

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 14, 2007

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, March 14, 2007 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Thomas G. Winters; Commissioner Tim R. Norton; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Ashok Aurora, Volunteer Coordinator, Department on Aging; Ms. Jo Templin, Director, Division of Human Resources; Mr. Don Brace, County Clerk; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Jim Weber, Deputy Director, Bureau of Public Works; Mr. Robert Parnacott, Assistant County Counselor; Ms. Jeannette Livingston, Contract Manager, Comprehensive Community Care; Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections; Ms. Claudia Blackburn, Director, Health Department; Mr. Jim Marlett, Sedgwick County Zoo; Mr. John Nath, Director, Kansas Coliseum; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Kevin Fish, ARC of Sedgwick County.

Mr. Jerry Winkley, Member, Sedgwick County Physical and Developmental Disabilities Advisory Board.

Mr. Darrell Moran, General Manager of Aggregates, LaFarge Inc.

Mr. Richard LeMunyon, City Administrator, City of Maize.

Mr. Mark Regester, 8501 Mystic Lakes N., Maize, Ks.

Mr. Bob Kaplan, Agent for applicant, 430 N. Main, Wichita, Ks.

INVOCATION

The Invocation was led by Mr. Ashok Aurora of the Hindu Community.

FLAG SALUTE

Chairman Unruh said, "Mr. Aurora, thank you for being here. I just wanted to mention you are the Chairman of our Retired Senior Volunteer Program, is that right? And what is the activity that you all are busy into right now?"

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Mr. Ashok Aurora, Volunteer Coordinator, Department on Aging, greeted the Commissioners and said, "This is the ninth year that we're making the River Festival Packets for the coming River Festival and our program does 95,000 of those packets within a period of six to six and a half weeks."

Chairman Unruh said, "So it's fun being retired, huh."

Mr. Aurora said, "It is fun being retired. It's usually busier than when you are working."

Chairman Unruh said, "All right, well thanks for being here. Madam Clerk, next item I guess."

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, February 7, 2007

The Clerk reported that all commissioners were present at the Regular Meeting of February 7, 2007.

Chairman Unruh said, "Commissioners, you've had the opportunity to review the Minutes of the February 7th meeting. Are there any additions or corrections? What's the will of the board?"

MOTION

Commissioner Welshimer moved to approve the Minutes of the regular meeting of February 7, 2007.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

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Chairman Unruh Aye
Chairman Unruh said, “Commissioners, before we take the first agenda item, we need an off agenda item for a proclamation.”

MOTION

Commissioner Winters moved to consider an Off Agenda item.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

OFF AGENDA ITEM

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

PROCLAMATION

WHEREAS, ACT of South Central Kansas (Advocates in Communities Team), along with numerous agencies serving individuals with developmental disabilities, is making a concerted effort in 2007 to bring awareness of the needs and abilities of individuals with mental retardation in our community; and

WHEREAS, mental retardation is a condition which affects more than 12,000 Sedgwick County children and adults and their families, many of whom wait on long lists for needed services and supports; and

WHEREAS, public awareness and education enhance a community’s understanding of issues affecting people with mental retardation; and

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WHEREAS, the month of March has been designated National Mental Retardation Awareness Month and thousands of social service agencies serving millions across our nation will be undertaking public awareness initiatives during this month.

NOW THEREFORE BE IT RESOLVED that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim March 2007 as

“Mental Retardation Awareness Month”

in Sedgwick County and call upon all Sedgwick County citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental retardation and the need for appropriate and accessible services for all people with mental retardation to live full, productive lives within our community.

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

MOTION

Commissioner Winters moved to adopt the proclamation.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Chairman Unruh said, “And we have someone here to receive the proclamation. Please introduce yourself.”

Mr. Kevin Fish, ARC of Sedgwick County, greeted the Commissioners and said, “Proud to be a Member of ACT and I want to thank the county commissioners and the county staff for your continued support for people with disabilities and we greatly appreciate that and we can continue to work strongly together.”

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Chairman Unruh said, "Well thank you very much for being here and I think most of us try to have the intellectual understanding that if we can just be aware of the issues around mental retardation and somehow, in our own heart and life, reduce the stigma attached with that, we've come a long way in trying to be helpful and supportive, so we hope we at least accomplish that."

Mr. Fish said, "We appreciate that."

Chairman Unruh said, "All right, thank you very much. Madam Clerk, call the next item."

APPOINTMENTS

A. RESOLUTIONS (THREE) APPOINTING MEMBERS (COMMISSIONER PARK'S APPOINTMENTS) TO THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.

- REAPPOINTING DAVE JONES
- REAPPOINTING GREG SULLIVAN
- APPOINTING JERRY WINKLEY

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "We're prepared these resolutions, two of which are for reappointments of Dave Jones and Greg Sullivan and one to appoint Jerry Winkley to this board. These are all four-year appointments and I would recommend you adopt the resolutions."

Chairman Unruh said, "Thank you. Commissioners, what's the will of the Board?"

MOTION

Commissioner Parks moved to adopt the Resolutions.

Commissioner Welshimer seconded the motion.

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

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VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Chairman Unruh said, “And County Clerk Don Brace is here to swear in Mr. Winkley.”

Mr. Don Brace, County Clerk, said, “Good morning, Jerry, how are you today? Good. Please raise your right hand.

“I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Physical and Developmental Disabilities Advisory Board, so help me God.”

Mr. Jerry Winkley, Member, Sedgwick County Physical and Developmental Disabilities Advisory Board, said, “I do.”

Mr. Brace said, “Congratulations.”

Chairman Unruh said, “Mr. Winkley, if you’d like to say something, you’re sure welcome to.”

Mr. Winkley said, “Well, I do appreciate the chance to serve in this way. I have five children. My wife and I are blessed with three sons, two daughters. Our second son is 19, he’s autistic, he a graduate of Valley Center High School and is now attending Chisholm Live Skills and is involved in the arts program during the summer, so thank you for the opportunity to serve and thank you for the invitation.”

Chairman Unruh said, “Well, we appreciate your willingness to participate in what we think is a very important board and it’s a real service to our community so thank you. Excuse me just a second, we do have another commissioner that wants to speak. I got a little eager here. Commissioner Parks.”

Commissioner Parks said, “I did want to thank Jerry for serving. He’s a terrific citizen of Valley Center and community oriented and he also is a good Sedgwick County business person, so thank you Jerry.”

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Mr. Winkley said, "Thank you, Kelly."

Chairman Unruh said, "Madam Clerk, next item."

RETIREMENT

B. PRESENTATION OF A RETIREMENT CLOCK TO ANGELA SILVA.

Ms. Jo Templin, Director, Division of Human Resources, greeted the Commissioners and said, "Angela Silva will retire April 1 from the Department on Aging. Angela wanted to come today, but she had a family conflict arise and cannot be here. Her clock was given to her by Annette Graham, the Director of Aging yesterday and Angela just wanted to say thanks and that she appreciated the recognition of her service to Sedgwick County. Thank you."

Chairman Unruh said, "All right. Well be sure to communicate to Ms. Silva our appreciation for her years of service and we know that she has a full plate, takes care of her mother I believe who has Alzheimer's and serves the county and is a busy person, and so tell her thanks for her service to Sedgwick County."

Ms. Templin said, "Thank you."

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

DEFERRED ITEM

C. MAPD CASE NUMBER 2006-00035 – CONDITIONAL USE FOR SAND EXTRACTION, GENERALLY LOCATED ON BOTH SIDES OF 61ST STREET NORTH BETWEEN TYLER ROAD AND MAIZE ROAD. DISTRICT #4.

Chairman Unruh said, "Okay, Commissioner Winters, did you want to say something now? Commissioner Winters."

Commissioner Winters said, "I just wanted to acknowledge, for the record, that I have received several e-mails from people regarding this position, both in favor and opposition of this zoning case. Again, I just share that as a matter of information. Thank you."

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

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Commissioner Parks said, "Matter of information also, I've received several e-mails from people, both in favor and in opposition to that and I did forward all of those to the Legal Department."

Chairman Unruh said, "All right, thank you. And Commissioner Welshimer."

Commissioner Welshimer said, "I have also received several e-mails from both sides on this issue."

Chairman Unruh said, "All right, well I would also explain that I've had . . . what's the correct term, Mr. Counselor, ex parte, communication, do this right, from a developer in the area who is concerned about issues on 53rd Street and had conversation with some folks from the Sierra Club and also have received some e-mails regarding this issue, but have not made up my mind and waiting until we hear full information about this issue, which we'll hear in a few minutes. Commissioner Norton."

Commissioner Norton said, "Well I guess I'll be the final one to disclose the same information. I've had contact with both sides, a few of my e-mails, a couple of phone calls and one meeting with the developer, and I think that puts it on the record that obviously we've all had some contact."

Chairman Unruh said, "Okay, well John before you begin your presentation, just so everyone is fully aware of a little bit of the recent history, we first heard this on February 14th, had lengthy testimony with lots of citizens, proponents and opponents of this particular proposal and at that time we declared that we would not be hearing anymore public testimony but there are several people here who have an interest in this issue and if the commissioners have a particular question of one of the experts or someone related to this issue, well commissioners can call them up to ask, but we won't be hearing anymore just general public testimony.

So with that, Mr. Schlegel, you can bring us up to date on where we are."

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Okay, thank you Mr. Chairman. Commissioners, I'm John Schlegel, Metropolitan Area Planning Department. And because you're more than familiar with this case and its location, I don't need to go through much background on this. What I've prepared is a series of slides which will remind you of a recommendation made by the two planning commissions that have reviewed this case so far, and also we'll review the issues that we as staff have been working with the applicant and with the opponents to try to reach some resolution and we have some recommendations regarding those issues for you.

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First, a reminder that the Metropolitan Area Planning Commission, in their review, recommended approval of this conditional use with six conditions. I'm going to quickly review those with you. The first condition that is up on the screen before you now requires that they proceed with the excavation of the sand at the sandpit in accordance with the approved redevelopment plan that you have seen and I will be showing you a slide of that a little later in my presentation. Also that this sandpit operation will be subject to all the supplementary use regulations that are found in the unified zoning code for sandpit operations.

In addition, this condition would require a certain number of improvements be made in order to provide for better access to the site by the trucks that would be hauling sand out of here. We will have some recommendations for modifying this later in my presentation.

Condition number three deals with dust control on the site. Condition number four deals with the hours of operation. Currently that recommendation is for truck loading to be limited to 7 a.m. to 5 p.m. Condition number five deals with the length of time for this conditional use and that recommendation is for 20 years with the possibility of an administrative adjustment at the end of that 20 years for an additional two years. And condition number six from the Metropolitan Area Planning Commission, it's a standard condition that allows the zoning administrator, in concurrence with the planning director to declare the conditional use null and void if circumstances warrant.

The Maize Planning Commission held two public hearings on this case and at the end of those deliberations recommended approval of this conditional use, subject to the conditions that were being recommended by the planning department and those two additional conditions that are listed out there: first that the future concept plan be in conformance with the revised layouts that were shown to the planning commission at those meetings and that a new traffic study be done after one year of operation of the sandpit, to see whether or not any additional road improvements were required.

In the minutes from those meetings it was also made clear by the planning commission that they had certain other expectations. They felt that the following items were committed by the applicant during those meetings. Its as quite a comprehensive list and the conditions that we'll be reviewing, as I go through this today, cover all of those bullet points except for the electric drudging.

At the February 14th review, the issue of the proximity of the northernmost phase of this project to the Arkansas River levee was brought up and as a result of that, the Public Works people have come up with a condition that would address that issue.

Now what I'd like to do is just go through these outstanding issues, let you know where things

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stand, both from the applicant's point of view and from the opponents and then to offer up some recommendations. The first of these issues is the need for a new traffic study. The Maize Planning Commission recommended a new study be done after one year of operation. The opponents want a new study done prior to the start of operations, and one that would cover a broader geographic area.

Our staff recommendation on this particular issue is that the applicant should be required to complete a new traffic study prior to the start of operation that analyzes traffic impacts of this sandpit on 53rd Street, extending from Maize Road over to Ridge Road. This traffic study would be submitted to whichever the appropriate governing body would be done, or whichever governing body has jurisdiction at the time of its completion for its review and approval and that the applicant then would be responsible for any road and traffic controlled improvements that are recommended by the study.

Length of time of the approval is still an issue. Both the MAPC and the Maize Planning Commission have recommended 20 years, with the two year administrative extension. The opponents would like that limited to ten years. In addition, they would like a biennial review by the governing body of the area that's being excavated, the stockpile locations, the height of those stockpiles and documentation on the number of trucks used on the previous year.

Staff recommendation, you see up there before you, is a modification on the MAPC and Maize Planning Commission recommendation. The conditional use would still be valid for 20 years, following the final action of approval, but that extraction operations would be limited to no more than 15 years and would allow again the administrative adjustment of two years, after the 20 year period is up.

Hours of operation continue to be an issue, although everybody agrees on the seven a.m. to five p.m. time period. The MAPC and Maize Planning Commission are not recommending any limitation on days of the week. The opponents would like loading to be restricted to Monday through Friday and our staff recommendation is because of operational considerations of the sandpit, that you use the MAPC recommendation if you are inclined toward approval.

The height of the stockpiles has become an issue. The opponents would like stockpile heights to be limited to no more that 25 feet. LaFarge, the applicant, would like that height limit to be at 40 feet and the staff recommendation is for a height limitation of 40 feet.

There's still a number of post-operational development plan issues that have been brought up, both by commissioners and by opponents. I's like to go through a series of slides of graphics that have

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been submitted by the applicant that deal with three of these impacts on the floodplain drainage and the pipeline and power lines that go through this site. This is again just to remind you the post operations development plan that has been submitted by the applicant and this is the plan that they would be held to by the first condition recommended by the Metropolitan Area Planning Commission.

This next slide, you can see, now shows the FEMA floodplain. It's the area outlined in that kind of blue color. The applicant has submitted this slide which shows what they are calling their preliminary studied floodplain, and this is based on their additional study of the Little Slough through this site and what they project is probably more likely the existing floodplain through this site. And the red outline shows what they're showing to be the preliminary proposed floodplain following the development of the site.

Issue was raised by commissioners regarding how the development of this site would drain into the proposed lakes and you can see from the schematic of drainage that the front of the home sites and the streets would drain . . . or the fronts of the home sites would drain to the streets, the streets then drain to drainage swales at intervals along the street. At the end of those drainage swales there would be a filter basin, so all the runoff would go to one of these filter basins. The backyards would all drain toward a bermed area, adjacent to the lakes and toward additional filtration basins.

There is a high-voltage power line that goes through this site, as well as a gas line. The power line is shown in red and the gas line in that green color on this particular graphic and this is an enhancement of the development plan showing how the easement for the power line and the gas line relate to the proposed lots for . . . in the post-operations development plan and you can see the electric power line is immediately adjacent to the road right-of-way. The gas line is set back further from that and then there would be home sites set back from the gas line. A little bit more detail that they have submitted on that, in this particular graphic, showing how a house would be sited on those lots.

There's a number of other post-operational development issues that we've been discussing, both with the applicant and opponents. The opponents would like to have the plats completed for each phase of the development plan prior to the start of excavation. We do not recommend this, as staff, simply because of the length of time that it can take to get plats approved and recorded could potentially put large gaps in their operations plans for the sandpits. They have also asked for approvals by state and federal agencies prior to any excavations that would affect the floodplain. We don't recommend this as a condition of approval, simply because that's an issue that needs to be dealt with at the platting stage.

Groundwater monitoring has also been an issue. The opponents have asked that a condition be included if this is approved that would mandate the installation of monitoring wells that would measure any potential impacts, both on water quality and ground water levels. You heard at the

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previous meeting the LaFarge experts, their hydrology experts testify that sandpit operations should not have a noticeable effect on groundwater levels and there is no evidence that we've seen to indicate that sandpit operations negatively affect groundwater quality.

And as we've worked on these issues, with both the applicants and the opponents, we have developed some additional conditions that you might want to consider if you do approve this. The first one deals with annual inspections of the conformance of the excavations with the development plan and if they do encounter any substantial problems, unexpected issues in the excavation, as they go through their extraction operations, then they would be required to submit revised plans for approval.

That second bullet statement, I didn't realize it in putting this together but it's the same statement as the first condition, so that's really not necessary and then the third bullet would require that they provide a contact point for that . . . that the applicant provide a contact point to receive all complaints from the public regarding either extraction operations or traffic.

Then finally, we are recommending some modifications to the MAPC conditions, based on additional information and the additional conversations we've had with both applicants and opponents. In this first condition, what we're modifying is we're trying to be more specific about in referencing specific plans that have been submitted by the applicant for review. In the second condition, this would require not just a right-turn in at the . . . and left-turn on 53rd Street, at the point where the access road intersects with 53rd Street, but it would also require now an acceleration lane that would be turning right, off of the access road onto 53rd Street and heading west. And then it also includes some other improvements that weren't covered in the way the condition was originally written.

And then finally the third condition, we just added the qualified 'unpaved interior roads', since they won't have a number of interior roads already paved and this has to do with dust control of any unpaved interior roads, work areas and stockpiles.

And that completes my presentation, Mr. Chairman. I'd be glad to take any questions."

Chairman Unruh said, "Okay John, thank you. That's a . . . I think that's as clear as we can be right now. I would just want to ask a general statement. You have been in contact with the applicant and the applicant is in agreement with all the recommendations of the MAPC?"

Mr. Schlegel said, "They are willing to conform to all these conditions that we are currently recommending, yes."

Chairman Unruh said, "Okay, including the traffic study?"

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Mr. Schlegel said, "Including the traffic study, yes."

Chairman Unruh said, "Okay. We do have some questions. Commissioner Parks."

Commissioner Parks said, "Back on slide 21, the groundwater monitoring, the District Groundwater Management would address groundwater levels during the operation of this project, if there was a concern, they could be contacted and . . .?"

Mr. Schlegel said, "Yes, if there was a concern, if there was a noticeable impact on any neighbor's wells, then the agency of jurisdiction there would be the DWR and they should be called in then to investigate that."

Commissioner Parks said, "Okay, thank you."

Chairman Unruh said, "Are there other . . .? Commissioner Winters."

Commissioner Winters said, "John, we talked about, at our previous meeting, the capacity of 53rd Street and maybe you addressed that, but I missed part of it. What are we saying now about the traffic counts on 53rd Street and where is it that normal traffic engineering protocols say you need to start talking about four-lane highways?"

Mr. Schlegel said, "Is Mr. Weber here? Mr. Weber, would you like to address that question?"

Mr. David C. Spears, P.E., Director, Bureau of Public Works, said, "I can make a comment while Jim is on his way up there. It looks like that most of the traffic count right now is about 4,000 vehicles per day. We don't see this impact as being significant enough to go to four lanes. We generally do that at around 10,000 vehicles per day. It looks like the impact is 500 additional truck trips per day, 250 in, 250 out, so we don't see that as significant enough to go to four lanes and the existing road will handle it. Do you have further comments, Jim?"

Mr. Jim Weber, Deputy Director, Bureau of Public Works, greeted the Commissioners and said, "I think the only thing I would add to that would be that the traffic situation on 53rd is a little bit unusual in that there are higher counts east of Tyler Road and there are higher counts west of Maize Road, so on that whole stretch from Meridian to Colwich literally, this mile is the lowest count in

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that stretch and they're projecting that 80% of the trucks are going to hit 53rd and go to K-96 and then head south, so their impact is on this mile and very little of it is going to impact anything else on 53rd and this is the mile with the lowest traffic count on it, so."

Commissioner Winters said, "Am I still on? And so Jim, 53rd Street then is a former state highway. It was formerly K-96 Highway before the new highway and the state has turned that over to Sedgwick County. Now it is a Sedgwick County road."

Mr. Weber said, "It is a Sedgwick County road. It would, because it's a connecting link through Maize, we would continue to maintain that road. We don't have anything in the CIP for 53rd Street. It's in good condition, other than like the rest of our roads out there in our system, we have it in a five-year rotation for ongoing maintenance seals and overlays."

Commissioner Winters said, "Well I guess my only point was that at one time it being a state highway, I know that in the county we have some county roads that I would call superior, some that are average and some that are probably inferior, but this at one time was a state highway, so it was really built to state specifications at one time and I mean pretty wide ditches and seems to be . . ."

Mr. Weber said, "This is a real good piece of two-lane and I've been out there twice since you last heard this thing and I just would mention to you that sight distances out there, for example, are excellent. This thing is flat, there aren't any trees in the way. You couldn't really look for a better situation, if you were going to have to put some traffic onto a piece of roadway."

Commissioner Winters said, "All right, thank you very much. That's all I had right now."

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

Commissioner Welshimer said, "Well I just had one question about the roads again. Assuming . . . I mean, just about every road we have in Sedgwick County is down at some time or another and we're working on it. And so, if we do have maintenance to do to this area of 53rd Street, how are you going to redirect the traffic when you have, you know, all these huge trucks and all that. Are you going to do it lane by lane?"

Mr. Weber said, "On any job, we have several options depending on the length of the work that needs to be done. They start with flagging operations, where you use traffic controls to get people diverted around it and you literally stop people at each end to get the traffic by. On a lot of major construction projects, particularly where there are businesses or industrial operations, if we're doing

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a rebuild, we'll add a temporary lane on so we can have two lanes going all the time as we build half of it. That's the kind of operation we've had going on at 13th Street out east. The thing about that issue is that even if this operation doesn't go up there, we still have to deal with 4,000 vehicles a day and that's, whether it's 4,000 or 4,500, the traffic control that's required to do construction or maintenance work really doesn't change at all. We already have truck traffic up there, it just would be a higher number of trucks. But it's not something, and I think Dave will agree with this, it's not something that we would expect to cause us any real additional problem over what we, you might say, we already have."

Commissioner Welshimer said, "The trucks we have already, are they big huge semi . . .?"

Mr. Weber said, "Yes. Well, we have detailed counts and our traffic people have been up and we have been classified right down to the number of axles that we have, and there are a significant number of semis up there right now."

Commissioner Welshimer said, "Thank you."

Chairman Unruh said, "Is that all? All right, thank you. Any other questions, commissioners?"

Mr. Schlegel said, "Mr. Chairman, if I might add another point on Commissioner Winters' question, the whole purpose of the condition we're recommending on the new traffic study is to require that they take a look on the impacts on the road system that are attributable to the sandpit operation and then that they make improvements that would mitigate those identified impacts."

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

Commissioner Parks said, "Mr. Schlegel, on slide 24, I do have the correct information, the latest and updated, that that wording has been changed from 'the installation of acceleration and deceleration and left turn lanes' to that from 'right and left turn lanes'."

Mr. Schlegel said, "Correct."

Commissioner Parks said, "Thank you."

Chairman Unruh said, "Commissioner Norton."

Commissioner Norton said, "John, give us an update on how the applicant/ opponents meeting went. They had a series or some meetings to negotiate some of this, to talk about their difficulties, the things they didn't agree on. How did those go? What came out of it? As I see, recommendations that the opponents may have brought forward, MAPC didn't recommend any of

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it, so it didn't look like it to me."

Mr. Schlegel said, "No, a lot of that information only came out . . . the identification of some of those issues only came to our attention after the public hearing that you held on February 14th, and as you recall, Bob Parnacott and I met with the opponents and the applicant right after that meeting. We spent the afternoon trying to identify as many issues that will need to be addressed.

And then since that time, Bob and I . . . well Bob primarily, Bob's been kind of the point man on trying to get as many of those issues resolved between the applicant and the opponents. And Bob is either, through a series of telephone calls and e-mails and has made a very valiant attempt to try to get those issues to a point where we could present something, a recommendation to you. Now I don't think you were able to fully resolve all those issues to everybody's satisfaction and what we present . . . what I just presented to you today was the point we're at at this time. Did I answer your question?"

Commissioner Norton said, "Well, not really. To me, the reason we deferred was so the two parties could come together and find a win/ win situation for both and I'm not sure we're there yet, in my own mind."

Mr. Schlegel said, "Not on all the issues. There are several of these issues where we have not been able to bring them to a necessarily win/ win and what we're offering to you is the . . . just trying to point out where things stand in those negotiations at this point in time and our best recommendation at this point in time."

Commissioner Norton said, "Was there any subsequent meetings past the one that happened the day of the deferral?"

Mr. Schlegel said, "You're talking about face-to-face meetings?"

Commissioner Norton said, "Yes."

Mr. Schlegel said, "No."

Commissioner Norton said, "So to resolve this, one meeting the day of the deferral and that's been the conversation between the applicants and the opponents, to your knowledge."

Mr. Schlegel said, "Well staff has been serving as the go-between in between, trying to broker, to the best we're able to, an agreement between the two parties."

Commissioner Norton said, "Is Bob here?"

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Commissioner Norton said, “Describe the sticking points, both sides, that haven’t been resolved in your mind. Doesn’t have to be every little one, but there’s got to be two or three that the applicant won’t budge and the opponents won’t budge.”

Mr. Robert Parnacott, Assistant County Counselor, greeted the Commission and said, “I think John went through those. It would certainly be the length of the operation, again the opponents were looking for ten years as a max. The applicant is saying twenty, is willing to agree to limit their extraction to 15, so that is one issue. Certainly another issue is the height of the stockpiles. We’re at a difference between 25 to 40. Help me out John. Days of operations, the opponents would like to again restrict it to five. The applicant feels they need seven to accommodate some weekend work. And then the groundwater monitoring is also one that the opponents have stuck to and really would like to see, but again staff’s recommendation is that we don’t see any reason to support that.

We’ve been sharing information back and forth, as we get e-mails or submittals from one side, we send it to the other side and John is right, we’ve been keeping the conversation going, but we had a very lengthy meeting on the 14th. We met for probably three hours total, around the table with everybody. Had a very good, open, frank discussion. Things got heated a few times, things got cooled down, but we had a good understanding of both sides, of where they were at, and I think the last few weeks have just been that, staff working with both sides, sharing information and trying to get as much resolved as we can, but we’re at the point where there’s no more movement, I don’t believe.”

Chairman Unruh said, “If I might interrupt the commissioner’s comments here just a minute, but the point is that as near as we know, all of the issues have been discussed, we’ve just not come to agreement on all of them, but none have been ignored, as far as discussion.”

Mr. Parnacott said, “That is correct. We have addressed every single issue that either side has raised, shared it with the other side, gotten comments from both sides and now staff has come up and said, ‘well this is where staff feels, from a professional standpoint, is the best solution.’”

Chairman Unruh said, “Thank you. Thank you, commissioner.”

Commissioner Norton said, “Okay. As we move forward on the annexation, Maize will be obligated to take the roads and infrastructure if they annex on 53rd Street. Did we come to any conclusions there?”

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Mr. Parnacott said, "Obligated is probably a strong word. They've made a commitment to annex those roadways. If they do not annex the roadways, we certainly have the authority to tell them to annex the roadways, so one way or the other, those roadways will be annexed."

Commissioner Norton said, "Maybe obligated wasn't the right term, but that's a sticking point for me. I want to make it clear that 53rd Street, particularly if there's going to be development on the south side and I understand there is, the new I-Max theater, that development is going to be on the south side of this, that puts Maize on both sides of the road and I think it becomes their issue to decide whether it needs to be four-lane or needs to be expanded, not the county's. They can certainly maintain it as a county road, as long as it needs to be an arterial, but if it becomes a City of Maize infrastructure, then they need to take care of that."

Mr. Parnacott said, "And I would note, I may need to get confirmation from either Jim or David, but isn't the intersection at 53rd and Maize, K-96, isn't that also under some KDOT control as well?"

Mr. Spears said, "Not right at 53rd and Maize, no but over towards the interchange, that is KDOT's yeah. And commissioner, keep in mind that Maize is under 5,000 population, so 53rd would still be a connecting link and our responsibility for maintenance until they go over 5,000."

Commissioner Norton said, "What's the present population of Maize?"

Mr. Parnacott said, "3,000 maybe, 2,500."

Commissioner Norton said, "Okay. I have an issue with the length of term, the twenty years plus two, plus whatever and you're talking about moving that down to 15. Explain that."

Mr. Parnacott said, "Well, what we've heard all along from the applicant is they've got a current operation that they will be closing down and then they will be ramping up at this new place, but it's going to take them, we've heard, maybe three-four-five years maybe before they get the new place ready to start operating. So they built that into their 20-year period, so they believe out of that 20-year period they were asking for really they're only going to be extracting for about 15 years and so we just said well let's just put that into the condition and say 'okay, you have 20 years, but of that 20, you're going to be limited to only 15, plus a possible two-year extension of extraction only'."

Commissioner Norton said, "Is it typical to take four to five years to start up an operation? Every sandpit I've known, they've jumped in pretty quick, and within months they can be extracting sand."

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Mr. Parnacott said, "Using those are single operators that maybe they're going to operate both sites, they're smaller sites they're operating. This is a little different than some of the other sites we've seen, but I don't see that as terribly unusual. I mean, they've got an existing site, it's just like for example C & D landfill is filling up, they would continue to work that site, but they need to be ready to start at a new site as soon as they're filled, so you want to have one waiting in the wings, so when you've finally filled your cell in your landfill, then you can start taking in trash or C & D waste at the other one. Maybe I'm not explaining it very well, but it makes sense to me."

Commissioner Norton said, "I guess I was trying to get to how long does it traditionally take to ramp up a site for a sandpit operation, the extraction? It's certainly not four or five years, typically, if they want to be in there quicker."

Mr. Parnacott said, "I just don't have the experience to answer that question."

Commissioner Norton said, "Okay."

Chairman Unruh said, "Is the applicant here that could answer the commissioner's question? Please."

Mr. Darrell Moran, General Manager of Aggregates, LaFarge Inc., greeted the Commissioners and said, "Because anymore getting permits, CUs, it's a longer process, takes several years to go through this, we have to look out into the future and that's what we're doing here, so where we are now on North West Street, yes we're going to be there for another five years, we're going to be doing extraction there, phasing that site down and then in that interim we're going to be phasing up the other site. But we have to look out into the future now, because of the process just takes longer to go through."

Commissioner Norton said, "So has that changed, has that process changed recently, with permitting? Because I just know of other sandpit cases we've dealt with, it didn't take that long for them to be hauling equipment and putting up infrastructure and running trucks. It just didn't take that long."

Mr. Moran said, "Yes, commissioner, to start, we first have to fence everything and do all that, that whole process, in a year and a half, you can actually start putting your footings down, you can start

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taking your topsoil and throwing it off to the side. You can start taking the overburden and getting down to the reserves of sand and the bringing in the . . . you know, getting the capital, getting your plan designed and built, you're talking about a year and a half to two years if you really go after it hard, but again, because you know we started this, at least in our mind, this process two years ago, so if we wait now two more years, now we're down to a three-year window when we're still operating where we are now. Now if we have any issues come up, then we're going to be in trouble if we want to stay in business. I don't know if I answered your question, commissioner."

Commissioner Norton said, "Well, I just have reference to ones we've dealt with recently and I can tell you, we're a year and a half from when we voted on it and we're in full operation and have been in full operation for six months. I don't understand that protracted length of time we're talking about when I've seen other operations having a spade in the ground pretty darn quick."

Mr. Moran said, "If I know which company you're referring to, they were right next door to the site they're at now and they were able to take their plant, although they have to move it, they were able to run right up until the moment that they could go ahead and put their footings in, which I think they're doing now and then they're going to shut their plant down and hopefully they've got their stockpiles built up to serve their customers and then they're just going to move it a matter of feet."

Our plant has been there longer, on North West Street, so we're literally going to have to build a whole new plant and all the engineering that goes with it."

Commissioner Norton said, "Yeah, you're not referencing the right one, it's a single operator in a new location."

Chairman Unruh said, "But . . . may I interrupt you?"

Commissioner Norton said, "Yeah, go ahead."

Chairman Unruh said, "But the actual extraction operation is only going to last 15 years. If you start in two years, you get 15 years with a possible two years, if you start in whatever, so this is a window of business management, this five years to . . . this extra five years in that time for you to get ready."

Mr. Moran said, "That's correct, yes."

Chairman Unruh said, "All right. Thank you, Commissioner."

Commissioner Norton said, "Okay, thank you. The next issue for me is the size of the project, just

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the acreage. Of operations I've seen, this is two, three, four times the acreage and then we've also had the question, whether it's reality or not, but the question posed there's four hundred other acres that are sitting there with water rights that have good sand on it that could be the next phase that makes this a huge operation, much larger than we've ever seen in other cases that we've dealt with since I've been a commissioner, so that concerns me. It's a huge acreage, all at one time, big apple to bite into.

The amount of truck traffic still concerns me, going out on 53rd Street and crossing 61st. That's going to be a paved road with a township dirt road crossing it and I'm concerned about the signalization. We say there's going to be bus traffic. As I look at roads down in my district, where you have a paved road, where a dirt road crosses it, that is dangerous if you're in a rural area, because dirt traffic has a hard time stopping when they come up on paved roads and everything and I hadn't heard about what the signalization is going to be, what kind of control we're going to have, are the trucks on the paved road have full access and the dirt road stops, or does the paved road stop and the dirt traffic runs all the way through on 61st? I hadn't heard anything about that, and that concerns me, as I think 79th and Seneca, South Seneca, part of it's dirt, part of it's paved and that's a very dangerous four-way stop and we haven't heard about what we're going to do with that area.

I'm concerned with the development plan, because the development plan is offered up to us by an applicant but the owner of the property will eventually have to administer the development plan, as I understand, if it ever goes forward, so I don't think you can encumber an applicant with that. You're encumbering the owner of the property with that. Is that correct?"

Mr. Parnacott said, "The conditional use encumbers the owner and the applicant, so the owner is still going to be bound by all the conditions, certainly regarding post-development. Applicant is bound by the conditions that are tied to the operational aspects."

Commissioner Norton said, "Okay, but the conditional use is assigned to the property, not to the applicant."

Mr. Parnacott said, "It is issued to the property owner. Yes, who are leasing the property than to the applicant to operate....."

Commissioner Norton said, "And the applicant, at some point sever the relationship, move on and they have no obligation to the develop plan at all?"

Mr. Parnacott said, "The obligation of development plan remains with the land owner. Yes"

Commissioner Norton said, "So, ultimately, what I just said is true? Ultimately?"

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Mr. Parnacott said, "Yes."

Commissioner Norton said, "Okay. So, I have a little concern with that as to where we're really going with the development plan if it's not encumbered to the applicant. It is only encumbered to the owner of the property and we haven't talk to the owner of the property at all about the development plan and how much money they are going to put into it and who is going.....they're not developers, they are property owners, so who is going to be developing it, is it really going to come out like it is talked about. I'm concerned about the new development impact of the IMAX thing that....I've read three articles and everyone is excited about it, but that's directly across, I understand, unless I'm wrong, from the entryway of the service road, right across the street. Now if I'm wrong, Richard LaMunyon may be able to tell me exactly where that's at and maybe that's not even pertinent, but it is a changing dynamic for that area."

Mr. Richard LeMunyon, City Administrator, City of Maize, greeted the Commissioners and said, "The IMAX Complex plan is located, will be located, assuming we can get things going as we hope, we are very exciting about having it. It would be located, if you can visualize coming north on 96th and getting off on 53rd Street at Maize, and immediately turn to your right, it would be located in the next block to your right on the south side. Which would put it approximately, and I'm just estimating, ½ mile further back to the west from where the entrance for the LaFarge project is currently being proposed. Also, of course as with any major development whether it be an IMAX, whether it be a Lowe's or whatever might go in up there, they will be obligated to make the necessary improvements along 53rd similar to what LaFarge is being asked to do. Whether it be an additional lane to the south, turn lanes, signalization, whatever is required, and of course that is yet to be determined by the development as it progresses. They will have to stand on their own in terms of impact of the traffic that they bring to that corridor."

Commissioner Norton asked, "It is going to be further west and not be encumbered in the entryway to the project?"

Mr. LeMunyon said, "No, sir it will not."

Commissioner Norton said, "Okay, good. Thank you."

Mr. LeMunyon said, "Yes."

Commissioner Norton said, "As we talk about traffic on that 53rd Street, its got about a 4,000

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count a day, I would be interested in the last five years, how has that grown and what is the projection for growth other than the sandpit. If it was a 1,000 two years ago, it could grow pretty quick to the 10,000 warrant depending on how that area is growing. We all know that that corridor, that whole area up there, particularly if you look up Maize Road and what happened with the new market and everything, there is going to be huge amount of growth potential and I hadn't heard what that last five years passed has been. Because if we started at a 1,000 cars a day and now we are at 4,000, it is not hard to project in three years you're going to be growing whether you have truck traffic or not. I'd be interested in what that looks like because that warrant may be met much quicker than we believe."

Mr. Parnacott said, "I'm assuming none of these are questions, it sounds more like statements.....I could respond to these if you'd like."

Commissioner Norton said, "I guess now I'll ask a couple of questions. Can annexation be a condition of approval?"

Mr. Parnacott said, "No."

Commissioner Norton said, "No. Can the owner be held to the conditions of the development plan, I mean the developer?"

Mr. Parnacott said, "Yes."

Commissioner Norton said, "Even though they are leasing it?"

Mr. Parnacott asked, "I'm sorry, please repeat the question. I thought you said, did you say the owner?"

Commissioner Norton said, "I started out with owner, but I meant the applicant held to the conditions of the development plan."

Mr. Parnacott said, "Under one of the proposed conditions that John has raised, somebody.....the governing body will be allowed to inspect to make sure their extraction operations are consistent with the eventual contours of their development plan. So, yes, there is going to be a control in there to make sure they don't over excavate or change their excavation pattern so that it would impact the conceptual development plan."

Commissioner Norton said, "Okay. What is the difficulty with the stock pile going from 40 feet to

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25 feet? What was the thought process there? We had that same debate when we were talking about a C & D Landfill that was off of West Street. The rock crushing, yes. With the height of everything, is that a site esthetic thing for the opponents and a condition of business for the applicant?"

Mr. Parnacott said, "The applicant has told us from an operational standpoint, they need to maintain 40 feet heights. Now they may be better to address why that is, but that is what we have heard from them. It is certainly an esthetic concern of the neighbors, the operators telling us that they really need 40 feet as a minimum, or as a maximum height."

Commissioner Norton asked, "Is that a sticking point condition that you couldn't run the operation if you could only go 25 feet, or is it just that you can't stockpile as much aggregate as high as you want to? It does maximize the space you have."

Mr. Parnacott said, "If you would like an answer to that I think we probably better have the....somebody from....the applicant come up."

Mr. Moran said, "The height of the stockpile is if we have a shorter stockpile, it does have some engineering things to do with our conveyor belts and the height of our plant elsewhere, but the main point is that if we go shorter smaller stockpiles in height, we have a bigger footprint for inventory. We would go to 35 feet, 30 feet but then we would have to reengineer to have bigger footprints. So our size of our stockpiles would be bigger at the base."

Commissioner Norton said, "With the amount of acreage you have, it's not an acreage problem of where to put it, it's just that you would have to refigure the footprint."

Mr. Moran said, "It is an engineering thing. Yes."

Commissioner Norton said, "Okay. Thank you. That's all I've got now. If there are others that would like to comment, I'd like to hear."

Chairman Unruh said, "Can we have other Commissioners who would like the opportunity to speak. Commissioner Winters."

Commissioner Winters said, "Thank you Mr. Chairman. I guess I've got a couple comments for

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Commissioner Norton and then since he listed some of his concerns, I want to talk about some of the issues that I'm thinking about in this case. The issue of not starting for four years and it seems to be a premature request from the line of Commissioner Norton's questioning, if we would just think for a moment, if we should deny this application today, they have already lost two years and then to come back and have a reconfiguration any place on this site will be at least a year before they can re-file that application or to go find some other location in Sedgwick County to obtain the aggregate they are going to need. Four years doesn't seem like a very long lead time to start this planning process and this hearing process. I interpreted what they said as...when they were talking about permits, they are even talking about dealing with County Commissioners such as ourselves in their long range plans. Again, I don't think four years is a real stretch in what they should be looking for.

Just some of the things as we've gone through these hearings two weeks ago and then today, some of the things that have influenced me about making this decision and I'm going to say have influenced me on the side that I think the applicant and the owner of this property have made in a positive way. Those things are one, the amount of paving that's going to be done, hard surface paving from the access road from 53rd Street up to the plant, there is going to be more than a mile of paving on that road, plus the interior road paving and the high traffic areas as shown from one of their site plans, I think there is going to be significant paving inside this area. The landscaping and the trees along the entrance road were impressive to me. The fact that it is in Maize's area of zoning influence is always a factor in my decision making. Maize Planning Commission has voted to recommending approval. The Maize City Council has had a vote recommending approval and those are important issues to me. We have had comments from both the Maize City Manager, Mr. LeMunyon and their planning and zoning person, Kim Edgington, that they do plan on annexing the roads around this property. As I look at aerial maps of this area, there are at least eleven other sandpit sites within some kind of radius. I don't know if that is five or six miles. Sandpits are not an unusual occurrence in this part of the county. It is important to me that routine inspections can be done and this conditional use can be ruled null and void if procedures aren't applied in a proper manner and conditions followed.

I know we have talked a lot about water issues and I know there has been some concerns on water issues. I think that it at least is noticeable by me that the equus bed folks have not been here to talk about concerns on this issue. The City of Wichita has their wells in this area and to the north and west of this area. The City of Wichita has not weighed in on this issue. I think that is important. I think the post plan that they have developed, I'm not sure that's going to be the exact one, but even to that gas and high line area, if that had to be entirely eliminated because of the gas and high line. I don't think that would ruin this entire area for future development. It has been important to me that the Traffic Engineer folks say that 53rd Street does have the capacity. I appreciate Commissioner Norton bringing up the new development at the Maize area just east of the current city limits of Maize with this IMAX Theatre and I think that is a perfect example where

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we need to plan in partnership with our smaller communities. I don't think we can say, 'hey, we're not going to let development happen in this area because we don't want you to put anymore traffic on our road.' Do we not want the IMAX Theatre to go in because we're afraid it could put more traffic on our road. Well, I don't think so. I think we want to encourage Maize as they move forward and try to be a partner and just as we've done on Maize Road going north from 29th Street, the county was an important part and did a major part of that construction when Maize Road traffic count went over 10,000. That's part of what we do in Public Works is build roads where we need to build roads to make sure that we've got good flow of traffic. Again, I think I would again support the recommendation of staff to do this preliminary traffic study before we get started to make sure we all know exactly what we've got there. To have this applicant assist with any controls that might be needed. The fear of more traffic is not one that I think is appropriate because I think we are going to build roads and we build ways to handle traffic.

So, Commissioner Norton shared some of his concerns and I just wanted to kind of put in the mix of the discussion because what we normally do is throw out our concerns and our positives and have a discussion about them to see where we end. With that said, those are issues I think the applicant has done a pretty significant job of laying concerns. I appreciate the applicant and those who are opposed having their meetings. I'm not surprised that they didn't come to perfect agreement. This is a project that probably not everyone is going to agree on and even though concessions would be made on both sides. I think there is still going to be those who question what this applicant would like to do on their own property. With that said I'll just let others make some comments."

Chairman Unruh said, "All right. Thank you. Commissioner Welshimer."

Commissioner Welshimer said, "Well I have pretty much the same concerns as Commissioner Norton. I have visited this area several times in all types of weather actually. I have visited sandpits all over the county since I'm really not that familiar with sandpit operations prior to this time. So, I really got myself a good education on sandpits. I've spent many years of my life in the real estate business and so that has caused me some concerns as to what will happen to the property values in this area. There is a large variety of different types of residential sub-divisions close end to where this operation is going to be. It just causes me concern to think of a large industrial operation getting right in the middle of all of this. Just what would happen to those surrounding property owner's. They do drive on dirt roads to come in and out of their sub-divisions and those are rather narrow dirt roads. My understanding is that if this truck traffic gets snarled for some reason or another, they can go down those dirt roads. Isn't that right?"

Mr. Parnacott said, "Maize and Ridge.....Tyler, sorry, I'm getting my streets mixed up. The dirt roads are public roads and there would be no way to keep trucks off of those roads. They have every right to use them as well as anybody else."

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Commissioner Welshimer said, "Okay. As far as the development plan, I think what the idea of this development plan is to show that the properties and the communities will be restored when all of this is over with. This plan and this plat that you've given us is not something that has been approved, it is just an idea a potential plan, wouldn't you say?"

Mr. Parnacott said, "It is a conceptual land use plan."

Commissioner Welshimer said, "Conceptual . Thank you. So, I'm not sure....these are my concerns and I'm just not sure that I'm satisfied that the community is going to be able to handle such a big operation and I guess that is all I have to say about it right now."

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

Commissioner Parks said, "I too have been a real estate sales person for over 20 years and having driven by the 4900 block of Meridian I have really failed to see a big impact on the Moorings in reference to Harbor Isle. This is something that was going on for quite a while. Those were two long projects and I would venture to say that I don't think the houses in the Moorings were depreciated any by the houses over on Harbor Isle or the sandpit that created Harbor Isle. In fact, going by there you hardly knew what was going on with the berming and what not. So, in respect to that I just wanted to put another perspective on that. Those two were big, long term projects. Thank you."

Chairman Unruh said, "Thank you. Well my comment or response or perspective on this is as I've heard all the evidence, I have appreciated all the effort that has gone into making sure that every nuance to this project was thoroughly investigated and discussed and debated between both the pro-ponents and the opponents and that there has been maybe not face to face meetings, but at least an opportunity for communication to transfer between the two parties to come to the level agreement to which they have come. As Commissioner Winters has said I would be very surprised if there was full agreement on every issues. So, I know there is going to be some sticking points or just straight disagreements. But it seems to me that this is a transitional area. In area near a major urban area is, I think somewhat described as a transitional area. I think this particular project would aid in the transition to residential usage ultimately. I think that is part of our comprehensive plan to try to promote encouraging orderly growth to meet the future demands of our community.

I think that this plan would meet that requirement that would meet the comprehensive plan. I believe this is a suitable use for the property out there and the zoning currently is more restrictive than perhaps the best use of the property would provide. Those are the things that are going

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through my mind leaning in favor of supporting this item. I think also as Commissioner Winters has said very important that the Maize Planning Department and their Commission has voted in favor of this. It is in their zoning area of influence and I guess one of the very base lines is it is a landowner who wants to use his property in this way and has tried to develop the plan in such a way that it will be the least obtrusive and the landowner should be able to use the property in the way that he wants to as long as it isn't illegal. He has the water and he has the sand.....so I'm thinking that I'm going to be standing in favor of this proposal. I think we are getting close to time for a motion and I just want to make those comments. Commissioner Parks."

Commissioner Parks said, "That is what I was prepared to ask you Mr. Chairman. Are you entertaining a motion on that?"

Chairman Unruh said, "We have another Commissioner that wants to speak so lets wait just a moment. Commissioner Norton."

Commissioner Norton said, "I have to tell you I still have concerns and if we had a motion right now to approve, I'd be thinking that I'm notuntil we resolve the length of time and the days and the stockpile issue that I would not be willing to let this go forward. So I think we need to keep talking about that and find out where we're going to go with this because I haven't had all my questions answered and I still have an issue with that length of time for this proposal. Others that we've authorized have been many less years than this. So there is a mechanism to come back and look at it. I know there is a mechanism anytime, but I don't think that is easily accessed that conditional use. I mean I haven't heard of any being closed down at any time after they were authorized, they just move on and we don't see that. So, length of time is still an issue with me. I have a problem with seven-day operations. Maybe six days or five and half days would be better, but seven days gets to be onerous on the people that live close. You know the height of the stockpile, I don't know all the logistics' of conveyor belts and equipment, but the difference between 40 and 30 feet, I'd like to hear more about that. Whether they could be lowered a little bit for the look of this whole project. So those are some sticking points, so I think their needs to be more conversation.

Now, I have to tell you I kind of had some conversations with Commissioner Parks and it's in his district and I think I would like to hear from him and see where he stands on this because it is in his district and eventually he will have to deal with more of the complaints and more of the problems than I will. But, I take very serious my responsibility to serve all the citizens of the county and ask

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all the tough questions regardless of whether it is in my district or not. Certainly I've had plenty of these kinds of issues in my district that I've had to deal with and I want to be consistent that I ask the same hard questions when it was in my district. I would like to hear from Commissioner Parks."

Chairman Unruh said, "Commissioner Parks."

Commissioner Parks said, "This has been going on since October. I would like to put it to rest or get a motion on it. Having said that, I studied these things, some of the same things that have arisen in the neighborhoods and in the district before and I have been satisfied by groundwater management and other people that all the regulations that are in place, that we do have a conditional use that is not a zoning issue, it's a conditional use permit and so unless there are other comments from staff that are pressing or anybody else wants to speak to this, I'm ready for a motion on this."

Chairman Unruh said, "Commissioner Parks, perhaps before we have a motion and this is an important thing, perhaps the applicant would like a ten minute recess or something before we bring this up to a vote. County Counselor Euson, can we have a recess and let these folks talk a little bit before we take this thing to its conclusion."

Counselor Euson said, "Absolutely. I think you could either recess for ten minutes, or recess and go on to some other items and come back at a time specific. Not sure what would work best for the applicant."

Commissioner Winters said, "Let's just take a break."

Chairman Unruh said, "I think the will of the Board is to take a break. Commissioner's.....do we need a motion for that or can I just declare we're in recess?"

Commissioner Winters said, "You can declare it."

Chairman Unruh said, "I neglected to do this earlier, but being polite requires....not requires, but we are very happy to recognize two former County Commissioners who are here, Commissioner Lucy Burtnett and Commissioner Bud Hentzen. Appreciate your continued interest on county affairs. Thanks for being here. With that we will take a ten minute recess. Will reconvene at 10:35 am.

The Board of County Commissioners went into recess and will return at 10:35 am.

Chairman Unruh said, "I think everyone is finding their way back to their seats so we can

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reconvene our meeting. At this time I will call back to order the Board of County Commissioner's meeting. We are all back from recess and Mr. John Schlegal is still at the podium and if you are ready to make a statement....."

Mr. Schlegal said, "I am. We have just concluded some further discussions between the applicant and the opponents. The applicant on the question of the length of time of the approval, would like still 15 years to be the length of the time for the operation from the opening for public sales and we're really not seeing much change there in the condition that we are recommending. The next issue for hours of operations, the applicant is willing to go to limiting loading to six days per week, but they do want all day Saturday to be available to them and in addition they would like the additional concession of five Sunday's per calendar year on which they would be allowed to do loading. That's to accommodate the occasional request that they get under contracts for emergency deliveries. On the hours of operation, the opponents are willing to conceive for a Saturday morning loading, but not for the full day on Saturday and they are willing to conceive on the allowing five Sundays per calendar year.

Going on to the height of stockpiles, the applicant is willing to come down to a limit of 35 feet in height and the opponents indicate that they are okay with that. Than moving ahead to groundwater monitoring, the applicant has indicated that they are willing to install a single groundwater monitoring well on their site. The opponents would like more if they could get that. That's where we stand on those issues at this time."

Chairman Unruh said, "Okay. Thank you, John. I had one question. The length of operation, the request is the same?"

Mr. Schlegal said, "Yes. Essentially it is. The conversation was about limiting the conditional use to 15 years from the start of public sales of the sand from the site. Our staff than asked whether or not they would then be agreeable to a 20-year cap on that all together. That's where the conversation was left then. In essence, there is really no change from what the staff's recommendation before you."

Chairman Unruh said, "The opponents were in agreement with that?"

Mr. Schlegal said, "No, the opponents are not in agreement with that."

Chairman Unruh said, "Okay. Thank you. We have a couple of comments. Commissioner Welshimer."

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Commissioner Welshimer said, “This does not mean that the opponents believe that these changes are going to change the impact on the neighborhood. Remove any detrimental impact on the neighborhood. They’re are still opponents another words.

Mr. Schlegal said, “You would have to ask them. If you would like.”

Commissioner Welshimer said, “I would. Thank you.”

Mr. Mark Regester, 8501 Mystic Lakes, “The duration of the project is one of the concerns and there wasn’t any change in the duration of the pumping operation. I think there was just changes in the wording related when it might start and end. They still have all the preparation work to do. All the over burden material to remove before operations start and then they still would like to pump for 15 years. I think the administrative adjustment for two years would still be in place as part of that wording. There is no discussion about traffic there. The major concern is everybody talks about traffic and can the road handle the cars, but these aren’t compact cars, mini vans, SUV’s. These are 40 ton trucks that don’t stop quickly and don’t start quickly. They drop debris off and that’s a real problem for the people in the area that have to contend with that traffic everyday.”

Commissioner Welshimer asked, “So the traffic and the durations has not been solved as far as you’re concerned?”

Mr. Regester said, “Commissioner Norton also brought up the point that the applicant has rights to another 450 acres that are adjacent to this property and where we aren’t allowed to talk about issue.”

Commissioner Welshimer said, “Okay. Thank you.”

Chairman Unruh said, “ Commissioner Parks.”

Commissioner Parks said, “Mr. Schlegal, is staff recommending these changes that you have just presented to us?”

Mr. Schlegal said, “Yes. We would recommend these changes?”

Commissioner Parks said, “Thank you.”

Chairman Unruh said, “ All right Commissioners, I don’t see anyone else asking to speak. Commissioner Winters.”

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Commissioner Winters said, "I guess my question would be to Commissioner Norton or Commission Welshimer if these comments that John has just made concerning again the days of the week and that the applicant has suggested if that helped answer some or any of your questions? If there is other questions we could discuss, or what is your thinking now?"

Chairman Unruh said, " Commissioner Norton."

Commissioner Norton said, "I'm glad that we had the conversation. We presented some of this, there was some interchange back and forth. Probably what I would support right now is the stockpile to 35 feet, which has been offered up. The groundwater monitor which is one. I could go along with the six days and no Sunday. That I think is not the ultimate for the opponents, but it certainly is a compromise and gets one day of relief. The five days may or may not ever be used, so I don't think that, for me, is as big an issue and I would go along.....I still have a problem with the length of time myself. I could go along with 15 years capped. It stops there and that's the end of it and the clock starts ticking right now and it is a conditional use. At any time it could be stopped anyway. We could look at it and go 'it's a bad operation, that's the end of it, it's done'. Fifteen years means nothing if it's a bad operation.

The other thing I know is in 15 years it is going to be a new commission probably and they can come back and go 'we would like to extend this for five years'. Let them make that decision at the time. I could go along with that if that would be a final conclusion. If the rest of the commissioners would go along with it."

Chairman Unruh said, " Other commissioners here wanting to speak, but my thought is, if it turns out to be a bad operation, it can stop even if the cap is 20 years. If they aren't doing what they are suppose to do.....so I guess that's not an issue with me. Let's see how the conversation goes. Commissioner Welshimer were you first?"

Commissioner Welshimer said, "Yes. I'm not sure about the process of stopping the operation. I think once it gets started, it would be much more difficult to stop. I'm still concered that the neighborhood is still not satisfied. They have presented some substantial concerns and they have supported those concerns by the record. This area has a variety of residential sub-divisions and mix agricultural uses and this industrial use is extremely large. Much larger than any other operation that I been able to view in the county, so, this agreement has not satisfied my concerns."

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

Commissioner Winters asked, "I have a question for John Schlegal. John, if we did put a 15 year and no other language in there, would an applicant be able to come back for an additional CU on

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that same property?

Mr. Schlegal said, "Yes, or an extension of time on the existing conditional use once they came up to the point of expiration on that."

Commissioner Winters said, "That would be held in front of whatever governing body's jurisdiction it is in at that time?"

Mr. Schlegal said, "Correct."

Commissioner Winters said, "Okay. Thank you."

Chairman Unruh said, "Commissioner Parks."

Commissioner Parks said "Well just in response to Commissioner Welshimer's issues, I would bring up that I'm a property rights kind of advocate and I think there is probably some CU's that haven't been filed in that area by those present people that are out there. That's the way it should be. They should be left alone until their complaints are brought up by somebody that wants to present and testify against them in some kind of court proceeding. I think there property rights are paramount here and even some of the complainants that are opposing this have some issues. But until somebody brings those up, I think they should be left alone also. I'm just getting to where I think, unless staff has something else or somebody has something else, I'm about ready to call for a vote."

Mr. Schlegal said, "I do have some additional information to share with you. The applicant's agent indicates that the applicant would be willing to accept a 15 year conditional use restriction."

Chairman Unruh said, "Okay, thank you. So that I understand that, that would be 15 years for the extraction process or does that 15 year include their get ready and the whole thing?"

Mr. Schlegal said, "Total."

Chairman Unruh said, "Okay. Thank you. I don't see any other questions or call for comment so the bench would be open to a motion."

Commissioner Parks said, "I do have one other question of Mr. Schlegal. You mean that would be your staff recommendation on the 15 years that you go with that?"

Mr. Schlegal said, "Yes. As the Chairman's question indicated, they always have the right to come back and seek either a new conditional use or an extension of time on this conditional use."

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MOTION

Commissioner Parks moved to approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), and staff recommendations from today and adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

Commissioner Winters seconded the motion.

Commissioner Norton asked, John would that include the stockpile limited to 35 feet, one groundwater monitor, length of time 15 years CAPPED and six days of operation with five Sundays.”

Mr. Schlegal said, “That was my understanding. Yes.”

Chairman Unruh said, “ Okay. Thank you. Well Commissioners, I’m going to call for the vote and than we will have opportunity for you to explain your vote after the vote. Madam Clerk, please call the vote.”

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	No
Chairman Unruh	Aye

Chairman Unruh said, “Okay. Thank you. We should probably take an opportunity now to give some explanation of her vote. Commissioner Parks you were first.”

Commissioner Parks said, “Yes. I’d like to say just the reasons that I studied and came to this conclusion today, I want to hit some of the high points on that. The character of the neighborhood, the area is mixed, used large lots suburban residential and agricultural. Predominantly agricultural is transitioning into residential.

I think that the City of Maize has some great plans for that. This interim use will relate in that transition to residential development. I think the suitability as currently zoned. The property as

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currently restricted to limits. The highest and best use to the property. When I ran for office that was one of my values. Land owner's shouldn't be restricted by the government. Impact on community facilities, I haven't had anything that's demonstrated the impact on the community facilities, such as; roads and water supplies. Those were early concerns, but those things have been satisfied to me. Recommendation of staff weighs heavily. The City of Maize wants this. The Maize Planning Commission wants this and I think they have all supported this application and that the City of Maize is going to be doing great things, not only with this project, but with other things and I think we owe it to them to help them in their endeavors to be progressive. Thank you."

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

Commissioner Winters said, "Well I agree with those items that Commissioner Parks stated. I think this does fit in to what our comprehensive long range plan for this part of the county is expected to do. I think it's within that plan. I think the impact and I believe Commissioner Parks stated the impact on community facilities, 53rd Street is a former State Highway. It was built to the good standards of two lane roads and as conditions change, it is part of our obligation to move forward with the changes and do our responsibilities to Public Works to enhance roadways when needed and I think we can do that. I realize that there has been opposition to this, but we've also seen petition with 39 some support, neighbors that have supported this also. I agree with the comments Commissioner Parks has made and I'm also going back to the comments I made earlier in the meeting, I think it is extremely important to remember that the City of Maize Planning Commission and City Council have both been on board with recommending approval. Those are my comments. Thank you."

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

Commissioner Welshimer said, "Well I still believe that the industrial impact and the heavy traffic will be tramatic for this community. Other than that I think I've stated all my reasons for voting no."

Chairman Unruh said, "All right. Thank you. Well I just want to make a statement where I would concur with comments made by Commissioner Parks and Commissioner Winters on their reasoning and also just simply reinforce comments that I had made earlier in the discussion. I think that this interim use will aid in the transition towards residential development and find that ultimate end. I think as we witnessed even today that the applicant has definitely made strong efforts to mitigate any of the bad affects that are potentially there and so I think that the conditions that have been placed upon are sufficient to provide protection for the surrounding neighborhoods. This conditional use permit I think is consistent with the elements of our comprehensive plan. The Maize staff and there governing body have voted in favor of this and finally as Commissioner Parks

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said, just a simple property rights issue where this landowner has the sand and the water rights. He should be able to go ahead with this project. So, those are my reasons for my affirmative vote.”

Commissioner Norton said, “I should probably weigh in on this to. I still have a knot in my stomach because as I read the rules of golden, so many of them can go either way. You can either have case for or against this project based on your view of the rules of golden. I’ve gone back and forth on this. If you look at just a land use property rights issue, there’s not much doubt of which way you have to vote. If you look at the hardship that it might impose on folks that live there, have built their homes there, who have to travel in that area, you can take it a whole different way. Ultimately for me it was about doing my due diligence and asking as many hard questions as I possibly could to come to some kind of conclusion that maybe isn’t going to make either side particularly happy, but will come to the place where we can move this forward. I was encouraged that some of the things that were sticking points for me were manipulated and resolved today at a different level than what maybe the applicant wanted, but closer to what the opponents wanted to protect their rights as property owners in that area. For me, I don’t know if it’s the ultimate best conclusion because I understand there is a right to do business and a right to use your property in a certain manner, but where that imposes hardships on other folks that have already staked their claim to a lifestyle. That becomes very hard for government to get in the middle of that to try to solve it which is why I like the deferral, to get the parties together and really put a little bit of a stake in the ground today in hopes that we would let the applicant and the opponents have more dialogue to kind of come to a conclusion on this and not make it a problem of government, but a problem of the individuals.

The other thing I understand is at some point, Maize will annex this property and the conditional uses and the ability to run this and look at this operation for all of the citizens of that area will fall on the City of Maize. I would urge them to be good stewards of the actions that we’ve taken today because we sweat blood and went through a lot of consternation trying to understand our due diligence to get to this point which will be good for Maize as an entity, but the individual citizens that live in Maize and around Maize. I hope you won’t forget Mr. LeMunyon that you have an obligation to those people that live around your community also. That’s very very important to me to understand that. That’s all I have.”

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

Commissioner Parks said, “Well some of those same things that Commissioner Norton said I was going to elude to. I want to tell the opponents that this is a conditional use. We have a Code Enforcement Department and if you think there is something going on that shouldn’t be, feel free to

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call them. If you can't establish dialogue directly with the people at the site, you can certainly go through Code Enforcement and have them establish that liaison or that dialogue and correct those things that you think aren't being met. It is not a zoning change, it is a conditional use. Please feel free to contact us on that. City of Maize also, if they annex this, I'm sure has plans for their Code Enforcement to diligently do that. Thank you."

Chairman Unruh said, "All right. Well, thanks to all of you for your patience and diligence and civility in this process. Thank you all very much. Those who are here for this zoning case are wanting to leave, we'll pause for just a couple minutes.....We will have a five minute break.

The Board of County Commissioners will return from recess at 11:05 am.

Chairman Unruh said, "We are back from our recess once again and ready to take up the business of the county. Madam Clerk we are ready for you to call the next item."

PLANNING DEPARTMENT

- D. MAPD CASE NUMBER 2006-00054 – CONDITIONAL USE FOR “ANIMAL CARE, GENERAL,” ASSOCIATED WITH ZON2006—00053, ZONE CHANGE FROM “SF-20” SINGLE-FAMILY RESIDENTIAL TO “RR” RURAL RESIDENTIAL, GENERALLY LOCATED ON THE NORTH SIDE OF 45TH STREET NORTH AND EAST OF HILLSIDE AVENUE. DISTRICT #1.**

POWERPOINT PRESENTATION

Mr. Schlegel said, "If this case looks and sounds familiar it's because on February 7th I presented it to you as a zoning case. At that time I incorrectly informed you that you did not have to improve the conditional use in conjunction with the zoning. As soon as I got back to my office I found out that that was incorrect information. So we have put back before you today, so that you can also, if you're so inclined approve the conditional use in conjunction with this zoning case. You did approve the zoning on February 7th. Just to remind you that the MAPC (Metropolitan Area Planning Commission) when they heard the case back in December, that they voted unanimously to recommend, not only the conditional use, but the zoning as well. We have heard no opposition from any neighbors on this request."

Chairman Unruh said, "All right. That is in District #1 and I have not been contacted by any opponents and I know that we just approved the zone change and I don't have any reason not to be approving of this also."

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MOTION

Commissioner Unruh moved to approve the Conditional Use, subject to the conditions recommended by the MAPC; adopt the findings of the MAPC, and direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the resolution.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Thank you John. Next item please."

NEW BUSINESS

E. DIVISION OF HUMAN SERVICES- COMCARE

1. AGREEMENT WITH CITY OF WICHITA TO PROVIDE OUTPATIENT DRUG TREATMENT FOR DRUG COURT CLIENTS.

Ms. Jeanette Livingston, Contract Administrator, Comprehensive Community Care, greeted the Commissioners and said, "The agreement with the City of Wichita is a contract renewal. This will be our 3rd in an RFP we submitted a few years ago. We've actually been doing this program for nine years. ComCare's Addiction Treatment Program offers services for clients referred from the city's drug court. Services include an intake, an assessment, some pre-treatment which includes group sessions to address resistant to the need for treatment includes; primary treatment, continuing care and life skills.

We also offer urine analysis testing for folks to make sure they are remaining abstinence during the program. Folks that successfully complete the program have their misdemeanor drug charges dropped. Folks that do not successful complete the program are referred on for sentencing.

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Last year 65% of the folks that went through the drug court program successfully completed the program. In 2006 they served a total of 254 clients. Folks that are in the program are expected to pay for their own treatment cost, the City of Wichita will pick up the tab for folks that are indigent, up to a maximum of \$50,000. Generally it's not near that amount. I want to give you a good example of some of the services that drug court clients receive. We had a client that came in on a drug paraphenalia charge, she presented in intake and indicated that she had lived on her own since she was about 14 years of age. She lived primarily with various motorcycle gang members, but it wasn't until her husband was murdered and she became extremely depressed that her drinking really spiraled out of control. Now she views her arrest and her drug charge and treatment as a blessing in disguises. She worked hard in treatment, including she had individual therapy and psychiatric services and she was able to gain coping skills to work through the grief and the loss, as well as childhood trauma she had experienced. Now she successfully completed the program. She is clean and sober. She is working and actively participating in the life of her grand child.

The program in addition to providing these needed services has also a very productive relationship with the City of Wichita. We are working on clients to get to the issues that are causing their legal problems. Hopefully preventing them from escalating and going onto spending time in jail. The recommended action is to approve the agreement and authorize the Chairman to sign. I'm available if you have questions."

Chairman Unruh said, "Thank you Jeanette. It's a great success story that you just shared with us. It would be great they all ended up that way. I'm sure some do not. You concluded your remark saying that this is beneficial in off loading some of our Detention Facility population. So that's one of the main purposes for these drug courts and those sort of things. It is good that we can partner with the City. Is this revenue neutral to us?"

Ms. Livingston said, "Well we looked at that. The Finance Department brought that to our attention and we had a program audit conducted. Over the years when we first initiated the program we were getting in about 500 clients a year. As you can see we are about 250. What we need to do is adjust the staff that are being charged to that Cost Center to reflect the reduced populations. We expect that to be revenue neutral. This is also the last option to renew on an RFP and we will look at the program and when we submit our proposal for next year we will review that to insure that we are maintaining at least a revenue neutral position on this."

Chairman Unruh said, " Thank you. Should a drug court process at the district court level be implemented, then we would just have to staff up for that and just expand the program."

Ms. Livingston said, "Certainly."

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Chairman Unruh said, “ Thank you. That’s all I had. Commissioners, any other questions? What’s the Will of the Board?”

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 Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Next item please.”

2. STATEMENT OF WORK AGREEMENT WITH ASKESIS DEVELOPMENT GROUP, INC. FOR TOUCHSCRIPT SOFTWARE LICENSING AND IMPLEMENTATION SERVICES.

Ms. Livingston said, “The Touchscript Software will allow us to activate our prescription module in our electronic medical record system. It will allow our physician’s and ARNP’s (Advanced Registered Nurse Practitioners) to prescribe electronically. It will provide warnings if there is an allergy with a patient on record or have a bad reaction to other prescriptions the client’s are taking. Additionally, once the prescription is filled out, it can automatically electronically be transmitted or faxed to the desired pharmacy. It will also be automatically added to the patient’s electronic medical record, so our medical staff can immediately see what has been prescribed.

The agreement will be for a purchase of 13 licenses, for a total of \$29,000. with the fees and the implementation cost, that brings the total to \$40,980. A license is required for each medical provider. In addition we purchased the minimum amount of support required for the implementation of the software. We feel that the software will improve our patient care and reduce

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the likelihood of errors in the prescribing process. The recommended action is to approve this statement of work and authorize the Chairman to sign. I'm available for questions."

Chairman Unruh said, "Commissioners, any questions? Commissioner Parks."

Commissioner Parks asked, "This software will talk with other departments and interact with those then to?"

Ms. Livingston said, "Within ComCare. We all have one system for all our ComCare Departments whether they are addiction treatment or our Children's Program. It will work within ComCare."

Commissioner Parks said, "That's what I was referring to. Thank you."

MOTION

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

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Next item please."

3. AGREEMENT WITH SOUTH CENTRAL MENTAL HEALTH COUNSELING CENTER, INC. TO PROVIDE AFTER HOURS MENTAL HEALTH EMERGENCY SERVICES.

Ms. Livingston said, "This is also a contract renewal with the South Central Mental Health Counseling Center. The Counseling Center is the community Mental Health Center for Butler County. The State mandates that Community Mental Health Center provide coverage for crisis situations on a 24 hour, seven day a week basis. The Counseling Center has opted to contract with

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ComCare to provide these services after business hours and on holidays. ComCare receives \$100. a month, plus a \$1. per minute of actual services. Last year we received 449 calls under this contract. It is about 37 calls per month. Giving you examples of the types of services that are provided under this contract was when a Butler County gentleman called in. He was despondent. His marriage of 36 years was breaking up. He had lost his job and unable to find another job and didn't really have any family to talk to. The crisis worker was trying to work with him and trying to talk to him and he indicated he had a loaded rifle eight feet from him and he indicated he might use that rifle. So, while she was trying to work with him, was able to get a co-worker to call 911. The crisis worker stayed on phone with the individual for an hour and half until the Butler County Sheriff Office could get out there and help him. That is an example the types of services we provide under that contract. The recommended action is to approve the agreement and authorize the Chairman to sign. I'm available if you have any questions."

Chairman Unruh said, "All right. Thank you. Thanks for another success story. Commissioner's are there any questions? What's the Will of the Board."

MOTION

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

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

DIVISION OF PUBLIC SAFETY.

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F. GRANT APPLICATION TO KANSAS JUVENILE JUSTICE AUTHORITY FOR SFY08 PREVENTION, INTERVENTION AND GRADUATED SANCTIONS PROGRAMS FUNDING.

Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections, greeted the Commissioners and said, "I'm here this morning to seek your approval on our grant application to the State of Kansas, Juvenile Justice Authority (JJA) for State Fiscal Year 2008. We have been receiving funds for Prevention, Intervention and Graduated Sanctions Program since 1998 and in order to continuing receiving these funds we are to submit an annual application to JJA. The total amount of funding that they are projecting for Sedgwick County for this fiscal will remain flat, or what it currently is at \$4,147,637. Locally, we use these funds for five prevention programs, two intervention programs and three graduated sanctions or what we sometimes call core programs. They are State mandated programs. We also have some of the funds, a small percentage that goes to administrative structure services and professional evaluation services.

Just want to go over briefly what the recommendation is. It is to keep the current programs that we currently have funded and at the current amounts. We have two programs in prevention that have multiple providers. One is the Truancy Prevention Program. The providers are communities and schools; the District Attorney's Office and Unified School District 259, or Wichita Public Schools. Family group conferencing is the lead agency as the District Attorney's Office and they do sub-contract out a portion of their funds for Episcopal Social Services to actually lead conferences. The total for Truancy Prevention Program is \$656,229. between those three agencies and Family Group conferencing is \$131,007. The final three prevention programs are Functional Family Therapy and is provided by Family Consultation Service and we have two programs where Kansas Children Service League is the service provider. Those are JIAC (Juvenile Intake and Assessment Center), Case Management, and parent training. For intervention, the two programs that we have are the Diversion Program and Detention Advocacy Service provided by the District Attorney's Office and Kansas Legal Services. Our Graduated Sanctions programs are the core State mandated programs. All three of them, Juvenile Intake and Assessment Center, Juvenile Intensive Supervision Program and Juvenile Case Management are administered by the Sedgwick County Department of Corrections. Finally, we have the administrative structure. The lead agencies are Sedgwick County Department of Corrections and Wichita State University. This amount of funding, the \$105,405. represents 3% of the total \$4m pot of funds. This will fund two positions within the Department of Corrections and also contract for Wichita State University to provide professional evaluation services.

On February 2nd, your Juvenile Corrections Advisory Board, or team justice approved these programs and these funding levels for inclusion in our grant application and we are asking that you also approve this grant application and authorize the Chairman to sign."

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Chairman Unruh said, "Okay. Thank you Chris. Do we know in advance what is available to us and so we make our request equal to that amount. Is that kind of the way it works?"

Ms. Morales said, "They have given us the amount as a planning amount once legislature session has ended. The State Juvenile Justice Authority will let us know if that amount is adjusted for Sedgwick County and at that time we resubmit budgets. But they ask us to submit the entire grant application before we know for sure what the funding is."

Chairman Unruh said, "Okay. I understand. How long have we been level funding?"

Ms. Morales said, "Four years. State Fiscal Year 08 will be the fourth year."

Chairman Unruh said, "And it's not enough, is it?"

Ms. Morales said, "It's getting more difficult all the time."

Chairman Unruh said, "Okay. We're a populated county. We have lots of challenges, it would seem like a State Program they would want to take the diligence to fund it at the level we need. I'm thankful for what we have and what we could do. Commissioner Norton."

Commissioner Norton said, "Well, along that line, this is the state funding the juvenile justice, but we also have some other prevention funds that we've put into a pot from the mill levy here locally. I guess my question is, that we coordinate those two pots of money to make sure there's not overlap or duplication, but that they supplement each other in some manner throughout the year. Is that correct?"

Ms. Morales said, "Yes, that is correct. That team justice works very hard to keep an eye on both and make sure that we have a well distributed continuum of services."

Commissioner Norton said, "And a lot of times they plug together to make the continuum of services go along with one program, where it ends or doesn't suffice the need, the other program supplements that so that it hopefully takes care of the whole problem. Is that correct?"

Ms. Morales said, "That is correct."

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

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

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Commissioner Winters said, "I'd just like to make a comment. Chris please share with Team Justice who serves as our juvenile justice advisory committee, that we do appreciate their work and thoughtful attention as we submit applications like this. Their comments and input is important to us and we are pleased to know that they are on board with this grant that.....as we make this application for these funds. Thank you."

Chairman Unruh said, "Any other comments?"

MOTION

Commissioner Winters moved to approve the SFY08 Grant Application, subject to technical budget adjustments; authorize the Chairman to sign all necessary documentation, including the grant award agreement containing substantially the same terms and conditions as this application; and approve establishment of budget authority at the time grant award documents are executed.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Thank you Chris. Next item please."

G. HEALTH DEPARTMENT.

1. AGREEMENT WITH DEVELOPMENT SYSTEMS, INC. TO PROVIDE DATA COORDINATION FOR THE KANSAS INFERTILITY PREVENTION PROJECT.

Ms. Claudia Blackburn, Director, Health Department, greeted the Commissioners and said, "The agenda before you is an agreement with Development Systems, Inc. to provide data coordination for the Kansas Infertility Prevention Project. The specific focus of this project is Chlamydia which is a sexually transmitted disease that usually causes no systems in women and sometimes goes on to

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cause pelvic inflammatory disease, pelvic infections, tubal pregnancies and later on infertility. We have participated in the CDC (Centers for Disease Control) sponsored project for 17 years. We have been collecting data on the clients that we see and this data goes into a national database that supports research on Chlamydia and also supports continued funding to us to diagnosis, treat and educate about Chlamydia. We do report on both men and women. In 2006, the Health Department tested over 2700 individuals for Chlamydia and we had 284 that were positive. That was about 10%. We see a small percentage actually of all of the Chlamydia cases in Sedgwick County. Overall last year, we had close to 2000 Chlamydia cases. So, it is a problem. This is a grant for \$4,000. and we are happy to get it. It will help to enhance our software system so that we can more easily collect and report data. I'm happy to answer any questions. I do recommend approval of this agreement."

Chairman Unruh said, "All right. Thank you. This award is to process and collect the data. It doesn't have anything to do with the tests themselves? Commissioner Norton."

Commissioner Norton asked, "Has there been any significant up tick in the demographic or age of the population that you are finding that are diagnosed with it? Is it younger, pre-18, is it a certain age group?"

Ms. Blackburn said, "They are 15 to 24 and up to age 44. The majority of patients are younger, young adults."

Commissioner Norton said, "So, it hasn't got any younger, it just still that same target population? That's all I have."

Chairman Unruh said, " All right. Thank you."

MOTION

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

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Next item please."

2. AID-TO-LOCAL GRANT APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR VARIOUS PROGRAMS.

Ms. Blackburn said, "The agenda item before you is the Health Department's annual application to the Kansas Department of Health and Environment (KDHE) for aid to local grants. This application covers many of our grants and in State Fiscal Year 2007, our award from KDHE was for \$1.4 million dollars. This supported public health infrastructure, the support public health infrastructure, chronic disease, risk reduction, family planning services, maternal and child health services, chronic disease, risk reduction enhancement, immunization action plan, which is a nurse and four STD related grants. So you can see it really covers a variety of programs. We fund over 20 staff members, partially through this. This year we have requested a 23% increase in grants over last year. We are requesting about \$1.8 million. Whether we get that or not, is yet to be seen. But we certainly can justify that amount.

Grants from the KDHE and other sources that account for 54% of the Health Departments annual budget. This group of grants account for almost a quarter of the grant funding that we receive from KDHE and about 12% of our total budget. So, without this funding many programs would be drastically reduced. There is both a hard and soft, or an in kind match associated with these grants.

We will not require an increase in our local contributions to make those matches. In addition, the State Formula Block Grant includes a maintenance of effort stipulation that requires that local funding for Sedgwick County Health Department not be decreased from calendar year 2007 to calendar year 2008. So we anticipate that won't be an issue, but you just need to understand that that is part of the stipulation when we receive the aid to local money. I can't stress enough that this contribution is critical to the public health infrastructure in Sedgwick County. It is a foundational piece for us. It allows us to provide prenatal care to woman who don't have a source of care, family planning services, it allows us to better serve the populations that we do. Make sure our children our immunized. We continue to work to reduce tobacco use and promote clean indoor air. Also, to continue to educate and screen and treat for transmissible diseases.

I recommend that you approve this application and authorize the Chairman to sign any related documents and I'd be happy to answer any questions."

Chairman Unruh said, "Thank you Claudia. I think you have made this clear it is extremely

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important and fundamental to our Health Department operations. Commissioner Parks.”

Commissioner Parks said, “We want to thank your administrative efforts on holding down our matching funds and doing that due diligence on that. We certainly have the numbers in Sedgwick County and this is just another one of those things that I think the State can come through and put the money where the people are. Thank you.”

MOTION

Commissioner Welshimer moved to approve the Aid-to-Local Grant Application; authorize the Chairman to sign the Application and 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 Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

H. ADJUSTMENT TO THE ZOO STAFFING TABLE TO INCLUDE ONE SENIOR CUSTODIAN, BAND 113.

Mr. Jim Marlett, Sedgwick County Zoo, greeted the Commissioners and said, “We’re asking that we add a Senior Custodian to the Zoo staffing table and we have three reasons for doing so. First is that since the three original custodians were hired, we’ve added a number of custodian intensive facilities to the Zoo. These include the Oliver Zoo Animal Hospital, the Cargill Leaning Center,

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Downing Gorilla Forest and four public toilets. Also, our custodians work at night which provides security, in addition to the night keeper that we have on duty. When a night custodian is ill, we have no one to replace, so it removes one of those people from our night staff and often leaves a single person working by themselves, which is somewhat inherently dangerous since we are after all working with lions, elephants, leopards and other things that can cause injury. Third, our night custodians are currently supervised by our maintenance supervisory who is a daytime employee. It is somewhat difficult to supervise those people when you don't work the same shift they work. That supervisory does of course have his entire day supervisory commitments as well. Adding the supervisory to the night position would give someone to supervise while the work was actually being performed. As you no doubt are aware, the funding provided from the county to the Zoo is a fixed amount every year due to an agreement between the county and Zoological Society. That means there would be no additional cost to the county for adding this position, even though it is a county position. The Zoological Society already has budgeted for this and approved the additional position. We would recommend the adjustment to the Zoo staffing table."

Chairman Unruh said, "Thank you Jim. Makes good rationale for the staffing change. It has gone through the process of your staff and the Zoological Society Board. Commissioners, any questions or comments?"

MOTION

Commissioner Winters moved to approve the adjustment to the Zoo Staffing Table.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Thank you Jim. You have been very patience all morning. Madam Clerk, next item."

I. KANSAS COLISEUM MONTHLY REPORT.

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POWERPOINT PRESENTATION

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, “My report today is on the activities at the coliseum for the month of February. As you know January, February, March, April and May are likely are busiest months of the year. We do the majority of our business during that time period. Moving right into my presentation, we’ll start with the Model A parts swap which had a bit over 20,000 people in attendance this year. That is again an annually recurring event. Tornado Alley returned. We do two or three of these paintball tournaments a month now over in our arena building. One of the nice things is once the thing is done, the guys come in and hose down the building and clean it off in the inside. Get rid of the paintball splatter. It is a very good event and a lot of fun to watch.

We did the Gaither Homecoming. That is a nationally renowned gospel concert. On the national tour, great event. We had just a bit over 4,300 people at that. You see they sit everything up just like a regular rock and roll concert. Mid America Flee Market returned. With just a little bit over 2,200. That takes place in our Pavilion I. Sports, Boat & Travel Show, again another annually recurring event. Fifty first year in Wichita. Came back with a little bit of everything from camping, to motor sports to water recreation with the Ski Doos. The Equi-Fest of Kansas largest equestrian event in our state returned. They had a great turn-out with just a little bit over 8,500 folks in attendance. It’s everything you want to know about equestrian events and the kids get involved and have a wonderful time.

State Wrestling tournament. We did the 5A and 6A wrestling tournament. Little bit over 5,800 folks in attendance. Great event. We have a wonderful time doing it. I know they aren’t going to be here next year. However, they have asked for a proposal for 2009 which I’m in the process of gathering our partners together. We will be sending it to them, more than likely this week. Park City is on board for a \$10,000. sponsorship. I’m waiting to hear back from both the Greater Wichita Area Convention Visitor’s Bureau as well as the sports commission.

We had six hockey games. Little bit over 17,600 people in attendance at hockey. The Thunders are doing very well. They are currently in a pretty tight race with Tulsa for the last play off spot this year and we hope we can continue our hockey season as much as we can.

Coming up tonight we have the 3rd and final of the Cirque du Soleil Shows. This was actually the first one to go on sale and it is sold out. Mid Western Quarter Horse Shows here March 14 through the 18th. Thunder plays Bossier-Shreveport on the 17th, they come back and play Rocky Mountain on the 18th. Then they are back again on the 23rd against Oklahoma City. We do the Go-Kart races which is an event we created several years ago and we do two of those a year. One at Thanksgiving and one around Easter in the arena building. We do those back again on the 23rd & 24th. Thunder plays Tulsa who they are neck and neck with on the 25th. Flea Market is back on the 25th. Earth

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Wind and Fire in concert on March 31st. And Yappy Days, which is a celebration of dogs and sponsored by our friends at Clear Channel is back on the 31st. Then we go right into the Blue Man Group on April 1st. Commissioners, any questions. I'll be happy to answer them at this time."

Chairman Unruh said, "My first question is do you think of those names like Yappy Dogs or does someone else think that up?"

Mr. Nath said, "No, I just relate them to you. I'm not that creative."

Chairman Unruh said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well I think what you said is the Model A Swap Meet was the largest event, or had the largest attendance?"

Mr. Nath said, "If you go by attendance, yes ma'am. It was over 20,000 people. Yes."

Commissioner Welshimer said, "Thank you."

Chairman Unruh said, "Commissioner Parks."

Commissioner Parks said, "Thank you. I was just going to reiterate was Commissioner Welshimer said on that; however, am I correct in assuming there is like 45 days until the Wichita Wild's first game then?"

Mr. Nath said, "I believe it is. Yes. We have football again this year."

Commissioner Parks said, "Indoor football."

Mr. Nath said, "Indoor football, which is a fun and exciting event to watch."

Commissioner Parks asked, "Those season tickets are available from them, is that correct?"

Mr. Nath said, "Yes and the regular tickets will be available through Select-A-Seat once they finish their season ticket drive."

Commissioner Parks said, "Thank you."

Mr. Nath said, "You're welcome."

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Chairman Unruh said, “ Why do I get the suspicion that the Commissioner is an indoor football fan?”

Commissioner Parks said, “I do already have my season tickets by the way. Promotional so I . . .”

Chairman Unruh said, “ Commissioner Norton.”

Commissioner Norton said, “Cirque du Soleil is the final appearance tonight and they are sold out tonight? Did they sell out the other two?”

Mr. Nath said, “We had about 100 tickets left from Monday and we were sold out last night and we’re sold out for this evening.”

Commissioner Norton said, “So that is close to three sold out events?”

Mr. Nath said, “Right. Keep in mind Commissioner, a capacity is right around 3,900 because of the production.”

Commissioner Norton said, “Right. Thank you.”

Mr. Nath said, “Very well received.”

Chairman Unruh said, “ Well I just want to say I’m pleased that you’re working with Kansas State High School Activity Association on the State Wrestling Tournament in two years. I know that we’ve kind of had to dance around with them a little bit to try to make everybody happy. Hope that does go forward. High school wrestling fans around here are really hopeful that we can continue that in our area.

I might say that former Commissioner Bud Hentzen had a grand son that was 145 lbs. State Champ out there in 6A just a couple weeks ago. He is very proud. Very good report and appreciate your work in keeping us healthy at the Kansas Coliseum.”

Mr. Nath said, “Thank you.”

MOTION

Commissioner Norton moved to Receive and file.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

J. PUBLIC WORKS.

- 1. AGREEMENT WITH WESTAR ENERGY, INC. FOR RELOCATION OF UTILITIES FOR CIP PROJECT NUMBER B-427, BRIDGE ON 61ST STREET NORTH BETWEEN BROADWAY AND SENECA. DISTRICT #4.**

Mr. David Spears, P.E., Director/County Engineer, greeted the Commissioners and said, "Item J-1 is the approval of an agreement with Westar Energy for the relocation of electric lines in connection with the Sedgwick County bridge project on 61st Street North between Seneca and Broadway, designated as B-427 in the Capital Improvement program at a cost of \$18,000. The lines are in a private easement. I recommend that you approve the agreement and authorize the Chair to sign."

Chairman Unruh said, "Thank you. Commissioners, any comments or questions?"

MOTION

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

Commissioner Winters seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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Chairman Unruh said, “

2. **AGREEMENT WITH BSA TROOP #522 FOR THE ADOPT A HIGHWAY PROGRAM ON 143RD STREET EAST FROM KELLOGG TO 13TH STREET NORTH. DISTRICT #1.**

Mr. Spears said, “Item J-2 is a renewal agreement with Boy Scouts of America Troop 522 for the Sedgwick County Adopt-A-Highway program. They will be responsible for picking up litter along 143rd Street East between Kellogg and 13th Street North. I recommend that you approve the agreement and authorize the Chairman to sign.”

Chairman Unruh said, “Well I’m going to be favorably inclined to approve this since it is about a mile from my home. How many of these sorts of agreements do we have with the Boy Scouts? Do we have a lot of our county miles.....

Mr. Spears said, “They aren’t all boy scouts. There are different groups that do them, Lions Club, Boy Scouts, JC, all over the county. I would say we have maybe 20 or so like that.”

Chairman Unruh said, “ We just might make the announcement, this is an opportunity for different community groups to be involved in helping the community. We can have more miles picked up.”

Mr. Spears said, “That’s right. We are always interested in listening to them.”

Chairman Unruh said, “ All right. Very good. Commissioners, any other questions or comments?”

MOTION

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

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF MARCH 8, 2007.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of March 8, 2007 results in 16 items for consideration today.

**1) CHANGE ORDER #1- ADDITION OF CUSTODIAL SERVICES FOR NEW 9-1-1 FACILITY- FACILITIES DEPARTMENT
FUNDING: FACILITIES DEPARTMENT**

First Item, Change order #1. Addition of custodial services for the new 911 facility at 714 North Main. Recommendation is to accept the Change Order with Wilson Building Maintenance for not to exceed cost of \$2,782.50 per month.

**2) CHANGE ORDER #1- ADD SECURITY SERVICES TO 1919 N AMIDON FOR COMCARE
FUNDING: COMCARE**

Change Order #2, is the addition of security services to 1919 N. Amidon for ComCare. Recommendation is to accept the change order with Diamond Detective Agency in the amount of \$25,201.80. That is an annual cost.

**3) BRIDGE IMPROVEMENTS- PUBLIC WORKS
FUNDING: PUBLIC WORKS**

Item three, bridge improvements for Public Works. Recommendation is to accept the bid from Klavor Construction in the amount of \$324,424.38.

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4) BRIDGE IMPROVEMENTS- PUBLIC WORKS
FUNDING: PUBLIC WORKS

Item four, bridge improvements for Public Works. Recommendation is to accept the low bid from Dondlinger & Sons Inc. in the amount of \$494,859.72.

5) AB-3 ROCK- PUBLIC WORKS
FUNDING: PUBLIC WORKS

Item five, AB-3 rock for Public Works. Recommendation is to accept the low bid from Southwest Butler Quarry, LLC in the amount of \$78,540.

6) BRIDGE TIMBERS- PUBLIC WORKS
FUNDING: PUBLIC WORKS

Item six, bridge timbers for Public Works. Recommendation is to accept the low bid from Kennedy Saw Mills, Inc. for a value of \$271,257.38.

7) PRE-CAST REINFORCED CONCRETE BOX AND END SECTIONS- PUBLIC WORKS
FUNDING: PUBLIC WORKS

Item seven, pre-cast reinforced concrete box and end sections for Public Works. Recommendation is to accept the bid from Wichita Concrete Pipe and establish and execute contract pricing for a period of twelve months following award, with the potential of two, one year options to renew.

8) FURNITURE AND ACCESSORIES FOR NEW 9-1-1 FACILITY AT 714 N. MAIN- FACILITIES DEPARTMENT
FUNDING: FACILITIES DEPARTMENT

Item eight, furniture and accessories for the new 911 facility at 714 N. Main for the Facilities Department. Recommendation is to accept the low bid from Office Plus of Kansas in the amount of \$33,897.

9) LICENSE AND MAINTENANCE RENEWAL FOR ONBASE IMAGING- DIVISION OF INFORMATION & OPERATIONS
FUNDING: DOCUMENT MANAGEMENT

Item nine, license and maintenance renewal for onbase imaging system for the Division of Information & Operations. Recommendation is to accept the quote from Automated Business

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Systems in the amount of \$87,122.

**10) SKID STEER LOADER- FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

Item ten, skid steer load for Fleet Management. Recommendation is to accept the low bid from White Star in the amount of \$34,712.49.

**11) TREE CHIPPER- FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

Item eleven, tree chipper with Fleet Management. Recommendation is to accept the bid from Vegetation Management Supply for \$29,682.

**12) THREE-QUARTER TON REGULAR BODY CARGO VANS W/ ANIMAL CAGES-
FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

Item twelve, three-quarter ton regular body cargo vans with animal cages for Fleet Management. Recommendation is to accept the low bid from Park Chevrolet in the amount of \$61,816.

**13) PUBLIC SAFETY EMERGENCY VEHICLE PARTS- FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

Item thirteen, public safety emergency vehicle parts for Fleet Management. Recommendation is to accept the low bid from Ka-Comm Inc. for Groups 1 and 2, items 1 through 7 and groups 5, items 29 and 30. The low bid from Flashover, Inc. Group 3 for items 8 through 18 and group 6, items 31 through 34 and the low bid from Whelen Engineering for group 4, items 19 through 27 and to establish contract price and execute a two year contract with three one year options to renew.

**14) ARMORED CAR SERVICES- TREASURER'S OFFICE
FUNDING: TREASURER'S OFFICE**

Item fourteen, armored car services for the Treasurer's Office. Recommend the low proposal from PSI Armored to establish and execute a one year contract with four one year options to renew at an annual cost of \$16,920.

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15) BUNKER COATS AND PANTS- EMERGENCY MEDICAL SERVICES
FUNDING: EMERGENCY MEDICAL SERVICES

Item fifteen, bunker coats and pants for Emergency Medical Services. Recommendation is the low bid from Jerry Ingram Fire & Rescue for an initial purchase of \$3,272.30 and execute contract pricing for one year with two one year options to renew.

16) SAP DATA MIGRATION SOFTWARE & LICENSING- ENTERPRISE RESOURCE PLANNING DEPARTMENT
FUNDING: SAP PUGRADE/ ERP

Item sixteen SAP data migration software & licensing for Enterprise Resource Planning Department and their recommendation is to accept the quote from SAP Public Services, Inc. for a negotiated cost of \$56,891. I would be happy to answer any questions you might have and I recommend

Chairman Unruh said, "Okay. Thank you Iris. Purchasing and Bid Board have been busy. Commissioners, any comments or questions? We have two. Commissioner Norton."

Commissioner Norton said, "Item one and two indicate change order. Any time I see change order that sends up a red flag to me. Additional custodian services for new 911 facility. What would be additional that we didn't think of prior to knowing the space of the building, what the activities were going to be in that building?"

Ms. Baker said, "It is an addition of services. That building was not factored in when we went out for bid for this contract. I believe it was a three of four year contract and the building will be up and running prior to the expiration of this contract so we are going to add those services. This contract will be bid in late summer and then awarded again in the fall. At that point we become part of whatever that new contract is. But at the time these services were bid, and the services cover core courthouse complex area. At the time those services were bid, this facility was not a factor. It wasn't factored in."

Commissioner Norton said, "So, it's really not a change in the budget of the facility, it's a change in the contract to add them on to, so it's a different kind of change order."

Ms. Baker said, "Correct."

Commissioner Norton asked, "Same thing for number two and or is it a different kind of issue?"

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Ms. Baker said, "It's the same thing. It's the addition of services at that site. At the 1919 North Amidon site."

Commissioner Norton asked, "Is the 1919 North Amidon a new site for ComCare?"

Ms. Baker said, "No. It is an existing site, but they presented to bid board that with some of the clientele they have been seeing lately, they are starting to incur issues that require security services. So they have requested that these services be added to that site."

Commissioner Norton said, "So we don't provide security at that location presently. We are now."

Ms. Baker said, "Correct."

Chairman Unruh said, "Commissioner Parks."

Commissioner Parks said, "On item twelve I spoke with Kevin Miles a little bit. When I saw this come through earlier I thought I would pass this on to the rest of the Commissioners. Occasionally, The bid will be comprehensive and these animal cages were part of the bid and I think that is what we reflected on, why some of the other bidders had to go out and find somebody else to put the cage in, where one of them might not of had the resources and one did have the resource to do that. That's where this little disparity in that. I just wanted to share that. Thank you."

Chairman Unruh said, "Thank you. Any other questions. What's the will of the Board?"

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye

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Commissioner Welshimer Aye
Chairman Unruh Aye

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

CONSENT AGENDA

L. CONSENT AGENDA.

- 1. One Easement for Right-of-Way for Sedgwick County Project to construct a frontage road along US-54 between 119th Street West and 135th Street West, and improve the intersection at US-54 and 135th Street West. CIP# R-314. District #3.**
- 2. MAPD Case Number ZON2000-00023 – Extension of time to complete platting requirement for a zone change from "RR" Rural Residential to "LI" Light Industrial, generally located at the southeast corner of 29th Street North and Greenwich Road. District #1.**
- 3. MAPD Case Number ZON2000-00062 – Extension of time to complete platting requirement for a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial for approximately 26 acres located north of K-96 and east of Greenwich Road. District #1.**
- 4. MAPD Case Number ZON2004-00069 – Extension of time to complete the platting requirement for a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial for approximately 0.6 acres located north of K-96 and east of Greenwich Road. District #1.**
- 5. MAPD Case Number ZON2005-00003 – Extension of time to complete platting requirement for a zone change from "RR" Rural Residential to "LI" Limited Industrial, generally located south of 29th Street North and west of 127th Street East. District #1.**
- 6. Notice of Public Hearing for April 18, 2007 regarding revisions to the *Sedgwick County Sanitary Code*.**
- 7. Notice of Post Annexation Public Hearing for May 16, 2007.**

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- 8. Orders dated February 28, 2007 and March 7, 2007 to correct tax roll for change of assessment.**
- 9. General Bills Check Register(s) for the weeks of February 28 - March 6, 2007 and March 7 – 13, 2007.**
- 10. Payroll Check Register of March 9, 2007.**
- 11. Section 8 Housing Assistance Payment Contracts.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V06067	\$262.00	4	Sunflower Gardens
V07008	\$288.00	5	Hearth Hollow
V07009	\$191.00	5	Springcreek Apts-PH 1
V07010	\$384.00	5	Springcreek Apts-PH 1
V07013	\$349.00	4	Country Park Residences
V07014	\$505.00	4	Country Park Residences
V2009R	\$360.00	5	Springcreek Apts-PH 1

- 12. The following Section 8 Housing Contracts are 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>
V03027	\$262.00	\$237.00
V05013	\$257.00	\$146.00
V03029	\$294.00	\$295.00
V04018	\$144.00	\$130.00
V2020	\$541.00	\$495.00
V05009	\$667.00	\$612.00
V03031	\$225.00	\$205.00
V01044	\$302.00	\$319.00
V01064	\$315.00	\$287.00
V020019	\$395.00	\$378.00
V99022	\$112.00	\$130.00
V03011	\$470.00	\$447.00
V03028	\$289.00	\$289.00

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V99021	\$148.00	\$210.00
V03017	\$299.00	\$309.00
V04010	\$216.00	\$205.00
V05017	\$279.00	\$274.00
V05011	\$285.00	\$256.00
V020029	\$321.00	\$293.00
V03013	\$237.00	\$209.00
V020021	\$304.00	\$280.00
V03018	\$251.00	\$231.00
V06015	\$229.00	\$225.00
V03014	\$267.00	\$229.00
V05004	\$599.00	\$453.00
V03024	\$225.00	\$213.00
V1048	\$359.00	\$336.00
V04021	\$389.00	\$369.00
V04017	\$291.00	\$225.00
V06021	\$282.00	\$276.00
V01058	\$215.00	\$215.00
V2028	\$139.00	\$120.00
V03020	\$299.00	\$306.00
V03021	\$287.00	\$265.00
V01042	\$321.00	\$293.00
V03022	\$264.00	\$224.00
V04016	\$263.00	\$260.00
V94012	\$100.00	\$225.00
V04081	\$211.00	\$369.00
V6032	\$635.00	\$609.00
V06061	\$479.00	\$509.00
V06066	\$130.00	\$0.00
V05054	\$229.00	\$515.00
V01094	\$525.00	\$427.00
V06052	\$136.00	\$304.00
V04078	\$384.00	\$340.00
V06019	\$368.00	\$585.00
V05088	\$175.00	\$520.00
V05088	\$520.00	\$110.00
V05051	\$615.00	\$392.00
V06037	\$388.00	\$472.00
V05010	\$400.00	\$384.00

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Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “You have the Consent Agenda before you and I would recommend you approve it and also to remind you there are only 292 days for the sales tax.”

Chairman Unruh said, “Thank you and thanks for the reminder about the sales tax. Any comments or questions?”

MOTION

Commissioner Winter moved to approve the consent agenda as presented.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Commissioners, we have come to the end of our agenda. We do have need for an Executive Session, but before we do that, it’s an opportunity to bring up other issues or comments. Commissioner Winters.”

M. OTHER

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Commissioner Winters said, “One just very quick comment. I just wanted to remind you that I’m going to be absent next Wednesday. I’m Chairing a committee working with Kansas Department of Transportation of the metro areas in the State as we look forward to the Comprehensive Highway plan and needs for the future. They scheduled a meeting on Wednesday before I could really get involved in that. So, I don’t think there will be anymore Wednesday meetings of that group, but I do feel like I need to attend this meeting. So, I will not be here.”

Chairman Unruh said, “ All right. Thank you. Commissioner Parks.

Commissioner Parks said, “I just wanted to say in general on voting on these CU’s, I’ve maintained a professional attitude on those and even on the particular one, the second one. If I would of held personal feelings and grudges out there, I would of voted differently, but I do take a studied and professional approach to those issues. I just wanted to say that. Another comment I would like to make on a positive note, St. Patrick’s Day parade, Saturday at noon, in the Delano area starts around the Arkansas River bridge, runs over to Walnut Street. Starts at high noon. It will be a top of the day event, I’m sure. Thank you.”

Chairman Unruh said, “ And you are wearing your St. Patrick Blazer today.”

Commissioner Parks said, “Thank you.”

Chairman Unruh said, “ Okay. Commissioner Norton.”

Commissioner Norton said, “Just a couple things. This last week, Commissioner Winters and I and County Manager Buchanan and Debbie Donaldson attended an annual NACO Legislative Meeting in Washington. Attended quite a few educational sessions. Commissioner Winters also is on some committees that he attended and participated in. I had a follow-up on the Health Care Institute while I was there that I attended. We also went upon the hill and had breakfast with our legislatures, all four congressman from Kansas attended and we had a great dialogue with them. It was well attended by other elected officials from around the State of Kansas also. We were at NACO and I think we made some impact and learned some pretty good things and are continuing to participate at a National level with county issues.

As I came back from that meeting I stopped in St. Louis and participated in a two day session from the Heartland Institute which has to do with Emergency Preparedness and the Health Care Realm, pandemic flu and other issues. I think that was very worthwhile. Along the way I had a great

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dialogue about accreditations of Health Departments and how they start the accreditations process, which most public Health Departments are not accredited and they are looking at a National way to do that and we'll be in on the cutting edge of that for our Health Department, which I think is a real positive.

On Monday we had our first Steering Committee Meeting of the Health Access project that I'm working on. We had great participation. We had providers, stakeholders and business folks there and I felt very encouraged that we had great dialogue. We are moving the process along. The first week in June, we'll have our summit that we'll deal with the access to affordable health care for the 42,000 uninsured in our community. Hopefully, we'll come to some great conclusions at that time.

We also have had three FOCUS groups. From the Health Access, we've had the users, the providers and the business community come to the table to start describe this issue from their prospective. Obviously, business, particularly small business has a certain viewpoint of what health care access does to them and lack of that. The users certainly out of the safety net clinics have their view of this and then the providers, whether it be safety net clinics or emergency rooms or medical offices all have their thoughts on health care access. We are trying to bring all the groups together.

Finally, I don't have any new numbers from Exploration Place, but they had another good week. I know that. The Titanic exhibit will be there through the end of the month. So I would urge you, if you haven't participated and been by Exploration Place. You still have time to stop by and observe and be a part of the Titanic Exhibit. That's all I have."

Chairman Unruh said, " All right. Thank you. I just want to let everyone know that I had the opportunity, privilege to participate in a panel discussion with the Young Professionals of Wichita at a forum held out at Wichita State University and our topic was about how our corporate citizens should get involved in community activities and partner with government in accomplishing goals for the benefit of the community. Very attentive group of young people and I think they saw how partnerships and collaboration really are beneficial to all of us.

Also, took a tour yesterday with Assistant County Manager, Ron Holt of the Envision facilities down on South Water. They are a great organization and our community help people that are blind and of low vision and they try to provide jobs for these individuals and clinical services and just try to do a good job of education.

Yesterday, we were out at on 77th Street North for ground breaking for Station 32, is that right? Commissioner Parks was out there in his wild west hat and we broke ground. It was good progress

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for Sedgwick County Fire District#1.

Lastly, Commissioner Welshimer and I will be meeting with mayors in Sedgwick County out at the Zoo to discuss housing fees, as we press forward with that possibility. So, that's all I have. I don't see anymore requests. I do. Commissioner Welshimer."

Commissioner Welshimer said, "I just want to report that the South Central Correlation for fair play met last Wednesday in Newton and the activities of the correlation appeared to have been influenced the legislature not to put a moratorium on Sedgwick and Sumner County. At least that's the word from Topeka, but we never know until it's all over. The issue of gaming is being addressed and hopefully this will work out to where our choices and our potential for making a decision in that arena will not be taken away from us."

Chairman Unruh said, " Thank you."

MOTION

Commissioner Winters moved to recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters priviledged in the attorney/client relationship relating to legal advice.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

Board of County Commissioners recessed into Executive Session at 12:10 p.m and will return no later than 12:38 p.m.

Chairman Unruh said, "said, "For the record, we're back from the Executive Session and no binding action was taken while we were in Executive Session. Is there anything else to come before us this morning? Mr. Euson? Mr. Buchanan? This meeting is adjourned."

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N. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:39 p.m.

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

DAVID M. UNRUH, Chairman
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner,
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2007