

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

May 14, 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, May 14, 2008 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Commissioner David M. Unruh; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. Ron Holt, Assistant County Manager; Mr. Rich Euson, County Counselor; Ms. Janice McCoy, Health Protection Coordinator, Health Department; Mr. John Schlegel, Director, Metropolitan Area Planning Commission; Mr. Ron Estes, County Treasurer; Ms. Claudia Blackburn, Director, Health Department; Ms. Chris Morales, Systems Integration Coordinator, Corrections Department; Mr. Dave Rush, Director, Kansas Coliseum; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Ms. Janelle Koftan, 5801 S. Webb Rd., Wichita, Ks.
Mr. Perry Duncan, 5901 S. Gold, Wichita, Ks.
Mr. Kenneth Koftan, 5801 S. Webb Rd., Wichita, Ks.

INVOCATION

The Invocation was observed with a moment of silence.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Norton was absent.

CONSIDERATION OF MINUTES: Regular Meeting, April 30, 2008

The Clerk reported that all Commissioners were present at the Regular Meeting of April 30, 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 Meeting of April 30, 2008.

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

Chairman Winters said, "Next item."

PROCLAMATION

A. PROCLAMATION DECLARING MAY 19 – 25, 2008 AS “RECREATIONAL WATER ILLNESS PREVENTION WEEK.”

Chairman Winters said, "Commissioners, we have one proclamation for your consideration today. That proclamation is:

PROCLAMATION

WHEREAS, last year 75 cases of Cryptosporidium, a recreational water illness (RWI), were identified in Sedgwick County, causing some swimming pools and water fountains to be closed for the season, and

WHEREAS, the week preceding Memorial Day (May 19-25, 2008) has been designated as National Recreational Water Illness Prevention Week; and

WHEREAS, state and local departments across the country investigated more RWI outbreaks in 2007 than ever before; and

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WHEREAS, awareness of RWIs and healthy swimming behaviors play an important role in stopping the transmission of disease;

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 19th through the 25th, 2008 as

‘RECREATIONAL WATER ILLNESS PREVENTION WEEK’

In Sedgwick County and encourage all citizens to practice healthy swimming behaviors.

Commissioners, that is the proclamation. What is the will of the board?”

MOTION

Commissioner Unruh moved to adopt the Proclamation 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	Absent
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you very much and here to accept the proclamation is Janice McCoy from the health department, who is going to tell us more about this.”

Ms. Janice McCoy, Health Protection Coordinator, Health Department, greeted the Commissioners and said, “Thank you for this proclamation. As stated in the proclamation, there were 75 cases of confirmed Cryptosporidium in Sedgwick County in the late summer and early fall of 2007 that were associated directly or indirectly with recreational water use. Prior to . . . the seven years prior to that there were only seven reported cases of Cryptosporidium in Sedgwick County.

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The reported cases probably represent only a small percentage of those actually infected. It may take two to ten days before a water-borne pathogen causing illnesses, which makes it difficult to associate the illness back to recreational water use. Not only that, but since it takes so long to diagnosis these types of illnesses, people can go from pool to pool, causing cross-contamination.

So as we begin to enter into the season for recreational water use, it is very important to educate our community on how to prevent illness, while taking advantage of the many recreational water facilities and features in Sedgwick County.

Public perception is often that swimming pools are safe and protected from contamination. Assumptions are made that proper water quality is maintained, yet the most common source of recreational water contamination is human fecal matter. Although most pools maintain appropriate levels of chlorine and the correct Ph limits, not all bacteria are susceptible to these levels. In fact, Cryptosporidium is so resistant to chlorine that it requires the operator to raise the chlorine to an extremely high level and maintain it for several hours and then it must to be brought down to levels that are safe for people to swim in.

Illness is contracted from contaminated recreational water use, can cause diarrhea, stomach cramps, fatigue, vomiting, weight lose and fever and in severe cases can cause malnutrition, dehydration and even death.

Currently, there are 404 pools and spas licensed at 278 locations within the city limits of Wichita alone. We currently do not have an accurate count for pools in the rest of Sedgwick County, although we're developing a database so that we can identify those across the county.

And although the City of Wichita regulates pools, there currently are no state or county regulations. The public health and safety issues relating to pools and spas are significant. With the immergence of stronger, more virulent strains of disease-producing organisms, diligence on the part of the swimmer, the operator and public health official becomes increasingly important. Diseases can be reduced if swimmers and pool operators understand the source of disease-producing organisms and proven ways to control recreational water illness in our community.

Therefore, a taskforce is working together to limit the health impact of RWI in our community. We are educating the community by distributing posters to display at pools, which I have an example of that here. These will be distributed to all the pools in the county that would like to have them, so that swimmers know the precautions they need to take to protect themselves and others from recreational water illnesses. We're also distributing flyers to swimming pool operators, so they too can know what they need to do to keep their water healthy and clean for their customers.

We are educating our community and we're also looking at potential regulations, a model

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regulation is being sent down from the Centers for Disease Control within the next six months and the taskforce will review that and work with our local cities and county to decide if this is something they would like to adopt.

I would like to thank the taskforce. Some of them are here today: Lynn Johnson-Blake of the South Kansas Aquatic Association is here; Frank Sittes from the Derby Recreation Center; Brian Meres and Jeremy Smith from Bel Aire Recreational Center; Doug Simmon and Gwen Martin from the City of Andale; George Dick from the City of Mount Hope; and Mau Terrebonne from Environmental Services at the City of Wichita. Thank you.”

Chairman Winters said, “All right, well Janice, thank you very much for bringing this issue to our attention and others. I guess I had kind of really not realized what a growing concern this was. Is there a logical explanation of why there was so many more cases last year? I mean, is there something happening, or is it just paying more attention as a pool operator?”

Ms. McCoy said, “Well I think part of that is that we had a case and that case swam at a different location and then therefore other people picked it up and by the time we had identified four cases, we realized we had an outbreak because generally we don’t see more than four or five in a year and we saw four cases within three weeks.

And because they had gone to different pool areas and water fountains, it spread quickly. And like I said, the chlorine levels to actually kill the cryptosporidium off-site have to be so extremely high that the pools have to be shut down for a couple of days to shock it and kill it out. We sent out a blast-fax to our local physicians saying that if you have patients that presented with these symptoms to consider cryptosporidium as a diagnosis and therefore we were able to identify more in the community.”

Chairman Winters said, “All right, well thank you very much and express our appreciation to those working on the taskforce to try to get ahead of the problem this year. We appreciate your work on that taskforce, so thank you very much, Janice. Next item.”

PLANNING DEPARTMENT

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B. PLANNING DEPARTMENT.

- 1. MAPD CASE NUMBER CON2008-00010 – CONDITIONAL USE FOR AN ACCESSORY APARTMENT; GENERALLY LOCATED APPROXIMATELY ONE-HALF MILE SOUTH OF THE INTERSECTION OF SOUTH WEBB ROAD AND EAST 55TH STREET SOUTH. DISTRICT #5.**

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “In this first case, the applicant is seeking this conditional use to allow for an accessory apartment at this location on his unplatted lot of approximately eight acres in size.

You can see from the graphic in front of you, which shows the zoning designations for the property and all the surrounding property that this is all completely a rural residentially zoned area. And on the aerial photo that I’ve just put up before you now, you can see the lot where the applicant lives. His home is shown on that. The surrounding land uses are predominately large-lot residential and agricultural uses.

The applicant is proposing to install this accessory apartment in a portion of a larger accessory building that he wishes to build on the site and you can see on the site plan that the applicant presented the location of that accessory building, just to the south and east of the main dwelling unit. They’re proposing to tie that accessory structure into the existing water and septic systems that already service the main house.

Because this application area is within the Derby zoning area of influence, it went to the Derby Planning Commission at their April 3rd meeting. There were several individuals, neighbors who showed up to speak in opposition to this proposal. Their issues with the accessory apartment that’s being proposed include keeping . . . or at least as stated at that meeting, with keeping the integrity of the rural residential area, their fears that the property will eventually become a rental property, increased traffic and not being able to control who moves in to live in the accessory apartment.

There were two people who spoke in opposition but they had petitions from other surrounding neighbors at that Derby Planning Commission meeting. Despite the opposition that was expressed, the Derby Planning Commission did vote to approve this conditional use by a vote of 9 to 1.

The case then went on to the Metropolitan Area Planning Commission. It was heard by them at their April 10th meeting. And they also heard from the neighbors at that meeting, very similar types

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of concerns that were expressed to the Derby Planning Commission.

And the action that was taken by the MAPC was to recommend approval by a 10 to 2 vote, with the conditions that were recommended by the staff and one additional condition, that the MAPC added, that the accessory apartment only be used by immediate family members and that was based on testimony given by the applicant at the MAPC meeting, that his intension was to build this accessory apartment so that his daughter and her family could move out of their home into this accessory apartment.

We did have . . . originally have five protest petitions that were submitted by neighbors, but last week three of the five formally withdrew their protests, so there are two remaining protests. You can see the properties designated on this map. These two neighbors, just on the other side of Webb Road from the applicant, are still protesting this application. However, the total area, portion of the notification area that's contained within those two protesting properties is less than the 20% threshold that would require a super-majority vote by this board.

And so with that, I'll be glad to take any questions. The MAPC recommendation is for approval, subject to the four conditions that are outlined in your agenda backup report."

Chairman Winters said, "Okay, and John, does that include the one about being used only by family members?"

Mr. Schlegel said, "Yes, that includes that condition as well."

Chairman Winters said, "All right, thank you. Commissioner Welshimer."

Commissioner Welshimer said, "John, the adjacent property owners that are in the protest notification area, are they . . . aren't they restricted from renting their property, say if they moved out? Couldn't they rent their house to someone?"

Mr. Schlegel said, "Yes, there is no restriction of that nature. They could rent their properties."

Commissioner Welshimer said, "Okay. Well I find that interesting. But there is . . . the majority of the opponents are satisfied?"

Mr. Schlegel said, "Yes."

Commissioner Welshimer said, "So this will be the only property, and it will only apply to the apartment. It won't apply to the house. Is that correct?"

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Mr. Schlegel said, “Yes, the restriction on the use of the accessory apartment would only apply to the accessory apartment. I didn’t say that very well, but . . .”

Commissioner Welshimer said, “Okay, all right, thank you.”

Chairman Winters said, “Is that it for now?”

Commissioner Welshimer said, “Yes.”

Chairman Winters said, “Commissioner Parks.”

Commissioner Parks said, “Well I do certainly support property rights, but let me understand, if the family moves out, then this structure will be removed?”

Mr. Schlegel said, “No, it doesn’t require removal of the accessory apartment. It just requires that it only be used by immediate family members.”

Commissioner Parks said, “And then if the person sells this property, the other people can’t rent it out as a separate unit for their family.”

Mr. Schlegel said, “Correct. The conditional use runs with the property, not with the applicant.”

Commissioner Parks said, “Well I’m certainly going to look towards the commissioner in that district to affect my choice on this and I have one in my district right now that’s an accessory apartment and I did quite a bit of work on that and so I’m just going to let my vote go towards whatever the person in that district would like to do. Thank you.”

Chairman Winters said, “All right, thank you Commissioner. The official hearing for cases such as this happens before the Metropolitan Area Planning Commission but it has always been our policy to allow any citizens who wants to speak to have the ability to speak to the county commissioners. Is there anyone here in the room who wants to speak to the county commissioners on this planning case, B-1, concerning this apartment? Yes, please come forward and give your name and address for the record and we would like to limit your comments to five minutes.”

Ms. Janelle Koftan, 5810 S. Webb Rd., Wichita, Ks., greeted the Commissioners and said, “I would like to tell you the history of this situation. About seven years ago an estate was sold, which

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opened up building lots on the west side of Webb Road. From 55th South this is a dead end road with a cul-de-sac. Four homes were built, three of those homes are very normal families, normal driving habits, they go to work in the morning, they come home at night. However, the family that has this petition, the Duncan family, when their daughter . . . they moved in about the same time that their daughter moved in with them. So it was her, her husband and the children, so there are four drivers in that family. I would say they exceed 30 trips per day, very fast. I have a medical condition where I'm supposed to be out walking. I would think that I could walk on my road in front of my house at any time of day or night without being imposed on with dust blowing on me. Sometimes I actually get out in the middle of the road to slow them down. In other words, they've been very inconsiderate for the five, five and a half years that they've been living there.

And this is my primary objection to having the apartment there. Every time I would have to step to the side, turn my back so the dust wouldn't be on me, I would think 'oh please', I'm going to be so happy when these young people can get out on their own. So I appreciate this situation where I can stand up for my rights. Are the rights of his daughter to obtain a PhD by living in this apartment, are they greater than my rights, a resident there on the road. I appreciate your time. I think I've explained my interest in this, so whatever your decision is, I feel like I've been able to stand up for myself. Thank you."

Chairman Winters said, "All right, thank you ma'am. All right, is there anyone else in the room? Yes, please come forward. Give your name and address and we'd like to limit your comments to five minutes."

Mr. Perry Duncan, 5901 S. Webb Road, applicant, greeted the Commissioners and said, "I'm the homeowner. Basically, the history is such that when the daughter had triplets, she lost her job, that somehow got laid off. My home was large. I allowed them to move in, try and get their lives caught back up. Okay, since then the daughter has started working. She has an RN license. She's working, you know, for her doctorate. She's trying to move a little bit further in the scale.

Children in general, you know, they come out of college with a huge debt load and they can't go anywhere so that's kind of like . . . and as far as I'm concerned, I love my family. I hope they stay forever. Okay, what I'm proposing is a 56 by 60 shop, just like some of my neighbors already have. Okay, it will just look like a big metal shop. It will be very nice. You know, it won't be nothing ugly about it. And inside the attic of the second floor is where I'll build the apartment for the kids to move into, most of the time you'll never know.

As far as the traffic concerns, you know we're busy people. I mean we have church groups, we have . . . you know, the daughter is going to school. I run three businesses outside of working at Boeing full-time as a design engineer. So yeah, there's a little bit of traffic. We're not static, you

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know, sitting there pulling weeds. We stay busy, okay, so we moved into this thing because it was at the end of a dead end road. You know, trying to get back, and once you go through our driveway, you're 400 feet back in just to get to the house. You can't even see the house from the road, until the leaves are totally gone. Okay, so it's like . . . I talked to the kids. I mean, us personally, we've all slowed way down on the road. We try to hold it down below 30 mile an hour, okay. Occasionally we won't see somebody, you know, and we might speed up a little bit. Generally, we try to be very cognizant of who is on the road.

Quite a few of the other neighbors walk up and down the road. We walk up and down the road. Nobody likes to be dusted. You know, it's part of living on a dirt road. Hopefully some day you know the road will be paved and life will be a lot better. I'd be more than happy to pave my part of paving the road if it would make everybody happy.

The ordinance to make it family owned was volunteered by me, okay. I'm not trying to turn it into rental community. That was the reason the neighbors to the south signed the petition originally is they thought I was building a big apartment complex or something of this nature back there. Well, this is just for the daughter, just for the family. I volunteered to put the overlay on there, saying 'strictly restricted to family only', they move out, fine, they move in, fine, I don't care. It's a shop. I put my tractors and my equipment in there to improve my land, try to keep the weather off of them. Any questions, I'd be happy to answer them."

Chairman Winters said, "All right, I don't see any questions now. Thank you very much for your comments. Is there anyone else who would like to comment? Yes, please come forward. If you could give your name and address for the record please."

Mr. Kenneth Koftan, 5810 S. Webb Rd., Wichita, Ks., greeted the Commissioners and said, "It was a surprise to me, by the way, this morning to find out that three of the people had withdrawn their protest. When we talked with them, they were, you know, fairly adamant about the same objections that we had had. But I would remind you that originally there were seven people that signed a protest against the thing and I believe that there was ten people total that were sent the information, so that was a large percent that objected.

Primarily, I want to make sure that you recognize that this is not a hardship case. There is nothing about this case that requires . . . this is not an elderly mother that they're trying to take care of etcetera. This is not a hardship case. This is simply a desire on the part of the Duncans. So I'd also point out that there were the two main objections which you've heard, the rental aspect, that's been

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addressed. The other is the excessive traffic, or at least what we feel is excessive traffic. Something that wasn't mentioned is that another daughter also runs a photography studio with that particular property, so bringing in other people from the . . . from outside the area.

Lastly, there is the water issue. I've made some copies of information, and I've provided it for you. As you can see, if you take time to look at it, the second page of the four-page pamphlet that I handed to you clearly states that accessory apartments, the water and sewer provided to the accessory structure should not be provided as a separate service from the main dwelling. The third page is a letter from the office manager, Joyce Humbolt of Sedgwick #3 Rural Water District and it clearly states that the provider . . . pardon me, they're the provider for the water of this property and it states that another benefit unit would need to be purchased for the water to this property, which I thought probably violated the condition of the rules and regulations by the zoning commission, but perhaps maybe it doesn't. But that's something that you'll need to . . . I should think you'd need to check out.

And the fourth page is simply a copy of the specific sections of the bylaws and the rules and regulations of the Sedgwick #3 that states that the water cannot be shared or sub-metered to any other user unless there is an emergency, and as I've tried to point out, clearly this is not an emergency in this particular case.

We realize that Derby has voted yes. Please understand, they also were told that the building was already there and that this apartment was going to be added, so therefore their information given to them was incorrect when they voted. They also did not know about the water situation and the Metropolitan Area Planning Commission, I pointed out to them about the water problem. They asked about it, but since I had no documentation provided about that, then they were unable to oppose the planning, because I did not have the documentation that I have provided to you. We appreciate the opportunity to talk to you."

Chairman Winters said, "All right, thank you sir. We appreciate your comments. Is there anyone else in the room who would like to comment on this item?"

Mr. Duncan said, "Could I have a second?"

Chairman Winters said, "Well, we really don't get into a debate back and forth, so . . ."

Mr. Duncan said, "I just had additional information for you is all."

Chairman Winters said, "I think we'll just leave it as it is. All right, commissioners, Commissioner Unruh, you have a comment?"

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Commissioner Unruh said, "I have a couple of questions. John, I hope you can answer these. The information that was just given to us, does that represent conflict? Is it a matter of definitions on one, it appears that one regulation says you can't have a . . . someone taking water from another meter, and the other regulation implies that you must set a second meter, so help me . . ."

Mr. Schlegel said, "Yes, there is the potential for some conflict there, because the zoning code says that the water and sewer service for the accessory apartment needs to come off the main dwelling unit. Now we have some options there. He does have a well on-site, as well as the service from the rural water district. And the MAPC recommendation says that he shall comply with all applicable permits, including but not limited to building, health and zoning, so the MAPC's recommendation is that he comply with the code requirement. You have the option of waiving that, of course, which you've done in other cases in the past, but that's not what's recommended by the MAPC and as far as the rural water district rules, that's something that the applicant will have to work out with the rural water district and figure out how he's going to get water and sewer service to the accessory apartment.

Maybe something that he has some additional information, because my understanding is he has talked to them and it may be something that you want him to address further."

Commissioner Unruh said, "Yeah, maybe we need a better explanation, because I mean, I'm still not clear. We have one regulation that says 'the accessory structure shall not be provided as a separate service'. And we have another regulation here from rural water district says it does not permit extension."

Mr. Schlegel said, "Correct."

Commissioner Unruh said, "And so it seems as though, going forward with this, we set somebody up in a no-win situation but somebody has to waive some regulation."

Mr. Schlegel said, "He has several options here. He could supply water from his well to the . . . my understanding is you do have a well on site."

Mr. Duncan said, "I do have a well."

Mr. Schlegel said, "He could supply water to the accessory apartment from the well. He could ask for you to waive your zoning requirement, which requires that the service to the accessory apartment be from the main dwelling and those two options aren't necessarily in conflict. And then the third was he could work something out with the rural water district where he extends the water

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line from the main dwelling to the accessory dwelling. And I don't know how . . . whether he's done that or not. That's something that he would have to work out with them, but he does have a number of options here."

Commissioner Unruh said, "But that's not necessarily a requirement of our decision, how he works that out. I mean, our decision whether or not we permit this is just simply . . . we don't have to use that as an issue."

Mr. Schlegel said, "You do not have to . . . you do not have to resolve that issue for him, right."

Commissioner Unruh said, "Okay, thank you. Well, the second question is the issue about commercial usage of the property. Is that . . . it was implied that some commercial photography or something was going on there. Is that restricted?"

Mr. Schlegel said, "Yeah, and if there is a complaint about commercial use of the property, then that should be directed to Code Enforcement so they can investigate that and take any appropriate action."

Commissioner Unruh said, "Okay, all right, well I think that answers my question, so thank you."

Chairman Winters said, "All right, thank you commissioner. The only follow-up question I would have, as you are addressing the other issues of water etcetera, I would think that we are just taking our action on the conditional use of this property as it's outlined in the recommended action from MAPC. If he moves forward with construction, he's got a series of permits he's going to need to obtain somehow and that will be his issue and the permit issuing authorities as to whether he can actually get those correlated and so you could move forward. I don't think we should consider that, because he's going to have to deal with that at some point in time, with the permit issuers."

Commissioner Unruh said, "All right, well I appreciate that."

Chairman Winters said, "All right. Commissioner Parks."

Commissioner Parks said, "Well it was almost exactly what I was going to say, but the situation I had up on Glocker about six months ago has turned into quite a Code Enforcement ordeal and the Code Enforcement has dealt with it very well. Glen Wiltse and his group have brought out some of the things. We do have some utility conflicts and I would like to see staff at another time, another

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issue, kind of bring that back to us and maybe see if we can iron out some of those conflicts that in the utility. But basically I was going to say the same thing, that the Code Enforcement is going to have a job to do in permitting it, so that's it."

Chairman Winters said, "All right, thank you. Commissioner Welshimer."

Commissioner Welshimer said, "How many acres in this site?"

Mr. Schlegel said, "The site is about eight acres in size."

Commissioner Welshimer said, "How many feet away from the main house is the construction?"

Mr. Schlegel said, "It's about 120 feet away."

Commissioner Welshimer said, "Oh, it's quite a distance from the house. Normally, I'm not real supportive of a change in a neighborhood where it's going to be affecting the neighbors, but this seems to be more based on lifestyle and use of the road and things that just happen in the neighborhood. Everybody has their rights written into the law, what they can do and I don't find anything I can really put my faith in as a reason to deny this request."

Chairman Winters said, "Is that it for now?"

Commissioner Welshimer said, "That's it."

Chairman Winters said, "All right, well I think I would agree with that comment. I think about four things that I am looking at, one is that the Derby Planning Commission voted approval, 9 to 1, the Metropolitan Planning Commission voted approval 10 to 2. The traffic issues, the traffic issue isn't going to change from what it is today. The same number of people are living on this property today as are going to live there under this apartment. And the fourth thing is I think eight acres is adequate to support two families. I mean, we've got parts of unincorporated that have one acre sized lots, so I don't think that's unusual, so I think I agree with you."

Commissioners, are there other comments or questions?"

MOTION

Commissioner Unruh moved to approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC); adopt the findings

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of the MAPC; and adopt the Resolution.

Commissioner Welshimer 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

Chairman Winters said, “Thank you commissioners. John, oh no, Madam Clerk, you need to call the next case.”

- 2. MAPD CASE NUMBER CON2008-00011 – CONDITIONAL USE TO PERMIT SOIL EXTRACTION ON 30 ACRES LOCATED AT THE NORTHWEST CORNER OF 47TH STREET SOUTH AND GREENWICH ROAD (11100 EAST 47TH STREET SOUTH). DISTRICT #5.**

POWERPOINT PRESENTATION

Mr. Schlegel said, “In this case, the applicant is a contract purchasers for this parcel, which is just over 30 acres in size, located on that northwest corner of Greenwich and 47th Street South, he’s seeking this conditional use in order to allow topsoil mining. As you can see on the graphic in front of you now this property is zoned RR, Rural Residential, as are all of this surrounding properties. A bit off to the west, along 37th Street South, you can see some SF-20 zoning.

The site . . . as you can see on the aerial photo that’s now before you, is currently developed with a large lot, single family residence down on the corner and the remaining portion of the property is a fenced grass pasture.

The site is unplatted, although the applicant site plan does indicate that there’s a floodway reserve agreement that runs north and south through the property, along the stream that you can see on the aerial photo, and that encumbers about one-third to one-half of the site. The applicant, if he’s granted this conditional use for topsoil mining proposes to excavate from four to ten inches of

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topsoil off of the site. He would work the site one acre at a time, is what he's proposing. He would leave at least four inches of top soil in place as a seed bed for re-grassing the site once he's done excavating the topsoil, as a means of stabilizing those areas. And each acre would be reseeded upon him finishing off the preceding acre. He estimates that he would excavate about five acres a year and will not exceed ten truckloads a day from the site and he will disc excavated areas in order to minimize blowing dust.

Going to the applicant's site plan, he's showing a limit of excavation line 20 feet from the property line and the reason why he wants to do this on this particular site is because the soils are particularly good as a topsoil dressing around the foundations of houses and this is the type of soil that's sought by home builders to finish off around homes. Apparently, these soils drain particularly well.

The applicant would be required to set aside four and a half acres around the existing home, down at the corner, to meet minimum area standards for that house, which is on a lagoon system and also to preserve the integrity of the home as a residential use.

A question that came up during my briefing with the commissioners is whether or not he has done this elsewhere and we contacted him and he indicated that he's currently doing this similar type of topsoil mining at a site just on the east side of the Butler County line, in Butler County, just on the east side of 159th Street and 79th Street South.

And we had some photos taken of that site, which I'll show you. This is that site that he's currently working in Butler County and he's just finishing up there. And that particular photo shows some of the equipment that he uses to do this work. This item was heard by the Metropolitan Area Planning Commission at its meeting on April 10th. They voted unanimously to recommend approval of the request, subject to the conditions that were recommended by the staff. There are two appeals of this application, and I'll put the map up in front of you. One neighbor to the south of 47th Street South was at the MAPC meeting to express his opposition to this request and then we've also received a petition from this neighbor to the west of the site.

The concern that was expressed at the MAPC meeting and also in phone conversations with staff include groundwater and surface water contamination, unsightliness of this process as he does the topsoil mining, safety hazards and mosquito breeding.

And so with that you have a recommendation from the Metropolitan Area Planning Commission for approval, subject to some 12 conditions that are listed out in the resolution that's in your agenda backup report. And with that, I'll be glad to take any questions you might have."

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Chairman Winters said, "All right, thank you John. Commissioner Welshimer."

Commissioner Welshimer said, "We had a picture of another job he's doing on another site."

Mr. Schlegel said, "Correct. Should I put those up again?"

Commissioner Welshimer said, "Well, no. Do we have anything, let's say a site that he finished like a year ago?"

Mr. Schlegel said, "No, that was the only one that he told us that he has done."

Commissioner Welshimer said, "So we don't have any way to know what the aftermath in the neighborhood . . ."

Mr. Schlegel said, "No, and we have no heard any complaints, although that doesn't mean there necessarily aren't any complaints, but we're not aware of any complaints."

Commissioner Welshimer said, "Okay, thank you."

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

Commissioner Parks said, "The picture that Commissioner Welshimer is referring to showed a pool of water there and I would like you to go back to that just a minute. That is where, I'm assuming, that he's taken the soil off of that area and then that water is what's been left in the lower spots from this then? Is that fair to assume that, you think?"

Mr. Schlegel said, "I would presume the same thing, yes."

Commissioner Parks said, "On this particular property, the . . . how is he going to drain this to this creek and I guess I need to know, is that a tributary to something else. You know, we're dealing with flooding all the time in the county and is this something that's going to impact or is there some kind of FEMA report or backup from them?"

Mr. Schlegel said, "You can see on the site plan that I've put up there now, the topo-contours and that stream running down through the middle of the site. And you can see, let me get the arrow going here, on either side of that stream there is a . . . there is a floodway reserve agreement and I'm checking the conditions to see how we handled what he could do within that. He would have to

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honor any restrictions that are . . . regarding excavation within that floodway reserve easement.”

Commissioner Parks said, “Now, the water is going to drain to this creek that runs through there then?”

Mr. Schlegel said, “Correct. You can see from the topo how it drains.”

Commissioner Parks said, “I was trying to see that and I just couldn’t see that much detail into that.”

Mr. Schlegel said, “And what he’s intending to do, in order to minimize the erosion, because this piece of land does have . . . well, let me show you some of the photos and you can get an idea. These are the buildings on the site now and it’s relatively flat. This is across the street. These are some of the neighboring properties. But looking to the northwest, you can see that, you know, it’s relatively gentle slope to the land. And with a minimal precautions, I think he can control any potential for erosion on the site. He has agreed to do only one acre at a time and to reseed that acre once he’s completed that, before he moves on to the next.”

Commissioner Parks said, “Okay, thank you. I think that answers my question.”

Chairman Winters said, “Okay. Commissioner Welshimer.”

Commissioner Welshimer said, “What’s he going to reseed it with?”

Mr. Schlegel said, “Grass. Do you mean specific types of grass? I don’t know.”

Chairman Winters said, “The backup information said brome grass, which is a hay product that could be harvested.”

Commissioner Welshimer said, “Sometimes, that just means throwing a handful of seed over an acre and walking away. The person asking for this conditional use is not here today, right?”

Mr. Schlegel said, “I don’t see him in the audience, no.”

Chairman Winters said, “I would ask at this time, if I may, again this is not an official public hearing, but it is our custom to take any comments from any citizen. Is there any citizen in the room that wants to address the commissioners on this case? I see no one here.”

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Commissioner Welshimer said, “Okay, well there’s no one here to oppose it either.”

Chairman Winters said, “Well the only comment I would make, I thought this was a little bit unusual, but the one thing, if his intensions are at the completion of this process to sell this as home site lots, you would think he wouldn’t want to do anything that would severely damage this property long term or it would be a big financial down play to him.”

Commissioner Welshimer said, “Well it’s already a home site. There’s a home on it, isn’t there?”

Mr. Schlegel said, “There is, yes.”

Commissioner Welshimer said, “And so we just . . . you know, can’t put another home.”

Chairman Winters said, “Commissioner Unruh, did you have a comment?”

Commissioner Unruh said, “Well, my only comment is that this request seems reasonable to me. I mean, we’re talking about one acre at a time, five acres per year and during operation no more than ten trucks per day and the applicant is going to reseed the ground as he moves along, so it seems to me like a reasonable request and I think that I’m going to be supportive.”

Commissioner Welshimer said, “I think I will be too.”

Chairman Winters said, “Okay, do we have a motion?”

MOTION

Commissioner Welshimer moved to approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC); adopt the findings of the MAPC; and adopt the Resolution.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you John. Next item."

NEW BUSINESS

C. LEASE AGREEMENT WITH ROCKPORT PB INVESTMENTS, LP FOR A LARGER AND REMODELED SPACE TO BE USED BY THE TREASURER'S TAG OFFICE AND APPRAISER'S SATELLITE OFFICE AT 212 GREENWAY BOULEVARD, DERBY, KANSAS.

Mr. Ron Estes, Treasurer, greeted the Commissioners and said, "Since 1990, we've had a tag office located in the Greenway Plaza in Derby. And since that time, or shortly thereafter, I'm not sure when it started, the appraiser has also had some individuals stationed there to help do some of the county's business in that part of the county. And over time, we've just gradually kind of outgrown our space and so what we have decided to do is lease the unit right next door to where we are today, which is larger.

We're going from a 2,800 square foot facility to 4,000 square foot facility, which will allow us more space for our tag office, more space for waiting area for individuals that come in, plus we will have more space for the appraisers to do their hearings, informal hearings during the year. It get's kind of cramped in our existing space as they've tried to do that over the last couple of years.

So this is a new lease, basically changes . . . the ownership of the building has changed some. There's a lot of work going on in that facility today. WSU has moved down into that shopping center. They're doing some remodeling for that shopping center. I think it's a good location for the county to have a southeastern substation location."

Chairman Winters said, "All right, thank you Ron. And the funding for this increased rent will come from the auto license fund, is that what we call it?"

Mr. Estes said, "There's actually a couple of things here. One, we are having to remodel the space we're moving into and the remodel costs for that will come out of the auto license facility to do that remodeling. Our arrangement with the Appraiser's Office has been that they pay a portion of the rent to . . . as a transfer to the tag office/ auto license department. But the actual lease itself is paid

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through the auto license, which is not a county general fund. It's driven by with registration fees of people who register the vehicles."

Chairman Winters said, "All right, thank you very much. Commissioners, are there questions of Ron? Yes, Commissioner Unruh."

Commissioner Unruh said, "Thank you Mr. Chairman. Well, just restatement of what was just said, it is not an impact on the county general fund."

Mr. Estes said, "The only impact would be is that we are a slight increase in the Appraiser's section, so there will be a slight increase in what the Appraiser's portion of that. They're paying 25% of the rent for that facility."

Commissioner Unruh said, "Both from the Appraiser's Office and the Treasurer's Office, this is a consideration due to the need of serving our constituencies."

Mr. Estes said, "And in the past couple of years, the Appraiser's has also had some difficulty finding a good location to do the informal hearing. They've tried different facilities, tried a bank facility a couple of years ago and the current location doesn't provide enough room, but our new location will, so that will make the informal hearing process a lot better for the appraisers there."

Commissioner Unruh said, "All right, thank you. I would make one further comment, a compliment to the treasurer and his office. I received from a constituent just within the last week an unsolicited at-a-boy about your operation, but this person was in the tag office out at Brittany Center and was very complimentary of the efficiency and hard working employees and didn't have to wait and everything worked smoothly and it's . . . a lot of times we get the other type of comment, so I want to make sure that you heard this compliment to your operation and I'm thankful for the citizen that volunteered it, because oftentimes folks don't give us that information, but they were very impressed with the operation, so thanks for the improvements you're bringing to the system."

Mr. Estes said, "Thank you, commissioner."

Chairman Winters said, "Commissioner Parks."

Commissioner Parks said, "I think the satellite offices are important to serve the people in the area, especially with the gas as it is now and the price getting there. Long term, I know we're doing more and more on computers and renewing in the mail and other things like that, but I'm assuming

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that the long term plan on this building is going to be an affective life that is somewhere in 20 years, so that money is going to be spread out over a period of time then.”

Mr. Estes said, “Right. Actually our lease is for a ten year period, which is what we’d be committed to, but we could extend that, just like we have been there since 1990 in our existing facility.”

Commissioner Parks said, “Well thank you.”

Chairman Winters said, “All right, thank you very much. Commissioners, any other questions or comments? What’s the will of the board?”

MOTION

Commissioner Welshimer moved to approve the Lease Agreement and establish budget authority.

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

Chairman Winters said, “Thank you Ron. Next item.”

HEALTH DEPARTMENT

D. CONTRACT WITH THE KANSAS DEPARTMENT OF HEALTH AND

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**ENVIRONMENT TO PROVIDE HEPATITIS A AND HEPATITIS B VACCINES
FREE OF CHARGE TO HIGH-RISK PATIENTS.**

Ms. Claudia Blackburn, Director, Health Department, greeted the Commissioners and said, “The agenda item before you is an agreement with the Kansas Department of Health and Environment for Hepatitis A and B vaccinations for high-risk clients seen in our clinics. This vaccine is for adults who are seen in our family planning and STD clinics who qualify as high risk because of their behaviors and their history.

These viruses cause liver disease. Most of the time, recovery is complete for Hepatitis A, but sometimes with Hepatitis B, people develop chronic Hepatitis B, chronic liver disease, cirrhosis of the liver, which is scarring of the liver, and even liver cancer. So Hepatitis B in particular is very serious. Hepatitis A makes people sick. They usually recover but sometimes they don’t. There are cases where people are hospitalized and even die from Hepatitis A, so they’re serious illnesses.

In 2007, we had two Hepatitis A cases and 30 new chronic Hepatitis B cases in Sedgwick County. And over the past five years, we have given 551 doses of the Hep B and/ or A and that is a value of about 50,000 to 181,000 from the State Health Department and we’ve paid nothing for that, so this is a really nice gift from the state health department.

The agreement is for the time period November 1st, ’07 through October 31st of ’08 and there’s no match required. I recommend that you approve this agreement and I’m happy to answer any questions.”

Chairman Winters said, “All right, thank you Claudia. I think it’s pretty straightforward. Are there any questions? If not is there a motion to approve the contract and authorize the Chairman to sign?”

MOTION

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

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you Claudia. Next item."

DEPARTMENT OF CORRECTIONS

E. GRANT APPLICATION TO THE KANSAS DEPARTMENT OF CORRECTIONS WHICH SERVES AS THE COMMUNITY CORRECTIONS COMPREHENSIVE PLAN FOR SFY09.

Ms. Chris Morales, Systems Integration Coordinator, Corrections Department, greeted the Commissioners and said, "Community Corrections is a state mandated program in our adult corrections system. Its purpose is to provide intensive community-based programs to punish offenders in the community instead of sending them to prison.

The programs are valuable to offenders, as well as to the state. They provide offenders with the chance to avoid prison under strict conditions that are set by the court, while they maintain employment, pay taxes, pay restitution to the crime victims and they continue to support their families. Community Corrections is state funded through an annual grant application process that is administered through the Kansas Department of Corrections and in order to continue receiving these grant funds, we are to submit an annual plan in May.

This is the comprehensive plan that you have before you that we're asking your approval on. It reflects continuation of existing programs and those programs are adult intensive supervision program and the adult residential facility.

Within each program we provide close supervision and services that will assist offenders in gaining and maintaining employment, accessing treatment as well as training and also drug testing. We annually serve 2,200 in intensive supervision and 500 at the adult residential facility.

Currently, we receive \$4,368,197 from the state for community corrections and this year the state has asked us to submit three separate budgets for each program. Under the assumptions that we submit a budget that maintains current service levels, an enhanced service level budget as well as a budget for reduced services. The current service budget that we are requesting includes an approved cost of living increase, so the total amount of the application before you is \$4,545,786.

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The other two budget options reflect a 5% difference up or down from that amount. Your Community Corrections Advisory Board reviewed this application at their May 8th meeting and are recommending it to you for your approval.”

Chairman Winters said, “All right, thank you Chris. Did any of the actions in the state legislature this past session indicate whether this budget is likely to move up or down or to be at the current level funding?”

Ms. Morales said, “My understanding is that it will more than likely be at current level funding.”

Chairman Winters said, “Okay. Are there other questions? If not, what’s the will of the board?”

MOTION

Commissioner Unruh moved to approve the Comprehensive Plan 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 Welshimer 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

Chairman Winters said, “Thank you Chris. Next item.”

F. KANSAS COLISEUM MONTHLY REPORT FOR APRIL 2008.

Mr. Dave Rush, Director, Kansas Coliseum, greeted the Commissioners and said, “In April we had 74,126 people attending events, the 12 events, 28 individual performances and we did . . . income for the month was \$337,326 for the month: The Sunflower Cluster Dog Show, the Downing Series,

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the Blue Man Group, the Shrine Circus, the Get Motivated seminar, the Park City Blue Glass Festival, and the Kid Rock concert.

And upcoming, we've got the quarter horse show, no . . . excuse me, Kansas Amateur Quarter Horse Show going on and then we will turn into graduation central, with Friends, Goddard, Derby, and Southeast, Northwest, East and Heights all graduating from there and we'll have lots of people, that was stated before that seldom come up that will be up at the building for these graduations, grandparents and so forth.

We had two games for the Wild, total attendance of 2,419. I'd be happy to answer any questions."

Chairman Winters said, "All right, thank you Dave. Commissioner Parks."

Commissioner Parks said, "I just wanted to add that the bottom line on this, there's over a third of a million dollars. I guess that's a net after our advertising sponsorships and SAS. That's a significant number and I think that shows a good report from that facility. Thank you."

Mr. Rush said, "Thank you sir."

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

Commissioner Unruh said, "Thank you Mr. Chair. Well I have a similar comment. I was looking at the statistics both for the month and for the year to date. It appears that we have few number of events and fewer performances but substantially larger net revenues, so it looks like you're running pretty efficiently and profitably for the benefit of Sedgwick County, so appreciate your effort."

Mr. Rush said, "We're trying to operate as efficient as possible and get what we can. And hopefully . . . the summer always falls off, obviously the tours and so forth, but we're working diligently to keep it up and going."

Commissioner Unruh said, "All right, very good. Thank you."

Chairman Winters said, "All right, thank you. Seeing no other questions, is there a motion to receive and file this report?"

MOTION

Commissioner Parks moved to receive and file.

Commissioner Welshimer seconded the motion.

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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

Chairman Winters said, “Thank you, Dave. Next item.”

G. PUBLIC WORKS.

- 1. SUPPLEMENTAL AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION ENGINEERING SERVICES ON SEDGWICK COUNTY BRIDGE PROJECT 821-J,K; BRIDGE ON BROADWAY OVER BNSF RAILROAD AT 45TH STREET NORTH FOR INCREASED COMPENSATION. CIP# B-310. DISTRICT #4.**

Mr. David C. Spears, Director, County Engineer, greeted the Commissioners and said, “Item G-1 is a supplemental agreement with the Kansas Department of Transportation regarding the bridge project on Broadway near 45th Street North, over the BNSF Railway. The original estimate was based on 240 working days. However, there were 104 weather days that some work was done but a working day was not charged and inspection was needed. Therefore, Sedgwick County will receive an additional \$28,395.86 for inspection services performed by our personnel. Recommend that you approve the supplemental agreement.”

Chairman Winters said, “All right, thank you, again, pretty straightforward. Commissioners, what’s the will of the board?”

MOTION

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

Commissioner Unruh seconded the motion.

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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

Chairman Winters said, "Next item."

- 2. ESTIMATE FROM THE CITY OF GODDARD FOR RELOCATION OF A WATER LINE IN CONNECTION WITH SEDGWICK COUNTY FRONTAGE ROAD PROJECT ON US-54 BETWEEN 119TH STREET WEST AND 135TH STREET WEST. CIP# R-314. DISTRICT #3.**

Mr. Spears said, "Item G-2 is an estimate from the City of Goddard for relocation of a water line in connection with the frontage road project on the south side of US-54 between 119th and 135th Streets West; and also the project for signalization at the intersection of US-54 and 135th Street West, designated as R-314 in the Capital Improvement Program. A portion of the line is in a public easement which we will not have to pay for its relocation. But the other portion is in a private easement and we will have to pay \$32,130 for its relocation. I recommend that you approve the estimate."

Chairman Winters said, "Thank you. Commissioners, any other questions?"

MOTION

Chairman Winters moved to approve the estimate.

Commissioner Unruh seconded the motion.

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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

Chairman Winters said, "Thank you David. Next item."

H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MAY 8, 2008.

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

**1) ROAD IMPROVEMENTS- PUBLIC WORKS
FUNDING: R-175 PREVENTIVE MAINTENANCE FOR 2008**

The first item, road improvements for Public Works. Recommend to accept the low bid from LaFarge North America in the amount of \$3,977,970.80.

**2) ROADBED RECYCLER WITH MID-MOUNT TILLER- FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

Item two, roadbed recycler with mid-mount tiller for Fleet Management. Recommendation is to accept the low responsible and best bid from Foley Equipment in the amount of \$376,183.43.

**3) INDIGENT BURIAL- FORENSIC SCIENCE CENTER
FUNDING: FORENSIC SCIENCE CENTER**

Item three, indigent burial for Forensic Science Center. Recommendation is to accept the bid from Preferred Mortuary Services and establish a three-year contract, with two one-year options to

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renew.

4) CHANGE ORDER #2- BACK DATA CONVERSION PHASE II- REGISTER OF DEEDS
FUNDING: TECHNOLOGY ENHANCEMENT

Item four is change order #2 for the back data conversion phase II project for the Register of Deeds Office. Recommendation is to accept the change order with Computer Information Concepts Incorporated and modify the contract to extend the days for project completion to May 30th of 2008.

5) MOBILE SHELVING & STORAGE FOR FIRE STATION #32- FACILITIES DEPARTMENT
FUNDING: RELOCATE STATION 32

And item five, mobile shelving and storage for the Fire Station #32 for Facilities Department. And that recommendation is to accept the low bid, option one, meeting specifications from Records Retrieval Systems in the amount of \$15,396.31.

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

Chairman Winters said, “All right. Commissioners, you’ve heard the report. Commissioner Unruh.”

Commissioner Unruh said, “Thank you. Iris, when we take a recommended bid that’s not the lowest bid and the footnote here indicates that there was just a performance issue with some of these other bids. Can we communicate back to those bidders and let them know that you were low, but your equipment just didn’t meet the performance standards?”

Ms. Baker said, “We had discussions with them when they were onsite demoing. We haven’t given them any official notification at this point whom we have awarded to because you do the awards. You’re the ones who make the awards.”

Commissioner Unruh said, “Okay, but I mean that’s part of our standard procedure, to say you know ‘we recognize you had the lower bid but performance was an issue.’”

Ms. Baker said, “Yes and when we notify them, then we can give them specifics as to why they didn’t.”

Commissioner Unruh said, “All right, thank you. That’s all I had.”

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Chairman Winters said, “All right, well just to follow up on that, I guess I would ask David Spears to just make a comment on the roadbed recycler and the recommended bid was evidently a better piece of equipment. Mr. Spears, would you make a comment.”

Mr. Spears said, “Sure. Our folks demoed the equipment, all three of them, and we were very impressed with the CAT and as you may remember, we just recently bid out motorgrader also. What is done by Fleet Management and Purchasing and us, set up a matrix and there’s several categories that each machine is rated on, one being the price, one the serviceability, one the performance.

And I think the other thing you ought to look at here is the warranty. You notice the CAT has a three-year and the others have a one-year and that’s got to be worth a considerable amount of money also I would think. And as far as the performance, we felt . . . my folks felt like the CAT was head and shoulders above the others.

What this machines does, it grinds up asphalt. And the CAT just went right down through it and it was a very smooth operation. The other machines tended to have a harder time with it, and they would actually sometimes start jumping and vibrating and we felt like the CAT was by far the best machine and for just the small difference in price, it’s certainly worth it when you’re talking about a machine that’s over . . . well between three and four hundred thousand dollars.”

Chairman Winters said, “All right, thank you very much. Commissioners, are there any other comments? What’s the will of the board?”

MOTION

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

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Parks	Aye

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Commissioner Welshimer Aye
Chairman Winters Aye

Chairman Winters said, "Thank you Iris. Next item."

CONSENT AGENDA

I. CONSENT AGENDA.

- 1. Set a Public Hearing regarding petitions for the alteration of boundaries of Sedgwick County Fire District #1 for June 11, 2008.**
- 2. Establish additional budget authority in the Prosecuting Attorney Training Fund.**
- 3. Funding of \$50,000 for Phase II implementation of Visioneering Wichita.**
- 4. General Bills Check Register(s) for the week of May 7 – 13, 2008.**
- 5. Order dated May 7, 2008 to correct tax roll for change of assessment.**
- 6. Payroll Check Register for May 2, 2008.**

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, "You have the consent agenda and recommend approval."

Chairman Winters said, "Thank you. Commissioners, is there a motion?"

MOTION

Commissioner Unruh moved to approve the Consent Agenda as presented.

Chairman Winters seconded the motion.

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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

Chairman Winters said, “All right, we do not need any executive session, we have no fire district session. This does bring us to the part of our discussion of ‘other’. Commissioners? Commissioner Welshimer.”

J. OTHER

Commissioner Welshimer said, “This past week, we had a meeting of the REAP Water Resources Committee and a couple of things out of that committee meeting. We’re having a first annual regional water conference on May the 29th in Hesston. It runs from 10 a.m. until 7:30 p.m. in the evening and would be for those who are not members of this board, there . . . the fee would be \$25 to attend that, but it is an open meeting. And the purpose is to provide information and education regarding water quality and water issues in the region, in order to have some useful . . . something useful for everyone. The concurrent sessions will offer a choice between basic, general water information and technical information, so that might be interesting to some people.

One of the issues that came up in the meeting was cities and their concern over rural water rights in the areas that they wish to annex and currently the . . . they’re concerned about the fact that rural water district rights prevent them from apparently serving water to that area and they’re concerned that these rights are going on without providing the water, so I thought that was interesting.

The other thing is I understand that we lost one of our legislative friends, Ted Powers, and I just want to say that Ted was a fine person. He brought chuckles where there were . . . it was almost impossible to chuckle on the house floor, and he was up there in the Kansas House for many years. I’m sorry that this has happened and extend sympathies to his family, I’m sure we all do. This is the second legislator that I have known and worked with who has come home from a session and lost his life. There’s a lot of stress involved there, because when you debate for 24 hours or 90 to

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100 days, straight through, it really takes some recovery time when you return home. And it has taken its toll on several legislators. But Ted was always jovial and he brought many smiles to his friends in the legislature.”

Chairman Winters said, “Thank you very much for those comments, commissioner, and of course the entire commission does extend our sympathies to the family of Ted Powers. He represented parts of Sedgwick County and Sumner County I believe for a number of years and he certainly will be missed. Commissioner Parks.”

Commissioner Parks said, “Last Friday I attended another meeting of the Northern Flyer, which would extend passenger train service from Oklahoma City area up to Wichita and Newton, would connect on then with the AmTrak that is existing from Newton to Kansas City and Kansas City on out west to the west coast. I think this is something that’s going to be a large item that we have to look at, in terms of transportation, when we go out and start talking about transportation projects, not only the highways out here, because we know that gas approaching \$4.00 a gallon, we’re going to have to have alternatives, and I certainly as a small child rode the Missouri Pacific train a time or two to the Kansas City area and I guarantee you, it’s an alternative and I think we need to carefully study that and see if there is some way we can support that without a lot of subsidy on that.

Also, coming up May 31st, the African American Museum is hosting a ball. The theme for that is Safari Nights and if any of you need tickets, they can be obtained at the museum or from myself.

81 Speedway, that same night, May 31st, also has the late models and it’s the closest thing in Sedgwick County or Wichita that we can get to the Nascar. If you’re a Nascar fan, mark your calendar for May 31st and 81 Speedway for the late model show. Thanks.”

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

Commissioner Unruh said, “Thank you Mr. Chair. I just wanted to make mention of the fact that we have a local family-owned successful business that’s going to have a groundbreaking for an expansion of their business. This Friday, Great Plains Ventures, which has been a strong member of our community, Charles Peer has been active in many things and his daughter Susan Brandis, who operates their business, but it’s a significant thing when a small family-owned business decides to stay in Sedgwick County and invest in Sedgwick County and they’ve been very successful. I’m not going to be able to be out there at the groundbreaking, but I just wanted to publicly

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acknowledge them and congratulate them on their success. That's all I had."

Chairman Winters said, "All right, thank you. Commissioners, I wanted to take just a couple of minutes as we proceed into our budget deliberations. Three weeks from today, the manager will give us his message about his thoughts for our budget for this year.

And this may be a discussion that we'd want to follow up with at one of our staff meetings that we have on Tuesdays. But you know, as I was attending a meeting this Monday that Chad VonAhnen was there, one of our Sedgwick County people, who is really kind of a team leader on talking about sustainability and how we're going to move into the future and make sure that we've got financial and institutional viability and things are headed in a good direction. And as he was talking I started thinking about the price of gasoline and what food prices and gasoline prices are doing to some of our citizens and it's not good. We're very fortunate that we have a strong economy in south central Kansas and most folks that want a job, have a job and so that's certainly a positive.

But there are a number of factors in the economy that are beginning to effect people's lives and I read a Gallop Poll article that over 50% of families are now saying they are taking some kind of action to reduce some of their spending to make way for these added expenses.

Well, as Chad was talking, he began to talk about the . . . thinking about the fleet usage of Sedgwick County, is there a better way we could use technology and perhaps we have people located all over the county, is there some way that we could use technology to, when they need to have a meeting, to do that electronically, instead of traveling to the courthouse. Is there a way, even with our employees and others, we could talk about ride sharing and carpooling in a more concrete way. And as I began to think about all of these issues, I think they're going to have some budgetary impacts, and yet I think in the discussions that we've had, informally to this point, there are a number of us that want to make sure that we've got a budget that's right for our community. So I would like to start thinking about asking the manager and staff to start addressing all of these issues that we know could have a negative impact on our budget, but we don't want that to happen, and I believe we need to have some options out there that would allow us to even consider reducing our mill levy, as we think about all of these citizens that are struggling with all of these increases in our daily cost of living.

So I don't know exactly that we need to take this any further action today, but I certainly want us to think about this over the next couple of weeks, because during the next three weeks, the manager will begin his preparation for delivering a message to us three weeks from today, and then the day after that we begin our budget hearings, which I believe is June the 5th, a Thursday we'll start our informal discussions. So I guess I'm trying to get my mind ready to have that discussion, and a couple of these events that just happened earlier this week and then even as we were thinking about a trash service, how much fuel our present system consumes in the community and as we think about sustainability, those were just a couple of thoughts that were on my mind earlier this week

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and I think we need to be in touch with the manager so we can get focused in the right direction on this budget session, which I hope can include some reduction in our mill levy. Commissioner Welshimer.”

Commissioner Welshimer said, “Would that be in addition to, or instead of, or what for . . . we were talking about a 3% rollback from property valuation increases.”

Chairman Winters said, “Well, what I think is I want to start seeing some of that. I mean, we’ve talked about that, but I want to see what that looks like. I want to see what those options are. And we’ve been talking about it informally, and I want to see some of the results, some numbers, what it really looks like.”

Commissioner Welshimer said, “Okay.”

Chairman Winters said, “All right, any other comments before we adjourn? Mr. Assistant Manager?”

Mr. Holt said, “No sir.”

Chairman Winters said, “Mr. Euson?”

Mr. Euson said, “Nothing from me, sir.”

Chairman Winters said, “We’re adjourned.”

K. ADJOURNMENT

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

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

THOMAS G. WINTERS, Chairman

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Third District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner,
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

, 2008