

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

### **REGULAR MEETING**

**June 23, 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, June 23, 2004 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem David M. Unruh; Commissioner Tim R. Norton; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. John Schlegel, Director, Metropolitan Area Planning Department (MAPD); Ms. Deborah Donaldson, Director, Division of Human Services; Ms. Kathy Sexton, Assistant County Manager and CIO; Mr. Chris Chronis, Chief Financial Officer; Ms. Lisa Clancy, Assistant District Attorney; Ms. Sonja Armbruster, Grant Writer/ Communications Coordinator, Health Department; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. David Spears, Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

#### **GUESTS**

Mr. Bob Kaplan, Kaplan, McMillian and Harris.  
Ms. Linda Ulrich, 5010 Meadowview, Wichita, Ks.

#### **INVOCATION**

The Invocation was led by Pastor Rick Cline of Central Church of Christ, Wichita.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES:** Regular Meeting, June 9, 2004

The Clerk reported that all Commissioners were present at the Regular Meeting of June 9, 2004.

**Chairman Winters** said, "Commissioners, you've had an opportunity to read the Minutes of June 9<sup>th</sup>. What's the will of the Board?"

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**MOTION**

Commissioner Sciortino moved to approve the Minutes of the Regular Meeting of June 9, 2004.

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, "Commissioners, we need to take a brief Off Agenda item. You should have received information about our voting delegate to the National Association of Counties conference."

**MOTION**

Chairman Winters moved to consider an Off Agenda item.

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

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**OFF AGENDA ITEM**

**SELECTION OF ONE VOTING DELEGATE AND ONE ALTERNATE FOR THE 2004 NATIONAL ASSOCIATION OF COUNTIES' ANNUAL CONFERENCE IN MARICOPA COUNTY, ARIZONA.**

**Chairman Winters** said, "Commissioners, in July is the National Association of Counties' Annual Meeting in Maricopa County, Arizona. And it's my understanding that none of the commissioners are going to be attending this year, but Debbie Donaldson is on that board. Debbie, would you come forward for just a moment. Commissioners, what I'd like for us to do is to appoint Debbie as our authorized voting delegate from Sedgwick County. And Debbie is on the national board of the Association. Debbie, can you tell us just a brief bit about the role you play with NACo?"

**Ms. Deborah Donaldson**, Director, Division of Human Services, greeted the Commissioners and said, "With NACo, I am currently president of one of the affiliates. I've been very active in that area, and I'm also on the board of directors and I also serve on the Health Steering Committee. And I think some of the things that will be happening this meeting that will be of particular interest to the Commission, we will be continuing to work on health steering and one of the focuses have been looking at health care costs and keeping those costs down for individuals who are incarcerated, like in our jail, so we've been taking a hard look at that at a federal level.

We've also been working on a discount card and we are in a pilot right now and we're hoping that we'll have that available to our community for individuals who don't have any other kinds of coverage. And I think one of the big highlights of this particular conference will be, they're going to do a half-day tour looking at their recognized jail diversion program. It's a nationally recognized program and so I'm hoping I can come back with some information that will be helpful to our community, as we look at those issues.

And so I'm looking forward to it. I'm honored that I will represent you, in terms of voting and I have to admit, I've never been in Phoenix in July and they tell me that it's not so bad. That 120 degrees is just dry heat."

**Commissioner Sciortino** said, "Yeah, but it can, in a minute, fall down to 104, just like that."

**Ms. Donaldson** said, "I feel better. Thank you."

**Commissioner Norton** said, "Hot, dry heat also bakes chicken. Just remember that."

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**Chairman Winters** said, “We appreciate your work on both the affiliate that you’re the president of this year, and your work on the NACo board. We appreciate your efforts on that national type level, of which I think we all are able to find areas and especially if part of this medical expense in jail issue is such a huge issue, if you can come back with information that will help us there, it would be greatly helpful.”

**MOTION**

Chairman Winters moved to delegate and authorize Debbie Donaldson as the Commission’s voting delegate, with our back up, first alternate would be the Kansas Association of Counties and Randal Allen.

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, Debbie. All right, back to the regular agenda. Madam Clerk, call the Item A.”

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**DEFERRED ITEM**

- A. CASE NUMBER ZON2004-00004 – ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “LI” LIMITED INDUSTRIAL, GENERALLY LOCATED AT THE NORTHWEST CORNER OF HIGHWAY 254 AND 127<sup>TH</sup> STREET EAST. DISTRICT #1.**

**POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “I presented this item to you last week, at which time you deferred the item. For Commissioner Sciortino’s benefit, I’ll do a real quick recap of this item, not go into the same level of detail on the presentation, give you the highlights.

As you can see from the graphic before you, it’s located on the northwest corner of K-254 and 127<sup>th</sup> Street East. Access to the site is provided by a gravel frontage road and 127<sup>th</sup> Street, which is also gravel.

The original proposal that was submitted by the applicant was for Limited Industrial on this 13 ¾ acre site. It’s currently zoned RR, as you can see from that graphic. The surrounding land uses, as you can see from the aerial photo, is primarily just agricultural land all around the site. Off to the west, there is a residence and on that property they also operate an antique shop.

This particular item went through three separate hearings at the Metropolitan Area Planning Commission and that was because there was a great deal of opposition to the proposal from surrounding property owners. During those three hearings, the proposal evolved from the original Limited Industrial proposal to what was finally approved by the Planning Commission, which is a zoning for Office Warehouse with a protective overlay.

The protective overlay provisions were something that also evolved, as this went through the hearings, as the applicant tried to respond to concerns that were brought up by the various neighboring property owners. So where we stand now, if you look at the . . . this is the original site plan that was submitted by the applicant. On parcel one, which is the eastern six acres of the site, the applicant originally had proposed an assembly hall or auditorium for a variety of different public uses for that site. That particular proposal generated a great deal of opposition from the adjoining property owners and that has been dropped and is now a prohibited use in the protective overlay.

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However, that parcel one still would be entitled to retail uses and could generate a great deal of traffic as a result of that. We had calculated that, with the approximately 91,000 square feet of retail use that could be put on that site, that there could be over 3,800 average daily trips generated by that particular use.

The protective overlay restricts, for the western seven and three-quarter acre site what is shown on the site plan. Those are a variety of different offices and warehouses, including a business that would be operated by the applicant and other storage facilities, including outdoor storage. The protective overlay also would prohibit a number of uses that would be objectionable to the surrounding property owners. I won't go through all those, as they're listed in your backup report.

So after the three hearings at the MAPC, they did recommend Office Warehouse zoning for this property, with the protective overlay and platting within one year. With that, I'll be glad to answer any questions you might have. The applicant and his agent are here and will probably want to speak on this."

**Chairman Winters** said, "Okay. John, we do have a couple of questions. Commissioner Sciortino."

**Commissioner Sciortino** said, "Well John, and to the whole board, I'm glad you allowed me the opportunity to try to get up to speed here. Office Warehouse zoning, but I don't see any office warehouse. Is this type of storage under the Office Warehouse zoning category in general?"

**Mr. Schlegel** said, "Yes. On the western half of this site plan that you're looking at on the screen, they are proposing a variety of different office and warehouse uses that would be appropriate for that zoning."

**Commissioner Sciortino** said, "So this type of use is under that heading of Office Warehouse zoning."

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

**Commissioner Sciortino** said, "And there's nothing right now being proposed for parcel one, but he still wants Office Warehouse zoning for that parcel for future development?"

**Mr. Schlegel** said, "That is correct."

**Commissioner Sciortino** said, "Okay, thanks. That's all I had."

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**Chairman Winters** said, "All right John, I just had a couple of quick questions. There has been protest petitions filed? There. Could we turn the lights down one more time."

**Mr. Schlegel** said, "What you're looking at in red, within the green circle, are the protest petitions that were filed in a timely manner that count towards this protest petition. We've also shown the one property in yellow there, which was a protest petition that was filed after the deadline. The blue, what is designated in blue on that map, are outside the notification area that don't count in the protest petition, but we thought you should know that that's the extent of the protests that were filed by neighboring property owners."

**Commissioner Sciortino** said, "So the people in blue protested also but they're not . . ."

**Mr. Schlegel** said, "They don't count in counting the percentage, correct."

**Commissioner Sciortino** said, "And what about that property just immediately to the north. Is that a section of land that there was no protest on that?"

**Mr. Schlegel** said, "That is correct."

**Commissioner Sciortino** said, "Okay."

**Chairman Winters** said, "Then my other question was during those three meetings at MAPC, do you remember how many of the neighbors were there at . . . were there several of them appeared at several of those meetings?"

**Mr. Schlegel** said, "Yes. All together, there were five different people that provided testimony over those three meetings and some of them were at more than one meeting."

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

**Commissioner Unruh** said, "Thank you. John, what was the recommendation then of the planning department?"

**Mr. Schlegel** said, "Well, our recommendation was for denial of this application and we did that on the basis that it was not in conformance with the Comprehensive Plan and we also felt that it was out of character with the neighborhood. If you remember back to the aerial photo, we didn't feel that this was a use that was appropriate, given the existing land uses in that area. And we're also concerned about the pending study for the K-254 corridor that the county and the other cities along that corridor are trying to get underway, so our recommendation was for denial."

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**Commissioner Unruh** said, "And is there a new comprehensive plan in formulation now?"

**Mr. Schlegel** said, "Yes, as you know, we are working toward having a new Wichita/ Sedgwick County Comprehensive Plan done by spring of 2005. We hope to have a draft of that plan out for public review this fall."

**Commissioner Unruh** said, "And you, at this point, can't say whether that plan has any impact on this particular piece of property."

**Mr. Schlegel** said, "Right, it's too early to say."

**Commissioner Unruh** said, "Premature, all right. That's all I have right now."

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

**Commissioner Sciortino** said, "Yeah, now I think I need to ask Mr. Euson if it's appropriate that I ask Mr. Schlegel this question. Is it okay for me to find out how the vote went at the MAPC? I mean, can I ask that as a question?"

**Mr. Rich Euson**, County Counselor, said, "Sure."

**Chairman Winters** said, "It's in there. How did the vote go, Mr. Schlegel?"

**Mr. Schlegel** said, "My recollection it was unanimous. I'm looking for the vote count in the report."

**Commissioner Unruh** said, "It was 12 to 1. I think Bishop voted against."

**Commissioner Sciortino** said, "Bishop voted against it? Okay, all right, thanks."

**Mr. Schlegel** said, "Thank you, Commissioner."

**Chairman Winters** said, "Any other questions of John at this time?"

**Commissioner Sciortino** said, "No, but I do thank you for allowing me the opportunity to be present for this."

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**Chairman Winters** said, "All right. Well, this is not an official public meeting, but it is our custom to listen to both applicant and any that are opposed to items such as this. So I would ask if there's anyone here in support of this application that would like to address the commission, we would be glad to take your comments. Please give your name and address for the record."

**Mr. Robert Kaplan**, agent for applicant, Kaplan, McMillian and Harris, greeted the Commissioners and said, "Let me clarify a few things. I have a somewhat different perspective, as you might imagine. This matter, as a result of three public hearings and as a result of a rather extensive evening meeting with the surrounding property owners and I don't call them neighbors, simply because there are no neighbors. There is nothing in this area but grassland, grassland that is essentially not in use for anything at all. But we did have a meeting with those folks in a large area and we initiated that. Quite frankly, I didn't see anything wrong with the initial plan as proposed, but the Limited Industrial was not suggested, Commissioners, with the intention of developing limited industrial. The idea was to avoid having to furnish and go to the expense of a community unit plan and do all of the site graphics and all of the work we ultimately had to do anyway. That was the purpose of the 'LI' zoning, because it didn't require that. There was no intention to develop within the 'LI'.

Mr. Marquez made the determination . . . Art doesn't like conflict, he just doesn't like conflict, and so rather than have any conflict, he advised me that he was going to accept virtually every suggestion that anyone had to trim this down and to modify it until it reached the final stage that you see now, and that is Office Warehouse with a very extensive protective overlay on the entire parcel.

Now, let me give you three impressions, because I believe that there are really three, perhaps four things that are worthy of discussion here. First of all, staff objections are not meritorious, they're simply not. As you read the staff report, staff suggests that it needs to remain Rural Residential. It needs to remain agriculture. Now Commissioners, anyone with any development experience at all is going to understand that this quarter is not going to remain ag and it's not going to remain Rural Residential. This is a major link between Wichita and El Dorado. It is the major route to the lake, to El Dorado Lake. It is a high-travel, very sophisticated expressway. It is not going to remain agri . . . it is going to develop and I truly believe that each of you would acknowledge that to me, that we're going to see development along the 254 corridor.

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Now, if it is going to develop, then how is it going to develop? That's the issue. It is not going to develop into single-family, subdivision residential. First place, there is no services, that's for starters. Second place, it's not likely that you're going to see housing subdivisions or even large, residential tracts developed along the entirety of that quarter. People don't like to look into high-speed highways. You're not going to sit in your living room and look through your picture window at high-speed traffic and listen to jake-brakes off all the semis as they gear down. It's just not feasible. There are too many other places to build. So that's really not an option.

When it comes to development, what is less intensive than OW? If you look at the international traffic manual, you'll find that this ranks second in traffic count only to one use and that's a cemetery. It's not a traffic generator. Mini-warehouse and mini-storage is the least intensive use that you could put a property to and have any type of development at all and this is a great site for Mr. Marquez for mini-storage because of its access to the lake.

We started out with outdoor storage for RVs and boats. Neighbors said, 'Well, probably okay' but they weren't happy about it. May I have a few more minutes?"

**Chairman Winters** said, "Yes. Continue."

**Mr. Kaplan** said, "Thank you very much, appreciate that. I'll be done here in just a . . . This is a great site for boat storage, for RV storage, primarily because of its proximity and its route to the lake. So if we're going to set a precedent and I'll get to the real issue here. If we're going to set a precedent for development and if that's the concern of the commission is how is this going to develop, not is it going to develop, but how is it going to develop, then this is a good precedent because it sets a very light, very reasonable use. Most all the objection has been to the auditorium and we deleted that. I thought it was a great idea. I thought it was a great venue. We weren't talking about alcohol, we were going to have an auditorium, a private venue for banquets, family reunions, weddings, business meetings, whatever. The neighbors didn't want it, so we forgot it. I really don't know what the problem is with it. I couldn't see any and I think even the planning commission, when they voted 12-1, didn't see anything wrong with the original plan but we amended it and they adopted it.

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So, I guess where I am, if somebody has to go first on this quarter and somebody does, then this is a very good use and this is going to undoubtedly develop. Now you've approved a mile east. I don't know if you remember or not, this commission approved a mile east at 143<sup>rd</sup>, you approved General Commercial and that gentleman is either leasing, John could tell you, he's either leasing or selling automobiles. He needed GC, because of the automobiles and that was approved. A mile west, at Greenwich, from Greenwich . . . between Greenwich and Webb, the City of Bel Aire has done an industrial park and I know you're aware of that. So we have an industrial park to the west, you've already approved General Commercial to the east, we've got a scattering of commercial that already exists. One mile east is a trailer sales and service called Leffler. Now they preceded the highway construction, they've been there a lot of years. Mr. Laughlin has his home to the west. He also has a retail antique store.

Let me, in the interest of time, let me skip over most of my comments in the interest of time. Here's the issue, I believe this is the issue, I believe the issue is one of timing. And in talking to staff, I believe that the real concern is not a land use concern. I don't think staff has that much land use concern and they shouldn't have with the OW. I think, if you want to talk about legitimate issues, I think it's an issue of timing because you have not yet done your 254 corridor study. When are you going to do it? I don't know. I don't know if you know. So that's what we've been sitting and waiting on. And any legitimate corridor study, I submit to you, any legitimate corridor study, this is going to be in compliance, this OW because we just can't do anything any lighter and it's just simply not fair, quite frankly, if that's the bugaboo here, if that's the issue is the corridor study, we don't want to do anything until we have a corridor study and I don't want to get a moratorium started, I really don't, then I think this is a good place to start, this is a good use, it's not an intensive use. It makes a good precedent and I don't see anything wrong, under the land use criteria, I see nothing wrong whatsoever with this development. It has no access to 254 highway. It has no immediate neighbors. It's not going to generate any traffic. Mr. Marquez wants to build himself a building and he wants to build himself and office and have some small warehousing and that's it. Any questions of me?"

**Chairman Winters** said, "Yes, there is. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you. With respect to the K-254 corridor study you brought up and Mr. Schlegel brought up, and you mentioned that Bel Aire had an industrial park just to the south side of the highway, but Bel Aire is participating in that K-254 corridor study and I think they're willing to wait till that study is completed. And so that you'll be up to date on that particular issue, there are six communities and two counties that are now signed on and we're having a meeting on June the 30<sup>th</sup> to think about next steps in hiring a consultant to help us figure out what best to do with that, so to give you an update on the timing.

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That study, for the rest of your information, our first meeting was back in November of last year, so it's only been underway now for a matter of approximately six months. So we're trying to fast-track that study, just for your information."

**Mr. Kaplan** said, "Commissioners, I'm not criticizing and I don't intend my comment to come across as a criticism. That is your business, not mine. My comment, I've got a responsibility to Mr. Marquez. He bought it several years ago, not knowing these things and it was just my perception, from talking to staff, that it was the corridor study that really was the basis, the underlying basis for not wanting to do anything along the corridor at this time, and that's why I brought it up. But we don't know when that is going to be completed and when we're going to have that, and that's why I make the point again that a legitimate corridor study is going to favor this kind of development."

**Commissioner Unruh** said, "Okay. Would you comment on, in reading some of the definitions about Office Warehouse district in the zoning district standards, one of the descriptions says the 'OW' district is generally compatible with the Commercial and Industrial designations of the Wichita/ Sedgwick County Comprehensive Plan. Does that in any way mitigate against this Rural Residential?"

**Mr. Kaplan** said, "Commissioner, I don't think it does, particularly in light of the PO, of the Protective Overlay. If you would review the protective overlay, we simply deleted, absolutely deleted by means of the protective overlay every use that could be considered to be offensive. There's nothing that generates any traffic. We took out the taverns and we took out the night clubs, we took out the auditorium. We just virtually eliminated . . . all we've got left in the OW basically is OW, Office Warehouse. That's basically all that's left to us. There's going to be no retail. There isn't any kind of industrial, not that it's permitted in OW anyway, and once you leave the Rural Residential, my opinion is that the OW is the next step up. It's lighter than Limited Commercial. Limited Commercial you could have C stores and you could have all kinds of retail uses that do generate traffic, that are open late hours, all these types of things, and we have none of that. All we want to do is office there and have a small amount of storage and rent out some mini-warehouses and allow people to leave their boats and RVs there, going back and forth to the lake. That's all we want."

**Commissioner Unruh** said, "Are you concerned at all about the traffic implications of people hauling RVs and boats and trailers and things like that along K-254, where the speeds are 70 mile an hour plus?"

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**Mr. Kaplan** said, "Aren't they going to haul them anyway, whether they bring them out from their homes in Wichita or whether they are already halfway there? Am I not really minimizing or mitigating that? In other words, the travel distance from this site to the lake is going to be less than it's going to be from Wichita to the lake."

**Commissioner Unruh** said, "Well, the issue is turning in and out and getting on the highway, not just the traffic on it. I mean, there are folks in the area who say that if they're pulling a farm implement across there, that they can't hardly get across the road right now pulling one of their farm implements."

**Mr. Kaplan** said, "Well, you know I guess I can say that about any intersection on any highway. I've been involved in so much of that with KDOT. It is so difficult to get controls, to get signalization. I live near 159<sup>th</sup> and Kellogg, have been trying to get signalization out there for years and can't get the warrants with KDOT and we had a young lady killed there at that intersection a couple of years ago. So I don't know that this intersection is perhaps any better or any worse than any other, but I presume that most of the traffic is going to be east/ west traffic. I don't know that there's going to be much northbound traffic on 127<sup>th</sup>, which is gravel. Is it possible to have a collision at that corner? Certainly, but is it not possible to have that same collision with any development or between two passenger automobiles. I mean, that's the hazard of travel today. I don't think that's a basis for saying we can't develop, because we're going to have it anyway, Commissioner. We're going to have development and I think we both know that, eventually."

**Commissioner Unruh** said, "Yeah. What kind of development is part of the question is what we're talking about."

**Mr. Kaplan** said, "Okay, but I don't mean to debate with you, but once you leave the ag, where are you going to go? You don't want limited commercial, you don't want industrial. What do you want? This is the least intensive thing that I can do."

**Commissioner Unruh** said, "On the north edge of your property, is it on your property where there are some items stored? It's like construction stuff. I mean, is this what this is going to develop into?"

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**Mr. Kaplan** said, "Not ours. Not ours. Not ours. They're really . . . I went out there the other day, I had another reason to go out there, I had a property adjoining on the north I was looking . . . not one of these tracts, but it's not our stuff. It belongs to another owner. Mr. Marquez is not related to that gentleman. This 40 acres has been subdivided into four tracts. It is not our stuff, but quite frankly it's hard to . . . there's some poles there and there's some pipe. It's building material, it's pretty clean building material and there's a small amount of it, so I don't understand why everybody is upset about it, but it's not ours. We have no control over it."

**Commissioner Unruh** said, "Well, just one more comment Mr. Chairman and that's last time when you were here you mentioned that there were no citizens, neighbors here to protest and the implication was that all of their concerns had been satisfied. And I just want to say that I have received from the folks, this last week, and they are still not in favor of this zone change and I said, 'Why weren't you at the meeting?' and a compliment to Mr. Kaplan, they said, 'Well that attorney is so good, it wouldn't do us any good to be there'. So . . ."

**Mr. Kaplan** said, "Well Commissioner, all gratuities will be accepted of course, but I do want to say that we did make . . . we've made every legitimate effort and when I went to that meeting, I asked not once, not twice but three times if we eliminate the auditorium, which is all anybody wanted to talk about, if we eliminate the auditorium are you folks okay with the rest of it. Silence. Are you okay with the rest of it if we eliminate the auditorium? Nobody would speak. I was talking to myself and I had a number of people at that meeting. After the meeting, one or two said, 'Yeah, we're okay'. I don't think, if they were here, I don't believe . . . I guess you have, by telephone, because if you give everybody their druthers, if you're going to give the neighbors their choice and of all the factors that you have to consider, of all the land use factors you have to consider, my opinion, with which you can certainly disagree, the neighborhood plebiscite, the neighborhood wish is the least viable of any land use factor. Of all the land use factors that the court has set down, to take a vote of the neighborhood is not the way to determine highest and best use for land."

But I think with the auditorium out of there, and the outdoor storage out of there, I don't know how many calls and how intensive they were, but I felt like we had pretty much eliminated all of the objection. I don't know what else to do."

**Commissioner Unruh** said, "Okay, thank you. Mr. Chairman, that's all I have."

**Chairman Winters** said, "All right, thank you. That's all the questions I see now, Mr. Kaplan. Is there anybody else in the audience who would like to speak on this issue, either for or in opposition? Is there anyone else here today who would like to speak on this item, this zone change on Highway 254? All right, we see no one else wanting to speak on this item."

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Mr. Kaplan, I do have a question, as I think about it. Can you tell me what the current plans are for parcel one?"

**Mr. Kaplan** said, "The current plans on parcel one, this will be Mr. Marquez's property right here."

**Chairman Winters** said, "And that's on parcel two, right? I'm talking about parcel one."

**Mr. Kaplan** said, "Let me just . . . we've just got OW. We're just asking OW for it. We have no current plans and I'll step out here and Mr. Marquez may not like this, but I'm going to do it anyway. If there is really concern, if there is really dissent on this bench, if there is, what we really need is parcel two. I mean, I'm sure Art isn't going to be happy with my withdrawing any portion of it, but if there is dissent and I need my four votes, that's why I deferred it last time, I guess we can take parcel two and we can come back another day on parcel one, if you actually want to see what's going to happen there before you approve it. And with all due respect, Mr. Chairman, land use is land use. The uses or the tenants or the owners really are not legally applicable to land use. OW is OW, but if you want to know specifically what the uses are, I can't tell you today, but I can on parcel two, as you can see."

**Chairman Winters** said, "All right, I have a question of John Schlegel. John, in your listening to the neighbors and the conversations you've had with them, or heard them at MAPC hearings, do you think there was an unknown factor that was unknown about what was going to happen on parcel one was an issue at those meetings? And you know, Mr. Kaplan could be right, that may not be good grounds, but I think more and more county commissions and city councils are wanting to know what future plans are for projects like this. There could be a pretty large scale operation happen on this parcel one and I just wonder if you have a sense about the comments from neighbors, etcetera. If this unknown factor was a big deal?"

**Mr. Schlegel** said, "Well, for parcel one, Mr. Kaplan was correct, the big concern of the people that spoke on the record, and even at the meeting that the applicant held with the neighborhood was about the public assembly or auditorium use of that property. Beyond that, I think there was a sense of relief when the applicant offered to make that a prohibited use, take that off the table for consideration.

Beyond that, we haven't received many other comments from the adjoining property owners about how that property would be used. I don't think it was known that retail use is a permitted use under office warehouse. That was a fact that I tried to bring out in my presentation."

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**Chairman Winters** said, “And so, if I heard you right, there could be 91,000 square foot of retail space there, generating approximately how many trips did you say?”

**Mr. Schlegel** said, “A little over 3,800 trips per day.”

**Chairman Winters** said, “And 3,800 trips a day could have a play on public facilities, mainly the road, whether it’s the adjoining road on the site or whether it’s 254. And so, I mean it would seem like one would want to take that into consideration as a factor.

I guess I’d ask Commissioner Unruh, because I mean, I think Commissioner Unruh understands his district. He understands the neighbors out there. He understands 254. Commissioner Unruh, do you think eliminating parcel one from this would solve anything or do you still have some questions?”

**Commissioner Unruh** said, “Well, I think that it’s still going to be, from the neighbors that I talked to, I think it would still be objectionable. I think that the applicant has done everything that he could to try to conform and make modification to make the folks happy out there, but I think that . . . I mean, the neighbors out there are going to be resigned to whatever happens. However, the objections that I received yesterday is that they don’t want to change Rural Residential and one of their big comments also has to do with the studies that are currently going on with how that corridor will develop. So, as Mr. Kaplan said, a big issue here probably is timing that’s behind people’s thinking.”

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

**Commissioner Sciortino** said, “Let me see if I understood this last proposal, although I don’t think we can use this as a reason to approve or deny, but what I just heard I think was that the applicant would withdraw the request for office warehouse on parcel one and leave that as Rural Residential and just have office warehouse on parcel two, with all of the protective overlays that they’ve already agreed to. Is that what I heard?”

**Mr. Schlegel** said, “That’s what I heard.”

**Commissioner Sciortino** said, “And there was no . . . and the protesting parties are unaware of this new wrinkle, right, or whatever?”

**Mr. Schlegel** said, “Right, this is a new offer by the applicant.”

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**Commissioner Sciortino** said, “Well, okay. I do share some concerns about if we’re going to spend the time, effort, money to do a corridor study, there’s an argument, don’t do any development till you get the study. That makes sense to me, but I have to say that this applicant has sure bent over backwards on this area. That’s all I have. It was just . . . I wanted to make sure I heard what I heard.”

**Chairman Winters** said, “I have one question, John. What does the plan call for? What is going to be seen from Highway 254, on the south side of this development? Is there plans for . . . You probably don’t have a projection, but is there like fencing? Is there plans for what this thing is going to look like at the front, or the exposure to the highway?”

**Mr. Schlegel** said, “Oh, no we don’t have any elevations?”

**Chairman Winters** said, “But is there going to be a masonry wall or fence?”

**Mr. Schlegel** said, “There is a masonry and wood wall proposed along the west, north and east property lines. I don’t know about the south property line.”

**Chairman Winters** said, “All right. Commissioner McGinn has a question, then Dave, we’ll come back.”

**Commissioner McGinn** said, “Well, on that topic too, I know we’ve had cases like this before and screening is very important and we haven’t even talked about that. I think that that’s something that certainly needs to be considered, going along this corridor.

John, the question I have and concern I have, I guess I don’t have a real big problem with this zone change other than my big concern has to do with the type of roads that KDOT is building that allows people to cross the road in such a way. This is similar to K-96. I don’t know if you’ve heard this or not, or whether it’s true or not. And our Public Works Director is here, but KDOT is not going to make these types of roads anymore, is that correct? Did I hear that? KDOT, are they still designing this type of expressway?”

**Chairman Winters** said, “No. David Spears, our County Engineer could be involved, but I mean, these roads with access at mile-line intersections are not a very popular thing with KDOT, I don’t believe. David, do you have a comment about these freeways?”

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**Mr. David Spears**, P.E., Director/County Engineer, said, "That's true, there's been a lot of discussion, controversy about it. The intersections are made wider on these types of expressway roads, so that the cars can go out and stop halfway, or farm implements and they try to make them wide enough to do that.

But you know, the speed limit there is I believe it's 70, and a lot of people tend to pull out in front of other cars and it's a problem. Now, KDOT is trying to go away from this. See, but your next thing that you go to is complete access control with the interchanges and it's very expensive and as we all know, funds are limited these days. So, to say that they will never build another road like this I'd say is a stretch, mainly because of funding. So I wouldn't go that far to say they're not going to do it again."

**Commissioner McGinn** said, "Well, I just wanted to express my concern. This area is going to continue to develop, this whole corridor and so what do you do. You have this nice expressway that gets you over to the turnpike quickly, and then the traffic increases so much, the traffic accidents and the next thing you know, we've gone from 70 to 50 mile an hour, so we don't have an expressway anymore. So I guess my concern here, and maybe it's just voicing a concern and nothing we can do about it today, but John, as a planner I don't know how they're going to handle the increased traffic load over time on these types of increased development along this corridor, and maybe it's like David said. Go ahead."

**Mr. Spears** said, "Well, one more thing Commissioner McGinn, what you would have to do is build interchanges, complete control interchanges at the locations where you need them and that's how you solve that problem, but of course that takes money, but it is designed to do that."

**Commissioner McGinn** said, "Well, and I guess I just wanted to voice my concern, as we continue to plan and I'm sure that Commissioner Unruh's group that's doing the corridor study is probably looking at this, but how we're going to, as we develop, how we're going to take care of that increased traffic that goes across the mile lines."

**Mr. Schlegel** said, "If I could comment on that, one of the intents of the corridor study is to not only just to designate land use along that corridor, but also to identify whatever transportation improvements are needed to go along with those land use designations. And if improvements to these intersections are needed, then that would come out of the study."

**Commissioner McGinn** said, "Okay, thank you."

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**Chairman Winters** said, "Well, thank you. I think those were good comments, and they are kind of leading me to believe that I'm getting a little more comfortable with what's happening, proposed on parcel two, but I'm not very comfortable with parcel one. And it would be my first thought right now that, even though I think there may be some neighborhood opposition, something is going to happen along this highly traveled road, over time. And I, you know, think that it's very important that we do these corridor studies. I'm not so sure parcel one will be completely out of sync with some of those things that happen along this stretch, but I would think that the property owner, when something is ready to happen on parcel one that we need to rethink and relook and analyze what's happening and proposed to happen and would just . . . giving that a blank check until that time, I don't know how comfortable I am with that. So it's like, if we could somehow separate parcels one and two, I'm getting a little more comfortable with parcel two."

**Commissioner Unruh** said, "Can we consider that change in this request, at this level at this time? I mean, does that take some kind of deferral and come back, or can we just make that change?"

**Mr. Schlegel** said, "I think in my experience, I would say that since you're considering a less intensive zoning for parcel one than what was being asked for, you could. But I would defer to your legal counsel on that."

**Mr. Euson** said, "The request before you is really for both parcels. I would guess you could do it, for just parcel two."

**Commissioner Sciortino** said, "Maybe a different question, if that's what we wanted to do, what would be your recommendation on how we should do it?"

**Mr. Euson** said, "I guess I'm not sure that there's any reason why you couldn't separate these parcels out. You do have them on a site plan and I think you could."

**Chairman Winters** said, "We do have the applicant and Mr. Kaplan here. We could ask Mr. Kaplan what he thinks about separating those out and get him kind of on the record right now."

**Mr. Kaplan** said, "Thank you, Mr. Chairman. For the benefit of the record and in light of the comments of the Commissioners, the applicant at this time will orally amend his application and the oral amendment will withdraw parcel one from the application, leaving for consideration by the Commission only parcel two. We're also amenable to screening parcel two and working with the Planning Department in that regard."

**Chairman Winters** said, "I sorry."

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**Commissioner Unruh** said, “So now that has become part of the record. We’re only discussing parcel two.”

**Chairman Winters** said, “Well, yeah. I think the applicant has said he’d agree to that. Commissioner Norton.”

**Commissioner Norton** said, “Well, I think as we move forward on this, it is a timing issue. If we have a June 30<sup>th</sup> meeting of all the partners, I think it would be imperative that we make sure that, as we move forward on that corridor plan, we let them know what is happening on the first case that we’ve got that we’re going to have to worry with. I don’t know that I have a problem with parcel number two. I think parcel number one, we’d want it at the highest and best use once we’ve done the corridor study. But I think it would be nice to share that with our partners on the corridor study and then be able to bring this back, with everything redefined. Screening is in the overlay, leave off parcel one and have something very succinct we can vote on.

If Mr. Marquez has waited for two years, waiting until after June 30<sup>th</sup> and bringing it back could make good sense, and then all our partners know at least what the first development is going to look like so that it fits in with the design of the corridor study. I think that would make good sense. It’s not going to hold us up that long and then we make sure that it’s on the table for the group that’s going to be doing the corridor study.”

**Chairman Winters** said, “Well, I would think that that would make some sense, Commissioner Norton. I am familiar with . . . as you know, we’re doing a K-96 corridor study between here and Hutch, and we’re getting along very well but it is not going at rocket speed. I mean, it took us three or four months to decide to move forward. It took us six months to hire a consultant. The consultant is in a six-month study phase. So, it doesn’t go real fast, and so I don’t know that holding this up for another even 30 days would be . . . I mean, I think the information should be shared with them but I don’t know if we need to hold this up. I’ll do Commissioner Unruh and then come back to you. Commissioner Unruh.”

**Commissioner Unruh** said, “Well I just also want to agree with some of the things Commissioner Norton said, that it does . . . there’s a certain amount of fairness involved with all this of trying to hold people up if they’ve been in process. I’ve come from a background of small business mindset. I really am . . . it’s difficult for me to think about putting a damper on a small business person who wants to do something creative and entrepreneurial. At the same time, I am concerned that . . . how this development is going to occur on K-254. I believe it is going to develop very rapidly. I think that this could be the beginning of a domino effect and that’s what concerns me, of a haphazard development that we haven’t given ample consideration to.

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So that's part of what my internal struggle is about, what's good government and good planning, as opposed to allowing an individual to invest in a community and make something happen. But I do think that probably the folks I've talked to, if I can measure their level of discontent and objection, that probably cutting off parcel one and agreeing to a zone change for parcel two would . . . I'm guessing that might be acceptable to them."

**Chairman Winters** said, "Well again, as I think about the study and what's going to happen along here, I think I do agree with those who say that this is going to be a pretty low intensity use, as opposed to allowing a potential of almost 100,000 square foot of retail. Now that's a signi . . . that's a change and that's something that Commissioner Norton and I would agree with you. I mean, we need to talk to the partners and say, 'Is this what's going to happen here or not'. But I just don't see, right now, how parcel two could have a huge negative effect on any kind of future study. Commissioner Norton."

**Commissioner Norton** said, "Well, truthfully, short of putting a moratorium on all of the properties along 254, it's going to be hard if we have people that have come to the plate with legitimate proposals, it's going to be hard to deny everyone of them, short of doing something legally to put a moratorium on there."

It sounds to me that Mr. Marquez, if we do this right, is almost self-imposing a moratorium on parcel one until we can look at what we think the uses are and I think that's pretty admirable. I mean, I would still rather make sure the partners know, that we take a deep breath and make sure, not to hold up Mr. Marquez but I think we have a chance, that we would deny it and then that puts him off for a year. I mean, if we deny it today, then he's got a year before he comes back and I don't think that would be fair. So a deep breath, let our partners know, be sure that they can come back with a proposal we feel good about might be our best action. But I will defer to Commissioner Unruh. It is in his district. He's been working hard on this whole project."

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

**Commissioner Unruh** said, "Just one more question. Moving ahead with this, does that . . . I mean, have we established the fact that we want screening or is that already a part of that plan?"

**Mr. Schlegel** said, "Well the screening, as I understand it right now, is required or shown on this site plan and would be required on the west, north and east sides."

**Commissioner Sciortino** said, "The east side also now, to screen against parcel two?"

**Mr. Schlegel** said, "Yes, I think . . ."

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**Commissioner Sciortino** said, "I thought that was something the applicant just said he would do."

**Chairman Winters** said, "No, it was the south side I was asking about, was the highway side."

**Commissioner Sciortino** said, "Okay."

**Mr. Schlegel** said, "Let me correct what I just said. It's shown, on the screening, a wood wall, masonry and wood wall shown on the west property line and then extending across the northern property line to that point and then it comes south, and then along . . . in essence, this area in here is screened off. The site plan does not show screening wall along this property line here, or along that portion of the north and there isn't any along the south property line."

**Chairman Winters** said, "Well, my question when I asked was just the visual effect that it was going to have from the highway. Commissioner Unruh."

**Commissioner Unruh** said, "No, that's my old light."

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

**Commissioner McGinn** said, "Well, I'm ready to make a motion, but if you want to make a motion, I will let you."

**Chairman Winters** said, "Do you have a comment? Can we take one more comment? Commissioner Sciortino."

**Commissioner Sciortino** said, "Mr. Kaplan, I was a little confused on screening the thing. I thought I heard you say that since they would leave parcel one Rural Residential, was there going to be any screening on the south . . . on the east side. That was not there. It was the south side that you were going to screen?"

**Mr. Kaplan** said, "We're amenable to doing whatever screening is required under the code and working with the Planning Department to determine the nature of that screening. There is nothing from the west to screen from. Now admittedly it is rural . . . yeah to the . . ."

**Chairman Winters** said, "Either side."

**Commissioner Sciortino** said, "Yeah, either side there's nothing there."

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**Mr. Kaplan** said, "Well, the west side there a . . . Okay, I'm talking about screening . . . commissioner made the comment about the visual effect to the highway. We amenable to screening on the south side of the development. I see really no point screening here and then the RV storage and the rest of that, as you can tell from your site plan, is already fenced."

**Commissioner Sciortino** said, "Okay, that's all. I just wanted to clarify what I thought I heard. That's what I heard."

**Commissioner Unruh** said, "Well, are we ready to have a motion then? Commissioner McGinn, do you want to make the motion?"

**Chairman Winters** said, "Could you tell us what the motion is you would make, without making the motion?"

**Commissioner McGinn** said, "Yeah. Rich, pay attention."

**Mr. Euson** said, "I am, I'm listening."

**Commissioner McGinn** said, "I was thinking that we would approved the recommended action, with the exception of eliminating parcel one and add appropriate screening, as determined by the Metropolitan Planning Department."

**Chairman Winters** said, "Okay, Commissioner Unruh I know you may be in a situation where you couldn't support that, but I think that's something that I could support."

**Commissioner McGinn** said, "The question I have of maybe John, do we have enough in our planning guidelines that will enable you to work with the applicant to see to it that we have what we consider in this county, as appropriate screening."

**Mr. Schlegel** said, "Well, the zoning code contains screening requirements and what we can do is apply those. If you want to go to something beyond what's currently provided, then I would ask that the Commission let me know what their intension is and then we'll make sure that that gets . . ."

**Commissioner McGinn** said, "Well I think the concern, what I've heard today, is appropriate screening for the neighbors, but also more the highway beautification type of screening. We don't want just stuff out there and when we're getting ready to do a study to make sure it develops properly."

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

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**Commissioner Norton** said, “Well, as I’ve thought through this since last week, I have to tell you, I was probably pretty opposed to doing anything because of the corridor study. But based on eliminating parcel one and the screening and how Mr. Marquez has tried to work with us, I think I’ll probably support it today.

I still have a huge concern as to what’s going to happen along this corridor. One of the problems I think we have out in some of the rural areas is that we just let things happen, kind of by helter skelter, and then twenty years later we look at it and go, ‘Oh, why did somebody ever let that happen, it just doesn’t look right’. Or now, we’ve got all kinds of mixed use things that don’t make sense, that don’t have any continuity at all. I’m hopeful that this will not be obtrusive on our plans. That it can be intermingled in with the corridor study and that it doesn’t start that domino effect. That just scares the heck out of me that now we’re going to be faced with many, many more of these that are going to have all kinds of mixed uses that don’t make sense. But I think, for right now, I’ll probably be supportive.”

**Mr. Kaplan** said, “I apologize for the intrusion, but FYI, Mr. Marquez is going to brick and stucco the elevations, the south elevations of these structures, so facing into the highway you’ll see brick and stucco fronts.”

**Chairman Winters** said, “Okay. All right. Commissioner McGinn, I think I’m prepared to support your motion if you’re prepared to make it.”

**Commissioner McGinn** said, “Even though you brought up the brick and stucco though, I still want the planning department to make sure that that’s still sightly along that corridor. Okay. So do you want me to just make what I . . . Rich, was that . . .?”

**Mr. Euson** said, “I think that’s entirely appropriate, yes.”

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**MOTION**

Commissioner McGinn moved to Approve the zone change to “OW” Office Warehouse, with the exception of eliminating parcel one and adding appropriate screening, as determined by the Metropolitan Planning Department, subject to platting within one year and Protective Overlay #138; adopt the findings of the Metropolitan Area Planning Commission (MAPC); direct staff to prepare an appropriate resolution after the plat has been approved; and authorize the Chairman to sign the resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	No
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**PLANNING DEPARTMENT**

**B. METROPOLITAN AREA PLANNING DEPARTMENT.**

- 1. CASE NUMBER ZON2004-00017 – PROTECTIVE OVERLAY TO PROHIBIT SEXUALLY ORIENTED BUSINESSES ON TWO ACRES ZONED “GC” GENERAL COMMERCIAL, GENERALLY LOCATED SOUTH OF 47H STREET SOUTH AND EAST OF CLIFTON. DISTRICT #5.**

**POWERPOINT PRESENTATION**

**Mr. Schlegel** said, “Okay, this next item will be easier I hope. For this particular item, the applicant is requesting a prohibition on sexually oriented business, as that term is defined in the Unified Zoning Code, for this property.

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The property is located, as you can see, in the business district of the Oaklawn community. There are no specific plans known at this time for the site. It has been used in the past for an adult entertainment establishment. Oaklawn has sought to limit the number of adult businesses in their community. In response, the County in 2001 added sexually oriented business licensing and zoning restrictions to prohibit adult entertainment establishments within 1,000 feet of schools, churches, parks, residential dwellings or any other adult establishments to the zoning code.

The existing establishment would not be in compliance with the new distance requirements and thus would become non-conforming after June 30<sup>th</sup> of this year. In addition to what's being proposed here is a protective overlay, the applicant is also executing a restrictive covenant to prohibit adult entertainment establishments or sexually oriented businesses from operating on this site.

The MAPC heard this item on May 6<sup>th</sup>. They unanimously approved the request. We have not heard any protests on this item. There was one citizen at the MAPC meeting that spoke in support and we've received eight letters in support of the protective overlay. Glad to answer any questions you might have."

**Chairman Winters** said, "All right, John, thank you very much. Commissioners, pretty straightforward. Are there questions or comments of John? I guess I should, this is not a public hearing, but I would ask if there is anybody here in the audience who does want to comment on this, it is our custom to take comments. Yes, please come forward."

**Ms. Linda Ulrich**, 5010 Meadowview, Wichita, Ks., greeted the Commissioners and said, "Been a resident there for over six years. I support this protective overlay to be put on the property to prevent any more of this type of businesses from coming into Oaklawn. We have worked hard, long and hard on this subject and now that it's done, it's over with, we can close this chapter and go on and go forward, instead of going backwards. So I highly recommend that you guys do put this protective overlay onto the property to prevent us from having any more of this type activity from coming in to Oaklawn. Thank you."

**Chairman Winters** said, "Linda, thank you very much for being here. Any other questions or comments, Commissioners? If not, what's the will of the Board?"

### **MOTION**

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Commissioner Sciortino moved to adopt the findings of the MAPC, approve the protective overlay, and authorize the Chairman to sign an associated resolution.

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. Next item."

- 2. CASE NUMBER ZON2000-00062 – EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL FOR APPROXIMATELY 26 ACRES LOCATED NORTH OF K-96 AND EAST OF GREENWICH. DISTRICT #1.**

**Mr. Schlegel** said, "In February of 2001, you approved a zone change for this 26 acre site from SF-20, Single-Family Residential, to Limited Industrial. The zone change was approved, at that time, subject to platting within one year. Since that time, due to a slow economy and the lack of industrial prospects, the applicant has not been able to complete the platting and has asked for additional extensions. This extension would go out then to, if you were to grant it, it would extend that out to March 21<sup>st</sup> of 2005. And the reason for this is simply that, with the economy slowing down, they have not had the industrial prospects that they originally thought they would have."

**Chairman Winters** said, "John, it's your recommendation that we do this extension?"

**Mr. Schlegel** said, "Yes sir, it is."

**Chairman Winters** said, "Commissioner Unruh, this is in your district."

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**Commissioner Unruh** said, "I haven't heard any conversation on it, one way or another, but this seems like the appropriate thing to do."

**MOTION**

Commissioner Unruh moved to approve an extension of time to complete platting.

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, "John, thank you very much. Next item."

**NEW BUSINESS**

**C. PRESENTATION REGARDING PUBLIC HEALTH COMMUNITY DISCUSSIONS**

**POWERPOINT PRESENTATION**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "We've been talking about public health for a long time now and this is the third phase of what we promised to do for you and for the citizens of Sedgwick County, clear back in January. What is public health? Well, we've had lots of descriptions about what it could be and one of the things that we do know, that it's not just about disease control. It really is about the promotion of health. It's reducing the influence of disease. It's reducing the incidence of disease, the incidences of disability, the affects of aging and the promoting of mental, physical and emotional well being.

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We see over in the side bar also that it is about immunizations and it is about suicide prevention and prenatal care, but it also can be about developmental disability services for those people who have either been clobbered by an accident or by birth. It's home care for the elderly. It's emergency medical service. It's controlling blood pressure. It's using bicycle helmets and the effects that that has on reducing the incidents of injury. It's treating mental disorders. It is about fluoride and it is about flu shots.

Sedgwick County, currently in our role, we're doing a lot in COMCARE with those people who are struggling with addiction problems and mentally ill, issues of mental illness. Department of Aging, trying to keep people in their homes, making sure that there's a healthy lifestyle that continues and people have a rich and full life as long as they're living.

Emergency Medical Service, all that pre-hospital care that we talk about and make sure that the patient outcomes are primarily the goal that drives that services. Community developmental disability organization, again for those families and individuals who are affected by folks, diseases or birth defects of accidents to make sure that they are full citizens in this community. And Sedgwick County Health Department that does the traditional public health issues that we've done in the past.

The Health Department became part of the county function in 2002 and since that date, we've been working very hard to integrate this as part of the whole community process. In January, we talked to you about how to determine citizens' expectations and obligations towards public health and we've done that in such a fashion that we've created a survey, we had the Sedgwick County Assembly at Wichita State University and now this discussion about public health.

In January, we mailed 25,000 surveys to citizens. We received over 6,000 responses, incredible response rate, about what was important, what people felt was important about their lives and about public health and about health issues for residents of Sedgwick County.

In March 12<sup>th</sup> and 13<sup>th</sup> at Wichita State University we had the Assembly, at which we engaged 150 folks in a day and a half discussion, again about what was important to them and now we are at this community discussion stage.

The purpose of the community discussion is to further define and discuss our community's

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expectations and obligations for a healthy Sedgwick County. We'll have one and a half hourly meetings. We'll do it with existing groups. We'll do it with individuals who are encouraged to participate, so that we're set up to do it in two different ways, clearly. Your Sunday school group, your neighborhood group, your motorcycle club, whatever it is that you belong to wants to engage in issues about public health, here's one way to do it. You, as an individual, want to sign up and participate in the discussion, we have a forum for that to occur too.

Our goal is to reach 2,000 citizens. We have a newspaper insert, that we have printed, just like we did with solid waste. We have . . . this will allow citizens to discuss, frame the issues and use this paper as an issue from which to have discussions about public health. That will be put in the . . . it will be stuffed in the Wichita Eagle. That will be about 76,000 daily recipients of that paper will receive that and this will help educate citizens about the health and used as part of the community discussion process.

We've fixed some dates already, July, Big Brothers and Big Sisters begin at noon on July 7<sup>th</sup>. This is about one month behind when we originally intended to start, but because of some internal issues, some other stuff that got in the way, we're just about a month behind in beginning this program, but I'm delighted that we're going to launch this in July.

We already have a meeting set up for McAdams Neighborhood and St. Mark's. We are in the process of clearly setting more meetings up for the month of July, but those are the ones that are already in the hopper now.

For people who want to participate, call 660-9863, that's Community Development, and folks over there are prepared to take your name or set up times and we will find . . . if you have a place you want us to do it, we'll be glad to do that. If you need us to help find a place, we're prepared to do that, or you can visit our website at [sedgwickcounty.org](http://sedgwickcounty.org) for additional information.

Our long term goal is again to determine, have the public help us define public policy, for you to define public policy it's always beneficial to hear from citizens. It's to determine the citizens' expectations and obligations and look how we can continue to provide and improve those essential public health services. That's our goal and with this information from the survey, with the information from the Assembly, and with these community discussion groups, I think you will have a lot of information from which to base some public policy decisions. And so, I'd be happy to answer any questions that you may have."

**Chairman Winters** said, "All right. We do have a question. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. How many hits did you say, in the Eagle?"

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**Mr. Buchanan** said, "Seventy-six thousand."

**Commissioner McGinn** said, "And we've already . . . it went in today's paper?"

**Mr. Buchanan** said, "It's today's paper, yeah."

**Commissioner McGinn** said, "Is 76,000 how many hits we have in Sedgwick County alone?"

**Mr. Buchanan** said, "Seventy-six thous . . . the subscription rate, the circulation rate for the Wichita Eagle in Sedgwick County is 76,000 people."

**Commissioner McGinn** said, "It is 76,000, okay and that's just Sedgwick County. Okay, thank you."

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

**Commissioner Norton** said, "Well, I'm glad that we're in the third phase now. I mean, I think we've worked diligently to try to advance new ideas about public health and how it's delivered and what it means to the citizens and I think this is that logical next step to engage the citizens to help us define what public policies will carry us into the next twenty or thirty years. I think the public health system here languished under duality for many, many years and we have the chance now, as we look at other models throughout the nation, to engage with our community and our citizens and take it to a different level for the future of Sedgwick County. So I'm really happy that we've gone through the survey phase, we've gone through the Assembly phase, we're going to take it out to the filter of the people one time and then come back to that final phase, which is developing public policy and I think we're ready to do that. Thank you, Mr. Manager."

**Chairman Winters** said, "All right. Commissioners, any other questions or comments? Do we have a motion to receive and file?"

**MOTION**

Commissioner Sciortino moved to receive and file.

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, "Thank you. Next item."

**D. RESOLUTION ESTABLISHING 2005 COUNTY HOLIDAYS.**

**Ms. Kathy Sexton**, Assistant County Manager and CIO, greeted the Commissioners and said, "This morning, the resolution is simply to set the holidays for the year 2005. It's just a little different from past years in that we normally have 11 holidays a year, but because of the day that New Year's Day falls on this year, we have 12 in . . . excuse me, we usually have 10 a year. See, I screwed that up, didn't I? We usually have 10 year and this year, in '04 we have 11, so that means in '05 we have 9. Okay, you see Dave would have caught that, if I hadn't caught that myself. I'm available for any questions."

**Chairman Winters** said, "All right. I was just looking at Christmas. Christmas is on a Sunday, so the holiday will be on Monday."

**Ms. Sexton** said, "Monday, December 26<sup>th</sup>."

**Chairman Winters** said, "Christmas Eve on a Saturday."

**Ms. Sexton** said, "Right. That is consistent with our policies, as well as federal policies, that when holidays fall on Sundays you take the Monday off. When they fall on Saturdays, you take the Friday off."

**Chairman Winters** said, "Okay, good plan. All right, Commissioners. Are there questions or comments? If not, what's the will of the Board?"

**MOTION**

Commissioner Norton moved to adopt the Resolution.

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Commissioner Sciortino seconded the Motion.

**Commissioner Sciortino** said, “But I sure hope we do Columbus one of these days.”

**Chairman Winters** said, “Nope. We have a Motion and a second establishing 2005 county holidays. Is there any other discussion? Seeing none, call the vote.”

**VOTE**

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

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

**E. RESOLUTION ESTABLISHING SOLID WASTE FEES FOR 2005.**

**Mr. Chris Chronis**, Chief Financial Officer, Division of Finance, greeted the Commissioners and said, “This resolution that’s before would adopt solid waste fees for 2005. If you approve this resolution, these fees will be placed on the tax bills of property owners that are sent out later this year and they will be payable by property owners in two installments in the same manner as property taxes are paid.

The fees that are proposed for next year are roughly the same as the fees this year. They are slightly less for residential properties, \$3.06 per year for solid waste services and slightly higher for non-residential properties, the base fee residential rate is \$3.19. And as you know, for non-residential properties, we establish different levels that are based on that base fee and the different levels are determined by the waste generation characteristics of the non-residential properties. There are a total of five different rates.

The fees are designed to produce just under \$590,000 that will be used to fund the solid waste program for 2005. The budget that you are considering right now for the solid waste program is a total of \$1,654,000 and so, as you see, the fees produce roughly one third of that total budget. The

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balance of the revenue that funds the budget comes from other service charges that are imposed on the transfer stations and the operators of C & D landfills and we use a significant portion of the cash balance in the fund to fund the storm water . . . the storm debris removal program that the county established several years ago.

So this is a fairly straightforward resolution adopting fees that will be placed on property tax bills. The fees are fairly nominal amounts, \$3.00 more or less per year for both residential and non-residential property. And if you have no questions, I recommend your approval.”

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

**Commissioner Unruh** said, “Are there limits to the amount of this fee? I mean, upper limit, or just whatever we think?”

**Mr. Chronis** said, “Under state law, the fee can be used for certain, specified purposes and those are the ones that we’re using it for. In theory, the fee can be any amount necessary to cover the cost of those services.”

**Commissioner Unruh** said, “Okay, thank you.”

**Chairman Winters** said, “Any other questions?”

**MOTION**

Commissioner Unruh moved to adopt the Resolution.

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, Chris. Next item.”

**F. GRANT APPLICATION FOR FEDERAL VICTIMS OF CRIME ACT FUNDING OF**

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**A RESTITUTION COORDINATOR POSITION.**

**Ms. Lisa Clancy**, Assistant District Attorney, greeted the Commissioners and said, “What you have in front of you today is a grant application for a restitution coordinator. This is through the Federal Victims of Crime Act. It may look familiar to you. I was here a few months ago for the same position, but through a different grant. This is an alternative funding source, in the event we do not receive funding through the Attorney General’s Office. So we could just ask that you approve the grant application, authorize the Chair to sign all necessary documents.”

**Chairman Winters** said, “All right, Commissioners, questions of Lisa?”

**Commissioner Norton** said, “Lisa, what happens if you get both grants?”

**Ms. Clancy** said, “Well, we should know by the end of this month for the other grant and we would accept that first, because we can’t really do both. We would either need to accept or decline and then that doesn’t guarantee that we would get this one.”

**Chairman Winters** said, “Okay. Are you ready for a motion?”

**MOTION**

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

Commissioner 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

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Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**G. GRANT APPLICATION FOR STEPS TO A HEALTHIER KANSAS FUNDING OF EDUCATION AND PREVENTION EFFORTS RELATED TO DIABETES, ASTHMA AND OBESITY.**

**POWERPOINT PRESENTATION**

**Ms. Sonja Armbruster**, Grant Writer/Communications Coordinator, Health Department, greeted the Commissioners and said, "I'm here to request your support for an application for a Steps to a Healthier U.S. application.

Just a brief overview of what the application is and why we are requesting this funding. First of all, it's a Steps to a Healthier U.S. application and this map shows you what they funded last year, which was the first year the Department of Health and Human Services provided this grant. You can see that the large cities and urban communities that they funded were significantly larger than Sedgwick County or Wichita, and as such, when we went to the conference in April to determine what our best application opportunities would be, we determined that it would be best if we applied with the State of Kansas.

Additionally, HHS divides the country into ten regions and we are in Region 7, which is Kansas, Nebraska, Ohio and Missouri and you can see that none of those areas were funded, so we're seriously hoping that they will fund Region 7 in some way and of course, fund the State of Kansas and our application in that process.

We were one of four areas selected by KDHE to participate in their application and if we get funded, we will receive \$300,000 the first year and \$500,000 to \$700,000 for the following four years.

The purpose of the grant is to prevent, delay or mitigate Diabetes, Asthma and obesity and the way we would do that is by addressing nutrition, physical activity and tobacco use and exposure. This really responds to the Health Assembly and the fact that they listed obesity as one of the major health concerns that needs to be addressed in the country. We know that seven of ten deaths and the most serious illnesses and disabilities and health care costs are caused by chronic diseases like these, which are preventable.

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I wanted to look at just the costs, briefly, the economic impact that these diseases cause our country. Asthma is costing us 14.5 billion dollars. Diabetes costs us 2.4 times more for each person with Diabetes than a person without Diabetes. And if we look at obesity, we see that obesity rates have increased more than 60% among adults in the last 10 years and have tripled among adolescents since 1980. It's a very serious problem and it is estimated that it's costing our nation \$117,000,000.

At the conference that we attended, they were suggesting that obesity and the cost related to it are actually costing more and possibly killing more than tobacco, which has been the leading killer in the United States.

If we look at our own county, we can see that Sedgwick County . . . you don't have to read all of the numbers, but you can see that hypertension, Diabetes, congestive heart failure, Asthma and stroke are all increasing as we look at our hospital admissions. So the point of the graph is that the lines all go up, which is increasing numbers of hospitalizations for these expensive but preventable diseases.

What would we do if they gave us a bunch of money? How would funding help? We would work, within these sectors, to build strong, collaborative, place-based interventions and I just wanted to point out, in the literature they show that employers who have done place-based interventions, they've done health and wellness within their employees and had health screenings, they're showing a return on investment of \$3.14 for every dollar invested. And there are several companies and we could talk about that for a long time, but the companies that are investing in health among their employees, they're finding a significant return on investment, and we can do that community-wide and that's the kind of thing that we would want to do.

We have tremendous community support. They require, for this grant, that you address all life span, from zero through the aging, so we're working with the Department on Aging for this application. A variety of health and wellness groups throughout the community, including the hospitals and faith-based groups, like the Parish Nurses, United Way, a variety of applicants. So, they will work together with us to help us determine how we would best utilize this funding.

And Tommy Thompson sums it up very well by saying, 'To successfully achieve better health, we need to reach Americans in their places where they live, work and go to school'. Through the STEPS grant, we are supporting innovative and exciting programs across the country that will reduce the burden of Diabetes, obesity and Asthma on individuals, individual families, local communities and the country as a whole. And with this, I ask for your support of our application, that you can approve the documents and I would be happy to answer any questions."

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**Chairman Winters** said, “All right, thank you Sonja. Just a couple of quick questions. This is the second time we’ve applied for this. We made a big push last year, a lot of community folks involved and were not successful.”

**Ms. Armbruster** said, “That’s correct. When we attended the conference, they asked how many people in the room were planning to submit applications and there must have been 150 people in the room and there were 150 hands that went up. I think there were 77 large urban applications and they funded seven. So, yes we applied last year and we didn’t get funded. We think our chances are better applying with the state.”

**Chairman Winters** said, “All right. And if we should be successful, we’ve got base-line data that could show, over the course of the four or five years, whether we made any impact or not, so we’ve got base-line information?”

**Ms. Armbruster** said, “Right. The federal program requires that we use BRFSS data, which is Behavioral Risk Factor Surveillance Data, which is how we know what the percent of obesity is in our community and that sort of thing. It’s a phone survey where they ask people about their own perceived health status. It asked things like ‘How many fruits and vegetables do you eat?’ ‘Do you smoke?’ ‘How much physical activity do you get?’, those kinds of questions and they have that for the last several years and that’s our baseline and we can work from there to see how we would improve and we have all of that data available and there would be continuous data collection.”

**Chairman Winters** said, “All right. Well, I guess I would like to think that if we are successful, that hopefully we will be, that you and the Health Department spend some time with commissioners even thinking about that, because if we’re going to spend that kind of money, we want to have the best chance of success that we possibly can and not that we have any magic answers, but I think that’s something that we want to be in touch with, how you plan on going about doing that. Commissioner Sciortino.”

**Commissioner Sciortino** said, “If I’m reading the backup data correctly, there’s no matching funds associated with this grant. Is that correct?”

**Ms. Armbruster** said, “Well, for a state application, and I’m not sure all of the information that I gave you identifies all of this, we are not required, for our location, to provide any matching funds. The state has to come up with matching funds but that doesn’t come from us. The state’s matching funds are coming from a variety of sources, including the Kansas Health Foundation, who has, since tobacco is one of the related issues, they’ve agreed that if we get funded for this, they’ll bring back

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their 'Take it Outside' campaign which was addressing tobacco use and tobacco exposure, especially to children."

**Commissioner Sciortino** said, "Okay, thank you. I think I agree with you, Mr. Chairman. I would like to get deeply involved in this, because I think this could dovetail into a lot of healthy initiatives that we're trying to work on and I hope we are successful. Thank you."

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

**Commissioner McGinn** said, "Thank you. Sonja, I was just trying to understand, on the backup on page 105, is it Wichita and Reno County and Shawnee County?"

**Ms. Armbruster** said, "And Douglas County, yes."

**Commissioner McGinn** said, "And KDHE picks these?"

**Ms. Armbruster** said, "KDHE offered the opportunity for all county health departments to submit an interest inquiry. It was a five-page inquiry, would you like to participate and they selected as a screening criteria and they selected those four areas."

**Commissioner McGinn** said, "Okay, so if somebody has an obesity problem in Valley Center that we don't count them?"

**Ms. Armbruster** said, "The reason that . . . that's a good question. They have a cap of how many people they can include in their state application. If they submitted all of Sedgwick County as part of the written application, they would . . . it would exceed the count, so they restricted it to just Wichita, but our activities at the Health Department would never be restricted to just Wichita. This would be a county initiative that we would support in a variety of different ways."

**Commissioner McGinn** said, "So we'll keep data on everybody then that fits this . . ."

**Mr. Armbruster** said, "Well, right. In fact, you can't get city-specific data. You have to get county-specific data. It doesn't even get reported that way."

**Commissioner McGinn** said, "All right, thank you."

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

**Commissioner Norton** said, "Well, I think this certainly ties in well with the continuation of the public health assembly and where we're going. I mean, if you added dental care on there, it would just about be the things we talked about that bubbled up to be the big issues: Diabetes, Asthma,

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obesity and dental care particularly for children and people at risk. So, I'll be very supportive of this and let's keep our fingers crossed that it goes through this year. Thank you, Mr. Chair."

**Chairman Winters** said, "All right, thank you. Are there other questions of Sonja? If not, what's the will of the board?"

**MOTION**

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

Commissioner Unruh seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, Sonja. Let us know as soon as we hear good news."

**Ms. Armbruster** said, "We certainly will."

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

**H. PRESENTATION REGARDING SEDGWICK COUNTY WATER SUPPLY AND WASTEWATER MANAGEMENT ASSESSMENT.**

**POWERPOINT PRESENTATION**

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**Ms. Susan Erlenwein**, Director, Environmental Resources, greeted the Commissioners and said, "Today I would like to briefly review the Sedgwick County water supply and wastewater management assessment. This was made possible through many partnerships of different organizations, such as the Kansas Department of Health and Environment supplied a LEP target grant to fund this research. Metropolitan Area Planning Department provided background information, as well as the Sedgwick County Code Enforcement and Sedgwick County GIS Departments. And the Sedgwick County Conservation District and Environmental Resources cooperated on developing this report. It would not be possible without representatives from the 20 cities within the county who helped us and provided information for this report.

The purpose of this report was to identify existing water supplies and water capacities for now and in the future. Also, it was an indicator of future needs, as we have growth occur, are the water supplies adequate and we did look at wastewater management systems to determine if those were adequate for future growth. We hope this could be used for a development tool in the future, especially between cities for coordination of growth that occurs between city limits.

Here's a list of groups that might use this report and in that development process, through the planning department and as cities annex areas, we hope they can refer to this report and use this as a planning tool.

The report itself shows the current demographics of Sedgwick County and the cities within it, as well as the past, present and future water supplies for the cities and the past, present and future wastewater management techniques used by these cities. We also included a variety of maps in the report to depict how those cities operate. This map shows the 20 cities in the county in different colors and what we did is go out to the cities, talk to them about their operations and review the facilities for water supply and wastewater management.

I'd like to review two examples of cities and how it is presented in the report. One example, in Goddard, we have site location maps showing the county and showing the city in blue and as you can see, Goddard is west of Wichita along Highway 54. A close up shows the current city limits in gray and then in this particular map you have the 100-year flood plains as noted by FEMA in blue in and around the Goddard City Limits.

Also, we looked at the water supply and where it's located. In Goddard, you have four water wells east of the city. Those wells are chlorinated and Goddard has been seeing rapid growth in recent years and they know that they will be in short water supply in the future, so they are looking at increasing the water supply, either through new wells or contracting with someone else for water supply.

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This is something that the state wanted us to do is look at recreational areas within the cities, and here you can see Goddard has a city park, as indicated in green, near the south edge of the city. And here we have waterways, any tributaries and main water bodies in and around the cities. And on this map, we also have depicted as a red triangle, where the wastewater facility is located. And a close up of that shows in Goddard they have a lagoon system and here's a close up of that lagoon on the north side of the city. And it is also reaching capacity, but the city does have additional land and they plan to put in additional lagoon cells to take care of population growth.

The second example I'd like to show is Derby, Kansas. Again, there's a location map showing Derby is located southeast of Wichita, along K-15. You can see it outlined in blue. A close up shows the Derby City Limits in gray and the 100-year flood plain, much more on this than in Goddard, because Derby is located near the Arkansas River. This map shows the public well heads that Derby used in the past. You can see the clusters, the red dots southwest of the City of Derby. In 1999, the state told Derby that they were exceeding their pumping allowance for their water and gave them five years to find a new water source. The city looked at many alternatives and then determined a contract with the City of Wichita for water and that started in August of 2003.

This map shows the recreational areas in and around Derby. The parks are outlined in green and golf courses are in orange. And then Derby was able to supply us with their sewer lines and in green on this map you can see 118 miles of sewer lines in Derby. They constantly increase that, but at the time of this map, they had 118 miles of sewer lines and 2,500 manholes.

And this map shows the waterways in and around Derby. You can see the Arkansas River west of the city and the red triangles southwest of Derby indicates the wastewater treatment plant and here's a close up of that wastewater treatment plant just west of K-15. They have the capacity to treat 2.5 million gallons of wastewater per day and currently they're at 1.7 million gallons of wastewater a day, so they have plenty of capacity for population growth in the future.

We tried to provide as much information on each city, past, present and future, in this report and this just gave you two examples of what you'll see for other cities in the report. We also looked at growth and Metropolitan Planning Department provided us with the potential growth map of the cities through the year 2030 and that's outlined in red on this map. And as you are well aware, some of the cities are annexing at a pace faster than was predicted by this growth, so this map is currently out of date, even though it's a few years old and will have to be updated, as well as other maps through the report. This whole document will need to be updated over time, as systems

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change.

Now if you live in the unincorporated area of the county, all of the areas in white outside the city limits, we also looked at what were your water supply options and wastewater management options in that area. If you're close enough to a city limit, you may have the option of hooking on to the city for your water supply or wastewater management and each city told us what the requirements were and that's under the different city documents in the report.

Also, if you live out in the unincorporated area, you could drill your own water well and here is a drilling rig. The depth to groundwater, the quality of the water or quantity is going to vary throughout the county and at the current time there is no concise map to show all of that information in one location and that sounds like a future grant opportunity to develop that information.

Also, if you're in the county you may be able to hook up to a rural water district and there are eight different rural water districts that are in Sedgwick County and this map shows the different districts, depicted in different colors. And some of them are quite small because they may mainly be in Butler County to the east or Sumner to the south and just extend slightly into Sedgwick County. You can see, the eastern part of the county and south central people would have the options of hooking up to one of the rural water districts.

For wastewater management, if you're in the county, one option again if you're near a city limit, you might be able to hook up to their system or you may have to put in a septic tank with lateral fields to handle the wastewater from your home. Or you may have to put in a lagoon to handle that and one of those situations you'd look at are the soil types. A sandy soil would indicate a septic tank and laterals, whereas clay, tight soil would indicate a lagoon system. And the Sedgwick County Code Enforcement Department has recently looked at and been developing regulations on how to handle wastewater treatment in areas over sensitive geologic areas and looking at new technology for that."

**Chairman Winters** said, "Susan, what's the color code for the soil types on that map?"

**Ms. Erlenwein** said, "The color code, the area along the Ark River is more of a sandy soil, and along the Ninnescah in the southwest part of the county and the east part is clay and over here in the central part, the tan is more of a clay. And if you look at a soil description, I just made it very simple because it may say sandy-clay loam. The key for that is also in the report."

**Chairman Winters** said, "What's the green up there to the north central?"

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**Ms. Erlenwein** said, "I'd have to look that up, Tom."

**Chairman Winters** said, "That's all right."

**Ms. Erlenwein** said, "On the conclusions, after talking to all the cities and looking at the water supplies and wastewater, general conclusions, we know that Wichita utilizes 65% of its water from Lake Cheney and 35% from the equiis beds, which are located in the north part of Sedgwick County and into Harvey County. They have a water supply until the year 2050, as long as all of their plan goes into effect with reclaiming water from the Little Ark River.

Seven cities contract with the City of Wichita for their water supply. Now that may be total water supply or they may be supplementing their own water wells. One city contracts another city. That's the City of Mulvane actually contracts with Augusta for their water supply and Viola contracts with one of the rural water districts to obtain their water. Ten cities rely totally on their own water wells for the supply of water for their residents.

Fourteen cities indicated they have adequate supply for the next 11 to 50 years. They're not concerned about the increase in population growth. They say they have capacity. Six cities indicated they have less than 10 years of water capacity for potential growth. They're aware of these needs and they are working on obtaining new water supplies, whether that's permits to drill new water wells or looking at contracts with other cities to obtain that water. And in the unincorporated areas, as I mentioned, the citizens have several options for obtaining water, whether it's drilling water wells or hooking up with a city or rural water district.

For wastewater, 12 cities utilize wastewater treatment plants, whether it's their own or it's pumped over to another city's wastewater treatment plant, such as Bel Aire and Park City utilize the Chisholm Creek Utility Authority and Valley Center is currently looking at options, do they want to join in with Chisholm Creek or Wichita or expand their own wastewater treatment plant. Eight cities utilize lagoons instead of a treatment plant and 15 of the cities indicate that they have adequate wastewater supply. However, five cities say that they were running out of wastewater treatment capacity and need to expand their facilities. And as I mentioned in the unincorporated

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areas, we have lagoons or septic tanks and are currently looking at new technologies to protect sensitive groundwater areas.

In reviewing this and working with the cities, we noted a lack of coordination. Even within the cities, many people did not know the answers to the questions about capacity and growth. And between the cities, they really didn't know what other cities were doing and this comes in when you see duplication of services, where you have duplicate sewer lines running in an area. And so there needs to be more coordination and we're hoping that this plan will act as a planning tool and coordination tool, as growth occurs between city limits.

Also, there needs to be more work done on sensitive groundwater areas defining where those are and what to do in those areas. And recently we did receive a LEP grant to help study sensitive groundwater areas.

We noted that cities are running out of water and need to increase their water supply or wastewater management capacity. So in the end, we hope that this plan, which here's a paper copy of it. It's over 200 pages long, but luckily we also made CDs that are easy to use. You click on the table of contents and you jump to whatever city you're interested in, and so these are also available and we will be supplying these to all of the city that cooperated with us in this program. And I'll be making a presentation to the planning commission on July 8<sup>th</sup> on this program, so they'll be aware of what's available. So, I'll be happy to answer any questions you might have and will be sending this off to KDHE to complete our grant. Thank you."

**Chairman Winters** said, "All right. Susan, a couple of comments, but I'll turn it over to Commissioner McGinn."

**Commissioner McGinn** said, "Thank you, Mr. Chairman. This is certainly good information, Susan. And I noticed at the last slide it said lack of coordination, well I think that coordination has just begun. The work that you've done and put together I think is going to be valuable information.

Also, just last week or so, the REAP organization started their embracement of the REAP Water Working Group and it's a coordination of many different units of government, public water supply, rural water supply working together to preserve and make use of one of our most precious resources, which is water.

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And then also, making sure that we're using it efficiently and effectively and it's going to be . . . we're able to clean it in a cost beneficial manner. So I think it's important that the information you have and maybe already has gotten into the hands of this REAP Group organization. The one thing, through the REAP organization and looking at what they've proposed, I think the one area that I think that they lack in is just some kind of coordination between the rural area and the agricultural community, I think. Even though the focus may be different, I think you still have to coordinate and communicate goals there and so that they can work together.

The other comment I was going to make, you'd talked about people that live in the rural area, you know they can drill a well. And I happen to have, in my time as county commissioner, two phone calls from people that have got their piece of ground out in the county, started building their home, then dug the well, only to find out they did not have water. Then they called and found out, with the rural water district, that it's not a matter of just hooking on because if the line does not come down to their area, they . . . and there's no housing in between, they have to take in that total cost to put that line in.

And so I think that's one bit of information that our community needs to understand, when you move to the country, the first thing you need to do is make sure you have water. The second thing you need to do is find out how you're going to use a waste treatment process, whether it's lagoon or whether it's alternative sewer or whether it's septic or even able to hook onto another community and do all that before you start building their home.

So, I think this is great information. It's something we've probably needed to do for a long time. It's going to help us plan, as we grow in Sedgwick County and it's going to help other people plan, just in building their own, individual home or that kind of thing, but also to make sure we're making best use of one of the best and greatest resources, and that is water. Thank you."

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

**Commissioner Sciortino** said, "Susan, I learned a lot by reading this, but I guess I wonder if we look at this and we see that city 'x' looks like it's in real deep doo-doo because they're not . . . do we have any authority to force them to change whatever they're doing? Can we force them to, you know, 'You need to make sure that you have at least ten years supply of water'. I mean, is there any authority that we have over incorporated cities as to how they decide to handle their water needs?"

**Ms. Erlenwein** said, "Not that I'm aware of. That may be a better question for Legal."

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**Mr. Rich Euson**, County Counselor, said, "I'm not aware of any."

**Commissioner McGinn** said, "But I think KDHE has a lot to say about the future destination and I think they're the sole source that the cities have to work with."

**Ms. Erlenwein** said, "The Kansas Water Office."

**Commissioner Sciortino** said, "Okay. Then why did we do this study? I mean, now that we have this study, what can the county do with it?"

**Ms. Erlenwein** said, "One part of the study was the fact that the state really wanted to find out this information. That's why they provided the grant to us, to help them. And in working with the Planning Department, making sure the planning department has the information, as developments occur out in the county, they can refer to this to determine where the water is, where the wastewater is and help lead people to make sure that there is capacity before they make a mistake."

**Commissioner Sciortino** said, "Okay. And I guess the other question I have is just sort of a . . . where are we on alternative sewers?"

**Ms. Erlenwein** said, "Representatives from Code Enforcement are here and I think that's in their area of expertise, so if you'd like information, one of them could step up."

**Commissioner Sciortino** said, "Well, maybe somebody could give us all . . . I'd like to know . . . I don't know where we're at."

**Commissioner McGinn** said, "It was my understanding, at one of the staff meetings, that we're supposed to be having a report here in the next week or two. Is that correct?"

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

**Commissioner Sciortino** said, "Okay. That's good. Thank you, that's all I had."

**Ms. Erlenwein** said, "More to come."

**Chairman Winters** said, "Is that it, Ben? Commissioner Norton."

**Commissioner Norton** said, "Well I think there's the bigger issue, with this kind of report, and obviously KDHE and the Division of Water Resource and Water Office want this information. But I think we, as elected officials, need to stay ahead of the game, because I don't think anybody would debate that we were one or two droughts away from having major problems in the State of

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Kansas. I mean, if you look at western Kansas right now, some of their aquifers are dried up because of heavy pumping and irrigation and drought and other conditions. There's some major problems in probably half of Kansas. So far, we've dodged that bullet but it doesn't take you too many reports of Zebra Mussels at El Dorado Lake and now the City is worried about it for Cheney Lake. Those are all water supplies that could maybe not be poisoned but certainly be at risk to be used for citizenry. I think water is going to be a huge issue in the next twenty, thirty years and not only just for the health and well-being of the citizens who live here, but it is an economic development issue.

I mean, if you don't have water to grow and to supply industry, you're going to have a problem developing the kind of community that you want and grow that industrial base, so I think this tips us off a little bit as to what the state of our community is now, but I think there is a bigger issue that we really are going to have to be engaged in and that is where does the water come from for 50 years from now. And I'm sure we'll be engaged in that dialogue, as we try to struggle through that.

Obviously, REAP is very engaged on that, when you talk about the lake down in Cowley County and that didn't gain legs but it won't take too many more years before people will quit fighting about water and decide that we better all be on the bandwagon together, because you can say that you've got small communities that want to have their own identity and they're going to fight for their own water, but truthfully, all the water is in the ground and everybody is going to have to share it somehow and make sure they don't create unintended consequences for other entities and communities. So, huge issue, I think this is just kind of the state of our community, but it's going to change over the next twenty, thirty years. Thanks, Mr. Chair."

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

**Commissioner McGinn** said, "Thank you. Well, Commissioner Sciortino asked why we were doing this and I guess I look at this as local government being proactive. You know, four years ago we argued about what smart growth was and a lot of people thought smart growth was 'I don't want to develop anymore, I don't want to grow' and that kind of thing and it wasn't based on any substantial, hard facts. And I think what we're seeing today is the first step in smart growth. It's not about whether we do or don't want to grow. It's about ensuring that development happens in the appropriate places and that it doesn't occur where we have very . . . you know, where our most natural and sensitive resources are, so we need to know where those areas are.

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And I know, when I first became a commissioner was the beginning. We started looking at wetlands and those kinds of things and so now we're looking at providing water supply to cities, communities, even rural areas and also how we handle that wastewater. And so, to me, this is what's called smart growth and this year we're actually looking at updating our comprehensive plan and I think this is an excellent tool to be a part of that. So, thank you."

**Chairman Winters** said, "All right, thank you. Commissioners, any other comments? Susan, would you mail either the hard copy of the disk to Keith Lyne, the Executive Director of REAP at WSU so that working group can have a copy of that?"

**Ms. Erlenwein** said, "I'll do that."

**Chairman Winters** said, "All right. Any other questions or comments?"

**MOTION**

Commissioner McGinn moved to Receive and file.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, Susan. Good report. Next item."

**Commissioner McGinn left at 11:08 a.m.**

**I. PUBLIC WORKS.**

- 1. MODIFICATION OF PLANS AND CONSTRUCTION WITH RITCHIE PAVING, INC., REQUEST NUMBER ONE AND FINAL, FOR PRAIRIE CROSSING ADDITION PROJECT. DISTRICT #3.**

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**Mr. Spears** said, "Item I-1 is a modification of plans and construction, request number one and final, with Ritchie Paving, on Sedgwick County project Prairie Meadows [sic] Addition, street improvements. The modification will decrease the contract with \$3,859. All costs of the projects are to be paid by the properties in the benefit district through special assessments. I recommend that you approve the modification and authorize the Chairman to sign."

**Chairman Winters** said, "David, you referred to it as Prairie Meadows. It says Prairie Crossing Addition in our . . . are we talking about the same place?"

**Mr. Spears** said, "Hang on, I'll check that. It is Prairie Crossing Addition, that is correct."

**Chairman Winters** said, "All right, any other questions or comments?"

**MOTION**

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

Commissioner Unruh seconded the Motion.

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

**VOTE**

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

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

- 2. SUPPLEMENTAL AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY BRIDGE PROJECT 821-J, K, BRIDGE ON BROADWAY OVER THE BNSF RAILROAD AT 45<sup>TH</sup> STREET NORTH. CIP# B-310. DISTRICT #4.**

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**Mr. Spears** said, “Item I-2 is a supplemental agreement with KDOT regarding the bridge on Broadway, over the BNSF railway. This supplemental agreement is to Sedgwick County’s advantage.

The project is an 80/20 split for both construction and construction inspection, which is now referred to as construction engineering. After the construction engineering phase gets to 10% of the construction cost, KDOT will pay for 100% of the construction engineering, from that point until the project is finished. I recommend that you approve the agreement and authorize the Chairman to sign.”

**MOTION**

Commissioner Sciortino moved to approve the Agreement and authorize the Chairman 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	Absent
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Commissioner McGinn returned at 11:10 a.m.**

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

**CONSENT AGENDA**

**J. CONSENT AGENDA.**

- 1. One Easement for Drainage and one Easement for Right-of-Way for Sedgwick County Project 634-E1/2 30, 31, 63<sup>rd</sup> Street South from Buckner to Rock Road. CIP# R-237. District #5.**

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2. **Addendum to audit contract dated November 12, 2003.**
3. **Line item adjustments for Functional Family Therapy Program and Community Truancy Immunization Project, to be submitted to Kansas State Juvenile Justice Authority.**
4. **Ratification and confirmation of the action of the Sedgwick County Board of Canvassers Meeting Friday, June 11, 2004.**
5. **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:

Mills Estates Addition

6. **Order dated June 16, 2004 to correct tax roll for change of assessment.**
7. **Payroll Check Register of June 18, 2004.**
8. **General Bills Check Register(s) for the week of June 16 – 22, 2004.**

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

**MOTION**

Commissioner Sciortino moved to approve the consent agenda as presented.

Commissioner Norton seconded the Motion.

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

**VOTE**

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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, "I do not believe we need an Executive Session?"

**Mr. Euson** said, "No, we do not."

**Chairman Winters** said, "We do have a Fire agenda, so we'll come back to do 'Other' business. At this time, I will recess the Regular Meeting of June 23<sup>rd</sup>, 2004."

**The Board of Sedgwick County Commissioners recessed into the Fire District #1 Meeting at 11:11 a.m. and returned at 11:13 a.m.**

**Chairman Winters** said, "Is there other business to come before this Board? Commissioner Unruh."

### **K. OTHER**

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I just want to let everybody know that there's a big parade going on this Saturday in Kechi, Kansas. Yeah, it's the third opportunity I've had to be involved. It's a great time. Mayor Parker and his council persons and their staff put on a great morning and well, the whole weekend is a great weekend. They have a fair up there and arts and crafts and . . ."

**Commissioner Sciortino** said, "Any food?"

**Commissioner Unruh** said, "Oh, there's food. They've got a big breakfast going on Saturday morning, the Mayor's Breakfast. We're going to have a good time and I think Commissioner McGinn is going to ride in that parade."

**Commissioner Sciortino** said, "Hey, that's nice of her to support your district. That's nice of her to do that."

**Commissioner Unruh** said, "She's very nice, yes. That's all I have, Mr. Chairman."

## **Regular Meeting, June 23, 2004**

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

**Commissioner McGinn** said, "That's all I was going to add, is talk about Kechi Days as well. I plan to be out there and put Dave in the appropriate tee-shirt."

**Commissioner Unruh** said, "I'll wear the appropriate tee-shirt."

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

**Commissioner Norton** said, "Friday night is Relay for Life at Collegiate High School. Janet Baptist, who is one of our people out of the Appraiser's Office is very involved in that and I think I'll be out there giving the big kickoff keynote speech, but I would encourage anybody that has been affected by cancer in their family or have a loved one who has had that issue, to come out and support the Relay for Life at Collegiate at 6:30."

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

**Commissioner Sciortino** said, "Well, I just wanted to ask Commissioner Norton a question. He's very humble and what have you. Rumor has it, you shot a 72 at the Haysville Chamber of Commerce Golf Outing and that was because you decided not to play the back nine?"

**Commissioner Norton** said, "We did much better because you didn't show up."

**Commissioner Sciortino** said, "It was raining, it was thunder and lightening. I'm not going to come in the rain."

**Commissioner Norton** said, "Well, and we know that you're so sweet, you would have melted."

**Commissioner Sciortino** said, "How did it go?"

**Commissioner Norton** said, "We had a great time and I don't think . . . we didn't win any prizes, but we certainly weren't last and we had a good time and a good time was had by all."

**Commissioner Sciortino** said, "Next year put me down, I'll try to make it."

**Chairman Winters** said, "All right. Just a couple of comments. One thing, this Monday morning I did have the opportunity to go out to the Marriott and welcome the Government Management Information Services group. This is a group of there were probably 150, 175 people at all levels of government that are involved in information technology that were meeting here in Sedgwick

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County, as they meet every year. And there were probably 23 or 4 states represented. Thought it was interesting, they asked how many of them this was their first trip to Kansas and the big majority of them, it was their first trip to Kansas. And so . . .”

**Commissioner Sciortino** said, “Oh, this was a inter . . . national thing.”

**Chairman Winters** said, “There were four foreign countries represented in the group also, and I know they’re concluding their conference this evening. I know, yesterday afternoon and evening they were out at the Sedgwick County Zoo, so I pumped it up to them pretty good, Commissioner Unruh. So, I hope they had a great time out at our zoo, but these are really high technology people and we’ve got our staff involved with them, so we were pleased that they selected Wichita to have their conference.

All right, Commissioners, is there anything else that needs to come before the Board? All right, that concludes our business for the day. We’re adjourned.”

### **L. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:15 a.m.

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

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

**Regular Meeting, June 23, 2004**

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

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

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**CAROLYN McGINN**, Commissioner  
Fourth District

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**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

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, 2004