

## MEETING OF THE BOARD OF COUNTY COMMISSIONERS

### REGULAR MEETING

**January 23, 2008**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, January 23, 2008 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Chair Pro Tem Tim R. Norton; Commissioner David M. Unruh; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Mr. John Schlegel, Director, Planning Department; Ms. Marilyn Cook, Director, COMCARE; Mr. Frank Griffith, Assistant Director, Kansas Coliseum; Mr. Glen Wiltse: Director, Code Enforcement; Mr. Ray Vail, Director of Finance and Support for Aging; Ms. Laura Golay, Executive Secretary, Manager's Office; and, Ms. Evelyn Good, Deputy County Clerk.

#### **GUESTS**

Mr. James "Mike" Draper, Sheriff's Civil Service Board, 10231 Merton, Wichita, KS 67209  
Ms. Amanda Matthews, 5407 W. 63<sup>rd</sup> St. South, Haysville, KS  
Mr. Dallas Broz, 5407 W. 63<sup>rd</sup> St. South, Haysville, KS

#### **INVOCATION**

The Invocation was observed with a moment of silence.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES:**

Regular Meeting, January 2, 2008

Regular Meeting, January 9, 2008

The Clerk reported that all commissioners were present at the regular meetings of January 2<sup>nd</sup> and January 9<sup>th</sup>, 2008.

**Chairman Winters** said, "Commissioners, you've had an opportunity to review those Minutes. What's the will of the Board?"

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**MOTION**

Commissioner Welshimer moved to approve the Minutes of the Regular Meetings of January 2, and January 9, 2008.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Commissioners, before we take Item A, we do need to take an Off-Agenda appointment. Could I have a motion to take an Off-Agenda item?”

**MOTION**

Commissioner Norton moved to take an Off-Agenda item.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**OFF-AGENDA**

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**RESOLUTION REAPPOINTING JAMES “MIKE” DRAPER  
(COMMISSIONER WINTER’S APPOINTMENT) TO THE SHERIFF’S  
CIVIL SERVICE BOARD.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “This Off-Agenda item has to do with the reappointment of Mr. Draper, who serves on the Civil Service Board. This is a reappointment for a 3-year term and I recommend that you adopt the Resolution.”

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

**MOTION**

Chairman Winters moved to adopt the Resolution to reappoint James “Mike” Draper to the Sheriff’s Civil Service Board.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Mr. Draper is here this morning and our County Clerk, Don Brace, will swear in Mr. Draper.”

**Mr. Don Brace**, County Clerk, said, “Good morning Mike. How are you this morning?”

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Raise your right hand.”

*I, James Michael Draper, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sheriff's Civil Service Board, so help me God.*

**Mr. James, “Mike” Draper**, Member of the Sheriff’s Civil Service Board, said, “I do.”

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

**Chairman Winters** said, “Mike, if you would like to make a comment?”

**Mr. Draper** said, “Just want to thank you again for the appointee from Commissioner Winters. You all have appointees on the Board, Bobby Stout, Fran Keekling, Clyde Bevis, and Sherry Shomeburg is all on there, so their appointments will be coming up here probably next year. So I just want to thank you again for reappointing me for the Sheriff’s Civil Service Award.”

**Chairman Winters** said, “All right. Well Mike, on behalf of the Commissioners, we want to thank you and all of the Board members that serve on that Committee. We did enjoy visiting with you out at the Kansas Coliseum Saturday night at our reception; it was good to see you there. We do appreciate this Board’s work and we depend a lot on citizens and assisting and sometimes this can be kind of a thankless job. I would bring to the attention of the Commissioners, Mike serves as Chairman of the Civil Service Board this year, so he is fully engaged. And again, Mike, we thank you very much for your work.”

**Mr. Draper** said, “Thank you again.”

**Chairman Winters** said, “All right, Madam Clerk, would you call item A?”

**PLANNING DEPARTMENT**

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**A. MAPD CASE NUMBER ZON2007-00063 – SEDGWICK COUNTY ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “GC” GENERAL COMMERCIAL; GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH HOOVER ROAD AND WEST 63<sup>RD</sup> STREET SOUTH (5407 WEST 63<sup>RD</sup> STREET SOUTH). DISTRICT #2.**

**POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, Metropolitan Area Planning Commissioner, greeted the Commissioners and said, “In this case, the applicant is requesting to rezone the property that you see on the graphic that you see in front of you outlined in blue, from its current zoning designation as rural residential to a “GC” or general commercial designation. The property is about an acre and a quarter in size and what they are seeking the rezoning for is to be, allow them to store four party buses, which they use in their business, at their residence.

The four vehicles that they store there would not be permitted under the rural residential designation and it’s not a use permitted by right, nor is it a use permitted by conditional use. Therefore, they are seeking the designation to general commercial as the first zoning district in the hierarchy of zoning districts that would allow outdoor vehicle storage.

Right now, their use of the property in this way is an illegal use and they have been informed by County Code Enforcement that they need to remedy that situation.

You can see from the previous that the area is largely rural residential in zoning character. There is to the northwest the intersection there of Hoover and 63<sup>rd</sup> Street, you can see the general industrial zoning, that is for the Occidental Chemical Company property, which is located in that vicinity. And then on that southeast corner of the intersection you can there is a property that is owned Occidental Chemical that’s zoned general commercial as well.

Going on to the aerial photo you can see the character of the land uses surrounding this property. The immediate adjacent properties are residential in character and then you can see also the agricultural fields that surround this property to the north and south.

The item, because the property is within the Haysville zoning area of influence, it did go to the Haysville Planning Commission for their review on December 13<sup>th</sup>. I’m showing you a

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general vicinity map here, so you can see where this property is located in relationship to this city of Haysville. There were no members of the public to speak at the Haysville Planning Commission meeting. The Haysville Planning Commission at that meeting voted to deny this request by a 7 to 1 vote. And because of that, that affects your ability to approve this. It would take a unanimous vote of this Board to override the denial by the Haysville Planning Commission.

The item then went on to the Metropolitan Area Planning Commission at its meeting of December 20<sup>th</sup>. That meeting, besides the applicant, there were two other speakers, one of which is a partner in this business enterprise and the other a neighbor and they both spoke in support of the request.

The MAPC voted 13 to 1 to recommend approval of this request for “GC” zoning with a protective overlay that would restrict uses to the current list of rural residential uses and the only general commercial use that would be allowed to addition to those uses then would be the vehicle storage yard.

There is some confusion about testimony that was given at the Planning Commission meeting regarding whether or not the neighbors were opposed. That testimony is reflected in the minutes of the Planning Commission that are attached in your Agenda backup report. I would indicate that the applicant had spoken to the neighbors and they were not in opposition, however, several of the neighbors have talked directly with our staff and indicated to us that they were in fact opposed to the general commercial rezoning. We have not received any formal protests in response to the action by the Metropolitan Area Planning Commission.

So what you have before you today is a recommendation from the MAPC to approve this general commercial zoning but with a protective overlay that would restrict it to rural residential uses plus the vehicle storage yard use and then a denial from the Haysville Planning Commission of this request. And with that, I will be glad to take any questions.”

**Chairman Winters** said, “Thank you very much John. Commissioners, does anyone have any questions of clarification from John? If not it would be my, again, this not an official public hearing, but it would be my intention to listen to the public if there is any one here.

So at this time, is there any one here in the meeting room who is opposed to this, this zoning request? Seeing no one, is there anyone that would like to speak who is in favor of this zoning request? Please come to the podium, give your name and address for the record and

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try to limit it to 5-minutes.”

**Ms. Amanda Matthews**, Property Owner, Applicant, greeted the Commissioners and said, “I just want to give you a little bit of back ground, you guys have most of it in front of you there, but just to let you know what we do plan to use the property for. It’s much like we’ve been using it, for vehicle storage.

We do store our buses on the property and we don’t, however, do any kind of major maintenance, we do a little bit of cleaning on the insides of those. So really is just vehicle storage. We don’t have customers out to our home, we try to prevent that. Pretty high cost, you know, we try not to have our address out on the internet, things like that, so that no one can find where we are located.

And basically, you know, we do have a property that’s general commercial just two blocks down from us. And I guess the main thing that I wanted to point out is that we did have someone come and speak in favor of us at the MAPC hearing and no one, again, spoke in opposition, much like today. But we were not informed of the Haysville meeting, to our knowledge. Perhaps we received something in the mail, but we did not get it, we didn’t know that they were meeting and it is my opinion, my belief, that that would have made a big difference.

I think it speaks volumes that at the MAPC meeting, when we were able to speak and kind of state our case, that they were able to say that they would approve it 13 to 1.

Also, the protective overlay says a lot about what we can do there too. So it is my understanding that the protective overlay can say anything and kind of put some restrictions on that “GC” zoning. So again, with that protective overlay, we are not asking to do any kind of car sales or anything like that that would fall under the general commercial, just the vehicle storage. So, if you guys have any questions?”

**Chairman Winters** said, “Thank you. I do not see any questions at this time.”

**Ms. Matthews** said, “Okay.”

**Chairman Winters** said, “Thank you. Is there anyone else who would like to speak to this issue? Yes, sir, come forward please. Please give your name and address for the record.”

**Mr. Dallas Broz**, Property Owner, Applicant, greeted the Commissioners and said, “To kind of reiterate on what she said, at the Wichita hearing, we weren’t aware of the Haysville hearing so we couldn’t go to it, but the Wichita hearing, I believe they were prepared to deny

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it until we spoke and then they did vote in favor of it.

The other thing is, I have spoken with a neighbor just a few days ago and she said she had called in to the Planning Commission and said she was not necessarily in favor of rezoning the whole area to general commercial, and I said it would be general commercial, and I said it would be just our property and I said it would have a protective overlay so it would just be vehicle storage and she said, again, she was not opposed to that, whatsoever. And that is all I have.”

**Chairman Winters** said, “All right. Thank you very much. Commissioners, this is an interesting case. Commissioner Norton, I know that you have been doing some thinking, this is in your district, would you like to lead off please?”

**Commissioner Norton** said, “I will. I researched this, I visited with Rich Euson, John Schlegel, the applicants, I have talked to some of the neighbors and one thing, I came to the conclusion that, changing the character of the neighborhood through zoning to general commercial was not anything that I thought I was going to be in favor of.

It went through the Haysville Planning Commission and they denied it. It came to MAPD, the recommendation of staff was to deny. New information did come out and the MAPC moved it forward to us with a recommendation, but I have a problem with, and had a problem with, changing it to a zoning that was not continuous with other properties and would have preferred to keep the “RR” residential zoning with some kind of a conditional use.

As I researched it though, with John, vehicle storage as described in the Resolution that we passed that controls that, does not allow us to take any conditional use action. So, as we had conversations with Rich Euson, John Schlegel, some other Commission members, I came to the conclusion that maybe we needed to take a look at the tools in our toolbox as far as being able to deal with this as a conditional use as opposed to changing the zoning that is less restrictive and adding a protective overlay.

One of the things that I didn’t like about it is that once you change the zoning to general commercial it’s going to be pretty problematic to move it back to rural residential at any point and time that you may want to do that. The other thing, a protective overlay stays with the property forever, so that if they wanted to sell the property, change it, you would have to

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go through a very extensive process.

If you kept it rural residential with a conditional use, you could set many of the same provisions as a protective overlay but instead of it being with the property forever, you could set a sunset, you could put provisions in it that would limit it and Code Enforcement could still look at that conditional use and follow the guide lines that have been set by the Commission just for that piece of property.

So I would like to have some conversation with the County Commission if we would be interested in instructing John to go back and let the Planning Commission look at the conditional uses and redescribe what vehicle storage would be.

We don't have any provisions for party buses, yet we've got two or three companies in our County that do that. We don't have any provisions for storing of limousines, and we have quite a few companies that do that and may want to do it in a manner out in the County. And then just the idea that there is other vehicles that require chauffer's license drive that may be stored in some manner as a home business or an individual proprietorship that we are not prepared to deal with in any conditional use manner. Does that pretty well describe, John, some of the conversations we've had? And can you add to that?"

**Mr. Schlegel** said, "That does it very well."

**Commissioner Norton** said, "Okay. So now, I guess, I'd like to have some conversation with the Commissioners as whether you think that would be a reasonable way to deal with this, which is maybe to defer for right now, let John and his group redefine what conditional uses are allowed under rural residential, bring that back to us so that we maybe have a different tool in our toolbox to deal with this without changing zoning, without going through that process at this time. I would like to hear from other Commissioners."

**Chairman Winters** said, "All right, very good. Commissioner Parks?"

**Commissioner Parks** said, "I do think that this a good idea that Commissioner Norton has and I followed many of these zoning cases over the last 13 years with rural residential, so this type of request is not really a new request. Maybe it's time that we modify or suggest that the staff bring us back some changes in the law to allow this conditional use in rural

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residential. That's about it."

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

**Commissioner Unruh** said, "Thank you Mr. Chairman. I think I will be saying the same things essentially. It seems like we need to find an avenue that we can come up with a conditional use to allow this particular usage as it is in light of the fact that it does not seem to be a nuisance, we're not finding complaints by the neighbors, not requiring any special infrastructure needs for this usage. It seems to be very unobtrusive in the location where it presently exists.

I do agree, however, that a spot zone change is probably not good planning, so it would be difficult to go forward with just making a change to the zone change that they currently are requesting. It seems to me that taking the effort to allow us more flexibility as we determine these cases is the proper course of action. So, finding a way for conditional use seems to me to be appropriate. That's all I have Mr. Chair."

**Chairman Winters** said, "Thank you. Commissioner Welshimer?"

**Commissioner Welshimer** said, "So if I understand what you're talking about, you are creating a new type of conditional use zoning designation?"

**Mr. Schlegel** said, "Right. I think that's what Commissioner Norton had in mind, was that we would add to the list of conditional uses for rural residential zoning of outdoor vehicle storage and then that would provide for case by case review by this Board whenever this type of situation would come up. And it would also then have the advantage of allowing the Board to place time limitations on that approval."

**Commissioner Welshimer** said, "What time element involved here to do this?"

**Mr. Schlegel** said, "Well, we'll have to sit down and craft a text amendment to the zoning code. That would go to the Planning Commission for their review and then back to this Board and the Wichita City Council for final approval. So that would probably take two or three months to do that."

**Commissioner Welshimer** said, "Wichita City Council?"

**Mr. Schlegel** said, "Correct. It's a unified zoning code and what we would want is for both Boards to approve this. Now they would probably be less concerned about this type of

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conditional use in rural residential zoning because there is not much rural residential zoning in the City of Wichita.”

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

**Chairman Winters** said, “All right. And as we look at some of the exceptions that we have been rural residential zoning, sand extractions, sand pits mining would be allowed in rural residential with a conditional use permit. Is that correct John?”

**Mr. Schlegel** said, “Correct.”

**Chairman Winters** said, “So there are some pretty impactful things that can be done with conditional use permits now, but yet it gives the Commission the ability to put some time limits on it, it’s not forever, it is for a specified length of time and can, again, be revoked if the conditions are not being met.

The question I have, and I see that Glen Wiltse has come into the room, I know that if we would take 60-90 days, Glen, to determine what we are, if we are going to do this change, what would be the status of the applicants until we’ve made that understanding?”

**Mr. Glen Wiltse**, Director, Code Enforcement, greeted the Commissioners and said, “We wouldn’t pursue any enforcement during that time frame. It has always been a policy that once the conditional use or zoning appeals application has been filed then we just hold off with any violation notices after the initial one.”

**Chairman Winters** said, “So there wouldn’t be any more correspondence with your group until after we’ve made a decision of whether we’re going to do the conditional use and then act on a conditional use for this particular property if that’s what we decide to do?”

**Mr. Wiltse** said, “That’s correct, yes.”

**Chairman Winters** said, “Okay, thank you. Commissioner Parks?”

**Commissioner Parks** said, “While Glen is in the area here, we just want to make sure that there is not any conflict with any other County codes that are out there, i.e. the vehicle storage that allows up to 9 disabled vehicles behind screening in certain areas?”

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**Mr. Wiltse** said, “Well, it would need to be defined, if we do change the conditional use process, that if we wanted to allow inoperable vehicles that would need to be identified versus operable vehicles, like the buses or semi tractors and trailers, whatever, so it wouldn’t actually allow people to start a salvage yard, basically, next door to the neighbors.”

**Commissioner Parks** said, “But in motor vehicles, right now though, there is a code that says that they can have up to 9 vehicles behind screens...”

**Mr. Wiltse** said, “You can have up to 9 inoperable vehicles in the zoning code now as long as they are fully screened and all that.”

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

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

**Commissioner Unruh** said, “Thank you Mr. Chairman. I had another, then, question on procedure with John. If we proceed with what we are talking about, you would do the work and go through the procedure to modify the rules that we are dealing with to give us more flexibility and then if this case comes back to us, it will have specifics in the conditional use request dealing with the number of vehicles and length of time and those sort of things?”

**Mr. Schlegel** said, “Correct. That’s the type of thing that we want to try to build into whatever, however we craft this next text amendment. So any input that the Commissioners might have on that would be very helpful. And that is pretty typical of the way conditional uses are handled in the zoning code is that there are specific requirements that are, that go along with granting of that approval. In an addition, you can also place additional conditions that might pertain to specific circumstances of that case.”

**Commissioner Unruh** said, “All right, thank you. I just wanted to make sure that the new procedure and flexibility that we have in deciding these is general and that each case will have its specific parameters that we will decide on.”

**Mr. Schlegel** said, “Right. Now, if I could add one more thing. If we do make this text amendment, and allow outdoor vehicle storage as a conditional use, that will require them to submit a new application for this use as a conditional use. It would have to, well you would either have to deny the current request for the rezoning or they could withdraw that. But

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they would have to start anew with a new request. And that would be after the text amendment is made.”

**Commissioner Unruh** said, “All right, thank you. I think that answers all my questions. I guess I would want to know from the applicant if what we’re discussing, does that seem to be an agreeable thing, I don’t know about changing, I mean if we need to make a decision on this today or is this agreeable with you?”

**Ms. Matthews** said, “It is. In fact, the conditional use was pretty attractive to us to begin with; we were told that wasn’t an option, so we went with the next best thing. So I think, yes, that is something that we are agreeable with.

I did also want to ask, I guess, a question about resubmitting an application. I guess I could ask you then later, but that would mean, again, there is some costs to do that on things, so I am guessing that we would incur that again, is that correct?”

**Commissioner Unruh** said, “I think so.”

**Ms. Matthews** said, “Okay. I think that still sounds like that’s probably our best bet.”

**Commissioner Unruh** said, “Thank you. That’s all I have Mr. Chair.”

**Chairman Winters** said, “Thank you. Commissioner Welshimer?”

**Commissioner Welshimer** said, “Well I just to remind Mr. Schlegel to keep a close eye on this as it goes through because having been a law maker, I know that great intentions for changing laws can come out entirely different from what you intended.”

**Mr. Schlegel** said, “Unintended consequences.”

**Commissioner Welshimer** said, “Yes. Thank you.”

**Chairman Winters** said, “Thank you Commissioner. My only thought here is that I would think that we might want to consider deferring this as opposed to denying it and that way it’s still in the mix, Code Enforcement knows there is still a case in the mix and that’s just for what that’s worth. Commissioner Norton?”

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**Commissioner Norton** said, “I think there is several things here. I think that we can very easily define what goes under conditional use. That still is going to make us deal with it on an individual basis. The truth is, under rural residential and some other zoning, we’ve had cases come back to us in the last few years where we denied their-upping of the conditional use. We put sunsets in there.

And I think that’s important because areas can change and you grant a conditional use based on the flavor of the neighborhood and the activities there today, but in three or four or five years, if the neighborhood changes, the look of the zoning there changes, you have the ability to say we are not going to re-grant the conditional use, as a business you need to find another place to do that particular business because it doesn’t fit the flavor of the neighborhood.

This gives both parties a chance to continue to, number one, the applicant to continue their business, but the neighbors to continue to have a voice, its saying, we don’t really like this business in our neighborhood, it didn’t work out like we all thought it would, yes we didn’t complain on the front end but now it looks like it is erroneous on their ability to have a neighborhood that we want to live in. I think it gives you both sides of that.

Yes, it may force some incurrence of additional costs, but sometimes that’s the price of doing business. It just is. And I don’t know that we can take that into consideration as we move forward on this. I think you’re right, Commissioner Winters, a deferral is maybe the right way to move this along. The truth is, it will go through a process, there will be a lot dialog about it and the recommendation that comes back to us isn’t an automatic thing. We will have a chance to tweak it and look for all of those unintended consequences that Commissioner Welshimer looks for.

So, I am prepared to make a motion if that’s where we would like to go?”

**Chairman Winters** said, “We’re ready for a motion.”

### **MOTION**

Commissioner Norton moved to defer the zone change and direct Mr. John Schlegel to draft a text amendment to the Unified Zoning Code to permit, as a conditional use

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in the “RR” rural residential district, vehicle storage similar to that of described in this case and to process the amendment through the MAPC and appropriate governing bodies and return the zone change case ZON2007-00063 to the County Commission for further consideration.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “All right. Thank you very much and we hope we’re on a path to reach success. Madam Clerk, next item.”

**NEW BUSINESS**

**DIVISION OF HUMAN SERVICES- COMCARE**

**B. AGREEMENT WITH REGIONAL PREVENTION CENTER TO IMPLEMENT AND OPERATE THE WICHITA’S PROMISE YOUTH COUNCIL AND GOOD GANG PROGRAMS.**

**Ms. Marilyn Cook**, Director, Comprehensive Community Care, greeted the Commissioners and said, “This is a renewal of an agreement with the Regional Prevention Center. The agreement provides partial funding for administrative salaries for those at the Regional Prevention Center that are responsible for implementing Wichita’s Promise Youth Council and the Good Gang Program there.

The money comes from a portion of the revenue that’s collected from the sale of liquor sold in the County outside the City of Wichita. And the outcome spelled out in this are the same as those in the City Liquor Tax Agreement with the same organization. We recommending that you approve the agreement.”

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**Chairman Winters** said, “Thank you. Commissioners, you have questions or comments? Commissioner Norton?”

**Commissioner Norton** said, “I just think it’s appropriate that we re-authorize this. With the State of the City’s Address, the Mayor addressed gangs and gang violence and this is part of our participation in that, so I think it’s appropriate that we re-appoint.

**MOTION**

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

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Ms. Cook** said, “Thank you.”

**Chairman Winters** said, “Thank you Marilyn. Next item.”

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

**C. DEPARTMENT ON AGING.**

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**1. GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION FOR NEW FREEDOM SECTION 5317 FUNDING OF THE HEALTH ACCESS FOR DISABLED LOW-INCOME PROJECT.**

**Mr. Ray Vail**, Director of Finance and Support for Aging, greeted the Commissioners and said, "I am here today to present to you a Grant application to the Federal Transit Administration to provide funding for rides for disabled and low-income individuals. This funding will provide same day transportation to individuals to medical facilities and crises centers. This application has been approved by Finance and Legal and I ask that you approve the application and authorize the Chair to sign."

**MOTION**

Commissioner Norton moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including the Grant Award Agreement containing substantially the same terms and conditions as this Application.

Commissioner Welshimer seconded the motion.

**Chairman Winters** said, "Ray, is this amount of money adequate for, or is this one piece of the puzzle that has lots of pieces in it?"

**Mr. Vail** said, "This is additional funding to add rides on a all-day basis all the way up to 11:00 at night. It supplements calling EMS, this would off-set some of that costs that EMS has accrued."

**Chairman Winters** said, "Okay. All right. I am certainly going to be supportive but was just curious as if this was doing an adequate job as needed or if it was just a drop in the bucket or if it was doing a pretty good job."

**Mr. Vail** said, "It is adequate for us but as with all transportation, it's a black hole. There's not enough funding to fund the transportation, but this will provide additional rides."

**Chairman Winters** said, "All right. Thank you very much. Commissioners, we have a motion any other discussion?"

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

**VOTE**

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

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

**2. GRANT APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR FUNDING OF THE TRANSPORTATION BROKERAGE'S RURAL PROGRAM.**

**Mr. Vale** said, "Commissioners, this is a renewal for the Grant for the Kansas Department of Transportation to provide specialized transportation to the rural Sedgwick County. The Transportation Brokerage has provided rides under this program since 1995. This application has been approved by Finance and Legal and I ask that you approve the application and authorize the Chair to sign."

**MOTION**

Commissioner Norton moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including the 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 Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you Ray. Next item."

**D. KANSAS COLISEUM MONTHLY REPORT FOR DECEMBER 2007.**

**Mr. Frank Griffith**, Assistant Director, Kansas Coliseum, greeted the Commissioners and said, "The highlights for the month of December include, in the Pavilions, we got the Fenton Auto Group Sale, the Flea Market and the Race Car Equipment Auction. And in the Britt Brown Arena we had seven Thunder Hockey games and two great concerts, the Trans-Siberian Orchestra and Ozzy Osborne with Rob Zombie.

We brought in a total attendance of 42,747 people from the 12 different events. And the total revenues for the month were \$161,448.

Coming up in the Pavilion, this weekend, we have the Wichita Dog Agility Trials and the Ranch Rodeo. And then the Model A Sunflower Swap Meet the first weekend of February. Looking ahead in the Britt Brown Arena, we have plenty of Thunder Hockey action, and Reba with Kelly Clarkson on January 31<sup>st</sup>, and Casting Crowns, February 4<sup>th</sup>.

Later on in the month we host the Kansas Sport Boat and Travel show; 3-Days Grace and Sesame Street Live.

And for the year 2007, total attendance was over half a million people and total revenues for the year was right at \$1.7 million, which was \$21,000 increase over 2006.

We've had some really good shows this past year, including Martina; Earth, Wind & Fire; The Blue Man Group and Circ de Soleil. And for this coming year, we are working towards a banner year; we have Reba and Keith Urban coming up. And Downing Concert Series are bringing in Joe Cocker. We also have Blue Man Group returning and Circ de Soleil for seven performances in late March.

This concludes the monthly report and I will be happy to answer any questions that you might have.

**Chairman Winters** said, "All right Frank, thank you. Commissioner Parks?"

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**Commissioner Parks** said, “Frank, when Laura stood up and gave the introduction, she said something about the tickets are available for the A Swap Meet the 1<sup>st</sup> and 2<sup>nd</sup> of February. Is this parking tickets for that event or...?”

**Mr. Griffith** said, “Yes. Advanced parking tickets for the weekend, which would save them a \$1.50 at the gate.”

**Commissioner Parks** said, “I just wanted to make sure that there were no surprises here with...”

**Mr. Griffith** said, “No it’s not...it’s just the parking charge to cover the staffing for the...”

**Commissioner Parks** said, “Very well, thank you.”

**Chairman Winters** said, “All right, thank you. Commissioners, any other questions?”

**MOTION**

Commissioner Unruh moved to receive and file.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Frank, thank you very much for coming to our meeting. Next item.”

**E. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON JANUARY 17, 2008.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said,

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“The meeting of January 17<sup>th</sup> results in two items for consideration today.

**1. COMPUTER HARDWARE – COMCARE  
FUNDING – COMCARE INFORMATION TECHNOLOGY GRANT**

Recommendation is to accept the quote from Dell Computers in the amount of \$32,795.10.

**2. FIREWALL SECURITY MAINTENANCE – DIVISION OF INFORMATION  
AND OPERATIONS  
FUNDING – SYSTEMS AND SECURITY**

And the recommendation is to accept the quote of Fishnet Security in the amount of \$37,321.40. Would be happy to answer questions and I recommend approval of these items.”

**Chairman Winters** said, “Thank you Iris. Commissioners, you’ve heard the report, what’s the will of the Board?”

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you Iris.”

**Ms. Baker** said, “Thank you.”

**Chairman Winters** said, “Next item.”

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**CONSENT AGENDA**

**F. CONSENT AGENDA**

- 1. One Right-of-Way Easement for Sedgwick County Project 811-J, n ½ K; widening of Ridge Road between K-96 and 53<sup>rd</sup> Street North. CIP# R-282. District #4.**
- 2. Amendment to the Truancy Prevention Program Agreement with Unified School District No. 259, which modifies the target population and outcomes.**
- 3. Annual Report for the Sedgwick County Foreign-Trade Zone Project for the 2006-2007 Federal Fiscal Year.**
- 4. Amendment to the 2008 Capital Improvement Program to include replacing courtyard concrete at the Residential and Services Center, 622 E. Central.**
- 5. Payroll Check Register for January 11, 2008.**
- 6. Order dated January 16, 2008 to correct tax roll for change of assessment.**
- 7. General Bills Check Register(s) for the week of January 16 – 22, 2008.**

**Mr. William P. Buchanan**, County Manager, Greeted the Commissioners and said, “You have the Consent Agenda before and I recommend that you approve it.”

**Chairman Winters** said, “We have a question. Commissioner Parks?”

**Commissioner Parks** said, “On the #1, on the Right-of-Way Easement, whether the Manager or Mr. Spears can answer this, is this the last one of those in this project that has been acquired for the Right-of-Way? Between K-96 and Ridge, or on Ridge, between K-96

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and 53<sup>rd</sup>?”

**Mr. David Spears**, Director of Public Works, greeted the Commissioners and said, “No it’s not the last one.”

**Commissioner Parks** said, “Is there kind of a target date when this is finished up or...?”

**Mr. Spears** said, “No, we are working on it steady. As you know, in some cases, people are reasonable and accept the (inaudible) fair appraised market value and other cases it may have to go to condemnation and there are a few that may have to be condemned.”

**Commissioner Parks** said, “Thank you. I know this is an important project in my district, so thank you.”

**Chairman Winters** said, “All right Commissioners, you’ve heard the Consent Agenda before us, what’s the will of the Board?”

**MOTION**

Commissioner Welshimer moved to approve the Consent Agenda as presented.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Commissioners, we do need to have, that completes our Agenda, we do need to have a short Executive Session, but before we go into that Executive Session, is there any other items of interest that you would like to discuss at this time? Commissioner

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Norton?"

### **G. OTHER**

**Commissioner Norton** said, "I am going to be leaving here to head to Exploration Place. For the first time in Kansas, we're doing a NASA downlink and my oldest granddaughter and I are going to participate in a direct link to the Space Shuttle and I think that is going to be historic for Wichita and Exploration Place and it's just another great event that Exploration Place has brought to our community, so I will be leaving here shortly to join my granddaughter in the endeavor.

I wanted to remind everybody that Visioneering is sponsoring a racial survey, a racial attitude survey. Laura articulated that, but I wanted to let people know that they could log on to [www.visioneeringwichita.com](http://www.visioneeringwichita.com) and take that survey. It talks about racial harmony and opportunity in our community and it gives us a point and time of what people are thinking about that as we try to advance new thinking in our community.

And finally, I admit today, with the Homeless Task Force, and we unanimously moved a recommendation forward on what we think the solution is for our homeless population, the chronic homeless in our community, that will be coming before the County Commission soon. I am sure that after a public forum, that we're hoping to have, that the County Manager will bring forward that recommendation and we can start to talk about how we engage in helping sponsor that, fund it and be supportive of it.

It had five recommendations and we will talk about each one of those, but I am sure that the County Manager will bring that to us in some formal presentation in the future, but I did want to let you know that we've done our work, it's taken longer than we wanted to, but we've got a recommendation that will come forward real soon. That's all I have Mr. Chair."

### **COMMISSIONER NORTON LEFT THE MEETING AT 9:50.**

**Chairman Winters** said, "Thank you. Commissioner Welshimer?"

**Commissioner Welshimer** said, "We are still working on the 47<sup>th</sup>-55<sup>th</sup> Street south (inaudible) area plan and that runs from the river east to the Butler County line. And they did have a neighborhood meeting concerning this and there was some confusion as to

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whether or not there were any annexations involved and I just wanted to make sure that people down in that area understand that there are no annexations planned with this overlay process that we are really working on development trends and zoning that might be needed and land use policies that affect that plan area. So we are about finished with that and that will be coming to this Board and to the City Council.”

**Chairman Winters** said, “All right, thank you for that update. Commissioner Unruh?”

**Commissioner Unruh** said, “Thank you Mr. Chair. I just want to make a comment about a success story of sorts. Many folks who are carefully watching Sedgwick County business, and know that we were one of the initial counties to get involved in the NACO prescription drug, discount card.

And we’ve got a report back from Debbie Donaldson, our Director of Human Services, who was very instrumental in our involvement and that prescription drug card as we were one of the test counties to get it kicked to test to see how it would work, and we along with Harvey County were one of the initial counties in the whole United States.

So we have a report back now that indicates after 37 months, this program, which provides a discount drug card for citizens who do not have the ability to avail themselves of insurance coverage or other discount programs, they can use this National Association of Counties drug card. And so for 37 months, we have been involved in it and during that time our citizens have saved over \$304,000 in their prescription expenses.

Nationally, after Sedgwick County and Harvey County were instrumental in getting this started, the total number according to this report is that nationwide, that citizens have saved \$66 million in prescription drug costs. It’s a very successful program and I’m proud of the fact that Sedgwick County was one of the initial counties involved and bow to Debbie Donaldson for her pioneering work in this effort.

It’s good for our citizens as far as the benefit goes and I just kind of wanted to congratulate our staff for getting us involved for the benefit of our citizens. But right now, it looks like, in Kansas, there are about eight counties that are involved and our plan here is to expand the usage of the card and publicize it a little more and it doesn’t work for everyone, but for those who do, it seems like it is truly a benefit. And so that’s all that I have Mr. Chair.”

**Chairman Winters** said, “All right, thank you. Commissioner Parks?”

**Commissioner Parks** said, “Just as an addition on to what Commissioner Unruh had said there. I did have a success story also from a senior citizen and I think that we do need to

**Regular Meeting, January 23, 2008**

have a bit more education, especially for the pharmacies that are on that card, they have indicated that they don't know about the program. But that is part of the process and I am sure that our staff is pursuing those things and I will pass that along to them, the ones that didn't. It ended up being a success story for one of my senior citizens. Thank you."

**Chairman Winters** said, "All right, thank you. I would just comment that last Saturday morning, Commissioner Norton and Commissioner Parks and myself attended the Sedgwick County Association of Cities monthly meeting at City Arts, hosted by the City of Wichita. And it was a very good meeting.

Councilman Jim Skelton is Chair of that organization and he moved that meeting right along. We had, it was kind of dedicated to Legislators and there were about eight or nine Legislators, each talked for 2-3 minutes, not too long, not too short, gave good information. I just thought that there was a good exchange and a good dialogue. Talked about a couple of subjects back and forth, so I thought it was just a very good SCAC.

And next month, I'm not sure of the exact date, but it's going to be connected, Sheriff Deed has offered to take all of the cities Councils and Mayors on a tour of the jail. So that's going to be part of the next SCAC meeting.

Commissioners, if there is nothing else at this time, I would move that we move into Executive Session."

**MOTION**

Chairman Winters moved to move into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:05 a.m.

Commissioner Unruh seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Parks	Aye

**Regular Meeting, January 23, 2008**

Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, "We are in recess."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 9:55 a.m. and returned at 10:10 a.m.**

**Chairman Winters** said, "All right. We'll call the meeting back to order. Let the record show that there was no binding action taken in Executive Session. Mr. Euson, you have a report for us?"

**Mr. Euson** said, "Yes, Commissioners, while in Executive Session, we discussed the appeal of the condemnation case involving the Board of County Commissioners VS Steinberger, and in this case, it was our recommendation that we settle this case for an additional \$32,000 and that is the recommendation at this time."

**Chairman Winters** said, "All right, Commissioners, comments? Motion?"

**MOTION**

Commissioner Unruh moved to take the recommended action.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Mr. Euson** said, "Thank you Commissioners."

**Chairman Winters** said, "Thank you Rich. Is there any other business to come before the Board? Commissioners? Mr. Manager? This meeting is adjourned."

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**H. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 10:12 a.m.

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

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**Regular Meeting, January 23, 2008**

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

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

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

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**KELLY PARKS**, Commissioner  
Fourth District

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**GWEN WELSHIMER**, Commissioner,  
Fifth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2008