

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 23, 2005

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, February 23, 2005 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Ben Sciortino; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Commissioner Lucy Burtnett; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Tom Pollan, Director, Emergency Medical Service; Sergeant Brenda Dietzman, Sheriff's Office; Mr. Don Brace, County Clerk; Mr. Bob Lamkey, Director, Public Safety; Ms. Jo Templin, Director, Division of Human Resources; Ms. Joan D. Fitzjarrald, Senior Social Worker, Department of Corrections; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell P.C.; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Michael Borchard, County Appraiser; 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

Mr. Chris Sexton, Manager, Derby Walmart store.

King David Davis, Wichita.

Ms. Terry Cassidy, City of Wichita Manager's Office.

Mr. Chris Carrier, Director, City of Wichita Public Works.

Mr. Darrin Deutscher, 2209 E. Fager, Wichita, Ks.

Ms. Lonetta Lollar, 7011 S. Volutsia, Wichita, Ks.

Mr. Michael Berube, 6802 S. Grove, Wichita, Ks.

Ms. Peggy Hayes, 6510 S. Grove, Wichita, Ks.

Mr. Chuck Hill, Director of Regulatory Affairs, Cornejo & Sons.

Mr. Mike McCullough, Director, Wichita Indoor Football LLC.

INVOCATION

The Invocation was led by Reverend Reuben Eckels of New Day Christian Church, Wichita.

FLAG SALUTE

Regular Meeting, February 23, 2005

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, February 9, 2005

The Clerk reported that Commissioner Sciortino was absent at the Regular Meeting of February 9, 2005.

Chairman Unruh said, “Commissioners, you’ve had the opportunity to review the Minutes of the meeting of February 9 and what is the will of the Board?”

MOTION

Commissioner Norton moved to approve the Minutes of the Regular Meeting of February 9, 2005.

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Abstain
Chairman Unruh	Aye

Chairman Unruh said, “Thank you. Next item please.”

DONATIONS

Regular Meeting, February 23, 2005

A. DONATION BY WAL-MART STORE #1221 OF \$500, TO BE USED TO PURCHASE TRAINING EQUIPMENT FOR EMERGENCY MEDICAL SERVICE.

Mr. Tom Pollan, Director, Emergency Medical Service, greeted the Commissioners and said, “This is a donation from Walmart’s good works program. It is to EMS. I believe this is the third one that we have received and we will put this to good use in our training equipment. And I’d recommend that you allow us to receive this money and also sign a letter to the community. This is the store on West Kellogg.”

Chairman Unruh said, “Okay, thank you Tom. We’d be happy to sign letters of appreciation when we get unsolicited gifts to help us deliver services in Sedgwick County. Commissioners, are there any comment? Do I have a Motion, please?”

MOTION

Commissioner Winters moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, Tom. Next item please.”

B. DONATION BY DERBY WAL-MART OF \$1,000, TO BE USED FOR THE NEW OAKLAWN ACTIVITY CENTER.

Sergeant Brenda Dietzman, Sheriff’s Office, greeted the Commissioners and said, “It’s Walmart day today, I guess.”

Chairman Unruh said, “Yes it is.”

Regular Meeting, February 23, 2005

Sergeant Dietzman said, “Derby Walmart has been a great partner for us in the Oaklawn area. In the past few years, they have donated bears to give out, Teddy Bears to give out.”

Commissioner Sciortino said, “Oh yeah, we remember the Teddy Bears.”

Sergeant Dietzman said, “You and your Teddy Bears . . . to give out to kids at the schools when they get citizenship awards and things like that. The end of last year, received a FAX, just up here, unsolicited, and the FAX was a grant . . . or a bonus grant from Derby, it was the form that you need to fill out and it was halfway filled out for me already. And I showed it to my boss and said, ‘Hum, I wonder if we’re going to get this one?’ and I guess we did.

So, it’s a very generous donation of \$1,000. we plan to buy different things for the Oaklawn Activity Center with it and we’re going to use that money to help continue our SCORE program, which pairs Sheriff’s employees with kids from the Oaklawn area to go out and do fun things that they wouldn’t get to do otherwise. So that was a great donation. Chris Sexton is here. He’s the manager of the store and I’m sure you’re going to want him to say maybe a couple of words.”

Chairman Unruh said, “Okay, great. Step right up.”

Mr. Chris Sexton, Manager, Derby Walmart store, greeted the Commissioners and said, “Thank you. I don’t have a whole lot to say, I just want to reiterate what was just said that associates at Walmart in Derby are very proud to help the Sedgwick County Sheriff’s Department in the Oaklawn Activity Center project. We feel as though it’s a worthy cause in an area that’s in a lot of need and any support that we can give to the Sedgwick County Sheriff’s Department, we’re more than happy to do so, so thank you for your time.”

Chairman Unruh said, “Well, don’t go away, we have comments and I would just like to say we truly appreciate the generosity of your store and your willingness to participate with us in financing these things that the community needs to make us a better place to live. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you. I just want to say something about the Derby Walmart store. First of all, the manager let’s me win a couple of holes once in a while, if we go out golfing, which I really appreciate Mr. Sexton.”

Mr. Sexton said, “Professional courtesy.”

Commissioner Sciortino said, “And it’s hard for him to miss a two-foot putt, just to let me. But

Regular Meeting, February 23, 2005

seriously, as Brenda Dietzman just mentioned, this was unsolicited. They actually aggressively went out and tried to help us even fill out the forms and it's sort of representative about how this particular store and its employees react to needs in the community. And what they're doing for us is just one of many things that that store gets involved in, in the Derby community.

Their managers are active in a lot of the social clubs and on the chamber, etcetera and they just really prove that being a good corporate citizen is good business. So I want to thank you, Mr. Sexton, and all of your employees too and encourage you to read the Derby Reporter, Tuesday's copy, if you haven't already. I mentioned your name in vain there in my column.

But anyway, this is a really . . . a good company. Thank you.”

Chairman Unruh said, “Very good. Are there any other comments? Commissioner Sciortino?”

MOTION

Commissioner Sciortino moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, Brenda and Chris, for being here. Madam Clerk, call the next item.”

APPOINTMENTS

Regular Meeting, February 23, 2005

C. APPOINTING RESOLUTIONS.

1. RESOLUTION APPOINTING SENATOR DONALD BETTS (GENERAL PUBLIC APPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "Commissioners, last year you increased the membership of this board by three new members and this is one of those appointments. This appointment will expire in June of 2007 and I recommend you adopt the resolution."

Chairman Unruh said, "Okay, and Senator Betts is not here. The legislature is in session. So, Commissioners, is there a Motion?"

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Next item."

2. RESOLUTION APPOINTING KATHLEEN KAISER (GENERAL PUBLIC APPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE

Regular Meeting, February 23, 2005

CORRECTIONS ADVISORY BOARD.

Mr. Euson said, “Commissioners, this is also a new appointment to this board, with the same expiration of the term and I recommend you adopt the resolution.”

MOTION

Commissioner Norton moved to adopt the Resolution.

Commissioner Winters seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “And is Kathleen Kaiser present to be sworn in?”

Mr. Don Brace, County Clerk, said, “Please raise your right hand.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Kansas and faithfully discharge the duties of the Office of Sedgwick County Juvenile Corrections Advisory Board, so help me God.

Ms. Kathleen Kaiser, Member, Sedgwick County Juvenile Corrections Advisory Board, said, “I do.”

Mr. Brace said, “Congratulations.”

Chairman Unruh said, “Well Kathleen, if you’d like to say something, we’d like to hear from you.”

Ms. Kaiser said, “I’d just like to say thank you for the opportunity to serve on the advisory board.”

Regular Meeting, February 23, 2005

Chairman Unruh said, “Well, we appreciate your willingness. These advisory boards, we consider them to be very important, we listen to the advice that they give, so we appreciate when citizens will step up and provide that service, so thank you very much. Next item, Madam Clerk.”

3. RESOLUTION REAPPOINTING PAUL CROMWELL (EDUCATION REAPPOINTMENT) TO THE SEDGWICK COUNTY COMMUNITY CORRECTIONS ADVISORY BOARD

Mr. Euson said, “Commissioners, this is a two-year reappointment and I recommend you adopt the resolution.”

MOTION

Commissioner Norton moved to adopt the Resolution.

Commissioner Winters seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Is Mr. Cromwell here? Okay, we’ll go to the next item then.”

4. RESOLUTION REAPPOINTING BRUCE KOUBA TO THE SEDGWICK COUNTY COMMUNITY CORRECTIONS ADVISORY BOARD.

Mr. Euson said, “Commissioners, this is also a two-year reappointment and I recommend you adopt this resolution.”

MOTION

Regular Meeting, February 23, 2005

Commissioner Norton moved to adopt the Resolution.

Commissioner Winters seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Is Mr. Kouba here? There he is.”

Mr. Don Brace, County Clerk, said, “Please raise your right hand.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Kansas and faithfully discharge the duties of the Office of Sedgwick County Juvenile Corrections Advisory Board, so help me God.”

Mr. Bruce Kouba, Member, Sedgwick County Juvenile Corrections Advisory Board, said, “I do.”

Mr. Brace said, “Congratulations.”

Chairman Unruh said, “Congratulations, Bruce.”

Mr. Kouba said, “Well, thank you Commissioner. Once again, I’ll try to do my best to keep your funds in Sedgwick County, but we certainly do appreciate all the support that you’ve given us over the years.”

Chairman Unruh said, “Well, we appreciate your service. How many years have you served on this board, or do you want to say out loud.”

Mr. Kouba said, “I think 20.”

Chairman Unruh said, “Is that right. Well, that’s long service and we know that you know what the issues are and we appreciate your wisdom and willingness to serve. Thanks, Bruce. Madam

Regular Meeting, February 23, 2005

Clerk, call the next item please.”

AWARDS

D. INTERNATIONAL ASSOCIATION OF EMERGENCY MANAGERS AWARD PRESENTATIONS.

Mr. Bob Lamkey, Director, Public Safety, greeted the Commissioners and said, “It is my great pleasure to be here this morning to acknowledge two great partnerships that receive media awards at the International Association of Emergency Managers annual conference all last year.

We are very fortunate in that this is a successive that we've been recognized for this process and this is really due to the work of the people that are recognized on these two awards. Before I begin, I'd also like to acknowledge that Gene Krause, the director of Kansas Emergency Management, and Jim Leftwich, who is our regional manager for KDEM are here in the audience to help us celebrate this process.

The first award . . . excuse me while I put my glasses on here is for special . . . under the category of Special Publications, Educational Campaign and it's for our severe weather awareness emergency checklist slick. This is a participation event that involves ten counties and three non-profit agencies. It reaches about 100,000 businesses and homes in those areas and what we've done, essentially, through the Wichita Eagle and all of the newspapers in Marion County have placed information in the newspapers that speaks to severe weather during severe weather awareness week and provides that All Hazards checklist that people need to keep nearby all year round.

So, as I call the names, you'll recognize the counties and agencies involved. First is Butler County Emergency Management, Jim Schmidt; Cowley County Emergency Manager, Brian Stone; Harper County Emergency Management, Mike Loreg; Harvey County Emergency Management, Lon Buller; Kingman County Emergency Management, Jake Gruber and Sheriff Randy Hill; Marion County Emergency Management, Shellee Abbott-Becker; Reno County Emergency Management, Bill Guy; Rice County Emergency Management, Terry David and Greg Klein; Sedgwick County Emergency Management, DeAnn Konkel, and I will remark at this point that DeAnn is the coordinator and leadership behind this process of making this work coordinate with the other counties and submitting the award to the IAEM for consideration.

Sumner County EM, James Fair; the Salvation Army, Cheryl Warne; American Red Cross, Andrea Anglin; the National Weather Service, Dick Elder; and our resident county creative genius, Sedgwick County Communications, Tony Giuliano. This is an important partnership in that we are

Regular Meeting, February 23, 2005

able, through this partnership, to disseminate essential information at critical times to people, not only in our county, but across our region. So I welcome this. It is quite an honor and I would suggest that we give this group a round of applause and that was a first place award, by the way.

The second award we have to offer is also a first place award. It's under Special Publications, Reference Materials, disaster preparedness information. This recognizes two private agencies and some government entities in this process. This particular award recognizes the efforts of MMRS, Feist Publications and Southwestern Bell in placing, first MMRS information in their directories, both have done that, and further, Feist for the last four years has included severe weather information in their directory, again produced and developed by Sedgwick County and they've produced and published them, essentially unedited, at no cost to us, in their directories. So this reaches not only our population here in Sedgwick County through the directories, but I know that Feist has taken the weather information and has disseminated it to our brothers and sisters in Tornado Alley and Oklahoma and Texas.

So, I'd like to first recognize Kendra Ulwelling, Community Relations Director from Feist Publications, Patsy Weiser, Regional Marketing Manager for Southwestern Bell, Cindy Burbach, representing the Metropolitan Medical Response System. Tony gets recognized once again for his creative efforts. And again, without the coordination and leadership of DeAnn Konkel and submittal for the awards, this wouldn't be possible, so she gets to pick up a second and again I would ask you to recognize these group of folks with some applause as well."

Chairman Unruh said, "Well Bob, thank you for that presentation, but especially thank you to all the individuals who were involved in this. I mean, education and information and recommendation for appropriate response in time of an emergency is essential, you know, to have the appropriate response and keep people safe and keep systems working, so we appreciate everybody who is involved in the effort to keep us informed, should those emergency circumstances occur. We have more comments here. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you. You know, I doubt seriously that this is going to be on the front page, banner headlines, above the fold, on the Eagle tomorrow, announcing all of the award winners, but I just want to tell you that as a citizen of Sedgwick County, and . . . well, of all the counties, the citizens expect government to respond in times of crisis and if they do, unfortunately, there's not a lot of accolades. It's just something, 'Yeah, they should have been there because I needed them' but people don't realize all of the hard work, the training, the dedication, some of the work that you have to do is mundane, but when you're needed, you're really needed.

And to be able to get at least some recognition is good, but I just want to let you know, and I think I can speak on behalf of all of the citizens that you serve, thank you so very much for deciding to make this your career. Because of you, we can sleep better at night. Thank you."

Regular Meeting, February 23, 2005

Chairman Unruh said, “Thank you. Commissioner Norton.”

Commissioner Norton said, “Well, this is another one of those collaborative efforts that I think is so important to us, as we move forward in the future of emergency preparedness and even inter-governmental kinds of things that keep us all connected, so that in times of emergencies, we really already know everybody that’s the principle players.

It’s very important that we continue to advance the cause of emergency management, because we know that the tornado season is right on top of us right now, and that’s the first thing we always think of when we think of disasters and emergencies in Kansas. But the truth is, the world that we live in is fraught with peril and to not be prepared for all of those other things that could happen, whether they’re hazardous materials kind of events or terrorism, or bio-events, that they all have the same protocols. They all follow the same rules and the same people that we dealt with today are all connected in trying to solve and mitigate those issues. So once again, this is a great collaboration of all the emergency folks in several counties to make sure they’re doing the good work that we expect. Thank you, Mr. Chairman.”

Chairman Unruh said, “Okay, thank you. Commissioner Winters.”

Commissioner Winters said, “Well thank you. I’d just also add my thanks to everyone who has come today to accept these awards, our private partners and our county partners and particularly to our county partners. I mean, it gives us a great deal of pride to see us all working together. I know that we work with your county commissioners and your home counties on lots of different issues, but here is just another example of cooperation here in south central Kansas between the counties and I’m glad we could be a part of that. Thank you.”

Chairman Unruh said, “Okay, very good, thank you. Okay, well thank you, Bob, DeAnn. Madam Clerk, call the next item.”

RETIREMENT

E. PRESENTATION OF RETIREMENT CLOCK TO JOAN D. FITZJARRALD,

Regular Meeting, February 23, 2005

SENIOR SOCIAL WORKER, DEPARTMENT OF CORRECTIONS.

Ms. Jo Templin, Director, Division of Human Resources, greeted the Commissioners and said, “This agenda item recognizes the valued public service of Joan D. Fitzjarrald, from the Department of Corrections, who will retire March 1 after 11 years of service.

Mark Masterson is the department director. He joins Joan today, as well as other co-workers of the Department of Corrections. We would just like to recognize Joan and wish her well in her retirement. While we’re waiting on Commissioner Unruh, do you have anything to say?”

Ms. Joan D. Fitzjarrald, Senior Social Worker, Department of Corrections, said, “Yes, I do. It’s been a privilege and a great opportunity to serve the youth over at Juvenile Detention during these 11 years and I’ve enjoyed it very much and I want to thank you for the opportunity to do that work.”

Chairman Unruh said, “Well Joan, on behalf of the Board of County Commissioners, I want to express appreciation for your time and the effort that you put in here and what you bring to county government. I know that 11 years goes by in a hurry when you’re having fun and I’m sure that you’ve been having lots of fun. But here’s a certificate for you and also, so you can keep good track of your time during retirement, we have this very nice clock for you.

But we truly appreciate your service to the county and hope that you enjoy yourself in your retirement.”

Ms. Fitzjarrald said, “I will. Thank you very, very much.”

Chair Pro Tem Sciortino said, “Madam Clerk, would you call the next item please.”

CITIZEN INQUIRY

Regular Meeting, February 23, 2005

F. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING “TO CATCH A KILLER.”

King David Davis, Wichita, greeted the Commissioners and said, “Lucy, it’s nice to meet you for the first time. It is with great respect and humbleness of heart that I stand here today, in the presence of those who sit in highest position of honor and vested authority. My name is King David Davis and today, with all the fears about the BTK, I wanted to share some of our insights when it comes to human character and what it might take to catch a killer.

A killer that is very real, how to master the art of deception, so that when you see him, he is able to present to you what he wants you to see, while still being able to be invisible to you and me. A killer who knows you better than you know yourself.

When we first think about catching a killer, the first thing we think about is the obvious to BTK and those we automatically associate with death and the obvious message they use that makes them stand out in a crowd. Today, I want to talk to you about another kind of killer that is by far more dangerous than any BTK could ever be.

A killer that gravitates towards power, positions of sacred trust and entitlement, a killer so subtle, who is able to plant the seeds of destruction, death and desolation with no one every taking notice. When they make their way into society, through government, the established herds and the economic powers, turning government, political institutions, religious and social organizations and families into a breeding ground of death to hopes dreams and ambition, while the victims spend the rest of their lives trying to deal with the anger, the hurt and the betrayal.

You see, when the folks whom we’re supposed to be able to trust the most are the very ones who betray us, what are we to do, where are we to do and what recourse do we have to protect ourselves from those who are just as guilty as any trigger pulling, knife slinging and throat choking killer.

Even if we were to bring in the BTK, the real killers are still running loose, working behind the scenes, killers who hide behind the people’s power. They master cruel character with the faces of the good. They let the honorable do their dirty work, while taking the brunt, while they sit in ivory towers and positions of entitlement, out of reach of those whom they bring grief, injury and sorrow to, over and over, so the people are left with the only recourse they know, because no one has taken the time to teach them any other ways, except those that produce death of the spirit, the mind, the heart and the body.

Those killers few get to see except the victims are those who attempt to restore leadership standards befitting of the people’s trust and on that note, I could easily list off a book’s worth of names, those who were advocates of death, violence and injustice, not by way of direct words, but that of

Regular Meeting, February 23, 2005

attitude. Let me introduce to you the world parents design team of the BTK, the injustice and violence in our community and our depressed economy. A killer I admit looked into the eye and lived to tell about it.

That killer is arrogance, a god-like complex that super-inflates the ego, producing artificial strength, imitation knowledge, they operate in a reality vacuum. Indifference, the courage of cowards, do somehow in their mind to justify the obvious wrongs and injustice of their actions, decisions or lack of action and greed. Need I say more?

Remember, these are not strengths, but weaknesses, the telltale signs of desperate men. I intend to use my website, citizensforjustice.info as a powerful tool to bring political balance in our community, put into check some of the powers that be, while empowering our citizens with knowledge, tools and resources.

We have a long way to go and my website is in a baby stage. I fully intend to use it to serve the honorable voices of Sedgwick County. I ask you to stand with me in spirit, as we once again attempt to take Sedgwick County to a whole new level. I believe if we can establish a leadership standard that showcases the honorable, restores hope to the little guy and will stand in the gap when the arrogant big-boys step over their boundaries, then we will be able to establish a good, hopeful beginning and a new norm in the year 2005, the year of the little guy. Thank you.”

Chairman Unruh said, “Thank you for your comments, Mr. Davis. Madam Clerk, would you call the next item please.”

PUBLIC HEARINGS

Regular Meeting, February 23, 2005

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

1. ANNEXATION NUMBER 99-27 – CENTRAL AND WEBB

OVERHEAD PRESENTATION

Mr. Robert W. Parnacott, Assistant County Counselor, County Counselor's Office, "This is one of our post-annexation hearings that the county is required to have five years after a unilateral annexation by a city, where they've had to prepare a service plan. Typically occurs in an annexation where they don't have the consent of the landowners. To balance out the rights of the landowners then, the city is required to prepare a service plan listing the schedules that they would provide to those residents, once they become annexed. It is your function, as the county commission five years later, to review that service plan schedule and consider whether they have provided the services as they indicated they would."

As you can see, the darker areas are the annexation areas involved. We did send notices out, by mail, to every landowner in the area that was annexed. We received a couple of phone calls. They were basically, kind of just general inquiries as to what was the purpose of the hearing. Nobody was complaining that services had not been provided. So there hasn't been any indication, to my knowledge yet, that the services have not been provided.

The service plan is included in your backup and there is a schedule set out on page 51. The city's report has been submitted about the services they've been providing. That's at page 52 and it appears, from everything that I've reviewed, that they are providing the services as they said they would in the service plan.

So at this point, unless you have any other questions, my recommendation is to open the public hearing, receive any comments from the city or anybody else that would like to speak and then close the public hearing and make a finding, subject to whatever we hear at the hearing, that they have provided the services."

Chairman Unruh said, "Okay, thank you Bob. I know there are several representatives here from the City of Wichita, but we'll ask for public comment first, so at this point I would open the public hearing and ask if there are any citizens here who want to make a comment or ask a question? Any

Regular Meeting, February 23, 2005

citizens that want to speak? Okay, at this point, I will close the public hearing . . . well, I will . . . does the city need to speak in the public hearing? All right, then I'm not closing the public hearing just yet, and Ms. Cassidy, would you like to make a statement please.”

Ms. Terry Cassidy, City of Wichita Manager's Office, greeted the Commissioners and said, “The city does believe that it is in compliance with the requirements of the service plan and that the services have been delivered per the service extension plan. I'd be happy to respond to any questions and also I have several staff members here that could respond to specific inquiries about this particular annexation. Thank you.”

Chairman Unruh said, “Any questions? Any questions from anyone? Okay, well at this point then I will close the public hearing and call our regular meeting back to order. And commissioners, is there any comment or question here from the bench?”

MOTION

Commissioner Norton moved to find that the City of Wichita has extended services as provided for in the service plan.

Commissioner Sciortino seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Next item please.”

2. ANNEXATION NUMBER 99-30 – 37TH STREET NORTH, HILLSIDE TO BROADWAY

Regular Meeting, February 23, 2005

OVERHEAD PRESENTATION

Mr. Parnacott said, "This is the second of our two post-annexation hearings today, so I'll incorporate my introductory remarks, by reference, into this proceeding. Again, we provided notice to all the landowners. This is the phase two, you can see this annexation was done in a couple of different phases. Today we're concerned with phase two of the annexation, the darker areas.

This of course was done by the city five years ago. The service plan is in your backup, at page 83. The city has also provided a report at page 84. Again, we did provide notice to all the landowners, received one phone call, again it was more of a question of what's the purpose of the hearing and to relate a couple of maintenance kind of concerns that we've passed on to the city, that they will follow up on.

So, the only other thing I probably should point out is that the city had planned, in their service plan, to improve 37th Street North, from Hillside to Hydraulic, to do that in 2006. In the report they've prepared, they've indicated they're going to postpone that, pending waiting for development to really occur in that area that would warrant such an improvement.

When you're reviewing a service plan for compliance with the service plan, your standard is substantial compliance. Also, the city has to have some flexibility with their service plan, so I don't think you can hold them to such a standard that they have to be specifically meeting everything set out in the service plan, based on circumstances that change, of course, over the years.

So even with that postponement, and the city may want to speak to that a little bit more if you would like them to, but I would still make a recommendation, unless there's something else said in the hearing, that they have substantially complied with the service plan and you could make your finding that they have provided the services as they said they would.

So my recommendation is to open the public hearing and receive any comments and then close the public hearing and make your finding."

Chairman Unruh said, "Okay, thank you. At this point, we will open the public hearing and ask for comment on annexation number 99-30. Are there any citizens who wish to make a comment at this time? Any citizens wishing to make a comment? All right, then Terry, maybe you'd like to speak for the city."

Ms. Cassidy said, "Again, commissioners, on this annexation we do believe that we are in compliance with the requirements as set forth in the service extension plan. We'd be glad to respond to the question Mr. Parnacott raised, or any others that you may have."

Regular Meeting, February 23, 2005

Chairman Unruh said, “Commissioner Burtnett.”

Commissioner Burtnett said, “Yeah, I would like to have a little more explanation on the 37th Street, Hillside to Hydralic . . . do you have any timeframe figured out for that?”

Ms. Cassidy said, “I’m going to ask our Public Works Director Chris Carrier to respond to that question for you.”

Mr. Chris Carrier, Director, City of Wichita Public Works, greeted the Commissioners and said, “That was one of those situations, as you know, we have to make sometimes when we’re putting a capital improvement program together. It’s a little premature for me to tell you what a new schedule would be on that project, as our counsel and staff is just now working out a new one, revised capital improvement plan, but it’s certainly a project that we’re going to have to pursue, you know, sometime during this next five to seven year period. And that’s really all I can tell you until we get the details of that plan worked out.”

Commissioner Burtnett said, “So the federal grant money will be there, in the five to seven years?”

Mr. Carrier said, “Yeah, and that’s a decision we’ll have to make whether we want to continue to proposed to use federal grant money, or just fund that with general obligation bond sources and we’ll make that decision, as we reprogram that project.”

Commissioner Burtnett said, “Okay, thank you.”

Mr. Carrier said, “Your welcome.”

Commissioner Sciortino said, “Let me follow up on that.”

Chairman Unruh said, “Okay. Commissioner Sciortino.”

Commissioner Sciortino said, “Let me just follow up on that, if I could. Are you saying to us that the project will be completed within five to seven years?”

Mr. Carrier said, “It will be programmed in the CIP and until that CIP is complete, I really can’t tell you what year it will be in for certain, but it’s one of the projects that we’re discussing, yes.” **Commissioner Sciortino** said, “So it will be completed within five to seven years?”

Regular Meeting, February 23, 2005

Mr. Carrier said, “I can’t . . . it’s a ten-year CIP and I don’t know where the City Council will ultimately put it in the CIP. Certainly, if we feel that it warrants that and the development is there, and the traffic is there, we will work it into the program, yes sir.”

Commissioner Sciortino said, “So it will be completed within ten years.”

Mr. Carrier said, “Yes, sir.”

Commissioner Sciortino said, “Okay.”

Chairman Unruh said, “Okay. Anything else? Well, I have one more question of clarification for Mr. Parnacott. I mean, in your earlier, introductory remarks you said that non-compliance on one item is not sufficient reason to deny the request.”

Mr. Parnacott said, “Given the circumstances. They’ve looked at the development in the area. They’ve looked at their CIP plans. The city has to have the flexibility to work those CIP plans as appropriate for their development. So given all that, then I think you’re good at making a finding today.”

Chairman Unruh said, “Okay, thank you. Is there any other comment, in the public hearing? If not, I’ll close the public hearing and restrict comment to the bench. Commissioners, is there any other comment, or what’s the will of the Board?”

MOTION

Commissioner Burtnett moved to find that the City of Wichita has extended services as provided for in the service plan.

Commissioner Sciortino seconded the motion.

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

VOTE

Regular Meeting, February 23, 2005

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, Bob. Madam Clerk, call the next item.”

NEW BUSINESS

H. STATEMENT OF COSTS AND ASSESSMENT ROLL; ESTABLISHMENT OF A PUBLIC HEARING DATE REGARDING PROPOSED SPECIAL ASSESSMENTS FOR CERTAIN ROAD IMPROVEMENT PROJECTS IN THE COUNTY; AND NOTICE OF PUBLIC HEARING.

POWERPOINT PRESENTATION

Mr. Joe L. Norton, Gilmore & Bell, P.C., Bond Counsel, greeted the Commissioners and said, “For your consideration today is what I call the second step in financing various capital improvement projects within the county. There are six projects for your consideration this morning. Those projects are listed on the screen, being: Savanna at Castle Rock Ranch, Heartland Church Addition, the 9th Street project and Overbrook Second Addition, Suncrest 2nd Addition, Redmond Estates and Bentley Meadows Addition, all of these being street improvement projects that have been previously approved by the Board of County Commissioners. Contracts have been let and construction is now complete.

We’re starting what we call the special assessment phase, whereby the commission needs to give the public that will be assessed for the costs of these projects, the opportunity to receive a final statement of costs, have a public hearing and comment, prior to the levy of such special assessments. Today is the first step in that process, where you will approve the final cost statements, set a date for a public hearing, and authorize notice of that public notice of that public hearing to be disseminated in accordance with your statutes.

The first project, Savanna at Castle Rock, is a project located north and east of 13th Street North and 143rd Street East. The benefit district proposed to be assessed is set forth on the screen. There are

Regular Meeting, February 23, 2005

equal shares for this project, with two exceptions. The . . . lots five and six, which are the 'A' and the 'N', have been previously assessed partially for the costs of one street. We're assessing them half the amount of either project and lot number 44, which is the very top right, being large, bears a little higher burden of the cost of this project.

The second project is one which is for Heartland Church Addition. The second project is one which is for Heartland Church Addition, located approximately at 162nd Street West and Maple, which is one large tract to bear the assessment for this improvement.

Project number three is 9th Street paving. Back up, the first two projects were commenced by petition signed by 100% of the owners of property within the proposed benefit district. This project is a little bit different. It was signed by a petition slightly in excess of 51% of the project. Commissioner Unruh may remember this. This project was kind of manipulated a little bit in order to make it satisfied with the property owners there. This project is located on 9th Street, just east of 143rd Street East.

There are two parts of this projects, one the 9th Street benefit district, where there are 22 parcels that share the costs of improvement of 9th Street, which is highlighted in yellow. The second portion of the project is highlighted in the pink color for the cul-de-sac and those persons in that particular area bear a little higher cost of the project for the costs not only of 9th Street, but of the cul-de-sac being improved.

Suncrest Addition is the next project. This is a project which is located approximately at 71st Street and Hillside. A map of the plat, which the proposed assessment is equally per lot, again 100% petition to authorize this project.

Redmond Estates is located approximately 135th Street West and 31st Street. Phase one is completed now. The proposed assessments, which were based on 100% petition, are equally per lot.

Bentley Meadows Addition, located approximately 109th Street North and 135th Street West, 100% petition project, equally per lot is the proposed method of assessment.

Public Works has prepared a statement of final costs for your consideration this morning. The type is somewhat small but basically, the lines are important. The bold line, total assessments, are basically the costs proposed to be spread to each of the property owners in the proposed benefit

Regular Meeting, February 23, 2005

district, for those that are shared equally. The other cost line that is important is the base authorization line, about five up from the bottom. In each case, the cost came in less than what was authorized in the resolution estimated at the time the project was started.

The assessment per unit, again, across the bottom in bold, is what each property owner will get with respect to the assessments, if they're levied in the current form. One explanation, on the 9th Street project, originally that estimate was for about \$8,800 for the people for the 9th Street improvement. That came in at about \$7,300, or about \$1,500 less and the assessment for the cul-de-sac area, again estimated at about eight grand, came in about four grand. So those costs came in substantially lower than the estimates. Otherwise the projects are equally per lot, as set forth before.

An abbreviated timetable of events, assuming we proceed with your action today, the public hearing will be on March 16th. Each property owner will receive a mailed notice of this assessment and the date of the hearing, we'll also publish that in the official county newspaper. Property owners will have until April 6th to pay in any special assessments in cash. If not paid in, in whole or in part, then the county will propose to issue its general obligation bonds in May to close on June 1 to finance the cost of these improvements over an extended period of times, approximately 15 years.

Jim Weber from Public Works is here to answer questions about the projects or the costs and the recommended action is to approve these costs, establish March 16th at 9 a.m. as a date and time for a public hearing and authorize notice of that hearing to be disseminated as required by law. I'll try to answer any questions that you may have."

Chairman Unruh said, "Well, thank you Joe. That's a very thorough explanation. I don't know that we've got questions or not from Commissioners. Seeing none, what's the will of the Board?"

MOTION

Commissioner Norton moved to Approve Statement of Costs, Assessment Roll and Notice of Public Hearing; establish March 16, 2005 at 9:00 am as the date and time for a public hearing regarding proposed special assessments for certain road improvement projects in the County; and provide notice thereof.

Commissioner Sciortino seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye

Regular Meeting, February 23, 2005

Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, Joe. Madam Clerk, would you please call the next item.”

PLANNING DEPARTMENT

- I. **CASE NUMBER CON2004-00033 – CONDITIONAL USE TO PERMIT THE MINING/EXTRACTION OF SAND AND GRAVEL ON PROPERTY ZONED “RR” RURAL RESIDENTIAL, GENERALLY LOCATED 1,000 FEET SOUTH OF 63RD STREET SOUTH AND EAST OF GROVE STREET. DISTRICT #2.**

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “This conditional use request for a sandpit operation you can see is located in an unincorporated area that’s surrounded on three sides by City of Wichita residential areas. It’s 135 acres in total. You can see its location, just south of 63rd Street South and east of Grove, with the Arkansas River running along its eastern boundary.

As with any sandpit operation, they have submitted an operational plan, which is depicted on the illustration that’s before you now. This shows the excavation area, is surrounded by the dark gray border, which on completion of the sandpit operation, it would leave behind a 90-acre lake.

The staging area for this operation is this rectangle along the eastern side of the site. It’s about a 12-acre site, and that would be the staging area for the sandpit operation. And what they hope to do, once the sandpit operation has ceased to operate, they hope to leave behind then a 20-lot, single-family residential development with a lot configuration along the lines of what you see before you now. The applicant estimates that it will take approximately ten years to complete the mining operation.

Going back to this graphic, you can see that the land on the west side of Grove, south of the application area and east of the application area is platted and developed for single-family residential. There is also a single residence up at the north end here and another single residence in

Regular Meeting, February 23, 2005

that particular location. And I point those out simply because they would be the properties most impacted by this sandpit operation.

Proposed access to the site is from Grove, from the north, and then along the road along the river to the staging area. And there's a second potential access point to the south, along Lorraine and then out along this route. However, the way the conditions of approval have been written, that were approved by the Metropolitan Area Planning Commission, access would be restricted to the north, along Grove. That would be the access route that would have the least amount of impact on the adjoining residential area and the access to the south would be restricted to emergency use only.

The case has offered a number of opportunities to the neighboring property owners to voice their concerns about the sandpit operation. The first of these meetings was October 28th, in front of the Haysville Planning Commission and a number of the neighbors appeared, to testify at that particular meeting and they expressed a number of concerns, including: increased truck traffic, road safety and maintenance, the potential impact on groundwater quality and quantity, increasing blowing dust and the impact of dust . . . the dust would have on the health of nearby residents, the potential impact on area drainage, the increased noise from trucks and the pumping operation and the potential loss of property value of the nearby homes.

The Haysville Planning Commission took that testimony, and considered a motion to approve the request and that motion to approve failed by a 4 to 5 vote and no other motions were offered by the Planning Commission, and so your legal counsel has offered the opinion that because no . . . there was no explicit motion for denial made and approved, that that failure of a motion to approve did not constitute a denial of the application. And I state that simply to let you know that particular action by the Haysville Planning Commission did not trigger a need for you to have a unanimous vote today.

Then subsequently, on November 4th, the Metropolitan Area Planning Commission reviewed the request and again, there were a number of neighbors that showed up to offer testimony, offering many of the same protests that were heard in the Haysville Planning Commission meeting.

A third opportunity for discussion about the impacts of the sandpit operation on the neighborhood was offered at a town meeting that Commissioner Norton sponsored on February 3rd and there was a very good attendance at that meeting and I thought a very good dialogue between a commissioner and the residents and even the applicant was present at that meeting.

We do have protest petitions equaling about 43% of the land area within the notification area, and so that will trigger a three-quarters majority vote of the commission in order to override the neighbors' protests, and if that would be your inclination to support the findings of the MAPC.

Regular Meeting, February 23, 2005

So what I'm offering to you today is the recommendation of the Metropolitan Area Planning Commission, which is to approve the conditional use, subject to the recommended conditions of approval, which are in your agenda backup report and to authorize the Chairman to sign the resolution and I'll be glad to take any questions. I know the applicant has a representative here, and there may be some neighbors here that would offer testimony."

Chairman Unruh said, "Thank you, John. Before the applicant speaks, is there any questions directly of John at this point? If not, then perhaps . . . I see representatives here from Cornejos. Would you like to step up and state your name."

Mr. Chuck Hill, Director of Regulatory Affairs, Cornejo & Sons, greeted the Commissioners and said, "Quik Sand will be the operator of this sandpit. In the past 12 months, we've sold almost a million tons of sand from our two existing locations. That sand is used in the production of asphalt and concrete, which we use in Sedgwick County for streets, highways, parking lots, driveways, pouring basements and foundations for new homes.

Fifty thousand tons of sand requires one-acre of sand extraction to the average depth of 30 feet. Now, I don't think we'll get to 30 feet at this location, but we'll be close. So the million tons of sand that we require within one year requires 20 acres of land to be devoted to sand extraction each year.

Now we estimate that, throughout the county with the other producers, the total sand production is somewhere in the vicinity of three and a half million tons. That requires 70 acres of land fully committed to and mined for sand production each and every year. Now we know that in the very near future, this market demand is going to be increased substantially by one single project, which is the city's rail corridor project, that requires approximately 800,000 tons of fill sand for the completion of that project, as it goes through the city.

That in and of itself is 16 acres of land that is going to have to be mined and devoted to sand production during the period of that contract. And this doesn't include the Kellogg paving projects, which are ongoing, the downtown arena project, which appears is going to be approved, and the water walk project, all of which are going to require thousands of yards of concrete and the sand that is needed to produce that.

And it's very difficult to select a sand site in Sedgwick County, because the sand quantity and quality diminishes as we move away from the Arkansas River. We can't mine sand in the northeast part of the county. Secondly, we must find either a willing seller or a willing landlord that desires to use their land or to sell their land for the production of sand. And we've found, over the years,

Regular Meeting, February 23, 2005

that many farmers and other landowners, they don't want to sell or convert their land to this use, regardless of what price we might be willing to pay them.

Third, sand extraction requires a water appropriation permit from the Division of Water Resources of the State Department of Agriculture, who must first determine that the water use required will not exceed the predetermined water use limits within a two-mile area surrounding the proposed pit, and that it will not adversely impact any surrounding property owners.

Finally, a sand and gravel operation needs to be located as close as possible to the end-users and to have reasonable access to transportation routes. Now, we submit that this operation on South Grove meets all of these criteria. Now, our drilling samples have shown that there's a sufficient quantity and quality of sand at the location to justify the significant expense of development of that mining operation.

Secondly, we have a willing seller of the land. Third and very important is we have obtained sufficient water appropriations from the Division of Water Resources to accommodate the development of this pit.

Now this is not a simple task, particularly in the southeast part of the county. DWR will tell you that most of that area is what's called over-appropriated, in that when you take the old wells, many of which were grandfathered in when these limits came into place. There's actually more water being used in those areas, groundwater being used, than the recommended limits would otherwise allow at this point. So there are a lot of areas, particularly in that southeast part of the county, where you cannot obtain a water permit.

Fourth, this location has reasonable access to a major, paved arterial road, being 63rd Street South, by Grove Street. Now we intentionally designed this operation to put our entrance and exit at the farthest point north on the property that we can, so that we can avoid traffic right next to the residential area, on farther to the south. We've also agreed with the recommendation of the traffic department that we will bear the cost of improving Grove to industrial street standards, from that entrance all the way north to 63rd Street. That includes widening that pavement to industrial standards. It also includes strengthening the base and making that a pavement that will stand up better to the truck traffic.

We've also agreed to a request of the neighbors that we will direct all truck traffic coming out of our facility has to go north. We will not allow trucks to turn south for the delivery of sand. We've agreed and will work with the traffic department to post signs in that area that say 'No through truck traffic' and do everything we can to limit independent customers from coming in the back

Regular Meeting, February 23, 2005

routes, I guess you'd call it, from the south. So, everything we can possibly do to confine that truck traffic to the very north part of Grove Street we will do.

And finally, the proximity of this location to the end-users cannot be understated. The cost of delivery of a ton of sand accounts for over 50% of the cost of the ton of sand for users in close proximity. That increases to about 80 to 90% of the cost of sand for those farther away. If we can service the Derby and the Haysville areas from this facility. We can deliver sand at about 35 to 40 dollars a truckload cheaper than if we have to use our facilities which are located in the north part of the county. It's a simple matter of fuel time, transportation costs, that we have delivery charges that are staggered, based on how far you are away from the plant site, we can serve the southern part of the county, the Derby and Haysville areas at a much lower cost from this location.

Now we know you're going to hear from some residents of the area who are opposed to this application and I'd like to address briefly some of the concerns they've expressed in their prior meetings. One is the affect on their domestic water wells. Many of the people in this neighborhood are served presently by domestic water wells. There is city water service available to the area, but we have provided reports to you from a certified hydrologist stating that the development of this groundwater pit, number one, will not reduce the quantity of water to those wells, and number two, will have no impact on the quality of the water.

We'll be required, through DWR regulations, to make sure that we don't get storm water runoff into the groundwater pit to assure that we don't affect the quality of the groundwater. Now we do know that KDHE has recently proposed a study, which the county is going to participate in, to determine whether or not sandpits, particularly in the post development area, may cause some groundwater pollution and I think the primary focus is on after you build the homes around it or the industrial park or whatever you do, does it then get runoff that can pollute the groundwater. That's going to take about two years, is our understanding, for that study and we have committed to the planning commission and will commit to you that any regulations that are adopted by KDHE that come out of that study we will make sure and comply with that in the post-mining development, even if that was to be a grandfathered location, and I don't know that it would, but we'll comply with any of those new rules and regulations for the post-mining development of that property.

I would point out that regardless of whether or not this sandpit is developed, there is no one that can guarantee that the quality of the water to these existing wells will not deteriorate in the future. In fact, some people would speculate that additional years and years of farming and fertilizing of that land might be more likely to adversely affect the water quality than the sandpit area.

Noise is another issue that's been raised. As Mr. Schlegel pointed out, we've placed our operations area about as far away from everybody as we can. We kind of placed it over into this area. We had it a little farther north, had to slide it a bit south to accommodate an old oil well shaft. But we believe that through that location, the noise level for the neighbors, from our trucks and from our

Regular Meeting, February 23, 2005

operation. As it attenuates by distance, moving over space, should not really exceed basically the level of normal conversations, just like we're having here today.

Another issue which has been raised is an adverse effect on property values. We've provided the MAPC and I believe it's in your packet, with some information available on properties that are adjacent to existing operating sandpits. These were houses that were located there before the sandpit was approved. That information reflected that there has not been an adverse impact on those property values closer to the current operations. In fact, a number of them have increased.

We've seen no specific evidence that indicates that these property values will go down in the short term, and I think everybody agrees in the long term, the property values will likely increase from the development, the open space area and the lake.

Now none of us question the sincerity of the neighbors who oppose this application, but you as the governing body of this county are charged with making decisions for the good of the county as a whole, based on the evidence which is presented to you. We submit that the need for locally produced sand and gravel for our continuing economic development cannot be questioned. It is impossible for us to put a sand operation anywhere in this county where we could guarantee 100% the purity of water in the groundwater. It is impossible for us to put a sandpit anywhere in this county where we could guarantee that no person is ever going to be bothered by noise from that operation.

It's impossible for us to put it anywhere in the county where delivery trucks will not have some impact on the level of traffic or absolutely no potential for accidents. In actuality, perhaps pushing us farther and farther out into the county will only serve to increase the number of miles that these trucks have to drive on a daily basis to obtain the product, which should actually increase the chances for accidents.

If your criteria to approve a sandpit is that it have no impact on any individual resident of the county, we won't have any new sandpits approved in this county, and within five years, we won't have any sand produced in this county, because there are no such locations that can be approved.

Your planning staff has reviewed the application, recommended that it be approved. The Metropolitan Area Planning Commission, which has members from throughout the county, has reviewed this application and recommended its approval.

The zoning laws restrict the fundamental rights of a property owner to use their land for the purposes and in the manner they desire. They must therefore balance the fundamental property right against the need for imposing reasonable regulations and limitations where necessary to

Regular Meeting, February 23, 2005

protect the public interest. But they cannot or should be applied so as to give veto power to area residents who object to an otherwise lawful and necessary use.

We submit that all the reasonable, objective evidence in this case indicates that approval of this permit will not have a significant adverse impact upon the health, safety or welfare of the surrounding residents, no matter how strongly held or convincingly stated or how frequently repeated, these emotional concerns or fears are not supported by objective evidence and therefore, we submit, are insufficient to support the denial of this application.

We urge you to base your decision in this case on the factual evidence, on the applicable laws and on the zoning code and we submit that when you do so, you will find that it's appropriate to approve this application. I'd be happy to answer any questions that you might have at this time. Also have Ron Cornejo here, if you have any direct questions for Mr. Cornejo."

Chairman Unruh said, "Okay, thank you Mr. Hill. I don't see any questions right now that the Commissioners want to ask of you, so if you'll just stand by, we'll see how this hearing goes. All right, this is not a public hearing, but I would like to offer the opportunity for the residents in the area who would like to make a comment, offer them the opportunity to do so. If you just want to step up to the podium and state your name and address for the record. And if we could keep your comments to three or four minutes, we'd sure appreciate it."

Mr. Darrin Deutscher, 2209 E. Fager, Wichita, Ks., greeted the Commissioners and said, "My wife and I live in the Huntington Pointe Addition, west of Grove, south of 63rd Street. I'm here today to oppose this conditional use permit that Cornejo and Sons is requesting. There are numerous concerns that our neighbors and we have about this proposed operation. Due to time constraints, I'm only going to touch on a couple of them.

Number one, like he said, was the traffic. What he didn't tell you is that Grove is our only way in and out of this area. The other road is not kept up. It is partially owned by the township, partially owned by the city, nobody takes care of it. It goes between two junkyards and two blind, 90 degree curves. Nobody uses that road.

Also, my wife and I spent a lot of time driving around and looking at sandpits, taking pictures of sandpits. Not one other sandpit in Sedgwick County uses a residential road to access their plants. They all have their own road going out to a major road. This one would not.

Sedgwick County just completed a traffic study on Grove and their results, as I understand them, were that there are 1,100 cars a day traveling Grove Street. Cornejo estimates that 100 sand trucks a day would use this road, if this proposal were approved. Understand that we are not talking about 100 more family vehicles. We are talking about 100 large trucks, and I believe that to be a very low

Regular Meeting, February 23, 2005

estimate, that would be traveling our only safe way in and out of this residential neighborhood. Couple that with the amount of traffic on 63rd Street South, approximately 10,000 vehicles a day, and you have a recipe for disaster. Ask yourselves, how many accidents is an allowable amount for your conscience? How many deaths could you prevent by telling Mr. Cornejo to take his sandpit to a better suited area of south Sedgwick County.

Number two is the groundwater, we use well water every day to cook and to clean at our house. The KDHE and I believe her name was Susan Erlenwein, I apologize if I didn't get her name right, personally have been quoted in the newspaper as saying that they cannot say yes or no to the question of contamination of groundwater caused by sandpits. They are beginning a three-year testing program, not two, across the state of Kansas to answer that very question. With the outcome of these tests not known for three years, I believe it would be very poor practice to allow a sandpit into an existing residential area. Cornejo and Sons have already been cited for contamination problems at their plant on K-15. Are we to be the next area that they mistakenly contaminate?

Number three, is noise, dirt and what he said, financial hardship. We moved to this area for its quietness and country living feeling. To allow a sandpit to locate in the middle of this residential neighborhood would destroy all that we have worked to obtain. The constant noise from sunup to sundown from trucks and loaders with backup alarms and the sand pump would be devastating to the peace and tranquility that we now enjoy. The blowing sand and dirt would be less of a problem where we are located, but would be a huge problem to the homeowners to the north and south and the east of this property.

Mr. Cornejo speaks of the financial loss he will incur if he is not given this property but I submit to you that not only did Mr. Cornejo make money yesterday, he will make it today and in the future, with or without this parcel of ground. My neighbors and I, however, will be sitting on worthless parcels of ground for the next 10 to 12 years, because as we have already found out . . . because we put our house on the market as soon as we found out about this, no one is interested in buying in an area where a sand plant is being considered. Mr. Cornejo will tell you that this is the only parcel of ground available in south Sedgwick County, but I submit that the truth is that this is the cheapest and therefore most desirable parcel in this area.

And although I understand that making money is what he is in business for, I would hope that this commission would speak, not for big business, but for your citizens and tell Mr. Cornejo to find a more suitable site.

To recap our concerns, if this permit is granted we would be left with extremely dangerous and potentially deadly traffic conditions on a daily basis, unknown and possibly dangerous risks to our water supply and years of noise, dirt and huge financial losses to our community. We ask that you deny this conditional use permit and give Mr. Cornejo the message that this is not acceptable

Regular Meeting, February 23, 2005

business practice to put industrial businesses in existing residential neighborhoods. I'd like to thank you all for your time and for listening to our concerns."

Chairman Unruh said, "Okay, thank you very much. Is there anyone else who would like to speak? Yes, ma'am. Just state your name and address for the record please."

Ms. Peggy Hayes, 6510 S. Grove, Wichita, Ks., greeted the Commissioners and said, "I have nothing prepared. I am the resident at the north that is the most impacted. It will be where the proposed in and out will be. In ten years, my oldest daughter will be 16 and learning to drive. Think about that, a new driver with so many vehicles coming in and out of a driveway. I also have a two-year-old. This will cut down on our being able to go out during the day and yes, I'm all for making money, such as that, but at the expense of families, which is what this is supposed to be for, to better our families, I totally agree that Mr. Cornejo has lots and lots of reasons why but also as my fellow resident has stated, he has also shown talk is cheap, because he has been fined quite a bit for contamination, as they say, by mistake.

So I have nothing prepared, I just wanted to make my remarks that the homeowners that are most affected are here and have expressed their concerns. And like I said, this will be right at my front door constantly. And other . . . I don't want to go on about Cornejo and what they've did, what they've said, you've all heard that but I just want you to know that the citizens are against it. Not the development of having something new, this and that, but the fact that it is a danger, I think, for my family and for the citizens around that area and that's basically all I have to say."

Chairman Unruh said, "Okay, thank you very much for your comments. Someone else coming to speak? Please state your name and address for the record."

Ms. Loretta Lollar, 7011 S. Volutsia, Wichita, Ks., greeted the Commissioners and said, "Which is directly adjacent on the south side. I just want to . . . you know, you guys will be voting on this issue and as the planning commission stated, you only need three-fourths and the petition that was signed was only like 43%. What I hope you keep in mind is that's 43% square footage or yards, that's not the number of petitions that were signed, like per resident. If you took it how many actually residents lived there, instead of the square footage, it would be a lot higher number, the percent, which would probably warrant a unanimous vote.

So, I just . . . I ask that you . . . you know, I believe in development, but not at the expense of certain citizens. And if you guys do find it necessary to approve this conditional use, would you be willing to wait until the studies are completed, to see if there is any contamination or any possible affect on

Regular Meeting, February 23, 2005

one of our precious resources called water. So I thank you for hearing me and I appreciate an honest vote. Thank you.”

Chairman Unruh said, “Okay, Lonetta hang on just one minute. Commissioner Winters wants to ask a question.”

Commissioner Winters said, “Could you show us where you live. Right in there. Okay, thank you.”

Chairman Unruh said, “Okay, thank you very much. Is there anyone else who would like to speak at this time? Any other citizen who would like to speak? Yes, sir. Please state your name and address, sir.”

Mr. Michael Berube, 6802 S. Grove, Wichita, Ks., greeted the Commissioners.

Commissioner Sciortino said, “Sir, could you come over to the map and kind of give us a little closer idea.”

Mr. Berube said, “I live on the island. Now this property is going to be sold, regardless, to settle an estate and I’d rather see 90 acres of water rather than 90 acres of housing out my back door and that’s about it, cut and dried. It’s going to be settled and if they don’t turn it into a lake, it’s going to be turned into sprawling development, so there goes your country living, it’s gone. Thank you.”

Chairman Unruh said, “Okay.”

Commissioner Winters said, “Sir, what was your last name?”

Mr. Berube said, “Berube, B-E-R-U-B-E.”

Chairman Unruh said, “Okay, thank you Michael. Is there anyone else that would like to speak to this issue? One more time? Then I will just restrict the discussion to the bench and commissioners, if you have comments or questions, now is the time. I think Commissioner Sciortino was first here.”

Commissioner Sciortino said, “I guess John, I just have a question of you, to kind of follow up on that last speaker, is this property zoned properly right now that a trailer park could go into it?”

Mr. Schlegel said, “No, I don’t think so.”

Regular Meeting, February 23, 2005

Commissioner Sciortino said, “Okay, so that would have to . . . it couldn’t just be a trailer park. Okay. If the applicant platted it, could it be annexed into the City of Wichita?”

Mr. Schlegel said, “Certainly, yes.”

Commissioner Sciortino said, “Okay, that’s all I have right now.”

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

Commissioner Winters said, “I’m not sure who this question is for, whether it’s John or Mr. Hill perhaps, but what are the requirements surrounding a sandpit: fencing and screening and those kinds of issues? John, do you have the answer to that, or would that better come from the applicant?”

Mr. Schlegel said, “Yeah, there’s a whole list of requirements that the applicant must comply with in the zoning code. I don’t know how extensively you want me to get into that.”

Commissioner Winters said, “Well, I think maybe I’d rather hear from the applicant’s side what they intend to do. Mr. Hill.”

Mr. Hill said, “Basically, the code requirement is a four-foot chain link fence with a foot of barbwire on top. This has to surround the entire perimeter of the operations area. Okay, that’s the code requirement.”

Chairman Unruh said, “Excuse me, Mr. Hill, would you mind getting to the microphone. Thank you.”

Mr. Hill said, “Yeah, the code requirement is a four-foot high, chain-link fence, I think, topped by I believe a foot of three-strand barbwire that has to go around the entire perimeter of the operations areas, which is the red line, basically, that you see around the area.

Now what we have agreed to do, in addition to that, we’ve agreed to make a landscaped berm that will run all the way along Grove, which will be outside of the fence area, so that you won’t just look at a chain-link fence. We’ve also agreed to put a landscape berm along the south property boundary, you know, some rolling hills and that sort of thing which would be landscaped with vegetation and trees, which will screen that off from the residence to the south. So, in terms of the requirements, the requirements are the chain-link and the barbwire. We’ve agreed to go beyond that and do a nice landscaped berm area all along there to soften the impact of the operations, period.

Regular Meeting, February 23, 2005

So, you know, there's ways to do a chain-link fence that looked pretty poor and there are ways to do that that look pretty well, and your intention is to do a berm and make that landscaped along the west and the south edges of this property."

Mr. Hill said, "Yes. And now I can tell you, I think some of the neighbors at one of the meetings preferred to have the fence on the south . . . on the south side of the berm, so that it wouldn't make kind of a little causeway area for people to ride motorcycles and ATVs and stuff on and if that's what they want, we'll do that. But I think along Grove we'll put the fence inside the berm area, so that it just gives a more natural appearance to the countryside there. And this will all be new chain-link fence, put in by a fence contractor. It's not something that we're going to go out and appropriate."

Commissioner Winters said, "And I would assume that you'll have the . . . since this is going to be excavated, I'd assumed you'd have material right there available to do the berming and the landscaping with then."

Mr. Hill said, "Yes, we should have plenty of what we call overburden to remove that will allow us to construct that berm without any problem."

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

Chairman Unruh said, "Mr. Hill, on the property owner right to the north, where you have your entrance/ exit, are you planning any . . . do you have any plans to mitigate her concern about safety or is there anything you could do? I don't know, I can't tell from here what the relation of their home is and front yard is to that road, how close it is."

Mr. Hill said, "It is a little difficult to tell, and I would defer to her, maybe 100 feet."

Mr. Schlegel said, "I think there's a photograph. Is that the right house."

Mr. Hill said, "That's the home to the north of the site and I don't know, is that the plowed farm field there? There is some tree area there. We'd certainly be willing to consider some additional trees in that area, because we will have a road going back toward the river to get to the operations area.

Regular Meeting, February 23, 2005

In terms of safety, as far as from the truck traffic, you have to recognize we're talking about, what I'm told from the traffic department, about 800 feet from the exit to 63rd Street, where the trucks will have to stop. So it's not like these trucks are going to be going 50 miles an hour down Grove Street. They will barely be out of the turn and starting to accelerate as they go past that house, when they're coming in from the north, they'll be preparing to turn left and slowing down. So, in terms of safety from that, the traffic engineering department does not seem to have any concerns. I think they've examined this rather extensively. We will put our entrance as far south as we can. We're trying to accommodate everybody and avoid the big part of the residential neighborhood. We'll put it as far south as we can to keep it as far away from these folks as we possibly can."

Chairman Unruh said, "But as you improve Grove Street, how far is Grove from the front door of that residence? Do you know? I mean, is it . . .?"

Mr. Hill said, "It sits back from Grove Street . . ."

Voice in audience said, "Fifty feet."

Mr. Hill said, "Is it only 50 feet. It kind of . . . Grove curves around and goes away from it. It will come right up to the right-of-way line. The traffic engineering has told us that they believe there is sufficient right-of-way already in place to accommodate the widening. I think it goes to 41 feet, curb to curb, to industrial street standards."

Chairman Unruh said, "Well, I guess my thought is, with a two-year-old, maybe you could talk with that resident and try to work out some way for fencing or something along there, so that child wouldn't get to the street, if it's within 50 feet, that might be a suggestion you might want to take."

Inaudible response from audience

Chairman Unruh said, "Okay, well that's just a suggestion."

Mr. Hill said, "We'd certainly be willing to assist them in that, to the extent that we could. We obviously can't go in and do anything on their private property."

Chairman Unruh said, "I understand. Okay, Commissioner Winters."

Commissioner Winters said, "John, I guess if you could go back to . . . I'm having difficulty figuring out where this particular house is located. Could you go back to one of the sites that's got a . . ."

Mr. Schlegel said, "Well, yeah, you can see it."

Regular Meeting, February 23, 2005

Commissioner Winters said, “Which one is Ms. Hayes’ house?”

Mr. Schlegel said, “Right there.”

Commissioner Winters said, “Okay.”

Chairman Unruh said, “Commissioner Sciortino.”

Commissioner Sciortino said, “Okay. Mr. Hill, there are posted speed limits on Grove now. I mean, there’s a law that says how fast a vehicle can travel on Grove right now.”

Mr. Hill said, “Yes.”

Commissioner Sciortino said, “And I have to assume the reason they’re posted is because the Department of Transportation feels that that’s the speed limit that would provide the most safety. And does your company intend to adhere to the traffic laws?”

Mr. Hill said, “Certainly. I think it’s 50 miles an hour. Is it 50 out there? And frankly, if you’ve driven that curved portion, as it comes in, I wouldn’t want to drive that at 50 miles an hour and I know none of our truck drivers are going to drive that at 50 miles an hour.”

Commissioner Sciortino said, “Well I mean, when you leave the proposed site to get to 63rd you’re just going to be barely starting to go up, and then have to start throttling down to get to the stop light.”

Mr. Hill said, “Correct. You know, I don’t know, I’m not a truck driver myself, but I can’t imagine that they’d hit anything more than 25, 30 miles an hour in that distance.”

Commissioner Sciortino said, “Okay, that’s all I have.”

Mr. Hill said, “And we would not oppose a reduction in the speed limit, if traffic engineering wanted to explore it.”

Chairman Unruh said, “Okay. Commissioner Norton.”

Regular Meeting, February 23, 2005

Commissioner Norton said, “Well, this is in my district and I’ve done plenty of study and visiting with folks and visiting with the applicants and I do have some concerns and I want to throw them out and let the group talk about them, because these are things that maybe you haven’t thought of, but I’ve traveled this road many times. Pine Bay Golf Course is right across from this property and has been developed, so I do travel this area.

The first thing I think we need to consider is Grove Avenue, as it exits onto 63rd Street. 63rd Street was just improved to four-lanes, it’s curb and gutter, traffic moves pretty fast through there, it’s up to 9,000 cars a day, but with the advent of Lowes and other development over in Derby, that’s now becoming a pretty heavily traveled corridor and it’s going to grow exponentially and you’re going to have slow-moving trucks pulling out onto a pretty fast thoroughfare, most of which I assume are going to move to the west to get over to Hydraulic and that means they’re turning across two lanes of traffic and try to integrate into moving traffic in another lane. There is no middle lane there to move into, so I worry about that, and that has nothing to do with traffic on Grove. That’s the traffic as they get onto 63rd and I don’t think we’ve solved that. There’s no signalization there and I think traffic studies will show that that traffic flow through there is going to grow exponentially. In fact that’s why we widened that into four lanes and fixed it so that it could accommodate that south side traffic.

Because of that, there are plenty of people that move out of this area on one exit and that’s Grove. So, I’m not as concerned about trucks and their speed but the people driving up and down that road at 50 miles an hour, coming up on dump trucks that are trying to pull out onto a two-lane road. It doesn’t matter that it’s industrial strength and it will hold the truck. Will it accommodate the flow of traffic? The only way the folks that live down in this area have to get out is Grove Avenue. Yes, there’s a second exit, but unless we made some real improvements to that road, I wouldn’t travel it. In fact, right now with the rain outside, it’s probably impassable I would imagine. I haven’t driven it recently in a rain, but it’s probably impassable.

Now I have charged David Spears to look at that road, Mark Borst, Jim Weber, to see if there’s a way that we could pave it with a cold mix process or whatever to give the residents there another way to get out of their neighborhood that will not put them constantly on Grove Avenue, particularly during the times when trucks are going to be moving in and out of there, because it will impede the traffic flow, in my mind, and we need to have a solution to that.

The difficulty with doing anything with that road is that it alternates between City of Wichita and township road. Nobody really takes much ownership of the road, so we’d have to solve that dilemma, but I think there’s a way to at least start mitigating part of the traffic flow problem out of there, if we could so do that.

Regular Meeting, February 23, 2005

Another concern I have is the length of the conditional use. I mean, 10 to 12 years as I heard it from the citizens, ‘Wow, that’s a long time for us to have to deal with this’. If this could be done in three or four years and we’d just put up with it for that long, maybe we could go along with it, but boy, 10-12 years is a difficulty.

Now just having come out of the railroad project in Haysville and how difficult that was for a community, at least there was an end time to that. You knew that it was going to be 14 to 18 months and at the end of that, even though you’d suffered, it was over with. Twelve years is going to outlive my usefulness as a county commissioner, I can tell you that, so that’s a long time for people to be dealing with that. I have a concern there. Maybe there’s an alternative that we could look at.

I have a concern over the groundwater, sandpit study that we’re doing. I know that a hydrologist has looked at it, that this is a supposedly post-close down study, but it seems like we’ve entered into that and to site a sandpit or any kind of extraction operation while we still have maybe some question marks and concerns and an ongoing study that we’ve bought into maybe doesn’t make sense. And I would like for the commission to think about that, process it, give me some feedback on that.

The next thing is that for two and a half years now I’ve been working on a greenway, park plan for this south area. The city owns the land, the big parcels of land south of this residential area. It was bought many years ago. I know some of you know that Bill Cather and Frank Smith of the park department bought that land for development, as a city, maybe a county park. As you run along the river, I’ve envisioned that there will be jogging paths and canoe portages and a green-space and park, and truthfully, this parcel of land fit into at least my vision and plan for what a park space would look like along the Ark River, as we try to develop that on the south side.

This changes what my thoughts are on what I’ve been thinking of and talking about with the greenways alliance, with other community learners about developing like a south Sedgwick County park, but along the river on the south side.

I’m concerned about what the recommendations and concerns were of the Haysville Planning Commission, even though they’re a small town, they still . . . this is in their area of influence. They didn’t deny it, but they did not approve it, which is I guess legally a different way of approaching this, but I have a concern of what that was. Maybe we need to go back and look at their recommendations and what were they worried with.

Right now this is zoned Rural Residential and SF-3 on the other side of the street, that’s all residential. It’s all City. Other than this piece of property, everything has been annexed into the

Regular Meeting, February 23, 2005

City of Wichita and I have a concern of what . . . how the city feels about this operation, because it is going to be very effective to their plans to develop down there.

And then the final thing I think we need to consider and be concerned with is the comprehensive plan indicates that industrial uses should not feed directly to local streets and residential areas. They should be generally located away from residential areas. Well this is definitely an industrial use and it will spill out onto a residential street. Grove Avenue is no longer a county, rural entity. It is a residential street in the City of Wichita, and that is a different thought process than this industrial use opening up onto a county road or a township road. It is a paved, city street.

So with that, I'd like to hear what my fellow colleagues have to . . . what their thoughts are on this. My recommendation today would be to send it back to the MAPC and look at some of these concerns that I've raised, unless you think they're minimal and we can go ahead and take some action today. But I think that we are not acting prudent, based on what the citizens have said and some of my concerns are if we act on this today."

Chairman Unruh said, "Thank you. Are there any other comments? There we go. Commissioner Winters."

Commissioner Winters said, "Well, I'd make a couple of comments I guess to have the . . . start some of our real discussion. I think this is a difficult case. A couple of things, in responding to some of your concerns Commissioner Norton, is that I do think that 63rd Street is certainly a busy street, but it's a pretty good street. I mean, if we were looking at a two-lane road out there, I think there would be a different concern than it is now. I mean, that street has really been developed to take some traffic load and we know it's going to continue to get more, but I think it's a pretty good road for service to this area.

I'm not sure what to think about the ten years, possibly going to twelve, except even as you think about that in relationship to the comprehensive plan and talking about industrial areas, if this was going to be some kind of a plant or factory or industrial park that was going to be there from now till the end of time, that would be a different concern that I think would really have me stumped. But I'm not sure with this having a finite length of time, at which then this will go back into really probably a more residential, on a lake kind of environment, of which I would expect the houses would probably be pretty nice and it would be probably a pretty good development after that ten-year period.

I've also heard a lot about the groundwater study issue that we're doing. I think it's good that we're proceeding with that, although I think we have . . . I mean, we've been fortunate on one hand to have the ability to have sand extraction here in Sedgwick County and it has saved us, as citizens, a lot of money on all kinds of projects because we've had that here, and thus we have a lot of sandpits. And so I think it is good to study them, although I think adding one more to the mix, if

Regular Meeting, February 23, 2005

there's some kind of . . . I think we would have known if there was some kind of huge problem out there, it would have raised itself before now.

And going along, I mean, I certainly want to be prudent with the use of any kind of water resources, but I think adding one more sand pit to the mix is probably going to be insignificant when you consider how many sandpits that we really have here.

The park issue is a good one, because I think on south of this area, along the Arkansas River would make a very good park/ recreation area and I think we ought to spend some more time thinking about that. I guess that the things that are really kind of affecting me on this one are the staff recommendations, the MAPC recommended approval, 63rd is a pretty good road, Grove is going to be torn out and redone to industrial standards, which means it will be a good road.

Yes, there's going to be traffic on it, but that's what roads are developed for is to handle traffic, and if we don't allow traffic to move, I mean, we need to just make sure that we've got good roads. So, I'm kind of conflicted here, but those are just some reactions to your first thoughts."

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

Commissioner Sciortino said, "I have to assume that the planning commission took into consideration the majority of these concerns that you had, because I think they probably heard from the citizens the same thing or more elaborately that they expressed here. Normally, when a commissioner makes a recommendation to send it back, we try to accommodate that, Commissioner. But in this case, I don't know what effect it would have. The MAPC overwhelmingly voted for this 10 to 2, after hearing all of the concerns of the citizens.

I have a question also of Mr. Euson. Right now, as it stands, since the Haysville Planning Commission did not specifically vote to deny, if we were to take action today, it would solely require a super-majority of four. Is that correct?"

Mr. Euson said, "Yes sir, it requires four votes."

Commissioner Sciortino said, "Okay. Had the Haysville Planning Commission voted to deny, it would take a unanimous vote."

Mr. Euson said, "It would take five votes then."

Commissioner Sciortino said, "Okay. Can you envision a scenario where if we were to send this back to the planning commission, they could send it back to the Haysville Planning Commission and then Haysville Planning Commission votes to deny and then by the time it gets back to us, it takes a unanimous vote. Is there any kind of scenario that you could see that happening in?"

Regular Meeting, February 23, 2005

Mr. Euson said, “Well, I think you would have to direct that it go back to the Haysville Planning Commission.”

Commissioner Sciortino said, “Okay. Since there has been a protest of . . . a required protest, if we send it back and then it comes back to us, it still requires a super-majority, since the protest is still valid.”

Mr. Euson said, “That’s correct.”

Commissioner Sciortino said, “So there’s no change in that. The comprehensive plan issue, I agree with Commissioner Winters, if this applicant was building a concrete factory, that was just going to be there forever, but I have a problem with something that’s only going to be used for a finite period of time in commercial and then it’s going to be converted to residential. I don’t see any reason for us to just put a moratorium because we have some study going on, and I wasn’t too clear where you were on that, if that was what you were really proposing, since there was a study, let’s not support it or not.

But I look at across the street at that golf course and I see some awful beautiful homes that have been developed and purchased because of that very nice lake that’s now in place. I haven’t heard of any groundwater pollution that they have over there and that . . . it’s not been in use for quite a while, so I don’t have quite the same concerns that there’s some real significant potential for contamination.

I don’t know about the length of conditional use. I assume that they asked for 10 to 12 years because that’s what they felt they needed was 10 to 12 years. Mr. Hill, is that the reason you asked for 10 to 12 years, because you need 10 to 12 years?”

Mr. Hill said, “It’s a difficult question, Commissioner, because we’ve gotten in the position of trying to make optimistic estimates on time periods and with market conditions changing, we don’t make it and we have to come back and that’s . . .”

Commissioner Sciortino said, “Okay, so it could be . . .”

Mr. Hill said, “Really, if the market continues at the demand level it’s at, we don’t think it will take eight years to extract up there, ten years to extract all the sand, but I can’t stand here and guarantee you that. At some point, I’ll guarantee in ten years we’ll be done.”

Regular Meeting, February 23, 2005

Commissioner Sciortino said, “Okay. So it’s in your best interest however to extract the sand as quickly, to supply the market, so it wouldn’t pay you to just do it slowly and extend it. It’s in your commercial interest to be done with this as quickly as possible. I would assume you’d love to have people buy it and you’re over in one year. But, okay, so I take comfort that they’re going to try to reduce this as quickly as possible, because it’s in their commercial interest.

The Grove Avenue, as it was stated, it’s a street. A street is designed to hold traffic. I think we’re going to make some improvements . . . some improvements are going to be made there. The only thing that . . . I did hear about the egress onto 63rd heading west, I don’t know if that’s a danger right now, if the traffic is such that these trucks are going to be having a lot of trouble trying to access 63rd. I would have to assume, as I would if I come to an intersection and I want to cross two lanes of traffic, I wait until I see the traffic is safe for me to do that, but I don’t know how else to change that, unless you turn east, but I guess you’re having to turn west.

But I want to hear what the rest of you have to say. At this particular point, I don’t see the reason to delay this because I’m not too sure that the MAPC is going to come back to us again after 30 days and say that we still recommend that you approve it. Anyway, I’d like to hear what anybody else has to say.”

Chairman Unruh said, “Well, I would just make a comment that, Commissioner Sciortino, I appreciate your analysis of the procedure nuances of sending it back for reconsideration and we probably would not gain anything by doing that and I won’t repeat everything that’s been said to this point, but Commissioner Norton, in response to some of your comments, I think Commissioner Winters expressed much of what I would think about this.

Primarily for me, this has got our professional staff from the Metropolitan Area Planning Department and the Metropolitan Area Planning Commission voting in favor of it. It’s significant to me that the Haysville City Council affectively did not take action, and so for all those reasons, procedure and just general understanding and satisfaction with the plan as it’s been presented, recommendation of the MAPC, I’m willing to proceed forward with this and I would be supportive of it.

Are there any other comments, Commissioners? We’re at the point where we have to express our will.”

Regular Meeting, February 23, 2005

Commissioner Norton said, “Well, my final concern is that if you really look at the Rules of Golden on rezoning cases, I think there’s some provocative places where this doesn’t meet muster. And if you can go through those eight or nine points and convince me, other than just the citizen protest one, because that has been shown that that’s not good enough reason to deny, that we can find good reason on every one of those, then I’m okay with moving forward today, but if you have any questions about any of those in your mind, then you might want to think differently. Certainly, conformance to the comprehensive plan, I’ve already stated that the comprehensive plan says don’t open up industrial properties out on the residential streets, and this is a residential street.

It talks about the character of the neighborhood, it’s SF-3 and rural residential, there’s no industrial even close to there. Also talks about the extent of how it will affect other properties down there and certainly I think that it will. Now, if we can answer all of those questions, and maybe the MAPC already did, John could speak to that, but I think that’s the whole argument we have that weighs on us, is whether it meets the Rules of Golden for rezoning. It’s not how we feel about it and whether we meet anything procedurally. It’s whether it meets the letter of the law on the nine points of Golden, and I’m not sure that it does on all of those.”

Chairman Unruh said, “Okay, is that all? Commissioner Burtnett.”

Commissioner Burtnett said, “Well, I’m glad you brought that up, because I have been going over those rules and this is a really gray area. That’s why this is going to be such a difficult decision. I’ve read through the MAPC information, through the Haysville planning minutes and it just . . . it is a very difficult decision. But I agree with you, when you have significant residential development and then trying to put an industrial area in there, it’s hard for me to make up my mind which way to go on this.”

Chairman Unruh said, “Okay, thank you. Commissioner Winters.”

Commissioner Winters said, “Thank you. I’m trying to weigh whether this option of sending it back to MAPC. If we had a motion before us for denial today, I would not support that motion, but I’m just sitting here trying to think about the objective of sending it back to MAPC and John, could you help me? What kind of a time frame would we be looking at before it would be back on our desks again, if we would chose to ask MAPC to revalue, re-look?”

Mr. Schlegel said, “I’d estimate in about 60 days. It would take us probably 30 days to get it back on the Metropolitan Area Planning Commission agenda and then typically, the way the time frames go, it would be another 30 days before . . . on top of that, before it would be back before you.”

Commissioner Winters said, “Thank you.”

Regular Meeting, February 23, 2005

Chairman Unruh said, “Okay. Commissioner Norton.”

Commissioner Norton said, “Just a comment. When we had a sand extraction case on Ridge Road, up north, our recommendation was to send it back to the MAPC.”

Chairman Unruh said, “Yes it was.”

Commissioner Norton said, “You know, we had some questions, they said approve it at that time and we were going to send it back to them anyway. It was later pulled off the agendas completely, but that was our recommendation is let them look at it again, see if they could solve some of the citizens’ concerns, talk about the nature of that property being developed as sand extraction in that area. It seems like, if we’re going to be consistent, that is our consistency. We’ve already had a case just within two months that we’ve done that.”

Chairman Unruh said, “Okay, thank you. Commissioner Sciortino.”

Commissioner Sciortino said, “If this was a very close vote by the MAPC, you it was only one or two votes different, I could agree that maybe we could send it back and let the citizens voice their concerns one more time. I do not dream, in my wildest dreams thinking that, other than the applicant withdrawing the application, would the citizens be satisfied. What I heard today is that they do not want this operation in their area, and that’s the only way they’re going to be satisfied. I don’t think they’re going to be satisfied if we fix Grove, if we fix an alternative street. They don’t want this entity in their neighborhood and the vote was so . . . And the planning commission heard all of this and they voted overwhelmingly, 10 to 2, to approve it. And I cannot dream, other than just delaying this operation going forward for 60 days, that they’re going to change their minds sufficient that it would all of the sudden be a vote to deny, I mean a recommendation to deny.

So, I would hope that we could just go ahead and go forward with this. I believe, after hearing what I heard from the applicant, that this is a service that is desperately needed. That it is going to mean that a lot of this construction work that’s going to be done in Wichita is going to be done cheaper, which is a benefit to all of the citizens. I think the end result, when they’re finished with this, property values are going to go up, because there’s going to be a beautiful new residential facility limited. There’s not going to be a lot of homes, but they’re going to be nice, high-quality homes next to a lake.

As far as the greenway/ park plan, maybe the applicant would agree to save some of the area for park area or what have you. But I think this is a . . . what I’m hearing, I have decided based on what I’ve heard today, that this is a plan worth proceeding forward and I would not be of mind to refer it back.”

Regular Meeting, February 23, 2005

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

Commissioner Norton said, "You also have to remember, if you send it back to MAPC, it's not to get them to change their minds about the vote. It's to get them to reconsider some of the conditions of the use and to see if that can be amenable to the citizens who live down there.

I don't know that it makes sense . . . it might not make sense to them to have a second exit that's paved where they can get in and out of their neighborhood and that becomes a condition. I don't know if some of these other thoughts become conditions. You know, this is a conditional use zoning. This is not anything but that, and truthfully I'm not anti-sand extraction. I'm certainly not anti-business, but I am for coming up with a win/win solution that accommodates a business trying to do business, but a neighborhood that is obviously saying 'If they're going to be there, first of all we don't want them there, but secondly if they're going to have to be there, there's some things that are going to really be bad for our neighborhood'.

Traffic is one of them and we haven't solved the traffic flow problem. You know, we've solved that the trucks aren't going to tear up Grove Avenue but that doesn't solve the ingress and egress and people driving in and out of there, with that being the only way to get in and out of their neighborhood.

I would ask each commissioner, if you knew getting out of your neighborhood, your cul-de-sac, there was going to be 100 trucks a day in the middle of that, just getting out of your neighborhood, would you like that? Probably not and that's what we're faced with, these neighbors, they have one place to get out of their neighborhood, Grove Avenue.

Now one of the conditional uses could be fix that other road where they could have ingress and egress. Now, it ain't going to be a pretty road, it ain't going to be scenic, because it's going to go through a junk yard, but at least would be a paved road that would be safe, that could be accessed onto Hydraulic for that neighborhood. That is a conditional use. That would be something that would be added to the ability to zone this the way you want to, to do business, but that would accommodate that conditional use. That's all I'm saying, that maybe the MAPC could consider some of these things and add them into the conditional use.

Not in my wildest dreams did I believe that it will go back and then be a 2 to 10 vote against this. I don't think that's going to happen, but I think that there are some real issues for the neighbors there that they want to have solved. I had several of them say, 'Well we know it's going to go through'. We'd like to fight it, but we think it's probably going to happen, but that doesn't make it right that our lives have to be changed by that many trucks on the only road we've got to get in and out of there, that we don't have to deal with some of these.

Regular Meeting, February 23, 2005

The berming, some of the other things will help with the noise mitigation, will help with the blowing dust, but I still have a big concern on traffic and some of the other things that I've enumerated."

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

Commissioner Sciortino said, "Well, I believe Commissioner that you had indicated that you were talking to David Spears for us to consider would we repair Grove, and put some cold mix on it or something and make it . . . Isn't that what you said?"

Commissioner Norton said, "Not Grove."

Commissioner Sciortino said, "I mean that other street, you had already asked and that would be something that would come to us and we could make a decision as to if that's something we want to do. Isn't that what you were trying to get to?"

Commissioner Norton said, "Well, no. I was getting him to give me some figures on how much it would cost and what it looks like. The truth is, it's a township road and a City of Wichita road. It's not even a county thoroughfare, so the only thing I can do is kind of look at it and say, 'One of the solutions would be to pave that'. Now full hot asphalt paving with curb and guttering would be really nice, pretty expensive, it's about three-quarters of a mile I believe."

Mr. David Spears, P.E., Director/County Engineer, Public Works, said, "Thirty-seven hundred feet."

Commissioner Norton said, "Okay, pretty close. I don't know what that would cost, \$500,000, if it's curb and gutter, hot mix, probably \$60,000 if it's cold mix, close, I don't know. Does that make sense? I heard the citizens very adamant about that their lives don't have to be changed that much by 100 trucks a day. And that's 100 trucks that we can estimate by the sand extraction company, not the people that just want to go and buy sand there. Okay, just a thought."

Chairman Unruh said, "Well Commissioner Norton, this area is in your district and I would want to defer to you to make a Motion, but it seems like we have two choices, either vote on the recommended action or you could make a Motion to defer and so since we've kind of discussed this pretty thoroughly, I think we're ready for a Motion of some kind. But before that, Commissioner Winters would like to make a comment."

Regular Meeting, February 23, 2005

Commissioner Winters said, “If a Motion comes up to send it back to MAPC for their reconsideration, what happens when it comes . . . we do that so rarely, what happens when it comes back to us? Do we then just analyze MAPD’s discussion and the minutes of their meeting and then act on the issue again, or do we take public comment and listen to the applicant again and go through all of that? Rich, do you have an answer to that?”

Mr. Euson said, “Well Commissioners, that’s really entirely up to you as to how you want to do that. I mean, there’s no legal requirement for you to do one way or the other.”

Commissioner Winters said, “Okay. Well, the only thing I guess that I was going to say is I mean, Commissioner Norton, I can’t hardly remember a time . . . I mean, if a commissioner whose district, an issue as difficult as this one, really wants to send it back, I have to respect that.

On the other hand, I’m not sure what’s going to come back to us, other than I think they’ve done diligent work in trying to come to a conclusion and I’m just not sure I can really see what the result coming back to us will be. This request is conflicting me, because on one hand I’m ready to move ahead today, but on the other hand I respect your wishes.”

Commissioner Norton said, “Well, I can insure my commissioners that if we move ahead and it does pass, I’m going to be working really hard to try to resolve some of these problems. I mean, these folks deserve an answer and I can’t change the will of the total commission, but I can guarantee that we’re going to work on several of these and one of them is to fix the traffic problem there and I may be calling on you guys to bump up some money to help me with that project. I can tell you that I still believe that some of that should be parkland and green space along the river there and not maybe more commercial devel . . . I mean, residential development, that we have an opportunity to make that whole area into something really great for the neighbors there, but the whole south of Sedgwick County.

And I believe the south side of Sedgwick County deserves some of these things. I mean, the truth is, I’ve always been an advocate of anything below the Mason/ Dixon line, which is Kellogg Avenue, just gets the lesser of things and sometimes it’s time to step up and give them better things and parkland and green space may be the answer to that and you know, I’ll defer to the will of the commission. You know I’ve never been an obstructionist. I’m going to advocate for the folks that live in my district, but progress has to go on but it’s not going to deter me from worrying about these and watching this as it progresses for the neighbors in my district, I can guarantee you.”

Chairman Unruh said, “Okay, thank you. Commissioner Sciortino.”

Regular Meeting, February 23, 2005

Commissioner Sciortino said, “Thanks. Tim, in a way it may be trying to move this project along and not delaying it, let me just throw up maybe an idea and I’ll be happy to join with you, because I agree with you about the parklands and what have you and the south side and Haysville and Derby are neighbors and what have you, but if you could maybe change your request to send it back, I would be willing to join with you and let’s go sit down and have some meetings with the applicant and let’s flesh out some of these thoughts about greenway and see how . . . I’ve always found this company very willing to talk and accommodate and perhaps maybe we can get some of these concessions done voluntarily and we could still have this project move. And if you could take comfort in that, I’d be very happy to take an active role and work with you on it.”

Commissioner Norton said, “Well, I’m going to continue to work on those things that I’ve talked about today. I’m going to defer to the commission as to what their will is. I think you know that I would rather defer it and look at some of these conditional uses, but if that is not the will of the commission today, then I guess I’ll have to live with the majority rule. That’s the way it goes. Now I don’t know how the vote will go. I can tell you that I will probably vote to deny today, vote against a recommendation. If that changes your thought process, then so be it.”

Chairman Unruh said, “Well, I will offer a Motion then, Commissioner Norton, unless you want to put one in for deferral and have us vote on that.”

Commissioner Norton said, “Well, if it doesn’t look like there’s going to be any will of the commission to do that, I think that’s a wasted Motion.”

Chairman Unruh said, “Okay, very good.”

MOTION

Chairman Unruh moved to adopt the findings of the Metropolitan Area Planning Commission, approve the Conditional Use subject to the recommended conditions of approval, and authorize the Chairman to sign the Resolution.

Commissioner Sciortino seconded the motion.

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

Regular Meeting, February 23, 2005

VOTE

Commissioner Norton	No
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Next item please.”

NEW BUSINESS

J. PRESENTATION OF SEDGWICK COUNTY APPRAISER’S ANNUAL REPORT OF REAL PROPERTY VALUE TRENDS IN SEDGWICK COUNTY.

POWERPOINT PRESENTATION

Mr. Michael Borchard, Sedgwick County Appraiser, greeted the Commissioners and said, “We appreciate the opportunity to allow us to report on the 2005 appraised values. We will begin mailing those notices to property owners in Sedgwick County next Tuesday, March 1st. And those properties . . . or those values should reflect the market value for 2005.

Most taxable property is valued based on its fair market value. As you know, the amount in terms of money that a well-informed buyer is justified in paying a well-informed seller, and excepting for a property in an open and competitive, assuming that the properties are acting without undue compulsion.

Sales activity in Sedgwick County over the last 12 months has been very strong, there was a record number of sales that went through the verification and validation process in our office. Those sales were all tested to make sure that they met the criteria of fair market value.

Once the sales are verified and validated, these sales will be entered into our computer system and used to recalibrate our valuation models and to produce the 2005 values. Parcel growth in Sedgwick County in 2005 again, this chart shows the number of properties we appraised for 2005, over 207,000 properties.

As part of our annual 17% re-inspection, inspection of properties that have sold and the inspection of all building permits, it is estimated that we visited in the area of 40,000 properties in the field this year.

Regular Meeting, February 23, 2005

Just to touch briefly on the classification of property, there are three major categories of property in Sedgwick County: residential, commercial and agricultural. It is also the responsibility of the appraisers to determine the accurate classification of property and it's important because different property types are assessed at different rates. We use market value to determine the value of residential and commercial property and on agricultural land, it is based on the property's productivity and income.

Residential property represents about 50% of the total assessed value in Sedgwick County. Market activity in residential classification has been at record levels. Two major reasons for this, there is a good supply of existing homes, there's a good supply of new homes and the interest rates remain very low. As you can see from this chart that the interest rates in 2004 were still less than 6%. Along with the heavy activity in the buying and selling of homes, there was also a lot of activity in building homes. There was over 4,600 total residential permits this year and 1,979 of those were new home starts. The median residential sale prices continue to climb. In 2004, the median sale price was, the first time ever, over \$100,000 at \$101,000, a five percent increase from last year.

Commercial property represents about 30% of the total assessed value in the county. Commercial building permit activity remained very strong. The fact that the school bond work was winding down is likely the reason for the slight decrease in the number of permits. Building permit summaries on commercial property types, and retail property, we added 1.3 million square feet of retail space this year, about 300 square feet of office space in the county, 650 square feet of warehouse space and 420 apartment units.

As far as the market on commercial properties, when compared to recent sales to the 2004 appraised values, our appraised values were less than what the properties were selling for. Most people think that Sedgwick County is a large, urban county. In fact, there is 68% of the land in Sedgwick County that is devoted to agricultural use. The Department of Revenue Property Evaluation Division sets the ag use values for the entire State of Kansas. The Appraiser's Office is responsible for identifying the type of ag use, whether it's grassland or cultivated land. Whether the cultivated land is irrigated or not irrigated and if it's irrigated, we need to know the depths of the well and the soil types.

So in summary, 2005 evaluation, there's 92,000 or 60% of the residential parcels in the county in increase in their appraised value, up 3,600 or 50% of the commercial properties saw an increase in the appraised value. And on agricultural properties, about 9,500 or 54% saw an increase in their value.

Regular Meeting, February 23, 2005

We're required to appraise at market value and all indications are that market values continue to rise in Sedgwick County. So Tuesday, 207,000 valuation notices will be mailed out. There was a lot of maintenance done on property characteristics and property values this year. It's a mass appraisal environment. We're confident in our values. We're confident in our systems and our processes, but there is the opportunity for error and with that, we do allow for appealing the evaluations and that process is fairly simple. When you receive your evaluation notice next week and you're not comfortable that that's a fair representation of market value, all you have to do is turn the value notice over, sign it, mail it back to the Appraiser's Office and we'll schedule you for an informal hearing. Those are planned to begin March 22nd. The deadline for those appeals will be April 1st.

People who want to review property values or look at sales or just research their new property value, they're welcome to come by the second floor of the Sedgwick County Courthouse, we have people there that can help them. We have convenience centers at 940 North Tyler and 206 Greenway in Derby, at the tag office. There's people there that can help answer any questions they have. We have a lot of information on our website at www.sedgwickcounty.org and there's a full explanation of the appeal process. There's a link where you can actually look at the real property values for the entire county and if you're considering appeal on your property, you can have access to the real property sales in your neighborhood. So, that concludes our report. If you have any questions, I'll be glad to answer them."

Chairman Unruh said, "Thank you, Mike. We do have questions. Commissioner Winters."

Commissioner Winters said, "Thank you very much. Mike, good report, you know and this is pretty unexamined, so I don't know that I'd go right out and do this yet, but one of the things I'm always concerned about are the people that believe that the market is actually doing something that it's not. They believe that the market is bad. Your slides on the number of sales, the parcel rate of growth, the parcels . . . interest rates, the permit activity and the median residential values, if even some of those charts could be in a hard copy that when people really are thinking about protesting or they come to your office and they say, 'You know I'm think about being a hearing officer' so often we hear the story, 'Well, the market is terrible here in Wichita, your sales are bad' and if there were something just to hand citizens and say, 'Well, you may feel like they're bad and perhaps your neighborhood is going through some adjustment' but if you'll look at the city overall or the county overall, trends are not down. Trends are up and I don't know if there's any pamphlet or chart that you could put together that would help demonstrate that to citizens, but at least maybe that's something to think about.

Because again, I think we need to get information to citizens because we certainly want the value on their specific residents or business to be correct, but I just know that we've heard a lot of times, 'Well, things are terrible, markets aren't going up' and I'm just trying to combat that. So again, very good presentation."

Regular Meeting, February 23, 2005

Mr. Borchard said, "We'll get these reports on our website and hopefully we'll get some of them printed out and we'll put them at our service stations."

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

Chairman Unruh said, "Good suggestion, commissioner. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you. One thing that I think needs to be related to the public, just to kind of nip something in the bud here, we had a recent ice storm and the ice storm caused a lot of damage to homes and to trees and what have you. We have to pick a point in time to appraise your home and your business and then that's the point in time that we evaluate the homes and that's done effective January 1st. Is that correct?"

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

Commissioner Sciortino said, "So if there has been any damage to your home or your business since January 1st, we can't take that into consideration for why we're lowering the property value this year, but we most definitely will the following year, because I just envision a lot of protests coming saying, 'Well, look what happened at the ice storm, the tree fell over and knocked a hole in my roof' and I can empathize with those people, but I think it's just important to let them know that this is how the system works. We have to take a snapshot at a particular point in time and unfortunately, that was January 1st and the ice storm didn't hit until some days after that."

Mr. Borchard said, "That's correct. And if the damage is really significant and there isn't a plan to get it repaired before next year, we can certainly flag that property for review over the next coming year."

Commissioner Sciortino said, "Okay, thank you."

Chairman Unruh said, "Okay. Well, I think one of the things that I'd want to emphasize is that our responsibility is to be as close as we can to true market value, and as **Commissioner Winters** said, the market is healthy and going up and that's why folks, 60% of the folks anyway, are going to need to expect a slight increase in their valuation, so good report. Commissioners, what's the will of the Board?"

MOTION

Regular Meeting, February 23, 2005

Commissioner Sciortino moved to receive and file.

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you. Thank you, Mike. Next item.”

K. AGREEMENT WITH WICHITA INDOOR FOOTBALL, LLC FOR USE OF KANSAS COLISEUM FOR THE 2005 FOOTBALL SEASON.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, “It’s nice to be back in front of you again with some good news. We have a third major sports tenant that’s going to start playing at the Coliseum this coming late April or early May. We recommend approval of the agreement. It’s a little short of a timeframe. These guys got a lot of work to do. They’ve got about a year’s worth of work to cram into about seven, eight weeks.

Mike McCoy, who is here with me today, former general manager of the Stealth, tells me they’re up for it. Everybody in the front office is a veteran of indoor football and they’re looking forward to getting started. And I think Mike has a couple of things he’d like to say to the commission.”

Mr. Mike McCoy, Wichita Indoor Football LLC, greeted the Commissioners and said, “I do have a handout which I think you’re going to get right now, but it just has some information about the new indoor football team, which we have a press conference today at 2:00, pending your words here but we would like to be a proud member of the APFL, which is the American Professional Football League. We chose the aviator theme with Wichita and the aircraft industry. We could not stay with Stealth because that was owned by the AFII League that the Stealth was in.

So we had to change the name, 12 exciting home games, league members are all listed there for the 2005 season, us being one of them, Topeka, Kansas City and so on. The league is growing,

Regular Meeting, February 23, 2005

expansion is in the works already for 2006. Ticket prices are very reasonable. It's titled 'real hometown football with local talent and local coaches'. The league actually thrives on and wants every player to live here and work here and have gone to school here, have played here. With the Stealth, we were recruiting players nationwide. We had kids coming in from Notre Dame and all these other places that they got here and they got homesick and it really wasn't a good situation for them, for a whole bunch of different reasons.

So I really like this new league and it's . . . they've really had a chance to think out a lot of situations that I think will really help us. Also, if you guys are interested in the tryouts, we'd like to have you all try out. They're March the 6th at Sluggers Indoor Soccer Facility at 7:30 in the morning, that on Sunday, so if anybody would like to try out, we would love to have you. You guys are all laughing at me, but I'm totally serious."

Commissioner Sciortino said, "Well, look at Nath behind you. He'd be a good linebacker right there."

Mr. McCoy said, "And I've asked John and he claims that he can actually kick, so I'm going to see if he can actually kick the field goals for us.

The office location, we have secured office space for the Wichita Aviators at 105 South Broadway and have hired our head coach."

Chairman Unruh said, "How many players on the roster, total?"

Mr. McCoy said, "We'll probably sign 35 players, we'll probably cut it down to like 30 and then we'll suit up anywhere from probably . . . well, I don't know, probably . . . there's eight players, you know, and of course there's the firsts and the seconds and I think that's kind of our call there, as far as how many we can suit up."

Chairman Unruh said, "So, if we want to make the team, we have to be in the top 32 or so."

Mr. McCoy said, "You've got to be in the top 32, yes and you have to be able to do some skills that can help us win football games."

Commissioner Sciortino said, "Mr. Chairman, to give you a chance, I'll bow out of the tryouts."

Chairman Unruh said, "Okay, thank you very much, I appreciate it. Well, it sounds like an exciting prospect for this part of Kansas, Wichita and Sedgwick County. Commissioner Winters."

Regular Meeting, February 23, 2005

Commissioner Winters said, “I just had a question for John. John, you’ve done your due diligence in looking at this contract and it’s acceptable and standard for us, nothing unusual and you’ve got dates and times in the facility, the facility is ready to go and I would assume it won’t take a major expense on your part, at the facility or do you have some major work? So there’s about six questions in there.”

Mr. Nath said, “I’ll try to answer them with one, no, everything is fine. We already have procedures for indoor football in place, since we’ve done it for the past five years. We’re ready to play. All we need is the field, which I’ve been assured is on its way and we’re ready to do it all over again. Our guys are veterans at setting football and tearing it back down. We have plenty of dates. We’ll be able to work out a pretty good schedule, we’ll be fine.”

Commissioner Winters said, “And you’ve looked at the agreements and all of them are standard to our regular format.”

Mr. Nath said, “This is the same as the Thunder agreement, the same as the basketball agreement, it’s our standard document.”

Commissioner Winters said, “Okay.”

Chairman Unruh said, “All right, very good. Commissioners, what’s the will of the Board?”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

Regular Meeting, February 23, 2005

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, John. Next item please.”

L. PUBLIC WORKS.

1. AGREEMENT WITH PARSONS, BRINCKERHOFF, QUADE AND DOUGLAS, INC. TO PROVIDE ENGINEERING SERVICES FOR SEDGWICK COUNTY PROJECTS. DISTRICT #3.

- **B-384 - BRIDGE ON 71ST STREET SOUTH BETWEEN 295TH AND 311TH STREETS WEST - \$184,000**
- **B-431 – BRIDGE ON CENTRAL BETWEEN 375TH AND 391ST STREETS WEST - \$163,000**

Mr. Spears greeted the Commissioners and said, “Item L-1 is an agreement with Parsons Brinckerhoff Quade & Douglas, to design two KDOT bridge projects this year. For the record, the bridges are in the Capital Improvement Program and are designated as B-384, a bridge on 71st Street South between 295th and 311th Streets West and B-431, located on Central between 375th and 391st Streets West. The total cost is \$347,000, which includes surveying, hydrology, permits for the division of water resources, geology, right of way documents, utility coordination and of course the design. I recommend that you approve the agreement and authorize the Chairman to sign.”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
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Regular Meeting, February 23, 2005

Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Next item."

**2. AGREEMENT WITH TRANSYSTEMS CORPORATION TO PROVIDE
ENGINEERING SERVICES FOR SEDGWICK COUNTY PROJECT 628-9-
2930, BRIDGE ON 39TH STREET SOUTH BETWEEN 263RD AND 279TH
STREETS WEST. CIP B-395. DISTRICT #3.**

Mr. Spears said, "Item L-2 is an agreement with TranSystems Corporation to provide engineering services for the bridge project on 39th Street South between 263rd and 279th Streets West, designated as B-395 in the Capital Improvement Program. The total cost is \$25,000, which includes surveying, hydrology, permits for the DWR, geology, right-of-way documents, utility coordination and design. I recommend that you approve the agreement and authorize the Chairman to sign."

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

MOTION

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

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Next item."

Regular Meeting, February 23, 2005

**3. AGREEMENT WITH COOK, FLATT AND STROBEL ENGINEERING, P.A.
TO PROVIDE ENGINEERING SERVICES FOR SEDGWICK COUNTY
PROJECTS. DISTRICTS #3 AND #4.**

- **B-406 – BRIDGE ON 15TH STREET SOUTH BETWEEN 295TH AND 311TH STREETS WEST - \$27,400.**
- **B-427 – BRIDGE ON 61ST STREET NORTH BETWEEN BROADWAY AND SENECA - \$49,300.**

Mr. Spears said, “Item L-3 is an agreement with Cook, Flatt and Strobel to provide engineering services for two bridge projects. The first, designated as B-406 in the CIP, is on 15th Street South between 295th and 311th Streets West. The second, designated as B-427 in the CIP, is on 61st Street North between Broadway and Seneca. The total cost is \$76,700, which includes surveying, hydrology, permits for the Division of Water Resources, Geology, right-of-way documents, utility coordination and design. I recommend that you approve the agreement and authorize the Chairman to sign and would like to say one more thing, this is all the bridges that we have to design this year and totally, we are under budget by \$62,300 for the group.”

Chairman Unruh said, “Okay, good work. Commissioners, Commissioner Burtnett, one of these is in your district.”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, David. Next item please.”

Regular Meeting, February 23, 2005

M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF FEBRUARY 17, 2005.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the 17th resulted in five items for consideration today.

**1) ROAD IMPROVEMENTS- PUBLIC WORKS
FUNDING: PUBLIC WORKS**

The first item, road improvements for Public Works. Recommend the low bid from Cornejo and Sons in the amount of \$3,376,490.75.

**2) E-RECORDING WEB FILING/ BILLING SYSTEM- REGISTER OF DEEDS
FUNDING: TECH ENHANCEMENT**

Item two, e-recording and web filing billing system for the Register of Deeds. Recommendation is to accept the low proposal from Ingeo Systems Incorporated and execute a contract for \$34,200, plus three year maintenance and support of \$21,000, for a total three-year cost of \$55,200.

**3) BACK DATA CONVERSION- REGISTER OF DEEDS
FUNDING: REGISTER OF DEEDS**

Item three is a back data conversion for the Register of Deeds. Recommendation is to accept the low proposal meeting requirements from Computer Information Concepts, option one, for a not to exceed cost of \$279,972.

**4) LAPTOPS- SHERIFF'S OFFICE
FUNDING: EMCU INTERNET CRIMES GRANT**

Item four, laptops for the Sheriff's Office. Recommend the quote from Dell in the amount of \$48,208.01.

**5) EXECUTIVE COACHING SERVICES- HUMAN RESOURCES
FUNDING: APPRAISER'S OFFICE**

And item five, executive coaching services for Human Resources. Recommend the proposal from Right Management Consultants in the amount of \$13,000.

Would be happy to answer any questions and I recommend approval today."

Regular Meeting, February 23, 2005

Chairman Unruh said, “All right, commissioners, are there any questions of Iris? If not, what’s the will of the Board?”

MOTION

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

Commissioner Sciortino seconded the motion.

Chairman Unruh said, “It has been moved and seconded. There is discussion. Commissioner Norton.”

Commissioner Norton said, “Well, I just want to be sure on Item #5, we are taking the high bid on a mentoring and consultant and I want to be sure that it’s for the record that we have looked over that, at least I asked some pretty provocative questions about why we took the high bid. And I think it makes sense that it was the best proposal and I wanted to be sure that was on the record.”

Chairman Unruh said, “Okay, very good. Thank you, Commissioner. We’ve got a Motion and a second in front of us. Madam Clerk, call the vote.”

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

CONSENT AGENDA

N. CONSENT AGENDA.

1. Easements for Right-of-Way.

Regular Meeting, February 23, 2005

- a. Easement for Right-of-Way for Sedgwick County Project 823-W, widening of Hydraulic between the south city limits of Wichita and 63rd Street South. CIP# R-265. District #2.
- b. Two Temporary Construction Easements for Sedgwick County Project 616-3 through 36, widening of 13th Street North between K-96 and 159th Street East. CIP# R-253. District #1.
2. **Donation by Kansas Acoustic Arts Association of a black Rogue Dreadnaught RA-101 B guitar, valued at \$100, to be used at the Judge Riddel Boys Ranch.**
3. **Resolution stating the Board of County Commissioners' findings regarding the City of Valley Center request for an island annexation.**
4. **Amendment to the 2005 Capital Improvement Program (CIP) to include CIP# R-280, Northwest Bypass Right-of-Way.**
5. **Settlement of Board of Tax Appeals Cases 2002-9105-TG and 2003-10531-PR.**
6. **Plat.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2004 and prior years have been paid for the following plat:

Carey Acres Addition

7. **Waiver of policy to hire Health Department Director at step 9.**
8. **Order dated February 16, 2005 to correct tax roll for change of assessment.**
9. **General Bills Check Register(s) for the week of February 16 – 22, 2005.**

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “You have before you the consent agenda and I recommend you approve it.”

Chairman Unruh said, “Commissioners, what’s the will of the Board?”

MOTION

Regular Meeting, February 23, 2005

Commissioner Winters moved to approve the consent agenda as presented.

Commissioner Sciortino seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you. Well, we do not have an executive session or a fire district meeting today, so this is a time to speak about items of community interest. Is there anyone that’s got anything to say? Commissioner Sciortino.”

O. OTHER

Commissioner Sciortino said, “Well, I had occasion Monday night, the Oakview Neighborhood Association has an annual meeting, where they ask electeds and leader in the community to stand in front of the citizens and get grilled on what they’ve done or not done or what have you and can report back to you that they are extremely pleased at the way we have addressed some of the flooding problems down in that area. Were very complimentary of community policing. They also expressed . . . I know they’re going to send a letter to the Walmart store in Derby because that \$1,000 is going to be used for the activity center.

I was kind of . . . I didn’t know what to expect, thinking they were sitting there saying, ‘Well, why haven’t you done this or that’, but I was very pleased. They had more questions of the superintendent of USD 260 than they had of us, and things are going well down there, community policing has been working very hard. And I have to tell you, those citizens are very, very appreciative of that service that the Sheriff provides, because those officers get to know the people in the area and because of that, because of them being present at every activity, it seems like they’re less reluctant to go in and share needed information so that they can do their job better and things are going well and I had a nice time and I got my required allotment of chocolate chip cookies.”

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

Regular Meeting, February 23, 2005

Commissioner Norton said, “Well, this isn’t on something I attended, but I did want to kind of revisit what we talked about, that sand extraction case was pretty tough today. I am going to continue to work on the parkland and the green space and some ingress and egress kinds of things and I would call on my colleagues, as tough as the decisions were today, to help me move this forward because I think we solved the business side of the issue. I’m not sure that we solved everything that needs to happen in that area issues, and I’m going to continue to try to stay connected and bring forward some other solutions. One of them, which is finding a different path in and out of there that can be paved and that’s not going to be easy, it could cost some money and I’m going to call on my colleagues to be very open minded to that.

And then secondly, I continue to talk about parkland and green space in that area. There’s some that’s been put together. I’m going to continue to work on that and I hope I could get some support for trying to do that down in the south side, put together something along the Ark River that makes sense, then we can be just as proud of it as Sedgwick County Park or Lake Afton Park or whatever.”

Commissioner Sciortino said, “Well, and I’ve also pledged to try to work with you on that too, commissioner.”

Chairman Unruh said, “Okay, well thank you. Well I just want to share that yesterday we were in Topeka, to visit the Kansas Advisory Council and Inter-governmental Relations. Commissioner Norton sits on that committee and Debbie Donaldson, our Director of Human Services, and I went up to make a report primarily from our part of the report, work we’ve done in trying to install the MCAP procedure here and the purchase of prescription drugs, and the way we’re trying to save money for the county and providing that service for our inmates.

Another part of that presentation was another work group that’s working on IT hardware purchases and those sort of things and how that can be used in government and in schools and at all levels of the agencies across our state to save taxpayers of the State of Kansas money. It looks like it’s working very well and we just need to keep working and keep doing more of that.

Secondly, I had the opportunity to represent the commission at an oral health forum, ‘Where the Body Meets the Mouth’ Friday morning. It was sponsored by our public Health Department, along with the KU Medical Center and the United Methodist Health Ministry and Via Christi and talked about how oral health is to overall health and a lot of professionals from around the area were taking advantage of that. I thought it was informative and very well attended forum.

That’s all I had to talk about. Anything else, commissioners? Mr. Manager? Mr. Euson? We are adjourned.”

Regular Meeting, February 23, 2005

P. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:41 a.m.

BOARD OF COUNTY COMMISSIONERS OF

Regular Meeting, February 23, 2005

SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, Chairman,
First District

BEN SCIORTINO, Chair Pro Tem
Fifth District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

LUCY BURTNETT, Commissioner
Fourth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2005