

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 7, 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, April 7, 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 R. Norton; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Bill Farney, Assistant Director, Health Department; Dr. Doren Frederickson, Health Official, Health Department; Ms. Sonya Armbruster, Grant Coordinator, Health Department; Sergeant Brenda Dietzman, Sheriff's Office; Mr. John Schlegel, Director, Metropolitan Area Planning Department; (MAPD); Ms. Gloria Vermie, Public Health Emergency Coordinator, Health Department; Mr. Matt Ferguson, Project Manager, Division of Information and Operations (DIO); Ms. Irene Hart, Director, Division of Community Development; Mr. Mark Masterson, Director, Department of Corrections; Mr. Thomas Kimbrell, Program Manager, Juvenile Intake and Assessment, Department of Corrections; Mr. Aaron Blase, Assistant County Counselor; Dr. Mary Dudley, M.D., District Coroner/ Chief Medical Examiner, Regional Forensic Science Center; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Chris Bohm, agent for applicant, Ruggles and Bohm.
Ms. Derenda Mitchell, Assistant Counsel, Kansas Livestock Association and representative for Tom Schauf (property owner).
Mr. Tom Schauf, 831 Section Line Road, Garden Plain, Ks.
Ms. Rosalee Bradley, 1401 Juliann, Wichita, Ks.

INVOCATION

The Invocation was led by Bob Hartmann, Pastor, Sharon Baptist Church, Wichita.

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES: Regular Meeting, March 17, 2004

The Clerk reported that all Commissioners were present at the Regular Meeting of March 17, 2004.

Chairman Winters said, “Commissioners, you’ve had an opportunity to review the Minutes. What’s the will of the Board?”

MOTION

Commissioner Norton moved to approve the Minutes of the Regular Meeting of March 17, 2004.

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.”

PROCLAMATIONS

A. PROCLAMATIONS.

1. PROCLAMATION DECLARING APRIL 9, 2004 AS “LIBBY EATON DAY.”

Chairman Winters said, “Commissioners, I have a proclamation I’d like to read for your consideration.

PROCLAMATION

WHEREAS, the Worldwide Fraternity of Free and Accepted Masons has long championed the need and responsibility of a lifelong and ‘virtuous education’; and

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WHEREAS, Albert Pike Lodge No. 303, in Wichita, Kansas, the World's Largest Masonic Lodge, in continuing its dedication to the community and public schools, has set out to distinguish Wichita's finest educators in the selection and promotion of the Albert Pike Lodge- Teacher of the Year Award; and

WHEREAS, the selection committee, comprised of men and women from various backgrounds and vocations have unanimously selected Ms. Libby Eaton for her dedication in teaching the 4th and 5th grade students at Earhart Environmental Magnet School.

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 9, 2004 as

'LIBBY EATON DAY'

in recognition of her service to this City, the Wichita Public School District, Earhart Environmental Magnet School and the thousands of students and peer faculty that she has impacted through her dedication and fortitude in the discharge of her duties; in commendation of the qualities, capabilities and commitment that she brings to promote academic excellence, in building internally motivated confidence and teaching self reliance to her students and all those around her.

Dated April 7, 2004.

Commissioners, what's the will of the Board?"

MOTION

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

Commissioner Unruh seconded the Motion.

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

VOTE

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

Chairman Winters said, “And Commissioners, I’ve been invited to attend an event this Friday evening at the Albert Pike Lodge and I will present this proclamation at that time. Next item.”

2. PROCLAMATION DECLARING APRIL 5 – 11, 2004 AS “NATIONAL PUBLIC HEALTH WEEK.”

Chairman Winters said, “Commissioners, we have a second proclamation.

PROCLAMATION

WHEREAS, Public Health is safeguarding the health of the community through organized efforts involving client services, disease control, prevention of communicable disease, health education and monitoring of environmental hazards; and

WHEREAS, Public Health is a broad and expanding field concerned with the health needs of all populations; and

WHEREAS, the Sedgwick County Health Department engages in extensive partnerships among federal, state and local agencies, and business organizations, to assure a systematic approach to health promotion, education and training, disease control, preventive care for families, and Public Health nursing; and

WHEREAS, the mission of the Sedgwick County Health Department is to promote and protect the health of Sedgwick County residents through education, prevention, surveillance and treatment, using public health functions of assessment, assurance and policy development.

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 5-11, 2004 as

‘National Public Health Week’

in Sedgwick County, and call upon all citizens to become aware of the dedicated efforts in safeguarding and enhancing community health.

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Dated April 7, 2004.

Commissioners, what's the will of the Board?"

MOTION

Commissioner Norton moved to Adopt the Proclamation and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

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

VOTE

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

Chairman Winters said, "And we have several folks from the Health Department. Would you all just introduce yourselves and welcome to our commission meeting."

Mr. Bill Farney, Assistant Director, Health Department, greeted the Commissioners and said, "Thank you and I just wanted to say to the Board of County Commissioners thank you for this proclamation and for your ongoing support of public health in Sedgwick County and your unwavering support for public health in Sedgwick County. So again, thank you very much."

Chairman Winters said, "All right. Dr. Frederickson."

Dr. Doren Frederickson, Health Official, Health Department, greeted the Commissioners and said, "Thank you. We're delighted to receive this proclamation and again we appreciate the investment that the County has made and continues to make in public health. Thank you again."

Chairman Winters said, "All right. Do you have one other person here? Would you introduce everybody from the . . . we've got a couple more Health Department people. Bill?"

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Mr. Farney said, "Yes, we have Cindy Burbach, who is our Director of Disease Surveillance and Disease Control. Sonya Armbruster who is our grant writer and communications coordinator. And we also have Matt Ferguson who is with us and he is with DIO."

Chairman Winters said, "Okay, very good. We've got a couple of comments up here. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you. Bill, is there going to be any special events or anything during this week? Anything going on that the public might want to get engaged in or anything?"

Mr. Farney said, "Well, we have all kinds of things going on and I'd ask Sonya to come up and go through some of the list. We also, this Thursday, are having an all-staff meeting and then a March of Dimes luncheon. And apparently, I'm the guest of honor for the pie throwing contest."

Commissioner Norton said, "Can we help you?"

Chairman Winters said, "Yes we could and Commissioners, we do have a conflict that day. We're scheduled to be at another luncheon event on Thursday but perhaps somebody could drop by in time to throw a pie."

Mr. Farney said, "Well, apparently there are folks who are willing to do the dirty work for you. Only five dollars per pie."

Commissioner Norton said, "Okay, can we throw multiple pies?"

Mr. Farney said, "It's been done in the past."

Ms. Sonya Armbruster, Grant Coordinator, Health Department, greeted the Commissioners and said, "Today there's a DDI initiative for testing in the Courthouse that Kristi mentioned at the top for people to become engaged and get their blood sugar tested and find out about Diabetes and whether or not they're at risk for that disease. And there are a variety of other things happening. There's information in the newspaper and clients who stop by on Friday will get a coupon for an apple, because we're promoting nutrition and health and that sort of thing. There have been a lot of activities within the Health Department celebrating National Health Week."

Commissioner Sciortino said, "Okay, if somebody wants to know about it, what number do they

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call to find out about this thing Friday or whatever?"

Ms. Armbruster said, "If they want more information, they can call me at 660-7335."

Commissioner Sciortino said, "Thank you."

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

Commissioner Norton said, "Well, I see that National Public Health Week just really falls on the heels of our public health assembly that we just finished up, which really described what our community looks like, what we think our future is, our best description of what we need to do over the next ten to twenty years to make sure the Health Department meets the needs of our community.

And as we discovered, and I just wrote down four things that we kind of discovered from the assembly: number one is that there's a rising cost of obesity to our community and we need to continue to work on that as a public health system, that it is fast becoming the number one killer in the United States and we need to be sure that we understand that, help prevent it, educate folks to good eating habits and exercise habits. The second thing was smoking cessation would have a profound effect on public health over the next ten to twenty years and that we will take a very active stand in working on that. I think we discovered that good dental hygiene, whatever it takes to do that, is going to be important. There will be some tremendous dialogues that will have to be had in our community on dental care and dental hygiene over the next few years. And then finally, just prevention, you know getting your blood pressure checked, having your blood sugars checked. Be sure that you do the things you need to do to prevent chronic diseases in your life by getting upstream.

So we learned a lot about our community and how we're going to handle that and hopefully we can continue to do the good work of public health. I think we've certainly got the right staff and caring people in place and now it's just going to take the will of the policymakers, which is the five of us, to continue putting that as a very important issue in our community. That's all I have, Mr. Chairman."

Chairman Winters said, "All right, thank you. Well, I hope that we will continue to demonstrate our support and ability to support the Health Department and the work you all do. It is very important. I know for sure that just after the Assembly I think I understand a little bit more about public health. Not near as much as you that are involved day to day, but I know that I feel a little more confident about what our task is. So thank you all for being here. Madam Clerk, call the next item."

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3. PROCLAMATION DECLARING APRIL 12 – 18, 2004 AS “WICHITA BLACK CHURCH WEEK OF PRAYER FOR THE HEALING OF AIDS.”

Chairman Winters said, “Commissioners, I would move that we defer this for one week. We received a request this morning that the folks were not able to be here today but they will be here next week.”

MOTION

Chairman Winters moved to defer Item A-3 for one week.

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.”

NEW BUSINESS

B. ENDORSEMENT OF DERBY CITIZEN’S RECREATION ASSOCIATION’S APPLICATION TO KANSAS DEPARTMENT OF COMMERCE FOR A COMMUNITY SERVICE PROGRAM TAX CREDIT.

Sergeant Brenda Dietzman, Sheriff’s Office, greeted the Commissioners and said, “Before you have a local government endorsement form for a community service tax credit grant. This grant is being applied for by the Derby Citizens’ Recreation Association, which is a 501-C3 organization on behalf of the Oaklawn Recreation Center.

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This endorsement form is a requirement of the grant. We have asked to be able to raise \$125,000 through this grant, which would allow us to actually gain \$250,000 from this tax credit grant. Basically, how the grant works is that if you would give a \$10,000 gift to this project, you we get \$5,000 taken off of your state taxes and then you could also use the \$10,000 as a deduction on your federal taxes as well. So depending on the tax bracket that you're in, you could give a \$10,000 gift for about \$3,500."

Chairman Winters said, "All right, thank you. And the project involved here is part of the . . .?"

Sergeant Dietzman said, "It's the Oaklawn Recreation Center down in Oaklawn, which is actually a multi-purpose project, where we'll have a technology center, the Sedgwick County Sheriff's Office substation will be located in that building which will allow us to have some good access to the citizens, not necessarily just when they need us, but when they're stopping by to sign up for soccer, things of that nature."

Chairman Winters said, "All right, well thank you very much, Sergeant. And this is my fault. I should have gotten myself more up to speed on this one, but when I was early on in my career as a commissioner, I know that I was involved in approving one of these once and with the former then Secretary of Commerce, they were not thinking that we had looked at all the outside ramifications and what else might happen.

Would there be a problem if we would defer this one week? Are you working under a time deadline on application being submitted?"

Sergeant Dietzman said, "Not that I'm aware of. I don't know."

Chairman Winters said, "Mr. Manager, you don't know if there's a time deadline on this, do you?"

Mr. William P. Buchanan, County Manager said, "No sir, I do not."

Sergeant Dietzman said, "I could make a quick phone call and find out."

Chairman Winters said, "Could we defer this until later in the meeting and perhaps you could just find out and if there is a time deadline for the grant, we'll come back and we'll discuss any questions I've got or I'll figure it out between now and then. But if you could just come back to our meeting later, we would then take action. If there's not a time certainty deadline, I'd like to defer it for one week. If there is a time certain issue here, we'll deal with it."

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Sergeant Dietzman said, “And any time that you need to ask questions, just give me a call.”

Chairman Winters said, “Okay. Rich, do we need a Motion to defer this till later in the meeting, or can we just do that by action?”

Mr. Richard Euson, County Counselor, said, “I think you ought to make a Motion, so it will definitely come back up.”

MOTION

Chairman Winters moved to defer Item B until the end of the agenda today.

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, Brenda. If you could find out and again, if you have a problem, just come back and let us know. Next item.”

PLANNING DEPARTMENT

- C. CASE NUMBER ZON2004-00003 – ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “SF-20” SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 311TH STREET WEST AND WEST MOUNT VERNON. DISTRICT #3.**

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “This 40-acre tract, which is the subject of the rezoning request, is as you can see from the graphic, located about a quarter-mile west of the City of Garden Plain. The applicant has indicated

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to us that he's interested in developing one and two acre home sites on this parcel and would utilize onsite sewer and water facilities to do so.

As you can see from the zoning map before you, all the surrounding property is zoned Rural Residential. And as you can see from the aerial photo that's now before you, just to the south there's a residential subdivision called Meadowlark Hills. There's approximately 35 lots in there. To the north and east of this parcel is agricultural land, with a cattle operation adjacent to it on the east I believe. And then to the west and northwest of this site are additional residential parcels.

This item was reviewed by the Garden Plain Planning Commission on its meeting on March 10th and at that meeting there were over a dozen citizens that testified and all appeared to be speaking in opposition to the request. Their concerns were regarding drainage, maintenance of road, particularly Mt. Vernon, loss of the rural character and potential negative effect of the project on adjacent agricultural activities, as well as a potential negative impact on groundwater supplies.

The Garden Plain Planning Commission voted unanimously to deny the request, citing neighborhood opposition, negative impact on public facilities, the need to protect agricultural land and they cited that the land does have economic value as it's currently zoned.

The Metropolitan Area Planning Commission heard the case on its meeting on March 11th. One person spoke in opposition at that meeting and pretty much summarized the concerns of the citizens that spoke at the Garden Plain Planning Commission meeting. The MAPC voted 7 to 3 to recommend approval, subject to platting within one year and two platting conditions. One, that the applicant demonstrate that there's an adequate water supply for these home sites and that they provide a paving guarantee for Mt. Vernon, should Mt. Vernon be used as access for the proposed subdivision.

We have received protest petitions from . . . that represent 78% of the notification area, so that might be a factor in your decision today. And I'll be glad to take any questions that you might have, but I believe there's some people that may want to speak to this issue."

Chairman Winters said, "John, do you have more photos of this area on your presentation?"

Mr. Schlegel said, "Yes."

Chairman Winters said, "And John, the area in green, what is that?"

Mr. Schlegel said, "That is the growth area for Garden Plain, as currently designated in the comprehensive plan. This shows the properties for which we have received protest petitions. The notification area is outlined in green. This photo is looking to the southeast. The farm field to the

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north of the site. One of the residential properties to the west. And then to the northwest and then looking to the south, to the residential subdivision south of this property.”

Chairman Winters said, “All right, thank you. Commissioners, I see no lights on so I assume no questions for John at this point. This is not a public hearing, but it is our custom to take comment from citizens who want to comment on these types of cases, so I will ask if there is anyone here in support of this application, either the agent of the applicant or the applicant that would like to make comments, as we begin hearing from the public? Yes, please come forward. Please give your name and address for the record, and try to limit your comments to five minutes, but we’ll be flexible towards your presentation.”

Mr. Chris Bohm, Ruggles and Bohm, agent for applicant, greeted the Commissioners and said, “And as you’ve heard, it’s been protested by the City of Garden Plain. I’d just like to take a few moments and address some of the issues that came about during that meeting and any subsequent issues that were brought forth at Planning Commission when this zone change was requested.

Number one was that the platting of this property would exacerbate the drainage in the area. I might point out, it’s zoned Rural Residential right now, so the applicant could use two-acre lots right now and plat. We’d still have drainage issues with that. The request today is for a mix of one and two acre lots ultimately, which requires the SF-20 designation to achieve that goal. We still have the drainage issues to deal with. As you know, every plat that we provide to Sedgwick County has a drainage plan and we’re bound by that to show that we don’t increase the peak runoff from the site.

We would expect that we would need a detention pond for storm water runoff in the far southeast corner of this property to achieve that. So that’s going to be addressed automatically through the platting process.

Number two, one of the issues was increased road maintenance for Mt. Vernon. As Mr. Schlegel just pointed out, there is a requirement of the zone change attached to the platting that would require the improvement of Mt. Vernon across the south line of the property if the applicant would chose to have an entrance onto Mt. Vernon. Along with paving, improvement of that road would be the drainage concerns that would go with that road. So in either case, either number one, it’s not accessed where as there won’t be a huge increase in volume of traffic on Mt. Vernon. Or number two, it is and it will be improved. So that takes care of itself in either condition.

The third issue that came about as a result of the two meetings that this property has had, it would further change the rural character of the area and make it difficult or impossible for the adjacent agricultural activities to continue. Well, again I’ll point out, it’s already zoned Residential, it’s Rural Residential. It can have two-acre lots and it’s within the rights of the owner, as it stands, to develop two-acre lots, agricultural use notwithstanding, on any side of the property.

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He would like, again, to mix one and two acre lots on the subject property and as was pointed out and as you can see on this slide to the south of Mt. Vernon, there are already about 34 or 35 one-acre residential lots to the south and up to the north and to the west about 18, you saw on that first slide, residential one-acre size lots. And there's agricultural activity going on around all of those. In fact, the whole city of Garden Plain, the majority of it is bounded by agricultural uses, so I don't see where that is an issue with this property.

The last issue that was brought forth in these meetings is the negative impact of groundwater supply in the area. Again, another requirement of the zone change attached to platting is to have a hydrogeologist do a determination of water quality and quantity. That's going to be taken care of by the platting process. So that issue is taken as well.

This slide that you see on the screen and you have a photo of in front of you shows, conceptually what the applicant would like to do with the ground. We have not even done a topographic survey on the ground yet, so it's not tailored to the site as of yet, but the market that he sees for the area would use a mix of basically one and two acre homes. You can see that we show a detention pond in this far southeast corner. That's where the site drains primarily. And you can see how that matches in character the area immediately to the south, which is actually zoned Rural Residential, with I believe a protective overlay allowing the one-acre lots. So this is not inconsistent at all with any development that's been allowed around the perimeter of Garden Plain.

And finally, I'd just like to summarize it by saying approximately 20 of the signatures on the protests, that includes some outside of the notification area, come from residents who live on one-acre lots so that seems very inconsistent to me. One and two acre lots are very consistent with the area and its proximity to the City of Garden Plain, a quarter of a mile away to the west, and denial of this request really goes against some of the theory that's been put forward by the Planning Department in the bundling concept, on many parcels of ground near a city, Planning will require bundling, platting in small 80 by 120 foot lots and then bundling those together for larger parcels and the points of that are better use of the ground, more density in the proximity of a town. We're trying to achieve that here, against the wishes of the city.

I just see that this falls entirely consistent with the plan of development of ground adjacent to cities in Sedgwick County, as it's being applied by the Metropolitan Area Planning Department. We need a unanimous vote today for this property to have this zone change passed and I really feel it's incumbent on the governing body to consider this very carefully, because this really goes toward the end of how do you plan for development in Sedgwick County, particularly adjacent to existing communities. So with that, I'd answer any questions that you may have."

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Chairman Winters said, “All right. Chris, could you . . . can you tell me, did the applicant have conversation with Garden Plain about city services, city sewer and city water and what was the response?”

Mr. Bohm said, “Yes. Early in this process, probably six months ago, we met with the city attorney for the City of Garden Plain and talked about the idea of the extension of sewer and water to serve this site as a residential subdivision. The response we received from them, in discussions with their city engineer, was they have sewer about a quarter of a mile to the east and there’s water about a half a mile to the north, but they really don’t have the ability to serve in the quantity for sewage and water to serve this site as a residential area. Also, there would be a problem with annexation, because there’s no adjacent ground. It would have to be some type of an island annexation and it really would become kind of a messy situation.

And after we learned that there was no way really at this time for the utilities to service this property, that whole idea was scraped and there is no plan whatsoever to annex this into the City of Garden Plain.”

Chairman Winters said, “All right, thank you. And would you repeat one more time, you said something about the petitions, the people that signed, half the people that signed the petitions, just in your presentation. Would you repeat that?”

Mr. Bohm said, “If I could go to that one map that John had on the screen with the . . . It was the map that had the protest petition signatories. To the north and west you can see that there are six or so lots in that one-acre subdivision that have signed against it and into the south, if you count square within the green boundary and then also outside of the district signed, to the south and you can see them in the purple-blue color to the south. I counted 20 people who signed against this property who live, basically, on one-acre lots. I just find that inconsistent.”

Chairman Winters said, “Oh, okay, got ya. All right, thank you. Commissioners, are there other questions? Commissioner Sciortino.”

Commissioner Sciortino said, “I just have one. If you’re not going to get city sewer and water, how are you going to address that in the development? I mean, where are you going to get the water and the sewer?”

Mr. Bohm said, “Right now there would be individual water wells on each home site and the use of either septic or alternative sewer systems, depending upon how the ground would perk, and that’s very consistent with the area to the south, wells and septic systems.”

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Commissioner Sciortino said, "That's all."

Chairman Winters said, "All right, thank you. Thank you, Chris. If we have other questions, we'll call you back. Is there anyone else in the audience who would like to address the commission on this issue? Yes, please come forward. Please give your name and address and we like to limit remarks to five minutes if we can."

Ms. Derenda Mitchell, Assistant Counsel, Kansas Livestock Association, Representative of Tom Schauf (property owner and protester of zone change), greeted the Commissioners and said, "And I appear today on behalf of Mr. Tom Schauf, right there. He is one of the signatories to one of the protest petitions. I have prepared a letter and I trust that you have received that, thank you. I'll simply try to highlight those concerns and what I've related in my letter to the County Commissioners. But before I begin, I do want to point out that in the letter I referred to the application as multi-family and I was using that in the literal sense and not in the technical, zoning district sense. So I hope that doesn't cause any confusion and I wanted to clarify."

Mr. Schauf opposes the zoning change requested for what is now open space, dedicated to the commercial activity of agricultural production. In fact, this zoning change is contrary to the stated purpose of the Unified Zoning Code. The change does not consider the cost to taxpayers and the cost to the environment, as stated in the comprehensive plan in goal number one. Studies generally show that residential neighborhoods cost the taxpayers more than agricultural land. Ag land helps reduce taxes and even Rural Residential land is less burdensome to the taxpayers, because in the long run it requires less in terms of governmental services than the agricultural land generally contributes to the economy and I cited the authority for the statement and the studies in your letter.

The proposal also runs afoul of goal number three of comprehensive plan in that it reduces the land available to promote the successful commercial activity of farming. Surrounding farm ground will be restricted and Mr. Schauf's land in particular will be adversely affected. The more houses that are built, the greater the restrictions he will have to bear on his development of his existing cattle operation.

Third, the proposal is contrary to goal number seven of the comprehensive plan. It takes open space and urbanizes it and concretes it over, to some extent. Natural drainage patterns are disturbed and forever altered, risking water quality and threatening to make Mr. Schauf's property the recipient of urban runoff and drainage. It's unfortunate that the Unified Code does not specifically protect agricultural land. Farmers and ranchers start from behind in Sedgwick County because residential development is, to some degree, allowed in the surrounding area. No district recognizes agricultural development exclusively.

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Following the review criteria specifically, number one, the agricultural character and uses of adjoining land under this proposal would be irretrievably restricted. Number two, this land and adjoining land is overwhelmingly suitable for agriculture and once lost cannot be replaced elsewhere in the County.

Number three, nearby property, especially Mr. Schauf's cattle operation, would be adversely affected. Agricultural development rights are restricted with every house built cost to a cattle operation. KDHE, the Kansas Department of Health and Environment, requires setbacks from habitable structures. Mr. Schauf now complies with those requirements. He doesn't have the number of head of cattle that would typically require those setbacks to be applied, that is his operation today. But if he wanted to expand or grow his existing operation, his agricultural, commercial activities could be restricted by the proposal. In effect, he might be landlocked. It simply isn't fair to either side, the residents who are invited to live next to a cattle operations and to Mr. Schauf.

Another review criteria that needs to be considered is the non-conformity to the Comprehensive Plan that I've already addressed. Another one is the impact on the community drainage to be of great concern to this commission. It is unlawful and a public use of Mr. Schauf's private property rights to use his land for drainage of public streets and neighborhoods. If I understood the engineer correctly, there will be some drainage onto Mr. Schauf's property. Ditches should be utilized to do what ditches do and drain. Instead, this development proposes drainage onto Mr. Schauf's land itself.

Another review criteria, Garden Plain opposes this development and of course there are protest petitions. In short, we respectfully request that this zoning change be voted down, save our farms and our pastureland and vote no on this zoning change. Thank you very much."

Chairman Winters said, "Ms. Mitchell, thank you very much. Can you point to Mr. Schauf's property? Do you know his property? Mr. Schauf, could you just come to this map up here on the screen and just point to your property? All right, thank you very much. Commissioner Sciortino has a question."

Commissioner Sciortino said, "Ms. Mitchell, just for clarification, are you here representing the Kansas Livestock Association and their official position, or are you a consult for this gentleman here?"

Ms. Mitchell said, "I am counsel to Mr. Schauf, but I am also an employee of the Livestock Association."

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Commissioner Sciortino said, "No, I understand what your position is, but is this the Kansas Livestock's . . . are they officially standing . . . is the association standing in protest to this?"

Ms. Mitchell said, "The association does take a position against the usurpation of farmland, yes."

Commissioner Sciortino said, "No, that's a general term. Are they standing in opposition to this particular item that we're discussing today?"

Ms. Mitchell said, "I'd have to say not necessarily. In general terms, yes."

Commissioner Sciortino said, "But you're here representing . . ."

Ms. Mitchell said, "I'm here on behalf of Mr. Schauf."

Commissioner Sciortino said, "Okay, because I was confused about the letterhead. Okay, thank you."

Ms. Mitchell said, "Thank you. Anything else?"

Chairman Winters said, "No ma'am, there's not. Thank you very much for being here. Is there anyone else who would like to speak on this issue? Anyone else in the meeting room that would like to speak? If not, we're going to confine our comments to staff and the bench. I see no one else. John, did you have any other comments? All right, thank you. Commissioner Norton."

Commissioner Norton said, "John, the subdivision to the south of this property, is it in the city limits of Garden Plain?"

Mr. Schlegel said, "No, it is not. As you can see on this map, the city limits are outlined in that red dashed line."

Commissioner Norton said, "Does it have city services?"

Mr. Schlegel said, "Not to my knowledge, no."

Commissioner Norton said, "Okay. And is it on laterals and wells?"

Mr. Schlegel said, "As far as I know, those lots have individual sewage disposal systems and water wells."

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Commissioner Norton said, "Okay. At present, if this fails today to go to one-acres, there's every right to develop it as two-acres, so that there still could be residents next to a cattle operation. Is that correct?"

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

Commissioner Norton said, "What is the use of the land now?"

Mr. Schlegel said, "For agricultural purposes and I think that shows up on the aerial photo."

Commissioner Norton said, "It's actually being farmed right now?"

Mr. Schlegel said, "The answer is no."

Commissioner Norton said, "Has it been farmed recently?"

Mr. Schlegel said, "Last year."

Commissioner Norton said, "Last year, but it is not . . . a crop is not on it today. Is it true that on Mr. Schauf's property to the east that it touches urban development to the east?"

Chairman Winters said, "What was that question again, Mr. Norton?"

Commissioner Norton said, "On the east side of Mr. Schauf's property it bounds an urban area."

Chairman Winters said, "Right, he's next to Garden Plain."

Commissioner Norton said, "Okay. It's touching already developed residential properties. Okay. And what is the north property used for, north of the Schauf's and north of the property we're looking at?"

Mr. Schlegel said, "The use is agricultural and whether or not it's in a crop right now I don't know."

Commissioner Norton said, "When you say agriculture, is that agriculture crop or agriculture livestock?"

Mr. Schlegel said, "Can you help me out here?"

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Chairman Winters said, “Mr. Schauf, would you just come to the . . . that’s fine. Just identify yourself with your name and your address and then just describe the activity on the property north of you. Your name and address.”

Mr. Tom Schauf, 831 Section Line Road, Garden Plain, Ks. said, “My address is in Garden Plain. I don’t live directly on that property we’re talking about. But the land to the north, they had Milo on part of it, they have wheat on a little of it right now, and then there are cattle on that operation also and this winter they’ve run cattle clear up as far as 311th. You know, it’s fenced off for them to be on the Milo stalks and they’re feeding.”

Chairman Winters said, “But it is agricultural, as opposed to residential area.”

Mr. Schauf said, “Yes.”

Commissioner Norton said, “And that whole . . . is that one block, one ownership above, north of both pieces of property?”

Mr. Schauf said, “I’m not sure who actually owns. I think the man is farming it and then his mother is still involved in part of that, but it’s directly in that one family.”

Commissioner Norton said, “Okay. But it is one big piece of property, as opposed to several ownerships, to your knowledge.”

Mr. Schauf said, “Yes.”

Commissioner Norton said, “Okay, that’s all I have right now, Mr. Chair.”

Chairman Winters said, “All right, thank you very much sir. Thank you for your helpful clarification. Well, Commissioners I would begin by making a couple of comments. This area . . . you might look at those photos right there, Tim. This area is in the 3rd district and I’ve had a lot of calls and conversations with folks and so, as I tried to kind of work through this, there’s some . . . it’s not as simple as one would think about what to do with this, because you make sure that you want to try to treat everyone as fairly as possible. But one of the things that I think is critically important is the comments and the thought process of the Garden Plain City Council and their planning commission and the citizens.

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You know, I really didn't start a count when I started receiving phone calls and letters and petitions and photographs of this area, but I've had just a lot of conversation with people, all of them opposed to this project. And when you start with the City of Garden Plain, if they had of been able to provide services to this area, then a lot of problems would have been solved. But this is not in Garden Plain's comp plan growth area, which kind of go to the north and the south and they've got developments happening in both of those areas, so we've got the problem of Garden Plain not having the capacity to take on this effort.

Then from there it started with citizens, then goes to the Garden Plain Planning Commission and they had 12 or 15 people appear at the Garden Plain Planning Commission, all of them opposed to the project and the Garden Plain Planning Commission votes 7 to 0 to recommend denial. Well I mean, those are two pretty strong evidence to me that Garden Plain, with their local government along with neighborhood opposition is kind of a tough hurdle to overcome.

Now, I've got three photographs that I have shown you from a Mr. Larry Warner sent them to me. I'd like to probably just include them, although this is really a platting issue and I realize that drainage is not an issue that is involved in a zoning issue, but I also think that it's good for citizens to know that drainage is on everybody's mind on any kind of project that you want to do. I think we probably should include in the record this Kansas Livestock Association letter that we received this morning and then I've got another petition that has 35 names on it from neighbors. And I'm not saying that it's an official petition at all, but at least 35 people out in that area signed this petition opposed to it. So I just hand this I think to the Clerk so she can keep those, as we again try to come to a conclusion. I see a couple of questions. Commissioner Sciortino."

Commissioner Sciortino said, "I'll wait and see how the Motion goes."

Chairman Winters said, "Commissioner Norton."

Commissioner Norton said, "I'll wait."

Chairman Winters said, "Okay, you're both going to wait. Well, I'm prepared to make a Motion, unless somebody else has something to do, something to comment on."

Commissioner Norton said, "I think my lights left on from my last comment."

Chairman Winters said, "Okay."

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MOTION

Chairman Winters moved to deny the application based on the finding that there is suitability to the property as it's currently zoned and the owner could proceed with the property as it's currently zoned. Non-conformance to the Comprehensive Plan that calls for this type of development where future water and sewer services will be available and that's not shown to be happening in the Garden Plain area, and because of the neighborhood opposition, which in my experience, I consider it to be significant neighborhood opposition and because of Garden Plain's inability to respond, because of capacity and because of the vote of the Garden Plain Planning Commission, which was 7 to 0.

Commissioner Unruh seconded the Motion.

Chairman Winters said, "All right, we have a Motion and a Second. Commissioner Sciortino."

Commissioner Sciortino said, "Yeah, I just wanted to clarify something and it's important to me and I think to this whole board, especially since we're going to make this letter part of the record, is that the Kansas Livestock Association is not taking a position on it and it's a little misleading because the letter is even signed assistant counsel and I would think that Ms. Mitchell was representing a client privately, I just needed to make sure . . . I would assume she would have letterhead showing her own private practice too, but perhaps not. But this is not an official protest by the Kansas Livestock Association. She is just representing a client in private practice I would assume."

Chairman Winters said, "Well, I'm going to just assume that she was probably here representing a Kansas Livestock Association member and if he's a member and she's their counsel, she can come and just make comments on behalf."

Commissioner Sciortino said, "No, my point was just that the Association hasn't taken a . . ."

Chairman Winters said, "Right, I think we probably all understand that the association has not looked at this zoning request and voted to either support or deny. I just see her as being here supporting a member of the Association. And Madam Clerk, I did start out all of that Motion by saying I move to deny the application based on these things. Commissioner McGinn."

Commissioner McGinn said, "Well, I don't know if this helps or not, but I just know that like the Kansas Farm Bureau, every year they go through their whole set of bylaws and what they believe and so they have a lot of general terms so that they can go out and help their membership on these types of things, so it's kind of a basic philosophy I guess.

I guess the only comments that I would like to make is that I think this is a good development, the

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way it's set up, and I certainly support some of these types of developments that are close to cities that have these community systems, that have this clustering effect and those kinds of things. But I'm probably going to support the Motion because one of the things that's also important when you have these kinds of developments is that the community in which you are a part of or going to develop close to, they need to embrace that growth and Garden Plain clearly has said this is not where we want to have growth or the kind of growth that they want to have.

I think about Bentley Meadows a while back. Bentley wanted that growth and Bentley was prepared at some point in time to either extend water or sewer in the future, and so I'm seeing that today on this particular type of development and so I think that would be an incorrect way to move forward, to have a development that the city itself that's going to eventual grow does not embrace that. Thank you."

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

Commissioner Norton said, "Well I'm probably going to honor the Garden Plain's Planning Commission's recommendations. I tend to think that small towns have every right to look at the individual kinds of things that they have to deal with that has to do with their community and we shouldn't probably impose our will on that.

I would like to challenge us to think strategically on this though, because as Garden Plain continues to grow and some other outlying small cities continue to grow, agriculture property that butts right up against an urban area, whether it's a huge urban area like Wichita, or a small urban area, is going to be in peril of becoming developed. It wouldn't be out of character for that property to the north of Mr. Schauf, in the next two or three years, to become a very enhanced piece of property to be developed and at that point, you know, property becomes important to develop and you may have that same battle on your hands again in a different manner. And I would challenge Garden Plain to make sure that their comprehensive plan is succinct and describes their growth consistently and that everyone in that area continues to think about what growth is going to do to agriculture and livestock production. And it's sad that that happens, but it is a part of communities that grow. And we continue to have those problems around our county and I don't think it is untypical that we'll have to deal with this again in three to five to ten years. If it's not this property, it will be others.

The other thing, there's a good chance you're going to have some development, even though it's called Rural Residential, it's going to be development on that west side and very well the operation could be surrounded in several years. Just a word of caution, as we know that these issues are not going to go away. Thank you, Mr. Chair."

Chairman Winters said, "Thank you. Good comments from both Commissioner McGinn and Commissioner Norton. Commissioners, we do have a Motion on the floor. I see no other questions.

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Our Motion is to move to deny, which would be in concurrence with Garden Plain's Planning Commission. Are there any other questions or discussion? Any other questions? Seeing none, Madam Clerk call the vote."

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. Was that all you had on the agenda today?"

Mr. Schlegel said, "That's it."

Chairman Winters said, "All right, thank you. Madam Clerk, call the next item."

D. PRESENTATION OF THE CITY/COUNTY MANAGERS' RECOMMENDATIONS OF NEXT STEPS IN THE JOINT OFFENDER REENTRY INITIATIVE.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Mark Masterson will present this item, but I would like to remind you that about two and a half years ago the City of Wichita, the State Department of Corrections and Sedgwick County sponsored a Wichita . . . what was at that time entitled Wichita Assembly on reentry issues. Out of that Assembly, came several suggestions and ideas, one of which was a Reentry Task Force be created to examine issues around reentry. That task force has worked for a number of years and Mark will get into the details. We are poised to take the next logical step in this process and that's what this item is about. Mark."

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "I've been your staff representative throughout the Assembly planning process, the Assembly, the task force. For over two years this community was engaged in discussion and planning around persons being released to Sedgwick County from Kansas prisons, so that's the population that we're talking about.

It's a tough issue for the community. The work centers on the basic reality that we can't keep people in prison forever. Each year, 7,400 inmates are released from Kansas prisons, one-fourth to

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Sedgwick County. That's 1,850 ex-inmates if you will who have served their prison terms coming into our community to attempt to rebuild their lives. The challenge is how to integrate them back into society. Now 55% return to prison within 12 months. It's a conclusion from this work that if we are to improve the system and avoid the prison revolving door, we need to provide better state and community support, better help in finding jobs, with housing, substance abuse and mental health treatment and we need to closely monitor these individuals and address promptly address violations.

I just repeat a little bit just to give a few more details about the process, if that's okay. This work began in February of 2002 at an Assembly convened at Wichita State. The Assembly was sponsored as a joint partnership between the city, county and state. One hundred twenty-five area residents, with diverse professional, economic and social backgrounds worked on these issues for two days. They produced a blueprint, with an array of recommendations in the areas of employment, housing, social services and public safety.

The overarching recommendation was for the Wichita City Council and Board of County Commission to appoint a task force to review and determine actions necessary to implement those recommendations. The task force was formed a year later in January, 2003 and began it's work. They held monthly meetings through September of 2003 and produced a report with findings and recommendations.

Four subcommittees were created and worked on those areas I described above. The report was presented to a joint meeting of the governing bodies on February 24th, 2004. Following the presentation, the governing bodies directed staff to work together and devise a plan of recommended logical next steps towards implementing the task force recommendations.

The staff has reviewed the task force report and recommends the following plan of next steps. First, to establish a standing city/county/state oversight work group with lead responsibility to establish and sustain reentry practices. It's recommended that this function should be assigned to the new Criminal Justice Coordinating Council that you recently established to address system issues in criminal justice and impacts on the use of the jail.

Number two, you should recognize and commend the work of the task force and then disband the task force, as their tasks have now been completed.

Three, to assign staff to prepare and present a detailed proposal to establish a reentry program pilot project funded through a three-way partnership of the city, county and state. To be perfectly clear, this step asks for development of an operational plan for a program with outcomes and costs to

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begin in 2005. It does not ask you to approve the program at this time. That would be a separate action, later this year, after considering the proposal, the partnership and the recommendations of the coordinating council.

Four, the final item is a recommendation for the city to have their Office of Central Inspection assume the regulatory functions currently performed by the Alternative Corrections Housing Board.

This is really a city issue to decide, but included in these recommendations to both of the governing bodies, because it was in the task force report and it was one of the charges that came out of the Assembly.

Yesterday, this plan was presented to the Wichita City Council. They elected to assign staff to solicit further input from the task force, district advisory boards and Alternative Corrections Housing Board. They did not act on the designing of a program proposal.

It's the request of staff today that you move ahead and authorize this plan. If you do that, we will keep working with people from the state on the program proposal. We will keep the city informed and invite their participation at any point in the process and we will engage the Criminal Justice Coordinating Council in the process, so that is the recommendation this morning."

Chairman Winters said, "All right, thank you very much Mark. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Mr. Chairman. We're probably going to have some comments here in a little bit, but before I begin I see we have a task force member out in the audience and wondered if we would like to hear from the task force member before we begin?"

Chairman Winters said, "If she'd like to speak, that would be fine. Please give your name and address for the record please."

Ms. Rosalee Bradley, 1401 Juliann, Wichita, Ks., greeted the Commissioners and said, "I have not seen the plan that is being presented to you today. I am addressing you on the general subject of the items of offender reentry. Offender reentry is an important issue within the neighborhoods and the citizens of Wichita and of Sedgwick County I am sure. As a task force member, I'm aware there is a need for system changes and reforms, both at the local level and at the state level. To be successful, any plan must have citizen involvement. To get the citizens' support, they must be knowledgeable about the issues involving neighborhoods, safety and offender reentry. As you know, the City Council has sent this to the DABs and to the Alternative Correction Housing Board.

It will not be an easy task, but I believe if handled properly, great improvements can be made. The reintegration of offenders in our community is a plus for the community if we do it properly. I also would like to address, which I was not aware of doing away with the Alternative Correctional

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Housing Board. I am chair of that board. That board is not aware of that suggestion at this time. The thing that I understood in the Assembly was to consider enlarging the scope of that board. I realize this is not a County issue, it is a city issue, since the County is no longer involved in that, but it is a very vital issue, maybe not just in licensing but for citizen input, because any time you're talking about offender reentry, you're also talking about halfway houses, day reporting centers and then living in neighborhoods, so these issues have to be taken to the public and to the citizens and I will be interested to see what the DABs have to say in general.

The Alternative Correctional Housing Board meets Wednesday. I do not know if we're going to have a quorum and I do not know if this is on the agenda."

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

Commissioner Norton said, "Before Rosalee sits down, Rosalee, and I know you said you didn't get to read all this . . ."

Ms. Bradley said, "I didn't see any of it. I wasn't aware of it till Monday night that this was even on your agendas."

Commissioner Norton said, "Okay. We've been working on this for a pretty good while. In fact, we had a briefing what, 24th of February with the City."

Ms. Bradley said, "But the task force was not aware of that. See, I guess my question is is if the task force was supposed to be involved with these recommendations and bringing you to them, where did we get left out of the following picture of presenting it to the county and the city?"

Commissioner Norton said, "Okay. Does the task force that you're appointed to report to the city?"

Ms. Bradley said, "It is the task force set up by the city and county, the Offender Reentry Task Force and I have not seen that report. We have not seen that, as a task force member."

Commissioner Norton said, "Wow, okay. I was just trying to . . ."

Ms. Bradley said, "We voted on a draft and we were to come back for a meeting and we never saw anything after that."

Commissioner Norton said, "Okay, good. I wanted to be sure that's what I heard."

Ms. Bradley said, "So we're in the dark. We are in the dark as to where we go, but I do think one

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thing that came out of that task force is you need to keep the public involved and not just those that are currently in the system, which is staff people, criminal justice people, etcetera. There's needs to be outside input."

Commissioner Norton said, "Okay."

Chairman Winters said, "All right, thank you."

Mr. Buchanan said, "It was my understanding that the Reentry Task Force approved this plan in draft form. They may not have seen it with this fancy color cover, but in fact the contents of the plan have . . . were approved in September or so? So the task force approved this plan. Now we're not . . ."

Ms. Bradley said, "No, a draft of that, because I haven't seen the final draft."

Commissioner Sciortino said, "Was there anything materially changed in that draft and the final . . .?"

Mr. Buchanan said, "No."

Commissioner Sciortino said, "Okay."

Chairman Winters said, "Mark, did you have something to add? Go ahead, Bill."

Mr. Buchanan said, "Excuse me. It's essential that the public be involved and neighborhoods are involved in the process of reentry and the task force identified that. Studies of best practices we know require that, but what is occurring today is that there's 1,850 people who have been released from prison who have done their time, committed the crime, done their time and coming back into this community. And the attempt that Mark Masterson and the Department of Corrections is trying to do is to set up a program of how to deal with 100 or so of those so they don't get back in the system, so they don't get re-arrested, so that we readjust our employees, some of Mark's and some of the states, to see if we can help them find jobs. If people coming out of prison have a job, they're less likely to commit a crime, they're less likely to go to jail, they're less likely to do those things that get them sent back.

So what we're proposing today about the plan and we can't eliminate the board alone. It has to be a city/ county thing. We can't affect if the City of Wichita wants to take it to the DAB boards that's their business, but what we would respectfully request from you is to allow Mark Masterson and

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Margie Phelps to sit down and start working out a program to see how much this is going to cost so we bring it back to you and to make a determination in the 2005 budget whether this is a priority or not.”

Commissioner Sciortino said, “So, just keep the process going.”

Mr. Buchanan said, “Yes, sir.”

Chairman Winters said, “All right. We have a couple of questions or comments up here that might help shed some light. Commissioner McGinn.”

Commissioner McGinn said, “Did you want to go first?”

Commissioner Norton said, “It doesn’t matter, whatever is the protocol.”

Commissioner McGinn said, “All right, well if my fellow commissioners will indulge me, I would like to give a little bit of background on all of this and try to focus on why it’s so important to move forward with this. This is basically to coordinate a system that we have presently going on in our state. We have the State KDOC, Department of Corrections. We have the county, who implements many of their programs and then we also have the city, which receives many of these people who are past offenders, criminals, whatever you want to call them.

I was involved in this when this started, clear back with the Wichita Assembly and it was the Wichita city leaders that were looking ahead to deal with an issue that was about to surface in their community. And the issue was, how are they going to reintegrate past offenders, past criminals, criminals, whatever you want to call them back into their community. And a large part of this had to do with state law passed, a law that’s called determinant sentencing and that means if you do a crime you just go over here and look in this column and it tells you how many years you’re going to be in the system. And so, you’re going to be in the system, so we knew there was a large population in the system and they would be getting released out into the system.

The City of Wichita was concerned about this because they were coming back into their community and it’s not a matter of whether we want to keep them in jail forever or not. The fact of the matter is that they are getting out of jail. They’ve served their sentence and they’re coming into the community and the question is how are we going to integrate them back into our community and make sure our community remains safe as well.

So they had their Wichita Assembly and again, it was very important that all three of these entities were together: the state, the county and the city. And many issues surfaced through this discussion, which was the foundation for the committee, the task force to do their work for about two years that

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they worked on this. One situation they thought was very interesting in a session that I sat in on was that the state and the counties and the communities didn't always know how prepared those folks were when they got out. So if you had past history of mental health or drug addiction or something like that, you get a bus ticket and \$100 and you're released from the state prison system.

And then you're supposed to go back to a community and have housing and have a job and I don't know how you apply for a job if you don't have a birth certificate or a driver's license, so that was a barrier for them. I don't know how you get housing when HUD, it's my understanding, has requirements on their applications that if you're some kind of a past criminal or something you can't get HUD housing, and so there's another barrier. So what happens to some of these people is that they go back and they either go back into the same environment in which they came from and it just gives them the higher potential to fail once again, because they can't get away from that particular situation.

So they addressed several issues. One was housing, jobs, how do we get connected to jobs, victim services, which is very important. The victims out there need to understand what's going on and they need to figure out how they're going to be comfortable with this situation. Again, I'll say again that they can't just stay in jail and that's state law that says they're going to get out of jail and they're coming to this community.

The other has to do with community communication, that's very important. I was one of the ones that pushed to make sure we had neighborhood representation on that task force, because they are coming back into the neighborhoods and the neighborhood folks need to be involved in this whole process. And so some of the things they talked about was community patrolling and community communication as to understanding whose coming into their neighborhoods.

We need transitional housing. We need somewhere where people can go and get the job they need and the dollars they need and get established so that they can be successful and not turn right around and go back into the system, which costs us more money in the long run.

One thing, I would like to just give a little background onto and why this was important to me. I want to say about six, seven years ago, people were coming out of the system and didn't have housing, didn't have jobs and those kinds of things. And so what happened in my district, I represent a large part of the inner-city, these halfway houses were opening up and people were

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doing all kinds of acts and things that would get them back in trouble to pay for their rent and so a lot of halfway houses opened up and so I applaud former council member Joan Cole, representative Nil Dilmore and Bill Fox and some others who put together the Alternative Correctional Housing Board. And what they did, it was a board that was supposed to be set up to establish regulations, in our community, to license these places so that these kinds of activities don't occur. And they cleaned up the neighborhoods, they cleaned up the area and they did a great job.

So now we have the Alternative Correctional Housing Board today and it's pretty much being overseen by their Office of Central Inspection. And so, part of this plan that's in here is to, I think one was said to abandon it but maybe we can talk about transitioning it to be a sounding board, but I want to hear from my other commissioners about that. But the bottom line is these past offenders, past criminals are coming back into our community and it is up to us as a community to make sure our community is safe, but it's also up to us as a community to make sure they're successful and don't go back into the system to put even a greater burden on the system already. We're already pressed to have to build another jail. Many of these people are state violators and the state has pressured us, as local government, to figure out how to house some of their people through our own local tax dollars as well. And so, if there are mental health programs that we need to get these folks to, drug addiction programs that we need to get these folks to, figure out how they get housing, how do they get to a job to make sure they stay out of the system. I think that's only a positive thing for our community in the future. So, I just wanted to give that little bit of background and I would like to hear what the rest of commissioners have to say."

Chairman Winters said, "Okay, thank you. Commissioner Norton."

Commissioner Norton said, "Well, I'm sorry that maybe not everybody has been attached to this, but it's been going on for several years. I think it's an onerous situation in our community. I don't think we can continue to wait. There are some things that I jotted down and they go along with what Carolyn has said.

I see six important issues that we will have to deal with. The first one is pre-release services and that's really starting before they're released at making sure that we understand what their capabilities are for seeking a job, what help they need before they get out to reintegrate. I mean, I think there's some pre-release kinds of services that are imperative for us to know about, as we get people back into the community and that that process starts before they show up on our doorstep.

The second thing is I call it connectedness and awareness. Connectedness back to the community when they get here, but the awareness of the community that they are here. I think both sides make it very important. I think the communities know they're here but they need to feel like they can be connected, that there is a place for them to come back to. You know, they've done their time, they've hopefully repented and they can come back.

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The next thing is job services. You know, that's not particularly a City of Wichita issue. That will end up being something that we'll end up trying to provide through Community Corrections. Job Services is going to be very, very important and have a continuum of care for people to get them back into the workforce. We already understand that we're going to be challenged in the next ten to fifteen years with the lack of workforce. There's going to be jobs, we've just got to make sure the offenders have some job training, can be connected to those things and reintegrated.

Carolyn touched on it but I think it's critically important, these are services we already provide and we need to step it up and make sure it's part of the reentry program and that's mental health and drug intervention services. Now right now we have those services but they're pretty fragmented. They're not in a continuum of care. They're not under one umbrella, particularly ready for those people that reenter. They're out there for the general public and if they happen to fall into it and access it, that's great. We need to have that on the table, ready for them, on a form that's checked off that says we know that person needs it, we're going to help them with that on the front end. And that may be part of the pre-release services is to go through that thought process and checklist.

And then finally, I think the big issue and that's what Rosalee is talking about is placement and housing. Where do they live, where do they come back to, how are we going to provide them a roof over their heads, a place for safety and a place that is not onerous on the neighborhoods or the other citizens that are here and I think that's important that we have a mechanism to make sure that happens. But those other five things are going to be county issues. They may not be . . . they will affect the city, they'll affect the state, but you know what, we are charged with those five things and I think we should move on those today. I think it's very important.

I just did some math, at 1,850 people coming back in Sedgwick County a year and a 55% recidivism rate, that's 1,017 criminal acts that we're thinking that we're going to have in our community and we cannot allow that to happen. We can't stand by and wait till it goes through four or five more filters to talk about. That's a thousand acts this year that, if we wait, we're allowing to happen in our community. It's no wonder we have to build more jails. It's no wonder that we're stretched in our Sheriff's Department and our community policing departments.

If we allow 1,850 citizens to come back here and we know a 55% rate of them are going to do something else, that's 1,017 acts of violence, criminal activity, felonies, misdemeanors, or parole violations that are going to get them right back into a state system or a local system so I don't think we can wait. I think we've talked about it. We've got a good starting point. We need to take bold action now, in our community, and if some of those things like housing have not quite been firmed up yet, let's keep it on the table until everybody feels good about it, particularly the neighborhood

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associations and the citizens that live out there where people are going to reintegrate to.

I mean it's a fact. If they're coming back here, they're living somewhere and we need to figure that out, but as I see it, that's number six out of five other things that we're going to have to take care of really quick. So I say we move forward."

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

Commissioner Unruh said, "Thank you Mr. Chairman. This process started a couple of years before I came on the bench but my thinking is I'm trying to understand what's going on here, that this has been a very careful and patient analysis of the pieces of this problem that we're facing. I mean, it started in '01 was the first conversation about it, in the summer of '01 and the task force was February of '02. A draft report came back in September of '03 that gained some approval. And then February of '04 is when we finally got our final report of it. So it's not that this thing has been undertaking shoot from the hip type issues. We've been through analysis of it and it appears that this is a comprehensive plan to attack the issue.

Some of the facts that struck me is when they say 95 to 98% of the folks in prison are going to get released, we get 1,850 of them here, so the problem is not going to go away. And half of those that we get, as you said Commissioner Norton, are going to find . . . there's going to be cause for them to be recommitted. So it seems to me like if we keep doing what we're doing, we're going to continue to get the same results and we need to do something to make a change to improve the situation. And it seems like the work done on this task force is good, analytical, purposeful work that's going to take us down the road to a solution to the problem.

Obviously, we'll never completely solve the problem, but I think we have a social responsibility to try to do something to help these individuals and I think we have a fiscal responsibility to try to spend money wisely and do what we can to improve our society with the least cost. This task force, I think, has put us in a position, given us a report to move forward on that.

It hasn't been brought yet out in the discussion a couple of the things that came up in the report and let me just rehearse them for you. One, it says their key concepts is a need for ongoing partnership. I don't see how we can be opposed to that. A need to ongoing oversight, I don't see how we can be opposed to that. A need for a system change, we've got to change things or we're going to keep getting what we've got. A need for community education and information sharing, I mean how can we be opposed to that. The last thing is an interim report will allow the work to continue. So I don't see any down side to voting in favor of this recommendation and allowing this cooperation

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partnership to go forward for the betterment of our community. I'm in favor of it. Thank you."

Chairman Winters said, "All right, thank you. Commissioner Sciortino."

Commissioner Sciortino said, "Yes, thank you. I think one thing needs to be clarified. These aren't parolees that the Department of Correction has some authority over that can order them to go to a halfway house, etcetera. These are people that, unless they create another crime, they're absolutely free. They've served their time. Is that correct, Mark?"

Mr. Masterson said, "They're going to be parolee, at the point of release they're going to be parolees that the Department of Corrections has authority to supervise, there's a parole agreement and there may be some that were sentenced under earlier laws that come out without parole. They've completed their full sentence."

Commissioner Sciortino said, "Okay, so these aren't people that just have served their time because of the statute and then they're free. The Department of Correction will have some authority on it."

Mr. Masterson said, "They're going to be the lead agency in this because this is their population."

Commissioner Sciortino said, "Okay. And this, what they're trying to establish is a pilot program to see if we can have some impact on reducing recidivism, reducing crime by these people and I agree with Commissioner McGinn, you take a person that's probably not very skilled in any trade, other than illegal trades, and you put them back into the population and you expect he or she to find a job, find housing and all of the sudden, magnanimously, just all the sudden change and be a productive member of society, that isn't going to happen. And I don't know what this program is going to turn out to be. Actually, when I'm looking at my backup, nobody knows yet because we haven't developed it yet but what we're trying to do today is say that we support it and we want to be part of the solution and we're taking the hard work of the task force and going along with what these people have recommended to implement, basically I think that's what I'm saying. So, I'm going to be supportive of us going forward today. Thank you."

Chairman Winters said, "All right, thank you Commissioner. Well I also am going to be in support of moving forward. And again, it doesn't really matter how long the sentence is, how long a person has been incarcerated in prison. Some day they're going to be out and they're going to be back in the community."

Mark, I would just share with you and others in the community what I believe is perhaps a new asset that has come to our community. Through my work with REAP organization and the Work

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Force Alliance of South Central Kansas, which is working on work force development jobs and job services kind of events. The program, up until April 1 of this year, has been kind of fragmented and operated by several providers. As of April 1st, the Work Force Alliance acquired the services of one firm, a company by the name of AFC, which is a nationwide company. They operate over 100 one-stop centers in the United States and in many other places they work specifically on finding and doing employment service for offenders who are reentering the community.

Now that's really not one of the tasks they've been given here, but they are going to combine the adult and the dislocated worker programs and work through Job Services and be a one point of entry, a one stop center and I think that we would have some availability to take advantage of some best practices experience of what other states are doing and what this company is helping other states do. And I heard one of their presentations and they say you can't wait until the person arrives in your community and in other states, they work with the state department of corrections to begin a process before the person is released. But if there is something here from this nationwide firm, that they can bring some experience or suggestions that our community can take advantage of, I think we would want to try to do that.

Commissioners? Commissioner McGinn."

Commissioner McGinn said, "I think many of the comments that were said today are very good in trying to explain this whole situation. And just one other thing I want to share and Commissioner Norton kind of alluded to it as well as far as reorganizing who we already have. This is not about creating another layer of government at all. This is about coordinating the folks that we already have in place at the state level and at the County level. And so it's about coordinating information and it's about preparing people before they get out, because they're going to get out, let's prepare them for when they do get out, so that they can be successful.

And I hope that . . . I don't know what direction or process to say Wichita is going to go, but I hope we can continue to work together on this and go down the road together, because many of these offenders, some do go back to our other 19 communities, but the majority of them they come back to the City of Wichita because of transportation needs and because of jobs and so I think . . . and they're going back into their neighborhoods, so I certainly want them to be a player in this.

And then just one recommendation and maybe we can talk about this as we move forward, but you know I certainly want to make sure the task force . . . you know, I understand they did see the draft and it was my understanding that the rest was just some technical changes and those kinds of things but perhaps we can have Margie Phelps come down and give this full report to the task force, make sure they have this final report and, if need be, that maybe we can use this task force from time to time as a sounding board. I'm sure the Criminal Justice Coordinating Council needs to be the policy makers or the people that make those final recommendations, but at the same time, the folks

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on this task force are folks out in our community and I think that they could provide us some very good information.

And the other thing is, they've been involved in this for two years and so it's not like going out into another set of groups to try to reexplain. These are the people that really rolled up their sleeves and worked on this and worked hard on this plan. So, maybe we can talk about they're involved in the future. Thank you."

Chairman Winters said, "All right, thank you. Commissioners, what's the will of the Board on this item?"

MOTION

Commissioner McGinn moved to Approve the recommended plan.

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. Next item."

HEALTH DEPARTMENT

E. PRESENTATION REGARDING FIRSTWATCH: BIOTERRORISM SURVEILLANCE SYSTEM.

Ms. Gloria Vermie, Public Health Emergency Coordinator, Health Department, greeted the Commissioners and said, "Firstwatch was approved by this Board several months ago and today we're here to give you information and a short demonstration. Firstwatch is a web based, syndrome

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mixed surveillance system, which means it electronically collects and aggregates 9-1-1 call center calls requiring Emergency Medical Services. The information collected is medically based or about sick people. So for example, Firstwatch would not collect 9-1-1 calls for car accidents.

The respond to Firstwatch, additional health department protocols have been developed, including a 24/7 disease investigation team that will complete follow up to any alert that we get, and we get those alerts by pager, by text messaging, by phone calls or e-mail, so there are several ways that we actually receive them. And we closely examine indicators that might determine disease spread, bio-terrorism or an all hazards incident. This system has the potential to give information in a matter of hours that might be important for public health and public safety, especially when intervention, early intervention is critical.

We are working with other agencies, from cities and counties who also have Firstwatch, to more closely coordinate information so we can detect the origins of the spread of disease or incidents. For example, Tulsa Oklahoma is another Firstwatch city and they were able, with their Firstwatch in November to look at their alerts and determine after they called the hospitals and investigated, they were able to determine that flu was in their city in a bad way and they got that information out before the normal channels, which would have come from the CDC and the state health department.

Today, we want to give our appreciation also to the Metropolitan Medical Response System Surveillance Committee. This is a group of bright people and experts who have worked over the last two years to more carefully pinpoint the health indicators and the medical indicators that we have used for that system. Also we want to acknowledge partnership and leadership from Emergency Medical Services, 9-1-1 call center and the Department of Information and Operations who assisted us with implementation of this important service to our community.

Matthew Ferguson is going to do a Firstwatch demonstration. After that, we will answer any questions. Thank you.”

POWERPOINT PRESENTATION

Mr. Matt Ferguson, Project Manager, Division of Information and Operations, greeted the Commissioners and said, “Firstwatch is a tool we use to look at EMS responses in a way we never have before. The information that Firstwatch uses is calls from 9-1-1 that are then filtered to only include medical issues related to the Emergency Medical Services. It’s like a smoke detector for bio-terrorism and other threats to public health, like flu or West Nile Virus.

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This won't tell us if there's Anthrax occurring in our community, but what it will do is it lets Emergency Management Service and public health officials know that there may be unknown medical problems within the community. We do this with very little overhead, utilizing the resources already at the County's disposal. What it does is sort caller complaints into trigger sets and let's us set thresholds at which point to notify EMS and public health officials. This allows us to begin investigations much sooner, as Firstwatch data is presented to us in very nearly real time.

The caller data represented by Firstwatch is already collected by EMS, but this is the first time that public health officials can directly access medical EMS data reporting for disease investigation.

What I'm about to show you is live data, but we've removed the personal information for demonstration purposes. Firstwatch is a web-based service and if I can direct your attention to the screen, as a web-based service, when we log in, we see this is our dashboard and data gets to Firstwatch from our EMS service, it's collected here, it's encrypted and then sent to the servers of our vendor. These are our trigger sets and a trigger set is a grouping of complaints people reported to the 9-1-1 operator, like difficulty breathing, seizure, sick person or chest pains. Our trigger sets here are all problems, are all medical problems that are reported to 9-1-1: biological problems, event-based problems, food borne issues and respiratory illnesses.

We see here that we have several green areas. That lets us know that everything is functioning properly and there aren't any alerts at the moment. Today I think I'm going to show you the biological trigger and as we go into that and wait for that to . . . what we'll see here is a graph and this graph is really the first thing that we notice with this program. And what we're looking at here is we have a green line here, which is about a year's worth of data. Then we have a blue line and the blue line is today's actual call volume and then a red line is where we've set our trigger information.

And what happens is if the blue line meets the red line, then a notification is sent to EMS and public health officials. We have several graphs here that are interesting to public health officials and down here we have kind of like a small pie chart that shows us what calls have occurred over the last 12 hours. As we can see here, we have three calls for chest pains, another call for chest pains that was a different type, some difficulty breathing and seizure.

The next feature is the map-shot view and this will give an overview of Wichita and the county overall as to where these calls are coming from and it's represented by these triangle and if I hold the pointer over the triangle I see that the location of what happened and also the call that triggered this notification is listed. And so here we see we have chest pains level C. Again, the data has been changed. We know there's no Demo Parkway but what we can see are these are the active calls over the last 12 hours.

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After this, what we would go into is we'd look at the active or recent calls and what we see here are the calls that occurred, again over the last 12 hours, and we have quite a bit of information here. First we have the time that the call was sent to 9-1-1 center. That's the time the person called in to make their report. Next we find out what the problem is. We can find out where the address is and whether anybody was transported. So in this case we're looking at the bio-surveillance chart and it shows abdominal pains, chest pains, difficulty breathing, sick person and seizure, along with a few others. And over the last 12 hours, the seven people who called all had at least one person transported to the hospital.

Now each of these is a link we can go into. We can look at what the 9-1-1 call operator typed into the system or we can use this, and this system is call ProQA. And ProQA is a system that lets a 9-1-1 operator directly request more information from the person being called or who initiated the call. In this case what we see here is 'Are you with the patient now?' and there would be a response, 'Yes'. 'Is he able to talk to you?' 'Yes'. 'Is that how he normally talk?' 'No'. 'Is the caller completely awake?' 'Yes', and so on. And so what this information gives EMS and a public health disease investigator, it gives them the ability to call the hospitals or make informed decisions on whether they need to initiate some sort of response plan.

And one last thing is we also have the ability to pull this up on Palm Pilots or PDA and what it does is it gives us a much reduced amount of information. Well, that's not correct, it gives us information in a smaller area so that if we're away from our offices or something we can get it directly and look at what's going on in the community. So with this knowledge, a public health official is able to initiate response plans to contain threats earlier than they could in the past.

In conclusion, Firstwatch is a tool for enhancing public health disease investigation. In the future, we hope to capture EMS data directly from the ambulances and from the paramedics. Also we hope to collect data from ERs and that will greatly increase the accuracy of the system. And finally, we hope to have a regional bio-surveillance system by connecting together Firstwatch with the other cities within our region, which are Kansas City, Missouri, Johnson County, Oklahoma City and Tulsa. And that's the conclusion of my presentation. Can I answer any questions for you?"

Chairman Winters said, "All right, thank you very much Matt. I guess one quick question, even though this is an Internet based system, it's an internal system for use by health department, emergency management, emergency medical services. It's not an option for the public to get on and view this kind of information."

Mr. Ferguson said, "Absolutely. This data is only available to public health and emergency management and public safety personnel."

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Chairman Winters said, “All right, very good. Well, it looks like a great opportunity to again use technology to help us perhaps stay one step ahead of some kind of bad event. Commissioners, are there any other questions or comments? What’s the will of the Board?”

MOTION

Commissioner Norton moved to Receive and file.

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, “And Gloria thanks very much for your presentation. And thank you to all the rest of you in the room who had any part of putting this together. I think this is going to be a very good service to the community, so thanks to all of you. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I have to ask to be excused at this point. As part of the governor’s Best Team, the Health and Human Services Department has established a health care cost workgroup and we are hosting that today over at the COMCARE building and I’m your representative there and so I need to go over and be a host and participate in that, so if you’ll excuse me, I will leave.”

Commissioner Unruh left the meeting at 10:47 a.m.

Chairman Winters said, “All right, thank you very much, Commissioner. Madam Clerk, call the next item.”

F. AMENDMENT TO THE STATE FISCAL YEAR 2004 LOCAL ENVIRONMENTAL PROTECTION PROGRAM GRANT, INCREASING FUNDING.

Ms. Irene Hart, Director, Division of Community Development, greeted the Commissioners and said, “Once again, I’m struck by the wide range of information and knowledge and responsibilities

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the County Commission has. So far today you've talked about offenders, you've talked about bio-surveillance and right now we're going to talk about groundwater protection.

We're asking for your approval today of a target grant, which is a supplemental award to our local environmental protection program in the amount of \$26,400. What this grant will do is to help us produce an updated depth to groundwater map, which was last updated in the 1980s and in conjunction with that, develop a definition of sensitive groundwater in Sedgwick County. This activity will help us in future planning and growth issues regarding sensitive groundwater areas and possibly help determine groundwater availability for future growth. I'd be happy to answer any questions you might have."

Chairman Winters said, "And the amount of this request is how much?"

Ms. Hart said, "\$26,400."

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

Commissioner McGinn said, "Thank you. I had my head out the door. The local environmental protection committee, who is that? Is that KDHE group?"

Ms. Hart said, "It's a group of local stakeholders, ranging from a variety of agency folks to a couple of folks from the Advisory Board of Health to other community folks."

Commissioner McGinn said, "It's not the TAG group?"

Ms. Hart said, "No, but we try to piggyback the meetings with each other, so people don't have to go to too many meetings."

Commissioner McGinn said, "Okay. Well, would you e-mail me a list of who these people are?"

Ms. Hart said, "Okay."

Commissioner McGinn said, "Thank you."

Chairman Winters said, "Okay. Other questions or comments? If not, what's the will of the Board?"

MOTION

Commissioner McGinn moved to Approve the Amendment and authorize the Chairman

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to sign.

Commissioner Norton seconded the Motion.

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

VOTE

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

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

DIVISION OF HUMAN SERVICES – DEPARTMENT OF CORRECTIONS

G. RESOLUTION REQUIRING PARENTS AND LEGAL GUARDIANS OF JUVENILES RECEIVING AN ASSESSMENT PURSUANT TO KSA 75-7023 TO TAKE PHYSICAL CUSTODY OF THEIR CHILDREN WITHIN A REASONABLE PERIOD OF TIME FOLLOWING A REQUEST BY JUVENILE INTAKE AND ASSESSMENT CENTER STAFF

Mr. Masterson said, “The Juvenile Intake and Assessment Center is state funded through the Juvenile Justice Authority and county operated by the Department of Corrections. It’s one of the required programs, state programs that we have to operate. The center receives juveniles who have been arrested by law enforcement anywhere in Sedgwick County as suspects for violating the law. The cases are referred to the District Attorney by police to determine if charges will be filed in Juvenile Court. That determination occurs at a later time through a separate process than the intake process.

At all times of day, seven days a week, staff at the center assess youth and work with parents on solutions to avoid further trouble with the law. Some youth are sent to Juvenile Detention, due to the reason for their arrest and prior histories. Most take part in the assessment process with their parents and receive referrals to social service agencies to address problem behaviors and parenting issues.

Roughly 5,000 youth are presented for assessment each year. The process typically last two to three hours and the youth return home. The system is designed to prevent and address juvenile delinquency by catching youth who exhibit problem behaviors early in their development and

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connecting them to community resources to pursue solutions. 20% of the youth presented for assessment have been through the process before.

Over the past year, we've worked with the local SRS and the Permanency Council at Juvenile Court on ways to reduce taxpayer expense for shelter care at the Wichita Children's Home. Through those meetings, a problem was identified and solution proposed to address it. That is the issue that's before you today.

The problem is occasionally parents refuse to pick up their children after being informed that they've been arrested and are at the center. This happens 100 times a year. JIAC has very lean staffing, is not a residential center, is not a jail and has no beds or meals available. They may only hold a youth six hours before they must be transferred to shelter care. When this occurs, the state must pay the shelter cost of about \$86 a day. The youth is typically released from the shelter to the parents the next day.

Through this resolution, we propose a solution in County Court to permit JIAC staff to cite parents who refuse or fail to pick up their children within a reasonable time after official notification. The parents would be ordered, through a citation, to appear in County Court and could be assessed a fine of \$500, but a judge would decide the issue at County Court.

The standard established for reasonable time is two hours after notification, but I want to add, or the agreed upon time with the parent if more than two hours is needed. So if our staff call up a parent who is working at an aircraft plant, their job is in jeopardy, it's noon and they can't get there until 4:00, we would established the agreed upon time was 4:00 and if they weren't there by 6:00 that's how it would apply. So there's a reasonableness built in here.

Staff will have discretion setting the time when they speak with parents and will have discretion in issuing citations. We think this remedy will save the state some money and engage more parents who are experiencing great stress with their child in the process of finding solutions by coming to JIAC to work with us.

Tom Kimbrell, the program manager at JIAC is in the audience and he's available to share some examples of cases where citations might have helped if you'd like to hear from him and get a flavor of that."

Chairman Winters said, "I think I would like to hear from Tom and just an example or two of what this problem is really like, so Tom, if you would come forward."

Mr. Thomas Kimbrell, Program Manager, Juvenile Intake and Assessment Center, greeted the Commissioners and said, "The concerns that we're most focused on are those situations where we

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have a family that decides that . . . Let me just give you an example: we have a child who is brought in 1:00 in the morning. We contact the family and tell them that their child is there and that they need to be picked up and they tell us that, yeah we'll be there right away. So we give them a couple of hours, and nobody shows up, so we call again and now we're not getting any answer on the telephone. Six hours after we made that initial call, the parent shows up at our door and informs the staff that the reason we didn't show up is we wanted junior to stay here and endure the punishment of staying in your facility overnight. We're not a well-staffed facility, as Mark was saying and there were occasions that we will go from having relatively few kids in our facility, to where we just have an overwhelming number of kids. And part of the process of insuring that we have safe flow of this process, from beginning to end, is knowing that we have approximately the right number of staff for the number of kids we have in the building. We try to maintain approximately 3 to 1 ratio in that regard.

When we have a parent's assurance that they're going to show up at a certain time, then that allows us to go ahead and perhaps receive more kids that the officers are bringing in and release the officers back out the door so they can get back onto their beats and if the parents don't show up as they've promised, then we're faced with a situation that gets very dangerous very quickly. We have more kids, more kids mean less control and less control increases the odds that somebody, a child or a staff is going to be injured.

That's one of the examples and I need to tell you that that happens a lot. Probably that's happened hundreds of times over the seven and a half years that we've been in operation. We have other occasions where again the parents are more interested in . . . well, they're frustrated and we understand that, but they want to the system to teach their child a lesson and so they will refuse to pick up the child.

We had one instance where the parent adamantly refused to pick up their child and so we informed them that we would attempt to make a release of that child to another family member. The child gave us all kinds of names of members of their family that they thought would be open to taking them. And as my staff called each of these persons, they were informed that . . . they informed my staff 'Sorry, we would do it, but we've already been called by the parent and they instructed us not to take custody of that child'. So in effect, it gets to that point where we have nobody to release this child to, we have no facility to care for the child, and so we have to put them into shelter.

Typically, that may be at the Children's Home. Sometimes, it even revolves over to where if the

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child maybe has a history with the Children's Home and they refuse custody. We end up having to put the child into the detention facility for a period of time, and that's even more costly as an alternative.

We've had other cases where the parents are really more neglectful I think and they're looking more for respite care. We had an example of a parent that showed up after her two children had been arrested for shoplifting and the staff went through the process of accessing them and when the parent arrived to pick up her two children, the staff informed her of what their concerns were and made some recommendations for one of the local community agencies that might help with this problem. The parent refused stating that it was on the kids themselves to learn how to behave better. We released the children home to her. A month later, these same two kids were arrested for the same reason and brought back into our facility and when we called the parent this time the response was, 'I'm frustrated that they're not getting it, I'm not interested in picking them up, they need to learn their lesson, I'm not going to come down'. So ultimately, we end up putting these two kids into shelter facility for the night."

Chairman Winters said, "Okay, I think we're getting the flavor. I guess Mark, maybe if you'd help me with a couple of things. I guess when you talk about having some discretion, is there going to be any discretion in the first time maybe it's \$100 and the second time \$200 or are we just going to the max, \$500 fine on every event?"

Mr. Masterson said, "I want to ask Aaron Blase from the Legal Department on the exact workings of County Court, because I think there is a little caveat to that."

Chairman Winters said, "Okay, thanks. Aaron."

Mr. Aaron Blase, Assistant County Counselor, greeted the Commissioners and said, "There are some levels of discretion involved here, the first being JIAC in deciding where to issue the citation to the parent who has refused to pick up the juvenile. Once the citation is issued, the County Counselor's Office who will prosecute the citation has discretion on assessing a file amount. In appropriate circumstances, that file could be reduced less than the \$500 in the discretion of the prosecutor at that stage.

I should also point out that beyond that, the court, the judge would have the discretion upon hearing any mitigating circumstances offered by the parents to reduce down to one half of the prescribed

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violation amount. So the judge could reduce it down to \$250, based on this violation being a Class I, which is a \$500 fine.”

Chairman Winters said, “All right, well thanks. I guess the two things that concerned me, and I think we all received comments from a citizen who had the work issue problem. If they’re in the middle of their job and if they have to take off work, are they going to jeopardize their job to go pick up their child and I think I hear you telling me, Mark, that that’s not going to be the case. That whoever is making the deal with the parents would take circumstances into account. Is that correct?”

Mr. Masterson said, “That’s correct and we built that into our policy.”

Chairman Winters said, “And the other question, another call I had was concerned about, asked a question about if foster parents would have that same responsibility and I think their theory was that foster parents trying to do a good thing and are they going to get caught in a trap, where they would have to come up with \$500 if they missed their appointment to pick up their child. And I would assume we’re just going to treat everybody the same.”

Mr. Masterson said, “I want to get some input here.”

Chairman Winters said, “Because foster parents are guardians and again, normally we think of foster parents as being those folks trying to do a good service to the community. Would they all be treated the same, Tom?”

Mr. Kimbrell said, “We’re going to exercise as much flexibility as we can. If a foster parent has an issue, we’re going to work with them on that and we’ll work with the parent agency that’s overseeing the foster process.”

Chairman Winters said, “Okay, thanks. That’s a good answer. And I guess then my final concern and I don’t know where this is on the scale, but you mentioned the stress in a family situation where someone’s child is taken into Intake and Assessment then to put a \$500 fine on probably an already stressed out family is just adding one more stressor to a stressful information and I wish there was some way we could get the cooperation of parents without having to put some dollar fine on them, but I certainly can understand the examples that Tom gave. Commissioner McGinn.”

Commissioner McGinn said, “Thank you. Well, I appreciate hearing the comments and the examples because I too was, for the same reasons Chairman Winters had worried about the extra

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types of things that will be put on the family and the fact that the e-mail about I can't get out of work. You know, not everybody can just drop what they're doing and leave. They've got to go through a whole process and I feel better about the fact that if we're working with those people.

It sounds like we're dealing with a lot of parents that just don't want to take responsibility for their child. We're talking about things that happen at 1 or 2:00 in the morning. I don't think you treat a child the same way you treat an adult. You may have an adult make some violation and the family might say, 'You can just sit down there and we'll deal with it tomorrow'. But a child, the parent has a responsibility to a child and so I think that they owe it to their child to come down there and pick them up and they don't need government to be the one that punishes that child.

I would like to hear what my other commissioners would think about this. The thing I thought about when I was hearing we would have to pay Wichita's Children's Home or we'd have to pay to take them to Juvenile Detention Facility if they don't pick them up. Would \$250 cover all those costs and I only throw this out as that may be a possible first step to see if that can solve this problem. And so I would like to know if \$250 would cover those costs and since this is something new in our community if maybe that's a first step that's maybe what solves the problem. Can somebody answer that for me?"

Mr. Masterson said, "Limiting the fine, avail through the court, to \$250, is that a legal issue?"

Mr. Blase said, "Well, the first thing I guess that I want to point out is that the fine is not going to cover the expenses associated with putting the juvenile into the residential facility. It's not designed to do that. It's designed to I think prevent this from happening. Up to this point, JIAC has had no recourse if a parent were to simply refuse to come pick up their child, so you obviously want to prevent that from happening. So I think whether \$500 is appropriate or a lesser amount really isn't so much a legal question as it is just a determination of what fine amount is appropriate under the circumstances."

Commissioner McGinn said, "Right, but we did talk about cost is an issue, but the other factor is that we want to make sure parents understand that there is a deterrent to what they're going to do, the decision that they make by not picking up their child."

Mr. Blase said, "Right, as Mark and Tom explained, the problem that results when the parents don't come pick up their children is there could be costs involved in placing the child at the residential facility, but also the taxing of resources at JIAC and having to deal when that happens."

Commissioner McGinn said, "And a safety issue."

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Ms. Blase said, "And a safety issue as well."

Commissioner McGinn said, "For even their child. Okay, thank you."

Chairman Winters said, "All right. Well, I think those are good comments. Two things, one I think we would like to hope that when Aaron said the resolution would be designed to prevent this from happening, which I think is what we'd hope would happen, we'd never have a \$500 fine. I'm just wondering if \$500 though is the right number and if we set it at \$250 and ask Tom to come back in six months or a time period and if there's some historical data that says it's about to work, but for \$250 somebody just a soon sleep for another two hours before they came down, maybe then we'd consider changing it, but I'm not sure. Commissioner Sciortino."

Commissioner Sciortino said, "Well, I wasn't going to talk about the dollar amount, but that's up there where somebody just reaches up and grabs down a figure. We could have put littering at \$100 or 200 and we decided to put it at \$1,000. I don't think for a minute this is an attempt to make this a revenue source. I think what it is an attempt to make it punitive enough to stop taxing the taxpayers to take care of a child that the parents are supposed to be taking care of, and I do agree, although I don't have any empirical data, I do agree that probably a lot of people, especially if it's inconvenient times, 'Ah, heck let them stay there and that will teach him a lesson, or that will teach her a lesson'. And that's not the County's job to baby sit or to be a disciplinarian to teach a child proper social behavior. That's a parent's job."

I would . . . If I understood it right, your committing to us, Mark, that your staff is going to work diligently with these parents to accommodate reasonable problems or concerns they have in meeting that two hour deadline. And I know that's subjective, but what I'm hearing is if they have 'Look, I don't get off work until five, I can be there at 5:30' and it's 8:00 in the morning, you're going to work with them on it.

I heard from our Assistant County Counselor that the judge only has the right to reduce the fine to 250, but I would be more comfortable if he would have the flexibility upon listening to the parent's complaint that maybe this was so unique, he could waive the fee this time. I mean, is there a way that we could give the judge more discretion there?"

Mr. Blase said, "Not currently. The judge only has the ability to reduce the fine to one-half of what the prescribed fine amount is."

Commissioner Sciortino said, "Is that by statute or by something we've imposed or what is that?"

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Mr. Blase said, "That's by current county resolution. Now the prosecutor has the discretion to reduce, in a great amount, so the prosecutor could hear the circumstances unique to a particular case and decide that a more reduced fine amount is appropriate or even no fine."

Chairman Winters said, "And so that prosecutor could like be you?"

Mr. Blase said, "It currently is me, right."

Commissioner Sciortino said, "Okay, but I mean, you have the discretion if you're visiting with a particular parental unit that you believe what they're saying is true and on this particular case your choosing to waive it completely. You would have that discretion."

Mr. Blase said, "That is correct."

Commissioner Sciortino said, "All right, well there's our safety net. I feel good about that. Okay, thank you. That's all I had."

Chairman Winters said, "Commissioner Norton."

Commissioner Norton said, "The fine is okay with me. What we're doing is okay. I think the notification is what I'd like to push us on, to be sure that we have a notification protocol. First thing would be to notify the individual parent that they have a responsibility to their child. A statement of what their rights are, that you can leave them in there if you so desire but then state what the repercussions will be and you could be subject to a fine up to \$500, da-da-da-da and then have a final thing, a question of understanding. Do you understand you have a child in care? You understand you have the responsibility to pick up the child in two hours and do you understand that you could be taken to district court and be levied a fine up to \$500 if you do not pick up this child in that recommended time?"

And I'd like to be sure that language is in there, because if you have that checked off, after your person has called, you can say look, they knew that there was a chance . . . they couldn't come to court and say, 'I didn't know that I was going to get charged \$500'. I'd like to be sure we have a protocol that we do every time. We call that parent, check the list, signed by who ever did it, maybe a supervisor comes over and stamps it or whatever so that when Aaron takes it, it is prosecuted, he can say 'Wait a minute, we called, here's when we called, here's how we did it, here's the protocol we went through, here's the supervisor's signature, and they didn't show up'. I don't know if that's in there."

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Mr. Blase said, "I just want to jump in and tell you that I have worked with Tom Kimbrell on developing a policy and a protocol, as you say, for doing this. I've been very impressed with the Corrections in general and JIAC in particular in setting up these policies. I think I'm very comfortable and he's worked with me, he's asked lots of questions. I'm very comfortable that they are going to follow this protocol and it's going to be pretty well done in each and every case."

Chairman Winters said, "Okay. Well, I think it's been good discussion. I think you've heard some of the concerns that the commissioners had and some of the current concerns citizens have. I want to assure Mark Masterson and Tom Kimbrell that we are impressed with the work that Intake and Assessment does and we think that you're a key factor in making sure that there are no more juveniles in detention than absolutely have to be, and we hope that, and we believe that you are one of those focal points that can, when parents are willing to listen, help give them information about what they can be doing next to help their children. So we do support your work out there very, very much and I believe I'm convinced that this is designed to prevent bad things from happening and I'm going to be supportive and hope this is another tool that will let you run a better operation down there."

Commissioners, any other questions or comments?"

MOTION

Commissioner Norton moved to Adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thanks, Mark and thank you Tom, thank you Aaron. Next item."

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H. AGREEMENT WITH LAWRENCE CZARNECKI TO PROVIDE FORENSIC PATHOLOGY SERVICES ON AN AS-NEEDED BASIS.

Dr. Mary Dudley, M.D., District Coroner/Chief Medical Examiner, greeted the Commissioners and said, “As you know, the pathology division is responsible for investigation of death and for determining cause and manner of death of cases that come under our jurisdiction.

Back in 2002, we had the permission and acceptance of a part-time pathology position, at which time we hired Dr. Larry Czarnecki for that position and then with budget cuts in 2003, that position was eliminated. At this time, I would like to . . . we have adopted an agreement to provide contingency relief for a pathologist. We currently have two pathologists, for adequate pathology coverage on an as-needed basis. And so that I would ask, the recommended action would be approval of the agreement and authorization of the Chairman to sign, and I would be happy to answer any questions you may have.”

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

Commissioner Sciortino said, “Yeah, Dr. Dudley, just on the compensation, just for clarification, I know we’ve got \$300 a day if the coroner is here on-call and performs no autopsies. But if on that day, he performs an autopsy, am I right in assuming he gets \$600 for the autopsy, but that isn’t in addition to the \$300. Is that correct?”

Dr. Dudley said, “That’s correct.”

Commissioner Sciortino said, “Okay. What happens if he does external examines? Is it \$300 per day, plus \$100 for each external examine that he does?”

Dr. Dudley said, “No, it’s just \$100 for the external examine. We average approximately two autopsies a day and maybe one external.”

Commissioner Sciortino said, “All right, thanks. That’s all I had.”

Chairman Winters said, “All right, thank you. Any other questions?”

MOTION

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

Commissioner Norton seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you, Dr. Dudley. Next item."

I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF APRIL 1, 2004.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of April 1st resulted in seven items for consideration today.

**1) FOOD CONSULTANT- FACILITY PROJECT SERVICES
FUNDING: CAPITAL IMPROVEMENT PROJECT**

First item, food consultant for Facility Project Services. Recommend the low complete proposal from Cini-Little Incorporated in the amount of \$12,000.

**2) AFRICAN AMERICAN MUSEUM BASEMENT RESTORATION- FACILITY
PROJECT SERVICES
FUNDING: RISK MANAGEMENT (INSURANCE)**

The second item, African American Museum basement restoration. Recommend the low bid from Van Asdale Construction, including alternate number one, for a total of \$40,000.

**3) ZOO PARKING LOT- PUBLIC WORKS
FUNDING: SALES TAX**

Item three, the zoo parking lot for Public Works. Recommend the low bid from APAC Kansas in the amount of \$1,072,716.63.

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4) ¾ TON REGULAR BODY CARGO VANS WITH ANIMAL CAGES- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION

Item four, ¾ ton regular body cargo vans with animal cages for Fleet Management. Recommend the low bid, including trade-ins and manuals, from Lubbers Ford, option number two, for a total of \$40,383.64.

5) 15-SEAT PASSENGER VANS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION

Item five, 15-seat passenger vans for Fleet Management. Recommend the low bid meeting specifications, including trade-ins and manuals from Don Hattan for a total of \$34,372.

6) FULL SIZE ½ TON CARGO VAN- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION

Item six, full size ½ ton cargo van for Fleet Management. Recommend the low bid, including trade-in and manuals from Lubbers Ford for a total of \$9,850.06.

7) HEMATOLOGY CELL COUNTER- HEALTH DEPARTMENT
FUNDING: HEALTH DEPARTMENT LABORATORY

And item seven, hematology cell counter for the Health Department. Recommend the low bid which meets specifications, from ABX Hematology for a total five-year cost of \$27,269.60.

The recommended action is to approve the recommendations of the Board of Bids and Contracts, make a finding that the surplus property in items four, five and six are no longer needed and authorize disposition of the same. Be happy to answer any questions.”

Chairman Winters said, “Commissioners, are there questions about the Bid Board? Commissioner Norton.”

Commissioner Norton said, “On item number two, the problem we had in the basement, is that going to be covered by insurance?”

Ms. Baker said, “Yes.”

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Commissioner Norton said, “That’s all I have.”

Chairman Winters said, “Thank you.”

MOTION

Commissioner Sciortino moved to Approve the recommendations of the Board of Bids and Contracts, make a finding that the surplus property in items 4, 5 and 6 is no longer required, and authorize disposition of same.

Commissioner Norton seconded the Motion.

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

VOTE

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

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

CONSENT AGENDA

J. CONSENT AGENDA.

- 1. Authorization of an Agreement with Marion County, Kansas for use of Sedgwick County’s online Motor Vehicle Tax Estimator.**
- 2. Budget Adjustment Request.**
- 3. Easements.**
 - a. Easement for Right-of-Way for Sedgwick County Project – Oaklawn Drive.

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District #5.

- b. Easement for Right-of-Way for Sedgwick County Project 787-P-902, 263rd Street West between 6th Street South and 4th Street North. CIP# R-264. District #3.
- c. Two Easements for Right-of-Way and two Temporary Construction Easements for Sedgwick County Bridge Project 779-R-4729, bridge on 327th Street West between US-54 and Pawnee. CIP# B-364. District #3.
- d. Temporary Construction Easement for Sedgwick County Bridge Project 640-4-1868 and 640-2300, bridge on 87th Street South between 343rd and 359th Streets West. CIP# B-333. District #3.

4. Applications for License to Retail Cereal Malt Beverages.

<u>Applicant Name</u>	<u>Business Name</u>
Judith A. Einhellig	Renaissance Pub #4
Joseph M. A. Sroufe	Lake Afton Bait Shop

5. Plats.

Approved by Public Works. The County Treasurer has certified that taxes for the year 2003 and prior years have been paid for the following plats:

Redmond Estates Addition
Redington First Addition

6. Order dated March 31, 2004 to correct tax roll for change of assessment.

7. General Bills Check Register(s) for the week of March 31 – April 6, 2004.

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

MOTION

Commissioner Sciortino moved to Approve the consent agenda as presented.

Commissioner Norton seconded the Motion.

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

VOTE

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

Chairman Winters said, "Mr. Euson, we're not going to have an executive session today, is that correct?"

Mr. Euson said, "No executive session and you may want to return to Item B."

Chairman Winters said, "Oh, yes, thank you for reminding me of that. Well, I would think that Sergeant Dietzman would have returned."

Mr. Buchanan said, "She did and she left me a note that said that one week deferral would not be a problem."

Chairman Winters said, "All right. Which item was that?"

MOTION

Chairman Winters moved to defer Item B for one week.

Commissioner Norton seconded the Motion.

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

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VOTE

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

Chairman Winters said, “All right, no Fire District this week. Is there anything else to come? Any other discussion of community interest that we need to talk about? Commissioner McGinn.”

K. OTHER

Commissioner McGinn said, “Thank you, Mr. Chairman. Well, this weekend is Easter weekend, but the Sedgwick County Association of Cities is having their monthly meeting Saturday at Park City and I plan to attend. That’s just becoming a great organization. It was a good organization many years ago, kind of dwindled under the name of ALARM. I think Gary O’Neal has done a great job at chairing that and making that a great opportunity for all cities to have dialogue. In the past, it was the 19 small cities and now it’s all 20 cities in this county. And so, as we move forward on issues in our community, it gives them an opportunity to share and ask questions and share ideas of how to do things better.

And then also just add that Old Cowtown Museum will be open this weekend for a lot of Easter activities as well. So, if you want to get out, the weather’s great, that would be a great place to go.”

Chairman Winters said, “All right, very good. Commissioner Norton.”

Commissioner Norton said, “Really, I just wanted to talk about SCAC also. They have . . . they are meeting in Park City at the senior center and that continues to be an organization that helps the County with some of the things that we’re doing and advocates well for the small cities and all cities in Sedgwick County. So that’s really all I have. Thanks.”

Chairman Winters said, “All right, thank you very much. Is there any other business to come before this meeting? Mr. Euson? Mr. Manager? This meeting is adjourned.”

L. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 11:21 a.m.

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

THOMAS G. WINTERS, Chairman
Third District

DAVID M. UNRUH, Chair Pro Tem

Regular Meeting, April 7, 2004

First District

TIM R. NORTON, Commissioner
Second District

CAROLYN McGINN, Commissioner
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2004