

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

### **REGULAR MEETING**

**September 28, 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, September 28, 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; Ms. Kathy Sexton, Assistant County Manager; Ms. Jennifer Magana, Assistant County Counselor; Mr. Brent Shelton, Chief Deputy County Clerk; Mr. Jim Weber, Deputy Director, Bureau of Public Works; Ms. Jo Templin, Director, Division of Human Resources; Mr. Ron Holt, Assistant County Counselor; Mr. John Schlegel, Director, Metropolitan Area Planning Department (MAPD); Ms. Irene Hart, Director, Community Development Department; Mr. David Spears, Director, Bureau of Public Works; Mr. Jerry Phipps, Purchasing Agent, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Ms. LaVina D. Keiter, Member, Sheriff's Civil Service Board.  
Ms. Stacy Rucker, Member, Kids Training Team.  
Ms. Pat Jones, Member, Dress For Success Wichita.  
Mr. David Burke, Pastor, Living Word Christian Church.  
Mr. Terry Smythe, Agent for applicant, Baughman Company.  
Ms. Steve Hornbach, Derby Kansas.  
Mr. Jim Ratzlaff, Ratzlaff Properties, Wichita, Ks.  
Mr. Rob Hartman, Agent of Applicant, PEC.  
Mr. Kirk Miller, Agent for applicant, 516 S. Market, Wichita, Ks.  
Mr. Gary Beckwith, 4207 S. Cypress, Derby, Ks.  
Mr. Rod Stewart, 9200 W. 39<sup>th</sup> Street, Derby, Ks.  
Ms. Lareina Saindon, 8215 E. 29<sup>th</sup> Street S., Derby, Ks.  
Mr. Steve Hornbeck, 4220 S. Dalton, Derby, Ks.  
Mr. Dale Hoyer, Franchise Service Company, L.L.C.

### **INVOCATION**

The Invocation was led by Reverend Thomas Hallstrom, Pastor of Reformation Lutheran Church, Wichita.

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**FLAG SALUTE**

**ROLL CALL**

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

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

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING SEPTEMBER 29, 2005 AS "YOUNG AT ART DAY."**

**Chairman Unruh** said, "Commissioners, I have a proclamation to read for your consideration."

**PROCLAMATION**

**WHEREAS**, the Kids Training Team's Award-Winning Annual 'Young At Art' Calendar and Children's Art Expo provide a venue for Kansas children identified with Serious Emotional Disturbance (SED) to display and celebrate their artistic efforts; and

**WHEREAS**, the Kids Training Team, which is a collaborative effort of Wichita State University, The Kansas Department of Social and Rehabilitation Services (SRS), Children's Mental Health Team, the Training Advisory Group and Title XIX Medicaid programs, has vision that when children have a place to see their efforts shine; they benefit and are inspired to continue on their path of growth and healing; and

**WHEREAS**, over 160 children identified with SED from Community Mental Health Centers throughout Kansas have submitted artwork to be displayed at the second annual Statewide Art Expo; and

**WHEREAS**, this is the sixth year for the statewide Award-Winning Calendar, which began in Sedgwick County in 1999 with approximately 50 pieces of art; and

**WHEREAS**, the Kids Training Team is committed to servicing and supporting children identified with SED, and their families.

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**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim September 29, as

**‘Young at Art Day’**

in Sedgwick County and encourage all citizens to join with the WSU Kids Training Team, to celebrate the artistic efforts of children identified with Serious Emotional Disturbance.

Commissioners, you have heard the proclamation. What’s the will of the Board?”

**MOTION**

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

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 here this morning to accept the proclamation is Stacy Rucker. Welcome.”

**Ms. Stacy Rucker**, Member, Kids Training Team, greeted the Commissioners and said, “The Kids Training Team is especially grateful to the Sedgwick County Commissioners who have provided support since the first art show and calendar. That was six year’s ago. As a project and vision has grown over the years, so has our appreciation to the leadership, innovation and pioneering spirit that COMCARE of Sedgwick County demonstrates in the State of Kansas.

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And as the proclamation said, tomorrow evening we will be at the Airport Hilton displaying over 160 pieces of art from every mental health center from the State of Kansas and we will be celebrating over 50 artists and recognizing them, as we continue to promote public awareness of children's mental health, so thank you."

**Chairman Unruh** said, "Well, we want to thank you for your efforts in trying to support youngsters with serious emotional disturbance issues and we will enjoy these calendars that you've provided for us, and these youngsters are much more artistic than I am."

**Commissioner Sciortino** said, "Well that's not saying a whole bunch."

**Chairman Unruh** said, "Thank you for being here. Madam Clerk, call the next item."

### **2. PROCLAMATION DECLARING SEPTEMBER 29, 2005 AS "DRESS FOR SUCCESS WICHITA DAY."**

**Chairman Unruh** said, "Commissioners, I have another proclamation to read for your consideration.

### **PROCLAMATION**

**WHEREAS**, Dress for Success Wichita is a nonprofit organization focused on assisting low-income women in their journey to reenter the workforce; and

**WHEREAS**, Dress for Success Wichita provides professional attire, mentoring, life skills and other resources necessary to obtain and sustain gainful employment; and

**WHEREAS**, Dress for Success Wichita's goal is to enable women to enrich their lives, renew their spirits, and instill a vital sense of self-worth leading to self-sufficiency; and

**WHEREAS**, Dress for Success Wichita provides women in our community with skills and other resources necessary to obtain and sustain gainful employment, symbolizing our faith in every woman's ability to succeed.

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim September 29, as

**'Dress for Success Wichita Day'**

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in Sedgwick County, and encourage all citizens to recognize the diverse group of women seeking employment, life skills and career development training in order to help strengthen their lives and the community.

Commissioners, you've heard the proclamation. What is the will of the Board?"

**MOTION**

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

Commissioner Norton seconded the Motion.

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

**VOTE**

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

**Chairman Unruh** said, "And here to receive the proclamation today is Pat Jones. Welcome. Would you like to make a comment?"

**Ms. Pat Jones**, Representative, Dress for Success Wichita, greeted the Commissioners and said, "Yes. On behalf of Dress for Success clients, volunteers, board of directors and staff, I would like to thank the county commissioners for the recognition of the work that we do on behalf of low-income women who are entering the workforce in our community.

Dress For Success started just five years ago in a tiny, tiny room at St. Paul's United Methodist Church and it has just exploded over the last five years. Last month, we helped 55 women who came through our doors to receive clothing and assistance, as they enter the workforce, so we're on track to see over 700 women this year alone.

Tomorrow we'll be celebrating our fifth anniversary with an open house and a ribbon cutting.

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We're naming our facility the 'High Street Boutique', in an effort to convey to the community and to our clients that we think this is special, we applaud their courage and their efforts and we hope to make their visit to our facility a pleasant experience, so we'd like to invite all of you to come. I thank you all for this honor. Appreciate it."

**Chairman Unruh** said, "Okay, thank you. We do have a couple of comments, so stand by. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. Could you explain a little bit to the public or anybody that might be watching on television, is this a charitable thing that you do, or how do you get your funding, or how does it work?"

**Ms. Jones** said, "We're non-profit. We're kind of a grassroots organization. We receive our funding through grants, through fundraising events and through the support of the community. Our clothes are gently used clothes donated through individuals, corporations, retail businesses."

**Commissioner Sciortino** said, "Because I remember, I don't know if you had just started or something, that a couple of us came over to the church and was just a little bitty . . . it looked like a closet or something that you were in. It was a very small room. Now is there any charge to your clients?"

**Ms. Jones** said, "No charge. They're referred to us from 72 different agencies, other non-profits and there's no charge to the agencies or the clients for our services."

**Commissioner Sciortino** said, "That was going to be my last question was how do people go about . . .? They actually are through a referral basis."

**Ms. Jones** said, "They're referred and if they go through the programs that are referred to us, we don't ask for very much more information, just those that we need for grant-writing purposes."

**Commissioner Sciortino** said, "Why don't you give out, if you're comfortable with it, the phone number in case there's anybody that's interested in this, that wants to contact you maybe hopefully with a donation or something."

**Ms. Jones** said, "That would be wonderful. You can reach us at 945-8779. We're at 1422 North High, it's a little church generously donated by Olivet Baptist Church."

**Commissioner Sciortino** said, "Now what are your hours of operation?"

**Ms. Jones** said, "From nine to five, Monday through Friday. We accept donations on Mondays."

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However, there are other drop-off locations throughout town and we can discuss that.”

**Commissioner Sciortino** said, “And so if somebody wants to give you \$1,000, they have to do it on Monday or wait till the following Monday?”

**Ms. Jones** said, “Oh no, I will walk to their location to get that, it would be great.”

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

**Chairman Unruh** said, “Commissioner Burtnett.”

**Commissioner Burtnett** said, “Well Pat, I had originally called to let you know I would be out of town and wouldn’t be able to make your grand opening, but I am in town and I am going to be there. It’s a very nice program that you’re doing. I think it’s a great opportunity and I am very supportive of what you’re doing. I will be there tomorrow.”

**Ms. Jones** said, “Wonderful. We’re going to be outside. Pray for good weather. We’re a tiny facility, so we will have tours, three at a time, but it’s going to be a great party, so I hope you’ll come and help us celebrate. Thank you.”

**Chairman Unruh** said, “Commissioner Norton.”

**Commissioner Norton** said, “I just want to congratulate Pat and Dress For Success. I can remember the precursor to Dress For Success I was involved with, with Target. You know, when you have a lot of clothing, people kind of gravitate towards you and we started out by bringing just a few women to the Target store to shop. And it looked like there was such a great need that that incubated some things like Dress For Success and when now you think that you’re serving 55 women a month, in those early days of just trying to solve a dilemma for one or two women, it’s pretty exciting that the community has wrapped around the organization like it has had and made such an impact on the people in our community that are trying to change their situation, whatever that might be, and this is a hand-up to help them do that, so congratulations.”

**Ms. Jones** said, “Thank you. Thank you for your support.”

**Chairman Unruh** said, “Thank you, Commissioner. Well, congratulations to you on the opening of ‘High Street Boutique’ and appreciate your being here today. Madam Clerk, call the next item.”

### **3. PROCLAMATION DECLARING OCTOBER 7, 2005 AS “BREAST**

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**CANCER AWARENESS DAY.”**

**Chairman Unruh** said, “Commissioners, this item needs to be deferred till next week, so I think we need a motion to that effect.”

**MOTION**

Commissioner Sciortino moved to defer Item A-3 for one week.

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 please.”

**AWARDS**

**B. PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.**

**1. SUPERVISORY/MANAGEMENT DEVELOPMENT**

- Lucretia Burch, Division of Finance - Budget
- Tracey Corrison, DIO - Health Department
- Vicki Fouquet, Division of Public Safety - Department of Corrections
- Shelia King, Division of Finance - Payroll
- Karen Mahan, County Clerk’s Office
- Sherry Morley, Treasurer’s Office
- Michael Nichols, Division of Human Services - COMCARE
- Charlotte Shaver, Treasurer’s Office
- Renae Weaver, Treasurer’s Office

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### 2. PROFESSIONAL DEVELOPMENT

- Diane Becker, Division of Public Safety - Department of Corrections
- Kathy Bridge, Treasurer's Office
- Tracey Corrison, DIO - Health Department
- Dominique Davis, Division of Community Development - Housing
- Vicki Fouquet, Division of Public Safety - Department of Corrections
- Ann Gutierrez, Division of Community Development
- Dwight Hedrick, Sheriff's Office
- Alysia Madison, County Counselor's Office
- Patrice Pinge, Treasurer's Office
- Rona Rosenboom, Division of Community Development - Environmental Resources

**Ms. Jo Templin**, Director, Division of Human Resources, greeted the Commissioners and said, "If I could have all those receiving certificates for employee career development, if you could join me on this side of the room please.

Today we have, as Kristi said, a number of employees who have reached closure to their career development certificates and we're here to reward them for those. These certificate programs have a number of required classes and elective classes that they must meet the requirements for to achieve. Sometimes it takes a year. Sometimes it takes two or three, depending on the business need and their availability to attend classes. We would again like to thank you, as commissioners, for your support of the training and career development program and also would like to thank the support of supervisors and managers and department heads who are interested in their employee development and are willing to let employees take a day, or half a day to attend these classes.

These employees have shown a commitment to public service, have shown a commitment to increase their knowledge and skills to become better and better at what they do and we just want to recognize them today.

The first is a group of employees who have achieved the Supervisory Management certificate program. I'll just call their name and have them come and get their certificate: first we have Tracey

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Corrison from DIO, Health Department; Lucretia Burch, Division of Finance, Budget; Michael Nichols, Division of Human Services, COMCARE; Shelia King, Division of Finance, Payroll; Sherry Morley, Treasurer's Office; Charlotte Shaver, Treasurer's Office; Renae Weaver, Treasurer's Office; Karen Mahan, County Clerk's Office; Vicki Fouquet, Division of Public Safety, Department of Corrections.

Next we have our Professional Development certificate program. Again, Tracey Corrison, DIO, Health Department; Dwight Hedrick, Sheriff's Office; Diane Becker, Division of Public Safety, Department of Corrections; again Vicki Fouquet, Division of Public Safety, Department of Corrections; Ann Gutierrez, Division of Community Development; Dominique Davis, Division of Community Development, Housing Department; Patrice Pinge, Treasurer's Office; Kathy Bridge, Treasurer's Office; Rona Rosenboom, Division of Community Development, Environmental Resources; Alysia Madison, County Counselor's Office.

Did I miss anyone? Thank you."

**Chairman Unruh** said, "Well, before you all leave, I would just want to make a comment that we truly appreciate your dedication to your jobs and to your personal and professional development. We thank you for the extra effort and the time and energy it takes to do this and, as Jo says, sometimes it's a year, some times it's two years but I know that this sort of commitment exemplifies the type of employee we have in Sedgwick County and we really appreciate your efforts. Thank you all. Madam Clerk, would you call the next item please."

### **RETIREMENT**

#### **C. PRESENTATION OF RETIREMENT CLOCK TO KAREN L. MEYER, REAL PROPERTY APPRAISER 1, APPRAISER'S OFFICE.**

**Chairman Unruh** said, "Commissioners, I've been notified that Karen Meyer is not present today to receive her certificate and her retirement clock, but we want to recognize her 12 years of service to Sedgwick County. Appreciate that sort of dedication and commitment to Sedgwick County government and want to wish her the very best, as she enters into this phase of her life, into retirement. I don't know what she's going to do, but I bet she's going to have a lot of fun, so we just wish her the best. Madam Clerk, call the next item. Thank you, we do need to have an Off Agenda Item."

### **MOTION**

Commissioner Winters moved to consider an off agenda item.

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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

**OFF AGENDA ITEM**

**Ms. Jennifer Magana**, Assistant County Counselor, greeted the Commissioners and said, “First item is resignation of Daryl Schooler from the Civil Service Board. Would recommend that you accept that resignation.”

**MOTION**

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, “And now I think we need a Motion for a second off agenda item.”

**MOTION**

Commissioner Sciortino moved to consider an off agenda item.

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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

**OFF AGENDA ITEM**

**Ms. Magana** said, “The second item is a resolution appointing LaVina Keiter to the Sheriff’s Civil Service Board. Recommend you approve that appointment.”

**MOTION**

Commissioner Burtnett 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 we have LaVina Keiter is here to be sworn in, so if you’d want to step forward and Brent will administer the oath of office.”

**Mr. Brent Shelton**, Chief Deputy County Clerk, greeted the Commissioners and said, “Please raise your right hand.

*I do solemnly swear that I will support the Constitution of the United States,  
the Constitution of the State of Kansas and faithfully discharge the duties of*

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*the office of Sheriff's Civil Service Board, so help me God."*

**Ms. LaVina D. Keiter**, Member, Sheriff's Civil Service Board, said, "I do."

**Mr. Shelton** said, "Congratulations."

**Ms. Keiter** said, "I'd like to thank Sedgwick County Commission for allowing me this opportunity, Sheriff Gary Steed and everybody else that has been involved. I think it sounds interesting and I'm excited to get started, and I apologize for being here a week early. Thanks for taking the time to put me in there."

**Chairman Unruh** said, "Well that's all right, it worked out just fine and we do have a couple of comments, LaVina. Commissioner Burtnett."

**Commissioner Burtnett** said, "Well LaVina, I want to thank you for accepting this position. You come very well recommended and you have a lot of background, working with cities and so forth, so I'm very pleased that you decided to take this position and I wish you the best on the board."

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

**Commissioner Winters** said, "Yes, just very quickly, wanted to acknowledge that LaVina is no stranger to public service. She's been involved in city government in Colwich for a number of years, served as mayor out there and Sheriff Steed, I think, will be very pleased with the work you do on his board. Sometimes that's a board that doesn't do a lot, but when it does things, it's sometimes very, very important to have well-thinking people on that board so we again, I want to echo Commissioner Burtnett in thanking you for assisting the sheriff."

**Chairman Unruh** said, "LaVina, thank you for serving, appreciate your being here today. Madam Clerk, please call the next item."

**NEW BUSINESS**

**D. SEDGWICK COUNTY ARENA PROJECT UPDATE.**

**POWERPOINT PRESENTATION**

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**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, "This morning's Sedgwick County arena project update is the official announcement of the site areas that have been identified for further study for locating the arena, as well as we want to provide some basic information about how these site areas were selected.

However, before I get into the sites, there are a couple of other exciting things happening, as we move forward with this project. The architectural and engineering team, the Arena Design Consortium was hired on July 28<sup>th</sup> and they've been hard at work since that time, researching and doing preliminary analysis of the site areas, as well as beginning to work on the programming phase for facility development.

On June 22<sup>nd</sup> you appointed the ten-member Arena Sales Tax Oversight Committee. The purpose of this committee is to insure citizens that all money collected under the terms of the special 1% arena sales tax are spent for the arena project. The committee will review and monitor project progress, generated revenues and all expenditures and report finding to you at least once every six months.

The committee has had one meeting already. Another meeting is scheduled for October the 25<sup>th</sup> at 3 p.m. at the Ark Valley Lodge and the committee has even scheduled a third meeting for January the 24<sup>th</sup>, 3 p.m. at the Ark Valley Lodge. Again, this committee will be meeting periodically throughout the project and until 30 days following the completion of the arena construction, which is now expected to be late 2008, early 2009.

Last week, you appointed the Citizen Design Review Advisory Committee. This is a committee of 23 persons: three persons appointed by each commissioner, one person appointed by the mayor, one by each city council person and one at-large person appointed by the commission as a whole. The purpose of this committee is to provide input, tips and advice to the building design team. This committee will be meeting at least through 2007 and they will be giving us information based on their personal experiences, their own information and discussion with friends and neighbors. Of course, the final decision of the design, and scope of work for the project will remain with the county commission.

The first meeting for this group has been scheduled for October the 4<sup>th</sup>, from 3 to 5:30 p.m. at the Kansas Coliseum. Then the committee will meet, beginning in March, 2006, probably no more than quarterly to do their work through the end of the time of the design of the project. As you know, we're committed to an open and transparent process on this project. We want to engage the community wherever and whenever we can. We want to provide to the community an opportunity

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to share information about the Sedgwick County arena project and to seek input, ideas on the project, on the city's arena neighborhood redevelopment plan and we'll do that through a series of meetings.

The first public meeting was held on April the 12<sup>th</sup>. The agenda for that meeting was to introduce the planning process and timeline for site selection and property acquisition. Feedback was received on site criteria that the attendees thought to be important. Second public meeting occurred on August the 4<sup>th</sup>. Again, property acquisition process was an important aspect of that meeting and we also again got input on the site criteria from those who were attending.

A third meeting is scheduled for tomorrow, Thursday September the 29<sup>th</sup> from 4 to 7 at Eaton Place, 523 East Douglas. Information about the four site areas will be provided and feedback on these site areas will be gathered as well. Also, since the first of May, the county's website has posted an on-line public forum, where citizens have an opportunity to comment on the arena project. Citizens may also go to our website and subscribe to receive periodic news about the arena through the e-mail newsletter.

In about a month, a fourth public meeting, open house will be planned. The site areas that we will talk about today will be more specifically defined and shared with folks attending that meeting, and again give them the opportunity to comment on those sites, more specific sites.

The first of September, Requests For Proposals for a consultant to help identify and value and market naming rights, premium seating and sponsorship advertising opportunities was released by the county. Yesterday, we received three responses and over the next month, we will be selecting one of these firms to help us identify naming rights opportunities, assess this market to see how many premium seats, suites, club seats and loge boxes can be supported. Once identified, the team will help explore value on each of these opportunities, and finally they will assist us, as needed with marketing and selling of these products and services.

Now let's talk about the sites. The first critical step in identifying the arena site areas was to define the site criteria. The Site Selection Team, working with the experts of the architectural and engineering team, played a key role in determining the site criteria, as well as the city's arena neighborhood redevelopment plan, steering team weighed in on these criteria as well, and we also received data from these public meetings that I talked about, the one in April and the one in August. Just to give you a sense about that, the site criteria identified by the Arena Neighborhood Redevelopment Steering Team, there were eight criteria that they presented to us: economic generation, the site ought to have consideration of internal, external linkages, parking strategies, context, continuities, ought to consider the views inside the surrounding area, from the surrounding area to the arena and downtown from Kellogg. Also utilities and infrastructure are important considerations and citywide transportation.

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The community I mentioned weighed with site criteria, that we had 20 different criteria that the community . . . that we received community input on, everywhere from ease of traffic flow to visually appealing structures, economic impact, parking to environmental remediation and zoning issues.

The architectural and engineering team, one of the first things they did in research and analysis of the site was to get briefing and review of existing conditions in the downtown area, including infrastructure and utilities overview, traffic overview, historic condition, parking, preliminary environmental concerns, neighborhood security, future development in downtown, district linkages and landmarks and arena coverage, orientation and site requirements were the kinds of information gathering and briefings that they received from a number of different folks to . . . as input on what should be considered for the arena site.

Site . . . so what were the site selection criteria, all of those that I talked about were generally narrowed down to help us look at the blue cloud area and to develop smaller site areas. Probably these five areas should be considered, if you take all of that information and try to summarize it: traffic flow which involved ingress and egress into the area, infrastructure, especially existing utilities, historic buildings, what properties are in the area, again linkages to existing anchors: Old Town, Water Walk and Century II and so forth. And considerable information about the arena should act as the front door, the welcoming door to the community should be an important aspect of the arena site.

Again, there were four sites that we're going to talk about today. All of the four sites were in the general vicinity of each other. They all have the traffic, utilities considerations are about the same, little to no variations. Historic building impact, on some site is more prevalent than on others. The linkages, all of these have some aspect of an opportunity to build upon existing areas, and again the front door aspect is a part of the consideration here.

The planning team, when we met to talk about and to narrow down and to focus on the sites to be presented to you, the planning team from the architectural and engineering firm, the urban planners gave us their planning objectives based on, again, all of the information they had received and based on their experience in building a developing arena projects and these were the kinds of things they related to us: that the county needs to think about whether the arena will be just an entertainment center or will it be a civic center, that we need to think about that the arena needs to add value to the community, it needs to compliment the central business district, the arena should maximize the

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improve the city's image, the arena should create a destination, the arena needs to anchor the city together to make linkages, plus utilize open space and landscapes. Arena site and the arena should encourage surrounding development do what's right for the city long-term.

There was much discussion about the walking distance between the arena and existing districts such as Old Town, Water Walk and Century II. It is generally accepted, the planners are telling us, that 1,000 feet, about three city blocks, is the maximum distance people will walk between buildings and if they must walk further, they're likely to use their car and once in their car, they're going to most likely leave the area.

Out of all of these discussions also came another what was referred to as a nebulous factor, labeled as the magnetic theory, which indicates . . . refers to an implied connection between existing entertainment districts and the arena. It was noted that there was only so much entertainment development likely in downtown and basically the idea is that the arena needs to be positioned near an existing district, rather than relying on creating its own district.

So now let's talk about these each of these site areas and let me start, I said there's four, but let me start with the three site areas that are inside what we've referred to throughout this whole last couple of years as the blue cloud area first. On the map you see before you, the first site I want to talk about is the purple site. This site is bounded on the north and south by William and Waterman, on the east and west by the railroad tracks and Emporia.

Comments about this site are as follows: historic issues with Spaghetti Warehouse would have to be addressed, the arena would be partially hidden by buildings along Douglas, near the existing park. The project does have a limited front door presence on Douglas downtown. Views to the building from Kellogg place it against the existing backdrop of the Eaton project, could probably, on this site, orient the building to face west and use the railroad corridor as a back door. It would be beneficial to Old Town, linkages would be via the Douglas Street underpass. There's also a possible connection, underneath the underpass to the Cox Building, via an abandoned tunnel under the railroad at the end of William Street. This site would also be in close proximity to potential parking, could make it accessible east of the tracks.

The yellow site, the site in yellow which is in that southwest corner of that area is bounded on the north and south by Waterman and Dewey, from east to west by Broadway and Main. Comments relative to this site: provides a connection to Century II and/ or the Water Walk. It's closer to Kellogg, with possible direct access. The address would be on Broadway or Main, must deal with Waterman as an east/ west arterial through-site. There's a question of too much congestion with the arena and Century II that close together. This site would require the closing of Market Street, at least a little bit north of Kellogg and then probably up through and to at least English, if not up to William Street, there's no good backdoor side for this site because of its location there and the

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larger site does leave some breathing room for more development.

The third site inside that blue cloud is there in the center and it's the orange, is the center site. This site is bounded on the north and south from Waterman north to the mid-block and between English and William, and on the east and west between Emporia and Broadway. It's a consideration here, as this site might be just a bit too far from Old Town and our Water Walk for walking. It does relate to potential expansion of Century II, via a two-block long pedestrian corridor down English. That is really an important consideration for this site. It does have good connection with Transit Center, where trolleys could solve walking distance concerns, and the visual from Kellogg is very good.

So why were other areas in the blue cloud eliminated? Other sites do not present a good front door. The southeast quadrant of that blue cloud area has no magnetic draw for entertainment, 80% of available parking in this area is north of Waterman, to moving the site further to the south and to the west there would take it further away from that parking. The close proximity of a tall building, such as the arena would be, too close to Kellogg would block its view to downtown. The top railing at Kellogg is about, I understand, 34 feet high. This building, at its highest point, would be about 100 feet high. So a building up against Kellogg, that would be all we would see on the Kellogg flyover if the building was in that area.

So now let me talk about the site that is outside of the blue cloud area, it's this site, light green shaded site. It is bounded on the north and south by First Street and Douglas and on the east and west by the railroad corridor and Emporia. How did this site come about? When we were discussing this, and our urban planners from the A & E team had a chance to weigh in, using their experience and their knowledge and their view of things here for what we said we wanted to accomplish, they said that they would be remiss in their professional obligation if they did not offer to us a site that they thought had some real potential for being a site, and therefore should be considered.

What is it about this site that caused them to come to that conclusion? Well, such as we say . . . the old saying in retail that it's location, location, location. The urban planners indicated that this project presents the largest public investment in the heart of the central business district since the construction of Century II and because the arena has the potential of being a civic building, it deserves, they indicated, a distinctly civic setting within the structure of downtown. Historically, the city was platted with an emphasis on the north/ south streets. However recent investment in downtown has occurred along the railroad and in Old Town, suggesting the need to conduct the north/ south city on an east/ west axis.

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When asked what east/ west street in downtown was viewed as Main Street, the unanimous answer was Douglas Street. This site affords an opportunity for front door and an address on Douglas. No other site option provides this clear, front door opportunity. This site also provides an opportunity for a secondary entrance on First Street, the other primary east/ west connection from the museum district to the Interstate. In fact, until the improvements to Waterman are completed, these are the only two downtown streets which provide this continuity.

This site has close proximity to Old Town. Most Midwesterners, as we mentioned earlier, will not walk more than three blocks to their entertainment destination. The shops and restaurants next to the Warren Theater are about 1,100 feet from the site's northwest boundary, which is just a little longer than the three-block walk that we talked about.

The block sizes on the north side of Douglas are larger than those on the south side, in the north/ south dimension, than the blocks to the south. The typical block size to the north is approximately 650 feet, while the blocks to the south range from 350 to 420 feet. Larger block sizes to the north provide for more site options and a potentially larger site, without having to close several intervening streets, such as Market. Again, this site does not end, its west boundary is not Saint Francis it's Emporia. It's Douglas to First Street, the railroad corridor to Emporia. It minimizes potential conflicts with historic buildings. Why? Because the fourth site is larger, the arena footprint will fit, while providing the opportunity to maybe maintain the historic building facades between Santa Fe Railroad and Saint Francis Street along Douglas. Now we also understand there are historic buildings that extend up Saint Francis Street, so those would have to be taken into consideration, as we consider this site. Other potential sites in the blue cloud area may require acquisition of historic properties and new development in order to provide a civic address anyway.

The entertainment anchor is for the central business district here. It is located on the eastern edge of the central business district and its location provides an advantage because of the size and scale of building. The arena will be large enough to define a distinct edge to an area within downtown. This fourth location provides for a logical diagram, which proposes the arena as the eastern downtown destination, complimenting the western location of Century II. And finally, this site does take advantage of underutilized land. Approximately 50% of the site is currently occupied by surface parking. When we were faced with those kinds of considerations, it made sense to have this as a fourth site for consideration.

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So those are the four sites and considerations around all of those sites. So what's going to happen next? We'll have, as I mentioned, the community open house about these four sites tomorrow evening from 4 to 7 p.m., 523 East Douglas, Eaton Hotel. The Arena Design Consortium will be working diligently on each of these four sites, getting into more detail, understanding the pros and cons of each of these sites and, before the end of October, they will come back with more defined site . . . arena footprints within these four site areas.

Following that time, we'll have a fourth community meeting, which is late October, early November to share finding and seek input on more defined areas within these four sites. The Arena Neighborhood Redevelopment Steering Team, the city's program, will continue evaluating sites and providing input and then, if all goes well on the current schedule we're operating on, we would be back to you mid-November for your approval of a final site.

What's our general timeline then? Site selection, November 2005, arena design to be completed early 2007, the sales tax ends no later than December 2007 and we're looking for an opening at the end of 2008, early 2009 for this project.

How do you get more information? Go to the county website [www.sedgwickcounty.org](http://www.sedgwickcounty.org). You will find fact sheets, interviews and the on-line public forum. You can attend the public meetings, we remind you that the next one is tomorrow night, from 4 to 7, it's a drop-in type process and these four sites, you can get intimately familiar with each of these four sites or any one or the other that you might be more interested in than the other and finally, we encourage citizens to sign up for the e-arena news and you can do that by going to the county's website, [www.sedgwickcounty.org](http://www.sedgwickcounty.org). Thank you. That's my overview and I'd be happy to attempt to address any questions. We do have Wess Darnell, Phil Livingston, and Jeff Vansickle who are the principals of the Arena Design Consortium and again, we'd be happy to stand for any questions you might have."

**Chairman Unruh** said, "Okay, thank you for that presentation, Ron. And we do have a couple of questions. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Ron, could you put the map up again, if you know how to turn it . . .? There it is. I'm sure there's an answer for it and you may have already given it and I just didn't hear it properly, but why the different sizes? You know, like the one farthest to the west seems to be much bigger than the middle one and the purple one is bigger than the fourth. If the building is going to be the same . . . could you explain just why the need for more land?"

**Mr. Holt** said, "And important consideration on all of these . . . one important consideration of course will be parking and depending on where you are, which one of those sites may require more additional parking than what's there now. Consequently, it will take more space. The other thing

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needs to be looked at is how you configure where you face the arena on the site. That make a difference, especially in consideration of what we're calling this backdoor, which is a service drive if you will that has to accommodate up to 12 to 15 semi tractor trailer type deals for a large concert. So, those are two main consideration for having different site sizes."

**Commissioner Sciortino** said, "Okay. And the other thing that I think this commission would appreciate, I certainly would, when the committee comes back to in October with the pros and the cons, after having looked at a lot more of the detail, will they be giving us a price, like if we located it in . . . I'm just going to go left to right, to the far west one, this is what it would cost to build it, if we located it here, this is what it would cost. I mean, will we be able to get a dollars and cents type look also, because if a particular site is dramatically more expensive, that's something we're going to have to take into consideration too. Will we be able to have benefit of that data?"

**Mr. Holt** said, "We will, and that's especially . . . that raises a point, that's especially true about that west . . . what did I call that, the yellow site."

**Commissioner Sciortino** said, "I can't . . ."

**Mr. Holt** said, "The one on Main."

**Commissioner Sciortino** said, "Okay, the further west site."

**Mr. Holt** said, "That's a consideration there, because as I mentioned there's no real good backdoor. And so a consideration is going to be how do you then create a backdoor without having it be an eyesore for the rest of the area there, so that's a major consideration. Each of those sites will have some cost considerations, not only from the arena perspective, but also by what properties are inside those sites and what kind of land acquisition and relocation costs we may be facing as well."

**Commissioner Sciortino** said, "And just one final question or comment is that, you know, we were motivated to put the new Sedgwick County arena in the downtown area in Wichita to assist Wichita in redeveloping the center core of their city. I would hope and at least I'm assuming that we're going to engage input from them so that the site that we pick hopefully will have their endorsement too and not something that we pick this and everybody over at the city is just adamantly against it, now we're in conflict and I would hope that we would engage the city to get their endorsement on a particular site too."

**Mr. Holt** said, "While the expertise that we're looking to are the folks making up the Arena Design Consortium, that's the county's project consultants. The city also, in it's arena neighborhood

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redevelopment plan steering team has a consultant that's helping them and that team and that consultant has a partnering . . . there's a partnering process and weighs in heavily here as the city's voice and of course the city, the Metropolitan Area Planning Department and in this role, really represents the city's interest because of the location, and is a key player here."

**Commissioner Sciortino** said, "So the city is being engaged in this process."

**Mr. Holt** said, "Absolutely."

**Commissioner Sciortino** said, "Okay, great. That's all I have."

**Chairman Unruh** said, "Okay, thank you."

**Commissioner Burnett** said, "Ron, on the western most block site, again you're getting close to Kellogg. Why did they go so far south that you're getting closer to Kellogg, or are they looking more at the northern most part of that site?"

**Mr. Holt** said, "I think the . . . yes, the northern most part of that site makes the most sense, although again remember, there has to be a backdoor and the backdoor piece may, in that area anyway, may work better up closer to Kellogg, because you would have a shielding, screening area, but again that is a consideration that has to be taken, as we look at that site, where would you position the arena on that site, correct?"

**Chairman Unruh** said, "Okay. Well, I don't see any other commissioners requesting to make comment, Ron. I would want to make a comment that we're at the beginning of a serious stage of this particular part of the process and it's going to be, the recommendation is going to be determined by a very deliberate analytical process, driven by professionals in this area and we're going to take each one of these sites and force them through this sieve of criteria that's been established so that we make a rational decision and one that's not opinion and it's not going to be based on just who gets together and decides where it's going to be. It's going to have some legitimacy to it. So, I guess what I'm trying to say, I'm concerned about this term the blue cloud. We're not in a blue cloud. This is very rational and deliberate, so . . . but anyway, it's early for folks to be saying this is where it's going to be or sticking a stake in the ground and making a

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decision. I think we need to wait for the process to work. Commissioner Norton.”

**Commissioner Norton** said, “How did we come up with the assessed valuation for each of those sites. Do we have just some information of the dollar value of what the property is assessed is?”

**Mr. Holt** said, “We have that data in a database that will be an important consideration, as we do more deliberate analysis of these sites, yes.”

**Commissioner Norton** said, “Is that something we can get our hands on to start processing ourselves?”

**Mr. Holt** said, “I think . . . yeah, I think we can get that for you. I know we have it available for you, it was just I’m not sure that context.”

**Commissioner Norton** said, “What was the area described, when we took it to the vote of the people? Didn’t we describe an area that this would be situated in?”

**Mr. Holt** said, “We’ve always talked about it being this blue cloud area, which is generally is bounded on the north and south by William Street and Kellogg and on the east and west by the railroad corridor and Main. We never talked about a specific site within that area. We always talked about having that full area as the location for this site, and in fact this whole deliberative process has been, in my view, this is good because it’s been somewhat frustrating to the business and property owners there, because we have gone through a process, we’ve been very deliberative. It’s been a staged process and they want to get on with it, and we’re very close to that, but this has been, again, always talked about this area for locating the arena.”

**Commissioner Norton** said, “Was that just done in meetings, as we described that with graphics and everything, or was that included somehow in the voting proposition?”

**Mr. Holt** said, “I don’t . . . we’ve always, in our public meetings, talked about the blue cloud, so it wasn’t as a part of the ballot, but certainly when we had those public meetings last summer, getting ready for the vote, we had a large-scale map that had a blue outline or an area that was colored in blue, to make sure that folks understood the area that we were considering.”

**Commissioner Norton** said, “Well, it just seems to me, and I even have a belief that maybe there are other sites around that described boundary of downtown that would be good, but I think we sent a message to the voters either by way of the ballot or by way of the vote, by way of putting out information that it’s obviously not going to go up by Old Town, north of Douglas. I’m wondering why we even bring that forward. I know why, but it seems like we’ve described those boundaries to

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people before the vote and it would seem like we're shifting gears after we've got their money. I'm wondering why we would do that."

**Mr. Holt** said, "We absolutely promised that we would have three sites inside the blue cloud area and that we delivered on. The information and the evidence for that other site was so compelling. This is not . . . this is a project for now, but it's a project for 30 years, and we felt it would not be prudent, with the kind of overwhelming evidence that that site ought to be considered, ought to be studied, to leave it off of the table and not at least let the public weigh in on that site, and that's what we're doing. We have not waited . . . there's not a preference to one of these sites or the other at this time. We will be listening very closely to the public. We will be listening to the Arena Neighborhood Redevelopment folks about what they need and certainly you have the final say on what site will be selected here, but because of the impact of this project on our community, not only for now but for 30 to 40 years in the future, having the compelling information about what that other site offered was . . . felt prudent to bring it before the public, to have the kind of public discussion about it."

**Commissioner Norton** said, "Is it . . . talking in that text then, outside of the blue cloud, are there other places in our downtown area that might be appropriate? It seems like we tie everything to Water Walk or Old Town, but is there a place on the west side of the river that ties to the museum district and Delano that becomes a great place to do it, because you know what, Old Town is great but maybe Delano is changing and is going to be that little district that could benefit from that. So, if we're talking downtown, maybe we broaden our scope on that. Certainly, I've always said, that if we're going to develop the river, we haven't done anything south of Kellogg yet, and maybe we put it south of Kellogg and start developing something on the south side, as opposed to thinking that it all has to go into the core downtown area."

**Mr. Holt** said, "Well, we spent a lot of money for this team to help us take a look at what these sites ought to be. They've looked at this whole area, and the only site that they've come up with that's outside of the blue cloud area has been this one site, and again, I tried to list off the compelling reasons for why that site comes on the table. There's not another site in the downtown area, in their view, that offers anywhere close to those kind of compelling reasons, so it wasn't a reason to take a look at that.

The other thing that they've indicated to us very strongly, that this arena, standing alone, creates then just another district, and consequently it needs to be linked with a well developed or at least highly . . . area that has a lot of commitment to it, and that's the Old Town, Water Walk and Century II area and that's why those three linkages become the standard bearers for consideration in

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this process.”

**Commissioner Norton** said, “I guess my challenge is, if we’re going to think outside of the blue cloud, think outside the blue cloud and I would think different . . . I mean, if we’re going to look that way, then are there other places.”

**Mr. Holt** said, “Not in the minds of our experts that we’ve hired to do this.”

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

**Chairman Unruh** said, “Thank you. Commissioner Winters.”

**Commissioner Winters** said, “Thank you. Just very briefly, Ron I think the team has put together some really good options. I was encouraged last night, one of the television stations did just a quick series of kind of talking to the person on the street and it was really interesting to hear people give their opinions about the various locations, all very positive, all talking about the pluses of one place or another and just want to remind the community that that’s the discussion that’s starting today and tomorrow they’ll certainly have an opportunity to share what they believe is proper and correct and I think we’re just going to get a lot of valuable information through the open house meetings and listening to what citizens have to say, so Ron thanks for the presentation today and I think we’re off to a terrific start. Thank you.”

**Chairman Unruh** said, “Thank you, Commissioner. Any other comment, commissioners?”

**Commissioner Sciortino** said, “I just have one real quick one if I could, Mr. Chairman.”

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

**Commissioner Sciortino** said, “I want to echo what Commissioner Winters said. This is the largest public works project Sedgwick County has ever taken on and I want to compliment Mr. Buchanan, absentia. He’s always gone when something controversial is up, but also the entire staff, the consultants we’ve hired. We have kept this really open and above-board every step of the way, including the oversight committee, the design, the proactive attempt that we’re doing to keep this community well engaged every step of the way, I think, speaks volumes about how this government conducts its business and how we go about spending taxpayers’ dollars. And I think and I hope the public will appreciate the openness and the fact that we are really wanting to know their input, so that we can make a more intelligent, informed decision and I compliment you, Ron, and your people on the mindset that you’ve entered into this project. That’s all I wanted to say.”

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**Chairman Unruh** said, “Okay, thank you. Well Ron, I see nothing else, so thank you very much for the presentation.”

**MOTION**

Commissioner Winters moved to receive and file.

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, “Madam Clerk, will you call the next item please.”

**PLANNING DEPARTMENT**

**E. METROPOLITAN AREA PLANNING DEPARTMENT.**

- 1. CASE NUMBER CON2005-00032 CONDITIONAL USE TO ALLOW A CHURCH IN “RR” RURAL RESIDENTIAL, GENERALLY LOCATED SOUTH OF 97<sup>TH</sup> STREET SOUTH AND EAST OF K-15. DISTRICT #5.**

**POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, greeted the Commissioners and said, “This first case that I’m

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presenting to you, the applicant is requesting this conditional use for a church in this Rural Residential zoning district. It's also within the Derby's zoning area of influence, so we have gotten the Derby Planning Commission involved.

As you know, a church is a conditional use in a Rural Residential district, hence this application. The application site that you see before you on the screen is a 4.3-acre site located just south of 97<sup>th</sup> Street, approximately a quarter mile south of the Derby city limits. The site has no access to K-15 and as the aerial photo that's now up in front of you shows, it's now used for agricultural purposes. All of the surrounding land is also zoned Rural Residential and is used either for agriculture or for single-family residences and you can see the single-family residence that's immediately to the east of this property.

The site plan that the applicant submitted with the application indicates that they'll start off with a 10,000 square foot building initially with an expansion of another 15,600 feet in the future. They'll start out with just less than 20,000 square feet of parking, with an expansion area for parking of another 16,800 square feet and that will all fit on this 4.3-acre site.

The applicants have filed a preliminary plat with the City of Derby, which has platting jurisdiction for this property. This site is approved for on-site water and sewer by the Sedgwick County Code Enforcement Division, hence the letter that's attached from the City of Derby Planning Department indicates the site will be required to connect for both sewer and water to Derby's municipal systems when they are extended to it. Derby, in their platting review, has deferred to the county engineer to determine whether or not 97<sup>th</sup> Street will be required to be paved.

As I stated, since this was in Derby's zoning area of influence, it did go to the Derby Planning Commission back on August 18<sup>th</sup>. There were two neighbors that spoke in opposition and those two neighbors eventually submitted protest petitions. You can see the two properties from which those protest petitions emanated indicated on this graphic. The one property is the neighbor immediately to the east. Both those neighbors spoke at the Derby Planning Commission hearing.

Despite that, the Derby Planning Commission voted unanimously to approve the application. It was then heard by the Metropolitan Area Planning Commission on August 25<sup>th</sup>. No one spoke in opposition at that hearing.

The applicant has requested that the time to begin the putting into affect the conditional use be changed from the normal one year to three years, because they have an existing lease on another

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facility that they would like to continue using that existing facility until that lease expires. The applicant has also requested that along the frontage along K-15 that they be allowed to have two monument signs, but subject to the total sign area that's allowed under the county sign code.

The MAPC did approve this application, subject to platting within one year and subject to the amendments to the conditions that were presented by staff to allow the conditional use to extend out for three years and to allow the two monument signs requested by the applicant. And so with that, the recommendation of the planning commission is for approval."

**Chairman Unruh** said, "Okay, thank you John. We have a question from Commissioner Sciortino."

**Commissioner Sciortino** said, "John, would you put the map back up there so I could see the properties that are being protested . . . keep on going. Yeah, I think that will do. Earlier in your presentation, did I hear you say that 97<sup>th</sup> Street didn't have access to K-15? I thought . . ."

**Mr. Schlegel** said, "No, the property does not have access directly onto K-15. They would gain access off 97<sup>th</sup> Street."

**Commissioner Sciortino** said, "Okay. But I mean, parishioners or members of that church that want to go to the church can go up K-15, turn right on 97<sup>th</sup> and have access to their church for whatever uses and then they can egress out of the church, go to 97<sup>th</sup> and to me, if I understand this properly, this church is relocating from the Mulvane area up to this area, if I'm correct on that, so to me, at least presently, the majority of the members of the church will be coming up on K-15 and turning on 97<sup>th</sup> Street and attending their services and then going home or wherever."

**Mr. Schlegel** said, "Yes, your assessment is correct."

**Commissioner Sciortino** said, "I've talked to the people that have protested and some of their concerns I believe are right. I don't know that I share the concern that there's going to be a lot of additional traffic on Woodlawn because of that ingress and egress on 97<sup>th</sup>, but I do think there's some legitimacy, since that's a gravel road, for safety if nothing else. A lot of increased traffic, it's going to cause erosion on that road and what did you say? Is the Derby Planning Commission recommending that that be cold mixed or whatever?"

**Mr. Schlegel** said, "No, the Derby Planning Commission deferred the decision about paving of 97<sup>th</sup> Street to the county engineer and I don't know where that stands. Dave, I don't know if you know anything about that or not."

**Mr. David C. Spears**, Director, Bureau of Public Works, greeted the Commissioners and said, "Jim

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Weber has been working on this. He's here this morning, if you'd like to discuss that issue more."

**Commissioner Sciortino** said, "Well I would like to hear from Public Works about the need or the perceived need for paving that section of 97<sup>th</sup> Street, because to me I don't know how big the congregation is, but there's going to be a lot more cars on 97<sup>th</sup> Street than there were previous to this and maybe there's some reason why we should consider paving it."

**Mr. Jim Weber**, Deputy Director, Bureau of Public Works, greeted the Commissioners and said, "I think we've commented on this plat already to Derby, but we will comment again, but our comments are simply that in church situations, they are similar to commercial situations and they do need to have paved access to their sites. In this case, we would recommend that the church be required to guarantee pavement of 97<sup>th</sup> Street from K-15 over past their first entrance to the site.

Part of that is that churches are like commercial entities in that they're always trying to grow and they've already explained to you the amount of parking that they've got, the amount that they'll be laying out for the future and so on, so even a small church today, their desire obviously is to be a larger church later, so our only opportunity to get a guarantee like that is at the time of platting, so we're recommending that they submit a guarantee to the county to pave from K-15 over to their drive."

**Commissioner Sciortino** said, "Do you have a feel, because you know, I don't know how expensive . . . do you have a feel for what that would cost? I mean, maybe this would be prohibitive to a small congregations to be able to . . ."

**Mr. Weber** said, "Well, they're able to do special assessments and spread that cost over 15 years. I don't know exactly where the drive will be. It will be in the tens of thousands of dollars, I'm sure, to get this done. Standard two-lane pavement, we'll figure \$300,000 a mile and that's . . ."

**Commissioner Sciortino** said, "And what is that, about a quarter of a mile?"

**Mr. Weber** said, "I think it's probably less than that, I don't know."

**Mr. Spears** said, "\$75,000."

**Commissioner Sciortino** said, "Okay. Woodlawn doesn't . . . it's just an elbow, right, and then all of the sudden you turn left and you're on Woodlawn."

**Mr. Weber** said, "Woodlawn is paved to the north of 95<sup>th</sup>. It is not paved south of 95<sup>th</sup>, so 97<sup>th</sup> goes over to Woodlawn and then up to 95<sup>th</sup>."

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

**Mr. Weber** said, "So there . . . I mean, I think I agree with your assessment, in that the majority of the traffic, I'm assuming they want the K-15 frontage, they want to attract people off of K-15, so I think it makes more sense to pave from the K-15 side than to talk to them about paving Woodlawn down to 97<sup>th</sup> and across to the church site."

**Commissioner Sciortino** said, "No, I'm just wondering if maybe . . . you know, we've done this in the past, should the county join them and maybe if they'll do K-15 to the front of their church, maybe we do the other part of it, so that maybe in the future they could attract people from the north to come to their facility, but I haven't talked to my fellow commissioners about maybe letting us do that."

But I do think there's a need for that and I don't know what part the county could play in assisting the church or helping the church with that project, but I do think that there is a need for paving at least that section from K-15 to their church entrance."

**Mr. Weber** said, "We have consistently applied this standard to churches and I think that the point I want to make is that we will assist them by financing the project."

**Commissioner Sciortino** said, "Okay, that's all the questions I have. I'm sure we're going to have some other people talk."

**Chairman Unruh** said, "Okay, thank you Commissioner. I don't see any other questions right now. I might ask if there are any citizens present who are neighbors to this piece of property? This is not a public hearing, but we would allow comment from any citizens who want to make a comment relative to this plat request. I don't see anyone moving, so commissioners, are there any other questions or comments? Or how do we get to a recommendation for paving from here?"

**Commissioner Sciortino** said, "Well I'd like, if I could Mr. Chairman, is there anyone here that's an applicant to this that would like to talk to us about the possibility of having that street paved from K-15 to the church entrance? Does anyone wish to speak to that? Yes sir."

**Mr. David Burch**, Minister, Living Word Christian Church, greeted the Commissioners and said,

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“We are a small congregation of about 40 at this time. We started two years ago with 13, so we’re growing at about 13 per year. Our goal is not to become a mega-church. Our goal has always been, since we envisioned this congregation, at a certain point would reach two, three hundred people to spin off and plant other churches.

The goal of Living Word Christian Church is to reach the un-churched, and that is those people who perhaps have been churched in the past but hurt or have left for whatever reason and to try to re-church those people. Also to reach out to those people who have never had a living relationship with the living God and try to reach those people.

About 45% of our congregation is from Mulvane and about 45% is from Derby. But we’ve talked to those people who travel and most would travel K-15 and not come down the dirt road on Woodlawn, which curves into 97<sup>th</sup>.

As for our request for a change, the Metropolitan Area Planning Commission did allow us, by their recommendation, three years because of our two-year lease and also the fact that we are very small and funding right now would be somewhat of a problem but we needed to get the approvals so that we can proceed to know whether we should purchase this land from the Humbolts. They’ve been very patient with us for well over a year.

As for paving that street that might be a bit of a hardship at this time, it’s hard to foresee what that would be in three years. But if we spread that out over a 15-year assessment, they may not be too bad. Our treasurer, Terry Taylor who lives in Derby, is also here and could perhaps give me an idea on that, but we just have to guess on that right now. But anyway, we would ask for your approval on this and of course we would not like to have to pave any further than we have to, but we foresee our entrance to the property being as close to K-15 as county regulations would allow.”

**Commissioner Sciortino** said, “Okay. Well the only reason I think that I’m having a little conflict with this, reverend, is the fact that in the past we’re trying to be consistent with what we do with developers and what have you and we’ve always been consistent. If there’s going to be a new development, we say commercial, so please bear with me, I’ll use the church just right now as a commercial, but where there would be increased traffic that you will be responsible for the paving from your entrance to the nearest main thoroughfare, which would be K-15 and we have to be a little careful as to we want to err on the side of being consistent, so that we treat everyone fairly on this.

I think that if the county would be willing to finance it and carry it for 15 years, I would feel more comfortable in approving this. I have no problem with what you’re trying to do or the conditional use that you’re trying to do. I think the mission that you’re trying to accomplish is very good and

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very needed, so I would like for you to get comfortable with maybe limiting your responsibility from your entrance, and the closer you get to K-15, the less portion that you'll have to pave, and then we can take it upon ourselves maybe at some other time to decide, based on maybe what does happen in the future, whether or not we need to get involved with Woodlawn or 97<sup>th</sup> Street farther east, but that's all the comments that I had on that."

**Chairman Unruh** said, "All right, thank you sir. Commissioners, is there any other comment or question?"

**MOTION**

Commissioner Sciortino moved to approve the Conditional Use, subject to platting within one year; adopt the findings of the Metropolitan Area Planning Commission (MAPC); direct staff to prepare an appropriate resolution after the plat has been approved, including a guarantee that 97<sup>th</sup> Street will be paved from K-15 to the entrance of the church; and authorize the Chairman to sign the resolution.

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 please."

- 2. CASE NUMBER ZON2005-00016 – SEDGWICK COUNTY ZONE CHANGE FROM "RR" RURAL RESIDENTIAL TO "LC" LIMITED COMMERCIAL AND "OW" OFFICE WAREHOUSE, GENERALLY LOCATED ON THE**

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**NORTH SIDE OF 53<sup>RD</sup> STREET NORTH, WEST OF 71<sup>ST</sup> STREET WEST  
(RIDGE ROAD). DISTRICT #4.**

**POWERPOINT PRESENTATION**

**Mr. Schlegel** said, “You as a board have previously heard this request, back on July 27<sup>th</sup>. Because at that time the Metropolitan Area Planning Commission’s recommendation was not conclusive, due to a series of tie votes at the Planning Commission meeting, you sent it back to the MAPC for their reconsideration.

Just to refresh your memories on this real briefly, you’ll recall that the applicant had originally requested Limited Industrial zoning on this 8.1-acre tract that’s currently zoned Rural Residential. That request was later amended, after a series of meetings, to Limited Commercial and Office Warehouse and that’s the request that’s before you today. The site is within the City of Maize’s area of zoning influence and this case has been before their planning commission as well.

Just to recap the history of meetings on this real quickly, the Maize Planning Commission first heard this request on May 5<sup>th</sup> of this year. No one from the public spoke at that hearing and the commission at that time voted to deny the request. That was the original request for the Limited Industrial zoning.

That request, that original request, then went to the MAPC on May 12<sup>th</sup>. Again, no one spoke in opposition. The MAPC at that time then voted to defer the case and instruct staff to get with the applicant to review their request. Following that meeting, then the applicant revised the request from Limited Industrial to LC and OW, went back to the Maize Planning Commission to be heard again on June 2<sup>nd</sup>. At that meeting, the Maize Planning Commission voted to approve the amended request, it went back to the MAPC on June the 23<sup>rd</sup> and that was when the series of tie votes, first to approve the request, then to deny it. Because of the tie votes, it came to you then on your meeting of July 27<sup>th</sup>, with a recommendation of denial.

At that time then, because that recommendation did not sound very conclusive to you, you sent it back to the Planning Commission. They then heard it for the third time on August 25<sup>th</sup> and following that hearing, they have now changed the recommendation to a recommendation of approval.

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The Metropolitan Area Planning Department has received one letter of opposition from a neighbor that I wanted to make you aware of. So as it stands now, you do have a recommendation for approval for this zone change request to Limited Commercial and Office Warehouse from the Planning Commission.”

**Chairman Unruh** said, “Okay, thank you John. We have a question from Commissioner Burtnett.”

**Commissioner Burtnett** said, “What was the vote, what was the final vote at MAPC?”

**Mr. Schlegel** said, “At the third meeting it was 9 to 3.”

**Commissioner Burtnett** said, “I know this has been a long, roundabout way of getting to all this and I’m just kind of surprised. I’ve learned a lot, through the process and I have gone to a lot of meetings and listened in on what’s been going on. Both Maize and MAPC have gone through it, their recommendation is for approval. I know the site really well. It’s just outside of the 2030 Wichita urban growth, but it’s just barely outside and I just, with the narrowness of the strip, I just really believe that this is a good plan and they have done everything they can to accommodate the area for what it should be, going from the Light Industrial to Office Warehouse and so I think they’ve done everything they can and I’m very supportive of going through with this and approving this zone change, so I don’t know if any of you guys have any questions.”

**Chairman Unruh** said, “I don’t see any questions right now. I see that someone representing the applicant is here, I know that this has been discussed thoroughly, but is there anything he wanted to add?”

**Mr. Terry Smythe**, Agent for Applicant, Baughman Company, said, “Very quickly, this is one of those jobs you wish you were able to bid time and expense and not contract, but I’ll stand for questions.”

**Chairman Unruh** said, “Any questions for Terry? Commissioner Winters.”

**Commissioner Winters** said, “No, I don’t have a question for him. I have one for John.”

**Chairman Unruh** said, “All right, thank you Terry. Mr. Schlegel, Commissioner Winters would like to interrogate you.”

**Commissioner Winters** said, “I guess I’d like to know too, is there anybody else wants to speak about this.”

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**Chairman Unruh** said, “Are there any other . . . are there citizens who are here that want to make a comment or ask questions or statements. I see no one moving, so therefore, Commissioner Winters . . .”

**Commissioner Winters** said, “John, do you have other pictures of this area?”

**Mr. Schlegel** said, “Yeah, we have a series of photographs. This shows the site and the residence that exists on the site today. This is a view to the north, across the street to the south, to the east on the other side of 71<sup>st</sup> Street, this is the view out to the west, there are some industrial type uses out just adjacent to the west of this property.”

**Commissioner Winters** said, “Hold it on that one for just a second. I think that is the Maize Transportation Facility, so at any given particular time of the day, there’s about 150 buses parked immediately west of this site.”

**Mr. Schlegel** said, “Let me see if there’s one that shows that. No, okay, we do not have one. And this is the next property to it.”

**Commissioner Winters** said, “And that’s the next property to the west then, that’s also pretty commercial.”

**Mr. Schlegel** said, “If I go back to the aerial photo, you can see the Maize Transportation Facility and its proximity to the applicant’s.”

**Commissioner Sciortino** said, “Maybe you can, but we can’t.”

**Mr. Schlegel** said, “This one here, you can see it over here. Here you can see the buses parked along this line in here.”

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

**Commissioner Winters** said, “That’s all I had. Thank you, Mr. Chairman.”

**Chairman Unruh** said, “Thank you. Are there any other questions, commissioners?”

### **MOTION**

Commissioner Burnett moved to approve the zone change, subject to platting within one year; direct staff to prepare an appropriate resolution after the plat has been approved; and

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authorize the Chairman to sign the resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Unruh** said, "Next item please."

- 3. CASE NUMBER ZON2005-00032 – SEDGWICK COUNTY ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL, GENERALLY LOCATED NORTH OF 29<sup>TH</sup> STREET NORTH AND WEST OF GREENWICH ROAD. DISTRICT #1.**

**POWERPOINT PRESENTATION**

**Mr. Schlegel** said, "For this particular rezoning request, the applicant would like to rezone this 21-acre tract from its current designation as Single-Family Residential to Limited Industrial and their intent is to continue the development of industrial uses that you're seeing north, along Greenwich north of the K-96 interchange. You can see from the zoning map that's before you now that the area north of this property is zoned SF-20 and on the aerial you can see that area and much of the surrounding area is used for agricultural purposes.

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The site to the east is zoned for SF-20 and Rural Residential and there is a residence developed on that property just to the east. To the south, you see Limited Industrial zoning, with the Regency Park Industrial area immediately to the south and then just off to the southwest is an area that the City of Wichita has developed with a soccer field complex. Immediately to the west is a SF-5 zone that's owned by the City of Wichita and their intention is to develop that for ball fields.

You can see on the aerial photos that just to the west of that property then is the Jabara Airport. The Metropolitan Area Planning Commission heard this case at its meeting on August 11<sup>th</sup>. They approved it unanimously at that meeting, subject to platting within one year and a protective overlay. The protective overlay would prohibit a number of uses that would . . . might typically be considered objectionable in an industrial area. No protests have been received on this application and the recommendation then by the planning commission is for approval.”

**Chairman Unruh** said, “Okay, thank you John. This is in my district, commissioners, and I have heard no protests relative to this. It looks like it's just an expansion of an appropriate use for this area, but I do see Rob Hartman here, representative for the applicant. Do you want to make a comment?”

**Mr. Rob Hartman**, Agent for Applicant, PEC, greeted the Commissioners and said, “Thank you. Yes, I'd just kind of like to give you a little brief . . . some information on the site. It's a 20-acre tract that we are proposing to develop, very similar to the area to the south. They will probably be two to five-acre tracts. We've got one user now that will probably take about a five-acre site, but it would be limited industrial uses, like John mentioned and will have a protective overlay that will match the property to the south and also the area to the southeast, so I think it will be in conformance with what's going on out there. We're just north of the K-96 bypass and of course we have the Jabara Airport on the west side, so I think it should make a very nice area for these light industrial uses.”

**Chairman Unruh** said, “All right, thank you Rob. Questions, commissioners? Once again, this is not a public hearing but are there citizens here that want to speak to this agenda item? I see no one moving, so commissioners, any more questions or comments?”

### MOTION

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Chairman Unruh moved to approve the zone change, subject to platting within one year, and subject to the provisions of Protective Overlay #162; adopt the findings of the MAPC; direct staff to prepare an appropriate resolution after the plat has been approved; and authorize the Chairman to sign the resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Unruh** said, “Next item please.”

- 4. CASE NUMBER SUB2005-00052 – PLAT OF PRAIRIE BREEZE ESTATES ADDITION, LOCATED ON THE NORTH SIDE OF MACARTHUR AND WEST OF WEBB ROAD. DISTRICT #5.**

**POWERPOINT PRESENTATION**

**Mr. Schlegel** said, “This is an unusual case for me to bring before you. Normally, we do not bring plats to you to be presented to you for approval. Your normal action with most plats is to accept the easements that are being dedicated for the plat. However, due to the amount of protests that this particular plat generated when it was heard by the MAPC, we thought it would be prudent to bring it before you.

It’s an unplatted site, 28 acre . . . 34 acres in size. The applicant is proposing 28 one-acre lots for that particular property. It is located in the unincorporated area, but within the three miles of the Wichita city limits. It is zoned SF-20. I did have the zoning map up there. The county Code Enforcement has approved the use of an on-site alternative sewer system for this plat. However, the

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county Code Enforcement Division has stated his intention to prohibit use of water wells for any individual lot and to require that the subdivision be connected to Rural Water District #3.

Petitions have been submitted to the City of Wichita, as part of the City of Wichita's plat review and approval. Of this plat, for future sewer and water improvements, when those municipal services are extended out to this area and a petition has been submitted to Sedgwick County for the paving of MacArthur.

When the MAPC heard this, as I said, there was a great number of people present, neighbors present to this property that were present to protest it. They spoke in opposition, primarily expressing their view that the one-acre lots did not fit in with the larger . . . existing pattern of larger lots that surround it. They were also concerned about existing drainage problems in the area, potential impact of the development of this subdivision might have on this existing drainage problem and also the potential impact of additional water wells being sunk in these new lots and the impact that these new water wells might have on their existing wells.

The MAPC did vote to approve the plat. It was a close vote, 7 to 5. Because it's within the three-mile limits of the City of Wichita, did go the city council for their review and they voted on August 16<sup>th</sup> to approve the plat.

The recommendation of the Metropolitan Area Planning Commission is to approve this plat, subject to the conditions, and some of those conditions do address concerns that have been expressed by the neighbors relating to potential impacts of the water wells and on drainage problems in the area.

And with that, I'll stand for questions. I do know that there are people here that want to speak on this and the applicant and their representative is here as well."

**Chairman Unruh** said, "All right, thank you John. Are there any questions right now of Mr. Schlegel? I don't see any, so perhaps we could have the applicant or his representative, if you want to make a comment, you're certainly welcome to at this time."

**Mr. Kirk Miller**, Agent for Applicant, 516 S. Market, Wichita, greeted the Commissioners and said, "I'll answer any questions you have. Basically, what we've got is property that's zoned for minimum 20,000- square foot lots. We are more than twice that size on what we're proposing and all the surround property is also zoned SF-20. We have restricted the use of water wells on the property. We'll have alternate sewer systems and we will be paving MacArthur."

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**Chairman Unruh** said, "All right, thank you. You said it is restricted to water wells."

**Mr. Miller** said, "No, there will be no water wells."

**Chairman Unruh** said, "There will be no water . . . restricted from any water wells."

**Mr. Miller** said, "Right, restricted from any water wells, including for irrigation, lawn irrigation."

**Chairman Unruh** said, "Including irrigation. All right, thank you, I appreciate that verification. We have a question from Commissioner Sciortino."

**Commissioner Sciortino** said, "Okay. Where are you going to get the water, if you're not going to have water wells?"

**Mr. Miller** said, "Rural water district."

**Commissioner Sciortino** said, "And alternative sewers, are they going to be individual alternative sewers, or community?"

**Mr. Miller** said, "Individual."

**Commissioner Sciortino** said, "Okay, that's all I have right now, but I really do want to listen to what maybe some of the people have to say. Thank you."

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

**Commissioner Winters** said, "Do you have a commitment from the Rural Water District?"

**Mr. Miller** said, "Yes."

**Commissioner Winters** said, "You've contacted them and they've . . . you know, sometimes it's hard . . . people think they can get on the rural water district and some of those rural water districts have provisions that are difficult. So . . ."

**Mr. Jim Ratzlaff**, Ratzlaff Properties, 7570 W. 21<sup>st</sup>, Wichita, Ks., said, "I made a deposit with them of \$5,200, which is their minimum requirement, I've met with them several times. We've gone as far as we can go until such time as I obtain title to the land. At that time, I've got to plunk down a whole bunch of money. They're requiring me to put up \$2,600 per lot, plus I've got to pay

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\$25 per lot minimum monthly's after that and I just wasn't willing to put out the money until I have title to the land. In fact, they require me to have title to the land before they will accept my money.

So I think it's there, I've met with them, they've done engineering studies. Adequate water is available. I think their engineer said that adding 28 homes at the end of their 4-inch line, which I think terminates right at the southeast corner of this property, would lower their pressure no more than one pound, so it's just been laying there in limbo waiting for all this stuff to happen."

**Commissioner Winters** said, "I understand and it appears that you do have, at least every indication that rural water is available so that's the only question I had. Thank you."

**Chairman Unruh** said, "Thank you commissioner. Commissioners, any other question of the applicant? All right, we may call you back sir. But now, once again I would say this is not a public hearing, but we do want to offer citizens who want to make a comment relative to this application, this is the appropriate time to speak, if you'd like. Yes sir. If you just want to come on up and tell us your name and your address please."

**Mr. Gary Beckwith**, 4207 S. Cypress, Derby, Ks., greeted the Commissioners and said, "I've followed this all the way, right through the day the signs went up of this proposal and have been against it in the fact of the size of the lots. From 31<sup>st</sup> Street through to 55<sup>th</sup> Street, 53<sup>rd</sup> Street you'll notice that there's nothing under a five-acre lot in that area. One of the big problems that we see here is the high-density housing development coming into this area. This particular lot, this west boundary is a half a mile from McConnell. Nobody has brought up the JLU survey as yet on this. Now the JLU survey, as you're mostly all aware, the Joint Land Use survey involves the use of flying. Although this is outside the present flying pattern of the noise levels, we still don't want to see a high-density residential area come through here, where it will affect flying missions of the base, to increase bringing the B1-Bs back. If the B1-Bs were to come back, the noise contour would move out right onto this property line, which covers all of us that are here today. We have the planes flying right overhead right now. We say they use the 300, 400-foot mark when they come over us and we can read the writing right there. We don't have a problem with that. We knew that coming in there, as a rural residential type area, on five-acre lots.

But when we start developing this, if it's not maintained in the five-acre lots and it starts getting this high density problem, then we're going to go against what four of you commissioners have agreed to on the Jewel study and signed off on, in trying to work within the JLU study of keeping this area open.

The recommendation on that, from what I read the 150-page report, was that the recommendation is to keep this area in a low-density, urban type residential housing through this corridor, which was the Rock Road through to Webb Road corridor, down to 55<sup>th</sup>, which is where all the plane traffic is on the turnaround arc. Most of the noise that's coming off on the noise contours is in relation to

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take off and landing, not in the turnaround arc of that. McConnell, you know, don't really get involved in these type issues. They leave them up to us, as a public, to fight on their behalf, but that's kind of one of the main issues we had there.

The water, through MAPC, was another big issue which they have addressed and said that there's to be no water wells, which gave us a sight of relief, because most of us are on wells in there. We're only pumping seven to nine gallons a minute, which is not enough to run a sprinkler. It's a trickle feed only. You can't shower and do clothes washing at the same time, so that was a very critical issue to us. But if you approve this development here on the high-density housing, what it's going to do, it's going to open up the rest of those tracts from there on south. It's going to allow anybody with five acres to subdivide an acre off, put an alternative sewer system on, build another house and tap onto the water, because you're not going to be able to turn down the well on everyone, when there's an existing. So basically, if my next door neighbor decided, you know, because they're going to pave our road, because you're looking at bringing this within the city limits, then they're going to look, to cover the costs, they're going to subdivide one acre off, build another house and sell it off. Okay, well what they're going to do is put an alternative sewer on, sink another well and there you go.

So basically, you could actually take this low-density area and end up with such a high-density volume of houses down through this area, which can affect not only our water table, which would affect the water table, because it is very bad in that area, but also affect the high-density area, close encroachment on McConnell, and we'd hate to see that happen.

The alternative sewer system, it has been accepted by the county, sewer department from what has been stated. The last time I checked, there was no alternative sewer systems in this area. This particular land here does not percolate well. It is nothing but clay. Mr. Sciortino I know is out in that area and he knows . . . familiar with the land. We have a tough time. Coming out, doing a percolation test one test or five tests, as Mr. Ratzlaff has said he's done on this property at one period of time, is not sufficient. You have to live on this land. We have got people there who have lived and farmed that land for over 30 years and they can tell you, this land does not percolate. When it gets wet, it runs off. We have . . ."

**Chairman Unruh** said, "Excuse me sir, your time allotment that we have for five minutes is expired. Can you wrap up your comments?"

**Mr. Beckwith** said, "Most definitely. Basically, that's what we would really like you to consider, when you think on this plat and we would like to see it developed, but we would like it to come to

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at least a 4.6 acre lot, so if the alternative sewer does not work, they have the option to put lagoons in. On one-acre lots, if it fails, they cannot put a lagoon in, so you're going to have a predicament. Thank you."

**Chairman Unruh** said, "Thank you very much. Is there another citizen that would like to speak? Yes, sir."

**Mr. Rod Stewart**, 9200 W. 39<sup>th</sup> Street, Derby, Ks. greeted the Commissioners and said, "We have a boarding, training facility there with horses and stuff and the romance of the area is on five-acres. If you ride down through there, if you've ever driven down through there, you see the way the land is set up and how beautiful it is and how nice and comfortable the area is. Our biggest concern, you know I don't mind the development coming in there. If they come in and develop the area and try to make it part of our area already, make it more of the scenic area, we ride our horses down the roads, the dirt roads and stuff, which when they pave that, that's going to take that away from us. We're not going to be able to do that.

The gentleman is coming in and all he's going to do is pave the road down, put in plots and then let other people sell them off and build. If he was going to come in and develop the area and try to make the area look and conform to what we already have, we'd be for it, but it's not.

But also, our property we take a lot of the runoff and where he's going to be building all this already, the way that lands laid, all runoff from that land comes back and comes right down through our property, which that's what it's designed for. And you add 28 homes, all the pavement and everything else that's going in there, that's going to increase that by more than double of what we're getting.

Right now, when we get a really hard rain, the end of our property looks like a river. I mean, from the fence line across almost to our home, where our ponds are, you can't even tell where the two ponds . . . that there are actually two ponds. It's just one complete river coming down through there, and when you add the additional water that's going to come off that property, and I don't care what anybody says, I've lived there, I've seen it and I know the ground doesn't saturate very well, it's going to increase it by double and it's going to erode our property tremendously.

The county has already, you know, I've asked them to come in and maybe help us put in a dry riverbed down through there to help our erosion problem and they said they can't come off the road any farther than where the concrete is there and that's not fair to us. You know, that's going to increase the cost to us to take care of that particular drainage and everything else.

We have, currently six establishments like ours, boarding, training facilities within that three-mile area. This is the most dense horse area in the Sedgwick County area. We provide quite a few jobs,

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we provide a lot of recreation for children, keeping them off the streets. I don't know which one of the things I think is one of the most important things. If you can put children with horses, it does a couple of things. One, it gives a child something to do. Two, a child can't do it without the supervision of their parents, so it brings the parents closer to the children. I mean, I can sit here and talk forever and ever on this issue and all I'd like to do is have a consideration, if he's going to do any developing, I'd want a developer in there that's going to develop the area, not just put plots in and then sell them and care what the heck people are going to do.

Yeah, there's a place down at 159<sup>th</sup> and Central, by Andover. The gentleman there, Bob Brown, has gone in there and done an area and the housing is about what he wants to do, but he's developed that area in such a way it is absolutely gorgeous. I mean, it's something that the area around it, it helps the area. What he plans on doing won't be that. It will all be houses sitting there and it's going to be in a row, it's not going to be well developed, it's not going to give any look to the area whatsoever. And you know, Wichita surely needs to grow but I think it needs to do it in a way that it keeps Wichita looking like what it was to start with, kind of a cowtown-like and it's serene. You go out there and you're relaxed, you're comfortable and all it's going to be is another addition for him.

You know, if he wants to do it in a way that makes it more like our area, we'd love to have it, but there's just some concerns that need to be taken care of, the water, the drainage. You know we've tried to get the drainage taken care of before this come along, so you add this on top of it, it's going to be a tremendous negativity for us."

**Chairman Unruh** said, "Okay, well thank you very much. Is there someone . . . okay, yes ma'am."

**Ms. Lareina Saindon**, 8215 E. 39<sup>th</sup> Street S., Derby, Ks. greeted the Commissioners and said, "We have several concerns with this development, as have already been stated and we have not been very happy with the process that we've had to go through with this, because we feel that the residents of this area have not been heard, even though we have spoken, we have written, we have called, we have done everything feasible to get our voices heard, we have not been heard.

We have 94% of the residents in this area that have signed petitions against this development. We tried to turn the petitions in, and every story we got was a different manner of doing it and we never could get them turned in. I do have the petitions with me, 94% of the residents in this area do not want this development, for the various reasons that have already been stated. The main reason is it is not an addition to our homes, it is a subtraction. We moved into this area for a reason and Mr. Ratzlaff is taking that reason away from us. He's taking the property value of our homes and depleting them and we have serious concerns that have technically been addressed along the way, but we're not satisfied by the way they've been addressed. The traffic issue, they did a 24-hour

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study on the dearest day of the week. It was a joke. I mean, they should have done a weekend study. They should have done a weeklong study. They just did not do a very thorough study of the traffic issues.

As Mr. Beckwith stated, the sewer issues, we're very concerned that these homes are going to get built, these people are going to spend their hard-earned money to purchase the homes and then their sewer systems are going to fail because the alternative sewer systems are good for sandy areas and we have clay. The drainage problems, rainfall runs off of cement, it runs off of rooftops, it runs off of swimming pools, it does not soak into the ground and our aquifers are already below where they need to be and if you take the rain that would soak into those aquifers and run it off, it's not going to recharge those aquifers.

Mr. Ratzlaff has made comments that we are against development, we're against progress. No, we are not against any of that. We are against the way it's being done. We would like to see this area developed responsibly, not only with McConnell in mind but with the people that have built their lives there now. We want to see this property developed with size conducive to what is there. We want to see the five-acre lots. You know, if he wants to develop it into the five-acre lots to where it matches what's there, we don't have a problem with that. We're not against progress. We're not against development. We just don't want what we have worked hard for to be destroyed and I don't think that anybody put in our position would want that. We have worked very hard to get what we have and we would like to be able to come home and enjoy where we live, like we do now.

We are really concerned now with the fact that it's gotten this far, because Wichita and Sedgwick County and the surrounding areas are looking for tax-based revenues and the higher density homes you have in an area, the more tax base you have and we understand that but we don't want that tax revenue to come at our expense.

I really hope that if you have any doubts on whether or not this development is the right thing to do that you won't make a rash decision. That you will think it through before you vote, if you have any doubts at all.

As for the drainage, I don't know if you've seen pictures of the area, but we do have some pictures of Cypress Street as it has flooded and Cypress Street is actually down a ways from this area and the flooding in this area is even worse than what shows in this picture, so if you'd like to see this

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picture.”

**Commissioner Sciortino** said, “Just bring that up to us, have somebody bring that up to us.”

**Ms. Saindon** said, “And again, this is what it looks like when it’s not flooded, sorry and again, I do want you to understand that we do have 94% of the residents in protest to this, and I think that says it all, it really says it all. Thank you.”

**Chairman Unruh** said, “Okay, thank you, Ms. Saindon. Anyone else would like to speak, have some new comment.”

**Mr. Steve Hornbeck**, 4220 S. Dalton, Derby, Ks. greeted the Commissioners and said, “I’d just like to say that we like the rural life out there and really don’t want the congestion of the one-acre lots and that’s what I’d like to say. Thank you.”

**Chairman Unruh** said, “All right, thank you sir. Anyone else who would like to speak? Okay, thank you then. Commissioners, are there other questions or comments that you want to make of Mr. Schlegel or the developer or I see Mr. Parnacott is here, who can answer questions? Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you, Mr. Chairman. This is already zoned SF-20, which means half-acre lots in essence. Is that correct?”

**Mr. Schlegel** said, “That is correct.”

**Commissioner Sciortino** said, “Okay. So a developer could come in that land, put 56 homes and still be in compliance with the SF-20 zoning? Is that right?”

**Mr. Schlegel** said, “That is correct.”

**Commissioner Sciortino** said, “Mr. Parnacott, I want to address some of these issues that the folks have brought up here, and some of them appear to be quite serious, but legally if something is zoned a certain way and somebody is compliant with the zoning, what legal rights do we have to turn down a zoning request . . . I mean a platting request, if it’s compliant with the zoning?”

**Mr. Robert Parnacott**, Assistant County Counselor said, “Commissioners, the legal rule generally is that if the property meets the zoning requirements and the subdivisions regulations and policies of

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the county, you really can't turn the plat down."

**Commissioner Sciortino** said, "Okay. I want to address some of these concerns. I had spoken to a couple of these folks, through e-mail and through phone conversations about the concern that they brought up about McConnell Air Force Base because we take McConnell Air Force Base's concerns really to heart because that's a very viable part of our economic development, with the employment, looking at not only what the missions are today, but what the missions could be tomorrow.

Now I went ahead and talked to the supreme base commander and unfortunately, they don't . . . I guess maybe I was hoping they would have a concern, cause then I could have some other argument but they don't feel that this type of development is high-density and they think it's actually the kind of development they would prefer, if there has to be any development in this area other than . . . well, they wouldn't want a shopping center or apartment complex or mobile home park, but these one-acres lots, that's the type . . . In other words, I didn't get any support on the concern that I was hoping to get when I talked to him on that one, so I don't know that we could use that one.

I don't know who could talk to me about alternative sewers. John, are you the resident sewer man? The issue about sandy soil, clay soil, is that going to have an affect?"

**Mr. Schlegel** said, "No, I think what they're talking about when they talk about the soil type is more septic systems. The alternative sewer systems, I think, that are being proposed here would be more . . . Maybe Kirk can address this, would be more biological."

**Commissioner Sciortino** said, "These are like self-contained ones? I went up to St. Joe and looked at them, that kind of are a container next to the house that does whatever it does, but they aren't septic tanks, is that right, that you're looking at? Okay."

**Mr. Schlegel** said, "They use biological processes then to break down the sewage and clean it up."

**Commissioner Sciortino** said, "Right, okay. So it doesn't matter the soil, or it does matter the soil?"

**Mr. Schlegel** said, "No, these septic systems, it should not matter, the soil type should not matter. Kirk, you may know more about the specific type of system."

**Mr. Miller** said, "Actually, the soil type does matter and we went out and had, I believe, four or five test holes done and it was determined that the soil would be adequate for this type of system

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and another one of the requirements with the alternative sewer system is every time they build on one of the lots, they have to test that soil to make sure, so there will be 28 additional tests to make sure that each lot has the capacity to handle the alternative sewer.”

**Commissioner Sciortino** said, “Are there other types of alternative sewers, that based on your tests you would put in to make it compliant, because I think . . . I want to make sure that we have an understanding that these sewer systems will work. Jim, get up here, you’re the expert on alternate sewers. I trust you more than the appli . . . well, this guys got a hired gun. You work for us.”

**Mr. Jim Weber**, Deputy Director, Bureau of Public Works, greeted the Commissioners and said, “The purpose of the soil . . . actually, what they call it is soil profiling and they go out on each of these lots, with a backhoe, and they dig down through the various strata to five or six feet deep, the active part of the system. The point of the soil profiling is to determine how much water the soil can absorb and they use that information to determine how large the drip field needs to be, so they can actually size . . . the tankage itself is not the issue. The issue is how much drip field do you need to dispose of the water that is produced in the house.

And so for that reason, it’s the really important number, so that’s why they’re literally requiring on every site, every one of these home sites, that before you get a permit, you have to do a profile on that site and what they’re saying is they’ve done five of them and it looks good, but they’ll verify it on every one of these sites.”

**Commissioner Sciortino** said, “So if the soil is more clay than sand, you need a larger drip field to make it work?”

**Mr. Weber** said, “Exactly, that’s right.”

**Commissioner Sciortino** said, “Okay. What about the issue of they went out one day and they picked the slowest day of the week for the traffic issue. How do we . . . because I want to hear it, how do we verify . . . why were we verifying traffic counts, to begin with?”

**Mr. Weber** said, “They only reason that we went out and had the road counted was because there was a discussion going on about we’re requiring that they pave to the nearest paved section-line road, which is either going to Rock or to Webb and there was discussion in the neighborhood about whether there was more traffic going to Rock or to Webb, so I didn’t know what day of the week they went out. They did go out and do a count. We had 250 cars on one end and 197 on the other, which is sort of statistically irrelevant, when you’re talking about traffic and what day it was and so on and so forth.

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So, what we have . . . the requirement we've made is to stick with the policy, which is to go to the nearest paved road, which is Webb. It happens to be the 197 one on that particular day, but it wasn't an issue of does it need to be paved, what kind of pavement do we need. It was maybe to help try and let people get a handle on where's the traffic really going."

**Commissioner Sciortino** said, "Okay. So it doesn't . . . Okay."

**Mr. Weber** said, "I guess, in my opinion, it's information that doesn't really matter in this case."

**Commissioner Sciortino** said, "Yeah, I understand, I mean we weren't trying to determine whether or not it had to be paved, right?"

**Mr. Weber** said, "That's right."

**Commissioner Sciortino** said, "It has to be paved, like this one case that we had just a couple of cases before this one, we always make that as a requirement, that it has to be paved to the nearest section line road. All right, well I guess I'm still a little confused over whether it had been a busier day or a slower day, what change that would have made."

**Mr. Weber** said, "Well the issue would have been, if we had gone out and done a count and we'd found 200 cars a day at Webb Road and went over to Rock and found 1,000 cars a day, then the argument might have made sense to look at deviating from the policy and saying you know we should go back to Rock, instead of Webb, because that's where the cars are."

What we found on that particular day was it's about the same. There's not a strong motivation, based on traffic count, to go one way or the other, so stick with the policy, go to the nearest, which would be Webb."

**Commissioner Sciortino** said, "Okay. I'm not winning here. Okay, a lot of people have mentioned that one of the attributes of the area is that a lot of these people have their own horses and they like to use MacArthur, kind of to ride their horses. This is a public road though, right? I mean it's not a private road."

**Mr. Weber** said, "It's a public road, it's an arterial. It's really not a riding trail, but I guess if you're going to do it, the east half mile well still not be paved."

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**Commissioner Sciortino** said, "Okay. Well commissioners, I'm trying to look at everything else that was said here. I guess I don't have any other questions."

**Chairman Unruh** said, "We do have a couple of more. John, can you tell me, is this area in the joint land use study areas for McConnell Air Force Base? Is this particular . . .?"

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

**Chairman Unruh** said, "It is in that area."

**Mr. Schlegel** said, "Yeah, and it would . . . correct."

**Chairman Unruh** said, "Okay. Thank you, that's all I needed. Commissioner Winters."

**Commissioner Winters** said, "Thank you. I assume this is for John or perhaps Bob, but what is the history on how property like this gets zoned SF-20? Not all property that's in the unincorporated area is zoned SF-20. How did this particular piece of property get that zoning?"

**Mr. Schlegel** said, "Well I was flipping through to see if there was a Wichita land use guide map included in the presentation. I see that there isn't one. I don't know the specific history of why this wound up with that particular zoning designation, but it is within the 2030 future growth area for the City of Wichita and given that particular designation and the fact that the City of Wichita does plan to extend its municipal services out into this area, the SF-20, in my opinion, would be appropriate for that particular area."

**Commissioner Winters** said, "Okay, and I guess my only thought, this is certainly a confusing sort of case here, and my only thought was, I mean, if its been SF-20 which allows half-acre lots, if it's been that way for years, I mean if anybody is coming to the area, going to build in the area, you know it appears that investigation would say 'Well, you know there could be houses across the street from us on every half acre someday' and there's really not much we can do about that. I mean, that's the way the property has been and evidently has been for some time.

So, on one hand, you know I'm not sure this new proposal fits in to what the rest of the neighborhood has got out there, but I don't know if there's anything we can do about it."

**Commissioner Sciortino** said, "It doesn't fit into what's been going on at all, but let me . . ."

**Chairman Unruh** said, "Well, as a testimony of the presentation you've made today, this is zoned properly."

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**Mr. Schlegel** said, “Right, and the plat conforms to the zoning.”

**Chairman Unruh** said, “And it conforms to the subdivision regulation. The drainage plan has been approved by the appropriate agency. It’s going to have water provided by the water district. They have an alternative sewer plan that is approved and is going to be installed by appropriate folks and regulated. Water wells in the area are not going to be allowed and our attorney, counselor has told us that it’s difficult to deny this platting request, in light of these circumstances. I mean, I think Commissioner Winters has said it properly, it’s unusual, but we don’t have too many choices here. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Okay, I’ve got one more thing maybe. We saw some pictures that showed what happens when it rains and it looks like a river of water starts. I know that when we do platting that what they say is that the water runoff after the development can’t be greater than the water runoff today and is that how this is going to have to be and what happens if it turns out it isn’t?”

**Mr. Schlegel** said, “Well that is the standard that the county engineer’s office would be applying here. Now, Jim you can correct me if I’m wrong. I’m sure that any drainage plan that’s been approved for this site would apply that standard. You want to add anything?”

**Mr. Weber** said, “We have reviewed their drainage plan and we run into this frequently, but if you look at the total runoff after the development, and compare that to the pre-development rate, it goes from . . . just think the number, don’t worry about the units, but 95 cubic feet per second total to 101 and again it’s, given the science of hydrology, that’s essentially the same number, so we’re not requiring detention storage or some of the things that we would do if they had a significant increase or a relatively significant increase in runoff. It’s basically unchanged.

That’s difficult for people to absorb, but part of what happens is if you take cropland, a wheat field for example, that is not your best runoff condition. It may be certain times of the year and certain times of the year it’s the absolute worst, when it’s basically bare ground or hard as a rock and just wheat stubble. If you take that and you can put some totally impervious areas on it, some pavement, you can put houses on it, turn around and put front lawns around it and go out and plant grass that is in a good condition all year round for slowing the runoff and giving it a chance to absorb into the soil. You actually have a mitigation that occurs when you convert from Ag to development.

As your lot sizes go smaller, these again are one-acre lots, so they’re kind of on . . . sort of the limit

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of where you get a benefit from that. As you go down to smaller lots, the half-acre lots, the 10,000 or urban size lots, then it does flip around totally and you almost always see a significant increase in runoff. So the drainage plan in this case indicates that this is not a significant increase. It's 5 or 7%, which is totally overridden by what can happen with the pattern of rainfall on any given day."

**Commissioner Sciortino** said, "Okay, thank you. That's all I have."

**Chairman Unruh** said, "Okay, Commissioners I don't see . . . yes I do. Commissioner Norton."

**Commissioner Norton** said, "John, do you have a bigger map that kind of shows the zoning of that . . . a bigger area around that?"

**Mr. Schlegel** said, "No, I had been flipping through trying to see whether or not we had included one and we do not. Those are all the slides that I have on this particular application."

**Commissioner Sciortino** said, "Is all of that land to the west and north of McConnell . . . or to the west to Rock and north, is that all SF-20 too. I mean could we be looking at development of that land all into . . .?"

**M. Schlegel** said, "Yes. It's predominately, except for the LC that you see at the intersections of the arterials, it's all SF-20 throughout this area."

**Commissioner Norton** said, "The area west of the proposed site, along MacArthur, is that SF-20?"

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

**Commissioner Norton** said, "And does that go all the way to Rock Road?"

**Mr. Schlegel** said, "Yes, except for what you can see on there is the . . ."

**Commissioner Norton** said, "The corner and that's commercial or whatever. And all of those long pieces above that, up along Rock Road, are all SF-20?"

**Mr. Schlegel** said, "Yes, and they all front on Rock Road. That probably shows up better . . . you can see that on these slides."

**Commissioner Norton** said, "And it's zoned SF-20. What is its use today?"

**Mr. Schlegel** said, "Primarily for Ag. You can see the one, in the aerial photo, you can see the one

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. . . let's see if I can get . . . here it is, you can see the residence up in this piece here."

**Commissioner Norton** said, "So virtually, everything surrounding this piece of property in question is SF-20 and could be developed as that."

**Commissioner Sciortino** said, "Including that land south of MacArthur is SF-20, but the developer there just developed it into five-acre lots, apparently."

**Commissioner Norton** said, "On the other side of Webb Road, where the compass north is right there, on the east side, southeast corner, what is that zoned?"

**Mr. Schlegel** said, "Well, it doesn't show up on the zone . . . went the wrong way. Oh, I'm sorry it does show up on the zoning map and it is SF-20."

**Commissioner Norton** said, "So do you have any idea on the south side, what's south of MacArthur? 47<sup>th</sup>?"

**Mr. Schlegel** said, "That sounds right."

**Commissioner Norton** said, "All around 47<sup>th</sup> Street, between Webb and Rock, what is that zoned?"

**Mr. Schlegel** said, "I couldn't tell you with certainty, but I'm pretty sure that this SF-20 zoning extends further south, but I couldn't tell you exactly where it might change to Rural Residential."

**Commissioner Norton** said, "Where does the Derby zone of influence start?"

**Mr. Schlegel** said, "Somewhere in that area. We're going to pull up the GIS map. That will probably help."

**Ms. Kathy Sexton**, Assistant County Manager, said, "While we're waiting here, this is a nice example of how the people in this community can go right to the county's website and get all kinds of information about the zoning that is their neighborhood, their own property or their neighborhood. It's pretty simple to do and as Jim kind of walks through it for you, it kind of provides a nice opportunity. Every once in a while, you go to a public meeting and people wonder about do they have to come down to the courthouse to find such information or go to the County Clerk or whatever. It's really pretty simple these days to get on line and start clicking around till you find the property you're looking for."

**Chairman Unruh** said, "It's simple after you've done it once, right."

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**Ms. Sexton** said, "That's right, there's a lot of clicks, so you have to practice a little bit."

**Mr. Schlegel** said, "Okay, there Commissioner Norton, you can . . . I think that answers your question. You can see there's a swath of RR zoning that goes through there, to the south, but most of it is SF-5."

**Commissioner Norton** said, "That pale green is . . .?"

**Mr. Schlegel** said, "Is RR, Rural Residential and then . . . well, you can see south of 47<sup>th</sup> and it turns into Rural Residential and I'll pan that up."

**Commissioner Sciortino** said, "So that tan area is all SF-20?"

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

**Commissioner Sciortino** said, "Okay, I think I've seen enough."

**Commissioner Winters** said, "Okay John, pan back the other way, to the north, because I think this is the . . . I mean, to me is the key factor."

**Mr. Schlegel** said, "Further north?"

**Commissioner Winters** said, "Right there. Well no, that's got the subject property is right in there, and then . . ."

**Chairman Unruh** said, "Commissioner Norton, I think you still have the floor."

**Commissioner Norton** said, "Thank you. Keep going north. Can you get us to where the little tip of Wichita also shows the piece of property, or close?"

**Mr. Schlegel** said, "This would be the property right here."

**Commissioner Norton** said, "Off of 31<sup>st</sup> and Rock, that's all McConnell housing, is that correct?"

**Mr. Schlegel** said, "Correct. That would be this area right in here."

**Commissioner Norton** said, "Okay."

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**Chairman Unruh** said, "Okay. Well I don't see any other lights on. I don't know if there's other question or comment. If not, we're ready for . . ."

**Commissioner Winters** said, "Mr. Chairman, I'm prepared to make a motion. This is a very difficult plat issue, just because of the concerns expressed by the citizens in the neighborhood that have been here, but when we look at this zoning map and show that this entire area is zoned SF-20, I think we would get on pretty slippery ground if we started denying what we could do by zoning right in this county. I mean, you know if some folks are new residents and they were misinformed about what can happen on their property or on their neighbor's problem, they probably need to go back and ask the person who gave them that information if they had any idea of what they were talking about. But this just has such a wide area, from south of the City of Wichita down to past 47<sup>th</sup> Street that is zoned SF-20 that allows this to happen, if water and sewer can be provided. I don't know how we have any other choice, except to approve this plat."

### MOTION

Commissioner Winters moved to approve the plat, as recommended by the MAPC, and authorize the Chairman to sign.

Chairman Unruh seconded the Motion.

**Chairman Unruh** said, "Is there any discussion on the motion? Commissioner Norton."

**Commissioner Norton** said, "Certainly I understand the dilemma we have here, but if there were pieces of that light green zoning, that true Rural Residential that was even in close proximity to either the protest area or the area that we're replatting, I think I'd probably be supportive of maybe putting it on hold and revisiting it. But unless this map is changed recently, it pretty well shows that everything in this area has the ability to be SF-20 and has been for a while and is developed that way and whether parts of it are developed in a different manner than what it was intended doesn't matter and I understand the dilemma that these folks have in that area, but I don't see any way, based on what we are charged with doing, that we can deny the platting as presented."

**Chairman Unruh** said, "Okay, thank you. Any other discussion on the motion? Seeing none, call the vote."

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### VOTE

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

**Chairman Unruh** said, "Thank you all for being here, for the staff and for the citizens. Madam Clerk, please call the next item."

### **F. AGREEMENT WITH OLD COWTOWN MUSEUM.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, "Old Cowtown Museum is celebrating its 55<sup>th</sup> year of operations as the only living history museum to present a Kansas cattle town in the late 1800s. It's operational as a public/ private partnership, the Historical Wichita/ Sedgwick County Inc. is the private non-profit partner and two public partners. The two public partners are Sedgwick County and the City of Wichita.

The annual budget is no more than 1.4 million dollars. Sedgwick County's portion of that budget for 2005 is \$602,451, which includes support for nine full-time and a number of seasonal employees. Also including in that amount is \$100,000 for a museum and economic development consultant, which you approved funding for in May. In addition to support from the county and the city, the private partners raise funds through sponsorships, grants, donations and earned income.

Declining attendance, down 17% from 2004 and declining admission revenue per visitor down 33% from 2004 has affected the earned income in Cowtown and an increase in donations and contributions has resulted in a shortfall for 2005. Cowtown needs an additional \$195,000 in funding to cover expenses through the end of the year.

The museum and economic development consultant is due a report. We hope it's due by the end of the year. We expect the report to identify ideas and strategies to help Cowtown flourish in our community going forward.

So what will happen in 2006? Again, the 195,000 is to provide operating funds through the end of this year. At that time, Sedgwick County and the Cowtown Board would want to address the current wants now, just to address the current situation and then receive the consultant's report before identifying funding changes for 2006, if any.

Because Cowtown is a public/ private entity where both the City of Wichita and Sedgwick County

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is involved in the public side, certainly further discussion for 2006 will need to occur. A number of board members and Jan McKay, the Executive Director are here. I'd like to acknowledge their presence this morning. Commissioners, you have a simple form funding agreement for Old Cowtown Museum before you and I would recommend you approve the agreement and authorize the Chairman to sign. Will answer any questions you might have."

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

**Commissioner Sciortino** said, "Well, I have no questions of Mr. Holt, but I just think I need to visit with the board a little bit. As you know, I accepted a position on the Cowtown Board when then commissioner, now Senator McGinn was with us. Ron Holt is a member of the board and also a member of the executive committee. I'm going to be supportive of this bridger grant to allow Cowtown the ability to work on a problem that we have to deal with, and that is how do we blend, if that's the word, tourism, entertainment, with a living-museum concept.

I can assure the board that by approving this grant in no way commits this board to additional . . . this isn't an entitlement now and all of the sudden next year we're committed to an additional \$200,000, but what this will do is allow us, as members of this board, to figure out what elements we can take of what the consultant's report may give us as options to give Cowtown a better chance to succeed.

I can assure you that this board, we had a meeting, just Monday we had a meeting and I can assure you that to a member, we all understand that there has to be some changes made and that we have to start looking at ways to kind of tap into what I think is a very marketable element of our heritage, with an idea of trying to get more . . . not only distant tourists, but I think one of the keys that we're going to be working on, and anybody that wants to, please shake their head no please say so or you can nod yes if you want to, how we can get more of our local people exited to the point that they want to come four, five, six times a year, like they're doing to some of the other cultural events, like Botanica or the zoo or what have you.

So two things that I would ask for you to consider: number one, consider seriously allowing this grant to give us the opportunity to work on the problem, and secondly, to understand that it does not commit us to anything for next year at this time. But anyway, that's all I had."

**Chairman Unruh** said, "Thank you, commissioner. Commissioners, are there any other comments or questions of Mr. Holt? Commissioner Norton."

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**Commissioner Norton** said, “Well certainly I think that the public knows that on the heels of ice rinks and Indian centers and Exploration Place, knowing that Cowtown has some struggles gives us all pause to wonder, you know, what is the economics of those things that we’re trying to preserve and build for the community is quality of life and you know, it washes across me that we have to worry about and understand society and economics and where they come together. What does society want and what are the economics that provide for that. And when we talk public spaces and museums and quality of life issues, it would be easy in those times when economics have changed and societal values have changed to throw up your hands and give up on those civilized things we have created and not preserve them for other generations.

But as in the free market society, where it ebbs and flows and one entity may go away, something else crops up, in many cases that’s not preserving history, that’s not preserving quality of life, that’s not preserving an entity that’s been in our community for 50 years. That’s just going to be taken care of by free market. There is no free market that will take care of the cowtowns of the world. It’s a piece of our civilization that we have the obligation to try to preserve and we’re in that nexus right now of trying to revisit, revitalize and reconstitute not only Cowtown, but several of our cultural entities in our community and I’m going to be very supportive of that.

Granted that in the environment we’re in right now, public officials can take some heat for spending money in tough economic times, as we see it and part of that is out of our sphere of influence, when you talk about major disasters and war that have taken monies from other places in our world economics and put it in different places, but my obligation is to this community and the civilization that we’ve built here and I’m going to be supportive of Cowtown and will probably continue to support other entities that we want to support for future generations.

It’s tough times right now, but I don’t want to give in to one little tough time and then have as my legacy ‘I let Cowtown go away’ so that my granddaughters never got to experience that in our community. Thank you.”

**Chairman Unruh** said, “Thank you, commissioner. Commissioner Winters.”

**Commissioner Winters** said, “Well thank you. Commissioner, I think you bring up some excellent points. I’m going to be supportive of this today. I am really looking forward to the report from the experts that we brought to town to try to help us think about the future of Cowtown. I think you’re exactly right, preserving history sometimes becomes a little complicated and when you put the free market in there and try to make it work right, it’s difficult, but I think we’ve got to continue to blend those two, because now we’ve got a great success story of an entrepreneur here in Sedgwick County who has taken the old west and has made a very profitable and successful venue over in Butler County and is going to expand in Park City, so I think there’s got to be a way that we can tap in on this old west that people want to know about and hopefully get it to the point where people do want to come and use it as a real entertainment venue, so I’m going to be supportive of today, but

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I'm going to look really forward to seeing what the long-term solution is going to be and hope the experts will be able to help us. Thank you."

**Chairman Unruh** said, "Thank you. Commissioner Burtnett."

**Commissioner Burtnett** said, "Ron, a little financial question for you. I assume that the fiscal budget year is from January to January with Cowtown."

**Mr. Holt** said, "Calendar, yes."

**Commissioner Burtnett** said, "Okay, so they're getting these monies to help them through December and then January 2, '06 the regular budget will kick in, so we won't be worry about this again for a while."

**Mr. Holt** said, "Well, not necessarily. The way we will worry about that is hopefully have the consultant's report so we can see what other kind of revenue, income opportunities that might be available to us to help take care of the 2006."

**Commissioner Burtnett** said, "Which brings me to my next question. Is there any way you can get a hold of the consultant and maybe get something before December 31<sup>st</sup>. When I hear end of the year, I'm hearing December 31<sup>st</sup> and if we could have something that gives us a month to look over what the consultant is saying and give us a heads up for what we're going to have to deal with in January, that would be very helpful to me."

**Mr. Holt** said, "I understand your request, but their process is sort of like the process we've had on the site selection. It is a process. They've been to town. They've interviewed a number of people. We are going to get an interim report from the study and then they'll be back the first of November to do focus groups and then they'll have to process that information and so, I'm not sure how much we can speed that up and still get in depth research and analysis that the study should provide."

**Commissioner Burtnett** said, "But by November 1<sup>st</sup>, they should be able to give us some sort of a feel and some sort of a direction that we might be able to start looking toward. I just really hate to see it wait until December 31<sup>st</sup>, and then January we need to put in more money because we don't know what the consultants will tell us."

**Mr. Holt** said, "My problem is, I don't want to offer something I can't deliver. That's why I'm hesitant. We have a contract with them that runs a certain course and they have benchmarks, mile

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markers in that contract and I'm just hesitant, because I don't want to offer up something that I can't deliver on."

**Ms. Sexton** said, "I would just maybe point out too, I think your concern is very valid, but we will have time, no matter when the report gets done, to digest it and really think about where we want to go from there. You all have already approved 2006 budget for this agency. It's just a matter of when that contract is consummated but we have money in the budget to get them through those first few months of the year, until we figure out the solution."

**Commissioner Burnett** said, "Right, okay. That's it."

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

**Commissioner Sciortino** said, "Yeah, that was the comment that I was going to make. We've already approved the budget for 2006 and that budget . . . well, in theory was going to be enough for the whole year, but it most definitely would be enough for us to have a two or three month look into it.

The challenge that my colleagues on the Cowtown Board, I think, have embraced is that we have to look at a better balance between living history and entertainment and how can we blend that to increase that turnstile revenue coming in and getting more people. And I want to tell you, there's been a lot done in this last year, I mean, and it's not all doom and gloom. We've got the new visitor's center, renting of that visitor's center, as I understand it, we're getting tons of calls a day, we're getting booked up. I mean, there's going to be some positive things there, but what else can we do to make this museum concept into more of an entertainment, fun place to go and don't get me started on some of the crazy ideas about a bed and breakfast and this and that, because I can go on forever, but right now we have a fiscal imbalance that we have to address and I'm starting to get a sense that we're going to address that and I appreciate that and then we'll go forward, once we get the consultant's report. So thank you."

**Chairman Unruh** said, "Thank you. Well my comment simply is it seems unwise not to provide the bridge financing, in light of the fact that we have Cowtown in our budget next year, we have a visitor's center that is soon to be opened and with the community and county investment in that facility and we've got a consultant's report that's due here in the next 90 days or so, so those three items are, to me, drive me to the decision that we need to stay in the game and provide this financing for Cowtown. So commissioners, I don't see any other request for comments or

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questions. What is the will of the Board?"

**MOTION**

Commissioner Sciortino 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 please."

**G. DIVISION OF COMMUNITY DEVELOPMENT.**

**1. ADDENDUM TO GAP FINANCING AGREEMENT WITH COMMUNITY HOUSING SERVICES/WICHITA-SEDGWICK COUNTY, INC, PROVIDING A ONE-YEAR EXTENSION.**

**Ms. Irene Hart**, Director, Community Development, greeted the Commissioners and said, "In 2003, the Board of County Commissioners approved a gap filling agreement to provide gap filling financing with Community Housing Services for construction of in-fill housing in Oaklawn. That contract expire September 30<sup>th</sup> of this year.

In the original contract, there was a provision for a one-year extension and that's the addendum that's before you today for consideration, so the issue is to extend this for an additional 12 months.

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June Bailey, Executive Director of Community Housing Services, is here to give you a brief presentation of what's been accomplished and what will be accomplished with this in-fill financing contract."

### **POWERPOINT PRESENTATION**

**Ms. June Bailey**, Executive Director, Community Housing Services, greeted the Commissioners and said, "Thank you for having me here again. I was actually here in May to talk about what we did at CHS, but this today is really what we've been doing in the housing project in Oaklawn. We are looking to take advantage of that one-year and then we'll go through the process and I'll explain why.

What we have been doing is working with partners to actually transform what we're doing in Oaklawn, as one of our targeted communities. The house plan that was selected and when we originally did this, the gap funding was for 80,000 to build two homes, to actually help with that gap funding. It was thought at the time that we would not be able to get an appraisal above 55,000. We turned out that was in error and we got our first appraisal at 75,000.

So technically, we actually put a committee together and said, 'Here's what we're looking to do'. That committee was able to go through, and it was made up of residents and builders and the whole nine yards, and pick a house plan that we felt fit Oaklawn. Not something that would fit someplace else or that was maybe cheaper or more expensive to build, but something that would fit.

What you see before you is the house plan that was selected. It consists of 1,338 square feet, three bedrooms, two full baths and a two-car garage, full basement and the basement has been roughed in with a climb out window, in case they do want to complete the basement with a fourth bedroom.

We did feel that the house plan did fit the Oaklawn community, in looking at it, so we proceeded forward. We did our groundbreaking on May, 23, 2003 and that's Sherdeil on one end, Brad in the middle and Ben clear to the other end. That was a combination of partners coming together to actually celebrate that we were able to do this type of an activity in Oaklawn for the first time.

This is the first brand-new housing in Oaklawn in over 50 years. The first one was built on Jade and it was completed five months to the day from the day we did the groundbreaking, which was phenomenal. The second house was built on Cedardale and it actually backs up to the other house. It was closed on March 2<sup>nd</sup> of 2004 and you have a front view and a rear view, so all of the houses

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actually were put in with grass and seed and trees and the whole nine yards to actually help beautify and landscape the property.

On the top picture to the right, you can see just the edge of one of the houses next door, so we tried to keep the high line, you know, close to what the actual current housing was out there. The third house is built on Hemlock. This was the only one of four houses that we actually tore down a house that was in really, really bad shape. The person that owned the house actually gave it to us and then we had to pay for the demolition of the house. But this was the one that we actually took out a house to improve the looks of the block. This one closed on September 2<sup>nd</sup> of 2004.

The fourth house out of this will actually close October the 6<sup>th</sup>, so extending this, you know it says for a year, but we're only going to need it for less than two weeks. The fourth house is on Cedardale and it is just about ready. We actually are opening it up, where if you want to come view this thing, next Monday or Tuesday, we'd be happy to have you.

The facts of the project were that we really were using that gap funding to build two houses. Instead, we were able to do four. The appraisals went from 75, to the last appraisal being at 81. All homes were sold to families that were already living in Oaklawn. A couple of these families that were moving in were living with their parents, and now are actually living in Oaklawn.

We actually helped with the mortgage financing of two of those homes, through CHS. The income levels were from very low income to one moderate. Three of the four families qualified for down payment and closing cost assistance. That grant ties them to that house for at least five years, and if they stay in that house for five years, they do not have to pay that grant back, so it encourages them to actually be and remain homeowners.

Everyone that purchased one of these homes is still in that home and they're all families and we currently have a list of seven other families in the Oaklawn community that are on a list that want our future homes.

With your help, we are making a difference, one house at a time and I thought I would at least show you all four houses, so that you can actually see that it is making a difference and it is changing. Yes it is increasing the tax rolls and the benefits and things that are happening down there, but when you're down there, you can here people saying 'Have you seen the new house, have you seen this color?' When it comes to the houses, all of these houses have been sold before we started construction. We've allowed the homeowner to go in and pick out the paint and the siding and what they wanted, when it came down to actually making their choices in the home that they were going to live in.

Thank you so much. I'll answer any questions that you might have."

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**Chairman Unruh** said, "Okay, thank you. We do have a comment. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. This isn't a question, this is just comment. As you know, this is in my area and I've been very close to Oaklawn since I've been on this board. I actually grew up in an area quite similar to Oaklawn. I'm just full of pride, when I see what's been going on in that area. I believe all four of these people, this was the first time they actually owned a home."

**Mr. Bailey** said, "Correct."

**Commissioner Sciortino** said, "You know, and you just see something inside of them, you know 'It's my house', you know and I really believe that if we can get the ratio between rental property and home ownership up, that whole area will just be lifted. One person in Oaklawn was complaining about their taxes going up. We don't normally have that complaint in a deteriorating area, so they're joining the main stream and they'll probably be calling me now, getting mad because their property taxes are going up, which is a good thing because they actually have an asset, where before they didn't."

This whole concept that we're doing here is what this . . . you know, I know I'm a very penny-pinching skinflint, I mean everybody . . . that's my reputation here as a county commissioner, but this is an example of a real hand up, not a hand out. I mean they're taking care of their lawns, as you can see. The pride and the benefit to society as a whole is going to reap many more dollars than the ones that we put into this project, and if we could do more projects like this, I believe we have what, five or six people on the waiting list."

**Ms. Bailey** said, "We have seven."

**Commissioner Sciortino** said, "Seven people on a waiting list. If we could figure out a way to do seven more homes, we'd have seven more homeowners in the Oaklawn area. Crime is down, if you go to any of their festivals, activities that they have out there, the community really turns out. It's a pretty neat project and I don't want to get too sappy, but I compliment you and you must have to have some good feelings when you go home, knowing that the work that you do really affects in a positive way the lives of the people that you're helping."

**Ms. Bailey** said, "That's why I do what I do."

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

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**Chairman Unruh** said, “All right, very good. I don’t see any other lights. I think this is a very productive and beneficial program. We’re ready for a motion.”

**MOTION**

Commissioner Sciortino moved to approve the Addendum to 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, “Thanks for being here, June. Next item please.”

**2. RESOLUTION AUTHORIZING A FORGIVABLE LOAN AND REBATE OF PROPERTY TAX TO FRANCHISE SERVICES COMPANY, L.L.C. FOR ECONOMIC DEVELOPMENT INCENTIVES.**

**Ms. Hart** said, “Today, I’m pleased to present an economic development agreement with Franchise Services Incorporated. The decision that Franchise Services made to remain in Wichita was announced at the end of last year and now we’re getting the final agreements completed. Franchise Services provides outsourced accounting, payroll and management reporting functions for over 2,700 restaurants across 30 different restaurant brands. Their corporate headquarters is located in the former Thorn Americus Building at 37<sup>th</sup> and North Rock Road.

Sedgwick County incentives include a forgivable loan in the amount of \$112,500 and a five-year property tax rebate. As a result, we have not only retained the corporate headquarters here in Sedgwick County and 280 employees, but we also have commitment to add another 630 employees in Sedgwick County by the end of 2010. The positions average \$20 an hour. That means the total

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payroll over the five-year period will be nearly \$130,000,000.

I have with us today Dale Hoyer, President of Franchise Services who'd like to say a few words."

**Mr. Dale Hoyer**, President, Franchise Services Company, L.L.C., greeted the commissioners and said, "Franchise Services Company began in June of 1998 and we started with about 17 people and about four clients. In December of 2001, we were acquired by a company based out of Chicago. At that time, we had about 180 employees and serviced about 45 clients.

Today in Wichita, we have about 320- 330 people employed and as a subsidiary of Savista, which is our parent company, which was previously based out of Chicago, they are now moving to Wichita, thank you for this. We are now a global company. We have about 100 employees in Savista, based all over the world. We are providing services to over 60 countries, related to point-of-sale development in restaurants and the accounting services piece, which is based here in Wichita, is providing services to well over 100 clients and edging now upon 3,000 locations in the United States.

So, we continue to look forward to the opportunities that the outsourcing business brings and very happy to call Wichita home and call Wichita home for our corporate headquarters in Savista. So want to thank the county commission, Irene Hart, Allen Bell, City of Wichita, State of Kansas and also with the GWEDC in helping provide us for the funding to do several things. First of all was move our facility. We were previously at another location in Wichita. We are now at the Field Thorn building and experiencing . . . continuing to experience the growth and the additional space that we now have and now be able to also move our corporate headquarters of Savista, our parent company, from Chicago down to Wichita. Other than that, any questions?"

**Chairman Unruh** said, "Well I think we do have a comment or so. I would just want to make a comment, we're very pleased and proud that you've chosen Wichita as your corporate headquarters and we look forward to a long and profitable relationship with you office, as we go forward. Commissioner Winters has a comment."

**Commissioner Winters** said, "Well, thank you Mr. Chairman and that is, again, exactly what I wanted to say. This is, I think, a success story of the work that Greater Wichita Economic Development Coalition, City of Wichita, the state in showing the benefits of our community to a company like Franchise Services. This is, I think, exactly you're the kind of business that we want

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to have in our community and we appreciate, I appreciate everything that your company has done.

Dale, are you a Wichita native or are you a transplant to our community?"

**Mr. Hoyer** said, "Born and raised in Wichita."

**Commissioner Winters** said, "All right, very good, then we don't have to do that hard, hard sales job on you. We certainly appreciate your efforts in this expansion and retention and to look at 630 employees over the next five years, that's exciting to think about, so thank you very much and good luck."

**Chairman Unruh** said, "Okay. We have another comment from Commissioner Norton."

**Commissioner Norton** said, "Well, I think it's always nice to have a success story where you incubate and have entrepreneurs locally that grow a business and then it kind of jettisons off and gets swallowed up and so many times, that moves away from Wichita and this time that business incubated and grew and kind of merged and the corporate headquarters came to Wichita, instead of going the other way, and I think that is pretty exciting for our community, to have locals that incubate something that turns out to be really good, but also brings a corporate office, a bigger corporate office back to our community. It's wonderful. Thank you. That's all I have."

**Chairman Unruh** said, "Thank you. Okay Commissioners, any other comment or question?"

**MOTION**

Commissioner Winters moved to adopt the Resolution.

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

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**Chairman Unruh** said, "Thank you Irene, good work. Next item please."

**H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF SEPTEMBER 22, 2005.**

**Mr. Jerry Phipps**, Purchasing Agent, Purchasing Department, greeted the Commissioners and said, "You have the minutes of the September 22<sup>nd</sup> meeting of the Board of Bids and Contracts and there were six items for your consideration.

**1) CUSTODIAL SERVICES, SEDGWICK COUNTY TAG OFFICES FOR THE TREASURER'S OFFICE  
FUNDING: TREASURER**

Item one, custodial services for Sedgwick County Tag Offices, for the Treasurer's Office. It was moved to accept the low proposal from Kleenco for an estimated annual cost of \$12,012 and establish a one-year contract, with two one-year options to renew.

**2) ON-LINE LEGAL RESEARCH SERVICES- SHERIFF'S OFFICE  
FUNDING: SHERIFF**

Item two, on-line legal research services for the Sheriff's Office. It was moved to accept the quote from Westlaw and establish a three-year contract for \$38,844.44.

**3) SHELVING, LOCKERS & CABINETS FOR THE NEW JDF- FACILITY PROJECT SERVICES  
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item three, shelving, lockers and cabinets for the new Juvenile Detention Facility for Facility Projects. It was moved to accept the low bid from Records Retrieval for items 1, 2, 3, 4, 5, 7, 9 and 10 for a total of \$57,602.17 and the low bid from Warehouse One for items 6, 8 and 11 for a total of \$5,937 for a total cost of \$63,539.17.

**4) MEDICAL EQUIPMENT & SUPPLIES FOR NEW JDF- FACILITY PROJECT SERVICES  
FUNDING: CAPITAL IMPROVEMENT**

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Item four, medical equipment and supplies for the new JDF facility. It was moved to accept the low bid from MMS Medical for items 1, 5 and 10 for a cost of \$2,337.33; low bid from Moore Medical for items 4, 7, 11,12,13 and 16 and low bid meeting specifications for items 2 and 14, for a total of \$10,223.42 and low bid from Shared Service Systems, items 3 and 6 for a total of \$1,006.53; low bid from HomeAide Healthcare, items 8 and 9 for a total of \$522.05; low bid from Buy Indian Medical for item 15 for a cost of \$2,167.70 and low bid from Medical Solutions for item 17 for a cost of \$199. Total cost of all these items is \$16,456.

**5) FITNESS CENTER EQUIPMENT FOR THE NEW JDF- FACILITY PROJECT SERVICES**  
**FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item five, fitness center equipment for the new JDF facility. It was moved to accept the low complete bid meeting specifications from ProMaxima in the amount of \$13,334.40.

**6) PARKING LOT REPAIRS- FACILITY MAINTENANCE**  
**FUNDING: BUILDING MAINTENANCE**

Item six, parking lot repairs for Facility Maintenance. It was moved to accept the low bid from Cornejo and Sons for \$49,111.75.

I'll be happy to take questions and recommend approval of these items as presented."

**Chairman Unruh** said, "Thank you, Jerry. We have a question from Commissioner Sciortino."

**Commissioner Sciortino** said, "Just one real quick one. On the first item, I assume Kleeno is an established company and been around for a while?"

**Mr. Phipps** said, "Yes they have. They had checked the references out on those, commissioner."

**Commissioner Sciortino** said, "Okay, because I mean, their bid was sometimes three or four times cheaper than the other people, so normally sometimes you . . .whoa, I mean have they figured in everything, but you've checked these people out and you're very comfortable with them."

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

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**Commissioner Sciortino** said, “And the other people will have to learn how to sharpen their pencils, I guess. So that was a very good . . . that’s all I had. I just wanted to make sure that you were comfortable with that company.”

**Chairman Unruh** said, “Thank you. Commissioner Winters.”

**Commissioner Winters** said, “Just a quick question. Jerry, on item six, the parking lot, that’s all repairs. None of that is new parking lots. Is that correct?”

**Mr. Phipps** said, “That’s correct.”

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

**Chairman Unruh** said, “All right. Any other questions, commissioners?”

**MOTION**

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

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, Jerry. Next item please.”

**CONSENT AGENDA**

**I. CONSENT AGENDA.**

**1. Resolutions (two) stating the Board of County Commissioners’ findings**

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**regarding requests for island annexations by the Cities of Clearwater and Haysville.**

- 2. Resolution providing for funding of the 2006 Sedgwick County Budget.**
- 3. Donations (three) to be used to purchase equipment for Emergency Medical Service.**
  - \$100.00 by Wayne and Rhoda Gersch and Howard McDonald
  - \$50.00 by Jimmie and Greta Sue Parsons
  - \$10.00 by John and Vera Dakin
- 4. Agreement with Kansas Department of Social and Rehabilitation Services for delivery of USDA commodities.**
- 5. Agreements (11) with rural community groups for delivery of USDA commodities.**
  - City of Valley Center
  - Bentley United Methodist Church
  - Mulvane Area Volunteer Service
  - St. Joseph Catholic Church
  - City of Maize
  - City of Goddard
  - Cheney Food Bank
  - City of Clearwater
  - Colwich Community Senior Citizens
  - Mount Hope Senior Citizens
  - City of Park City
- 6. Notification of Agreement with Riley County allowing access to Sedgwick County's electronic Motor Vehicle Tax Estimator Application.**
- 7. Adjustment to the Appraiser's Office Staffing Table returning Position #20001046, Appraiser I, Band B217, currently funded out of the Land Tech fund, to the Appraiser's Office, effective October 1, 2005.**
- 8. Budget line item adjustments (three) for Truancy Prevention, Family Group Conferencing, and Juvenile Intake and Assessment Center programs, to be**

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**submitted to Kansas Juvenile Justice Authority.**

- 9. Performance Evaluation for David C. Spears, P.E., Director/County Engineer.**
- 10. Vehicle classification change from sedan to minivan for Department of Corrections Juvenile Field Services.**
- 11. Orders dated September 14 and September 21, 2005 to correct tax roll for change of assessment.**
- 12. Payroll Check Register of September 23, 2005.**
- 13. General Bills Check Register(s) for the week of September 21 – 27, 2005.**

**Ms. Sexton** said, “You do have the consent agenda before you and I recommend your approval. I’ll answer any questions, if you have any.”

**Commissioner Norton** said, “I don’t really have any questions, but on Item #3, I would like to point out that some individuals have made donations to EMS and that’s Wayne and Rhoda Gersch and Howard McDonald, Jimmie and Greta Sue Parsons and John and Vera Dakin. Usually, when we get those we take certain action on them to accept the donation. In this case, it was on the consent agenda and I think it’s wonderful that people will step forward in our community and make donations to our public safety entities. So, just thought I’d point those out. That’s all I have.”

**Chairman Unruh** said, “Thank you, commissioner, it was very appropriate, appreciate your calling that to our attention. Any other comment? What’s the will of the Board?”

**MOTION**

Commissioner Norton moved to approve the consent agenda as presented.

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

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Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Well commissioners, we've come to the end of our agenda this morning. We have no other executive sessions or fire district meetings. Are there any comments that you want to make under 'Other'? Commissioner Burnett."

### J. OTHER

**Commissioner Burnett** said, "Well I had a great time at the Valley Center Fall Festival Saturday. It was awfully hot, but we did hand out a lot of nice brochures and little give away items from the county, as we had a booth in the morning and early afternoon, but it got too hot so we kind of closed up early in the afternoon.

Then I took my first trip to the Kansas Junior Livestock Show this past week and really had a good time and Commissioner Winters and I went and it was my first experience at watching an auction of these grand champions and grand champion reserves and I really, really enjoyed that so I just wanted to tell those folks that was a fun evening."

**Chairman Unruh** said, "Very good. Commissioner Norton."

**Commissioner Norton** said, "Well, just a couple of things. Last Friday night I attended the Tiffany by Design exhibition at the art museum and I think I was the county commissioner's representative, because everybody else was out of town or doing something else. Beautiful lamps, beautiful artistry by Tiffany and of course the county helped sponsor that and put some funding into it.

It washed over me, as I looked at all those lamps, that I could never have had one in my house, because I raised several boys that couldn't keep the soccer ball and the football out of the house, so beautiful lamps and wonderful artistry and a great exhibit for us at the Wichita Art Museum.

And then yesterday I kicked off and spoke at the CDDO's 10<sup>th</sup> anniversary out at the Sedgwick County Zoo. Our Community Developmental Disability Organization has been around for 10 years.

We have over 50 providers. We service over 4,300 folks. The budget has grown from 14,000,000 to 31,000,000, yet there's still 700 people in our community that need services that we haven't served yet. So, great celebration, widely attended by providers and folks with developmental disabilities yesterday, a good time was had by all. I think 17 sheet cakes or something like that

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were served to participants. It was a really great day.

And then finally, on October 14, 15 and 16, Haysville's Fall Festival is coming up and I thought I'd give everybody just a little advanced notice, Sedgwick County will be out there with a booth, as always. It should be a good time, good weather and a lot of food, family and fun."

**Chairman Unruh** said, "Very good, thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "Well, I had two things happen Saturday. Saturday I was . . . Saturday afternoon I went to the Oaklawn Fall Festival and we dedicated, which the county helped, the new ball diamonds that, working in partnership with the DRC and the Oaklawn Improvement District, we were able to provide and the National Baseball people, they come in, and I was asked to throw out the first pitch and I don't know how this happened, but I shook off the first two signals from the catcher and I wound up and I threw the best left-handed curve ball right across the knees and impressed not only myself, but I was asked to sign up for the Oaklawn Softball but they were going to give me a signing bonus of a quarter and I turned it down because I didn't want to ruin my amateur standings, but I was very proud I didn't have to throw out another pitch. That one accidentally went over the plate.

And then that evening, Derby Foundation had a big gala, western themed function out at the old barn there on 95<sup>th</sup> and Woodlawn and got dressed up as that whiskey peddler, the one that I did down at Cowtown a few months ago and that was fun and they had line dancing and Don Brace was heavily involved in the Texas Hold-Em poker tournament and he and Ron Standrich had let their beards grow a little bit and they were directing traffic and it was just a lot of fun, barbeque and they raised some funds for the Derby Foundation, so that's the two things that I did that was exciting, I guess, for the weekend. So that's all I did."

**Chairman Unruh** said, "All right, thank you. Well, I would just want to mention that tomorrow we have a Working Well Conference that Sedgwick County is helping to sponsor, along with the Health and Wellness Coalition, that's at the Radisson Hotel tomorrow from 8 to 4:30 and it's a conference to help local employers understand how important it is to have good health among their employees and different ways to achieve that and focusing on things like the return on investment for worksite wellness programs and the best practices and some local examples of successful policies, so it's going to be, I think, helpful and productive to those businesses in our community that are going to be . . . are making plans to attend that.

Appreciate your mentioning the Tiffany by Design at the Wichita Art Museum and hope folks take advantage of that. And then lastly, the paper scooped my announcement today by announcing the

## **Regular Meeting, September 28, 2005**

giraffe was born. I was going say 'Well, nobody knew that'. It's been about a week."

**Commissioner Sciortino** said, "It's hard to scoop the paper. Usually, if I want to find out what's going on, I read the paper."

**Chairman Unruh** said, "Well, I . . . the paper did a good job, but anyway we got a brand new giraffe out at the zoo and everybody ought to take this weekend to go out and see the little baby. He's six foot tall and was unexpected. We did learn one thing at the zoo and that's that this birth control syrup we've been using doesn't work. But anyway, it was not a planned deal. But at any rate, everybody ought to go see the little baby giraffe. Commissioner Norton."

**Commissioner Norton** said, "The baby giraffe's name is C.J., as reported in the paper today."

**Chairman Unruh** said, "All right, very good."

**Commissioner Norton** said, "Just a reminder that Tiffany by Design does go through Friday and Friday is the final . . . I think they're calling it Final Friday, but if you still want to see some Tiffany displays . . . Oh, they're extending it. So, it will go on, continuous, through January. Okay, good, well then stop by and enjoy, because it's a great exhibit."

**Chairman Unruh** said, "All right, very good. Well, we've got it all covered. Commissioners, anything else."

**Commissioner Sciortino** said, "Other than thank Sheriff Steed for staying in the audience so that at least we had somebody that was interested in what we were talking about."

**Chairman Unruh** said, "Hi, Sheriff. Commissioners, the meeting is adjourned."

**K. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 12:19 p.m.

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

\_\_\_\_\_  
**DAVID M. UNRUH**, Chairman,  
First District

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**BEN SCIORTINO**, Chair Pro Tem  
Fifth District

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

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

\_\_\_\_\_  
**LUCY BURTNETT**, Commissioner  
Fourth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2005