

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 22, 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, September 22, 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. Richard Vogt, Chief Technology Officer, Division of Information and Operations; Mr. Bill Meek, Register of Deeds; Ms. Kristi Zukovich, Communications Director; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Ron Holt, Director, Department of Culture, Entertainment and Recreation; Mr. Brad Snapp, Director, Housing Department; Mr. Michael D. Pepoon, Director of Government Relations; Mr. Tom Pletcher, Clinical Director, Comprehensive Community Care (COMCARE); Mr. Tom Pollan, Director, Emergency Medical Services; Mr. John Nath, Director, Kansas Coliseum; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Ms. Frances Ervin, Educational Opportunities Center, Wichita State University.
Mr. Jim Youngers, President, Farm Bureau Agricultural Association.
Mr. David Lies, Owner, Lies Trash Service.
Mr. Ray Vail, 21811 LaVista, Goddard, Ks.
Mr. Wayne Maas, 21901 LaVista, Goddard, Ks.
Mr. Terry Smythe, Agent for Applicant, Baughman Company.
Mr. Rob Hartman, Agent for Applicant, Professional Engineering Company.

INVOCATION

The Invocation was led by Pastor Scott Goltl of Ascension Lutheran Church, Wichita.

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES: Regular Meeting, September 1, 2004

The Clerk reported that Commissioner McGinn was absent at the Regular Meeting of September 1, 2004.

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

MOTION

Commissioner Norton moved to approve the Minutes of the Regular Meeting of September 1st, 2004.

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	Abstain
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, "Next item."

PROCLAMATIONS

A. PROCLAMATIONS.

1. PROCLAMATION DECLARING SEPTEMBER 20 – 26, 2004 AS "ADULT LEARNERS WEEK."

Chairman Winters said, "Commissioners, we have a couple of proclamations this morning. The first one I will share with you now.

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PROCLAMATION

WHEREAS, adult education takes place at the workplace, schools, community colleges, universities and special workforce development centers; and

WHEREAS, adult education is more than GED prep and volunteer reading programs. Focus is centered on entry level employment skills most of us take for granted. The impact of adult education lasts longer than just the traditional 40 plus hours of the work week; and

WHEREAS, adult education helps adults learn to read to their children, assist with their children's homework, and stay informed about issues that impact their daily lives; and

WHEREAS, the Educational Opportunity Centers Program hosted by Wichita State University and working in cooperation with surrounding educational institutions and community-based agencies to provide education related assistance to 1,000 adult learners seeking to improve job opportunities through education.

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim September 20-26, 2004 as

'Adult Learners Week'

in Sedgwick County and encourage institutions of higher education and community based organizations to continue to promote and widen access to post secondary learning opportunities for adults.

Commissioners, that is the proclamation. What's the will of the Board?"

MOTION

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

Commissioner Norton seconded the Motion.

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

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VOTE

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

Chairman Winters said, “And we have with us Frances Ervin, Educational Opportunity Center, WSU. Frances, it’s nice to have you here.”

Ms. Frances Ervin, Educational Opportunity Center, Wichita State University, greeted the Commissioners and said, “Thank you very much, Commissioners. And I am also here with Mary Jo Waddel, who is the Chairman of our EOC Advisory Board. I’d like to thank you, on behalf of the thousand adult learners and workers that we are currently serving. Our program, the Education Opportunity Center, is entering its third year. We are a \$1,000,000 grant, funded through the United States Department of Education and we are seeing great progress with the adult learners and honoring them this week for the progress that they are making. So thank you again for allowing us to recognize and support those adult learners through this proclamation.”

Chairman Winters said, “All right, thank you. We have a question or a comment. Commissioner McGinn.”

Commissioner McGinn said, “Just a quick question. How . . . you said a \$1,000,000. Is that renewable every year for how many years, or . . .?”

Ms. Ervin said, “It is for five years, until the year 2006.”

Commissioner McGinn said, “Okay. Well, thank you for all that you’re doing and I know others who have participated with your organization and it’s a great opportunity for adults to go back and educate and retrain themselves. Thank you.”

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

Commissioner Sciortino said, “Yeah, let’s just . . . for example, if someone is watching this or watching one of the rebroadcasts, and all of the sudden, . . . you know, maybe I need to do something, how do they get a hold of your organization, find out the information they need, so maybe they can get on their way to educate themselves a little better. How would they make contact with you?”

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Ms. Ervin said, "They could contact us by calling us at 978-7800, again 978-7800, or they are invited to go to our website, Wichita.edu/eoc and they could learn all about this program and also apply online at that time."

Commissioner Sciortino said, "Okay. So, then they would find out what requisites they need or what they have to be to qualify for the program and all that information?"

Ms. Ervin said, "Yes, all of the eligibility criteria is there, service components, information about our staff and other links for adult learners will also be listed there."

Commissioner Sciortino said, "That's great. Okay, thank you so much."

Chairman Winters said, "All right, thank you both for being here. Next item."

2. PROCLAMATION DECLARING SEPTEMBER 19 – 25, 2004 AS "NATIONAL FARM SAFETY AND HEALTH WEEK."

Chairman Winters said, "All right, Commissioners, our second proclamation concerns Farm Safety Week and I need to set this up for just a moment, if I could. We are going to have this proclamation in this regular meeting and there are a number of folks here from the Farm Bureau who are going to make a presentation, donation to the Fire District. So we'll do this proclamation, then we're going to recess this Meeting, get into the Fire District meeting and recognize the Farm Bureau folks and we'll have all of our discussion in that Fire District meeting, if that's all right.

All right, here's the proclamation.

PROCLAMATION

WHEREAS, Sedgwick County's farm and ranch families make many sacrifices in order to meet the demands of production of crops and livestock; and

WHEREAS, Sedgwick County's farmers and ranchers expose themselves to many workplace hazards; and

WHEREAS, these families must always be aware of these risks as they operate farm machinery, apply agriculture chemicals and fertilizers, work with large and often unpredictable livestock, and work in environments where the air can be contaminated with toxins that can affect their health; and

WHEREAS, the theme for this year's 'National Farm Safety and Health Week' is 'Agricultural

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Safety & Health Yields for a Lifetime’.

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim September 19-25, 2004 as

‘National Farm Safety and Health Week’

in Sedgwick County and I call upon those agencies, organizations and businesses that serve our farm and ranch families to strengthen their commitment to promote farm safety and health programs.

Dated September 22, 2004.

Commissioners, that is the proclamation.”

MOTION

Commissioner McGinn moved to adopt the Proclamation 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	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “And we do have Jim Youngers here, is the President of the Sedgwick County Farm Bureau, and Jim, we’re going to talk a little more later on, but we certainly want to present you with this proclamation recognizing Farm Safety Week.”

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Mr. Jim Younger, President, Sedgwick County Farm Bureau Agricultural Association, greeted the Commissioners and said, "Thank you, Tom. We appreciate it and we appreciate everything the Sedgwick County Commissioners do with us and work with us closely on a lot of the issues through the County.

And today we are here to donate a set of air-jacks for the Sedgwick County Fire Department and hopefully it will give them another source, when they get out into the farm, agriculture area, if something happens they can use them, where need be and actually they can use them in a lot of other situations. We've got a lot of small communities out there that have medium sized tractors and stuff like that and just here the other day we heard about another roll-over accident and this is something that's going to help that immensely, when it comes to situations like that."

Chairman Winters said, "All right, well Jim we're going to recess our meeting, if you want to just stay right there and be ready, at this time I'm going to recess the regular meeting of September the 22nd."

The Regular Meeting was recessed into the Fire District Meeting at 9:17 a.m. and returned from recess at 9:30 a.m.

B. RECESS TO THE SEDGWICK COUNTY FIRE DISTRICT #1 AGENDA

Chairman Winters said, "Madam Clerk, call the next item."

AWARDS

C. PRESENTATION OF THE 2004 NATIONAL ASSOCIATION OF COUNTIES ACHIEVEMENT AWARD FOR MORTGAGE REGISTRATION TAX DUE CALCULATOR – REGISTER OF DEEDS.

Mr. Richard Vogt, Chief Technology Officer, Division of Information and Operations, greeted the Commissioners and said, "Over the years, the National Association of Counties has honored Sedgwick County for several technology innovations and this year is no exception. This year NACo is recognizing the county with the 2004 achievement award for technology for our mortgage registration tax due calculator web application. I had to say that about three times to get it all out.

The person in DIO most responsible for this application is Jon Peterson, who today is behind the scenes. He's not here, but he's behind the scenes making sure that the e-video broadcast of this meeting goes off without a hitch, but I know he's watching, I hope he's watching, somebody is there, so Jon congratulations on this award.

But every application also has a champion in our customer community, somebody who comes up

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with the idea, pokes and prods and pushes to make it happens, convinces the technology review committee of it's worthiness and for the mortgage registration tax due calculator, that person is the Sedgwick County Register of Deeds Bill Meek. And Bill is with us today and I also see that the Deputy Register of Deeds is with us, Linda Kizzire. So, Bill and Linda, congratulations on this award and on this excellent idea."

Mr. Bill Meek, Register of Deeds, greeted the Commissioners and said, "Thank you very much. Three things had to be in order for this award to be given. One, we had to have a problem and we did have a problem. Two, we had to have a solution. And the third and the most important was that we needed a technical group to put this program together.

The cooperation that DIO gave us and the cooperation that DIO gives a lot of people is outstanding, and that's the key in this entire pres . . . this is the reason for this award. Without their cooperation and their help and their understanding, in understanding the problem we couldn't have got this. You've got a great group in DIO and you should be proud of it. This is the best county for people working together.

Not only has this helped us in our accuracy and allowed us to do things quicker, faster and cheaper. It is now the standard for the state. We have other register of deeds using this website to calculate. We have people from other states, banks, mortgage companies using this calculation. It's a very complex calculation and it's hard to do and I thank you very much for the award. But I thank you very much for the support that we have with all of the different county departments here in Sedgwick County. Thank you."

Chairman Winters said, "All right, thank you Bill. We appreciate all your work. Commissioner McGinn."

Commissioner McGinn said, "I just wanted to say thank you to the register of deeds because he and his staff are always looking for ways to save us money here at the county and to improve the systems and he has done a tremendous job since he's been here at Sedgwick County, so thank you for continuing to look for those improvements."

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

Commissioner Unruh said, "Thank you. I just wanted to express my appreciation for creating an

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innovative approach to problems so we can come up with workable solutions and then the can-do attitude of our technicians to get it done, once an idea has been expressed. So, it's teamwork and I think this sort of attitude is pervasive throughout county government and it's something we can all be proud of and we're proud of you."

Chairman Winters said, "All right, thank you all very much. Next item."

D. PRESENTATION OF 2004 NATIONAL ASSOCIATION OF COUNTY INFORMATION OFFICERS AWARDS.

- 1. GRAPHIC DESIGN/BROCHURE – DIVISION OF COMMUNITY DEVELOPMENT BROCHURE**
- 2. ANNUAL REPORT – COMCARE 2002 ANNUAL REPORT**
- 3. GRAPHIC DESIGN – 2003 SEDGWICK COUNTY FAIR AD**

Ms. Kristi Zukovich, Communications Director, greeted the Commissioners and said, "This is the third year that we've had the opportunity to submit awards for the National Association of County Information Officers award of excellence and I'm pleased to say that this is the third year we have received recognition from NACo on our entries and makes us real pleased to have that.

They have a range of activities that you can submit communications programs. They include anything from graphic design for brochures, or advertisements, annual reports, speeches, newsletters, just a range of different communications ideas. And this year we chose to submit three: one for the Community Development brochure, one for a county fair ad because we do participate in the Sedgwick County Fair each year, and then also one for our COMCARE annual report.

And as much as it's always nice to receive awards and say, 'Look at what we've done', there's a whole bunch of other people who need to come up here and stand with me, because they are the folks who have made this happen, and I'd ask those folks to come forward. We have Bev Baughman from COMCARE and Debbie Donaldson, Division of Human Services and Brad Snapp from the Division . . . he's actually our Housing Department Director, but he is here on behalf of Irene Hart for the Division of Community Development and then also Tony Guiliano, who is our graphic designer. So, everybody kind of squeeze in closer here.

I've left copies of these for you all to look at again, just so you can remember that we have

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submitted the community development brochure and that was to help when Irene came to us and said, 'We would like to do something that shows the diverse services that we provide in Community Development, but we need to do something all in one document'. We don't have a lot of money to do things in a lot of different documents. And I guess on each one of these pieces, one of our challenges and one of our goals in Communications is to make sure that we are doing what we can in branding. And so each of these pieces, you'll see the Sedgwick County logo prominently displayed on the front, and the purpose of that is to say . . . let me see, here on our Community Development brochure, and you'll see it here on our COMCARE annual report and of course prominently on our county fair ad as well, you see that the county logo is prominent and that's the purpose is to get that logo out there. And so, when folks see that logo, they understand immediately that regardless of which service they are receiving, that they are receiving quality public services.

So, that is one of our goals from the communication end, but we need the folks from the divisions and the departments to be the sponsors and the folks that understand, 'How can I get some help to get my message across to the citizens', how do I get that information out there.

And I guess the other piece that I'd say is you know, as much as it's nice for us to have recognition from Communications, from our national professional organization, the other piece is to show that we do have the support and the interest from our divisions and departments who say, 'We understand that this is a resource for us to use to help us do our jobs better'. And so, by us doing these types of activities, the rewards for good work and for awards are more work and we're always glad to get that. We know quite frequently that folks have a specific message to get across and our task is to help them in whatever way we can.

And so, I'd like to recognize all of these folks for being champions and sponsors and understanding the value of our resource and of our communication office and how we can help them behind the scenes in doing the direct services that they offer in promoting those.

And so again, from the National Association of County Information Officers, we've received recognition on three of our entries, all three entries that we submitted and I just ask that you receive and file and help me thank these folks for being part of our organization."

Chairman Winters said, "All right, thank you all. Dave, did you have a comment?"

Commissioner Unruh said, "Well, I was just . . . I was going to start applauding, but I would also like to say, oftentimes this sort of creative activity we take for granted. I mean, you've set a

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standard of excellence that's very high and we just expect to work. And as you said, the reward for good work is more work, and so you're going to be overloaded, because this is an example of some really excellent, creative thing that does us all proud."

Chairman Winters said, "All right, thank you all very much, we appreciate it and congratulations on your award. Commissioners, do we have a Motion to receive and file?"

MOTION

Commissioner Unruh 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, "Call the next item, please."

PRESENTATION

E. PRESENTATION REGARDING CURBSIDE RECYCLING.

Chairman Winters said, "And we have David Lies with us this morning. Welcome, David."

Ms. David Lies, Owner, Lies Trash Service, Wichita, greeted the Commissioners and said, "We've been in the waste industry in the greater Wichita/ Sedgwick County area since 1961 and at this time we are continuously growing the size of our company. We've been doing recycling since probably the early '80. There's never been as big a push for recycling as there is today. Every time we pick up the newspaper, there's talk of it. The commissioners have talked about it, particularly in the city and you had a plan about recycling that's never taken effect.

So we thought it was our obligation, as being the largest locally owned independent hauler in this area, to move forward. Originally, our recycling program was \$3.00 a month, pick it up curbside

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and did it once a week, but the talk was always that people should not have to pay to have their recyclables picked up and hauled away because they feel that, you know, it reduces the amount of trash they throw away and the profit value of the product. Well, the problem is there's not much profit value in the product itself.

So that's why companies have always struggled, whether they're small, the national companies, or whoever, on having a more prominent plan for recycling, so we went ahead and took the initiative, after talking with Dave Unruh, I've spoken with Commissioner Norton and Sciortino and Susan Erlenwein and Environmental Health, the board that I sit on in the county, so we have changed our program.

We started it August 1st, there was an article in the paper at that time and what we've done is we've changed our program to two times a month, lowered the rate to a dollar a month, which means we're coming to your house, picking up your product for 50 cents every time we come out.

I'm hoping that will address the issue of it always being too much, the three dollars or four or five, whatever it was from the companies, was previously too high, but at a dollar a month, maybe that will, you know, encourage more people to do recycling and at this point it has. We've had about a 50% increase in that first month in the amount of customers that we've done and then we've always had the same amount of customers for over 20 years.

You'll get some new ones added on and then after a while they'll get tired of doing it and drop the program, so we're hoping this will get more people in Sedgwick County to recycle. And at this time, anywhere we haul in Sedgwick County we offer curbside recycling, and that's not been the case in the past. If you was out five miles outside of Wichita, you could not have curbside recycling, but with our new program, we will.

We've got customers in Cheney, we've got them in Garden Plain, we've got them out on farms outside of Cheney, which is quite a ways from Wichita. So, we're just trying to take the initiative, because it's always said the haulers are never doing their part to promote recycling, so we're stepping up because everything we do revolves around Wichita and Sedgwick County so we felt it was in our best interest to step up, because our largest two competitors are both out of state corporations, and they were not stepping up.

So we started that plan August 1st, as I said, so I wanted to come before the commissioners, let them know our goal is to, hopefully, as we encourage more people, we have a greater participation rate. That maybe, once we can start breaking even, probably at this point we're losing 40 to 50% on

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every house that we do recycling, but if we can get more customers to do it. We have worked with Weyerhaeuser. They now are paying us for every product we take in there. Before we started the new program, we got paid for none of it. So that has helped. Our goal is to get it where curbside recycling will be free, it will just be part of your trash rate, which we're pretty close now at a dollar.

So we will keep striving to gain more customers. I mean, we can take as many customers in Sedgwick County as we can get, so if we get 10,000, fine, we'll handle the 10,000 but we're a long ways from there. So, I just wanted to let you know, because it always comes back and every time you read that the haulers are doing nothing about the problem we have, so we're striving to fix that and if we can get it for free, as part of the price of trash service, that right in line with the county plan on recycling. So I just wanted to come up today and let you know that we're trying to do something about the problem and you know, if we can just have some time on fixing it before it becomes mandated or whatever has to be done. I know there's been people speaking with you about mandating it county-wide, so I just wanted to let you know that we're working on this program to try to fix that problem."

Chairman Winters said, "All right David, thank you very much. We've got several questions or comments. Commissioner Sciortino."

Commissioner Sciortino said, "Well, one is just a comment. David, I'm real proud of you. You know, you're a locally owned company. You've been in the community for over 40 years and you're proving once again that there is a lot of merit by locally owned companies that are part of the community, because I doubt if a large corporation would take as bold a step as your family is taking just to prove that you're a good corporate citizen.

The second thing is, if you ever get a route in my neighborhood, you give me a call, I'm switching immediately to your service because I appreciate what you're doing for the community. And if anyone is out there thinking about what type of a service, who they should go to, I'm encouraging you to look at a company whose roots are sunk deep right here in Sedgwick County and all of their money stays here in Sedgwick County. And I can't compliment you enough.

One thing I think needs to be clarified, naturally, someone with the competitor couldn't call you and say 'Hey, I want to stay with this hauler but I want your 50 cents pickup'. They have to be a customer."

Mr. Lies said, "Yeah, they have to be a customer of the trash service."

Commissioner Sciortino said, "Okay, I wanted to make sure people understood that. And at 50 cents a pick up, as far as I'm concerned that's free. I mean, you can't get a person to drive a truck to your home to do anything, even to say hello, without it being 10, 15, 20 dollars. So, as far as I'm concerned, 50 cents a pick up is free and I can't think of anything more easy than to put whatever it

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is that you're wanting to recycle in one of those little bins, take it out to your curb and have David or one of his haulers come by and pick it up and dispose of it in an environmentally safe way. Thank you again, very much, on behalf of all the citizens of Sedgwick County."

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

Commissioner Norton said, "Well, my compliments too. As we wrestled with landfills and solid waste disposal and recycling, it really put some stakes in the ground to try to change how we do things.

One of the things we've always talked about and I've advocated is we don't want to mandate recycling and make people on fixed incomes and low incomes have to pay it, whether they use it or not. And I always had faith that the private sector somehow would figure it out.

Now, I wasn't sure that it would be the little guy, the home owned guy, that would figure it out. I thought it would be the big corporation that has a lot of power in numbers, but good for you, because this is exactly what we in government wanted, was the private side to step up, that knows that there's a profit in it, that knows that they have to serve their public, and it is your public too because anybody that has trash service deals with you as a business, this is what we ultimately hoped would happen.

And it is going to, I think, revolutionize part of the recycling area in our community. Now there's some other things that we need to do, but this certainly starts it in motion, to get it down where the private side is taking care of it and government doesn't have to step in and mandate to every person what their abilities are about recycling and what their values are on recycling. Now they have the ability to do it that's cost effective and easy, without government stepping in and telling them what they have to do, and I really appreciate that David. That's all I had."

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

Commissioner McGinn said, "Thank you. David, I didn't quite hear where all you're located at, like do you go to the north central, northwest part of the county?"

Mr. Lies said, "Currently, we haul the majority of Wichita. Now, we're not on the north side of the county at this point. We've been expanding. We started in the south. We took in Haysville, Derby, Mulvane, Peck. Now we're worked around, got Goddard, Cheney, Garden Plain and then we're going to come around the north side and start working around that corner."

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Commissioner McGinn said, "Do you have differential rates, depending on where you live?"

Mr. Lies said, "No, it's the same rate."

Commissioner McGinn said, "Okay."

Mr. Lies said, "So everybody, whether you're in the county . . . like when we went to Cheney, that was a big issue with folks in Cheney, when I talked to the council out there and the city manager. The people in the county were paying \$20 more for a quarter than the people in the city. So we went out and our program was the same rate, whether you were in the county or the city so whether you're on the county border, at 159th East, you're paying the same as somebody that lives in Wichita. You have the same rate, no matter where."

Commissioner McGinn said, "Well, good for you. I have a friend out there that shared what their rate was and it was outrageous, so I'm certainly glad to see that you're in that area. And I couldn't agree more with what my colleagues have already said, and so I won't repeat that, but I will also share too, let us somehow know if you start moving up further north, so I'll certainly want to take a look at that myself."

I too want to say thank you for stepping up to the plate. Commissioner Winters and I went to Fort Collins, I want to say four or five years ago and went to their plant and for some reason this never seems to get reported, but when we asked them, 'When you went from you know the original plan, you had no recycling, to curbside recycling, I said, what did the haulers charge?' Did in increase, you know, what happened, how much did it go up. And they said it didn't have an increase and I asked, 'Well, why was that?' and they said, because we're in a competitive market and they didn't want to lose any customers and that was my hope here back home for that same type of thing to happen and I think that there are some haulers out there that certainly have the margin and the capability of doing this.

And the only reason I share that and feel that way very strong is about 18 months to two years ago, I got my bill and it says, 'We've had to increase our price because fuel prices have gone up' and then fuel prices went down, but my bill did not go down. Eighteen months later, the prices went back up to the same place they were 18 months ago. I got another notice, 'Your bill has gone up because of

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fuel prices'. And so that's very disturbing, which makes me think it's not just about fuel prices. It's an opportunity to increase our price and have a lot more margin.

So thank you very much for stepping up. I think Commissioner Sciortino's comments about the fact that you are a local community and you care about this community and you're keeping your money in this community I think goes a long ways for why you're doing what you're doing and hopefully maybe others will follow as well. Thank you."

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

Commissioner Unruh said, "Thank you, Mr. Chairman. I will try not to repeat everything my colleagues have said, but I want to compliment you also for your initiative. I know that part of that comes from your community spirit, wanting to do what's right for our community, and also I realize that you're a business man and part of this is somewhat of a preemptive strategy here so that we don't make a move that gets in the business and affects you in a negative way. So on both cases, I think we need to be aware of what's going on here. But you've kind of taken the initiative and thrown down the gauntlet and said we'll make this work and you've crunched the numbers to make it happen.

But have your competitors responded in any way? I mean, do you have others that are meeting your challenge?"

Mr. Lies said, "I know, when some of the new customers call up to sign up for service for trash and recycling, they've made the comment that the company they previously used was lowering the rate for recycling to match ours and some of them even offer to give it to them for free, but they went ahead and changed because if we would have made the initiative, they would have never made that offer. So they went ahead, I've heard that from customers who have called. You know, and the fuel surcharge that is a huge issue that revolves in that."

Commissioner Unruh said, "Well, I appreciate that you've been a catalyst to make a lot of positive things happen for the community and for those who . . . you know, this has been a big issue and for those who are particular passionate about it, I think now they can see that they have opportunity for free, with the county program, to a buck, nearly free with your program, to I suppose up to five dollars, depending on what sort of program they want to enroll in, but the point I'm making, the

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options are there and you've helped solve what some would describe as a crisis issue and it just offloads some of that pressure. Appreciate what you've done."

Chairman Winters said, "Commissioner Sciortino."

Commissioner Sciortino said, "Yeah David, just a couple of things. Let's just say somebody is listening, that's a stretch, but . . . and now all the sudden they're interested in making contact with you, put a little plug, what phone number do they call if they want to find out whether or not you can serve them?"

Mr. Lies said, "The number is 522-1699 and you can speak with anybody in the office and they'll let you know if we're in the area or when we're going to come to the area."

Commissioner Sciortino said, "And that's another thing, not to ask you to divulge your business plan, but how many customers do you need in a square mile area or whatever to make it profitable to have a new route. I mean, is there a number?"

Mr. Lies said, "We don't really go by, you know, a number amount. We just, as we get into the new area, get established, then we move to the next area and we start working to get established."

Commissioner Sciortino said, "Well, as you probably know, I live real close to 143rd and Kellogg. When you're out there . . ."

Mr. Lies said, "We already service your area."

Commissioner Sciortino said, "You do?"

Mr. Lies said, "Yes."

Commissioner Sciortino said, "Oh, well then switch me immediately, I mean it, seriously, call me. I didn't know you were out there. Okay, bingo, I'm your new customer. Thank you."

Mr. Lies said, "All right, we appreciate it."

Chairman Winters said, "All right Commissioners, any other questions or comments of David?"

MOTION

Commissioner Unruh moved to receive and file.

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Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Winters said, “Thank you very much, David for being here.”

Commissioner Sciortino said, “I just saved four dollars a month right there. I like this. Who is up next.”

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

PLANNING DEPARTMENT

F. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

1. CASE NUMBER ZON2004-00036 – ZONE CHANGE FROM “RR” RURAL

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**RESIDENTIAL TO “SF-20” SINGLE-FAMILY RESIDENTIAL,
GENERALLY LOCATED WEST OF 215TH STREET WEST AND SOUTH
OF 21ST STREET NORTH. DISTRICT #3.**

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “I’m not here today to save you any money. I wish that were the case, but it’s not. What I am here today to do is present to you the first of two cases. The first one is way out to the west. You see on this larger perspective, how far out to the west of Wichita this particular proposal is.

The applicant in this case is seeking SF-20 zoning for a 21½ acre parcel. It’s currently zoned ‘RR’, as is most of the other property surrounding it in that vicinity. And his plan is to develop 17 one-acre lots on this property. The surrounding properties are all, as I had shown on the zoning graphic, zoned ‘RR’, Rural Residential, with the one exception being Tower Lakes Addition, which is about a half a mile northeast of this site.

Properties north of the site, across 21st Street North, are developed in approximately one and a half acre to over five acre single-family residential tracts. To the south is the Lake Vista Addition, containing over 40 lots. Agricultural land, farmsteads and single-family residence are located to the east and to the west of the site.

The final plat for this subject area, Lake Vista Addition, was approved by Metropolitan Area Planning Commission at its August 19th meeting, but that plat has not been released, pending the outcome of the rezoning before you today.

The MAPC heard this rezoning case on August 19th along with the plat. There were several people present that day that spoke in opposition to the rezoning, citing concerns about drainage issues. Drainage issues have been addressed as part of the platting. There’s a drainage plan that has been submitted and has been reviewed by the county Public Works staff and all indications are that that drainage plan will work for this site.

You do have a protest petition for the rezoning, with almost 23% of the properties within the notification area submitting protest petitions. The recommendation of the MAPC is for approval, subject to platting within one year, and I’m ready to answer any questions that you might have on this proposal.”

Chairman Winters said, “Commissioners, are there any questions of John before we move on?”

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John, would you back it up and leave it on the . . . one more, yeah, leave it right there, because we might want to talk about this slide later. Commissioners, if there's no other questions of John right now, this is not an official public hearing but it is our custom to take comment from citizens who want to address the commission. Are there any citizens who live in this area who want to talk about this issue? Are there any citizens here? Yes, please come forward sir."

Mr. Ray Vail, 21811 LaVista, Goddard, Ks., greeted the Commissioners and said, "And my concerns on this were the rezoning to SF-20, which in that zoning change allows lots up to 20,000 square feet, not the proposed one acre. Also, I'm on well water and this land is six to eight feet above grade from where I'm at and I'm looking at 16 to 17 septic systems draining down that grade, and also the washout of LaVista and Trailend Drive. But those are my three major concerns on this."

Chairman Winters said, "Okay, say those three concerns again, one more time."

Mr. Vail said, "The first one was the rezoning to SF-20, which after I checked allows a lot size of 20,000 square feet if you chose to go that way. The second concern was in the current layout, with the 17 houses, that would be 17 septic systems and I'm six to eight foot-grade down from that current land. And the third is the washout that currently happens on Trailend and LaVista Drive off that land."

Chairman Winters said, "Okay, all right, thank you very much. Is there anyone else who wants to speak? Yes, please come forward, give your name and address for the record please."

Mr. Wayne Maas, 21901 LaVista Drive, Goddard, Ks., greeted the Commissioners and said, "And my property comes right at the corner of Trailend Drive and LaVista Drive, right at the curb there. And presently, whenever we get any rain at all, the water that isn't held by the terraces, as you can see on the topographical map, the terraces that go in there are holding water back presently and keeping some of the water from washing right across the road presently.

And whenever we do have rain that comes down now, let's say just even an inch of rain, any water that isn't caught by that terrace, that main terrace there, goes directly across the road. It isn't even enough to go through the tubes that are presently there and it washes out straight across the road, right in that area, making the road very, very rough and that is a main concern that I have. I do also . . . have noticed, I've gone out and checked with the big terrace and it leads right into the house of the person on the east as well, and the terrace does hold water back there, keeps it from flooding his basement presently.

But the washout is one main concern. Another concern is the quality of water, the groundwater that we'll have if we do have septic systems put in over there on one-acre lots that they're planning. I know it

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was platted as a rural residential and they want to change it to an 'SF-20' and my understanding is that rural residential is two-acres, minimum of two acres and the 'SF-20' of course is about a half acre, and with that many more houses there and if they change any of the drainage of those terraces, I think we're going to end up with quite a severe problem as far as washout of that road and possible flooding near houses and thank you very much for considering this."

Chairman Winters said, "All right, thank you very much. Is there any other citizen here in the audience who lives in this area, wants to address the commissioners? Seeing no one, we'll limit that. John, would you come back up for a moment. I do see the applicant's agent in the audience, so I think the Commissioners may have some questions for him. But John, just help us remember again, what we're talking today about is land use and the zoning of this property. If the determination is made that this is proper land use, then the questions of drainage and how that will be handled is a process that technically will be addressed in the platting process. Is that correct?"

Mr. Schlegel said, "That is correct."

Chairman Winters said, "Talk to us for a moment about the SF-20 and maybe I just need to ask the applicant, but if you've been involved in any of the platting process, and you mentioned that it has been platted, what size lots has it been platted to?"

Mr. Schlegel said, "As I mentioned in my report, it's been platted in 17 one-acre lots."

Chairman Winters said, "Okay. I guess I do have some questions for the applicant's agent, if you'd please come forward. Can you visit with us, identify yourself for the record, and then visit with us, knowing that drainage is not necessarily a zoning issue but it's something that we are concerned about. Talk to us about the drainage of this property."

Mr. Terry Smythe, Agent for applicant, Baughman Company, greeted the Commissioners and said, "On behalf of the owner of the property, who owns the property in red, as well as the property to the west where the large lake is, the Schneiders.

Let me answer some of the questions. The current plat, and I've given you a copy of the drainage plan on a small scale. I apologize for all of us that need bifocals, it's 17 one-acre lots on this piece of property and if you look into great details on that plan, you can see all the circles and arrows, basically, that indicate where the water will go to in the future on the drainage issues.

With that, I digress a little bit, and go back to the zoning. This is 17 one-acre lots. If you look at

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the subdivision to the south, where the homeowners down there have concerns about drainage, if we were to plat that today I think we would have to ask for SF-20 zoning. There are some lots down there that are one and a half acres in size, maybe over two and then there are some lots that are less than a half-acre. So, I think that the zoning that we are proposing on our piece of property for the Schneider's is very compatible with the surrounding areas, as well as the property to the south. Again, I think I would have to ask for SF zoning if you were to ask me to re-plat that property down south.

In some cases, and actually in most cases, the SF-20 zoning is more restrictive uses than the rural residential district. There are four particular . . . actually five particular uses that are allowed in our district and not in the district that we are requesting: animal care general, animal care limited, land fill by conditional use, transfer station by conditional use and then grain storage. All those, in the current districts, would be allowed with the conditional use hearing case. But once we've zoned SF-20, we can't have those uses in that case. So we are actually going to a little more restrictive, in terms of those, what I call obnoxious uses.

This zoning request and the subdivision layout that you have in front of you of the one-acre lots I believe will actually improve the emergency access for LaVista and Trailend Road. You really can't see it, but the south end of Trailend that dead ends in a cul-de-sac down here, so you've got roughly at least a quarter of a mile of a long cul-de-sac that has only one way in and out. With our subdivision layout that you see in front of you that basically takes us straight north to 21st Street, I think that will actually improve the emergency access and vehicular access to that further subdivision down south.

So I think overall, I think the zoning is compatible with the entire area, particularly the area to the south. Now the homeowners, when we did the rezoning and the platting, had some concern about drainage and that's why we took the plat as far as we could, prior to getting approval from you all on the zoning case. We've gone into the very technical analysis of all the watersheds, all the drainage on this property, as well as property to the north come into this watershed that affect not only our property, the Schneider's property, but also the homeowners to the south.

That's the detailed information that you have in front of you. That's the technical that has been approved by the subdivision committee, the planning commission committee and is being reviewed by the county engineer. We are very, very comfortable that what we are doing on this piece of property will not have a detrimental impact on the land to the south.

I understand what the homeowners to the south are seeing. They see some terraces today that slow some of the water down, but also they still have some washouts of that LaVista Road. When I take

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some of those terraces out, what's going to happen? If you look at your detention drainage plan in front of you, you see the series of culverts and you see the direction of water that we're mass grading this subdivision to get the majority of the water, where possible, to the pond to the west. And that pond to the west gets the water, then it ultimately comes down through LaVista and near the homeowners that we talked about earlier today.

We think that the long-term plan for this, that farm terraces are not a solution to the overall drainage that's occurring today. They have a drainage problem, a limited drainage problem caused by actually rain, no surprise, but also the terraces. So we think by engineering this piece of property through the platting process, that we can lessen the process of what they've got today. Now water still goes downstream, as much as I try to convince our engineers to take it in another direction, they don't allow me, so it will go to that pond and I believe that pond will slow the release downstream, across their area.

So we are taking as much water as we can to the west. Again, water goes where it's supposed to be. The homeowner that has the large lot to our east will still have some water, basically from the little notch on 21st Street, over to the east. That water comes down his direction today and it will when we're done with the subdivision. We can't force it any other place, but we think with the checks and balances that you have in place, through your county engineer's office, those concerns will be mitigated.

In terms of the overall quality of water, I think that once you get land developed with one-acre homes, or one-acre lots, and you get all those lots sodded, landscaped, that actually those lawns will prevent less downstream soil erosion than what you see today on a farm field that, for the most part, not during growing season, is vacant. So we think the downstream quality will improve, once the lots get sodded and landscaped.

The drainage plan is in front of you. That's what everyone has looked at up to this point, all the technical staff, as well as our technical staff. The drainage calculations and all the other information was reviewed and approved with the plat, as far as we could take it. We are awaiting for the plat obviously to be approved, because you can't approve the plat unless the zoning is approved. That's why we are stacked up here a little bit.

I think, quite frankly, the subdivision layout that we've got, the drainage plan, does address the long-term solution to the drainage concerns that are out here. Again, I will be able to come to see you, or somebody else in the office will come to see you when this plat is heard by the county commission. We could go into great, great details if you want to at that stage. But I think this will help in the long-term. These are intended to be not on septic, but on the new alternative sewer systems. I don't believe you're going to have any problems downstream, with septic fields further polluting downstream homeowners. I could ramble for hours, but you don't want that."

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Chairman Winters said, "Okay, that's fine. Let me ask again about alternative sewers. You would not be able to put these on one-acre lots unless you used alternative sewers. Is that correct? So, one acre lots is going to require the use of alternative . . . the new system. All right. Mr. Smythe, do you know, has our county engineer's office reviewed this plat yet? Either one of you, David, do you know?"

Mr. David Spears, P.E., Director/County Engineer, greeted the Commissioners and said, "Mr. Chairman, we are currently in the process of reviewing the drainage plan right now, and we have not approved it at this point, but we've reviewing it."

Chairman Winters said, "All right, let me ask you a point of clarification then. Again, today we're talking about land use issues, but we know that, as everyone becomes more sensitive about drainage issues, drainage becomes something that we're concerned about. If you received in your office a drainage plan that you didn't agree with and you thought wasn't going to work, what would you do?"

Mr. Spears said, "Well, in fact we have received a drainage plan from Baughman, and there was a couple of items we wanted to discuss with them and we've sent it back to them. One is the terraces and that's one of the items. If we would absolutely see something that just absolutely we know it couldn't work, we would tell everyone that, but we don't see it as like that at this point anyway. But for this discussion today, it's actually not required to have the approved drainage plan. However, you know, if we had seen something that would tell us, 'This won't work', we would tell you, but we don't see that."

Chairman Winters said, "Okay, because I see the drainage plan that's here in front of us and I go out there, I've been out there and just visually looked at it, and you can see that that one terrace holds water from going to the south. And so, it looks like if that's gone, there's got to be a plan to prevent that water from going south or there's going to be a lot more of it doing that."

Mr. Spears said, "Exactly, and that's one of the questions we had back to Baughman and Company and we're . . . like I say, we're currently in process of reviewing it."

Chairman Winters said, "But if you got to a position of saying, 'We don't think that this drainage plan will work', that he'd had to come up with a new plan or that would stop the project."

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

Chairman Winters said, "Okay."

Ms. Smythe said, "Correct, and we agree to that."

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Chairman Winters said, "Commissioners, do any of you have any other questions? Commissioner Norton."

Commissioner Norton said, "This piece of property, has it been in farm land?"

Mr. Smythe said, "Yes."

Commissioner Norton said, "Has it been cultivated and used?"

Chairman Winters said, "Yes."

Commissioner Norton said, "And they apply chemicals to it?"

Mr. Smythe said, "Correct."

Commissioner Norton said, "And chemicals and run off go south through those neighborhoods?"

Mr. Smythe said, "Yes, that's true."

Commissioner Norton said, "And be just as onerous as anything from septic systems. So, . . ."

Mr. Smythe said, "Probably more so, quiet frankly."

Commissioner Norton said, "Just, if it's been in farm ground and it's been fertilized and sprayed and everything, that has a chance, with a big rain, of being just as bad for the groundwater as the septic systems. That's all I've got, Mr. Chair."

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

Commissioner Unruh said, "Thank you, Mr. Chairman. It seems like this request is something that I can support. It seems like they've answered the main issues, which had to do with density and had to do with the sewer systems and had to do with the drainage, which it appears like we still have a safety valve for that, a way to reject it if it's not going to work, so I believe it's something that I could support at this point."

Chairman Winters said, "Okay, thank you. Commissioner McGinn, do you have any comments?"

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Commissioner McGinn said, “No, I agree with what Commissioner Unruh said about the thing that was important to me was that we had alternative sewers that we were going to be using. And the other point that I thought was interesting too was the fact that a good portion of the year, your soils are vulnerable and the fact that if you have houses there, you’re going to have grass there that’s going to help take up any nutrients, decrease soil erosion as well, so I . . . and then the fact that we do have a safety valve in place if the drainage plan isn’t going to work, then it will stop the project.”

Chairman Winters said, “Commissioner Norton.”

Commissioner Norton said, “What’s the process, if they want to split those acre lots into . . . if SF-20 allows 20,000, that’s about a half-acre, what is the process that you’d have to go through to do that, John? Is that possible? I mean, once it’s platted at 17 properties, it’s not going to become 34 properties, half-acre properties.”

Mr. Schlegel said, “I guess in theory, they could do that. That’s not a common practice. We get occasional lot splits, occasional re-platting, but usually the practice is once they plat it for the one-acre lots, then they start marketing them and once they start selling lots off, then people move ahead then with their plans for building their homes.”

Commissioner Norton said, “Okay. Well, that was just one of the homeowner’s in the area concern was that it would allow 20,000 square footage and that’s about a half-acre, a little less maybe.”

Mr. Schlegel said, “And he’s correct, it would, but I think the applicant has pretty clearly signaled his intent here and that’s to sell these as one-acre lots.”

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

Chairman Winters said, “All right, thank you. You know, I really don’t want to propose that we start reviewing plats, but I’m almost tempted to think that we ought to start paying more attention to when the plats come through, after these things. And we’re not technical experts, but I think the platting process is becoming so important in so many different cases that we need to be paying attention.

Well, I think I’m going to be supportive of this, basically because I think the Metropolitan Planning

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Commissioner I think was correct in thinking about the uses and the character of the neighborhood and I mean, I think this is in character with the neighborhood. The only question I would have is at the southern-most end, if the drainage can be solved and I'm going to rely on engineers to look at the plan and determine whether it's a suitable drainage plan or if it's not. And if removing those terraces is going to cause a difficulty, somebody is going to have to have a solution to that removal, and I would assume that the owner would want to make that solution there, because I would assume if he does something that does adversely affect the neighbors to the south, he would be in a bit of a jam with lawsuits, etcetera."

MOTION

Commissioner Sciortino moved to approve the zone change, subject to platting within one year and the recommended platting conditions; 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 Unruh seconded the Motion.

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

VOTE

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

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

- 2. CASE NUMBER CUP2004-29 DP 277 (ASSOCIATED WITH ZON2004-34) – CREATION OF THE BRUCE BROWN PROPERTY COMMUNITY UNIT PLAN; AND SEDGWICK COUNTY ZONE CHANGE FROM “SF-20” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL, GENERALLY LOCATED ON THE EAST SIDE OF GREENWICH ROAD APPROXIMATELY ONE-FOURTH MILE SOUTH OF 21ST STREET NORTH. DISTRICT #1.**

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POWERPOINT PRESENTATION

Mr. Schlegel said, “In this case, the applicant is requesting to create the Bruce Brown Property Community Unit Plan on a 70-acre development, with 12 parcels, located just on the east side of Greenwich Road, approximately a quarter mile south of 21st Street North.

The property is located partly in the unincorporated area of Sedgwick County and partly in the City of Wichita and you can see from this graphic, about a third of the property on the north side is in Wichita and the remaining two-thirds is still unincorporated.

Five of the parcels, ranging in size from one acre to a little over an acre and a half in size, are located along the Greenwich Road frontage. Proposed interior street loops through the development and the remaining seven parcels have access off this interior street. Two of the parcels, 11 and 12, are long, narrow parcels that back up onto the right-of-way, these two parcels here. And then there are two large reserve parcels, Reserve A and Reserve B, that are intended to handle the drainage on the site, these two parcels. There’s a creek that runs through the parcel, over those two reserve parcels.

Proposed uses are those that are permitted by right in Limited Commercial, with the usual list of exceptions that are listed in the backup report. The site is currently a large estate, bordered by K-96 on the east, an abandoned rail line on the south, with 100-foot easement for high voltage electrical transmission lines also on the south part of the property.

Most of the surrounding area is transitioning very quickly into a highly developed corridor along 21st Street North and along Greenwich, from K-96 south. The property on the west side of Greenwich Road from this parcel has already been approved by you for mixed use development, split fairly evenly between commercial, office and residential uses.

The property to the southwest, across the rail line, on the other side of Greenwich, is zoned for General Industrial and has an existing concrete plant on it. The property to the north and to the east is currently zoned SF-5, but we have a request for rezoning and a CUP on that site that is pending before the Wichita City Council.

More commercial development is occurring between 21st Street North and K-96, including the new Super Target store on the northwest corner and a large medical facility is being constructed on property zoned GO just east of K-96.

At the MAPC meeting, held on August 19th, there was one speaker who spoke in support of the rezoning request and no protests have been received on this rezoning. The MAPC voted to approve, subject to the conditions, the multiple conditions that are listed in your agenda backup report. And with that, I’ll be glad to take any questions you might have.”

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Chairman Winters said, "All right. Are there any questions of John? I see none at this time. Again, this is not an official public hearing, but it is our tradition to take public comment, if there is anyone here from the public who wants to address the commission on this issue. Is there anyone? Yes, please come forward, identify yourself for the record please."

Mr. Rob Hartman, agent for applicant, Professional Engineering Consultants, greeted the Commissioners and said, "I am the agent for the applicant, who is Bruce and Sharon Brown. I thought I would give you just a little background on the property itself. Bruce and Sharon have lived there for approximately seven years. They have built a nice home on the property. The reason for part of the property being in the city, part of it being in the county, is there was an existing farmstead on the property that they divided off into a 20-acre tract I think for septic sewer reasons, and so that left them with approximately I think 40 acres on this site.

The Browns, like I said, have lived there seven years now and with all the development that's going on to the west of them, with the Oak Creek Commercial Development and the proposed commercial development to the north, they thought that they should be planning for the future and they wanted to have a little bit of flexibility and some options when that time came.

So what we've done here is developed a Community Unit Plan that's in keeping with the development to the west, that has a large drainage area that goes to the middle of it that's size is about 17 acres and we feel that this will provide a very high-end commercial development in the future, if that's what they decide to do and I thought I would just answer any questions, if you have any."

Chairman Winters said, "All right, thank you Mr. Hartman. Anyone have any questions? All right, I see none at this time. Commissioner Unruh, do you have comments?"

Commissioner Unruh said, "Well, yeah, I'll just make a comment that the Browns had stood in opposition to the development across the street earlier, which was going to be going, I think General Office and so forth as was mentioned. And they didn't prevail in that protest, so I think they're making a very logical move here and kind of going along with the development that's happened along that, as Mr. Schlegel said, the Greenwich corridor. We'll have to decide if we're going to say Greenwich or Greenwich. But anyway, it's fast developing and I think this is very appropriate use, zone change for this property.

I haven't received any comment from anyone except in a casual conversation with the developers of Oak Creek. They're very much supportive of this, so I think that it's appropriate and something we

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should approve.”

Chairman Winters said, “All right. We’re prepared, we’re ready for a Motion.”

MOTION

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

Commissioner 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 very much, John. Before we start the ‘New Business’ section, we do need to take an Off Agenda item.”

MOTION

Chairman Winters moved to take an off agenda item regarding technical education and training authority.

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

OFF AGENDA ITEM

AMENDMENT TO RESOLUTION ESTABLISHING SEDGWICK COUNTY TECHNICAL, EDUCATION AND TRAINING AUTHORITY.

Mr. Ron Holt, Director, Division of Culture, Entertainment and Recreation, greeted the Commissioners and said, “And for this agenda item, project manager for the Sedgwick County Technical and Education Authority. On August the 11th, you passed a resolution creating the Sedgwick County Technical Education and Training Authority, and after various discussions with a number of stakeholders, I’m here today with a couple of changes to the authority.

As you know, one of the purposes of the authority is to replace the current board of trustees, the Wichita Area Technical College. The process for this to happen is that the current board of trustees of the Wichita Area Technical College need to have their transition plan that is now on file with the Kansas Board of Regents to be amended and the changes that we’re proposing today will allow them, the Wichita Area Technical College board of trustees, to deal with these changes and to make those amendments at their meeting, scheduled for this Friday, September the 24th. So that’s why we’re handling this as an Off Agenda item.

The changes to the resolution are found on pages two and three of the resolution. I’ll just identify those without going through them and then I’ll stand for any questions that you might have. Item F, under Section 3, has been changed. It now reads, ‘Coordinate the development of a process to insure the deliver of technical education and training to meet the needs of business and industry’ and before we talked about coordinating the efforts of the KITE, the Kansas Institute of Technical Education, and while that effort will still go forward and be an important part of this, it was decided that does not need to be identified as a part of the resolution.

Under Section 4 in the heading there it used to read ‘the authority shall consist of nine members’. Now that reads 11 members and then, following that, we have outlined what those 11 members are: seven members with at least six representing private sector employers in Sedgwick County. In the past resolution I believe that read six members. Then one member, this is not a change, one

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member appointed by the Board of County Commissioners. Not a change, one member appointed by the City Council. But then a change, two ex-officio members, one representing the Regional Economic Area Partnership, and one representing USD 259 and these members to be appointed by the county manager.

The next paragraph you see there is new, it's an addition and it outlines the terms of office for these positions, and I won't go through that. It just makes sure that the appointments end up with rotating years of service. And then the last change is up on the affective date, the very bottom, Section 7, upon the affective date here of Sedgwick County Resolution #141-2004 is hereby repealed. Those are the changes. They're really based on, again, discussions with various stakeholders and we believe make good and reasonable accommodations for having this authority go forward. I would be happy to answer any questions that you might have."

Chairman Winters said, "Commissioner Unruh."

Commissioner Unruh said, "Well, I don't really have a question. I just wanted to make a comment that this is probably a logical necessity of when you start doing . . . when we started on a very fast pace, trying to get this technical education and training authority established. We did that in response to what amounted to strong requests from the business community that we do something definite to move forward in workforce development and technical education.

And so even though we've been working on this for quite some time, the manager and Mr. Holt and Chris Chronis have been active in analyzing this since back last February or so. When we actually passed the resolution, on August the 11th, it was relatively abrupt, dramatic action, bold action. So I suppose a few corrections like this are logical when we do something.

It's coming up now as Off Agenda in another kind of a rush, because we are trying to satisfy a timeline that keeps us on a fast track for NC Accreditation for the college, so just kind of a little explanation and history of why this thing's evolving this way. I think the corrections are appropriate and necessary. In the original resolution, it had the authority with the Technical Education Authority, with the ability to have authority over the KITE consortium and I don't think that was really the intent, that we would organize those activities and the change I think keeps the intent of what we were wanting to do, is to coordinate a response to the needs of business and industry.

And then the modification in the number of members on the board is simply a response to the various interests in the community who say, 'Hey, this is an important issue and we would like to be involved'. So they're good modifications and appropriate and probably logical, in the sense that we've been in a little bit of a rush doing this, but we're doing the right thing and I'm very much in

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favor of it.

And I might just mention, you all may or may not recognize the president of the technical college, Camille Kluge is in the audience and if we have a question, well we can call upon her. But at any rate, that's all I have right now."

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

Commissioner Sciortino said, "Well, thank you Mr. Chairman. This is just another example of how impressed I am with the speed that staff can work when pressed. I think that this is something that is very crucial. A couple of comments . . . just . . . well, I mean I'm reading here that there's 76,000,000 people approaching retirement and there's only 46,000,000 available to replace them. I guess I don't know . . . there's going to be a problem and no matter how well trained 46,000,000 are, they're not going to be able to fill 76,000,000 jobs and I don't know what the long term solution is to that.

And the other thing, and maybe you can get with me later on, but I still can't get my hands around if we're training somebody to be a sheet metal worker or a carpenter, or whatever, why that has to be accredited for higher education. I'm still confused about that. Maybe you can explain to me that logic. That's just a comment.

We're rushing right now because of that and I'm still . . . I just can't figure out why they need to be able to have that on their . . . whatever that is."

Chairman Winters said, "So are you asking them to come by your office later, or do you want to talk about it right now?"

Commissioner Sciortino said, "Well, I don't know that we . . . unless somebody wants to answer it now, I mean I can wait, just listen to Ron later on. That's fine."

Mr. Holt said, "I'd be happy to come by your office and have that conversation."

Commissioner Sciortino said, "All right, that's good but I'm going to be fully supportive of this. But I think the whole country has a very big problem. We don't have enough people to train to fill these jobs and some of these 76,000,000 that are reaching retirement, the companies are suggesting or encouraging them to even retire early, which is kind of confusing to me, if they're not going to be able to replace them. But okay, that's all I had. Thanks."

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

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Commissioner Norton said, "I guess my only concern in rewording this is that somehow the rewording of this is that somehow all the work we've done to put together the idea of Kansas first as centers of excellence in which KITE is very important to, doesn't get derailed and that dissolves and goes away and we become singly focused just for this. Because if we don't keep the regional aspect, the center of excellence aspect, we're really not going to be players in what the Lieutenant Governor and the Governor have in store for the whole state.

So I think it's critically important that we don't allow this wording to water down what the overall vision is, which is that there will be basic vocational, technical, world-class education provided through WATC or the next whatever that's going to be that the technical authority does, but also that that consortium of community colleges and WSU and other providers is connected to this to provide customized training to be agile and fluid and fast-tracking for business, because I don't think that those are separate. I think those have to be combined and work together and I'm going to be very disappointed if we allow this language later to push that out of the way and just focus on something that we're trying to laser focus on and not have the broad-based global aspect to it.

I just wanted to be sure that I was on record as saying that I'll go along with this today but I'm just afraid that we're moving that to the side and some of us have worked pretty hard to make that happen."

Mr. Holt said, "This authority will be . . . the intent has always been and will continue to . . . and is continuing to be that this authority will be business driver and I've said to other stakeholders, it is through that authority and through the folks on that authority that will keep that focus in balance."

Commissioner Norton said, "Okay."

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

Commissioner Unruh said, "I just . . . I know that Mr. Holt has an appointment with Mr. Sciortino on accreditation, but I wanted to make a comment to say that . . . so that those watching will have a better understanding, what accreditation does is not only give us the ability to provide a valuable credential to those who come through the tech college. As they go through this college, it helps establish and legitimize the training, because it's accredited. It's accepted not only by community at large, but by business and industry. Accreditation allows those students who . . . is matriculate the right word, through that program to have transportable degrees, so that with articulation agreements, with the other regent's college, a student that goes through there and gets a degree in mechanical engineering technology then has the ability to take that degree and go on to a four-year college and become an engineer with a Bachelor's Degree or he can go directly into industry and be

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an engineering aide for example.

But it just opens up the possibilities for the students, gives them a lot more choices for their career. It gives them . . . I lost my train of thought here. I got on a roll and forgot what I was going to say. But it gives them the opportunity to go in the business industry or go to the four-year college, it makes it an attractive degree and it's . . . as one person has said, this is a difference for the school, the local college of maybe a comparison of being in the NFL or the CFL. This is where community colleges and technical colleges need to be to have the stature in industry and business that they need to have, so it's important for a lot of reasons.

And the training that's going to be delivered in the technical college is in two major areas. One is in applied sciences and the other is in health sciences. It is . . . not only are we doing the typical vocational training that a commissioner referred to, but we're training individuals to do this engineering and design type work using high-tech machines and it's a highly scientific thing. And we're training people in health sciences to go the full range of training in the medical profession.

So it's important that they come out of accredited and degree-type programs. And one more comment with respect to Commissioner Norton's little bit of reluctance is that I think what this resolution does, rather than restrict us by its language to a certain form of response to business and industry needs. Rather it expands this and through the membership on the authority, gives them the opportunity to take that training in any different way and actually do a better job and be more responsive to the needs of business and industry. So I think the language is an improvement and worthy of our support. That's all I had."

Chairman Winters said, "All right, thank you. Are there other questions or comments? Seeing none Commissioners, what's the will of the Board?"

MOTION

Commissioner Unruh moved to adopt the 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

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Commissioner Ben Sciortino Aye
Chairman Thomas Winters Aye

Chairman Winters said, "Thank you very much, Ron. Camille, thank you for being here also. Do we need to take a break, or shall we just keep working?"

Commissioner Sciortino said, "Keep on keeping on."

Chairman Winters said, "Madam Clerk, call the next item."

NEW BUSINESS

G. RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE IN CONNECTION WITH SEDGWICK COUNTY, KANSAS AND SHAWNEE COUNTY, KANSAS GNMA COLLATERALIZED MORTGAGE LOAN REVENUE BONDS, 1988 SERIES A, 1988 SERIES B, AND 1988 SERIES D.

Mr. Brad Snapp, Director, Housing Department, greeted the Commissioners and said, "The 1988 bond series will end October 1st of this year. There is money available in that issue for the issuers and to pay some expenses, so with this supplemental indenture and the resolution, we can prolong it long enough to get this money out. We expect that the issuers will get about \$100,000 now and another 100 or so in a couple of years. If you have any questions . . ."

Chairman Winters said, "Commissioners, any questions of Brad? Seeing none, what's the will of the Board?"

MOTION

Commissioner McGinn moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

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Commissioner Ben Sciortino Aye
Chairman Thomas Winters Aye

Chairman Winters said, "Thank you very much, Brad. Thank you, Chuck. Thank you, Joe. Next item."

H. KANSAS ASSOCIATION OF COUNTIES (KAC).

1. CERTIFICATION OF KAC VOTING DELEGATE FOR THE NOVEMBER 21-23, 2004 29TH ANNUAL KAC CONFERENCE.

Mr. Michael D. Pepon, Director of Government Relations, greeted the Commissioners and said, "The first item I have for you this morning is a certificate that we approve each year designating one of the commissioners as voting delegate at the annual conference for the Kansas Association of Counties. This year it's from November 21st to the 23rd in Kansas City, in Overland Park.

And this certificate will appoint Chairman Winters as the voting delegate and has as alternates Commissioner Unruh and Commissioner Norton. This will be certified by the Clerk and sent up to the Kansas Association of Counties. According to their bylaws, this has to be to them 21 days prior to the annual conference for us to have a vote. Any questions?"

MOTION

Commissioner Sciortino moved to approve the Certification providing that Chairman Tom Winters be the voting delegate, Commissioner David M. Unruh be the 1st alternate, and Commissioner Tim R. Norton be the 2nd alternate; and authorize the Chairman to sign.

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner David M. Unruh Aye

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

Chairman Winters said, "Next item."

2. RESOLUTION PETITIONING KAC FOR AN AMENDMENT TO ITS BY-LAWS, CREATING A LEGISLATIVE POLICY COMMITTEE AND ESTABLISHING THE PURPOSE AND MEMBERSHIP THEREOF.

Mr. Pepoon said, "This item is a resolution which will be petitioning the Kansas Association of Counties for a bylaws change. For a bylaws change, 21 member counties have to adopt resolutions supporting the change and this particular change, the substance of it is to create a legislative policy committee. Brief background, up to now there hasn't really been a bylaw addressing this. The legislative policy committee, the KAC is made up of a number of affiliate groups, elected officials, county commissioners and the other county elected officials, as well as some lobbyists and other people to develop a platform for final vote at the annual conference by the county commissioners.

This bylaws change would create a 12-member platform committee. Eight of those members would be county commissioners, six of which would be coming from different regions in the state, two of which would be the president and vice-president of the Kansas County Commissioners Association.

And then four of the members would be one representative each from the sheriff, register of deeds, treasurer and county clerk. As I said, 21 member counties need to adopt these resolutions. I believe that already about 52 counties have taken such a step, but Sedgwick County now has the opportunity to take part as well by adopting this resolution.

And the resolution also creates these affiliate groups that already have representatives. We'll be ex officio members of this board and still have some input in the platform process, just wouldn't be voting members of the platform committee, legislative policy committee. Be happy to answer any questions."

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

Commissioner Norton said, "Well, this is an issue that we took up at the KCCA meeting this last year in May, when we had our annual meeting. We had tremendous dialogue with about 150 county commissioners that attended. We were really charged, as an executive group, to come up with a policy committee codification really for the bylaws and that's what we're moving forward now.

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As Mike said, 52 counties have already passed the resolution. I think there will be many more. We hope to have between 70 and 80 counties that will weigh in on this issue. This really speaks to the idea that in the past we have not had the ability to be agile and fluid during the legislative session. We've set a platform and then we have no committee that can go back and look at issues that bubble up and weigh in on them to direct our lobbyists on which way to go as an official body.

The truth is, that the electorate elects county commissioners to set policy and be the elected legislative official for the county and over the years that has not always been the case that the county commissioners . . . part of that has been watered down a little bit and I think it's important that, in these days and times when the counties need to have a stronger voice in Topeka, that this only makes sense. It really doesn't, hopefully does not send a message to any of our partners and any other elected officials that we don't have value in what they believe, but ultimately the elected officials that set the budgets and set the policies are the county commissioners, and we really believe that we should really weigh in and take control of the policy committee that are being moved ahead in the platform.

That doesn't mean we can't listen to people, we can't try to find those good ideas that everybody else has, but I think this moves us in that direction and I would hope that my colleagues would support that. We're all pretty involved with the KAC. This in no manner tries to derail the KAC. The governing board that Commissioner McGinn sits on is still going to be intact and made up of the same folks, but this will really narrow down and laser beam the focus of the platform committee to come through the county commissioners, who are legitimately those folks who are elected to set policy and organize budgets and to propose legislative at the state level. So, that's all I have, Mr. Chairman."

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

Commissioner McGinn said, "Thank you, Mr. Chairman. I attended the Kansas Association of Counties meeting a week ago Friday and this item came up a second time. And there was certainly some concern from some of the affiliates about it and to the point of 'Why do you have a KAC?' Well I think it's very important to have the KAC and I think it's important to have that diversity that we have on there. But the fact of the matter is too, when we are in Topeka, those who work for the KAC need some direction when things come up during that time. And this will give them a clear direction to go. As Commissioner Norton said, the commissioners are the policy makers for their counties and I think they need to have a strong voice there.

But the other thing is we certainly, the input of the affiliates and other electeds is very important, and so we have decided that at our annual meeting we're changing the format on Sunday. Instead of having the . . . I believe, it's not sealed yet, but instead of having the workshop that was scheduled, that we are going to use those facilitators that were going to do that workshop and

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provide the opportunity for everyone to share and discuss this at our annual meeting. And so, I think that we'll all come away from there learning from one another and having some clear direction on which way we'll go.

And so, I'm going to approve this and again, there will be more opportunity for discussion at our annual meeting."

Chairman Winters said, "All right, thank you very much. Are there other questions or comments? If not, what's the will of the Board?"

MOTION

Commissioner Sciortino moved to adopt the Resolution.

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, Mike. Next item."

Chairman Winters left the meeting room at 10:54 a.m.

I. DIVISION OF HUMAN SERVICES – COMCARE.

- 1. CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE COMMUNITY-BASED SERVICES TO SEVERELY AND PERSISTENTLY MENTALLY ILL ADULTS, AND SERIOUSLY EMOTIONALLY DISTURBED YOUTH AND THEIR FAMILIES.**

Mr. Tom Pletcher, Clinical Director, Comprehensive Community Care (COMCARE), greeted the Commissioners and said, "For Marilyn Cook, who needed to be out of town today. This is the

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renewal of a contract with the Mental Health Association of South Central Kansas to provide services to adults, children and adolescents with mental illness and their families. A variety of services are included in this contract to provide direct or indirect support to these individuals or families. Specialized residential services, life skills coaches, employment supports, the chat line, family supports, parent arranged respite care and support to the COMCARE program are some of the programs included here.

In the case of each of these programs, specific outcome measures are developed and monitored over the course of the contract. We would ask that you approve the contract and authorize the chairman to sign. I'd be happy to answer any questions that you would have."

Chair Pro Tem Unruh said, "Commissioners, are there any questions?"

MOTION

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

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chair Pro Tem Unruh said, "Thank you, Tom. Next item."

Chairman Winters returned to the meeting room at 10:56 a.m.

2. NOTIFICATION OF GRANT AWARD FROM KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR "PROJECTS FOR

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ASSISTANCE IN TRANSITION FROM HOMELESSNESS” GRANT.

Mr. Pletcher said, “Thank you, Commissioners. COMCARE of Sedgwick County has again been awarded a grant ‘Projects for Assistance in Transition from Homelessness’ or PATH, through the Kansas Department of Social and Rehabilitation Services. We have received a PATH grant since the beginning of the homeless program, Center City. This grant partially funds several positions in the program that provide services, such as outreach, screening, community mental health services, case management services, referral to primary health services, technical assistance in applying for housing and improving the coordination of housing services.

These services are all targeted to adults who are homeless and have a severe and persistent mental illness. We recommend that you approve the grant award certification and authorize the Chairman to sign.”

Chairman Winters said, “Commissioner McGinn.”

Commissioner McGinn said, “Tom, this is for services primarily and this is over and above the \$12,000 we give for the homeless shelter. Is that correct?”

Mr. Pletcher said, “That’s correct.”

Commissioner McGinn said, “Thank you.”

Chairman Winters said, “Are there other questions or comments?”

Commissioner Sciortino said, “Just one and this isn’t something you have to tell me today, but if you could get to me, since this program has been adapted, how many people have we transcended from homelessness to a home?”

Mr. Pletcher said, “Commissioners, I’d be happy to get that information to you.”

Commissioner Sciortino said, “Great, thanks.”

Chairman Winters said, “Thank you. Are there other questions or comments?”

MOTION

Commissioner Sciortino moved to approve the Grant Award Certification and authorize the Chairman to sign.

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Commissioner McGinn seconded the Motion.

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

VOTE

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

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

J. ADJUSTMENT TO THE EMERGENCY MEDICAL SERVICE (EMS) STAFFING TABLE TO INCLUDE SIX MICT POSITIONS, RANGE 20.

Mr. Tom Pollan, Director, EMS, greeted the Commissioners and said, "The item I have before you is adding back six MICT positions. If we go back a little bit to 2003, looking at 2004, we were looking for innovative ways to staff and to reduce costs to become more cost efficient. We thought one way was to use part-timers in a great role in replacing our personnel on the street who'd have vacation and sick hours available to them. Unfortunately, what we ran into unexpected was the issue that we had to find quality part-time personnel who had additional time to work and most of these have employment elsewhere, so we found it, right off the bat, very difficult. We needed about 45 people to do that and we've been unable to find that many with that many hours available. So what we've had to do is use overtime of our regular staff to fill those hours and that has created an issue of we've lost the benefit of our cost efficiency in that area. So in the 2005 budget we recognized that and you have recognized and allowed us to restore those positions and what I'm asking for you to do at this time would be allow us to restore those in October for the last quarter of 2004 and we believe we can have about a \$5,200 impact in reductions of cost in using overtime rather than using regular time work. Therefore, I'd recommend you take the action of allowing us to add those six positions to our staffing table."

MOTION

Commissioner McGinn moved to approve the adjustment to the EMS Staffing Table.

Commissioner Sciortino seconded the Motion.

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Chairman Winters said, “We have a Motion and a second to approve the adjustments to the EMS staffing table. Are there other comments or questions? Commissioner Norton.”

Commissioner Norton said, “Well, I just think the comment I’d make is it’s appropriate that we tried something innovative, we tried to save some money, we tried to streamline the system and we came back later and just said, ‘You know what, that doesn’t provide the kind of service that our citizens deserve and that we’ve given them in the past and we need to readjust that’ and I’m glad we did. So, I’m going to be supportive of this.

But I think it shows that we were willing, in tough budget times, to try to do something different than the norm, and it just didn’t pan out. We would have liked for it to, but we will have to adjust ourselves and this is a good way to do that. So, that’s all I have Mr. Chair.”

Chairman Winters said, “All right. We have a Motion. 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, Tom. Next item.”

K. KANSAS COLISEUM MONTHLY REPORT.

POWERPOINT PRESENTATION

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, “For the month of August, which is traditionally in our business a very slow time, we actually had pretty good, due to several concerts that were on the schedule. We had a total of nine events, ten individual performances, nearly 20,000 people through the doors, net revenues were in excess of \$155,000.

We started off with one of our six gun shows per year, the Chisholm Trail Antique Gun Show, had 2,627 in attendance. Went right into the Hilary Duff concert. As you know, she’s a big star on the Disney Channel, had nearly 7,000 people in attendance there. We did not get any pictures of the concert, because Hilary’s mother wouldn’t allow it. She’s the manager and she runs everything. She’s a real stage mother and she said no pictures, so anyhow, Rod Stewart came to town for an excellent show. Had 5,172 folks in attendance for that one. And then we finished the month with

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Crosby, Stills and Nash, nearly 3,100 folks at that concert.

Coming up, this weekend is the Kansas Junior Livestock show. We've got World Wrestling Entertainment Smack Down September 28th, which is next Tuesday. Now that is a televised event. It will be recorded and edited on Tuesday for showing on Thursday. We have the Fall Circuit and Futurity September 30th through October 3rd. Chisholm Trail Antique Gun Show is back again, October 9th and 10th. World Wide Paint Horse Congress, which is one of our biggest equestrian shows of the year, will be here from the 12th through the 17th and Toby Keith will be in concert on October 16th. If there's any questions, I'd be happy to answer them at this time."

Chairman Winters said, "All right, are there questions of John?"

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

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

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

L. PUBLIC WORKS.

- 1. KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) FORM 1302, "REQUEST FOR CONSTRUCTION PROJECT," FOR SEDGWICK COUNTY PROJECT NO. 634-27, ROAD PROJECT 63RD STREET SOUTH**

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BETWEEN BROADWAY AND HYDRAULIC. CIP# R-302. DISTRICT #2.

Mr. Spears said, "Earlier this year, KDOT contacted us and offered Sedgwick County an additional \$5,000,000 in federal funding for highway projects over the next five years. Items L-1 and L-2 are KDOT 'Request for Construction Project', Form 1302s, that initiate our request for construction and federal funding through KDOT.

Item L-1 requests your approval of Form 1302 for funding of a road project on 63rd Street South between Broadway and Hydraulic. The project is included in the Capital Improvement Program for construction in 2009 and designated as R-302. Construction of the project is estimated to cost \$3,000,000 and KDOT will contribute 80% of the cost or 2.4 million dollars. I recommend that you approve the form 1302 and authorize the Chairman to sign."

Chairman Winters said, "All right. Commissioners, . . .?"

Commissioner Norton said, "I'm sorry, I was reading ahead."

Chairman Winters said, "Because we're going to have another . . . we have another one of these don't we David?"

Mr. Spears said, "Yes, sir."

Chairman Winters said, "Okay."

MOTION

Commissioner Norton moved to approve the Request for Construction Project and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

Chairman Winters said, "We have a Motion and a second. Any discussion?"

Commissioner Norton said, "Just one comment real quick. This is just the extension of 63rd Street that will take it on over to Broadway and it looks like it will be four to five years in the future. Maybe hopefully we can move it up from there because it does complete that corridor that has been worked on for several years, running all the way from the east county line all the way into Broadway and this will be one of those last connecting links that will finish that off."

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Mr. Spears said, “That’s correct. The little problem we have there, as opposed to any other road, is that that’s where the turnpike goes over and we have to . . .”

Commissioner Norton said, “. . . figure that out.”

Chairman Winters said, “All right, are there any other questions? We have a Motion and a second. Madam Clerk, call the vote.”

VOTE

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

Chairman Winters said, “Next item.”

- 2. KDOT FORM 1302, “REQUEST FOR CONSTRUCTION PROJECT,” FOR SEDGWICK COUNTY PROJECT NO. 795-N, O, P, Q, RECONDITION ON 199TH STREET WEST BETWEEN 21ST STREET NORTH AND US-54. CIP# R-267. DISTRICT #3.**

Mr. Spears said, “As discussed in the previous item, this is a second KDOT ‘Request for Construction Project’, Form 1302. This initiates our request for construction and federal funding through KDOT for the road project on 199th Street West, between 21st Street North and US-54. This project is currently included in the Capital Improvement Program for construction in 2009 and designated as R-267. The project is estimated to cost \$2,000,000 and KDOT will contribute 80% of the cost, or 1.6 million dollars. I recommend that you approve the Form 1302 and authorize the Chairman to sign.”

Chairman Winters said, “Commissioners, are there questions or comments?”

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MOTION

Commissioner Sciortino moved to approve the Request for Construction Project 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	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF SEPTEMBER 16, 2004.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the 16th results in two items for consideration today.

**1) POLICE SEDANS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION**

The first item is police sedans for Fleet Management. Recommend the low bid from Rusty Eck Ford in the amount of \$256,292.50.

**2) BIO-TERRORISM SEMINAR- HEALTH DEPARTMENT
FUNDING: MMRS GRANT**

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And the second item is bio-terrorism seminar for the Health Department. The recommendation is to accept the quote from Texas Engineering Extension Service in the amount of \$30,000.

Would be happy to answer questions and recommend approval of these items.”

MOTION

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

Commissioner Unruh seconded the Motion.

Chairman Winters said, “We have a Motion and a second. Is there any other discussion?”

Commissioner Unruh said, “Well, Mr. Chairman I would make one comment that on the vehicle purchase here, it’s a quarter-million dollar purchase and there’s 40 dollars difference between the first and second bid. I think that our citizens ought to be encouraged by the fact that we are getting competitive bids, because that’s a tight bid.”

Chairman Winters said, “All right, any other comments or discussion? Do we have a Motion? We have a Motion and a second. Madam Clerk, call the vote.”

VOTE

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

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

CONSENT AGENDA

N. CONSENT AGENDA.

1. One Easement for Right-of-Way and Two Temporary Construction Easements

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for Sedgwick County Project 608-15, bridge on 45th Street North between 167th and 183rd Streets West. CIP # B-410. District #3.

2. 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:

Deschner Addition

- 3. Agreement with Wichita State University allowing access to Sedgwick County's real estate data for the purpose of conducting various analyses, in exchange for providing those analyses to Sedgwick County Appraiser's Office.**
- 4. Order dated September 15, 2004 to correct tax roll for change of assessment.**
- 5. General Bills Check Register(s) for the week of September 15 – 21, 2004.**

Mr. William P. Buchanan, County Manager, greeted the Commissioners and 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 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

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Chairman Winters said, “Commissioners, I had originally asked for an executive session for the regular meeting, but we . . . since we do need to have an executive session in the fire district, I think I’d just as soon postpone the one for the regular meeting, if that’s acceptable. So this would be the time, at the end of our regular meeting, if anybody has any community business, we might talk about it, because from here we’re going to go back to the Fire District and then into executive session. So does anyone have any community business they’d like to discuss? Commissioner Unruh.”

O. OTHER

Commissioner Unruh said, “Well, I just want to report that Karen and I attended the military ball last weekend, celebrating McConnell Air Force Base’s 50th anniversary in Sedgwick County and so congratulations to Colonel Clothier and all the folks of Team McConnell as they celebrate a significant milestone. It was a very . . . it was a great evening and well prepared and presented, as we heard about the history of the base.

Secondly, I’m going to participate in Race for the Cure this weekend for the Susan G. Komen Breast Cancer Foundation. I’m going to do the walk, not the run. But want to be supportive of that effort and they’re expecting maybe 7,500 people to participate.

And lastly, in the afternoon on Saturday is Bel Aire Days parade and I get the honor of being the grand marshal this year, so I’m looking forward to having a good time Saturday afternoon in Bel Aire and that’s all I had.”

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

Commissioner McGinn said, “Just last week, Sedgwick had a great festival, good weather, a little breezy at times, but a great event and next week is a very busy weekend. At 10:00 Valley Center is having their annual fall festival. Their parade starts at 10:00 and there’s all kind of Ottoway rides going on. I believe they start Friday night and go until Saturday night, a dance, just all kinds of things to do. It’s always been a great festival there in Valley Center for many, many years.

And then, at 2:00 I’m going to be at the Bel Aire parade as well, just so I can see Dave be the grand marshal.”

Commissioner Unruh said, “Will you be wearing your McGinn tee-shirt?”

Commissioner McGinn said, “I’ll have a yellow shirt on for some reason.”

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Commissioner Unruh said, "I'll look for it."

Chairman Winters said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you. Well, Sunday at 3:00 Mary and I will be down at the Oaklawn Senior Center, Activity Center I guess it is. They have an annual fish fry and I'm going to help fry the fish and then I'm going to help eat the fish and it's kind of fun. And it's actually something that's being done just by a couple of real dedicated public servants down there and they go out and do all the fishing and they catch the fish and it's kind of neat."

And another cuddly teddy bear and this particular one was donated by Cathy Penney of Andover. It's been very successful, I think due in no small part to the coverage that we got in the newspapers and what have you, but we're now up to 450 of these little cuddly bears and we can use them. It doesn't have to be a bear. I've got a young lady sending me two stuffed little baby pigs that I'll be getting on the air.

But the one thing I do want to ask any of you that want to donate, please keep it about this size. It's a lot easier to get into the EMS and one lady, and I'll show it next week, but she sent me a real big stuffed animal and that's going to be a little bit hard. We may donate that to one of the hospital wings for children or what have you, to stay there. But something that's small like this . . ."

Commissioner McGinn said, "We don't want it to be bigger than you."

Commissioner Sciortino said, "Okay, something smaller than this, but I just wanted to tell Cathy publicly we appreciate it and there's going to be some child that's going to be very happy and less traumatic because of your generous donation. So, if you have the bear's name on it, I'd put it there so this is 'No Name'. Thanks a lot."

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

Commissioner Norton said, "Just a couple of things. Yesterday we had the representatives of staff of Johnson County in our county and we went out and had lunch with them. It's an effort, I think the chair and the county manager have put together, in both counties, to bring together two of the largest urban counties and have them share information and ideas and understand what urban counties have to deal with. Many of our partners are rural counties and although we are great partners with them, we also have some things that come up that are just different because of our large urban areas. So I thought that was a pretty powerful way to share information, to get good

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ideas on the table and to work with partnership with Johnson County, who is kind of our . . . a lot of times is seen as our competitor in a lot of respects, but when it gets down to providing public service, we're all in the same game together.

The only other thing I have is that the Aviation Festival is coming up this weekend. Friday night is at Jabara Airport. I think K.C. and the Sunshine Band is going to be there for Boogie Nights and then McConnell will have an open house later in the weekend and then Sunday afternoon is all the air show out at McConnell with the Wing Walkers and the Snow Birds, so it should be a great weekend with all the festivals, but certainly the 2nd Annual Aviation Festival is this weekend. That's all I have."

Chairman Winters said, "All right, thank you very much. Commissioners, is there any other business before we adjourn the regular meeting? Seeing none, the Regular Meeting of September 22nd is adjourned."

P. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:10 a.m.

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

THOMAS G. WINTERS, Chairman
Third District

DAVID M. UNRUH, Chair Pro Tem
First District

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TIM R. NORTON, Commissioner
Second District

CAROLYN McGINN, Commissioner
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2004