

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 3, 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, March 3, 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; Ms. Pam Martin, Director, Clinical Services, Health Department; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Marvin Duncan, Director, Fleet Management; Mr. Ron Holt, Director, Division of Culture, Entertainment and Recreation; 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. Kevin Bomhoff, Self-Help Network, Wichita State University (WSU).
Dr. Joyce Webb, Catholic Charities.
Mr. Jon Burghart, Director, Crisis Services, COMCARE
Dr. Mark Glaser, Hugo Wall School of Public & Urban Affairs, WSU.
Ms. Sandy Short, 7425 E. 47th Street S., Derby, Ks.
Mr. Greg Engels, 7207 E. 47th Street S., Derby, Ks.
Mr. Charles Jacobs, 4630 S. Wind, Derby, Ks.
Mr. Chris Bohm, 924 N. Main, Wichita, Ks.
Mr. Robert McVicar, 6333 W. 85th Street N., Valley Center, Ks.
Mr. Chris Bohm, agent for applicant, Ruggles and Bohm.
Ms. Terry Cassady, City of Wichita Manager's Office.
Mr. Dick Drevo, 301 Wind Rows, Goddard, Ks.
Ms. Stella Hein, 355 Wind Rows, Goddard, Ks.
Mr. Hoa Nguyen, 3740 Rushwood Ct., Wichita, Ks.

INVOCATION

The Invocation was led by Commissioner Unruh.

FLAG SALUTE

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ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, February 11, 2004

The Clerk reported that all Commissioners were present at the Regular Meeting of February 11, 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 February 11, 2004.

Commissioner Unruh seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

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DONATION

HEALTH DEPARTMENT

A. DONATION BY EMPLOYEES COMMUNITY FUND OF BOEING WICHITA OF \$2,700, TO BE USED BY THE HEALTH DEPARTMENT CHILDREN'S DENTAL CLINIC.

Ms. Pam Martin, Director, Clinical Services, Health Department, greeted the Commissioners and said, "The Employees Community Fund of Boeing Wichita has graciously donated \$2,700 to the Sedgwick County Health Department's Children's Dental Clinic. This donation has been instrumental in providing oral health goodies for the Molar Drama Tooth Fair event attended by second grade students from all districts within Sedgwick County. Our recommended action is that we're asking to accept the donation and authorize the Chair to sign a thank you letter."

Chairman Winters said, "All right Pam, thanks. When is this dental event going to take place?"

Ms. Martin said, "The Molar Drama, it was in February."

Chairman Winters said, "It's already taken . . . it's already done. Okay. Was it successful, have a good turnout this year?"

Ms. Martin said, "It was very successful. Usually we have like around 3,800 in attendance of the students, parents and teachers. Because of the school closings, due to the weather, we had 3,200 in attendance which was still really good I think."

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

Commissioner Sciortino said, "Thanks. Is there an individual here today representing this group today?"

Ms. Martin said, "We did not receive a return call stating that someone would be here this morning."

Commissioner Sciortino said, "Okay. Well the only thing I wanted to say is that, you know Boeing is bricks and mortar or what have you, but what makes the dynamic of any company is the people. That's what makes it human and that's what makes it work and I just want to publicly thank them for this donation and assist us in making this Molar Drama successful. That's all I had. Thank you."

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

Commissioner Norton said, "Now that we have lights, I'll flip mine. Well I think it's just interesting that the earlier we can get to children and get them into procedures that make sure they take care of their teeth the better. We find out more and more now that good dental health has so much to do with your good general health, so I think it's admirable that Boeing helps us put this on and hopefully it will continue for years to come, because we know if children get in the good habit, it will really define what their adult health will be also. That's all I had, thanks."

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

MOTION

Commissioner Unruh moved to Accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Norton 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 very much, Pam."

Ms. Martin said, "Thank you. I would also like to give you some examples of the goodie bags."

Chairman Winters said, "Just bring them up here. I'm sorry, I forgot you had a broken foot. Thank you very much, Pam. Next item please."

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PRESENTATIONS

B. PRESENTATION OF 2003 REPORT ON MOST RECENT SUICIDE STATISTICS FOR SEDGWICK COUNTY, AND REVIEW OF FUTURE STRATEGIES FOR SUICIDE PREVENTION.

POWERPOINT PRESENTATION

Mr. Kevin Bomhoff, Past Chair; Suicide Prevention Task Force, greeted the Commissioners and said, "I work for the Self-Help Network Center for Community Support and Research at Wichita State University, but I'm here today as a volunteer, appointed by you, to the Sedgwick County Suicide Prevention Task Force. I had the pleasure of serving as the 2003 Chair and will be serving in 2004, if I'm appointed in your next item, to the methodology committee.

You've all received a copy of our 2003 annual report and would like to review some of the information that's been provided to you today. To start out though, I'd like to point out that it's a whole different format than your average report and that's because we're hoping to use this document for a greater and wider distribution to educate our community this year. So it has all the information you need from an annual report but in a format that we think is much more readable by the general community.

Next year will mark 20 years since, in what must have been a horrific moment of despair, my little brother Tom took his own life. Twenty years is a long time ago, but in many ways it feels just like yesterday. But even if it was yesterday, I can't do anything to save Tommy's life, but we can save lives today and we can save lives in the future and that's what this effort is all about.

Today I'll be presenting this annual report with suicide prevention and statistical data from suicides in our county. We have new information today that has not been available, because we have developed a new relationship and a stronger relationship with the Sedgwick County Forensic Science Center, which has allowed us, in a confidential way, to look at data like we've never been able to look at it before and this is an effort to really understand what's happening in our county regarding these instances of suicide.

And this information is going to be used to guide us, as we target our efforts, and also to educate the community about what they can watch for and how they can help. Later today, this information is going to be shared with at a media luncheon with the general media, so you'll probably see some information here in the next few days about some of this data.

The first slide is a slide of a three-year total suicide comparison for our area, with a comparison to the state instances of suicide. We had 58 suicides in 2003 and that's up and that's a concern to us.

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Statistically, it's changing just as much as any demographic would for a community our size, so we can't say statistically it's suicide, but we all know how significant any increase would be and is.

So we have a great concern and we have a great need for action. You can see that the Kansas data moves around a little bit as well, sort of like the Sedgwick County data does and that the Kansas data isn't really available for 2003 because it's just not out and neither is the national data and really that's why our report for 2003 is just coming to you here in March is it takes a while to collect this information. So that's the picture for total number of suicides and how they've changed over a three-year period.

A lot of people believe that we need to watch out during the holiday season, because people are very susceptible to times of loneliness and stress and family situations and that's true, but if you look at in our own county when suicides occur, they're distributed all throughout the year and we need to be on watch every month and surprisingly, we need to be on the watch in months like July and September through November. So let's keep our eyes open for some of the indicators that I'm going to share with you in a few minutes year round.

By day of week, often times people would just naturally think suicides were taking place on the weekend. It's not so. It's actually more likely that a person would attempt suicide and complete, in these cases complete suicides at the beginning of the week. And it's just kind of an interesting perspective that we might not otherwise understand until we start to look at the information, but Tuesday, Wednesday, even Monday are days where more suicides occur than on a Sunday or even a Friday or Saturday.

By time of day, they're not happening as often as we might think in the evening. They're happening in the afternoon, some times when other people aren't around at home. They're happening late in the night and in the early morning hours, so that's when people are most susceptible in Sedgwick County. This is actual information from reviews of coroner reports.

Now this is a very interesting change in what's happening here in Sedgwick County. Over the past three years, we've really focused our efforts, you've heard our reports, on children or adolescents under the age of 19 and on the older population. In fact, our posters and many of our materials have gone out focusing on that population, informing folks what to watch for and what to do in times of risk and here's the data. It's dropping for children and youth, it's dropping slightly for folks that are elderly but we're seeing this really disturbing increase between 40 and 59 in terms of occurrences.

And what we may be seeing, although we have to be careful, we need to watch trends, is this distress before suicide data, which 14% reported unemployment and if you think about it, many of the benefits and the supports that were available immediately upon unemployment may be running

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out for some people and times are getting a little bit more desperate for some of those people who aren't working. These are folks we need to especially attend to and be supportive of, because 14% had some indication that there was unemployment as a distress issue and of course there's always the family discord and arguments with loved ones that take place. This isn't saying that this is causation. Let's be careful about this. This is just distress that's reported prior to. You can't really draw that line to say, 'Gee, we had a fight and they committed suicide' but we do know there was distress or 'Gee, they were unemployed and then they committed suicide'. But this is distress and this distress adds up and people really struggle with it and if it's present before suicide, we need to be paying attention to it.

This is a very important piece of data for you and for the public, the massive presence of depression prior to suicide. Depression is the flag, folks. Untreated depression is the contributor that we are focused on so oftentimes when we're looking at suicide. It just keeps coming back in all the data and everything that we learn, as well as a history of drug and alcohol use. So in cases where we know what kinds of disorders or problems existed, we just see a prevalence of depression that's really quite disturbing."

Commissioner Sciortino said, "Can I ask a question? Would you go back to the other slide? Are you saying that in the 65% of the cases where they had a history of depression, drug and alcohol was not present or not being abused? I would have thought it would have been a larger number."

Mr. Bomhoff said, "Depression, from what I understand, depression was the primary history that the person . . . the primary diagnosis the person had. No, we are not saying that no alcohol or substance abuse was used. In fact, alcohol is a depressant and is very oftentimes present for a person who is experiencing depression, but we can't say that those people are clear of alcohol. It's just that these are people who have a primary diagnosis of depression, from what I understand.

Now let me check with the people that actually did the work. Joyce, would that be true? This is Joyce Webb and she's with Catholic Charities and she serves on our methodology committee and she single-handedly went through every one of these coroner reports."

Dr. Joyce Webb, Catholic Charities, Suicide Prevention Task Force methodology committee said, "We did find that the most common substance in the blood of people who had committed suicide this past year was alcohol, but the depression was what was reported in the coroner's report. Alcohol or drug history may or may not have been reported as a primary problem. Oftentimes, this is what the family was reporting for the coroner."

Commissioner Sciortino said, "Would you be able to find for me, of the cases that the coroner worked on suicide, what percentage of those cases had drugs or alcohol in their system?"

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Dr. Webb said, "Yes."

Commissioner Sciortino said, "Thank you."

Mr. Bomhoff said, "Stay close by, Joyce. Place of death, residence, not surprising. Causes of death, again every year we come back and we tell you but this year we have more data to be able to really focus on this, but the use of firearms, specifically handguns which you see on a slide here in a moment, is the number one use or the number one tool for the use in suicide so firearms are present and they're being used, primarily being used to commit suicides of all other options that are used, such as overdosing drugs, hanging and carbon monoxide intoxication, so no change in that. In fact, it's just continuing to be prevalent, as we look at what is used . . . lethal means is used.

But here is a change that we're concerned about and that is the drug intoxication increase and one of the things that we might attribute this to is that we're seeing more women commit suicide in Sedgwick County and women tend to use drug intoxication, rather than firearms as a lethal means. Regardless, firearms stays up there very high and we'll take a look at this.

You look at suicides by firearms, handguns primarily. When the cases are known, 46% are handguns. Rifles at 4% and shotguns are used in 11%. And you know, this might seem like details that people don't want to know or they don't need to know. This is leading up to some very important information that we need to focus on. And there was going to be a campaign like don't drink and drive, okay, our campaign would be don't mix any two of the following three: depression, alcohol and guns, they don't mix, okay. Don't mix any of them, really, but that's what's really combining in a very dangerous way, to result in these suicides. So you take guns and depression is primarily the cause, or lethal combination, guns, depression and drugs, there you go, guns and distress, in general, just taking out the other factors and then drugs and depression alone. So these are all the combinations that you could have, but those three things: untreated depression, substance abuse and guns. So that's what we really need to focus on."

Commissioner Norton said, "Kevin, any data on whether the people that committed suicide were actually gun owners and whether the gun was registered or just in the house? I mean, that's pretty complicated, but whether it was a registered gun in that house and they owned the weapon or they just had access to the weapon."

Dr. Jacobs said, "We didn't have access to that data. Commissioner, the answer to your question was that 63% had some sort of drug or alcohol in their system at the time of their death."

Commissioner Sciortino said, "Thank you."

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Mr. Bomhoff said, "Information we don't have. It does point out though the importance of if you have a loved one who is experiencing depression, you know, securing firearms and getting them, removing them. And you know it's all right to say I'm concerned about you and I'm going to take this gun out of the house for a while, we're going to not have this gun, okay, because we want you to get well first and then we'll consider whether your right to a firearm, you have that right, but we're concerned, we're concerned. And so that, I think, is the important message that we're trying to . . . remove these lethal means for a person who is experiencing depression. We've seen the power of depression and now let's take the lethal means away.

What's being done, let's move on to some of our efforts. One of the things that we've done is we've built a really nice set of information and links on the Sedgwick County website. When you go on this website, you need to go to either the Health Department or to COMCARE and then you can tap on the Suicide Prevention Task Force and you will find a wealth of information that can be printed out and used in your classrooms for education, with family members just to make yourself aware, if you've got a concern as you're watching today. This information is all available, links to all kinds of helpful resources and that website is really, I think, a premiere website for folks that need to . . . are in this work. And it's been pointed out to me by people who are in this work that this is really a fine collection of information that can be very helpful to them as they research and as they seek to help others. It also includes all of our past reports, so you can kind of see some of the details through the past.

The next item I won't go through each one of these, we're distributing a lot of information, most importantly, we're distributing this information in a wide range of languages. We have a media partnership and Bev Baalman, who works for COMCARE, is our staff person that works with us as a task force and she puts in an amazing amount of energy into this work, while helping us get this connection with the forensic center and keeping us all organized and looking like we know what we're doing as a committee. That's always important, but she also works very closely with the media so we've had lots of opportunities to be on television, you've probably seen them, to talk about the information and we're meeting with the media at the luncheon this afternoon that she's taken a leadership position and we just want to thank you for the support that she gives to this project. I'm involved with a lot of coalitions and community work through my work at the Self-Help Network. This is one of the most performing community volunteer groups I've ever been involved with. A lot of that can be placed and given credit to Bev for her efforts. If she is not supposed to be working this hard on this project, forget I said anything.

Track and trend, we are gathering detailed local information, we're using information to direct our efforts. We're working in the area of professional education to inform. Primarily in this next year, we're going to focus on some family physicians and we're also, we've in the past done some training on how to do good suicide assessments for professionals. Our intervention efforts are we have a suicide survivors support group, and you might say 'Well, gee why would you do that, isn't

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it too late'. Well, it's not too late. These people are experiencing a great distress and they need immediate support after this happens. They also are at higher risk of suicide themselves. In many ways, the veil has been lifted and the morays and everything that says this isn't happening in our family are now gone. And so we think it's a good intervention to support these people very quickly and very effectively, through a professionally facilitated support group.

Immediate assistance following the suicide of a loved one comes in that way and then one of the things we're going to tell you about in just a few moments we're very excited about is a cooperative effort with USD 259, the Yellow Ribbon Campaign. We're going to go into a little bit more detail about that in just a second.

Future strategies, in addition to expanding our Yellow Ribbon Campaign, we have a Link For Life walk/ run this year that we're going to tell you about here in a few moments to raise awareness in the community. It's a different effort. It's like saying this is a public health issue, like any other public health issue. We don't have to not talk about it, so why not do the kinds of things you do for other public health issues, and so that's kind of a bold efforts. We're not sure of any other community that's done that, so we're very excited about that. We're promoting awareness of our Suicide Prevention website here today and in other places. You can see some of the other things that we're doing to try to improve our efforts or expand our efforts.

Just want to put this slide up for a moment. I won't go through every one of these. Hope that you can share this and show this on television. These are some of the warning signs. We never want to get in front of the public without giving some of these warning signs, things to watch for. And the people who see these are your coworkers, your family members, your loved ones, the person sitting at the desk at school next to you, it's the teachers, it's the pastors, it's everyone that's in your life has an opportunity to detect these warning signs. And when you do, you can help.

It starts with listening and engaging in a relationship with a person, but never making a promise that you'll keep those suicide thoughts a secret. Getting them help immediately and staying with them while they go see a counselor, family physician, clergy person. Stay with them as they call the prevention hotline. This number is critically important: 660-7500 is the 24 hour, seven day a week live person on the phone, Suicide Prevention Hotline that you can call. And if all else fails, take them to an emergency room.

Remember, remove guns, intoxicants and help people get treated for depression when they experience that debilitating disorder. Remember, if you experience these feelings, get help. If someone you know exhibits, offer help. These numbers are available to you. It's in the phone book. They're all over the phone book. I believe they're in seven different places in the phone book, but the website as well would be a good source of information.

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These are the folks that served as volunteers in 2003. As the chair during that period of time, I just want to take a moment and recognize them on this slide and give them my appreciation for the tremendous efforts that they made. I'd now like to introduce Liz McGinness, who is with USD 259, and she is going to be our 2004 chair and she brings a lot of energy and some great ideas to our task force and she's going to talk specifically about two of our initiatives, the Link for Life and the Yellow Ribbon Campaign. So Liz, please."

POWERPOINT PRESENTATION

Ms. Liz McGinness, Chair, Suicide Prevention Task Force, greeted the Commissioners and said, "Great. Thank you so much. Good morning, Commissioners. I am so excited to be a part of this community coalition and so honored to now be able to step up to the chair role, so I appreciate that and I'm very much looking forward to working and continuing the furthering things that we're doing with this committee.

One of the things that I do in my other job as a coordinator of the Wichita Public Schools Crisis Support Team is to deal with tragedies that occur in our district. With 50,000 students in our district and all of their families, as you might be understanding, things come up and one of the worst things that I've had to deal with as that leader, in the past ten years, have been the suicide death of teenagers. The aftermath of that I can't even begin to tell you how difficult and devastating it is and students and parents alike are in so much pain, as are staff.

One of the things that I really felt we needed to do was to get a better handle of preventative efforts and we did introduce and are working with what we call the Yellow Ribbon Campaign. I'm going to show you the motif for the Yellow Ribbon Campaign and then I'll go back to talk about the race itself.

The Yellow Ribbon Campaign is a program that started in Denver, Colorado in 1995 following the very tragic suicide death of a young man there. His name was Mike Emy and it was actually Mike's friends who came to the house and cried with his parents and were very frustrated because they felt like there could have been something, maybe if they'd known, if they'd seen some signs, what could they have done.

These kids put together, at Mike's funeral, 500 yellow post-it notes and on those post-it notes said three things. One, listen to the person who is in need, stay with the person who is in need and get help. And on these post-it notes they included a suicide hotline number. Within two weeks the Emys, Mike's parents, were getting calls from kids five states away who had received information because it was almost like an underground network, where kids were connecting with one another to help. Out of that came the Yellow Ribbon program and we do training in the Wichita Public Schools. Our goal is to hit all our secondary schools.

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We have currently implemented at Mayberry Middle School and Curtis Middle School and we have just implemented at North High School. The program involves doing training with the kids to give them an awareness of what depression is, signs and clues of possible suicide behavior and then give them real direct tips and ideas what they can do to help.

The crux of the program is a business-sized card that the kids all receive. We give them two. One for their jean pocket and one for their purse or wallet and if they have one that goes through the washing machine, we have extras available as well, and that card gives them a way to be able to communicate with one another. It also gives them a way to, in a very quite and private way, hand that card to someone else. The other side of the card talks about if I personally need to talk with someone, this is my card to give to you, and so it's a signal to give kids a way to, without making a big production of it, to say I want to talk with someone.

The program has been a tremendously effective and very exciting program. Every time we've done presentation we've had students that come up and either self-identify as having gone through some concerns or they discuss a friend or someone else. One situation we had, a young girl came up and discussed that her mother, that morning before school, had attempted to jump off of the fifth-floor balcony of her apartment. And long story short, we were able to get help to that home. We did a parent meeting the next week on Yellow Ribbon and that mother came and discussed how grateful she was to have gotten in contact with some help. So we feel very, very positive and encouraged about this program.

Through the Yellow Ribbon campaign we also felt like it would be a natural extension to do something that would include our intervention and awareness program and that's where we came up with the idea for the race and I'm going to go back. The Yellow Ribbon race, what we've done is to incorporate of course the yellow ribbon, as you see, but also our little running man on top of that.

We are very excited about this project. As Kevin said, this is a new step for us and we're probably at the point where if we'd known what we were getting into, we probably would have been much more hesitant, but we're really excited about what's happening. It's been a great community effort.

We've had lots of participation in terms of sponsorship.

The activity, the race is going to be April 17th at the Sedgwick County Zoo. We are going to have activities that range all the way through the three and four-year-old walk/ crawl event that will be led by Scooby Doo, all the way up to a teenage competition run and also a zoo tour, for those who wish to just participate but maybe not go at that rigorous pace and we do also have a 5-K with this. We're going to have a huge party afterwards, with all kinds of fun and activities and hopefully get a lot of participation in our community. I am in the process of distributing 50,000 flyers to the Wichita Public School kids to hopefully get their interest peaked in this and our P.E. teachers are generating extra credit for kids to participate, so we are just very excited about this opportunity and certainly welcome all of you to come out. The 5-K starts at 7:30. If you wish to do something a

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little later in the morning, we have events and activities that start as 8:30 as well. We're just thrilled about this and we hope it will be an annual, yearly activity. Any questions about that piece?"

Chairman Winters said, "We do have several questions, if you're ready for questions and answers."

Ms. McGinness said, "Super, I am ready."

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

Commissioner Norton said, "Well, I don't know who I'm addressing these. How many calls a year on the Suicide Hotline?"

Mr. Jon Burghart, Director, Crisis Services, COMCARE, said, "We're having about 36,000-37,000 calls a year."

Commissioner Norton said, "That's too many."

Mr. Burghart said, "Well, we like to get the calls because it gives us a chance to find out what's going on and do something."

Commissioner Norton said, "I know. What is the data on self-inflicted wounds? You know, we know the data on people who didn't make it through, but do we have data on people that have self-inflicted, showed up in emergency rooms, had that kind of counseling. I mean, I think it would be interesting for us to know that, you know you've got 53 people, but were there 1,000 that attempted and fortunately didn't kill themselves? I mean, that would be interesting data too, and I don't know how you get it because of the privacy laws, but I think that if you've got 36 or 37,000 phone calls, that would lead me to believe that 53 is not the number that we're concentrating on. I mean, that's the ones we know that were successful. It's all those others that we're concerned about."

Ms. McGinness said, "And I think that's where the intervention and awareness activities are so important. One of the things that I stress when we do our training with kids is to help them understand that depression is a biochemical unbalance in the brain and that helps to take away some of the stigma. We want people to be able to discuss suicide and talk about what they can do to prevent it."

Commissioner Norton said, "I guess the last thing is, and I don't know if you have the data, but what are we doing for the outlying schools. I mean, we're talking about 259, but you know there's like eight, nine other school districts that we need to access and what does our data on the phone

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calls tell us. I mean, do we get enough information to know that there's 'x' number of those calls come from teenagers that are in outlying schools or do we get that kind of data? I guess we really need to focus on that, because we have some pretty large school districts that don't fall within the confines of the City of Wichita."

Ms. McGinness said, "And we do, within our Suicide Task Force and within our individual committee have representation from all the districts in Sedgwick County. This is not just a Wichita Public Schools issue, so we do have Maize and Goddard, a number of other districts that are a part of what we're doing and we're distributing flyers with them as well, to get them involved, because we agree, it's not just the Wichita public schools. That's the largest district, but we know that this cuts across all districts as well."

Commissioner Norton said, "Okay. That's all I had, Mr. Chair."

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

Commissioner Sciortino said, "Thank you. I also don't know who I'm addressing these questions to and if you don't know the answer but can get back to me, that's fine too. But I'd be interested in knowing, of the 36,000 or 37,000 people that called, how many appeared under the influence while they were talking? I mean, did they appear drunk or that type of thing."

Secondly, of the 53 that were successful in committing suicide, how many of them called. I mean, I don't know if we keep a record of a name or phone number of people that called. If we do, it should be pretty easy to overlay the 53 that committed suicide and did they at least make an . . . did they call us. I really would like to know that answer."

Ms. McGinness said, "For that I would turn to my esteemed colleague, Mr. Burghart, if you would like to address that with us."

Mr. Burghart said, "And to answer your question, we cannot identify all of our callers, because they don't always give us a name. Calls range in intensity. Of these 36,000 calls that we take during the year, approximately 2,000 of those would be identified where suicide was the primary concern at the time of the call, greater than any other presenting issue."

Commissioner Sciortino said, "Okay, so of the 37,000, all of them didn't call because they were suicidal, only 2,000 of them."

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Mr. Burghart said, “Exactly. So they call for a wide variety of reasons, but we do know that out of those calls, about 2,000 or a little over are going to be where suicide is specifically the primary concern.”

Commissioner Sciortino said, “Okay. Now do you have caller ID?”

Mr. Burghart said, “Okay, so it still would be not too difficult, of the 53 that committed suicide, to find out what their home number is and then overlay it on your caller ID to see, if you keep records. Because it would be interesting to me, if nobody that committed suicide called our hotline, then that indicates to us we need to do more to reach out and let them know that they should call. If all of them called and committed suicide, then we need to maybe rethink what we’re saying on the phone. You follow what I’m trying to . . . Now, if you can get it, if it doesn’t kill you to try to get it . . . That’s probably a bad word.”

Mr. Burghart said, “I’ll try to get that data for you. I won’t have exactly, but I can tell you that the majority of the people that we have no record that they have contacted us. The majority of people that have committed suicide, we do not show a record of a crisis program that we’ve had contact with them and that’s one of the reasons why . . .”

Commissioner Sciortino said, “So you do research that right now?”

Mr. Burghart said, “We research it to the best of our ability. I’ll have to go back and actually look at that data and pull some information for you. That’s the purpose for the community awareness is to make, again, the community at large more aware of the warning signs and the services that are available.”

Commissioner Sciortino said, “Okay. Now I also saw in here it says here your research indicates that there’s a higher rate of suicide attempts and thoughts among the gay and lesbian community here in Wichita. Is that high enough that maybe we should be reaching out to that community in a concerted effort and have identified them as a group that we should be really talking to and encouraging them to look for the signs and the same thing we’re asking the general population? Does your research indicate that that’s something that should be done?”

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Ms. McGinness said, “Statistically, across the country, it’s not just a Wichita or Sedgwick County problem, but gay and lesbian youth or children who are struggling with their sexual identity are at approximately 30% higher risk of attempting or completing a suicide.”

Commissioner Sciortino said, “What about adult gay and lesbian community, not just the teenagers?”

Ms. McGinness said, “Right. Statistically, I don’t have that. I would have to check into that. It certainly could be something . . .”

Commissioner Sciortino said, “And the reason I’m asking all this and I’ll wrap it up here, is that we’re going through a whole new public health vision to try to see if we should be concentrating in other areas and I’m just trying to get a feel on is that something we should be focusing on. If nobody of the 53 calls, should we be focusing on . . . if all of them called and we weren’t able to help, should we be doing something different and that could help us determine whether or not we should be investing more of our limited resources in this area. Thanks.”

Ms. McGinness said, “That’s an excellent concern and we do have, on our Suicide Prevention Task Force, representation from the gay and lesbian community and we do also do some presentations and work specifically with kids on that as well.”

Commissioner Sciortino said, “Okay, thank you. That’s all I had.”

Chairman Winters said, “Thank you. Commissioner McGinn.”

Commissioner McGinn said, “I just have a couple of questions and a comment. The lady from Catholic Charities, I’m sorry I didn’t write your name down.”

Ms. Webb said, “Joyce Webb.”

Commissioner McGinn said, “Thank you, I thought it was Webb. Joyce, earlier one of the commissioners asked about the depression and you said 63% had alcohol in their body or whatever. During that autopsy, they’re not able to determine the depression are they? Is that just . . . that’s from visiting with family members?”

Dr. Webb said, “That’s correct. It’s from family member interviews.”

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Commissioner McGinn said, “Okay. And then the other question that Commissioner Norton brought up and we can’t answer it today, I’d like to know in the future is back to the guns, it would be interesting to know if those guns are just have always already been in the home for years or if that individual actually went out and purchased a gun. And I think that we would be able to figure that out, I would think, from information, but that’s just something, I guess, I’d like to know maybe in the future.

And then the final comment, I remember when this all started and not knowing where it was going to go. We certainly knew we had a problem in our community and I look at the list of the members on the task force, we’ve got some sharp individuals on here and I’ve had a chance to visit with some of them from time to time. I want to thank you for the work you’ve done, because this is like our third year now that you’ve been working on this and gathering this information and we need that information in order to solve and determine what is causing this. And this is the first time, I think, it was very interesting to see that we’re starting to catch on to where some of the things that have occurred that we could perhaps prevent that.

And I think this is some very important work to have in our community, because of the changes going on in our society and the changes that are going on in our economy and our community. And it’s my hope and I’m sure it will be, it sounds like you’ve been networking across the nation, but that we’ll have some kind of model that we can share with other communities across the state, because as Commissioner Norton said, you know I mean 259 is our largest district, but you know these problems are happening in our other smaller districts and across the state as well. So I just want to say thank you for your work and I look forward to learning more about this. I’m sure, as each year goes by, we’re going to have a better grip on this thing, so thank you.”

Ms. McGinness said, “Thank you for your appreciation and support, because it really does help us tremendously to know that we have this support and as you talked about the members of our committees and the members of our task force, they are a passionate and committed group and I think it is really outstanding testimony to the commitment and involvement in our community to try to tackle this problem head on.

I would like to take this opportunity, if I could, to go ahead and introduce our new task force appointees for the 2003-2004 . . .”

Chairman Winters said, “Before we do that, Liz, we’ve got one more set of questions up here. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Just a quick comment, I just want to express appreciation for you and the task force members for taking the initiative and making a commitment to make a difference on what is a serious health issue and I know that a big part of

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your focus and effort is just an awareness campaign. That's really important because so many of us have . . . treat this particular health issue with a stigma and the way to overcome that is just to become better educated and let people know it is okay to ask for help. And so, I appreciate that and perhaps that's one of the best things we can do is for us to be open and sensitive to it and then, when we have an opportunity to be responsive, and awareness equips us to be able to make a positive response, so your efforts in that area.

I know that you've got, as Commissioner McGinn said, you've got talented, dedicated people and so I know that as you have new ideas and information changes, you're going to respond to that and be flexible. I think you're doing a great job and I guess I'm saying keep doing it."

Ms. McGinness said, "Thank you very much. And one thing, since we do have the public watching this, I think one of the things that you're hitting on too is that it's very important for us to be willing and able and feel comfortable enough to openly talk about suicide. It's a myth that talking about suicide causes it. The more we talk about it and if we suspect that someone is suicidal and we ask that directly, we can make a connection of a lifetime by that question. So thank you very much."

Commissioner Unruh said, "Thank you."

Mr. Bomhoff said, "I believe the recommended action is to ask you to receive and file this report."

MOTION

Commissioner Norton moved to Receive and file.

Commissioner Sciortino seconded the Motion.

Chairman Winters said, "We have a Motion and a Second to receive and file and then we're going to have a follow up agenda item about the task force members, but are there any questions on this Motion? Seeing none, call the vote."

VOTE

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

Commissioner Sciortino said, "Kevin, I lost my kid brother to suicide too, so I understand the

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breaking of your voice when you made that presentation.”

Chairman Thomas Winters Aye

Chairman Winters said, “Now we have the next item, which is the Sedgwick County Suicide Prevention Task Force members for 2004.”

C. SEDGWICK COUNTY SUICIDE PREVENTION TASK FORCE MEMBERS FOR 2004.

Ms. McGinness said, “Super, thanks for keeping me on task here. I get a little ahead of myself. We do have a number of wonderful people to introduce. Lois Clendening with Via Christi Behavioral Health and I’m not sure if she’s here this morning, but she is someone that we have asked to be on the task force. Doran Fredrickson, who is of course the Medical Director of the Sedgwick County Health Department is an appointee to our task force. Alex Reed, Dr. Alex Reed with the Wesley Family Practice Residency program is another appointee and Debbie Willsie, who is here with the SRS Wichita division is another outstanding person who we would like to appoint to our task force this year.

And I would also like to introduce my co-chair, which is Randy Class, and he’s going to be working with me, as well as everyone else in this committee and this task force.”

Chairman Winters said, “All right, well thank you very much. Again, we appreciate very much the work of all the task force members. This is an important work that you’re about on all the citizens’ behalf, and we appreciate it very much. Commissioners, do we have a Motion to accept the task force members as presented?”

MOTION

Commissioner Sciortino moved to Accept the Task Force as presented.

Commissioner McGinn seconded the Motion.

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

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VOTE

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

Chairman Winters said, “Thank you all very much for being here and for the presentation. We do appreciate it. Commissioners are involved in two luncheons today, but Commissioner Unruh and myself will be at the media luncheon on the task force. So we’ll see you there at lunch time.”

Ms. McGinness said, “One last plug for our race, if you show up you get a tee-shirt, so we certainly want you to come. Thank you so much.”

Commissioner Sciortino said, “But we don’t have to run, just show up.”

Chairman Winters said, “Thank you all very much for being here. Madam Clerk, call the next item.”

D. PRESENTATION OF SEDGWICK COUNTY ASSEMBLY ON PUBLIC HEALTH SURVEY RESULTS.

POWERPOINT PRESENTATION

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “This last topic that you heard fits nicely, there’s a nice transition into this whole issue of what the Assembly, a Prescription for Healthy Citizens is about. The purpose is try to determine the community’s expectation and obligation regarding public health and we struggle to define what . . . how we define public health.

But there are four components. We first had a focus group, that we’ve asked citizens to come talk to us what their ideas and perceptions and comments were regarding public health. Today we’re going to talk in detail about the survey that was conducted and give you those results.

Part of those results from the survey have been built into the Assembly, which will occur next weekend, not this coming week but the 12th and 13th, Friday and Saturday at Wichita State University. And then after that discussion we will redefine and focus community discussions around what we’ve heard at the Assembly. As you know, the Assembly will give us some sense of

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some consensus about what those people invited have in mind and we will continue to refine that.

But today we want to talk about the survey. The focus group helped define a 64-statement survey. These are statements. They weren't questions. It's called a Likert Scale for responses, this means there were statements were made and then people had to chose whether you agreed with that statement or didn't agree with that statement, rather than questions. They were mailed to 25,000 households. These were 25,000 households with registered voters in Sedgwick County on January 7th. The goal was 20% return rate. Dr. Glaser tells us that that's a pretty high percentage but he was pretty confident that we would get that, around 20%. The expected rate is usually 3 or 4%. As you recall, Kristi Zukovich and her staff did an outstanding job of notifying the media and making sure that the public understood that we expected their help and asked for their help in filling out the surveys.

The survey responses are 6,274 responses, just a bit over 25% return rate, which is very high. They continue to still trickle in, so the response rate is even higher than that, but at some point we just need to cut it off and start analyzing the data and we have done that. The demographics you can read. The respondent, almost 57% were female who responded, 76 were married, 76% had some college or higher education, 51% income between 20,000 and 60,000, 78% were above 46 years old.

What did we learn? Well, we learned a number of things that were pretty surprising and Dr. Glaser again will talk about those. We learned that the global issues were of concern to people and how it impacts health care. 93% of people who responded, your constituents were concerned about the global economy and the number of jobs leaving America. 75% viewing rising health care costs as a troubling factor. 56% fear global changes will force Americans to lower their standards of living. What did we learn? One of the surprising . . . not surprising, but one of the reassuring things that we learned was that we affirmed our role in public health. 89% support investments to maintain health and independence of senior citizens. We spend a lot of money doing that and a lot of time and effort. 89% of your constituents think that's the right thing to do.

90% support children related services for disadvantaged children. Mentally and physically disabled, 90% support care for the mentally disabled. We also learned that they expect us to prepare and they don't want us to wait to react. The citizens are willing to share responsibility for the health care of others. 88% are willing to take care of seniors. 86 are willing to take care of disadvantaged children, 82% are willing to take care of those with mental illness. 73% are willing to take care of those who cannot afford health insurance or other sorts of medical care.

They want a community-driven, integrated system that is performance-based. Now you and I talk a lot about this but let me remind you that we are one of the driving forces that created the Chamber

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of Service. The Chamber of Service is non-profit, they get together in creating an integrated way in which to deliver service to citizens of this community. We do that with our prevention funds. We have a community-drive, integrated system. We don't provide the services. We hire non-profits and others to do this service and we based that on performance. Those contracts that we enter are performance-based. We affirmed the path that we've taken several years ago in suggesting that we do that even when it comes to these public health issues.

Government works with business, non-profits to address the gaps. Our mission statement talks about assuring quality public service. It doesn't say deliver, it says assures. That word was chosen purposefully so that we make sure that it happens. We can hire folks, and share the power, it doesn't mean we have to do it. People are willing to pay if they know more about what their investments were considered.

Some other learnings, prevention is the key. 70% believe health problems are based on behaviors. Nearly all the voters feel mental health is as important as physical health and we heard some of the down sides of mental health today. Four or five are willing to make personal sacrifices for the well being of future generations.

So what are the next steps? Again, this will be used as part of the discussion in the Assembly March 12th and 13th and I've seen on some of your desks the doorstop, or the notebook that they sent around that we're to read in preparation for the Assembly. I had the opportunity to be on a plane and so I got to read half of it this week and looking forward to reading the other half and we'll get together on March 12th and 13th to discuss those issues.

Those issues will be about prevention and what the citizens think our obligations are towards prevention access, vulnerable populations and health care coordination and we're going to share that information through our community discussions. And so, to go into some more detail about the survey, Dr. Mark Glaser of the Hugo Wall School at Wichita State University is here.

Now oftentimes it's important to hire an expert and an expert usually is the guy who comes some 40 or 50 miles away. Well, we're fortunate to have Mark Glaser in this community, who when he goes to south Florida, when he goes to Fort Lauderdale, when he goes to counties around Washington, D.C., Fairfax County in particular, and do this kind of survey, they think he's an expert and they pay him a lot of money. Well, we think he's an expert too and we're glad you're in this community to help us, Mark."

Dr. Mark Glaser, Hugo Wall School of Public and Urban Affairs, Wichita State University, greeted the Commissioners and said, "I have to say that we're at the early stages, in terms of our understanding of the data, so our understanding is pretty sketchy at this point. We do have some

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pretty good ideas.

I will cover some of the same things that the Manager covered, but try to give you a perspective about how the citizens are seeing things. This is sort of what we specialize in is looking through the eyes of citizens and telling you what they see, and then what that means in terms of policy.

This is what we'd call an informed survey, or what I call an informed survey, which basically means that as you're filling out the survey you're both talking about your core values and understanding of things, and you're sort of gathering information about what should I be thinking about as I move through the survey. Some of our early surveys early on we didn't do these kinds of things and over the last eight to ten years, we've come to understand if you're going to do public policy, you have to lay a foundation for the respondents to respond to.

The central theme or foundation for this survey was built on the global economy. You're all aware of what's happening, in terms of the global economy. There are many jobs leaving the United States, they continue to leave the United States. The United States is one of the few countries that attaches health care to employment, so that's sort of a central issue when you're looking at these kinds of things. When you lose jobs, you lose access to health care. What will happen, there's no reason to believe that the global economy will not continue to go the way it's going. That means is that health will continue to detach from employment. So in the future I expect that it will pull away.

If you're a business that depends heavily on labor and in some kind of manufacturing, you have a few options. One is you can move your manufacturing outside the United States to save labor costs, you can replace your employees with technology to cut down on labor costs. You can withdraw fringe benefits, including health care, and we believe that that will be one of the biggest targets because it's such a big, juicy part of the total benefit package, so it's very easy to see why businesses will withdraw that.

The question is do the citizens, if you're going to do anything in terms of policy, you have to first recognize where the citizens are, and in some cases try to move them to where you think they're supposed to be as a function of leadership.

So what we started out with, and the Manager talked about a little bit, was where do the citizens stand on these issues, do they understand basically what's happening with the global economy and the area in the blue are those individuals that have indicated concern, growing concern about the global economy. 93% are concerned. The big number there is the 56.5, those individuals are very concerned. When we're doing a survey, what we want to do is make the bridge continually leading them to the next logical place that they should be thinking about.

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Do they understand that there's a connection between health care, health care costs and the ability of businesses to compete in the global economy? Clearly, once again, they do understand. About 75% indicated that they understand that the health care package basically is contributing to the problem from a business perspective.

How you see the future has a lot to do with what you do as an individual. While we know that from all of our studies, particularly over the last eight years, people that don't see a bright future pull back from community responsibility into self interest and about half of these individuals believe that the global economy will force their family to lower their standard of living.

If you ask them about quality of life now, they will tell you that it is better now in America than it has been in the past. But if you ask them about the future, about 45% have their doubts about what the future holds. In other words, when they look at the future, they are not particularly positive about what things might happen.

One of the issues that we wanted to specifically focus on was access to health care. First we asked them about overall access to health care. The blue are the individuals that indicated that they had some problems, in terms of cost and access to health care. That's about a quarter of the individuals. When you look at it, you think well that's not too huge. When you start looking at how that distributes among the population is when you start understanding where the concerns lie. If you're making 100,000 plus, access to health care is no problem, but if you're making 20,000 or less about 54% of the individuals who are making 20,000 or less indicated the costs is denying them access to health care in some way.

Prescription drugs are pretty much the same picture, slightly larger percentage of the individuals indicated that they do not . . . the cost denies them access to health care. 55% of the individuals though making 20,000 and below indicated they don't have access to health care.

One of the items asked them about the extent to which their health care benefit package provided through employment gives them reason for . . . so they don't have to be concerned about the cost of health care and those kinds of things and two-thirds say even if we have a benefit package, we are particularly concerned about our ability to cover those costs.

A central issue that you'll have to recognize throughout your policy, because it has an important bearing, is the relationship between the citizens and their physician. That's always been sort of a central issue in health care, but the question is, is that linkage still fairly strong. I thought probably it had diminished over time, given the things that have happened in the health care system and the result indicate that it has not. In spite of all the things that are going on, 90% of these individuals that responded to this still report a strong connection to their family physicians.

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It's one thing to say I'm concerned about health care. It's another thing to sort of put it against something that's near and dear to your heart. In these kinds of surveys, what we like to do is put it against some kind of money issue, some kind of employment issue, something like that. The first question was sort of hypothetical and we wanted to know the extent to which, if you were looking for a new job, how would you consider health care in relationship to salary and almost 89% of the individuals, individuals in red, indicated that basically they would see the health care benefits and benefits packages on an equal standing with the actual salary.

We wanted to take that to the next step. When we're doing these, there's a sequence of sort of walking through these steps so you can kind of feel how they're receiving these kinds of things. We asked them would you accept a lower salary for improved health care benefits. It splits pretty much down the middle, but what it's telling you is that about half of these households would be willing right now to trade salary for health care benefits. That's a particularly strong indicator of the importance that they place on it.

One of my favorites and one I really wasn't sure how it would roll out, in terms of the survey but I can think of few things that would put you in a more vulnerable position than to have some kind of illness or injury and to not be able to do very much about it and while you're watching the meter spin, in terms of dollars that it takes to address that injury. And apparently, there are a few other people that have that same fear. As many as two-thirds of the individuals are worried about some kind of catastrophic event.

I study community. That is like the central theme in almost everything that I do. The community means the extent to which you're willing to have some responsibility for the well being of others. It's not just a geographic place. It's how you see your fellow citizens. With the fear that we saw about the global economy, what we expected was detachment from community. In other words, individuals would shrink from community responsibility into their self-interest. And we did see that on the overall measure, in terms of honoring self-interest, but what was really surprising to me and probably the most surprising parts of the overall study is that we set up a series of questions about the extent to which you have, the community has responsibility for taking care of the sick and injured who can't afford to pay. We put the children and the seniors up front knowing that if you feel any responsibility at all, these are the two groups that you're going to feel some responsibility for.

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Sure enough, that's pretty much the way it rolls out, but what didn't happen was the data did not step down like I had anticipated it would step down. I expected strong support for seniors, strong support for children, but when we start moving into other areas like mental conditions or any responsibility to the overall citizens, I expected that to step down very, very sharply and it did not. 73% of the individuals indicated that we have some responsibility for our fellow citizens, regardless. That was truly surprising and has actually got me sort of re-thinking the way that we put some of our community measures in the future.

Quickly, just to give you a quick glimpse at how they look at the services you're looking at now. Should you invest probably or definitely are in the red colors and several of the items, prime items that you address through your services, clearly, overwhelmingly support for the services you are delivering now. You see the bio jump up a little bit because of all the concerns about terrorism and things in the news, but overall broad support, including all sorts of support for mental kinds of conditions. We took them through a whole series of other measures to figure out well, direct delivery versus community delivery and again, much as the Manager stated, they wanted you to seek out agencies in the community to help in this delivery process.

So why don't I sort of stop there and then open it up for questions."

Chairman Winters said, "All right, we do have a couple of questions. Commissioner Norton."

Commissioner Norton said, "Can I come back. I think that was left over for me."

Commissioner McGinn said, "No, you were on first."

Commissioner Norton said, "Was I, well I'll go first then. And it's not so much on this, I just wanted to kind of preach a little bit I guess. I just got the new copy of the Governing magazine, which is a great magazine that talks about governments around the country and what they're doing. And the article, it's very timely, it's called 'A Case of Neglect; Why Health Care is Getting Worse, Even Though Medicine is Getting Better'. But it goes through a dialogue on six subjects and if you'll indulge me, I wanted to throw those out, because I really believe this is one of the most onerous problems in our country right now.

I just got back from the National Organization of Counties meeting and talking with county commissioners and elected officials all over the United States. Two things were paramount: the economy and health care. I mean, we couldn't get off on dialogues about anything else until we gravitated back towards those two subjects and I think they're interrelated but health care has certainly got my attention and this Assembly will be the pinnacle of trying to solve.

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And the six subjects were something that we're dealing with and I just wanted to throw them out real quick and then I'll get off my bandwagon. But the first one is public health, the cost of complacency and it talks about that with bio-terrorism starting to take some of the money, that maybe some of the traditional programs are starting to fall away and that hurts our communities.

And second subject is mental health and it talks about we have failed to live up to our promise to take care of that vulnerable population. We have just not put the resources and the community efforts behind it. It's become fragmented, disorganized and we've let people fall through the cracks in a portion of public health that is critical to the physical health of the community.

The next one is long-term care and what that means to Medicare and Medicaid. The next subject is children's care and even though we're made improvements, it's not getting any better. Let's see, the next subject is prescription drugs and the final subject is insurance coverage, called 'Access Denied'. It's very comprehensive. I happened to read it on the plane as I was traveling this week and I'm going to make copies for all my commissioners, because as we go towards this Assembly, these issues are what we're going to have to deal with and it's not just Sedgwick County, it's the whole nation, and I'm hopeful that we can come out of this with some understandings and some community dialogue that will lead Sedgwick County to being forerunners in solving these kinds of issues. I guess that's all I've got, Mr. Chair."

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

Commissioner McGinn said, "Thank you. I see the Manager is up there. I have a question about some of the people that are being invited next weekend to the public Health Assembly and in particular, I know we went out and looked across our general public and those are involved in different things and others that just are neighborhood folks. But what about our state representatives and our federal representatives and how . . . have they been invited?"

Mr. Buchanan said, "Yes."

Commissioner McGinn said, "And I don't know if you have this answer today or not, but have we been getting any responses back from them?"

Mr. Buchanan said, "The difficulty with both congress and the state are in session. I do know at least one senator who said that they will be here for the Assembly. They've all been invited.

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We've reminded them, Mike Pepoon has, so we think it's important for them to be here."

Commissioner McGinn said, "Okay. Well and I know it's starting to be a busy time for them but sometimes they have that Friday off, so I'm glad we're having it Friday and Saturday which would give them an opportunity. And I can't totally repeat the screen that you had up earlier Bill, but in looking at that and we talk about mental health issues and we talk about aging issues and we talk about some of those things that our community said is important to us. We're taking the lead because we have the health department and we want to find out what do you think and what should we do differently to be more efficient with the tax dollars that we have, but at the same time, over ten years ago, the state passed down those responsibilities to us, the aging, the mental health and those kinds of things. And so, as we go through budget cuts and I know the state is having some challenges and so are we, we also need to look at the traditional sources of dollars that funded those things and my thought about having some of those folks attend, and if they can't, somehow maybe we can get a nice executive summary or something to help guide them in their process, because I think there's very valuable information in here for them to make decisions, as they go through their whole budget process.

Here in Sedgwick County, we've done the work, we've put it together, we're going to know more here in about 10 days, but they often want to say 'I want to do what's right for my constituents'. Well, these are their constituents and our constituents are trying to help them make their decisions as well. So I hope we get that information flowing back and forth."

Mr. Buchanan said, "Commissioner McGinn, that's a great idea. We will make a concerted efforts to do an executive summary once the Assembly is over and make sure that's in our legislator's hand so that they can chose to make an informed decision or not."

Commissioner McGinn said, "Okay, thank you."

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

Commissioner Sciortino said, "Well, I want to pick up where Commissioner McGinn left off. The answer is sort of simple, but doing it is real tough. We're sitting here trying to determine should we move more of our limited resources into funding public health, which is going to mean we're going to have to make a decision to cut some other programs or raise taxes. And we're getting ready, I'm sensing, that we're going to make those tough decisions right here at the bench if we can believe that this is what is needed or wanted by the citizens.

Our state legislators can do the same thing, if they had the fortitude and the conviction that we're trying to display. I mean, if they really believe that this area here in public health is important, fund

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us like you stated you would when you gave us the responsibility, give us the wherewithal to exercise that responsibility. It may mean you're going to have to make tough decisions. Duh. Well that's the reason elected people are elected. Not to rubber stamp decisions, not the housekeeping decisions but you want your elected officials to make decisions that aren't that easy to make. So, I would encourage them, if anyone can hear me, some of them maybe want to shoot me, but to try to make an honest attempt to be there and listen to what the constituents have to say.

They gave us . . . they washed their hands of it. They said that we could do it better locally and when they said that, hand in glove went with funds to exercise it. Now they've been cutting the funds and that makes it very difficult for us. Okay, that's it, I'm off my soapbox."

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

Commissioner Unruh said, "Well, thank you Mr. Chairman. I suppose I might disagree with one statement Commissioner Sciortino made is that I don't see this as simple at all and perhaps I misunderstood the point. But I think it's a very difficult and complicated issue."

Commissioner Sciortino said, "Meaning simple means money."

Commissioner Unruh said, "Monetary solution, okay thank you. Well, I didn't mean to get into a debate or anything. I did want to say that it's interesting that as you have found out, in your research and expertise that usually global issues and the difficulty in just survival usually would detach people from community. But it seems to me from what you've presented today that I don't know if the opposite is true, but there's not that much detachment going on. There still are citizens who say this is an issue that we think we have ownership in and that we want to do something about, even to the point of perhaps having to have some form of tax increase, if we know where that money is going and if we can hook it up with maybe a decrease somewhere else. But that's part of the complication of this whole thing, in my way of thinking, but my comment is only say I think it's very important, the community cares, I appreciate what you're doing and I'm glad we're making these first steps to find some resolution for a difficult issue. That's all my comment."

Chairman Winters said, "All right, thank you very much. I've just got one comment, kind of

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procedural, about the Assembly. I don't think I've seen an agenda yet, had the book, but I don't think it had an agenda in it. I'd be ready to see that, when you have one available and a list of the people that have responded positively. I think all of us were involved in seeing names that were asked, but I don't know that we've heard who responded. So, if we could have . . . If I could have those two things, I think it would be helpful. Commissioners, are there any other questions about this report? We're ready for a Motion to receive and file then."

MOTION

Commissioner Sciortino moved to Receive and file.

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much, Mark. Thank you, Mr. Manager. Next item."

PLANNING DEPARTMENT

E. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER CON2003-00054 – CONDITIONAL USE FOR A RURAL HOME OCCUPATION TO PERMIT PARKING/STORAGE OF COMMERCIAL VEHICLE EXCEEDING 26,000 POUNDS GROSS VEHICLE WEIGHT ON PROPERTY ZONED "RR" RURAL RESIDENTIAL, GENERALLY LOCATED BETWEEN RIDGE ROAD AND THE WICHITA-VALLEY CENTER FLOODWAY ON THE SOUTH SIDE OF 85TH STREET NORTH, 6333 WEST 85TH STREET NORTH. DISTRICT #4.**

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POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "In this first case, the applicant is requesting a conditional use to permit, as part of a rural home occupation, a semi truck and trailer, which exceeds the 26,000 pounds gross vehicle weight limit on their approximately 4.7 acre tract. Previously, it had been a 5-acre tract, but due to road dedications that occurred, the parcel has been reduced in size.

The site, as you can see, is within the unincorporated area of the county, but it's within the City of Valley Center's area of zoning influence, and so was considered also by that city's planning commission. The rural home occupation guidelines, within this Unified Zoning Code, permit the parking of one commercial vehicle owned by the occupant of that property that exceeds 26,000 pounds gross vehicle weight rating. And this rural home occupation became a conditional use when it failed to meet some of the qualifying conditions that are listed for the conditional use within the Unified Zoning Code. And I won't go into the detail about all the conditions that are not being met. They are listed in your backup report.

As part of this application, the applicant is also making a request for certain waivers of those conditions. Those are listed in the report and those are briefly that they would like to be able to place an accessory structure that exceeds the 3,000 square foot limit. In actuality, what they're asking for is a 6,000 square foot accessory structure and they would like to be able to develop that within the 200-foot setback that is required for those structures in the zoning code.

The Valley Center Planning Commission approved this application unanimously at their January 27th meeting. Per the staff's recommendation, with a modification to our condition number three, which had to do with the planting of evergreen trees in order to buffer this accessory structure. We had been asking that they do it within 120 days. The Valley Center Planning Commission changed that to 180 days, which seemed reasonable to us. The Valley Center Planning Commission also approved the applicant's request for the waivers requested.

At the Metropolitan Area Planning Commission's hearing on February 5th, no one appeared in opposition to the conditional use and a Motion was made to approve the request, per the staff's recommendations and with a modification that was made by the Valley Center Planning Commission. The MAPC also was in favor of granting the two waivers requested by the applicant. And with that, I'll be glad to take any question you might have."

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Chairman Winters said, "All right, thank you John. I see no questions at this moment. I would ask if there's anyone here in the audience today who would like to address the commission on this. This is not an official public hearing, but it is this commission's custom to receive comments from citizens on these kinds of cases. Is there anyone here who would like to address the commission on Item E-1? Seeing no one . . . Yes, we do have . . . Yes, come forward. If you could give your name and address and please limit your comments to five minutes."

Mr. Robert McVicar, 6333 W. 85th St. N., Valley Center, greeted the Commissioners and said, "I'm the one that owns the property at 6333 and the only thing I wanted to say that all around my property there, on the east side, south side and west side is all farmland and the only neighbors I have is on the north side, across the road. And that's basically all I wanted to say."

Chairman Winters said, "Okay, thank you very much for being here."

Commissioner Sciortino said, "So he's speaking for it?"

Chairman Winters said, "Yes, he's the property owner. Is there anyone else? Is there anyone else who would like to address the commission on this issue? All right, we'll restrict our comments to the Bench and staff. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Mr. Chairman. I just wanted to share I'm familiar with this area. The applicant is correct. It is farmland all around that, even further to the west is a home that used to have this type of occupation as well. 85th Street is a paved road and so, I think this site is suited to do what we're about to approve today."

Chairman Winters said, "All right, I see no other questions or comments. We're ready for a Motion."

MOTION

Commissioner McGinn moved to Approve, subject to conditions, waive the 3,000-square foot maximum for accessory buildings for home occupations site development regulation, waive the 200-foot separation from the parking/outside storage area to the abutting property lines site development regulation, adopt the findings of the Metropolitan Area Planning Commission (MAPC), direct staff to prepare the appropriate resolution, and authorize the Chairman to sign the resolution.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

- 2. CASE NUMBER ZON2003-76 – SEDGWICK COUNTY ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL AND "TF-3" TWO-FAMILY RESIDENTIAL, GENERALLY LOCATED ON THE NORTH SIDE OF PAWNEE, APPROXIMATELY 600 FEET EAST OF WEBB ROAD. DISTRICT #5.**

POWERPOINT PRESENTATION

Mr. Schlegel said, "In this case, the applicant is requesting to re-zone this 13-acre tract to 'TF-3', which is two-family residential zoning, on the portion of this inverted 'L', which is north of where I'm pointing and 'Limited Commercial' on the remaining part of the tract, which fronts Pawnee and that's just a little less than six acres in size.

The requested 'TF-3' zoning would contain 17 duplex lots, with a density just a little less than five dwelling units per acre and as you can see from the display that's up there now, and I'll go to an aerial photo. You can see it better on this display. The area on the west side of Webb is substantially developed with residential subdivisions and then on the east side of Webb, there's much less development. It's primarily agricultural, with a scattering of large-lot residential developments.

Abutting the subject property's north and west sides is a 19-acre tract owned by Sedgwick County, which is a Public Works maintenance yard. That yard contains a variety of different garages and accessory structures. They park equipment there and have stockpiles of materials that they need for maintenance. And along the east side of that property, the county has installed berms to screen that property.

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To the west of the subject property is an 'LC' zoned property and a small Office Warehouse zone right in that vicinity."

Commissioner Sciortino said, "And that land to the west of the inverted 'L', is that owned by Wichita?"

Mr. Schlegel said, "It's within the City of Wichita, yes."

Commissioner Sciortino said, "Okay.

Mr. Schlegel said, "The pink line on there is the city boundary. To the north of the site there is a church and the church owns the property all the way to the east. They will be in alignment with the property line of this parcel.

The proposed duplex development on this portion of the property would connect to the east to a platted parcel. This is not yet developed, as you can see in the aerial, but it is platted. That property is also owned by the applicant. The commercial portion of this, the 'Limited Commercial' portion would have direct access then out to Pawnee.

At the MAPC meeting on February 5th, they approved the zoning change, per staff's recommendation, although there were two adjustments made to conditions that were recommended by the staff at that meeting. I've passed out and you should have in front of you a separate sheet that lists the new language for those two conditions. Condition five had to do with metal buildings. This is an ongoing debate that has occurred between staff and the commission over the years and I think what we did was we brought it to a culmination of sorts at that meeting.

Staff had always been advocating for no metal elevations on buildings and what the commission is looking for is to allow metal elevations on commercial buildings, but require that they have some architectural feature to them. And so the new wording for condition number five reflects the wishes of the planning commission. And then there was a small modification to condition number ten, where the applicant was looking to have construction sales and services allowed as part of the 'LC' area. And with that, I'll be glad to take any questions you might have."

Chairman Winters said, "All right, thank you John. I don't see any questions right now. I would ask again if there is anybody here in the meeting room today that would like to address the commissioners on Item E-2? Is there anyone here today, either for or against that would like to address the commissioners on Item E-2? All right, see no one, Commissioners, are there questions or comments? Commissioner Sciortino."

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Commissioner Sciortino said, “I don’t see that there are any questions, so I’m ready to make a Motion.”

MOTION

Commissioner Sciortino moved to Approve the zone change, subject to platting within one year and Protective Overlay #132, adopt the findings of the MAPC, direct staff to prepare an appropriate resolution after the plat has been approved, and authorize the Chairman to sign the resolution.

Commissioner Unruh seconded the Motion.

Chairman Winters said, “We have a Motion and a Second. And I guess the only comment that I would have is I think this revised wording looks good to me and I guess my only comment would be I think sometimes it’s not necessarily the type of construction material that makes a building easy to the sight or expensive material can be unpleasing to the site, so I understand the struggle and the continued debate. Are there other questions or comments? If not, call the vote please.”

VOTE

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

Chairman Winters said, “Next item.”

- 3. CASE NUMBER CUP2003-64 DP 272 (ASSOCIATED WITH ZON2003-71) – CREATION OF THE ASIAN GARDEN COMMERCIAL COMMUNITY UNIT PLAN (CUP) AND REZONING TO “NR” NEIGHBORHOOD RETAIL AND “LC” LIMITED COMMERCIAL, GENERALLY LOCATED NORTH OF 47TH STREET SOUTH AND WEST OF ROCK ROAD. DISTRICT #5.**

POWERPOINT PRESENTATION

Mr. Schlegel said, “In this case, the applicant is requesting to create a Community Unit Plan for a tract that’s about eight and a half acres in size. They’re requesting also, as part of this, to re-zone the property from its current ‘SF-20’, single-family designation and ‘RR’, rural residential, to

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limited commercial on this part of the tract and 'NR' on the remaining portion, NR being neighborhood retail.”

Commissioner Sciortino said, “Now wait a minute, phase one and two is the same request, as far as the change in zoning?”

Mr. Schlegel said, “Correct.”

Commissioner Sciortino said, “And that is from 'RR' to what?”

Mr. Schlegel said, “The current zoning is both 'SF-20' and 'RR' and they're seeking limited commercial zoning on this part.”

Commissioner Sciortino said, “Right, phase three of parcel three.”

Mr. Schlegel said, “Right, and 'NR' on the remaining two parcels.”

Commissioner Sciortino said, “And 'NR'?”

Mr. Schlegel said, “Is neighborhood retail. Go back to the aerial, the character of the surrounding area is dominated by McConnell Air Force Base and adjacent Boeing and Cessna aircraft manufacturing plants, which are located to the west and north of this site. And that shows up actually better on this larger view of the project site.

The properties to the south and east of this property are predominately agricultural in nature, with some pockets of residential development on large lots and you can see the neighbors immediately to the west and southwest of the parcel. And as I hoped you picked up on the zoning, you can see that most of the property is 'SF-20' with a corner of it being rural residential, and then immediately adjacent to this parcel, on the east, is a limited commercial zone which surrounds the intersection of 47th Street is Rock Road.

As part of the CUP, the applicant is seeking a number of modifications to what would be allowed under the code. They're seeking a maximum of 109,000 square feet in a maximum of 17 commercial buildings. Maximum building height that they originally sought is 80 feet in height, but staff has recommended to the MAPC that that be reduced down to 35 feet, due to the proximity to McConnell Air Force Base. Building setbacks, 35 feet are proposed along 47th Street South and where adjacent to residential zoning. Signs are proposed to be permitted per the City of Wichita's

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sign code. Ground signs are proposed to be monument type with a maximum height of 20 feet. Landscaping would be per the landscaping ordinance of the City of Wichita, six to eight foot high screening walls proposed where adjacent to residential zoning.

At the Metropolitan Area Planning Commission meeting on February 5th, they voted unanimously to recommend the request, subject to platting within a year and the conditions that were recommended by staff. At that hearing, there were several citizens that appeared and voiced opposition to the request, citing concerns that they felt would be negative impacts on property values, community aesthetics and traffic.

We do have property owners that have signed petition protests that exceed the 20% and so three-fourth majority vote is required to approve the request.”

Chairman Winters said, “Okay, John do you have other slides that you didn’t show us, just so we could get a better feel for this?”

Mr. Schlegel said, “This shows the number of protests, the number of petitions that have been submitted within the notification area. And then . . .”

Commissioner Sciortino said, “Now John, could you go back to that? When you say 40.74% of the total property . . .”

Mr. Schlegel said, “Of the total area.”

Commissioner Sciortino said, “Yeah, but I mean, total area as it’s described to property, not number of owners.”

Mr. Schlegel said, “That’s correct.”

Commissioner Sciortino said, “So how much of the total area does the applicant own?”

Mr. Schlegel said, “Oh, I’d have to have somebody calculate that out for me.”

Commissioner Sciortino said, “Okay, but what I’m trying to get to, it’s only 40.74% but was that 100% of the other land owners?”

Mr. Schlegel said, “No, as you can see, there were some of the adjoining property owners that . . . the protests are shown in red and where we did not receive a protest petition from a property owner, it’s shown in white.”

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Commissioner Sciortino said, "Okay, all right. Got it."

Chairman Winters said, "Okay, have you got more slides?"

Mr. Schlegel said, "Yeah, mostly then photographs. This is the view north, from 47th. Out to the east, along 47th. This is looking back then to the west and the neighboring property. Off to the southwest, across 47th from this particular property is the home that you would have seen on the aerial photo. Looking off to the south."

Commissioner Sciortino said, "Is that 47th Street that we're . . .? Nice road."

Mr. Schlegel said, "That car is parked on 47th. And then off to the southeast. And I think what that shows you, the surrounding area is predominately rural. There are some large lot residential nearby and you can see that the source of the protests are the folks that own properties, residential properties nearby."

Chairman Winters said, "Okay, thank you very much John. Commissioner Norton, do you have a question before we open this up?"

Commissioner Norton said, "Really mine was did this go through the scrutiny of McConnell and everything. I don't know, if that's close enough to their land use issues?"

Commissioner Sciortino said, "As I understand it, they're fine with it. Is that right, John?"

Mr. Schlegel said, "Yes, this is outside the . . . It really would not have . . . we did make the recommendation about reducing the height of building from 80 down to 35 feet. There is an old, southeast to northwest, runway that does not get used very often that might be impacted by high buildings going up in this area. So out of an abundance of caution, we had recommended reducing the building heights from 80 to 35 feet. But for the most part, their main runway takes traffic well away from this site."

Commissioner Norton said, "The difference between 80 to 35 seems dramatic to me. Is that standard operating procedure in something this close to an air force installation or whatever?"

Mr. Schlegel said, "The fact that we would recommend that reduction? No, I would not consider that to be real dramatic. I think their proposal for 80 foot high buildings in this particular area was probably well out of character for that area."

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Commissioner Norton said, "That's all I had, Mr. Chair."

Chairman Winters said, "Okay, thank you. I see no other questions right now. Again, we are not required to have a formal public hearing, but it is our custom to hear from citizens who want to address the Commission on issues such as this. So I would ask, is there anyone here in the audience who would like to address the Commission on Item E-3? Are there any citizens? Yes, please come forward."

Commissioner Sciortino said, "I might mention, if there's others of you that want to speak, you might want to just kind of move over to that wall and then you could just start coming up a little more rapidly."

Chairman Winters said, "All right, ma'am if you would just give your name and address for the record and please limit your remarks to five minutes."

Ms. Sandy Short, 7425 E. 47th Street. S., Wichita, greeted the Commissioners and said, "First of all, we don't want to have the property re-zoned. We would like to see it stay as residential property. We purchased our home several years ago and it was almost completely surrounded by farm ground and that's one of the things that we were looking for when we purchased our home. We don't want our neighborhood to be turned into a commercial area.

We have a lot of concerns about the affect that this Asian garden will have and also the strip mall that's proposed. We do feel that our property values will go down. We're very concerned about the three entrances that they want to put on 47th Street to enter the properties. We feel that that's going to really impact the traffic flow on 47th and cause accidents.

Mr. Nguyen indicated that he is copying the plans of a classical Chinese garden that's located in Portland, Oregon. He said that it's going to be a non-profit facility, but he's going to charge admission into the facility and he wants to rent the facility out for wedding receptions and retirement parties, things like that. So I did some research on the Portland Classical Chinese Garden and I found that they also are a non-profit organization. They do charge admission, they're open seven days a week and they do rent their facilities out for parties.

The parties are conducted after the regular business hours, which are 8 to 6 p.m., so that the parties would be conducted basically in the evenings and early nighttime. They provide alcohol at the parties and dancing. All of these parties are conducted outside. They are not in an enclosed building. They're held out on an open patio. So if Mr. Nguyen is modeling his Asian garden after the Portland garden, I don't see how he is going to be able to keep the noise level down to the

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neighbors that live right beside him. The neighbors to the west of the property that's being proposed re-zoned could not be here today. They're in Texas.

Another concern we have is nothing has been said about the parking that he's planning for this Asian garden. It's not shown on any of the drawings, so we don't know how much property he's going to actually repave and if he starts repaving a lot of that ground, it's going to affect the drainage in the area and we don't know what kind of an impact that's going to have on those of us that live nearby.

We honestly feel that the Asian garden and the strip mall is totally out of character for that area. It's mostly all farm ground with just a few houses and that's why we purchased our property. We'd like for it to remain a quiet and peaceful neighborhood and non-commercialized. So, again we are firmly against re-zoning that."

Chairman Winters said, "Okay, thank you very much. Is there anyone else that would like to address the Commission? Please come forward. Yes sir, please come forward."

Mr. Charles Jacobs, 4630 S. Wind, South Rock Road Corridor Association of Homeowners president, Derby, Ks., greeted the Commissioners and said, "I'm here for two reasons today. Since I live just outside the MAPC notification area, I did not receive notification of the initial hearing of this request when it came to the commission, so I'm here to represent myself as a landowner affected by this application.

Secondly, I am the president of the South Rock Road Corridor Association of Homeowners. Our association is a relatively low-profile group of approximately 120 land and homeowners who reside in the area bounded on the north by 31st Street South, extending to the south boundary at 55th Street. Our east boundary is Webb Road and our west boundary is Oliver. We do not include the areas, which belong to McConnell Air Force Base and Boeing. Our association, encompassing more than 300 home and landowners has three major objectives.

Our first major purpose is to protect the property rights of the current and the future landowners within the boundaries of our association to include the health, safety, welfare and economic well-being of our families while looking for solutions to merge our semi-rural lifestyle with that of the greater community.

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Our second major objective is to assist in smart development of the area to insure that citizens of the County and the communities therein continue to reap the economic benefits of McConnell and the major aircraft facilities in the south Rock Road area by insuring that development does not encroach in a negative fashion that will ultimately lead to active runways, landing patterns and other activities which are of critical importance to the continued existence of these economic engines that are vital to our local economy.

And finally, our association comes together as development proposals arise to review the proposals in an effort to ensure that development of the vital Rock Road corridor, which links east Wichita to several small outlying communities, is not random and chaotic, resulting in an extremely costly situation for city/ county taxpayers and area owners like the situation we have all witnessed on North Rock Road and in some areas of northwest Wichita.

I want to assure everyone present that our association fully recognizes that development of this area will occur, and we want to help facilitate that growth and development in a harmonious atmosphere of citizen, community involvement, rather than being perceived as an adversary to community growth and development.

Now that I've completed my unsolicited, unpaid political and non-political advertisement, I'd like to ask the Commissioners to consider the following items prior to taking action. The applicant requests zoning to accommodate a personal dwelling and facilities for public use associated with the Asian gardens complex and he indicates it is a non-profit, cultural educational endeavor modeled after the Portland, Oregon Chinese Gardens. You've already heard that.

I'm going to dispense with some of the things in my written comments that I've presented to you. I do want to go to the bottom of that paragraph and make a note that this is a significant venture that truly fits what I will refer to today as a signature development. I believe signature developments should be looked at in more detail than normal zoning requests prior to any approval. Since most, if not all planning staff and commissioners do not live in this area we're discussing today, they are probably unaware that this is the first new, commercial development venture in this area of a vital intersection to the community and it will become the signature for the area.

In a presentation by the applicant and his agent to the adjacent homeowner, they indicated certain types of activities that have already been addressed, including the sale of alcohol and open parties. That concerns us. During the same presentation, the owner and his agent were unsure about the type of retail facilities they are looking to recruit to fill the shops of a strip mall they hope to develop in this portion of the parcel being considered for light commercial. The applicant and agent

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also mentioned the possibility of a future housing development on land he owns adjacent, immediately adjacent to the three parcels under consideration.

In my conversation with Planning staff, I became aware that they were unaware of some of the information disclosed to the adjacent neighbors by the applicant and specifically, the development of the housing and the proposed rental and alcohol sales at the Asian garden facilities. If aspects such as these were not available to staff and Planning commissioners, it begs the question of whether commission had a complete picture on which to base their conditional approval of what I call a signature application.”

Chairman Winters said, “Mr. Jacobs, that’s five minutes and I know you’ve got two more pages, or you’ve got three more pages. Five minutes is up. Could you just, in about a minute, hit your highlights on your last two pages?”

Mr. Jacobs said, “Yes, I can. I’ve condensed a lot of these things and the first one is what is the impact on property values in the area. That was already addressed. In signature situations I believe it takes a better look, a deeper look than the normal process that we use on applications. What’s the impact of this development on area storm and water drainage? I believe this can have a major impact and it will either go to the west, down a creek that flows from McConnell to Derby or it can go to the east and affect the very vital intersection of 47th and Rock Road.

The applicant and the planner are asking for three access routes. I question whether those three accesses off of 47th starting within 300 feet of the intersection fit with current planning guidance for limited access on major arteries. I also question whether they’ve looked at it in terms of how does this fit with the long-range transportation plan and the long-range Capital Improvement Plan for the County road system. I believe we need to look at how the planning staff addresses fire protection and other utility services that are affected in semi-rural areas where firefighting capability is limited and poses a risk to neighbors.”

Chairman Winters said, “Mr. Jacobs, one final point, make your final point.”

Mr. Jacobs said, “The final point, I would ask that you either deny this application or refer it back to Planning Commission for more study and then come back and I wanted a final thought there, it’s at the bottom, and from the public point of view, I’m convinced that the approval of even a conditional zoning change, and I know that I was told that we do zoning and then we do platting

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and it's platting when details are addressed, but I think when you do things and you vote without all the details being properly vented, it's like I said here, the general population sees this very much like an ocean tide. Once the initial tide of change occurs, there is no force on earth strong enough to stop it or change its direction."

Chairman Winters said, "All right, thank you very much sir. Anyone else like to speak to the Commission on this issue? Come ahead, sir. Name and address, less than five minutes."

Mr. Greg Engels, 7207 E. 47th St. S., Wichita, greeted the Commissioners and said, "I don't have . . . not real good at speaking, but another concern that has probably been covered but the impact on the rural water that we have out there, you know if they can tie onto that. How about any sewer . . . I mean, I don't know what the plan is exactly of when Wichita or Derby sewer is going to get up there, but just wondering if all these things were considered too. Thank you."

Chairman Winters said, "All right, thank you sir. Anyone else like to address the Commission? Yes, please come forward. Name and address please."

Mr. Chris Bohm, Agent for applicant, Ruggles and Bohm P.A., greeted the Commissioners and said, "We represented Mr. Nguyen during the CUP at the Planning Commission and like to make a few points, if I may about the whole process here."

As Mr. Schlegel pointed out, the four corners of Rock Road and 47th South are all 'LC' zoned as it stands now, part of the Comprehensive Plan that was done some years ago. With the zoning that we propose, continuing the Limited Commercial on to the west . . ."

Commissioner Sciortino said, "Excuse me just a second. Could we get a different slide up so we can see . . . no, keep going . . . I don't know which way you have to go. Yeah, that's a good one, okay. So those four corners are 'LC', yeah."

Mr. Bohm said, "That's correct, sir. 250 feet west of where the red terminates is what we proposed for Limited Commercial and then the remainder of the site moving out to the west would be Neighborhood Retail and we feel that this zoning, kind of a fading effect, is pretty typical at what you see at major arterial intersections in town and in the county. So it fits in well with the Comprehensive Plan and the uses at McConnell Air Force Base with density of development in the area."

There were some comments about sewer, water, drainage, traffic. Those are platting issues, however with the creation of an Asian garden, which is a pond on part of the property, we can utilize that for detention storage for drainage purposes. The Rural Water District can supply water

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and will supply water to any kind of commercial venture. All of that is dealt with by the Rural Water District and their ability to serve for volume, quality of water.

It's been a dynamic process, as we've moved forward with this CUP. The comment about the 80-foot building, it was never planned for an 80-foot building. That was allowable under Limited Commercial. We didn't limit it when we first came in with the CUP. It was recommended that we go to 35 feet and it was not an issue at all, 35 feet is quite doable on the site.

There are landscaping and screening requirements, masonry fence against any residentially zoned property, 6 to 8 feet tall and the landscaping, per Wichita standards. So that provides an additional buffer to the neighbors as well.

We did meet with some of the neighbors last week and discussed some of the proposed uses on the site, didn't really leave with any consensus but just wanted to take the opportunity to show them what was being planned and Mr. Nguyen here, momentarily, can kind of give you an idea of what he does plan on the site.

And with that, we believe we've met all the requirements of the Planning Department and worked dynamically with them through this process. We've gone through the public hearing of the Planning Commission and met with staff. They've dealt with the issues and do deal with the issues every day of traffic and densities and all these things that have been brought forth today by the neighbors.

So with that, I'd have Mr. Nguyen come up and speak."

Chairman Winters said, "We do have a question for you, Mr. Bohm. Commissioner McGinn."
Commissioner McGinn said, "Thank you. Chris, you talked about the rural water and they've already said they have plenty of water."

Mr. Bohm said, "Yes, Mr. Nguyen contacted them and asked them about their ability to service a commercial venture and they said yes."

Commissioner McGinn said, "And then the pond, of course, being used for detention, but what I didn't hear you say is whose going to take care of the sewer. How is that going . . .?"

Mr. Bohm said, "Any sewer, there's no sewer, no public sewer available. It would be on-site. Code Enforcement would regulate any kind of sewer systems that would be placed in that area. It is anticipated that on the westerly parcel, a sewage lagoon would be utilized and for the commercial properties, if they would develop before any kind of a public sewer was there, they would have to

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use some kind of an on-site commercial grade system approved by Code Enforcement and, if necessary, KDHE.”

Commissioner McGinn said, “Okay, so we are talking about a large lagoon to handle this. We’re not talking about community sewers.”

Mr. Bohm said, “No, the lagoon would be a residential size because there’s really only a one-residence plan for the westerly parcel. So a typical residential size lagoon.”

Commissioner Sciortino said, “So what about the garden where there is going to be the parties. Are you going to have bathroom facilities for them too?”

Mr. Bohm said, “There could be one set of bathrooms in the future that would be built.”

Commissioner Sciortino said, “And where would their waste go? To the private residence lagoon?”

Mr. Bohm said, “We could use the private residence lagoon or install another on-site facility to handle that.”

Commissioner McGinn said, “I guess for me there’s a lot of confusion there when we’re talking commercial and then we’re talking about homeowner type, individual homeowner type sewage systems. So I’ve got a little, I guess, questions in my mind about that.

And then the other thing, and I don’t know Chris, if you’re the one to address this, but I don’t know that anybody addressed that three access points. I’m troubling over that too and Chris, maybe you’re not the one . . . are you the one to talk to about that.”

Mr. Bohm said, “Well, I can. We filed a plat, a preliminary plat this week for this parcel and there is an access management policy that Sedgwick County and the City of Wichita have adopted and it deals with driveway spacings and turning movements and as we move through the platting process, those will be addressed. So far as I know, and the way we’ve laid it out, it fits with the requirements.”

Commissioner McGinn said, “Of the access policy.”

Mr. Bohm said, “Yes. And one of those access points is actually a new road, intersection, a new street so there would be two on-street accesses and then a roadway that would service part of the ‘LC’ portion.”

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Commissioner McGinn said, “Okay, thank you.”

Chairman Winters said, “All right, thank you. All right, Mr. Nguyen.”

POWERPOINT PRESENTATION

Mr. Hoa X. Nguyen, 3740 Rushwood Ct., Wichita, greeted the Commissioners and said, “I’m very happy to be here today. I would like to talk a little bit about myself and also about the garden. Almost every year, I went to the National Conference of Community and Justice World Banquet. At that time, they always give you recognition, also they praise the people who make the community a better place to live, such as like the former senators Nancy Kassebaum, they recognized her and former mayor and his wife, Mr. Ron Holt the Director of Recreation and Entertainment. And recently, last year my friend Mr. Joseph Onychala, he got recognized for whatever, the diversity council at Boeing. And just for a first step, that’s why I tried to create an Asian garden, try to make a better community, also a better place for the community come to visit.

I would like to share with you the planning, just like right now you hear the other people talk about, based on their assumption of their own research, but now it’s time for you to hear what my planning about the garden.

The first assumption is this one is copy of the Chinese garden and it not, in Portland Oregon. I went to the Japanese garden there also and I learned a lot of the landscape that they have, just like on the top left corner there you see the sand garden. That’s just a little circle there. It’s just a sand garden, a Japanese type garden. And on the middle left, that’s my home. The reason I put my home there, I’d be able to work on the garden and also save me time and energy to work on it. And on the right bottom corner is a rock garden, a Japanese type garden. And also the pond and waterfall should be there on the north is a waterfall and another pond.

The idea I have come up with for the last four years, I did talk to the former mayor and he thinks the idea is very good for the community and I talked to the former city chief of police, I don’t want to mention the name, but he also liked the idea. Recently, I talked to Mr. Ron Holt and Jean Schodorf, the state senator, they really liked the idea because that’s what the community needs.

Just like four years ago, we have the international delegation come to us, like to see Kansas and then Senator Sam Brownback, he took them to Hutchinson and then he take them to the . . . and this is one place that he can take them also to see . . . to show them how the community . . . the culture.

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And here's some of the symbols of the Chinese garden and then see how quiet it is. Just like same type of botanical garden. When you see to go into the garden, you see how quiet it is and exactly that's what we try to create in this garden.

That's another photo of the Chinese garden but the Japanese garden more space and more landscaping and then you see it after we finished the project. And then some of the city, the city even gives the organization to build a garden for the city, just like San Jose and Portland, Oregon, they gave a whole city block to create the garden for the city and now I try to do it myself.

Here is some place for the Asians to go, for State of Kansas we'd be able to promote the global diversity and also enhance international marketing and working relationships with the international companies. For the City of Wichita and Derby area, we'd be able to enhance the tourist attraction, enhance the relationship with Wichita's sister city and provide a setting for meetings of community leaders from cities or other where and fourth, promote diverse community by creating opportunity for cultural activity and create a city landmark and enrich our community ways of life.

And for Wichita Chamber of Commerce, or for the international corporation, import/ export community, international banking at least we'll be able to provide a meeting place to pray and celebrate various cultures and increase making of working relationships.

And four, the University School National Conference of Community of Justice Diversity Council, we'd be able to have some place for the students, they'd be able to come to learn about various cultures, what they value, what they believe, what their traditions and especially the way of communication style, how we do it. That's why they have a conflict at school, also, in the society.

And also, we'd be able to create a classroom where students can learn and experience other cultures, view a video of guest speakers within the community and also to finally provide training on diversity and all inter-cultural relations. And that's all I have and if you have any questions, I'm happy to answer you."

Chairman Winters said, "All right, thank you Mr. Nguyen. I don't see any questions right now, so thank you very much. Is there anybody else in the audience that wanted to address the Commission? Anybody else in the audience want to address the Commission? All right, thank you very much.

John, had you seen this presentation before?"

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Mr. Schlegel said, "No, we had not. It was not presented to the Planning Commission."

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

Commissioner Sciortino said, "Well, I think the concept is very intriguing, especially if they bring out some Vietnamese food and what have you and I'm going to get all excited, because I like food. But I think there's also a lot of questions that need to be answered, by the very fact that the Planning Department, nor the Planning Commission got to see what was really being planned is of concern to me. The fact that Mr. Jacobs . . . now I understand, he doesn't live within the area that he needs to be notified, but the organization of which some of their members do, wasn't afforded the opportunity . . . I mean, they've never let their feelings be known to the board.

I have a question about . . . not a question, concern about the number of street entrances and egresses. I know we were having that big problem, or Wichita was having up on Rock Road and we changed how many driveways. Is that in compliance with what the new rules are about major thoroughfares and driveways? John, do you know?"

Mr. Schlegel said, "Well, I can't tell you definitively, because I have not seen the plat that was submitted. I would take Chris at his word when he says it does comply with the access management."

Commissioner Sciortino said, "Okay. I have the same concern that Commissioner McGinn did about it's a little nebulous how they're going to do away with waste. It still a little bit up in the air. And the other concern I have is that only seven members of the commission got to hear it, and I understand at that time there was only 13 commissioners and that's still a quorum, mainly because I hadn't reappointed the one that I needed to get reappointed, but I would have more comfort if they could . . . a larger majority of the commissioners could be exposed to the concerns of the citizens and then also have access to actually what is being proposed. So, I don't know . . . I see there's others, so I'll wait and my effort . . . my inclination right now is maybe to give it back to the commission but I want to listen to what the other ones say."

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

Commissioner McGinn said, "Thank you. I think, overall it probably is a good plan. The access policy, I know that we put that in place not too long ago, but I think about some of these newer areas that are being developed and the amount of access points that we have getting in and out does cause a problem, but hopefully the experts, engineers on that can solve that problem.

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And then again, and I'll just say about the sewage thing, if you're going to have a party or provide your facility for other people to use it and you've got over 100 people, you need more than a septic tank and so I guess I need to understand that a little bit more. So I'll listen to the others and we'll go from there."

Chairman Winters said, "Commissioner Norton."

Commissioner Norton said, "And I don't know who answers the questions. I'm not sure about the non-profit designation, why this becomes a non-profit if they're going to be leasing out the facilities to weddings?"

Chairman Winters said, "That's not a zoning issue though. John, that wouldn't be a zoning issue, would it?"

Commissioner McGinn said, "And Cowtown is a non-profit, and we lease or rent. I mean, I think it's the type of non-profit I think you are."

Mr. Schlegel said, "And Commissioner Winters is right. If the ownership and how it's actually set up and run probably is not an issue that is relevant to the re-zoning."

Commissioner Norton said, "Well I guess for me it just sounds benign that 'Oh, it's a non-profit, it's not a commercial enterprise'. Is it a commercial enterprise or is it a non-profit and I think that does have bearing here, at least how I'm getting to a final decision because non-profit sounds pretty benign, we're doing it for the public good as opposed to we're going to draw huge crowds of people paying money and using it as a drinking facility. That does have bearing for me."

City limits, what does the master plan look like as far as pushing the city limits of Wichita into this area?"

Mr. Schlegel said, "I'm going to go to that larger view. You can see the urban service boundary, up to the north on Rock Road, and how far south it comes, down to about MacArthur Road."

Commissioner McGinn said, "That's the current one."

Mr. Schlegel said, "Correct, and Derby on the south does not extend this distance either."

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Commissioner Sciortino said, "So yellow is Wichita, the pale green is Derby."

Mr. Schlegel said, "Correct."

Commissioner Norton said, "So at this point, it would be a leap for it to be in an incorporated area any time soon."

Mr. Schlegel said, "Correct."

Commissioner Norton said, "It will continue to be county controlled."

Mr. Schlegel said, "Correct."

Commissioner Norton said, "Okay. I have concerns, like other commissioners, on the services, particularly waste, what that looks like and I also have concerns about detention, because many times detention ponds are just that. They are not used for planting and horticulture and I've been to some Asian gardens and they have lily pads and things that grow in the water and that's different, I think, than a detention pond. Now maybe you can do both and I guess I'd like answers on that. If you really are going to use that for detention, is it designed that way or is it designed for aesthetics? That would be something I'd want to know.

How long will it take to build this? Is it going to be a work in progress, or is it something that's built all at one time? I mean, it looked like a pretty elaborate compound being built and that would concern me if this thing goes on and on and on with construction type equipment coming in and out, or is it built all in one fell swoop.

I had a question about being quiet. I think that's why you would want a meditation garden and some of those things and in the flight path of two air industries, I don't know that it would be quiet. You could try to make it quiet, but it looks like there's going to be planes. There's a chance for planes to be taking off and landing in close proximity to that. Once again, I don't know if that's . . . That's obviously not a zoning issue, but it's something that's got me concerned.

The final thing is if you look at North Rock corridor, I think it would have been smart to do some planning when it was still in the county to be sure we understood, just like we do at K-96 and 254, what Rock Road is going to look like in the next 20 years, as it does develop and I'm not sure that we've thought that out. I think this area will develop. We have to understand what's going to happen there, what we want to have happen there and how it will affect McConnell. Does this lead

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to something else that leads to a problem with McConnell. All those are questions that I needed to have answered, because we've done some major studies on other corridors and if you look at the history of North Rock Road, boy they ended up with some major problems because they let too many interests come in and didn't look at their major intersections and to make sure there was a good plan and I don't want to let that happen out in the County. So, that's all I have, Mr. Chair."

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

Commissioner Unruh said, "I think most of my questions have already been asked or posed, maybe we haven't gotten the answer yet. But say again, is there going to be a fence between this property, as it develops and the adjacent properties? Did I heard someone say that?"

Mr. Schlegel said, "There's a requirement for six to eight foot high fence adjacent to any residential areas."

Commissioner Unruh said, "Okay, well right now the only residential area is directly west. Is that correct? I mean I know there's one there. It's owned by Joe and Jean Wiggins and they're good friends of mine."

Mr. Schlegel said, "Yeah, there's existing residential so any commercial development that would be adjacent to their property would have to have a six to eight foot high fence."

Commissioner Unruh said, "Okay. Well the rest are questions that have been asked and kind of left open. I guess we'll wait to hear the answer to those. So that's all I had right now."

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

Commissioner Sciortino said, "Yeah, I do. I'm going to make a Motion that we . . . There's a lot of questions that haven't been answered, there's a lot of things that I don't think the MAPC has been exposed to."

MOTION

Commissioner Sciortino moved to refer this item back to the MAPC for further consideration.

Commissioner Unruh seconded the Motion.

Chairman Winters said, "We have a Motion and a Second. Commissioner Norton."

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Commissioner Norton said, "Well, I'm going to support that. I have to tell you, Mr. Nguyen, I think that your plan is beautiful. I think it's got a place in our community. I just want to be sure that that's the place. I think it would greatly add to the community if it was used for some of the purposes and then, just on first blush, what we saw on the screen there looked like it could be something well used and wonderful for the community. I'm just not sure, with little information that I've got, that that's the right place and I would hope that the citizens that live close to there understand that it really looks like something that could be good for the community as a whole, but we want to be sure that it's placed in the right place."

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

Commissioner Sciortino said, "Yeah, and I also, Mr. Nguyen, want to let you know that my request to send it back to the Planning Commission for further review in no way reflects my feelings that I don't think this is a good project. I think this would do nothing but enhance the overall area. I think it looks beautiful. It does show that we are a diverse community, so please don't take my Motion as being that I'm against this project as it is presented, but I just think there's a lot of questions that haven't been answered and I also am a little uncomfortable with only seven commissioners getting to see it and they never got to see Mr. Nguyen's presentation, which I think is important. So that's all I wanted to say."

Chairman Winters said, "All right, thank you. We have a Motion, which is to return this for further consideration by the Metropolitan Area Planning Commission. Commissioners, are you prepared to vote? I see no questions. We have a Motion and a Second."

Commissioner Norton said, "Mr. Chair, if I could. If we send it back, will that change the voting requirement, when it comes back, will that change the voting requirement when it comes back to us?"

Commissioner Sciortino said, "No, because there's still the protests."

Chairman Winters said, "It still has sufficient protests, so it still would require the four votes."

Commissioner Norton said, "It would change it back to three?"

Commissioner Sciortino said, "No. Is that right, Mr. Euson?"

Mr. Richard Euson, County Counselor, said, "That is correct, yes."

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Commissioner Norton said, "Okay, that's all."

Chairman Winters said, "Thank you. Any other questions? 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, "And so the Metropolitan Area Planning Commission will have the opportunity to review this presentation as it was made today. All right, thank you very much. Next item."

PUBLIC HEARINGS

F. PUBLIC HEARING REGARDING A PETITION FOR ATTACHMENT OF PROPERTY TO RURAL WATER DISTRICT NO. 3, SEDGWICK COUNTY, KANSAS.

OVERHEAD PRESENTATION

Mr. Thomas Borniger, Attorney for Rural Water District #3 and applicants, greeted the Commissioners and said, "As you are aware, rural water districts are kind of special districts. They exist solely for the purpose of providing potable water to residents and properties that exist within their geographical boundaries. They are unable to serve properties that are outside their boundaries. They are able to go ahead and bring properties in for the purpose of providing service, through an attachment proceeding and that's what the hearing before you today is."

To do those attachments, the law requires there be at least 51% consent of the landowners whose property is to be brought within the boundaries of the district. In this particular case, there are two

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separate tracts that have requested that they be brought within the boundaries of the district. Both of those tracts, 100% of the landowners have signed the petition and requested that their property be brought within the boundaries. In both cases, the properties are small tracts that are immediately adjacent to the existing boundaries of the rural water district.

The first one before you is a small tract that is along Greenwich Road. It is approximately 2600 block South Greenwich Road. This is the location of the recently constructed Laos Buddhist Temple. In this particular case, the district's existing boundaries surround this particular tract of land on the south. The City of Wichita is at the intersection to the north. In the materials that were provided to you on this particular tract, the situation is that by the City of Water Department's estimate, it would run approximately \$4,000 to \$132,000 for them to extend water service to this tract at this time, because simply there isn't intervening property that they would normally be coming across and sharing the cost with. And so this is an example of the cooperation between the City of Wichita Water Department and the rural water district.

Water district has an existing eight-inch water line that was already in front of this property. By agreement, a copy of which has been provided to you, the water district and City of Wichita Water Department came to an agreement that would simply allow this property to be brought within the district for the purpose of providing service, and at such time as the City legitimately grows out to that area and is able to extend their pipeline at a reasonable basis to that area they would simply take over providing service to this property. This enabled the new temple to be built. They're being served right now under a temporary emergency service provision that is subject to your approving the attachment of this property to the district so that service can be regularly presented to them. 100% of the directors have consented to this. 100% of the petitioners have also consented to it.

The second property that is proposed for attachment is shown here highlighted in yellow. This is in an area along 55th Street, just west of Woodlawn, to the east the district abounds it, so it's the next property heading west from the existing district boundaries. The district has an existing water service line that runs along 55th Street on the north side and runs right to the boundary of this particular property, so all that's happening is that the line is going to be extended a few feet over onto this property to provide service to an existing house that is there.

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What you can tell a little bit from the top up there is this is at the end of the McConnell runway area, so it's already an existing facility. This is not an area where the City of Wichita, to the best of my knowledge, has any water lines in nor is there going to be any major development in this area, simply because it's so close to McConnell, so the only water service we believe you're ever going to see in this area is going be for the small houses that exist there, which are the types of property most legitimately serviced by the rural water district.

Again, there's been 100% consent by the directors for the attachment of this property, 100% signature by the owners. We have not been provided any objections that we're aware of. Both of the properties, as part of their petition, have indicated that they lack water and seek to obtain the potable water that the district provides. I'd be more than happy to answer any questions, if there are any."

Chairman Winters said, "All right, Tom. I see no questions at this time. So I would open the public hearing to accept comment from any citizen that may be here who would like to comment on our Item F, concerning this rural water district. Is there any citizen here today who would like to speak on this item? Is there any citizen? All right, seeing none, we'll limit discussion to staff and the Bench. Commissioners, are there other questions, and if not, what's the will of the Board?"

MOTION

Commissioner Sciortino moved to approve the Petition for Attachment, and authorize Commissioners to sign.

Commissioner Norton 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 very much, Tom. Next item."

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G. PUBLIC HEARINGS TO CONSIDER WHETHER THE CITY OF WICHITA (CITY) HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR THE ANNEXATIONS.

1. ANNEXATION IN THE AREA OF 151ST STREET WEST AND KELLOGG.

OVERHEAD PRESENTATION

Mr. Robert W. Parnacott, Assistant County Counselor, County Counselor's Office, greeted the Commissioners and said, "The purpose of this hearing, it is required five years after an annexation by the City, where they were required to provide a service plan setting out what services they were going to provide to the area they're proposing to be annexed. The area involved is in the 151st and Kellogg area. As you can see from the two shading, it's a fairly significant expanse of area. The notice was provided according to statute, by mail, to both the city and the landowners. We have representatives of the City here today to answer any questions and make a short presentation I believe. I do understand there may be at least one or two people from the area that would like to speak as well.

We did receive some general comments by letter, that I've given to Kristi and she'll hand out when the public hearing is opened. They seem to be kind of a generalized we're not getting and services and if I could put maybe this pointer, the generalized comments seem to be coming from down in this area, the Wind Rows area I believe it's called and I've got another map that might be a little better to see that, if you'd like.

In addition to the generalized comments that we're just not getting any services, they've raised issues about water, water service, they're still on rural water. I forwarded these comments to the City. The City has provided some information as to the kind of police service they've been provided in the area and some other types of service that they do provide as far as water. They've been negotiating with rural water district to acquire the infrastructure to acquire the infrastructure in the area. I believe they've completed those negotiations but I think the City can speak more to that, during the public hearing portion of this.

So with that having been said, I would answer any questions, and if you don't have any at this time, open the public hearing, receive any evidence, then you can close the public hearing and make a finding whether or not the services have been provided with the service plan and just for your information, the service plan schedule is set at page 116 of your backup."

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Chairman Winters said, "All right, thank you Bob. I see no questions at this time, so we will open the public hearing to receive comment and I would ask if Terry from the City of Wichita would like to make a comment first, we'll go from there."

Ms. Terry Cassady, City of Wichita Manager's Office, greeted the Commissioners and said, "The City of Wichita believes that it is in compliance with the requirements, as established by the service plan for this annexation area. I do have a written report I'll hand to Mr. Parnacott for his distribution to you and would certainly be happy to review that report orally for you, if you would so chose."

I would mention also, I have a number of senior staff members from our various service delivery departments with me today who would be happy to respond to questions as well."

Chairman Winters said, "All right, thank you very much. Let's just come back to you if we have questions then, Terry. Are there any citizens who would like to address the commission on this item? Are there any citizens who would like to address the commission on our Item G-1, which has been the past annexation of the area 151st Street West and Kellogg. Yes, please come forward and give your name and address for the record."

Mr. Richard Drevo, 301 Wind Rows, Goddard, Ks., greeted the Commissioners and said, "I know from looking on page 22 that there may have not been commitments not met. However, there were issues that were discussed at the time of annexation that I don't feel were ever really handled, and one of them was the issue in regard to the rural water versus city water. We were at least told that the City would take over the rural water and install at least one fire hydrant at their cost at the City entrance. We were also told that if this negotiation with rural water was not completed, we would still have their hydrant at their cost."

Now at last discussion with the City, all I could really get out of them was the fact that a project like that would not have a payout. Therefore, they would be unable to do that, so we still remain without the hydrant in the area, which could mean a great difference to the insurance costs of a lot of the people who live in the area.

There were also some other issues at that point in time which were discussed, but obviously are not on the back page, such as snow removal for the area. We were blessed with the fact that we . . . and I'm a 30 year resident, we had snow removal by the township. We discussed that with the city when they took us over, because we have only 33 homes on a large half mile circle with a cul-de-sac. That means it's a long ways from house to house when the snow is deep in the street. The city agreed that they would at least look to the township and perhaps be able to contract with them for the continued snow removal in our area. That has not taken place.

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Basically, if we had to sum up the positive and the negative, since the point in time when we were annexed, we'd have to say regarding the positive, we don't have anything. Regarding the negative, we could say well, we have higher taxation we know. We also have higher home appraisals because they're based on new homes outside our area that are being built in the new areas surrounding us. We feel like we have slower law enforcement than we previously had. We also feel like, again going back to the snow removal fact, we lost something there. We are paying for storm sewer runoff. Our area obviously has no storm sewers. Road maintenance has been requested and about the best we got was some cracks were sealed in our area. So that's all I had to say about the annexation as it has taken place and what's happened."

Chairman Winters said, "All right, thank you very much sir. Are there other members of the public who would like to address the Commission? Please give your name and address please."

Ms. Sheila Hein, 355 Wind Rows Lake Drive, Goddard, Ks., greeted the Commissioners and said, "We were not owners in the neighborhood when the annexation proposal started. We purchased our home there two years ago, actually two years ago yesterday. When we called to find out, because we were from Wichita, we didn't know what to expect with rural water. So we wanted to call Wichita and the rural water to find out what was happening and we were also aware that this neighborhood had been annexed so I called the Wichita Water and Sewer and explained what was going on and they said, 'Yes you guys are on the . . . that neighborhood is in the negotiations of being City water'. So I said 'Well, how long is that going to be? Do we need to go ahead and pay for rural water, or what's the time frame going to be'. She said, 'Well, that could be anywhere from a year to two to twenty'. 'Well, why is that?' 'Well, it's in negotiations'. I couldn't get any other answers. I went back and forth for about a month before we purchased the home, trying to decide is this something that's going to be a major problem. And it is a major problem. The rural water out there is not great and the well water is extremely hard. We have a swimming pool and we have to deal with expenses of chemical treatment and we were really hoping that this City water issue would be resolved, plus we're also on the part of the neighborhood that doesn't have the fire hydrant, so we also have the higher insurance when the other neighbors that are closer to 151st have the insurance break, so I'd like to see that resolved."

Chairman Winters said, "All right, thank you. Is there anyone else from the public who would like to address the Commission? Is there anyone else from the public who would like to address the Commission? Bob, would you come back to the podium. Do we need to close the public hearing now or do we need to still take this comment as part of the public hearing record?"

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Mr. Parnacott said, "Which comment is that, I'm sorry?"

Chairman Winters said, "What we're going to talk about next."

Commissioner Sciortino said, "If we want to refer to some of the things that we've heard from the comments or some layouts, can we do that after we close the public hearing?"

Mr. Parnacott said, "I think you can close the public hearing. You've received all the evidence you're going to have to work with and then now you can discuss the evidence and determine what the finding should be."

Chairman Winters said, "We will close the public hearing. Bob, I guess we would look to you for a little bit of advice here. A couple of citizens have raised issues, mainly about the water issues. What does this commission need to think about, in terms of the officially considering whether the City has met their obligations in their service plan as so proposed? As it was outlined in that service plan, do you believe they have done what they had intended to do?"

Mr. Parnacott said, "I would probably preface my remarks by commenting that the finding that you're being asked to make is a very narrow type of finding. I mean, by statute, it's specifically limited to whether the City has provided services in accordance with the service plan that they have set out. It has nothing to do with how well they've provided the services, whether they've put fire hydrants in a particular location. For instance, in referring to the item on backup, on page 116, fire hydrants it says they would put in as required upon petition. It doesn't say where. There may have been outside discussions, but again we have to narrow the focus on the evidence and the city has presented it's case I think that they have provided the services they said they were going to provide, are trying to finish up the negotiations and convert over the water. But I haven't heard anything that goes to the narrow question or would require a negative finding of the narrow question of whether they've provided services."

Chairman Winters said, "But this area is currently, at least part of it is served by a rural water district."

Mr. Parnacott said, "That's my understanding, but when you go to the service plan, where they talk about water laterals, which I guess is really what we're talking about here, they said they would put those in upon petition and it doesn't have any kind of timeframe involved necessarily, so it sounds like they've been working on it and it's just an involved process. But the City may be able to better address that statement."

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

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Commissioner Sciortino said, “Yeah Terry, I guess I have a question of you. We received a letter from a Mr. and Mrs. Hess, which states that they’re presently being charged for water and sewer fees but those services aren’t being provided for them. Do you have any knowledge of that, because I didn’t think that was the City’s method? I mean, if they don’t have the service, normally you don’t charge them, but are they being charged for water and sewer fees right now without having those services provided?”

Ms. Cassidy said, “We do not charge fees unless we are providing those services, so I would not expect that to be the case. However, I do have Wade Paskell here from the Water Department that would be happy to respond to that, if that would be helpful for you.”

Commissioner Sciortino said, “Well I think maybe you need to respond to these people.”

Ms. Cassidy said, “Yes, and I will say that I had received this letter from Mr. Parnacott in advance. I have sent this letter to the appropriate staff members who needed to respond. I do know that for a couple of these letters, Larry Henry has gone out and met with the individual property owners. Other staff members have talked with them and it was my understanding that we had clarified the information. I’d provided those responses back to Mr. Parnacott as well. I do think we’ve followed up with the citizens. I would be most comfortable if the staff members who have had those conversations and have more insight into that information than I do though respond to your question, sir.”

Commissioner Sciortino said, “Well, no. I’m just saying, I mean I would assume that they could provide some documentation where the City billed them and if the City billed them in error, I would assume you’d be reimbursing them, but I don’t know that that’s something we can use to deny an annexation thing, but it is a concern of some citizens and I think it should be addressed by the citizens.”

Chairman Winters said, “All right, thank you. Commissioners, are there other questions or comments? Commissioner Norton.”

Commissioner Norton said, “Just a couple, maybe they’re more comments. I didn’t see snow removal as being something that you . . . that goes into an annexation thing, so that’s really just a service that had been provided by the townships but that doesn’t necessarily get covered by an annexation.”

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Ms. Cassidy said, "That would be correct and that would be consistent with the service provided for the entire City of Wichita, where the city provides snow removal on arterial streets, does not remove snow on individual residential streets or in residential neighborhoods."

Commissioner Norton said, "I guess I'd have a question, particularly I guess this is to citizens, once you became citizens have you voiced your concerns to the City Council representative? I mean, that becomes one of the issues with me is that you are now represented by duly elected officials in the City of Wichita and do they know your concerns on this particular . . .?"

Mr. Drevo said, "Yes, they do and in particular in regard to the water situation and I have tried to, several times, gone back to them. They actually drew up a plan of the water line and showed us where the hydrant would be. Told us that they were going to take over that system, the rural system, which I don't think perhaps the rural system doesn't want to give up, because they had connections to probably 20-some homes in the area and they have some revenue there that they don't want to give up and I understand that. But regardless, it was our understanding at the time of annexation, if this was not completed, regardless they would still put that 8-inch line across and into our area and give us a hydrant.

Now, again I've been, probably over the last three years, probably back to them four times, back to the same people and new people, because C. Palmer and some people I knew there are no longer in that particular position and it seems as though, it's got to a point now when we talk about the hydrant for instance, it's got to a point, being there without taking over the water line, which still can be done. It's got to a point where they say show us in writing where we said we'd do that. That was your interpretation of what we'd do. Well, we had a plan that showed it all and obviously the plan was based on them being able to take the water system over and having some revenue to base their investment on. But regardless, that doesn't provide fire protection to the people out there who are in the City now. We don't have that fire protection. Now certainly I think we always have the right to petition them and say we're going to pay for this and you do whatever you want and we're going to pay you whatever you want and you do it and we have that right, but we didn't think that was something we'd have to exercise, based on prior commitments.

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The snow removal thing is, no I don't have it in writing and certainly it was discussed and I was the one that discussed it with them and they told me it's a good point and we will look into it and we will see if we can't contract with them because we liked what we had with the township providing that service. It was good. It was good for us because we had a rural community. I don't care if we're in the City of not, we have a rural community. So basically, the City has taken the additional tax money, they haven't provided anything. They jumped over 151st Street in a slightly irregular manner from the new golf course and it went from there."

Commissioner Norton said, "Okay. I guess my question still is you have had conversations with the elected officials that represent you?"

Mr. Drevo said, "Yes, that too, yes. And in taking it, on behalf of the homeowners to City Hall and trying to get something resolved and it just hasn't happened."

Commissioner Norton said, "Okay, thanks."

Chairman Winters said, "Commissioner Sciortino."

Commissioner Sciortino said, "Yeah, I guess I'm going to throw out a question. I think I have a question of Mr. Euson. Does an area that's under consideration for annexation have any rights to negotiate with the City for services, once they become part of the City or is that just, 'We're going to annex you and you don't really have anything to say about it'? How does that work?"

Mr. Euson said, "Commissioners, I guess they would always have a right to negotiate something with the City, but the City does have the right in certain circumstances and that would be the right in this circumstance to do what's called unilaterally annex because these were platted property I assume. So they had the right to annex. Their requirement is to do a service plan, which they did and then our duty is to consider that service plan five years later to determine whether there's been in essence attempt at compliance with the conditions of the plan."

Commissioner Sciortino said, "What happens, and I don't think we've ever done this before, but what happens if we find that they aren't in compliance? Does it become de-annexed?"

Mr. Euson said, "There's a provision, there's a two-year provision in the statute, a two-year time period in which the City has the ability to correct any deficiencies, I believe and if they haven't then the area can be de-annexed."

Mr. Parnacott said, "I would note that it's two and a half years and it would require a petition be filed by a landowner at the end of that two and a half year period claiming that the services hadn't been provided."

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Commissioner Sciortino said, “Okay. Now this one I’ll direct to Mr. Parnacott. A lot of these people have alluded that the City said we would do x, y and z. But unless it’s in writing, unless we could see that somebody from the City that’s in authority made that commitment, we can’t use those alluded verbal commitments as reasons not to approve. Is that correct?”

Mr. Parnacott said, “And it’s not even that it’s in writing. If it’s not part of the service plan, it’s outside the scope of your review today. Anything else they might have done in writing that might arguably create a contractual obligation would have to be a subject matter of a private dispute, a private contractual dispute. If it’s not in the service plan, your finding today has to be limited to what the service plan says and whether they provided those services.”

Commissioner Sciortino said, “Okay.”

Chairman Winters said, “One thing I would remind the Commission, and I’m not sure whether we could do all of this today, but this area along Maple where these folks are is an older, established neighborhood, been there for a long time. Immediately to the south and to the east and back to the west there is a new Auburn Hills development, and so I mean this is a rapidly changing neighborhood and I’m sure they’ve got a water master plan probably for this whole area but I think it would probably be complicated for us to try to understand all that in this hearing today and I don’t know how or whether we would want to get up to speed in some other way. But you’ll remember, this is an area where we also owned the West Sedgwick County Sewer District, provided sewer service to a number of these neighborhoods and we have transposed that to the City of Wichita and now they’ve incorporated that into all of the golf course development and all of the other number of developments that are happening between 151st and 119th Street. So this is a pretty active area. Commissioner McGinn.”

Commissioner McGinn said, “Thank you. In light of the fire hydrants and the having to work between a rural water and Wichita having to be able to fund some of those things and that kind of thing. I would like to have more information. Now we’ve approved some of these in the past, in fact all of them, and this is the first one that I’ve seen that there are actually some issues that I think I need to know more about. I’d like to know and see exactly what is presented to homeowners when they’re annexed and says exactly in detail what we’ll do, when we’ll do and then I need to just better understand this whole transition between a rural water district and the city and if that happens to become a roadblock in the future. So personally, I would like to try to defer this one week just so that I can learn more myself before making a decision on this item.”

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Chairman Winters said, "Commissioner Unruh."

Commissioner Unruh said, "Commissioner Norton was ahead of me, unless . . ."

Commissioner Norton said, "I will defer to you."

Commissioner Unruh said, "Well, I just want to get some clarification then on what Commissioner McGinn has just said. You said that our decision is very narrow and that we have to not consider what was verbal or what had been said, but just basically have they complied with the elements of the plan. So I guess I'm just wondering will deferring or will more conversation help us in that decision? And I'm not saying if it will or won't, I'm just asking that question. So is it a question you can answer, Bob?"

Commissioner Sciortino said, "Well, it's Commissioner McGinn that says . . . She's the only one that doesn't . . . I mean, she's saying that she doesn't have enough . . ."

Commissioner McGinn said, "I don't feel comfortable that that has happened and so I need more time and information so I can feel comfortable that that has happened. I mean, today I'm being asked to say 'Yes, this has happened' and I don't know if it has."

Chairman Winters said, "Commissioner Norton."

Commissioner Norton said, "Well, generally we've pretty well taken, if there hasn't been citizens that have stepped up and said, 'Boy, I don't think it's really happened' we're pretty much taken the City at their word. We've gone through the checklist and it's been okay.

To me, it's about a broader policy decision. You know, we are already faced with some legislation at the state level that's talking about unilateral annexations. It's being fought in the Park City area with the citizens' group, Haysville group, several other groups have stepped up and said, 'You know what, annexation shouldn't be so easy' and maybe citizens should have a little more input on the front end to be sure they get something good on the back end and I think this mixes in with all of that.

I don't know that we're going to set a new policy, obviously, but I'd certainly like to know more about this, as we try to advocate for both good, smart city growth, both small and large city, but also protecting the rights of the constituents that we represent that are all still going to be county constituents, because whether they live in the cities or in an unincorporated area, they're still County citizens and we want to be sure we do the right things for them, policy-wise. So I don't

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have a problem with revisiting this one, just so I get it in my head what we're going to do in the future with some of these that are a little contentious all of the sudden."

Chairman Winters said, "All right, Terry, having heard us have this discussion, do you have somebody from the water department that would like to delve into this discussion right now, or would you like to supply us some information over the next couple of weeks and we'll have a run at this again, in a couple of weeks?"

Commissioner McGinn said, "Yeah, I wanted to ask Terry, do you have a problem if we defer this particular one for two weeks for more information."

Ms. Cassidy said, "Well, what I would like to do, with your approval of course, is either make an oral presentation of the report and of the services that we have provided, and/ or be able to respond to the questions raised by the citizens. Either myself, probably I will ask one of the senior staff that are here with me to respond to that. I would like to have the opportunity for us to respond and answer your questions today. We are hopeful that you can find that we are in compliance with the service plan. I will tell you that we do go out prior to the public hearing that the City Council conducts with the property owners and we hold a courtesy information meeting, and we send out letters to everybody that would be in that area proposed for annexation. We invite them to come to a meeting that's scheduled in their neighborhood. We have 10 or 13 staff members there, specifically for the purpose of providing them information of what they can expect, you know, upon annexation, what things will be different than what they're experiencing now. We make the service plan available to all of those property owners for their review, you know in advance of the city council hearing. So that's a little about our process and again, we feel like we are in compliance, would like to have that opportunity to present that evidence to you today."

Chairman Winters said, "Okay. One of the things that I'm sitting here thinking about is timeframes. We've got two luncheons that we need to be at. We had originally planned on coming back at 1:30 to take up the meeting and proceed on. So Mr. Manager, do you have any suggestions? Do you have a question?"

Commissioner McGinn said, "I was going to make a suggestion to the Manager, or ask him. You know I guess I would like to . . . this has been a pretty long meeting and I'm concerned that we're

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going to be running to the rest of the meeting late today. And I guess, I don't know how long . . . I see that we're on the air still today, but I think this is a very important issue and I think there are viewers in our audience that might like to know more about this as well. I don't know that anybody wants to sit here while I read all the legalese that the City provides these homeowners. And I think that I would like to see if we could defer this. I don't want to have City of Wichita staff sitting here for three hours that they have today to wait for their item. I would like to see that it's something that we can put it up front, so they can get to it in a timely manner and so, I would like to try to defer it a week if that would work, but I don't know how that would work into our schedule for next week."

Mr. Parnacott said, "Could I interject a couple of comments real quickly. Unfortunately, the City legal staff had to leave and couldn't be here but I'm certain they would want an opportunity to respond to any questions and make any comments regarding the legal issues that are involved.

Also, if what you're looking for is additional evidence, I think it may be appropriate to reopen the public hearing and then have the public hearing kept open to receive additional evidence. However, if all you're wanting is an explanation of the evidence you've already received, then I think that can be outside the public hearing. I might defer to the County Counselor on that point."

Commissioner McGinn said, "And that's exactly what I want, your second suggestion."

Mr. Euson said, "Well, Commissioners it does depend on just exactly what your intent is."

Commissioner McGinn said, "Well, we just started doing these a year or so ago."

Mr. Parnacott said, "Within the last year, yes."

Commissioner McGinn said, "And as Commissioner Norton has shared, we have pretty much agreed with what the City of Wichita has shared with us. But now we have some things that people are concerned about and there are some burning issues going all around this county and at the state level and I think it's important to us to fully understand exactly what we're approving and knowing that those things were taken care of before we move forward. I'm just trying to understand why one week deferral is an issue or a problem here, when we're looking at a five year history of having something annexed."

Commissioner Norton said, "Mr. Chair, I agree with Commissioner McGinn. One of the things that strikes me is that we're going . . . we're getting ready to race into a dialogue at the state level about what do annexations look like and do cities really have the right to do it and if they do, what services they provide and at what time. And that's what we're embroiled in right now. Is it service delivery plan or are they really meeting the letter of the law in delivering that to citizens who that

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are now in the city limits of an incorporated area. And these have been pretty easy, up until today, and now I think we owe it to the constituents and to ourselves to understand this, as it takes on a broader concept at the state level.”

Commissioner McGinn said, “And just one other thing, we’re going to start seeing these from other communities too and I think we want to make sure we’re consistent, straight across the board.”

Chairman Winters said, “Commissioner Sciortino.”

Commissioner Sciortino said, “Well, maybe a different word might be more palatable. We’ve already started this discussion on this item and the City has requested to respond to it all, and because of our time restraints, four of us are late for a lunch right now, etcetera. Could the word ‘continuation’ . . . I mean, because that’s what we’re actually doing, wanting to continue the discussion and maybe bring it up in two weeks or something and give the City staff a chance to do what I think they have the right to do, is to present their case to us. Deferred means we’re not going to even look at it, but we’re looking at it right now.”

Mr. Parnacott said, “I think the appropriate Motion would be to reopen the public hearing and continue the public hearing for possibly two weeks, since I won’t be here next week and it will give us some time to work with this.”

Chairman Winters said, “Does someone want to make that Motion?”

MOTION

Commissioner McGinn moved to reopen the public hearing and continue this item in two weeks.

Commissioner Norton 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

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Chairman Thomas Winters Aye

Chairman Winters said, "Commissioner Norton."

Commissioner Norton said, "Just one note, I know City staff is here and will be back in two weeks. I would hope that at some point we would make sure the citizenry would know that are affected in this particular one, because we've got some people that showed up today. If they weren't here today, they wouldn't know that the discussion was going to be continued and they'd have a chance to be here and listen. I hope that we share that with some people that we've heard from, like the Hesses and the Pipers."

Chairman Winters said, "All right, thank you. Now the next item on the agenda is a similar situation with the annexation of Phase 2 Rainbow Lakes. Is there any citizens who are here to speak to the Rainbow Lakes portion? All right, Madam Clerk call the next item."

2. ANNEXATION OF PHASE II OF RAINBOW LAKES.

OVERHEAD PRESENTATION

Mr. Parnacott said, "This is phase two of an annexation that you actually heard phase one last November and made the appropriate finding then that the city had provided the services that they had set out in their service plan, which is at page 141 of your backup. This particular phase one, the city did it in two phases and this is a smaller portion of the overall annexation and the seven parcels you see with addresses are the seven parcels that were subject to phase two.

Again for the record, the purpose of the hearing is to make the finding as we talked about already. Notice was provided to all the city and the landowners. We have had one or two inquiries actually about one part of the service plan which has to do with the widening of Central from 119th Street West to 135th Street West. The schedule that you see on page 141 of you backup indicates that that was to be done in 2003, but actually when you look at the text of the service plan, the design work was to be done in 2003 and they're working on getting this into the CIP project in 2007.

Again, representatives of the City are here to talk about that particular item, the widening of Central, and you can see Central right there is I think right now about a two-lane road and they're talking about taking it up to a four-lane possibly. So, with that I would recommend you open the

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public hearing and receive the comments from the City, close the public hearing and make any appropriate findings.”

Chairman Winters said, “All right, thank you. We will open the public hearing to accept comment on this area, phase two of Rainbow Lakes. Terry.”

Ms. Cassidy said, “The City believes, for the Rainbow Lakes annexation, that we are in compliance with the requirements, as established by the service plan. I have a written report that Mr. Parnacott will distribute to you. I will be happy to present oral testimony, answer specific questions or ask staff members to answer your specific questions.”

Chairman Winters said, “I think the only thing that we’ve heard about is the widening of Central or the resurfacing of Central. Could you make some comment about what the City’s intentions are there?”

Ms. Cassidy said, “The project is currently being redesigned, as Mr. Parnacott indicated. It was originally designed to be a three-lane roadway. It is now being designed to be a four-lane roadway to accommodate the traffic and the growth in that area.”

Chairman Winters said, “All right thank you.”

Ms. Cassidy said, “It is scheduled in our CIP for 2007 for construction.”

Chairman Winters said, “All right, thank you. Commissioners, I’m very familiar with this stretch of road and it was originally a County cold mix road and just almost immediately upon annexation, the City put down a hot mix overlay and it’s really been very sufficient. It will be good when it’s widened, but I think the road right now is very sufficient.

So are there questions or comments? At this point I will close the . . . Did I make that clear? Is there anyone from the public who wants to speak on the Rainbow Lakes annexation, phase two? All right, we see no one in the audience. Commissioners, I’d be prepared to make a Motion.”

MOTION

Chairman Winters moved to make a finding that the City has extended services as provided for in the service plan.

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you. Now we will recess this meeting until 1:30 and Mr. Manager, if you might review if there are any of those reports that could be delayed a week, you might want to do that or we'll . . . Commissioner McGinn does have a later afternoon meeting, so at this time we are recessed until 1:30."

The County Commissioners went into recess at 12:13 p.m. and returned from recess at 1:50 p.m.

Chairman Winters said, "I will call back to order the Regular Meeting of March 3rd, 2004. Mr. Manager, you have a suggestion?"

Mr. Buchanan said, "Yes, I'd recommend that you defer Items H through L."

NEW BUSINESS

- H. PERFORMANCE MEASURES 2003 REPORT OF THE WASTE MINIMIZATION TEAM.**
- I. PRESENTATION OF SEDGWICK COUNTY'S 2005 TO 2009 FINANCIAL PLAN.**
- J. AGREEMENT WITH AMERICAN FAMILY INSURANCE FOR ADVERTISING SPACE AT KANSAS COLISEUM.**
- K. DIVISION OF HUMAN SERVICES.**

DIVISION OF HUMAN SERVICES – COMCARE

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- 1. AGREEMENT WITH HORIZONS MENTAL HEALTH CENTER FOR COMCARE TO PROVIDE AFTER HOURS MENTAL HEALTH EMERGENCY SERVICES.**
- 2. AMENDMENT TO CONTRACT WITH COMMUNITIES IN SCHOOLS OF WICHITA/SEDGWICK COUNTY, INC. TO PROVIDE PROFESSIONAL EVALUATION SERVICES FOR THE COMCARE CAMPUS CONNECTIONS PROJECT.**

DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING

- 3. SIGNATURE AUTHORITY FOR CONTRACTS WITH WICHITA TRANSIT FOR GROUP TRANSPORTATION FOR THE WICHITA HOUSING INITIATIVE FOR SERVICE COORDINATION AND TRANSPORTATION.**
- 4. MODIFICATION OF AN EXISTING AGREEMENT WITH INDEPENDENT LIVING RESOURCE CENTER TO PROVIDE SERVICES TO INDIVIDUALS WITH PHYSICAL DISABILITIES TO ENHANCE SAFETY AND ACCESSIBILITY THAT FOSTER INDEPENDENCE.**
- 5. BYLAWS OF THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.**

HEALTH DEPARTMENT

- L. GRANT AWARD FROM KANSAS HEALTH FOUNDATION FOR HEALTH DEPARTMENT CONTINUING EDUCATION.**

MOTION

Commissioner Sciortino moved to defer Items H through L for one week.

Commissioner Unruh seconded the Motion.

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

VOTE

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

Chairman Winters said, “Madam Clerk, would you call Item M.”

M. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF FEBRUARY 26, 2004.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of February 26th resulted in nine items for consideration.

**1) BRIDGE IMPROVEMENTS- PUBLIC WORKS
FUNDING: SALES TAX**

They are, number one, bridge improvements for Public Works. Recommend the low bid from Klaver Construction in the amount of \$360,931.12.

**2) PRECAST RCB- PUBLIC WORKS
FUNDING: DRAINAGE IMPROVEMENTS**

Item two, precast RCB for Public Works. Recommend the only bid received from Wichita Concrete Pipe in the amount of \$46,631.04.

**3) PASSENGER MINI-VANS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION**

Item three, passenger mini-vans for Fleet Management. Recommend the low bid from Don Hattan for option one, less trade-ins and including manuals and tow package, for a total of \$45,613.

**4) LARGE INTERMEDIATE 4-DOOR SEDANS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION**

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Item four, large intermediate four-door sedans for Fleet Management. Recommend the low bid meeting specifications from Don Hattan, less trade-ins and including manuals for a total cost of \$48,650.

**5) MOWERS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION**

Item five, mowers for Fleet Management. Recommend the quote from Wichita Tractor Company in the amount of \$164,910.

**6) DISTRICT COURT CLERICAL REMODEL- FACILITY PROJECT SERVICES
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item six, District Court clerical remodel for Facility Project Services. Recommend the low bid from Robl Construction in the amount of \$814,000.

**7) FULLCOURT USER LICENSES- DISTRICT COURT
FUNDING: FULL COURT CASE MANAGEMENT**

Item seven, Fullcourt user licenses for the District Court. Recommend the quote from Justice Systems Incorporated in the amount of \$36,000.

**8) VALUATION CONSULTANT (KS COLISEUM PROJECT)- FACILITY PROJECT SERVICES
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item eight, valuation consultant for the Kansas Coliseum upgrade for Facility Project Services. Recommend the proposal from IEG Incorporated to execute a contract for a not to exceed cost of \$35,000.

**9) RECORDS MANAGEMENT SYSTEM/ JAIL MANAGEMENT SYSTEM-
SHERIFF'S OFFICE
FUNDING: COPS TECHNOLOGY GRANT**

And item nine, records management system, jail management system for the Sheriff's Office. Recommend the negotiated proposal from Intergraph Public Safety Incorporated in the amount of \$826,175 and an annual five-year maintenance cost of \$57,150 per year, subject to final terms and contract approval by the County Counselor's Office.

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The recommend action is to approve the recommendations of the Board of Bids and Contracts, make a finding that the surplus property in items three and four are no longer required and authorize disposition of the same. Be happy to answer any questions and have staff available as well.”

Chairman Winters said, “All right, thank you. We do have some questions. Commissioner Sciortino.”

Commissioner Sciortino said, “Yeah Iris, on number four we’re talking about a car, right?”

Ms. Baker said, “Yes.”

Commissioner Sciortino said, “Who is going to use the car?”

Ms. Baker said, “Those cars are for the Sheriff’s Office.”

Commissioner Sciortino said, “Are these going to be squad cars or what are they?”

Ms. Baker said, “No, they are not patrol cars. Marvin can discuss the use with you.”

Commissioner Sciortino said, “Okay, thanks.”

Mr. Marvin Duncan, Director, Fleet Management, greeted the Commissioners and said, “These cars are unmarked detective cars. Over the last five years, we’ve been down-sizing what they used to use, which was Crown Vics and Chevy Caprices, which are no longer made and the agreement with the Sheriff’s Department was we would look at a smaller large car like an Intrepid or Impala.

And I’ve discussed the issue with Taurus with the Sheriff’s Department in the past. That vehicle is a little bit smaller than the Impala. They would like to maintain the Impala size, not go any smaller than that type of vehicle.”

Commissioner Sciortino said, “But the detective, 99.999% of the time, one person is in the car.”

Mr. Duncan said, “I don’t know how they . . . I would say yes.”

Commissioner Sciortino said, “Okay. Well I just have a hard time paying \$7,200 more for four cars because somebody wants it to be a bigger size. I don’t understand that at all. I don’t want to get you to defend it or not defend it, but that’s why I still say I think the Sheriff and every other elected office ought to have their own separate budgeting process and let them be accountable to the taxpayers and not put it on us, so I have to answer the damn questions of the people when they pick

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up 'Why did you do that?' and I don't have any authority over it. I don't want to get off on it, I'll shut up but I'm not going to vote for this one."

Commissioner McGinn said, "Well, why can't we . . . I hate to be the defer lady today, but to have the Sheriff give us a reason why we're picking this larger car over the smaller one."

Commissioner Sciortino said, "Okay, I would be willing to take items one, two, three, five and six, if that's what you want, and defer it but I don't know if that's what the majority of the board wants to do."

Mr. Duncan said, "In this case, Commissioners, before you decide, this Taurus had to be ordered last week. The manufacturer has cut off the order date. That's not the reason we didn't take it. The reason we didn't take it, it didn't meet spec but when I called this vendor and said we're not choosing your vehicle because you didn't bid the right size vehicle, she said well I had to know today to order it, because the manufacturer has set a cut-off date. So even if you defer it, I still can't buy it because the manufacturer is not going to take that order."

Commissioner Sciortino said, "They're not going to make Ford Tauruses any more?"

Mr. Duncan said, "They're going to make it but they quit taking orders this year on the Ford Taurus. That order had to be in last week."

Commissioner Sciortino said, "Anybody wanting to buy a 2004 Ford Taurus had to buy it by last week or they couldn't get it?"

Mr. Duncan said, "If you're going to order it from the manufacturer, it had to be ordered by last week, a fleet Ford Taurus."

Commissioner Sciortino said, "And these people can't find four other Ford Tauruses in any of the other dealerships? They do dealer trades back and forth for cars and what have you."

Chairman Winters said, "But not necessarily meeting the same specifications, probably."

Mr. Duncan said, "It wouldn't be a fleet vehicle."

Commissioner Sciortino said, "Okay, fine. The question is still legitimate."

Chairman Winters said, "I have a question on number eight. Can somebody tell me what a valuation consultant is?"

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Ms. Baker said, "A valuation consultant is basically a consultant that will come in and appraise an area and the appraisal is based on tangible items. For example, the Coliseum complex, we're going to bring someone in, they're going to go through the complex, they're going to evaluate everything out there and they're going to give us recommendations on what out there has potential value for naming rights, could be the arena, could be a floor, could be seating areas, kitchen areas."

Chairman Winters said, "How about if I wanted to do that?"

Commissioner Sciortino said, "I can do that and charge you less than \$35,000."

Chairman Winters said, "Where does the value come here?"

Ms. Baker said, "The value comes in that these folks are very familiar with the market, with the industry, sports arenas, event centers, they know what corporations will be willing to buy and how much they'll be willing to pay for, so we're going to utilize those services to establish that. The attempt is to try to maximize the revenue potential that might be out there."

Commissioner Sciortino said, "So they're going to help us in figuring out how to best market whatever they feel is marketable."

Ms. Baker said, "Naming rights, sure. More questions?"

Chairman Winters said, "Commissioner Unruh."

Commissioner Unruh said, "Okay, I think I understand the value of that, but could you differentiate for me what's the difference between someone who has valuation experience and someone who has selling expertise? That seems to be the difference in these bids is that the emphasis was on these people are really good at valuation, where these other folks don't have experience in that, they have experience in selling. So just comment on that."

Ms. Baker said, "Folks that have the experience in selling, they just go out and try to find somebody and say, 'Here's someone and here's a price'. The valuation expert will tell us what they feel that we can get, prior to going through the selling exercise, so we'll have an idea of what we should be able to get for naming rights for the various inventories or items that they report back to us that have value. And then they track the market in the industry to make sure that we're getting the best value."

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Commissioner Unruh said, "So in a sense they're specialist in negotiation."

Ms. Baker said, "They're specialists in determining the value, tracking the value."

Commissioner Unruh said, "Okay, thank you."

Chairman Winters said, "So, Mr. Holt, were you involved in selecting this . . . reviewing these responses?"

Mr. Ron Holt, Director, Culture, Entertainment and Recreation, greeted the Commissioners and said, "Yes, sir. I was involved on the committee that helped develop the RFP, as well as to look at the responses. As Iris mentioned, what we want to be able to do is to maximize the opportunities for revenue generation in a renovated Coliseum. To do that, from the industry, it is not unusual to find someone who can help you look at your overall facility, decide in this market, that's an important piece, not only what naming right opportunities there are, but for this size market, for this size facility, what opportunities will we have and what value would you put on those opportunities, so that we maximize the sales of floor, arena, whatever the opportunities are, they help us identify them, as well as identify what value they should bring in this size market."

Chairman Winters said, "Okay and so you're confident that this is the way to go about this issue."

Mr. Holt said, "I am confident that this is the way to go about this issue and the proof is in the tasting of the pudding, and this I think will come to full . . . will bear fruit fully when we come back, late in this project, and lay out before you private funding opportunities. I'm convinced that we will have done an absolute best job we can to help fund the renovation project at the Coliseum. Even though it's costing us \$35,000, I think the pay back will be much, much greater than that."

Chairman Winters said, "Okay, very good. Commissioner Norton."

Commissioner Norton said, "I guess two questions. First of all, it says a cost not exceeding \$35,000. Is there a chance, although you said, is there even a smell of a chance that it doesn't have to be \$35,000? It might be \$34,999.99?"

Ms. Baker said, "It's going to be \$35,000."

Commissioner Norton said, "Then why did we say not to exceed?"

Ms. Baker said, "Because, should they come back with any other offers or anything, it's a different project. That's our standard language."

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Commissioner Norton said, "Well, I know. It's just these days, when I'd like to save a dime somewhere occasionally, this would be one of them."

Can we get a copy of the RFP and what the contract says they're going to do, so that I can read it and understand it, because this is going to be a long term deal. We may not even get to this until, final decision until the Coliseum is moving along a little bit. Right?"

Mr. Holt said, "No, it's our intent to get this valuation study back very quickly and then, the next step is to go out and sell the naming rights now. It may be the fall before we have all the naming rights sold, but we plan to have, well ahead of construction starting, to know what opportunity is there and to begin to line up folks who will buy those naming rights for the new opening."

Commissioner Norton said, "I think it's important, the naming rights, because I think that's going to offset some tax burden."

Mr. Holt said, "That's our intent, yes sir."

Commissioner Norton said, "What if it offsets only \$35,000 worth of tax burden? Then the cost benefit analysis would not be good on this investment, is that correct?"

Mr. Holt said, "That's exactly right, except that I will have full confidence and I hope we're able to give you full confidence that we've done everything we can to get the best . . . to know how much is out there, rather than have it only come back at \$35,000 and not done due diligence in getting the best job we could on the front end to give you that kind of information."

Commissioner Norton said, "Is part of the RFP the dialogue for them not only to figure out what the value is, to give us suggestions on who those companies might be, nationally and locally, that we could go to?"

Mr. Holt said, "Absolutely and this group, IEG, was selected because of their experience base and the number of clients they've worked with and the number of venues they've worked with and the various sized markets they've worked in."

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

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

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Commissioner Unruh said, "I just wanted to say that I'm real supportive of doing this. I think it's a good investment. I think it will return multiple to us in getting all we can get out of that facility. One of the things that we've talked about, in talking to the community about this whole project, is that we're going to try to do all we can to maximize and leverage our earning potential so we can reduce the impact on taxes. This is a way to do it and I think the design task force talked about this and it's not a knee-jerk thing that we're doing here. It's deliberate and I think it will be profitable and fruitful for us."

Ms. Baker said, "Commissioners, if I could also share, when we negotiated with the architects, they had built in some costs for some of these consultant projects and their costs were higher than this came in at, so from this perspective, some of the RFPs over the next several weeks that we're creating for some of this work, we have taken that work from the architect in an attempt to save money as well. There is an RFP out for a food consultant, it will be the same type of thing. Somebody is going to come in and tell us what the industry does, what the market will bear, what we should be doing. And then we'll be going out for an RFP for a concessionaire. So, we've taken some of that away from the architect and we are doing it ourselves. This particular project did come in under what the architect had originally projected when we were negotiating with them for this Coliseum upgrade."

Chairman Winters said, "All right, thank you very much. Well I'm prepared to move ahead and vote affirmative on all of these items. Is there some desire to leave Item 4 off? You want to take action on that separately?"

Commissioner Sciortino said, "I'd like to have it dealt with separately."

Chairman Winters said, "All right."

MOTION

Chairman Winters moved to Approve the recommendations of the Board of Bids and Contracts Items 1 through 9, excluding Item 4, make a finding that the surplus property in items 3 and 4 is no longer required, and authorize disposition of same.

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, “Commissioners, do you want to defer Item 4 or are the rest of us ready to go ahead and bid on it?”

Commissioner McGinn said, “I would like to defer, because I would like to hear the answer before I make a decision.”

MOTION

Commissioner Sciortino moved to defer Item 4 for two weeks and ask that maybe the Sheriff can come and give us a presentation and tell us why they needed this size car and why a smaller car wouldn't work and that could sway my decision.

Commissioner McGinn seconded the Motion.

Chairman Winters said, “Marv, this won't lose us out like on the Taurus. Will they stop building these Chevys or whatever? Do you know any reason we can't wait two weeks?”

Mr. Duncan said, “No sir, I don't. I think we have until April 16th on the Impala.”

Chairman Winters said, “Okay. Commissioners, the Motion is to defer Item 4 for two weeks. Any other discussion? Please call the vote.”

VOTE

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

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

CONSENT AGENDA

N. CONSENT AGENDA.

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- 1. Agreement with 18th Judicial District Court of Kansas to modify the Kansas Integrated Court System to exchange information with the District Court's imaging system FileNET.**
- 2. Temporary Construction Easement for Sedgwick County Bridge Project 795-V-2493, bridge on 327th Street West between 47th and 55th Streets South. District #3.**
- 3. Plat.**

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

Randy's Repair Addition

- 4. Order dated February 25, 2004 to correct tax roll for change of assessment.**
- 5. Payroll Check Register of February 27, 2004.**
- 6. General Bills Check Register(s) for the week of February 25 – March 2, 2004.**

Mr. Buchanan said, "Commissioners, you have the consent agenda before you and I would recommend you approve it."

MOTION

Commissioner Sciortino moved to Approve the consent agenda as presented.

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

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Chairman Thomas Winters

Aye

Chairman Winters said, "Now we do need an Executive Session, but I see there's a Fire agenda too."

Mr. Buchanan said, "Mr. Chairman, I would recommend that you open the meeting and defer all items."

Chairman Winters said, "I mean, we could just take the recommended action on two items. I'll recess the regular meeting."

The County Commission recessed into the Fire District #1 meeting at 2:11 p.m. and returned at 2:14 p.m.

Chairman Winters said, "I'll call back to order the Regular Meeting of March the 3rd. Commissioners, we do need an Executive Session, but is there anything else we'd need to discuss before we do that?"

O. OTHER

Commissioner Norton said, "I just have two quick things. One of them is this weekend is Haysville's trade expo. It will be at the activity center on Saturday, I think we have a booth there and a presence and I would invite the public that's here to stop by, if they would like to see more about what's going on in Haysville.

And the second thing is, and obviously it's not going to be on television and I may discuss it again next week, is that Commissioner McGinn and I just got back from NACo and it is always my goal to kind of tell what we did when we went out of town, so people get an idea that we weren't just gone for no good reason.

I went to two, all day Saturday, went to two very good training sessions. I've got the booklets here. One was on the challenge of getting people involved in public involvement and I got to tell you, I was pretty proud that in the dialogue that we had that Sedgwick County is a leader in not only working through the media and with our communication center but us personally getting out into the community and trying to give out information. And we are eons ahead of a lot of communities that were at the table at this training session. Although I did learn some good things, I felt real proud of us.

The second one I went to was 'Leading in Times of Conflict and Uncertainty' and boy that

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describes the nature of how we have to do our business right now, both nationally and at the local level, really good. And then finally, just a comment, we did get to go by and see our legislators. We actually met with Senator Brownback himself, met with staff and Congressman Tiahrt and Senator Roberts' office and did get to advance some thoughts about base realignment and closing and the future of McConnell, which was our number one issue, and then talked about health care and economy. So, I think we did what our mission and goals were as we went to Washington D.C. and I don't know if Commissioner McGinn wants to comment or not, since we're not on television."

Commissioner McGinn said, "I'll wait right now."

Chairman Winters said, "Okay, well I think it would be good if both of you comment next week when we're still on the air. Okay, anything else?"

MOTION

Commissioner Unruh moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney/ client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return from Executive Session no sooner than 2:37 p.m.

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, "We are adjourned into Executive Session."

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The Board of Sedgwick County Commissioners recessed into Executive Session at 2:15 p.m. and returned at 2:54 p.m.

Chairman Winters said, "All right, I'll call us back into session, the Regular Meeting of March 3rd. Let the record show that there was no binding action taken in Executive Session. Is there any other business? Mr. Euson? This meeting is adjourned."

P. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 2:55 p.m.

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

THOMAS G. WINTERS, Chairman
Third District

DAVID M. UNRUH, Chair Pro Tem
First District

TIM R. NORTON, Commissioner
Second District

CAROLYN McGINN, Commissioner
Fourth District

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BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2004