

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 25, 2006

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, January 25, 2006 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Ben Sciortino, with the following present: Chair Pro Tem Lucy Burtnett; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Joshua Payne, Office Assistant, Register of Deeds; Ms. Diana Mansouri, Safety Coordinator, Risk Management; Mr. Mick McBride, Risk Manager, Risk Management; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Ms. Tania Cole, Management Intern, County Manager's Office; Ms. Jo Templin, Director, Division of Human Resources; Mr. Ray Vail, Director of Finance and Support Services, Department on Aging; Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections; Mr. Mark Borst, P.E., Bureau of Public Works; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kathy Sexton, Assistant County Manager; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Dr. Marc T. Frankel PhD, Senior Consultant, Triangle Associates.
Ms. Teresa Schwab, Executive Director, Oral Health Kansas.
Mr. Robert Kaplan, Attorney, 430 N. Market, Wichita, Ks.
Mr. Russ Ewy, Baughman Company, Agent for Applicant, 315 Ellis, Wichita, Ks.
Mr. Larry Gould, board member, Youth Horizons Inc.
Ms. Jolene Holdaway, 10400 N. Oliver, Valley Center, Ks.
Mr. Jim Holdaway, 10400 N. Oliver, Valley Center, Ks.
Mr. L. Louis Stevens, 5515 E. 93rd Street N., Valley Center, Ks.
Mr. Dwight Hopper, 10101 N. Woodlawn, Valley Center, Ks.

INVOCATION

The Invocation was led by Reverend Rusty Westerfield of Countryside Christian Church, Wichita.

FLAG SALUTE

Regular Meeting, January 25, 2006

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, January 4, 2006

The Clerk reported that all Commissioners were present at the Regular Meeting of January 4, 2006.

Chairman Sciortino said, "Commissioners, I think you've had a chance to review the Minutes of the of the Regular Meeting of January 4th, 2006. What's your pleasure?"

MOTION

Commissioner Burtnett moved to approve the Minutes of the Regular Meeting of January 4, 2006.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Sciortino said, "Next item."

Regular Meeting, January 25, 2006

AWARD

- A. ADOPTION OF THE 2006 SAFETY SLOGAN FOR SEDGWICK COUNTY EMPLOYEES, “DON’T LEARN SAFETY BY ACCIDENT;” AND PRESENTATION OF AWARDS TO TONYA BUCKINGHAM, SHEILA DIEBOLD, MARILYN FLOWERS, SHARON LANGLEY, KATIE MERSEAL AND JOSHUA PAYNE, MEMBERS OF THE REGISTER OF DEEDS “KEEP IT SAFE SQUAD.”**

Mr. Mick McBride, Risk Manager, Risk Management, greeted the Commissioners and said, “We appreciate the opportunity this morning to share a safety moment with you. It is understood that the principle of safety doesn’t work if top management doesn’t agree and support that issue. Thank you, Commissioners, for lending your support each year since 1994, that’s 11 years, for the Sedgwick County safety slogan contest.

In 2005, Risk Management emphasized establishment of a safety culture within Sedgwick County. The idea is to do those things, all employees to do those things that will prevent accidents and injuries to our employees. For example, if you see a paper clip on the floor, pick it up so that somebody doesn’t fall on it. If you see a serious safety hazard, report it to someone so we can deal with it.

To this end, we have asked all departments within Sedgwick County to establish a safety committee. I’m happy to report to you this morning that 15 departments accepted our challenge in 2005, so now we have 19 active safety committees within the county. We will continue these efforts this year. With that, I’m going to ask Diane Mansouri, your Safety Coordinator, to come up and introduce to you the winner of the 2005 safety slogan contest.”

Ms. Diana Mansouri, Safety Coordinator, Risk Management, greeted the Commissioners and said, “This year, we encouraged safety committees to participate in the annual employee safety slogan contest and are pleased to announce the Register of Deeds Safety Committee as the winners of this contest. The winners are: Sheila Diebold, Tonya Buckingham, Joshua Payne, Katie Merseal, Marilyn Flowers and Sharon Langley. The 2006 employee safety slogan is ‘Don’t Learn Safety By Accident’. The poster was designed by Lori Westphal once again this year in our very own print shop and we appreciate the fine job she did for us.

Regular Meeting, January 25, 2006

There were 90 safety slogans submitted by individual employees and safety committees. All entries were reviewed by a selection committee to determine the winner. The members of this year's committee are as follows: Don Brace, County Clerk; Ron Estes, County Treasurer; Ron Holt, Assistant County Manager; David Spears, Director of Public Works; Irene Hart, Director of the Division of Community Development; Bob Lamkey, Director of the Division of Public Safety; Jo Templin, Director of the Division of Human Resources; Kristi Zukovich, Director of Communications; Steve Claassen, Facilities Director and Risk Management representatives.

We would like to express our sincere appreciation to these individuals for their participation in the selection process of the 2006 employee's safety slogan contest. We would also like to thank all employees and safety committees who participated in this year's contest by sending in their entries and we encourage their continued participation in the future.

At this time, I would like to ask Josh Payne, who is a member of the Register of Deeds' Safety Committee to come forward to receive the award we are presenting to them for submitting this year's winning safety slogan."

Mr. Joshua Payne, Office Assistant, Register of Deeds Office, greeted the Commissioners and said, "And on behalf of my colleagues in our department's safety committee, I'd like to thank the Safety Slogan Selection Team and the Risk Management Department for this award and recognition and especially would like to thank Ms. Mansouri for providing us with excellent and informative guidance over the last several months.

And to give you an idea of what we've accomplished and give you a little bit of background, our safety committee was formed in early May of '05, in response to a growing awareness of workplace hazards. Ms. Mansouri gave us a wealth of information that helped us get started with our duties, because of course none of us had any practical experience in the matter and, at first, each member conducted weekly inspections of different work areas that we have in our department. We kept logs regarding our concerns, and we discuss them at our weekly meetings. We came up with logical, reasonable, workable solutions to each problem, and we took whatever action was needed to correct it.

And even simple things, such as tying up computer cords that were dangling, so they wouldn't be a trip hazard, things like that, they went a really long way towards making our office a safer place to work. Now, after a few months, we've made enough progress that we can inspect and meet monthly, and that allows us to better focus on preventive maintenance and employee education.

Regular Meeting, January 25, 2006

In addition to the creation of a Safety Committee, our department head, Bill Meek, Register of Deeds, in coordination with Diane Mansouri, implemented and installed a computer program called RSR Guard that temporarily locks up each employee's workstation. It gives us periodic breaks, in which we perform exercises that are targeted at strain and discomfort associated with heavy computer use. This works in conjunction with our ergonomically designed workstations to reduce the rates of repetitive strain injury amongst our employees.

As a result of these actions, we've been able to greatly reduce the risk of employee injuries, thus reducing Worker's Compensation claims and the eventual cost to the taxpayers. We've received excellent support in solving safety concerns from our department head and also from other departments, namely Facility Management, Finance and Risk Management. And it is our hope that inter-departmental cooperation will continue to promote a culture of safety within our Sedgwick County organization. Again, on behalf of the Register of Deeds Safety Committee, thank you."

Chairman Sciortino said, "Commissioners, any questions or comments of the presenter?"

Commissioner Unruh said, "Mr. Chairman, I'd make a comment. I just want to congratulate you all and thank you for your efforts to make our building and our government a safer place to work. It's kind of a good way to accomplish this, by having a little intramural competition, to have different departments competing for slogans, and competing in your activities, so it's a good thing you're doing and want you to know that we appreciate that you're improving the quality of our workplace, but congratulations on winning this award. That's all I had, Mr. Chairman."

Chairman Sciortino said, "What's the will of the Board on this item?"

MOTION

Commissioner Winters moved to adopt the Safety Slogan and recognize members of the "Keep it Safe Squad."

Commissioner Norton seconded the motion.

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

Regular Meeting, January 25, 2006

VOTE

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

Chairman Sciortino said, “Thank you very much. Is Mr. Meek in the audience? Stand up, Bill.”

Mr. Bill Meek, Register of Deeds, said, “This was Josh’s first appearance on television. He practiced and was nervous. Didn’t he do a great job.”

Chairman Sciortino said, “Madam Clerk, call the next item please.”

NEW BUSINESS

B. PRESENTATION OF THE RESULTS OF THE ADVANCED EDUCATION IN GENERAL DENTISTRY FEASIBILITY STUDY.

Ms. Deborah Donaldson, Director, Division of Human Services, greeted the Commissioners and said, “I’m really pleased to bring a report to you today on the Advanced Education in General Dentistry Residency program and this is the feasibility that was just completed. The funders for this study were: the Kansas Health Foundation, the Delta Dental Foundation of Kansas, the United Methodist Health Ministry fund and United Way of the Plains.

Sedgwick County, on behalf of Oral Health Kansas, provided administrative support for this study. We have had a number of people throughout our community who are involved, through the study, and have been involved in the committees to help make this happen. I do want to recognize a couple of people in the audience, Denise Mausman, back here, is the Director of the Dental Hygiene Department at Wichita State University. Dave Sanford, the Executive Director of Grace Med, and also I want to also recognize Kathy Sexton and Tim Kaufman, who have also been involved in this.

I would now like to ask Teresa Schwab, who is Executive Director of Oral Health Kansas to step to the podium to introduce Doctor Marc Frankel, who is here today to provide the presentation.”

Regular Meeting, January 25, 2006

Ms. Teresa Schwab, Executive Director, Oral Health Kansas, greeted the Commissioners and said, "Before I introduce Dr. Frankel to you this morning, I want to tell you just a little bit about Oral Health Kansas and tell you a little bit about why this study is so important. Oral Health Kansas is a statewide oral health coalition and we have about 130 individual and organizational members, representing a widely diverse group of people from across the state.

And last January, Kansas Health Institute released a report on the declining supply of dental services in Kansas and that report clearly showed that many poor and rural Kansans especially lagged significantly behind an expected standard of dental care and oral health. And in part, that's due to a declining supply of dentists in the state.

That report, when it came out, has been extremely critical to Oral Health Kansas. Excuse me, we have some sickness in my house, so I think I'm starting to catch it. That report has really driven the work of Oral Health Kansas, as we've moved workforce forward, but of course as you've heard this morning, you'll have the Kansas Mission of Mercy here this very weekend, here in Wichita, and you'll be able to see firsthand, the tremendous, tremendous amount of need there is in the area of dental, starting as they said very early on Friday morning, in Pavilion II at around 6:00, hundreds of volunteers, including hundreds of dental hygienists and dentists who are volunteering their time will give away approximately a million dollars in free dental care and will provide services to approximately 2,000 people and those individuals, over the course of Friday and Saturday, many of them, will be standing in line for hours and many of them will be standing in line over night, to wait for dental services, so there really is no more tangible sort of look at what the tremendous need is in the state, regarding dental care.

The release of this report, outlining the feasibility of beginning a dental residency program, is extremely exciting because as Deborah said, it's been sort of the culmination and probably culmination is not the right word, because we still have lots of work to do, but maybe milestone is a better word to use and a group of stakeholders who have been very committed to this process over a period of nearly two years, so this is really a very exciting thing for us to actually see the study and get the results of it and be able to move it forward.

Before I introduce Dr. Frankel, I want to sincerely thank Sedgwick County and the work of Deborah Donaldson and her team, for all you've done, because if it weren't for the work of Sedgwick County and her in particular, we would not be standing here today, so I definitely want to thank her.

The report itself does a very good job of outlining the steps that it's going to take us to build an educational opportunity in Kansas for dentists and increase the capacity of oral health services and dentists in the state.

Regular Meeting, January 25, 2006

One of the authors of the study, Dr. Marc Frankel, is here to talk with you in more detail about the study, so I'm going to get to introducing him. Dr. Frankel is a consulting psychologist in St. Louis and a senior consultant with Triangle Associates. Dr. Frankel trained at Emory University, where he received a PhD and at the University of Missouri, Columbia, School of Medicine. Dr. Frankel has been involved with work in dental education for many years, facilitating strategic planning, assisting with clinic redesign and working to enhance both leadership teams and programs at a variety of institutions. So Dr. Marc Frankel."

Dr. Marc Frankel, Senior Consultant, Triangle Associates Inc., greeted the Commissioners and said, "Thank you Teresa for that very nice introduction. I can say, on behalf of our firm, that we appreciate as well involvement in this project, and commend the county for its interest in the oral health of the citizens, not only of Sedgwick County, but of south central Kansas and across the state.

Going to address a few points with you this morning that are really highlights to the report that we provided so in no way do I intend to slog through the entire thing, but rather to hit the highlights. Teresa has done a wonderful job of pointing out the need aspects of this and identifying the two masters to be served in this particular study. One, service to the underserved and two, increasing the net supply of dentists practicing in Kansas.

At the beginning, we were both surprised and very pleased to find an enormous array of community resources that could be put to use in this project. Our understanding was that the inception of the feasibility study grew out of initially ideas of having a dental school in Kansas, somewhat daunted by the costs and logistic problems associated with having a dental school. The notion of having residence practicing here became very attractive to Oral Health Kansas and to Sedgwick County.

And dentistry, you may not know, is virtually the only health profession that one graduates from school completely ready to practice, so as soon as the dentist gets his DDS degree, they can go into the public sphere and open a clinic. That doesn't mean that they're competent to practice yet. That's a different story and an increasing number of dentists graduating from dental school, about 60% in the current year, will seek post-graduate training in one or another specialty area of dentistry through a residency. The Advanced Education in General Dentistry program is a vehicle for graduating dentists to get the equivalent of specialty training, though in general dentistry, in doing two kinds of minor surgical implant and cosmetic and restorative procedures that they will be doing on a regular basis when they're in practice and to do so, under intensive faculty supervision.

Regular Meeting, January 25, 2006

So the resources that were available to the community, and I'd like to acknowledge these are, one, the Dental Hygiene program at Wichita State University and the presence that that has as a major force in supplying hygienists and dental assistants into the community; the Medical School at Kansas, University of Kansas here in town that provides some residency programs and various health specialties as well; the Safety Net Clinics, of which David Sandford's Grace Med is an example that provide an enormous amount of care for the underserved, and quite commendably, compared to what we see in a lot of regions of the county, provide a significant portion of that care in oral health as well.

The academic institutions in town that could be . . . because we have to remember that an AEGD program is first and foremost an academic program that could be an academic home for that kind of program; the hospitals that become partners in any kind of graduate medical education program, and then an array of community foundations that as well had a health focus that were interested in this project and indeed put funds towards getting the feasibility study done.

So with that in mind, the conclusion of our report is that an AEGD program is feasible and quite workable in this county, given the resources that could be brought together. So we believe, one, you have a program that could start with scalability, four residents to begin with. Programs typically have eight to twelve residents in them, but getting a program started is much easier to do on a scale of about four.

It could grow, and that offers a number of options, not just to have a presence in Wichita, but in surrounding communities and indeed other parts of the state. So programs could begin smaller and then grow. The largest AEGD program in the country has around 30 residents and is located in a very urban setting, so you begin to think about an end goal for this program of perhaps, in the eight to twelve range, after some years of operation, you're about where we were with it.

There's also tremendous evidence from other, similar programs in the country and those in medical training, that a portion of residents chose to stay in the communities in which they are trained and there are certain ways that a program can be configured to build in incentives for the four residents to stay. Frankly, the most compelling reason why a dentist would come to an AEGD residency in Kansas and chose to stay in Kansas is that they're from Kansas. And a University of Missouri, Kansas City Dental School holds 30 slots each year for Kansas residents to attend dental school there at in-state tuition, because there's not a dental school in Kansas. There's your supply. You can attract those folks back, you have Kansans who can perhaps be incented to stay in Kansas.

In addition, the other factor that predicts the likelihood to stay in Kansas would be the quality of the

Regular Meeting, January 25, 2006

experience the dentists have with people in the local community, so the extent of which a resident develops a relationship with practicing dentists in Kansas while they're here in residency, that increases the likelihood that they'll chose to stay in Kansas and practice here, after they get done with their residency.

So we believe that those resources coming together lead us towards a conclusion and our recommendation to Oral Health Kansas and to the county is that the program be academically housed at Wichita State University, because of their familiarity with dental programs through the hygiene clinic and through their College of Health Professions, the Oral Health Arena and that no oral health programs really exist comparable to that at the University of Kansas Medical School in town, although the program . . . although I should say the University of Kansas Medical School in town would be quite willing to house the program, were Wichita State not an option. Our recommendation was to go with Wichita State.

Secondly, a hospital partner is critical in attracting the federal graduate medical education funds, which make a program of this sort financially viable, and for that purpose we're recommending Via Christi as the likely hospital partner for this, because Via Christi has both the interest and a desire and the willingness to be involved with one of the satellite clinics that we believe would make a third potential good partner in this and for that reason, we're also recommending that the primary clinic site be jointly housed at the new Grace Med facility, which happens to be on the Via Christi campus. So we have a convergence of an academic institution, a hospital and a community safety net clinic that are all interested in being part of this program and working towards its achievement.

We have to be honest about it. It's going to take money to start a program of this nature. Some piece of funding comes from graduate medical education funds on an ongoing basis, which supports one year of a resident's training, provides money for their stipend and for some faculty salaries. There will also need to be revenue generated through other means, perhaps from appropriations, perhaps from foundation gifts, also from clinic revenue that is generated, but we believe that the net return on that relatively small investment makes it well worth having an AEGD program, versus a dental school in Kansas, in terms of the return that could be ultimately realized by the community for more practitioners providing more care to the underserved. With that, I'll open it to questions and see where folks are with that."

Chairman Sciortino said, "Okay, thank you. Commissioners, any questions of the respondent? Commissioner Norton."

Commissioner Norton said, "Typically, how long is a residency?"

Dr. Frankel said, "Ah, very good question. Almost all AEG residency programs are one year in duration. That coincides with the amount of time that the federal government is willing to provide

Regular Meeting, January 25, 2006

graduate medical education support and is about what it takes to get through a curriculum.

Some programs, and we are recommending that for this one, offer an optional second year, and in the optional second year, a very small number of residents can get additional specialized training in certain aspects of dental practice that they might not have gotten in the first year, but have an interest in. So you're safest to assume that you will have a cadre of residents for one year, and then a new group and then a new group. So you're talking about four new dentists coming in every year, at least at the beginning."

Commissioner Norton said, "As they complete their residency, is there some kind of additional certification they get? They're already doctors. They've already completed their medical training or dentistry training. Is there additional certifications in their specialty that they may pursue?"

Dr. Frankel said, "A certain percentage of general dentist residents go on and seek additional post-graduate training in something like oral surgery or prostodontics, periodontics, for which they would be certified, but typically the practitioner with an AEGD residency just goes into practice, and does not need additional certification for that."

Commissioner Norton said, "They would have to actually go back to a dental school to get that kind of training, would they not? Or can they get that . . .?"

Dr. Frankel said, "No, they'd have to go to another residency program."

Commissioner Norton said, "They could get that through the residency."

Dr. Frankel said, "Not through this one. They would have to go through an oral surgery residency program for example, of which there are very many in the country, not necessarily affiliated with the dental school, but many are."

Commissioner Norton said, "Okay."

Dr. Frankel said, "This program, I should say Commissioner Norton, would be a little unusual, but not unique, in that it would be one of the very few dental residency programs not affiliated with a dental school, which offers certain advantages to it, in the way of it being a community-based dental residency program and there are a few of those, and they're very successful."

Commissioner Norton said, "That's all I have, Mr. Chair."

Regular Meeting, January 25, 2006

Chairman Sciortino said, "Thank you, commissioner. Commissioner Winters."

Commissioner Winters said, "Thank you very much. Well just two quick . . . a comment and then one quick question, I guess. I just received this report this week, and so I have not had a chance to go through it, but as I repeat from others, I've heard that this is an excellent report. And so it appears, one, that does have a good deal of foundational information, of which if the decision is made to move forward, it appears this is a great step forward, so we all thank you for that."

Mr. Frankel said, "Well thank you, sir."

Commissioner Winters said, "Do you have any concept of our existing dental community, how they react to programs like this? Are there any problems there, or are programs like this normally well received by our existing dental community?"

Dr. Frankel said, "I'm not sure there is a 'normal' to something like this, because different communities react in different ways. As part of the study for this, we sought to engage members of the dental practice community in a couple of different ways. We held a reception for members of the local dental society to come and meet us, ask questions, express their concerns or interest in the project. We also conducted an on-line survey of the dental practice community and got a great many responses to that. It appears in the report that you had, looking for attitudes that the community might have towards it. In that context, one typically hears from the folks that are most supportive and most antagonistic to the idea, and I can say that we did not hear from those who were antagonistic. The issue of community need was universally recognized. The leadership of the local and state dental societies seem to be very firmly behind the concept of a residency program and the benefits that that could be to the community and the notion that on net, this is something good both for the community at large and the dental community is something that we are quite pleased to see that dentists held that belief."

Commissioner Winters said, "All right, well thank you very much and again, thank you for coming and sharing, face to face, this report. Thank you."

Dr. Frankel said, "Happy to."

Chairman Sciortino said, "Commissioner Norton."

Commissioner Norton said, "Well certainly. When we talk about having an event that serves 2,000 people that are underserved, residencies that are continuing through the year will chew up

Regular Meeting, January 25, 2006

some of that need throughout the year, just like our medical residencies serve the underserved and help furnish . . . supply doctors and capacity to the clinics that want to supply some ongoing care to those that are underserved, so that maybe when we have these big events, it's not 2,000 people coming through and 2,000 more that didn't get anything. It will be done in a continuum throughout the year. Isn't that one of the pluses to this?"

Dr. Frankel said, "Absolutely. I think you'll still have 2,000 people coming to the community event, because you're absolutely right, there are 2,000 more at least that aren't getting care that day, so this is the way of filling the gap the rest of the time and I think you put it nicely."

Commissioner Norton said, "Well, I think we found out more and more from our health assembly that dental hygiene is a critical health need in the community. Much of our health, in general, is contributed to good oral health, and the more we can sustain that in our community on an every day basis, the healthier our community would be on other issues, because dental health affects your general health so dramatically. I think that's going to be real important. That's all I have, Mr. Chair."

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

Commissioner Unruh said, "Thank you, Mr. Chairman. Well I just want to say that I'm very pleased with the results of the study that indicate that we need to proceed with this sort of an effort in oral health. I mean, as Commissioner Norton said, we've been educated lately on how important it is, oral health, to general good health and so this is a step in that direction.

I also can't help but notice how consistent this is with our Visioneering process that we have, here in our region, where our goal is to expand access to medical services and to increase our capability to deliver those services and I think this effort will move us in that direction.

And one of the lines in the report indicated that this is broadly supported by the dental community in Wichita, so there's good support there. You identify great partners to help us move this along, so this is really the way good government happens, you know. We identify a problem, we analyze it, we get good partners and then we proceed with a solution, so I'm very supportive of moving forward.

My question is though, you made a comment about finances, and the initial investment in this would be one issue and the ongoing expenses of it is another issue and is there a plan for that? I mean, I missed that. You didn't dwell it."

Dr. Frankel said, "No, forgive me for not doing that. It was an intentional oversight. It was quite intentional, because one could dive very deeply into details there that would take us most of the

Regular Meeting, January 25, 2006

morning to get through. In fact, just before this meeting, we were in a meeting across the way with the three institutional partners and with Oral Health Kansas where money was really a very important subject on the table. The sources of money are from the federal sector and some from the local sector and there will be a need for some foundation support at the local level. We can say that there's a number of foundations active in Kansas that have an interest in oral health and are interested in supporting this project.

Some amount of start-up capital is needed, for purchase of equipment and supplies and to fund an initial year of recruitment of residents and so forth, before the first resident actually comes in. I believe that Ms. Donaldson has gotten a commitment with a number of interested organizations in the community toward funding that. There is some need for some ongoing money to compensate for the rolling average of G & E reimbursement, which is to say you get less in year one, more in year two and then the full amount your eligible for in year three. So we're working on a method of covering that gap and in an ongoing way.

There is a little bit of a hydraulic relationship here, between service to the under-served on the one hand and generating revenue from clinical service on the other. They're not completely antagonistic toward each other, but both must be accomplished to make for a successful program. So given that this program will likely provide a heavier load of service to the under-served, and therefore get reimbursed less by patients or third-party payers than one might see in a more aggressively marketed program, then additional monies may be needed, ongoing, to fund operations and I believe the parties are also working on a funding mechanism for that.

One of the unknowns, commissioner, is the Health Resource Service Administration, federal government, funds, start-up capital for medical training programs. Right now, that is frozen by the continuing resolution authorizing the congressional budget in Washington, but one has no idea what will happen next year. It is up and down with every particular budget, no reason to suspect it will go one way or the other.

Assuming that those funds are available, as they are in most years, that is another source of start-up capital, but probably not all."

Commissioner Unruh said, "Okay, well, thank you. That's encouraging that you're working on it. You see some different ways to make this happen and appreciate your explanation. Thank you."

Dr. Frankel said, "I believe it would be the very essence of a public/ private partnership."

Commissioner Unruh said, "Thank you, Mr. Chairman. That's all I had."

Chairman Sciortino said, "Commissioner Norton."

Regular Meeting, January 25, 2006

Commissioner Norton said, “Well, I hate to keep coming back to me, but you didn’t comment much about the idea . . . you didn’t talk much about the aging of America and how that’s affecting the dental community, because it’s like doctors, it’s like people in our aviation industry. We continue to see the baby-boomers dropping out of the system, and there’s not people filling in and think we’ve got the dilemma in the dental health community too, and the more we can push, particularly back into that, and bring them into Kansas, the more important it’s going to be. Would you comment on that just a minute?”

Dr. Frankel said, “Well, the issue of health professions in the United States is one of maldistribution throughout the country. There are places where there are more than enough providers of all health disciplines and places where there are way to few at most and much of rural America is a place where there’s way to few of most, the underserved areas of inner-cities as well. We believe this program would cover a number of bases. It would bring very well trained, competent, skilled practitioners potentially into communities now that have a deficit of such services. And many of the communities that they would be serving, and particularly if the program were to expand beyond Sedgwick County and the immediate area, is communities that are heavy in the elderly, and that could be a real benefit to them, to have very high quality, very sophisticated dental care close to home.

In addition, one needs to replace the supply of dentists in Kansas that will be, as you know, retiring across the next few years and this is a very good mechanism for doing it. It’s probably one of the reasons, commissioner, why the dental community gets behind a project like this, because in some way it insures them that people will be coming into the community to pick up the ball, so to speak, after they’re done.”

Commissioner Norton said, “Did your studies include looking at the curve, of where . . . per capita, dentist per capita? Did it look at that?”

Dr. Frankel said, “Yes, we did not because the studies that were preparatory to ours did so in a very careful way. Oral Health Kansas has a very well conducted project that looked at that in a report issued. I believe there’s something in the Kansas Health Foundation in that direction as well. So others have been past that territory first. We didn’t reinvent the wheel there. We took that and went forward from that point, but their reports would be the reference on it.”

Commissioner Norton said, “Well, I think you referenced some of those reports in your report. I didn’t see those numbers. I had seen them several years ago, but I know it told a pretty compelling story.”

Regular Meeting, January 25, 2006

Dr. Frankel said, "It is, it is and we would reference their reports for that."

Commissioner Norton said, "That's all I have, Mr. Chair. At this time, it's really all I have."

Chairman Sciortino said, "A couple of questions and feel free to respond to me in just everyday, Kansas kitchen English because that's about all I can understand. Advanced Education in General Dentistry, a person graduates from dental school, he or she is fully qualified to go out into the private practice and join forces with an existing clinic or open up his own or her own dentistry office and start providing that service."

Dr. Frankel said, "Yes."

Chairman Sciortino said, "What further . . . what will he or she learn that's advanced than the general dentistry skills that he or she just learned?"

Dr. Frankel said, "Much of what goes into basic dentist is motor in nature, fine motor coordination of hands, eye motor, eye/ hand coordination. In a residency program, there would be a tremendous amount of quite literally practice, doing procedures repetitively, over and over again, which allows a dentist to increase their speed of doing that, to be able to serve more patients. To be able to do so more smoothly."

Chairman Sciortino said, "Got it. Now, so in essence, if this program ever does go to completion, we're going to have a free or dramatic reduced fee clinic, where these doctors that are in the advanced program will be practicing on lower-income, or qualified people through their program, and that's where they get practice in having 26 fillings a day and two crowns and seven root canals and just by repetition, they gain their skills. Is that kind of the essence of what they're going to be doing?"

Dr. Frankel said, "In part. There's a little bit more to the repetition than just repetition, because there are procedures, implants, various restorative procedures that one gets an introduction to in dental school. This would provide more sophisticated training in doing it. They would get practice doing those things under direct faculty supervision, that would not be available to them in dental school."

Chairman Sciortino said, "Sure, I understand that."

Dr. Frankel said, "So the procedure range would enlarge, commissioner, and also I did want to correct one thing in what you said, forgive me."

Regular Meeting, January 25, 2006

Chairman Sciortino said, "I got it, but go ahead."

Dr. Frankel said, "The clinics are not just reduced fee and under served. For example, the Grace Med Clinic, as a federally qualified look-alike center, is obligated to accept the patients, regardless of ability to pay, at both ends of the spectrum, and it's not unusual that AEGD program attracts some of all ends of it. We would expect it to be skewed toward the middle range."

Chairman Sciortino said, "Okay. Now you had indicated that while this hasn't been going on for . . . but there were some examples of AEGD residency programs in the country. Could you name us one or two that you said were doing very successful? Could you name us a couple?"

Mr. Frankel said, "Sure, there are quite a few. Many of the dental schools have them, some are not at dental schools. The University of New Mexico has a medical school based residency program."

Chairman Sciortino said, "No, is there any one like the one you're wanting to start here?"

Dr. Frankel said, "New Mexico is very close, because its academic home is not a dental school. Its location is not on a campus or in a hospital, it is in the community and for that reason, it looks very much like this kind of program. It has a sponsoring department within an academic institution that is not dental in nature."

Chairman Sciortino said, "And what is the city in New Mexico?"

Dr. Frankel said, "Albuquerque."

Chairman Sciortino said, "Okay."

Dr. Frankel said, "There is a program in Boise, Idaho which is, oddly enough, administered through an academic home at Crayton University. That's an interesting relationship, but it is based at a hospital in Boise, Idaho. It is a community-based program that serves eight residents and provides a tremendous amount of community service as well through primarily a hospital setting. In addition, there are 40-some odd other programs."

Chairman Sciortino said, "That's enough. Okay, and then you indicated I think that . . . really for me, just be as succinct as possible. If I say 'I got it', I got it."

Dr. Frankel said, "I understand."

Chairman Sciortino said, "You said that about four people a year would be going through . . . four dentists a year would be going through this, or graduating through it or whatever."

Regular Meeting, January 25, 2006

Dr. Frankel said, "Initially, yes."

Chairman Sciortino said, "Okay. And I believe the question that Commissioner Norton was trying to have, okay I've got my thing on the wall that says I'm a graduate of this dental school. If I go through this, do I get another little piece of paper on the wall that says I went through advanced education in general dentistry? Do I get any recognition?"

Dr. Frankel said, "Yes, you do. You do not get another degree, but you get a certificate."

Chairman Sciortino said, "No, I understand. Okay, maybe that gets me a little more buying power, if I'm trying to be hired onto this dentist clinic, I say, 'Well look, I went through this and this, give me an extra \$20 an hour' or something."

Mr. Frankel said, "It certainly helps."

Chairman Sciortino said, "That's all I have. Any more questions on this item? Thank you very much and we're going to entertain a motion here in a minute, but I just want to thank everybody in the audience and everybody that may be just watching on television that's been part of this. I think you all are doing it the right way and you've got some studies, you're getting some support from the private sector, you're going to the foundations. I assume you're going to have to eventually travel north to Topeka and visit with maybe some of those people up there, so you're taking the steps the way they need to be had, as opposed to just have a passion and walk into some legislator's office and say 'Give me the money'. You're doing it the right way, I believe, and I applaud all of you for the hard work that you've put into this."

Dr. Frankel said, "Well thank you Commissioner. Much of that credit goes to the folks here in Sedgwick County government, particularly Deborah Donaldson, Tim Kaufman and Kathy Sexton."

Chairman Sciortino said, "I would much rather compliment them than compensate them, so that's great that you did that. What's the will of the board on this item please?"

MOTION

Commissioner Norton moved to receive and file.

Regular Meeting, January 25, 2006

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Next item please."

PLANNING DEPARTMENT

- C. CASE NUMBER CON2005-00051 – SEDGWICK COUNTY CONDITIONAL USE FOR GROUP RESIDENCE, LIMITED ON PROPERTY ZONED "RR" RURAL RESIDENTIAL, GENERALLY LOCATED WEST OF WOODLAWN AND 1/2 MILE NORTH OF 109TH STREET NORTH. DISTRICT #4.**

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "In this case, the applicant, Youth Horizons, a non-profit organization, is seeking a conditional use to allow a Group Residence, Limited on this 20-acre site in an area zoned 'RR' or Rural Residential. The purpose of the group residence is to house up to eight boys that meet the definition of 'children in need of care'. Now children in need of care are those that have been removed from their homes, due to circumstances not of their own making. These children, and I want to stress this point, are not delinquents and they have not been taken out of their homes due to anything that they have done. For whatever reason, these children have been removed from the care of their parents or guardians and need a place to stay until such time as they are able to return to their home.

This is not a request for a correctional placement residence. It's a request for a Group Residence, Limited. As I mentioned earlier, Youth Horizons is a non-profit entity which is dedicated to providing homes for these children in need of care. They have stated that they expect to purchase this 20 acres and construct a new home on this site for this residence.

Regular Meeting, January 25, 2006

The age of the children that would reside here would be typically from eight to eighteen. Looking at the aerial photo, you can see that there are already some existing structures on the site. That includes an existing house, barn, other out-buildings, lagoon and a variety of other structures. Access to the site is from 63rd Street East, which is Woodlawn, which is currently unpaved.

As you can see on the graphic in front of you now, which is a zoning map, all the surrounding properties are also zoned 'RR' and you can see from the aerial photo that the characteristic land use for the area is agriculture, farmsteads and large-lot residential.

The Metropolitan Area Planning Commission reviewed this application initially at its December 8th meeting. There were a number of citizens, neighbors to this property that were present to register their opposition to this application. Their concerns were that this type of conditional use would be out of character with the agricultural and large-lot, single-family residential uses that currently exist in the area. They were concerned about the additional traffic that would be generated and they were concerned that the emergency services would have a long response time to reach this property, if that were needed.

After a lengthy discussion on this item at that meeting, the MAPC decided to defer action on it, to give the applicant an opportunity to meet with these neighbors and that meeting was held on December 19th. In addition to the applicant and representatives from Youth Horizons, there were a number of neighbors at that meeting. The issues that were discussed there included how Youth Horizons is governed. How children who are allowed to reside in their facilities are screened and selected, what supervision is provided on site, who gets to visit these residents and where the children would go to school.

The primary issue that seemed to surface at that meeting was whether or not a mechanism could be created by which the neighbors could be assured that the children who would be placed at this residents would not be juvenile offenders. The applicant did try to reassure the neighbors at that meeting that they do not accept juvenile offenders. They may occasionally take a child who may have been truant, but that would be about the extent of it.

The two sides departed that meeting indicating that they would continue to attempt to come up with an agreement to try to create that type of a mechanism before the Planning Commission heard the item again. The item did come back before the Planning Commission at its meeting on December 22nd. The two parties were not able to present a formal agreement at that time. The MAPC, at that meeting, had a lengthy discussion about the appropriateness to placing the requirement for that agreement as a condition of approval, requiring some type of audit procedure, as suggested by the

Regular Meeting, January 25, 2006

neighbors. The Planning Commission concluded that it was not appropriate to do so, but they did encourage the applicant to continue to work with and communicate with the neighbors. So at the meeting, the Planning Commission voted to recommend approval of this conditional use, subject to the recommended conditions of staff, which have to do with how the site was developed and did not include a requirement for any type of continuing audit by the neighbors.

We have received letters of appeal from 12 property owners in the vicinity of this application and you can see them on the map. They range far outside the notification area, which is the smaller circle in green around the site and I'll go back to the previous slide and show you that. Of the properties within the notification area, only about a little less than 10% of those properties protested, so that is not a factor in your vote today, but I did want to show you the extent to which letters of appeal have been filed on this case and with that, I'll be glad to take any questions."

Chairman Sciortino said, "All right, thank you John. Commissioners, any questions of John at this time? Commissioner Burtnett."

Commissioner Burtnett said, "Well I think we do need to have some discussion on this matter. Commissioner Unruh and I have talked to both the applicant and the neighbors in two separate meetings and I need the rest of the commissioners to understand that.

John, I was noticing you said there were also some other issues in the beginning, as far as traffic on the streets and so have those been addressed and are we just down to the issue of the determination of what kind of children are going to be housed in this residential . . .?"

Mr. Schlegel said, "They seem to have been addressed, I think to the satisfaction of the neighbors. The issue really, I think at the end, has come down to whether or not the neighbors can be assured that the children that are placed here are not juvenile offenders."

Commissioner Burtnett said, "Well, what I gathered from the conversations we've had with both, and Commissioner Unruh can correct me if I'm wrong, I think both parties seem to be very close to an agreement. I think they just need the assurance that the applicants don't house juvenile delinquents, which it seems to me in everything that I have read, that they don't even accept those type of children in their program. Am I correct in that assumption?"

Regular Meeting, January 25, 2006

Mr. Schlegel said, "That's the assurances they've given to the Planning Commission and in our discussions with them as staff."

Commissioner Burnett said, "Okay. I guess that's all I really have."

Chairman Sciortino said, "All right, thank you. Any other questions at this time? Thank you, John. You just stand by for any further questions. At this time, I'd like to maybe listen from the applicant to hear their point of view or what have you. If you give your name and address and normally we ask five minutes, if that's satisfactory for you. If you need some extra time, fine."

Mr. Russ Ewy, Agent for Applicant, Baughman Company, greeted the Commissioners and said, "Thank you, Chairman Sciortino. I'll be much more brief, I believe, than five minutes. My name is Russ Ewy. I'm with Baughman Company, representing Youth Horizons Incorporated in this conditional use to permit the construction of a group residence. As was mentioned, this is going to be a home in the northeast part of the county to house up to eight boys, ranging in age from 8 to 18. It's going to be a home, little different than any other home that you would expect in the county. It is a very large, nice home, which should not distract from any of the other developments in the area.

I would expect the commission to hear, here in the near future, a request to send this item back to the Planning Commission for further debate. Due to the fact that we've been there twice before, as Mr. Schlegel mentioned, we feel that there is really nothing additional to add to the record, as far as the conditional use permit goes.

Any outstanding issues that we've been discussing are private in nature, we feel, and really in our opinion, outside the scope of this conditional use. Having said that, we have worked with Mr. Kaplan and his clients in trying to come to some sort of agreement that will not only satisfy their needs, but also prevent the operations . . . not prevent the operation of what Youth Horizons' mission is. Youth Horizons provides mentoring, as well as a place for these boys to live and grow and learn life skills.

Throughout these meetings and throughout this course of debate between what type of agreement and how we can get to where we both want to be, there's been a tremendous amount of gray area as to what can legally be accomplished. I will want to point out, one of the things that was discussed is this term 'juvenile delinquent'. Youth Horizons has always stated that they do not accept juvenile felons, and so it is an issue much more to the definition of what constitutes a juvenile delinquent. Truancy was an example given, throughout these meetings.

Regular Meeting, January 25, 2006

Having stated the fact that we feel that this private agreement lies outside of what we're trying to accomplish this morning, we asked that this process run its course and that a return to the Planning Commission would be fairly unwarranted and probably very unnecessary. We appreciate the support that we have received from Planning staff, as well as the Planning Commission and would request your support as well. I'll stand for any questions that you may have now. I know that there's probably other people to speak, so I will also be available to answer any questions at that time."

Chairman Sciortino said, "Commissioners, are there any questions of the applicant at this time? All right, Commissioner Unruh."

Commissioner Unruh said, "I have just a question. There's some talk about the type of individual that you minister to at Youth Horizons. What . . . not juvenile delinquent is what you've said. My question is, is that these young folks probably have got some sort of disturbance in their past or in their lives, or they would be at home or they would be with foster parents, so what sort of violations or problems are they dealing with that you're going to be dealing with in your facility?"

Mr. Ewy said, "I would probably want to step back and separate or clarify one issue. Youth Horizons is in the . . . their mission is to provide a mentoring program which is truly separate, as I understand it, from this actual group residence. The facility that they house and care for these children, how the two are intermingled, I'm not necessarily sure but their mentoring program may be much more broad. The children that they, I think probably a little bit better description of that would be something along the lines of Big Brothers/ Big Sisters, where they pair citizens at large with children in need of mentoring.

As John mentioned, Youth Horizons is not in the business of taking placement children for criminal rehabilitation or anything of that nature. These children simply come from homes and are, as has been termed to me in the past, kind of throw-away children. Children really without any other options. Somewhat of an orphanage, I guess, would be one way to characterize it. So they're not placed in this facility by court order, or anything of that nature, as far as I understand. There is a board member of Youth Horizons, Mr. Larry Gould, who would be able to maybe further explain the actual process in the children that they do take."

Commissioner Unruh said, "No, that's clear enough to me. I appreciate that, but you're not getting youngsters who have been through the court system and their release here is a condition of release or a condition of parole or anything."

Mr. Ewy said, "That's exactly right. That is not the case."

Commissioner Unruh said, "All right, thank you. That's all I had."

Regular Meeting, January 25, 2006

Chairman Sciortino said, "All right, thank you. Any other questions of this individual at this time? Thank you, and again just please stand by. There may be some further questions later on, but I don't see that there's any right now. Anyone else in the audience that might want to speak in support of this application? Okay."

Mr. Larry Gould, Board Member, Youth Horizons Inc., greeted the Commissioners and said, "My wife and I were volunteers for Youth Horizon organization for many years, before I became a board member. Everything that Mr. Ewy has stated is absolutely correct. The understanding that the county commissioners have recently gleamed through the meeting so far is exactly correct, but the only statement that I would like to make is a little bit about our mission.

We're in the mission of giving kids love, direction, a home, self-respect, encouragement, confidence, spiritual training and hope for the future. We've done this for 80-some kids over the past ten or twelve years. We do the job with the support of individuals and corporations in the community, so that these kids can have a chance without the city, the county and the state having to bear the burden and the expense. I'll stand for any questions."

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

Commissioner Unruh said, "Thank you, Mr. Chairman. Larry, where do you operate now?"

Mr. Gould said, "We're operating across . . . a block west of Hydraulic, on Douglas. That is the site of our offices and our mentoring program, which involves at this point about 140 matches. We have another 50 or so that we haven't matched. The comparison and the best way to understand or explain what we do is much the same as Big Brothers and Sisters."

Commissioner Unruh said, "But is that a residence? I mean, it's not a residential facility."

Mr. Gould said, "No, that's strictly the offices."

Commissioner Unruh said, "Okay, so this is a new step for your organization."

Mr. Gould said, "No, we have operated Martin House, at 1st and Mathewson for about 10 years. We've recently closed that facility for two reasons. One, the age of the house and the upkeep was becoming quite prohibitive and particularly, we believe that the neighborhood that we were existing in wasn't conducive to the type of atmosphere that these kids deserve. And this is why we wanted to move into a rural setting, where not only the life skills that they were taught in the house for the residents could be learned, but we wanted to do 4-H type activities."

Regular Meeting, January 25, 2006

Commissioner Unruh said, "Okay. Well, while you were operating that residence, were there problems or issues with neighbors or cars?"

Mr. Gould said, "We've never had any problems, whatsoever, that I'm aware of, with our residents. There were a lot of incidents around the area with people who had their own sets of problems. We even had a house parent spread eagle against a car, because the police thought he was a part of what was going on up the street, so that's why we wanted out of the neighborhood."

Commissioner Unruh said, "Okay, thank you. Well I know the area. I grew up one block from where that location is, so that doesn't have any bearing on anything. Mr. Chairman, that's all I have."

Chairman Sciortino said, "Just one question. Larry, let me just ask, you said that Youth Horizons has been doing this sort of thing for how long now?"

Mr. Gould said, "Approximately ten or twelve years."

Chairman Sciortino said, "Okay, in the history of Youth Horizons, have you ever accepted a child on probation or juvenile delinquent or any of those concerns that the neighbors are expressing? Have you ever accepted an individual like that into . . .?"

Mr. Gould said, "I'm not aware of any."

Chairman Sciortino said, "Okay. Sometimes you can use history as a way of maybe understanding something. Okay, what's the average stay?"

Mr. Gould said, "The average stay is about a year. However, we have had young boys who came and stayed there as long as four years. One of our most recent graduates, if you want to call it that, is at this moment fighting for our country in Iraq. The encouraging and the exciting thing that we find in this type of work is to be able to follow these young men in their adult life and find that we did, in fact, make a difference in their lives."

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

Commissioner Norton said, "Well, I'm familiar with Youth Horizons, have been for years. What is the adult/ child ratio in this facility that you'll have, that you're proposing?"

Mr. Gould said, "Normally, and I can't speak exactly, because I'm not in those operations aspects, but we will normally have two house parents on site, all the time. At some point in time, there are

Regular Meeting, January 25, 2006

four or six. In other words, there are as many of us as there are kids. Many times, at the supper table, when my wife and I were down there for the evening, we had more adults around the table than we had kids.”

Commissioner Norton said, “Will there be adult residents in this house, at all times, supervising, watching the young people?”

Mr. Gould said, “That’s correct.”

Commissioner Norton said, “Okay, making sure they get to school, all those things.”

Mr. Gould said, “We even have alarm systems on, so that nobody goes outside, crawls out the window to, you know, go down to the creek and fish. I mean, it’s very secure.”

Commissioner Norton said, “Okay. My comment is that, through Visioneering, one of the core tenets of Visioneering and making our community strong and healthy is a mentoring program. We know that there’s almost 10,000 young people that don’t have a mature, caring adult in their life, and I’m convinced that the more we can pair young people up with adults that care, it is part of the vision that we share with the rest of the community.

And for whatever reason young people fall into the system, where they don’t have a caring adult, it’s too bad, but the truth is, we’ve got it and if we want to make our community the best it can be, not having these kind of mentoring programs will diminish so many young people’s lives and if you want more juvenile delinquents, if that’s what you call them, here’s a good way to do it, is not support these kind of programs, because they do make a difference.

I think anytime you can pair up young people, and I’ve known you, Larry, for quite a few years, between Haysville and Derby and when you can pair up people with the quality of some of the mentors that I know, it does make a difference. It makes a long impression in our community and truthfully, I think I’ll be supportive of this kind of a process, because it does make a difference.”

Mr. Gould said, “These, like I mentioned, at the meeting we had on Monday, the kids that we have in our program are the same kids that each one of us would walk them into our homes, if we had the room to raise another eight-year-old or ten-year-old or twelve-year-old. These aren’t the ‘other’ kids, these are our kids in the community.”

Chairman Sciortino said, “Thank you. Just to let the entire . . . you know, I think we should keep a totally complete, open mind until we hear from the opposition and what it is, and I for one am not

Regular Meeting, January 25, 2006

. . . I'm going to reserve any option or what have you until I can hear all the facts and I would encourage all of you to do the same. Anyone else in the audience that wants to speak for this application? Okay, I'd like to now hear from the people that stand in opposition to this application."

Mr. Bob Kaplan, 430 N. Market, Wichita, Ks., greeted the Commissioners and said, "I think you do need to hear the rest of the story. Opposition is a strong word, Mr. Chairman. We are not in opposition to the mission of Youth Horizons. Let us not confuse today the work of Youth Horizons, which we support, and the particular difficulties with this application. This is an entirely different principle that we're up here to discuss. We are not opposed to their mission and we've made that very clear. We support their mission, just as you do, Commissioner Norton.

Now the reason we're here, I represent a number of folks, mostly professionals, who live in and around the area. Some in the notice area, some with out the notice area. Let me give you a quick chronology, so you have all the facts before you. When this application was filed, I was contacted by seven or eight individuals. Some in the area, like Ms. Holdaway, some out of the area, like Mr. Hopper. Bob Hughes, an attorney with Beaver Dye, Mr. Bohm, a professional engineer with Ruggles and Bohm. They discussed the matter with me. They indicated their support for the organization and for the cause, but they wanted to ascertain and get a degree of comfort on some issues.

At that point in time, I called Mr. Ewy. I said, 'Russ, I have a group of people, we want to meet, we want to discuss some things, we want some clarifications. We can come to accommodation. We're not opposed to what you're doing. We think it's a good thing. Mr. Ewy called me back, said 'Mr. Kaplan, they will not meet' and they did not. We went to the first meeting I think the 8th of December. I advised the Planning Commission that we had sought a meeting, that that meeting had been declined. At that time, the chairman of the Planning Commission chastised Mr. Alexander slightly and said, 'You're making a very serious mistake, if you refuse to meet with the neighborhood' and we're going to defer and they did defer the action for two weeks, in order to accommodate the meeting.

That meeting was held on a Monday night, at the Sunnydale Community Center. There were a number of people there, one planning commissioner was present, as a matter of fact, as well as some staff members, members from MAPD, some of my clients, many representatives of Youth Horizons. We did have a thorough discussion and we believe came to an accommodation and arrived at an agreement in principle. That was Monday evening. I was told to reduce that to writing, in terms of a covenant, so that we would have a written memorandum of what our agreements were. There were only two points. One was not housing juvenile offenders, juvenile

Regular Meeting, January 25, 2006

offenders not necessarily juvenile delinquents, juvenile offenders. And the second was the fact that we would get a periodic report. Now there are a lot of big words throw around, oversight, audits. This is very simplistic, commissioners. All I need is a letter with a 39 cent stamp about twice a year address to me saying, 'We do not have any youthful offenders in the facility. We don't need audits. We don't need serious oversight. All I want is a report and I'll accept Mr. Gould's letter. I'll accept Mr. Alexander's letter. All I want them to do is to confirm that once or twice a year that they're in keeping with their mission. They say they're going to do it but what they won't do is put it in writing.

So we go up to the second meeting. At that time, I believe, Mr. Hopper believes, Mrs. Holdaway believes, Mr. Lou Steven here believes, we all believe we have an agreement. I do not present to the Planning Commission. I did not present. None of my folks presented, none of the other folks who may be here that I do not represent presented and the only thing that I said to the planners, and it's in the Minutes, I gave you a copy of it, I highlighted it, the only thing I said is there is an agreement in principle, we're working out some of the detail. Remember, the Sunnydale meeting was Monday night, Tuesday I was in court all day. I got the agreement Wednesday. I heard nothing until Thursday and I assumed we had an agreement and told the planners, so we have not had our public hearing. We never had our public hearing, not because it was not an unfair hearing, because we waived the right to present. We knew we had an agreement. Now there were a number of Youth Horizon folks there. They did not tell me before the meeting that they were not going to sign or negotiate an agreement. They let me sit there, believing I had an agreement and waived my right to present our conditions.

After the meeting, subsequent to the approval by the Planning Commission, we meet in the corridor at City Hall and they say, 'Oh by the way, we're not going to sign your agreement'. Now, had they told me that in advance, then I would have presented at the Planning Commission and my folks would have had an opportunity. And what we're asking here is an opportunity to present to the Planning Commission. It has nothing whatsoever to do with their mission. They say they're not going to do these things. I say 'Sign the agreement', which Monday night I understood they agreed to do. Now what's come back to me from their board of directors meetings, that it's been rather caustic and it's been rather . . . not what I expected from this organization, this church related organization. I guess I've been basically told to go fly a kite, now that they've got their approval. So what I want to do . . . and this is just a beginning. Don't believe for a moment . . . and they acknowledge this and they will acknowledge this, that they have purchased or are the process of purchasing 20 acres to house eight children. This will continue to expand and it will continue to grow and that may be a favorable development, Commissioner Norton. That may be a good thing, but we have the right to have our input before the Planning Commission and we have not had, we have not had our public hearing and the reason we have not had it is that we were told that we had, at least in principle, an agreement. That did not turn out to be the case. Now I am still willing to meet with Mr. Alexander. I am still willing to respond to his e-mail. I told Mr. Ewy last Friday,

Regular Meeting, January 25, 2006

we've still got time to work it out. Mr. Ewy told me that he had a representative of Youth Horizons who would contact me and we would continue our discussion and try to address only two issues: no youthful offenders and what they're calling oversights and audit, I'm calling it a letter twice a year with a stamp that says 'We don't have any youthful offenders on the property'. It's all I want. We're making much more out of it than it is.

I never got that call. I don't know who that gentleman is. I have no way to contact him, but he never did contact me, I can tell you that. So all the way through, we've been given all these oral assurances, 'We're not going to do these things, Mr. Kaplan, don't worry about it' and I said fine. All you've got to do is sign this little memorandum I've prepared and we're done and now the board says, 'No we can't do that' and if we do do anything, it's only going to be for a period of two years. That's our condition. Only a period of two years, and then all bets are off. After two years, we do what we want. Now they're saying, 'Well, what about traffic offenders'. I said I don't care about traffic offenders. We'll accept truants. That doesn't bother us. Well, we don't want drunk drivers. We don't particularly want 18-year-old drunk drivers in the neighborhood, but we're not concerned about other traffic offences.

And Commissioner Unruh, you brought up an issue and it's true. You're trying to get a handle on exactly who it is they don't house and what kind of difficulties are involved. I can't get an answer to that. You didn't get an answer to that. It's just vague. 'Children who have been removed from their homes, for one reason or another'. What does that convey to you? It doesn't convey anything to me. Certainly, they can be more specific than that, and certainly they can tell us with more clarity who they're going to house and then all we've got to do is eliminate and have them sign off on what they say is in their mission state . . . all I want them to do is put their mission statement in writing and sign it and send it to me. That's all in the world it comes down to I'm asking for.

So I want to go back to Planning Commission. I want an opportunity to tell them what I've told you, because I didn't have that opportunity, because all I told the planners were was that we had an agreement, at least in principle. We were working out the legalize, because they had some attorneys on their board wanted to look at it and that was fine. And what I got back, after the fact, after they got their approval, then I was told 'No, we're not going to sign any' and I say it's just not fair. These folks have not had their hearing and they're entitled to that. And I don't care if this commission adds those two conditions, no youthful offenders, but I don't want a two-year time limit on it, so that's basically where we are. Probably used my five minutes and then some. I'll stand for questions."

Regular Meeting, January 25, 2006

Chairman Sciortino said, "Thank you. We do have some too. Commissioner Winters."

Commissioner Winters said, "Mr. Kaplan, if you're concerned about not having had the proper time a public meeting, prior to today, can you make that case to us right now? I mean, this probably has enough people and protest that it's going to be back on our desk, one way or another. So is there more to your . . .?"

Mr. Kaplan said, "I can make that case, commissioner."

Commissioner Winters said, "I certainly don't want to deny you a time to have a public case, but if you want to have a public hearing about these two points, whether there are juvenile offenders going to be housed there or whether you need a report or an audit, can you just make that case to us right now and then we'll decide whether we need to have it sent back, or we'll decide it this morning."

Mr. Kaplan said, "Yes sir, I can do that commissioner."

Commissioner Winters said, "Mr. Chairman, I know he's already taken his five minutes, but I would like to . . ."

Chairman Sciortino said, "This is fine."

Commissioner Winters said, "I'd just like to hear what he has to say."

Chairman Sciortino said, "And I understand that, and I think it's important. Is that something you want to wait on your questions before you do that, because we do have some other questions, too. It's starting to look like a Christmas Tree here. Go ahead, Mr. Kaplan."

Mr. Kaplan said, "Thank you, Mr. Chairman. First of all . . ."

Commissioner Norton said, "I'd like to ask a legal opinion. Can we have a public hearing without a public notice?"

Commissioner Winters said, "This is not a public hearing. It's probably a poor term, on my case."

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "You're okay. You traditionally have allowed people to speak at these, even though we don't have the requirement to."

Regular Meeting, January 25, 2006

Commissioner Norton said, "Oh, I understand that, I mean that's what we're doing, but to call it a public hearing indicates you would have to notify the opposition. I know there's some opposition here and there's some proponents here, but they haven't been officially notified that we'll take testimony today and decide it."

Commissioner Winters said, "No, my intension was not to have an official public meeting, but if Mr. Kaplan feels like he didn't have a chance to make his piece or say his piece to the decision makers, I want to tell him he's got the decision makers sitting right here at this table. Make your case and we'll decide whether it needs to be sent back or what we do with it."

Chairman Sciortino said, "Okay. So for the record, this is not an official public hearing, but we want to hear from Mr. Kaplan, if you could respond to Commissioner Winters' question."

Mr. Kaplan said, "Thank you, sir. First of all, Commissioner Winters, understand that we are not asking for anything that is beyond what they have indicated their mission already is. The only thing that we have asked is that in lieu of oral assurance, which you got this morning and which I've gotten, is that they reduced that to a written memorandum and that they give us a statement, simply a letter, maybe twice a year would be ample, to the affect that they are operating within their mission statement, and that is not housing youthful offenders.

Now that's where it started and that's where it stopped and what is puzzling to me, and what is difficult for my clients to understand is why we continue to get these oral assurances and why we're told then that 'Mr. Kaplan, your memorandum', which Mr. Alexander, I guess is not here, I don't see him, makes not unreasonable requests. We can't put that in the form of a simple document, which I was told to prepare and that I understood they were going to sign, and then they declined to sign and then I was told that if we do sign such a document, it will only be for a period of two years. We will not be bound beyond two years to what we're telling you. Well, two years is nothing. That does us no good. If they're going to sunset the covenant, within two years, well two years is nothing. That does us no good.

If they're going to sunset the covenant within two years, I don't need the covenant. Now, we have no problems. We make it very, very, very clear. We have no problems with an orphanage. We have no problems with . . . they're a creditable organization. I know many people on the board. I've got a secretary in my office that contributes money to the organization and is very fond of it and thinks they do a great job. I have no problem with it. That is not the issue here. The issue is simply confirm and give us the assurance in writing, to my clients, that you are going to do what you keep verbally assuring us you're going to do. Now why won't they do that? I can't get an answer to that. And I would like to know today, from one of those representatives, why they can't sign such a contract. All it comes down to is no youthful offenders. Now they say if they want to

Regular Meeting, January 25, 2006

exempt from that term, they're worried about the legal definition of that term. We're talking about juvenile delinquents who are defined in the code. We're talking about juvenile miscreants, who are defined in the code.

And if they say 'Well miscreancy includes traffic offenses', we'll eliminate traffic offenses. They say, 'Well, we do take truants, we do have kids who won't go to school', we'll accept truants. I am willing today, right here and now, following this meeting or at any time in the future, to meet with these folks, to meet with Russ, to meet with Mr. Alexander and work off his . . . he wrote an e-mail which basically gives me the assurances we want, if we can put it in the agreement, and they're making way too much out of this oversight thing.

We need a report from them, because juvenile records are confidential, as you all know. I cannot call the Department of Social and Rehabilitation Services and say 'Has John Jones been adjudicated in a juvenile court somewhere, because he's residing in this residency'. They're going to tell me they can't tell me, and they can't. And all I want is Mr. Alexander or Mr. Ewy or someone else to tell me that. They can tell me that every six months and after a while I'm sure that we're going to be comfortable with it, because I know this process is going to expand. So we're not asking for anything they say they're not willing to do, and it's puzzling.

When someone refuses, says 'I'll tell you what I'm going to do, but I won't sign my name to it', well it just raises all kinds of red flags and that's what it's done here."

Chairman Sciortino said, "Commissioner Winters, anything else?"

Commissioner Winters said, "That's fine, thank you."

Chairman Sciortino said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Bob, walk me again through the definition of offender. I mean, in our meetings with you and with the applicants separate times, well some of the language that's a little new to me is the difference between a juvenile delinquent and a juvenile miscreant and you're using the word 'offender'. I'm trying to figure out, what am I understanding."

Mr. Kaplan said, "I'm using the word offender, and I don't practice juvenile law. I haven't been in a juvenile court in years, but a juvenile delinquent, adjudicated juvenile delinquent would be the equivalent of an adult adjudicated with a felony. And juvenile miscreant would be the equivalent of

Regular Meeting, January 25, 2006

an adult convicted of a misdemeanor. So delinquent is a felony. Miscreant is a misdemeanor. When I say 'offender', I am including delinquency, felons and I am including miscreants, children who have been convicted of misdemeanors. That might be throwing a rock through a car window, that might be anything. It could be traffic offenses, so I'm saying we exclude those things. And I use the term 'juvenile offender' for that reason, to incorporate both delinquency and miscreancy. They say they won't house juvenile delinquents. They haven't said they won't house juvenile miscreants. It's a concern. I don't know that they're going to. I don't know that they're not going to. I can't get any degree of comfort from these folks and that's the problem here."

Commissioner Unruh said, "Okay. Well, then what I gain from what you're telling me now is that your clients and the folks in this area think that a miscreant is a threat to their property and they life, their style of living and that sort of thing."

Mr. Kaplan said, "Could very well be. There are a lot of misdemeanor offenses that are serious offenses, but they don't rise to the level of felonies."

Commissioner Unruh said, "And once again, I'm a little bit of a loss. I don't know what that might be. I'm just trying to evaluate what is a threat."

Mr. Kaplan said, "How about a BB hole in the front window, in your show window in your home. It might be a miscreant, but we don't want that. Vandalism, miscreancy, we don't want that."

Commissioner Unruh said, "Well, I agree with you, sir. I don't want it around my house either, but I mean, I can't make a rule saying that the neighbor kid might not do that, I guess is kind of what I'm wondering. How do we control that?"

Mr. Kaplan said, "Any youngster might do that. A minor thief, a steal of a piece of statuary off a front lawn that's worth maybe 50 dollars, a misdemeanor, nevertheless we don't want that, so that's why I included offenders, and they say 'delinquents' and it doesn't reach but are they going to take miscreants? Children who have been adjudicated in juvenile courts, just not of felony? Apparently so. I don't know."

Commissioner Unruh said, "One other question, and I don't know if you can put back up on the screen or maybe John can, the aerial photograph of the area. Now, I'm just trying to figure this out. I'm not being adversarial. I would be fearful of being your adversary, so I just want to ask . . ."

Chairman Sciortino said, "You're not pushing for a cemetery, are you?"

Commissioner Unruh said, "I mean, there's not very many houses or residents around. I mean, that one looks like it's probably a quarter mile away and the rest of them . . . I mean, the rest of the

Regular Meeting, January 25, 2006

protestors are from several miles away.”

Mr. Kaplan said, “Commissioner, there were at the Planning Commission, I don’t know if they’re here or not. I wouldn’t recognize them. Apparently not. I think maybe they still think they have an agreement. There were a number of folks who spoke that I did not represent. I represent seven or eight folks, as I say, mostly professionals. They include Mr. Hopper, Mr. Stevenson, Mr. and Mrs. Holdaway and several professionals. Mr. Hughes can’t be here. He’s a legislator, he’s in Topeka. Mr. Bohm is not here, but whether it’s seven or seventy, I fail to see the distinction, commissioner. The folks I represent have concerns and I think they’re entitled to the protection from those concerns and to voice those concerns to the planning commission, or to voice them here, as Commissioner Winters said, and to have a memorandum signed and to have that so-called oversight, that letter twice a year. I’m not understanding why you believe, because the area is sparsely populated, that perhaps it’s not an issue to those folks who live within the area, because it is.”

Commissioner Unruh said, “Well, I guess I don’t have a good response to that. It just seems like if I was living two or three miles away from somewhere, as some of the other maps that showed protests were a couple of miles away. I just have trouble figuring it out.”

Mr. Kaplan said, “Well, they’re not two or three miles away and you can ask . . .”

Commissioner Unruh said, “Where is that picture, John? The one that had the blue . . . Maybe I’m not identifying the mile lines. I just thought that was like one, two, two and a half miles away or . . . but that’s just nitpicking. I understand your point. So, you don’t have to respond to that.”

Mr. Kaplan said, “I don’t call it nitpicking. I’m saying that it is a concern. Are these children going to have cars? I don’t know. Are they going to travel the neighborhood streets in their cars? I don’t know. They go up to 18 years of age. An 18 year old miscreant can cause a lot of mischief. He may be a juvenile legally, but that young man can create a lot of havoc, if he’s bent on it.”

Commissioner Unruh said, “Well, our backup indicates that this could generate up to 40 daily vehicle trips, 40 daily trips so . . .”

Mr. Kaplan said, “Well I’m sure that . . . and they’re very comfortable. They’re already in the process of demolishing their buildings and getting ready to build the new ones. They’re not even waiting this process out. They’re already out there wrecking. It’s okay. It’s okay.”

Commissioner Unruh said, “Okay. Well, I think that answers the questions I had, so thank you and thank you Mr. Chairman.”

Regular Meeting, January 25, 2006

Chairman Sciortino said, "Well, whatever they may be doing on the property is at their own risk, because we haven't made a decision yet, so if they want to take the risk . . ."

Mr. Kaplan said, "That's fine. They tell me, commissioner, that the place was not habitable and had to be demo-ed anyway and I said okay."

Chairman Sciortino said, "That's fine. I have some questions. As I understand it, and stop me if I'm wrong, what you're asking for, the audit, is basically a letter every six months saying 'We don't have any youthful offenders, as identified as' and it would be clearly identified 'juvenile delin . . .', okay you get the letter but you can't verify what they said was true or not, so what's the value of the letter?"

Mr. Kaplan said, "I cannot verify it. I have to take them at their word. I am assuming that the president of the organization or a gentleman like Larry Gould, if they write that letter, it's going to be true and my folks are going to be comfortable and that's the best I can do. No, I can't verify it. I have to take them at their word and that's part of the issue here. That's why we want those assurances."

Chairman Sciortino said, "I understand that but what I'm having a hard time getting around is why that would be comfortable with that, since you can't ver . . . you're not asking them for the names of the residents, I assume."

Mr. Kaplan said, "No, sir. Can't do that."

Chairman Sciortino said, "So that would be a privacy issue. They've said verbally they're not going to do it. You want it in writing. I understand that. But I get a little bit . . . I mean, I'm just trying to think of myself, if I can't verify what somebody is saying, as to whether it's truthful or not, I have no remedy or no recourse if I can ever prove their lying, which I won't be able to prove, because I can't get any records. I'm just kind of a little bit . . ."

Mr. Kaplan said, "You want, Mr. Chairman, a better solution?"

Chairman Sciortino said, "No, I'm just asking you why that solution would be acceptable."

Mr. Kaplan said, "Well, the better solution . . . because that's the only solution I have available to me. A better solution would be for this commission or the Planning Commission to impose an additional condition and as a condition of the conditional use, which is enforceable, and that is that they won't house juvenile offenders, or juvenile delinquents or juvenile miscreants or whatever you determine, in your wisdom, is appropriate and add that condition to the conditional use. That's

Regular Meeting, January 25, 2006

another alternative. They say they're not going to do it anyway. Why are they opposed to that condition being in the document, in the conditional use? I don't understand."

Chairman Sciortino said, "Okay. That's all I had. Any other questions of this applicant? Does anyone else want to speak to this, in opposition to this . . . not in opposition, but whatever . . . yeah, I guess that's the proper . . . Yes, ma'am. Please come up. If you give us your name and address for the record, we'd appreciate it."

Ms. Jolene Holdaway, 10400 N. Oliver, Valley Center, Ks., greeted the Commissioners and said, "We have property that's in the notice area, where the green circle is. Our address is 10400 North Oliver, so we actually live a couple of miles from there."

First I wanted to say, Commissioner Unruh, there are eight homes actually within a half a mile or less of the site that they want to build on. And in those eight homes were the people at the first MAPC meeting that were rather vocal with their concerns, because they are the people that have children. I think the children range in age from maybe three on up to maybe a teen so that was their concern, because they are the closest and they do have the children and so they felt like, as we do, we all needed an opportunity to meet with them, which was first turned down until Chairman Warner didn't make it an option any more, which we were very happy with that, but we wanted our concerns and our questions answered.

And there were many people at the Sunnydale Community Building. It was full. And many people from Youth Horizons were there: board members, employees, Mr. Alexander, Russ was there. I'm not sure if they had an attorney there. Yeah, I think they did. Anyway, we did get to ask our questions, lots of questions and we did get answers. And as Mr. Kaplan has stated, we actually left there thinking that there wasn't any problem, that we would have an agreement on those two points, that that was not too much for us to ask. We didn't believe so and we thought that they didn't think so and we realized that, you know, we as just your . . . my husband and I, farm people, we couldn't go look at those children's records. We knew that.

We had hoped that maybe a qualified third party would be allowed to. In our business there are many needs for double-checks and there's always a chance that something slipped by on the first go round. It does for us and there's always a chance it could for them, in their initial review. So we kind of hoped that there could be a third party that would be allowed to look at those and if that was not possible, that they would do a review of their own files and as Mr. Kaplan has said, that we would take their word for it, in written form, that yes we reviewed and we do not have any of these children there. And we also agreed that we know that children that are taken out of these types of homes are very apt to have truancy records. Obviously, if the parents or whoever are trying . . .

Regular Meeting, January 25, 2006

well, I'm not even going to say 'trying to raise them'. Whoever they living with are probably not interested in if they go to school or not.

The older ones, if they have a car to drive and if they've been caught speeding, I've been caught speeding, so that didn't bother us either. But you know, we thought that would not be a problem and that would make all of us, and especially the people in the eight homes closest, that do have the children, just feel better. Mr. Alexander stated to us at the Sunnydale meeting that, you know, he wanted to be good neighbors, which all of us do too. And at this time, I would like to express our feeling also that Youth Horizons is a very good organization and they have done great things for many children who would not have an opportunity, you know, to have the kind of one-on-one help, whether it be with a spiritual, emotional, I'm sure a lot of them have physical needs that the people that they were living with did not take care of and obviously Youth Horizons covers all of those things, so that was not the problem at all. We didn't have any problem at all with them coming to be neighbors.

We just . . . we also felt like that it was not too much to ask that this . . . oh, I think that buzzer is probably for me. That this wasn't a timed situation where we really wanted this to stay with the property. I mean, as long as Youth Horizons has it, that we would be able to know that they would be held accountable and that we would know that they are functioning as they were supposed to and had who they were supposed to have there. And also we did have some concerns, and I'll go ahead and say this, Mr. Kaplan hadn't mentioned it, we were concerned that we actually wanted to not have a statement, you know, the 'no felons, no youth offenders'. We're a little concerned, if Youth Horizons at some point in time, decides to sell that property. And because it will have a group home facility on it, the facility itself doesn't exactly look homey and fit into the neighborhood, but it is a very lovely, large, expensive facility.

We think that the same type, of someone who needs a group home or residence would be who would purchase it and if this was to actually stay with it, then at that point in time, the neighbors would need to worry again and go through a situation where would it be adult possibly offenders or they could also have juvenile defenders [sic] on the next go round, so we'd actually hoped for that, but we'd go with just having it stay with the property and just account for who they have there and that they do not have any of the felons or misdemeanors there. Thank you."

Chairman Sciortino said, "Thank you. Any questions of this presenter? Any one else that would like to speak? I would just ask you, if it's something new that you want us to hear, if it's not just a

Regular Meeting, January 25, 2006

'me too' is just a way of moving this along. Okay, great. Yes, sir."

Mr. Jim Holdaway, 10400 N. Oliver, Valley Center, Ks., greeted the Commissioners and said, "Like Mr. Kaplan said, you can't really label us opposition because we're not and I just want to let you know that I farm the ground. I've lived right next door and farmed in that community for over 30 years. I am for what Youth Horizons is for. I am in a mentoring program at the El Dorado Correctional Facility and have been for several years. I'm one on one with felons. The word felon doesn't scare me at all. There are people just like us who have made mistakes and they're paying for it. I think this is a great place to stop and prevent maybe some of these people from becoming felons.

The only issue I have with it is the fact, what concerns me is that these good people say 'Yes, we agree with your concerns and they're valid' and we will, we'll put it down on paper and that's fine and then they won't do it and I don't understand that. I don't understand it at all, because it's a great organization. Thank you."

Chairman Sciortino said, "Thank you. Okay, anyone else in the audience that wants to speak? I'm using the word 'in opposition' only because it's the only thing I know how to use, pro or con. Yes, sir, your name and address."

Mr. Lou Stevens, 5515 E. 93rd Street N., Valley Center, Ks., greeted the Commissioners and said, "I've lived there for 72 years and I'm very interested in the community. That's why I'm here today and by the way, this is my first county commission meeting, so I haven't bothered you very much. But I am concerned and I just want to express that, that it is my community. I'm proud of it. Thank you."

Chairman Sciortino said, "Yes, sir. Thank you for coming. Yes, sir."

Mr. Dwight Hopper, 10101 N. Woodlawn, Valley Center, Ks., greeted the Commissioners and said, "I just want to concur that Mr. Kaplan has eloquently represented us and his statements are truthful and these are the things that we're seeking."

Chairman Sciortino said, "Thank you, sir. Okay, I don't see that anyone else is standing in opposition to this. Is there any other comments for the . . .? Yes, Commissioner Norton."

Commissioner Norton said, "Well, as we slog through this and try to make a decision, it seems to me that there is an interest, obviously, in that area. There is going to be a group home there and

Regular Meeting, January 25, 2006

maybe a possible solution would be to offer this citizens' group that's in that catch-ment area a seat on the board. That way, they're involved and they understand what's going on up there and they can be very involved in what's happening and some of them are already involved in those kind of activities. I haven't heard one of them that said they're opposed to it or don't think it's a great . . . mentoring programs are good, and that kind of serves both masters. You get to understand at a deep level what's happening up there and represent their community at the same time."

Chairman Sciortino said, "That would be something they'd have to do voluntarily. I don't think we could make that a condition."

Commissioner Norton said, "I don't think we can either, but you know what, we're here for solutions, not for . . . to keep pounding our heads against an issue."

Chairman Sciortino said, "I understand. Commissioner Burnett."

Commissioner Burnett said, "Thank you, Mr. Chair. I see that the applicant is running towards the podium and I would like to hear the applicant's response to what was just said, regarding a letter every six months stating what they're asking for. Like to know what they're . . ."

Mr. Ewy said, "I appreciate that. I'll cut to the chase, to be brief here. There were a lot of comments made that we have certain conflicts, as it relates to what we're trying to decide here and now. This item of defining the threshold of the children that Youth Horizons has maintained, saying that they would not take into this group residence and attempt to try to meet these good people's concerns, simply falls into the definition of what this juvenile offender, what is a miscreant, and I'm standing before you as an adjudicated miscreant. A lot of people wouldn't want to live next to me. I appreciate that, but my days of shooting out windows with a BB gun are behind me. So you can appreciate the broad brush that had originally painted on this agreement.

It left open too wide of a variety for the children that Youth Horizons has mentored and has taken into their group residence. Again, it's a definition issue. We have always maintained that we would be more than agreeable as defining that as 'adjudicated delinquents', equivalent to a felon. That's our threshold that we have always maintained we would be willing to meet, whether it be in a private agreement, and again I don't think it was fair to characterize Youth Horizons as simply agreeing to sign whatever the opposition put in front of them the first time. I mean, this has been a six-week negotiation. We would be more than willing to either enter into some sort of agreement that defines these children as not being able to be housed here, if they're adjudicated felons, or make a condition of the conditional use, the legalities, the technicalities of that are somewhat

Regular Meeting, January 25, 2006

beyond me. We'd stand here willing . . ."

Chairman Sciortino said, "I think it's beyond what we can legally do too. I don't know that we can make that a condition of the conditional use. But can I ask you a question? Mr. Kaplan has said that you won't house juvenile delinquents or juvenile miscreants, with the exclusion of truants and whatever those things. Now if that is true, and I understand, okay . . ."

Mr. Ewy said, "It's not."

Chairman Sciortino said, "Okay, so that's the controversy, that that isn't something that was agreed upon as the definitions of the letter? Is that the controversy?"

Mr. Ewy said, "This all . . . the origins of this sir are from this neighborhood meeting that we had at the Sunnysdale Community Center, of which I fortunately taped the proceedings, but the discussion basically bore out this idea that if a lot of the opposition would move away, a lot of the fears would be remedied if we were able to come to some sort of agreement that would provide them an avenue by which they could verify that there was not going to be problem children."

Chairman Sciortino said, "Excuse me a minute. They also said they can't verify it and they would accept a simple letter from an officer of the organization. They would accept that as verification."

Mr. Ewy said, "More than acceptable to do that as well. The idea that we actually defined all offenders except for truants is misleading at best. We said truancy, as an example of children that they would accept that would have fallen under some sort of proceeding, but again it's a very minor offense. Mr. Kaplan has admitted that there are a series of what would be considered misdemeanors that would be acceptable to them. So you can appreciate the difficulties of running through the law."

Chairman Sciortino said, "I understand. Let me ask you a question. If they dropped juvenile miscreants and just said, 'juvenile delinquents' would they be getting a letter?"

Mr. Ewy said, "Absolutely, and it's my understanding that Youth Horizons wish would to be to be able to proactively issue this letter, twice a year to two years, and then if Mr. Kaplan's clients want further letters, further validation beyond that, they would be willing to write those letters, in perpetuity."

Chairman Sciortino said, "There would be no two-year time cap?"

Mr. Ewy said, "They would have the ability to obtain this letter, at their request."

Regular Meeting, January 25, 2006

Chairman Sciortino said, "Got it. Anything else that you want to visit with us on? Any questions of the applicant? Yes, Commissioner Burnett."

Commissioner Burnett said, "Well, trying to sort through this. Like I say, I'm sitting here listening to both sides of this story here. Everybody seems to want to get to this same end. It's just a matter of how the letter is written and I'm understanding, and I know nothing about legality, miscreant must have a hundred, two hundred different things that could happen? I don't know, so I understand what you're saying is that you were using the example of truancy as a minor offense of a miscreant, but shooting out with a BB gun is worse, but how do we differentiate between how many offenses are you going to say are acceptable and how many are you going to say you don't accept. That's what the problem is, is that correct?"

Mr. Ewy said, "As I've understood it, yes."

Commissioner Burnett said, "Okay. That does kind of put us in a pickle, but like I say, I'm sitting here listening to everybody and they all want to get to the same end."

Chairman Sciortino said, "Maybe we can get there, here."

Commissioner Burnett said, "And as far as a zoning issue, I think if we could just get the zoning done and then have a private agreement, that I think could be reached between the two parties that would be acceptable, that's kind of where I'm leaning on this, because I really believe everyone wants the same . . . yeah, is on the same page."

Chairman Sciortino said, "I think we're going to get real close. Mr. Kaplan, would you like to address us."

Mr. Kaplan said, "Chairman, commissioners, very quickly, based on Mr. Ewy's statements, I think we have accommodation. He has offered the condition of no juvenile delinquents. A quick survey of my folks here and I'm seeing affirmative nods, that's acceptable so he is offering an additional condition that they will not house juvenile delinquents. That term is defined by the code, by the juvenile code. It's black-letter law, so that's easy, so we're okay with that."

Chairman Sciortino said, "And you've dropped your request for juvenile miscreant."

Mr. Kaplan said, "I am dropping that request to get it done. It will be only . . . yes sir, it will be

Regular Meeting, January 25, 2006

only juvenile delinquents, but it will be condition of the conditional use, in addition to what staff has recommended, and that's what was just offered. We get the letter report, but it will be a condition. It will not sunset after two years. It will be a condition of the use and if they violate it, then the conditional use can be enforced, so I think we have accommodation and if they want to offer a board seat, I've got a number of people here would willingly accept that responsibility."

Chairman Sciortino said, "Okay. Let me . . . can I just maybe ask . . . I don't know for sure. I was going to ask the attorney. Mr. Euson, how are you? You've been listening?"

Mr. Euson said, "Good morning. I have been listening."

Chairman Sciortino said, "Good. Is that something, legally, we can make a condition of the condition? I mean, I thought we were talking about a letter going back and forth here."

Mr. Euson said, "They have been trying to negotiate a private agreement that would be binding upon future owners and now they are suggesting that as additional condition that this letter be provided that there are no delinquents to be housed at this facility, as I understand what's being said."

Chairman Sciortino said, "So, I mean, what do we have to do from the bench, if all the sudden that really is acceptable to Youth Horizons? Do we have to do anything or is that between these two parties?"

Mr. Euson said, "I hear Mr. Kaplan asking for an additional condition, with no time limit on it that would prevent adjudicated juvenile delinquents from residing in this house, and yes, I think you could add that in as an additional condition, but I think you should hear from Planning staff in regard to that and consider how difficult or easy that may be to enforce."

Chairman Sciortino said, "Yeah, Commissioner Winters. I'm sorry, Commissioner Burtnett was first."

Commissioner Burtnett said, "Well, my question was going to be, is there any way that you could have a private agreement on this, rather than a conditional use? I mean, it's all in the same end. You're getting the same result. That's rather than muddying up . . . I don't know if this is muddying up the waters with a condition on a conditional use, but then you're going to . . . and I guess I do have a question for staff also then. With a conditional use, I know one of the issues were what if they want to do more of these. Don't they have to come back to redo the conditional use, so there would be another opportunity down the road, if things start going in a way that they're not happy with."

Regular Meeting, January 25, 2006

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

Commissioner Burtnett said, "You know, I'm sure there's a couple of ways we can handle this, but I would prefer personally, if we could have a private agreement between the two and it be stated here, I mean, you'd have certainly on record that it was going to happen, but that's all I had. That's just a comment."

Commissioner Winters said, "Mr. Chairman, my suggestion would be that we defer this for two weeks, and we bring it back to this board. I really think I've got enough information in my mind to make a conclusion and come to a good conclusion today. I'm afraid that if we start trying to craft the wording of this from this bench, that we're going to end up with something that nobody is happy with in the end."

And I would rather have John and even perhaps in consultation with our . . . the people who work with juveniles for Sedgwick County, discuss the meaning of what the intent is here. I have two juvenile facilities in my district who accept juvenile offenders. And I'm working under a feeling that they do a whole lot of different kinds of procedures than we're talking about in this particular project here.

Neither one of these facilities in my district are locked facilities, but they're working under a whole set of circumstances that I think, I believe when you start working with juvenile offenders, you're in a different realm, but again don't know enough of that to craft what I think this agreement should really say, so I would prefer that . . . or a suggestion would be that we defer this for two weeks. If some kind of an agreement is not forthcoming, then I think we've got enough information to then proceed with making their own conclusions."

Chairman Sciortino said, "Okay. Commissioner Burtnett."

Commissioner Burtnett said, "I would really prefer to hear from staff on this, before we make any kind of motion, if you don't mind."

Chairman Sciortino said, "Oh yeah. Let me try . . . let's see if we can't just get this together, because what I see is both sides are really okay with this. We don't have pros and cons and there's . . . if I understood, and Mr. Kaplan has been before us. He's a tremendous attorney. When he sees he's got a chance to . . . he goes and he knows when . . . he's been presented very properly."

Originally, the neighbors were asking Youth Horizons to provide a letter, every six months, in writing, saying what you have verbally said that you wouldn't house. Mr. Kaplan and the neighbors originally said 'We want that to include the denoted meeting by statute of juvenile delinquent and juvenile miscreant'. There were people saying, 'Well, wait a minute, what about truant', 'Okay,

Regular Meeting, January 25, 2006

we'll drop that, drop that'. Then in visiting, it was understood that the whole area of juvenile miscreants was so loose-y goose-y that that was the area that Youth Horizons was having the most problem with but that you didn't have a problem writing a letter every six months saying 'We don't have any juvenile delinquents defined in statute whatever' or however they do that with legalize.

Mr. Kaplan seized on that and said, 'Well, wait a minute, okay well instead of that, let's make that as a . . .' but if we can go back and get comfortable with the letter, saying juvenile delinquents, is Youth Horizons saying publicly to us, 'That is 100% acceptable to you?' just to send them a letter saying we don't have . . . I'd like to not defer this, if we can get this thing done . . . that we're okay on that letter?'"

Commissioner Winters said, "Well Mr. Chairman, that's the kind of exact question I don't think we can ask them. I mean, I think that's the kind of thing that needs to be negotiated out with the people who know the exact meaning of 'juvenile delinquent' because I don't think that's the correct term. I don't think that's the term we're talking about here, but again, I don't feel comfortable enough in understanding that. I mean, they've expressed their willingness to continue to talk about it, and that's what I would like to try one more time, to see if they can come to an agreement. If they can't, I'm ready to come back here in two weeks and make a decision, was my only suggestion."

Chairman Sciortino said, "I understand, thank you. And thank you for helping me there. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I mean, any time two folks can . . . two parties can get together and talk and get together and talk and work something out, that's a good thing. I'm just wondering though, and maybe either Mr. Schlegel or Mr. Euson could help me. For our legal responsibility, in determining this issue, is the agreement between these two parties something that we consider? I mean, if that's a yes or no answer right now, then we don't have to defer and we could just recommend that you all . . . there's been enough discussion, they're close enough together on an agreement, that they could go forward.

Now if this is something that . . . this agreement is something that's part of our responsibility, legal authority, to weigh out as we're making this decision, then probably a deferral is appropriate. And a question I have, and maybe that's a good reason for deferral, I don't know, is if we demand or put a condition that says you've got to have a letter with certain language that says certain things, does that put us in a responsibility to enforcing this thing? I mean, I don't think this commission wants to get into that position, and so if those two questions you can give me a quick answer on and give us some guidance on, I'd say we don't need to defer."

Mr. Schlegel said, "I think, as Rich said earlier, I think legally you could put yourself in that position if you want to. I think it would be entirely within your discretion, if you want to get into

Regular Meeting, January 25, 2006

the middle of this agreement between these two private parties, you can do that by attaching it as a condition of approval.

My recommendation to you would be 'Don't go there'. That's a slippery slope to get out on and you will be . . . you'll put yourself, the county in a position of having to help enforce that agreement between these two private parties, and I would recommend strongly against doing that. I would encourage them to continue to work toward an agreement between themselves and I think you have on record, both parties are sincerely interested in forging an agreement, but I don't think you should make it a condition of the approval."

Commissioner Unruh said, "Thank you. That's all I had, Mr. Chairman."

Chairman Sciortino said, "Okay. Commissioner Winters."

Commissioner Winters said, "Well the only, I guess and I don't know whether this is helpful, but my deferral didn't seem to get much support. I'm ready . . . I have heard enough that I am ready to support the recommendation of the Metropolitan Planning Commission and the conditions that they applied at their meeting."

Chairman Sciortino said, "Okay, I have a motion. Is there a second?"

Commissioner Winters said, "I didn't make that as a motion. I said I'm ready to do that, if no one is interested in my deferral for a week or for two weeks. I mean, I think I've got enough information to move on, and those of you who were talking about trying to hope they could come to some kind of agreement, this would be a way for them to do that. But as far as the zoning case is concerned, I think I've heard enough to make a decision."

Chairman Sciortino said, "Thank you. Mr. Euson, you feel free to stop me in the middle of whatever I'm going to say here, if you don't think it's appropriate for me to say. But I'm trying to just again talk Kansas kitchen English. We've got two neighbors. We're getting real close about the situation with the fence and two neighbors agree to something. I'd like to be able to ask the applicant, is the applicant saying here today that you will agree with the modified request of the neighbors to send them a letter, signed by somebody in authority, on a six-month basis, that you do not house juvenile delinquents, period. It could be one little sentence, I guess it could be, is what's being asked."

Mr. Ewy said, "Yes, that's what we're saying. We would concur with that."

Regular Meeting, January 25, 2006

Chairman Sciortino said, “Okay. I mean, that’s what . . . yes, Mr. Kaplan.”

Mr. Kaplan said, “That’s fine commissioner. I appreciate that. That is what we want. We have no way of enforcing it, without having the memorandum of agreement or the condition of the conditional use. We get the letter.”

Commissioner Winters said, “Please go to the microphone.”

Mr. Kaplan said, “We have no enforceability, unless we carry that through to the memorandum, or through a condition in the conditional use. We can get the letter and hopefully it will be so, but if they are in violation, I have no enforcement tool. Under the memorandum, under the private covenant, I can enforce it in civil court. Under the conditional use, Mr. Wiltse can enforce it as the county Code Enforcement Officer. I disagree, Mr. Schlegel said you don’t want to get in that position. You do it all the time, you impose conditions and it’s Mr. Wiltse’s job to enforce them. There’s nothing unusual or different about that.”

Chairman Sciortino said, “Okay. I’m going to encourage, if we indeed pass this, and I don’t know, I’m going to encourage Youth Horizons to write these folks a letter today agreeing to what you just said you would agree, so you can maybe even leave this room with something in their hands.

Okay, I think . . . yes, Commissioner Burtnett.”

Commissioner Burtnett said, “Okay, I’m going to say this one last time. I’ve listened to both sides of this. I think you’re really close. I would really prefer that you have a private agreement in nature and with that I would like to make a motion at this time then.”

MOTION

Commissioner Burtnett moved to approve this conditional use, subject to the conditions recommended by the MAPC, and adopt the findings of the MAPC and authorize the Chair to sign the prepared resolution.

Commissioner Winters seconded the motion.

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

Regular Meeting, January 25, 2006

VOTE

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

Chairman Sciortino said, “Yes, ma’am.”

Commissioner Burnett said, “And I would still say, I would highly urge you to do this, get this agreement done, because I really think everyone is on the same page and this just needs to be in documentation. Thank you.”

Chairman Sciortino said, “Why don’t we take a five-minute recess. I have to go powder my nose.”

The County Commission went into recess at 11:15 a.m. and returned from recess at 11:21 a.m.

Chairman Sciortino said, “We’re back in session now. Would the Clerk call the next item please.”

D. PRESENTATION REGARDING THE GOVERNOR’S MILITARY AFFAIRS COORDINATING COUNCIL, AND FUNDING IN THE AMOUNT OF \$50,000.

POWERPOINT PRESENTATION

Ms. Tania Cole, Management Intern, County Manager’s Office, greeted the Commissioners and said, “I’m here today to present an update on the Governor’s Military Affairs Coordinating Council and to request funding in the amount of \$50,000.

In May of 2004, Sedgwick County became a community partner with the Governor’s Strategic Military Planning Commission. This commission was created to help Kansas protect and grow military presence during the base realignment and closure process, otherwise known as BRAC. Several local members sat on the commission, which included Representative Jim Ward, Andy Schlapp, Steve Martin and Robin Spurrier.

During the BRAC process, the commission learned two important issues to keep in mind. The first was that the Washington delegation keeps a scorecard and rewards at the state level, not just the

Regular Meeting, January 25, 2006

local level. The second issue was that it was very important to have continuous statewide presence in Washington. Because Kansas addressed both of these issues, the state fared well during the BRAC process and became the fifth largest gainer of military personnel and economic impact to the community.

However, in moving forward, we still have six components that need to be addressed at McConnell Air Force Base, to insure their future mission. Those issues being one, the elimination of runway, operational laborers; two, future tanker acquisition; three, enhanced viability of air reserve components, units at McConnell; four, Smoky Hills an asset for joint training beyond Kansas; five, unmanned combat aviation vehicle mission; and six, tanker technology test bed.

It is imperative that we start this process now, which is early in the planning stage, so we stand a chance for growth at McConnell. The state will be contributing \$220,000 and is asking each of the four base communities in Kansas for \$50,000. Those base communities are Sedgwick County for McConnell Air Force Base, Junction City in Manhattan for Fort Riley Army Base, Topeka for Forbes Air Force Base and Lansing for Fort Leavenworth Army Base.

In closing, I would recommend you approve the funding and am glad to answer any questions you might have. Thank you.”

Chairman Sciortino said, “Thank you very much. Commissioners, any questions? Commissioner Winters?”

Commissioner Winters said, “Tania, are you aware of the other committees? I’m going to be supportive of this, but just curious about the other communities. Are they moving forward?”

Ms. Cole said, “Yes, Topeka has already donated the \$50,000.”

Commissioner Winters said, “Topeka, for Forbes.”

Commissioner Winters said, “And the others are expected to?”

Ms. Cole said, “I believe so. I believe they’re on board also.”

Commissioner Winters said, “Okay, that’s all the questions I had.”

Chairman Sciortino said, “Any other questions, commissioners? What’s the will of the Board?”

MOTION

Regular Meeting, January 25, 2006

Commissioner Unruh moved to receive and file, and approve the funding.

Commissioner Burtnett seconded the motion.

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

VOTE

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

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

E. RESOLUTION AMENDING POLICY 4.2002 OF THE SEDGWICK COUNTY PERSONNEL POLICY AND PROCEDURES MANUAL, RECOGNITION AWARD PROGRAM.

Ms. Jo Templin, Director, Division of Human Resources, greeted the Commissioners and said, “This item requests approval of the resolution to amend Sedgwick County personnel policy 4.2002, in the Sedgwick County Personnel Policy and Procedures Manual. This policy was established in 2005, as part of the county’s strategic plan to recognize and reward employees for individual and team achievement and measurable performance.

In 2005, this policy established a \$75 net monetary reward program, focused on customer service. This program measures against criteria based on the Sedgwick County’s customer service guiding principles. The resolution before you today amends the policy, with an adjustment to the number of total employees eligible for the award, reflecting 70% of positions on bands 1, 2 and 3 of the county’s pay plan.

Employees assigned to band 4 and 5 will not be eligible for the customer service awards in 2006. However, this amended policy also includes the addition of the Outstanding Performance Recognition award program. This program has been established to give a monetary award to eligible employees for exemplary performance and significant contributions, based on measurable criteria.

The Performance Recognition Award program will be a gross monetary award of \$500, paid in a lump sum, or divided amongst a directed work team. Both of these programs have been established within the 2006 allocated budgeted funds. I have discussed this policy with each of you and would

Regular Meeting, January 25, 2006

recommend your adoption of this resolution.”

Chairman Sciortino said, “Thank you, Jo. Any questions, commissioners? What’s the will of the Board on this item please.”

MOTION

Commissioner Burtnett moved to adopt the Resolution.

Chairman Sciortino seconded the motion.

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

VOTE

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

Chairman Sciortino said, “Thank you, Jo. Next item please.”

DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING

F. AGREEMENT WITH STEVE AND CAROL MARTIN, D/B/A REMOTE DATA SERVICES, TO PROVIDE MEDICAID BILLING SERVICES FOR THE SEDGWICK COUNTY TRANSPORTATION BROKERAGE.

Mr. Ray Vail, Director of Finance and Support Service, greeted the Commissioners and said, “I’m here today to present the renewal agreement with Remote Data Services to provide Medicaid billing services for non-emergency medical transportation. It’s been reviewed by Finance and Legal and I ask you approve the contract and authorize the Chair to sign.”

Regular Meeting, January 25, 2006

MOTION

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

Chairman Sciortino said, "Next item please. Thank you."

DIVISION OF PUBLIC SAFETY – DEPARTMENT OF CORRECTIONS

G. APPLICATION TO KANSAS JUVENILE JUSTICE AUTHORITY FOR STATE FISCAL YEAR 2007 FUNDING FOR CORE PROGRAMS.

Mr. Chris Morales, Systems Integration Coordinator, greeted the Commissioners and said, "Today I'm here seeking your approval on our grant applications for a core programs for state fiscal year 2007. The state mandated core programs include our Juvenile Intake and Assessments Center, Juvenile Case Management and Juvenile Intensive Supervision program.

We anticipate that the award for these programs will remain the same, at the current funding level, which is \$2,596,851. If for some reason that changes, after the legislative session, we will come back to you with the revised proposal.

Team Justice, which is your juvenile corrections advisory board, has approved this application and I am asking that you do the same and authorize the Chairman to sign. Be glad to answer any questions you have."

Chairman Sciortino said, "Thank you. Any questions, commissioners, on this item? Hearing none, what's the will of the Board please?"

Regular Meeting, January 25, 2006

MOTION

Commissioner Burtnett moved to approve the Funding 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 Winters seconded the motion.

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

VOTE

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

Chairman Sciortino said, "Thank you so much. Next item please."

H. PUBLIC WORKS.

- 1. RESOLUTION AUTHORIZING ESTABLISHMENT AND ENFORCEMENT OF A SPEED ZONE ON 23RD STREET SOUTH BETWEEN 215TH STREET WEST AND THE WEST CITY LIMITS OF CITY OF GODDARD IN ATTICA TOWNSHIP, SEDGWICK COUNTY, KANSAS. DISTRICT #3.**

Mr. Mark Borst, P.E., greeted the Commissioners and said, "Item H-1 is a resolution authorizing the establishment of a 40 mile-an-hour speed limit on 23rd Street South, for the half-mile just west of the City of Goddard. This section of 23rd Street was overlaid by Attica Township and due to edge drop-offs, with the new pavement surface and narrow right-of-way, which limits their ability to correct this, a lower speed limit is warranted. Gretchen Sharp, the Attica Township Clerk,

Regular Meeting, January 25, 2006

requested this speed limit on behalf of the township board, and I would recommend that you adopt the resolution.”

Chairman Sciortino said, “Thank you.”

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

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

VOTE

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

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

2. RESOLUTION ESTABLISHING TRAFFIC CONTROL DEVICES AT INTERSECTIONS OF SECTION LINE ROADS WITHIN OR ABUTTING NINNESCAH TOWNSHIP, SEDGWICK COUNTY, KANSAS, AND PROVIDING FOR ENFORCEMENT THEREOF. DISTRICT #3.

Mr. Borst said, “Commissioners, this resolution establishes traffic control at intersections along section line roads within an abutting Ninnescah Township. Ken Chambers, the Trustee for Ninnescah Township, requested we reevaluate these intersections, as several of the intersections were experiencing increased traffic or sight restrictions that have arisen, since the last time we had done this in 2001. The township board has concurred with the traffic control, as found in appendix A of the resolution and I would recommend that you adopt this resolution.”

Chairman Sciortino said, “Thank you. Commissioners, any comments?”

Regular Meeting, January 25, 2006

Commissioner Winters said, "I have a question I guess. And so Mark, what does this actually do then? Is this establishing stop signs, where there were none, or what does this do?"

Mr. Borst said, "In this particular case, we had 79th Street South and 151st Street West was one of the intersections that was seeing some changed traffic and it did have some site restriction with it. There was another one, just a mile east. These were all about the time we were working on 135th Street project, just north of Clearwater and so what we really found was not so much the traffic had changed, but that some site restrictions were there that hadn't been, new buildings or whatever.

And so what we did was we reran the entire township resolution, but only two or three of the intersections actually changed their traffic control and it did add stop control to those."

Commissioner Winters said, "So how many new stop signs did we put out there?"

Mr. Borst said, "The township put a total, it would be a total of about six stop signs, it would be three intersections."

Commissioner Winters said, "Okay. I guess you . . . if it wasn't recommended by you, it wouldn't be here, right."

Mr. Borst said, "That's correct. Yeah, I went out and drove the entire township to check everything that we had. They had some yields we had to look at to make sure they were still valid and then open intersections, that most of which stayed open."

Commissioner Winters said, "Well the learning curve on these stop signs always just makes me nervous."

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 Unruh

Aye

Regular Meeting, January 25, 2006

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

Chairman Sciortino said, "Thank you very much, Mark. Next item."

3. RESOLUTION AUTHORIZING ESTABLISHMENT OF TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS OF TOWNSHIP ROADS WITHIN RIVERSIDE TOWNSHIP, AND PROVIDING FOR THE ENFORCEMENT THEREOF. DISTRICTS #2 AND #5.

Mr. Borst said, "Commissioners, this resolution authorizes the establishment of a two-way stop on Chestnut Street, at it's intersection with Brookhaven, in the Oaklawn neighborhood of Riverside Township. Dale Kuhn, the township trustee, requested this traffic control, on behalf of the township board. The results of our field review agreed with the request, due to the close proximity of this intersection with Brookhaven's intersection with 47th Street South. I recommend that you adopt the resolution."

Chairman Sciortino said, "Okay, I'm trying to get a feel for . . . this is south? I know where it's at now. I've got it. I've got it in my little map."

Mr. Borst said, "Yeah, just immediately north of 47th Street, on Brookhaven. But we're controlling . . ."

Chairman Sciortino said, "Well north of 47th Street on Brookhaven, how can that be in Mr. Norton's district?"

Commissioner Norton said, "It's not."

Chairman Sciortino said, "Okay, because it says district 2 and 5 and that's what I was trying to figure out. It's just District 5."

Commissioner Norton said, "I think it's because I share Riverside Township with you. It's not really my district."

MOTION

Chairman Sciortino moved to adopt the Resolution.

Regular Meeting, January 25, 2006

Commissioner Unruh seconded the motion.

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

VOTE

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

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

4. RESOLUTION RECLASSIFYING CERTAIN ROADS FROM THE ATTICA, ILLINOIS, KECHI, OHIO AND ROCKFORD TOWNSHIP ROAD SYSTEMS TO THE SEDGWICK COUNTY HIGHWAY SYSTEM.

Mr. David C. Spears, P.E., Director, Bureau of Public Works, greeted the Commissioners and said, "Item H-4 is a resolution reclassifying certain roads from various township systems to the Sedgwick County highway system. The reason for this is that we are going to cold mix these roads this year. They are as follows: 6th Street South, or Maple, between 199th Street West and 215th Street West. Now this particular road has two drainage structures which must be replaced, so we're going to do that this year and then cold mix it in 2007. The next one is 55th Street South, between K-42 and 183rd Street West; then we have 111th Street South, between Webb Road and Greenwich Road; 151st Street West between US-54 and 23rd Street South; 10th Street West or Seneca, between 69th Street North and 77th Street North and 103rd Street West, Maize Road, between 71st Street South and 79th Street South.

Regular Meeting, January 25, 2006

Now the total mileage of these roads along with 87th Street South between Broadway and Meridian, which was previously classified to the Sedgwick County highway system, and along with 159th Street East between the turnpike and 17th Street North is 8.75 miles total. We will enter into an agreement with Andover to cold mix a one- mile portion of 159th Street East because it's in a township, but it's in a township in Butler County. Andover is going to annex the road and then we'll enter into an agreement with them, so that we can cold mix it. We'd like to use the balance of our 13 miles of cold mix on 71st Street South in the western part of Sedgwick County which has some rutting problems and to fill those in. I'd recommend that you adopt the resolution."

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

Chairman Sciortino said, "Thank you very much, David. Next item please."

I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF JANUARY 19, 2006.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of January 19th results in one item for consideration today.

Regular Meeting, January 25, 2006

1) DIGITAL OBLIQUE IMAGERY SYSTEM- APPRAISER'S OFFICE
FUNDING: LAND TECH FUND

The item is digital oblique imagery system for the Appraiser's Office and the recommendation is to accept the alternate proposal from Aerial Cartographic of America and execute a contract in the amount of \$198,584.25. Be happy to answer any questions and I recommend approval of this item."

Chairman Sciortino said, "Thank you, Iris. Any questions of Iris on this item on the bid board? Yes, Commissioner Norton."

Commissioner Norton said, "Pretty expensive item. I'd like Mike Borchard to come up and maybe give us a little presentation. We've looked at that for a number of years. It equips a van that's going to kind of revolutionize appraising a little bit, so I think it would be appropriate to have a little more information on it, because it is a lot of money."

Mr. Mike Borchard, County Appraiser, greeted the Commissioners and said, "The State of Kansas, in our annual maintenance specifications, requires us to re-inspect each property in the county, once every six years. Over the last 15 years or so, we've been re-inspecting between one-fourth and one-sixth of the county each year. It's a very labor intensive process and last year, the State of Kansas put a statement in our maintenance specifications that allows us to replace that with digital technology.

And what these oblique images are is an aerial flight that captures a 40 degree angle of all properties and all sides of the properties and the software that's installed with it allows us to measure distances, both horizontal, vertical and we can verify that our current measurements are accurate on those properties. So we're going to realize tremendous efficiencies in our office through this and again, using technology to increase our efficiency is what we're after."

Commissioner Norton said, "We originally thought there was only going to be one company that maybe could supply this and we found several others that bid and we went through a pretty extensive process, I understand, to understand the technology and understand what they could deliver to us. Is that correct?"

Mr. Borchard said, "That's correct. We discovered, at one of our association conferences, and at that time, we were only aware of one vendor that produced this product and since then, there's been a start up and we've had our users review the demonstrations. The GIS Department was involved,

Regular Meeting, January 25, 2006

DIO and Purchasing and based on those reviews, this other ACA vendor was chosen.”

Commissioner Norton said, “Okay, thank you. That’s all I had.”

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

Commissioner Unruh said, “I think that answered my question too, Mike. As we originally use the term ‘pictometry’ and that was a company and now we’ve decided to go with another vendor.”

Mr. Borchard said, “That’s right.”

Commissioner Unruh said, “Okay. We still get . . . the pictures that we get is a 360 degree picture of the property.”

Mr. Borchard said, “It will be all four directions, yes; north, south, east, west on each improvement.”

Commissioner Unruh said, “Well, it’s pretty amazing technology and I suppose that means you can now sell your tape measure.”

Mr. Borchard said, “It’s not going to totally replace the tape measure. We’re still going to carefully inspect all new construction and building permits and sold property.”

Commissioner Unruh said, “All right, very good. Thank you, that’s all I had.”

Chairman Sciortino said, “Thank you, commissioner. Any further comments? What’s the will of the board on this item please?”

MOTION

Commissioner Winters moved to approve the recommendations 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 Unruh

Aye

Regular Meeting, January 25, 2006

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you, Iris. Next item please."

CONSENT AGENDA

J. CONSENT AGENDA.

1. Right-of-Way Easements.

- a. Right-of-Way Easement for Sedgwick County Bike Path Project on Pawnee between Woodlawn and Rock Road. CIP# R-296. District #5.
 - b. Two Temporary Construction Easements for Sedgwick County Drainage Improvement Project, CIP# R-264.
 - c. Temporary Construction Easement for Sedgwick County Project 773-CC-5200, replacement of bridge on 375th Street West between 103rd Street South and 111th Street South. CIP# B-405. District #3.
 - d. Temporary Construction Easement for Sedgwick County Project 733-CC-4750, widening of bridge on 375th Street West between 103rd Street South and 111th Street South. CIP# B-396. District #3.
- 2. Agreement with Clarence Buddy Crumble for lease and operation of a shoe shine facility at 525 North Main, Wichita.**
 - 3. Annual Report for the Sedgwick County Foreign-Trade Zone Project for the 1999-2000 Federal Fiscal Year.**
 - 4. Donation of two surplus aerosol insecticide mosquito foggers, valued at less than \$100 each, to City of Cheney, Kansas.**
 - 5. Section 8 Housing Assistance Payment Contracts.**

Regular Meeting, January 25, 2006

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V05016	\$430.00	5	Iva and Cliff Helms
V05082	\$295.00	2	Mulvane Housing
V05091	\$473.00	Butler	John Wilkinson
V05092	\$358.00	Butler	Sharp Rentals
V05093	\$395.00	5	Ronald Lamar
V05094	\$533.00	2	Stephen Bridwell
V05096	\$196.00	Butler	Sunflower Apts. of Andover
V05098	\$615.00	2	Bridgewater Apt. Homes
V05099	\$471.00	5	Springcreek Apts.
V05100	\$451.00	4	Calvary Baptist Church
V05101	\$452.00	2	Stephen Bridwell
V05102	\$238.00	5	Hearth Hollow Apts.
V05104	\$475.00	4	Country Park Residence
V05107	\$321.00	5	William Favreau
V06001	\$375.00	3	Joann Linnell
V06002	\$121.00	Butler	Carol McKenzie
V06005	\$211.00	Butler	Wayne Striegel
V06006	\$521.00	5	Springcreek Apts. Phase II
V06007	\$615.00	2	Bridgewater Apt. Homes
V06008	\$302.00	4	Sunflower Gardens Senior
V06009	\$541.00	5	Springcreek Apts. Phase I
V06010	\$350.00	2	Chapel Ridge Apts.
V010113R	\$296.00	Butler	Terry Tarkenton
V020018R	\$302.00	Butler	Andover Crossing Apts.
V04096R	\$256.00	5	Oakview at the Park
V20144R	\$0.00	Butler	Andover Crossing Apts.
V8009R	\$295.00	Butler	Terry Tarkenton

6. 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>
V04007	\$72.00	\$218.00

Regular Meeting, January 25, 2006

V03003	\$571.00	\$585.00
V2000	\$373.00	\$294.00
V020079	\$234.00	\$217.00
V05002	\$254.00	\$278.00
V05003	\$259.00	\$167.00
V200108	\$311.00	\$302.00
V200109	\$80.00	\$266.00
V04004	\$640.00	\$640.00
V04096	\$267.00	\$256.00
V98004	\$196.00	\$149.00
V020087	\$606.00	\$588.00
V020006	\$506.00	\$409.00
V020080	\$218.00	\$112.00
V01036	\$326.00	\$321.00
V020010	\$267.00	\$256.00
V2009	\$414.00	\$384.00
V04097	\$555.00	\$550.00
V20144	\$58.00	\$000.00
V2002	\$278.00	\$313.00
V040098	\$328.00	\$321.00
V020014	\$328.00	\$316.00
V02001	\$327.00	\$320.00
V020002	\$235.00	\$200.00
V01041	\$549.00	\$432.00
V020078	\$117.00	\$108.00
V04005	\$226.00	\$249.00
V04003	\$425.00	\$424.00
V2001	\$193.00	\$240.00
V200120	\$227.00	\$246.00
V020009	\$251.00	\$249.00
V200116	\$373.00	\$344.00
V04008	\$273.00	\$276.00
V04056	\$450.00	\$417.00
V04036	\$425.00	\$515.00
V03061	\$224.00	\$71.00
V05054	\$386.00	\$206.00

Regular Meeting, January 25, 2006

V04074	\$251.00	\$287.00
V01039	\$311.00	\$450.00
V03100	\$474.00	\$320.00
V2093	\$527.00	\$550.00
V05095	\$266.00	\$278.00
V04040	\$163.00	\$271.00
V05088	\$103.00	\$485.00
V020051	\$456.00	\$327.00
V020041	\$287.00	\$224.00

7. Resolutions (three) authorizing destruction of records.

- a. County Treasurer Balance Registers for 1998-1999**
- b. County Treasurer Motor Vehicle Records for 2001**
- c. Finance-Accounting Accounts Payable Records for 2001**

8. Plat.

Approved by Public Works. The County Treasurer has certified that taxes for the year 2005 and prior years have been paid for the following plat:

Quiring Addition

9. General Bills Check Register(s) for the week of January 18 – 24, 2006.

Ms. Kathy Sexton, Assistant County Manager, greeted the Commissioners and said, "I am pleased to present the consent agenda to you today. Am available for any questions."

Chairman Sciortino said, "I don't see any questions. What's the will?"

MOTION

Regular Meeting, January 25, 2006

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

Chairman Sciortino said, “Thank you. Commissioners, we are going to have to go into a recess and go into a Fire District, but why don’t we go ahead and pick up on other, if you all have things that you’d like to discuss. Commissioner Norton.”

K. OTHER

Commissioner Norton said, “Well it has to do with the consent agenda. I think it’s appropriate that we have said that we have an agreement with Mr. Crumble and our courthouse. That was a pretty contentious item at one time and I think at least it bears bringing forward today. I know, not everyone wanted to talk about it probably but I think it’s important we point it out that there was a lot of people involved in that, had some emotion about it and that there has been an agreement reached and at least signed. That’s all I have.”

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

Commissioner Unruh said, “Thank you, Mr. Chair. I just want to mention the fact that last evening I went to the Big Brother/ Big Sister open house. They have a brand new facility, a remodeled facility over on the corner of Broadway and 2nd Street and it’s really a great facility for them to carry on their service to our community through mentoring high school and grade school kids that need a little mentoring but I was really impressed with the quality of the facility and the state office is housed in that building, along with our local Big Brothers and it’s nice for the staff

Regular Meeting, January 25, 2006

and the volunteers to have really a really nice facility to work out of. So just congratulations to them and also just want to remind everybody about the open house tonight at the Bank America building for the arena discussion. And that's all I had, Mr. Chair."

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

Commissioner Winters said, "Well thanks, I just wanted to follow up on that. That was the point I wanted to make. Today is Wednesday, January 25th there is a public meeting, this afternoon, this evening 4:00 till 7 at the Bank of America entry lobby area and again is, as people call and say 'Citizens need to have input, why aren't you getting input' this is about the fifth meeting we've had just recently, so if citizens would like to talk about current things that are happening with the arena or they have suggestions about fan amenities, today, this afternoon is come and go. Your comments will be heard, recorded and this would be a good opportunity to weigh in if citizens have a thought about how we could make the new arena better and better."

Chairman Sciortino said, "Thank you very much, and again it's from 4 to 7, so if you're off work early, fine. If you get off work a little bit late, it's a three hour period of time. I don't know, are we going to have coffee and cookies or anything or is it just going to be a no nonsense business meeting. But we do really want your input. We want to know what your thoughts are, one concourse, two concourses, potty-parody, seats, cup holders. Just let us know what type of amenities you would feel would really increase your experience when you attend the arena for an event. It really will help us in making a decision, because a week from today we are going to have to start signing off on some of these key elements, so the architects can start working on a design for it, so hope to see you this evening. Okay, nothing else to come before the board, so right now I was going to recess the Board of . . . excuse me, sir?"

Commissioner Winters said, "I think you could adjourn this. We don't need an executive session or anything, do we?"

Chairman Sciortino said, "Oh, okay. So I'll just adjourn the County Commission meeting of January 25th."

Regular Meeting, January 25, 2006

L. ADJOURNMENT

Regular Meeting, January 25, 2006

There being no other business to come before the Board, the Meeting was adjourned at 11:45 a.m.

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

BEN SCIORTINO, Chairman
Fifth District

LUCY BURTNETT, Chair Pro Tem
Fourth District

DAVID M. UNRUH, Commissioner,
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2006