

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

### **REGULAR MEETING**

**February 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, February 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; County Clerk Don Brace; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Ms. Jo Templin, Director, Division of Human Services; Ms. Kristina Helmer, Health Educator, Health Protection and Promotion, Health Department; Ms. Mandy Pankratz, Management Intern, County Manager's Office; Major Jackie Stewart, Sheriff's Department; Mr. Bob Lamkey, Director, Division of Public Safety; Mr. John Nath, Director, Kansas Coliseum; Ms. Claudia Blackburn, Director, Health Department; Ms. Marilyn Cook, Director, Comprehensive Community Care; Ms. Annette Graham, Director, Department on Aging; Ms. Stephanie Knebel, Manager, Facility Project Services; Mr. Jim Weber, P.E., Deputy Director, Bureau of Public Works; Mr. Don Brace, County Clerk; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Mr. Robert E. Finkbiner, Member, Sedgwick County Public Building Commission.

Mr. James Mendenhall, Wichita, Ks.

Mr. Bob Kaplan, agent for applicant, 430 N. Market, Wichita, Ks.

Ms. Martha Silks, Quad State Services, Inc., 11368 39<sup>th</sup> St., Perry, Ks.

Mr. Bryce Winter, MKEC Engineering, 411 N. Webb Rd., Wichita, Ks.

Mr. Darrell Moran, LaFarge, 12409 E Boxthorn, Wichita, Ks.

Mr. Greg Allison, MKEC Engineering Consultants, 411 N. Webb Rd., Wichita, Ks.

Ms. Kim Edginton, City of Maize Planning Administrator.

Mr. Richard LeMunyon, City of Maize Planning.

Mr. James Miller, 5745 N. Tyler, Maize, Ks.

Ms. Rebecca Radford, 1512 Woodrow Ave., Wichita, Ks.

Mr. Geoff Radford, 1512 Woodrow Ave., Wichita, Ks.

Mr. Dennis R. York, Drysandco, 8443 W. 73<sup>rd</sup> Rd. N., Wichita, Ks.

Mr. Tim Malone, Emerald Spring, 1608 S. Washington, Wichita, Ks.

Mr. Charles Benjamin, Attorney at Law, P.O. Box 3809, Carson City, NV, 89702

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

Ms. Mary Belton, 10009 Lake Lane, Maize, Ks.

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### **GUESTS (CON'T)**

Ms. LaDonna Hale, 10121 Lakelane, Maize, Ks.  
Mr. Ray Herndon, 741 Carriage, Maize, Ks.  
Mr. Mark L. House, 8405 W. Mystic Lakes N., Maize, Ks.  
Mr. James Baker, 318 Heather, Maize, Ks.  
Ms. Cindy Siebler, 6901 N. Tyler Rd., Maize, Ks.  
Mr. Dennis Downes, 8323 Mystic Lakes, Maize, Ks.  
Mr. Jeff Thompson, 7901 N. Maize, Maize, Ks.  
Ms. Marjorie Thompson, 367 Wind Rows Lake, Goddard, Ks.

### **INVOCATION**

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

### **FLAG SALUTE**

### **ROLL CALL**

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

**Chairman Unruh** said, "Commissioners, before we call the next item, I just want to take a moment here to express our condolences to Commissioner Winters and to his wife Gerry at the passing of Tom's brother Pat. Tom, I just want you to know that the commissioners and our staff and all the folks in our office want to extend our sympathy and support to you at during a time that's difficult."

**Commissioner Winters** said, "Thank you very much."

**Chairman Unruh** said, "You're welcome. Madam Clerk, please call the next item."

### **CONSIDERATION OF MINUTES:** Regular Meeting, January 24, 2007

The Clerk reported that all Commissioners were present at the Regular Meeting of January 24, 2007.

**Chairman Unruh** said, "Commissioners, you've had the opportunity to review the Minutes of January 24<sup>th</sup>. Are there any additions or corrections?"

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**MOTION**

Commissioner Parks moved to approve the Minutes of the Regular Meeting of January 24, 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
Chairman Unruh	Aye

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

**APPOINTMENTS**

**A. APPOINTMENTS.**

- 1. RESOLUTION APPOINTING ROBERT E. FINKBINER (COMMISSIONER PARKS' APPOINTMENT) TO THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "We've prepared this resolution of appointment for a four-year term and I recommend you adopt it."

**Chairman Unruh** said, "All right, thank you. Commissioners, do we have a motion?"

**MOTION**

Commissioner Parks moved to Adopt the Resolution.

Commissioner Norton 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, “And here to administer the swearing in is Don Brace and Mr. Finkbiner.”

**Mr. Don Brace** said, “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 Public Building Commission, so help me God.”*

**Mr. Robert E. Finkbiner**, Member, Sedgwick County Public Building Commission, said, “I do.”

**Mr. Brace** said, “Congratulations.”

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

**Mr. Finkbiner** said, “Well it’s kind of nice to get back in the public area. I was a city administrator at Valley Center for 11 years and I was on the board of the Wichita Urban Renewal Commission for 14 years, so I know a little thing about buildings and the issuance of bonds so I want to thank you for the appointment.”

**Chairman Unruh** said, “Well, you’re certainly welcome. We appreciate your willingness to serve and we know that, especially with your background, that you’ll be a great help so we thank you very much.

Madam Clerk, call the next item please.”

2. **RESOLUTIONS (TWO) REAPPOINTING MEMBERS TO THE SEDGWICK COUNTY ANIMAL CONTROL ADVISORY BOARD.**
  - **REAPPOINTING JAMES HALSIG (COMMISSIONER NORTON’S APPOINTMENT)**

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- **REAPPOINTING STACIA MILES (COMMISSIONER PARKS' APPOINTMENT)**

**Mr. Euson** said, "Commissioners, we've prepared two resolutions. One of them reappoints James Halsig and that's Commissioner Norton's appointment to this board and the other reappoints Staicia Miles, which is Commissioner Parks' appointment to this board. These are both four year terms, and we recommend you adopt both resolutions."

**MOTION**

Commissioner Norton moved to Adopt the Resolutions.

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 County Clerk is here to swear these folks in if they are present. I don't see anyone moving, so we will accomplish that at another time. Thank you, Don. Madam Clerk, call the next item please."

**CITIZEN INQUIRY**

- B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING PARKING STUDY, ARENA AND NEED FOR AN AGE-FRIENDLY DESIGN AT THE ARENA.**

**Mr. James Mendenhall**, Wichita, Ks., greeted the Commissioners and said, "I'm ably served by Commissioner Unruh. I'm also, for the sake of the record, candidate for mayor. I came to talk to you today on Valentine's Day about Viagra. I know you're eyes light up because for many years we had a problem among the aging the ravages of that aging and that was a lack of ability to enjoy the later years of life.

And then along came a little blue pill and that changed everything. It allowed us to live a more full

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life, into older age and it made a company millions and millions of dollars and it's also a part of our vocabulary. I want the arena to be the Viagra of the future. Why? As you have all mentioned many times before, we live in an age of aging. You know about the retirement bomb. Mr. Norton has spoken numerous times about how we're going to have many people retiring and our whole society is getting older. With that age comes certain deteriorations that don't amount to a disability, but can affect their ability to participate in a social environment and you have tried so hard to make this arena a true social facility.

I feel that we need to look ahead at where will we be in ten years, what we'll be like in 15 years, what problems might effect us. I don't need to go into them, but certainly mobility, vision, hearing, bathroom issues, all these will effect our ability to participate and any one of these could prevent us from being a customer at the arena and no customer means no financing and no money for the success of that building, which I wish great success for.

I have talked with the planning group, the design group and everybody is willing to move forward and design the best arena they possibly can, based on last century's knowledge. But the fact is we know that we're aging and that this facility will serve people for at least ten or fifteen years and how we will change in those years. It's an equation that needs to be addressed.

They are willing to do innovations, one I thought of was a handrail around the bathroom. In a hurry environment, that's where the falls are going to happen. A fall could break your hip and that could lay you up for many, many years or even kill you. The fact that there's going to be more motorized scooters is going to be a factor that's never talked about and bathroom issues are rarely discussed.

The bottom line was, with all these talks with designers, it came down to your leadership. If you want a facility and if you want to put innovations into it that will serve the needs of this aging population, which are the taxpayers that are paying today for this arena, then you must say verbally and move forward with your innovative direction, that they design this facility with unique, never through of before facilities and needs that will serve those people that will want to participate in this facility.

Parking garage is one of them, if in an ideal world the parking garage should be adjacent to the arena, with actually ramps on all levels. Since you're not burying the first floor, the main floor with be second floor. You're asking people to maybe walk five blocks to the front door and then go up to the second floor before they actually can fully participate in this function. Well, one of those functions might be a rapid need of a bathroom, after walking five blocks. That means your bathrooms are going to have to be on first floor, as well as second floor and in numbers that are maybe not thought of now.

I know you know what I'm talking about and I know you can offer this leadership. It may cost you

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more money, but I'm going to give you a golden parachute on this. If you design Wichita with the arena, and I add to that the airport, and other businesses that will follow your lead, your innovative, nationally leading lead to make Wichita a user-friendly city for an aging population, you will attract conventions from all over the United States and maybe the world that will see Wichita as caring for their aging workforce. Those people will chose Wichita over Omaha, over Oklahoma City. They will come to us for 20 or more years and that will bring in money and that will support the economy and the arena will be successful. That it must be your verbal leadership to be daring and innovative and take some of these stands. That's why I came to talk to you today and happy Valentine's Day to all of you."

**Chairman Unruh** said, "Well, thank you Mr. Mendenhall. We appreciate your concern over aging issues. Commissioners, what's the will of the Board?"

**MOTION**

Commissioner Norton moved to receive and file with a special note that I think that is something that the commission is looking at, that we understand there is an aging population and we're dedicated to understanding those issues, but truthfully we're trying to build a world-class arena so that we also keep our youth here and that there's something exciting for them to have so it's kind of a two-way street, making sure that it's very accessible for folks with handicaps and with aging issues, but also exciting enough to lure our young people to stay in Wichita and to come back here.

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."

**PLANNING DEPARTMENT**

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

**Chairman Unruh** said, “John, before you begin, if I might let me just have a moment to lay out a few ground rules that we need to follow this morning. This is not a public hearing, but it has been the practice of the Board of County Commissioners to allow input and comment following the staff report. And since this is an issue that has a lot of interest and a lot of folks wanting to make a comment, what we will do today is that after the staff report we’ll allow the proponents of this particular proposal to have 30 minutes for a formal presentation. And after that time, we will allow individuals who are also proponents and want to make a comment three minutes each to step to the podium and make a comment. And we would ask that you all strictly adhere to that three-minute limit and also ask that you, if possible, not repeat what has previously been said. And we have a timer up here and I don’t hear very well those high pitched tones, and so I’m going to look to the Clerk to help me keep time. But if you hear the timer, please be polite and conclude your remarks if you haven’t completed.

At the end of the time that proponents get to speak, we will have the opponents, give them the ability to step forward and they will have time for a 30-minute formal presentation and then those who feel like their concerns have not been addressed, individuals can step to the podium and have three minutes in which to speak. So if either one of those groups, when it becomes your time to speak, well make sure you’re kind of getting in line. You can step to the podium quickly, state your name and address and we will try to move this along in an orderly fashion.

I want to further state that in deciding these types of cases, the Board of County Commissioners acts in a quasi-judicial manner, in that we don’t follow courtroom rules of procedure, but we do have to hear evidence and we have to weigh the evidence and we have to make a decision based on that evidence as presented, so this is a serious proceeding.

However, beyond that, we are also elected public officials and we have had opportunity to speak with persons interested on one side or the other during the months that have been leading up to this particular agenda item here on our calendar and during that time, if we meet with these folks, it is incumbent upon us to state that before this meeting begins if we’ve had contact with any member of the public involving this particular issue.

I have not had contact with either a proponent or an opponent on this conditional use permit and the other commissioners will probably want to state whether they have or have not as soon as I’ve concluded my remarks.

We must stay that it’s incumbent upon us that we keep an open mind, that we not make up our mind before we’ve heard all the evidence and from my personal perspective, I’m approaching this issue

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openly, haven't made up my mind. I want to hear the evidence today and then make a decision at the conclusion of this hearing.

So with all that said, I would ask if the other commissioners have anything to say, John, before we give you the microphone and Commissioner Norton."

**Commissioner Norton** said, "Thank you, Mr. Chair. I was asked to meet and did meet with both opponents and proponents. I met with Mary Belton and Mark Regester in my office within the last week, and then I met with Bob Kaplan and representatives of the applicant in my office also and at that time I've also received e-mails. I have not received any phone calls, but I have other correspondence on the issue. And I'll state publicly that in both instances I let the folks I was meeting with know that I could listen to information, but I could not commit one way or another as to how the proceedings would go. That we would have to go through a formal, public hearing to understand the issue. We would have to hear recommendations from the planning commission and that at that time we would make a decision, and so I want to fully disclose that I have met with opponents and proponents but that for the record, I articulated to them that I could take information, but I could make no commitments or not make up my mind until we went through this process today."

**Chairman Unruh** said, "All right, thank you Commissioner. Commissioner Winters."

**Commissioner Winters** said, "Thank you, Mr. Chairman. I have not had any meetings with opponents or proponents on this issue. I was requested to have a meeting and was just not able to schedule that meeting, and that in no way indicates that I have at this point in time made a decision about this case. It was mostly a scheduling problem. I have received e-mails from several persons regarding this case, both in favor and in opposition to the zoning case, but I have not come to a conclusion at this point. Thank you."

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

**Commissioner Parks** said, "I too have met with both sides on this issue. I met with Mary Belton in January or December actually with Carolyn McGinn on some issue and also in January, at my Valley Center office. I met with Richard LeMunyon in January of 2007 and I met with numerous . .

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. or ran into several people that gave me opinions on it during that time. This is in the fourth district and that includes but not limited to the school bus people, the people from the school board, business and community leaders and the . . . in fact, I went to the area on Monday morning, bright and early, to look at the school bus traffic and some other things just in general for traffic in that area myself. And I too have taken no opinion on this and I will listen to everybody here today before I make up my mind.”

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

**Commissioner Welshimer** said, “Yes, I also have been keeping an open mind on this and I am probably less informed than some. I learned of this about Wednesday or Thursday of last week. On Friday the opponents did come to visit with for about 45 minutes and showed me their maps and so forth, but did not ask for my opinion, one way or the other. And I did go out and visit the area on Monday morning and drove around there, did quite an extensive observation of the area. I too have not made a decision and intend to keep an open mind.”

**Chairman Unruh** said, “All right, thank you Commissioner. With the comments by some of the commissioners about e-mail contact, I have received some e-mails, so Mr. Counselor, I just wanted that to be on the record if that’s important.”

**Commissioner Welshimer** said, “I have too.”

**Chairman Unruh** said, “Okay. Well with that, Mr. Schlegel, if you would make the staff presentation.”

### **POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “Thank you, Mr. Chairman. As the Clerk stated, the applicant is seeking to have the approval of a sand extraction operation as a conditional use in this Rural Residential zoning district.

You can see the location of the application area outlined in bold on the graphic in front of you. Basically, it’s about 500 acres between Tyler Road on the east and Maize Road on the west, extending from the half-mile mark, between 53<sup>rd</sup> and 61<sup>st</sup> Street up to about almost to 69<sup>th</sup> Street. Access to the site will occur from 53<sup>rd</sup> Street, along an access easement that they have acquired, up to the half-section line between 53<sup>rd</sup> and 61<sup>st</sup> Street. At that point then . . . and that access easement extends all the way up to 63<sup>rd</sup> Street and they would have their trucks cross 61<sup>st</sup> Street at that point, into the operations area of this sandpit operation.

Both Maize and Tyler Road are unpaved in this area. They are proposing to pave this access easement from 53<sup>rd</sup> up to their plant operation and it’s estimated that they’ll generate about 1.2 million tons of sand during an average year from this site. I’d like you to take note of the Maize

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city limits to the south, outlined in blue and that will be pertinent as I go through my presentation.

The excavations are to occur in four phases, which are outlined in the graphic on the right hand side of the slide. The first phase you see right here, second phase, third phase and the fourth phase just south of where the plant will be located and that's outlined in the red circle and the orange shaded area on that graph.

There is a 100-year flood plain that runs between the first and second phases and the third phase, as soon as I can get the arrow back. There's a little slough that runs down through here and that will not be impacted by any of their operations. The edges of the excavations are to be located at least 150 feet from property lines and they're estimating that it will take them 20 years to complete excavations. And they will complete each phase of the plan that's shown in front of you before moving on to the next phase.

They're proposing to put their storage and loading facilities at the location that you see on the graphic in front of you now. You can see the access road coming up from 53<sup>rd</sup> Street, crossing 61<sup>st</sup> Street at this point and then going onto the property just north of 61<sup>st</sup> Street. They're proposing, you can see in green on the conceptual site plan, areas that they're proposing to berm, to shield this operations area from the residential areas to the east. They are projecting up to 250 trucks per day, or 500 trips per day at the maximum. Number of trips of course will vary by the demand for the sand from this site. Access, as I mentioned before, will be onto the regional transportation system at the interchange of 53<sup>rd</sup> Street with K-96 so the access point from this operation will come down 253<sup>rd</sup> Street and the bulk of the traffic, the truck traffic that they generate will go over to this interchange at K-96.

The dredge that they're proposing to use will be powered by an electric motor. This graphic shows the improvements that they're proposing at 53<sup>rd</sup> Street, including turn lanes and acceleration and deceleration lanes. The access road north from 53<sup>rd</sup> Street to their site will also be paved.

As you can see on the aerial photo, the application area is outlined in red, and you can see the pattern of land uses in this area. The application area itself is now being used for agricultural purposes, zoned RR and the surrounding neighborhood is a mixture of other agricultural uses and large-lot residential. There are approximately 25 homes located just to the west of the application area, most of which have frontage or access to Maize Road. One tract, located south of 61<sup>st</sup> Street and just west of the application area only has access onto 61<sup>st</sup> Street. There are another 21 homes located to the east of the application area, about half of which have access to frontage onto Tyler Road. The remaining tracts get their access . . . in that area, get their access directly onto 61<sup>st</sup> Street.

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The application area and this surrounding neighborhood are all located in the Equus Beds Groundwater Management District. My understanding is there's a representative from the district here today to answer any questions you might have in that regard. The property owners in the vicinity of this application area all rely on on-site wells for their water supply. Planning staff has contacted the groundwater management district and has been advised that the applications have been approved for a permit for a specified number of acre-feet of water rights and that they will not be allowed to allow untreated surface water to drain into the excavated pits.

Stepping back, the view of this project area, the graphic in front of you shows how this . . . how the application area relates to a larger perspective. It is . . . the gray area that surrounds it is the City of Maize's growth area and it's also within their zoning area of influence, so this item did go to the City of Maize's planning commission and was heard by them at two different meetings. First on September 7<sup>th</sup> and the second time on October 5<sup>th</sup>. At the September 7<sup>th</sup> meeting, it was primarily an informational meeting. There was an estimated 80 to 100 people in attendance and at least 17 people spoke at that meeting.

Most of the comments at that September 7<sup>th</sup> meeting dealt with water rights issues, although a number of other concerns were brought up by various speakers. At the October 5<sup>th</sup> Maize Planning Commission meeting, there was again about the same number of people, 80 to 100 people in attendance. The citizen comments at that meeting included presentation of an alternative set of findings to support a recommendation of denial and I believe that you will hear a very similar presentation today from one of the representatives of the neighbors. There was also concern about the mixing of school buses and sand trucks. A Maize School District representative expressed concerns regarding the closure or vacation of 61<sup>st</sup> Street, contending that it would add extra miles to their bus routes by doing that. There were several people at that meeting that did speak in favor of the proposal.

Following these two meetings and over five hours of comments from a variety of different . . . from citizens and City of Maize and the school district, the Maize Planning Commission did vote to recommend approval of this conditional use for this site and they recommended the conditions that the MAPD staff had outlined in their staff report, plus a number of additional recommendations and their recommendations, this is the Maize Planning Commission now, included incorporating that the redevelopment plan that was presented at that October meeting be incorporated into the conditions of approval, as well as other commitments that were made by the applicant at that meeting, including such things as berming, improvements to 53<sup>rd</sup> Street, paving of access roads and high traffic areas, dust control, the electric drudging, planned entrance improvements and limiting the hours of loading of the trucks in the operations area.

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The also called for a second traffic analysis to be done within one year, from the start of operations and that the applicant then would pay for and install any improvements that were called for by the new traffic analysis. And then finally that the applicant pave the crossing of their access road to the plant area at 61<sup>st</sup> Street.

The case then went to the Metropolitan Area Planning Commission, was heard by them at its meeting on October 19<sup>th</sup>. There were six individuals present at that meeting to discuss the case. One spoke in support. Three spoke in opposition. There was also an attorney representing opposing neighbors and there was one speaker representing the Maize School District. The three neighborhood speakers and their attorney represented a larger neighborhood group that opposed this application and spoke on behalf of those neighbors. One neighbor at the MAPC meeting provided a substitute set of findings supporting denial by the planning commission.

The Planning Commission, based on finding contained in the staff report, recommended approval of the request, subject to the staff recommendations contained in our report, except that the issue of vacating 61<sup>st</sup> Street be left to the discretion of the county engineer. They also included the limitation, recommended by the Maize Planning Commission, regarding hours of operation, limiting it to 7 a.m. to 5 p.m. for loading, except allowing for any trucks in the process of loading at 5:00 to finish loading.

The MAPC's recommendation did not include several of the Maize Planning Commission recommendations, including the second traffic analysis and that the applicant pay for any recommendations that come out of that second traffic analysis and also did not include the recommendation from the Maize Planning Commission regarding paving of the crossing at 61<sup>st</sup> Street.

Some additional slides I want to go through real quickly, because I know these are questions that have come up in our briefings to date. This is a cross-section supplied by the applicant on how the pits would be bermed, in order to prevent run-off from adjacent land into the excavated pits. This is a typical lot profile, supplied by the applicant, of what the ultimate development of the property, upon completion of excavation, could look like. There have been a number of questions about previous conditional uses for sandpit excavations in the general vicinity. We went back and found as many of these cases as we could and the yellow outlines show the properties where previous conditional uses have been granted for this type of extraction and the number of years for those conditional uses, so it varies quite a bit, up to 20 years and 25 years in one case. This question came up about the flood plain that goes diagonally through this property. This is the new FEMA map and it's unchanged from the previous FEMA maps.

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We do have a valid protest petition for the notification area for 57% of that property, and then that's all outlined in red on the graphic in front of you now. The blue indicates additional property owners that also signed the petition.

And with that, we have a recommendation then from the Metropolitan Area Planning Commission for approval, subject to six conditions that are outlined in the resolution. I'm going to highlight them real quickly for you. The first condition has to do with the proceeding, that they would have to proceed with the approved site plan and redevelopment plans that they have submitted and that would be subject to the supplementary use regulations that are contained in the zoning code and there's some 23 supplementary regulations that they would have to comply with.

Second condition has to do with guaranteeing the installation of right-turn and left-turn lanes on 53<sup>rd</sup> Street and paving of the access road from 53<sup>rd</sup> Street up to 61<sup>st</sup> Street and also the paving of the high traffic around, in the operations area and that these improvements would be installed prior to commencing mining operations. The issue of vacating 61<sup>st</sup> Street shall be left to the discretion of the county engineer and the number of driveways allowed along 61<sup>st</sup> Street shall be limited to six.

The third condition has to do with dust control. It's a supplement to the regulations that are already contained in the zoning code concerning dust control and would require that, upon request by the county Code Enforcement office, that the applicant maintain a log detailing the type of dust retardant and how often and when the retardant was used and would be then available for county inspection.

Condition number four would limit the hours of operations for loading to 7 a.m. to 5 p.m., although allowing any loading that started before 5 p.m. to finish. Condition number six would limit the conditional use to 20 years, although it would allow for an administrative adjustment for an additional two years beyond that. And then finally, condition number six is a standard condition that allows the county's zoning administrator and the planning director to jointly declare the conditional use null and void if we find that there are violation of any of the conditions of this approval. And with that, I'll be glad to take any questions you might have."

**Chairman Unruh** said, "Okay, thank you John. Commissioners, before we proceed with our plan here for hearing this case, is there any questions specifically for Mr. Schlegel? I see none, so representative for the proponent, if you would like to speak to us."

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**Mr. Bob Kaplan**, agent for applicant, 430 N. Market, Wichita, Ks., greeted the Commissioners and said, "Now I have the honor this morning of representing LaFarge North America. As most of you are aware, land use is a part of my law practice. I have been doing this for a very, very long time. I must say to Mr. Schlegel, John that's as thorough and as good a presentation as I have ever heard from staff in all the years that I've been doing land use and I appreciate that and I think perhaps that's the reason that there were no initial questions.

I have the luxury, with a client like LaFarge Inc. that I don't often have with land use applicants. I have a company here that has the expertise, that has the experience that is able to research and to communicate a project and has the resources to complete it and to do it appropriately. In this case, I am relegated mostly to the role of a moderator, because I have brought to this meeting a number of experts who can address, I believe, any issue and every issue in regard to which you may have a question. All of these, ladies and gentlemen, that I have here have participated basically throughout this process. This has been about a two-year process, and so I am going to invite you to ask questions you may have from site planning, to traffic, to water, to environmental, to noise, to operations, all of those folks are present in the hearing room. They're all experts in their individual fields and they can come to the podium and address your questions.

I also have present, I saw Mr. LeMunyon who is a city administrator of the City of Maize and I believe Mrs. Edgington is . . . Yes, I see her, Mrs. Edgington who is the zoning administrator for the City of Maize is also here.

At the county's request, to deal with water issues, Mr. Baisey from Groundwater Management District 2 is present. He has brought his new manager, whom he can introduce. As far as the application team is concerned, the LaFarge team is concerned, engineer Greg Allison will address site planning and issues and post-development. To the extent that you have questions about that at this time, he has done the land use and the site planning. Operations, we have Mr. Darrell Moran and Mr. Rick Heise from LaFarge Inc. They can address any operational questions that you may have.

Traffic analysis is Mr. Gene Rath. Most of you remember Gene, formerly with the City of Wichita. He is now associated with Mid Kansas Engineering. He is a traffic engineer. Noise studies, the architectural firm of Wilson Darnel and Mann, in the person of Mrs. Emily Henderson.

Hydro-geology, water geologist, we have Ms. Martha Silks from Lawrence, Kansas who has come down and I have a report that I am going to offer to the bench from Mrs. Silks. I just got it, so I'm sorry, I couldn't get it in my booklet earlier. I'll distribute it today.

Environmental, Dr. Bryce Winter PhD is here and can address your environmental questions.

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Again, water issues, infiltration issues, private water well issues and all of those matters. Mrs. M. L. Richardson is here, Mrs. Richardson is my boss in this case. She is legal counsel for LaFarge, out of the Denver regional office, as to legal issues, either myself or Mrs. Richardson.

The history of this case, I think that John did a very good job of taking it through. I'll be very brief about it. We have had four previous hearings, public hearings. The first was an open house, it was hosted by LaFarge, and they simply hosted an open house to invite anyone interested to come, to look at maps, to discuss with LaFarge representatives, and that meeting took place a number of months ago, simple to acquaint and to advise and to give people an informal opportunity to ask question.

Now the City of Maize, through Mrs. Edgington and Mr. LeMunyon's request, held two meetings. One was, as John told you, an informational meeting at which no action was taken. It was a lengthy meeting, extremely well attended. Mr. Baisey was there from the Groundwater Management District and a lot of the water rights, water appropriation questions were asked and addressed.

Second meeting, the vote was taken, substantially in favor. I think there was one single descent on the planning board. Following that, I understand, and I did not attend, but I understand and Mr. LeMunyon, I might ask him to speak to that if he will, there was a workshop in the City of Maize between the City Council of Maize and its planning board, which was a public meeting but at which they discussed this project between planning board and city council members, as I understand it and I'll let Richard elaborate on that. As I say, I wasn't there, Mr. LeMunyon was.

The matter went to the MAPC. Again, we had an extended hearing. I believe that vote was, as I recall, ten to one. There was one single dissention so the support for this project, through all these meetings, has been overwhelming, staff of course, Mr. Schlegel's staff has reviewed it and researched it and staff recommends your support and your approval of the project.

Interesting issue with the Division of Water Resources, I want to make a statement but I don't want to impair and I'm not suggesting that water issues are not relative, I'm not suggesting they're not relevant, I'm not suggesting they're not important and I'm certainly not suggesting that you should not enquire into them, but most of these water rights issues have already been presented, researched, reviewed and handled by the Division of Water Resources and Mr. Tim Baisey and his new manager is here and can deal with that, so as a legal matter, commissioners, complaints on water impairments, there is a process to go through the state and it's basically up to these folks who, if they have a complaint about water usage or water problems, there is a process through which they communicate that to the Division of Water Resources and it's basically DWR's authority.

However having said that, I did bring the environmental people in, I did bring Ms. Silks, the water geologist and Mr. Bazy is here and certainly I know that it's an issue of importants, it's an issue of

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interest and I'm certainly not intending to impair or hinder any issues you may have in regard to that, except to point out that it is basically a DWR authority rather than a county authority, as far as water rights and appropriations are concerned.

We've met with the school district. We've discussed matters of safety. Some conditions have been discussed between Mr. Heise and the Assistant Superintendent. They've done some things to be sure that this operation does nothing to impair the safety of school routes and school children. We're very cognizant of the need that we handle our trucks appropriately. That's why we've done the private access way, keep trucks off Maize Road, Tyler Road. If Mr. Rath is here to discuss traffic, we believe that traffic will come out of the plant and will turn west and will go to the interstate. There's no reason to drive Maize or Tyler, when you're within half a mile or a quarter mile, perhaps Mr. Rath can discuss that, of K-96 Interstate. That's where we believe the traffic is going to go. We believe that to be a good thing and we believe that's helpful with the traffic situation.

I want to reserve whatever time I have left, I don't know what it is, I want to reserve my time for rebuttal, so I'm going to encourage you to ask questions of these experts, so I don't have to invite them up here myself and burn my own time, because I know you're going to want rebuttal on Policy 10, on the Golden factors and I'm very well prepared and equipped to do that, but I need to reserve a little bit of time for that, so with that I'm going to conclude and I would ask, Mr. Chairman, that I do reserve the remainder of my time for rebuttal. I think with that I will answer any questions that I can answer, but I'm sure that these various experts, if you raise the nature of the question, we'll get the right expert up here to the podium."

**Chairman Unruh** said, "All right, thank you Mr. Kaplan. Commissioners, questions? And we do have. Commissioner Parks."

**Commissioner Parks** said, "On the hydrology study, I know that this is not something that we would figure into the land use, but I have a question about the . . ."

**Mr. Kaplan** said, "Let me, if I might commissioner, may I invite Ms. Silks and Dr. Winter to the podium to address whatever it may be."

**Commissioner Parks** said, "Sure. I'd like to have an explanation on the coning effect and the possible drawing away from other shallow water wells that might be in the area or something that a sandpit could have an effect on."

**Dr. Bryce Winter**, MKEC Engineering, introduced himself.

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**Ms. Martha Silks**, Hydro-geologist, Quad-State Services, Inc. introduced herself.

**Commissioner Parks** said, "Can you kind of explain a little bit what the ramifications of a sandpit could have on adjacent wells?"

**Ms. Silks** said, "I'm interpreting what you're asking about the coning fact is basically any appropriation will depress a groundwater surface and when you have a depression in the groundwater surface, then you'll have a responding groundwater movement to fill that depression. And the State of Kansas sees this as a consumptive use and they've granted a permit for that, meaning there will be evaporation loss at the lake. Therefore, the groundwater surface will have a loss, and that loss will be met by groundwater movement to fill in that void. It's a regional aquifer. There will be no cone of depression as you would see in a well."

**Commissioner Parks** said, "Okay. Explain to me the difference between a regional aquifer and an equus bed."

**Ms. Silks** said, "Equus bed is a portion of a regional aquifer, which is the High Plains Aquifer. It's all acting as a large hydro-geologic unit. So the equus bed is the regional aquifer, it's just a portion of that."

**Commissioner Parks** said, "So if you had a house, basically, within some of the perimeters of this sandpit, you wouldn't have any problem with having a 25 foot well that supplies your house with water now and thinking that maybe that would be good for 50 years?"

**Ms. Silks** said, "Well it is an appropriation. They will have some water loss through evaporation, but there's a seasonal fluctuation of three feet that is documented by a monitoring well. There will be a portion of a foot, I mean very little extra draw down because of the evaporation loss, but it's stretched over a large pond surface, but it is a loss. I mean, it is an appropriation and they've granted the permit for appropriation, so there is a loss. There will be a possible short-term depression because of the loss, but there will be a corresponding groundwater movement to fill that depression, meaning there is a short-term draw-down effect on nearby wells, but it will be minimal and it will be not even observed beyond the three-foot normal fluctuation that these wells see, year end and year out."

**Commissioner Parks** said, "Okay, thank you."

**Chairman Unruh** said, "Is that all, Mr. Parks?"

**Commissioner Parks** said, "That's it."

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

**Commissioner Winters** said, "Thank you. Mr. Kaplan, I'd like to ask a question of somebody who works for the LaFarge Company that could speak to their philosophy, as it relates to plant operations, landscaping, tidiness, equipment storage, that kind of issue. Thank you very much. I'm just looking for a sort of a general company philosophy, I guess, that you might have and one of the reasons of not really knowing your company as well as even the company that you purchased when you arrived, the Ritchie Corporation. We know that they have won national awards and national recognition for their attempts to keep their plants, yards and facilities looking as well as possible for the type of operation. I'd just like a relatively brief comment about LaFarge's philosophy towards how your property is looked at and are in the neighborhoods across the country, wherever you operate."

**Mr. Darrell Moran**, General Manager, LaFarge Inc., greeted the Commissioners and said, "I . . . our philosophy is we have a set of building blocks, so to speak, for our company. One of them is safety, environmental and in that environmental portion of that, we want to have in fact the sites that we acquired through the Ritchie Corp. we are now beautifying, for lack of a better word, so we were very conscious of putting our trucks, putting our equipment and those type of things at the end of a shift in an area that are lined up and if somebody drives by, it's going to be attractive, so our company is very aware of what we look like, not only when we're operating, but before and after our shifts, so yes we plan on building, you know, planting trees, paving the road, putting berms to keep the site looking good from a distance, dust control, those type of things, but it is one of our building blocks, to be an attractive site."

**Commissioner Winters** said, "Would you describe those building blocks one more time."

**Mr. Moran** said, "Yes, one of them is safety, we have environmental, we have public relations, being involved in our communities."

**Commissioner Winters** said, "All right, I don't know that this is the right place, but I'll ask the question. Mr. Schlegel had indicated that the access road was going to be paved, and I also see a drawing depicting much of the interior, I won't say much, but some paving on the interior. Is it your plan then to pave interior, high-traffic areas with some kind of hard surface that will be less dust creating?"

**Mr. Moran** said, "Where the trucks will cross the scales, where around our buildings, the entries in and out of our property will be paved. The area where we're going to drive around, where we

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produce the materials, we stockpile the materials, that area will not be paved, just because there will always be sand going on top of that material. There are methods of keeping dust control down. We're fortunate because our industry, in this part of Wichita, is sand so it's dredged, it's wet, so that helps us keep the dust down. Then there are also additives you can add on there that we do report how many times did we put this material down on our roadways and we turn it in to government agencies, for dust control."

**Commissioner Winters** said, "Okay, one final question, Mr. Chairman. That drawing of the access road from 53<sup>rd</sup> Street going north, up to the main area, showed landscaping. It showed some trees, etcetera. Is it your intension to do that landscaping, along that access road?"

**Mr. Moran** said, "Oh, yes indeed, yes. Actually, if this process turns out the way we want, we will start planting trees just right after that."

**Commissioner Winters** said, "All right, thank you very much. That answers my question. Perhaps the other gentleman could identify himself, just so we'd know who concurred his . . ."

**Mr. Rick Heise**, LaFarge Inc., greeted the Commissioners and said, "I'd like to add one thing. We just left three days of regional meetings in Kansas City last week and we spent a considerable, the bulk of our time on environmental and safety issues and I'm going to tell you that, as operators for LaFarge, I think we're probably held to a higher standard than what you're asking us to do."

**Commissioner Winters** said, "All right, thank you very much for those comments. And your name again?"

**Mr. Heise** identified himself.

**Commissioner Winters** said, "Thank you. That's all I had."

**Chairman Unruh** said, "All right, thank you. Commissioners, is there any other questions right now for Mr. Kaplan?"

**Commissioner Welshimer** said, "I'll ask one question."

**Chairman Unruh** said, "All right, Commissioner Welshimer."

**Commissioner Welshimer** said, "What . . . let's say the end of 20 years is 20 or 22 years when this project is over, what's the neighborhood going to look like? I mean, what size lakes are you going

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to have? What's the shape of them?"

**Mr. Kaplan** said, "This will become and I would like to defer that, with your permission, commissioner, to Mr. Greg Allison who is the site plan land use architect, but it will become, as virtually every sand and mining operation in the county has become, a quality subdivision development, using the remaining lake as a water feature and an amenity. Mr. Allison is the expert."

**Mr. Greg Allison**, MKEC, greeted the Commissioners and said, "I can answer, hopefully answer any of your questions. But as Mr. Kaplan indicated, the intent, as far as I understand from the landowner, he would begin development of this land into an urban type lot residential development. And on the slide, on the left there you can kind of see a yellow outline around that slide. Those are proposed to be urban-scale lots, where you'd have approximately about 150 foot deep lots and about 80 to 100 foot deep lots and about 80 to 100 foot wide at a minimum. It would be the intention if these lots are developed that we would bring city municipal services to serve these lots and just be a new neighborhood that surround these lakes."

Now it's also my understanding that the way this is phased, they would like to begin the residential development sooner than later, in the sense that they won't wait for 20 years to begin the residential development. They would begin the residential development in phases and that's partly how the phases were developed on the sand extraction."

**Commissioner Welshimer** said, "But are they going to be nicely shaped lakes or are they going to be just dredged ponds?"

**Mr. Allison** said, "They're going to be shaped similar to what you see on that drawing. Some of the lakes, like around phase one and two, are a little more square or rectangular in shape, simply because there's some constraints, like pipelines and the flood plain that goes through the middle of it. The lakes, for phase three and four, we're trying to make more of a peninsula type development, and that was something that as we went through the different governmental agencies, in the public hearings, that was one thing we heard from like City of Maize and some of the citizens that spoke at those public meetings, that they wanted something a little more attractive, as far as the aesthetics of the residential and that's where, particularly on phases three and four, you can see the peninsula type lots."

**Commissioner Welshimer** said, "That area has a lot of dirt roads. I was out there on a very wet day, very foggy, wet. It's difficult for me to navigate around on them and some of them I decided

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not to venture in. Are you going to be putting these trucks on any of those roads?"

**Mr. Allison** said, "The trucks for the sand extraction will not go on Maize or Tyler, and that's the purpose of that easement that goes down to 53<sup>rd</sup> Street. That road that is their access road will be paved and it will go from their paved access road onto paved 53<sup>rd</sup>. And the intent of LaFarge, as they developed this plan was to stay off those side roads that were dirt roads and that also had the residential development nearby and get their access road on a paved road that went to a major arterial road that was close to a major intersection to get onto interstate type roadways, so the intent was not to be on those."

**Commissioner Welshimer** said, "But you'll be on 53<sup>rd</sup> and . . ."

**Mr. Allison** said, "53<sup>rd</sup> will be our main access."

**Commissioner Welshimer** said, "You're main road. It's just two lane, isn't it?"

**Mr. Allison** said, "It's two lane and in our traffic study and also through our public meetings, we agreed and proposed the freight turn lanes, a left-turn lane into the access road. We also agreed to have right-in and right-out or decel/ accel type lanes that would pull in and out of the access road to get our truck traffic off the main road as quickly as possible to not cause any blockage of traffic."

**Commissioner Welshimer** said, "How many trucks would you expect in one day or during your working hours, how many trucks would be up and down 53<sup>rd</sup> Street?"

**Mr. Allison** said, "What's being proposed as far as through the public meetings we've had, there's in the neighborhood of 210 I think to 250 trucks out of there a day, so if you double that, you're in the neighborhood of 450 or so to 500 truck traffic trips a day."

**Commissioner Welshimer** said, "So when you come off of 53<sup>rd</sup>, what are you going to do? Get on 96?"

**Mr. Allison** said, "Correct, the majority of the traffic would go down K-96, on that highway."

**Commissioner Welshimer** said, "Okay, thank you."

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

**Commissioner Parks** said, "While you're up there, Mr. Allison and I don't know if this is the appropriate person to ask, but on the traffic study that you're willing to pay for in a year, that was the understanding that I heard something about, after a year that there would be a traffic study or

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after a period of time. How far out in the impact would that be? Are you going clear to K-96 with that traffic study or is it just going to be a half mile either side of your private drive?"

**Mr. Allison** said, "I think it would be similar to the traffic study we've put together already. I can get with Gene Rath, who works with MKEC as well and is our traffic engineer, but we'd be willing to extend that to whatever limit you would seem appropriate, but at this point I think we've just studied mainly the intersection of our access road and the impact there. But I would say that's up to your discretion if you feel it appropriate to move it out that far, we don't have a problem doing that."

**Commissioner Parks** said, "Okay. I think it would be appropriate."

**Chairman Unruh** said, "Okay, thank you. Commissioners, any other direct questions for Mr. Kaplan?"

**Mr. Kaplan** said, "I, Mr. Chairman, just to supplement one thing too, Commissioner Welshimer, make it very clear that you say 20 years out. It will be about four or five years, ma'am, just getting prepared and getting permitted. Operations won't start until probably four to five years, by the time they get permitted and they get established and they get a plant built, so it's closer to a ten to maybe a fourteen year actual extraction time and that four or five year interval, they believe that their present sand reserves will just about be depleted at that time and they will need a new source of material, which of course is important too, to all of us."

The other point I wanted to make is that the developed will start as each lake, as each cell is completed. It will be turned for residential development. In other words, it's not 20 years of sand extraction or 15 years. As each lake is developed and completed individually, then that will be turned for residential development, as they move on to the next cell, so it is a phased operation."

**Commissioner Welshimer** said, "One question about that, if you start that development and start building houses around this lake, this first phase one or whatever you call it, how are people getting in and out of there? Are you going to create roads in there and pave them?"

**Mr. Kaplan** said, "Yes, as it's developed. What we're going to be doing, and perhaps Mr. LeMunyon is going to address this, I don't know. We have already signed an annexation agreement for your information with the City of Maize and subject to approval of this project, we have

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consented and the City of Maize has elected to ask us to consent to an annexation, so this property and this project will be part of the City of Maize and will be annexed into the City of Maize and developed, actually under their jurisdiction and under that authority. In other words, they want the development and they're going to take it by annexation, subject obviously to your approval of the project."

**Commissioner Welshimer** said, "So the city would put the roads in?"

**Mr. Kaplan** said, "Let me defer to Mr. LeMunyon or Ms. Edgington. Ms. Kim Edgington is the zoning administrator for the City of Maize."

**Ms. Kim Edgington**, Zoning Administrator, City of Maize, greeted the Commissioners and said, "As each phase of this project is developed, they would . . . the applicant or property owner would be required to go through the platting process, meeting all of the subdivision regulations of the City of Maize, and so the developer would be required to put in paved streets and bring in municipal utilities for that development."

**Commissioner Welshimer** said, "Okay."

**Chairman Unruh** said, "Is that all? Commissioner Winters."

**Commissioner Winters** said, "Yes, a question along that same line. I'm not sure you're the right person, but perhaps you can. Mr. Kaplan mentioned annexation. If this conditional use permit is approved, is it Maize's intension to annex this property?"

**Ms. Edgington** said, "Yes, it is."

**Commissioner Winters** said, "And would that include the public right-of-way of 61<sup>st</sup> Street, between Ridge and Tyler?"

**Ms. Edgington** said, "Yes, it would. It would include all adjacent public right-of-ways, along with the entire tract."

**Commissioner Winters** said, "So it's your intension to annex the public road right-of-way."

**Ms. Edgington** said, "Yes."

**Commissioner Winters** said, "Thank you very much."

**Chairman Unruh** said, "And that annexation would occur immediately, or is that going to be . . .?"

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**Ms. Edgington** said, "It is the intent of our city staff to bring that to our city council upon approval of this conditional use."

**Chairman Unruh** said, "Okay, thank you. Any other questions, commissioners? Commissioner Parks."

**Commissioner Parks** said, "Okay, that brings up another issue with the 61<sup>st</sup> Street closing then, that would be up to the City of Maize engineering department then?"

**Ms. Edgington** said, "Right, that would then revert, rather being the county discretion, would revert to the City of Maize engineering discretion. And in previous discussions, our city engineer is in favor of keeping 61<sup>st</sup> Street open."

**Commissioner Parks** said, "Thank you."

**Chairman Unruh** said, "All right, thank you. Commissioners, any more questions for Mr. Kaplan? Are there other folks here in the room that would like to speak in favor? You would have three minutes to make a statement. If you'd please move towards the podium and please respect the three-minute timeline. If you'd want to step up there now."

**Commissioner Winters** said, "You ask for those in favor?"

**Chairman Unruh** said, "These are people who are proponents, in favor of the application."

**Mr. Richard LeMunyon**, City Administrator, City of Maize, greeted the Commissioners and said, "And in the interest of time, I won't read a lot of stuff that John and Bob have discussed, and Kim I just want to for the record indicate that the city council did have a workshop with the planning commission on September 25<sup>th</sup>. It was a public meeting. The City of Maize mayor and council is in favor of the project, with the exception of one councilperson, Mr. Herndon, and he is here today and will speak to that."

The City of Maize, obviously, is a suburb, it's a small town but it is a legitimate suburb. We have a lot of growth that's going on. It is our position that it's a sandpit operation, but in the future it's an amenity that will provide the City of Maize an opportunity to provide something that we don't have

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now. We have prided ourselves in upgrading all of our design standards, all of our zoning and planning regulations. We, as a suburb, want to provide to the citizens alternative housing. We address the needs of seniors, starter homes, and we have apartments and we have very upscale homes that are coming in. And with our development comes commercial opportunities and we feel that this certainly would be an opportunity for us.

As Kim indicated, it is our intent to annex this property. It would come under our enforcement and compliance and Kim would be the person who would be in charge of that. The only thing that I would request that if approval of this board is forthcoming that any conditions that the Maize Planning Commission set forth that might not be included in the Metropolitan recommendations, that those be included in any approval that this commission would make. With that, if there are any questions, I be happy to address them.”

**Chairman Unruh** said, “Commissioner Winters has a question.”

**Commissioner Winters** said, “Just one quick question, Mr. LeMunyon. Do you agree and concur with Ms. Edgington that if this moves forward, and Maize annexes, your intension is to annex the road right-of-way adjacent and going through this project?”

**Mr. LeMunyon** said, “Yes sir, that is correct.”

**Chairman Unruh** said, “I see no other questions. So is there anyone else who wants to speak in favor, as a proponent? If there are others who intend to speak and say something different, if you’d please kind of queue up over here.”

**Ms. Rebecca Radford**, 1512 Woodrow Ave, Wichita, Ks., greeted the Commissioners and said, “And Jeff Radford. We actually live at 1512 Woodrow here in Wichita, but we own property adjacent, caddy-corner if you will from this project. As property owners adjacent to this project, we just wanted to take an opportunity to express our support. We’ve been to the meetings and listened all of the proposals. Our property has been in our family for five generations. I grew up in the agricultural, farming lifestyle and I wouldn’t change that for anything and many of us who grew up in that atmosphere wish that it wouldn’t change, but the fact is, it’s very close to a major metropolitan area and progress is happening, whether we want it or not.

We’re very happy and the statement we really want to make today is that we’re very happy that Steve and Helen Simon have chosen to align themselves with such a first-rate company as LaFarge. After reviewing the plan and listening to the LaFarge representatives, we feel they are approaching

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this entire project with the utmost respect for the community of Maize for the very land that they opt to mine sand from.

The community of Maize has grown rapidly in the past several years and is still in need of high-end development, and we're glad, as property owners, of course to see that coming towards us and our land. It's getting a lot more difficult to farm today, all over the country, but especially near a metropolitan area. We're just glad that Mr. Simon and Helen Simon have decided to do what they're doing, because they could sell out to a developer that would put up, you know, three times as many homes and we would not . . . generally, when that happens I guess, my feeling is those homes go up too fast, they're cheaply built and in 20 years you have a new area of concern that you have to deal with, so we would like to support this project and encourage the commissioners to vote in favor of this conditional use project and the glass is to you."

**Mr. Jeff Radford**, 1512 Woodrow Ave., Wichita, Ks., greeted the Commissioners and said, "Well we would like to also say, as proud neighbors to the Simons and to LaFarge, as Rebecca said, we're happy to see this plan. I think the most important message from us as landowners is that this process of the development has been, obviously, well thought out with a 15 or 20 year plan. This is what we need. We have all faced situations that don't have long term planning. The Simons are five generations in Maize. They are thinking of Maize. They are thinking of Sedgwick County. We're proud members of Sedgwick County, all of us.

We want to see and recommend that the procedures and the policies that we're all going through today, whether in favor or not, is a very good recommendation for the process of development and we want things to go forward as a proud Sedgwick County members, proud Maize members and regardless of the outcome, we hope that the vote that you are going to be asked to do would represent the process and we are proud to be a part of the process of development. It is what made Maize great, what made Sedgwick County great and we know that it's a part of what makes America great and we want this process to go forward. We appreciate everybody's professional input. It's certainly a well prepared presentation by the MAPC. Thank you."

**Chairman Unruh** said, "Thank you. Anyone else that wants to speak in favor, please step to the podium and state your name and address."

**Mr. James Miller**, 5745 N. Tyler Road, Wichita, Ks., greeted the Commissioners and said, "This is the big picture. They want to build the lakes so that they can build the houses. We can't build the houses without the lakes. These are going to be upscale homes. I will be one of the first ones to build a home for my wife and my son. When the lakes are completed in phase one, they start

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building, I'll be one of the very first ones that stand up there and start building. I'm a licensed general contractor, residential commercial builder, environmental contract. About four hours, I can run down and pull my permit and get ready to start construction.

I think this is the greatest thing Sedgwick County or Maize has ever seen. I thank Mr. LeMunyon for pushing and pushing and pushing and he got it city water and city sewer in this area. If this is passed, Maize is going to annex it through the cooperation of the Simons, we're going to have city water, we're going to have city sewer. If you take a shovel in my backyard and I own three acres, and in the process of buying my neighbor's property which is five acres, dig seven foot in the backyard, you hit water. If the water table drops a foot and a half, then maybe we can actually build a basement underneath our home. The way it is right now, we can't even think about having a basement. We have a crawl space. If we have a tornado or any type of thing like that that happens, we have to go down to the crawl space to protect my family.

If the water table would drop a foot and a half, it would be perfect. I could actually have a basement underneath my home and it's hard to top the last couple that spoke, so I guess I'm finished, but I support this and the majority of my neighbors support this. And you look at their own paper that the opposition has put up, almost every single home on Tyler Road, on the west side of Tyler, which is going to be directly to the east of all of this phase four, so we're going to tolerate it longer than anybody. Things have to get a little bit worse before they get a whole lot better and it's been farm fields for generations.

You just can't continue to farm with the value in the land in Maize and western Sedgwick County, you just can't continue to farm when the property values are worth so much and we happen to be sitting on a gold mine, with the equus beds and the sand and the gravel. That was put there by God millions of years ago, the river used to run right through that area, and that's why we have what we have today. And again I'd just like to say that I support this and my immediate neighbor supports it and the majority of all my neighbors on the west side of Tyler Road, everyone of us, even driving west on 61<sup>st</sup> Street, from Tyler to Maize, almost every home there supports this measure and you can see from their own drawings."

**Chairman Unruh** said, "Okay, thank you. Yes sir, would you please step forward."

**Mr. Dennis York**, Dry Sand Co., greeted the Commissioners and said, "We currently have a conditional use permit that is adjacent to this proposed site. We're on the north side of the river. I've grown up in the sand business. We've been there for years. Two issues that I'd like to address at this commission is that prior to this proposal, there was been a real haphazard of sand pits and gravel operations over the last 60 years. The typical application of the gravel permits and stuff,

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even before the permitting process was there, is any place someone could find sand along the river, all the way from the 1920s, they have progressively grown out. You have a lot of parks and lakes that's in the city area now. Some have been filled in, such as the Twin Lakes area. Everything is migration out of the city. These migrations produce the sand, the gravel, the produce the economy and everything that's going on it.

This proposal that's being set up right has been looked at from all sides. The sand, the gravel and the materials are all contained in a trough of properties that adjoin the sides of the river. The Arkansas River bed, as the other gentleman said, has expanded out. On your planning plan right here, if you just to the north of the river, you'll see where our site is. We were allowed eight years for a conditional use permit and then after that we have to go into the process of the management of the land as to what the end use is going to be.

This has been well thought out. Roads, streets, utilities, all that has been laid out, instead of like Ms. Washner mentioned. It's not just a strip pit. This is something that people put their time in. It's abiding by the regulations. Not only the commission here has set rules and regulations, but every one of individuals that's on the site, at the sand operation, which is actually a mining, all those personnel have safety records, they all have safety training, they're all licensed for specific issues and they're reviewed by federal regulations. The federal regulations are a whole lot stiffer than any that you have put on them so far. They have got to abide two national standards and they are watched. I think this commission would be wise to go with this project, and encourage others to go to the same extent of planning that these people have. I thank you for your time."

**Chairman Unruh** said, "Thank you, sir. Anyone else? Okay, we're at the point in the procedure where we'd ask for the opponent presentation. If you'd step up and tell us your name."

**Mr. Charles Benjamin**, Attorney representing the Concerned Citizens for the Betterment of Maize, and the Mystic Lakes Homeowner's association, greeted the Commissioners and said, "By way of background, I just wanted to let you know that I served for 16 years as a Harvey County Commissioner and Harvey County has been zoned for over 30 years and I sat in a position similar to yours many times trying to make fair decisions about controversial zoning cases.

During that time I was on the county commission, I also taught political science courses at Bethel, Newman and Friends and then about ten years ago I was earning a law degree, I moved to Lawrence, where over the last ten years I've been representing the Sierra Club at the legislature, often lobbied Commissioner Welshimer during that time. And I've also represented about 30 neighborhood organizations all over the state, on zoning cases very similar to this type of thing, and so I was retained last fall to try to help this neighborhood association before in a proceeding which

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is very foreign obviously to most people and I might mention that after I was retained late last year, I was hired by an environmental organization called Western Resource Advocates, based in Boulder, Colorado to be the director of the Nevada office and I literally have a U-Haul truck parked in a motel in Wichita, which I'll be driving to Carson City, Nevada after these proceedings.

Our presentation today will be made by three neighbors. They are Mark Regester, Mary Belton and LaDonna Hale. And as you will see, the presentation they will make with their analysis is focused on the so called Golden Factors and the famous, in zoning circles, case of Golden versus the City of Overland Park in which the Kansas Supreme Court has strongly suggested that governing bodies use as their criteria for making decisions about land use cases and zoning cases.

So without further ado, I would like to let these folks go ahead with their presentation and then, I would be happy to answer any questions now, but then I would like a little more time perhaps at the end to address you after you've heard from all the opponents and answered your questions, I might have some suggestions on how to proceed."

**Chairman Unruh** said, "All right, thank you. I don't see any questions, so if the next presenter would step forward."

**Mr. Mark Regester**, 8501 Mystic Lakes North, Maize, Ks., greeted the Commissioners and said, "First I'd like to thank you for giving us the time to present our concerns. We understand you have to rely on facts and how they relate to the nine review criteria that Mr. Benjamin mentioned, spelled out in the zoning regulations to make your decision, so we'll be presenting our concerns in the same format.

Before starting, we'd like to say we're not questioning this company's reputation. What we are questioning is the size and the scope of the project, the location and the risks it imposes on the community. We are not opposed to growth and development, as long as it's done in a reasonable and balanced manner. We don't believe this project, as proposed, provides that reason, nor balance.

Factor number one, the zoning uses and character of the neighborhood: the proposed zoning area is currently Rural Residential, which is the most restrictive district in the code. It's comprised of small farms, large agricultural areas and residential homes. Those of us who live there would describe the area as a peaceful, very safe, family oriented setting in which we've chosen to raise our families.

This is a current copy of the Maize land use plan and the area and the location that we're talking

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about. I think the you can kind of look at it, let me bring up a pointer. The area we're talking about is right in here. As you can see, off to the west, this greenish colored area is an area that Maize has designated for future industrial zoning, so hoping to have industrial type of activity over in this area here. What that leaves is an area here sandwiched between, if approved, you know two basically industrial areas for at least 20 years. We believe that this kind of change would have a dramatic effect on the area neighborhoods.

Zoning is the only means we have to assure nearby land uses are compatible. We chose to invest and live in this area and raise our families because it was zoned residential. If you grant a CU for a conditional use for 20 plus years, it will virtually change the zoning as long as the operations are in effect. We can't relocate, but they can. This is not the only place that sand is abundant in the area.

Item number two, suitability of subject property for uses for which it has been restricted: everyone acknowledges that the property is currently being used for agricultural purposes and that it's suitable for development into residential lots. The applicants have stated the desired end result is to develop residential lots with waterfront amenities and have identified other typical developments, such as Water Cress, Reed's Cove, Hawthorne and Fox Ridge as examples of such desirable developments. Mining or drudging is not the only way to create waterfront property. All of the lakes in these development were dug or scraped out without exposing the public to the health and safety risk associated with 20 years of sand extraction.

Item number three, extent to which removal of restrictions will detrimentally affect nearby property.

We've all seen what large sand operations looked like from a distance, but these pictures give you a much better look. A plant of this . . . and this is the current LaFarge operation of Highway 96 and West Street, a plant of this nature with unlimited height of sand piles and other structures, machinery and operational equipment will certainly have an adverse effect and alter the visual appearance of the area as long as the sand operations are running.

This is also a photo of I guess one of the work sheds and we just included two pictures here, but there's materials strewn everywhere, throughout the property. Something you probably hear every time a CU of this nature comes before you is that there will be additional encroachments from noise, dust and increased truck traffic and they talk about dust control, I'm not sure what they employ today at their 96 site, maybe they can speak to that, but there's just kind of a cloud of dust that's typically around that facility and that cloud of dust moves north or south or east or west, whichever direction the wind blows.

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What makes this project unique is that it is so large and it will last for a long, long time, possibly a lifetime for some of us. I'm 45 year old now. If we're looking at 20 years, do the math, I'm 65 then, but also what we have in questions is other documents they've filed with the Division of Water Resources and I have that application in front of me. The application submitted to the Division of Water Resources clearly states that their intent is to mine eight pits over the next 20 years. We're not sure why the applicant hasn't chosen to disclose the entire scope of the project at this time. Nonetheless, we believe you're entitled to see the complete picture, as they presented it to DWR. So on the left side of this drawing, the west side is the 500ish acres that we're talking about today in this conditional use and off to the east is another 397 acres for the total 935 requested from DWR.

In April '05, DWR issued a memo to add the description of four land parcels and two property owners, both of the property owners who are added, Mr. Richard McClure and Ms. Cindy Seibler were planning to be here today. I know Cindy is here. I haven't see Mr. McClure, to let you know that when their property and names were added to the permit, it was done without their knowledge or consent.

The memo also states you need to be always concerned that is the entire area is exposed to groundwater, there will be a 16-acre-foot deficit. Because of the deficit concern, when the permit was issued, it temporarily limited the evaporative loss to 852 acres. That's how close this project will come to creating a deficit in the area, and that's cutting it too close for comfort for those of us who rely solely on wells for our drinking water, irrigation and the heating and cooling of our homes.

The current annexation plan that we've seen doesn't include taking water to all areas around us. It's really just going to service up Maize Road, across 61<sup>st</sup> and into this newly annexed area. Even though Mr. McClure and Ms. Seibler are opposed to the project, you're still being asked to approved a CU for over 500 acres, which includes their land. If you remove their land from the application, it brings the size of the project down to about 388 acres, so by saying that 500 acres involved, it is slightly overstated by about 39%. A more accurate picture is to know that they're asking to expose 237 acres of groundwater out of the 388. The applicants have already signed documents, as Mr. LaMunyan has mentioned, agreeing to be annexed into Maize, if the CU is approved and the legal descriptions of the documents also only cover the 388 acres.

When we expressed concern about the size and scope of the project, they told the Maize Planning Commission they were only doing four pits, not eight. When the same concern was raised at the MAPC hearing, they said 'we are not doing 935 acres'. Hearing these comments actually relieved a great many of our concerns, but unfortunately it's not consistent with the location of the geo-center or point of diversion. If the geo-center, and there's experts here to tell you about this, is not in the right place, it will throw off the accuracy of the two-mile safety analysis, spacing

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requirements, the notifications DWR sent to affected property owners who have wells within the half-mile center of the half-mile center.

They put the geo-center in the middle of the eight pits and asked for a permit to do 935, so it seems obvious their intension is to eventually do eight pits. Otherwise, they have misled DWR asking for a permit covering twice the amount of water needed for the project and for water that will not be put to beneficial use. DWR has said that to the best of their knowledge, there is no other area in the state where the groundwater pits are this dense.

Looking at a map that I believe Mr. Schlegel had up, we've also added in this area in blue here to represent the additional acreage that's covered under the DWR permit off to the east. According to the Stafford office, this would be the largest project in the State of Kansas, both acreages combined. That's what has us concerned.

To put it in terms we can all relate to, if approved, you'll be allowing them, just the western part now, just the conditional use, if approved you'll be allowing them to dig holes in the equus beds in an area almost equal to the size of Lake Afton, which is 258 acres, that's a large amount of groundwater.

Groundwater management has said that the evaporation rate will definitely be greater than the recharge rate in the hot summer months, but it should average out over the long term. Again, we rely solely on wells for our drinking water and the summer months are the peak months for water uses, for both domestic and irrigation uses, so this makes it a very real and valid concern for us.

We are probably more concerned with this effect than LaFarge, because they are a foreign, international country who can and will move on, once the sand is gone, because for them it's just a business. They're in there to make a profit for their investment. For us it's personal, because we're the people, the families and the community who will be left with the permanent effects and risks, once they are gone.

They've talked already about the truck trips, they're going to generate at least 500 truck trips a day, or about one every minute. And off to the east, something new that has happened in the last few months is there's also a very large housing and commercial development, Emerald Springs, which has recently been platted to build 507 homes and six commercial lots on the east side of Tyler, between 53<sup>rd</sup> and 45<sup>th</sup> Streets. I believe that Mr. Malone is here and is going to address you today also.

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And finally, factor four, the length of time the property has remained vacant as zoned and the property is not in a state of vacancy today, it's still productive, still being used as productive agricultural land. And with that, I'd like to turn the podium over to Mary Belton, who will address some of the other factors. Thank you."

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

**Ms. Mary Belton**, 10009 Lake Lane, Maize, Ks., greeted the Commissioners and said, "I am within the 1,000 foot area of notification. I also serve as a planning commissioner for the City of Maize, but I was one of two planning commissioners who had to recuse ourselves from hearing this case, because we both live within that same 1,000 foot area of notification.

The two factors that I'm going to be going over today are factors five and six. In looking at factor five, one of the things that you have to do is understand that there's numerous elements imbedded in this one particular factor. You have to look at the gain to the public health, the gain to the public safety, gain to the public welfare and then weigh that in comparison as it relates to any loss or any hardship that might be imposed on the applicant.

So in looking at all of the information that the applicant has provided and in addition, all of the information provided to you by the staff report, there haven't been any gains to public health or safety identified at all, not one, but there have been several risks identified and we would like to address three risks that we consider to be the most critical, the one being traffic safety related and then the other two are related to the risks that we consider being imposed on two of our natural resources, groundwater and sand.

In looking at the traffic safety report that they gave you, if you've had a chance to read it by now, you're probably realize that it focuses just primarily on the access drive itself and the impact that that access drive is going to have on 53<sup>rd</sup>. There's no other analysis, there's no other information provided in that study that indicates what the impact is going to be on the remaining arterial roads, such as Maize Road and Tyler Road.

Even the volume numbers and the peak figures that are in that report rely primarily or are based solely on the traffic from 53<sup>rd</sup> and the access road going east to Tyler. We would have liked to have seen more information as it relates to the impact that this traffic is going to have that doesn't use K-96. The report does say that 80% of the traffic is going to be using K-96, so that's going to give them good access to their customers in the northwest and to their customers in the southeast, but if any customers to the north or any customers to the south, then it stands to reason that they're going to be having to use those arterial roads to access those customers.

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We consider it to be a critical intersection, now that the fire department is relocating Fire Station #33 to Maize Road and 53<sup>rd</sup>. Also, the EMS station has just been recently located to just a little bit further south, on Maize Road near about 37<sup>th</sup>. So first responders are going to be . . . you know, we're concerned about what they might do to impede first responder's time, like EMS, fire department, things like that.

The traffic report that they provided you also acknowledges that there will be an increase in the potential for accidents and what we would like to add to that is just a reminder that our school district in Maize is the second fastest growing district in the state of Kansas. This year, our enrollment is over 6,000. The buses that are used to transport these kids back and forth to school is in a bus barn located on 53<sup>rd</sup>, just east of where they intend to put the access road.

Now I believe that James Baker is here and he's going to be addressing you from the school board, as it relates to the number of trips that it takes for these buses to take the kids to school, back to the bus barn in the mornings and then repeat that picking them up from school, taking them home and so there's a lot of truck trips that are going to be intermingled among these bus trips that is a real concern of us.

We know that 20% of all accidents involve teen drivers. A lot of these teenagers are going to be driving themselves to work. In the area, a lot of these teenagers are driving themselves to school. They're operating on a learner's permit, with very limited experience. If 20% of the accidents involve teen drivers, the fact that they're going to be relying on the same arterial roads, because Maize is not very big, we have just very few arterial roads, Maize Road, Tyler Road, 53<sup>rd</sup> are heavily relied on by not only the students but the population in general. Anybody who lives in Maize, anybody who travels through Maize are going to be subjected to these same risks, so we really do consider the fact that interjecting one truck trip every minute, by their own standards, we're concerned what that's going to do with the impact on traffic safety.

When we raised this issue before, their response was simple 'accidents are going to happen'. We don't think that they want an accident to occur anymore than we do, but what we have to remember is the sheer size of the truck. The picture that you saw that Mark showed you indicates that having an accident with a truck like this is considerably more dangerous than an accident with another vehicle. So we went to the Department of Transportation and we asked them if they could provide us information as it related to how many accidents cargo-type trucks were involved in, which includes and encompasses sand trucks. They suggested that we look at Sedgwick County and the seven surrounding counties and the information they gave us indicates that between the years '03 and '05, there were almost 400 accidents involving cargo-type trucks and over 57%, over half of

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them happen just in Sedgwick County alone. So we really consider, you know, traffic to be a big, big major concern.

As it relates to the groundwater, whether it's four pits or whether it's eight pits that they eventually do, either way there's going to be a tremendous amount of groundwater exposed and I'm sure that they'll do everything that they need to to make sure that there's no pollution that occurs during the extraction phase, but just the mere fact that they're removing a tremendous amount of sand and a tremendous amount of soil that typically acts as a filter, a natural filter to neutralize those pollutants is going to basically mean that they're facilitating, you know, the potential pollution in the future, because they'll be gone, but we're going to be stuck with forever, if the potential pollution of what they leave us with.

At this point, I'd just like to share with you and I'm sure you're aware of them but just to bring to mind the fact that there are several other issues going on as it relates to water resources at the state level. One of the things that we have been waiting on for quite some time is the results of the study that was commissioned by USGS. They were looking at what type of pollution occurs after developments occur around sandpits. We've been waiting for this for quite a while. The task force hasn't completed the study yet, we haven't received the results, the research data, but they have said that on the surface it does look like, for the most part, that there's not any contaminants that have been found during phase one of this study that would lead them to believe that there's any kind of a public health risk, but I would like to remind you that they also say that there are some exceptions to that and the exceptions that they mentioned are contaminants that are going to affect the taste of the water, the odor of the water and the staining properties. That may not be a health issue or other concern to somebody who is on public water, but we rely solely on our wells for our drinking water, so we care just about as much as to what it taste likes and what it smells like as any of you who might be on public water.

What we're suggesting here is that before really making a decision of this project, it would be nice if we had those unknowns or those uncertainties resolved before we move forward, because we've waited this long for the study and I believe the results of at least phase one are just imminent, as soon as the task force completes their study and provides their recommendations.

Also just as a reminder, there's over \$300,000,000 that have been funded by the state to recharge the equus beds up in the Halstead and Sedgwick County area, again in an effort to try to prevent the degradation of the aquifer. Just last year, another 1.2 million dollars was funded to buy back water rights and to work with the Department of Agriculture to pay farmers to retire water appropriations, again in an effort to try to prevent or slow down the decline in the water resources that we have

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available in the state. All of these things are being done because they recognize water resource is very important to the economic region as a whole, and we're just bringing them to your attention again, just a reminder that we would like to believe that anything that's done at this level, any decision made by the county, would either compliment and support what's being done by higher levels within the state.

When it comes to sand, the application has been presented to you based on the premise that if it's denied, that there will be an increase in both cost and time to complete public and private projects, but so far we haven't really been given any facts to support that assertion and it does apply an economic need, when they have said that Wichita and the surround area uses 3.3 million tons and that this project is going to produce 1.2, so on the surface that does imply there's an economic need.

But what's missing from that equation is how much sand is already being produced. We went to the state conservation commission and we asked them if they could give us some information, as it relates to this area, and they said that between Sedgwick County and Mulvane, last year 4.2 million tons were sold. So using these figures, we're already almost 30% in excess of what's needed for Wichita and the surrounding area. If they're allowed to come and produce another 1.2 million tons, that's going to put us in an over 60% excess that we're mining a natural resource that perhaps it hasn't been proven that an economic need yet exists.

Now it's our understanding that this plant that they're going to be putting in would take the place of the plant that's operating over on West Street. Both of them would be producing about the same, so it's an even wash, you would still be at 27% excess, even if that one plant closes down. So quite a few of the other plants are going to have to close down, you know, to really be able to justify an economic need. And I'd remind you that just last year you approved another, either you or MAPC, approved another pit approximately the same size. They're going to be drudging about 200 acres and producing a very high volume of sand and that's the Kingsbury site, that's located half a mile south of 53<sup>rd</sup>, near Hoover.

And what this has done for us and going through this process, it really created a learning experience basically and it made us realize, you know, what's being done, you know, at the county level to try to make sure that we preserve this natural resource for our own long-term needs, and it may require change in the thought process, but in order for you to really determine whether there is a valid economic need, you'd have to know how many pits are in the area, what they're producing and where they're located. And we're suggesting that this is not the type of application that should be looked at on a case-by-case basis. We would like to think that you would want to see the county as a whole. This isn't just affecting Commissioner Parks' district. It's not just effecting, you know, Commissioner Norton's district. Those are the two districts that you see most heavily hit with applications like this. This really needs to be viewed on as a county-wide basis and unless you know how many pits are already out there and what they're producing, it's going to be really

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difficult to know what the impact is happening on this pit to what's already in place.

So we would like to think that some of the information you might want to have is the number of pits so you can control how many are operating. Also to be able to control the density, to make sure that there's no one area that's going to be subjected to this Swiss Cheese effect, like we're seeing in our area. And then also it would give you the ability to approve them on an as-needed basis, in other words as one pit closes, in succession, or consecutive to another, if there's still a need, then you could approve it, but to continue approving them on a case-by-case basis really doesn't allow you to see the entire bigger picture and we would like to think that that's some of the information that might weigh heavily on your decision.

As it relates to loss, that the applicant will suffer loss because the plant will have to relocate. We like to point out that the applicant doesn't own the plant operation. He owns the land and if his desire is to have waterfront amenities to develop this area, as we've mentioned earlier, there are other ways that that can be done with alternate typical type developments that would be done much quicker and not expose the public to the risks of something like this traffic and the sand extraction is going to do for the next 20 years. So in reality, the value of his land is going to remain intact. It may not be as profitable for him, but the value of his property still in intact.

Factor number six talks to whether or not this is in conformance with the Sedgwick County Comprehensive Plan. The staff report has given you two instances where it is in compliance. We would like to show you some instances where we found where it is not in compliance, because we believe that you need to be able to know what the compliances are, as well the non-conformances so that you can weigh them against each other, to see which ones outweigh the other.

We found ten specific non-conforming areas and we find that they're very significant and relevant, because they speak to some of the very goals, the objectives, the strategies and even two of your locational guidelines that are in place. And nothing that's been presented to us so far indicate that there's any mitigating circumstances that should cause these to be overridden.

I'm not going to go through each one of them but just real briefly I'll let you know that, for instance the land use goal, you know it is all aimed at trying to keep residential and industrial areas from encroaching on one another and of course this is not going to do that. Both the residential and industrial locational guidelines talk to separating residential area from adverse land uses and it specifically talks about industrial uses. And both the housing and the neighborhood objectives are aimed at strengthening the neighborhood's identity and pride and again, it's our position that this will not happen.

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So that concludes my two factors and LaDonna Hale is going to wrap up, covering factors seven, eight and nine.”

**Ms. LaDonna Hale**, 10121 Lake Lane, Maize, Ks., greeted the Commissioners and said, “I am also within the 1,000 foot area of notification. Starting with factor seven, the impact on community facilities, discussion of facts: the impacts on community facilities, which have been identified, are all negative. The only item addressed in the staff report though is the increased road maintenance that will be required as a result of heavier traffic and all the traffic report says is that there will be a potential increase for traffic accidents.

It stands to reason that this will put a strain on first responders and the added congestion will impede emergency response time. We are concerned because Fire Station 33 is being located at the corner of 53<sup>rd</sup> and Maize Road and recent relocation of EMS facilities on 37<sup>th</sup> and Maize.

They’re also asking to vacate a portion of 61<sup>st</sup> so that their trucks will have direct access to the plant off of 53<sup>rd</sup> without having to stop. And both USD 266 and the township board are opposed to this, because they are concerned that it would increase, maybe add at least three to four miles to bus traffic, as well as US postal, so we are concerned about the possible closure of this road.

Item eight, opposition or support of neighborhood residence: a substantial number of residents have voiced opposition to this project, and again let me remind you that we are not opposed to progress and growth, development of this area as long as it’s done in a reasonable and balanced manner. But this proposal is excessive, in size and scope and it does not provide this reasonable balance.

In an effort to bring the focus into balance, the community has become involved to voice our concerns. We’ve made sure that our views and concerns are based on facts, not fears, emotion or personal attacks. There are 79 properties affected in the area and 57% of the landowners within the 1,000 notification area have signed a petition against this proposal, as it’s being proposed. This is overwhelming, especially when you keep in mind the manner in which they presented the request. The applicant’s family owns the majority of the land on the east side of the project, so they obviously want this to go through, and they’re also included in this protest area, so that 57% includes a large number of people that obviously would not sign the protest because they have direct relationship here.

Item nine, consideration of recommendations for professional staff: we realize that you take into consideration the recommendations of staff, which is appropriate, but we would also ask you to remember that staff recommendations are partially based on information and discussions provided

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by the applicant and that the community generally has no input at this point in the process. So if the information that the staff has provided is not . . . is incomplete, or not in compliance with the review criteria, then the recommendation that they have made is not as conclusive as it could be.

This process doesn't afford the community the opportunity to voice their opinion and be involved and we believe that we may have information that should be taken into account in the staff report, so we now ask that you consider our concerns, as they relate to the recommendations provided by the staff report as additions to, not substitutions for the staff findings.

Factor one does not address the fact that a zoned industrial area has been designated to the east and then thereby there will be that sandwiching effect that we've already discussed."

**Chairman Unruh** said, "Ms. Hale, we have reached the 30 minute mark for this part of the presentation. Do you have much more to present to us?"

**Ms. Hale** said, "No, just two more slides."

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

**Ms. Hale** said, "Factor three does not recognize the misrepresentation of the scope of the project, the amount of land included should be 388 acres, not 520 acres. It does not recognize the mislocation of the geo-center, if only four pits are being dug. It does not consider the number of pits already approved in the area, nor does it question why 20 years is being asked for the four pits, when they originally approached the Division of Water Resources they asked for 20 years to do eight pits.

Factor five does not identify a single gain or risk to public health and safety. Factor six does not identify or discuss the non-conformances of this request with the comprehensive plan. Factor seven does not address the impact of the other community facilities, such as EMS, police and fire protection. Factor eight could not be included because the extent of opposition, obviously, from the community was not known at the time that the report was prepared.

So in closing, we would like to say that we have presented you with real issues, and to the best of our knowledge, everything we have presented is based on fact, as they relate to the review criteria called out by the Golden Rules. We hope this helps you understand our concerns. The community has placed a great deal of confidence and trust in your decision and we hope that the rules and regulations will be enforced and applied across the board. We're asking that you stand up for the need to manage our natural resources, stand up for the integrity and purpose of the zoning rules and regulations, safety and public health and welfare and stand up for those families who have already

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invested in living in the area, because it is currently a safe and wonderful environment to raise your family and children.

We urge you to base your decision on the factual evidence, the zoning regulations and whether or not the applicant has met his burden of proof in demonstrating that this request meets the review criteria. We submit that when you do so, you will find that it is appropriate to disapprove this application. We thank you for the opportunity to be heard. We thank you for listening and we'd be ready to answer any questions you may have."

**Chairman Unruh** said, "Okay, thank you very much. I do not see anyone requesting to ask a question right now, so thank you for the presentation. We're hoping now to hear from those who are in opposition, who have not had their views expressed. Anyone that wants to do that, you would have three minutes to speak."

**Mr. Mark L. Houser**, 8405 W. Mystic Lakes N., Maize, Ks., greeted the Commissioners and said, "I represent the developer of Mystic Lakes, I'm one of three owners that developed that property. Obviously, I don't have basic a problem of how the development is being used to develop these lakes, because I used the same process to make the two lakes that we have around our property. And actually, Ritchie was very instrumental, Ritchie Sand was very instrument of us getting our permits. I went to them to see if they wanted to do the project, they said no it's too small but I could use any of their names, any of their particular clout to drive this through the state regulation processes and so forth and it really helped. I'm indebted to Ritchie. I actually took Steve Hatfield out to lunch after this was happening, bought him a Christmas present and I mean, this thing wouldn't have happened without them.

And we have concentrated specifically on the dredging process, but as we said earlier in here, the redevelopment plan is supposed to be part of this conditional use and what is missing in this whole thing, which I think made ours come out the way it should have, if anybody drove by and has seen Mystic Lakes, that's a development that you're wanting to see happen here. I mean these are . . . there's 19 homes, they're valued from a half a million dollars over to a million dollars and what I see . . . what I don't see here is a developer, because as well as that project turned out, I couldn't find a developer to do that. That's why I and my two partners became developers. Alls we want to do is we just wanted this lake done, we wanted to build a house on it and be done with it, but we couldn't find a developer that said, 'this is not economical for me to get involved in, there's not enough lots' because that is zoned SF-40, because of the zoning restrictions that you have on a well and septic system.

And what I don't see a developer here. Why, if this is such a great plan, this redevelopment plan is so great, why isn't a developer coming to . . . getting the conditional use permits and then that takes

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all the burden off of LaFarge, off of Simon and so forth, because that's what we did. We went and got the permits. We went and found the extraction, because we wanted this development to be done a certain way. You know, as much as these guys tell you that they're wanting this thing redeveloped right, their business is to make money and it's to pump sand. If that peninsula doesn't look exactly the way it is drawn out there, oh well. I mean, I can tell you, we've monitored our pit every day and was out there measuring it, we surveyed it, we did all those and we were out there daily, making sure that our pump two lines and then our excavation lines, that when we did our draw back . . . was that my three minutes? Sorry."

**Chairman Unruh** said, "Okay, well thank you. You've made your point well, thank you. Next person please."

### **POWERPOINT PRESENTATION**

**Mr. James Baker**, 318 Heather, Maize, Ks., greeted the Commissioners and said, "I'm assistant superintendent for the Maize School District. I have a couple of slides, if I can find them. This is a map of where our schools are based in the Maize school district and as you see, transportation is on 53<sup>rd</sup> Street and most of our buses travel down 53<sup>rd</sup> to our schools.

Just some information for you, our school enrollment this year is 6,282 kids. We have staff members of 974, that's a head count. On the average, we transport 3,627 students a day, using 38 buses. This is a minimum amount, because I'm saying that I based this on traveling down 53<sup>rd</sup> Street.

So I could say actually we have 38 buses and they travel four times to the bus barn, but down 53<sup>rd</sup> Street, they actually probably go down twice, so that's 76 trips to and from the bus barn. We also have 10 special ed vans that run and that would be 20 trips. During the noontime, we have 13 buses that transport kindergarten kids and three vans that run that route. That's 32 trips, so about 128 trips a day down 53<sup>rd</sup> Street, so that a concern safety for us if any additional traffic is put on that road. I think probably in the future some time, 53<sup>rd</sup> and Maize Road is going to be developed into a four-lane and hopefully that will be true. Our peak busing times are 6:25 to 8:45 and 2:30 to 5 p.m. And in talking with Rick Heise and there's a concern of ours that now they're going to limit loading probably at 5 p.m. and when I talked with Rick, he said we could work around our peak times and if that's so, then they're not going to be able to load after 5 p.m. which you can see 2:30 to 5 p.m. is a peak time for us and probably for them also so it's a very concern.

Also, a concern of our would be a traffic control at 61<sup>st</sup> and this new access road. We have seven bus routes that run through there and we would want to be sure that the buses that run across that road and the traffic that's going across 61<sup>st</sup>, that there's some kind of traffic control at that situation

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for the safety. Thank you for your time.”

**Chairman Unruh** said, “Thank you, sir. Next speaker.”

**Ms. Cindy Siebler**, 6901 N. Tyler Road, Maize, Ks., greeted the Commissioners and said, “And both sides of my family, the Crockers and the Nicholsons, came to this area in the early 1900s. They were part of the people who developed the Maize and Colwich area. This family farm was handed down to me in 2001. At that time, my family and I decided we would create what we call ‘grandma’s farm’, a natural environmental educational organization. With that, we have opened the farm to public access for seeing the animals along the river and in the fields and all around the house, in their natural environment, so that not only the people who are alive today, the children can take this experience of living in the nature, not contained in an environment like the Sedgwick County Zoo, but actually living in the nature and experiencing all of the beautiful aspects of environmentally and naturally with these animals. Being able to sit and see the Bald Eagles above their head, these types of things.

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I do not believe that this environment will exist with the noise and the confusion and constant sound of this type of sandpit process. Along with this, in our business, we have also begun working with many environmental non-profit agencies in Wichita, including the United Way, the environment department of the Environmental and Human Health at WSU, local high schools and their student bodies, Great Plains Earth Institute, which is also an educational, environmental program and Trees for Life. With the Trees for Life Organization, we were instrumental in working with them to develop a natural, readily available fertilizer that can be applied in third-world countries, so we're not only using the resources that we have now to perpetuate the environment and nature in this area, but also the quality of life around the world.

We are also in the process of developing more and more things, working with the natural environment, an organic produce garden, this land that I live on now has produced food for my family since the early 1900s, specifically 1939, when this piece of property was bought, and we will continue that for our family with this organic produce garden as long as we have quality water and we need that water during the hot time of the summer, when they say that our water levels will be most impacted. Thank you."

**Chairman Unruh** said, "Okay, that's your time. Thank you very much. Next speaker please."

**Mr. Tim Malone**, Representative, Emerald Springs Development, greeted the Commissioners and said, "I'd like to thank the commissioners for the opportunity to speak today. I think the commission has not been fully informed about the full scope and nature of this project. What you're talking about here is a massive mining operation that serves not just our county, but other LaFarge operations throughout the Midwest. My concern about this project is the fact that adequate planning has not been undertaken to consider the impact on 53<sup>rd</sup>. 53<sup>rd</sup>, as you well may know, is the next major corridor for traffic moving east and west in the north part of the county.

It currently is a two-lane road and you're going to have large trucks pretty much dominating that road. With us looking at adding six to seven hundred homeowners in that region in the next five to ten years, that is a significant impact. You have traffic trying to make it into that exit, interchange there at 96. That's a significant issue of trucks trying to jostle in and off 53<sup>rd</sup>, trying to navigate among small cars and mothers and families. You're going to have gravel coming off those trucks, hitting windshields, damaging paint jobs, that's a large number of trucks that are going to be servicing that industrial mining operation. I believe that the county commission should take this project back to planning and encourage them to do more adequate survey and study of how this 53<sup>rd</sup> is going to be impacted.

Doing a traffic study a year or two from now will not be sufficient to get this road improved and

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we'll end up in most likely a lawsuit trying to get them to improve that road to four lanes, as it should be currently, and that's my crux of my concern."

**Chairman Unruh** said, "All right, thank you very much. Next speaker please."

### **POWERPOINT PRESENTATION**

**Mr. Dennis Downes**, 8323 Mystic Lakes, Maize Ks., greeted the Commissioners and said, "I'm a licensed professional engineer and one of the developers of Mystic Lakes. I do want to let you know that I'm not opposed to sandpits. I think they've done us justice, like Mark said, but I am concerned about the redevelopment plan, which I believe Mr. LeMunyon was sold on and also Maize Planning was sold on and I don't blame them if they're not seeing some of the pitfalls. I do believe LaFarge has and Mr. Allison has done a good job and going back and making some changes that were recommended. I just want to point a few things out that I would like to see addressed and some stipulations put on the conditional use.

Something that hasn't been brought to light, if you look at there is a utility easement of I think it's 150 foot electrical overhead between phase one and phase two, if you look on the left side of your screen there and that easement, there's 150 foot electrical easement and 50 foot gas line easement that has not been taken into consideration and will probably knock out one or both rows of those houses. The lots in phase two that are on the east side were originally off of Maize Road on the west side. I understand why they moved them, because of the concerns for access, and so they've moved them but they've also moved them into the floodplain. Now you can build in a floodplain, but it's a little more difficult, so I'm concerned about that.

They have not shown the limited egress off of 61<sup>st</sup> Street, which was required by MAPC, again and a utility that also separating phase one and two will also have an impact on phase three housing. I just want to make sure that when we get done on this thing, and I think they'll do a good job, I want it to be a developable piece. That's what Maize was sold on, and I expect that to be carried through. I expect somebody to be out there taking measurements, because we know, as sand plant operations, how easy it is to move a dredge a few 50 feet out of the way and now you've taken out of lots. They've cut this peninsula down. You can't backfill and have a stable ground to build on.

So I just want a good redevelopment plan and I don't think this is it. Also, on phase four and a lot of phase three, they're pumping within 150 feet from the edge. That leaves that edge undevelopable and nobody is going to maintain that much area. There's no reason for me to maintain that, so in order to develop up against that lake, you would have to buy somebody else's land.

And the other concern I have, even though LaFarge talks about that they're going to develop this, they do not own the land, the Simons own the land and after the Simons have a million and a half to

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three million dollars worth of profit from sand, whose to say they're going to let us develop that. There's nothing that says it has to be developed. I would like to see something that says 'after phase one is done, it has to be approved before phase two can be done, completed' to make sure they're pumping within their limits but also to make sure that there's a contractor on line or a developer on line to do that and that city utilities are headed that direction, because if you wipe out the lots in phase one on the north side and you start taking the cost to bring utilities in there, I'm not sure that your developer is going to be interested, to be honest, not until at least phase two is done, and possibly till a piece of phase three is done.

So those are my concerns. It's not so much that, but I do have one other concern, real quickly, is with our experience at our lake, on peak days, we had truck traffic back up almost a half a mile and right now they're showing the gate, their main gate right on 53<sup>rd</sup> Street which means that traffic, and this is in the morning when they're getting ready to load, that means their traffic is going to back up onto 53<sup>rd</sup> Street. I just asked . . . that's okay to have that entrance gate. I think they need another gate at 61<sup>st</sup> Street so they can let the trucks come in and line up in a safe zone and that will keep the traffic off of 53<sup>rd</sup> Street. I appreciate your time."

**Chairman Unruh** said, "Thank you. Next speaker please."

**Mr. Jeff Thompson**, 7901 N. Maize Road, Maize, Ks., greeted the Commissioners and said, "One of the concerns that I see at this point would be if this does drop our well levels in June, July and August, maybe even September, my new home is cooled and heated with water. That would be something that should be taken into consideration. It is a concern and I think there's probably a lot of other people that have that kind of heating and cooling system."

**Chairman Unruh** said, "Okay, thank you very much. Next speaker."

**Ms. Marjorie Thompson**, 367 Wind Rows, Goddard, Ks., greeted the Commissioners and said, "I have property at 61<sup>st</sup> and Ridge Road. And in regard to all of this, there's one thing that no one seems to have mentioned at this point and that is that Colwich, which is on 53<sup>rd</sup>, west of the area we're talking about, are wanting to put in a new ethanol plant and if that goes through, which I understand maybe it has already gone through, if so what is that going to do to the truck traffic? Which way will they be going and if you figure what will be coming out of there, along with the school buses and the emergency vehicles, and the trucks, all of the trucks, and you include these, how is that going to effect this project.

Also, and Maize is on the grow and they're growing east of town and all around and they've got a lot of businesses coming in and everything. With all these new homes coming in, think how many more people are going to be added to the Maize population and also will be traveling all these roads

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also. So when you take all of that into consideration, there's going to be a lot of road traffic. That's all I have to say."

**Chairman Unruh** said, "All right, thank you very much. Another speaker."

**Mr. Ray Herndon**, 741 Carriage Road, Maize, Ks., greeted the Commissioners and said, "As Mr. LeMunyon mentioned, I'm also on the Maize City Council, although I'm not here in that capacity. I am here representing other business owners and property owners in the area. My physical address is 741 Carriage Road in Maize, Kansas. What has just been handed out to you is a list of suggested conditions that you might possibly consider, if you decide to approve this project. Number one is that you downsize the scope of the project. You approve a duration of five to seven years to do two pits, leaving sufficient area for development. You require a yearly plan, showing the area to be excavated, stockpile locations and heights, the projected number of truck trips, based on documented historical record, from the number of trucks the previous years.

Number two, absolute guarantees that the operation will only operate five days a week, from 7 a.m. to 5 p.m. and this will include any loadings of trucks in the queue. This location will not include any asphalt, concrete or rock material crushing operations. There will be no stockpiles of sand or overburden in excess of 25 feet tall.

Guarantees, contract with a private firm to install monitoring wells and have the well quality and level monitored indefinitely, during the time of this project. If it is determined that the water table or quality are adversely effected, to pay to dig a deeper water well for those property owners within 1,000 feet of the location.

Number four, traffic safety improvements: prohibit trucks exceeding 80,000 gross vehicle weight from using Maize and Tyler Roads and install signals. To put hard limits on the number of trucks per day. Before, it had been discussed about deceleration lanes and I believe today we're talking about acceleration and deceleration both. I'd like a clarification on that if possible. So, if it hasn't been already added, to add acceleration lanes and to make sure the gate is three to four hundred feet from the road, to prevent trucks from backing up on 53<sup>rd</sup>.

Pay to have 53<sup>rd</sup> brought up to standards high enough to support the additional traffic, and this would be from Maize Road to Ridge Road. To add a four-way stop at 53<sup>rd</sup> and Tyler and to insure the plant will only be accessed via the approved access roads. Number five, to develop a community relations board who identify and resolve concerns with the operations, during this

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project, to be comprised of representatives from the local area residents, USD 266, Sedgwick County, the City of Maize and LaFarge. We hope that you will consider adding these conditions, if the project is approved. Thank you very much.”

**Chairman Unruh** said, “Thank you. All right, I don’t see anyone else standing to speak to us, so Commissioners, are there any general questions right now? Commissioner Welshimer.”

**Commissioner Welshimer** said, “Who maintains 53<sup>rd</sup> Street, from the 96 up to Maize and Tyler Road?”

**Mr. Jim Weber**, Deputy Director, Public Works, said, “Sedgwick County does.”

**Commissioner Welshimer** said, “Sedgwick County does.”

**Commissioner Winters** said, “It was formerly a state highway.”

**Mr. Weber** said, “It was the old K-96, before they built the new one that angled through.”

**Commissioner Welshimer** said, “Do we have, with all that traffic, we’re going to have 250 trucks a day, school buses, 79 families, with going to work and coming home, trying to get on 96. Do we have an estimate of what that . . . it’s going to mean a lot more maintenance, I’m sure and just a two-lane road is going to be shut down for reports off and on, with that type of traffic on it constantly. I mean, are we . . . do we have a plan for that?”

**Mr. Weber** said, “I think generally all the traffic is already there except for the 250 sand trucks coming in and out. Some of that may be there already, because they’re running around anyway, but that’s really the only change that’s happening here. The traffic counts that we have for the stretch from K-96 clear back to the river run in the 3,500 to 4,000 vehicle per day range. They’re a lot higher when you go west to K-96, they get up above 5,000 between Maize and Colwich, because people are getting off of K-96 to get west. In this 4,000 to 5,000 vehicle range, this something that we’re starting to watch to see if it needs to be widened, keep an eye on it, but it’s not something we would really push to do until . . . we like to say pushing 10,000 vehicles a day.”

**Commissioner Welshimer** said, “Once this project got started, it would be very difficult to start widening it in the middle of things.”

**Mr. Weber** said, “Well, we have that problem everywhere. We’re on 13<sup>th</sup> Street out east right now, 63<sup>rd</sup> we’ve got shut down between Rose Hill and Derby. It’s just part of the business of maintaining and improving roads.”

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**Commissioner Welshimer** said, "Okay, thank you."

**Chairman Unruh** said, "All right, Commissioner Parks."

**Commissioner Parks** said, "You said general questions, I didn't know, I have a couple of specific questions."

**Chairman Unruh** said, "That's all right, well Mr. Schlegel is here and now this is the time for us."

**Commissioner Parks** said, "You bet, and I don't know who this needs to be directed to, whether it's Mr. Weber, Mr. Schlegel, Mr. Euson, whoever, but if Maize annexes this immediately, with all the permits for extraction within I believe it's a 1,000 foot of a levee along the Arkansas River. Would all those be done through the county, county engineer's office, since Maize is less than 5,000, would the county engineer still handle that? I don't have the KSA or anything in front of of me, but do you . . .?"

**Mr. Schlegel** said, "I'd ask the county engineer to address that question."

**Mr. Weber** said, "Normally, a condition of these type of sandpit cases is to include a requirement that they obtain the permit that's required by state statute from the county engineer, prior to finishing there . . . You know, publishing the case. We missed this one. That's a required permit, even if it's inside the City of Maize. I think I'd like to see us add a requirement that they get that permit, just because if it gets annexed into Maize, then it wouldn't be going through county code enforcement or any of their normal county functions. We would not be able to really control that. It's not a major deal. It's just something that should have been on the list and it just requires that they get a permit anytime that they're excavating within a 1,000 of the center line of a levee, which that phase three lake is getting up there close enough that it will be.

If you look at the pits in the photos or on the maps, to the east of here they're all well within a 1,000 feet, but they're probably not closer than 300, so it's just a minor thing. I'd like to try to clean it up and just add that requirement if we can."

**Commissioner Parks** said, "And with our new FEMA agreement, I think that would be imperative that we do that."

**Chairman Unruh** said, "Okay. Anything else?"

**Commissioner Parks** said, "It was my understanding that just the Maize Planning Commission is the one that recommended the traffic analysis. MAPC did not do that?"

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**Mr. Schlegel** said, "They did not include that recommendation as part of their recommendation."

**Commissioner Parks** said, "And as far as Maize Planning Commission recommending that, did they have a target area or how far they should go out on this? Should they go to K-96 and Maize Road with this traffic study, or . . .?"

**Mr. Schlegel** said, "No, I don't believe they did. Come up."

**Ms. Edgington** said, "I believe the intent of the Maize Planning Commission was to do a traffic study of the traffic at the entrance and then also west to the K-96 interchange to see the affects at that intersection also and that was to be done one year following the beginning of operations."

**Chairman Unruh** said, "Okay. John, I have a question. When Mr. LeMunyon is speaking, he said he would like to include the restrictions that Maize recommended. Are they in the resolution?"

**Mr. Schlegel** said, "They are not in the resolution. We would have to add those to the resolution, but you could make those part of your motion today and then we would go back."

**Chairman Unruh** said, "Is that a long list of things, I mean, or can you rehearse me of what those are?"

**Mr. Schlegel** said, "Well there were several that were recommended by the Maize Planning Commission that have been incorporated, like the hours of operation. There's also the condition number one of the MAPC's recommendations addresses the question about extracting the sand in conformance with the approved site and redevelopment plans. So I think those two issues that were raised by the Maize Planning Commission have been addressed in the MAPC's conditions of approval.

The ones that have not are the second traffic analysis that we were just talking about and the installation of new improvements that might be called for by that second traffic analysis and also the Maize Planning Commission asked that the crossing of the access road from 53<sup>rd</sup> Street at 61<sup>st</sup> Street be paved, and those are the two I believe that are missing. Have I missed any?"

**Chairman Unruh** said, "Okay, very good. Thank you. That's helpful. One of the gentleman, I forget the name, said something about within the area that there was an easement that was going to be a big problem with development in the future. I mean, have we considered that, or is that just . . .?"

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**Mr. Schlegel** said, "I would have to ask the LaFarge representatives to address that, if they have taken that into consideration."

**Mr. Allison** said, "I believe one of the issues was the pipeline along here, between these two rows of lots. We believe we have enough room that we can work around that pipeline and coordinate with that pipeline to not encumber them anymore or encumber us that have any issues with that, so we feel that our land plan for that area will work. I think the other issue was an electric line that's being relocated and will be planned to be relocated. I know LaFarge and Rick may be able to talk to that a little bit more, but they've coordinated with Westar and Westar was in the process of needing that relocated in the first place. And that's an area down in this phase four area that that Westar line was relocated, so that should not pose any problems for development."

**Chairman Unruh** said, "Okay, thank you. Then I have one more question, not from you Greg, but from John. The issue about trucks lining up on 53<sup>rd</sup> Street because of the gate, is that . . . I mean, help me understand this completely. The gate will be closed in the morning, the trucks will get there early, they'll line up down 53<sup>rd</sup>. Is that the issue we're talking about? Someone suggested we move the gate forward. I mean, that gates not going to be open to let people get in early? I'm just trying to understand potential problems."

**Mr. Schlegel** said, "That would be an operational issue that I think LaFarge would have to address, is whether or not they're going to keep that gate closed and trucks from coming in that might be there to load up at 7."

**Chairman Unruh** said, "But we can ask, I mean whoever is monitoring this, Maize, whoever, they'll make that request at the appropriate time or if it is a problem then?"

**Mr. Schlegel** said, "Well, you could, if you so desire, have a condition in the approval, if that's where you're going to go with this, that would address that concern, yes. Okay, well I've got to think about that a little bit. We've got other people who want to ask questions. Commissioner Winters? Commissioner Welshimer were you first?"

**Commissioner Welshimer** said, "Well I just have a quick question. We were talking about the annexation and I don't know if I absorbed all that properly. Is that annexation going to include any county owned property?"

**Chairman Unruh** said, "No, ma'am."

**Commissioner Welshimer** said, "Okay, thank you."

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

**Commissioner Winters** said, "I have a couple of quick questions for John. John, in one of the conditions that came from Metropolitan Planning Commission was that last one, that if they weren't in compliance that this conditional use could be declared null and void. If this property is annexed by the City of Maize, would the City of Maize and their zoning administrator and staff have the ability to fulfill that condition, if things really were out of compliance, would the City of Maize have the ability to render this null and void?"

**Mr. Schlegel** said, "Well, I'm going to ask a question first of the Maize representatives. In moving forward with your ordinance to annex this, I assume that that will address the approval, if that's what happens today, of this conditional use and with all the conditions attached, and so that would continue to stand then, and yes then it would simply be their zoning administrator and their planning director then that would have that authority to declare the conditional use null and void, if there are violations of the conditions."

**Commissioner Winters** said, "All right, thank you. Second question was, we have indicated these additional few conditions that Maize Planning Commission had added. As our staff, talking to us John, what do you think about those conditions, if we decide that we're going to talk more about this, are those conditions that you believe would be appropriate to have included in the conditions already on there, or in your professional opinion, are they not needed?"

**Mr. Schlegel** said, "Given that Maize intends to annex this almost immediately, I think that it would be very appropriate to include those conditions, as part of the approval. Those are conditions that their planning commission has indicated that they would like to see attached to any action to approve, so yes, in my opinion that would be appropriate for you to do."

**Commissioner Winters** said, "Thank you. Anything else, commissioners?"

**Commissioner Norton** said, "I have quite a list to go through, but I'd like to ask for a three or four minute recess, just to stretch and clear my head and let everybody else stretch in the room for a minute and then get back to work, but I've got a pretty lengthy . . ."

**Chairman Unruh** said, "I'm willing to yield to that request, but I'm fearful that once we scatter, we won't get back and I don't know if we break the continuity. I mean, commissioners, do you want to take a quick break?"

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**Commissioner Winters** said, "But I'd like to work right through lunch if we could."

**Chairman Unruh** said, "We'll keep going. All right, what do you say?"

**Commissioner Winters** said, "Ten minutes."

**Chairman Unruh** said, "We will recess, Mr. Schlegel, and so everyone who needs to be ready to be back here in 10 minutes, which will make it eight minutes before noon."

**The County Commission Meeting was in recess from 11:43 until 11:53 a.m.**

**Chairman Unruh** said, "I'll call the meeting back to order. Mr. Schlegel."

**Mr. Schlegel** said, "While we were in recess, Mr. Benjamin and Mr. Kaplan had a discussion about deferring this item for two weeks, till your February 28<sup>th</sup> meeting. And both sides seemed to be in agreement that that would be a good item for them, giving them an opportunity to sit down together and continue to work out unresolved issues."

**Chairman Unruh** said, "Well thank you. It's always a good idea if people can talk and work out issues and make sure that everybody is on the same page and happy before we move forward. I would want to make sure that we get all our questions on record, answered and dealt with today, so should this come back to us, we don't go through this process again. We've had a lot of information and we won't need to repeat it. Is that the thought?"

**Mr. Schlegel** said, "Well that being the case, we do have a few more questions from the bench at this time. Commissioner Norton."

**Commissioner Norton** said, "Well, the first thing, I just wrote down some things that are problematic to me and some of them I've talked to both the applicant and the opponents about, things that I thought about as I went through this.

I worry a little bit about the Little Slough and the design of that. It looks to me like it's sitting up on a levee and anything that flows water through the north side worries me and it also has a floodplain going right down through the middle of that. I know engineers have designed it, but as I look at that design of about a 200 foot swath in a 350 foot wide floodplain, that just is problematic to me, particularly for the development, not particularly for the sandpit operation, but later, when

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you start developing that property and you're going to have a lot of homes, that worries me. One of the biggest problems we have in our community is flooding and water that is not adequately taken care of when there's a lot of housing and development and you have to look, long range, for that. And I know that the drainage for this whole property will probably be worked out during platting, but after you're got the lakes put in, there isn't much room to wiggle around and say 'we need to spread this out a little wider, we need to do something different'.

But water run-off from the houses, after it's all developed, concerns me because I understand with the high groundwater there, these lakes will maybe encroach into the groundwater and if there's a lot of homes that are putting fertilizer on their property and goes into that, and that goes directly into I think what we call the equus beds or the regional aquifer or whatever, that's problematic to me. We've had studies on Lake Afton and other agricultural properties in particular about run-off and I think that's one of the problems we have, throughout our community, with the Ark River, with homes leaching into, fertilizers and other things leaching into the lakes and the water supply, so I would worry about that.

Truck traffic along 53<sup>rd</sup> Street, the impact, now maybe that won't be problematic, but it's a Sedgwick County road right now. If all that's annexed to the north, how long will it be before the south part of 53<sup>rd</sup> Street becomes annexed and that's a Maize road, because you know once you annex on both sides of the road, it's not going to be a county road anymore and we're not going to be obligated to do the study and to pave that and if they annex the north side, pretty quickly the south side gets annexed, 53<sup>rd</sup> Street becomes a huge issue to the citizens of Maize and their planning commission and is no longer a county road. And every place we've had these kinds of issues, I've been an advocate for saying 'you take the road, it is not a county road any longer'. It is within the jurisdiction of the city that wanted that annexation. For me, that's one of the things that stops predatory annexations, when you figure out for years you had annexations on both sides and they didn't take the roads, yeah, that makes good sense. Take the property values and the increased revenue and don't take the infrastructure in between. I'll be an advocate of that infrastructure going to the City of Maize, so be thinking about that.

The length of the project worries me. Twenty years is a long time, 22 years, that development could go on for a long time and never be completed in the lifetime of many people sitting in this room, and that's worrisome to me. The whole development timeline and a plan, I don't think, has been totally thought out. It's worrisome to me that there's, between lake one and two, that there's pipelines and electrical running through there and we say it's worked out, but that to me is still speculation and to whether that development plan can ever end up looking like what is being

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proposed right now.

I put three stars by this and I just worry about the high groundwater in that area and digging down into it. Everywhere we've done that on the south side, there's been problems and I just worry that you're putting a large volume of lakes that are going to be dug relatively deep. I've heard the number of 7 foot groundwater from the surface and that's awful high groundwater. And I'm not a hydrologist, I know we've got an expert here, but I've dealt with plenty of that on the south side and it's always worrisome to me when you do that.

Annexation, if it comes quickly, I'd be an advocate for saying maybe we grant a conditional use for a lot less years and then let the City of Maize renew all the conditions in seven or ten years or whatever and not let it be a 20-year thing from the get-go. It may turn out to be not as good a project as they thought and they need to have control of that, either good or bad and not the county.

I wrote down the land between lake one and two is problematic to me, but I think I've already touched on that. One of the Rules of Golden is about whether there's an effect on the applicant because of loss, and it seems to me that the income derived from the sandpit operation to the applicant could be offset by developing that just as a lot of lots, with residential development. Now maybe that won't be large lots with half-million-dollar homes, but I think we're being elitist is we say that's the only kind of good development that can be done for small towns. If you're looking for growth and development, it may be that a very phased in plan for that land that has multiple uses from high value homes down to smaller homes and maybe even other things could do just as well and bring in great development.

I have a concern about what percent of the trucks going in and out of this will be LaFarge trucks and how many it will be other companies. You can control the LaFarge trucks by telling those drivers we'll fire you if you don't do what we say. But the history has been, on projects I've had on the south side, is there's a large number of independent haulers, other truckers that aren't always going to follow the rules, don't work for the company that's running the operation and they're going to do whatever they want to do, as far as ingress and egress and I worry about that.

It says we're going to take four to five years until they start. Well, if we're hurrying to build a home on that first lake, you're not going to hurry very long if it takes four or five years to even start digging the first lake. I mean, the development, if Maize wants development, isn't going to happen for a pretty good while, so that's going to be an industrial site for six or seven years maybe, only, no residential, no property tax available for new residential homes.

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I worry about the drainage. Drainage is an issue that's always on my mind, throughout anything that runs along the Ark River, either on the south side or the north side or the Cowskin Creek, it's all problematic. I worry about the Maize requirements, the MAPC did not deal with those and if it goes back to the MAPC, they can actually look at what those are instead of blanket saying 'Yes, we'll take them' because it maybe doesn't fit in with the total requirements that we would like, as a commission or as a MAPC. And I understand Administrator LeMunyon says 'Yes, we want those' but I think we need to put those through the filter before we just say 'Yes, they're okay'.

And then finally, I'm concerned with the roads of Maize, Tyler, 53<sup>rd</sup> and 61<sup>st</sup>. Real quick, all of those will be Maize's to take care of, if they've got . . . the comprehensive plan says they're going to have an industrial park and they start developing that on the west side of Maize Road and this other is annexed, that road is theirs. It should be theirs. The same thing on the far side, on Tyler Road, if there's development and annexation on both sides, that becomes their road. 61<sup>st</sup> Street, that runs right through it, if they annex all that, should become their road and you've already heard what I think about 53<sup>rd</sup>. That's a lot of infrastructure for Maize to take on.

Now I just think it's valuable to say that on the front end, because if you're going to annex, if you're going to take property, you take the infrastructure too and I haven't heard anywhere that Maize is dedicated to taking all that infrastructure too. Now maybe they are but I think that's something that needs to be discussed before we move on into this. I don't need answers to that today, but as the parties talk, those are some things that could be talked about."

**Chairman Unruh** said, "Okay, any other questions or comments, commissioners? Commissioner Parks."

**Commissioner Parks** said, "Well, I guess I just would want to address some of Commissioner Norton's concerns here. I think the 20 year plan is an adequate plan. There maybe need some tweaking by the City of Maize. However, that's going to be their bailiwick when they get that. The south side pits that you mentioned there, I did talk with the hydrologist, I did a lot of homework on this and that was one of them that was brought up, but he seemed to think that was an apple and oranges kind of thing. Let's be careful what we're comparing to here.

The drainage system that Commissioner Norton mentioned, I think the four-corner drainage plan that the City of Maize has in effect is a good one and that they will not allow those kind of things to be abused. And the lion's share of this project is going to fall back on Maize. However we have to get it to a point to where we do something adequate to get it to that point. The levee permit, of course, needs to be added. That was a legal thing, from the 1,000 foot, attach any of those other things that we've discussed today that haven't been attached by MAPC.

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The traffic analysis really concerns me. There seems to be a question of two different sides presented, that acceleration lanes, deceleration lanes and then turning lanes. Those three things are all different. You have acceleration and deceleration lanes, which I think they were prepared to put in, LaFarge was prepared to put in, then you don't need a center, turning lane. I think that would be, just as a novice, not an engineer, would be a terrible thing to put on that road, with the amount of vehicles. That's commonly called a 'chicken lane' or whatever but it's a center turning lane. I don't think that that would be something that would be good. I think an acceleration lane, deceleration lane, for the adequate speed limits from the engineering department would be good to get those vehicles off the roadway there.

Having said that, I hope that the two parties can get together and bring us back something. I did have one other question. Are there any permits that are about to expire or anything, that a delay would have any impact on? Do you know? Does Groundwater Management know about any of those or are there any water permits that this delay would hurt or have to be extended? Seeing none of those, I don't have anything further. Thank you."

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

**Commissioner Winters** said, "Thank you. If we are going to take a two week delay, I guess the additional information, two things that I might like to understand just a little better, Jim Weber with county engineering staff did talk about some things about 53<sup>rd</sup> Street. I'm not asking for any detailed traffic study, but I would like some information from county engineering about traffic counts that we have now. We know that we have two-lane highways all over the county that eventually some day get enough traffic that we convert them to four lanes. We're doing that on 13<sup>th</sup> Street, east side of Wichita between the city limits and the county line. We've done it on 21<sup>st</sup> Street North, between the city and the Butler County line. We've done that on Maize Road, from the Wichita city limits on the south going north, up to 45<sup>th</sup> Street, just south of Maize, so we're familiar with taking road that become heavily trafficked and putting them in CIP projects, but I'd just like some information from Public Works about what they are seeing with 53<sup>rd</sup> Street and again, not hiring somebody to do a long, detailed traffic analysis, but just how we normally think about roads like this.

Secondly, and John maybe you can help me, again I'm still a little confused about the recommendations coming from the Maize Planning Commission and if I could just maybe have those a little more clearly outlined, so as we proceed and if we would want to consider them, if we get to that point in place, exactly what those are. And I think Commissioner Norton mentioned that also, as wanting to know a little bit more about that."

**Mr. Schlegel** said, "Well, when we come back in two weeks, we would have wording for you to consider, if you were wanting to include those."

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

**Commissioner Parks** said, "I just wanted to say to my . . . I see a lot of constituents out there, 17 years ago I was two miles out of the city limits myself, had a water well, had my own septic tank, I still have those amenities. However, in about four months, I'm going to be unilaterally annexed without my permission, so I just wanted to tell you that I went from 35 vehicles a day to 300 on my road, so it's one of those things that's inevitable. I didn't think it would be quite this soon, but it is inevitable when we live in the metropolitan area, that there's growth and there's progress, that things are going to happen, you're going to get surrounded. If you build on the edge of town, you have to know that someday the town is going to meet you, so in saying that, I hope that we can have some cordial talks between the two parties and bring it back in good fashion."

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

**Commissioner Welshimer** said, "Well I think most of my concerns have been expressed here. But I guess my biggest concern that I would like to see solved is the bottleneck coming off 96 onto 53<sup>rd</sup> and what might be done to avoid that. Thank you."

**Chairman Unruh** said, "Thank you. All right, well John, I guess you've got an idea of some of the questions we'd like to have answer, as we gather again in two weeks and we're happy to grant this delay. We'll have a motion to that effect in just a minute. And I want to express appreciation to all you folks who took the time to come here today and present your perspective on this issue. I know it's something that you are vested in and have a passion for and so we certainly appreciate your comments. We've heard that, we've taken notes, we've got the information, and in light of that, when we gather again in two weeks to discuss this issue we will not be taking further statements or any other evidence except from staff."

Okay, with that commissioners, could we have a motion for deferral?"

### **MOTION**

Commissioner Norton moved to defer this item for two weeks.

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, “Okay, you folks are certainly all welcome to stay, before we call the next agenda item, but we’re going to try to press on and we’ll take just a couple of minutes and allow you all to leave the room. I don’t mean to sound rude, but if you could have your conversations out in the hall, we would appreciate it.

Okay Madam Clerk, I believe we can call the next item.”

**NEW BUSINESS**

**D. PRESENTATION OF REPORT ON CONSULTANTS.**

**POWERPOINT PRESENTATION**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “Two weeks . . . a couple of weeks ago, you asked for a report regarding consultant activity between the years of January, 2005 and December 2006, that’s a 24-month period. Part of this process was a good exercise for us. We spent an excess of 300 hours going through the details to make sure it’s accurate but we did so for a couple of reasons. One, we wanted to make sure we were absolutely accurate. Secondly, we wanted to learn from this experience about how good a SAP system was and how the difficulty we were in decentralization of using accounting . . . entering accounting numbers and requisitions in a decentralized fashion, sometimes things got categorized in the wrong place.

I want to start, if you will, what we decided I believe on January 31<sup>st</sup>, and the discussion about this project is we defined consultant as ‘one who gives professional advice, an expert’. That’s pretty much out of the dictionary. We can define it in a whole lot of ways, but let me just tell you what it is and what it is not.

We think a consultant does studies, certainly Dr. Craig-Moreland, as you see her name pop up, who does studies for us regarding juvenile detention and adult detention facilities, we’ve used her. We use it for advice. We have a counsel, financial advisory who deals with the bond houses every year we sell bonds to make sure our rating is okay. As a matter of fact, a financial advisory helped us to

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get an increased bond rating, the second highest in the nation, so they give us advice. We get it for best practices, technical education and training, Jabara Campus, how do we go about doing technical education in the community and certainly third- party independents. We have hired a consultant to help us with the ADA, Americans with Disabilities programs and projects. Part of the advantage of hiring a third party is that they are an expert and that the disability community, once we've put the plan together, as we put the plan together with this consultant, gives us additional credibility.

We've reviewed over 100 Bid Board minutes, we wanted to make sure we developed it. We got Public Works contracts. You see that engineers were not part of what we considered. What was not included was training, let me go back to this, we didn't conclude consultants were people that provided training for us. We could hire full-time training, facilities, this is a cheaper way of doing it. We know that engineering services were not included and that includes architectural services. Legal services, certainly legal services when we hire professional . . . when we hire attorneys to help litigate a case for us, because of their more experience in the courtroom or whatever, for whatever reason was not included. We didn't include medical services. We have doctors who review some of our work. We have doctors who provide service. We have billing services. Some of those names that are billing services have consultant in their name. We didn't include those. Those are the people that take our EMS bills and rather than us hire folks to do that, we found a cheaper method, using outsourcing and using the private sector for billing services and certainly case management is another thing that was not included. We have case managers who advise families about whether their seniors need to be placed in homes or stay in their home or go to assisted living and we did not include those.

The process was 100 Bid Board minutes, we reviewed Public Works contracts, we reviewed the County Clerk's contracts with consultant in the text. In that area, there was a lot of vendors, for instance Family Consultation Services was in that list, was one of many, many in that who had 'consultant' in their list who provide real services. Family Consultation does consult with us. They provide mental health services to our COMCARE clients. We looked at 68 accounting funds containing 619 fund centers. What we've discovered again is our coding is not centralized, it's decentralized and so some people hiring either contractors or hiring someone doing consulting may have put them in the wrong fund and so we discovered that that's an issue for us and we need to think that through a little better.

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We did 72 contractual line items and we have 143 lines of payment but some of those were easily dismissed because they were electric company or phone companies or those things, and so we have for your review, if you'd care to, 2,866 pages of detail.

I'm saying this, and I'm not trying to overwhelm you, I'm saying this so that you know that we've spent some time to make sure that we are getting this as accurate as we can get it and here's what we found. Over the past two years, here's who we think are consultants. Certainly old Cowtown Museum, we helped participate in that study for \$100,000. Disability Management Consulting Group, the countywide ADA for \$80,000. They're providing services to us to develop a plan and interact with the disabled community. Kimbel Associates provided, before we went out for RFPs and before we did anything, gave us advice about what kind of radio, what kind of computers, what kind of CAD system that the best practices on a 9-1-1 system were working around the country and we did that.

Arnerich and Massena Associates is providing assistance for us for our 457 deferred consultant study. You know we have taken requests for proposals, we've asked companies who employees . . . two companies that employees have invested in for trying to determine which company may be the best. We have request for proposals for about ten of those folks and this company is helping us sort out what do the fees look like, what do the funds look like, what are the return on funds so we can make an informed decision when we come to you.

Wilson Darnel Mann did an original parking study for multiple arena sites which was above and beyond their contract. Wichita School for Community Affairs, various judicial consultants, mostly of which was Dr. Craig-Moreland or she led those studies. PA Sports Entertainment assists the Coliseum staff with response to management of the downtown arena. It was a response for the request for proposal.

I talk about in our financial advisory services, that's when we issue debt we make sure we engage the financial advisor services to talk about timing. You know the market timing is critical, what are the best practices and what are the rating agencies looking at this year in particular. We go to the market once a year. They go to the market four or five times a week.

Alberto Meloni, as the new Executive Director for Exploration Place, we entered a short term contract with him to get some advice before he was full time. We've done that with some other employees so they can be on the job a couple of days a week before they enter full time and we thought that was appropriate. Right Management provided some executive coaching for senior management folks. Lerch Bates North America was an elevator consultant in this courthouse and

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gave us advice about how the elevators could be upgraded and what we could do and what other things might be appropriate. HDR Engineering, those of you who remember, we had a proposal by a private contractor, by a private company to do an incineration from waste to energy. We needed to see if that made sense for us. We needed to make sense to see if there is sufficient dollars available and we hired HDR to do that.

Bothner and Bradley was hired when we started up the Authority to give us some advice on that and jail communication, how we could manage those communications, not only with the authority but with the jail overcrowding. Terry Sullivan provided some expert advice, again on WAC data points in a report. Diane Frankel came to town and talked us through about the strategies we might explore with Exploration Place and those strategies were put into place and I think we're very pleased with those. PRN Consulting we used to talk to us about insurance benefits before we did the RFP. We wanted to make sure we had an idea about what other municipalities were doing, what were the best benefits for our employees, where could you get the biggest bang for the bucks and how you'd go about doing that, writing an RFP.

Again, this 457 is the IRS code about deferred comp. We asked Allen Gibbs and Houlik to take a look at one of the plans initially and to give us advice what they thought. After their discovery, we discussed that one of their company's fees and the charges to employees seemed exorbitant and that's what started driving us towards getting a better financial handle on that.

Polli-Alexander comes to our laboratories and the Forensic Science Center and does a review of practices, and up to date practices. The same with Taylor Burch, who does that on our pharmacy at the Health Department, to make sure that we're up to date and keep complying with the law. Ken Breeden gave us some technical education system structure advice. He's been to town a couple of times to help us do that. Jim Osterlund, some of you remember, was a former DIO employee who we contracted with to help with some of the design at the Juvenile Detention Facility, after it was finished, about the furnishing and refurbishing of that facility. We have two contracts with IE Consulting Partners to help the Sheriff and you can read those items. And the final one is Fox Lawson Associates, who gave us . . . asked for some advice and did some review on a pay-for-performance item that we asked them to do that.

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So in the two years, we have about . . . we have not about, we have \$541,000 of consulting fees. That's about \$270,000 a year, or less than one-tenth of one percent of our budget. Our budget is \$366,000,000.

So when we go through this process, I know the words are easier to say, but I need to remind you and if we remind ourselves on staff that we try to live by the county goals and values and one of them is to allocate and use resources for basic and essential services. What we mean by that is it's not our money and we know that. It's we're the stewards of the public's money and in this way I think we've done it. The other value certainly is accountability and excepting responsibility for our job performances and that's tied directly for the delivery of quality public service. And I think we have used these consultants judiciously and we have provided quality public service. Be happy to answer any questions that you may have."

**Chairman Unruh** said, "Well thank you for the report, Mr. Manager. I think it gives us a clear picture of what we've been doing the last 24 months and I . . . when the request was first made, I had no idea that it would take nearly 300 hours of time to come up with this, but I think that's beneficial for us."

**Mr. Buchanan** said, "It's not . . . it was we wanted to make sure we did it accurately and we found improvements in our system and we found some of us learned some other skills. Troy Bruun became much more skillful at this. He led the effort, and so he really gets all the credit."

**Chairman Unruh** said, "Well, thanks to Troy but I just think there's a lot of secondary benefits or whatever you want to call it that comes out of a report like this but thanks for the effort. We do have some questions. Commissioner Parks I believe was first."

**Commissioner Parks** said, "Well, I just wanted to say that thank you for the report and also many times we don't get reports from our department heads or somebody that may have done a study within their own department and I know last week I publicly said it at a meeting, but I wanted to say it in this venue too, that HR and Ms. Templin and her staff did a great report without going outside to get an outside consultant to do some studies and some things there, so if the department heads would bring those back to Mr. Buchanan, he could share those with us, that would show that certainly where we are utilizing our staff to do some of these things. Thank you."

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

**Commissioner Welshimer** said, "Well, I appreciate the efforts you put in doing this and I would

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not want to take the report, since you have so much time and effort put into it, and just set it aside. I'd like to go over all of this with you and study this and of course, without seeing any of these contracts, I wouldn't have any comment right now or probably questions except for one. I notice here we have an original parking study for multiple arena sites, Wilson Darnel Mann."

**Mr. Buchanan** said, "When we were deciding, trying to decide which site we should choose, we asked Wilson Darnel and Mann, in the contract, to identify three and then we added a fourth site for the Board of County Commissioners to choose. One was closer to the railroad tracks and the fourth one was north of Douglas and one was a little closer to Kellogg and Main Street. And for each of those sites, one of the important criteria by which a decision was made, for the commission, was what kind of parking was adjacent to or what kind of parking was in proximity to each of those sites. We didn't want to pick a site that had no parking near it. We wanted to pick a site that had lots of parking and that's what that study was for."

**Commissioner Welshimer** said, "Was that parking study going to be worked into the one we just approved?"

**Mr. Buchanan** said, "The same company . . . excuse me . . . it says Wilson Darnel and Mann but Wilson Darnel and Mann hired then Walker and Associates to help them do that study so the base information from that study will be used for the new study that we're asking for."

**Commissioner Welshimer** said, "But we had a relatively good idea about the parking situation then before we chose the site where the arena is now?"

**Mr. Buchanan** said, "Yes, but what we don't know is because of the other activities that have occurred in and around the arena site, some of the new development issues and some of the plans that the City of Wichita has. We don't know what the effects they might have on property. Secondly, part of the study did not take into consideration any of the concepts about shuttling people back and forth from say Lawrence Dumont Stadium or East High parking lot or anywhere else around the community. So we wanted to make sure, as we said a couple of weeks ago, we want to make sure in the new parking study that all those things are considered, because it's not just the simple fact of sloping up a parking garage right next to the arena. That will accommodate some cars, but it will not accommodate all our customers."

**Commissioner Welshimer** said, "So actually then we're going to have 107 plus \$45,000 invested

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in parking consultants.”

**Mr. Buchanan** said, “Yes.”

**Commissioner Welshimer** said, “Okay, thank you.”

**Chairman Unruh** said, “Commissioners, any other questions? I guess I just want to make a comment that it seems to me that in an organization this big, the budgets that we deal with and the complexity of our organization that to have this sort of consultant usage that is spread it appears to me pretty much across the organization, it’s not focused in one area but it’s in a lot of different places and we’re not using just one company, so that implies to me that we’re meeting our needs and doing the job that we have to do, so that’s my first read of the information. Commissioner Norton.”

**Commissioner Norton** said, “Well, and I’m glad we got this information, because there has been some dialogue and some questions about consultants and we’ve had some pretty . . . just looking at the parking issue, it became an issue about change orders and consultants and how we use them and certainly I wrestled with that, trying to figure out which was more important, putting a stake in the ground on consultants and change orders or not looking at the parking issue as one of the most important issues that is attached to the arena and I’d like to say that we had staff and the commissioners were smart enough just to say how parking was going to be, but I came to the conclusion that we needed to move forward and make sure that we got the best information we could.

I have issues with consultants myself sometimes, because I think we do have smart people in our community that can help us make those decision, sometimes we don’t. As I like to look at at least the first blush of this information, you know there’s not a lot of really huge consulting contracts out there, a lot of small ones, certainly the Cowtown Museum study. You know we wrestle with that. We wanted to do what was right for Cowtown. At the end of the day, looking back on it, we got a great study, a great template for what needed to be done at Cowtown and then it had a price tag on it that the board and everybody else felt like maybe they couldn’t implement, but I don’t think it was a flawed information out of that study.

I just think that there was a lot of other problems connected to that that we just couldn’t overcome. Certainly, \$80,000 for a disability management consultant is huge. We’ve got so many ADA issues around the city and the county that have to be dealt with. The law is the law and in some cases, the

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Coliseum a good example of that, is out of compliance, ADA-wise and you really need experts telling you what needs to be done and what doesn't and I don't know that we have that in-house. We have some pretty smart people that understand the laws of ADA, but when it comes down to the advocacy for everything that is ADA, you really need to understand that before you start changing buildings and ingress and egress and ramps and bathrooms and everything else that goes on in a facility.

So as I understand most of these, you know, you can debate it all day long, but I think they were money pretty well spent. I still have some mixed feelings about what's going to come out of the parking consultant, but the truth is, the arena is going to be build and one of the biggest issues I hear from people in our community is 'what's the parking going to look like' and I wish I was smart enough to say what I thought the parking was going to look like, but I'm just not and we'll move forward.

Great report, I'm going to analyze it myself and be sure I understand them but most of these, a lot of them I've heard the consultant's report and understand what they did and agreed with a lot of the results."

**Chairman Unruh** said, "All right, I don't see any other comments."

**MOTION**

Chairman Unruh moved to receive and file.

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."

**Commissioner Winters** said, "Mr. Chairman, before we move forward, I am going to excuse myself. I continue to have a multitude of family obligations I need to take care of this afternoon, so I'm going to be absent for the rest of the meeting."

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**Commissioner Winters left the meeting room at 12:32 p.m.**

**Chairman Unruh** said, "All right, we understand. Madam Clerk, please call the next item."

### **E. PRESENTATION OF AN ANNUAL REPORT AND UPDATE FROM THE SEDGWICK COUNTY WELLNESS COMMITTEE.**

**Ms. Jo Templin**, Director, Division of Human Resources, greeted the Commissioners and said, "This item will acquaint you with our Sedgwick County Employee Wellness program call Working Well for You. If you look at the numbers, the task can seem very overwhelming. Obesity is epidemic in the United States. In recent years, Diabetes rates among people 30 to 39 rose by 70%. About 46.5 million adults in the United States smoke cigarettes, even though this single behavior will result in disability and premature death for half of them. More that 60% of American adults do not get enough physical activity and more than 25% are not active at all.

The Working Well For You program was developed to enhance the overall health and wellness of employees by providing employees access to tools and information necessary for leading a healthy lifestyle. In October of 2005, the Division of Human Resources, in conjunction was many of our internal departments such as Public Safety, Fire, EMS and Human Services, Health and COMCARE as well as Communications and many of our providers developed an event on our Columbus Day in-service event that kicked off our Working Well program.

We would like to thank Claudia Blackburn, the Health Department Director, for the partnership between Human Resources and the Health Department to allow Kristina Helmer, our Public Educator, to chair the Wellness Committee and to coordinate the Working Well For You program. Kristina is a very enthusiastic and knowledgeable public educator and now she will give you a 2006 annual Working Well For You report, as well as tell you about some of the plans that we have for 2007. She will also just touch briefly on other activities in the community that the Health Department is promoting wellness."

### **POWERPOINT PRESENTATION**

**Ms. Kristina Helmer**, Health Educator, Health Protection and Promotion, Health Department, greeted the Commissioners and said, "I currently am chairing the Wellness Committee here and not only am I working with the Wellness Committee, we also are working with other community

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partners in Sedgwick County to enhance and promote their own wellness program at their site. Currently we are working with the Wichita school district, the Maize school district and the University of Kansas Medical Center.

So our wellness team consists of 15 committee members representing most county departments and we also have wellness liaisons, representing from all departments and these people help promote our classes and help promote our programs that we are currently running.

This is just a site of our wellness site. It's on the Internet site for our employees to view. I update it weekly with health tips, weekly healthy recipes, I do a monthly featured articles, like this month it's a heart health article and just any other things I find throughout that I think are really important for employees to know, just to increase a healthier lifestyle.

I've gotten a lot of comments from staff, with e-mails that they send me saying they really enjoy this site and they also give me some ideas. Some people send me recipes that they think that are healthy that they would like on the site.

In 2006, we offered sixteen wellness classes and over 200 employees attended throughout the year. Some classes included a heart living, healthy heart living, Diabetes awareness, summer safety, how safe is your class, which addressed the ergonomic issue, tobacco cessation, stress management, women and men's health and portion distortion.

I receive many e-mails after people attend the class saying 'thank you for providing this, I hope to see this one in the future'. I will go back and tell my coworkers about it so when it comes in the future.

We also have some events throughout the year. We did a walk at work event. It was promoted here at Sedgwick County and throughout the city. We had over 21 employers represented and over 2,000 people register their participation on our website. We had 300 people, I think, attend at Sedgwick County. We also did a stair challenge with our employees here to increase people to take the stairs and not use the elevator as often. We did a senior open challenge, which we had people log their walking time. The people who walked the distance from Hutchinson and back were put into a drawing for our Senior Open tickets.

We've done a couple of wellness receptions, just on a Friday afternoon, have people come out, get a healthy snack, meet other coworkers, find out what the Wellness Committee is doing. Sedgwick County steppers program we did this fall. It was a program to increase your daily steps. We encouraged people to take 10,000 steps a day, but everyone made their own goal to reach 1,000 to 10,000 steps a day. We have a monthly walking club that meets every third Thursday of the month. We promoted the Great American Smoke-out and during the holiday season we did a Maintain No

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Gain program to encourage employees to watch what they eat and exercise more during the holiday season.

We also partnered with Wesley Medical Center and they conducted a confidential health course appraisal. They did this for free for our employees and they gave us back the aggregated data and this just helped us decide what kind of programs we need to offer to our employees, where our health risks are at, so this just helped us decide what kind of programs and classes to develop.

For 2007, we're going to add a new component. We're going to have a Sedgwick County Wellness Club. We decided to do a club, so we have more of an identify, people feel part of a group, so you get the support, motivation from a group. You'll receive the weekly healthy tips and recipes, you'll be the first to know about some behavior change programs that are happening and eligible for incentives.

Right now we are currently running the Take Charge of Your Health Challenge. It's a ten-week program to increase physical activity and nutrition. We had 160 employees sign up for the challenge right now. We're currently in week two of that and we're also developing classes for 2007 and they're added to the training register for employees to sign up and this concludes my presentation. If you guys have any questions, I'm here to answer them."

**Chairman Unruh** said, "Well, I don't see any questions just yet, Kristina, but thanks for the report and I know that this sort of an effort results in great benefit to the health and wellbeing of our Sedgwick County employees. It is interesting, I think, that we're intelligent, educated, nice people and we have to look out for portion distortion, and a guy like me, I'd just as soon have a pill that would do all that, but you don't have that available."

**Ms. Helmer** said, "No. I wish."

**Chairman Unruh** said, "All right, well thank you very much. I think this is a great benefit and appreciate your effort. We need to receive and file this report though, commissioners. Is there a motion to that effect?"

### **MOTION**

Commissioner Norton moved to receive and file.

Commissioner Welshimer seconded the motion.

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

### **VOTE**

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

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

**F. APPLICATIONS (TWO) TO NATIONAL ASSOCIATION OF COUNTIES FOR 2007 ACHIEVEMENT AWARDS.**

- 1. THE FIRE SERVICE-A CUSTOMER'S ADVOCATE, SUBMITTED BY FIRE DISTRICT #1**
- 2. CAREER CRIMINAL UNIT, SUBMITTED BY SHERIFF'S OFFICE**

**Ms. Mandy Pankratz**, Management Intern, County Manager's Office, greeted the Commissioners and said, "I'm here this afternoon to present to you two applications for the National Association of Counties or NACo, 2007 Achievement Awards. These are just applications that require your signature, the Chairman's signature to be submitted.

The NACo award website indicates that counties are the governments of the future. They're innovative and progressive and create a variety of programs to meet the needs of their citizens. To recognize the creativity and imagination of these programs, NACo presents a number of awards on an annual basis to give these counties national recognition for new programs.

The achievement awards program is enabled NACo to build a database of success stories for other counties to look at when they're trying to create new programs. For 2007, the non-competitive award is based on the county's efforts to modernize and streamline county government and to increase the services to the citizens. This year, we've asked the departments to submit programs that they would like to have sent off for application. We've received two applications this year. One of those is from the Sheriff's Department and the other is from the Fire District. We'll be hearing from the Fire District later on the Fire District agenda.

The Sedgwick County Sheriff's Office has submitted the Career Criminal Unit for your consideration. It is a program that focuses on criminals whose livelihoods are derived from crime off the street. We have Major Jackie Stewart of Law Enforcement Bureau Commander for the

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Sheriff's Department here and she's going to kind of give us a highlight and answer any questions that you guys might have."

**Major Jackie Stewart**, Law Enforcement Bureau Commander, Sheriff's Department, greeted the Commissioners and said, "We have submitted our Career Criminal program of the Sheriff's Department for the NACo awards, in part because it's really a shift in paradigm I think for the Sheriff's Department. We've been able to be more proactive in focusing our resources and personnel towards those people that are committing the majority of crimes, if you will.

Sedgwick County/ Wichita, just like the rest of the country, really has experienced exactly that, that we have a small group of people that are committing just a huge number of crimes and basically we've taken our paradigm and turned it around. We've been able to respond in a much more proactive manner to actually focus on these people, identify them and attempt to take them off the streets, if we're able to do that, but certainly affect how they earn their living and kind of ruin their day in that regard.

We've been fairly successful in doing that over the past two years. We've taken 50 guns out of the hands directly of those career criminals as a result of our program and we've also, we've generated 1,200 cases that we are seeking charges on currently. Many of them we have actually received 105 felony warrants as a result of our efforts in this regard, so it has been very effective for us, and hopefully it's going to be a switch for us that will sustain and continue to help us, you know, use our resources in a better way in serving the community by recovering a good deal of stolen property, drugs, guns, that kind of thing. Any questions, I'd be happy to answer them."

**Chairman Unruh** said, "Okay, well I don't see any, but I appreciate the fact that our Sheriff's Department is continually trying to refocus what they're doing to get the most out of the effort and I guess you just described the old 80/ 20 rule, 20% of the people do 80% of the work."

**Major Stewart** said, "Absolutely."

**Chairman Unruh** said, "It works that way in crime too, evidently."

**Major Stewart** said, "Yes, it does. Thank you."

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

**Ms. Pankratz** said, "If there are no other general questions on the award, I'd request your approval to sign the applications and submit them to NACo."

### **MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, "Thank you, Mandy. Next item please."

**G. DIVISION OF PUBLIC SAFETY.**

**1. RESOLUTION APPOINTING JAIME OEBERST, M.D. AS THE SEDGWICK COUNTY DISTRICT CORONER.**

**Mr. Bob Lamkey**, Director, Division of Public Safety, greeted the Commissioners and said, "As you may recall, Dr. Dudley left us in December to take a position in Kansas City and this resolution appoints our Deputy Coroner Dr. Jaime Oeberst to fulfill the about two years remaining on that appointed term.

Dr Oeberst has been with us for about seven years. She has both the nomination and endorsement of the medical society and I have personally checked with all of her significant customers, the District Attorney, the Wichita Prosecutor's Office, Sheriff's Department, law enforcement and our advisory board and she has our unqualified support for this position, so I would recommend that you adopt the resolution and sign."

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**Chairman Unruh** said, "All right, thank you Bob. Well I see Jaime here behind you. Do you . . . or I guess I should say Dr. Oeberst, would you like to say anything?"

**Dr. Jaime Oeberst**, Deputy Coroner, Regional Forensic Science Center, greeted the Commissioners and said, "I would just really like to thank you for the opportunity to assume this position and thank you for your continued support for the Forensic Center. You're great support and I appreciate all you've done for us. I'd also like just to take the opportunity to thank the people in my family who came this morning to support me and spent the time here today."

**Commissioner Norton** said, "Now which ones would those be? With the camaras?"

**Dr. Oeberst** said, "Yes, sir."

**Chairman Unruh** said, "Well, very good."

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, "Thank you, Bob. Congratulations, Dr. Oeberst. Next item please."

**2. AGREEMENT WITH JAIME OEBERST, M.D. TO PROVIDE SERVICES AS CHIEF MEDICAL EXAMINER/CORONER OF SEDGWICK COUNTY.**

**Mr. Lamkey** said, "Now that you have appointed her, we need to pay her. So this is . . ."

**Commissioner Norton** said, "Wait a minute. I should have read ahead."

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**Mr. Lamkey** said, “This contract, again, is for the duration of Dr. Dudley’s term and in addition to the Chief Medical Examiner/ Coroner’s duties, she will serve as the Assistant Director of the Forensic Science Center and the general terms and conditions of this contract are the same as her current contract, except that she will receive an annual salary commensurate with her new duties, and so again I would ask you to approve the agreement and authorize the Chair to sign, and again I also want to congratulate Jaime. This is a hallmark day in a career, so it’s good that her family was here to support this process, as a significant day and again, my recommendation is that you approve the agreement and authorize the Chair to sign.”

**Chairman Unruh** said, “Thank you. Well we have a comment or question from Commissioner Norton.”

**Commissioner Norton** said, “Well, I’ll make the motion here in a minute, but I’d like to say that, you know, sometimes we’re criticized a little bit because we go outside of the realm of our community to find experts and to find people who can do jobs and here’s a place where we’ve grown our own. We’ve got somebody prepared and ready to take over a pretty critical position in our community and you know, as we get the opposition on the other end, here’s a place where we can say, you know, we didn’t have to go out and do a major search around the United States to find somebody very qualified to run a great forensic science center and to lose nothing in its effectiveness, so I congratulate Dr. Oeberst, but I’m proud of Sedgwick County for kind of growing our own because we take criticism some times because we don’t and here’s a good example of that.”

**MOTION**

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

Chairman Unruh seconded the motion.

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

**VOTE**

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

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**Chairman Unruh** said, "Thank you, Bob. Thank you, Dr. Oeberst. Next item please."

### 3. **AMENDMENT TO AGREEMENT WITH TIMOTHY P. ROHRIG, PH.D. TO PROVIDE ADDITIONAL SERVICES AS DIRECTOR OF THE REGIONAL FORENSIC SCIENCE CENTER.**

**Mr. Lamkey** said, "And commissioners, this dovetails, quite frankly, with Commissioner Norton's comments. As we look at our organizations and look at opportunity for growth and leadership, we look inside first. As you all understand, the Forensic Science Center operationally has two significant divisions: the forensic laboratory and the pathology division in this process. So as Dr. Dudley left, we asked Dr. Rohlig to assume the role of director, which is the department head and Dr. Oeberst will be part of that team, as the assistant director. In addition to his duties as the director of the forensic laboratory and chief toxicologist. His new role adds increased responsibility and work to ensure the RFC, in partnership with Dr. Oeberst, remains a well run and well respected institution. His extensive managerial leadership background makes him, at this particular point in history, the ideal choice for that particular role, so this amendment defines the duties and adds a nominal amount of additional compensation for assuming those duties and it is my recommendation that you approve the agreement and authorize the Chair to sign."

**Chairman Unruh** said, "All right, thank you Bob. I see Dr. Rohrig here and I don't know if you want to say anything particularly, but we can go ahead and consider this."

**Dr. Timothy P. Rohrig**, Director, Regional Forensic Science Center, greeted the Commissioners and said, "Well just briefly I want to thank you for having the confidence in me to assume this leadership role and I am quite sure that, between Dr. Oeberst and I, we can continue to enhance the regional and national reputation of the forensic science center and provide a quality service to our partners. Thank you."

**Chairman Unruh** said, "Well, thank you very much. I know that about everything that's happened over there the last few years, you have your fingerprints all over it, so we know that you're involved in our forensic science center. Commissioner Norton."

**Commissioner Norton** said, "Once again, I'll make this motion in a minute, but here's another good example. Dr. Rohrig has worked very hard to make sure his laboratory has got the money that it needs to move forward. Almost monthly, we get some kind of grant application that brings in federal or state dollars to another program that he's interested in expanding in our labs and I think that's been very important and this really gives him a chance to have an administrative role over the whole forensic science center. I think he's prepared for that, I think he's shown that he could do

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that and here's another good example, we're growing our own leadership in Sedgwick County."

**MOTION**

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

Chairman Unruh seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, "Thank you and congratulations to both of you. Next item please."

**H. DIVISION OF CULTURE, ENTERTAINMENT AND RECREATION.**

**1. AGREEMENT WITH WICHITA FESTIVALS, INC. FOR SPONSORSHIP OF THE 2007 WICHITA RIVER FESTIVAL.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, "The Wichita River Festival is a nationally acclaimed and the largest special event in Kansas. Last year, River Festival 35 brought outstanding results for our community. The nine-day festival brought record crowds, estimated at 370,000 plus people and an economic impact of 25.6 million dollars to the community. Over 160 companies and organizations participated as sponsors, providing more than 1.75 million dollars in support of the event. For all intents and purposes, this major event for our community is privately funded and sponsored. Diverse crowds, closely mirroring the population of Sedgwick County, all shared in the fun at the concerts, sporting events, theater and the food court, at the kids corner and it was very significant to note that while the number of attendees increased last year, the number of arrests decreased, from 132 in 2005 to 27 in 2006.

Sedgwick County has participated in various levels of sponsorship funding since 2002, as low as

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4,000, as high at 50,000. The request this year is that we, Sedgwick County, be a general sponsor in Riverfest 36 at the \$15,000 level. I would ask that you approve the agreement and authorize the Chair to sign. Be happy to answer any questions you might have.”

**Chairman Unruh** said, “Commissioners, are there any questions for Mr. Holt? Seeing none, can we have a motion to the effect that we approve this agreement.”

**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	Absent
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And at this time . . . thank you, Mr. Holt.”

**Ms. Kristi Zukovich**, Director, Communications, said, “Commissioner Unruh, if you will allow me just a moment, we are approaching a 1:00 time frame and Channel 8 gives us the opportunity to be on the air until 1:00. I did want folks to know that we will be continuing to film the meeting and we will have it on our website, on our streaming video, so all the items that will come on after we go off the air here at 1:00 will be on our website and I’ve pulled it up. It’s sedgwickcounty.org and if you’ll notice there’s a little e-video here on the side. That’s where folks can click to find the county commission meeting and they’ll be able to watch all these subsequent items after we go off the air. So if people wonder where we went and what happens, that’s where we are.”

**Chairman Unruh** said, “All right, well thank you Kristi and we’re still there, right?”

**Ms. Zukovich** said, “We are for a few minutes.”

**Chairman Unruh** said, “Thank you for that announcement. Madam Clerk, please call the next item.”

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**2. AGREEMENT WITH WICHITA WILD INDOOR PROFESSIONAL FOOTBALL, LLC FOR USE OF KANSAS COLISEUM DURING THE 2007 FOOTBALL SEASON.**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, “The item before you is our standard agreement, as it relates to the major sports tenants, like the Thunder. The result being that we have, at the Coliseum, an additional, minimum of additional nine events for this upcoming year. We recommend approval. Mike McCoy, the General Manager of the Wild, wanted to be here but he has some very important sponsorship meetings this afternoon, so he could not stay beyond the lunch hour, but he offered to say that anytime you have any questions, his phone is always available, just please go ahead and ask him. We recommend approval.”

**Chairman Unruh** said, “All right, thank you John. This is just a one-year agreement?”

**Mr. Nath** said, “This is a one-year agreement, that is correct.”

**Chairman Unruh** said, “All right. We do have some questions. Commissioner Norton.”

**Commissioner Norton** said, “What league does the Wild play in? Is it a professional league, an organized league that they play in?”

**Mr. Nath** said, “They are going to be playing teams from several leagues, mostly from the Mid-American Central Indoor Football League. There are I couldn’t count the number of indoor football leagues there are in this country right now, arena football too being the big one, the National Indoor Football League probably being the second largest, but there’s Texas Football League, Indoor Football League, a Florida indoor football league, the Carolinas have their own league. Eventually these are all going to mere. There’s going to be a couple, it’s going to take some time. This is a centralized league. They’ll be playing teams from Missouri, Oklahoma and Nebraska, as well as in Kansas.”

**Commissioner Norton** said, “Well, we continue to hear that there are going to be leagues that play in maybe alternate event centers, that maybe even the Thunder is going to tie in with the management of an arena complex, you know sport . . . and I just wondered about that, what league that was and we’re going to have them for nine games and that’s the good news.”

**Mr. Nath** said, “Hopefully we’ll have them for a lot more than that.”

**Commissioner Norton** said, “Okay. That’s all I have, Mr. Chair.”

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

**Commissioner Parks** said, "I would just like to say, in Mike McCoy's absence, that I've worked with him on several projects and he does run a class act and that season tickets that I checked into are definitely the way to go here and it's the best deal, so if the people want to get out and do that, I think I'm looking forward to it in the off-football to get my fix of football, so thank you."

**Chairman Unruh** said, "All right, very good. Well, what's the will of the board on this?"

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

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

**3. KANSAS COLISEUM MONTHLY REPORT.**

**POWERPOINT PRESENTATION**

**Mr. Nath** said, "Report for January, 2007: we had over 50,000 people through the doors, 14 events, 31 individual performances. Net revenues were in excess of \$205,000. All this, despite a couple of instances with the weather over the weekends, which really put a damper on some of the events, but

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we did quite well.

We started off the month by being able to host the East versus Southeast city basketball game. We had the number one team in the state play the number two team, and we had almost 3,400 people in the seats for that one. Moving along, we had again our annual Kansas Winter National Antique Tractor Show over in the pavilions. The RV show made another return, with nearly 3,500 people in attendance. Then we went into the U.S. Hotrod Thunder Nationals. We had an excess of 10,000 people in the house for the three days that performed and that's always a favorite of the kids. They love these kind of shows.

Went into the race car auction, which is another annual event. Let me get back to the previous. Everything you wanted to know about race car, you could buy at this auction, whether it's wheels, bumpers, decals, or entire cars. And then we went into our annual PRC Rodeo, which is another favorite. Now along with the rodeo, we also do the trade show, which was sold out again this year and we do the official cowboy, Coors Cowboy Dance over in the pavilion and you see the trade show is big with the kids because they get to ride the mechanical bull.

We had the dog agility trials. This is a very popular event that's up and coming, where the dogs go through, basically, an obstacle course and they absolutely have a ball when they're doing it and we did that over in our arena building. And in the sport zone, we had five Thunder Hockey games, nearly 19,000 people in total attendance over the five games.

Coming up, the Sport, Boat and Travel Show opens tomorrow evening and runs through Sunday. Thunder plays Amarillo next week, on the 20<sup>th</sup>. They also play Youngstown on the 21<sup>st</sup>. Now the 20<sup>th</sup> game is a makeup game for when they got caught in Colorado in one of those early snowstorms and couldn't make it here for the game. We have the State High School Wrestling Tournament and I lost my presentation. Let me get through here real quick. We have State High School Wrestling coming at the end of the month. The Equi-fest returns again on February 23<sup>rd</sup> and 25<sup>th</sup>. Thunder is back in action against Colorado. Royal Lipizzaner Stallions come March 1<sup>st</sup>. They play here about every three years. Thunder plays Oak City of March 2<sup>nd</sup>. Park City Wrestling Classic on March 3<sup>rd</sup> and the Chisholm Trail Gun Show March 3<sup>rd</sup> and 4<sup>th</sup>. The Thunder pays Amarillo on March 4<sup>th</sup>. Commissioners, if there's any questions, I'd be happy to answer them at this time."

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

**Commissioner Parks** said, "I know this wasn't in January, but at the recent car swap, the Ace Car Swap Meet, I happened to keep my ticket from the parking fee that was charged there and it says Kansas Coliseum on it. Now for those people that are a little bit confused about that, can you kind of explain how that became . . . and I certainly didn't mind paying the three dollars for it as a vendor and the people that came by my booth did express a lot of displeasure. They just wanted to

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know why it said 'Kansas Coliseum' on it."

**Mr. Nath** said, "Well commissioner, that was in response to which some of you is a good problem to have, the event has grown to such an extent that it needs to be managed differently. There are some critical safety issues that we need to pay attention to, such as keeping our fire aisles open and access to emergency vehicles, as well as to ensure that all the disabled parking spaces are available for those that are disabled and want to come to the event.

To do that, there is some expense involved. To offset that expense, we charge the parking fee, which pays for the off-duty Sheriff's officers, as well as the parking attendants to make sure that we do maintain those aisles. This year was the fourth year we have been doing that, and that's purely in response to the incredible growth that this event has seen over the last couple of years."

**Commissioner Parks** said, "I would add that they did a wonderful job of cleaning the parking lot too, and sometimes we don't realize that that is an additional expense certainly to these events out there and they did a good job of cleaning the lot this time."

**Chairman Unruh** said, "Okay. Any other questions, Commissioners? Then what's the will of the board?"

**MOTION**

Commissioner Norton moved to receive and file.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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

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**HEALTH DEPARTMENT**

**I. AGREEMENT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT TO SUPPORT THE CONTROL OF TUBERCULOSIS IN SEDGWICK COUNTY.**

**Ms. Claudia Blackburn**, Director, Health Department, greeted the Commissioners and said, “The agenda item before you is an agreement between the Kansas Department of Health and Environment and Sedgwick County to support the control of tuberculosis in Sedgwick County. This agreement provides \$77,600 to support a nurse and a case manager, who are responsible for managing active cases of tuberculosis through daily directly observed therapy, evaluation of contacts for infection and provision of therapy for those infected but not transmitting tuberculosis.

These staff members are part of a six-member team that delivers TB services to Sedgwick County citizens. An additional \$13,000 is expected from the Kansas Department of Health and Environment to further cover these positions and that will be under a different contract. In 2006, \$1,218 initial evaluations were performed, resulting in 25 confirmed active disease cases and 783 infections. The TB program provides TB therapy to 150 to 200 clients a month and last year we received \$72,000. This year, there’s an increase of about \$5,000 to help with the special project and I recommend at this time that you approve this request, approve this contract.”

**Chairman Unruh** said, “All right, thank you Claudia. Commissioners, are there any questions?”

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

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**Chairman Unruh** said, "Thank you, Claudia. Next item please."

**J. DIVISION OF HUMAN SERVICES- COMCARE.**

**1. CONTRACT WITH UNITED METHODIST URBAN MINISTRY OF WICHITA, INC. FOR COMCARE TO PROVIDE CASE MANAGEMENT SERVICES TO UNITED METHODIST OPEN DOOR SUPPORTED HOUSING CLIENTS.**

**Ms. Marilyn Cook**, Director, Comprehensive Community Care (COMCARE), greeted the Commissioners and said, "United Methodist Open Door has received HUD funding to provide permanent housing for mentally ill individuals who have formerly been homeless. The apartments will be run by Mennonite Housing, but United Methodist Open Door has asked COMCARE to provide supportive case management to residents there as case management has proven to be affective in helping people with mental illness sustain their independent living status. These apartments are going to be scattered throughout the City of Wichita and they'll provide safe, affordable and permanent housing for individuals.

United Methodist Open Door does not qualify to provide case management services. That's why they approached us for that. The subsidy that United Methodist Open Door receives from HUD will cover most of the cost of the position and revenues generated by the case manager will cover the rest. We are recommending that you approve the contract."

**MOTION**

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

Commissioner Parks seconded the motion.

**Chairman Unruh** said, "Any discussion?"

**Commissioner Welshimer** said, "Mr. Chairman, I'm an Emeritus member of the board of directors of urban ministry, but would I need to abstain? I mean, I'm not an active board member."

**Chairman Unruh** said, "Mr. Euson, does that require an abstention by Commissioner

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Welshimer?”

**Mr. Euson** said, “If you are not on the board, you do not need to abstain.”

**Commissioner Welshimer** said, “Okay, I’m really not.”

**Chairman Unruh** said, “All right. Well, we all get to vote here and I think we’re ready for the vote.”

**VOTE**

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

**Chairman Unruh** said, “Next item.”

**2. AGREEMENT WITH WICHITA CHILD GUIDANCE CENTER FOR COMCARE TO PROVIDE PROFESSIONAL PSYCHIATRY AND SUPERVISION SERVICES.**

**Ms. Cook** said, “Commissioners, this is a renewal of a contract with the Wichita Child Guidance Center for our board-certified child psychiatrist, Dr. Deanne Jenkins to provide three hours of supervision each week to the Advanced Nurse Practitioners that provide medical services there. These Advanced Nurse Practitioners present difficult cases to Dr. Jenkins and she helps them sort out issues of medication, medication compliance and management. She helps them confirm diagnosis that they’re struggling with and she assists them in sorting out challenging family situations. We are recommending that you approve this contract.”

**MOTION**

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

Commissioner Welshimer seconded the motion.

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**Chairman Unruh** said, “Any discussion, commissioners? A renewal of a satisfactory agreement.”

**Ms. Cook** said, “Yes, we’ve done it for a couple of years.”

**Chairman Unruh** said, “I see no other discussion. Call the vote please.”

**VOTE**

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

**Chairman Unruh** said, “Next item.”

**3. AGREEMENT WITH CARL AND BETTY LINDER FOR LEASE OF SPACE FOR COMCARE’S SEDGWICK COUNTY OFFENDER ASSESSMENT PROGRAM LOCATED AT 1720 EAST MORRIS, SUITES 1 AND 2, WICHITA.**

**Ms. Cook** said, “Commissioners, this is a lease agreement for the Sedgwick County Offender Assessment Program, or SCOAP that’s located at 1720 East Morris. COMCARE assumed this lease from the Sedgwick County Community Corrections program last spring, when JIAC moved from that facility to the new Juvenile Detention Facility. The rate of the lease remains constant for five years, but renovations are necessary to provide a crisis stabilization unit at the north end of that building that would enable the program to house up to four persons at a time, for 48 hours or up to 48 hours. Many community mental health centers throughout the state have such crisis stabilization units and we’re anxious to get ours up and going. We are recommending that you approve the agreement.”

**MOTION**

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

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Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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

**4. AMENDMENT #4 TO AGREEMENT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES ESTABLISHING COMCARE AS A PARTICIPATING MENTAL HEALTH CENTER.**

**Ms. Cook** said, "Due to the anticipated changes in the Medicaid state plan, we are still operating under the Participating Mental Health Center contract that was effective July of 2005. So this is the fourth amendment to that contract to provide additional funds of \$10,000 a quarter, pre-paid to us, so that COMCARE can pay Via Christi for involuntary, uninsured individuals who are presenting at their emergency room who are then sent on to the state hospital, and to also pay for any of those individuals involuntary, uninsured who might stay at the Good Shepard campus as a state hospital bed when the census management initiative, which we developed recently, gets enacted, so this is money flowing from SRS through COMCARE to Via Christi Good Shepard. We are recommending that you approve the amendment."

**Chairman Unruh** said, "No net effect on your budget."

**Ms. Cook** said, "No, and in fact if the money exceeds what we need . . . what we need for a quarter exceeds what we have, we are under no obligation to pay that until the state gives us more money,

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so it was easier to make this happen in a timely way by amending this agreement for the fourth time than starting a new one between SRS and Via Christi.”

**Chairman Unruh** said, “Okay. And is this the beginning of some sort of long term solution to how we fund these involuntary holds and getting the state involved?”

**Ms. Cook** said, “We’re hoping it is. I talked to the deputy director of SRS yesterday and asked them what they’re doing about the longer term issue that’s going on and he has assigned a task force of individuals. There have been three years of task force and recommendations about local and more regional state hospital beds throughout the state and he’s new to his position, so he has a staff member that is putting on a grid the recommendations, some of them are duplicative, and seeing what recommendations they want to bring forward to the legislature this year, so they are working on it and we’re anticipating about 18 months before there is a solution but in the meantime, there is this agreement between the state and Via Christi.”

**Chairman Unruh** said, “Okay, appreciate it. We’re down here working in the trenches and the answer is we need those beds.”

**Ms. Cook** said, “Absolutely.”

**Chairman Unruh** said, “So anyway, all right. Commissioners, any other questions? What’s the will of the board?”

### **MOTION**

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

Chairman Unruh seconded the motion.

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

### **VOTE**

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

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Chairman Unruh

Aye

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

**5. ADJUSTMENT TO THE COMCARE STAFFING TABLE TO INCLUDE ONE FIELD CASE MANAGER, BAND B216.**

**Ms. Cook** said, "This is a request to add one case management position to the staffing table for case management services that I described and that you just approved in item number one for the United Methodist Open Door contract. We're recommending that you approve the addition to the staffing table."

**MOTION**

Commissioner Welshimer moved to approve the adjustment to the COMCARE Staffing Table.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, "Thank you, Marilyn. Next item please."

**K. DIVISION OF HUMAN SERVICES- DEPARTMENT ON AGING.**

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

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, "This is a contract with remote data services and they provide Medicaid billing services for our

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transportation brokerage, non-emergency medical transportation rides and these are rides that qualify for Medicaid reimbursement.

The contractor is compensated a total of 3% of all claims paid that we receive payment for for these Medicaid rides. The Medicaid rides that we provide are a very small percentage of the rides that we do through the transportation brokerage. However, this has been found to be very cost efficient method of billing for these services. This is a renewal. We first contracted with them in 1998, have been doing so ever since and I would recommend that you approve and authorize the chair to sign. Be happy to answer any questions.”

**Chairman Unruh** said, “Thank you. We do have a question. Commissioner Parks.”

**Commissioner Parks** said, “Was this done on a bid in ’98?”

**Ms. Graham** said, “There really aren’t very . . . I think this is the only business that does this service. This is a very specialized billing service. It’s very specialized, Medicaid transportation, very specialized knowledge. There really isn’t competition out there for that.”

**Commissioner Parks** said, “Thank you.”

**Chairman Unruh** said, “Any other questions, commissioners? What’s the will of the board?”

**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	Absent
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

### 2. **FISCAL YEAR 2007 AREA PLAN REVISION, TO BE SUBMITTED TO KANSAS DEPARTMENT ON AGING.**

**Ms. Graham** said, "Commissioners, every year the Area Agency of Aging is required to submit a plan, an area plan for how we intend to spend the federal dollars for our tri-county area. Now during this year then, we're required to submit revisions when there are changes to that anticipated funding. This is the first revision for the year and our year does end September 31<sup>st</sup>, 2007. This revision covers a couple of different item. Number one, it is a reallocation of funds. Every year, unused funds from across the state are pooled back to the Kansas Department on Aging and reallocated back out to the 11 Area Agencies on Aging.

So under 3B, supportive and community services, we plan to increase homemaker services by \$7,856, attendant care by \$4,048. And then there was a change with Kansas Legal Services, who had been providing supervision program in our area. They elected to no longer continue that program, due to some staffing changes in their local office, so we're going to start doing that service internally, March 2006. So this is a reallocation of \$11,670 to provide that service internally. We will be using our RSVP program, our volunteers to do this, so this really made us the best candidate to do this service in our area, and that will be for the tri-county.

Under Title 3C, our home delivered meals, this is reallocation funds, this was funding that was specifically for this service and basically what we did was take those reallocated funds, using the same formula that we already use at the beginning of the year, and reallocated this back out, so that's \$10,000 to the Newton Meals On Wheels program, \$5,000 to the Susan B. Allen program in Butler County, \$14,616 for the Senior Services and the Good Neighbor Nutrition program, \$9,000.

Then under our 3D, we had health promotion, disease prevention. We increased home health screenings by \$1,488. And then as we looked at our funding and our expenditures over the last several years, found a pattern that we were able to expand all of our money under the 3D Health Promotion program, so we're taking \$2,374 out of our contract with St. Raphael and utilizing our new staff nurse to provide this service, because we've found that we have a lot of access in already providing this service, so we'll be able to expend these funds for future years, so we're really going to make those changes and really improve this services availability in our community through that.

And then under the 3E, family caregiver support program, we have reduced the Kansas Area Agency on Aging allotment to \$5,000. That has been a statewide caregiver program and statewide, we did make some changes in that, so it's reducing that amount. I think it had 26,000 to \$5,000 and then that does alter then our remaining balance for the Family Caregiver program. We already had some rollover money, so what we're planning on doing is taking this money and adding it with our

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unallocated funds for \$57,288 to start a caregiver program. This will be a televised program, and we're going to be working with some individuals to put this program together. But this would really reach a whole new population. It would be a televised program. There's really been nothing like this across the nation. We've done some research, but this would be a great way to really reach a large audience. Caregivers are so overwhelmed and unable to get out for services, that this would be a way for them to access services from their own home via the media.

So all of these programs, all of these applications and proposals have been approved by our advisory council and have been also approved by the Butler and Harvey County county commissions. So I would be happy to answer any questions, would recommend that you approve and authorize the Chair to sign."

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

**Commissioner Norton** said, "\$14,000 for Senior Services, is that Meals on Wheels?"

**Ms. Graham** said, "Yes."

**Commissioner Norton** said, "You just didn't describe it that way and you did describe Meals on Wheels in Butler County, but that's what that will be for in Sedgwick County."

**Ms. Graham** said, "Yes, this is specifically for the Meals on Wheels program, home-delivered meal component."

### **MOTION**

Commissioner Norton moved to approve the FY 2007 Area Plan Revision 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 Welshimer seconded the motion.

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

### **VOTE**

Commissioner Norton	Aye
Commissioner Winters	Absent

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you, Annette. Next item please."

**L. QUIT CLAIM DEED BY CITY OF WICHITA, KANSAS FOR PROPERTY AT 220 SOUTH EMPORIA, WICHITA, IN SUPPORT OF THE SEDGWICK COUNTY ARENA.**

**Ms. Stephanie Knebel**, Manager, Facility Project Services, greeted the Commissioners and said, "This agenda item looks a little differently from other previous purchase agreements for dealing with the downtown arena. This is a quit claim deed. We chose and elected to follow this process for the purchase of this property in order to alleviate any closing costs with this form and this method. There are no closing costs. Because it's a parking lot, we have no relocation costs either. The purchase price of this parking lot from the City of Wichita is \$350,000, which is in line with all the other parking lots we've purchased for this project. I recommend your approval and am available for questions."

**Chairman Unruh** said, "Thank you, Stephanie. It's good to hear where we're not having to pay for something like relocation and closing costs. That's good. All right, commissioners, any questions?"

**MOTION**

Chairman Unruh moved to accept the Quit Claim Deed 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	Absent
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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**Chairman Unruh** said, "Thank you, commissioners. Next item please."

**M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF FEBRUARY 8, 2007.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of February 8<sup>th</sup> results in five items for consideration today.

**1) WATER HEATER FOR THE ADULT DETENTION FACILITY- FACILITIES MAINTENANCE**  
**FUNDING: ADULT DETENTION FACILITY MAINTENANCE**

The first item is a water heater for the Adult Detention Facility for Facilities Maintenance. The recommendation is to accept the low bid from PVI Midwest Sales in the amount of \$36,537.

**2) TRACTOR PARTS- FLEET MANAGEMENT**  
**FUNDING: FLEET MANAGEMENT**

Item two, tractor parts for Fleet Management. Recommendation is to accept the bid from Wichita Tractor to establish and execute a two-year contract, with three one-year options to renew.

**3) COMPUTER HARDWARE- DISTRICT COURT**  
**FUNDING: DISTRICT COURT TECHNOLOGY**

Item three, computer hardware for the District Court. Recommendation is to accept the quote from Gateway Computers in the amount of \$53,501.76.

**4) CAREER DEVELOPMENT TRAINING- HUMAN RESOURCES**  
**FUNDING: HUMAN RESOURCES**

Item four, career development training for county employees for Human Resources. Recommendation is to accept the proposals from Jim Maddox for item one, Leader Systems for item two, Audrey Curtis Hanes for item three, Austin Peters for items 4 and 5, and execute contracts for two years, with the option to renew for one additional year at an estimated annual cost of

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\$30,000 for all of the training needs.

**5) SOIL BORING SERVICES FOR THE NEW ARENA- FACILITIES DEPARTMENT FUNDING: FACILITIES DEPARTMENT**

And then item five is soil boring services for the new downtown arena for Facilities Department and the recommendation is to accept the low alternate proposal from Professional Services Industries Incorporated for \$42,235 and establishing a pricing for the additional equipment.

Would recommend approval of these items and would be happy to answer any questions.”

**Chairman Unruh** said, “All right, thank you Iris. Commissioners, are there any questions on the presentation from the Bid Board?”

**Commissioner Welshimer** said, “I have one. You were talking about the item for the arena.”

**Ms. Baker** said, “Yes, soil boring for number five.”

**Commissioner Welshimer** said, “Is that coming out of the arena fund?”

**Ms. Baker** said, “Yes.”

**Commissioner Welshimer** said, “Okay.”

**Chairman Unruh** said, “All right, any other questions? What’s the will of the Board?”

**MOTION**

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

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Absent

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**CONSENT AGENDA**

**N. CONSENT AGENDA.**

- 1. Adjustment to the Court Trustee Staffing Table to reallocate one Attorney, B325, to Senior Attorney, B327.**
- 2. Order dated February 7, 2007 to correct tax roll for change of assessment.**
- 3. Payroll Check Register of February 9, 2007.**
- 4. General Bills Check Register(s) for the week of February 7 – 13, 2007.**

**Mr. Buchanan** said, "Commissioners, you have the consent agenda before you and I would recommend you approve it."

**MOTION**

Commissioner Norton moved to Approve the consent agenda as presented.

Chairman Unruh seconded the motion.

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

**VOTE**

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

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**Mr. Buchanan** said, “And I would remind you that there are only 320 more days before the sales tax will end.”

**Chairman Unruh** said, “Thank you. Good to keep track of that number. All right, commissioners, we’re at the end of this agenda. We do have a fire district agenda to deal with, so I will adjourn the regular meeting.”

**O. OTHER**

**P. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 1:25 p.m.

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

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

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

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

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**KELLY PARKS**, Commissioner

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Fourth District

\_\_\_\_\_  
**GWEN WELSHIMER**, Commissioner,  
Fifth District

ATTEST:

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

APPROVED:

\_\_\_\_\_, 2007