

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 3rd, 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, September 3rd, 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; Mr. Chad VonAhnen, Director, CDDO; Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections; Ms. Claudia Blackburn, Health Director; Sedgwick County Health Department; Mr. Joe Norton, Bond Counsel, Gilmore & Bell, P.C.; James Weber, Deputy Director, Public Works; Mr. Joe Thomas, Senior Purchasing Agent, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Kristi Vermillion, Deputy County Clerk.

GUESTS

Mr. Sid Johnson (address confidential)
Mr. Kenneth Helms, 11932 E. Calais, Wichita, KS 67210
Mr. Robert Winters, 11720 E. Calais, Wichita, KS 67210
Mr. Mark Little, 11414 E. Calais, Wichita, KS 67210
Mr. Bob Wilson, 11505 E. Calais, Wichita, KS 67210
Mr. Brian White, 11312 E. Calais, Wichita, KS 67210

INVOCATION

The Invocation was led by Pastor Keith Koch, Grace Presbyterian Church, Wichita.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting August 13, 2008

Chairman Winters said, "Commissioners, you've had an opportunity to review those minutes, what is the will of the Board?"

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MOTION

Commissioner Welshimer moved to approve the minutes of the Regular Meeting of August 13, 2008.

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, "Next item."

PROCLAMATION

A. PROCLAMATION DECLARING SEPTEMBER 2008 AS ALCOHOL AND DRUG ADDICTION RECOVERY MONTH.

Chairman Winters said, "Commissioners, we have one proclamation for your consideration this morning.

WHEREAS, substance use disorders impact 22.6 million people age 12 and older in the United States, which is more than the number of people living with coronary heart disease, cancer or Alzheimer's Disease combined; and

WHEREAS, in Sedgwick County from July, 2007 through June, 2008, 3,492 adult residents received drug and alcohol treatment; and

WHEREAS, this year's recovery theme, 'Join the Voices for Recovery: Real People, Real Recovery' highlights the people for whom treatment and long-term recovery has given a renewed outlook on life; and

WHEREAS, this year's Recovery Month also celebrates those who have worked to advance the

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treatment and recovery landscape and that Recovery Month is designed to help people understand there is hope, and that treatment is available and effective; and

WHEREAS, health care providers, employers, and local policy makers need to continue to expand their knowledge about how deeply substance use disorders can resonate throughout our community.

NOW, THEREFORE, BE IT RESOLVED, that I, Thomas G. Winters, Chairman of the Board of Sedgwick County Commissioners do hereby proclaim the month of September, 2008 as **“National Alcohol and Drug Addiction Recovery Month”**

And call upon the residents of our community to join me in working to improve public awareness and achieve a greater understanding of addiction and the benefits derived from treatment. Dated September 3rd, 2008.

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

MOTION

Commissioner Unruh moved to adopt the proclamation.

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, “And to accept the proclamation is Marilyn Cook with Comcare. Welcome Marilyn.”

Ms. Marilyn Cook, Director, Comcare, greeted the Commissioners and said, “Thank you. Good morning Commissioners. I want to thank you for the proclamation. I do believe that proclamations are a good way, in kind of a snippet kind of way, to bring some information to the public that is important for all of us to learn. Nationally, the disorders that we’re talking about today are now

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called substance use disorders, rather than substance abuse disorders as we called them in the past so I wanted to have the community understand that as well. To have a substance use disorder means that the individual is dependent on or abuses alcohol or drugs. I think the proclamation does a good job of calling out that more families are affected by substance abuse disorders or substance use disorders, see I am still back in the old one, then coronary heart disease, cancer or Alzheimer's diseases. So substance abuse disorders, therefore, are family diseases. The onset of the disorder can happen at any time. It's a disease that can be experienced throughout the life cycle, starting at a young age. We hear a lot of stories where people come into treatment that talk about how early of an onset that was for them, and it can include older adults who are at a particular risk for inadvertent drug use due to metabolism changes that happen at later stages of life. So it affects everyone.

One of the trends that I read about recently in the materials that came from the National Council was talking about an emerging trend and a growing concern about teens who are intentionally using prescription medications to get high. And in fact behind marijuana, prescription drugs have become the second most abused drugs among youth age 12 to 17, and the number one substance of abuse for youth who are 12 and 13. And when I looked further into that, I thought how are they getting these? They are getting them from peers and others who are getting them from family members. So we need to be aware of that. This year the theme for Recovery Month is 'Real People, Real Recovery Stories' and it recognizes the impact that real people and their stories have on recovery. I am a firm believer in stories, and we are fortunate today to have a person who is in a recovery process, his name is Sid Johnson and he's going to talk to us briefly about his experience. He was born and raised in Kansas, just north of Wichita, he is a graduate of K State and he is going to tell a story. I asked him this morning if he was nervous and he said no, he had spoken at a National Conference to an audience of 5,000. He said the hard part was getting this cut down to about five minutes. So with that, I'm going to introduce Sid Johnson to you and let him tell you his recovery story."

Mr. Sid Johnson, greeted the Commissioners and said, "Hello, everyone. My name is Sid Johnson and I'm a grateful recovering alcoholic. I came from a large Catholic family of eight children and drinking was accepted as a way of life. My parents used to take us kids to wedding dances and we would grab a pitcher of beer and crawl underneath the table. Of course they had long table cloths and we would consume that beer. For me, this started at age 7. And, you know, alcoholism is progressive. It is also baffling, cunning, and powerful. By the time I was 21, I was already having trouble with the law, my family, friends, and my job and I was in denial. For the last 40 years I have been in a battle with this incurable disease. I've spent hundreds of thousands of dollars on lawyers, fines, loss of income from loss of job, and not to mention some periods of incarceration or loss of freedom. I've been married five times and I attribute all my divorces to alcoholism and the problems it caused in the marriage and with my family. I've lost all the most important things in my life due to alcohol. For me it all starts with step number one, admit that we were powerless over alcohol and that our lives have become unmanageable. I feel the key to treatment is education,

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awareness, review of the consequences and a commitment not to take that first drink. Jail is not the answer. There is a huge need for education and treatment programs that address the root of the problems. You know this disease affects millions of people. Alcoholism is a mind altering drug. It changes the way we think, it changes the way we act. Reprogramming that thinking is mandatory. The treatment I've been through has really changed my life. It's made me realize that the drinking has not been worth the price I've had to pay and sobriety just has far too many rewards. When you look at it realistically, an alcoholic really only has three choices in life. Incarceration, death, or a life of sobriety. Everyone has a different bottom to their life and in order to manage this disease, a client must see the benefits to making changes in their lifestyle. I feel as much as 90% of the alcoholics are in denial. The price for that first drink for me is too big. It means my freedom, my family, my home, my happiness, my bank account, my sanity, and probably my life. I would like to end with the serenity prayer. 'God grant us the serenity to accept the things we cannot change, the courage to change the things we can, and the wisdom to know the difference.' Thank you for having me."

Chairman Winters said, "Sid, thank you very much for sharing your story with us. There are times when we need to be reminded why we are involved in certain functions that we do here at Sedgwick County and certainly drug and alcohol treatment is something that I think we can be proud of what we're attempting to do but really it is people like you who make it successful and we appreciate very much your sharing your story with us today."

Mr. Johnson said, "Thank you."

Chairman Winters said, "Marilyn, thank you to all of your team who work on this very important area."

Ms. Cook said, "You are welcome. Thank you."

NEW BUSINESS

B. GRANT TOWNSHIP TRUSTEE VACANCY DUE TO THE DEATH OF JACK PERRIN AND APPOINTMENT TO FILL THE GRANT TOWNSHIP TRUSTEE'S UNEXPIRED TERM.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "Commissioners, we prepared a resolution that would appoint Randy Mark to the vacancy in the Grant Township Trustee's position and we recommend that you adopt the resolution."

Chairman Winters said, "Alright. Commissioners, whose district is Grant Township?"

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Commissioner Parks?”

Commissioner Parks said, “Mine. Thank you, Counselor Euson. I met with Randy Mark back about two weeks ago, immediately after I was given his name as a possible candidate, talked with him for about 30 minutes and I think that he would be a great asset to Grant Township.”

MOTION

Commissioner Parks moved to appoint Randy Mark to fill the vacancy due to the death of Jack Perrin for Grant Township.

Commissioner Norton seconded the motion.

Chairman Winters said, “Is there any other comments? I guess the only thing I would say is that I didn’t know Jack Perrin well, but Jack was always at all of the events that Township and County officials participated in, David Spears annual meeting, the Township picnic and he was very outgoing and visited with many of us during those time frames, so we certainly appreciate all of the work that Jack has done for his Township and Sedgwick County and we certainly extend sympathies from all of us to the family.”

VOTE

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

Chairman Winters said, “I don’t believe Randy was going to be here this morning. Is Randy in the room this morning? No? Okay. Thank you. Next item, please.”

C. ANNUAL AFFILIATION AGREEMENTS (61) WITH QUALIFIED PROVIDERS OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITY SERVICES.

1. Advacare
2. Advocate Care Services, Inc.
3. Afford-A-Care, Inc.
4. Agape Services
5. Arrowhead West, Inc.

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6. Assist, LLC
7. Assisted Services, Inc.
8. Bethesda Lutheran Homes & Services, Inc.
9. Broadway Home Medical
10. Catholic Charities, Inc. Adult Day Services
11. Catholic Charities of Northeast Kansas
12. Cerebral Palsy Research Foundation of Kansas, Inc.
13. Consumer Directed Services, Inc.
14. Cory's Dream
15. Creative Community Living of South Central Kansas, Inc.
16. Dependable Assisted Living, Inc.
17. Dream Catchers Case Management, INC.
18. Envision
19. Goodwill Industries Easter Seals of Kansas, Inc.
20. Heart of Care Agency, LLC.
21. Home Healthcare Connection
22. Hortencia Granado
23. House of Hope, Inc.
24. Independent Guardian, LLC.
25. Independent Living Resource Center, Inc.
26. Individual Advocacy, LLC.
27. Interim HealthCare of Wichita, Inc.
28. Joshua's Care, LLC.
29. Jubilee Designs
30. Kansas Truck Equipment Company, Inc.
31. KETCH
32. KVC Behavioral HealthCare, Inc.
33. Lakemary Center, Inc.
34. LakePoint Home Health Services
35. Leticia Aldrete
36. Life Patterns
37. Lifespan Care Management Services
38. Love, Comfort, and Care
39. New Hope
40. Paradigm Services, Inc.
41. Payroll Plus of Kansas, Inc.
42. ProActive Home Health Care Services
43. Progressive Home Health & Hospice
44. Rainbows United, Inc.
45. ResCare Kansas, Inc., Life Choices

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46. Saint Raphael Direct Care
47. Saint Raphael Home Care, Inc.
48. Special Care Services, Inc.
49. Special Needs Billing LLC
50. Starkey, Inc.
51. Sullivan Gang Care Center
52. Taylor Drug
53. The Arc of Sedgwick County
54. The Farm, Inc.
55. The Right Thing, Inc.
56. TKG Services, LLC
57. Topeka Independent Living Resource Center
58. TSS, Inc.
59. United Methodist Youthville, Inc.
60. VSD Services
61. Wichita Lifeline, Inc.

Mr. Chad VonAhnen, Director, CDDO, greeted the Commissioners and said, “In July you approved our annual state contract and items used to accompany that state contract, but now were on a different schedule, and these affiliate agreements run from September to August, so this item today is for that annual affiliation agreement for community service providers with the CDDO. These affiliation agreements allow us to have a comprehensive system of supports for people with developmental disabilities in Sedgwick County. Roughly 1,600 people receive services other than case management through these community service providers. Our affiliates provide a wide array of services. These 61 affiliates you see provide services ranging from day programs and residential programs, all the way to home modifications and installing van lifts. Having this many options surely provides us a wide variety of services for people to have their choice of who they see that would fit the needs best for their loved ones or themselves in receiving services. Again, the state contract runs from July to June. The change last year to run the affiliation agreements from September to August allows us to better have an understanding of what funding we will receive from the state to set the rates and the affiliate contract. I would be glad to answer any questions. Otherwise I recommend you approve the affiliation agreements.”

Chairman Winters said, “Alright thank you Chad. Are there questions of Chad about these agreements?”

MOTION

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Commissioner Norton moved to approve the agreements 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

Chairman Winters said, “Commissioner Norton?”

Commissioner Norton said, “Before Chad steps down I would like just like to congratulate him for being selected to Leadership Wichita, ‘08. I think that’s quite an honor for Sedgwick County and quite an honor for him individually. Congratulations.”

Mr. VonAhnen said, “Thank you very much. I appreciate it.”

Chairman Winters said, “Alright, thank you Chad. Madame Clerk, would you call the next item?”

DIVISION OF PUBLIC SAFETY – DEPARTMENT OF CORRECTIONS.

D. KANSAS JUVENILE JUSTICE AUTHORITY (JJA) SFY09 CONTRACTS WHICH CONTINUE SERVICES CONTAINED IN THE JUVENILE JUSTICE STRATEGIC PLAN.

1. KS Children’s Service League - \$145,335 – JIAC Case Management
2. KS Children’s Service League - \$92,940 – Parent Training

Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections, greeted the Commissioners and said, “This past June the Commission approved several contracts that would support the continuation of our JJA existing services. At that time we were in negotiation with two of our contracts, both of them with Kansas Children’s Service League so today I am bringing those

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forward to you for your approval. One of the contracts is for the JIAC Case Management Program. This provides case management services to 200 youth that are admitted to the Sedgwick County Juvenile Intake and Assessment Center for a second time, who are at high risk for future delinquency and currently have no case management services. The total amount of this contract is \$145,335. The second contract is for a parent training program and this program serves children whose preventive need is really defined by the situation of their parents, with the primary target population being parents that are currently under correctional supervision. The total amount of this contract is \$92,940. Team Justice, your Sedgwick County Juvenile Corrections Advisory Board, approved funding for these programs back in February, and we are asking that you approve both of these contracts and authorize the Chairman to sign.”

Chairman Winters said, “All right, thank you, Chris. These are both ongoing contracts. This provider has been providing them in the past or are these new?”

Ms. Morales said, “They have been providing them in the past.”

Chairman Winters said, “Ok very good. Commissioners, are there questions or comments?”

MOTION

Commissioner Norton moved to approve the contracts and authorize the Chair to sign.

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

E. CONTRACT ATTACHMENT NO. 36 WITH KANSAS DEPARTMENT OF

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HEALTH AND ENVIRONMENT (KDHE) TO RECEIVE FUNDING OF \$12,250 FOR THE HUMAN IMMUNODEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) HEALTH EDUCATION/RISK REDUCTION PROGRAM.

Ms. Claudia Blackburn, Health Director, Sedgwick County Health Department, greeted the Commissioners and said, "Before you is an agreement with the Kansas Department of Health and Environment to receive \$12,250 for collaboration and HIV prevention outreach. This money is used to assure that all the agencies that are involved with HIV prevention are collaborating with each other, that we are making appropriate referrals and completing those referrals, and it is also used to provide education, awareness, and skill building for people that are at risk for HIV. We focus specifically on women who are at high risk, at the Women's, the Wichita Women's Recovery Center, and we have a special curriculum called the Charms Curriculum that is used in a series of educational sessions with the women, in fact, that curriculum was presented at a National Conference this year and it is now being used by other places. They are very interested in replicating it because it is successful. The women are empowered with this curriculum and they help to teach each other, so I recommend that you approve this agreement. The grant period is from July 1st through June 30th of 2009. And I would be happy to answer any questions."

Chairman Winters said, "Alright, thank you. We do have a couple questions. Commissioner Welshimer?"

Commissioner Welshimer said, "This is just a little different from what you're asking here, but I'm just curious as to what the number of HIV patients we have that we're connected with in public health."

Ms. Blackburn said, "We actually don't take care of people once they are identified as HIV positive. We refer them to other agencies. If you are asking exactly how many new cases, I can find that out and send it to you. Our numbers are not extremely high but Sedgwick County does have a large proportion of the cases here in the State."

Commissioner Welshimer said, "And we don't keep track of the number?"

Ms. Blackburn said, "We do, I just don't have it memorized. I am sorry."

Commissioner Welshimer said, "I would appreciate that. Thank you."

Ms. Blackburn said, "Ok. Certainly."

Chairman Winters said, "Thank you. Commissioner Parks?"

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Commissioner Parks said, “And I see were getting this from KDHE. Is this a pass down from a federal program?”

Ms. Blackburn said, “I believe it is.”

Commissioner Parks said, “Ok, thank you.”

Chairman Winters said, “Alright, any other questions about this agenda item? If not, what is the will of the Board?”

MOTION

Commissioner Norton moved to take the recommendation action.

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, “Thank you Claudia.”

Ms. Blackburn said, “You’re welcome.”

F. PUBLIC WORKS

- 1. A CHARTER RESOLUTION EXEMPTING SEDGWICK COUNTY, KANSAS FROM THE PROVISIONS OF K.S.A 19-27,181 TO 19-27,195, INCLUSIVE, AND K.S.A 19-27,197 RELATING TO THE CREATION OF BENEFIT DISTRICTS FOR PUBLIC IMPROVEMENTS WITHIN SEDGWICK COUNTY, KANSAS; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING**

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THERE TO AND REPEALING CHARTER RESOLUTION NO 53 OF THE COUNTY.

- 2. A CHARTER RESOLUTION EXEMPTING SEDGWICK COUNTY, KANSAS FROM THE PROVISIONS OF K.S.A 68-728 AND 68-729 RELATING TO THE IMPROVEMENT OF ROADS IN AREAS OF COUNTIES LOCATED OUTSIDE THE INCORPORATED LIMITS OF ANY CITY IN THE STATE OF KANSAS; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO AND REPEALING CHARTER RESOLUTION NO 42 OF THE COUNTY.**

Mr. Joe Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, “We have been working over the past several months with Public Works and the County Counselor’s office in preparing these two charter resolutions for your consideration this morning. They both deal with the authorization of public improvements in the County for which the County levies special assessments against properties specifically benefited by the infrastructure improvements. Kansas law permits counties to have home rule powers to modify certain state statutes that are applicable to that county but not uniformly applicable to all counties and both the statutes were talking about today in F1 and F2 fit that category. F1 deals with K.S.A.1927, 181. That was enacted in 1991 by the Kansas Legislature at the request of the county to authorize the making of certain public improvements in the County and levying assessments there to. At a time when Kansas case law and the Supreme Court was very muddy about what home rule powers the County’s had. At that point and time the statutes authorized many improvements, but eliminated the ability of the County to use the statute for sewer infrastructure improvements. In 1997, the Commission adopted Charter Resolution Number 53, which modified this act at that point in time to also allow that it be utilized for various sewer treatment facility type improvements. The statute was modeled in a large part after the general assessment law applicable to cities in the state. That gives cities much broader powers than most counties have which to deal with these kinds of improvements. Sedgwick County being a growing area that has unincorporated areas next to larger cities needed this type of flexibility to meet the demands of infrastructure and improvements in those unincorporated areas of the county. Since that time the Legislature has modified this general improvement assessment law for cities in a variety of ways, most recently in 2007. This proposed charter resolution today would bring this set of statutes as previously modified by charter into conformity with those changes the Legislature made with respect to powers of cities to make these kinds of improvements. Specifically, some of those types of things that were done would allow for the issuance of special obligation bonds, payable only through special assessments as opposed to GO type bonds, which the County’s full faith and credit is behind. That’s other flexibility option which would give you under this charter resolution also would allow for the imposition of benefit fees for improvements against property that may not be specifically benefited now, but maybe in the future. For example,

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you extend a water line several miles to serve a property, intervening property may not need that now, but in the future, if they do then they can share in the cost of that to reduce the cost to the people at the far end of the line. So a lot of flexibility the Legislature has given cities that the County currently does not have. It also makes a provision for if in the future you want to make deferral of special assessments and special situations, which the County does not have the power to do now, that flexibility would be granted by this charter. So basically clean up, bringing you into what I call the 21st century that cities have those powers now. We are trying to keep in step with those.

The procedure to adopt a charter resolution requires two-thirds vote, in this case four affirmative votes to pass the resolution. The resolution has been published twice and there is a 60-day protest period in which people equal to 2% of those who voted in the last general election can file a protest the petition against that charter and if they do you can abandon it or submit it to the vote of the people. So I would be happy to try to address any questions you may have on this specific charter resolution now.”

Chairman Winters said, “Alright thank you. Commissioners, are there questions or comments of Mr. Norton?”

Commissioner Unruh said, “Thank you Mr. Chairman. Joe, how did we accomplish these infrastructure developments previous to this change?”

Mr. Norton said, “Prior to 1991 we had kind of an archaic set of statutes that we used and found ourselves in many cases not having an applicable statute to deal with a particular factual situation. The county statutes and public improvements on streets and roads and bridges were adopted many, many years ago in most cases and dealt primarily with rural type counties that didn’t have the infrastructure needs that counties like Sedgwick have, you know, in and around, you know, metropolitan areas and so a lot of those projects just didn’t get done. We have in the previous times adopted charter resolutions on sewer improvements. The next item is on road improvements. We are going to do today. We have done that in the past, over the past 20 or so years. Prior to the late 80’s, you had very little flexibility to do these kinds of infrastructures for residential and commercial developments in the unincorporated areas of the county.”

Commissioner Unruh said, “Ok, thank you for that explanation.”

Chairman Winters said, “Alright, thank you. Commissioner Welshimer?”

Commissioner Welshimer said, “Give me some examples, a couple of examples of what is different as far as the property owners are concerned in this resolution, by passing this resolution.”

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Mr. Norton said, “This particular one doesn’t make that many modifications to the 1927-121 which again was adopted in 91 so it is fairly up to date at that point in time. We are making a few enhancements. For example, in recent times the Legislature provided for this benefit the concept that I just discussed about the water line. It’s applicable to sewers and roads, where you may have an intervening open area space that doesn’t need that improvement now, but may in the future when it develops and it can then be assigned an area called the benefit area that comes back and allows that property to assist in payment of this infrastructure improvement that might not be needed for them now, but would be in the future. We faced that issue many times where maybe someone along the edge of a new improvement has got agricultural land, doesn’t need it, doesn’t want it, may hold up the project that’s needed for development on the other side of the road and this would give the flexibility to say great, we are not going to affect you now with any assessments but when you develop in the future, then your property will help pay for this improvement that the people across the street are paying for now. Those are flexible things we don’t have the ability to do you know that the legislature gave to cities. Also, deferral of assessments in particular situations. We’ve had this come up from time to time where you might have an old farmstead house that wants to keep that five acres and really doesn’t need a new infrastructure improvement for the development across the street. There have been times when Commissioners have said we want to hold that off right now and when that develops we’ll hit those people also. We don’t have that flexibility now. That’s another thing that this charter resolution would do. Nothing mandatory, just more flexibility for you in the future.”

Commissioner Welshimer said, “Well, let’s say you are going to bring the sewer line for half a mile and this farmhouse up at the far end of the half a mile isn’t going to be charged anything and you bring it half of half the mile or a quarter of a mile. Are you going to charge this farmhouse...I mean in the past, the farmhouse hasn’t been charged really. When it gets up to them then they pay what it would cost to bring it to them. Isn’t that right?”

Mr. Norton said, “Right, well in many cases...”

Commissioner Welshimer said, “So you are spreading the cost?”

Mr. Norton said, “What would happen in this situation, now we have statutes and charters provided that if the development wants to occur across the street from that farmhouse, 100% of the cost have to be assigned to this new development who wants the improvement. And then maybe two years later someone goes in across the street with another new development and they have in essence got that improvement without paying for it.”

Commissioner Welshimer said, “Yes.”

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Mr. Norton said, “And this allows you to say, ok we are going to go in and put the improvement on the right hand side for that property benefit and we are going to asses them now. But we are going to say if this property on the other side of the street develops during the time that we’ve got this financing in place, maybe 15 or 20 years, then they have to in essence buy back into that cost and spread that over both properties to make it more fundamentally fair. They don’t get a free ride on that improvement, basically.”

Commissioner Welshimer said, “So the original developments, that’s going to reduce their...”

Mr. Norton said, “That would reduce theirs.”

Commissioner Welshimer said, “Theirs?”

Mr. Norton said, “Correct.”

Commissioner Welshimer said, “What if it is just one house across the street?”

Mr. Norton said, “Well I mean again, those are things that as facts and circumstances present themselves to the Commission, you can make a determination on each individual project whether or not you want to apply this new statute or charter to that particular fact situation. You don’t have to. It just gives you the flexibility to do that. And if you see a situation that just kind of cries out, ok well these people across the street, when they develop should help pay for this then you can set that mechanism up to deal with that in the future.”

Commissioner Welshimer said, “If the choice is made to do that then there will be notification of the people across the street and they can protest, etc.”

Mr. Norton said, “Sure, they have no financial impact now. They will get a notification. The resolution will be recorded with the Register of Deeds. It will be public knowledge that that property may have a benefit fee imposed on it in the future if it develops. It may not. That is just something that you can establish and put people on record and notice of, which we don’t have the flexibility to do right now as an example.”

Commissioner Welshimer said, “I think that is a pretty big change.”

Mr. Norton said, “Well, it has been utilized in many situations, even since that law was passed in 2007 in developing areas. I mean, it happens. People get across the street, the people on the other side get a free ride and there is nothing you can do about it. And fundamental fairness as the

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Legislature was convinced that it's a good idea and many municipalities have also, some have decided not to use that, even though it is in a statute. And again the charter doesn't impose any policy, it just provides flexibility that you may or may not want to use as individual projects come forward in the future. Just like if the Legislature changes a statute, you don't have to use that statute in your jurisdiction."

Commissioner Welshimer said, "What if the properties are taken into the city, this isn't going to apply?"

Mr. Norton said, "No. This would only apply basically in unincorporated areas where you have jurisdiction to make public improvements."

Commissioner Welshimer said, "It applies to all utilities, all improvements, roads, sewer, water?"

Mr. Norton said, "Sewer, water and roads. Correct."

Chairman Winters said, "Anything else, Commissioner? Commissioner Parks?"

Commissioner Parks said, "Well some of the things that Mr. Norton has brought up here today, I would like more information and I don't know if I can support this in good conscience without having some more information on it and if there would be a second to table this, I would certainly move to make that motion. I guess I would then move to table this item."

Chairman Winters said, "Why don't we make the motion to defer it. Two weeks or pick a time. Would that be a proper motion, Mr. Euson, to defer or should it be the motion to table if he wants to make that motion?"

Mr. Euson said, "Either one will work."

Commissioner Welshimer said, "I'll second."

Chairman Winters said, "We have a motion to table or defer did you say?"

Commissioner Parks said, "I'll defer it for three weeks."

MOTION

Commissioner Parks moved to defer F1.

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Commissioner Welshimer seconded the motion.

Chairman Winters said, “And I would assume, Mr. Norton, that our next agenda item is very similar to this one except it is specific to road improvements. Is that correct?”

Mr. Norton said, “That is correct. If you defer one I would suggest you do both.”

Chairman Winters said, “Alright we have a motion to defer Item F1. Commissioner Unruh?”

Commissioner Unruh said, “Thank you. Is there any urgency about this particularly right...? Ok very good.”

Commissioner Norton moved to enter a substitute motion to defer items F1 and F2 at the same time.

Commissioner Welshimer seconded the motion.

VOTE

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

Chairman Winters said, “Thank you Joe and we will talk about this again.”

Mr. Norton said, “We would be happy to do a workshop or whatever you want to do.”

Chairman Winters said, “We do need to make arrangements, I think, to visit with Commissioners probably individually or if we need to spend some time at a staff meeting we can do that.”

Mr. Norton said, “Sure.”

Chairman Winters said, “Alright, thank you Joe.”

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3. RESOLUTION CREATING ROAD IMPROVEMENT BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (UNPLATTED TRACTS AKA CHATEAU ESTATES EAST).

Mr. Norton said, “The County has been presented with a petition signed by the owners of 58 percent of the property proposed to be assessed for the creation of a road improvement district in and unplatted area known as Chateau Estates East, dealing with Calais Road and Calais Court. This is an area in the County located just east of Greenwich Road and South of 31st St South as depicted with the yellow highlight on the map. This is an unplatted area outlined in purple. I believe there are 21 properties, 12 of which have signed the petition, to get to 58 percent of the land area. Public Works has prepared an estimate of project costs which is approximately \$465,000. When divided equally among the 21 parcels as requested by the petition, that’s a principal component \$22,128 or if spread over 15 years at six percent an annual costs of \$2,278. The statute and charter that authorized this do not provide for public hearing, this is considered by the governing body but I understand there may be people in the audience that would like to address the Commission on this item before you consider the resolution. At the conclusion of those comments we have prepared a resolution that would create the improvement or benefit district in accordance with the requested petition and provide for the assessments of those costs against the properties affected and the amounts we’ve talked about here.”

Chairman Winters said, “Alright, thank you Joe. Commissioners, I think it would be my opinion that we do need to hear from the public if they are here but before we do that does anyone have a question or clarification?”

Commissioner Welshimer said, “I’ll wait until after we have heard testimony.”

Chairman Winters said, “Alright, is there anyone here in the audience this morning? Please come forward to the microphone and give your name and address for the record and we like to try to limit our discussion to five minutes if we can.”

Mr. Kenneth Helms, 11932 E. Calais, Wichita, KS 67210, greeted the Commissioners and said, “Thank you Commissioners. My name is Kenneth Helms and I live in the Chateau Estates development. I’m kind of torn both ways on this road project. The reason I am here today is as they’ve submitted that drawing to you, they have not accessed my lot. I am at the very back corner of that development and the road stopped at what looks like my property line and I need to be able to get to the house that I am going to build at a further date. I don’t know if you can see that corner spot where there is the big pond and you see a little driveway that is going to my...”

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Chairman Winters said, “Kenneth, would you just walk around over here to this big screen and point where your property is?”

Mr. Helms said, “This is my property right here.”

Chairman Winters said, “Okay.”

Mr. Helms said, “And I have an accessory building that I built in 2000. I’ve done extensive dirt work and the house will basically go this way and I need to be able to come down this road and come through this opening in the trees to get to the house.”

Chairman Winters said, “Do you own properties on both sides?”

Mr. Helms said, “No, no. This is to the north of me and then this one here...”

Chairman Winters said, “Just draw your pen around what you own.”

Mr. Helms said, “This is me right here. This corner and as you can see the road just stops.”

Chairman Winters said, “Ok, right but the road does get to the corner of your property.”

Mr. Helms said, “Right, and this is a road easement now. When I originally bought that property I guess I wasn’t aware that that was a road easement for a road to be continued on at a later date. When I found that out in 2003 subsequently how I was going to lay my lot out changed and you know I was going to deal with it but since we are here today on this road, that’s why I am here, that I hope that you guys could number one, the financial impact of \$22,000 a home seems kind of high. I think I did the math on that and it was like \$200 a month additional and for something that only passed by 58% I just don’t know how everyone will be able to afford that, myself included. I have a budget like most people and you wake up one day and you get a letter in the mail last week on Monday saying you need to be here to protest this, kind of a scary situation from the financial point but I can see the benefit of putting a paved road in except number one, they want me to pay my fair share yet I don’t have a road. I can’t get to my house. I don’t know why they really stopped this project where they did. I have spoken with Jim Weber and I have also spoken with Lynn Packard, who are both representatives of Public Works and my discussions have been very good with them. I think they see my point of view but as this was presented to you today, this is what you have to vote on.

So to kind of wrap up what I wanted to say was I wonder if other options to make our road better

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have been investigated, a different surface, other than we are kind of going from a gravel road that we all bought into and we all accepted when we bought this five acre lot and we said we had a dirt road to now we need a \$600 or a almost \$500,000 road put in just because 12 people want it. I think this kind of goes back to when people move out into the country and they are like I don't like this pig farmer because it smells, you move there. You made that decision to get somewhere that had a dirt road that didn't have City amenities and then you wake up one day and go, well we want this and now everyone else has to pay for this. So in closing I would just like to recommend that you guys not adopt this resolution or if you do see the benefits of it, maybe push it back to County Works and have them work out some of these issues, has an alternative substrate been investigated and how do we help Mr. Helms down here. We are asking him to pay his full share yet we haven't provided him a road to get to where he needs to build his house. So with that that is all I have to say."

Chairman Winters said, "Alright thank you Mr. Helms. Next speaker, someone else? Yes, please come forward. Name and address please."

Mr. Robert Winters, 11720 E. Calais, Wichita, KS 67210, greeted the Commissioners and said, "I have been a resident of the development for eleven years. From the years 1999 thru 2006, I had either been on the architectural committee, served as a Chair for the Homeowner's Association or a Member at Large. Through those years there had been minor discussion over road maintenance, nothing ever serious to the extent that we are at today. I would like to address several things regarding this project. First would be potential safety issues and affects of paving road. Second, the way the petition was administered to the Homeowners Association and finally possible effects and as Mr. Helms mentioned, maybe there is a way to repair the road and make it better and more acceptable for the development. Relating to potential safety issues, I am a father of four, boys ranging from ages 5 to 16. We have quite a speed issue on our dirt road today. The speed limit in the development is 55, some people choose to try to get to 55 on our road. Fortunately we can hear them rumbling down the gravel. When it goes as asphalt, I am sure some participants will get to 55 and my 5-year old can't pedal that quick when he is out playing. Affects with a paved surface, we'll have increased water runoff into our culverts. If you follow the flow of the plat, when we get to the southern and western quadrants outside of our development, the rain water runs through agricultural area, this will affect not only our development, but also agriculture, and then it pushes under Greenwich to the west where it backs up against our neighboring development to the west. In the past 11 years there have been a lot of high water issues. If we increase the water runoff, there may be some flooding problems down the road, which not only will affect agriculture but other homeowners. Secondly, the petition as mentioned we have had 12 of 21 approved at our most recent Homeowners meeting dated March of 2008, when the petition was tabled for discussion. Our Chairman said that he would go home by home if the petition was not signed that evening to discuss on an individual basis. As of today, to the best of my knowledge and looking at the petition, there are seven homes that did not sign yay or nay. I know for a fact that my household was not contacted

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for conversation regarding this. Along with the conversation of our Homeowners Association, I tabled a question as far as future tax increases for the maintenance of the road, there were no facts and data provided. So yea, we are going to spend \$22,000.00 today for a new road, what is it going to do to my tax base for future for maintenance? Don't know. Again, with my tenure on the Board we have never formally requested from the County or the Township, is there any way we improve what we have. As Mr. Helms mentioned we do live on a gravel road, we elected to. We have propane, we have lagoons, some people don't like that, we chose that as where we wish to reside. Fact of life. Again if we could review, possibly find a way to repair at a significantly lesser cost or enhance our maintenance that might be a way to alleviate what we are looking at today. With that, if you have any questions I would be available to answer."

Chairman Winters said, "Sir, could you come around the podium and come up to this screen and point to use the lot where you live."

Mr. Winters said, "Well I am, right here. If I may, the runoff proceeds here, agriculture and it pushes under Greenwich."

Chairman Winters said, "Thank you very much."

Ms. Kristi Zukovich, Director, Communications said, "Commissioners we do have the mouse here with the pointer so we could have the folks indicate on there if you would like to do that. We can find out which one is yours."

Chairman Winters said, "Alright. And in case anyone is curious Mr. Robert Winters is the presenter and he and I are not related in any way."

Mr. Winters said, "I was hoping that may help."

Chairman Winters said, "Alright thank you very much Robert. Is there anyone else who would like to address the Commission? Yes, please come forward."

Mr. Mark Little, 11414 E. Calais, Wichita, KS 67210, greeted the Commissioners and said, "To stand here today and tell you that I am not in favor of this would be a lie, but I am opposed to it. Who wouldn't want to drive down a smooth road, no dust, no dirt, have your windows open at night? But the number one reason that I am against this is really the lack of the dollar amount that we have never received in a written estimate form, any way, shape or form. The Homeowners Association basically by presenting this to you today has given you a blank check, pave our road. We were presented this in March, and they were basically basing this price off of an estimate that was already six months old. I know you are aware of the price jump in asphalt and fuel for many

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projects going on at present as well as the ones being completed. I followed the price of asphalt over the last year. Not only is the price of asphalt gone up, every one of them have added surcharges on that amount to about \$20 a ton and I'm sure you are very aware of that. They said it wouldn't affect our taxes and that in no way will it affect your taxes. Well, with the economy the way it is, the things most of us want, the last thing most of us want is \$200 a month bill added to our already bills. I was the last person to build on this street. No one promised me paved streets, street lights or sewer. I knew when I have moved in there this was one of the things, we all knew when we bought there. That's one of the tradeoffs you get for quite nice, quiet neighborhood that we have today.

To tell me that it won't affect my taxes, that is wrong. The night of the meeting they kept reassuring us of that. If I spend \$20,000 on improvements, I guarantee you; you are going to raise my taxes. So far I've lived there three years and you haven't disappointed me yet. You represent all of us, not just the 12. You represent the nine of us that voted against it as well. I ask you to keep this in mind as you vote. This is a road that goes nowhere. If this was your household, I am sure you would be in agreement, that the last thing you really want is to raise your monthly bills \$200 a month for something that really goes no place. We do have a speed issue now that's out of control and I've went to the Township, repeated meetings to try to get it posted, ignored. As late as a week ago I had a car lose control in front of my house and almost end up in my neighbor's yard. We have a few individuals out there that don't think the law pertains to them and they have no respect for their neighbors. So the last thing we need is a speedway out there for them to go even faster. Thank you."

Chairman Winters said, "Alright, thank you Mr. Little. Is there anyone else? Yes, please come forward sir."

Mr. Bob Wilson, 11505 E. Calais, Wichita, KS 67210, greeted the Commissioners and said, "I basically agree with everything that has already been said. I do want to reemphasize that our neighborhood meeting was very poorly handled in terms of any written communication when requests were made to get copies of the petition, to get copies of the statements that were made in the meeting. We were told they were no available and the only place we could get them was from Sedgwick County Roads, which when the petition made it to Roads Department they very kindly presented us with copies of all the paperwork. As was said earlier, several times the people were told there would be no increase in their taxes except for the special tax for the road. Also, Mark has done all the work on the checking with the companies that will be potential bidders on this project and we are looking at potentially a 200% increase between the November price and what the price will be in the next six months to do this road. We were told in the meeting that if the price went above 10% above the number that you have in front of you, this petition would have to be represented to the neighborhood but we have nothing in writing to document that and so that becomes one of my biggest concerns, is have we given you a blank check and are we going to end up with a \$650,000 bill for a \$400,000 road? Thank you very much."

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Chairman Winters said, "Thank you Mr. Wilson. Is there anyone else in the audience? Yes sir, please come forward."

Mr. Brian White, 11312 E. Calais, Wichita, KS 67210, greeted the Commissioners and said, "I am one of the first residents as you enter off of Greenwich, one of the first homes. I am not going to take a lot of your time. I just want to tell you that I echo the sentiments of the men that have spoke before me. The cost that has been given to us in our previous meeting is not an accurate cost at this time. It's highly concerning to me that we would approve this without knowing the dollar value of the road that we're putting in. Secondly, we moved there well knowing that we lived on a gravel road and I have no problems living there in its current condition. And I would hope that you would not adopt this resolution. Thank you for your time this morning."

Chairman Winters said, "Alright, Mr. White. Thank you. Is there anyone else? Is there anyone else who would like to address the Commission on this? Alright, seeing no one we'll limit discussion to Commissioners. Commissioners, questions, comments? Commissioner Parks?"

Commissioner Parks said, "Let me direct this to our staff here. Mr. Spears, is this a private or Township Road now?"

Mr. David Spears, Director, Bureau of Public Works, said, "Let Mr. Weber address this. He's been working on it. Thank you."

Mr. Jim Weber, Deputy Director, Public Works, said, "Commissioner Parks, this is a public road, it is an unplatted subdivision done with platting exemptions before you couldn't do that anymore but it is a public road. It is maintained by Gypsum Township right now."

Commissioner Parks said, "This had been dedicated in the past as a, I'm trying to think of some areas in my district that are private, actually private roads that have gone in and had..."

Mr. Weber said, "This was public from the beginning."

Commissioner Parks said, "It was public from the start."

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

Commissioner Parks said, "To your knowledge, have they tried any Dustrol or any other products on this road to hold down the dust?"

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Mr. Weber said, “We have not had that discussion with the Homeowners Association, any of the property owners or in fact with the Township who is actually responsible for the maintenance.”

Commissioner Parks said, “Ok thank you for that part, from Mr. Weber. I have to agree with Mr. Helms on when you buy in the country, you are on a dirt road, and you know that’s what you have when you buy there. I would be a hypocrite not to say that I know that. I have bought on a country road, on a dirt road. I also have some property adjacent to mine that a development came into. We went in and did some private things on that with some reclaim stuff and it cost about \$1,000 per five acre lot. So I don’t know how the exploration of other things that could be done to this but I know that the petition exists here and I am going to ask for any legal ramifications for our vote on other issues like taking this into consideration. I didn’t hear anybody from the positive here. Nobody here is from the people that signed the petition today. So that to me weighs heavily in that the people that don’t want it are more adamant about it than the ones that do. So from the legal standpoint do we have any legal precedent that we need to say here that the 58% did this so we should pass this?”

Mr. Norton said, “I’ll try to address that question and Rich can back me up if needed. The statutes provide that if the petition meets the standard of statute, which this one does, then the determination of whether or not to incorporate the road district and authorize the improvements vest with the County Commission. It is not a mandatory requirement. In other words, if you get an acceptable petition, you’re not required to create the district.”

The other question that I think I would like to address was the one on cost. The petition, resolution does have the 464-694 number in there. They both say they can be increased at 1% per month in accordance with normal County standards. The reference of the 10% is what the County standard is. We’ve applied that uniformly over time, if the estimates come back in more than 10 % of what’s in the resolution, plus the 1% then our view has been that you cannot proceed without going back and getting an amended petition and starting the process over again or redesigning the estimate. That is a true statement.”

Commissioner Parks said, “I may have another question for Mr. Weber. Is this going to be a cold mix or a hot mix road?”

Mr. Weber said, “Commissioner this will be a hot mix road and just to talk about that for a second, when we are doing the special assessment project these people end up with a special assessment on their property taxes that will go for 15 years and so one of the big goals is to make sure that the infrastructure that we build will last more than 15 years. They get very unhappy if it falls apart in 5 or 10. And there is some reference to using some other alternatives; we don’t use any other alternative. We do a full blown County section road or they can talk to their Township about doing

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something else. So this will be hot mix and I am thinking of one in Commissioner Welshimer's district that was done in this way was Fairway Meadows probably, probably 10 or 15 years ago and we did that one. Opened ditches, sand roads, went back with six inches of a hot mix asphalt on six inches of a stabilized sub grade and you know that one is standing up just fine."

Commissioner Parks said, "Well I agree with that. That if you are going to do it put it on their tax assessment and add \$200 to their taxes we need to make sure that it does stand up for the duration of the project but there is no curb and gutter on this though?"

Mr. Weber said, "Wouldn't be curb and gutter. These are large lots and the \$22,000 price would go up, it might double if we did curb and gutter and storm sewer and it is not necessary in this kind of subdivision."

Commissioner Parks said, "And did we go, it wasn't broken out by footage, frontage footage like the gentlemen Mr. Helms that has the corner there? His wasn't prorated or anything for frontage for his property?"

Mr. Weber said, "We have almost exclusively, in fact, I can't think of one we have ever done on front feet but we have done equal shares because what we are looking at here is the utility value of the road and that if you happen to be lucky and have the little small frontage, you still have two cars or six cars or whatever, three motorcycles that are driving up and down the road so we have used the view that the utility value is the same for these lots no matter what their frontage is and it is the same for these lots, to some degree no matter what the size of the lot is. Now, we would like it if they are all kind of all averaged out to the same size. These are pretty consistent if you look at the map but there is probably some that are larger and some that are smaller but they are not a large disparity between the two. We have found over the years that equal shares really works pretty well."

Chairman Winters said, "Alright thank you. A question for Mr. Norton again and just to re-clarify the statutes call for 50% of signatures and over 50% then the Commission has the authority to create the district."

Mr. Norton said, "Majority yes."

Chairman Winters said, "But it doesn't say two-third's, it doesn't say three-fourth's, it is 50%."

Mr. Norton said, "A majority, that is correct."

Chairman Winters said "So I guess, I certainly appreciate and can understand all of the folks who

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have spoken to the Commission today but when over 50% of whatever election it is or whatever petition signing is that is the way we move forward and so I am having some difficulty thinking we should not create this because the majority of the citizens have asked us for it. Commissioner Welshimer.”

Commissioner Welshimer said, “This petition was signed by more than 50 % of the owners in this subdivision?”

Mr. Norton said, “Public Works and the County Clerk have verified that 58% is the number.”

Commissioner Welshimer said, “And where did the Township come into this? Are they notified, signoff on it, what does the Township do?”

Mr. Weber said, “The Township may or may not know about it. We haven’t discussed it with them. When these come in from neighborhoods, we work with them. We don’t solicit them. We’re not looking for these jobs but when somebody wants to do a paving job, we start talking to them. If the project goes forward, we’ll certainly be in touch with the township. We’ll send them plans, we’ll let them know what’s going on but they’re not really...”

Commissioner Welshimer said, “Well if the project goes forward, the Township is going to be required to maintain it, isn’t that right?”

Mr. Weber said, “That’s correct. Just like they do now.”

Commissioner Welshimer said, “Well, I would think they’d have some...”

Mr. Weber said, “Well, I guess I’m saying that’s not a part in the process.”

Commissioner Welshimer said, “I mean, if there is drainage that is going to the wrong direction and so on, would that be the County or the Townships problem?”

Mr. Weber said, “Well, we will have to prepare a full set of plans for this. We’ll do survey, we’ll look at the drainage. If there are problems out there that have to do with the road, we would take care of that with the project.”

Commissioner Welshimer said, “Ok. What’s interesting to me that we have had this 58% sign but none of them are here.”

Mr. Weber said, “We see that a lot. That’s not a surprise to me. They have put it on a piece of

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paper that they want it. I kind of, what I think Commissioner Winters is saying, they basically signed a contract with us to do this by signing the petition.”

Commissioner Welshimer said, “And they knew at the time what it was going to cost them?”

Mr. Weber said, “They have everything that you have seen today, are numbers that they had available to them and are included in the petition.”

Commissioner Welshimer said, “How many owners are in this?”

Mr. Weber said, “There are 21 lots, 21 different parcels in the benefit district, 12 of them have signed the petition and when I say that, that is all the owners.”

Commissioner Welshimer said, “So you are saying seven have not signed?”

Mr. Weber said, “Nine have not signed and five of those are here today.”

Commissioner Welshimer said, “And we have four here today, five?”

Mr. Weber said, “Five speakers. I think there are more than that here. Six? Alright, well, kind of back to the bottom line is that people bring us projects and we work out what it is going to take to do the project and unfortunately for you it gets to this point and it is now, it’s a choice that the County Commission makes about whether this is a reasonable project and whether you think it should proceed or not.”

Commissioner Welshimer said, “Well I know I get a lot of calls about roads, particularly in bad weather and most of the time they are in Townships. The Townships are having a hard time keeping up with it. I haven’t heard that this road is in bad shape. That this road is one that you can’t travel down when it’s icy, you can’t get to your house when it is snowing, it tears up your car, water sitting on the road in different areas, any of that going on on this road? Apparently not. Ok, thank you.”

Chairman Winters said, “Alright, Commissioner Unruh?”

Commissioner Unruh said, “Thank you, Mr. Chair. Joe, is this Chateau Estates, all the area that’s in the purple, that’s the entire Chateau Estates East district?”

Mr. Norton said, “That’s the area of which the petition has requested be created as a road benefit district. Yes. And each of those properties do about the proposed road improvement project.”

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Commissioner Unruh said, "So in this district, are the homes just to the north, are they part of Chateau Estates East?"

Mr. Norton said, "Well, there is no platted subdivision. I think this Chateau Estates is kind of a, it's attached to this as an area, but it's not a platted subdivision."

Commissioner Unruh said, "Okay. I understand. This is standard procedure when a group of individuals in an area decide they need an improvement and once they acquire over 50 percent approval of the project and all the things are in order, estimates and so forth, then they can advance that proposal to this Board."

Mr. Norton said, "Right. The statute basically says, if the majority of the owners of the property liable for the assessment in the District petition you that they want a District created, the improvement made and they're willing to pay the cost of it, the numbers set forth in the petition, then that comes to you for a decision whether or not to go forward with that project or not. If you decide to adopt the resolution and go forward, then the normal practice would be that Public Works would have prepared detailed design drawings and so forth, put the project up to bid, that bid would then come back to you and that's where the 10% number comes into play that we view as a standard, if it costs more than 10% above what the resolution has, which is the 464 plus 1% a month, then we basically take the position that you can't accept that bid and go forward without going back to these owners and saying okay, do you want to sign an amended petition to do this at the increase cost? So there is the safeguard from a number standpoint."

Commissioner Unruh said, "If it gets fund's approval today, how long will it take to get the point where there is a hard, firm contract in place?"

Mr. Weber said, "It'll be next spring I would think or summer by the time it goes through the design process, we can't really push, it'll be...obviously it is warm weather work so it will be next spring or summer before this actually gets bid and that is when we will have the hard and fast numbers. We will have estimates that we can do from time to time but the real numbers come when you bid the project and that is when we open the bids, we sit down, we look at the project budget and analyze it and make sure that we are within the cost perimeters that are in the petition and the 10%."

Commissioner Unruh said, "Well I guess what I was trying to get a feel for is if it by the petition it can increase 1% a month and then they can't protest it unless it gets 10% above that, if it is a year away from now the cost could escalate substantially. However, I mean would you vent your

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opinion as to whether or not you think prices have stabilized or can you even venture an opinion as to what might happen?"

Mr. Weber said, "Here is what I will tell you. No, but Lynn Packer who put these estimates together, I mean we obviously spent a lot of time watching the price of asphalt and the price of fuel. Even back in probably March when he did the last pass at this estimate, we were using \$46 and \$48 a ton for asphalt, which at that time was relatively high, today, that's a little bit low, six months from now, if things settle down, it's going to be pretty good. We also built in contingencies into the cost of the project. So right now, today, I don't think that we're that far off and the record, the record asphalt in terms of the raw product price that we've seen was in August and so, I don't know. But we would hesitate to tell you that we should send this petition back with the higher number and have them sign it again. That's why the protectants are in there. We'll see in six or eight months what the price is and if it's too high, they don't have to protest it. We're going to analyze the bid and say to the Commission, this thing is over, over the cost and we need to do a new hearing to figure out whether we want to proceed or not."

Commissioner Unruh said, "Alright, thank you. Well, just a final or another comment, I understand the objections of the citizens who have come and spoken to us today and that they've bought on a gravel road, they liked that situation; they don't want to add \$200 a month. I'm having real trouble though overcoming the fact that over half of the folks there have said they want a road and they're willing to do that. The systems we have in place allow for citizens to improve their area through this process and I don't know the details of how the Homeowner's Association talked to one another, whether you got full information, whether it was an open discussion, but the fact of the matter is, we have a petition that has 12 out of 21 homeowners who say that they want this improvement. So I'm inclined to take the position that I would have to vote in favor of what the majority is although I sincerely sympathize with the folks who are definitely opposed to it. That's all my comments now."

Chairman Winters said, "Thank you. Commissioner Parks?"

Commissioner Parks said, "Did we have a date on the signature? Was there a time frame in there on the signatures that we had on this petition?"

Mr. Weber said, "They were basically all signed during the month of March. We have individual dates for each as each owner signed, they date their signature. But they were done back in March, about the time that they talked about having their Homeowner's meeting."

Commissioner Parks said, "I believe one of them eluded to that maybe some of those people that have signed would have a different opinion to that now but once they saw the...another thing that bothers me on this is that you said you would prepare a full set of plans and this is a procedure to go

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ahead and prepare the full set of plans so that you know how to figure your cost on that.”

Mr. Weber said, “We do estimates all the time without having a full set of plans. But we can’t bid a project without having a full set of plans. But if we, it costs money to get a set of plans prepared and it’s all built into the project cost. It’s a chicken and egg thing, I guess. I’m comfortable that our estimate with the exception of, I guess, the question of what the price of oil is going to do, I’m comfortable that our estimated quantities are pretty close and that the prices are reasonable at the point, at this point in time.”

Commissioner Parks said, “Well, I just have a comment to make. For 30 years many of those with Joe Norton behind the podium, I saw a lot of these benefit districts created and voted on and when I saw this today, I thought, well if we have a majority of the signatures, this is going to be a pretty quick pass through thing. I think there are other formulas and I know in those pastimes that benefit districts can be broken up a little bit. I just have some things about this that bothers me about the benefit district and the formula used for that and some of the planning things and the date on the petition, so I’ll be voting my conscience accordingly. Thank you.”

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

Commissioner Welshimer said, “Well, this is my district and I’ve talked to quite a few different people about roads in my district since I’ve been in this position and there is just something here that just bothers me, call it instinct or whatever but I am not convinced that it is the right thing to do. I know we have a majority of signatures but it also bothers me that none of them are here and I wouldn’t want that to backfire. I am concerned about it. I don’t know whether we could delay it or what kind of procedure we could take that would give them another couple of weeks or three weeks or so to get this back together and bring in some people who are in favor of it and tell us why. If the road isn’t, is maintained properly and there are no complaints about the way the road is now, to take a perfectly good road and then assess everyone over \$2,000 a year on their taxes which is a jolt, which would be a jolt for me, how many years would that go on? 15 years. I just hesitate to do it and so at this time I am going to say, I am not ready to vote for it.”

Chairman Winters said, “Alright, let me ask a question Mr. Euson. What is the procedure if we took a vote today and the vote was two to two?”

Mr. Euson said, “It would be like one of your zoning cases, it would be deemed to be a failure to approve and certainly one of the options available to you is to defer this until you have a full Commission if you want to do that but other than that you are just going to be left with a situation where you have a failure to approve.”

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Chairman Winters said, "Alright, well Commissioner Welshimer I guess I would defer to your motion then which I would assume you have two options. One to defer this for two weeks or one to make a motion as you see fit."

Commissioner Welshimer said, "Well I would say let's defer it for two weeks and if we don't get calls giving us good reason or I guess we wouldn't have another hearing?"

Chairman Winters said, "I don't know. Do you want to listen...?"

Commissioner Welshimer said, "Well, let's have another hearing in two weeks."

Chairman Winters said, "And you want these five gentlemen to come back again?"

Commissioner Welshimer said, "Yes. It is quite a large amount of money to assess on a property owner, particularly for those that pay the taxes themselves."

Chairman Winters said, "Well, it's in your district so I will kind of take your lead but I mean 57% of the people voted to do the deal and I guess we want 75%. I don't know what we need."

Commissioner Welshimer said, "Sorry that is just my opinion and we could vote for it."

Commissioner Unruh said, "Excuse me. I say, Commissioner did you make a motion to defer?"

Commissioner Welshimer said, "Yes."

Chairman Winters said, "Oh, I am sorry I didn't hear that. We have a motion to defer this for a specific period of time or two weeks?"

Commissioner Welshimer said, "Two weeks."

MOTION

Commissioner Welshimer moved to defer for two weeks.

Commissioner Parks seconded the motion.

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

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VOTE

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

Chairman Winters said, "Alright we will defer this for two weeks and I believe it would be my intention that we will again take comments from the public. I think most of us have kept notes about what you all said but we would certainly invite you back to make additional comments. You have a question sir? Yea come up here."

Mr. Helms said, "My main point and we still haven't asked the Public Works is why didn't the road extend past my property?"

Chairman Winters said, "I think you should visit with Public Works."

Mr. Helms said, "And I have and they have pretty well said this is the deal, you people will vote yes or no and I still can't get to where I need to build a house at."

Chairman Winters said, "Well it appears to us that the road goes and touches your property and I think that is as close as you are going to get to the road so I think unless Commissioner brings it up, this is the plan that we are going to be dealing with, it was the plan that was on the petition."

Mr. Helms said, "So I will still find myself, I can't build a home because I don't have a road."

Chairman Winters said, "You have the road touches the corner of your property and so from that property to your home is your responsibility."

Mr. Helms said, "Right but there is a road easement like everyone else's and through the road easements I am not allowed to remove dirt or add dirt so I cannot create the driveway."

Chairman Winters said, "I would suggest that you come back in two weeks and you can tell us the same thing again."

Mr. Helms said, "I will."

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

Commissioner Welshimer said, "And I would like to ask Public Works if they would give us some type of a solution to that. I mean as far as the road is concerned..."

Chairman Winters said, "Perhaps if we just had a more detailed map that we could look at other than looking at the screen and if somebody could just, we could clearly see his property lines and see where the roads are."

Mr. Norton said, "We could make a map on a different scale. That is not a problem."

Commissioner Welshimer said, "Yeah, because if he actually truly doesn't have the same access as everyone else then there should be some adjustment there."

Mr. Norton said, "Well I am sure there is some reason to it. I don't know if you want to get into right now but I am sure Mr. Weber has a reason for it."

Commissioner Welshimer said, "Ok we will get into in two weeks."

Chairman Winters said, "Alright thank you. And thank you gentleman for being here. We appreciate your comments."

Commissioner Parks said, "Before Mr. Norton gets away I would like to talk with him in the next few days too."

Mr. Norton said, "Sure, no problem."

Commissioner Parks said, "Thank you."

Chairman Winters said, "Alright moving on. Madame Clerk call the next item."

G. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON AUGUST 28, 2008.

Mr. Joe Thomas, Senior Purchasing Director, Purchasing Department, greeted the Commissioners and said, "There are five items for consideration that resulted from the meeting of the Board of Bids and Contract's of August 28th. Item One,

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**1. DIGITAL MICROSCOPE-FORENSIC SCIENCE CENTER
FUNDING- COVERDELL GRANT-KCJCC**

The recommendation is to accept the bid from Keyence Corporation for the amount of \$43,210.00. Item Two,

**2. ON-CALL SEWER SERVICES-FACILITIES DEPARTMENT
FUNDING-FACILITIES DEPARTMENT**

The recommendation is to accept the proposal from The Butler and execute the contact pricing for two years with two one year options to renew. Item Three,

**3. ADVANCE VOTING MAILERS-ELECTION COMMISSIONER
FUNDING-ELECTION COMMISSIONER**

The recommendation is to accept the low bid from Contemporary Communications, Inc. for \$39,332.00. Item Four,

**4. CONNECTION UPGRADE-COMCARE
FUNDING—FAMILY & CHILDREN COMMUNITY SERVICES**

The recommendation is to accept the quote from Cox Business, establish contract pricing and execute a 60 month contract. Item Five,

**5. VIEWSONIC MONITORS—COMCARE
FUNDING—COMCARE INFORMATION TECHNOLOGY GRANT**

The recommendation is to accept the low bid meeting specifications from SDF Professional Computers for the amount of \$17,364.00.

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

Chairman Winters said, “Alright, are there any questions for Joe? Oh, Commissioner Parks, sorry.”

Commissioner Parks said, “I just, on the voting I just wanted to have a comment from Bill Gale. I see he is in the room. This one was so close, it was less than one-half of 1% and I just wanted to

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see if you felt comfortable with, if you had experience with this other company or had a preference on that since it was so close on that.”

Mr. Thomas said, “Yeah, we are, both companies are very good and Contemporary Communications has helped provide the design work for this and have been helpful so far in the process and I think would do a good job in completing the work on this project.”

Chairman Winters said, “Alright well, I would just follow up on that and exactly what is the, its quantity is 210,000 advance voting information self mailers. Is this mailing of the advance ballots?”

Mr. Thomas said, “No this is actually, it’s a three part mailer that we have been talking about and planning and you all approved the funds for that will serve as an educational piece for voters about their options to vote advance and then also provide an actual application that they can sign and return as well.”

Chairman Winters said, “Gotcha. Alright, thank you. Are there any other questions? Seeing none what is the will of the Board?”

MOTION

Commissioner Unruh moved to approve the recommendation 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
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you Joe. Bill, thank you for being here in case there was a question. Alright, next item.”

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CONSENT AGENDA

H. CONSENT AGENDA.

- 1. Waiver of policy to hire Health Department Finance Manager at B326, above 6% of the minimum pay for this position.**
- 2. Section 8 Housing Assistance Payment Contracts.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V06003	\$255		Sundgren, Zachary
V07037	\$419	2	Chapel Ridge Apartments
V08038	\$339	2	Mckenzie, John &/Or Julie
V08039	\$525	4	Country Park Residences
V08040	\$244	4	Brookfield Apartments
V08041	\$469	2	Tafoya, Robert
V08043	\$322		Lawndale Sr. Residences
V08044	\$255	4	Valley Lodge Apartments
V08045	\$385		Nuessen, Anthony
V08046	\$246		Brookeside Cottages
V08047	\$456		Walnut River Res.
V08048	\$322	2	Village Green Apt. Homes
V08049	\$329	3	Clearwater Sr. Residences

- 3. The following Section 8 Housing Contracts are amended to reflect a revised monthly amount due to change in income level of the participating client.**

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V04063	\$222	\$201
V04061	\$275	\$296
V060050	\$385	\$427
V020046	\$262	\$194
V06057	\$164	\$201
V06056	\$297	\$313

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<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V04049	\$237	\$263
V06040	\$529	\$597
V020049	\$303	\$348
V2086	\$334	\$390
V07064	\$270	\$266
V010126	\$284	\$280
V04062	\$255	\$305
V05060	\$195	\$194
V01023	\$230	\$258
V05062	\$145	\$199
V07067	\$284	\$310
V07076	\$453	\$388
V06053	\$270	\$261
V10118	\$236	\$276
V05063	\$223	\$275
V06055	\$500	\$500
V01024	\$441	\$507
V98004	\$366	\$398
V05057	\$226	\$284
V2075	\$311	\$343
V07072	\$229	\$252
V05051	\$481	\$552
V07066	\$253	\$ 50
V05066	\$447	\$460
V05048	\$235	\$267
V020051	\$196	\$148
V95119	\$360	\$360
V05061	\$ 90	\$134
V05058	\$450	\$312
V04064	\$287	\$288
V07082	\$448	\$233
V05013	\$ 86	\$290
V07020	\$264	\$494
V06069	\$314	\$366
V020019	\$325	\$385

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<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V07109	\$350	\$328
V04024	\$428	\$445
V06006	\$455	\$481
V07104	\$390	\$433
V05011	\$302	\$302
V020052	\$467	\$501
V08039	\$525	\$525
V07097	\$500	\$500
V08005	\$530	\$218
V05051	\$552	\$624
V07066	\$ 50	\$215
V07083	\$417	\$481
V06003	\$255	\$234

- 4. General Bills Check Register for the week of August 20 – August 26, 2008.**
- 5. Payroll Check Register for August 22, 2008.**
- 6. Order dated August 27, 2008 to correct tax roll for change of assessment.**

Mr. Bill Buchanan, County Manager, greeted the Commissioners and said, “You have a consent agenda before you and I would recommend you approve it.”

Chairman Winters said, “Commissioners are there questions or comments about the consent agenda? If not, what is the will of the Board?”

MOTION

Commissioner Unruh moved to approve the Consent Agenda as presented.

Commissioner Welshimer seconded the motion.

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

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VOTE

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

Chairman Winters said, "Alright, Commissioners that brings us to the conclusion of our regular agenda items. Does anyone have any other business that needs to be discussed? Seeing no other business, Mr. Manager do you have anything? Mr. Euson?"

I. OTHER

J. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:31 a.m.

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

THOMAS G. WINTERS, Chairman
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