

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 29, 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, October 29, 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 Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Sergeant Brenda Dietzman, Sheriff's Department; Mr. John Schlegel, Director, Metropolitan Area Planning Department (MAPD); Mr. John Nath, Director, Kansas Coliseum; Mr. Richard Vogt, Chief Technology Officer, Division of Information and Operations; Ms. Sandra Reichenberger, WIC Program Manager, Health Department; Mr. Ray Vail, Director of Finance, Department on Aging; Mr. Tom Pletcher, Clinical Director, Comprehensive Community Care (COMCARE); Mr. Pete Giroux, Senior Management Analyst, Budget Department; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Kent Rowe, Mayor, Longton, Ks.
Ms. Carolyn Potter, Volunteer Coordinator, KPTS.
Mr. George Capps, Member, Sedgwick County Advisory Council on Aging.
Mr. Bernard (Bud) Hentzen, Member, Metropolitan Area Planning Commission.
Mr. George Sherman, Contract Agent, Slawson Commercial Properties LLC
Mr. Greg Ferris, Ferris Consulting, Agent for Bruce and Sharon Brown.

INVOCATION

The Invocation was led by Mr. Pete Morris of Metro East Baptist Church, Wichita.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner McGinn was absent.

Chairman Norton said, "Commissioner Winters."

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Commissioner Winters said, "Mr. Chairman, I received a call from Carolyn McGinn just before the meeting started and she wanted me to remind you all that she is attending a meeting today of the REAP organization, the Regional Economic Area Partnership, as local governments throughout south central Kansas talk about water issues. And we know that Carolyn has a great deal of knowledge and interest in water issues and she felt it important to be at that meeting. She wanted the record to reflect that that's the reason she's not here and if that meeting does conclude in time this morning, and our meeting is still going on, she probably will join us later this morning."

Chairman Norton said, "So she's not just playing hooky. She's actually doing the good work of government."

Commissioner Winters said, "That's right, she's at work."

Chairman Norton said, "Well she is kind of our resident expert on water, so I'm glad she's there and maybe she can update us at a staff meeting here soon on exactly what she learned today. Clerk, call the next item."

CONSIDERATION OF MINUTES: Regular Meeting, October 8, 2003
Regular Meeting, October 15, 2003

The Clerk reported that all Commissioners were present at the Regular Meeting of October 8, 2003 and that Commissioner Winters was absent at the Regular Meeting of October 15, 2003.

Chairman Norton said, "Commissioners, what is the will of the Board? We probably should take those separately."

MOTION

Commissioner Winters moved to approve the Minutes of the Regular Meeting of October 8, 2003.

Commissioner Unruh 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	Absent
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “And then we have Regular Meeting of October 15th, 2003 and I think, Tom, you were absent for that one.”

MOTION

Commissioner Sciortino moved to approve the Minutes of the Regular Meeting of October 15, 2003.

Chairman Norton seconded the Motion.

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

VOTE

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

Chairman Norton said, “Next item.”

PROCLAMATION

A. PROCLAMATION DECLARING NOVEMBER 3 – 15, 2003 AS “MISTER ROGERS’ NEIGHBORHOOD SWEATER DRIVE MONTH.”

Chairman Norton said, “Gee, I feel like I should take off my coat off and put on a sweater and welcome everybody to the neighborhood to read this, but I would like to read this into the record.

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PROCLAMATION

WHEREAS, for over 33 years, Mr. Rogers' Neighborhood has personified a place where caring and consideration for others instills good feelings in all of us; and

WHEREAS, these messages, and the wonderful values that children continue to learn from the program, even after Fred Rogers passing, are timeless; and

WHEREAS, Fred Rogers' cardigan sweater has come to represent the gentle spirit, warmth, and nurturing of the Neighborhood; and

WHEREAS, the Third Annual KPTS Mister Rogers' Neighborhood Sweater Drive has continued to grow into a unique partnership between KPTS and other organizations and corporations, which include the Salvation Army and Four Seasons Dry Cleaners- which has gathered and distributed over 8,000 sweaters; and

WHEREAS, KPTS and its partners will hold this drive from November 3rd through November 15th, 2003.

NOW THEREFORE BE IT RESOLVED, that I, Tim Norton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 3rd through November 15th, 2003 as

“MISTER ROGERS’ NEIGHBORHOOD SWEATER DRIVE MONTH”

in Sedgwick County and recognize the efforts of KPTS and its partners by enabling the citizens of Sedgwick County to have a much warmer winter.

Dated October 29th, 2003. Commissioners, what's the will of the Board?"

MOTION

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

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	Absent
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “And I understand Carolyn Potter is here to receive the proclamation.”

Ms. Carolyn Potter, Volunteer Coordinator, KPTS, greeted the Commissioners and said, “Thank you, Commissioners. We appreciate this. KPTS has been involved with this sweater drive the last four years and we’ve been very, very successful. This year, we’re hoping the sweater drive will even be more successful.

I’d like to thank Four Seasons Dry Cleaners. They’re going to be donating an entire weekend of dry cleaning. The Salvation Army will be distributing the sweaters for us. We have partners all over town and I just want to thank the Commission for declaring the 3rd through the 15th Mr. Rogers Sweater Day.”

Chairman Norton said, “We’ll let our own version of Mr. Rogers make some comments. Commissioner Sciortino.”

Commissioner Sciortino said, “You know, they just pick on me because I’m the oldest. Could you share, we have media here and we have people watching, could you share a phone number or something if an individual wants to donate a sweater or anything?”

Ms. Potter said, “Probably maybe the easiest thing would just be to drop your sweaters off at KPTS. We have drop boxes there. We have drop boxes at all the public library locations, at MCI, Greene Vision Group has 16 locations so you could drop them there. If anyone has any questions, they could just call me at the station and I’ll be glad to . . .”

Commissioner Sciortino said, “Or could they go directly to the Salvation Army and drop one off or do they not recommend that?”

Ms. Potter said, “Not really. We’re going to gather the sweaters prior to the drive and drop them at the Salvation Army in one drop and then take them to the dry cleaners.”

Commissioner Sciortino said, “Okay, great.”

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Chairman Norton said, "Thank you for being here, Carolyn. It's a wonderful program and we're very supportive."

Ms. Potter said, "Thank you very much."

Chairman Norton said, "Next item."

DONATION

B. DONATION OF AN \$800 GIFT CERTIFICATE BY DICK'S SPORTING GOODS AND PREFERRED HEALTH SYSTEMS WICHITA OPEN GOLF TOURNAMENT, TO BE USED FOR THE SEDGWICK COUNTY SHERIFF'S DEPARTMENT RESERVE PROGRAM.

Sergeant Brenda Dietzman, Sheriff's Department, greeted the Commissioners and said, "I'm going to try to get through this today, but if I run out coughing please excuse me."

This August, Crestview Country Club hosted the Preferred Health Systems Wichita Open Golf Tournament. We worked with them, over the past several years, with the security and things of that nature. This year, we had the Reserves and the Cadets help out and as you know that they are a volunteer organization and in seven days they put in 89 hours of work, which was pretty good because most of it was during the daytime and most of them work during the day, so it was kind of hard to find people to work. So they really gave a lot of their time.

I had the privilege of working with the interim director, Roy Turner, who did an incredible job and the general manager out there, Rick Spurlan, who is always just so helpful to the Sheriff's Department, anything that he can do for us. And again, it was a successful tournament, it was a great time. Mr. Turner and a representative from the Reserves couldn't make it today because of scheduling conflicts but Mr. Turner wanted me to relay his thanks in your help for putting this on. It is out in the County and he appreciates that.

In appreciation for what the Reserves did, Mr. Turner worked out a deal with Dick's Sporting Goods to donate \$800 worth of gift certificates to the Reserves to be used as they see fit, which could be for sporting equipment in our gym down at the jail or whatever they can use that for. So, seeing that they're not here, they were going to talk today, but seeing they're not here I just ask that you sign these letters of appreciation and I will make sure that they get out to the appropriate people."

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Commissioner Sciortino said, “We’re going to have some practice golfing stuff down there, a little pitching net or a putting green or something, something that the officers can really exercise.”

Sergeant Dietzman said, “And the Commissioners as well, I assume.”

Commissioner Sciortino said, “Oh, well I didn’t know about that.”

Chairman Norton said, “Thank you. What is the will of the Board?”

MOTION

Commissioner Sciortino moved to accept the donation and authorize the Chairman to sign letters of appreciation.

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	Absent
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “Thanks. Next item.”

APPOINTMENTS

C. APPOINTING RESOLUTIONS.

- 1. RESOLUTION APPOINTING GEORGE CAPPS (COMMISSIONER MCGINN’S APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.**

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “We’ve prepared this resolution of appointment. This is for a four-year term to the Advisory Council on Aging and I would ask that you adopt the resolution.”

Chairman Norton said, “What is the will of the Board?”

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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	Absent
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “And Don Brace is here and we’ll ask George to come forward and be sworn in.”

Mr. Don Brace, County Clerk, 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.

Mr. George Capps, Member, Sedgwick County Advisory Council on Aging, said, “I do.”

Mr. Brace said, “Congratulations.”

Chairman Norton said, “George, you’re welcome to make some comments, if you would like.”

Mr. Capps said, “I’d just like to say thank you for the opportunity to serve.”

Chairman Norton said, “Well, we won’t let you run away that quick. You know, county

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commissioners have a lot of instances where we don't have all the information we need and that's why it's so important to have advisory boards and people who will step up and volunteer and help us do the good work of government. So we really appreciate you taking your time and effort to be involved in our community and help us make those tough decisions and I know Carolyn would express that if she were here today herself. Thank you very much. Next item."

2. RESOLUTIONS (THREE) APPOINTING MEMBERS TO THE METROPOLITAN AREA PLANNING COMMISSION.

- **BERNARD A. HENTZEN (AT LARGE APPOINTMENT)**
- **JOHN MCKAY (AT LARGE APPOINTMENT)**
- **RAY WARREN (COMMISSIONER SCIORTINO'S APPOINTMENT)**

Mr. Euson said, "Commissioners, the County has seven appointments to the Metropolitan Area Planning Commission and these three resolutions are actually reappointments. Two of them are at-large, which are Bud Bentzen and John McKay and then Ray Warren is Commissioner Sciortino's appointment. These can all be taken at once. These are four-year appointments and I recommend you adopt the resolutions."

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

MOTION

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	Absent
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, "And I see Bud here to take his oath. I do not see John or Ray. Are they .

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..?”

Commissioner Winters said, “I don’t see John and I don’t see Ray.”

Chairman Norton said, “Okay. We’ll ask Bud to come forward and be sworn in.”

Mr. Brace said, “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 Metropolitan Area Planning Commission, so help me God.

Mr. Bernard A. (Bud) Hentzen said, “So help me God.”

Mr. Brace said, “Congratulations.”

Chairman Norton said, “Commissioners, should I ask Mr. Hentzen to speak, or . . .?”

Commissioner Sciortino said, “He’s going to do it anyway.”

Chairman Norton said, “The podium is yours, Bud.”

Mr. Hentzen said, “I just need one minute. First of all, Commissioners, I thank you very much and I’ll do a good job. Since I was not selected as the Election Commissioner, I took the next thing that came along and again I say thank you.”

Chairman Norton said, “Thanks, Bud. We appreciate your willingness to serve. Next item.”

CITIZEN INQUIRY

D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING LANDFILLS.

Chairman Norton said, “Please give your name and address for the record and the citizen inquiries we usually allow five minutes.”

Mr. Kent Rowe, Mayor, Longton, Ks, greeted the Commissioners and said, “My residential

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address is Route One, Box 135, Longton, Kansas and I'm the mayor of Longton, Kansas and thank you for allowing me to come here today and address these issues. Probably one of the best things that happened to our county years ago was . . . a couple of years ago was a bid to site a landfill at our local rock quarry. This bid was vehemently opposed by most of the citizens of Elk County and it did start, commence a lot of reforms in the way we regard waste disposal.

I happen to be residing in that county. I'm actually originally from that county and as your former Chief of Environmental Quality Services for Sedgwick County, I shared some insight with the residents at that time. And in effect, we were terrorized into a recycle/ reuse/ recovery program which is still in its fledgling stages. We have a county plan and equipment that we do utilize for that purpose.

But I see that you all have joined in on the conga line to site a new landfill here for Sedgwick County and I know you all must be quite vexed and befuddled and terrorized yourselves in the way we handle solid waste. But I will tell you that I went to a conference week before last in Chicago which represented a number of forums: the Portland Cement Association, the Carpet and Rug Institute and the like and all are pegging their economies and the pricing of their materials on recycling, reuse and recovery for their products. Siting new landfills distorts this equation. These algorithms no longer hold and it is feared that, again, policies like yourselves implementing new landfill sites, whether they be the Kingberry site or one located under a flight path is really public health in reverse in that inevitably it is not your fault because I know you have fear because of people around you have buzzed in your ears, over the years, on these items, 'Oh, if we don't have a proper landfill then people will be dumping their trash in the ditches, people will have big mounds of solid waste in their backyards'. Well, it hasn't happened in other progressive communities.

And as I mentioned in the previous hearing that we had at the Kansas Coliseum, there is a town, a very large town in New Zealand, I happened to live there for a few years, took a college degree from that university, Palmerston, North New Zealand, 100% recycling and their products and goods are the same as ours, even diapers can be composted. They're not as good as the diapers that we have in some materials, but they have paper diapers that do work. And 100% recycling is now technologically feasible and doable. Has anybody checked that out since I've . . . I didn't think so.

So, try to break your own bad habits. Probably it comes from all of our toilet training that we've had in our youth in that we must be able to do better with cleaning up our rooms, with being able to

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deal with our own waste. And I know that we've kind of bottled you up, each county, one by one, has corralled you all into keeping the solid waste stream here in Sedgwick County. Whatever you do, I would be extremely vehement in the pricing of tipping fees. That's what it all comes down to.

The pricing of tipping fees should be increased and I'm sorry to say that with poor economic times, but if you want to pollute, if you want to contaminate, each of us individually or collectively, you should pay for it. And these monies should be used for implementing long-term plans for recycling, reuse and recovery of these valuable materials that we are blowing away.

And I know that the deal's gone down, money has changed hands and so forth and it's inevitable. We're not going to come back to where a lot of communities are right now but keep this in mind and please try to deal with these things. I'd like to be here next week as well. There are many points in which I can not cover in five minutes and a lot of them entail something very, very extremely important with regards to these landfills.

The largest manmade structures in the world are solid waste landfills. These have potentials for big problems. I'm not talking about air pollution. I'm not talking about water pollution but I'm talking about evacuating entire metropolitan areas. Now this will probably bring a smile to your face but it's doable and it can be done. I happen to be also professor for Aeronautical Science for the Air Force and we've put together . . .”

Chairman Norton said, “Kent, how much more time are you going to need?”

Mr. Rowe said, “About 30 seconds. We've put together a devise that can be used in landfills, in modern day technologies to eventually force evacuation of major metropolitan areas and I'll elaborate on that later if you want to hear about it but they are doable, existable with items over the shelf, low cost items that are readily available to anyone that wants to use them and deliver them, in the trash, on the surface to these landfills.

So, please rethink these issues. Think about this community. Think about the industry that's trying to do well in the world around us. So, thank you very much.”

Chairman Norton said, “What is the will of the Board?”

MOTION

Commissioner Winters moved to Receive and file.

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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	Absent
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “Next item.”

PLANNING DEPARTMENT

- E. CASE NUMBER CUP2003-43 (ASSOCIATED WITH ZON2003-42) – DP-266 – CREATION OF WOODLANDS COMMUNITY UNIT PLAN (CUP); ZONE CHANGE FROM “SF-20” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL AND “GO” GENERAL OFFICE ZONING; GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 21ST STREET NORTH AND GREENWICH ROAD. DISTRICT #1.**

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “The application that we have before you today is to create the Woodlands Community Unit Plan on 116 acres located at the southwest corner of 21st Street North and Greenwich and you can see the location on this plan. All of this area in here. 21st Street runs this way, east and west, and Greenwich north and south. The red corner here is existing Limited Commercial zoning, which is not part of this application. So what they are seeking is Limited Commercial on this portion of their property and general office zoning on this portion.

Their property extends for a half-mile, from 21st Street down to the now being abandoned railroad right of way and then a half mile east and west, along that railroad right of way and a quarter mile along 21st Street North. The corner piece is about eight acres total. That is not included in this

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application. The Limited Commercial portion of the application is about 67 acres and the General Office portion is about 40 acres.

This is a layout of the Community Unit Plan that they have submitted. It's a preliminary master plan for their site and on there, if you can read, parcels 10, 11 and 13, totally about a total of 15 acres are proposed for the Limited Commercial zoning but their uses on those parcels, and they're interior parcels, right in here, would be limited to office uses. And what that gives them is a pretty much a balance on the site between commercial and office uses.

They would develop along the two major arterials, 21st Street and Greenwich for retail and commercial uses. The office uses then being toward the interior. Off on the western portion of their land, on parcel number 7, they're proposing to do residential that would be compatible with the residential development that already exists immediately to the west."

Commissioner Sciortino said, "They're proposing to do residential where?"

Mr. Schlegel said, "Right in here. There's residential in here and then this parcel in here is where they're proposing to do residential as well."

Commissioner Sciortino said, "Okay, does that extend all the way to Greenwich, the residential?"

Mr. Schlegel said, "No, that parcel 7, I don't know how well that shows up, about in here is where parcel 7 would end."

Commissioner Sciortino said, "Okay. And what is just immediately to the east of parcel 7, what are they wanting to develop there?"

Mr. Schlegel said, "That would be office development."

Commissioner Sciortino said, "Okay, and then further east there?"

Mr. Schlegel said, "It would be retail and commercial along Greenwich."

Commissioner Sciortino said, "Okay, so they're putting office development kind of as a buffer between the residential and whatever they might decide on the commercial. Okay, thanks."

Mr. Schlegel said, "As you probably know, this is a very attractive site. It has a stream that runs through this site, down through here. The family that currently owns it and that lives there has been planting trees on the site for years and it's the intent of the developer that he would preserve that

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stream as a drainage reserve and maintain as many of the mature trees on the property as he possibly can. And the reason for the street layout, the way it's shown on this plan, is to fulfill that intent.

Kristi, how do I back up? As you can see from this plan, most of the land in the vicinity is currently undeveloped today, although there have been a number of recent development proposals that indicate to us that this area will become, in the next probably five years, an area of considerable development activity. I think you can probably see why that might happen on this particular graphic. You can see its proximity to the two interchanges with K-96, the designation on the land use plan for commercial development along both of these corridors. So what you have is an extension of that, that particular land use then, south along Greenwich and we're anticipating that given the development proposals and the approvals that have been made in this vicinity lately, that we will be seeing a great deal of development activity."

Commissioner Winters said, "John, I have a question right here. To the south of the proposed property, that gray, what does that represent?"

Mr. Schlegel said, "That's Raytheon property. Right on this corner there's a batch plant, asphalt/concrete batch plant and then I believe Raytheon has a parts storage facility right about in here. I think that shows up on . . . if I go back here you can see that. Here's the batch plant and I believe that's their airplane parts storage."

Commissioner Winters said, "So that's zoned Industrial?"

Mr. Schlegel said, "Yes, that's zoned Industrial."

Commissioner Sciortino said, "And that's Cornejo's operation, or that asphalt thing. Is that who is running that one?"

Mr. Schlegel said, "Okay, I see nods in the affirmative. Traffic projections that we have made for Greenwich and 21st Street North indicate that even under the current plan there will be a great deal of traffic by the year 2030 on both those arterials. Those projects don't take into account all the recent development approvals and if this particular proposal is approved we would anticipate a great deal more traffic.

The developer has agreed to participate in a traffic study to try to derive what types of street improvements are necessary in this area in order to accommodate the projected traffic. It will

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require some reprioritization of capital improvements in this area. We'll have to talk to KDOT about completing the interchange improvements at Greenwich and K-96.

At the Metropolitan Area Planning Commission meeting on September 18th, they discussed the issues relating to the traffic study and the need for that and the developers participation in that. Also the need to do interim improvements, because it will take a while for the public improvements to be made to both of these arterials, so how to coordinate the development of their property with those improvements to the streets and then also the timing of permanent improvements to Greenwich Road.

The MAPC voted to approve it, subject to platting within one year and subject to the conditions that are listed in your report. There was an agent for an adjacent property owner that was present to speak and their request was that parcels 3, 4, 5 and 14 be zoned General Office instead of the Limited Commercial. So basically, what they're asking is that the southern half of the Greenwich frontage be zoned General Office rather than Limited Commercial.

The protests received represents just shy of the 20% needed to require that a super-majority of the governing body be required for approval. And with that, I stand ready for any questions that you might have.”

Chairman Norton said, “Any questions of John right now? Commissioner Sciortino.”

Commissioner Sciortino said, “John, has the developer . . . has he presented or talked . . . I'll tell you what, I'm going to hold off my questions until I heard from the public or whatever first. I might have a question of the developer. I'll just hold off.”

Chairman Norton said, “Okay. Well it is our policy to ask for other comments from other individuals, either pro or con. So at this time, if there's any public that would like to speak, I would ask you to come forward, give your name and address, and we'll give you five minutes to comment on the zone change that is before us. Anyone?”

Mr. George Sherman, Contract Agent, Slawson Commercial Properties, LLC, greeted the Commissioners and said, “If I'd have known it was Mr. Rogers' Day I might have worn a cardigan. Slawson Companies develop real estates in a number of locations in Wichita. Our most prominent development right now is probably New Market Square on the west side of town.

We are real excited about this project. It's a unique piece of property. As was pointed out by Mr. Schlegel, there's quite a bit of terrain, from the far west side down to Greenwich there's almost 40 feet of fall through there, which if you're from the northeast as I was originally it's not a lot, but

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from here that's quite a bit. We've got that stream that runs through there and also, as Mr. Schlegel pointed out, the Kitch family, who have owned the property since the mid '50s, have been planting trees on there that whole time and there's some 60-70 foot tall cypress trees, oak trees, ash trees, a lot of trees that are unique to Wichita that mostly follow that stream bed and we've set aside that 12 or 13 acres as a reserve and also to keep the creek through and we also intend to work around all the . . . as many of the other mature trees as we possibly can.

Neither we nor the planning department often get to master plan a whole 120 acres like this and we're pretty excited about it. In addition to its unique features, it's a half-mile in two directions from exits to K-96. It's positioned on 21st Street, which as everyone knows is a major corridor, goes all the way from I-135 out to the point where it's got an entrance to the turnpike farther east. We think Greenwich Road is becoming a major corridor also, although the improvements are lagging somewhat. Down on Kellogg, right by Greenwich, we've got the new Walmart and Lowe's. At 13th and Greenwich we've got the Warren Theater and the recently announced bowling alleys. Just to the north of this site we have Regency Lakes, which has announced a pretty big plan, the first part of which will be an about 180 square foot department store. And because of that, we consider it a real challenge to respect the natural beauty of the land, work with the terrain and the trees and the creek, but at the same time take advantage of its location to bring new retailers to Wichita, maybe new office occupants and to put something together that considers its adjacency to the industrial land to the south.

It's been years since I was on the Planning Commission, but we used to call them light industrial and heavy industrial and I think the names have changed. That land is what we used to call heavy industrial. It might be general industrial now, which include uses such as concrete plants which are there now and we considered lots of uses for that end of the property backing up to there and felt that retail would work out best as it grew.

In the CUP, we've included numerous provisions that we think will help us maintain the level of quality that a development like this should have. There's a number of uses that have been excluded. You've got the list there, I don't have it in front of me, but it includes things like adult entertainment and other things that might not be appropriate out there.

We have agreed to perform a corridor study. The traffic engineers and traffic planners were legitimately concerned about the level of traffic that Greenwich in its present state can handle and we understand that. We agreed to pay the cost of a corridor study from K-96 down to Central and George Laham, who owns the property to the north, has agreed to participate in that also.

In conjunction with that, the Planning Department asked us to limit our initial development to property that can be accessed from 21st Street, and I can't read the parcel numbers from here, but we've limited the retail development until a traffic study is completed and spells out what needs to be done to move on to other steps. We've limited our retail development to the parcels that front on

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21st Street. There's one long piece that comes down 21st . . . comes down Greenwich quite a ways and we're limiting that to the north portion of it. We do have some opportunity to maybe move some of that around, but we're still limited to staying up near 21st because we're only permitted access from 21st Street or from the very first exit on the north end of Greenwich, which is a right in/right out access point. I heard a beeper. Am I out of time?"

Chairman Norton said, "How much time?"

Mr. Sherman said, "Maybe two or three minutes."

As an aside to that, right now in the CIP, the City CIP the Greenwich improvements are several years away. We and George Laham and others would sure like to see that moved up but the traffic study will address that sort of thing, as well as what we need to do along ours to continue further with the development.

I mentioned things that we have in the CUP. We've included reduced sign heights, reduced number of signs, limited access points. We've got our land coverage ratios down, I think in a pretty reasonable number. On the overall site the retail portions of the land, which include the reserve amount to about 20% coverage total. They're more dense where they're not in the reserve to average that out. And the retail and office combined I think come to about 22% when the streets and reserve and everything are considered in that.

We've spent a lot of time on this. We've done a lot of research. We have a lot of expertise. We've called on a lot of experts. We met with the Planning Department. We realize that a CUP is just a concept but we think that this is a very viable concept and the best one we could put together or that anyone could put together out there. I've got more, but I'll go ahead and answer your questions."

Chairman Norton said, "Are there any questions for George at this time? Commissioner Winters."

Commissioner Winters said, "I just have one, I guess. George then, do I understand that there are these limits that have been placed on the plan until traffic analysis and solutions have been solved and you all are in agreement with those limitations?"

Mr. Sherman said, "It wasn't our first choice but yes, we're in agreement with it."

Commissioner Winters said, "Okay, thank you."

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

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Mr. Greg Ferris, Ferris Consulting, Agent for Bruce and Sharon Brown, greeted the Commissioners and said, "I represent Sharon and Bruce Brown, who are here, if you have any specific questions for them. The Browns own the property directly to the east of the southern portion. They own a considerable . . ."

Commissioner Sciortino said, "Mr. Ferris, could you put up another slide where we could see . . . I'm asking somebody that knows how to run the machine, not you, Greg."

Mr. Schlegel said, "You want to see where they live?"

Commissioner Sciortino said, "Yeah, just one of those aerials with the different colors. Yeah, that would help, then maybe turn the lights down a little bit."

Commissioner Unruh said, "It would be better to have an actual aerial."

Commissioner Winters said, "John, can you find one of those aerials?"

Commissioner Sciortino said, "That works. Where are they, Greg?"

Mr. Ferris said, "Right there. Mr. Schlegel is pointing out the area. They actually own the property from here all the way . . . this is all the Brown's property. All of this property, right in here, down through here and through here. So, this is all property owned by the Browns."

Commissioner Sciortino said, "And how far off of Greenwich is their home? What distance is that to their home?"

Mr. Ferris said, "You can see it's not a considerable distance. It would be less than 1,000 feet because the area of influence went well past that, so it's about six or seven hundred feet."

Let me say first of all the Browns are not opposed to the passage of this CUP. They believe that proper development on this parcel is appropriate. They do not want to stop the development. They would like for Mr. Slawson to be able to develop this property in an orderly manner however. I know Mr. Sherman and Mr. Jones, the two individuals that will be working on this, excellent

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developers. They have a great reputation. However, you are not zoning the developers, you are zoning the property. That property, if it's sold we don't know who it will be, so whatever restrictions are put on are restrictions that are put on the property based on what might happen in a few years, not just what's going to happen today, so I think that's important to understand, that we're not here as a lot of neighbors and neighborhoods do to oppose something, we'd just like to see a little tweaking of this and we think it's reasonable.

Browns have an enormous investment in that property. It is not unsubstantial the amount of money they've invested in the property, their house and this area, so they have a lot to lose if this property changes or this area changes dramatically.

You've all, I believe, received a letter from me. I'm not going to go through all the details of it. I would like to point out a few items that we are most concerned about and first and foremost is Greenwich Road. It's a two-lane county road right now. It's just not suitable to handle the kind of volume of traffic that's being proposed on the southern portion of this. Staff has appropriately limited the development to the northern half and the developer has agreed to do that. However, if you read the entire proposal, they can trade the southern portion for the northern portion if they can demonstrate that there are some things and let me tell you that I've been on both sides of this and you can demonstrate a lot of things and it may or may not be what our desire today is, which is to limit that really until the roadway can handle it. So, we think that that southern portion . . . and when asking the developer what they had in mind, they don't know. They have no development plans for that and logically the development is going to occur on 21st Street. There are 24 acres along 21st Street that are allowed to be developed. That's a lot. That's a considerable size development.

To give you an idea on this parcel, this furthest south parcel, they could build a Super Target on that site based on the square footage that's allowed. So we're not talking about a bunch of small little stores. Now it might end up being that, but again, you're approving a development plan today that allows them to do whatever it says. So we think that, first of all, the northern parcel is enough development for them to begin if in fact they have a use for that southern portion, they can come in easily and ask for amendments to that CUP. It's done all the time. A good example, Bradley Fair. Bradley Fair actually developed in sections. They developed a master plan that had a lot of office. There were changes and you know what, the neighbors embraced those changes because they saw how the development actually occurred. They knew who was developing it, they saw how it happened and it was appropriate and they didn't have any problems.

There's been a lot of discussion about the industrial property to the south, but if you've been out there, that property is recessed, it's well tree-ed, generates no traffic to speak of, so it really is not . . . We don't have a big opposition to that being there and we don't believe that that justifies the enormous commercial development on the southern portion of this property.

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The plans to widen this road are not until 2010, which if you look at your policy 10 in your Golden Rules you really are limited by what is there now, not what might be in the future. The owners of property are a little concerned as well because if the developers decided to widen that road and pay for it through a special assessment process, they would pay a substantial portion of that special because they could not block it because they would not have 50% but they would be included in the benefit district, which could cost them a significant amount of money. So that's why we would like to see those parcels wait until Greenwich Road is widened. We all know what's going to happen and we think that's appropriate.

In my letter, I think I've outlined the issues of policy 10 that apply. We believe that they strongly apply. I will submit my letter to your Clerk so that it will be part of the record and we would just like to see you allow them to develop this marvelous CUP, allow them to do the parcels to the north, where it's appropriate, where 21st Street is already widened. The off-ramps that they're talking about are coming from the north and from the east. They're not going to be coming from the south, to the southern portion, so Greenwich Road will eventually be widened. We all know that. When it is, let them develop that and we probably will not have any opposition at that time. Be glad to answer any questions you might have."

Chairman Norton said, "Commissioner Unruh."

Commissioner Unruh said, "Where is the driveway to the residence? Can you show that with the pointer?"

Mr. Ferris said, "Right here, isn't it Bruce?"

Commissioner Unruh said, "Okay. And where is the area that you would prefer change the zoning?"

Mr. Ferris said, "It starts about right here and it comes right here."

Commissioner Sciortino said, "So you don't have a problem with . . . I'm sorry."

Commissioner Unruh said, "No, that's good."

Mr. Ferris said, "We don't have a problem with this area up here, even though it abuts part of our property. We understand. We're not trying to be unreasonable. We really aren't. We think that this is reasonable development, if you have this as General Office and in the future they need this as Commercial. There are other things in the CUP we could point out but you know, those aren't big

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heartburn issues to us. This is the issue and so I just want to address what the issue is. And so, we think that they can reasonably develop a significant amount.

I've spoken to developers that are out here and there is an enormous amount of light commercial property out here that is vacant, so that to add this much to the inventory, you know, . . . and the developers have . . . I try not to argue with developers. They know what they're doing, but if you look at it again, what's been done in the past as far as development, when there are large amounts of existing vacant zoning, you don't have a tendency to over-zone is my point."

Chairman Norton said, "Commissioner Sciortino."

Commissioner Sciortino said, "Greg, if I heard you right, your client doesn't have a problem in that southern half to the west for residential or for office park?"

Mr. Ferris said, "Actually, what we had proposed in the letter, Commissioner Sciortino, is that this entire area here be zoned General Office, which means they could do residential if they wanted. And so if this was zoned General Office, and that would be all of this area here, again, we believe that's an appropriate transition. We think that even they could probably develop that today, we wouldn't have any problem if that was zoned General Commercial if the restriction was lifted for the development, I mean General Office. We don't believe that's a problem because it doesn't generate the kind of traffic that three or four hundred thousand square feet of commercial zoning. I mean, that's a significant amount that's allowed under that CUP."

Commissioner Sciortino said, "I think I now have a question for the representative."

Chairman Norton said, "Any more questions of Greg before he sits down?"

Commissioner Unruh said, "Not right now."

Chairman Norton said, "Okay. Commissioner Sciortino."

Commissioner Sciortino said, "Just as kind of a general rule, normally I get a little bit uneasy about . . . I guess if you could call it speculative zoning, where there isn't a hard set plan as to what's going to be on that property.

Two questions I guess is why would you need that zoned, the southern half right now, if you haven't really decided for sure what you want on it, why is that so important that we go ahead and grant the zoning at this time? I'd like to have you respond to that and then I have a follow up question."

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Mr. Sherman said, "Sure, I guess in two words, good planning. We control that 120 acres now. The words that there's no plan for it weren't mine, they were Greg's. We do have a concept for that and the concept includes retail zoning in that area, which is actually we think the most appropriate piece for the retail zoning. It's the one that we can develop with the least impact on the trees and the streams and it backs up to heavy industrial and, you know as Greg said, your zoning the land not the developer. That land that is zoned right now has a batch plant that's way in the back, but there are quite a few things that can be done in Industrial zoning that could be worst than that. It can be expanded quite a bit from where it is now. There are trees there and we think that will provide a nice screen for retail that we do there but if we got into two or three story office buildings, they'd be looking right down into that asphalt and concrete plant.

But we think, when you control this kind of land and I think the Planning Department agrees, you need to come in with a master plan and show what your best estimate at this point for that development is and that is . . . do we have a crystal ball that says this is exactly what we can put in there? Greg mentioned Bradley Fair and I was surprised, I don't know if you were, there was just an article on Bradley Fair's new tenant that's opening, Ultimate Electronics, and that they were now down to one pad and it mentioned in that article that George has been working on that for 13 years and that surprised me. I would have guessed it was 7 or 8 and I'm in the business.

It will take time to get down there and I know Greg's concerned that it says we can trade some things off but the intension was for trading of interior office parcels and I'd limit it to that if he wanted. Also, even in the trading, there's no provision for more access on Greenwich until the traffic study says it's appropriate. We'd still be limited to being up there by the corner. Sorry if that went to far."

Commissioner Sciortino said, "No. I think the concern that was raised is legitimate and I echo what Mr. Ferris said. There is absolutely no concern on my part about Mr. Swanson and the quality of his developments, but if I heard what the concern of the people that were protesting is that there could be a Super Target store. I mean, there could be changed circumstances where you decide to sell off that land and those people would not have to come in for any kind of changes. There could be . . . I know the concept today, but the vulnerability could be that there could be something there that would put a lot of pressure on us to have to figure out how to improve the road.

Would it really be onerous to acquiesce to the request that was being made and maybe change that to GO right now, knowing that you could always come back once you finally find out what for sure you want to do with it?"

Mr. Sherman said, "Kind of two parts to that answer. The first is yes, there probably is enough square footage to do a Super Target or something similar. However, the traffic corridor study will

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set limits on when that kind of development can be done. I'm sure that based on the traffic study, nobody will be able to come in there and do any kind of development in that size realm until that road is improved to its full standards or at least some portion of it and access roads. I mean, there's no carte blanche in this to just go out there and build those things right now.

The second comment, I'll give you kind of a little anecdote that might answer that, we have the New Market development up on Maize and 21st. We have a parcel of land there which, in the original CUP and we actually didn't do a CUP there, we did a Protective Overlay. The original overlay it was listed as Office zoning. We were careful to include in the contracts of the people in the residential area that we developed nearby, a note that it would be our intension at some point in the future to rezone that to Limited Commercial. We've done that, went through the proper process and rezoned it. In the past week or so I'd say I spent a total of three or four hours talking to residents of that area that are telling me I've ruined the value of their property, I've lied to them, we've cheated, we told them it was going to be office and on and on. I think it's the responsibility of a developer to come in and proposed what they really think is going to be done there, really believe is going to be done there and that's what we believe it's appropriate for and that will be done there in the future."

Commissioner Sciortino said, "I don't have any questions further of this but I do have one of John, but I'll wait for Dave. He has a question."

Chairman Norton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you. Do I . . . am I lead to understand that there won't be any development on the south half of this, any large scale development, until the road is improved? Is that a misunderstanding?"

Mr. Sherman said, "Maybe a little bit. We're going to participate in a corridor study. The scope of that we've been working out with the City traffic engineer and other people. That study will recommend what should be done with that road in its ultimate form and also probably in intermediate forms. I can't imagine it saying that you can go in there and build a tremendous amount of commercial before the road is expanded from where it is now. Whether it can be permitted before it's at its ultimate size and shape I don't know. I'm not the traffic engineer, but we're willing to live with what those results say."

Commissioner Unruh said, "Okay. Well, what I'm trying to understand is if we can't build the large commercial that the Browns are objecting to until the road is built, but when the road is built, then they won't protest that. I'm trying to understand exactly where the conflict is. And maybe Greg would want to respond to that or did I misunderstand something there? But it seems like, when the roads built they won't protest it and then we can put large commercial."

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Mr. Sherman said, "I think the concern, and Greg can answer his half, you know my half is I think that the provision for the corridor study should provide sufficient comfort and control as it is, and apparently Greg doesn't. You know, as I was going through the uses that we've limited here, I was thinking if Greg would prefer, we'd be glad to eliminate cell phone towers. I don't have those on there."

Commissioner Unruh said, "I have one other question and that is the issue on swapping that Commissioner Sciortino brought back up again. You said you would be willing to include that? You talked about internal swapping. Maybe I didn't understand that."

Mr. Sherman said, "As the CUP is written, there's a line about here that says that the commercial development that we're permitted to do until the traffic study says otherwise is limited to this area. There's also an office piece right here that we're permitted to do during that time frame, and they are connected by that road that comes out here to 21st, by a driveway here and by a driveway here that is limited to right in/ right out. There are two or three other office parcels right in this area that were not included in that initial permission because staff thought that was too much office space. What we asked them was, okay, we're going to include this one, but if we get a developer, an office developer, an office user that wants to be say on one that's right here, as long as we keep them going out this way, can we say 'Okay, we won't develop this one but we will develop this one in the same square footage amounts'."

Commissioner Unruh said, "So it's not a swap with the very south portion of the property."

Mr. Sherman said, "We sure didn't intend it that way. If it can be read that way, we'd sure be willing to change it."

Commissioner Unruh said, "Okay."

Mr. Sherman said, "But to give you some feeling, we couldn't do this because the only access point is up here."

Commissioner Unruh said, "Okay."

Chairman Norton said, "Anything else? Commissioner Winters."

Commissioner Winters said, "George, just real briefly, we've heard the term Bradley Fair mentioned a couple of times and all of us in the community know that to be a quality development and we know the type of center that that is. Could you just briefly describe what your overall view

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of this center is? Is it going to be on the level of Bradley center or something that we would all think of that kind of quality?"

Mr. Sherman said, "Our intension is for the majority of the retail here it will certainly be at that level or above that level. We have the opportunity in the south to do some larger buildings which might be more similar to what Mr. Laham is going to do to the north. It would certainly be well done.

You know, I heard this same comment and it adds to your question that maybe there's too much retail and you know, I figure that's something that we, as developers and other people as developers try to get as good a handle as we can on. I can point out that in the latest figures we have, Wichita is about 25% below the national average in retail per capita. We're about 30% below Tulsa, 40% below Kansas City. I don't think we have more retail than we need and I think if people had listened to that we wouldn't have Bradley Fair, wouldn't have a lot of North Rock and might not have New Market."

Commissioner Winters said, "Well, I'm glad we're not making that decision. The market will make that decision. What we're talking about is the proper zoning and if the zoning were . . . thank you. That's all I have."

Chairman Norton said, "Commissioner Sciortino."

Commissioner Sciortino said, "Well, just a comment. I'm getting a little more comfortable here. If I understand about the altering of where you're going to have office space or what have you, the ingress and egress, even if you flip-flopped it, would still be up to 21st Street, not out on Greenwich."

Mr. Sherman said, "Except for one possible right in/ right out just south of it."

Commissioner Sciortino said, "And that's an existing . . ."

Mr. Schlegel said, "There is a entrance down here."

Mr. Sherman said, "But that wouldn't be available now."

Commissioner Sciortino said, "That's not available right now."

Mr. Schlegel said, "Yeah, that's correct. What George is saying is that wouldn't be part of the first phase of improvements."

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Commissioner Sciortino said, “Okay. And then you had indicated that you would be willing . . . I forgot exactly what Greg had mentioned as far as comfort level, but you had said something about you would be willing to do something and I forgot what it was.”

Mr. Sherman said, “The traffic study that’s going to be done, and I might back up a second. Originally, they talked about just doing a traffic study that just applied to our piece and then suggested that maybe it should stretch the whole quarter and they were able to get George Laham to agree to go into it, so we’re going to cover that corridor. And the City is participating in the parameters of that traffic study and what I was saying was that we are comfortable in following whatever that traffic study says. If it says that it’s got to be a full five lanes with turn lanes before anything is done down here, then that’s what we’ll have to do. If it says that a small portion of this can be developed if we add some turn lanes in that opening and a traffic signal, we’d do that. I don’t know exactly what it’s going to say.

Back to your first question, there’s one entrance in our proposed plan right here that would be right in and right out only and that could be used in this first phase of development. None of the openings down here can be . . .”

Commissioner Sciortino said, “Even if you flip-flopped the land, it would still be egressing and ingressing up there or over to that other place up north.”

Mr. Sherman said, “And if it was flip-flopped down in here anywhere, it couldn’t access this because it would have to cross this creek down here.”

Commissioner Sciortino said, “So it would have to go to 21st. Okay.”

Mr. Sherman said, “It would have to go up this way and if it’s not clear that way, we’d certainly make it more clear.”

Commissioner Sciortino said, “Yeah, I think that’s what they were asking for. John, one question of John Schlegel, just as a concept, is this proposal that’s coming to us, I use the word speculative zoning or what have you, is that uncommon or is this a pretty common thing that developers request?”

Mr. Schlegel said, “Yeah, I think, as George has indicated that at this stage of the game they don’t know exactly what type of development will occur where on that site. What they’re trying to do is get enough flexibility in the approval so that they can respond to a broad range of market demands. They just . . . as Commissioner Winters said, the market will determine what eventually gets built

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on this site and they're simply trying to build enough flexibility into the approval to allow them to respond in a variety of different ways.

I think one of the advantages of the Community Unit Plan is that, beyond just the zoning controls, there are other things built in there that will help promote a quality development, such as some of the architectural controls, landscaping controls, setbacks of buildings, sign controls and so forth and I think that's a sound approach to controlling what actually happens on the site."

Chairman Norton said, "Other questions? Okay, I've got a few. On this street that exits west on the piece there, where does that go, into another residential neighborhood?"

Mr. Schlegel said, "Yes, there's a Remmington Place I believe is immediately to the west and that will tie into a collector street that goes through that project."

Chairman Norton said, "Okay. What kind of residential will that be, multi-family, single-family, what will that look like?"

Mr. Schlegel said, "Well, we've been told so far, although George may want to add to this, we've been told so far it will be single-family. I'll let George answer that."

Mr. Sherman said, "Our thought has been the patio homes, single-family concept. Planning Department staff had suggested, as they do almost always, why won't you do some multi-family, so that's one of the approved uses could be multi-family on that site, as well as single-family. I'd point out that this stub street where that connects, the street in Remmington is already built to that point, and connecting there was a requirement, not something we came up with. We think it's a good idea."

Chairman Norton said, "Does the street that goes through Remmington, where does it exit?"

Mr. Sherman said, "It goes two directions. It primarily goes over to Webb Road, but part way along you can curve to the north and come out on 21st Street and that's all built now by those developers. I believe both from a circulation standpoint with planning and the fire department, they always like to continue those around to the section roads."

Chairman Norton said, "Okay. John, talk about the abandoned rail corridor along the south edge. That's already abandoned? The land has gone to . . .?"

Mr. Schlegel said, "The railroad has applied to abandon it. The City of Wichita has requested that it be rail banked and the City of Wichita and the railroad are in negotiations for rail banking it."

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Chairman Norton said, "So that means it could become a green space, a trail, a bike path? And it runs along 13th Street?"

Mr. Schlegel said, "Right."

Mr. David Spears, P.E./ Director, Public Works, greeted the Commissioners and said, "Seventeenth."

Chairman Norton said, "Seventeenth I mean. Yeah, okay. Go to the bigger map that had the colors on it, the zoning and everything."

Mr. Schlegel said, "This is the land use guide. I can go back further, there's a zoning map. Is that what you want?"

Chairman Norton said, "No, I think this is okay. Described was is City and what is County. Do you have a map that shows that?"

Mr. Schlegel said, "No, I do not. This site is County. The City of Wichita I think anticipates that they will be annexing it in the future. I do know that the parcel immediately to the north, the Regency Lakes parcel is within the City of Wichita and these parcels over here are, as well as to the south. This, I believe, is still in the County. So this whole quarter section is still within the County."

Commissioner Sciortino said, "And further east."

Mr. Schlegel said, "And then further east, right."

Commissioner Sciortino said, "And south, how far is it County?"

Mr. Sherman said, "I think that pink line that's on there might be . . ."

Mr. Schlegel said, "Okay, that's probably . . ."

Mr. Sherman said, "Just to the east of our parcel is in the City, east of the north portion there."

Commissioner Sciortino said, "Okay, so the pink line is . . . the river . . . Okay, that's Wichita."

Chairman Norton said, "Okay, and where will the Super Target site be?"

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Mr. Schlegel said, "Which Super Target?"

Chairman Norton said, "Well, they've certainly talked about a site."

Mr. Schlegel said, "Well, the Regency Lakes Shopping Center, which will have a very large retail establishment on it, is right here."

Chairman Norton said, "Okay. What does the infrastructure from Kellogg at Greenwich, what does it look like all the way up and down that corridor?"

Mr. Schlegel said, "You're talking about the roads? Okay, from Kellogg north to Central I know is four lanes. Help me out here. Between Central and 13th is two, and then north is two lanes on Greenwich."

Chairman Norton said, "Is the north section two-lane curb and gutter or two-lane ribbon asphalt with bar ditches?"

Mr. Schlegel said, "Yes, ribbon asphalt."

Chairman Norton said, "All the way to K-96?"

Mr. Schlegel said, "Yes, and then north of K-96 as well."

Chairman Norton said, "Okay, from Kellogg to K-96, who owns the roads presently?"

Mr. Schlegel said, "I do not know that answer. David, can you help?"

Mr. Spears said, "Well, it varies. For example, I've got a little pointer here, see that piece right there on Greenwich. That's in the city. Now, that piece down there, that's in the city. But this piece right here is still in the county."

Chairman Norton said, "Okay. North of 21st to K-96, what is that?"

Mr. Spears said, "From the looks of that map, the city."

Chairman Norton said, "We know that. They annexed it and they annexed the road. And I think their intent is, as these other things develop in here, that they will probably annex the rest of

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Greenwich Road. I know it's in their CIP to go and make improvements, it's sometime in the future, but they have programmed it in their CIP I believe."

Mr. Schlegel said, "Greg Ferris mentioned earlier that it's programmed for the year 2010, but given the development activity that's occurring out here, they're talking about reprioritizing those."

Chairman Norton said, "Well, I guess where I'm going is I don't want to get into that catch basin that we've gotten in before where there's annexations and we're left with the road. It's the truth and it happens and we've got county on both sides, we own the road and they're going to do a corridor study and are we involved in that and are we going to put any money into it? I guess that's where I'm going. I don't want to get left with a piece there that's still in the County and we have to participate in a corridor study that we'll end up helping build a road that we'll not ever maintain or do anything with."

Mr. Spears said, "Talking to Steve Lackey, with the Wichita Public Works Director and Wichita are the ones that requested the study, the corridor study, not the County and we're not involved in it and we have nothing in our CIP to improve Greenwich."

Mr. Schlegel said, "If I can speak on behalf of the City of Wichita, I think they're viewing this as an opportunity to get the improvements that are needed done in a fairly comprehensive, well integrated way, rather than doing it piecemeal over a long period of time. What they would like to do and that's the purpose of doing the traffic study early on, is do it in a well planned way."

Chairman Norton said, "Well, I'm all for that, based on what happened on Rock Road years ago, we certainly need to be thinking of that. I just want to be sure I understand how the County plays into this, since right now we own some of those roads."

Mr. Schlegel said, "Well, I think that their intent was not to assume the responsibility for that right of way and those improvements, then I think they would have been over talking with the County Public Works people about participating in that study. The fact that they haven't indicates to me that they intend to take over those roads and oversee the improvements."

Chairman Norton said, "Okay. Well, certainly it's on the record now that if they have thoughts different than that, they better come talking."

Mr. Schlegel said, "And I'll be glad to pass that concern on to them."

Chairman Norton said, "We have places around our county and it's a bone of contention with several of us that there are cities on both sides and the county owns the road and it never has made

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sense to me that they wouldn't annex the roads. So, I guess we could put up barriers and make it a toll road, but I don't know if we'd like that. That's all I've got right now. Commissioner Winters."

Commissioner Winters said, "Thank you. Commissioner Unruh has something. Did we ask if there was anybody else that wanted . . . has everyone spoke that wants to?"

Chairman Norton said, "Well, it's not really a public hearing but maybe we should, before we go on. Is that okay with you, Commissioner Unruh?"

Commissioner Unruh said, "Sure."

Chairman Norton said, "Is there anyone else that would like to speak, pro or con? Okay, thanks for reminding me, Commissioner Winters."

Commissioner Unruh said, "I was just going to try to summarize my thinking on this, if it's time for us to talk. I mean, I'm not making a Motion yet."

Commissioner Winters said, "That's what I was going to do also. You can start."

Commissioner Unruh said, "Okay, well in just trying to analyze and get my thoughts in order here, it appears to me with Limited Commercial on the north of the property and the northeast of the property, General Industrial directly south of this piece and southeast of this piece, that the property are fitting pretty much a consistent zoning pattern where this should be acceptable.

Down on 13th Street there's a big movie theater and a bowling alley is going in. With the Regency Lakes development, it looks like Greenwich is going to be a major artery for development and this plan, as presented to us, looks like it would be consistent with that. The Browns' property, although I understand their point, their entrance and exit up on Greenwich is a little bit north of where this major entrance and exit is proposed to be sometime in the future, when the road gets built enough to put in the retail and then the road can handle the traffic. So, it looks to me like it shouldn't be too much of an issue and they are several hundred feet back from the road and well screened, so in the interim . . . It just seems to me like this is a consistent, reasonable plan.

Beyond all that, when we think about the economic impact of this development, it's been mentioned about the new development out at 21st and Maize Road and I know that they've got 1,100 people or so employed out there now and the new large retailers going in that would bring another 400 jobs and they haven't finished that development, but this has a similar outlook for it and potential for it.

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Well, you know you're looking at nearly 2,000 jobs out there. We've got potential for 2,000 jobs here. I think . . . I don't want to disregard the economic impact of all that and creating jobs is important for us. You may define economic development differently than retail, but I think for all those reasons, I'm going to be supportive of this request."

Chairman Norton said, "Commissioner Winters."

Commissioner Winters said, "Thank you. Well, Commissioner Unruh, I would agree with all that you've said. I guess to comment for a moment about Commissioner Sciortino's concern over is this really an option to take the southern part and zone it General Office for the time being. I think that would really kind of defeat the purpose of the reason to have a master plan and when you can have a piece this large, 120 acres, and be able to develop that master plan, then folks will know what's going to take place, or potential to take place on the property as opposed to coming back seven, eight years from now and saying 'Oh, we want to bump this from General Office to Commercial', circumstances could be a lot different and I think there's so much open space here now that, in creating this master plan, it will allow folks to plan for the future, whether they're on this property or they're not on this property.

So I think the real question to be resolved by us is whether this rezoning is proper, even though the developer doesn't have the actual plan of what's going to happen there, because most times they don't on large projects such as this. So, I think the real question for us is just is the rezoning appropriate after we consider all the factors.

The second thing that I think about is the recommendations from the Metropolitan Planning Commission. It came with a strong vote of approval from them. As I look at kind of the character of the neighborhood, you can almost begin to think about this corridor from Kellogg clear past 21st Street to K-96. I mean, this Greenwich Road is going to be a major hub of economic activity on the east side of town. So, I think this development is going to fit into that whole process of that corridor.

And I do share the Chairman's concerns about the road, but I think John gave a good answer on how the city is going to look at this road project and I think they are going to have a plan in place, because even without this development, there's significant activity going to happen.

And then lastly, I do agree that the economic impact here is going to be pretty significant and I don't know, again, that that's the greatest zoning reason, but when I consider all that in a package, it would appear that rezoning, to me, of this property is appropriate. And I certainly do understand the Browns' concern and I hope that the project develops in a manner that is going to be fitting with the property that's there. I think there's just going to be a lot of development in this area and I'm just glad to see a good plan out there. If developments like this weren't taking place in Wichita and

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Sedgwick County, we'd all be feeling bad, I think. Thank you, that's all I have. So I'm going to be supportive of this request."

Chairman Norton said, "Any other comments from the Bench?"

Commissioner Winters said, "Before we make a Motion, I guess I would like to hear . . . because we do have . . . we're one person short today and if . . . I haven't heard exactly what the two of you are going to say and if there would be a need that we'd need to delay this, we can do that if there's still significant questions out there."

Chairman Norton said, "I certainly don't have any other questions. I think at this point I'm going to be supportive of the zone change. I know there's concerns from a property owner that has invested a lot of money right across the street, but I'm hoping that a good developer will make sure that all the rules are followed and that good zoning happens and I think we've looked at most of the concerns. I think I'll be supportive of it. And Commissioner Sciortino?"

Commissioner Sciortino said, "You want me to tell you how I'm going to vote before I . . ."

Chairman Norton said, "You do not have to tip your hand. In that case, I'd entertain a Motion."

MOTION

Commissioner Unruh adopt the findings of the MAPC, approve the zone change and CUP, subject to platting within one year and the recommended conditions, direct staff to prepare an appropriate resolution after the plat has been approved, and authorize the Chairman to sign the resolution.

Commissioner Winters seconded the Motion.

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

Commissioner Sciortino said, "Now I get to talk. If I understand it right, this only takes a simple majority, three people. It takes four of us to turn it down. I'm always leery of speculative zoning, only because of not knowing for sure what's going in. Now, Tom, I listened and you did have an impact on me. This idea if we try to get them to say General Office, but we really knew they were going to do that to maybe appease the Browns or appease somebody else, but they were really going to come back in two or three years and change it, that's misleading to somebody that might want to

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do something to property right across the street, thinking it's going to be office and not knowing that it's really a game that we're playing and I get uncomfortable about that.

I don't share the idea about it's going to be tremendous economic impact if the majority of people that buy there are from Sedgwick County. They're just taking the one dollar that they have that they may have spent at this store and spending it at this store. However, there could be job creation and that could have an impact on us, because if there's 'x' number of jobs that aren't available today but because of this development, that could be the impact.

I'll go along with you all and support this one. It's not what I would like, but there's been some good arguments. The one thing that Mr. Schlegel swayed me on, this isn't uncommon, this type of zoning. I just get a little spooky on it but anyway, that's probably the way I'm going to vote."

Chairman Norton said, "Clerk, call the roll."

VOTE

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

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

Commissioner Sciortino left at 10:31 a.m.

NEW BUSINESS

F. AGREEMENT WITH SUPER 8 MOTEL, C/O HUMPHREY HOSPITALITY, INC. PROVIDING ADVERTISING SPACE AT KANSAS COLISEUM.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, "The item before you is our standard agreement for the lease of advertising space at the Coliseum. The lodging

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property has been a partner, a marketing partner with the Coliseum in the past. This agreement will continue that relationship for another three years. We recommend approval.”

MOTION

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

Commissioner Winters seconded the Motion.

Chairman Norton said, “I have a Motion and a Second. Clerk, call the roll.”

Mr. Euson said, “Commissioners, we need a quorum. I’m sorry.”

Commissioner Winters said, “That’s all right. Three votes doesn’t win?”

Mr. Euson said, “No.”

Commissioner Unruh said, “Three votes wins but three votes is not a quorum.”

Mr. William P. Buchanan, County Manager, said, “You need four people present.”

Commissioner Winters said, “Okay, well let’s take a short recess, five minutes.”

Chairman Norton said, “I think that’s appropriate. We’ll be in recess for five minutes trying to get our quorum back at the table.”

The County Commission recessed at 10:33 a.m. and returned from recess at 10:38 a.m.

Chairman Norton said, “I’ll call the meeting back to order. Clerk, call the next item.”

Commissioner Winters said, “We have to have the vote. You made the Motion and I seconded.”

Chairman Norton said, “Okay. Call the roll.”

VOTE

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Absent

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Commissioner Ben Sciortino Aye
Chairman Tim Norton Aye

Chairman Norton said, "Okay, next item."

G. GRANT APPLICATION TO ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE AND TRIMBLE GOVERNMENT MOBILITY DEMONSTRATION PROJECT FOR FUNDING OF SOFTWARE DEVELOPMENT THAT WILL ENABLE SEDGWICK COUNTY FIRE DEPARTMENT PERSONNEL TO MAINTAIN FIRE HYDRANT INFORMATION IN THE FIELD.

Mr. Richard Vogt, Chief Technology Officer, Division of Information and Operations, greeted the Commissioners and said, "With the funds we hope to secure with this application, the Sedgwick County Fire Department and DIO will partner together to develop and build an accurate fire hydrant GIS layer and be able to store and share accurately the locations and characteristics of the 1,200 or so fire hydrants in the County.

Benefits include being able to determine more accurately, like I said, that information, being able to share electronically that information with everybody instead of just having it on printed maps where it's at now, being able to identify gaps in hydrant coverage graphically, be able to demonstrate that and identify that with some mathematical and geo-spatial formulas, be able to give dispatchers from 9-1-1 information about where the hydrants are if a fire occurs and they're dispatching a fire unit, and potentially to lower insurance rates, because location/ distance from a fire hydrant is a factor in setting some homeowner's policies. I recommend you approve the application and I'm available for questions."

Chairman Norton said, "Commissioner Unruh."

Commissioner Unruh said, "The amount of the grant, is it sufficient to complete this project?"

Mr. Vogt said, "Yes it is."

Commissioner Unruh said, "Okay. Those projects with technology seem to be very, very expensive and so I just wondered if this was enough, but okay."

Mr. Vogt said, "We will leverage our existing tool base for GIS, so we're building on top of that. So if we had to start from scratch, it would cost a lot more, but here we're leveraging what we already have."

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Commissioner Unruh said, "Very good. Thank you."

Chairman Norton said, "Rich, how does this collaborate with the City of Wichita? As we look at transparent, seamless service provision, how does that integrate with them? Is this just for Sedgwick County's 1,200 fire hydrants or close in, do we understand where their fire hydrants are in the City of Wichita and in other small communities?"

Mr. Vogt said, "I'm not sure that we know where the City fire hydrants are, but we do share information. All the information that the County has is available to the City and visa versa, so it's easy for us to tie the two areas together and produce a composite map."

Chairman Norton said, "This would be an integrated system then. Whatever we do with this would be shared with the City relatively easy."

Mr. Vogt said, "It would be, yes we'd be able to do that. I don't know if that's part of this particular project, but yeah we'd have the auspices to share that information now to build a composite map."

Chairman Norton said, "So you could do a geo-spatial map for the whole county, including small cities, City of Wichita, everything."

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

Chairman Norton said, "Good. What is the will of the Board, if there's no other questions?"

MOTION

Commissioner Unruh moved to approve the Grant Application and authorize the Chairman to sign all necessary documents.

Commissioner Winters seconded the Motion.

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

VOTE

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

Chairman Norton said, "Thanks, Rich. Next item."

HEALTH DEPARTMENT

H. MEMORANDUM OF UNDERSTANDING WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR IMPLEMENTATION OF THE KANSAS WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM AUTOMATED COMPUTER SYSTEM.

Ms. Sandra Reichenberger, WIC Program Manager, Health Department, greeted the Commissioners and said, "The State of Kansas WIC program is converting from a paper system to a computerized system and that computerized system's name is KWIC spelled K-W-I-C. KWIC has been piloted in Lyons and Riley County and this week the roll out across the state has begun.

The timeline for the roll out for KWIC extends through May of 2004. Sedgwick County is scheduled to roll out in February, the first week in February of 2004 and be live on the new computerized system.

The agreement before you today identifies the responsibilities between the KDHE and state WIC and Sedgwick County for implementing KWIC here in Sedgwick County. This agreement was worked on by several people and I'd like to recognize those people today: Bob Parnacott from Legal, Stephanie Knebel, Richard Vogt who just spoke, Donna Koehler, Chris Duncan and my supervisor Ted Jobst and most recently Matt Ferguson, who is here today has also been named as the KWIC project manager.

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The cost for implementing the KWIC in Sedgwick County is being covered 100% by the State WIC federal funds. At this time, the total cost of the conversion for Sedgwick County is approximately around \$66,000 and that includes the hardware, staff training, computer software licenses and extra cabling that we needed to pull this off.

I would like to ask that you approve the agreement and authorize the Chair to sign all necessary documents and I'd be glad to answer any questions too."

Chairman Norton said, "Commissioner Winters."

Commissioner Winters said, "Just one question. You mentioned that Richard Vogt was on your committee and I assume that Richard, this is a compatible deal with laptops and printers that are currently in use at Sedgwick County and it's going to be a compatible deal for us?"

Mr. Vogt said, "Yes to all those and we appreciate the Health Department involving us at a very early stage in partnering together to make sure this would happen."

Commissioner Winters said, "Okay, very good. Thanks."

Chairman Norton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you. I just noticed in our backup material here that currently you have a caseload of 11,900 clients."

Ms. Reichenberger said, "In fact, the statistics I got at the end of September, we broke over 12,000 clients, that's women, infants and children in the program."

Commissioner Unruh said, "I'd say you need a computer program."

Ms. Reichenberger said, "Well, we are spending a lot of time doing paper filing and tearing vouchers apart that this system will eliminate, so it's going to help us be able to serve more clients hopefully, as the need arises."

Commissioner Unruh said, "Well, and on a per capita basis that money all of the sudden gets to sound very reasonable, \$66,000 for 12,000 clients. So, that's all I have."

Chairman Norton said, "I ask this every time you're here, but what is the potential that we're missing out there, underserved? We're at 12,000 but we continue to have more."

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Ms. Reichenberger said, “We continue growing and the state projects that, based on infant mortality and low birth weight statistics and then also the population of Sedgwick County, that there’s a potential of 18,500 clients eligible for WIC in Sedgwick County.”

Chairman Norton said, “If computerization will offer the chance to get to a few more of those that’s a good deal.”

Commissioner Unruh said, “We’ve got some work to do.”

Ms. Reichenberger said, “We’re starting the conversion, yes.”

Chairman Norton said, “What is the will of the Board?”

MOTION

Commissioner Sciortino moved to approve the Memorandum of Understanding and authorize the Chairman to sign.

Commissioner Winters seconded the Motion.

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

VOTE

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

Chairman Norton said, “Thanks. Next item.”

I. DIVISION OF HUMAN SERVICES.

DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING

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

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- **CITY OF GODDARD, KANSAS**
- **CITY OF MAIZE, KANSAS**
- **CITY OF PARK CITY, KANSAS**

Mr. Ray Vail, Director of Finance, Department on Aging, greeted the Commissioners and said, "I'm presenting to you today the USDA commodity agreement for rural communities in Sedgwick County. This is an income based program that allows eligible consumers to receive food products. It's been approved by the Finance and Counselor's Office and I ask that you approve the agreements and authorize the Chair to sign and I'll answer any questions."

Chairman Norton said, "I see no questions. Commissioners?"

MOTION

Commissioner Unruh moved to approve the Agreements and authorize the Chairman to sign.

Chairman Norton seconded the Motion.

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

VOTE

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

Chairman Norton said, "Thanks, Ray. Next item."

DIVISION OF HUMAN SERVICES - COMCARE

- 2. AGREEMENT WITH FAMILY CONSULTATION SERVICES TO PROVIDE MENTAL HEALTH SERVICES TO YOUTH WITH HEALTHWAVE INSURANCE.**

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Mr. Tom Pletcher, Clinical Director, Comprehensive Community Care, greeted the Commissioners and said, “Since 1999, the Mental Health Consortium has maintained a contract with the State of Kansas to provide mental health services for children in the Healthwave program, which is the state insurance program that serves uninsured children in the State of Kansas.

COMCARE contracts with the Consortium to provide mental health services under this contract to youth in Sedgwick, Butler and Sumner Counties. Under this contract, COMCARE authorizes both the type and amount of services to be provided to Healthwave youth in these three counties. Family Consultation Services is a licensed community mental health center that subcontracts with COMCARE for the provision of Healthwave services.

Examples of services that might be delivered under this agreement include intake assessments, in-home family therapy, individual family and group therapy and medication reviews. A renewal of this agreement is before you. I’d be happy to answer any questions that you might have.”

MOTION

Commissioner Winters moved to approve the Agreement 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	Absent
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “Thanks, Tom. Next item.”

J. AMENDMENT TO THE 2003 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE REPLACEMENT OF THE LAKE AFTON OBSERVATORY ROOF.

POWERPOINT PRESENTATION

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Mr. Pete Giroux, Senior Management Analyst, Budget Department, greeted the Commissioners and said, “We have a new project for your consideration this morning. As you’re aware, we own the Lake Afton Observatory. Wichita State University’s Fairmount Center for Science and Mathematics operates the facility and it’s normally open to the public on Friday and Saturday evenings.

In September we received the first of our recent heavy rains and the observatory director called Ron Holt and indicated to him that the leaks were now being measured in buckets rather than in more modest amounts. As you are aware, we’ve been examining all the roofs within the County and it’s proved to be a good expenditure. It’s helped us prioritize requirements very effectively and that roofing study confirmed what we already suspected, that the roof had failed and to limit further damage to the facility, staff recommends that the project proceed as expeditiously as possible.

This is a core sample that the roofing study took. You can see, under the membrane, that the materials are saturated there and that calls for a tear off and replacement. Estimated cost of the repair is \$30,960. We’ve proposed to fund it from a project that’s been superceded, which was the design of the Coliseum, and then the remainder from contingency funds. Do you have any questions?”

Chairman Norton said, “I see no questions.”

Mr. Giroux said, “Our recommendation is, both the staff and the CIP Committee, that you approve the amendment to the CIP.”

MOTION

Chairman Norton moved to approve the CIP amendment.

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	Absent

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Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, "Thanks, Pete. Next item."

K. MODIFICATION OF PLANS AND CONSTRUCTION WITH RITCHIE PAVING, INC., REQUEST NUMBER ONE, FOR SEDGWICK COUNTY BENTLEY MEADOWS ADDITION PROJECT. DISTRICT #3.

Mr. David Spears, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, "Item K is a modification of plans and construction, request number one with Ritchie Paving, on Sedgwick County Project Bentley Meadows Addition Street Improvements. The modification will increase the contract by \$50,789.05 due to the addition of aggregate and geogrid in the sub-base. We were unable to reach compaction using flyash in this particular type of soil. All costs of the project are to be paid by the properties in the benefit district through special assessments. I recommend that you approve the modification and authorize the Chairman to sign."

MOTION

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

Commissioner Winters seconded the Motion.

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

VOTE

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

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

L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETINGS OF OCTOBER 16 AND 23, 2003.

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Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of October 16th for the Board of Bids and Contracts resulted in one item for consideration today.

1) DUMP BED TRUCKS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION

The item, dump bed trucks for Fleet Management. Recommend the low bid meeting specifications from Don Hatten, including trade-ins and manuals, for a total of \$53,600.

I do have staff available for questions and recommend approval of this item.”

MOTION

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

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	Absent
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “Thanks, Iris. Next item.”

Ms. Baker said, “The meeting of October 23rd for Board of Bids and Contracts resulted in two items for consideration.

1) SOFTWARE MAINTENANCE- DIVISION OF INFORMATION AND OPERATIONS
FUNDING: HELPDESK

The first item, software maintenance for Division of Information and Operations. Recommend the

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quote from Front Range Solutions in the amount of \$27,770.

**2) DATA CENTER A/C REPLACEMENT- FACILITY PROJECTS
FUNDING: CAPITAL IMPROVEMENT PROJECT**

The second item, data center air conditioning replacement for Facility Projects. Recommend the low base bid from Fagan Company for a total of \$119,780.

Recommend approval of these items today.”

MOTION

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

Chairman Norton seconded the Motion.

Chairman Norton said, “We do have some comments here. Commissioner Winters.”

Commissioner Winters said, “I just have one question. Is the data center located in the Old Historic Courthouse?”

Ms. Baker said, “Yes, it is, second floor.”

Commissioner Winters said, “Thank you. That’s all I had.”

Chairman Norton said, “I have a Motion and a Second. Clerk, call the roll.”

VOTE

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Absent

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Commissioner Ben Sciortino Aye
Chairman Tim Norton Aye

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

CONSENT AGENDA

M. CONSENT AGENDA.

- 1. One Easement for Right-of-Way and one Temporary Construction Easement for Sedgwick county Project 628-4; MacArthur Road between 343rd and 359th Streets West. District #3.**
- 2. Agreement with Shreeja Kumar, M.D. to provide psychiatric services.**
- 3. Agreement with Reno County and the Cities of South Hutchinson, Haven, Mt. Hope, and Maize for the K-96 Corridor Study Coalition.**
- 4. Agreement with Miracles, Inc. providing on-line access to Sedgwick County's electronic data.**
- 5. Amendment to the 2003 CIP to include installation of rain leaders at the Historic Courthouse.**
- 6. Kansas Department of Corrections Amended State Fiscal Year 2004 Community Corrections Comprehensive Plan reflecting several technical adjustments due to grant awards.**
- 7. Notices of Hearing (two) for November 19, 2003 post annexation public hearings.**
- 8. Plats.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2002 and prior years have been paid for the following plats:

Claassen's Corner
A Replat of Part of Eck 7th Addition

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9. **Orders dated October 15 and 22, 2003 to correct tax roll for change of assessment.**
10. **General Bills Check Register(s) for the weeks of October 15 – 28, 2003.**

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

Chairman Norton said, “What is the will of the Board?”

MOTION

Commissioner Winters moved to approve the Consent Agenda as presented.

Chairman Norton seconded the Motion.

Chairman Norton said, “And I see that the agreement is on there on the corridor study, Tom. I didn’t know if you wanted to comment on that or not.”

Commissioner Winters said, “We’ve talked about that before. Legal has had it, approve it, and I think this just allows us to move forward.”

Chairman Norton said, “Okay. I have a Motion and a Second. Any other discussion? Clerk, call the roll.”

VOTE

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

Chairman Norton said, “Okay, is there anything else to come before us today? This would be ‘Other’ other. I’ve been kind of out of the loop, so I certainly don’t have anything, although last night I did speak at the Kansas Health Ethics Forum with Dr. Dismuke and Dr. Frederickson and we had a pretty intriguing conversation with about 30 people in the health care field, trying to discuss health department and health issues and insurance. Commissioner Unruh.”

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N. OTHER

Commissioner Unruh said, “Well, I’ll just mentioned that I’ve been working to some degree with the Wichita Area Technical College, as they go through the process of separating from USD 259 and setting up their separate entity. The level of technical education and expertise has reached such a level that moving out of the K-12 environment is the appropriate thing to do and so they’re working, trying to define their niche and where they’re going and figure out funding issues and take seriously their responsibility for taking technical education to the level it needs to be to provide a future for those individuals who take advantage of that education. And so that’s been taking some of my time.”

Chairman Norton said, “Okay. Commissioner Winters.”

Commissioner Winters said, “Thank you. Tuesday evening, I did have the opportunity to attend a meeting of a group of Kansas Children’s Campaign folks chaired by a former state senate president, Dick Bond and Jill Docking here locally, which is really bringing together a diverse group of folks to really think about children’s issues and how they affect the State of Kansas. And one of the little challenges I’m going to do is try to make sure that this board understands how much Sedgwick County works with children on children’s issues through our prevention programs, our Juvenile Justice efforts and the health department. And I think that, as this group goes about trying to educate citizens on this issue, hopefully they’ll be aware of what some of the positive things are that we’re doing, so I’m going to try to make those contacts again.”

Chairman Norton said, “Great. Commissioner Sciortino.”

Commissioner Sciortino said, “Yeah, I think I did something this week. Yeah, yesterday I went to the grand opening or the open house of the Opportunity Project down there by Oaklawn, at 47th . . . just a little north of 47th on Clifton. I’ve got to tell you, I don’t think there’s a facility like that in the state. The Downing family, Barry Downing has been the one that has decided that they want to give back to the community. They do something with pre-K children that are at-risk, they have a sliding scale. The unique thing about it is they engage the parents. If you want to put your child in,

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one of the parents or both have to contribute ‘x’ number of hours of work, whether you’re Hispanic and you want to help with the interpretation, but the parents have to be committed, along with the children. And it was great, needless to say they had tremendous food, so I enjoyed that. But encourage any of you that’s interested in how we’re now trying to grow our future from a very early age.

They even had a place that my wife suggested I try out in the back play area. They take kids in the little kiddie cars and they start teaching them the rules of the road and it was suggested that I take a refresher course there. So, anyway, I enjoyed myself, so that was great.”

Chairman Norton said, “Okay. Is there anything else to come before us today?”

MOTION

Commissioner Winters moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with legal counsel on matters privileged in the attorney/ client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return from Executive Session no sooner than 11:30 a.m.

Commissioner Sciortino seconded the Motion.

Chairman Norton said, “We have a Motion and a Second. I’d like to make note that we will include our County Counselor, the County Manager and outside counsel and others that we may have to call at any point during our deliberations in Executive Session. I have a Motion and a Second. Clerk, call the roll.”

VOTE

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

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Chairman Tim Norton

Aye

Chairman Norton said, "Commissioners, if you would indulge me, I'd also like to read a statement about this settlement. Sedgwick County has reached a settlement of the claims of Patrick Broz, a former tag office manager, against the County and the Treasurer, Jan Kennedy. Mr. Broz has agreed to release all claims against Sedgwick County and Jan Kennedy in exchange for payment by the County of \$56,000 to Mr. Broz and his lawyers.

The decision to settle was difficult. Mr. Broz's claims arise out of his termination in October of 2002. He maintains that he was fired for exercising his First Amendment rights and speaking out about a contract entered into between Ms. Kennedy and Effective Search, a client of her accounting firm. He also makes a 'whistle blower' claim and a claim for defamation against Ms. Kennedy.

In February, the Board of County Commissioners expressed displeasure with Ms. Kennedy regarding the Executive Search contract. Without this resolution, litigating these claims of Patrick Broz will be very costly to the taxpayers of Sedgwick County. The County is paying two sets of attorneys to defend Mr. Broz's claims, one for itself and another for the Treasurer. This means that, win or lose, the County will pay double attorney's fees to defend Mr. Broz's claims.

Sedgwick County will continue to vigorously defend meritless claims against the County, but sometimes, as here, it makes economic sense to resolve lawsuits early on and avoid the fees and expenses of extended litigation. In short, paying \$56,000 today to eliminate litigation and avoid risks makes more sense than paying upward of \$100,000 to defend. In this case, given the circumstances surrounding the Effective Search contract and the prospect of significant defense costs, it is in the best interest of the County to settle. The Board of County Commissioners is gravely disappointed that the decisions of the County Treasurer have forced the Board to make a difficult business decision resolving the case.

In entering into a settlement, neither the County nor Jan Kennedy admit any fault to Mr. Broz. Jan Kennedy maintains that the termination of Patrick Broz was valid. She denies that he was fired for any retaliatory or unlawful motive. For its part, the County is making a business decision to resolve a hotly disputed claim. The County adamantly denies any wrongdoing on its part. The Board of County Commissioners opposes retaliatory termination of any employee. When this Board addressed the Effective Search contract in February, I expressed the desire to put this matter behind us and move forward. I believe our decision today furthers that goal and is in the best economic

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interest of the taxpayers of Sedgwick County. Is there anything else to come before us today? Commissioner Sciortino.”

Commissioner Sciortino said, “Well, I’d just like to make a statement. It was with a great deal of reluctance that I would vote to agree to settle this claim. The reasons that . . . what upsets me is that we have the responsibility to defend in this particular case the County Treasurer. We have absolutely no authority to hire or to fire anybody that works in her office, especially this particular office. Mr. Broz worked for the tag office, which is an outreach of the state, not the County. I know it’s hard to get people to understand that, but you’re absolutely correct, here we are looking at how to be good stewards of taxpayers’ dollars. For some reason, we have the responsibility and the liability of defending these types of accusations and to settle today is 56. I was told it could be hundreds of thousands of dollars more if it went to a lawsuit and what have you. So that’s what swayed me was the fact that we were voting to save additional taxpayers’ dollars in this situation.

But I would hope that, in the future, the state could see the situation that it puts elected officials such as ourselves in. We got the responsibility but we have absolutely no authority and that’s just wrong, but I agree with the fact that you have to make a business decision and this is in the best interest of the taxpayers and that’s why I agreed to vote for this. Thank you.”

Chairman Norton said, “Anything else to come before us? Mr. Counselor? Mr. Manager? We’re adjourned.”

O. ADJOURNMENT

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

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

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TIM NORTON, Chairman
Second District

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