

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 13, 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, August 13, 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; Ms. Kathy Sexton, Assistant County Manager; Mr. Rich Euson, County Counselor; Mr. Don Brace, County Clerk; Mr. Robert W. Parnacott, Assistant County Counselor, County Counselor's Office; Mr. Glen Wiltse, Director, Code Enforcement; Mr. Greg Thompson, Fire Marshal, Fire District #1; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Ms. Annette Graham, Director, Department on Aging; Mr. Jerry Phipps, Purchasing Agent, Purchasing Department; Ms. Deborah Donaldson, Director, Division of Human Services; 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. Brenda Landwehr, Member, Sedgwick County Mental Health Advisory Board.
Ms. Jean Schodorf, Member, Sedgwick County Mental Health Advisory Board.
Ms. Bonnie Huy, Sedgwick County Physical and Developmental Disabilities Advisory Board.
Mr. Wess Galyon, Wichita Builders Association.
Mr. Richard Landers, Electrical Board.
Mr. Larry Henry, Director of Maintenance, City of Wichita.
Mr. Terry Cassidy, City Manager's Office.

INVOCATION

The Invocation was led by Craig Atherton, Pastor of Trinity Baptist Church.

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES: Regular Meeting, July 23, 2003

The Clerk reported that all Commissioners were present at the Regular Meeting of July 23, 2003.

Chairman Norton said, “Commissioners, you have the Minutes of the Regular Meeting of July 23rd in front of you. What is the will of the Board?”

MOTION

Commissioner Sciortino moved to approve the Minutes of the Regular Meeting of July 23, 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, “Commissioners, I hope you will indulge me, I want to introduce a couple of young men who are here with us today. We have Andy Blakemoore and Sean Frankenburger. They are Boy Scouts and are working on their merit badges, which requires them to study public budget and attend a meeting and they chose the county. We’d like to welcome them today and if they’ve studied our budget, they may want to come forward and critique us. Are you that far along? Well, did you realize that our budget was 723 pages long when you took that on? Get the short version. Well, welcome and we’re proud of you for working on your badges and we welcome you to the county today. And Dave Blakemoore is here and he worked for the county in another lifetime. Welcome also, dad. Next item.”

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APPOINTMENTS

A. APPOINTING RESOLUTIONS.

1. RESIGNATION OF CARLOS MAYANS FROM THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "Mayor Mayans has submitted this resignation and I would ask that you accept it."

Chairman Norton said, "Well, is anyone going to make a Motion to accept it with regrets?"

MOTION

Commissioner Sciortino moved to accept the resignation.

Commissioner McGinn seconded the Motion.

Chairman Norton said, "I have a Motion and a Second. I'm sorry, Commissioner McGinn."

Commissioner McGinn said, "I just wanted to thank him personally for being my appointee on this board. I know when Carlos came on he was sincerely interested in how things are done here at the county level and wanted to take that back to the state and I know that he has other things to do right now and is very busy. But I certainly, and I know all of you did, appreciate all the work that he did to help us here locally and take that information to the state."

Commissioner Sciortino said, "And also he made it a point to really make the meetings and really actively participated, which I thought, given all the other duties he had, was very commendable."

Commissioner McGinn said, "Absolutely, his attendance was good. Thank you."

Chairman Norton said, "I see no other lights on. So, clerk call the roll."

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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 APPOINTING BRENDA LANDWEHR (COMMISSIONER MCGINN'S APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.

Mr. Euson said, "Commissioners, we have prepared a resolution that will fill the vacancy just created and this is for a four-year term that corresponds, this is Commissioner McGinn's appointment, and for a four-year term that corresponds with her current term of office and I recommend that you adopt the resolution."

MOTION

Commissioner McGinn moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

Chairman Norton said, "I have a Motion and a Second. Any other discussion? Before I call the roll, I know Brenda is here but we also have Jean Schodorf that's going to be on the Mental Health Advisory Board. Can we do both of those and then have them sworn in at the same time?"

Mr. Euson said, "Yes, I think you can."

Chairman Norton said, "Okay, I'll call the item, we'll call the next one, and then we'll have both of them come up together kind of as twins. Clerk, call the roll."

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."

3. RESOLUTION APPOINTING JEAN SCHODORF (AT LARGE APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.

Mr. Euson said, "Commissioners, this will fill one of two at-large appointments on this board. These are for two-year terms and we've prepared a resolution for that and I recommend you adopt it."

MOTION

Commissioner McGinn moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner 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 do see our new appointees here, if they would come forward. Hi Brenda, hi Jean."

Mr. Don Brace, County Clerk, said, "Please raise your right hand."

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I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Mental Health Advisory Board, so help me God."

Ms. Brenda Landwehr and Jean Schodorf, Members, Sedgwick County Mental Health Advisory Board, said, "I do."

Mr. Brace said, "Congratulations."

Ms. Schodorf said, "Thank you very much and it's a pleasure to be here this morning. Good to see all of you in action and I want to thank you for your hard work. It's been a tough year for you I know."

Commissioner Sciortino said, "Thanks to you."

Ms. Schodorf said, "Well, I hope not too much, but it has been a very, very tough year and we know that. But I would like to thank you for appointing me to this mental health advisory board. This is an area of great interest to me and the more that we know, in depth, about the services provided here in Sedgwick County the better job we can do for you in Topeka. So, thank you very much."

Chairman Norton said, "I thought maybe you wanted to know about the services in case next year's legislative . . ."

Ms. Landwehr said, "Actually, Mr. Chairman, I think we do a full-time on-call service of mental health services, because we have many of our people ask us if there isn't something unstable about us because we've taken on that task. And Commissioner Sciortino, we just want to make sure that everyone is sharing in the pain, so I'd be careful about blaming us because we have some people that have a tendency to get a little testy about that."

But I'd like to thank Commissioner McGinn for her confidence in allowing me to take this appointment and I've enjoyed the past year that I've been able to be on the advisory board and I have not been able to make as many meetings as I'd like to, because they kind of sometimes conflict with the other committees I'm holding in Topeka. But your staff has been great on keeping me updated on what's going on and it makes it very helpful for us, when we're making decisions.

It's also been very helpful with me, especially now that I'm chairing the committee that has something to do with that funding to know what's going on in our communities and the largest county that we have in the state. So, thank you very much, I appreciate this."

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Chairman Norton said, "Don't run off, we've got some comments, and I would like to thank you both for serving. I think it's critically important that we stay connected with the state, because we are a huge provider of many of the services that you guys wrestle with policy-wise and money-wise and for you to understand kind of what we're doing at the grassroots level makes it work better. Good government is a partnership of all the different entities and your willingness to serve really proves that, so I appreciate it. Commissioner McGinn."

Commissioner McGinn said, "Thank you. I want to thank you too, Representative Landwehr, for serving on this because I know you guys are busy from January to May. It's like you guys get to go to meetings from morning till night and have to go to a lot of events. And then even when you're not in session, you have lots of committees and things like that to go to. But I know personally from the time I've been here that Representative Landwehr has been passionate about this issue and we need that passion, because we need somebody that wants to dig deep and figure out how we can make as little money go as far as possible from the state and local level. And so I certainly appreciate you helping us here at the local level."

And Senator Schodorf, I certainly want to thank you as well. I know you're just as busy. You haven't been on this board, but I know you'll be very involved because I run into you everywhere I go, so I know you're out in the community and you're very well connected and I know that you're also passionate about this and so look forward to having you on there and helping us. Thank you very much."

Chairman Norton said, "Commissioner Sciortino."

Commissioner Sciortino said, "Well, you know, I look at what we're doing today and we're actually appointing four legislators to our boards and I think this is fantastic, because like both of you have said, you can better serve us and serve the citizens that we both represent by getting actively involved and seeing exactly, from where the rubber meets the road, what happens. And I think that it's very commendable, given all of the other . . . people think, well gee, you guys only have a three month job. Well, no that's not true, because you're being called upon all year and to be able to figure out a way to carve out even more time to help serve the citizens is very commendable and I just want to thank all four, because there's two more, Bonnie Huy and Mario Goico are going to be appointed here shortly to other boards and I just think it's very commendable and the citizens need to know that you are dedicated representatives serving them. So, thank you both very much. I'll send you my bill, senator."

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

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4. RESOLUTION APPOINTING BONNIE HUY (COMMISSIONER SCIORTINO'S APPOINTMENT) TO THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.

Mr. Euson said, "Commissioners, this is a four-year term of appointment, and I recommend you adopt the resolution."

MOTION

Commissioner Sciortino 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, "And I see that Bonnie did slip in at one point, so Bonnie, if you'd like to come forward, we'll swear you in too."

Mr. Brace said, "Please raise your right hand."

I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Advisory Council on Aging, so help me God."

Ms. Bonnie Huy, Member, Sedgwick County Advisory Council on Aging, said, "I do."

Mr. Brace said, "Congratulations."

Chairman Norton said, "You have a chance at the microphone, Bonnie."

Ms. Huy said, "Well, it is an honor to be appointed to the advisory board and I thank Ben Sciortino for his confidence in me. I am a champion for children, the elderly and those with special needs

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and I certainly look forward to serving.

And I also would like to add to my colleagues comments that we need to keep the communication lines open between local government and the state government. I think we're doing a much better job of that. I'm encouraged by that and I can assure you that we work hard to get our fair share for Sedgwick County and the hours are long, the pay is low but I think we have a great delegation in Topeka from Sedgwick County and I thank you again."

Chairman Norton said, "Thanks, Bonnie. We really appreciate it. Okay, and finally, clerk call the next item."

5. RESOLUTION APPOINTING MARIO GOICO (COMMISSIONER WINTERS' APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Mr. Euson said, "Commissioners, this appointment will fill a vacancy on this board and it is for a term to expire in February of 2005 and I recommend that you adopt this resolution."

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

Commissioner Winters said, "Mr. Chairman, I don't believe Mario was able to be here today."

Chairman Norton said, "Well, once again we certainly appreciate our legislators ability to join us and help us understand the critical issues we're wrestling with in the county. I think it just adds to the capacity that we have."

Commissioner Sciortino said, "Well, you know if I can just add a little bit more, it also, by their

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taking an active role in some of the boards, they can continually share with the boards and indirectly to us some of the problems and challenges that they have too. Because you're right, it's a two-way street. I think we were one of the few governmental entities that, in the beginning of the process this year, said 'Hey, we want to be part of the solution' and we looked at it as a positive thing, that we could actually come out of it more efficient and leaner and I think the state embraced that concept and they came out of last year's session leaner. There wasn't any huge tax increases from the state. We were able to figure out how to cut \$10,000,000 from our budget and still keep taxes in line, so sometimes these challenges turn out to be opportunities to excel. Unfortunately, I think we're going to have an opportunity for the next two or three years but that's still going to be okay, because in the end we're going to be a much more efficient state and county government because of it. And I applaud the hard work that you've done and I think that we reacted properly also. So, I think it's great."

Chairman Norton said, "Next item."

PUBLIC HEARINGS

- B. PUBLIC HEARINGS TWO) REGARDING WHETHER CITY OF WICHITA (CITY) HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLANS PREPARED FOR ANNEXATIONS.**
 - 1. ANNEXATION EFFECTIVE MAY 15, 1998, GENERALLY LOCATED NORTH AND EAST OF THE INTERSECTION OF MACARTHUR ROAD AND MAIZE ROAD.**

POWERPOINT PRESENTATION

Mr. Robert W. Parnacott, Assistant County Counselor, County Counselor's Office, greeted the Commissioners and said, "This is a required public hearing under the statute, under the annexation act, that you hold, five years after any annexation where the city has had to prepare a service plan showing what services they intend to provide to the annexed area. As you can see from the map, this is north and east of the intersection of MacArthur and Maize Road, it looks like. It's known loosely as the Mid-Continent Industrial Addition annexation I believe.

The purpose of the hearing is to hear any evidence from the City and from any landowners as to whether or not the services have been provided as per the schedule. Notice was provided by mail, as required by statute, to the landowners and to the City. The City has representatives here to speak. The service plan schedule that is involved in this particular annexation is on page five of the revised backup that you received and I didn't receive any phone calls after mailing the notice.

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Notice went out about 30 days ago, and did not receive any inquiries about the hearing or about any of the services.

And having said all that, I think it would be appropriate to open the hearing, let the City present their evidence, close the hearing if there's no one else to speak, and then make your finding as to whether or not they've provided the services in accordance with the service schedule. Following that finding, we will prepare a resolution formalizing your finding and put that on the next available consent agenda. Unless there are any questions, I will suggest you open the hearing."

Chairman Norton said, "At this point, we'll open the public hearing on the topic and I will take any comments from citizens that may want to speak. I'd ask that they limit their concerns to five minutes and please state your name and address for the record. We'll start with citizens and then I know the City is here."

Commissioner Winters said, "I think they should go first."

Chairman Norton said, "Okay. Well, then let's ask the City to come forward first."

Ms. Terry Cassidy, City Manager's Office, greeted the Commissioners and said, "With me today are a number of department and division heads that can respond to particular questions you may have about services provided by the City of Wichita to this newly annexed area.

We do believe that we are in compliance with the service plan requirements. I have a short report I would be happy to present to you orally, as well as in writing, to give you an overview of the work that we've done in that area.

OVERHEAD PRESENTATION

Basically, what I have done is replicated the table that was in the service plan that Mr. Parnacott referenced and the first four columns, reading from left to right, are the columns as they were indicated in the service plan. The actions column I've added to explain the services that we have provided.

In the area of street maintenance, that service was proposed for this area. We were to do the work upon annexation. It's financed by the City at-large. The work that's been completed is that the streets in the area are basically asphalt mat streets in good to fair condition. The City performed an ultra-thin asphalt resurfacing of these streets in the summer of 1999. Since that time, we've performed routine maintenance of the streets and the ditches on an as needed basis.

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Local street improvements were proposed for the area as required. Timing was upon petition, financing to be 100% by benefited properties. There was no particular action, other than that referenced above provided by the City of Wichita.

Highway improvements were not proposed for the area. No action by the City on that item. County arterial street improvements, the county's role was to widen 39th Street from 151st Street West to Meridian. That, at the time of the development of the service plan, that action, the timing for that was undetermined but it was anticipated to be beyond the year 2001. No action required by the City of Wichita on that item.

City arterial street improvements, not proposed for the area. Street lights, yes those were proposed, timing undetermined. The cost for the street lights, there's no cost for the installation. There is an \$89 per light, per year charge paid by the City at-large. Lights were installed in 1999 on Norman, York and Midco Streets.

Ditch cleaning, yes that was proposed for the area to occur upon annexation. Cleanings have been performed on an as needed and routine basis since the time of that annexation. Culvert cleaning, same situation required for the area upon annexation and paid by the storm water utility. Again this has been performed on an as needed and routine basis.

Gutter lanes for the area, proposed as required, upon petition. Costs above an eight inch size service are paid by the City, the balance by benefited property owners. This area was subdivided upon annexation. A water line was extended by the City to Maize Road to serve the area. The annexed areas along the north side of K-42 are supplied water by Rural Water District 4, while the annexed areas south of K-42 are areas in which the City of Wichita owns and operates water distribution services and that is as of April 17th of this year.

With the newly completed water distribution system improvements, the fire protection system in the area was brought to City standards, allowing the fire department to lift its moratorium on non-residential construction in the area.

Water laterals, as required, upon petition and 100% by benefiting properties. No action required by the City of Wichita on that item.

Fire hydrants, three hydrants were added after annexation, 12 other existing hydrants, originally serviced by the county were assumed by the City upon annexation. And with that water distribution system, which was installed, the adequate fire protection via hydrants and water supply and flow and volume have met City standards in that area now.

Sewer mains, as required, upon petition, the sewer service infrastructure is accessible to all of the annexed areas, with the possibility of an extension to the annexed area along the north side of K-42.

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One exception to this is the address of 3810 Midco, which has shown no interest in having public sewer service extended to its site.

Sewer laterals, as required, upon petition, again paid 100% by benefiting properties. No action required by the City of Wichita.

Fire protection, provided by the City and the county, via the first responder agreement which we have with you, our portion paid by the City at large. Fire department is currently providing service from Fire Station 17, which is located at 10651 West Maple. They have a response time of 7 to 8 minutes to this area. Service is also provided by Fire Station 12 at 3400 South Meridian with a 6 to 7 minute response time and fire protection also provided, on the basis of the first responder agreement between the City and county. The Sedgwick County fire station which provides service is Station 34 located at 3915 West 71st Street South, has a 12 to 13 minute response time.

Our fire department has responded to a total of 61 alarms in this area during the time of annexation. This includes five fires, 38 medical or rescue calls and 28 good intent and other types of calls. The fire prevention division has identified occupancies that require inspections. Those inspections have been conducted annually since 1998.

Police protection was proposed to be provided by the City upon annexation and paid by the City at-large. The area is part of police beat 18 and the patrol west bureau. Since January 1st of 1998, the area has generated a total of 117 police calls, most of those relatively minor in nature. There were no murders, rapes or robberies reported in the vicinity. The area is largely industrial, as you know, but does provide police with challenges due to drag racing in the area. Because the area is largely desolate and industrial, unoccupied at night, many street racers find their way to this destination and the police department has been working diligently on correcting the problem for the last couple of years.

Additional parks, no additional parks were required to be provided to this area, so no action required by the City of Wichita on that item. The same is true for public libraries, no additional facilities were required by the service plan.

City building code enforcement, it was proposed upon annexation to be paid by the City at-large and user fees. The office of Central Inspection has not received or initiated any housing or zoning enforcement cases in this area. OCI has issued nine building permits, with the total permit valuation of 7.3 million dollars and has performed required code inspections on all of the permitted construction.

City health code enforcement proposed for the area, to be paid at the time of this service plan by City and county at-large and user fees. Environmental health has resolved one complaint regarding

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environmental code compliance and has conducted two inspections regarding water quality concerns.

Additional services, above and beyond those required by the service plan, were the installation of street signage in this area. It was not proposed for this area. We did change the streets signs out in June of '98, new street signs, stop signs and speed limit signs were installed to meet City standards and the City has maintained those signs since their installation.

I'd be happy to respond to any questions, or as I mentioned, we have other staff members here who could speak to particular questions about services delivered."

Chairman Norton said, "At this point, I see no questions. Stay tuned though, we may have some. I will open it up to any citizens that may want to comment on this particular item, so if there's anyone here that would like to comment, we would ask that you come forward at this time. Is there anyone else that would like to comment on this delivery of services? Okay, if not, I will close the public hearing portion and we will limit the comments to the bench. Any questions of the Commissioners? Commissioner Winters."

Commissioner Winters said, "Thank you very much. Well, I'm going to be, having heard no real conversation here from the public, and I think Terry gave a very good report and it certainly looks all right to me. The only comments that I have really heard are this issue of drag racing and the kids wanting to be out there and I think some of the businesses have actually hired some security to try to help put a stop to that. So, I hope that the police department will remember that, and keep that.

And the only other question was the mowing and care of the ditches in the area and I don't think that that was a serious problem, but it was a question that was raised of they weren't for sure whether the county was supposed to be looking at these ditches or whether it was the City, but neither of the issues, from the property owners were to the extent that they were raising serious major concerns about the continuation of this annexation.

So, with those two comments, I think I'm certainly going to be supportive of moving forward."

Chairman Norton said, "Okay. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you. Just to pick up, the one comment I heard was again about the ditches. Maybe just for public clarification, you indicated as needed or on a routine basis. Could you quantify what 'routine basis' means? Is that like once a year you do it or whatever, just so that they'll know. I know 'as needed' means if there's a lot of stuff and somebody calls, you clean it up immediately, but what's the routine maintenance program?"

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Mr. Larry Henry, Maintenance Engineer, Department of Public Works, City of Wichita, greeted the Commissioners and said, "Routine maintenance on ditches would generally be generated by complaints and the mowing of the ditches is typically required of the property owners adjacent. So, if we get drainage complaints, where we've got blockages and we need to clean dirt and reshape the ditches, then we would go in and do it on a complaint basis."

Commissioner Sciortino said, "Okay, so routine maintenance means only if you get a complaint will you clean out the ditches."

Mr. Henry said, "Yes, except if we get into a neighborhood and we see that the complaint was here but we also have other issues in the neighborhood, then we'll go in and clean out the neighborhood."

Commissioner Sciortino said, "Okay, thanks."

Chairman Norton said, "I see no other . . . Commissioner Winters."

Commissioner Winters said, "I have a comment I guess and it's somewhat related but not exactly. On this map that's up there now, those three lots in the upper right hand corner, I believe that Sedgwick County owns those lots and I think that the City of Wichita has brought that property to the north and the surrounding for extension near the airport. I don't know of any reason why Sedgwick County needs to continue to own those lots. They were taken as the intersection there of Tyler and K-42 was built. So, Terry, I don't know if you want to carry that message back or if you want to investigate that. If the City of Wichita has purchased that other property surrounding those lots, we probably, I would think these lots would be much more valuable to you than they would be to Sedgwick County, but that's just if somebody wants to investigate that, I'm sure we could come to some conclusion. Thank you."

Chairman Norton said, "What is the will of the Board at this point?"

MOTION

Commissioner Sciortino moved that the City has extended services as provided for in the service plan.

Commissioner Winters seconded the Motion.

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

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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. ANNEXATION EFFECTIVE MAY 8, 1998, GENERALLY LOCATED AT EAST DOUGLAS AVENUE, EAST OF GREENWICH ROAD, NORTH AND SOUTH OF CENTRAL, AND WEST OF 127TH STREET EAST AND K-96.**

POWERPOINT PRESENTATION

Mr. Parnacott said, "This is like the Henry the Eighth song, second verse, same as the first. This is the second hearing of the day. That dates me, I suppose. And I will make this brief. I will incorporate my remarks earlier as to the purpose and the statutory requirements. I will note that we did provide also notice, as required by the statute, by mail to the landowners, to the city involved. In this case I did get one phone call, a woman inquiring about some sewer connections I believe. It was early on and she would not leave her name, said she would call back, never did call back. Other than that, I didn't receive any other contacts regarding the issues raised by the service plan.

In this case, the service plan is found of page 53 of the regular backup and same recommendations, open the hearing, hear the evidence, close and then make the finding and we'll do a resolution. Any questions?"

Chairman Norton said, "At this point, I'll open the public hearing and receive public comment on this particular annexation. Is there anyone that would like to speak to this issue? Okay, City?"

OVERHEAD PRESENTATION

Ms. Cassidy said, "Thank you, Chairman Norton. Once again, I've completed the same exercise, using the table contained in the service plan, outlining services that are required for the City of Wichita to complete upon annexation.

First service required for us to complete is street maintenance, proposed to be done upon annexation and paid for by the City. You may recall, this particular annexation is basically a second phase of the first annexation that we held the hearing on in January, so there is some crossover that you're

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going to see in terms of some street maintenance, street light installations and things like that.

Basically, regarding street maintenance, this area includes two blocks of residential streets. Prior to the service plan, the streets were resurfaced with a chat seal by the county. Since annexation, city street maintenance forces, on an as needed basis, have performed routine maintenance. Some of the streets have been patched. We know they're going to require some major rehab in the future.

Local street improvements, nothing was required through the service plan. There are improvements that are needed but at this point, no action has been taken by the City of Wichita regarding requirements in the service plan.

County arterial street improvements, at this point of the creation of the service plan, the widening of Central, Greenwich and 13th Street North were to be done between 1998 and 2000, paid for at-large. Those were county projects, no action by the City of Wichita.

City arterial street improvements did involve the widening of Greenwich, between Central and Kellogg. We did this in 1998 and it is completed.

Street lights were proposed for the area within six months of annexation. No cost for installation, again \$89 per light, per year for the operation. Lights were installed south of Central, east of Greenwich, on Jackson Heights, Douglas, Garnett, and 1st Street in 2002. Lights on Elson, 3rd, 2nd, Bernice, Zelta and Douglas were installed in 2001.

Water mains as required, but none were anticipated at the time of this service plan. Those would be handled upon petition. Once again, cost for sizing above eight inches are paid for by the City of Wichita, the balance by benefiting properties.

The annexed areas are provided water by the City of Wichita. Customers in this area who do receive water service from the City experienced a rate reduction upon annexation. Customers outside the city limits pay a 57% surcharge on their water usage.

Water laterals, as required by subdivision development, again upon petition. Again, the City will pay for upsizing above eight inches. No laterals have been petitioned for new subdivisions in this area. This is a highly developed residential area, with little opportunity for additional development.

Fire hydrants, five have been installed at the request of the City Fire Department. That was at the time of annexation. Ten additional hydrants have been added to the area, due to development.

Sewer mains, since the annexation of this area the City has acquired the Four Mile Creek Sewer District, provides the operation, equipment and maintenance of that district.

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Sewer laterals were proposed as required. The sewer infrastructure is accessible to the entire annexed area. Upon annexation, the sewer customers, as the water customers, experienced a reduction in their rate, due to the fact that out of City of Wichita customers pay a 57% surcharge on their sewer bill as well.

Fire protection, provided by the City and county through the first responder agreement. The City is providing fire protection from Fire Station 15, which is located at Lincoln and Rock Road, with a 5 to 6 ½ minute response time. Fire Station 18, located at 2808 North Webb has a 7 to 8 minute response time and also answers calls into this area. The response from county Fire Station 38, which is at 1000 North 143rd East is approximately 3 ½ to 6 ½ minutes. Plans are underway to add another eastside fire station, but the location and the completion time have not yet been determined.

The Wichita Fire Department has responded to a total of 715 alarms in this area since annexation. This included 31 fires, 464 medical or rescue alarms and 220 good intent or other types of call. Fire prevention division has identified occupancies that require inspections and these have been completed annually since the annexation.

Police protection is proposed to be provided by the City upon annexation and paid for by the City. This area is part of Police Beat 39 and the Patrol East Bureau. Since January 31st of '98, the area has generated a total of 1,074 police calls. Most have been minor, such as miscellaneous reports, lost property, motor vehicle accidents. There have been no murders or robberies in the area and one reported rape. There have been a few burglaries, which were mostly to residential property.

Overall, there are relatively low numbers of part-one offenses for this area. There is one neighborhood association in this area that's not very active. Police officers have tried to start a second association and also a neighborhood watch program, but there was not sufficient citizen interest for either of those.

Residents in the area complain about juvenile loitering and drinking areas, but there have been few official complaints or police reports to document the problems.

Parks, the closest park located is a mile and a half away, that's Harrison Park. A nearby larger park is proposed in the park plan. Timing for that is uncertain. Harrison Park is a 40-acre park located on Webb Road, between Lincoln and Harry. During the past five years, park staff have investigated other locations for large, regional parks in this area, including the possibility of acquiring a large parcel of land that was complete with a lake to be developed into a recreation park area. This parcel has since been acquired privately and is currently in private development.

No libraries were proposed for this area, no additional branch libraries, so no action was required by

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the City.

City health code enforcement was proposed to be assumed upon annexation. Code enforcement and water quality issues have been dealt with by environmental health. These include three complaints, which were resolved on environmental code compliance issues. Twenty-one inspections were conducted for Real Estate transactions involving wells and on-site sewer systems. Two existing well samples were completed, 20 new well inspections were done and two new waste water facility inspections.

City building code enforcement became our responsibility upon annexation. The office of Central Inspection and responded to and initiated three code enforcement complaint cases, that includes two housing cases, one zoning case. OCI has issued 46 building permits, 41 of which were for new homes. They have a total permit valuation of approximately four and a half million dollars and OCI has performed the code inspections that are required on all of this permitted construction.

Additional services which the City performed that were above and beyond the requirements of the service plan include the installation of street signage. The street signs were changed out in January and February of '98. New street name signs, stop signs, speed limit signs and other signage were installed to meet city standards. We continue to maintain those.

Storm water services, which were performed above and beyond the requirements include 300 catch basins that were cleaned by the City of Wichita, for a total cost of about \$1,800.

I'll be happy to respond to any questions, as would the staff who are here with me today. As before, I do have hardcopies of all of this report information for the Commission."

Chairman Norton said, "At this point . . . well, I do see a question. Commissioner Unruh."

Commissioner Unruh said, "Well, not a question, just a comment. I drive by this addition every day on my way to and from work and I haven't received any comment or question or request about what has been happening out there.

Back in January, when we did the Gilders Garden annexation, there was a comment about street lights, but I think that's been resolved, so I'll be fully supportive of this request, not having any complaints registered."

Ms. Cassidy said, "Appreciate that, thank you sir."

Chairman Norton said, "At this point, I would ask if there is anyone else in the audience that would like to speak to this issue, either pro or con? Seeing no one else, we will close the public

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hearing and limit the comments to the bench. What is the will of the Board?"

MOTION

Commissioner Unruh moved that the City has extended services as provided for in the service 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."

C. CODE ENFORCEMENT.

1. PUBLIC HEARING AND RESOLUTION REGARDING ADOPTION OF THE NATIONAL FIRE PROTECTION ASSOCIATION 70 NATIONAL ELECTRICAL CODE, 2002 EDITION, AS AMENDED.

Mr. Glen Wiltse, Director, Code Enforcement, greeted the Commissioners and said, "Wes Galyon, with the Wichita Area Builders Association called me just a few minutes ago and said he would be a little bit late and was asking if we could put this one off until we go through the other ones, if that would be possible."

Chairman Norton said, "Will of the Board?"

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Commissioner Winters said, “Do we need a Motion, Mr. Counselor, to take something out of order?”

Mr. Euson said, “I think maybe just a Motion to defer this until the end of the agenda would be appropriate.”

MOTION

Commissioner Winters moved to defer Item C-1 until the appropriate time.

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. PUBLIC HEARING AND RESOLUTION REGARDING ADOPTION OF THE UNIFORM PLUMBING CODE, 2000 EDITION, AS AMENDED.

Mr. Wiltse said, “The Uniform Plumbing Code adoption is basically an update of a previous code that we have on the books now. We do have a five-member board that assists staff in reviewing the adoption or the updates of all of the code provisions.

The code is approximately 400 pages in length on the plumbing code itself and it’s quite extensive, so it does take a considerable amount of time of staff and also the board. The board is a five-member board that consists of the trade, contractors, it could consist of the journeymen and masters within the trade also. Staff works in a secretary type capacity and the board makes the decisions on the amendments that are presented.

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The amendment, as presented today, is everything that the board has recommended. Also, the fee increases, the license fee increases that we have recommended have been unanimously voted on by the board and approved by the board.”

Chairman Norton said, “And we need to open a public hearing, is that what I understand?”

Mr. Euson said, “That’s correct.”

Chairman Norton said, “At this point, I will open the public hearing to accept comment on Item C-2. Is there anyone that would like to come before us and comment on Item C-2, the Uniform Plumbing Code? I see no one at this point. I will close the public hearing and limit and comments to the Bench. I see no comments, so what is the will of the Board?”

MOTION

Commissioner McGinn 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, “At this point, I see that Wes Galleon has made it, so maybe we should go back to C-1. So, clerk call that item.”

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1. PUBLIC HEARING AND RESOLUTION REGARDING ADOPTION OF THE NATIONAL FIRE PROTECTION ASSOCIATION 70 NATIONAL ELECTRICAL CODE, 2002 EDITION, AS AMENDED.

Mr. Wiltse said, "This code adoption is also reviewed by a five-member board and they consist of the contractors, the journeymen and masters, plus we have an electrical engineer on the board. This includes the amendments that the board has unanimously put in and left the code as written. It also includes the license fee increases and the permit fee increases that the board has also approved.

There is one issue within the documents itself that has been discussed at numerous ones of the board meetings, Wichita Area Builders' Association, Wes Galleon has attended and I believe some of the contractors. This is what they call an arc fault interrupter. This is a new devise that actually went into the 1999 national electrical code, went into affect, which we current have in affect now, the installation of this arc fault interrupter and has been since I believe January 1 of 2002.

They have been installed. There's been discussion with the Wichita Area Builders' Association and our trades board. Our board has chosen to leave that devise within the code but the 2002 code expands that to other areas within the bedroom area itself and previously it was only used for the receptacles. Now the expansion would include light fixtures, smoke detectors, any type of devise, switch or anything within that.

The devise, technically, and I'm not an engineer and I'm not an electrician, so bear with me a little bit, the devise basically senses an arc within the wire itself or the appliance. Now I'm sure all of you are used to what they call the ground fault interrupter that you'll see in the bathrooms and kitchens and that's a totally different devise. That senses a grounding default. So this is a new devise that has been looked at by the code groups. It's certified through Underwriters Laboratory, but there's discussion nationwide. There's pros for it. There's some opposition against it, but it's been in our code since January 1 of 2002 and the board chose to leave it in there.

But like I say, our staff works as the secretary to the board and the board made the decision to leave it in. So, at this time, I know Wes Galleon is here. He wants to speak, I believe in opposition for it and then our president of the board is also here, Richard Landers with Landers Electric."

Chairman Norton said, "Okay. At this point I would open it up to public comment. If there's anyone else that would like to speak pro or con to this subject, we'd ask them to come forward. Good morning, Wes."

Mr. Wess Galyon, Wichita Builders' Association, greeted the Commissioners and said, "I appreciate the opportunity to speak before you for a couple of minutes this morning. I'm appearing this morning on behalf of the codes and standards committee of our association and we are

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generally supportive of the adoption of the proposed electrical code that you're seeing in front of you this morning.

But in supporting that, we're also requesting that certain provisions in the code that would require the installation of the arc fault circuit interrupters in the bedrooms of newly constructed and remodeled homes be amended out.

I will tell you that none of our builders or contractors have a problem with installing devices in homes that make them safer but the fact is, we're not convinced that AFCIs perform and consistently function as they are represented to by the various manufacturers of the products. I was at the meeting of the National Association of Homebuilders' Codes and Standards Committee in March of this year and one of the manufacturers of the device is a representative of . . . Cutler Hammer is the manufacturer, a representative of that company was in that particular codes committee meeting and because of the diversity of opinion and the information that is out in the marketplace as to whether these devices function as represented, or whatever. The representative for Cutler Hammer was asked pointblank, if you hadn't been able to get the model code groups to require this, by virtue of inserting provisions in this code, do you think you would be selling many of these devices, and his honest answer was 'Probably not' because of the diversity of opinion that exists out there.

To be absolutely fair and honest, it is true that some tests show that the devices work as represented. However, others do not and it's our position that until such time as there is more agreement in the industry than there presently is and I mean the entire industry, not just a segment of it, that these devices work consistently and do the job that they're purported to do, then we don't think builders and remodelers ought to be required to install them in new homes and remodels.

I have a CD here. I will leave this with you, if it's your desire. It's an independent test that was done by an electrical engineer. It shows an AFCI being tested and it shows clearly that it wasn't doing the job that it was purported to do.

Also, I've been staying in contact with representatives of our national codes and standards committee and they advised me that the efforts that were underway to expand the use of this device, they've pulled back on this. This is not our national group, the other group, and that actually they're looking at redefining the technology.

And with that in place, what we're suggesting is that we think with AFCIs and other things that are currently being installed in houses and have been for some time, there is a good safety measure. We don't see this as an in fact improvement across the board, as it's purported to be. It adds some additional cost. It varies depending on who you talk to what those costs are, from maybe 100 bucks

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to several hundred, depending on the size of the home and what has to be done and whether it's a newer remodel.

But opinion is the jury is really still out on the real effectiveness of this product and until such time as there is greater agreement within the industry and the various segments of it, we think we ought to stay with what we've got and not give people the sense of security that we're incorporating something in their house that may do something it isn't doing, that's where we're at.

We made this same presentation to your counterparts across the street. They happen to agree. The provisions in the code were excepted out. However, they did put a proviso in their decision that we ought to take a look at this about every six months and see what kind of progress is being made. We don't have a problem with that and if it gets to the point . . . when and if it gets to the point that there's greater agreement, then we'll be the first to step and say we ought to include it. But right now, we have an honest difference of opinion.

Just because someone was able to lobby a model code group and get it into the provisions of the code and that happens because they spend a lot of money on research and development to sell product and I understand their motivation for doing it. It is not necessarily a good reason to require it. That's where we're at and I'd stand for any questions that you might have."

Chairman Norton said, "Thanks, Wes. I don't see any at this point. Anyone else like to speak to this issue?"

Mr. Richard Landers, President, Electrical Board, greeted the Commissioners and said, "When Wes first came to us and presented this, I went out personally and called several people on the code making panel for the NFPA and talked to them about the arc fault breaker. I've talked to Cutler Hammer, such as he has. I've talked to Square D. I know that the arc fault breaker has been tested by the UL and has met the requirements as specified and they have put their stamp on it.

The arc fault breaker is a breaker that all of you, at one time or another have probably turned on a light switch and heard a buzzing sound. That's an arc that's occurring in the switch. The same thing can happen in the walls of a house and if it's around flammable material, it can cause a fire and most of the fires that occur, occur in the bedroom areas, if they're . . . even electrical fires in a house, they're in that area. That's the reason they put it in the code to have it adopted to put it in the bedroom areas. The 1999 code said that in the year 2000 . . . it was 2001 I believe, that they would put the arc fault breaker on receptacle circuits in the bedrooms. Now they have said that they want to, in the new code, the 2002 code, they want to extend it to where it would be put on all

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wiring within the bedrooms so that they would have the protection on all the wiring, including the wires that are hidden inside the wall.

After looking at it and trying to determine whether or not this was . . . the device has functioned properly or not, the UL says they do. There was some question about whether they could be tested in the field. At first, we were told there were no hand testers in the field. There are testers available now to test these devices. The National Electrical Code is a code that is made up by insurance companies, fire departments, contractors, manufacturers, all across the spectrum of the industry and it's very difficult to get anything added to the code. The only thing that they will even accept, in the way of trying to get added to the code is a life safety or a property safety issue. And the national committee took this under advisement and after reviewing all the things, felt that it was a life safety and property safety issue.

And the board has always viewed it and the code is written as a minimum safeguard, minimum practical safeguard of life and property and for that reason, the board would urge that the provision be left in the code.

I did talk to John, the chief electrical inspector in the county, since the provision was put in in 2001 for it to be installed in the bedrooms on the receptacle circuits. He says that it has been in the county and he has not had any complaints from anybody, any of the electrical contractors putting them in in the county. We would ask that we would go ahead and leave the code, the 2002 code as it is, but if it needs to be, we would request that it at least be left on the receptacle circuits. I think that the wiring in the bedrooms as a whole should be protected. Thank you."

Chairman Norton said, "Okay. Is there anyone else that would like to speak?"

Mr. Greg Thompson, Fire Marshal, Fire District #1, greeted the Commissioners and said, "I'm in agreement with the board in the fact that to leave this provision in the amendment to protect these circuits in those bedrooms. One of the things, just as we need a smoke alarm or a circuit breaker when a problem occurs, we also need the AFCI protection when a problem occurs and we really need it.

If a fuse or a circuit breaker cannot detect a hazardous arcing current that is below its time current opening characteristic, arcing faults are frequently below this characteristic. That and the fire origin shows the need for this protection. We have recent reports that have been established by the National Association of State Fire Marshals, and according to the National Fire Protection Association and the National Fire Incident Reporting System data, during a five-year period from 1994 to 1998, there was an average of 73,000 total electrical fires annually, which were responsible for 591 deaths, 2,247 injuries and property damage totally \$1,047,900,000.

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The electrical problems that led to these fires went undetected by conventional circuit breakers. Of those 73,500 electrical fires, 60,900, or 82% were caused by arcing and not by overloads or short circuits. It may not be realistic to expect the AFCIs to detect the 82% of all conditions that cause fires from electrical and the cited report does not expect that.

However, the conclusion indicates that a high percentage of these cases in which at least one authoritative source finds arcs to be a cause worthy of attacking. The AFCI does just that and does it effectively. It's our position and my position from the Fire District that we continue to leave this in here. I would not buy a car today without seatbelts or without air bags and I find that this type of protection in a home, these are one of the first things that will prevent a fire.

The typical current circuit breakers that we have today to protect against overloading, but the arcing and the things that we do see out here in the day to day field investigations, arcing is a major cause and we feel that this is one of the first protections that are needed.

Smoke detectors, they will detect the fire, but they don't prevent the fire. These will prevent fires. Do you have any questions? Thank you."

Chairman Norton said, "Commissioner Sciortino, do you have questions of Greg?"

Commissioner Sciortino said, "I have a question of Greg. Explain to me maybe and then also the public what does this piece of equipment do exactly. I mean, I live in my home, I'm in my bedroom, something is wrong. What happens? What does this product do?"

Mr. Thompson said, "I'm kind of like Glen. I'm not an electrical engineer."

Commissioner Sciortino said, "Okay, let me get . . . is there an electrical engineer here that can explain that to us? There we go."

Mr. Landers said, "I'm a contractor, but the arc fault breaker will sense arcing in the wiring system, and it will turn itself off, just like a standard breaker does on an overload. So, if you overload it, it turns off. This turns off if there's arcing present in the wiring system."

Commissioner Sciortino said, "Okay, it . . . the main thing flips a switch and the electricity doesn't work. Okay. Now, if I'm a homeowner and my lights aren't working in my bedroom, I'm going to go down to my circuit breaker and, 'Oh, it tripped a circuit breaker' and turn it back on again. So how does that protect me from a fire?"

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Mr. Landers said, "It will continue to trip and if it trips, anytime a circuit breaker trips, and I hope everybody realizes this, anytime there's a circuit breaker that trips, there's probably a cause for it and it should be investigated. Most people will go in and turn a circuit breaker back on and then it will trip again, and they'll turn it back on until they wear out the breaker and it's doing its job to try and say, 'Hey, don't run it because there's something wrong'."

Commissioner Sciortino said, "Okay, but I mean, from a practical purpose, I usually, if I'm doing something at my home and I trip a circuit breaker, I know maybe I've temporarily overloaded a line or something and I'll go and trip it back on and everything is fine. I don't immediately call an electrical contractor to come out to my house and investigate my whole wiring. So why am I going to do something different in the bedroom that I don't do in the living room?"

Mr. Landers said, "Well, the problem that they're checking is the arcing within the wiring system and when it trips, then it's saying there's a problem. You can turn it back on and maybe the arcing will not be present at that time and you can still use it. But if it reoccurs on a regular basis, you need to have it checked, because there's a potential for fire hazard there and that's what it's trying to tell you, that there's a hazard and that you're living with a hazard."

Commissioner Sciortino said, "I guess my point is, in the electrical code thing, are we going to have some kind of big notification sticker placed somewhere in the bedroom or the home so that people can get educated that that's what this new equipment is designed to protect them, because if not, I'm going to go flip my circuit breaker."

Mr. Landers said, "I'd have to turn to the people who are enforcing the code in the place to tell, but there has been quite a bit of talk about it and evidently you haven't heard about it, or you would know about it, but it hasn't been adopted yet either. So, it has been adopted in 1999 to come into play, but evidently there's still a lot of people that don't know about it."

Commissioner Sciortino said, "Well, this is brand new to me. So, thank you very much."

Chairman Norton said, "We do have some other questions. Before we do, I'd like to make sure that we've heard everyone that would like to speak. Is there anyone else that would like to come forward and speak to this issue? Anyone else in the public like to speak to the issue? At this point, I'll close the public hearing and we'll limit the comments to the bench and we may bring people back forward to ask questions to. Commissioner Unruh."

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Commissioner Unruh said, "Thank you. Whoever wants to answer, we're talking about bedroom only? These things are not required in the rest of the house."

Mr. Wiltse said, "Yes, that's correct."

Commissioner Unruh said, "And the thinking behind that is that if you have an arc in the bedroom, someone's asleep, they don't know it and that's what happens, where in the rest of the house, supposedly you'd be awake and . . . I don't understand the disparity between the bedroom and the rest of the house."

Mr. Wiltse said, "Well, it's kind of like when they started the ground fault interrupters, they started with restrooms only, because of hairdryers, those types of things and then it was expanded to kitchens. Then it was expanded to any place that there was a water source, you know like so many feet within a sink where an appliance could fall in there. So, I'm assuming that they looked at the data that Greg had talked about where the majority of the fires started in the arc faults. I'm assuming that's what they looked at, is that they were looking at 'Okay, the bedrooms is where the majority of it started'. It could be because most of the newer homes, you have more appliances in a bedroom now than what you used to. You've got big TVs, you've got big stereo. You may have all kinds of things in there compared to what used to be there."

Commissioner Unruh said, "All right. Well, that's just an interesting fact that most electrical fires start in the bedroom. I mean, that's a revelation to me. But I mean, it's probably a reasonably safe assumption that this is going to be expanded to the rest of the house in the oncoming years."

Mr. Wiltse said, "I have not attended any of the national meetings. I know John Statten, our electrical inspector has, and I don't know if he's heard any comments to that effect or not. Okay, he's saying no. But it's always a possibility."

Commissioner Unruh said, "Okay, but . . . and then one of the issues from Mr. Galleon I suppose is that this adds \$100 to \$400 to the construct of the house and it's just another cost and your concern is that it doesn't work."

Mr. Galyon said, "It adds cost and there's not empirical evidence that says they perform every time like they should. As a matter of fact, I've seen test data show they do and I've seen them in UL laboratory controlled conditions where they did. But I've also seen other tests where they don't so my point is, I don't think they're proven to the point that there ought to be an assumption that they're absolutely going to perform as the manufacturer is suggesting, across the board and we

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incur that cost right now until there's a little more agreement that they're doing what they're supposed to. I think it gives people a sense of security and I can understand people sell product and want to install it and make money. That's not the issue here. The issue is that there's not enough proof out there, from our view, that it consistently performs as they're represented to."

Commissioner Unruh said, "All right, okay, that's all I have, Mr. Chairman."

Chairman Norton said, "Commissioner McGinn."

Commissioner McGinn said, "Well, it sounds like we have a new device on the market that could potentially prevent fires in the future. But what I've heard today is I don't have all the information as to whether it's a really great investment yet. It sounds like it certainly could be.

But Glen, what did you say that the City . . . or maybe that was Wes that said the City are going to look at this in six months again or what? What was that?"

Mr. Wiltse said, "I believe that the City is looking at it in six months. Now the City, when they adopted their previous code, they amended out the requirement of the arc faults totally, even three-four years ago. Now ours, when it was adopted, it was put into it, so currently the requirement is in there and they're being installed right now, but only on the receptacle circuits themselves. Now, the proposed code expands that to everything, like light switches, any exhaust fans, anything that's within, lights, everything, anything, basically, within the bedroom itself. So, the new code expands it, but currently they are required even under our older code now."

Commissioner McGinn said, "Ours is, as of January 1, 2002, in the bedrooms right now."

Mr. Wiltse said, "Yes."

Commissioner McGinn said, "And we're looking at expansion."

Mr. Wiltse said, "That's what the new code has, yes."

Commissioner McGinn said, "Okay. I guess I would be willing to keep it as is, at this time, but would like for this issue to come back in six months. I need more information as to how good these really are. I don't want to just . . . it's kind of like somebody comes up with something new and says, 'Let's do it' and everybody has to go pay for it and then we find out it's really not that great of a deal. So, I need that information.

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The other thing is that I hate to get too far out of line with what the City is doing, because a lot of times, where the developers are developing are in areas that are soon going to be annexed by the City of Wichita and I don't want to get into a situation where we have differences in our code. And so, that would be my, I guess I'll just throw out for your input, to leave as is and then bring this back in six months, once we have better information and I would like to see that CD as well. Thank you."

Chairman Norton said, "Commissioner Sciortino."

Commissioner Sciortino said, "Wes, is that what your group is indicating, that we leave it as is and just not expand it until we get more empirical data?"

Mr. Galyon said, "We would accept that, Commissioner."

Commissioner Sciortino said, "Well, I think I'm like Commissioner McGinn. This is the first . . . I don't even understand what it is, but I do know from a practical point of view what I do in my home if a breaker . . . I don't call an electrical contractor to come and spend whatever money they would charge me just to have the privilege of being in my home to look at my wiring. I would think that . . . when you get a new horn and whistle, I always like to wait to make sure it really works and not just add cost. Like I don't think the builder's problem is it's going to add \$100 to the cost of a home. That should make or break selling a home or even \$400 should make or break selling a home, but when you start adding these little horns and whistles, there's expectations that a homeowner has when he buys it and if those aren't met, then he does feel like things just got padded in there to increase the cost.

So, I think I could be very comfortable in just maybe reviewing this every six months, to wait and to see if this product really does what it's purported to do. I'm certainly a proponent of anything we can do to improve the safety of a home, especially a fire is a scary thing. So, right now I'd be leaning toward what Commissioner McGinn indicated. So, thank you."

Chairman Norton said, "Any other questions? I just had a couple. What did the City electrical board recommend? Is that how they got to the conclusion, as a city council, that they would postpone it for six months? Obviously, they had a recommendation from folks in the industry also. How did that . . . do you know the history of that, Glen?"

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Mr. Wiltse said, "I believe . . . and Wes, you correct me if I'm wrong, I believe that their board recommended the adoption of the code as it was written. Is that not correct? Yeah. I think currently they're reviewing it through the DAB boards, or have they already taken it through."

Mr. Galleon said, "Yeah."

Mr. Wiltse said, "Okay."

Chairman Norton said, "How big is their panel, electrical board panel? Do you know?"

Mr. Wiltse said, "It's probably about the same as ours, five or six I believe."

Chairman Norton said, "Okay, and these are experts that have been appointed by the City Council and the County Commission to look into that and give recommendations."

Mr. Wiltse said, "Yes."

Chairman Norton said, "And at this point, one board has not taken the recommendation and put it on six months hold."

Mr. Wiltse said, "Right."

Chairman Norton said, "Maybe we should turn this over to Kim Setty and let her to a 'Does it Work' segment. No? Okay, that will not be my recommendation then. Commissioner McGinn."

Commissioner McGinn said, "I hate it when you don't smile right after, because then I think you're serious."

Mr. Wiltse said, "One of the things that . . . and I would like to ask Richard if this would be okay, is I'm not sure that six months is going to resolve this issue. The new code will be coming out in not to long of time actually, because it does take quite a while and I think the board would be fine with us just reviewing it at the adoption of the next code, if it could be left as it stands today. I think their concern would be they would like to leave the receptacles protected at least and maybe look at the future use of the expansion. Richard, do you think that would be acceptable?"

Mr. Landers said, "I think that would be acceptable to the Board. There was a question about the City and the county being at odds or having different inspection or different requirements. The requirement the county now has is just a little more stringent than what the City has anyways, so it wouldn't make any difference if the City does move in, they're going to have their code met. So

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there wouldn't be any problem with that, if they annex an area, because the arc fault breaker will meet their code as well."

Commissioner Sciortino said, "So it's just an addition."

Mr. Landers said, "It's just an addition to the code, but rather than go through this every six months, I don't know how fast they're getting all the data together. I know that they're working on it. The Fire Marshals' Association keeps track of all fires and they're tracking and trying to find out how effective it is, as they go on. I would assume that the board would go ahead and say if we can leave the receptacles on there, that we would wait until the next code comes out and that would be 2005 when it will be coming out, and we would review it at that time and see what the requirements of code are at that time."

Chairman Norton said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "I think Commissioner Winters is ahead of me."

Commissioner McGinn said, "I never got to comment."

Chairman Norton said, "Oh, okay. Well, . . ."

Commissioner McGinn said, "I commented on your joke, but I wasn't going to turn the light on for that."

Chairman Norton said, "I'm glad you recognized it was a joke. Thank you. Commissioner McGinn."

Commissioner McGinn said, "Thank you. I'd be willing to leave it as is, if that's what they're comfortable with. But I think too that we need to continue to look at if it needs to be in other areas of the house. And so, I guess I was going to, I guess, just make a note . . . or assistant county manager, make sure that we stay on this and that we continue to review this.

I guess it's sounding like you want to leave it in but we won't even re-review it until '05, which really is only less than a year and a half away, and I think that would give us adequate time to really understand the importance of these and whether we should ask people to spend the money and put those in their homes.

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So the only other question I had, but I see that there's other lights on, was going to ask Rich Euson how to make the Motion, if we need to change that with taking this out. But maybe it's not there, so I'll listen to what everybody else has to say."

Commissioner Sciortino said, "He can be thinking about that."

Chairman Norton said, "Commissioner Unruh."

Commissioner Unruh said, "I mean, that's my comment, is that I'd be willing to leave it as is. It seems like that is a good level of protection and wait till the next code comes out and we'll be talking about it approximately a year from today, so we should have some good evidence by that time."

Mr. Wiltse said, "And I would add too that if something comes up that this is really a bad idea, there's a lot of data that comes back that these are not totally working the way they . . . we will know about it and we would come back . . . We'd take it back to the board and through the Homebuilders' Association and bring it back immediately if something comes up the opposite direction also."

Chairman Norton said, "Okay. Commissioner Winters."

Commissioner Winters said, "Thank you. I'm going to be supportive if we can craft some kind of motion to leave Sedgwick County as is without these new additions. But I certainly want to say to Richard Landers that we do appreciate the work that you and the board do in assisting Sedgwick County. And we realize that you are experts and we certainly appreciate your comments and glad you were here today. You added a lot to the discussion and we certainly are going to stay tuned, as I'm with Commissioner Sciortino, this is really the first discussion of this I've been involved in, so this is kind of a new arena to me."

But we also . . . Wes Galleon, we appreciate your being here representing your industry and some of the questions about it and I think that's one of the things. And I think we're going to come to a good conclusion, but I was a little perplexed of hearing a board of experts say something and having an industry leader say that we need to step back here and take a careful look. But I hope this will allow us to do that.

But again, to our board, of which Richard chairs, we do appreciate your work very, very much in helping us wade through these kinds of things. So, thank you."

Chairman Norton said, "I see no other lights, so what is the will of the Board?"

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Commissioner Sciortino said, “Well, has Mr. Euson figured out a crafting?”

Mr. Euson said, “Now, Commissioners, as I understand it, you want to pass the recommended changes with the exception of the change that was recommended relating to the arc fault devices and retain that as per the 2001 standard.”

Commissioner McGinn said, “2002 standard. We’d like to leave it at the 2002 standard, is that correct?”

Mr. Wiltse said, “It’s actually a ’99 electrical code and it’s written in there and defined where they have to be installed, so we can just pull that specific code section and install it as an amendment into the 2002.”

Commissioner McGinn said, “Okay.”

Mr. Euson said, “Okay, well then in that regard, I would recommend that you adopt the resolution, with the exception that you retain the current standard relating to the arc fault devices.”

MOTION

Commissioner McGinn moved to adopt the resolution, with the exception that we retain the current standard relating to the arc fault devices.

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

Commissioner McGinn said, “I would also like to have Wes leave the CD here. We would like to take a look at that, I think.”

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Mr. Galleon said, "I'll leave you a copy."

Commissioner McGinn said, "Okay, thank you."

Chairman Norton said, "Okay. Thanks, Glen. Does that get us where . . ."

Mr. Wiltse said, "I believe so."

Chairman Norton said, "You have a pretty distinct . . ."

Mr. Wiltse said, "Yes."

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

NEW BUSINESS

D. RESOLUTION AMENDING SEC. 6-102 OF THE SEDGWICK COUNTY MECHANICAL CODE.

Mr. Wiltse said, "Commissioners, luckily this one, we don't think there's any controversy on. This is . . . we are leaving the current mechanical code intact. What we're changing is the licensing fees and the permit fees. We've increased those to match all of the other trade fees and it will increase the mechanical fees on a residential home typically anywhere from \$10 to 25, 30, 40 bucks. It just kind of depends on the size of the project and whether it's commercial or residential. But our trades board has recommended this and unanimously approved all of the changes."

Chairman Norton said, "I see no questions. I have one. When was the last time we updated these fees? Do you know, Glen?"

Mr. Wiltse said, "Would have been three years ago and that was just on the permit fees. The license fees, from what I can tell, have never been updated since they were put in, probably in the late '80s or whenever they were actually installed. So we're still considerably cheaper than what the City of Wichita charges for licensing."

Chairman Norton said, "Certainly, that length of time certainly warrants us revisiting them and looking at them, so I think that works fine. I see no questions. The will of the Board?"

MOTION

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Commissioner Sciortino 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
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “And you were right. That was not as controversial. Thank you. Next item.”

E. RESOLUTION PROVIDING FOR THE CONDEMNATION OF CERTAIN REAL PROPERTY, GENERALLY LOCATED ON THE SOUTH SIDE OF KELLOGG AVENUE EAST OF 199TH STREET WEST.

Mr. Euson said, “Commissioners, I don’t see Bob Parnacott, so perhaps I could take a stab at presenting this. We’ve presented a resolution that would authorize the county . . .”

Commissioner McGinn said, “There’s Bob.”

Commissioner Sciortino said, “He had to get his coat.”

Commissioner McGinn said, “Kind of like Superman.”

Chairman Norton said, “You had to make an entrance, didn’t you.”

POWERPOINT PRESENTATION

Mr. Parnacott said, “Pardon me, I lost track of where the agenda was. Let me . . . lost track of what I need to do here. Bring up a map. This is a project that’s part of the CIP, R-295. We’ve been working with the landowners and my understanding is the Dugan property we have come to an agreement with but we have not been able to successfully negotiate an agreement with the Schiller property and we are interested in moving forward with this and we would ask that you consider this

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resolution and approve it and authorize the Chair to sign. If there are any questions, I'd be more than happy to answer them."

Chairman Norton said, "Commissioner Winters."

Commissioner Winters said, "Mr. Chairman, I'm ready to proceed to make a Motion that we proceed. This is a project that we're working in conjunction with KDOT and KDOT is the major funder of these access roads and they have the funds available and we're doing the legwork on this project."

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Unruh seconded the Motion.

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

Commissioner Sciortino said, "Bob, I just want you to give us assurance that we used all best efforts, reasonable efforts to try to negotiate with the property, the Schiller property, in an honest attempt to . . ."

Mr. Parnacott said, "We did. My understanding in particular was they were asking for a couple of guarantees, or a guarantee to keep some trees in place that we didn't feel we could guarantee. We were trying to work with them to preserve the trees, but they wanted like a long-term guarantee that we would never, ever take those trees out. We just weren't able to give that. That was the sticking point."

Commissioner Sciortino said, "All right, thank you. That's all I had."

Commissioner Unruh said, "Is this a . . . what, a quarter-mile section, is that what it indicates?"

Commissioner Winters said, "It's slightly less than a quarter of a mile."

Commissioner Unruh said, "Okay."

Chairman Norton said, "I see no other discussion. Clerk, call the roll."

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, "Thank you for joining us, Bob. Next item."

F. DIVISION OF HUMAN SERVICES.

COMCARE

1. CONTRACT WITH FAMILY CONSULTATION SERVICES OF WICHITA, INC. TO PROVIDE MENTAL HEALTH SERVICES TO CHILDREN WITH MENTAL ILLNESS AND THEIR FAMILIES.

Ms. Marilyn Cook, Director, Comprehensive Community Care, COMCARE, greeted the Commissioners and said, "This is a contract, a renewal, with Family Consultation Services that spells out the array of community-based services that Family Consultation does for us with children and their families, children with a mental illness and their families.

The contract provides funding for three basic services. The first one is school-based services, and that is what we call Campus Connections now, it used to be called the Co-location project. That funding got cut in half this last budget period and we essentially asked the team that provides those services to decide how far a cut they could make and how many schools they can be in and they met and decided that instead of the ten schools, they would like to remain in eight of them, and so that is the decision they made and that money is going to go for the therapy services that are provided there.

It also provides partial funding now for one full-time equivalent therapist at the Wichita Children's Home who helps kids there and provides therapy services for them there and \$200,000 for therapy and medication management that's tied to the increased services we saw a couple of years ago with foster care and adoption. All of this money is coming from the state, a contract that we have, and requesting that you approve the contract."

Chairman Norton said, "Okay. Is there any discussion, questions from Commissioners? If not, what is the will of the Board?"

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MOTION

Commissioner Winters moved to approve the 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, "Thanks, Marilyn. Next item."

2. PROPOSALS TO THE U.S. DISTRICT COURT FOR COMCARE TO PROVIDE MENTAL HEALTH AND ADDICTION TREATMENT SERVICES FOR INDIVIDUALS UNDER THE SUPERVISION OF THE U.S. PROBATION OFFICE.

Ms. Cook said, "You have before you two proposals, they're pretty thick, to the U.S. District Court for COMCARE to provide mental health and addiction services to individuals under supervision of U.S. probation officers. COMCARE has had this contract for well over ten years now with this district court. These are primarily individuals who have served time and who are transitioning back into the community who have substance abuse issues that needed to be treated.

We provide three services right now and we propose to continue to provide those services and they are essentially substance abuse counseling for these individuals, some mental health counseling, including medication management for those who need it, and UA collections. There are currently 86 individuals in the program. That number will rise very dramatically once the new year starts for . . . the contract years starts. We normally have between 130 and 150 individuals but as their coffer dwindles, as the year goes on, around the seventh month, we notice less referrals. So we're at 86 now. We would anticipate, if we get this, to go back up between 130 and 150.

Our staff meets weekly with probation officers to do staffing on these individuals and we are audited on a quarterly basis and we have gotten outstanding marks on the services that we've provided to this point. There is one change in this in that this year, for the first time, the decision on

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who gets this contract will be made on a local level rather than made in Washington D.C. and there have been lengthy delays when it's been made in Washington D.C. in past. So, we're very hopeful that we will obtain this contract. We're requesting that you approve the proposals and I'd be happy to answer any questions you might have."

Chairman Norton said, "We have one. Commissioner Winters."

Commissioner Winters said, "Marilyn, does the fee for service revenue cover the cost of the people that are involved in this?"

Ms. Cook said, "Absolutely. We don't bid on contracts anymore where we can't guarantee that."

Commissioner Winters said, "Okay, thank you."

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

MOTION

Commissioner Unruh moved to approve the proposals and authorize the Chairman to sign all necessary documents, including a blanket purchasing agreement containing substantially the same terms and conditions as these proposals.

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, Marilyn. Next item."

CENTRAL PLAINS AREA AGENCY ON AGING

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3. GRANT APPLICATION TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR FUNDING OF A WICHITA FIRE INJURY PREVENTION PROGRAM TARGETING OLDER ADULTS.

Ms. Annette Graham, Director, Department on Aging, greeted the Commissioners and said, “What I bring before you today is a grant application to the Kansas Department of Health and Environment for the Wichita Fire Injury Prevention program, which will target older adults.

The program is designed to provide educational information geared toward older adults and for installations of 10-year lithium batteries, smoke detectors and alarms to reduce injuries due to fires and burns.

The program will reach up to 1,000 older adults, age 65 and older within the City of Wichita. According to the U.S. Fire Administration, the fire death risk rate among seniors over age 65 is more than double, over age 75 is triple and over age 85 three and one-half times more than the average for the population. The Fire Injury Prevention program will target low-income and minority individuals in Wichita who are statistically at higher risk for fire related injuries and fatalities.

This is a grant to the Kansas Department of Health and Environment and it is due on August 15th. Our department Minor Home Repair coordinator will conduct the education program that will be presented to older adults. These programs will be presented at senior centers and senior focus high-rise residences. There will be 450 smoke alarms that will be provided and installed and these will be done by volunteers and we will be do training for the volunteers. However, any smoke detectors that require hardwire for individuals who are hearing impaired, these will be hardwired and will be installed by a certified electrician. The grant amount is for \$10,000 and I would request your approval and authorize the Chair to sign and be happy to answer any questions.”

Chairman Norton said, “I see no questions. You did mention this was Wichita only. Is there a parallel program that serves people in the unincorporated areas and the small towns? Is there anything there?”

Ms. Graham said, “No, this was just for the City and that was part of the grant requirement. At this point in time, it was just for the City. This is a grant application, a grant that’s been available and it’s supposed to be targeted for children and the elderly. However, across the state, there has not been anyone who has applied for the grant proposal to target the elderly population. So as we worked with our contact with the Kansas Department of Health and Environment, they’ve been very supportive, have been very helpful because they really wanted to have a program available in

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the state that targeted the elderly, because those two groups are at the highest risk for heat related and fire related fatalities.”

Chairman Norton said, “Okay. Commissioner Sciortino.”

Commissioner Sciortino said, “Well, you jumped on what I was thinking about too. I mean, this being . . . it’s a little concern to me that it’s just the City of Wichita. We are asked to actually match it more than 50%, because it’s \$13,000 that we’re matching. Is that correct?”

Ms. Graham said, “That’s not a required match. That’s just a match that we will be doing with in-kind match. That is primarily through the work of our minor home repair coordinator, but there’s not a required match of that amount.”

Commissioner Sciortino said, “Well, if there’s no match required, is that correct?”

Ms. Graham said, “No match required, but that would be part of the in-kind match from our staff’s involvement.”

Commissioner Sciortino said, “I understand, but if there’s no match required, could we take the \$10,000 that we’re going to throw into the program and expand it for Sedgwick County-wide, so we can offer these safety devices to other seniors that may live outside the city limits of Wichita?”

Ms. Graham said, “The grant provides the smoke detectors, so those have to go within the City, based upon the grant. Now we will be providing . . . we can provide the education to our larger . . .”

Commissioner Sciortino said, “Well, wait. Local match in the amount of 13,364. Can I add the word dollars to that?”

Ms. Graham said, “That’s in-kind, that’s staff time. That will not be in dollars.”

Commissioner Sciortino said, “Okay, so there is no . . . my thinking process is we go buy some additional and make it a county-wide but this isn’t dollars then. This is in-kind dollars. Okay, I understand that.

Well, this is nothing to make a decision at this particular time on that, but I think this is a great service and I was just hoping that we could figure out a way to give it to other seniors, but okay, that’s all I have. Thanks.”

Chairman Norton said, “Okay.”

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MOTION

Chairman Norton moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

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."

4. GRANT APPLICATION TO WICHITA COMMUNITY FOUNDATION FOR FUNDING OF AN ELDER CARE MANAGEMENT PILOT PROGRAM TO ASSIST CAREGIVERS OF OLDER ADULTS.

Ms. Graham said, "The second grant application I bring before you today is for the Wichita Community Foundation and what we're proposing to do in this grant proposal is to provide for elder care management pilot program. This pilot program would serve employees of the Sedgwick County and City of Wichita in this for a short-term case management.

And this is a pilot project. We have done a survey among the city and county employees and there's about 5,000 employees between the two looking at the need for elder care management services. It's estimated that approximately one-third of the employees are currently providing care to a loved one, they're providing caregiver services. So this grant application and this program would allow us to provide care management to these employees and this would be to pilot a program to look and find out what the needs are, what the service utilization rate is and then be able to have that statistic and data so that we can determine the need and help and try to provide some type of services similar to this for other employees or other agencies or businesses that might be willing to purchase a service like this.

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From the recent survey we did with City and County employees, 88% of the caregivers who responded to that indicated that they would make use of a caregiver coordinator service, that that would be helpful to them. This is going to be modeled after model programs that have proven effective across our country. Companies such as the Bank of America, Johnson and Johnson, Fannie Mae, John Hopkins University and the Social Security Administration of Baltimore have provided this type of services in their company.

A recent study calculated that American businesses lose between \$11,000,000,000 and \$29,000,000,000 each year due to the employee's need to care for loved ones aged 50 and older. This is through having to leave work early, taking days off, having to turn down promotions, increased use of sick days to provide this care to their loved ones and not being as productive at work.

So this is a pilot project that we are requesting \$10,000 from the Wichita Community Foundation to try and provide the services and have some data to back up the need for that, as we look at the possibility of providing that for other companies as a fee for service in the future. So, I would be happy to answer any questions."

Chairman Norton said, "Okay, we have one. Commissioner Sciortino."

Commissioner Sciortino said, "Could you be specific in giving us some examples of what benefits an employee that is a caregiver will receive through this grant?"

Ms. Graham said, "Yes. We will have a staff person who will be available to provide information and assistance, referrals, assessments. They can work with the individual to try to see what their situation is, what the needs are, what resources are out there and hook them up with the resources so that they'll be able to utilize the services available in the community and be less stressed and less focused on that situation at home and also to deal with crisis situations."

Commissioner Sciortino said, "And presently, if there's a caregiver in Sedgwick County that isn't a City of County employee, where do they go?"

Ms. Graham said, "Through Older Americans Act, under the Central Plains Area Agency on

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Aging, which we also administer, we do have caregiver services available that individuals can contact.”

Commissioner Sciortino said, “But if you’re an employee of Sedgwick County or the City of Wichita you can’t access that?”

Ms. Graham said, “Yes you can access that. This pilot project is modeled after services that are available in other companies where the company actually provides that as a benefit. It’s similar to the employee assistance program, but it’s more senior focused and focused on care giving. So it is a service that’s available, but this is more focused and it’s more like a work benefit, an employee benefit. So it’s modeled after those programs.”

Commissioner Sciortino said, “Okay, but . . . I’m just . . . I’m a little . . . Isn’t an employee of the Department on Aging a County employee? So, if I’m a County employee that’s a caregiver, don’t I already have an employee in this organization that I can go to? So is there going to be another employee that I would go to, other than the one that’s already over there?”

Ms. Graham said, “No. This is not another employee. We will use existing staff, but we will be providing more intensive services, like presentations and the availability will be better publicized and they’ll know that and we’ll go to maybe do presentations over the lunch hour, different things like that.”

Commissioner Sciortino said, “Well this appears to be a way to grab \$10,000 and do absolutely nothing more with. The federal government has got the money, so let’s go grab it and do nothing more with it and that’s wasteful. Somebody’s got to show me where our employees are going to get something more than they’re presently getting and I’m not seeing it. I’m just seeing ‘There’s money out there, let’s go get it and throw it in our general funds and use it’ and that’s . . . Help me vote for it because I want to vote for it, but I just don’t see it.”

Commissioner Winters said, “Give the rest of us a chance to talk.”

Commissioner Sciortino said, “I will.”

Chairman Norton said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you. Well, correct me if I’m wrong, but this looks like a way that we’re going to have grant money to do a better job of helping our employees become more efficient, those employees who have specific care giving requirements in their family. So both us and the City of Wichita are going to be able to avail themselves of this service, where as a

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caregiver, I'm getting more specific input to me to be a better caregiver, to find the resources. I don't have to go hunting for them because I going to have an in-house person who is helping me do that. Is that a reasonable . . ."

Ms. Graham said, "Yes, that's what it is. It is a more intense level of services and more availability of that. With our federal funds that we have for this service, that's a limited amount of money and a limited amount of services. This would increase the availability of that service and we would be using some staff that don't currently do that to help do the assessments and to come and do the on-site stuff and to come to do the presentations, so it increases the availability and the service level, above what it currently is and it does also help us to be able to capture more information about the need out there. As we meet that need, we're better able to document what the existing needs are between these two employees."

Commissioner Unruh said, "Well, I mean, the practical result is that if I'm the caregiver, I'm going to be able to find out what the services are, do a better job for the person I'm responsible for and at the same time, I'm here on the job longer, so the result as a County Commissioner, I've got more productive employees and someone else is giving us the money to do that, so I'm going to be in favor of this. Thank you."

Chairman Norton said, "Okay. Commissioner Winters."

Commissioner Winters said, "All right, thank you. Annette, if I heard you correctly that you're going to look at the employees of the City of Wichita and Sedgwick County as a test pilot of find out what kind of program, what kind of benefit this could have to the employers and then, if there is a benefit there, then you would offer this as a fee for service, the Department of Aging would go to different companies, organizations in town and say, 'For a fee, we'll offer you a specific program that will help your employees who are caring for older adults', if you can make this pilot project prove itself. If you can't make this pilot project prove itself, that there is a financial gain to the City and the County as employers to make folks more productive and off work less because they're taking care of seniors, then you won't go any further."

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Ms. Graham said, "Yes."

Commissioner Winters said, "And this is not federal money, this is the Wichita Community Foundation, which is local foundation money."

Ms. Graham said, "Yes, that's correct."

Commissioner Sciortino said, "You just sold me on that. Thank you. I can support it under that auspice."

Commissioner Winters said, "So I'm not selling past the close."

MOTION

Commissioner Winters moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Sciortino seconded the Motion.

Chairman Norton said, "I have a Motion and a Second. Do we have any discussion? I just had a couple of comments."

Commissioner Winters said, "I'm sorry."

Chairman Norton said, "No, that's fine. That's one thing good about being the Chair, you generally get the last word if you want it.

As our population gets older, I think it's important that we have these studies, because we know that all of us in our lifetime are either going to be a caregiver or a recipient of care. It's just the way it's going to be and I think if we can figure out a way to service 5,000 of our employees with a benefit which also may help out the greater community if we get the right results, I think that's pretty good use of \$10,000.

It does help us with lost days and people that don't come to work and have to run out on their lunch break, not a half hour or an hour, but five hours to take care of medications or doctors appointments of whatever.

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The only thing I would challenge us to do at some point we're going to have to think about this for childcare also, I mean a way that we can access these kinds of studies for how we can help people with childcare and the sicknesses they have in the kids they're raising, because that's a great service to employees. So, I'm going to be supportive of it and hopefully the results will be positive, as we move through this. We do 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, Annette. Next item."

G. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF AUGUST 7, 2003.

Mr. Jerry Phipps, Purchasing Agent, Purchasing Department, greeted the Commissioners and said, "You have the Minutes of the August 7th meeting of the Board of Bids and Contracts and there are two items for your consideration.

**1) PRE-CAST REINFORCED CONCRETE BOXES & PIPES- PUBLIC WORKS
FUNDING: PUBLIC WORKS**

Pre-cast reinforced concrete boxes and pipes for the Public Works Department. It was moved to accept the bid from McPherson Concrete Products for \$36,044.80.

**2) SQL SERVER 2000 ENTERPRISE LICENSE- DIVISION OF INFORMATION AND OPERATIONS
FUNDING: LAND TECH FUND**

Item two, SQL Server 2000 Enterprise License for the Division of Information and Operations. It was recommended to accept the quote from Software Spectrum for \$25,453.60.

I'd be happy to take questions and recommend approval of the August 7th meeting of the Board of Bids and Contracts."

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Chairman Norton said, "An discussion or questions? Commissioner Sciortino."

Commissioner Sciortino said, "David, are there no . . . it seems to me, reinforced concrete boxes and pipes would be an item that a number of companies would be producing. How come nobody bid on it."

Mr. Phipps said, "We did call several vendors that these bids were sent to and because of the distance from Wichita that the companies are, the freight would make it prohibitive, they wouldn't be able to be compatible for bidding."

Commissioner Sciortino said, "So right now, because of geographical location, McPherson has kind of a de facto monopoly in the area, only because they're close and their transportation costs are low. Okay."

Mr. David Spears, Director, P.E., Bureau of Public Works, said, "That's one item. The other thing is, pipes are one thing, but pre-cast reinforced concrete boxes are another thing and there's not that many companies that make those and McPherson Concrete Products is the prime company in this area that makes those and the next company is several hundred miles away."

Commissioner Sciortino said, "Okay, thank you."

Chairman Norton said, "Okay. Did we have a Motion?"

Commissioner McGinn said, "I was trying to get it out."

Chairman Norton said, "Okay. Commissioner McGinn."

MOTION

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

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. Thanks, Jerry."

CONSENT AGENDA

H. CONSENT AGENDA.

- 1. Temporary Construction Easement for Sedgwick County Project 618-36; Central between 143rd and 159th Streets East. CIP# R-252. District #1.**
- 2. Addendum to Contract with Kansas Department of Social and Rehabilitation Services providing a one-month extension to the term of the original agreement.**
- 3. Agreement and Memorandum of Lease with AT&T Wireless for lease of emergency communications tower space.**
- 4. Resolution providing for the security of Plans and Specifications for the new juvenile detention facility.**
- 5. Budget Adjustment Request.**
- 6. Order dated August 6, 2003 to correct tax roll for change of assessment.**
- 7. General Bills Check Register(s) for the week of August 6 – 12, 2003.**

Ms. Kathy Sexton, Assistant County Manager and CIO, Division of Information and Operations, greeted the Commissioners and said, "I recommend your approval of the Consent Agenda."

MOTION

Commissioner McGinn moved to approve the Consent Agenda as presented.

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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, "Is there anything else to come before us today? I think we have an executive session, but is there any other items to come before us before then? Commissioner Unruh."

I. OTHER

Commissioner Unruh said, "Well, I just had a couple of things that I want to make a comment on. One, I made a request of our Clerk and Treasurer and our Appraiser's Office if they could have Bel Aire's mailing address register Bel Aire. It was a very important issue to the elected people and the citizens of Bel Aire and so I just want to publicly thank those folks and our Clerk, Don Brace, for accomplishing that and folks in Bel Aire are very happy and they did good work, a lot of good cooperation among those three offices.

And then secondly, I just want you all to know that I took my grandkids and wife and son and daughter-in-law out to the zoo last Saturday to have a little tour and we tasted monkey food and I mean, he opened a fresh . . . it was apple flavored. You can live on that stuff and I just want everybody to know, if things get tough, try monkey food. But beyond that, the zoo is a great place to visit and everybody ought to take advantage of it."

Chairman Norton said, "That's explains the noises and you swinging from your door facing."

Commissioner Unruh said, "I'm a strong guy now."

Commissioner McGinn said, "You bring new meaning to serving on a board."

Commissioner Unruh said, "Good. Well, the story behind that, just for a moment, is our director of our zoo, when he began his career as a zookeeper was not making very much money and he says

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as a zoo worker, he used to have breakfast every morning with the little monkey things and a cup of coffee. He says you can live on it and it's not that bad."

Commissioner Sciortino said, "What is monkey food?"

Commissioner Unruh said, "It's a little biscuit thing that you just chew on. My grandkids went 'Ooo' but it's not that bad. They feed it to the monkeys. It's food."

Commissioner McGinn said, "But what is in it?"

Commissioner Unruh said, "I don't know, Purina makes it and it's stuff and it tastes not too bad."

Chairman Norton said, "It's stuff. That's what scares me, 'It's stuff'. Okay, well."

Commissioner Unruh said, "That's all I had, Mr.Chairman."

Commissioner Sciortino said, "You elected him, folks."

Chairman Norton said, "I'm thinking maybe if I was in college and eating Ramen noodles all the time, maybe monkey food would be good, but today I don't know if I'd be going for it."

Commissioner Sciortino said, "Well, I've tried dog biscuits."

Commissioner McGinn said, "Keep your teeth white."

Chairman Norton said, "Anything else to come before us? I have several things I wanted to talk about. Last night, we experienced a power outage. I'd like to compliment Kathy Sexton and Richard Chebultz and Steve Claassen for staying relatively late and dealing with it and it ended up being pretty invisible to everybody today, but we had a pretty major catastrophe in the making and it turned out to be not our worst fears, but it was quite a mess. I found out about it about 9:30 last night and hopefully . . . I think by 11 or 11:30 it was pretty well resolved and some electricians and some of our staff took care of it. Pretty transparent but could have been really a mess.

Just a few things to come before us. We're not going to have a staff meeting next week, nor a

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commission meeting, so there's some things I wanted to throw out just to talk about. I have asked Deb Miller, the director of . . . Secretary of KDOT to come visit us and she's accepted, tentatively that is Tuesday, October 7th and she's going to be here from 10 to 3 to tour with us on whatever projects or things we want to show her around the county. So I would urge each commissioner to, if you've got a project or something you would like to show the Secretary of KDOT, let's discuss that."

Commissioner Winters said, "What day?"

Chairman Norton said, "Tuesday, October 7th. She will also be here, stay over night and I've set up a dinner . . . a chance for us to have dinner with her, maybe some city council members and some legislators just to talk about Sedgwick County and the projects that we want to move forward and make sure that we have our name in the pot for any funding through the transportation plan.

The next thing is we've talked about a Fire District workshop. I just want to be sure that continues to be on our mind as we move forward. Hopefully, that is being put together for us right now, but I wanted to be sure we're still engaged in that, thinking about it, because I think we've got some important issues before us that we need to resolve, policy-wise, on the Fire District.

I asked Deb Donaldson to be here today and I don't know that we need to discuss it, but I think we need some kind of dialogue, conversation, workshop, something on the prevention fund discussion we had during the budget. We know there's a shortfall. I think the policy decision that will be before us is whether we just take a 10% cut across the board or whether we're going to start eliminating whole programs. One of the problems I have with that is that in some cases they took a 10% cut last year or more, they're taking about a 16% cut. That is going, whether we want to or not, is going to take some of those programs . . . they're going to go away because that's not enough funding, they can't support the individual that's running it or whatever, so we need to make a policy decision. I don't know how the commission wants to do that, whether in just a Tuesday discussion or in a workshop, but I think we need to discuss that. I'd probably defer a little bit to Tom, any comments on that Tom, because you brought it up at the budget meeting."

Commissioner Winters said, "Yes, we had the discussion about part of that last Wednesday as we were talking about budgets and I think the prevention funds are something that are very important to us and the community. So I would just agree that I think we need to cut out or frame out some time, either at a regular staff meeting or a special workshop and revisit that. I think probably each of us need to get perhaps a little bit familiar with the programs again before that and then I would certainly agree, we need to have a discussion about it."

Chairman Norton said, "Do you think we need to let Deb come and give us a little briefing at a commission meeting to update us on who is getting the funds right now, how much it is, or should that just be a single thing, up and down the hall? I guess I'd kind of listen to the discussion on

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that.”

Commissioner McGinn said, “I guess, seems to me that, in trying to really grasp everything and have the time to spend, I think we need to have a workshop on this and start at that level and then once we kind of have some good discussion, we can talk about it here at the bench as well, because we’ll be well informed at that time.”

Chairman Norton said, “Okay. Well, I’ll try to put that together. I don’t know that we have to rush to judgment and do it tomorrow, but they’re going to be faced with making recommendations. When is that Deb, that you’ll start bringing that to us?”

Ms. Donaldson said, “The committee . . . we would like the committee to meet the end of this month and bring recommendations back to you the first part of September, if that’s possible.”

Chairman Norton said, “And then we can start weighing in on what we want to do.”

Commissioner Sciortino said, “Can I ask a question? Recommendations for what? The 2005?”

Ms. Deborah Donaldson, Director, Human Services said, “No, these recommendations would be based on the reductions that were made and we had worked with the consultant, as you remember, and we’re in the process of implementing that report and part of that was to get the JJA prevention funds and the county prevention funds on the same fiscal year and so there was a plan to have an extension of the current contracts for six months, and obviously there are not adequate funds to do that and so we need recommendations back in terms of looking at the performance and what those funding amounts would be.”

Chairman Norton said, “That’s really complicated, because we decided to do a six-month extension to get them both on the same cycle and now that some of the funding has gone away for the first half, we have to make some policy decisions on . . .”

Commissioner Sciortino said, “The six-month extension carried to January of 2004, did it not?”

Ms. Donaldson said, “No, this six-month extension would start in January and extend till July of 2004, and then all funds would be on the same year, which would be a July to July year.”

Commissioner Sciortino said, “Okay. So, in future budgeting years, we’re only going to be budgeting for half a year?”

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Ms. Donaldson said, "We'll budget for the full year and make appropriate adjustments if there are changes in the amount funded for the next year, just like we have this last year, based on budget considerations."

Commissioner Sciortino said, "Okay, but legally, how can we budget money into another budgeting year?"

Ms. Donaldson said, "We actually don't. It's the same thing that we do with the state funds and we have sometimes three calendar years. It's possible to do and I've checked with Finance and they're comfortable with that, but you will only budget for your regular year, but we will make appropriate adjustments, as needed."

Chairman Norton said, "I think this is why we need to have a workshop, because we need to be sure we understand that at a very deep level."

Commissioner Sciortino said, "If that's the case, did we budget funding in 2003 that was for the first six months of 2004 when we granted the extension?"

Ms. Donaldson said, "No. That's why we're having to meet, because with the new budget we have to make those adjustments for January."

Chairman Norton said, "One of the discussions will be, if we put the money into January through July, will we have enough to run all the programs the second half of the year, which is the beginning of the next cycle matching up with the JJA funds."

Commissioner Sciortino said, "I will tell you this, I for one never did get comfortable about just let's do a 10% across the board. I know, Tom, that's what you were hoping for, but I would like to, in the new reality, if we only have 'x' number of dollars, to review the programs and if there's one that's kind of on the bubble, eliminating one program, if that would mean we could fully fund the other ones, keeping with the new reality of what our budget constraints are. So, yeah, let's have a workshop and will you be making those kinds of recommendations to us, knowing the fiscal constraints that we have in the budget?"

Ms. Donaldson said, "Yes, we will be making . . . what we will do is we'll take the policy issues,

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we'll take and list those out, the pros and cons on the different directions. We'll let you know what our recommendation would be. We also will give you all the data and information the committee will be looking at, in terms of making those recommendations, so you will see exactly what they're going to be looking at and we will try to prioritize things for you."

Commissioner Sciortino said, "And could you . . . would there be a possibility you could prioritize all of the programs and rank them in how good they have been for us? Is there a way . . . any kind of ranking on that?"

Ms. Donaldson said, "We'll do ranking on every factor that we think would be relevant that we feel like we have the data or information to back it up."

Commissioner Sciortino said, "Okay."

Chairman Norton said, "And truthfully for me, it becomes a cart and horse decision. Does staff direct us to set policy or does policy direct staff and we need to have that discussion, because a broad based policy not to do 10% would maybe change what their recommendation is going to be, so we need to really have some strong discussions on what we think the policy, in general, is to guide staff or they're just going to be making random recommendations. Don't need to go into the rest of it today. Just wanted to be sure that we gave Deb time to voice that.

Jail discussion is the next thing. I've been working with the Sheriff. We've talked a lot. I know we're moving quickly towards getting to the point that we're going to get information from the consultants. But as I discussed with the Sheriff, he would like to move a little faster on the architectural things and I think we need to have that at a staff meeting again. We need to continue to have that dialogue. This is too important an issue just to let it go for three or four weeks and not have any discussion at all. So, I think we've hopefully got that under our wing.

The last two things I have, on August 29th, in Hutchinson the Lieutenant Governor is having one of his mini-summits on economic development. We're certainly invited to that. I think it would be a good idea that several of us attend it. I plan to. I don't know who else would like to, but I think that's so important to this region for us to be engaged in that, to be sure that with all the things we've done on economic development, that we're not not included.

And the final thing is on October 1st, the Lieutenant Governor plans to have the statewide prosperity summit here in Wichita. And once again, I think we need to be actively engaged in that. I volunteered for us to be totally engaged with the Lieutenant Governor and help him in any way we can to help host people from all over the state, as they came into the community to talk economic

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development. I feel passionate that we need to be a player in that. So, just thought I'd give you that information.

Anything else to come before us today? Thank you for giving me that forum to talk about things. Do we have a Motion on an executive session?"

MOTION

Commissioner Winters moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney/ client relationship relating to legal advice and that the Board of County Commissioners return from Executive Session no sooner than 11:23 a.m.

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

The Board of Sedgwick County Commissioners recessed into Executive Session at 11:14 a.m. and returned at 11:41 a.m.

Chairman Norton said, "I'll call the meeting back to order. According to state statute, we took no binding action in the Executive Session. Is there anything else to come before us, Assistant County Manager? County Counselor? Then we are adjourned."

J. ADJOURNMENT

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

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

TIM NORTON, Chairman
Second District

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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