

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

### **REGULAR MEETING**

**January 21, 2004**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, January 21, 2004 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem David M. Unruh; Commissioner Tim Norton; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Lieutenant George Mason, Patrol Division, Sheriff's Department; Mr. Mark Masterson, Director, Department of Corrections; Mr. Mick McBride, Risk Manager; Ms. Diane Mansouri, Safety Coordinator, Risk Management; Mr. Matthew Ferguson, Project Leader, Division of Information and Operations; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Ms. Kathy Sexton, Assistant Manager; Mr. Andy Schlapp, Director, Community Relations; Mr. Tom Pollan, Director, EMS; Ms. Judy Addison, Clinical Director, COMCARE; Mr. Ted Jobst, Director, Integrated Family Health, Health Department; Ms. Jo Templin, Director, Human Resources; Mr. Chris Chronis, Chief Financial Officer; 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**

Dr. Delores Craig-Moreland PhD, Wichita State University.  
Ms. Janice Morgan, Walmart 3283.  
Mr. Phil Meyer, Baughman Co. PA  
Mr. Doug Eck, 15740 W. Breezy Lane, Colwich.  
Mr. Rob Ramseyer, Ritchie Associates.  
Ms. Michele Webster, Terra Tech Land Surveying.  
Mr. Spencer Atha, 605 N. Forestview Court, Wichita.  
Ms. Susan Atha, 605 N. Forestview Court, Wichita.  
Ms. Donna Cooper, 35320 W. 4<sup>th</sup> St. N., Cheney.  
Mr. David Foltz, 35100 W. 4<sup>th</sup> St. N., Cheney.  
Mr. John W. Johnson, 200 W. Douglas, Ste. 100, Wichita.  
Mr. Bob Robben, 4402 S. 151<sup>st</sup> St. W., Wichita.  
Mr. Tom Rausch, 6760 S. 263<sup>rd</sup> St. W., Viola.  
Mr. Doyle Heimerman, 711 N. 343<sup>rd</sup> St. W., Cheney.  
Mr. Ken Lockwood, 927 N. 343<sup>rd</sup> St. W., Cheney.  
Mr. Raymond P. Doll, 1313 N. 343<sup>rd</sup> St. W., Cheney.  
Mr. Joe Cooper, 35320 W. 4<sup>th</sup> St. N., Cheney.

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**Chairman Winters** said, "Commissioners, before we do call the first item though, I would like to thank you again for the opportunity and the confidence to serve as Chairman this year. The Chairman's job is really the same as all the other Commissioners. We certainly all sit here with equal abilities and equal authority and but I do appreciate the opportunity to serve as Chair this year and hope that we have a good year and look forward to working with you on many different projects."

**Commissioner McGinn** said, "For some reason, I have a gavel too. Does that mean anything?"

**Chairman Winters** said, "No. Give me that gavel. All right, Madam Clerk, please call the first item."

### **INVOCATION**

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

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES:** Regular Meeting, December 24, 2003

The Clerk reported that all Commissioners were present at the Regular Meeting of December 24, 2003.

**Chairman Winters** said, "Commissioners, you've had an opportunity to review these Minutes. What's the will of the Board?"

### **MOTION**

Commissioner Norton moved to approve the Minutes of the Regular Meeting of December 24, 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 Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**DONATIONS**

**A. DONATIONS BY WALMART AND SAM'S CLUB TOTALING \$7,750, TO BE USED FOR THE K-9 UNIT AND D.A.R.E. PROGRAMS.**

**Lieutenant George Mason**, Patrol Division, Sheriff's Department, greeted the Commissioners and said, "In that position, I have the responsibility of commanding the K-9 Unit, which is comprised of myself, Sergeant Annette Haga, Deputy Keith Allen, Deputy Hank Cocking. Deputy Allen, who is here today with patrol service dog Neo who is very happy to be here also. Deputy Cocking is partnering with PSD Rommel, who is a four year old German Shepard. Neo is about a three year old German Shepard. The Deputies and their partners work various shifts and are available for call out, any time of the day, for any law enforcement agency and we use the dogs quite a bit for other community work.

The K-9 unit was created in early 2002, with the assistance of the Kansas Highway Patrol. The unit went operational on June 1<sup>st</sup>, 2002. Rommel and Neo are trained in narcotics and patrol work, which includes drug detection, tracking evidence and building searches, suspect detection, apprehension and handler protection. They are also used in locating lost or missing persons.

Since its inception, the unit has been utilized in more than 670 occasions. The utilizations have resulted in apprehensive of over 65 wanted persons, the seizure of illegal drugs valued at more than \$798,000 and the seizure of drug assets valued at over \$153,000.

The K-9 unit provides services not only to Sedgwick County Sheriff's Office, but to other local law enforcement agencies at their request. The cost associated with operating such a unit can be overwhelming at times and in keeping with our troubled times in mind, we look to several of our local businesses for support.

One of those friends are the employees of Local Walmart Stores and the Walmart Foundation's Safe

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Neighborhood campaign. I would like to recognize each of the stores who have assisted us in striving to make Sedgwick County a better place to live and work in, those stores being: Walmart 3283 at 10600 West 21<sup>st</sup> Street North, Walmart Store #1507 at 3030 North Rock Road. Walmart Store #3492, located at 11411 East Kellogg, Sam's Club #6418 at 3415 North Rock Road and Sam's Club 8254 at 6200 West Kellogg.

I would especially like to recognize Janice Morgan and the rest of the employees at Walmart 3283, which is located at 10600 West 21<sup>st</sup> Street North for their contributions to our program. They have a once a year donation, shortly after Thanksgiving, that goes to a worthy non-profit organization and we were selected by what I have been told was almost a unanimous decision by the employees of that store, which donated \$4,500 in December of 2003 to our Sheriff's K-9 program.

We have a total of approximately \$8,500 from all of the Walmart stores and the Sam's Clubs from the local area and at this time I'd like to introduce Janice Morgan from store #3283."

**Ms. Janice Morgan**, Walmart #3283, said, "Shortly after the beginning of the year, one of the officers applied for a grant to help support the dogs, the needs that they needed, food, whatever and we have a program called Safe Neighbors and we decided to give them the \$1,500, which was more than they asked for, to support the dogs and they brought the dogs in and showed us, when they accepted the check and the whole store just thought the dogs were really great and they made a very good presentation and so, when it came time, around our holiday bonus, to give out the money that we could pick the place that we wanted to give it to, I mean it was unanimous.

That's what they wanted to do because they were so impressed with how these guys were with their dogs and the presentation that they gave. They just thought that it was the best thing in the world, so they got the money for it and we appreciate our community policing that we have in our area and we appreciate the officers. They've helped us with our child ID program. We have that twice a year, which we allow customers to come in and bring their information and they get free child ID. And they've also helped us with our safety program that we have in October. So we appreciate them. So this is one way we can pay back our community for their support."

**Chairman Winters** said, "All right, Janice. Thank you very much. We have a couple of comments up here. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Young lady, I think that needless to

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say we all thank you very much and thank all the employees. I've always felt that the most valuable asset any company can have is in its employees, because you are . . . whatever company you work for, you are Walmart. Or when we walk into Sam's or Walmart, how we leave that store depends on the interaction we've had with human beings. And I think Walmart has proved time and again that they are a very good corporate citizen. That they want to put back into the community, not just take out. So personally, I just want to thank you and please convey to all the other employees how tremendously proud we are of you and how grateful we are of your donation. Thank you.

**Chairman Winters** said, "Well thank you and Janice I would just add to that, we do appreciate our corporate citizens, but we appreciate greatly the employees that work in all of our businesses here and we especially appreciate it when organizations such as yours give back to the community in a financial way and I think that's very important. Please, at your next company meeting, please share with all the employees that you have an opportunity to tell this commission is very appreciative of this gift and we're confident that the Sheriff's Department will put it to the very best use. So, thank you and let's have a round of applause for Walmart."

**Commissioner Sciortino** said, "It's a real friendly dog. I pet it, nothing happened."

**Chairman Winters** said, "Thank you all for being here."

**MOTION**

Commissioner Norton moved to accept the donations and authorize the Sheriff to sign a letter of appreciation.

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

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

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**B. DEPARTMENT OF CORRECTIONS.**

- 1. DONATION BY WICHITA NORTH OPTIMIST CLUB OF TWO EDUCATIONAL DOLLS AND MAGAZINE SUBSCRIPTIONS, VALUED AT APPROXIMATELY \$300, TO BE USED AT THE JUVENILE RESIDENTIAL FACILITY (JRF).**

**Mr. Mark Masterson**, Director, Department of Corrections, greeted the Commissioners and said, "The North Optimist Club is a longtime supporter of our Juvenile Residential program. As you know, the program is located next to our Juvenile Detention Facility and provides a residential shelter alternative to locked detention for youth awaiting court hearings and placements. I'm here today to ask that you accept their generous donation of two educational dolls that are used in our family studies class to help the youth prepared for parenthood and several magazine subscriptions. Be happy to answer any questions."

**Chairman Winters** said, "Thank you. Mark, I see no questions. Commissioners, what's the will of the Board?"

**MOTION**

Commissioner Sciortino moved to accept the donation and authorize the Chairman to sign a letter 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 Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

- 2. DONATION BY WICHITA SOUTHEAST OPTIMIST CLUB OF TWO DVD PLAYERS AND A CAMCORDER, VALUED AT \$268.78, TO BE USED AT**

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**THE JRF.**

**Mr. Masterson** said, “Commissioners, the Southeast Optimist Club is also a very generous organization that continually reaches out to help support our youth and the programming at the same facility. The club wishes to donate the two DVD players and a video camcorder for use in the program. This donation will enhance the recreational and educational programming at the facility. I ask that you accept the donation and authorize the Chair to sign a letter of appreciation.”

**Chairman Winters** said, “All right, thank you. Commissioner Norton.”

**Commissioner Norton** said, “Well I’ve been an Optimist Club member since 1984 and their motto is ‘Friend of Youth’ and I just wanted to comment on both of these Optimist Clubs that obviously they’re living up to their motto ‘Friend of Youth’ by donating to programs that we have that hopefully help the youth out in our community. So a little applause for the Optimist Clubs.”

**Chairman Winters** said, “All right, very good. Any other questions or comment. If not, what’s the will of the Board?”

**MOTION**

Commissioner Norton moved to accept the donation and authorize the Chairman to sign a letter 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 Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you, Mark. And if you have the opportunity ever with either of these Optimist Clubs please express our deep appreciation.”

**Mr. Masterson** said, “Thank you, I will do so.”

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

**AWARD**

**C. ADOPTION OF THE 2004 SAFETY SLOGAN FOR SEDGWICK COUNTY EMPLOYEES, AND PRESENTATION OF AWARD TO MATTHEW FERGUSON, DIVISION OF INFORMATION AND OPERATIONS, FOR HIS WINNING ENTRY, "KNOW SAFETY.....NO ACCIDENTS!"**

**Mr. Mick McBride**, Risk Manager, Risk Management, greeted the Commissioners and said, "We're here this morning to introduce the safety slogan contest winner, make an award presentation and recommend your approval of the 2004 safety slogan for Sedgwick County."

I wish to thank the Commission for its support since 1994 of the safety slogan contest sponsored by the Risk Management Department, as it does promote safety awareness for County employees. This year, we received 77 safety slogan, which I believe is at least one from each division within the County. This contest is coordinated by Diana Mansouri, Sedgwick County Safety Coordinator. The contest winner was selected by a committee comprised of members from Finance Division, Human Resource Division, District Attorney's Office, Sheriff's Department and the Fire Department, Fleet Management and Public Works.

At this time, I'd like to call on Diana Mansouri to introduce the contest winner and make the award presentation."

**Ms. Diana Mansouri**, Safety Coordinator, Risk Management Department, greeted the Commissioners and said, "I'd like to introduce Matthew Ferguson of the Division of Information and Operations, who submitted this year's winning safety slogan, 'Know Safety, No Accidents'."

As winner Matthew is entitled to an award package consisting of safety related items and a framed poster, which I'd like to present to him at this time. Matthew, congratulations."

**Mr. Matthew Ferguson**, Project Leader, Division of Information and Operations, greeted the Commissioners and said, "This is my one year anniversary with the County and I wanted to thank you for providing such an organization that has such, in my division, enlightened leadership. I have dedicated co-workers and interesting projects for me to do every day. Thank you very much."

**Chairman Winters** said, "Well we, Matthew, we certainly appreciate your involvement. We hope you don't decide to become an advertising copywriter, but I think this slogan is very good, 'Know

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Safety; No Accident' and again I'm pleased that we've had as many as 77 entries. Safety is so critically important because if you're not thinking about safety in almost whatever your job is, you're certainly prone to have some kind of an event that's not pleasant. And this poster, I think, will be a great addition to all County departments and facilities. And so, Diana, we appreciate your work in managing this process of the safety slogan. And Matthew, congratulations on being here one year. We appreciate your work and this was a fine effort."

**Mr. Ferguson** said, "Thank you, Commissioner. I'm pleased to help with the safety climate at the County."

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

**Commissioner Norton** said, "Well certainly coming out of the private sector with Target for years and years, I have to tell you that worker's compensation claims and general liability claims in your organization can be crippling and to make sure that your organization understands that you have to provide a safe work environment for your neighbors and your other employees and the safe work environment for people that may be visitors to Sedgwick County is just critical to the financial health of our community, as well as just the personal health. So I applaud you for being part of this and that's a great slogan. Thanks."

**Chairman Winters** said, "All right, Commissioners, do we have a Motion to accept this a the safety slogan for this year?"

### **MOTION**

Commissioner Unruh moved to adopt the Safety Slogan.

Commissioner Norton seconded the Motion.

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

### **VOTE**

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

**Chairman Winters** said, “And Matthew, thank you again. We do appreciate it. Next item.”

**PRESENTATION**

**D. PRESENTATION OF “BENCHMARK 5 UPDATE,” A REPORT REGARDING JUVENILE DELINQUENCY IN SEDGWICK COUNTY.**

**OVERHEAD PRESENTATION**

**Dr. Delores Craig-Moreland, PhD.**, Wichita State University, greeted the Commissioners and said, “I appreciate the opportunity to discuss the Benchmark 5 report with you. That report is a summary of information about risk factors, juvenile justice activity and a continuum of services assessment of those services and gaps.

I’d like to go through, very briefly, the information that’s contained in the report about risk factors and then move on to discussion about juvenile justice activity. I think you’ll be pleased with some of the information that’s in here. Maybe some of it won’t make your day, but it’s the reality of the world that we live in.

The risk factors in Sedgwick County that we’ve decided to focus on include family management problems, early and persistent anti-social behavior, lack of commitment to school and academic failure that begins in elementary school. And I’m going to take those, give you a little visual on each of those, give you the trends and then move on.

The first risk factor, as I mentioned, is family management problems. We’ve decided to do a simple visual that captures some kind of observable phenomenon in the community to indicate trends. As you can see, this is a comparison of the out of home placements in Sedgwick County and in Kansas

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we have improvement there. Our out of home placements vary a great deal, year to year, but there is a general declining trend. That general declining trend appears to us to be the result of a combination of efforts. The local SRS office has a family intervention fund and they apply some of those funds to work on the problem of avoiding out of home placements. The Sedgwick County crime prevention fund has several efforts that are also working on family management problems, as well as the Juvenile Justice Authority. So we think this risk factor is getting a considerable amount of attention.

The next risk factor is the whole question of early and persistent anti-social behavior. The typical piece of evidence that we have that kids have this problem is that they get suspended in the first couple of years in school for behaviors that are unacceptable in that environment. And of all of our risk factors in Sedgwick County, this is the one that we seem to try various strategies and just not make any progress. As you see, we continue to have substantial numbers of elementary students being suspended. I can give you a whole range of possible reasons for this happening. The reality is that the strategies that we've applied to this have not yet made a substantial impact, so we think that deserves continued attention."

**Commissioner Sciortino** said, "Ma'am, could I ask just one quick question. Five percent is what I've figured up roughly per 1,000 students, 50 would be about 5%. How does that compare nationwide? Where are we at?"

**Dr. Craig-Moreland** said, "The short answer to that is that we're in the same range as you would see on a national basis. It's difficult though to compare because as you might imagine, the things that result in it, the rules that school districts put into play, the strategies they have to reduce disciplinary events vary widely from district to district. This is a problem that takes a combination of efforts. We have to support families so that kids come ready for school. We have to encourage school districts to have reasonable discipline policies, reasonable strategies and efforts to reduce those discipline problems. So, like I say, the short answer is we're probably in the same ballpark as you would find throughout the nation. We're not particularly higher or lower. It happens here for unique reasons. As I said before, this persists at roughly the same level."

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

**Dr. Craig-Moreland** said, "Our third risk factor, as I mentioned before, is lack of commitment to school. This chart shows you the high school graduation rate. I think there are things to be happy about here. We think the improvements in the graduation rate generally reflect the fact that the truancy efforts are having some impact and kids are staying with school, finishing, doing a good

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job. So we think that's generally something that our recipe is working fairly well here.

The fourth risk factor that we deal with is academic failure that begins in elementary school. We use the suspension rates for the middle schools. The assumption here, and it's based on research, is that children come to elementary school at varying degrees of readiness. If they don't require that absolutely critical skill of reading, by the time they're in middle school they have some difficulty making good progress, and so one of the things that will happen is they begin to act out the distress they have over that failure and don't do well. This is a stabilized rate and that's better news than we had a couple of years ago, because it was still accelerating. So I think we can see that our efforts in this area, with the middle school population, is beginning to have some affect and that's a very important thing for us, because we know that some kids reach this point and have sufficient difficulties in school that they do become delinquent. And so the fact that these kids are doing better in school is contributing to the fact that we do see some reduction in delinquency rates.

So that basically covers our four risk factors. As I said, with the exception of early and persistent antisocial behavior that shows up in those elementary suspensions, the needs that are evident in those risks is being met and addressed successfully by the programs that we have.

This is a visual to give you some information about the juvenile justice system activity. This section of the benchmark report, if you don't have it . . . it's not in your handout? It's in the Benchmark report. I'm sorry, I thought I had included it. It's one of those things, I don't always get it together right. The purpose of this is to show you the comparison, the state fiscal year 2000 we used as a baseline to tell if we're making progress or not in the levels of activity. the levels that we're considering include new custody cases, these are all Sedgwick County figures, new custody cases, juvenile correctional facility admissions, intensive supervision admissions, average caseload for case management. These are all indicators of the more serious forms of juvenile delinquency.

And if you notice, every one of these is in a downward direction, showing reduced activity with one exception. And that one exception is the very last figure there, and that is the percentage of the population at the juvenile detention facility that are in JJA custody awaiting placement. And as you see, our baseline on that was 53% and that was in 2000. It dropped down last year but this most recent year, state fiscal year '03, it has come back up again and we think that reflects the fact that the state's rate for placement, their per deum rate for juvenile offender placement is just not competitive.

So what is happening is there are fewer and fewer beds available and kids backup in the system, and we don't think that's a particularly good thing for us or for the state or for the kids. So that's something on there I wanted to draw your attention to. At the bottom of this chart, it indicates the five JJA outcomes that we test our ability to support the state in its good efforts each year. If you look at each of these items in the report, you will see that Sedgwick County is being a very effective

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partner with the state in dealing with delinquency. We have reduced our adjudications for serious, violent crime. We have reduced our admissions to juvenile correctional facilities, and as you can see from this, it is not at the expense of community safety. So I think that's very important. That's an unparalleled success story. It's difficult to move all these things at once and the programs that you are funding, in partnership with the state, have been very successful in doing that. So, I think that's a very important thing to note.

Finally, this is my two-minute game here, so finally the Sedgwick County Juvenile Community Planning Team reviewed all of this information. They also looked at the array of programs that are offered through a variety of funding: the County's funding, the state's funding, through the Juvenile Justice Authority as well as SRS programs and so on. And they looked at what was available in the community in respect to our four risk factors. They looked at the kinds of intervention programs, particularly at Juvenile Intake and Assessment and diversion and they looked at the graduated sanctions and they drew some conclusions about important services that need to be there.

In the prevention area, I think that you could say that there are dollar issues and there are awareness issues. The two dollar issues have to do with more needed capacity and quality childcare and in the mental health services area. Those are two very important elements that impact family management problems, as well as early and persistent antisocial behavior. And so that planning team was encouraging awareness on the part of everyone in the community, that we need more or less universal quality childcare as well as close to universal access for mental health services and that those are dollar issues.

The awareness issues that go with prevention have to do with a more universal understanding of the meaning of school readiness. That kids need to come to school with an adequate attention span and understanding of authority, some recognition of the importance of respect for others and ability to get along with others. School readiness is something that we all need to be aware of and promote.

The other awareness issue is the absolutely critical nature of timely development of reading skills. When kids don't learn to read, it has a continued effect.

In the intervention and graduated sanctions it's no surprise, it's pretty much dollars and cents. Fortunately, it's not always your dollars and by that I mean that in the graduated sanctions area and the intervention area, the state has an obligation to work with the County to provide juvenile justice intervention, graduated sanctions. Costs have continued to grow. Funding is either flat or reduced and that is having a negative effect on the ability of the intervention and graduated sanctions system to serve needs in this community. So that's the smallest of nutshells, if you will, for the Benchmark

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5 report.”

**Chairman Winters** said, “All right, well thank you very much, Delores. Just to remind the commissioners, when the state went through juvenile justice reform in 1997 and ’98 and juvenile issues were transitioned from SRS over to the newly formed Juvenile Justice Authority, a community group put these objectives in place, in ’98 and ’99, of trying to look at family management problems because we had so many out of home placements. Early antisocial behavior and commitment to school, knowing that school was such an important part.

This Benchmark 5 update is something that was laid out and begun seven or eight years ago and these reports are to be made to county commissioners all across the state, so they could tell what process they’re in and whether some of these systems are working or not. We all wish they were working a lot faster, but at least we do have some trend lines today that are moving in a positive direction and I want to take this opportunity again to thank Delores and WSU. I think one of the reasons that our spending of these state dollars for juvenile issues have been successful is we have a partner in WSU watching, looking, calculating, making sure that we are on a correct path. And once we stray off of that path, it’s Delores’ job to say these numbers aren’t working and somebody needs to be doing something differently. So we do appreciate the work that, Delores, you and your folks do in helping us on this path. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you, Mr. Chairman. Doctor, one just clarification here for me and then I had a thought. Under prevention it said, ‘Lack of commitment to school- entire community needs a better understanding of school readiness’. I didn’t quite understand what that meant.”

**Dr. Craig-Moreland** said, “When the community planning team got together and were discussing what do we need to really make some progress in dealing with this lack of commitment to school, the generally agreed upon gap, if you will, is that many people in the community don’t really understand what it takes for a child to be ready to start school when it’s kindergarten time.”

**Commissioner Sciortino** said, “To be ready for school, that’s what you meant, okay.”

**Dr. Craig-Moreland** said, “There’s been a lot of research published about the essential assets or conditions that kids need to have to be ready, but that’s really what it’s about.”

**Commissioner Sciortino** said, “So that’s what you meant. Okay, and then there was just a couple of things. On these suspension rates or expulsions, when a person is expelled from the school is that it? They’re out of the system forever, or are they expelled for just a period of time? I’m

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focusing on the middle school expulsion rates.”

**Dr. Craig-Moreland** said, “Okay, let me go to my chart so we’re talking about the same thing. The expulsions have varying lengths. It depends. You know there are certain violent behaviors, there are certain threats and violent forms of behavior that have a mandatory response of a lengthy expulsion. There are other behaviors that cause an expulsion, but it’s not of that lengthy duration, so it isn’t always like the end of things.

I also think you need to be congratulated because through your county crime prevention fund you fund a program at the Boys and Girls Club for these kids, and that has a wonderful success rate in getting those kids back into school, which is the real bottom line.”

**Commissioner Sciortino** said, “Okay. And then a lot of our ability to promote intervention and graduated sanctions would have to come from the state giving us some additional funding. The question I had asked before about how do we compare nationwide, any information you could provide us, like for example, how does USD 259 perform compared to other school districts of its comparable size. If you could find out, maybe you already have it somewhere in the research. For example, what are other communities doing that have maybe reduced their items more dramatically that they’re not doing, that then we could maybe go up to our legislators and say, ‘Look, if we could do this, look at the proven track record of County X, Y or Z’ again to give them some comfort that the money would be well invested, any of that information, if it’s available. I don’t know if I’m asking the right person to get it or not, I think could help us in maybe our lobbying efforts to show the state that it would be a wise investment. So anything that you could provide us would be appreciated.”

**Dr. Craig-Moreland** said, “I’d be glad to gather some information on that subject and talk about what strategies do work. I think we have a planned presentation in this community toward the end of March of Dr. Delbert Eliot, who is a nationally recognized expert on this subject and I think we could make sure that that’s part of what’s included in his talk and I’ll gather some information to include with that.”

**Commissioner Sciortino** said, “Thank you. That’s all I had, Mr. Chairman.”

**Chairman Winters** said, “Okay, thank you. Commissioner McGinn.”

**Commissioner McGinn** said, “Thank you, Mr. Chairman. Well I just wanted to agree with some of the comments Chairman Winters made about the fact that we’ve got another set of eyes, WSU looking at this. We continue to study this. It’s not something we just put in place and let it go. And also I think it should be noted that we have some commissioners that sit on these boards, so

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we're always trying to touch these organizations and try to understand how they're working in our community.

I also have a question. I don't know if it's for you or Mark Masterson but that's just little bit tied to this. Earlier, you had talked about the need for juvenile beds here in Sedgwick County. I'm curious and have a concern about with the governor's decision to not open the juvenile detention facility in Topeka, how that might effect local government. Will we have a backlog of kids not getting out of the system or will we be actually housing those kids because the state is not taking them."

**Dr. Craig-Moreland** said, "It's, as usual, a complicated issue. The beds that the state is choosing to put in a kind of pending status for a period of time are juvenile correctional facility beds. The rules for admission to a juvenile correctional facility are very clearly set: takes a judges order, has to be a more serious delinquent youth. There is some debate about the needed level of beds. That's all I can really say about that. I don't know that you would say that that facility coming on line is a clear statement that we have less need. That's not what the state's overall figures show. The place that we are in critical need of beds and where it has an affect in Sedgwick County and throughout the state is in the level 5 beds.

An example of a level 5 facility is the Judge Riddel Boys Ranch. It takes kids who are, in our case, offender kinds of kids. It provides four or five months of programming that is a real opportunity for them to make change, gives them time away from their family and helps them move on, make new choices and so on. That's where the critical need is, where we're short. The wisdom of the juvenile justice professionals throughout the state is the reason we're short of that is a poor per deum rate. If you're a private provider and you can get more money per day for foster care, and beyond foster care for the children in the SRS side than you can for the juvenile offenders, it's not terribly difficult to figure out what people are going to do, and that is going to continue to hurt us until that's corrected and that's a responsibility of the Juvenile Justice Authority to correct that."

**Commissioner McGinn** said, "Okay, thank you. I think that's something we need to keep an eye on and I look at our adult facilities and sometimes we have a backlog of those that need to be in state prisons. So, thank you."

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

**Commissioner Norton** said, "Well, just a quick wrap up. I think we understand our abilities to effect the whole criminal justice system in our county. And I know we can grow our own leaders but by absence of pro activity on young people, we're going to grow our own criminals too. So we have to be very sharp at understanding that getting to kids early, and I'm talking real early, not only in the school system but preschool, we make a difference and the more that we can use these programs to our advantage and be very attached to them personally, is very important for our

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community and I think we take that role very seriously as county commissioners and the good work that a lot of people do is helping us make some of the tough policy decisions that we have to make. So keep up the good work and hopefully we can continue to push this up in children's lives to make sure that they have a good start and don't end up in our adult criminal situation."

**Ms. Craig-Moreland** said, "I'd like to tell you that, as somebody that observes juvenile justice around the state, I'm pleased to live in a county that addresses this very well. I continue to be very proud of the fact that you use county money and you use it very well. The people that you have in this community, very dedicated service providers, they respond to the things that you want. They work extremely hard. The success that you see in these numbers is really a tribute to the dedicated people in this community and are making excellent use of the opportunities that you are providing. So, I think you're doing a good job on this."

**Chairman Winters** said, "All right, thank you Delores. I would like to recognize that Mark Masterson and Chris Krier, who worked very closely with the Juvenile Correctional Advisory Board, are here today and we appreciate the work that both of you continue to do on this issue. It continues to be a priority for this commission. Commissioners, what's the will of the Board on this report?"

**MOTION**

Commissioner Sciortino moved to receive and file.

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

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**Chairman Winters** said, "Thank you again, Delores. Next item."

### **DEFERRED ITEM**

- E. CASE NUMBER ZON2003-00045 – ZONE CHANGE FROM "RR" RURAL RESIDENTIAL TO "SF-20" SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED AT THE NORTHEAST CORNER OF 29<sup>TH</sup> STREET NORTH AND EAST OF 151<sup>ST</sup> STREET. DISTRICT #3.**

### **POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, Metropolitan Area Planning Department (MAPD), greeted the Commissioners and said, "This particular item was deferred from your December 24<sup>th</sup> meeting. I'll put a picture up there. You'll recall this item that was deferred from December 24<sup>th</sup>. What I want to do, before we get into presenting the case, I want to show you some additional slides that I've added into the presentation in response to questions that came up.

I know there was a question that came up about the nearest sewer line and so I've added a slide here that shows the City of Wichita sewer line, the force main that runs along 135<sup>th</sup> Street West. There was also a question regarding the nearest water line. You can see the City of Wichita's water lines at 119<sup>th</sup> Street West and also down at 21<sup>st</sup> Street. Nearest paved roads was an item of much discussion at the previous meeting and this is meant to show that 135<sup>th</sup> Street and 21<sup>st</sup> are both paved and they are the nearest paved arterials. Kristi, this isn't working, so I'm going to take this back to where we were.

The reason it was deferred at the last meeting was to allow the applicant to come back to you at this meeting with a number of proposals. Staff has met with the applicant since that meeting and we've discussed a number of those proposals with the applicant. You should have in front of you a letter, under the letterhead of Kaplan, McMillan and Harris, which outlines what the applicant is willing to do and I'm going to let . . . and then there is a response from the County staff under the letterhead of the County Counselor.

What I would like to suggest, Mr. Chairman, is that you allows the applicant's representatives to present their proposals for dealing with the concerns that the Council raised at the December 24<sup>th</sup> meeting and then allow the staff to respond to that."

**Chairman Winters** said, "All right, thank you very much. Is the applicant or his agent here and would like to discuss those items? Okay, come forward please. Please state your name and address

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and we normally limit conversation to five minutes, but we've been involved in long conversations, so we do want to make sure we cover all the bases on this issue."

**Mr. Phil Meyer**, Agent for Applicant, Baughman Company, greeted the Commissioners and said, "With me here today is Doug Eck, who is the applicant in this case, and Mr. Bob Kaplan, who is the attorney that's been representing this.

At the last County Commission meeting, we pretty much resolved this down to two issues. We had four initially. I think we're down to two issues now. One of those is pavement and paved access to this subdivision. The other is water testing for quantity and quality. We did meet with members of the County staff last week on this project. With that, the Planning Department was there, County Engineering was there, the law department was there and a gentleman from Finance was also there.

The easy one that I will offer is probably the water issue, in that we agreed in that meeting . . . and I'm sorry, Code Enforcement was there also. Code Enforcement agreed they would accept a report or analysis from us from a professional that can do an analysis and a report stating that there's plenty of water and the quality of the water is good. We recommended that we'd hire Bob Vincent, if he's available, who is a groundwater hydrolygist and he would do that analysis and report. I think they are satisfied with that resolve and that's what we're presenting to you today as an option.

The pavement issue, we met and discussed the pros and cons on different options on paving, cold mix versus hot mix and treated sub-grade and counties being able to finance it versus private finance. We went through a whole bunch of scenarios. After the meeting, Mr. Kaplan and I sat down, he prepared the letter that's in front of you with the four options.

Those four options are : Number one, that the applicant would give the County \$60,000 to do a cold mix pavement on 151<sup>st</sup> from 21<sup>st</sup> Street, which is a paved road, to our entrance into the subdivision, which is basically a mile and a quarter. We've been told that the County can . . . it's approximately \$30,000. I mean the County really would have a hard time saying the absolute cost, but it's around \$30,000 to cold mix a mile.

We are offering 60, which we'll give the County now. The Finance person, and I apologize I don't remember his name, the Finance person from the County that was at the meeting stated that the County could take the money from the applicant. They could use it for paving and switch it over to public works. The problem we're going to have is timing, in that the soonest . . . if we wrote a check next month or right now for \$60,000 and gave it to the County for paving, it would be the summer of '05 before pavement could go down. I don't think that's going to be a problem and I could get that more specifically with you on timing if you chose to do that, but we wouldn't have that many houses up and running. You know, right now we're allowed 13 houses on that piece of

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property. We'd have a hard time having more than 13 houses in there by '05. So there's the timing issue there that would still work out fine.

Out of that \$60,000, there's leftover money. If it costs the County \$35,000 to do cold mix, you can either use the rest to do patch and repair, as time goes on for maintenance, or you can hold it in funds and use it to do another cold mix application in seven, eight years when the cold mix goes bad. So there's a life expectancy there that's a good opportunity for the County to get that road paved. It also would help serve any problems from the Windmill Estates Subdivision. We're kind of solving two things. We're getting another subdivision pavement, which I think is a good solution.

The other thing we offered was to just supply the County \$60,000. If the County wanted to upgrade the pavement to hot mix, they could do that. It would take County funds to go above and beyond the 60, but if you wanted to do a treated sub-grade and a hot mix application on the road, which is a better quality road, we're supplying about half the cost of that is my guess to do that.

The third option we supplied was to give a petition for the frontage, both along 151<sup>st</sup> and 29<sup>th</sup> Street North, a half street paving petition so that any time in the future, if you do want to pave those, this subdivision would pay its proportionate share. I don't think that's an immediate solution. I'm not really sure that's the direction we're wanting to head on this one case, but that is an option we are willing to do if the County Commission wants to go that way.

The last issue was to do the cold mix pavement ourselves, privately. If we do it privately, we're suggesting that we do it on 29<sup>th</sup> Street North, rather than 151<sup>st</sup>, because we only have about 7/8<sup>th</sup> of a mile to get back to pavement, it's a shorter distance. The problem we run into with private cold mix is there is no local contractors that do private cold mix. The County is the only person that really does cold mix.

It's not an approved paving, typically by city or county, for a private developer, so no private companies do cold mix. We've got to go out of town, bring somebody in from around Salina to do cold mix. By the time that you look at the transportation and the cost and them getting the materials down here and the manpower down here, it gets very, very expensive to do it privately. If local firms did it, it would probably be a more viable option, but since local firms don't it's really not a very good or viable option. If we had to do it privately, we'd have to do that shorter distance just for economic reasons.

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Those were the four solutions we offered to the County. I believe there is a letter of response from Bob Parnacott that you have addressing those four issues. I'm not sure that County engineering was accepting, in a nutshell, was accepting any of those issues . . . or accepting any of those offers. We would very much like to request today that you support the first offer, and that is that we give you \$60,000, we put down the cold mix pavement, we solve the issue for our subdivision, we solve an issue for another subdivision that's in the area that would benefit those residents.

I guess I'd like to go back and simplify this issue. This has turned out to be a pretty big case, but what we're really talking about is the difference in 13 lots. You know, we have a 26 lot subdivision. If you deny this case or don't approve this case, we have the right to go back and plat it into two-acre lots, which gives us 13 lots. So we're really talking about the difference of 13 lots. I look at this and when we met with the County presented to them that this is a one-time situation, the problem we have is we approve the individual alternative sewer systems before there was a road policy. I know the County public works is very concerned about setting a precedence of cold mixing. I would offer you this is a one-time solution that when another subdivision comes along, that County is in the process and should have the road policy done and at that point, there is a road policy on record for every developer to follow, so this really shouldn't be a continuing issue, once you approve your road policy and that's in place. So it's really a one-time issue that we're going to run into.

I can talk a little bit about traffic generation. I don't really want to get into a lot of the details, but basically, if you look at it from a traffic analysis, every lot has 10 trip generations a day per that lot. I would suggest to you that that is basically an urban standard. It's used when . . . and they use the same standard for urban and suburban, but it's in urban mainly two reasons. One, for your elementary schools that generate a lot of trips. Two, for the Quik Trips, to the grocery store, the convenience store, where somebody will run back and forth and not really worry about it. If you get out into the county or you're in a suburban setting, you control your trips back and forth into the community. You don't just run to Walgreen's real quick for something or run down to Dillons for milk. You consolidate your trips, so the amount of trips that's happening on 151<sup>st</sup> would be way reduced from what a standard traffic generation that would be established.

With that, I'll be glad to stand for any questions you may have. I know Mr. Eck has something to say to you and then Mr. Kaplan."

**Chairman Winters** said, "Okay, I see no questions. Thank you, Phil."

**Mr. Doug Eck**, 15740 W. Breezy Lane, Wichita, Ks., greeted the Commissioners and said, "When we left the Commission meeting in December, Commissioner McGinn had made a Motion to defer our case till we had time to look into the financial feasibility of this cold mix paving of 151<sup>st</sup> up to the entrance of our development, which is approximately a mile and an eighth. Like Phil said, we

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had a subsequent meeting with County staff and we discussed ways to finance it. We also discussed alternatives to cold mix, hot mix but we've been told numerous times that the County's cost per mile is around \$30,000. And also, at that December meeting, that giving that money to the County to earmark for a certain project could be a problem.

But when we got to our meeting last Thursday with staff, one of the first things that was said was we could give that money to the County, but like Phil said, it'd be summer 2005 before the paving could actually go down. So not too long after that, Mr. Weber had told us that any proposal that we brought would be better received by staff if we did something private so that staff wasn't even involved in it. My biggest problem with that would be if I give the money to the County to cold mix, and they don't do it correctly, then it's their fault. If I hire someone and my guy doesn't do it correctly, then it's on me and my contractor, who is not familiar with County procedures. We're talking about bringing someone from Salina to do it and so, as you know there's no local companies that do it, so in this case the County is really the expert in the field as far as cold mixing goes.

Anyway, another point that Mr. Weber made is that when the County does cold mixing, they do do minimal amounts of sub-surface stabilization. They basically take what's there and scrape the loose stuff off and go over it with the cold mix. So I tried repeatedly to get some positive vibes out of Mr. Weber and the County staff comparing the cold mix versus what's there now, which right now is a . . . after a rain here a few days ago, is a gravel road full of potholes. I mean, I understand their resistance to set a precedent, but I've spoken to several of my neighbors in the addition and they hear that we're trying to do a development up there and I told them that County Commission was looking into having us cold mix 151<sup>st</sup> and of course their eyes light up when they hear that 151<sup>st</sup> might be paved and of course they don't have to pay a nickel to get it. So, of course I tell them I'm just such a nice guy, that's why I'm doing it but I don't think anyone can argue that a cold mix surface, even with minimal sub-surface stabilization will be a much, much better surface than what's there now.

So at the Thursday meeting, staff was bringing up maintenance issues and at that point is when I just laid my cards on the table and I said that we'd give \$60,000 to the County to go towards cold mixing, which is almost double what the cost would be for the County. And on a note, if staff will go back and look, they'll see that they did some stabilization and added some AB-3 road a few years ago to 151<sup>st</sup>, so we've got a good base there and something Jim Weber pointed out the other day, he said, 'Well, you've got a good base in the middle where it's packed down'. Now, that's not right. If you go out and drive that thing from ditch to ditch, it's hard as a rock, but we've got potholes that have developed. So, I drive it every day. So, what we're saying is do the cold mix, spend 30, \$35,000 of the money for it. I don't care what you spend, but keep the rest for maintenance. I'm not here to say cold mix is perfect, but if you compare the minimal amount of

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traffic that we're going to have on 151<sup>st</sup>, which we're only going to be feeding my addition, which is Windmill, and our proposed addition, Hilltop Acres and there's about four or five other houses right there close that would probably use it and you compare it to say 199<sup>th</sup> Street West. You know, I feel like our cold mix road is going to outlast 199<sup>th</sup> by a multiple of three or four probably. The five-year life estimate is what . . . the county is actually been using five to seven, I believe, so it's a good temporary fix, like Commissioner McGinn had pointed out at the last meeting.

But 199<sup>th</sup> goes from Goddard all the way to 21<sup>st</sup> Street. We're feeding all the developments off of 199<sup>th</sup>, all the houses, the five-acre tract houses, people coming from Goddard to get up to 21<sup>st</sup> to get into Wichita. I would guess that 199<sup>th</sup> is probably 40 or 50 times the traffic that our road would take on. And 199<sup>th</sup>, and staff can correct me if I'm wrong, but I believe 199<sup>th</sup> has been cold mixed since the mid-90s, like around '95, '96 and there's places where the County has gone in and patched some areas, but it's in pretty darn good shape right now. It's a lot better than 151<sup>st</sup> is right now as a gravel road. So, 215<sup>th</sup> is another example. It feeds all the way from Kellogg clear up to 61<sup>st</sup> Street North, feeds people off of Andale trying to get to Kellogg and it's been around since the late '90s

But anyway, as we left this meeting last Thursday, we didn't feel like we'd made much headway with staff, other than them asking us to put some solutions on the table and we did so. Mr. Kaplan wrote the letter, which you have in front of you and I understand staff doesn't want to set a precedent, but once the road policy is in place, you can use that to determine future requirements for future developments and developers know what they're getting into from the get-go what's going to be required of them. So, Phil hit on technically we have the right to do 13 two-acre lots right now without changing zoning. He went into all that, I don't need to cover that and bore you with that again, but you know, our 26 lots is equal to I believe we've got 21 or 22 lots in Windmill, three or four other ones. We're actually going to be creating less than half the traffic, but we're willing to pay for the whole enchilada to pave 151<sup>st</sup> with cold mix plus some maintenance money.

So, I'm a country boy and I just take bumpy roads for granted and I'm a little dumfounded when I heard how many people in Windmill were complaining about the roads. You know, I guess I shouldn't go and slam my neighbors but they can't play dumb and say that they didn't expect the cars to get dirty and wear out a set of shock absorbers when they moved to the country. It's we're not in the city anymore, so you know, there's some people I guess you're not going to be able to make happy, but one thing I would guarantee is that your complaint calls will be slashed to nearly nothing if we get 151<sup>st</sup> cold mixed.

So, if you'd like me to go to the people in Windmill Estates and take a petition to them and word it something like, 'I- whoever it is, lives at such and such address, do acknowledge the cold mix procedure is not a permanent fix but would accept it as a vast improvement over what we have

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now', I'd be willing to do that, because I'll guarantee you everyone of them is going to jump on like . . . I mean, they'd love it. So, we feel that we've made a good faith effort to try to find some common ground on this and we'd ask that you do the same and we'd be ready to give you the money as soon as . . . or prior to our plat recording, so thank you for your time."

**Chairman Winters** said, "All right, thank you, Doug. Mr. Kaplan, did you wish to make some comments?"

**Mr. Bob Kaplan**, Counsel for applicant, Kaplan, McMillan and Harris, greeted the Commissioners and said, "Briefly, Mr. Chairman. The cost of hot asphalt paving, as the County wants it done, will exceed the value of the lots. We're talking about 13 lots at an anticipated market value of \$20,000. That's approximately a quarter of a million dollars. The numbers that I've been given to do the sub-grade, to do the stabilization, whether it's lime or flyash or whatever, to properly prepare it and to put down the asphalt is approximately a quarter of a million dollars if we do this mile and a quarter. So basically, what you would be doing if you require this is you're putting a condition on the zoning which the commission knows is totally impractical and that's not a fair solution.

So we need an alternative solution. So far, all of the proposals have come from the developer. Mr. Eck is already committed to the project. He's invested his money, believing the zoning was not an issue and I never would have anticipated a zoning issue on a 26-lot, single-family development, so I think he fairly anticipated that he would have zoning approval on this project.

The plat has already been approved, in so far as the Planning Commission is concerned, and it complies with all the subdivision platting regulations. There was no issue, there was no objection at the time of platting. Now it's not been to the City Council. It's certainly not been to the County Commission, but the issue presented on this paving issue, as a prerequisite to the zoning, at least in this case is an issue of first impression. We haven't faced this before.

We accepted, Commissioners, the responsibility to propose solutions. We had a lengthy meeting. Staff has not proposed any alternatives at all. They have not made any suggestions at all. It's up to you. They just have said that the BoCC is going to make the decision, end of discussion. Now I believe that my client has the right, as I think we all do, to develop his ground. I think proposing as a condition of zoning that he pave over a mile of county road is not reasonable, when we know as I said that the cost of that is equivalent to the value of the entire 13 lots. We're getting nowhere.

If we do the 13 lots, we leave the road sand and gravel, and we can do that. At least the cold mix is a betterment, better than what we've got now. It should be appreciated by those who travel it. It does carry a maintenance responsibility but then remember that we've agreed to fund that maintenance, at least into the foreseeable future, if we commit 60 for a \$30,000 project, we're funding maintenance or repair or redo well into the future.

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So I don't know, Commissioners, of anything else we can do that's feasible. We're certainly open to suggestions. If we were on 119<sup>th</sup> Street instead of on 151<sup>st</sup> Street, which is already a cold mix application, we wouldn't even be having this discussion. So, if you'll tell us what we have to do to get this project approved, then we can make a decision. But I don't know what else to offer, I'm basically been talking to myself."

**Chairman Winters** said, "Thank you, Mr. Kaplan. John . . . Is there others who wish to speak on this? Is there anyone else from the public who has a comment on this issue? All right, John, is there somebody from staff who wants to respond to any of this or do we just need to start having discussion up here?"

**Mr. Schlegel** said, "I think best approach that I would recommend would be that you start the discussion, Commissioners ask staff questions. Staff doesn't have a formal response on this."

**Chairman Winters** said, "All right, thank you. Commissioner Norton."

**Commissioner Norton** said, "I'd like to know, do we have a mechanism to encumber these monies to just that project? I don't know that we have a policy that does, that would encumber the money just for that. Do we?"

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, "There's not a formal mechanism to do that but we can resolve any of the budgetary complications that are involved in taking donated funds and applying them to a particular purpose. We can work our way through those complications. We may take some time, as you've heard in the earlier discussion, it may take some time to get the road done, but from a financial perspective, we can provide the budget authority."

**Commissioner Norton** said, "Not getting the cart before the horse, but if we were to do something with this that would set a precedent, would it be to our advantage to now put together some kind of policy that describes what we do with donated monies, not only in the Fire District and what we did today with Walmart's donated money, that encumbers it to a certain thing?"

**Mr. Chronis** said, "Well, we have a policy that addresses donations."

**Commissioner Norton** said, "Okay. But that's in a more broader sense."

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**Mr. Chronis** said, “Yeah, that policy hasn’t been applied to road construction projects. It’s been applied to \$5,000 donations from Walmart for the Sheriff, I mean things like that. It’s not been applied to something on this scale, but it could be.”

**Commissioner Norton** said, “Okay, okay. I don’t have any more questions of you, Chris, I don’t think. Who, as we move the city limits, Wichita and Maize that are . . . kind of just as an area of discussion, whose growth ring is this in and whose service delivery ring is this in? We continue to have that discussion at our planning summits and I think it’s critical to know where this is going to go. Whose going to end up with it eventually?”

**Mr. Schlegel** said, “Well, this area is shown in the Wichita/ Sedgwick County Comprehensive Plan as part of the City of Wichita’s future urban service area. And I think very clearly they’re anticipating that they will get, at some point, sewer and water services to this neighborhood. If you look at the map that’s before you now, at the top of the page, the section that is labeled ‘Wichita’ and is in that . . . whatever that color is, pink is the City’s northwest sewage treatment plant and I think I showed you an exhibit earlier that showed the force main going up 135<sup>th</sup> Street, so they’re very clearly staking out this area as part of their future service area.”

**Commissioner Norton** said, “Hasn’t there been a . . . kind of a conflict of where Maize’s water and Wichita’s water commingles here? Isn’t the little blue ‘L’ shaped, inverted ‘L’ there that says ‘Maize’, isn’t that their water wells?”

**Mr. Schlegel** said, “Yes, that is their water wells and Maize has been fairly aggressive in their annexations, as you know. Right now, to the best of my knowledge, they are not overlapping as far as service areas go for water service, but there certainly is the potential for that to happen in the future.”

**Commissioner Norton** said, “Okay. Northwest bypass, where does that preferred path go?”

**Mr. Schlegel** said, “As you can see on this exhibit, the Hilltop Acres is right in the middle of the very wide corridor that’s been identified for the northwest bypass. And as you also know, that KDOT has not yet made a decision, although they are getting very close on exactly what corridor that new road will take through there.”

**Commissioner Norton** said, “When is . . . I understand they’ve made some overtures that there is a time-specific that they’re going to roll that out that’s pretty close. Do you have an idea of when that is?”

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**Mr. Schlegel** said, "I think at the end of this month, the 27<sup>th</sup> comes to mind, but I'm not absolutely certain that's the date but it will be some time at the end of this month they'll be making an announcement."

**Commissioner Norton** said, "Okay. The road presently that we're talking about paving, 151<sup>st</sup>, is that a township road? Is that maintained by the County or the township?"

**Mr. David Spears**, Director, Bureau of Public Works, greeted the Commissioners and said, "Township."

**Commissioner Norton** said, "At such time we pave it, is that still a township road or do we take up the maintenance of it? Dave?"

**Mr. Spears** said, "Our usual practice is that after we pave the road we do take it over, because the townships usually don't do a lot in the way of maintenance of and also the snow removal, we take care of that. So we take over the road after we pave it."

**Commissioner Norton** said, "Okay. If we were to approve the zoning change, allow the 26 homes and not pave that, it would remain a township road and would have to be maintained by the township."

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

**Commissioner Norton** said, "I think that's all I've got at this point, Mr. Chair."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I don't know who I . . . I'll ask the question. Whoever feels that it's appropriate can respond. But if I understood Mr. Eck's presentation and then also one of his representatives' presentations, right now if we did not approve this zone change, he can build 13 homes with no commitment to do anything to the road. Is that correct? I'm getting . . . Oh, gosh, I've got all three nods. Now, he also indi . . . somebody said that there was going to be additional development along that road. My question is how many more homes could be put in those other developments that wouldn't require coming to us for a zone change? I'm trying to get to the potential homes that we might be having up there with no

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improvement to the roads and I think there's already some existing sites there, about equal to what you're developing to."

**Mr. Meyer** said, "I'm laughing at how quickly Mr. Kaplan tossed me that hot potato. I appreciate that. I'm not sure how to address that. Basically, the ground along 151<sup>st</sup> is zoned 'RR', which allows two-acre lots, so as many two-acre lots, if you want to go back a half a mile or something. I mean, you could do a calculation on it that way, but I'm not sure how to address your question."

**Commissioner Sciortino** said, "Well, I'm kind of . . . I thought there was already some proposed development up there, but apparently there isn't."

**Mr. Meyer** said, "It's the existing development, I think. What I was talking about earlier, there's this existing development in Windmill. I believe that's 22, maybe 23 lots that uses 151<sup>st</sup> Street."

**Commissioner Sciortino** said, "Well I think there's 13 lots right there, but I'm talking about, just looking at the space, it looks to me like there could be as many as another 26 lots developed in two-acre sites without being any road improvements."

The point I guess I'm trying to get to is that I'm not a real proponent of cold mix, but I'm starting to see some reasonableness in this would improve the road dramatically over where it is right now and it seems to me that if a cold mix lasts, I don't know, I've heard five, seven, eight years and then you've got more money in the reserve, it could be a mid-term solution that could last ten or twelve years, but I want to hear more about what my other Commissioners are thinking here. But as long as they develop two-acre lots, they don't have to come to us for any zone change, is that correct?"

**Mr. Meyer** said, "That's correct. It would just be a platting issue only."

**Commissioner Sciortino** said, "And you're proposing cold mixing that entire section, not just the area in front of your development, is that correct?"

**Mr. Meyer** said, "Correct. We're going to start here at 21<sup>st</sup> Street and carry it for the mile and then another quarter of a mile to get to our entrance."

**Commissioner Sciortino** said, "Okay. I got that part. So it takes care of Windmill Estates, they're going to have a better road and I think I agree with your applicant, I doubt if they'd say 'Heck no, we don't want that, because it isn't of the grade that we would prefer'. Okay, I still want to hear what my other fellow commissioners have to say, but I'm starting to think that there's some reasonableness to this."

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

**Commissioner Unruh** said, "Thank you. I wonder, do we have any traffic counts for the traffic coming out of the Windmill Estates Addition that counts the number of trips today?"

**Mr. Spears** said, "No sir, we do not. We do not count traffic on township roads, just the county system is all we count, unless we're specifically asked to do so."

**Commissioner Unruh** said, "Okay. Then is the number that we have, 10 trips per day per household, is that a substantiated number but it's an urban number? Is that what I heard someone say earlier?"

**Mr. Schlegel** said, "I believe that number is based on ITE estimates of the amount of traffic that's generated by a single-family residence."

**Commissioner Unruh** said, "In an urban setting though? Is that where it's applicable or does it make any difference?"

**Mr. Schlegel** said, "I'm not sure that it makes a difference, whether it's urban or rural but somebody can correct me on that if I'm mistaken."

**Commissioner Unruh** said, "Okay. Then whoever was speaking at that time was estimating that it was less for urban."

**Mr. Meyer** said, "Yeah, I was stating and I do believe this, that in your suburban setting, that the 10 trips per day per house would be reduced in a suburban setting, something like five, six. I would guess six. Now I'm not a traffic engineer and can't substantiate that, but the ten . . . and I've talked to a traffic engineer, the ten trips per day is based on an urban setting and he said the things that really drive that are, one, elementary schools in the area and all the urban settings have elementary schools close that generate a lot of trips per day. Then your trips to the grocery store and your trips to the Walgreen's and convenience store for quick items drive those numbers. I guess I was looking at it more from a logical standpoint and when I was growing up we lived out in the county. Where I

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grew up, you consolidate your trips. You don't make the quick trip to the store and run back home for a gallon of milk. You consolidate it.

Then they were also saying that when you get out in the county with school buses, that solves a lot of the school trips that occur around elementary schools."

**Commissioner Unruh** said, "Okay. Well I mean it seems logical. I just didn't know if we could verify . . ."

**Mr. Meyer** said, "That can not be substantiated and I asked that specific question to a traffic engineer, 'Can I come up with a substantiated number' and he said 'no'."

**Commissioner Unruh** said, "Okay. Well, on 13 additional homes, between what you can do and what you're asking for, six trips a day is 80. Okay and Phil, were you the one who was saying 119<sup>th</sup> is cold mix?"

**Mr. Meyer** said, "No, but Mr. Kaplan was and he had a very good point. I mean, 119<sup>th</sup> is cold mix and the point that he was making is if we were on a cold mix road, this probably wouldn't be a discussion right now. The zoning would get approved. The 119<sup>th</sup> is cold mixed and carries a lot of traffic from Maize School."

**Commissioner Unruh** said, "Okay, so that begs the next question. When was that done and how much does that carry?"

**Mr. Spears** said, "I need to make a correction please, 119<sup>th</sup> Street is a cold mix base and it has a hot mix cap on top of it, so it's not just cold mix."

**Commissioner Unruh** said, "Okay, that helps a little bit. I know that 119<sup>th</sup> has a lot of traffic. If it's been down for a lot of years and it's a good cold mix road, you'd think that probably cold mix would work in this application also. So, well, that's all I have right now, Mr. Chairman."

**Chairman Winters** said, "All right, thank you. Thank you. Commissioner Norton."

**Commissioner Norton** said, "For me, one of the concerns is the precedent that we may set and what we may have to deal with, holistically, around the county. We've said several times that one thing that we want to be sure of is that we don't start leaping what our plans are and being forced to put Capital Improvement monies into projects that we don't think are worthwhile or are going to move us into the desired future of Sedgwick County and grow and let developers push us to make

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decisions we don't want to, and I think that's why we've tried to make sure that in this case we, number one, do the right thing for the future policy that we're going to set.

But number two, make sure the developers understand if they're going to take the risk and kind of leap outside of where our preferred growth areas are, closer in, that they may have to pay something, come to the table and help out with that. I think that's where we're trying to go with our total policy. It is not easy, when you talk about people's rights to do something with their land, but also staying within preferred planning guidelines of where our communities are going, so that we aren't leaping quickly past the services that we can provide, whether it's water, sewer or roads. And I think that's where we're at on this that really gives us a problem.

I'd like to ask one of my colleagues, Dave, haven't we talked about in some segments in your district, some issues that might come up similar to this? Wasn't I engaged in some conversation?"

**Commissioner Unruh** said, "Yeah, on 113<sup>th</sup> Street, just east of 143<sup>rd</sup> is going to be a development coming up that's got a road issue relatively similar to this and we're still trying to wrestle that out, exactly how we're going to solve that issue. And that's . . . the difference is, is that that issue they're talking about doing a cold mix on it and we know that we're going to improve that road in a couple of years, and so rather than do a full hot mix road on it, can we do cold mix, since a short-lived road anyway. So it's not exactly the same."

**Commissioner Norton** said, "But similar, it doesn't quite fit into the policy that we have on the table right now, is what I'm saying."

**Commissioner Unruh** said, "Correct, it doesn't."

**Commissioner Norton** said, "That's all I have right now, Mr. Chair."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. The concerns I've had all along is as we change technology that we use for sewer systems and how to handle those has to do with, first off and most importantly, a good sewer system that protects the environment. The second thing is to decrease the amount of land that's used for development in this community. The third thing had to do with being consistent and being close to a growth area of a city, so that as needs change and cities grow out to those kinds of developments that they are also set up in a fashion that they can be tied into a city as well.

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Last time we had this before us, my concern had to do with the pavement of the street and the testing to make sure that there was plenty of water, quality and quantity. It is my understanding that the applicant has agreed to do those tests. It is my understanding that the applicant has agreed to pay \$60,000 to do cold mix, which is something that we use close to cities, because they will get us by until a city grows out there and then they later take over that area.

The only reservation I have today, and Mr. Euson I have this question for you, has to do with this happens to be in the northwest corridor area and I'm not terribly pleased that this is one week ahead of the possible decision, but it's my understand that when we have a zoning case before us, that we cannot take that factor into consideration. Is that correct, or could you help me with that?"

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "Commissioners, it is really my advice that that is not an appropriate factor to be taken into consideration. And as a matter of fact, if I could take this opportunity, I have a copy of the Unified Zoning Code and a copy of the review criteria that the Board of County Commissioners is required to take into consideration in a case like this and I'd ask Lisa Davis to pass this up to you.

These are the criteria that you normally are required to use. The criteria that you'd normally see are the character of the neighborhood and the impact on community facilities and such. And these are the factors that are to guide your consideration in this case. And so even though you might be able to say that the northwest bypass situation is an impact on community facilities, I really don't think that that's relevant, based upon some case law that I'm familiar with."

**Commissioner McGinn** said, "Okay. Well, I think I'm going to make a Motion and then we can have some discussion after that, if that's all right.

Given the fact that this developer has stepped up and offered to pay for the road situation, which I think developers should, especially when we're away from our paved arterials. It's not up for taxpayers to take care of those kinds of situations. I am going to . . . I may need some help on this, Mr. Euson, because we have this letter or agreement. On the recommended action, I would not just be adopting the findings of the Metropolitan Area Planning Commission, because we have conditions that we've imposed on top of that."

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**Mr. Euson** said, "Right, but you know, I would start with the recommended action, and then add your conditions to it."

### MOTION

Commissioner McGinn moved to adopt the findings of the Metropolitan Area Planning Commission; approve the zone change, subject to platting within one year; direct staff to prepare an appropriate resolution after the plat is approved and add the agreed upon conditions, such as \$60,000 for supplying a cold mix surface to 151<sup>st</sup> Street and the requirement to do water testing to check quantity and quality of the water in the area; and authorize the Chairman to sign the resolution.

Commissioner Sciortino seconded the Motion.

**Chairman Winters** said, "All right, thank you. We have a Motion and a Second, which is to adopt the findings of Metropolitan Planning Commission and move forward. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. I think I'm feeling very comfortable with this and I really thank the developer for making the recommendations that you did. Commissioner Norton has a legitimate concern. Does approving this cold mix project set a precedence for us and I labored over that too, but I do think that we can develop a road policy in the future which will make anything that we've done in the past moot and I think there's, developing on this board, a sense of some urgency to get on with that and maybe this will be just another reason why we should develop a road policy. So as long as the developer realizes that there could possibly be something coming down that's not going to make it very attractive for you, I'm feeling comfortable with voting for this project, so thank you."

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

**Commissioner Unruh** said, "Thank you. I need clarification a little bit on the Motion. Which one of the alternatives are you thinking that we're taking it? That the developer build the road himself?"

**Commissioner McGinn** said, "No, the developer is going to give us \$60,000."

**Commissioner Unruh** said, "And our Public Works Department will build a road."

**Commissioner Sciortino** said, "And rebuild it."

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**Commissioner McGinn** said, “Well, no.”

**Commissioner Unruh** said, “Are you going to ask me something, or can I keep going?”

**Chairman Winters** said, “Keep going.”

**Commissioner Unruh** said, “Okay, thank you. Well, I was going to say that I’m going to be supportive. I mean, we use this process now and the roads that I’ve seen that are cold mix, Mr. Spears and his department does a great job and it seems to me like it will last for five years probably in good shape.

We don’t have a policy right now contrary to allow this procedure to go ahead and it seems, like Commissioner Sciortino said, we probably need to go ahead and get that nailed down so that we don’t put developers in an unknowing condition of walking into a trap on a development. It seems like that’s not the right way to do business.

And since he’s willing to pay the cost for this, I think this is a reasonable solution and we have definitely expressed our concerns but I think we should probably approve it and move on and especially move on with developing a policy in this regard.”

**Chairman Winters** said, “All right, thank you. Well, I think that I’m also going to change my mind a bit and I think now I’m going to be support of this and I guess the reason, and don’t hold me to the math on this exactly, but the way I look at residents out there, there’s 26 or 27 existing homes out there that if 151<sup>st</sup> Street was paved, they would be driving on a cold mix road. If the developer goes ahead and does his 13 lots, there’s going to be 40 homes out there and they’re going to be driving on dirt road. And if he does 26 lots, there will be 53 folks and at least it will be a cold mix road. And so, I think whether that’s faulty logic or not, I think there will be a benefit, even though I do have serious concerns about cold mix roads and what all that means. But I think if we do move forward and develop a road policy, as it is prescribed to these closer in developments, I think I’m comfortable if we can just work through that process as soon as we possibly can to develop it long term. Commissioner Norton.”

**Commissioner Norton** said, “Well, I think I will be supportive too, but I have to applaud Chairman Winters. All of last year, as this debate raged on, he continued to be the person that said, ‘We’ve got to figure this out, because there’s going to be a case before us that will challenge us’ and this is. I mean, we’re seeing the beginning of that exact description that Tom gave us, as we went through this alternative sewer policy that led us to other service provisions that led us to roads. So I applaud Tom for trying to balance his thoughts that he’s had for a whole year with the first case we’ve had.

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But I would challenge us to think that we are setting a precedent today. We need to make sure that we finish up the road policy and come to some conclusions, because we don't want to have this basic policy decision come before us and have to look at it through new eyes every darn time. There needs to be something very descriptive that will guide us.

Secondly, I think we need to have a mechanism if we're going to have something where a developer can put money into a cold mix road that we can encumber those monies, we know what fund they're in, it makes it easier for Dave Spears to understand he has spent 30,000 for the first time and he's got 30,000 more to keep it up over a certain period of time and how long that will last and what it looks like, because I would hate to think that we pave this, 10 years later nothing has grown out there, we've run out of the \$60,000 and now the county has to start picking that up in some manner. Now, that puts a burden on the general obligation of the whole county, when there's still just a small part of the community that's taking advantage of it. So I want to be sure that we have the challenge today, the clock is ticking for us to come up with that policy and those mechanisms and not let each one guide us.

Having said that, I think it's important we send the message out to the development community that until we get that road policy, we're not going to not deal with everyone of them as an individual, stand on its own merit decision that the Board of County Commissioners will have to make. We're not going to start openly throwing this out that we're going to pave every road in the county just because somebody brings it forward to us. That's all I've got."

**Chairman Winters** said, "All right, thank you. Commissioners, we have a Motion before us to approve this zone change as recommended and adopt the findings of the MAPC. Is there any other discussion? Madam Clerk, call the roll."

**VOTE**

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

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**Chairman Winters** said, “And thank you all for being here. Doug and Bob, thank you for your efforts and Russ thanks and Phil, thank you.”

**Commissioner Sciortino** said, “Feel free to stay here for the rest of the meeting if you want to.”

**Chairman Winters** said, “All right, Madam Clerk, call the next item please.”

### **PLANNING DEPARTMENT**

#### **F. METROPOLITAN AREA PLANNING DEPARTMENT.**

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

### **POWERPOINT PRESENTATION**

**Mr. Schlegel** said, “In August of 2000, you as a board approved a zone change from ‘Rural Residential’ to ‘Limited Industrial’ for this 159 acre tract. The zone change was approved, subject to platting the property within one year. In per year adopted policy, the platting deadline has been extended several times now. The first time, to August 22<sup>nd</sup>, 2000 by the Chair of the Board and additional one-year time periods after that to January 2002 and then again to January 2003 again. The current platting deadline is February 9<sup>th</sup> of 2004. The applicant is again seeking another extension of time, because they have not yet been able to pursue platting because of the downturn in the economy is their reason for not having completed this.

Staff recommends that you give them the additional one-year extension of time in order for them to complete the platting requirements. The new platting requirement would be February 9<sup>th</sup> of 2005.”

**Chairman Winters** said, “All right, thank you. Is there anyone in our audience who wishes to speak to this item? Yes, please come forward, state your name and address and you’re limited to five minutes.”

**Mr. Rob Ramseyer**, owner of property, Ritchie Associates, said, “I guarantee I won’t take five minutes. Very briefly, we’re asking for an extension for several reasons. One is, as John mentioned, the limited industrial market has been extremely slow the last several years. Secondly,

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we took the property off the market for a period of time, when the Target Distribution Center was looking at the property and we were working with the County and the City and the Chamber to try to get them to come here. I know at least Commissioner Norton and maybe a couple of the others of you were on location one cold winter day with the Target people.

Thirdly, platting right now would probably not be a good allocation of time and resources. Without a user, a possible user, we'd be guessing at design and layout and openings and drainage and etcetera and those are the basic reasons. We have seen a pickup in the limited industrial market about the last 60 days, some good interest November and December in some properties, so we'd appreciate this extension for another year, as we look for a good employer to hopefully locate on this fairly unique site, based on size and location. I'd be happy to stand for questions."

**Chairman Winters** said, "Do you have questions?"

**Commissioner Unruh** said, "No. Rob and I talked earlier, and so I appreciate your willingness to step up here and explain your position."

**Chairman Winters** said, "Okay. Commissioner Norton, do you have comments?"

**Commissioner Norton** said, "I really have no comments. I was going to make a Motion and move this along."

**Chairman Winters** said, "Well, let's hear from Commissioner Unruh for just a second. Commissioner Unruh, do you have anything else to add?"

**Commissioner Unruh** said, "No, no that's all I had."

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

**Commissioner Sciortino** said, "I just had one brief one of Mr. Schlegel. When one of these changes comes to us, why do we say all the time, as a matter of rote, subject to platting within one year? Why do we say that?"

**Mr. Schlegel** said, "Well, I think the policy of the Board is to try to encourage these approvals, once they get the zoning approval, to get them moved towards platting as quickly as possible. But that's . . . as in this particular case, that's not always possible to do."

**Commissioner Sciortino** said, "If I'm understanding it right, they don't really want to plat this until they get a buyer or developer. Should we be changing our rules to say, 'Subject to getting a person to buy the property and then we'll plat it' or if we don't get a buyer . . . I'm just a little . . .

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This is the third time I think . . .”

**Mr. Schlegel** said, “No, I wouldn’t recommend that. I would recommend that we stick with the policy that you’ve been pursuing over the years of encouraging them to move towards platting within one year of getting the zoning approval and then allowing extensions where circumstances dictate that extensions are needed.”

**Commissioner Unruh** said, “It just allows us a measure of control.”

**Commissioner Sciortino** said, “Okay, thanks.”

**Chairman Winters** said, “All right, thank you. Commissioners, is there a Motion?”

**MOTION**

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

Commissioner Unruh seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you. Next item.”

- 2. CASE NUMBER CON2003-00042 – CONDITIONAL USE TO PERMIT A PRIVATE AIRSTRIP ON PROPERTY ZONED “RR” RURAL RESIDENTIAL, GENERALLY LOCATED SOUTH OF 13<sup>TH</sup> STREET NORTH AND ¼ MILE WEST OF 343<sup>RD</sup> STREET WEST. DISTRICT #3.**

**POWERPOINT PRESENTATION**

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**Mr. Schlegel** said, "Commissioners, in this case the applicant is requesting a Conditional Use to allow the construction of a private airstrip, with hangars, to be used in conjunction with single-family residences on a 118-acre tract. This is pretty far west in the county. Subject property is currently zoned Rural Residential and the Rural Residential district allows for airport or airstrip with the approval of Conditional Use. A hangar is included within the Unified Zoning Code's definition of an airport or airstrip as an accessory building, as long as it serves the aircraft that are using that airport or airstrip.

The applicant has proved a site plan, let me put that up in front of you, which shows a development that includes 17 five to six-acre lots. These 17 lots are bunched into four groups of four to five lots per group. Each lot and each group abuts a cul-de-sac which also will serve as a private drive and taxiway and you can see those along in here, the cul-de-sacs.

These private drives and taxiways feed into a proposed road which runs north and south and eventually connects up to 13<sup>th</sup> Street North, providing access out of the subdivision to 13<sup>th</sup> Street. To access the private airstrip, which is right along the western property line of this proposal, planes would have to cross that road.

The applicant has indicated that no stand-alone hangars will be allowed on the lots. To have a hangar, you will have to live on the lot that you purchase from them. Storage of personal aircraft is to be available only to the current homeowners living on the lots. The applicant also indicates that no business activities would be permitted within the hangars.

The character of the surrounding area is primarily agricultural, as you can see from the aerial photo in front of you, and scattered, large-tract, single-family residences. We counted a total of about 14 single-family residences in the vicinity. In particular attention are the homes to the south. It doesn't show up on this aerial, because this is a three year old aerial and there have been homes built here in the past . . . within that time frame.

There are three large platted lots right in this area, directly south of this property. Two new homes, built within the past two years, have been built on two of those three lots. And then there is another home right here. In two of those homes, this one and one immediately to the east of that, which is more recently built and doesn't show up on this aerial, are more or less directly under the flight path of this airstrip, which you'll recall runs just along the western property line.

At the MAPC meeting on December 11<sup>th</sup>, there were a number of speakers that appeared in opposition to the requested airstrip. Their concerns included safety considerations, since their

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homes were directly under the approach to the airstrip. There was also concern about a cattle operation just to the west of this proposed airstrip. Generally, concerns about wildlife in the area getting onto the airstrip and possible fires from accidents involving aircraft.

Other concerns included noise from the aircraft, the impact of the airstrip on the existing house values in the area and the impact of the airstrip on a rehabilitation center for birds of prey, which is located just to the east of this site.

Property owners representing approximately 62% of the net land area within the area of notification have protested the Conditional Use. These protests exceed the 20% land area and hence that will trigger a 3/4<sup>th</sup> majority vote requirement for you to overturn the protests.

At the MAPC meeting, the initial motion to approve failed by . . . I'm sorry, the initial Motion was for denial and that failed on a five-five tie vote. And then the follow up Motion for approval also failed in a five-five vote. So under the Unified Zoning Code, when there's a tie vote, that is deemed to be a recommendation of disapproval or denial by the MAPC and it will take, again, a 2/3<sup>rd</sup> or majority of the governing body to overturn the MAPC's recommendation.

I suspect that there are a number of people here today that will want to be heard on this but I'll be glad to answer any questions you might have on the application."

**Chairman Winters** said, "Okay, thank you John. Are there any questions of John, just for point of clarification, before we take public comment? All right, is there anyone . . . Commissioner Unruh."

**Commissioner Unruh** said, "So I understand then, it comes to us as a denial, since it was a tie vote."

**Mr. Schlegel** said, "Correct."

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

**Chairman Winters** said, "All right. Is there anyone here who would like to speak in favor of this? Any person? It is not required that we take public comment, but it has always been our tradition to do that, so we do want to hear from the public. So, I'd like to begin, if those who are here that are in favor of this proposed change, please give your name and address and you're limited to five minutes please."

**Ms. Michele Webster**, agent for applicant, Terra Tech Land Surveying, greeted the Commissioners and said, "I'm representing the applicants, Spencer and Susan Atha, who are contract purchasers of

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the property, if the Conditional Use is approved. We platted this as a sketch plat and ran it by MAPD and got their approval, basically because of the extra long length it would require the infrastructure to serve. It's three-quarters of a mile deep and the sub regs limit the length of a cul-de-sac to be a half a mile long without special waiver.

The reason that this is presenting such a problem is because the Athas also want to make the runway length three-quarters of a mile long. Now typically, in a subdivision setting where you have a private airstrip, the airstrip land is 1,500 feet to 2,000 feet long. Now this is almost 4,000 feet long, which means that in the notification area there were a lot more landowners that needed to be notified because of the 1,000 foot limited notification.

There was also a conflict with the interpretation of who gets notified. It was my understanding that what we were asking for the Conditional Use for would be just the airstrip, which is 150 foot wide strip on the west side and if you apply that 1,000 foot notification limit, all of the tracts that front on 343<sup>rd</sup> Street West, which includes two of the most vocal protest opponents would not even fall within that notification area. MAPD made us put the application over the entire 118 acres, so therefore we've got extra opponents to deal with.

We think that the three-quarters of a mile length of runway gives even more than adequate protection, because of that extra length and it will ensure that by the time that the planes, if they're taking off from the north approaching the south, are at the minimum cruising altitude of 500 feet before they get over any existing house there. Just because the house that's existing is in the flight path, doesn't mean that it's an unsafe situation. It just means they're going to be flying overhead, unless they veer off on their takeoff.

The noise issue wasn't really brought up much at all at the Planning Commission meeting. The most effected home, in that situation, would be the existing home on 13<sup>th</sup> Street, near the northwest corner of this addition and we believe we could abate the noise, either by starting the takeoff further south to 13<sup>th</sup> Street or by planting a barrier of the living fence that would help absorb or deflect some of the noise from that.

We did meet with all of the neighbors. We gave them notification and set up a meeting at Garden Plain Community Center on a weekend and we talked for two hours to try to figure out how we could alleviate some of their concerns, and there really wasn't any negotiating with the neighbors. They didn't want to see any airstrip, not even one plane out there. It didn't have anything to do with the number of planes. It just came down to they didn't want any airstrip, period.

This is not an airport. It's not a public airport. It's a private grass landing strip, only to be used by the 17 lots that are within the subdivision and the planes that take off and land there belong to those homeowners. 17 is the maximum number of lots that could be developed, and it could be fewer

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than that, if people decide to buy multiple lots and combine those for a larger building site, there will therefore be fewer hangars and fewer airplanes. But what we wanted to do was show what the worst case scenario could be with this subdivision.

We've met with the fire department over safety concerns, as far as providing emergency services to the people within this subdivision, since we do have an extra long cul-de-sac. We worked those out to their satisfaction. I discussed on-site fuel storage and dispensing with the fire department, and he said that since those were covered by their own set of regulations, he didn't have any special criteria that he wanted us to incorporate into the Conditional Use that we would have to meet.

I don't know if there's a better site that I've seen anywhere in the county that would lend itself to this type of development. You don't find pieces of land, usually, in this configuration, without having to buy a half a section or a whole section. If you want three-quarters of a mile and . . ."

**Chairman Winters** said, "Mr. Webster, how much longer do you need?"

**Ms. Webster** said, "I have no idea."

**Chairman Winters** said, "Well, two or three minutes?"

**Ms. Webster** said, "I would rather come back for rebuttal, if that's possible, after the opponents have . . ."

**Chairman Winters** said, "Well, we usually try not to get into a debate situation of going back and forth. If you have any other points now, we'd be glad to give you a couple more minutes. If something really does come up, depending on how it goes, we'll just see how we're doing at the end."

**Ms. Webster** said, "I'd like another half a minute or so."

**Chairman Winters** said, "Okay, go right ahead."

**Ms. Webster** said, "I would like to stress that going into this Conditional Use application, we had the support of MAPD staff before we made application. I made certain of that. Bill Longnecker was the staff member that was representing this. He pulled his approval, when he prepared his statements, based on some erroneous information that he received from his research and he applied to this property, and it had to do with applying a runway protection zone, which is a 1,200 foot buffer that comes off the end of the runway, and the FAA doesn't want you to have things of conflict, with houses or parking or whatever within that 1,200 feet if possible. So what he was

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doing was applying a commercial standard to a private landing strip that shouldn't have any jurisdiction or oversight from FAA. So it took us a while to overcome that hurdle to say there is not a safety issue here, as far as the FAA is concerned."

**Chairman Winters** said, "All right, thank you. Commissioners, any questions? I see none at this time. Is there anyone else here who would like to speak in support of this application? Yes, please come forward, give your name and address, and again you're limited to five minutes."

**Mr. Spencer Atha**, 605 N. Forestview Court, Wichita, greeted the Commissioners and said, "A couple of things I wanted to point out. We're willing, if this 1,200 foot buffer zone is required, we're willing to shorten the runway. As I said, this property is nearly 4,000 feet long. We're willing to shorten the runway to accommodate that buffer. It's called a displaced threshold in FAA technical terms, but we're willing to create this buffer.

As far as I heard a comment about aircraft crossing a road, when I checked with other developments of this type across the country, it's very common. You know, it's handled with signage. We're up in the boonies, so before this becomes a major traffic issue, the traffic should just be those of us that live, since it's a cul-de-sac, those that live there. You handle it with signage and it will become . . . you know, if you approve, should you approve, it will be well known that's the airplane street.

Even here in Kansas is the town of Beaumont. It has a grass runway and what they actually encourage is pilots to fly out there and then taxi across the road into town for their hamburger or stay at the hotel or whatever activity they prefer.

Aircraft are basically safe. We hear that . . . one way I think of it is, aircraft are so safe that when something happens it makes the news. You know, when a car has an accident, it usually doesn't, so that's one of the things I wanted to cover. And in this statement, you'll see that the Planning Department used the statement that most aircraft accidents occur during takeoffs and landings. That's true, but it doesn't address . . . that statement alone doesn't address the rate of those accidents and it doesn't address the severity of those accidents. You know, most drownings occur near water, most fender benders occur in a parking lot. That's mainly what I wanted to point out there and if you have any questions of me, I'd be happy to try to address them."

**Chairman Winters** said, "All right, thank you. I see none right now, but there may be some later

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in the meeting. Thank you. Is there anyone else here who would like to speak in support of this application?"

**Ms. Susan Atha**, owner of subject property, 605 N. Forestview Court, Wichita, greeted the Commissioners and said, "I wanted to address the issue of noise. When we started this, we did some research to kind of see what the noise factor is and how that would impact the neighbors and I found some interesting information. There is a report by the FAA Advisory Circular 36-3G that states the size of aircraft that would be using this strip, their noise level is in the 51 to 74 DB range. And then another report that I found by the National Farm Medicine Center and Marshville Clinic states that a tractor or a combine generates 85 DB of noise. And even a home lawnmower, at full throttle, generates 90 DB of noise. There's already noise in the neighborhood. These planes are not going to be a lot louder.

I was also surprised, the last time I was out at Newton Airport, which is a public use airport out in the country, it's very quiet there. My daughter and I were out on the ramp and a plane was taking off and it was relatively quiet. You know, I fly in the plane with my husband. I find the inside of the plane noisy. I was amazed, my daughter and I continued to have a conversation without raising our voices. I was surprised.

There are concerns with the neighbors regarding fires from accidents. The thing that occurs to me is that they're probably at greater risk from a fire from range burning than from a possible accident on the runway.

And in regards to Mr. Lockwood's eagle rehab center, we did some research on that as well. We found that at Nassau in Florida they have eagles, wild eagles that continue to return to that site every year. I think they have five or six sets of eagles that come and they raise their young there. They can't verify it's the same ones every year, but they do have a continuing flow every year. The tour bus stops nearby, so they can see this huge nest. We have photos if you'd like. It's available on the website, you can see these facts. The Santa Barbara, California Public Airport, it's a 24-7 airport, commercial flights, very busy and they are located right next to a bird preserve and wetlands area. It doesn't seem to be a problem there. They've recently enlarged that in fact.

And finally, the Sedgwick County Zoo, who has several eagles that have been injured and are now living there, are now living directly in the flight path of McConnell . . . I'm sorry, Mid-Continent,

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they're within five miles of Mid-Continent Airport so they're on final there and the Riverside Airport, public airport is two miles directly in the path of the Sedgwick County Zoo.

I've recently been at the Zoo, I've been at the eagles. There was a couple that were feeding at the time and a very large, commercial jet was landing and it was low enough that it caused me to stop to see what was making the noise. And I noticed that the eagle, who had its fish in its hand didn't stop, he didn't stop whatever he was doing. He seemed not fazed at all by the noise, which is a whole lot louder than what will be generated by these small aircraft. That's all."

**Chairman Winters** said, "All right, thank you very much. Is there anyone else who would like to speak in favor of this application? All right, could I see the show of hands of how many folks who would like to speak, as we talk about the opposition side of this. Okay, very good, if you would please come forward. Let's just start with one of you. Come on up and please state your name and address and you're limited to five minutes. Commissioner Norton."

**Commissioner Norton** said, "You might ask that if they are just going to just repeat the same things, try to keep it to new information each time."

**Ms. Donna Cooper**, 35320 W. 4<sup>th</sup> Street North, Cheney, greeted the Commissioners and said, "Our home is directly south and slightly to the west of the proposed airstrip."

**Chairman Winters** said, "Could we dim the lights, please? Donna, could you point on this map to approximately where you live. Just walk over and point to it. Just use your finger. Okay, thank you."

**Ms. Cooper** said, "We sought a place in the country 15 years ago, mainly to pursue a slower pace of life. We had lived in western Wichita, and we were fortunate to find what we were looking for, a 40-acre site with diverse habitat for wildlife, which would include a pond, water retention, woods, fields and an open sky with a tremendous view to the south.

We bought this property with the intention of maintaining the wildness, to encourage the wildlife growth and because that is part of our own sense of peace and health, we desired it for ourself. We feel that our way of life and use of the land would be seriously affected by the proposed airstrip. We believe it would be a significant change to the neighborhood and use of the adjoining lands, not just our land.

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Because of the close proximity to our land of the airstrip, the traffic and noise would be invasive and we fear for collisions with wildlife, causing injury and death to animals, but potentially also to humans in the path of the proposed airstrip. Our home and that of our neighbors to the east are directly in that path. Bill Longnecker took this into account when he recommended the application for Conditional Use zoning be denied.

Even though the FAA does not govern private airstrips, they recommend that no residential housing be allowed within 1,000 feet of the end of a small public runway, which is the minimum requirement defining the runway protection zone. None of the current private airstrips in Sedgwick County have residential structures within this distance of their runways.

Based on these concerns, we do not believe that this is an appropriate site for the airstrip, but we would welcome the housing development that is proposed. That's all I have, thank you."

**Chairman Winters** said, "All right, thank you Ms. Cooper. Next speaker please. Please be prepared to come forward. If some of you want to move on up this way."

**Mr. David Foltz**, 35100 W. 4<sup>th</sup> Street, Cheney, greeted the Commissioners and said, "Our house is right here and we are at the bottom of the runway. Okay, our major concern is privacy and noise. I would like to remind you that when a plane takes off that the noisiest time is when it takes off, because that things full power to leave the land. And I'd like to remind you also that they're talking about a 3,900 foot runway that is capable of having a twin engine plane land and take off there, which would indeed increase the noise.

We're concerned about summertime, we're outside. I know they're only talking about 17 planes, but again that's a lot of planes to take off and land and also if they decide to teach little Johnny how to fly a plane, there's something call touch and go, where when you're trying to learn to fly a plane, where you land and then take off automatically, which would increase the amount of landings and takeoffs.

The MAPC has denied this. We would like you to also do the same thing and I'd also like to say that we are not against development in the area. We welcome the Athas. We just don't welcome the landing strip. Thank you."

**Chairman Winters** said, "All right, thank you sir. Next speaker please."

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**Mr. John W. Johnson**, attorney representing Mr. and Ms. Foltz, Bradshaw, Johnson and Hand, greeted the Commissioners and said, "And I wanted to give the Commission a little more detailed version, because I am a pilot and to talk about how aircraft use this area would affect the area and what planes do when they take off and when they land.

If I may use this pointer, first of all the prevailing traffic changes during the year. During the winter, when the wind is out of the north, the plane is going to be taking off to the north. The summer, when the wind is out of the south, they're going to be taking off from the south. I think a comment was made that the takeoff, this area up here would be the one primarily affected. During the summer, when the winds are out of the south, this is the area that's going to be affected during takeoff and these planes are going to be coming right over the Foltz' residence and any other resident over there.

Now when a plane comes in to land, they will do what's called a mid-field crossing, generally, across the airport and enter the pattern like this at 800 feet and come around and follow this pattern to land. So they'll come in like this, enter the pattern here, come around and then turn the final for their decent to landing, which even if the wind is out of the north, it's going to put these planes on landing approach coming again right over the Foltz's house.

What concerns me also is the fact that this is the largest sod runway that I've seen in my experience as a pilot, 4,000 feet which is very long and that can accommodate a wide variety of airplanes. I've owned Bonanzas and I've owned Beech Barons, which are twin engines. They'd be more than capable of landing on a grass strip such as this. I've landed my airplanes on grass strips.

But the primary problem here is on takeoff. When these planes are taking off to the south, they're developing full power. And the full power you don't hear laterally from an airplane, when you're standing off on a ramp and whatever. We've all been underneath an airplane when it was taking off. You can't hear it coming, you can't hear it going away, but when it comes over your house, that's when it makes the most noise. And they're there to be developing full power and it's going to depend on the technique of the pilot, how low that pilot is going to be before they do start their decent. And a lot of times, they will keep a long, slow, shallow accent in coming off a runway, depending on wind conditions, depending on the weather. It makes a lot of difference. So the end effect is, primarily in the summertime when these folks in these houses right here are wanting to enjoy the outdoors and be outside in their yards, they're going to be subject to airplanes taking off. And these airplanes are going to be taking off during the nice days and it's going to effect their enjoyment of their property, there's no doubt about it. I don't think there's anybody here that would intentionally build a house 700 feet from the end of a runway, whether it's a public use

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runway or a private use runway. Thank you.”

**Chairman Winters** said, “Thank you very much. Next speaker.”

**Mr. Bob Robben**, representative of Randal Robben, 4402 s. 151<sup>st</sup> Street W., Wichita, greeted the Commissioners and said, “We own the property where the cattle feeding operation is, which is this 90 acres right here. This is where the cattle feeding operation is.

And I’m like the rest of them, I don’t opposed a development of houses except for the experience that we’ve had with aircraft is, I personally live on 151<sup>st</sup> on 440 South 151<sup>st</sup> Street. I was going to ask you, I’d give you \$30,000 to pave my road if you’d let me. Anyway, we’re right in the line of Mid-Continent Airport, the air traffic and our experiences with the livestock and aircraft is not good.

On a nice, still evening when the moon is full, the aircraft go over, we now have steel pens built that’s cost us considerably. We have had several, over the past 15 to 20 years probably 8 to 9 animals that have broken their necks going through the fence, etcetera. Aircraft does something to them. I don’t have an explanation, but it does do something to them. And if you recall, the path he was talking about the planes coming in to land, they’re going to be going directly over where our feeding cattle operation is. And so my feeling is that it would seriously affect us from the standpoint of what it would do to our livestock and how it would affect us financially and we are . . . we abut right up to the property. And like I said, we have no objection to the development of the land, but we do have an objection to any type of an airstrip there. Thank you.”

**Chairman Winters** said, “All right, thank you very much. Next speaker.”

**Mr. Tom Rausch**, 6760 S. 263<sup>rd</sup> Street W., Viola, greeted the Commissioners and said, “I live at 6760 South 263<sup>rd</sup> Street, which isn’t in this neighborhood but my wife inherited the pasture from her mother-in-law and there are some . . . If I can point, there’ll be some drainage problems, because there’s some trees along here that are going to have to be pushed out. There’s at least a 15 foot drop off where . . . you know there’s a raven, a small tributary that runs to our pond and the fences and you know we’ve got cattle, or will have cattle in the summertime in this pasture that, you know the fences are going to have to all be replaced. You know, airplanes, I don’t know, we used to have an airstrip where our next door neighbor lived. Not next door, but across the field from where our house is and it’s every bit as loud as a tractor, any tractor I’ve ever heard in the field and when they take off and land. They don’t live there anymore. The airstrip is, I think, gone back to the native grass. Nobody uses it anymore. That’s about all I have to say.

The drainage issue will be the biggest concern for us because that is a 15 foot, at least 15 foot. I’ve

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talked to some people that said it was probably more than that. That you know they can level that out, I'm sure, but what's that going to do on our side of the fence. That's all I have, thanks."

**Chairman Winters** said, "Okay, thank you very much. Next speaker."

**Mr. Doyle Heimerman**, 711 N. 343<sup>rd</sup> Street W., Cheney, greeted the Commissioners and said, "Business decisions have got to be based on facts. You're hearing a lot of emotion-filled testimony from people. I can guarantee you, my opinion is biased. Everybody who is opposed has biased opinions. Everybody who is for it has biased opinions. But these decisions need to be based on fact.

You guys have a department who made a recommendation that the airstrip be denied, based on facts. And all we're asking you to do is trust the people in that department that have made that recommendation and go along with what they're telling you.

Facts are, crashes do happen. Colonel Mike O'Toole, who was the wing commander of the 190<sup>th</sup> Air National Guard Refueling Wing crashed on August 15<sup>th</sup> in Topeka. Over 7,000 hours of flight time. Albert Crale crashed November 3<sup>rd</sup> in Hutchinson, over 2,000 flight hours of time. Joel Clay crashed December 29<sup>th</sup> of '03 in Wellington. He had been flying for more than 10 years.

The crashes do happen. The feeding operation directly to the west of there that's owned by Bob Robben is licensed by the KDHE for 1,400 head of cattle. Cattle do get out, there's another fact. Livestock do come across that area, or livestock and wildlife definitely come between the two creek tributaries in that area, so they will also be crossing that runway.

The airplanes and the wildlife and/ or cattle, if they meet there's another fact, there will be a crash. The debris field would definitely be over the top of especially the two houses directly to the south. If the traffic was going the other way, the debris field would be on the ones on the northwest corner. That's all I have to say."

**Chairman Winters** said, "All right, thank you very much, sir. Next speaker."

**Mr. Raymond Doll**, 1313 N. 343<sup>rd</sup>, Cheney, greeted the Commissioners and said, "You might be able to see the little area there where there's a farm existing and we have two residences, back at the corner close to the red line. My son lives in one and we live in the other. We own 40 acres there.

And as far as comparing a plane to the noise of a tractor, combine, well I've cut wheat all my life and this is farm community and you're not going to cut wheat with an airplane. I mean, the airplane is a new thing. The tractors and combines and the cows have been here. The airstrip is a new thing

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and you're not going to take away the farming community. That surrounds the whole airstrip and it's been existing. That's about all I have to say."

**Chairman Winters** said, "How long have you lived there, Mr. Doll?"

**Mr. Doll** said, "We've owned the place a little over a year. We moved in a few months back."

**Chairman Winters** said, "Okay, thank you."

**Mr. Joe Cooper**, 35320 W. 4<sup>th</sup> Street N., Cheney, greeted the Commissioners and said, "I put this information packet together and delivered it yesterday morning and I hope that you've had a little bit of time to review it. I tried to find the positions of recognized authorities in regard to the concerns that we have with this proposal. I don't want to go back over and be redundant, as we've been asked not to do.

The one thing that I would say that . . . We've encouraged wildlife, through promotion of habitat and restriction of access and at present we have an abundance of wildlife. We keep Racing and Rolling Pigeons. They're free flyers and they are free to fly every day. These birds would be sharing the same airspace as airplanes in this area. We have approximately 30 daily, is what we have. I mean, it varies. They're only kept up at night to protect them from predators.

There are many deer in this area. There's a wetland creek to the east of the proposed airfield and there are spring-fed ponds and two sand pits to the west, in the same section. We have been told that if an airstrip is installed, the wildlife will move to a different area.

Before this proposal, I had never thought about that happening. It's a profoundly sad thought for me. I believe that at this location, there would always be potential for wildlife strikes that could adversely affect the performance of an airplane. And I've spent a lot of time trying to find documentation about airstrips and I've photographed seven airstrips in the County, and there are a few things that do stand out about this proposed airfield that are different than the others. The first is none of them have a house in the trapezoidal area 1,000 foot off the end of the runway, and we would have two.

None of them have cattle operations next to them. We have two the entire length of the proposed facility. On the west side has cattle. There would always be the potential for an accident there. The west half of the trapezoidal area, at the south end of the runway, is wooded with no truck access. Emergency response would be on foot. I did visit with Captain Holman about this and he said he was on a truck for 17 years and that's how they would handle . . . that's how they used to and still do handle this type of situation. They can't get in.

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The proposed development, without the airfield, would not change . . . without the airfield, would not change the land use. I would welcome it. However, with the airfield the area is quite different than before. The cattle operations wouldn't be the same. The wildlife presence would decline. We would live in the fear of an accident due to the air traffic over our house. We would never chose to live at the end of an airstrip. I strongly feel it should be located someplace where there are no existing homes at the end. When we bought our dream house in the country, we planned to live there for the rest of our lives and we still wanted to do that. I ask you please to deny this Conditional Use application."

**Chairman Winters** said, "Thank you. Mr. Cooper, how long have you lived there?"

**Mr. Cooper** said, "Fifteen years."

**Chairman Winters** said, "Thank you very much. Next speaker please. Is there anyone else? Is there anyone else who wishes to speak? Yes, please come forward."

**Mr. Ken Lockwood**, 927 N. 343<sup>rd</sup> Street W., Cheney, greeted the Commissioners and said, "I wasn't going to speak but since Ms. Spencer brought up some issues, I felt it was important that I did. My wife Susan and I live at 927 North 343<sup>rd</sup> Street West and where that's at, there's five tracts on the east side there and we're in tract number two. My wife Susan and I, a year ago, we bought twenty acres of land to pursue a dream of ours and that's rehabbing birds of prey.

We've been doing this since 1998. We receive birds from the Sedgwick County Zoo, from the Sedgwick County Sheriff's Department, Sedgwick County Animal Control, Kansas Wildlife and Parks, the general public and the U.S. Fish and Wildlife Service. When we bought this land last year from the Claussens, one of our very first questions was what was going to be the use of the land directly west of us, because that was important to us and Mr. Claussen informed us that that was going to be farmland probably for the next 50 years, due to the fact that it would cost way too much to put an access road back there to develop it.

We started building our home in August of this year and about two months after we started building is when we got the word that this proposed airstrip was going to be put in. My wife Susan and I, we took our life savings to build this sanctuary for birds. I'd like to comment on Ms. Atha's studies that she's done. Though there is wild eagles that live near airstrips and though the zoo is five miles away from Mid-Continent Airport, our place is a few 100 feet away from where this proposed strip is going to be. And what Ms. Spencer needs to understand is that when you have wild birds, particularly eagles, that are in an injured and a captive state that have just been taken out of the wild, they're and extremely upset birds. And these are birds that are fairly protected by the U.S.

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Fish and Wildlife service.

We have a training center, I do believe, out by Lake Cheney that has airplanes that train. Since the Metropolitan Area Planning Commission meeting, the last several weeks, there's been planes that have been flying over the top of my property. They particularly seem to zone in on our property. They've been killing their engines and then starting them up again. I have an injured Golden Eagle right now. Every time these planes start going across, this eagle drops off his perch and starts running back and forth into the walls. There is a huge difference between birds in the wild or birds that have been in zoos for years. These are birds that I take in that my goal is to rehab and release them.

Because of this proposed airstrip, I was going to be doing a net flight pen, but I've had to spend over \$5,000 in wood to make a different pen in the event that this airstrip is going to be put through. The one point that I'd like to bring up is that Mr. Robben, myself, Doyle, Coopers over here, we all have our individual things that we do, but what's real important is the neighbors, is that our own personal things that we do does not interfere with each other and we feel that's really important. And the reason I bring that up because at the Planning Commission meeting there was a comment that Michele made that if one of Mr. Robben's cows got out and caused an accident, he would be liable. So if the planes cause his cows to get out and cause an accident, Mr. Robben is liable.

A comment that Mr. Spencer [sic] made to me at the Garden Plain meeting that we had that he set up, I asked him, I said 'Mr. Spencer, have you considered any land out in Kingman County' and his response to me was, 'Yes, but I would have to drive further to work'. And so my feelings on that is, if it's an inconvenience for them they don't want to do it but if it's an inconvenience or something for the rest of us, then they're willing to do it. And so, based on these things, I feel it's important that the commission look into not only what I'm saying today, but everybody else and deny this application."

**Chairman Winters** said, "Thank you, Mr. Lockwood. Mr. Lockwood, how long ago did you buy your property?"

**Mr. Lockwood** said, "We bought our property in July of 2002."

**Chairman Winters** said, "Were you aware of this landing strip proposal at that time?"

**Mr. Lockwood** said, "No, we didn't know about it. We had to own the land one year before we could start construction of our home. We started construction of our home in August of 2003. We

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found out about it in September, first of October that this proposed landing strip . . . we found out by accident.”

**Chairman Winters** said, “So how long have you live in your house now?”

**Mr. Lockwood** said, “We just moved in two weeks ago.”

**Chairman Winters** said, “Into a new home?”

**Mr. Lockwood** said, “Yes.”

**Chairman Winters** said, “All right, thank you very much. All right, next speaker? Are there any other speakers? Is there anyone else who would like to speak on this issue? All right, we will close the public input. John, do you have a comment?”

**Mr. Schlegel** said, “No, I have no additional comment.”

**Chairman Winters** said, “All right. Commissioners, we’ve had a day where we’ve had a couple of very interesting cases. The earlier case we spent . . . today was our third meeting to discuss it and so, for all those who are watching or are here, please know that a number of these zoning issues and land use cases and how they affect neighbors really do play a difficult role for commissioners in coming to decisions.

Commissioners, I’m interested in hearing what you have to think about this. To begin with though, let me say that one of the issues that I have been wrestling with since I first became aware of this case and as I’ve read the backup is the changing effects that an airstrip has on a neighborhood. I think one could make the case that perhaps this would not be nearly as intrusive as the neighbors think it would be, but as I continue to think and look at this project, I’ve been out there and driven around this area, it would appear to me to think about including a landing strip in what I consider to be a neighborhood, even though it may be a section of property, but there are a number of neighbors out there. A significant number of those neighbors have signed the official protest petition. We’ve had nine of them here this morning. I believe there were seven or eight attended the Metropolitan Planning Commission. I’m just having a difficult time of thinking about a landing strip not being a significant change to a neighborhood.

So with that I’ll ask for your input and thoughts on this and how much of a significant change you believe this is. Commissioner Norton.”

**Commissioner Norton** said, “Well certainly this is a new issue that I’ve never dealt with and I’ve dealt with a lot of zoning and annexation cases from my time with Haysville and my time as a

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county commissioner. The three things that I look at, when we look at some of the rules that we have to follow, is the character of the neighborhood and obviously this is a Rural Residential. When you start putting an airstrip there, even though it's not for commercial use, it does change the character and look of the neighborhood.

There's also the relative gain to public health, safety and welfare and I don't know how you could conclude otherwise that there could be some implications to safety and welfare of the citizens in that neighborhood, because you have objects in the sky flying. Although it's proven to be safe and maybe it's more safe to fly a plane than to drive a car in rush hour traffic, there are implications if you have a plane over your head that's different than not having a plane over your head.

The other thing is the opposition or support of neighborhood residents and it's obvious to me that the people that live in that area, that have live there anywhere from 15 years plus to three weeks are particularly in opposition to this.

And finally, the consideration of the recommendations of professional staff and staff have recommended to deny. If you look at all those rules of Golden, there's four right there that we don't have to debate very much on whether we should confirm or deny. Right now I'm leaning towards denying. If we were to bring it back at some later time, having deferred it and look at it and reasonably let the citizens that live there work with the applicants, that would be okay with me. But right now, based on Rules of Golden, I'm looking towards supporting denial. That's all I've got."

**Chairman Winters** said, "All right, thanks. Commissioner Unruh."

**Commissioner Unruh** said, "I think that's a good summary that Commissioner Norton just made. I also have concerns about the impact that this is going to have on the business operations, the cattle operations that are directly adjacent to the subject property. It seems like it will have a specific effect on it that can't be mitigated in any other way, and I think that's an important consideration.

I'm also concerned about the length of the landing strip and what, five years now, or ten years when the property turns over what sort of aircraft might be using it, which I think would just make all these questions and problems more acute. So I'm leaning towards denial of the application also. And that's all I have, Mr. Chairman."

**Chairman Winters** said, "All right, thank you. Are there other comments? Any other Commission comments? Commissioner McGinn."

**Commissioner McGinn** said, "Just giving Ben an opportunity to talk. I guess, in looking at the background material and the pictures, personally I don't see a huge problem in having a landing

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strip there. I've just been around them all my life and I guess I also enjoy looking at the planes taking off and landing. But after also being filled in that there are three new houses there at the end of the landfill . . . landing strip. I don't know why landfill is on my mind, that's another week. And then just hearing also about how the cattle respond and you know, part of why cattle and livestock are in the country is that's where they're meant to be, away from lots of activities and those kinds of things.

And so, given the new information or being reminded of some of the information that we already had, I guess I'm leaning towards denial."

**Chairman Winters** said, "All right, thank you. Commissioner Sciortino, do you have a comment?"

**Commissioner Sciortino** said, "Well, yeah I guess. Mr. Euson, if I understand our procedures correctly, to override the recommendations, it would take four votes. Is that correct?"

**Mr. Euson** said, "That would be correct, yes."

**Commissioner Sciortino** said, "And John, the MAPC was kind of deadlocked, five and five, which kicks in a technicality. If you can't come to a decision, we're going to consider that a denial type thing, but they were five and five. What did staff recommend to them? What was staff's recommendation?"

**Mr. Schlegel** said, "Staff recommendation was for denial of this Conditional Use."

**Commissioner Sciortino** said, "Have you heard anything today which would make you believe that staff would change their recommendation?"

**Mr. Schlegel** said, "No sir."

**Commissioner Sciortino** said, "Okay, that's all I have."

**Chairman Winters** said, "All right. Well, just as a closing comment, I think there probably is a good business model to do a development that's a fly-in type residential neighborhood. I think we're all familiar with some of those. In fact, saw a special on television not long ago about a fly-in residential area in one of the western states and how successful and popular it was and I think it is a business model that will probably work. But I think when it has this much neighborhood opposition and resistance from the neighbors in the neighborhood and we tend I think sometimes to think of neighborhoods as being very close together, College Hill Park, Riverside but I think

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neighborhoods can also be much larger in scope in a much larger area and to me I think adding a landing strip is a major change.”

**MOTION**

Chairman Winters moved to adopt the findings of Metropolitan Area Planning Department and deny the conditional use.

Commissioner Unruh seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you, John. Madam Clerk, call the next item please.”

**NEW BUSINESS**

- G. PRESENTATION REGARDING “HRePARTNERS – AN E-GOV PARTNERING SUCCESS,” SHOWCASING SHARED WEB ENABLED RECRUITMENT AND APPLICANT MANAGEMENT SYSTEM.**
- H. PROJECT SAFE NEIGHBORHOODS GRANT.**
- J. AGREEMENT WITH COWLEY COUNTY COMMUNITY COLLEGE FOR SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE (EMS) TO PROVIDE FIELD INTERNSHIPS FOR STUDENTS.**

**Chairman Winters** said, “Kathy Sexton?”

**Ms. Kathy Sexton**, Assistant County Manager, greeted the Commissioners and said, “I recommend

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that you defer Item G and Item H and Item J from you agenda today please.”

**MOTION**

Commissioner Norton moved to defer Item G, H and J for one week.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “All right, call Item I please.”

**I. PARTICIPATION IN STATEWIDE INITIATIVE TO PREVENT MILITARY BASE CLOSURES.**

**Mr. Andy Schlapp**, Director, Community Relations, greeted the Commissioners and said, “Today I’m here in front of you. As you are well aware that base realignment and closure, or BRAC is well underway. McConnell was just served 700 questions from the Pentagon that they need to answer, as the Pentagon starts the process of deciding what the military and what the bases are going to look like around the world and in this country. The draft criteria has been presented and it is clear that that criteria is going to cover the whole multitude of what the base does and it’s going to be broad enough that, as they made decisions, they’re going to be able to decide whether a base closes or stays open within that criteria, so there is some concern there.

We need to understand that McConnell is currently under realignment with the 767 program coming in. McConnell is actually losing wings at this . . . or tails at this time, airplanes at this time and at a later date, when the 767s roll out, it was planned for them to come back up to full force of their aircraft. So they will be on lists for realignment, because they are currently being realigned.

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What we do know, to this point and during this BRAC process, that 85 to 95% of the bases that get on the list for closure stay on the list for closure and we know with Secretary Rumsfeld that it's going to be more difficult than ever to get off that list once you are on that list. They are currently looking at closing 25 to 25% of all active bases around the world.

On a positive note, with a good effort from the local communities to show the importance of McConnell to those folks making those decisions that there will be additional missions and additional needs for the bases that are left standing after this process and I think it's going to be important that we are part of that process to assure that we are heard and that they understand what McConnell can offer to the national security of this country.

We were going along for quite a while looking at what our local efforts should be and we'd gone through many different ideas of what we thought the best approach to take was. Lieutenant Governor John Moore has come forward and said it really should be a statewide effort and we really should be concerned about the state because the economic impact to the state of the four bases here in Kansas is over two billion dollars and he has committed \$500,000 from the Department of Commerce towards this end and he has asked each of the four local communities that support a base for each to give in \$125,000 for this two-year process.

City of Topeka is onboard and will be giving \$125,000. The City of Wichita has committed \$50,000, the City of Derby has committed \$25,000 and today I am asking for your support that the County also support this process and commit the amount of \$50,000 to this project. And so I would ask that you make that Motion today."

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

**Commissioner Norton** said, "Well I'm going to be extremely supportive. We've been engaged in this process at a very deep level for almost a year. And it's not about McConnell being good neighbors and part of our community. It's not about their military capability. To me it's economic development. We cannot afford to lose that many jobs, that much infrastructure, that much infusion of an economy into our community. So I don't want it to be said on my watch that we didn't put a little money into this to make sure that we lobby the right people to keep our air force base strong and healthy and missioned here in Sedgwick County. So, I'm going to be very supportive."

**Chairman Winters** said, "Thank you. Commissioner Unruh. I'm sorry. Commissioner Sciortino."

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**Commissioner Sciortino** said, “Thank you, Mr. Chairman. Well, I’m going to be very supportive of this process. In the beginning, as Tim knows when he was Chairman, he and I sat in on a couple of initial meetings and at first it was being asked if Sedgwick County would support the entire effort and that was kind of a big leap that we didn’t know how we could do. So, number one, I want to take a chance now to publicly compliment and thank our lieutenant governor for the efforts that he’s done. I want to believe that because he’s a native of this area that McConnell Air Force Base had some play in why he decided, rightfully so in my opinion, that this was more than just a Sedgwick County problem, it was a state concern and jumping in with \$500,000 from state money is making it much more palatable for the local governmental entities to comply with the other funds that are needed. Complimenting the mayor, Dion Avello from Derby, and his city council. That’s a pretty good hunk for that small community to say ‘Hey, we understand the problem, we want to be part of the solution’. For Wichita to come in the way they are. I think now, our participation is needed and it’s a lot more digestible than when it was would Sedgwick County come up with whatever those hundreds of thousands of dollars that was being asked for us.

And I think together we will be able to make a good case to the Pentagon as to why McConnell and the other bases here in Kansas are important to the nation and also why they’re so very important to us. So I’m going to be very supportive of this. Thank you.”

**Chairman Winters** said, “Thank you. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you. I’m also going to be very supportive. The numbers I’ve seen that in our area that McConnell contributes about 633 million dollars worth of activity on an annual basis and that’s some . . . I mean, that’s a piece of our puzzle here that we cannot afford to lose, so I’ll be very supportive.

But a question I have is we’re assuming that we need to make this effort. I mean, I’m sure that Senator Roberts and Senator Brownback and Congressman Tiahrt are going to be giving . . . this doesn’t let them off the hook for their responsibility? I mean, would you want to comment on that?”

**Mr. Schlapp** said, “Absolutely. I mean, the best lobbyist that we have are Representative Tiahrt, Senators Roberts and Brownback and all of them serve on crucial subcommittees that are going to be very important to this effort. But as we find in all communities, there are senators and representatives that are going to be very supportive of their base and when this was a political process, no bases got closed. So, what really becomes difficult is that they’re really limited in what they can do, because the process is so close and it’s held at the Department of Defense, so they are absolutely our best asset. They are going to be very important to the process. They’ve been supportive to this date, but it’s just not a political monster, so it needs to be attacked from a

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different direction and they're supportive of what we are doing."

**Commissioner Unruh** said, "Okay, good, thank you. One other question though. Does our participation in this statewide effort in any way diminish emphasis on McConnell Air Force Base? I mean, I'm concerned that . . . I mean, I want our whole state to do good, but I'm most concerned about McConnell Air Force Base. Can you speak to that?"

**Mr. Schlapp** said, "McConnell has a strong presence on the committee that will be choosing and making the decisions for the lieutenant governor and so I feel very confident that McConnell's mission will be thought of highly and move forward. One of the things that has been discussed is a two prong approach. One, you have this professional lobbyist that's going to help you at the Department of Defense, but you have the strong grassroots effort that's also going to be there talking about McConnell and doing those things, so it really will be a multi-dimensional approach, just not all doing one thing. That we, from this community, will be going up at the appropriate times to talk about the importance of McConnell. So I feel very confident that McConnell will be represented and represented well, both from the state level initiative and from the local level."

**Commissioner Unruh** said, "Okay, thank you. Well, I will be very jealous that we keep McConnell Air Force Base in our community, so I'm going to support this."

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

**Commissioner McGinn** said, "Well, I'll be brief because I think you've all said it. I too am going to be very supportive of this. I agree with Commissioner Unruh too about, you know, the selfish concerns I have here locally about McConnell, but it's about a lot of jobs and it's about great facilities that we have that I don't think ought to be abandoned. Because of the tornado and things like that that's happened, because of how this community has worked hard to sustain that base and help support the surrounding structures and infrastructure, I think it's very important to keep McConnell Air Force Base here, so thank you."

**Chairman Winters** said, "Thank you. Commissioners, what's the will of the Board on this issue?"

### **MOTION**

Commissioner Sciortino moved to authorize participation in the statewide initiative, and authorize funding not to exceed \$50,000.

Commissioner Norton seconded the Motion.

**Chairman Winters** said, "We have a Motion and a Second. Is there any further discussion?"

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**Commissioner Sciortino** said, "I just have one comment of Andy. Assuming what I've heard from my colleagues, we're going to approve this. That's my sense. If indeed that is the case and you were talking about grassroots, going up to Washington, don't be hesitant to ask any of us if we could help and to get up there and try to walk the halls of the Pentagon and/ or wherever, I know I would be very willing and I think probably I, this one rare time, could say that all of us would be willing to help in any way we could."

**Mr. Schlapp** said, "Absolutely. You guys have been very influential in the past and we hope that you would participate in the future."

**Commissioner Sciortino** said, "Could you wait till spring or early summer though."

**Mr. Schlapp** said, "We will go when we need to go."

**Chairman Winters** said, "All right, thank you. We have a Motion. Is there other discussion on the Motion. Seeing none, call the vote please."

**VOTE**

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

**Chairman Winters** said, "Thank you, Andy. Next item."

**DIVISION OF HUMAN SERVICES - COMCARE**

**K. CONTRACT RENEWAL WITH CITY OF WICHITA, KANSAS FOR COMCARE TO PROVIDE OUTPATIENT DRUG TREATMENT FOR MUNICIPAL DRUG COURT CLIENTS.**

**Ms. Judy Addison**, Director, Outpatient and Addiction Treatment Services, COMCARE, greeted the Commissioners and said, "We have just completed our fifth year, in collaboration with the City

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Municipal Court, to provide services through their drug court program and we're asking for a renewal of a six-year. We serve anywhere from 200 to 400 clients a year. We've served over 1,500 during this five-year period. Some of the best benefits are that when successfully completed, these clients are eligible for student loans and to join the military if they want to. That age range is about 18 to 27, so this really hits them in those formative years and feel that we've been very successful and we would hope to have you approve and the Commissioner to sign."

**Chairman Winters** said, "Okay. Judy, I notice Marilyn is not here. Do you have direct responsibility for this or are you just filling in for Marilyn?"

**Ms. Addison** said, "I have responsibility."

**Chairman Winters** said, "Okay. Well, I think, in the coming months, I think we're going to want to hear more about this story, because as we begin to look at alternatives for incarceration and with what you all are doing now, there will be a day here where I think we would like to spend some more time really talking about how it's going and what the real outcomes are in this program. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. We're beginning, I think, a whole new era of our relationship, County and the City of Wichita and I am very optimistic that it's going to be a much more friendly relationship and I think we're going to be able to be working back and forth on this.

And one thought I had, you probably already do this, but if we don't, whenever anybody pays money for something they like to kind of get a feel for are they getting the proper bang for the dollar they're investing, and in this particular case City of Wichita is a client of COMCARE. They've asked you to provide a certain amount of services and we're charging them 50,000. Do you, on a regular basis, or perhaps maybe a suggestion is to get on their agenda on maybe an annual basis and really let them know what their 50,000 bought them for this year and the individuals. Maybe even have some of the individuals come with you to tell their . . . just to give them the comfort of knowing that their tax dollars are being well spent. It might insure that we keep a client longer, just a thought. You're probably already doing it, but I think something like that I think would be well received by their city council because they're always looking to justify their tax dollars."

**Ms. Addison** said, "I just want to clarify one thing. The 50,000 is a maximum that they would pay for any indigent client that comes through and is unable to pay. We've never come close to that."

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**Commissioner Sciortino** said, “Okay, that’s good. All right, thank you.”

**Commissioner Norton left at 11:58 a.m.**

**Chairman Winters** said, “All right thank you. Commissioners, are there other questions or comments regarding this agreement? If not, what’s the will of the Board?”

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you, Judy, very much. Next item.”

**HEALTH DEPARTMENT**

- L. AGREEMENT WITH UNIFIED SCHOOL DISTRICT NO. 259 FOR SEDGWICK COUNTY HEALTH DEPARTMENT’S HEALTHY BABIES PROGRAM TO PARTNER WITH USD 259 PARENTS AS TEACHERS AND CENTER FOR HEALTH AND WELLNESS TO PROVIDE A USD 259 PROGRAM ENTITLED WICHITA CARES.**

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**Mr. Ted Jobst**, Director, Integrated Family Health, greeted the Commissioners and said, “This is a contract that is being offered by the Knight Foundation, under the auspices of USD 259 which is overseeing this project. The grant to us is \$448,886 and that allows us to participate in a collaboration with USD 259 and Centers for Health and Wellness in a project that will last five years and prepare children to enter school in a manner that will allow them to succeed. In other words, what we were doing.

And I’m going to relate to something that occurred earlier this morning, when Dr. Craig-Moreland was talking to you about juvenile delinquency. We’re trying to impact this problem at a prevention level. In the first four years of a child’s life, when we can have some impact on the family, through the health of that family and through the learning that can be provided to the children in that family through the school system, through the services that are provided by both Healthy Babies Incorporated and also the Centers for Health and Wellness we’re going to be able to reach children we feel, in the northeast section and midtown and there’s a research component that the Knight Foundation is funding as part of this that’s going to be able to monitor the success of this program on a yearly basis, as well as five years as to the readiness of these children, once they enter school.

You heard Dr. Moreland mention what a key issue that is, that if we could impact this problem at the front end, we’re not going to be dealing with the problems and spending the money at the other end, when we have to deal with the issues of juvenile delinquency. So this is a very key program, a great prevention effort and we’re very pleased that we can partner with USD 259 and the Center for Health and Wellness. Any questions?”

**Chairman Winters** said, “All right, Ted. This . . . Of course the Healthy Babies program is not a new program, but then is this a new partnership with the school district and the Health and Wellness Center?”

**Mr. Jobst** said, “Yes, it is a new partnership and the Knight Foundation is funding that partnership. That’s what they’re funding, with the idea that the data will show, year to year and at the end of the five year period of funding, that we were successful in helping children be ready for school and by the effort that we’re going to be able to provide in these first four years of life, with that child and with that family.”

**Chairman Winters** said, “Okay. Well, you know that we’re all very supportive of this Healthy Babies, so please keep us advised and Kathy, if you could help make sure that Commissioners know

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six months or so how this partnership is working and if it's headed in the right direction. We would appreciate knowing that."

**Mr. Jobst** said, "Sure thing, very definitely."

**Chairman Winters** said, "All right, Commissioners, what's the will of the Board?"

**MOTION**

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

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, Ted. Next item."

**M. FOURTH QUARTER 2003 ORGANIZATIONAL POSITION CHANGES.**

**Ms. Jo Templin**, Director, Division of Human Resources, greeted the Commissioners and said, "This agenda item is in response to department head requests for position classification audits during 2003. As a review of the recent activity on position reclassifications, we significantly slowed down the process by suspending reclassifications in June of 2001. Since that time, Commissioners have approved a small group of reclassifications in August of 2002 and in 2003 approved the reorganization phase three and four of the Health Department.

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Classification audits are reviewed using very specific criteria of significant job duty changes, adjustments because of the market analysis or to maintain internal equity. We want to assure you, Commissioners, that our division will continue to take a deliberate approach to doing classification audits and feel like the stringent criteria that is currently in place will continue throughout 2004.

During the fourth quarter of 2003, Human Resources reviewed 21 positions in various departments to determine proper job classification and compensation of the positions. We recommend reclassification of five positions due to organizational changes or major job scope changes that have occurred. We recommend allocation of one position due to external job market changes. We recommend denial of 10 position requests. These positions will be retained at the current pay level. Job market data collected did not support the changes as requested. And we recommend that five position requests be deferred to obtain more job market analysis and data.

Commissioners, the total 2004 costs for these position changes is \$25,626. The funding is currently in the department 2004 budgets. We ask your approval for these position changes.”

**Chairman Winters** said, “All right, Jo. I was just a little confused then, you mentioned some exceptions. Our recommended action is to approve the position changes. Is there some of those that we’re not approving?”

**Ms. Templin** said, “Yes, we are not approving 10 and we’re deferring 5.”

**Commissioner Sciortino** said, “So we’re only approving 6 actual changes, right?”

**Ms. Templin** said, “One is because of a market analysis.”

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

**Commissioner Sciortino** said, “Yeah, just very briefly. Jo, I want to just say thank you for your department and for your staff really having taken to heart what we’re trying to do in these real tight financial times. And I think that the very fact that you denied 10 and only really approved 6 and deferred 5 to me tells me that you’re taking a very hard look at all the numerous requests that I’m sure that your department gets and looking at it. And I just wanted to thank you for that and I think the taxpayers have every right to feel very comfortable that our staff is really walking the walk that sometimes could be argued the commissioners talk. And without your support in getting behind what we’re trying to accomplish, nothing gets accomplished. So, just wanted to say thanks.”

**Ms. Templin** said, “Thank you, Commissioner.”

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**Commissioner Sciortino** said, "I think you can indicate that I'm going to be approving this."

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

**Commissioner Unruh** said, "Thank you. I was going to say essentially the same thing Commissioner just said. I like the words 'deliberate', I like the words 'criteria', I like the words 'denial', I like the words 'analysis' so you're doing your job. Thank you."

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

**MOTION**

Commissioner McGinn moved to approve the position changes.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, Jo. Next item."

**CONSENT AGENDA**

**N. CONSENT AGENDA.**

- 1. Notice to Wichita ACTS on Truancy, Inc. of Termination of Lease for space used by Department on Aging at 420 East English, Suite B, Wichita.**

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- 2. Donation of \$25 by The Wichita Lutheran Chaplain's Auxiliary, to be used at Judge Riddel Boys Ranch.**
- 3. Order dated January 14, 2004 to correct tax roll for change of assessment.**
- 4. Payroll Check Register of January 16, 2004.**
- 5. General Bills Check Register(s) for the week of January 14 – 20, 2004.**

**Ms. Kathy Sexton**, Acting County Manager, greeted the Commissioners and said, "You have the consent agenda before you, Commissioners. I recommend you approve it."

**MOTION**

Commissioner McGinn moved to approve the consent agenda as presented.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Commissioners, we do need to have a short Fire agenda, but I would suggest that at this time any 'Other' business, if there's any community news that you'd like to share, this would be the time to do it. Commissioner Unruh."

**O. OTHER**

**Commissioner Unruh** said, "I would like to just mention the fact that we had our second inter-municipal planning summit last Saturday. It was well attended once again. I think there was 15 communities represented, is that correct number, 15 I think. And we made more progress, we did

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good work. I don't think we're quite through with the process of feeling where we want to go, knowing where we want to go and trying to help solve inter-municipal issues, but it was a good meeting and I'm very appreciative of those communities in Sedgwick County that made the time and effort to come out on a very cold morning to discuss issues that are common to each of us.

I think that's all. I would tell you that the zoo had a great year last year. We had 491,000 people who attended. It's the third best year in the history of the Zoo and it's kind of counter to the economic climate that we're in but they did a great job and we're looking for a great year this year at Sedgwick County Zoo with the opening of the gorilla exhibit, which is going to open in mid-year and might have a little bit of a problem out there during that time, because we're going to make the parking lot more user friendly. But it's going to be a good year and a month or six weeks, something like that, I'm going to be able to tell you whether or not Cynda is pregnant."

**Chairman Winters** said, "All right, very good. Thank you. Commissioner McGinn."

**Commissioner McGinn** said, "I too just wanted to say that we had a great event Saturday morning and so glad that so many elected officials came out to participate in that. And I was also glad to hear, they want to keep working on this. It's not just a meeting and we can say we did it. We want to continue the progress, so I want to thank them.

And also, this past weekend was the Martin Luther King celebration and many activities and most everything went very well and was very well attended and great speakers. The only downside was that the rain caused the Martin Luther King parade to be canceled, but everything else was done very well. Thank you."

**Chairman Winters** said, "All right, thank you. Well Commissioners, I would report that last night we had the first of our visioning meetings in District 3, out at the Extension Service. I was very pleased that we had 32 citizens, constituents attend and the information was very good. They had great table discussion, came out with some great lists of what they see as challenges and opportunities. So, I think the first one of our meetings has gone very well. We've probably learned a couple of things that maybe can be tweaked at the next meetings, but just to report back that I think we're off to a good start.

Is there any other thing that needs to come before the regular meeting? Seeing none, the regular meeting is adjourned."

## **P. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 12:09 p.m.

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

\_\_\_\_\_  
**THOMAS G. WINTERS**, Chairman  
Third District

\_\_\_\_\_  
**DAVID M. UNRUH**, Chair Pro Tem  
First District

\_\_\_\_\_  
**TIM R. NORTON**, Commissioner  
Second District

**Regular Meeting, January 21, 2004**

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**CAROLYN McGINN**, Commissioner  
Fourth District

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**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2004