incorporate part or all of their model in improving and redefining the Health Department. So, this is one of those exceptions that I think this is money well spent and would be definitely very supportive of sending a couple of us to attend this meeting. Thank you."

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

**Commissioner Unruh** said, "Thank you. I will also be very much in favor of this Motion. You know, as we try to take a firmer grip on the Health Department and how we operate it, it seems like it's worth the investment in time and expense to go down there and just take a first-hand look at how they're doing things, if we can incorporate it, improve what we do and deliver better services to our citizens, it's a worthwhile investment. So, I'm approving of it."

**Chairman Norton** said, "Okay. Well I just have a couple of comments from the Bench. As we move forward, and as the Board of Health, and we're not only the Board of Sedgwick County Commissioners, but we also serve as the Board of Health, I think it's imperative that we try to envision what we think the Health Department is going to be for the future. And I think if we always look internally at ourselves, we'll probably continue, even though we have some very smart staff and educators and physicians helping us, if we always look internally, we'll continue to probably invent what we always kind of had.

And we found this model, I think there's several others around the country. I've heard Akron, Ohio is one, but Jacksonville has really stood out as one that we probably need to take a look at. And the truth is we have great staff, we have public health officials that can go down and get that information, but I think it's imperative that commissioners, as the Board of Health, be engaged in this and make sure that we understand the public policy decisions, the kinds of things we'll have to

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do.

The second part of it is that I urged in the staff meeting, I think all the Commissioners were in lockstep with this, it is tough economic times. We take it very serious that when we travel and spend some money that we don't want it to have the appearance of being a junket. I mean, this is work for the County. It is work for the Board of Health and I urged us to make sure that we put it on an agenda item, talked about it so that, as we travel people know, the public knows that this is not just us flying to Jacksonville, Florida and taking a Disneyland trip. That this is real business, it's really important to the future of the Health Department and we're doing it at the verge of creating some pretty good things for the partnerships with the Medical Society, K.U. Med, the public health organization here, which we serve as the Board of Health. So, I really think . . . I'm obviously going to be supportive, but I think it comes at a good time in the incarnation of us trying to reinvent the health department.

Any other discussion? I would entertain a Motion.”

**MOTION**

Commissioner Winters moved to authorize travel expenses for Commissioners to travel to Jacksonville, Florida to review health department organizations.

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, “Thanks. Next item.”

**NEW BUSINESS**

**E. PUBLIC WORKS.**

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**1. AGREEMENT WITH BURLINGTON NORTHERN SANTA FE RAILROAD FOR INSTALLATION OF A CONCRETE RAILROAD CROSSING ON 69<sup>TH</sup> STREET NORTH BETWEEN SENECA AND MERIDIAN. DISTRICT #4.**

**Mr. Spears** said, "Item E-1 is an agreement with Burlington Northern Santa Fe Railroad for the installation of a concrete crossing on 69<sup>th</sup> Street North between Seneca and Meridian. The total cost of the project will be \$64,000, 30% of that to be paid for by Sedgwick County at a cost of \$19,200. I recommend that you approve the agreement and authorize the Chairman to sign."

**MOTION**

Commissioner McGinn 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, "Next item."

**2. RESOLUTION RECLASSIFYING CERTAIN ROADS FROM THE ATTICA, GRAND RIVER, GRANT, OHIO, UNION, VALLEY CENTER AND WACO TOWNSHIP ROAD SYSTEMS TO THE SEDGWICK COUNTY HIGHWAY SYSTEM. DISTRICTS #2, #3 AND #4.**

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**Mr. Spears** said, "Item E-2 is a resolution that reclassifies roads from the township system to the County road system. Those roads are from Attica Township, 135<sup>th</sup> Street West from 21<sup>st</sup> to 29<sup>th</sup> Street North; from Grand River Township, 311<sup>th</sup> Street West from 15<sup>th</sup> to 23<sup>rd</sup> Street South; from Grant Township, 77<sup>th</sup> Street North from Hydraulic to Oliver; from Ohio Township, 79<sup>th</sup> Street South from Meridian to West Street; from Union Township, 135<sup>th</sup> Street West from 29<sup>th</sup> to 53<sup>rd</sup> Street North; from Valley Center Township, West Street from 77<sup>th</sup> to 85<sup>th</sup> Street North; and from Waco Township, 47<sup>th</sup> Street South from Hoover to Ridge Road.

The reason for the change is that we have, or soon will have, a cold mix on these roads and we are better equipped to handle that than the township. Also we have to prepare some of the roads for the cold mix, and that requires our motor graders and our people to be on them. The exception is 135<sup>th</sup> Street, which was paved by the City of Wichita in connection to the Cowskin Wastewater Treatment plant and that's also listed to take over. I recommend that you adopt the resolution."

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

**Commissioner Winters** said, "Thank you. David, on that 135<sup>th</sup> Street you indicated it was from 21<sup>st</sup> to 29<sup>th</sup>. Was that not really all the way up to 45<sup>th</sup> Street?"

**Mr. Spears** said, "Yes, sir. Look on down and I also indicated . . ."

**Commissioner Winters** said, "Oh, different township."

**Mr. Spears** said, "Different township going on further north. The township splits there."

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

**Chairman Norton** said, "Okay, I see no other questions. What is the will of the Board?"

### **MOTION**

Commissioner Winters moved to adopt the Resolution.

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Chairman Norton 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."

**3. RESOLUTION AUTHORIZING ESTABLISHMENT AND INSTALLATION OF TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS OF TOWNSHIP ROADS WITHIN LINCOLN TOWNSHIP, AND PROVIDING FOR ENFORCEMENT THEREOF. DISTRICT #1.**

**Mr. Spears** said, "Item E-3 is a resolution establishing a stop sign for the north approach of 77<sup>th</sup> Street North and Webb Road to control southbound traffic. An engineering and traffic investigation were performed at this location, and Lincoln Township concurred with our recommendation that a stop sign is necessary. The township will be responsible for the installation and maintenance of this sign. I recommend you adopt the resolution."

**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

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

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

**4. AGREEMENT WITH CITY OF HAYSVILLE FOR ASPHALT SURFACE REJUVENATION ON 71<sup>ST</sup> STREET SOUTH FROM BROADWAY TO KANSAS TURNPIKE AUTHORITY. DISTRICT #2.**

**Mr. Spears** said, "Item E-4 is an agreement with the City of Haysville for asphalt surface rejuvenation on 71<sup>st</sup> Street South from Broadway to the Kansas Turnpike Authority. The city shall reimburse the County \$25,000, which is one-half of the cost of construction. I recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Norton** said, "This is the area that kind of is the entryway into Haysville. It is a partnership between the County and the City of Haysville and I think it will clean up that area really nice as an entryway from the turnpike into Haysville. So, I'll be supportive of this."

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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

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

**F. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF MAY 29, 2003.**

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**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The referenced meeting resulted in four items for consideration today.

**1) COURTROOM CHAIRS- FACILITY PROJECTS  
FUNDING: CAPITAL IMPROVEMENT PROJECT**

The first item is courtroom chairs for Facility Projects. Recommend the low bid from Scott Rice for \$23,913.03 for the Via Chairs, and \$20,400 for the Boston Chairs, for a grand total of \$44,313.03.

**2) CHAIN LINK FENCE & SLUMP BLOCK WALL- FACILITY PROJECTS/ PUBLIC WORKS  
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Second item, chain link fence and slump block wall for Facility Projects and Public Works. Recommend the low bid meeting specifications from Utility Contractors Incorporated in the amount of \$57,914.50.

**3) FILENET MAINTENANCE AGREEMENT- DISTRICT COURT  
FUNDING: COURT TECHNOLOGY**

The third item, Filenet maintenance agreement with the District Court. The sole-source bid from Filenet Corporation for \$28,890.

**4) DIGITAL MICROPRINTER SYSTEM- DISTRICT COURT  
FUNDING: COURT CLERKS**

And the fourth item, digital microprinter system for the District Court. Recommend the low bid meeting specifications from Imaging Solutions for \$12,518.

Would be happy to answer questions and recommend approval of these items."

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

**Commissioner Sciortino** said, "On number four, let's talk about that for a minute. It's a substantial reduction going with a Minolta over a Canon, about \$4,000. In the backup that we have, it says that they didn't provide a remote keyboard for ADA compliance stated in the specs. Did they provide something that was similar to it or did they . . . were they questioned as to why they

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didn't?"

**Ms. Baker** said, "Yes, the Minolta unit, the vendor has stated is an ADA compliant but all of the working mechanisms are on the front of the machine, which is higher than waist level. Wherever the machine would be placed, it's up in that area. The District Court has indicated that the remote keyboard is important, because not all disadvantaged patrons have the capability of reaching up to work that machine at that level. The remote keyboard gives them the opportunity to put it in their lap or at a level in which it's more conducive for the way in which they can maneuver or work. So the District Court felt that that was a very, very important feature of the equipment that's needed.

We also went to other Canon suppliers to determine why they did not submit bids and their responses were that they did not have the right to provide this type of equipment. So what we found was Imaging Solutions, which happens to be a local vendors, has exclusive rights in this area in the state to sell this type of equipment. The Canon happens to be the only piece of equipment that has a wireless keyboard. We need that keyboard to go with the piece of equipment, because there's also software involved that will . . . is part of the configuration for all of the components to work together. So we can't say, 'Okay, we're not going to buy the keyboard, we'll order that separately and then put it together'. The equipment doesn't work like that."

**Commissioner Sciortino** said, "Okay. Well, I'm going to support the Board of Bids and Contracts but this is just another . . . I just don't know yet how . . . how other departments have emotionalized the financial crisis we're in. You know, how many people that are disabled use this equipment? How many of those people that are disabled can't raise their hand this high and this other equipment is ADA compliant so . . . and I know it's only \$4,000 and we can keep saying that, but some . . . I mean, we're in the middle of a financial crisis. We're getting ready to go through a budgeting process that's going to be very, very painful. We're going to probably have to start curtailing some social services, but yet we don't . . . I'm not saying we don't give second thought to it, but I mean it's only 4,000 here, it's only 1,000 here, this department wants it. And I don't know how to put into words my feelings here, but I would just hope that everyone that is going out for a product will understand our situation and maybe look a little harder. I mean, can they possibly live with this? It isn't perfect but it works and it saves. You know, we start saving a few thousand here or there, pretty soon we're going to talk real dollars and that's how the mindset needs to get changed. But that's the end of my comments. So, thank you."

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

**Commissioner McGinn** said, "Thank you. Commissioner Sciortino I guess made me think of something else and maybe you answered this and I wasn't paying close enough attention. Is there somebody in there that actually needs this, or is it just in case we do?"

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**Ms. Baker** said, "This is for public use. The public uses this to review records and then they have the capability to find a record and print it off. So yes, the public is actually using the piece of equipment."

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

**Chairman Norton** said, "I see no other questions. My comment would be out of the four items, three of them have to do with district courts. I notice that Jennifer is on the Board of Bids and Contracts but did Judge Ballinger and Ellen House, were they thoroughly engaged in this?"

**Ms. Baker** said, "Yes they were. Ellen was the one who presented to the Bid Board and addressed the issues. There was quite a bit of dialogue regarding this and how important the keyboard was and how necessary that keyboard was."

**Chairman Norton** said, "As far as the office equipment and some of the other things, because that has been an issue in the past and I want to be sure they're thoroughly engaged in the dialogue and the debate to come up with the recommendation. I see Ellen has walked back in now. I was just making sure that the District Court felt good about these three items from Bid Board and that you were thoroughly engaged in it, so that as we moved forward, you've had your input, you feel good about where we're at with these particular items."

**Ms. Ellen House**, District Court Administrator, greeted the Commissioners and said, "Yes, Commissioner, we were very much involved in the selection and the process and are very comfortable with the recommendations."

**Chairman Norton** said, "Okay, great. What's the will of the Board?"

#### **MOTION**

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

Chairman Norton 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, "Thanks, Iris. Next item."

**CONSENT AGENDA**

**G.     CONSENT AGENDA.**

- 1.     Lease Amendments (two) with A.J. Investments, LLC for space used by COMCARE at 1919 North Amidon.**
- 2.     Application for License to Retail Cereal Malt Beverages.**

<u>Applicant Name</u>	<u>Business Name</u>
Wayne R. Larsen and Eugene J. Vitarelli	United Golf of Wichita Inc.

- 3.     Order dated May 28, 2003 to correct tax roll for change of assessment.**
- 4.     General Bills Check Register(s) for the week of May 28 – June 3, 2003.**

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

**MOTION**

Commissioner McGinn moved to approve the Consent Agenda as presented.

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

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

**Chairman Norton** said, “Are there any other items to come before us today? Commissioner Winters.”

### H. OTHER

**Commissioner Winters** said, “Well, I’d just . . . we’re talking about community type events here in this portion of the meeting, I would share with Commissioners that we had a good meeting at the Extension Office this past Saturday on legal authorities in a crisis. Commissioner Unruh was there, I was there. Commissioner Norton shared his experiences in Haysville and I was very happy, and I hope I don’t leave somebody out, but we had the mayors of Colwich, Mount Hope, Goddard and Cheney. Mount Hope, Goddard and Cheney were new mayors and I think it was very worthwhile for them to hear some of the experiences that Commissioner Norton went through in the tornado in Haysville and I think it all, it sparked them making sure they were well in touch with what was going on in each of their communities. So, it was a good meeting and I appreciate the folks from Emergency Management folks that put it all together, and Tim, appreciate your work. But those folks did a good job in putting that meeting together and I think you’ve got plans and let you speak to that of perhaps doing it again and getting lots of people trained in this.”

**Chairman Norton** said, “Well this kind of really adds on to the Ready to Respond that Carolyn came up with a few years ago. I really believe that elected officials disengage from crisis management and we’re pushing the public to be prepared for crisis, but you know we need to understand our policy and legal authority that we have and I think that was described pretty well. This is the second in a series and this was one that I publicly invited elected officials to. My goal is to have every elected official in Sedgwick County go through this kind of crisis management/ legal authority training with the idea that we’ll be probably the only county in the state that has taken that kind of step. And I think Tom’s right. It was interesting to see that we had some mayors there. In fact, I think you’ve missed one, Ronda Mollenkamp was there too from Viola. So we had some good elected officials there. Sheriff Steed was there. Bill Meek was there. So we’re starting to build a capacity of people understanding what they have to do in a crisis.”

**Commissioner Winters** said, “Bob Martz and . . .”

**Chairman Norton** said, “Bob Martz and Paul Grey were there from the City and I think they were pretty excited. Their comments were ‘Wow, I didn’t know what I didn’t know until today’ and that they’re going to urge their colleagues to make sure they engage in this training, because we’re going to have to make some really tough policy decisions when those crisis come and we hope it’s

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never going to be bio-terrorism or those kind of issues, but we know we're going to have probably natural disasters and there's declarations and legal things we have to do there that are important. So, I think it's very important that we had that. I appreciate your bringing it up. We had a good dialogue in staff meeting about it yesterday too, as we continue to try to worry with Ready to Respond and Shelter in Place and then crisis management from the elected side.

Commissioner McGinn.”

**Commissioner McGinn** said, “Oh, I was just going to share a little something different. Sunday night I went to something that was really neat. It was called the Jester Awards and it's the second year that they've done it. Wayne Bryant puts it on and it's like a local Tony Award setting. And what was really neat was they did it just like the Tonys too. They picked, out of the 135 schools that asked for the judges to come out and watch their plays and musicals, only six were chosen and then they had supporting actors and all this stuff. And it was just great to see the talent from the area high schools and there were many high schools represented around this whole south central area and the talent that we have in the schools.

But the other thing that was exciting is you know we tend to focus on sports and this was something in the drama area and it was really nice to see the talent we have. But the kids were so excited about it, they're all like they can't wait till next year's play. And you know, in the past you don't usually hear that kind of thing and so I was just sharing that, that Music Theatre started that two years ago and I guess this year they just about sold out, so I think it's something that's going to continue in future years.”

**Chairman Norton** said, “New and exciting, thanks. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you. I just wanted to add that we went to the Central Plains Quad-County Planning Forum Monday. Commissioner Norton, Commissioner Winters were there and several members of the County staff were there that support that program and made presentation and it's just good for us to be involved and supportive, I think, of things in a regional nature, let alone the networking and the relationships that we build. But it was a productive time, and good for Sedgwick County I think.

Also, just want to keep talking about the Zoo and the kids Zoobilee is this weekend, so you all remember to get out and support the Zoo. You'll have a great time.”

**Commissioner McGinn** said, “Are you serving hot dogs?”

**Commissioner Unruh** said, “I'm not serving hot dogs. There's going to be a lot of kid food out there though this weekend.”

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**Chairman Norton** said, "A lot of kid food. And just to clear it up, quad-county is Harvey County, Butler County, Reno County and Sedgwick County. I don't know that everybody knows what Quad-County is but it's a collaboration of four of the metro counties to talk about the issues that we have. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. Well I survived Derby Days this weekend. We started out with the parade. This hand is a little longer than the other because they wanted to make sure you tossed the candy on the curb for the kids and rode in a convertible with the mayor of Derby and we had a nice . . . it was hotter than heck that evening."

And the next morning at 7:30 they had the Derby Days golf tournament on Saturday and Bill Bryant of Southwestern Bell had to carry me. I didn't help him one iota. I'm trying to go out now, this weekend, try to see if I can buy a golf swing. But it was a fun time and they had a tremendous turnout at their food court and Ottaway had all their amusements and what have you and we had a booth there and I was really surprised at the number of people that stopped by our booth and was asking questions, picked up some of our brochures. I was very pleased to see the number of staff that volunteered their time to man the booth. I mean, that's taking time out of a person's weekend is not an easy thing. And I just really had a good time. The food was great. I had my ear of corn and Indian taco.

This weekend, I made a mistake in a moment of senility. I agreed to be part of the senior citizens' team on the Relay for Life that's going to be going on Friday night all night long until Saturday morning and whatever. So, if you want to come out and watch me slowly meander around the track, on and on and on. But there's supposed to be a lot of activities and fun time for that and it's an excellent cause and I know Commissioner Gwin, when she was on there, was an advocate of it and I know Commissioner Unruh is also.

And then I guess next Wednesday we're going to have a visit from I believe Derby is coming to present to us things that are going on there, so encourage you all to maybe come a half hour early. We can have no-fat donuts and decaffeinated coffee with them. But I think this idea, this concept of having the smaller cities come on an occasional basis and just present to us what's going on in their community is informative and it makes us all part of one larger community. So, that's all I had. Thanks."

**Chairman Norton** said, "Okay. Last thing I've got is that, again today I'll be meeting with some individuals on economic development. I met earlier in the week, I met twice last week and we're taking that pretty seriously. The County is really engaged in trying to reinvent what economic development looks like in this area. It's an issue that a lot of people ran their campaigns on and it's certainly on everybody's mind, as we have so many people out of work. So, I've got another

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meeting on that and hopefully we'll eventually hammer out a real strong direction on economic development for the Sedgwick County and the region. And Tom, you've been very, very engaged in that. Any additions to that?"

**Commissioner Winters** said, "No. I just think it continues to be important. Eventually, this economy is going to come back on the upswing and we want to be ready that when business and industry starts their plans for expansions or growth or relocations that we have an active, good team in place to respond to any kind of issues that are out there and I think we're getting close."

**Chairman Norton** said, "Good. Anything else to come before us today? We are adjourned."

#### **I. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 10:36 a.m.

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

**Regular Meeting, June 4, 2003**

\_\_\_\_\_  
**TIM NORTON**, Chairman  
Second District

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

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

\_\_\_\_\_  
**CAROLYN McGINN**, Commissioner  
Fourth District

\_\_\_\_\_  
**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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

APPROVED:

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