

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

November 23, 2005

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, November 23, 2005 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Ben Sciortino; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Commissioner Lucy Burtnett; Ms. Kathy Sexton, Assistant County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Cathy Landwehr, Housing and Service Coordination Administrator, Department on Aging; Mr. John Schlegel, Director Metropolitan Area Planning Department; Mr. Colin McKenney Director, Community Developmental Disability Organization; Ms. Chris Morales, Department of Corrections; Ms. Cathy Landwehr, Department on Aging; Ms. Kristi Zukovich, Director, Communications; and, Ms. Bethany Carpenetti, Deputy County Clerk.

GUESTS

Ms. Trista Curzydlo, Member, Water Well Advisory Board

Ms. Betty Wilkin, Member Water Well Advisory Board

Mr. Todd Harp, Member Water Well Advisory Board

Mr. Bob Herlihy, Selective Site Consultants

Mr. Ed Lavarents 2120 S. 343rd Street West, Cheney, KS 67025

Mr. Dave Yearout, Wichita Towers, LLC

INVOCATION

The Invocation was led by Reverend Sherdeill Breathett, Sr. of St. Mark United Methodist Church, Wichita.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, November 2, 2005

Chairman Unruh said, "Commissioners you've had the opportunity to review the minutes of the meeting of November 2nd. Are there any additions or corrections?"

Regular Meeting, November 23, 2005

MOTION

Commissioner Sciortino moved to approve the Minutes of the Regular Meeting of November 2nd, 2005.

Commissioner Burtnett seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item please."

PROCLAMATION

A. PROCLAMATION DECLARING NOVEMBER 2005 AS "FAMILY CAREGIVERS MONTH."

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

PROCLAMATION

WHEREAS, Family Caregiver's Month spotlights that most people who need care rely on family and friends for their support – one in four adults in Sedgwick County cares for a person age 60 or older, provides personal assistance to adult family members or friends with disability or chronic illness; and

WHEREAS, family care giving often comes with great personal sacrifice in terms of job and financial security, social life, and physical, mental and emotional health, and many businesses are realizing the value in providing support to employees who are family caregivers; and

Regular Meeting, November 23, 2005

WHEREAS, the number of people age 70 and older who need assurance that they can call upon the business, faith and health and human service communities to assist with information, counseling, respite and formal services when needed; and

WHEREAS, the Sedgwick County Department on Aging and the Central Plains Area Agency on Aging are committed to increasing the awareness of caregivers' needs and continue to work to meet those needs; and

NOW THEREFORE BE IT RESOLVED, that I, Dave Unruh, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim November 2005 as

“Family Caregivers Month”

in Sedgwick County and encourage all citizens to honor the family members, friends, and neighbors who shoulder care giving responsibilities.

Dated this November 23, 2005.

Commissioners, you've 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 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, "Cathy Landwehr is here this morning to receive the proclamation."

Ms. Cathy Landwehr, Housing and Service Coordination Administrator, Department on Aging,

Regular Meeting, November 23, 2005

said, "I am very pleased to be here on behalf of the caregivers of Sedgwick County and I would like to tell you that there are approximately 25% of our workforce here in the United States that are caregivers. In my particular family, I have six siblings and a mother and we are all participating in the caregiving of my father who has Parkinson's and who is a Hospice patient and he's able to stay at home because of the caregiving efforts of our family and I just want to say that it is a wonderful thing for families to do for their loved ones and thank you very much for that recognition."

Chairman Unruh said, "Well thank you for being here. I think it is most appropriate that we give some recognition to those folks who as it said give financial and physical and emotional and social sacrifices in order to help, not only family members but also friends, family members. As you mentioned in your family, two years ago my wife and I were pretty stretched trying to help her parents as they were in a time when they needed extra attention. It is a sacrifice and I am very glad we are able to recognize folks who give that care in this way, so thank you for being here."

Ms. Landwehr said, "Thanks again."

Chairman Unruh said, "Madam clerk call the next item."

APPOINTMENTS

B. RESOLUTION APPOINTING MEMBERS (AT LARGE APPOINTMENTS) TO THE SEDGWICK COUNTY WATER WELL ADVISORY BOARD.

1. **RICK CHASE**
2. **TRISTA CURZYDLO**
3. **TODD HARP**
4. **TIM LUBBERS**
5. **BOB VINCENT**
6. **JON WENINGER**
7. **BETTY WILKIN**

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "About three weeks ago you created the Water Well Advisory Board. The purpose of this board is to make recommendations regarding water well installations, and you created seven positions on that board and this morning you have the opportunity to fill all seven of those positions with the nominees who are in your backup and I will name them. The seven are: Rick Chase, Trista Curzydlo, Todd Harp, Tim Lubbers, Bob Vincent, Jon Weninger, Betty Wilkin and I know some of them are present this morning to be sworn in but I would recommend you adopt the resolution."

Chairman Unruh said, "All right, thank you. Trista, was that the correct pronunciation of your

Regular Meeting, November 23, 2005

name?”

Ms. Trista Curzydlo, member, Well Water Advisory Board member, said “It’s close enough.”

Commissioner Sciortino said, “Ms. Wilkin, would you like to have an ‘s’ or anything added?”

Commissioner Norton said, “Would you like to buy a vowel?”

Chairman Unruh said, “All right, we have that settled. Commissioners what is the will of the board?”

MOTION

Commissioner Sciortino moved to adopt the resolution

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Unruh said, “If you folks would want to meet County Clerk Don Brace and he will provide the oath of your office.”

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

I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Advisory Council on Aging, so help me God.”

Ms. Curzydlo said, “I do.”

Betty Wilkin, member, Water Well Advisory Board said, “I do.”

Regular Meeting, November 23, 2005

Todd Harp, member, Water Well Advisory Board said, "I do."

Mr. Brace said, "Congratulations."

Chairman Unruh said, "Would any of you all like to make a statement? We would just want to say to you that we appreciate your willingness to serve the citizens of Sedgwick County in this way. We have several advisory boards and each one provides an important service, not only to this Commission, but to the citizens of Sedgwick County and we are truly appreciative and the area that you are serving in. Talking about water wells, you know water is a resource that we really need to pay attention to as we go into the future, so we appreciate your attention to that. Thank you all very much. Madam clerk call the next item."

PLANNING DEPARTMENT

C. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER CUP2005-46 (ASSOCIATED WITH ZON2005-42) – CREATION OF DP-289 JOHNSON’S COMMERCIAL CENTRE COMMERCIAL COMMUNITY UNIT PLAN (CUP); ZONE CHANGE TO “KC” LIMITED COMMERCIAL, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 53RD STREET NORTH AND MERIDIAN. DISTRICT #4.**

POWER POINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "The applicant in this particular case seeking a zone change from the existing SF-20, Single Family Residential zoning to a LC, Limited Commercial zoning and associated with that would be creation of a commercial community unit plan on this ten-acre site.

Their intent is to divide the commercial CUP into seven parcels. You can see the configuration of the main parcel toward the back of the lot with the other parcels fronting along the two street frontages. Currently the parcel is used for agriculture, but the proposed uses would include all those uses that are permitted in a commercial zoning district, with certain exceptions, which would be prohibited such as adult entertainment, sexually oriented businesses, group homes, group residences, correctional placement residences, asphalt concrete plants, private clubs and taverns and drinking establishments.

The CUP provides for landscaping to be provided according to the City of Wichita landscape ordinance, provides for six-foot masonry screening wall on the south and west property lines and

Regular Meeting, November 23, 2005

that all buildings on the site share uniform architectural characteristics. The CUP also requires that all development on this property be served by municipal water and sewer systems. On the aerial photo you can see that north of the application area is an agricultural area. There is an LC zone on that corner, the Northwest corner of 53rd and Meridian and we do have an application which has gone through the Metropolitan Area Planning Commission to change a larger area around that exiting LC zoning on that corner for a total of 27 acres with the intended development of a Walmart Super Center.

South of the application area you can see it is also agricultural currently with some vacant properties stretching along Meridian and an automobile garage further south. The Northeast and Southeast corners of 53rd and Meridian both are currently zoned LC, there is a convenience store, a mini warehouse at the northeast corner, another convenience store and a manufacturing use on the southeast corner. East of the site across Meridian is the LC zone, which is unplatted and there is also a number of large lots, single-family residences and SF-5 zoned properties in that area and out to the west from this property you can see that it is all agricultural.

The Metropolitan Area Planning Commission heard this request on October 20th. There was a neighbor from one of the residences nearby that raised some issues about traffic concerns and staff was able to address those concerns at the MAPC meeting. The MAPC voted to approve the zone change and the creation of the CUP subject to the staff recommendations. That is the recommendation before you now. I would be happy to take any questions.”

Chairman Unruh said, “All right, thank you John. We do have a question. Commissioner Burtnett.”

Commissioner Burtnett said, “John, I was at the MAPC meeting when this was transpiring and the only other thing that came up was shifting the entryway on 53rd street to line up with the new Walmart addition and there was no real problem with that fiber optic box they were needing to move there.”

Mr. Schlegel said, “Right, and that’s just something that will have to be worked out by the engineers, between the two projects, so they can get those driveways to better align.”

Commissioner Burtnett said, “But that was no real big problem though.”

Mr. Schlegel said, “No, I do not think so. No, I think that will get worked out.”

Commissioner Burtnett said, “Okay, that is all I had.”

Regular Meeting, November 23, 2005

Chairman Unruh said, “Commissioner’s any other questions of Mr. Schlegel? Is there a representative of the applicant here? Do you need to speak? How about any others? This is not an open meeting, a public hearing, but at any rate is there anyone here who wants to speak to this issue? All right, I don’t see anyone.”

MOTION

Commissioner Burtnett moved to approve the zone change and CUP, subject to platting within one year and the recommended conditions; adopt the findings of MAPC; direct staff to prepare the appropriate resolution after the Plat is 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.”

- 2. CASE NUMBER ZON2005-00043 – SEDGWICK COUNTY ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “NO” NEIGHBORHOOD OFFICE, GENERALLY LOCATED ½ MILE EAST OF TYLER ON THE**

Regular Meeting, November 23, 2005

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

Chairman Unruh said, “Next item please.”

- 3. CASE NUMBER CON2005-00044 – SEDGWICK COUNTY CONDITIONAL USE TO ALLOW A WIRELESS COMMUNICATION FACILITY ON PROPERTY ZONED “RR” RURAL RESIDENTIAL, GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 343RD STREET WEST AND WEST OF 23RD STREET SOUTH. DISTRICT #3.**

POWERPOINT PRESENTATION

Mr. Schlegel said, “The applicant is seeking a conditional use permit to allow a wireless communication facility on this 100-foot by 100-foot parcel. The applicants own a total of 158 acres surrounding the application area. The wireless facility that they are proposing is a 200-foot tall monopole and it would be constructed to accommodate four carriers on the pole. Site will be enclosed by a six foot tall fence and the only traffic that would be generated would be periodic visits by a technician. The tower is needed to enhance the applicant’s service along Highway 54 and I will show you some diagrams of how they hope that it will improve service in that area, also the area west of Wichita, and service within the cities of Garden Plain and Cheney.

The application area is located a mile and half south of Highway 54, about midway between the cities of Cheney and Garden Plain. The site plan indicates that the tower will be set back about 200 feet from the nearest property lines. The application indicates that the closest communication tower is located approximately three miles to the northwest at the southwest corner of 383rd street and Highway 54, so that would be up in this area. There is already an existing 300-foot lattice tower constructed at that location. Since this is within the Cheney area of zoning influence it was heard by their planning commission on October 3rd. There was no one at that meeting to speak in opposition and they voted unanimously to recommend approval. It was then heard by the MAPC at their October 20th meeting and again it was unanimously approved by that body.

Following the MAPC approval, on October 20th we were contacted, the MAPD staff was contacted by Sedgwick County Electric Cooperative Association and Wichita Towers, LLC objecting to this application. The Sedgwick County Electric Cooperative Association is the

Regular Meeting, November 23, 2005

owner of the land in which the 300-foot tower that is owned by Wichita Towers, LLC is located at the interchange of 383rd and Highway 54. Wichita Towers contention is that the application should be denied, since they have space on their tower for additional wireless facilities and they can meet the applicant's coverage needs. They indicate that they were not contacted by the applicant regarding possible collocation on their existing structure.

Now the applicant is required under the Unified Zoning Code to submit evidence that they are not . . . that there are not any existing structures in the area capable of meeting their service needs. What they have supplied to us are three diagrams that they have produced showing, well this first one shows the existing coverage that they have from existing towers and the yellow is where they have the best coverage from those towers. The blue then is a lesser level of coverage and the red still lesser coverage after that and the white areas is where they do not . . . where they cannot provide service coverage.

This diagram shows the coverage that they would achieve with a tower that is before you today for which they are seeking a conditional use permit. This shows good coverage area around that tower, extending along Highway 54 and into the cities of Cheney and Garden Plain. And then lastly this is the diagram that they submitted showing the coverage that would be provided if they were to go on the existing 300-foot tower that is three miles to the northwest of the site before you today and their contention is that it would provide less coverage than the tower that is before you today. So, what you have then is recommendations from the Cheney Planning Commission and the Metropolitan Planning Commission for approval of this conditional use permit and the evidence that was submitted by the applicant supporting their contention that they can get the best coverage from this new tower. We have not heard anything from the protesters in this regard and I understand there is a representative from Wichita Towers here and you may want to let the representative speak to that.”

Chairman Unruh said, “Okay, thank you John. We do have a question, Commissioner Sciortino.”

Commissioner Sciortino said, “I was just questioning the way you described it. Could you go back to the map that showed 343rd street west and 23rd street south? It says ‘generally located in the northeast corner of those two streets’, which is true, but then it says west of 23rd street south, isn’t that north of 23rd street south?”

Mr. Schlegel said, “Correct, error noted. We will fix that.”

Chairman Unruh said, “Commissioner Norton.”

Commissioner Norton said, “John, explain the technology that gives us those maps. I mean, if

Regular Meeting, November 23, 2005

there is not a tower there, how did they describe to us what the coverage would be? Is it a mathematical formula or do they have equipment out there that reproduces what would happen with that tower?"

Mr. Schlegel said, "They have a computer model that they use for projecting what the coverages would be and I do not know what all the factors are that go into their modeling, but this is the output from that and I am not really very well qualified to speak on the accuracy of any of those diagrams. We pretty much have to take what they are submitting on faith. There is no way for us to dispute or confirm the accuracy of these computer generated maps."

Commissioner Norton said, "Does every company have their own computer model that they use to do that so that everyone of them can be different to suit their needs?"

Mr. Schlegel said, "Yes."

Commissioner Norton said, "So then the debate begins on who is right and who is wrong?"

Mr. Schlegel said, "Correct."

Chairman Unruh said, "Commissioners, are there any other question of Mr. Schlegel? Once again, this is not a public hearing, but we do have, you are speaking on behalf of . . .?"

Mr. Dave Yearout, representative, Wichita Towers, LLC., greeted the Commissioners and said, "By way of the agreement with that also Sedgwick County Electric who is the landowner for the location of the tower that was previously noted that exists further west along 54 Highway. The purpose of the objection primarily is just to raise the question to this board. It is an issue that we have struggled with for some time.

By the way, if I may just briefly, 1998 and 1999 is when the issue of developing clearer policies regarding placement of communication towers across Sedgwick County first began. I know that, because at the time I was on staff with the planning department and was involved with a lot of those efforts. Out of that effort developed a policy that was codified into the Unified Zoning Code that not only identified a desire not to have the ability to go and existing height buildings in Wichita and look out across the landscape and see a sea of towers, but essentially to say every tower built provide a space for multiple carriers, and that was put into the policies and into the regulation and that is now what is occurring.

But what seems to have failed through time is that the focus has been more on the needs of the individual carriers and less on the issue on the actual construction of towers, and they are placed within the landscape of the county and their ability to accommodate carriers as they come

Regular Meeting, November 23, 2005

forward.

In 2003, Wichita Towers which at that time was known as Brad Murray Rentals contracted and obtained authorization and actually received an administrative adjustment of a previously approved conditional use to increase the height of the 250-foot tower on Sedgwick County Electric to a 300-foot tower. It was designed to accommodate five carriers. Presently, it accommodates one and the important point is the height, because in the rural areas, more than anything else, it is the height.

The maps that have been produced that are coverage maps that you see and I would note here the difference between the two, this goes to Commissioner Norton's question, how are these modified to make them look and show what the applicant's want them to show. Notice the size of the yellow area around the proposed tower at a 200-foot height. The area covered by the yellow on coverage at that location, one would assume that a fair comparison would be to make the same standard parameter application at the next tower, but notice the difference, it is oriented different, it is much smaller.

The factors that go into setting the output of these computer models is determined based on what you want them to say to a great extent. It is true that everybody uses different models. There is not a standard on what happens. My belief is as a planning consultant, as someone who writes regulations for other jurisdictions who have dealt with, throughout the state of Kansas, over the past several years.

I have moved away from relying upon this kind of documentation, because representing applicants and parties on both sides of the table, both the public sector and the private sector, I have been burned on this kind of stuff being put in a position to respond to a question during the zoning hearing, 'Is this the only location the tower will work?', 'It will go no place else?'. Have been told by the engineers that develop these kinds of maps absolutely yes, cases have been denied. A few months later the company is seeking approval for a tower in a different location because they can make it work there. What that basically is saying is these can always be manipulated to show whatever you want.

In this case, our objection comes primarily from the issue of policy itself. If you are requiring people to build to accommodate in the design and construction of those towers, multiple sites for carriers is it not fair to say that you should find out from those tower owners whether that space has been sought, whether that space is available, whether it is even being evaluated based on its

Regular Meeting, November 23, 2005

usability before you approve new tower locations and that is what the policy says and that is what our objection is.

We ask that you first if possible just deny the request, the service needs in that sector of the county will be met. There are towers there, the carrier in this case, Verizon, is presently on a tower located in Goddard. That is owned by Wichita Towers. All the other carriers that are also in that location were on the other two towers that Wichita Towers owns just outside of Goddard.

Continuing to move down 54, to the west, have gone to Garden Plain where there is a monopole in town and there is also an existing elevator that is being used and has space available today and then the next jump is actually in to Cheney or out onto the new tower building north of Cheney on 54 Highway.

There is no doubt that more towers are going to come in time. The technology is changing, the carriers are moving to what is called Gen Three technology, which means we are not only going to be looking at extra technology and that kind of stuff with our cell phones, but you are going to get live continuous Internet coverage and connection to your cell phones that is Gen Four or Generation Four and that is coming. When that occurs, the needs of the carriers to have more antennas and more line capacity per antenna at each location around the countryside is going to increase. There is not enough towers today to accommodate that. We understand that.

Our objection is just that we do not think the policy was fully met in approving this tower, we would like to see this one denied, and if possible if the county really needs to evaluate better what is going on with this policy, seek a moratorium and do a better job of evaluating needs across the county. I would be happy to answer any questions.”

Chairman Unruh said, “We do have some questions. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you. Feel free to be as succinct as you want on the response but, you said that because of the way that these maps can be manipulated you have moved away from using that as a determiner as to what a tower . . . What do you use in its place?”

Mr. Yearout said, “We generally ask for a larger overview of existing locations that a company may have in an area and the patterns that come off of all of their existing towers and ask them to essentially to just replicate that into the spaces to fill whatever gaps they are doing. You have a map. The one I am showing you shows to a certain extent the existing coverage, coming off of . . . there is the Goddard tower and the yellow outer ring shows the good coverage coming off of

Regular Meeting, November 23, 2005

that. But every one of these locations is manipulated, based on how many other tower locations that they are working on. It is a very complex thing that they go through. We do not deny that.”

Commissioner Sciortino said, “All right, thank you.”

Chairman Unruh said, “Commissioner Winters.”

Commissioner Winters said, “Thank you. David, can you help me understand where you were when we had the hearing in Cheney and the hearing at the MAPC?”

Mr. Yearout said, “Why we were not there?”

Commissioner Winters said, “Yes.”

Mr. Yearout said, “Well first of all, we are not within the 1,000-foot notification area. Secondly, we are not monitoring every meeting to know. Had we been contacted by this carrier inquiring about space availability, we would have known that there was another one proposed in the area and we did not receive that notification. In fact it was just by chance we happened to be made aware this case was being considered when I had a conversation with a MAPD staff member the day of the hearing.”

Commissioner Winters said, “So you just have recently become aware of this application?”

Mr. Yearout said, “Yes sir.”

Commissioner Winters said, “Thank you, that is all I have right now.”

Chairman Unruh said, “I have a question for Mr. Schlegel. John, in your presentation did you say that the applicant was required to show that no other tower in the area could meet the need? Did I hear that correctly?”

Mr. Schlegel said, “The way the code is written it is meant to . . . the policy that was adopted is meant to encourage collocation of these facilities on existing towers if they are available. I do not know if I answered your question.”

Chairman Unruh said, “Well I guess if that is a requirement, part of the requirement to move forward, it is required to show that no other tower can meet the need, then have they demonstrated that, the applicant.”

Mr. Schlegel said, “Well, from what I have seen they have. But it is like I said before,

Regular Meeting, November 23, 2005

technically we are very limited in our knowledge about these computer-generated maps and how well they reflect the actual coverage area. And looking at what they have submitted, looking at that evidence, I would say they have demonstrated that they get better coverage from this new tower, rather than going on the existing tower, but I do not know what they have done to manipulate that result.”

Chairman Unruh said, “Okay, thank you. Commissioners are there any other questions?”

Commissioner Winters said, “I would like to know if there is anyone else who wants to speak.”

Chairman Unruh said, “We do have questions from Commissioner Sciortino and then I will acknowledge you.”

Commissioner Sciortino said, “Am I hearing that, okay the MAPC based their recommendations on these pictures.”

Mr. Schlegel said, “No, because that was not available.”

Commissioner Sciortino said, “Just was not available to them, so they did not see these.”

Mr. Schlegel said, “They based their decision on the fact that there was no one there to protest.”

Commissioner Sciortino said, “Okay but you said that you felt that they had honored that policy requirement of verifying if other towers are available, now did you base that on these pictures?”

Mr. Schlegel said, “These maps were submitted after we received the protest letter from...”

Commissioner Sciortino said, “Okay, but you said to the Chairman that you felt that they had honored their commitment of verifying that an existing tower would not work.”

Mr. Schlegel said, “To the best of our knowledge, in reviewing this, it would appear that they had.”

Commissioner Sciortino said, “But did you use these maps as a basis of reviewing it?”

Mr. Schlegel said, “Yes.”

Commissioner Sciortino said, “Okay and I am hearing whoever makes these maps can make them look what they want to look like.”

Regular Meeting, November 23, 2005

Mr. Schlegel said, "Well, I do not know that for a fact. I mean, that is a possibility because like a lot of computer-generated analysis, I suppose that there may be means for doing that that I don't know."

Commissioner Sciortino said, "That is all I have."

Chairman Unruh said, "Okay, thank you Commissioner. Okay sir, would you like to speak and if you want to say your name and who you represent."

Mr. Bob Herlihy, Selective Site Consultants, representing landowner and Verizon Wireless, said, "It has been a long time, over ten years since I have been in front of you but in fact the first public hearing I ever had in front of any governing body was in this body for Brad Murray Rentals who was doing a site for the original Sprint Network of 44 sites in six counties. We were all new at this. We were trying to get across the fact that it was a revolution and not a novelty and we got some marketing data from Sprint that estimated there would be 7,000,000 users by the year 2000. We know that is ridiculous. There were 100,000,000 there are 140,000,000 at the end of 2004, there is 160,000,000 now and we were only dealing with telephones. Now we are dealing with walkie-talkie capability E911 capability, GPS capability, MP3 capability, camera phones, internet ready phones, wireless computers, and just recently, I was looking, we now have for Christmas the newest thing, a camcorder cell phone. All of this, for the last few years, has been churning up capacity and in fact this is Verizon's first actual extension of their footprint in several years.

About the same time as David says that the carriers were starting to be required by jurisdictions to be more efficient in their use, in other words built multi-carrier towers, whereas when they started everybody was so secretive, 'I don't want you to know my design is so I am going to build a one-carrier tower', jurisdictions also started feeling that that was ridiculous, let's be efficient in our operation.

At the same time, with the impending burst of the dot-com bubble the bankers for these carriers which happened to be owed \$600,000,000,000 said 'Boys, we want you to be more efficient in where you site these towers and slow down until your customer base catches up to you', so that is what has been happening. The fact of the matter is that when we send site acquisition people out into the field, they are required to look for any conceivable co-location opportunity that

Regular Meeting, November 23, 2005

exists prior to even thinking about a ground built. And we are very aware of the policies in Sedgwick County and Wichita and, in fact, when we sent Mr. Konkel down here to find . . . to come up with 'here is the search ring, here is Brad Murray's tower, two point nine-five miles away in the opposite direction of what we are trying to do'. We are trying to be efficient, we are trying to. We are on Brad Murray's tower in Goddard. We are trying to be efficient and provide in-home coverage, in-car coverage to not only . . . not in car coverage along 54, but in-home coverage to both Garden Plain and Cheney with one site.

Brad's tower, farther to the west, is intended to cover in-car only and I would be remiss to say that Brad has built his tower too far out because he only has one carrier and that is Nextel, who likes to go higher because they have a lower wavelength and they can put out more power output and in fact this tower was probably the first one of 11 that Nextel originally wanted clear out to past Dodge City. That has been delayed. What I am saying is the capability, every tower you have is going to be full and then probably twice as many by the year 2008.

Now we get down . . . and I'll have David talk about the manipulation of these. We do not go around manipulating. If people are manipulating propagation studies and in fact the trained data software that they use is basically the same. It came from the U.S. Army, most of the RF engineers when we first started were from the US Army. You know, if they are out manipulating stuff, why would they manipulate it. We already have Brad Murray as our number one candidate even though he was out of the search area. We sent two other land bases, but it specifically states 'The Brad Murray tower will need justification for non-use, if a raw land site is chosen even though it is outside the search area, Sedgwick County requires raw land builds SUP for raw land builds,' it is actually a CUP and is very stringent in allowing new towers."

Chairman Unruh said, "Mr. Hurlihy are you, can you sum up your case here?"

Mr. Hurlihy said, "Basically, we looked at Brad Murray's tower. It does not meet our coverage objective at all. We are trying to cover this and we cover it very efficiently with the tower we have Brad Murray's tower will be full, at some point in time. We are not manipulating anything and we would ask that it be approved."

Chairman Unruh said, "Okay. We do have a couple of questions. They may be for you, so Mr. Sciortino, you were first I believe."

Commissioner Sciortino said, "I think I can get my hands around this application and be very comfortable with it, with one question. If the Brad Murray site worked, it would be cheaper for your company to go up on existing tower than it would be to build a new tower. So to me, you have looked at that, and it did not work, so you have to go the additional cost of building a new one. Is the answer yes?"

Regular Meeting, November 23, 2005

Mr. Hurlihy said, “Yes.”

Commissioner Sciortino said, “That is all I need.”

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

Commissioner Winters said, “Thank you. Well I guess my question goes along the same line and I guess in a lot of things, 2.9 miles or 3 miles does not mean much, but I guess what I am hearing you say is 3 miles does mean something to your intentions with this tower.”

Mr. Hurlihy said, “Yes, it does if you were trying to cover, not only Highway 54 from Goddard on out, but also the citizens of Garden Plain and Cheney that are like this. Why would you go on a tower up over here, that is first. But second of all, the reason for the difference in pictures is because that tower is on the edge of their license and they can not broadcast across that line. That is why it looks like a half a site in one of those drawings.”

Commissioner Winters said, “So, is what our zoning code is trying to do is again, to be more efficient, but when you all started on your project you selected a target area for a tower and you would have been perfectly fine with using somebody else’s if they would have been inside your target area.”

Mr. Hurlihy said, “Of course, but we went three miles outside because we knew the policies and we looked at Brad Murray’s tower anyhow.”

Commissioner Winters said, “Okay. I think that is all I have right now.”

Chairman Unruh said, “Thank you. Well Commissioners, are there any other questions? Thank you, sir. Anyone else? We do have someone. You just want to state your name please, we would appreciate that.”

Mr. Ed Lavarentz, 2120 South 343rd Street West, said, “I am the property owner of the proposed tower site. My wife Barb could not be here this morning. I just wanted to have a few words. Verizon has been in contact with us since this process started about a year and half ago and several of the questions that I had for them immediately was why not use the existing tower, because there were several new towers built out in that area and they said their regulations say they will select three sites and then evaluate those, one being Brad Murray’s towers, the original

Regular Meeting, November 23, 2005

site that they had decided to use, that they tried to use first was actually on a neighboring property and it was not on our property and several of the neighbors in the area objected to that site because of, directly across from their residences and they had to see that and look at that everyday.

So the landowner and Verizon decided that they needed to select a different site and that is where they came to our property at that point in time. I have spoke with our neighbors out there and there is no objection to this. Looking at the future demand of the telecommunications industry, I do think they have done due diligence in looking at what is going to be required in the future, right now our cell phone coverage is very limited out there. My wife does have Verizon, just by chance. She has to go over to the bathroom window to get a signal, so it is less than desirable. Will it improve if they do go to Brad Murray's site? I can't say that. You have to rely on the expertise of the industry officials that are here today. I just wanted to relay to you though that as far as local opposition, there is no local opposition and have also been contacted by quite a few of the people of the Cheney/ Garden Plain community that this is going to serve and they have expressed the desire to have better telecommunications out there, so they are in favor of that, so there is no question about that."

Chairman Unruh said, "We do have a comment from Commissioner Winters."

Commissioner Winters said, "I just have a comment not a question. Ed, thank you very much for being here. Ed called me on the phone this morning. I had been out of town and was asking about the case and I said, 'Ed, I think the best thing you can do is just come to the meeting as the landowner and tell us your story' and he did and I think it has been helpful, so Ed thank you very much."

Mr. Lavarentz said, "Well I hope you excuse the nervousness here. I have never been in front of the Commission."

Commissioner Winters said, "You did an excellent job."

Chairman Unruh said, "Yes, very articulate. Commissioners any other question or comment? Is there any one else who wishes to speak to this issue? I see no movement. Commissioner Winters."

Commissioner Winters said, "Thank you, Mr. Chairman. Well, as you all know this is in my district and I really kind of first became aware that there was a problem again, have been out of

Regular Meeting, November 23, 2005

town for the last two days and just became aware that there was a problem in fact last night heard about the possible issues here and since this morning to start to review this earlier this morning, have come to about two conclusions and back and forth on each of them and I think one of the things that I had originally thought about was that we needed to send this back to the MAPC to let them take another look at this if they did not have an opportunity to hear the rationale of the protesting parties.

But now, just since we have been talking here and again I do not think we have and I do not think that they have the ability to really determine the exact accuracy of all of these studies, and so it looks to me like it kind of becomes, if you are going to use common sense and logic in my perspective, I think this looks like a valid request for a valid site for a new tower.

But I am a little bit distressed of not having had Metropolitan Area Planning Commission have full access to all of this information that we have had, so if any of you want to join in and help me, my two inclinations now are to go ahead and approve this as we have it today and make a finding that they have met all the requirements of our Unified Zoning Code for the second chance would be to take it back to MAPC and you know that is always a possibility, but I know all of us have been in business situations too. To delay something 60- 90 days when you have forces in effect and financing ready to go, it just becomes a cost factor to the applicant that I am not sure is necessary to delay. Again, I would be glad to hear what the rest of you are thinking.”

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

Commissioner Sciortino said, “Well I agree with you Tom. I am at a little . . . we are all at a disadvantage. This technology is certainly above me and I do not know even how these were generated, let alone the accuracy of it. The one thing I was trying to hang my hat on was that it would be in the applicant’s benefit to pay rent on a tower, as opposed to go to the cost of. When I was asking the question and the answer said ‘yes’, the gentleman that was protesting was shaking his head no, so I do not want to get into a debate today and have those two debating it back and forth.

So I feel a little venerable to logic to those that are not encumbered with a lot of knowledge seems like this is a very reasonable thing that we should approve, unless there is underlying reasons why the ‘yes’ really meant ‘no’ or the ‘no’ meant ‘yes’, or what have you. So I am going to rely basically on, it is in your district Tom, and I am going to rely heavily on you. I do not know what the cost factor would be for sending it back and letting these two gentlemen debate it at the Planning Commission. I usually do not like to send things back and dump it on them, if we have sufficient information, so I am a little torn both ways. Also, but I am still going

Regular Meeting, November 23, 2005

to hang my hat on the fact that it seems like it would be in the applicant's best interest to find an existing spot."

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

Commissioner Norton said, "Well I think for me it is about this technology has morphed and changed and continues to change. I am sure there was a business decision that Brad made years out that said making sure there is continuous service along Highway 54 is going to be important and that is where the towers should link. And today there is different radio frequencies from different operators and there is a whole host of new items that they sell to us, products that they sell that I do not understand all the technology, they are the same, but they have to be different in some manner of how you get them to the public and I think that changes, each one of these will be a little bit different business proposition.

I understand if you are trying to link Garden Plain and Cheney with not only cell phones but other products and the original tower was developed just for cell phones along a corridor that is not apples and oranges, that has morphed into something different. I think that also gives us a little bit of a conundrum for the future, because our policy that Tom and I do not know, Ben were you here, Tom would have been the only one here, that helped develop that and that industry is continuing to change and morph and add products that might change our policy a little bit. I do not know how that works, but maybe we need to look at that strategically and long term for what our policies look like along this line. I think I could probably go along with this, although I do have a little problem.

If they looked at that Brad Murray site, but if they have an ongoing relationship with them in Goddard, it seems to me that businessmen would say 'hey, just a phone call would have said look we are looking at this, we know you have a tower it just does not look like it is going to work for us, we think we are going to proceed a different way'. Now maybe professional courtesy is not anything that works anymore, but it seems like you have an ongoing relationship with somebody that would have been an easy phone call.

Then David would not have found out from a Planning Commissioner and tried to raise this at the last minute and that might have offset some of this because I think there is maybe some pretty prudent ideas that would lead us to believe that that is a good site. That is all I have, Mr. Chair."

Chairman Unruh said, "Thank you, Commissioner. I think that everything that I would want to say has been said, but I do appreciate the fact that the citizen or landowner here has canvassed some of the citizens in the area and some citizens in the adjacent town to get their input on it and

Regular Meeting, November 23, 2005

that it seems to be for approval. It seems like it will improve the services, so beyond the technical things that have been talked about, I think that is also an important consideration to be made. Commissioner Winters.”

Commissioner Winters said, “My comment along that point, that is exactly what I was going to say, I think at one time we were and we are still concerned about the proliferation of towers in neighborhoods, whether it is in the city of Wichita or in rural part of the County. One of the things that I continually hear from constituents in western Sedgwick County is about the poor cell tower service and they are frustrated because of this technology is so valuable it is almost part of doing business today, let alone the convenience of citizens and regular use that the citizens do want better cell tower, better cell phone connection and service in the western part of the county. Commissioners, if there is no serious objection, I am prepared to make a motion that we move forward and approve this. Again, if anyone has anything else I would certainly listen to it. I am going to reference in my motion the zoning code and the specific number.”

MOTION

Commissioner Winters moved to find that the applicants have met the conditions of Section III.D.6.g.7 of the Unified Zoning Code; that we adopt the findings of the Metropolitan Area Planning Commission; and that we approve the conditional use subject to the recommended conditions; and that the Chairman be authorized to sign the prepared resolution.

Commissioner Sciortino seconded the motion.

Commissioner Winters said, “Mr. Chairman, I might also suggest and I do not know if John needs to think about this, but if there is some way that Metropolitan Planning staff can better evaluate these accuracies of some of these cell tower issues, maybe we need to investigate that. I am not making that a part of this motion on this particular case but if that is a factor I think what we have done here is use what I believe is good common sense and rationale in looking at maps with circles drawn on them as opposed to these computer generated items which I am not sure is right, but if the staff needs to look at that further I would suggest that we do that.”

Mr. Schlegel said, “I do know, just a brief comment on that, years ago before I came on board here the MAPD did from time to time employ a consultant to evaluate these types of things, but that proved to be very expensive and it got dropped because of the expense, what you are having to do is hire expertise and that expertise does not come inexpensively.”

Commissioner Winters said, “Well it just seems a little bit awkward to have a zoning code that has provisions in it that we can not test, that we can not really tell whether they are right or not.

Regular Meeting, November 23, 2005

But again I feel like we have made a good thorough look at this issue and again I think we have come to a good rationale that will hopefully stand the test of time or whatever it needs to stand.”

Chairman Unruh said, “Well I would agree with Commissioner Winters on his comments about this, but I would think that we can establish some sort of criteria or some method of analysis so that when we get these types of recommendations there is some degree of legitimate facts that we can base a decision on so if we can move in that direction that would also be my request. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Mr. Chairman. John, just to kind of pick up on what Commissioner Norton said, while you are doing what Tom has asked you to do, perhaps maybe the department might look at do we need to modify our policy about the looking at other towers, because of the new technology and what have you, if you have any suggestions on how we should maybe upgrade our requirements on this area, that would maybe be helpful to us also because maybe it is very dynamic and maybe we need to upgrade our requirements.”

Mr. Schlegel said, “And we have been doing that and you are right, this is a very dynamic industry and we are chasing after big, very rapid changes in technology and it is difficult to keep up with it, we will do that.”

Commissioner Sciortino said, “And I do believe and I know that there is a lot of secondary services that I have no use for, I just want the darn thing to be a phone, but I still think the number one service is the phone and I think when you are driving on the roads now it is a very good safety net to have a cell phone in case you are in trouble, not necessary to listen to tunes or to send pictures of this beautiful dead skunk in the road or whatever. I still think the phone is the primary generator of the success, okay that is all I had.”

Chairman Unruh said, “Okay, thank you Commissioner. We have a motion and a second before us, I see no more requests for discussion so Madam Clerk, call the vote.”

VOTE

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

Regular Meeting, November 23, 2005

Chairman Unruh said, "Thank you, John. Sir."

Mr. Yearout, said, "Commissioners if I may briefly, I want to first apologize for the delay in getting into this case on behalf of Wichita Towers. We regret that and we are not happy about the uncomfortable position you just went through, but I also appreciate very much the information provided today and I know that Mr. Murray would greatly relish the opportunity to participate in dialogue on how the policies can be modified to address really what is changing within the industry, on behalf of those that do construct and own vertical space within the county, to provide support for the technology as it continues to grow in the county. Thank you very much."

Chairman Unruh said, "Okay we have several people leaving our room just now, give them an opportunity to exit. I might take this opportunity to recognize Mayor Dee Stuart, who is here observing our meeting today. Welcome Mayor. Madam Clerk, call the next item please."

NEW BUSINESS

D. DIVISION OF HUMAN SERVICES - COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION.

1. AGREEMENT WITH CONSORTIUM, INC. TO PROVIDE SCREENINGS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

Mr. Colin McKenney, Director, Division of Human Services, greeted the Commissioners and said, "First item, we have for your consideration this morning is an agreement with the Consortium, Inc. to provide pre-admission screening assessments for individuals with mental retardation. This is one of the functions of Community Developmental Disability Organizations in the State of Kansas. The underlying goal here is to prevent inappropriate placement of persons with diagnoses of mental retardation and other developmental disabilities in nursing facilities simply because other support settings can not be identified for those individuals.

So through your approval of this agreement we will have the capability to pre-assess appropriate placements and determine whether or not a nursing facility is the right placement for any given individual and if that is the case, the placement would move forward. If that is not the case, then we would look for other community solutions to meet the needs of that individual. I would recommend your approval of this agreement and would stand for any questions you may have."

Chairman Unruh said, "Colin, we are doing this particular exercise now? I mean, we are doing evaluations now. This is not a new program."

Regular Meeting, November 23, 2005

Mr. McKenney said, "That is correct."

Chairman Unruh said, "And is this the same group that we have been using, a renewal?"

Mr. McKenney said, "Yes it is."

Chairman Unruh said, "All right. Are there any other questions? What is the will of the board?"

MOTION

Commissioner Burtnett moved to approve the Agreement 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, "Next item."

2. AGREEMENTS (48) WITH QUALIFIED PROVIDERS OF MENTAL RETARDATION AND DEVELOPMENTALLY DISABLED SERVICES.

- **Agape Services**
- **Arrowhead West**
- **Assisted Services, Inc.**
- **Bethesda Lutheran Homes & Services**
- **Broadway Home Medical Equipment**

Regular Meeting, November 23, 2005

- **Catholic Charities, Inc., Adult Day Services**
- **Cerebral Palsy Research Foundation**
- **Creative Community Living**
- **Cory's Dream**
- **Dependable Assisted Living, Inc.**
- **Dream Catchers**
- **Envision**
- **Goodwill Industries Easter Seals of Kansas**
- **Hart Pharmacy – Medical Equipment**
- **Heart of Care Agency, LLC**
- **Hortencia Granado**
- **House of Hope, Inc.**
- **Independent Living Resource Center, Inc.**
- **Interim Healthcare of Wichita, Inc.**
- **Joshua's Care, LLC**
- **Kansas Truck Equipment Company, Inc.**
- **KETCH**
- **LakePoint Home Health Services**
- **Leticia Aldrete**
- **Life Patterns**
- **Love, Comfort and Care**
- **Mosaic**
- **New Hope**
- **Paradigm, LLC**
- **Payroll Plus of Kansas, Inc.**
- **ProActive Home Care, Inc.**
- **Rainbows United, Inc.**
- **Res-Care Kansas, Inc., Life Choices**
- **Saint Raphael Direct Care**
- **Saint Rafael Home Care**
- **Special Care Services, Inc.**
- **Special Needs Billing**
- **Starkey, Inc.**
- **Sullivan Gang Care Center**
- **Taylor Drug**
- **The Arc of Sedgwick County**
- **The Right Thing, Inc.**
- **Tomorrow's Dreams**

Regular Meeting, November 23, 2005

- **Topeka Independent Living Resource Center**
- **TSS, Inc.**
- **United Methodist Youthville, Inc.**
- **Wichita Lifeline, Inc.**
- **Zachary House**

Mr. Colin McKenney, said, “Our second item this morning is 48 annual affiliation agreements with our community service providers here in Sedgwick County and for these providers I am truly thankful. These are the providers that make the service system work. As you are aware, the Sedgwick County Community Developmental Disability Organization provides no direct services. All services are provided through a network of community service providers. Those services and supports may include residential supports in a person’s home, day service programming to give people activities during the day, employment assistance, home modifications, vehicle modifications, basically whatever type of service is required for the individual to help them live more independently in the community.

You might ask what is different this year as opposed to last year. Well, one interesting change that we have had is some additional funding for waiting list services. In our case, Sedgwick County received about \$785,000 this past year through the state’s budgeting process. We will serve slightly more than 40 people with that funding and these are the affiliated service providers who will meet the needs of those individuals.

In looking at that population that will look to these providers for services, the age ranges from seven years old to 70 years old, so you can see that we are talking about a pretty dynamic system here, trying to meet the very different needs of those individuals. Young children commonly will need supports in their home. A 70-year-old individual is probably looking for assistance in their current home or residential setting, so our providers do a very good job of meeting the needs of those individuals, to the best of their ability. We hope that they will remain with us for years to come. We hope that there is more funding that will be allocated by the State of Kansas, while we did receive funding for these 40 or so individuals.

I have to tell you that during that same period of time we have added 224 individuals to the waiting list, so the list is growing at about five and one-half times as fast as we can fund those who are currently waiting for services from the list. That is just a quick overview of the types of services and supports these agreements will allow in our community. I recommend your approval of these agreements and would stand for any questions you may have.”

Chairman Unruh said, “We do have a question, Colin. Commissioner Sciortino.”

Regular Meeting, November 23, 2005

Commissioner Sciortino said, “On the waiting list, are the people on the waiting list because we can not find enough providers of the services they need or because we do not have enough money to pay the providers for the services they need.”

Mr. McKenney said, “Almost always it is a funding issue.”

Commissioner Sciortino said, “That is the only sad part. There appears to be more need than there are resources to service the need. If I get put on the waiting list today, what is the lead time before I can start getting the services I desperately need today?”

Mr. McKenney said, “Just looking at the current year’s experience, we were funding individuals who had asked for services to start in 2002, so if this is our model year it is a three year gap between you...”

Commissioner Sciortino said, “I could be dead before I get the service. I mean, if I am an older person, three year waiting list is what we are looking at right now.”

Mr. McKenney said, “And it is not necessarily that consideration for people who are older. We have individuals with some very severe disabilities and medical needs, so you could be very young and yes, that is one outcome that could take place before you receive the services you need. When we talk about the number of people who are waiting for services across the state, that is well over 3,000 people waiting for some or all of the services they need. The state uses the figure that 1,200 people have no services currently and so that is the 1,200 figure that you will hear from time to time. It is a lot of people waiting and what makes that important is the level of need that that they have.”

Commissioner Sciortino said, “Also I had heard a year or so ago, and I do not know if I heard correctly, say I need X, Y and Z, X is the most critical but if you fill Z, I get taken off that waiting list. If you have filled one of my needs, is that correct, if you fill one of my needs and it may not be the primary need I am looking for but if I need a ramp repaired on my door, but I really also need this, but if you can find somebody to fill one of the needs, am I taken off the waiting list?”

Mr. McKenney said, “There are situations where that applies. If you accept some of a service that you need and you do not receive all of that service, for whatever reason, you are not part of that 1,200 figure that is utilized for budgeting purposes. So some of our families, depending on what their needs are, have to assess ‘Do I want to accept a little or should I wait a little bit longer and hope that I get all the support’.”

Commissioner Sciortino said, “So the waiting list, in reality, could even be greater and longer if people would not accept the lesser service and would wait for the big one that they really need.”

Regular Meeting, November 23, 2005

Mr. McKenney said, "That is possible, but the fact that we do offer partial services is what makes the service between that 1,200 figure and that perhaps 3,500 figure. You have so many people who just need a little bit more to get everything that they need. If we would fully fund those supports, the list would look a lot cleaner."

Commissioner Sciortino said, "And that is voluntary, the person can accept the help or not, if they want to keep waiting."

Mr. McKenney said, "That is correct."

Commissioner Sciortino said, "Thank you, that's all I had."

Chairman Unruh said, "The number of folks on our waiting list have already been through the screening process. They are already qualified people."

Mr. McKenney said, "That is correct."

Chairman Unruh said, "And this list of providers, that is the entire list?"

Mr. McKenney said, "It is not. We have some more that are coming in as we speak, by and large the remaining agreements, it will be six to seven are only to bill Medicaid and do not necessarily have to come before the board of County Commissioners. This is the list of those who got them in, in a fairly timely fashion, so you that you could see the spectrum of organizations that we contract with."

Chairman Unruh said, "All right, thank you. Commissioners, any other comments or questions?"

MOTION

Commissioner Sciortino moved to approve the Agreements and authorize the Chairman to sign.

Commissioner Burtnett seconded the motion.

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

Regular Meeting, November 23, 2005

VOTE

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

Chairman Unruh said, "Next item."

E. DIVISION OF PUBLIC SAFETY – DEPARTMENT OF CORRECTIONS.

1. GRANT APPLICATION TO KANSAS JUVENILE JUSTICE AUTHORITY FOR UNEXPENDED FISCAL YEAR 2005 PREVENTION FUNDS.

Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections, greeted the Commissioners and said, "The State of Kansas Juvenile Justice Authority has given us the opportunity to apply for unexpended prevention funds from the previous fiscal year. This is a six-month award beginning on January 1st of 2006 and ending June 30th of 2006. Sedgwick County is eligible to apply for \$31,227.88, which represents exactly what we had left at the end of the fiscal year. On November 4th, Team Justice approved the application that you have before you to use the entire amount of funds to apply to the shortfall that we currently have in our juvenile intake and assessment center, because of a legislative proviso. This year, we are allowed to use prevention funds for graduated sanctions programs. We are asking you to approve this application and authorize the Chairman to sign."

Chairman Unruh said, "Thank you, we have a question from Commissioner Winters."

Commissioner Winters said, "Sounds like I would like to make Chris talk a lot longer today. Her voice seems to be a little bit under the weather. Chris, I know we know the answer but again to this, but this is a request that has gone through Team Justice or our Juvenile Correctional Advisory Board and they have agreed with the plans that staff and they have worked out? I mean, they have checked off on this grant application or changing these funds."

Ms. Morales said, "Yes they have."

Commissioner Winters said, "All right, thank you. That is all I had."

Regular Meeting, November 23, 2005

Chairman Unruh said, “Okay, any other questions Commissioners? What is the will of the board?”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Unruh said, “Next item.”

2. GRANT APPLICATION TO KANSAS JUVENILE JUSTICE AUTHORITY FOR UNEXPENDED FEDERAL FISCAL YEAR 2003 FUNDS.

Ms. Morales said, “The Juvenile Justice Authority has also given us the opportunity to apply for \$5,000 in federal funds that were a part of our Juvenile Accountability Block Grant program. As you are aware, all of our core programs are facing a personnel shortfall for this fiscal year, so we would like to take the opportunity to apply for these funds and use them to help the shortfall in another one of our core programs, Juvenile Intensive Supervision program. A local 10% match is required and we can provide for that in our department’s budget. Team Justice has also

Regular Meeting, November 23, 2005

approved this application at their November 4th meeting and we are asking that you also approve it and authorize the Chairman to sign.”

Chairman Unruh said, “All right, thank you. Commissioners, any questions of Chris? Commissioner Burtnett.”

Commissioner Burtnett said, “This is for 2003 funds?”

Ms. Morales said, “It is federal fiscal year 2003, so it is really state fiscal year 2005, unexpended funds.”

Commissioner Burtnett said, “I was going to say boy that would be great. We could go back and get money. All right, thank you.”

Chairman Unruh said, “Thank you.”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Unruh said, “Thank you, Chris. I hope your voice gets better.”

Regular Meeting, November 23, 2005

Commissioner Winters said, "Take tomorrow off."

Commissioner Sciortino said, "Take Friday too, what the heck."

Chairman Unruh said, "Madam Clerk, call the next item please."

F. PUBLIC WORKS.

1. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN STREETS TO THE GRANT TOWNSHIP SYSTEM. DISTRICT #4.

Mr. David Spears, P.E., Director/County Engineer, greeted the Commissioners and said, "It is standard procedure that after a road is constructed within a platted residential subdivision in accordance with county standards, that road is then assigned to the township road system. In this particular case 117th street North Court located in the Subdivision of Tumbleweed Estates will become the responsibility of Grant Township. The Grant Township board was informed that this resolution would be on the County Commission agenda by letter dated October 11, 2005. I recommend that you adopt the resolution."

MOTION

Commissioner Norton moved to adopt the resolution.

Commissioner Winters seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

2. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN STREETS TO

Regular Meeting, November 23, 2005

THE MINNEHA TOWNSHIP SYSTEM. DISTRICT #1.

Mr. Spears said, “This item is similar to the previous item. In this particular case, Summerfield Circle and Castlewood Circle located in the Savanna at Castle Rock Ranch 10th addition will become the responsibility of Minneha Township. The Minneha Township board was informed that this resolution would be on the County Commission agenda by letter dated October 10. I recommend that you adopt the resolution.”

MOTION

Commissioner Norton moved to approve 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

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

G. CONSENT AGENDA.

1. Applications for License to Retail Cereal Malt Beverages.

<u>Applicant Name</u>	<u>Business Name</u>
Kevin L. Eastman	D’Marios Pizza/Cheney Lanes, Inc.
Christopher P. Rickard	Bomber Burger
John F. Richards	DJR Golf, Inc.
Gwen Turner	Kwik Shop, Inc., #706
Patrick D. Crowell	Crowell Enterprise LLC. DBA: General Station

Regular Meeting, November 23, 2005

James W. Peters

Jeymanco Inc.
DBA Schulte Country Store

2. Section 8 Housing Assistance Payment Contracts.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V05075	\$141.00	Butler	Sooby Rentals
V05076	\$286.00	Butler	Andover Crossing Apts.
V05077	\$160.00	4	Sunflower Gardens
V05078	\$52.00	4	Sunflower Gardens
V05079	\$307.00	Butler	Brookside Cottages
V05080	\$218.00	Butler	Brookside Cottages
V05081	\$187.00	4	Valley Lodge Apts.
V05084	\$295.00	4	Sunflower Gardens
V05085	\$229.00	4	Sunflower Gardens
V05086	\$208.00	4	Sunflower Gardens
V05087	\$106.00	4	Sunflower Gardens
V05088	\$103.00	5	Springcreek Apts.
V05090	\$200.00	5	Springcreek Apts.
V04080R	\$292.00	2	Haysville Housing

3. The following Section 8 Housing Contracts are being amended to reflect a revised monthly amount due to a change in the income level of the participating client.

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V9515	\$268.00	\$251.00
V04081	\$175.00	\$395.00
V04091	\$183.00	\$162.00
V04090	\$360.00	\$575.00
V020128	\$361.00	\$327.00

Regular Meeting, November 23, 2005

V20138	\$260.00	\$256.00
V04076	\$500.00	\$522.00
V020075	\$417.00	\$394.00
V02007	\$329.00	\$325.00
V03100	\$615.00	\$474.00
V99079	\$475.00	\$475.00
V20143	\$472.00	\$505.00
V94116	\$493.00	\$321.00
V04087	\$221.00	\$206.00
V04002	\$336.00	\$321.00
V04085	\$484.00	\$239.00
V040093	\$305.00	\$216.00
V04083	\$318.00	\$321.00
V04095	\$230.00	\$232.00
V020003	\$334.00	\$309.00
V97069	\$332.00	\$322.00
V010168	\$336.00	\$320.00
V020012	\$573.00	\$288.00
V05039	\$445.00	\$550.00
V01039	\$415.00	\$311.00
V03059	\$575.00	\$575.00
V04098	\$436.00	\$328.00
V05012	\$355.00	\$355.00
V05051	\$615.00	\$615.00

4. Plats.

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

Hal Loehr Addition
Pauly-Rausch-Richardson Acres Addition

5. Request to the State Juvenile Justice Authority to approve line item adjustments for the Truancy Prevention Program.

6. Notice of Public Hearing January 18, 2006 for County-approved annexation of

Regular Meeting, November 23, 2005

certain land to the City of Valley Center.

- 7. Orders dated November 2 and November 16, 2005 to correct tax roll for change of assessment.**
- 8. Payroll Check Register of November 18, 2005.**
- 9. General Bills Check Register(s) for the week of November 16 – 22, 2005.**

Ms. Kathy Sexton, Assisting County Manager, greeted the Commissioners and said, “You have the consent agenda before you, I recommend your approval.”

Chairman Unruh said, “All right Commissioners, any questions? What is the will of the board?”

MOTION

Commissioner Sciortino moved to approve the consent agenda as presented.

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, “Commissioners we have come to the end of our agenda with out the need for an Executive Session or Fire District meeting, so now is the appropriate time for other comments. Commissioner Winters.”

Regular Meeting, November 23, 2005

H. OTHER

Commissioner Winters said, "Thank you, Mr. Chairman. Several of us attended Kansas Association of Counties annual meeting in Topeka, which began Sunday, and we were there Monday and Tuesday. One of the exciting things that has come out of this conference this year is the kickoff of really officially the Kansas Collaborative, which is going to be an effort of cooperation with the state of Kansas, the League of Kansas Municipalities and the Kansas Association of Counties.

Yesterday the Governor signed this little understanding that we are all going to work in the same direction along with the Director of the League of Municipalities and our President of the Kansas Association of Counties. One of the things that really kind of kicked this off as you all know, and I am not going to spend a lot of time this morning talking about it, but last year working particularly with the state of Kansas, counties were able to forge a new way to acquire prescription drugs for those who are incarcerated in county detention facilities and it is believed that now, in the first year of the project, that over \$2,000,000 has been saved by counties in the State of Kansas with the prescription drug for prisoners program.

There are other things now with Kansas Association of Counties would like to tackle in coordination with these other groups. One of them, which we many not have a huge advantage, but I think we will over the long run, is pushing and helping counties that are not involved in GIS across the state improve their systems and develop projects to do GIS. The Kansas Association of Counties was able to work with NAACO and a GIS software vendor and those who participated were able to sign up and through some grant work are probably going to acquire about \$3,000 of software for GIS free of charge for their counties.

So there is a lot of things happening on the statewide county level and I just wanted to share that for any of those that may be listening. I think I would like to bring this back in more detail at a staff meeting just to make sure all of our staff is aware of what is happening, but I think we had a very good, successful meeting there. Our fellow Commissioner Norton was able to escort the Governor in through the entire conference, which I thought was pretty significant. We are very proud that everything just went off very well. That is it. Thanks."

Chairman Unruh said, "Good, good report. Thank you, Tom. Commissioners, anything else? Well, just before we go off into Thanksgiving holiday I would just want to wish all the citizens of Sedgwick County a very happy and helpful and fulfilling Thanksgiving and recommend that each of us take a little bit of time just to kind of concentrate and focus upon what it means to be an American and a Kansan, someone who lives in Sedgwick County, and we all enjoy many, many benefits and many blessings and so not only trying to understand and focus on that a bit, but maybe

Regular Meeting, November 23, 2005

to think about what is the appropriate response as good citizens to some of the good things we enjoy. So with that, I will say happy Thanksgiving and adjourn the meeting.”

I. ADJOURNMENT

Regular Meeting, November 23, 2005

There being no other business to come before the Board, the Meeting was adjourned at 10:30 a.m.

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

DAVID M. UNRUH, Chairman,
First District

BEN SCIORTINO, Chair Pro Tem
Fifth District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

LUCY BURTNETT, Commissioner
Fourth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2005