

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 15, 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, October 15, 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. John Schlegel, Planning Director, MAPD; Mr. Mark Reed, Sedgwick County Zoo Director; Mr. Sherdeill Breathett, Sr., Administrative Officer, Division of Community Development; Mr. Ron Holt, Assistant County Manager; Ms. Sonja Armbruster, Community Health Assessment Coordinator, Sedgwick County Health Department; Ms. Janice McCoy, Public Health Emergency Coordinator, Sedgwick County Health Department; Ms. Cindy Burbach, Health Department; Ms. Claudia Blackburn, Director, Sedgwick County Health Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Evelyn Good, Deputy County Clerk.

GUESTS

Mr. Russ Ewy, Baughman Company, Agent to the Applicant, 315 Ellis, Wichita, KS
Mr. Jim Schnook, Applicant/Bergkamp Construction, Wichita, KS
Mr. Bob Sandifer, 2200 Sherry Lane, Wichita, KS
Mr. Larry Neff, 2201 Sherry Lane, Wichita, KS

INVOCATION

The Invocation was led by Reverend Phyllis Kumorowski of the First United Methodist Church, Wichita.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES

Regular Meeting, September 17, 2008
Regular Meeting, September 24, 2008

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Chairman Winters said, “Commissioners, you have had an opportunity to review those minutes, what is the will of the Board?”

MOTION

Commissioner Welshimer moved to approve the minutes of the Regular Meeting of September 17, 2008 and the Regular Meeting of September 24, 2008.

Commissioner Parks seconded the motion.

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

VOTE

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

Chairman Winters said, “Next item.”

PLANNING DEPARTMENT

A. WICHITA AREA METROPOLITAN AREA PLANNING DEPARTMENT.

- 1. ZON2008-00045 SEDGWICK COUNTY ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL (“SF-20”) AND GC GENERAL COMMERCIAL (“GC”) TO LC LIMITED COMMERCIAL (“LC”). LOCATED WEST OF THE INTERSECTION OF ZOO BOULEVARD AND WINDMILL ROAD. (DISTRICT III).**

POWER POINT PRESENTATION

Mr. John Schlegel, Planning Director, greeted the Commissioners and said, “And for this first item this morning, for your consideration, the Zoo is seeking to have this parcel of land that you see outlined in blue on the graphic in front of you now rezoned from its current single family 20 designation and GC commercial designation to LC limited commercial.

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You can see on the map that most of the parcel is SF-20. It's this peach color, I guess. And then up in the tip of the triangle is the portion that's currently zoned general commercial. The idea that is that they would like to be able to permit other activities other than single family residential on that parcel of land.

What they're trying do is bring the zoning in greater conformity with the use of the land. So it would come with a, was proposed to come with a protective overlay that would allow, eliminate all uses and limited in commercial zoning district except for parks and recreation, community assembly and, of course, the SF-20 zoning district uses. The limited commercial zoning designation gives them a little bit more opportunity for the type of signage that they would like to see along the road frontages.

As a point of information, the Resolution that was originally provided in the Agenda backup did not have the protective overlay included in it. We have since corrected that Resolution to reflect to the Metropolitan Area Planning Commission's recommendation.

When the MAPC heard this item at the September 11th meeting, they voted unanimously to approve the requested zone change. There was no one at the meeting to speak in opposition to this. We have heard no one who is opposed to it and there are certainly no protest petitions to go along with this request. With that, I'll be glad to take any questions."

Chairman Winters said, "Are there questions? Yes, Commissioner Welshimer?"

Commissioner Welshimer said, "Is this Zoo property that you're changing?"

Mr. Schlegel said, "Correct. The applicant is Sedgwick County."

Commissioner Welshimer said, "The Zoo owns it now?"

Mr. Schlegel said, "Correct."

Commissioner Welshimer said, "Okay. And it's residential? Okay."

Mr. Reed said, "It was that way before the Zoo was built."

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

Mr. Schlegel said, "You can see, if I can add to that, all the property to the west, which is all owned by the County and the Zoo property and the Sedgwick County Park, has a similar zoning classification."

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Commissioner Welshimer said, "Okay."

Chairman Winters said, "But it would be correct to say that the Zoo owns it, Sedgwick County owns it?"

Commissioner Welshimer said, "Right."

Mr. Schlegel said, "Right."

Chairman Winters said, "Is that all, Commissioner?"

Commissioner Welshimer said, "That's all."

Chairman Winters said, "Commissioner Parks?"

Commissioner Parks said, "I think this kind of goes along with it. I know that a lot of people have the perception that the Zoo is totally funded by the tax base and that there is a Zoological Society. Do they have any ownership to this at all?"

Mr. Mark Reed, Sedgwick County Zoo Director, greeted the Commissioners and said, "The reason that this is all come to be before you today is that we have gotten tired of the very ugly portable signs advertising education programs, Zoobilee, you know, jobs available. When we went to look to put out a high class LED sign out there, very tastefully done, we discovered that because of the zoning and how it was zoned, that we could not do that.

And by this zoning change, will allow us to put up this particular sign. It will match the additional concrete structures that are there, the monument tower that has 'Zoo' on it. It will all be done very tastefully. The Society supports this fully.

We have budgeted money for the LED and for the monument and for the construction. We're just waiting for this change so that we can start construction tomorrow, more or less.

Commissioner Parks said, "I certainly think that's great that we have the partnership with that and that the Zoological Society does spend so many dollars on that. So, thank you."

Mr. Reed said, "I think it's the best public/private partnership in our industry in the United States that we have here. So thank you."

Commissioner Parks said, "Great, thank you."

Chairman Winters said, "All right. Thank you. Any other questions Commissioner Parks?"

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Commissioner Parks said, “No.”

Chairman Winters said, “All right. Are there any other questions? The official hearing for this matter was held before the Metropolitan Area Planning Commission, but it is our custom to allow citizens who want to address the Board of County Commissioners the opportunity to do that on cases such as this.

Is there anyone here in the audience who wants to address the Commission on this zoning case at the entrance to the Zoo? Anyone? All right, seeing no one, we’ll limit discussion to staff and the Commission. Commissioner Norton?”

Commissioner Norton said, “I don’t have a problem with this. I think it’s just interesting that, in this process that the County, even though we own it, have to follow the same rules and guidelines that every citizen in the community has to follow. We could have very easily just said hey, it’s our property were going to do whatever we want, we are the government, didn’t work that way.

It had to go through the same protocols and disciplines that any citizen would go through to do the same thing. So I think that’s good scrutiny that comes before us today. I am going to be supportive, but I’m glad it’s gone through the filter of our organization to understand that we have to follow the same zoning rules as everybody else. That’s all I have.”

Chairman Winters said, “All right. Thank you. Commissioners are there any other questions or comments from the Commissioners? Seeing no other questions, I think we’re ready for a motion.”

MOTION

Commissioner Unruh moved to adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the zone change, and authorize the Chairman to sign the resolution.

Commissioner Norton seconded the motion.

Mr. Euson said, “For clarification, Commissioners, you mean the corrected Resolution as noted by Mr. Schlegel.”

Chairman Winters said, “Yes.”

Commissioner Unruh said, “That’s what I meant.”

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Mr. Euson said, "Thank you."

Chairman Winters said, "All right, the corrected Resolution. Is there any other discussion? Seeing none, call the vote."

There was no further 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."

- 2. CON2008-00039 SEDGWICK COUNTY CONDITIONAL USE FOR MINING/QUARRYING (SOIL EXTRACTION); GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF PAWNEE AND 151ST STREET WEST. (DISTRICT 3).**

POWER POINT PRESENTATION

Mr. Schlegel said, "In this case, the applicant is seeking this conditional use for this property that's outlined in the bold line on the graphic in front of you to allow mining and quarrying on this rural residentially zoned property.

And the purpose for the conditional use is so that they can excavate the pond that you see proposed on this site plan before you now. Their intent is to create this 20 acre pond on just a little less than 77 acre tract. They're proposing to excavate this pond 12 to 14 feet deep, and it will be essentially perched upon, that's perched over the water table because there will be some distance maintained between the bottom of the pond and the top of the water table.

They are proposing two accesses to this property. Both for purposes of the excavation effort and then also as shown on the site plan. One would be 2,000 feet, along 151st Street, 2,000 feet north of Pawnee and the other off of Pawnee, about 700 feet east of 151st Street West.

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Going back to the zoning map, you can see that the area surrounding this parcel is entirely zoned RR, rural residential off to the north. You see more of a mix of different types of zoning districts for properties that are in closer proximity to U.S. 54 and then off to the east you can see the SF 20 zoning, just a quarter mile to the east along Pawnee. You can also see outlined in the red dashed areas, the city limits for the City of Wichita, both off to the east about three quarters of a mile and about half mile to the north.

The area, going to the area photo, you can see the character, the residential and rural character of the area just off to the east side of this property. There's a subdivision of large lots, the west side of 151st Street across from this property along High View Drive. There's a number of homes that have been built on those lots fronting along High View and then to the north and the south there's a scattering of farmsteads.

The Metropolitan Area Planning Commission heard this request at their meeting on September 11th. At that meeting there were three citizens that spoke in opposition to the request. Their concerns that they expressed were in regards to the traffic that would be generated on Pawnee, the potential for ground water pollution, their concerns about potential flooding from this property on to their properties, noise and air pollution and the hours of operation for the excavation operation. The MAPC discussed those issues and revised a number of conditions in order to try to deal with some of those concerns and added one additional condition to try to mitigate the concerns expressed by those citizens and some of the Commissioners.

The Commission and the applicant did point out to the citizens that spoke at the MAPC meeting that a number of the conditions that were recommended by staff who do address those concerns as they were brought forward to the Planning Commission. The MAPC voted unanimously to recommend approval with the conditions recommended by staff with the addition of a ten-year limit on the excavation operation and a requirement for separation between the pond and the water table. That would be worked out between the applicant and the staff, amended hours of operation to restrict the operation to 6 A.M. to sunset and modification of the language to, of one of the conditions to reflect the proper agency names.

We do have protest petitions for over 50% of the notification area and the properties that have submitted protest petitions are shown on the map before you now in red and include some areas outside the notification area. That percentage of protest does affect the vote. It will require a three quarters majority vote in order to override the neighborhood protest and to approve this. Similarly, if you were to deny this request today that would require, you would have to override the MAPC recommendation and that requires a two thirds majority vote. With that, I'll be glad to take any questions."

Chairman Winters said, "All right. Again..."

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Mr. Schlegel said, "Commissioners? I beg your pardon, Mr. Chairman; you had requested that I show some of the photographs for the surrounding area. So would you like me to do that?"

Chairman Winters said, "Yes."

Mr. Schlegel said, "What we have here is really just kind of a 360 scan of photos. You can see the perspective is shown off in the lower left-hand corner.

This is looking off to the northeast across the site. You can see its agricultural field. Currently, as you look directly east from 151st Street, you can see one of the houses off to the east in the background of that photo. Again, looking a bit more to the southeast, toward the residential area, you can see some of those houses off to the east. More to the southeast, looking across Pawnee, this is a shot along 151st Street looking directly south. And then looking, excuse me, southwest of the site across 151st Street at a house that fronts on High View Drive, and then, looking directly north along 151st Street."

Chairman Winters said, "Okay. Thank you, John. Commissioners, it is our intention to take comments from the public, but if you have comments you want to ask John before we do that, we can do that or shall we hear from the public? I know there are a..."

Commissioner Welshimer said, "I have a couple of questions on his..."

Chairman Winters said, "You want to ask them now? Yes, go ahead."

Commissioner Welshimer said "You said the city was a quarter mile east?"

Mr. Schlegel said "No, it's about; you can see the city line is about three quarters of a mile to the east along 135th Street West."

Commissioner Welshimer said "Is there some application on file to bring this site into the city?"

Mr. Schlegel said, "Not at this time, no."

Commissioner Welshimer said, "What are they doing about utilities?"

Mr. Schlegel said, "There would be no utilities required for this conditional use. This is simply the, what they're requesting is the approval to excavate the pond."

Commissioner Welshimer said, "But it's in a plat of residential homes, right?"

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Mr. Schlegel said, "It's not really a plat. They are required as part of this conditional use to..."

Commissioner Welshimer said, "Looks like a plat."

Mr. Schlegel said, "...to provide a plan for how ultimately the site could be used. They have to be able to demonstrate that the site will be usable once the excavation is done. That's what that's meant to illustrate. It's really; they're not seeking the zoning approval for that. That's a higher density than what would be prevented under the current zoning. It's not a plat submittal at this time. It's simply a..."

Commissioner Welshimer said, "They just want to build a lake?"

Mr. Schlegel said, "Pardon?"

Commissioner Welshimer said, "They just wanted to build the lake?"

Mr. Schlegel said, "That's all they're asking for at this time."

Commissioner Welshimer said, "Okay. Thank you."

Chairman Winters said, "All right. Thank you. Commissioner Parks, you have a question now?"

Commissioner Parks said, "Kind of on the going in with that conditional use for the extraction for ten years, is there some reason that that was so long a period of time?"

Mr. Schlegel said, "For that long a period of time?"

Commissioner Parks said, "Yeah."

Mr. Schlegel said, "That might be a question you want to ask the applicant."

Commissioner Parks said, "Okay. That would be good. Thanks."

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

Commissioner Parks said, "Was there a Topo map with this also that showed the elevations? We're not plugging up any swells or drainage or anything here are we?"

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Mr. Schlegel said, “They didn’t submit a Topo map or drainage plan with this. One of the requirements, if this were to be approved, though, would be that they submit a drainage plan to be approved by the County Public Works prior to starting any extraction of the soil. That would be, in that plan is how they would have to deal with the flooding and storm water management issues.”

Commissioner Parks said, “Thank you.”

Chairman Winters said, “Anything else, Commissioner Parks? Again, in this conditional use case, it is customary that the official and formal hearing is held before the Metropolitan Area Planning Commission, but we do receive comments at the Board of the County Commissioner level. So if there are people who would like to speak either for or against this application, we would do that at this time.

Is there anyone here who would like to speak to the Commission on this issue? Let’s start with the applicant first. Please come forward and identify yourself, with your name and address and we like to try to keep our comments to five minutes, but we want to receive all the information we need.”

Mr. Russ Ewy, Agent to Applicant, Baughman Company, 315 Ellis, greeted the Commissioners and said, “Thank you, Chairman. With me as well is Jim Schnook, with Bergkamp Construction. If there’s specific operational questions, he may be able to address those better than I.

I will say that this is somewhat of a unique application. This falls in line in the zoning categories with sand extraction operations, which are a much more permanent, more industrial type of use. If this were simply a plat for any other residential subdivision, we wouldn’t be here before you asking for additional zoning. This would be something that would simply take place as a matter of standard subdivision development. Due to the fact that we are not, at this particular point in time, proposing to develop the land for residential uses but are wanting to excavate the pond, we do have to receive a conditional use for soil extraction. It’s been in the zoning code for quite some time.

With that said, the time frame for residential development is somewhere between five and ten years, which is the reason behind the ten year time frame. A ten year time frame is a very standard time frame for extraction conditional uses.

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I will say that the material being extracted will go into projects, standard development projects that are needed within the community. Oftentimes that's one of the issues is you have to go where the material is available. In this situation, material is close to construction projects that Bergkamp Construction is involved with. We do feel that, after a lengthy discussion with the MAPC, we have adequately addressed all the concerns that they had and hopefully addressed most of the concerns brought out by area property owners or at least those that were in attendance that day.

We also feel that there's probably a few other contractors that are capable of actually implementing the design and the construction of this pond. Bergkamp is very reputable, obviously has the capacity to ensure that the excavation operation occurs in line with the conditions of approval. I will also say, to further Mr. Schlegel's comments, that we are, the next step would be to work with Jim Weber in the Public Works Department to ensure that all these safeguards are in place before excavation takes place. Specifically, erosion control measures, depth to groundwater and detention. With that, I'll stand for any questions."

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

Commissioner Parks said, "What is the depth to groundwater there?"

Mr. Ewy said, "We have yet to determine that. That will come in subsequent steps."

Commissioner Parks said, "Okay. Thanks."

Chairman Winters said, "Commissioner Welshimer?"

Commissioner Welshimer said, "Did you say you were going to take up to ten years to build houses around this lake?"

Mr. Ewy said, "That is the best estimate that we can give. Obviously the city is ever encroaching from the east. The ten year time frame, we would just, it could be five years, it could be ten years. We simply don't know. It would be the natural progression of the city's extension of utilities to serve this at this density. We have no intention of developing residential at this point in time. It may come sooner rather than later, but, again, a ten year time frame is what we would be seeking to operate under. It may take ten years. We just don't know at this point."

Commissioner Welshimer said, "Does water drain into this area?"

Mr. Ewy said, "Water drains from the west into the area. This site carries water from west to east currently."

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Commissioner Welshimer said, "Is the purpose of this to correct drainage problems...?"

Mr. Ewy said "It wouldn't necessarily..."

Commissioner Welshimer said, "...standing water or something like?"

Mr. Ewy said, "That, excuse me, it wouldn't necessarily go to correct any problems. We're not sure that there are really any drainage problems with this property today. What we're trying to ensure with the drainage plan is that, by excavating a pond at this location, that we're not creating additional problems or creating or exasperating any current problems."

Commissioner Welshimer said, "Okay, thank you."

Mr. Ewy said, "I would want to go back, I was told the depth to groundwater is 14 feet."

Chairman Winters said, "Couple questions, Russ. One, to follow up on Commissioner Welshimer's comment, if this was a residential plat filing, there probably would need to be a detention pond or some kind of detention facility constructed with 80 acre housing development, is that fair to say?"

Mr. Ewy said, "That's exactly correct."

Chairman Winters said, "So it's, again, not necessarily solving today's problem, but it is a solution to something that will be there in the future?"

Mr. Ewy said, "That's exactly correct."

Chairman Winters said, "All right. Thank you. Someplace, I saw in this document someplace, I thought that depth to groundwater was 30 feet. So I'm not sure. Because I thought it was pretty deep out there myself. I'm not sure."

Mr. Ewy said, "That's what we had in the staff report because that's what we've been told initially."

Chairman Winters said, "Thank you. Are there any other questions of Mr. Ewy? Mr. Schnook, do you have a comment?"

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Mr. Jim Schnook, Applicant/Bob Bergkamp Construction Company greeted the Commissioners and said, “We went out and dug test holes in that slew, in the drainage slew that you can see on the thing. We hit some perched water there around 14 feet. Our intent is to make sure when the excavation is complete, that there is a good seal in that because we don’t want to be inside the groundwater at that point in time. That could have been some perched water at 14 feet, but that’s about the limit. That was in a low spot on that area also.”

Chairman Winters said, “Okay. Thank you. We do have another question. Commissioner Welshimer?”

Commissioner Welshimer said “If you’re not planning to build any time, in other words, you have no current plans to build in the near future, what’s the purpose of the lake?”

Mr. Schnook said, “Ma'am, with Bergkamp Construction, we’re dirt contractors. We do, we need soils at different times and locations throughout the whole community. That’s what we do. When we have building...”

Commissioner Welshimer said, “You just want to mine the soil?”

Mr. Schnook said, “That’s what the conditional use permit is for. I’m not sure that use that’s shown on that, were not applying for a plat. That just shows what possibly could be done later on, either myself or someone else, we don’t know. We have no plans, immediate plans at all to do the housing thing. This is just for excavation of the proposed pit pond for soil.”

Commissioner Welshimer said, “Okay.”

Chairman Winters said, “And I have a question of Mr. Schnook. Mr. Snook, you do have construction projects out there on the time horizon that you do need and will use the soil?”

Mr. Schnook said, “We’re constantly needing soil on different projects throughout the County, the State and everything else.”

Chairman Winters said, “Okay, thank you. Commissioner Unruh has a question.”

Commissioner Unruh said, “Thank you. The requirements here require that you control dust and you don’t pile the dirt up too high and you don’t use it as a storage facility. Could you comment on that?”

Mr. Schnook said, “Normally on a burrow pit such as this, it will normally be staffed with like a backhoe for extraction uses. Trucking comes in and out during the day. There will be, could possibly be one to two other pieces of equipment out there.

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You got to kind of understand our process that we go through, but there will be times where there will be no activity out there and it could be months on end with nothing there. There will be a stripping and stockpiling of some of the topsoil material. There could be some stripping and stockpiling of some clays. But when we start into a major excavation on a larger project, if we get some of those out of there, then we'll dig the pond as we go along."

Commissioner Unruh said, "But that stockpiling, we've got limitations on how high it can be and that sort of thing?"

Mr. Schnook said, "Right. Because we'll farm, the wheat farmer will keep farming as much as we possibly can. There will be some roadways. The dust scenario that you have, we will have water trucks on a need be basis to help maintain the dust control."

Commissioner Unruh said, "Okay. Thank you."

Chairman Winters said, "Commissioner Parks, did you have another question?"

Commissioner Parks said, "I did. Will you ever punch that groundwater level when you're mining and then fill it back up to make a pond, a sealed pond then?"

Mr. Schnook said, "Yes. If we get to it. We've only dug about two test holes out there in the middle of that waterway and it looks like at the lowest spot there's, at 14 to 16 feet we hit some sandy soil that had some perched water. I don't think there's very few, some of the neighbors have some good wells, but as far as any big aquifer out there, it seems like, I don't know how deep that is, the neighbors here will probably know."

Commissioner Parks said, "When you're mining this, what I'm saying is, do you plan on having an open sand pit for a while before you fill it back in?"

Mr. Schnook said, "Normally we wouldn't. We would try to keep that; we probably won't even get to that sand. We fill it back in if we went along. If we encountered an area, a pocket of soil that gave up water, we'd like to keep that, we're going to dig a sump there on the east end. Historically we prefer to keep our drainage going to our low area there."

Commissioner Parks said, "And the pond will be in the slew area?"

Mr. Schnook said, "That slew cuts that pond, I think, about right there in the middle of it."

Commissioner Parks said, "Thank you."

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Chairman Winters said, "All right, thank you. That's all the questions I see now. Is there anyone else here? Yes, please come forward."

Audience member said, "Do I have to be on T.V.?"

Chairman Winters said, "Yes, you do. Give your name and address for the record please and try to limit your comments to five minutes."

Mr. Bob Sandifer, 2200 Sherry Lane, greeted the Commissioners and said, "That will be hard. I'm not real good at this kind of thing. Is the mouse up there? That's my 20-some acres there, properties of the residents' right there.

The photos by the Planning Commission show a big open field, but if you were standing there, you would see homes. It's not fault to the photographer, it's just the fact that the lens of the camera does not show. It looks like a big open field. Well, this pond will be probably 200 yards from my backyard and others.

So you've heard of the burrow pit, the mining operation, these 18-wheelers, they're not little pickup trucks, these are 18-wheelers, these are big trucks, longer than this room. They are coming in to pick up a lot of dirt. This is a big operation. And I like Jim personally, but I've never seen something this large in such a close proximity to a residential area. This ought to be out south of town someplace where it's not going to bother anybody.

Now, you can look at that comment and say he's a biased homeowner, doesn't want this ugly sight in the back of his yard, and that's true. I think if you would go out there and visit it you would feel the same way. As property owners we understand development is inevitable, but for ten years to see a mining operation, diesel fuel and backhoes and pumps running at night to get the water out, he needs it, I understand that, I think there would have been better places to pick besides my backyard.

But there's something else that might appeal to you. I've lived there for 22 years and the traffic going to Goddard schools is crazy. These kids fly down Pawnee. I have personally been to funerals of several of those kids who died on that street. These trucks are going to take up a lot of area between the time of 7:15, the kids are moving to school between 7:15--8:00. If you want to see some traffic patterns go down to Pawnee and 151st and watch. The traffic pattern picks up again at 2:30 to 4:00. These kids fly.

If you have any residents out there, we have a lot of accidents and this street is way too small for 18-wheelers during that time of the day. So I would appeal to at least think about either widening the road, the intersections or something because we are really headed for a problem there.

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I don't want the noise concerns. I admit that. I don't want the dirt and dust. I really don't want the view. I wish there were berms to be put in or trees planted while this excavation is going. I think I'd rather see a final plat with a proposed final situation with a time limits than ten years of excavation. Thank you."

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

Mr. Larry Neff, 2201 Sherry Lane, greeted the Commissioners.

Chairman Winters said, "And what was your last name?"

Mr. Neff said, "Neff, N-E-F-F. My concern about this whole thing is, I just live on the first house south of Bob's property, there's water issues down there now and on his property alone, this last, not this last spring, but here three or four weeks ago, I couldn't even get up to feed his dogs while he was on vacation because it covered his bridge. There's a lot of water that comes down through there. Also, it comes down from the, it would be the southwest, from Pawnee and 151st and be back to the east of that goes into a pond there. Its overflowing right now. But there's a lot of water.

The ground, like Bob was saying, when you see it from 151st street, it looks like its flat.

Mr. Sandifer said, "Here's the mouse. Here is what you are talking about. See right here?"

Mr. Schlegel said, "How about if I put the aerial photo up? Would that help you?"

Mr. Neff said, "Sure, I appreciate that."

Mr. Schlegel said "If you want to point to something, just move the arrow.

Mr. Neff said, "I'll see where I am here."

Mr. Sandifer said, "Pardon me are you looking for the pond on 23rd?"

Mr. Neff said, "Yeah."

Mr. Sandifer said, "Kind of nerve racking to be up there in the camera?"

Mr. Neff said, "I don't mind that."

Mr. Sandifer said, "Here's Pawnee, 151st, there's the neighbors pond right there."

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Mr. Neff said, "Where that is there, this water comes down from around this corner and from around these terraces here and comes right straight down through here to that pond there. There's two houses there on that pond. Then the other part right there in that view there, that was my house there, that first view. You can't really see from that 151st Street and High View Drive, when you look across there it looks it's all flat. None whatsoever. There's a drainage, won't be a drainage, it would be a kind of a, it's a waterway; I guess that's what it is.

There's plenty of water that comes off from High View that comes down through a culvert there on the south side of High View and 151st Street that comes down through there. I have pictures of what that water was doing at that time.

I'm like Bob; I really don't want anything in my backyard like that. I know sometimes it's going to happen, but it would be nice to know when this was going to happen and how long it was going to take. That's all."

Chairman Winters said, "Thank you, sir. Do you have a question? Yes, sir. Mr. Neff? Would you come back up? We do have a question. Commissioner Parks has a question."

Commissioner Parks said "I didn't ask Mr. Sandifer this either. What water system are you on?"

Mr. Neff said, "Well."

Commissioner Parks said, "How deep is that?"

Mr. Neff said, "Mine is about 91 feet."

Commissioner Parks said, "And that's that second water or is that first water or do you know?"

Mr. Neff said, "That I can't tell you. I know my well is that deep."

Commissioner Parks said, "Thank you."

Mr. Neff said, "Yes, sir."

Commissioner Parks said, "If I could ask..."

Chairman Winters said, "You want to ask Mr. Sandifer how deep his well is?"

Mr. Sandifer said, "About 65."

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Commissioner Parks said, "Thank you."

Chairman Winters said, "All right. Thank you Mr. Neff. Is there anyone else who wants to address the Commissioners? Anyone else who wants to address the Board of County Commissioners? All right. We'll limit the discussion to Commissioners and staff. Commissioner Parks, you have a question or did I forget to turn your light off?"

Commissioner Parks said, "No. I think I had those answers."

Chairman Winters said, "Okay. Commissioner Norton?"

Commissioner Norton said, "John, could you or someone else explain the difference between a sand extraction operation and a dirt removal operation? You know, we have had sand operations where there's big conveyor belts and its noisy and that's a little bit different than what we are dealing with here. Can you explain the difference in those?"

Mr. Schlegel said, "In terms of the zoning code, there is no difference. I think what you are talking about are the operational conditions. I think what, they're not going to be going in here, I would imagine, with big pumps like they would with a sand excavation where you have pumps running for most of the day and big piles of sand being established for hauling the next day.

I really don't know exactly how they will be pulling it out of here other than using standard excavation equipment. Maybe the applicant could elaborate a bit more on that."

Commissioner Norton said, "I think that's an important point here that it is different than the big sand extraction kinds of cases that we have dealt with that are a little bit different than taking the good dirt off that's going to go to a major building project or whatever.

I think, as I understand it, that's what this is really all about. Maybe that's enough explanation. But it is a different operation. Even though the zoning is the same, it is a different operation. Is that correct?"

Mr. Schlegel said, "It's a different type of soil. It's not sand; it requires different equipment and a different type of operation."

Commissioner Norton said, "Okay. Ten years. We're not it would be five years with a five year extension at the five year mark. Have we not done something similar to that before?"

Mr. Schlegel said, "Yes. You are not bound by that. That's the recommendation from the Planning Commission and you may modify that as you see fit."

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Commissioner Norton said, “Right. It appears to me that there are several big building projects getting ready to happen in our community that requires soil, particularly on the industrial corridor on the southwest side. So, I don’t know if this will be tied to that, but I assume that that could be the mix of where this dirt would go.

Ten years, the project will be done well before ten years, I think. So, you know, I might be more warm to a five-year with a five-year reup later.

Hours of operation concern me. Mainly because I’ve had these kind of operations in several part of my district and 6 A.M. to sunset is a moving target. In the summertime, when people want to be outside, sunset comes at 9:00 and that really stretches the time that trucks can come in and out to a time where people are home from work, would like to relax and that truck traffic is and noise is and dirt is debilitating to their lifestyle.

So, you know, maybe 6 A.M. to 6 P.M. really sets a time when, once people get home from work, they have some quiet time where there isn’t a business going on during that time. In the winter months, probably not as big a distraction. But in the summer months, sunset is the much different kind of quality of life issue as far as I’m concerned. Just something to talk about.

Are both roads, 151st and Pawnee, paved?”

Mr. Schlegel said, “Yes they are. I’m not sure about Pawnee, how far west its paved. 151st Street is paved down to Pawnee and then, as the one photo shows, it’s just south of there, it becomes a dirt road. You can see the...”

Chairman Winters said, “Could David Spears comment on Pawnee?”

Commissioner Norton said, “Yeah, are those, Dave, are those...”

Mr. David Spears, Director, Public Works said, “...hot mix? No. Those are cold mix roads, both of them.”

Commissioner Norton said, “Okay. So there would be some wear and tear on those roads differently because they’re cold mixed than they would be on a hot asphalt overlay?”

Mr. Spears said, “That’s right Commissioner. But, as we all know, they’re public roads and even trucks, legally loaded trucks have a right to be on the road just like anybody else. It will be a problem for us, like in many other places, we’ll tackle it when it occurs.

Commissioner Norton said, “Both of those, Pawnee obviously is, but 151st is maintained by the County?”

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Mr. Spears said, "Yes. It's also cold mix road."

Commissioner Norton said, "It's not a township maintained road?"

Mr. Spears said, "No."

Commissioner Norton said "One of the concerns I have is ingress and egress. Where will the entryway be, John, for this operation?"

Mr. Schlegel said, "I'll let the applicant correct me if I state this incorrectly. But I believe they're saying access points that are shown on this site plan they submitted. No he says. Okay, go ahead."

Mr. Schnook said, "See if I can move this mouse. There it is. There's a field entrance that the farmers use for the field right now and it's approximately, how far is that north of 151st? Seven hundred feet? Yea, 600-700 feet. That would be the principal interest, when I was talking with some of the neighbors, I want to make sure that we get our units inside of a stop sign, that Pawnee is not a four way stop at this point in time, it's a two way stop, I believe. That's something we might want to address on a safety issue."

Where is that mouse? The main entrance into our site will come off of 151st Street. We may have some an ingress point down here on the very south end of that property as shown in one of the earlier pictures. There's a tree row in there right now and I don't like that blind spot, especially on Pawnee. If we use that, it would be like a one way in because we're not coming out there, we're coming off of 151st street, we'll have a better vision point about where the arrow is at now."

Commissioner Norton said, "At the juncture of 151st and Pawnee, is there signalization of some sort or signage"

Mr. Schnook said, "There's signage, stopping Pawnee east-west. There's, which one is that? Is it stop Pawnee or stop 151st?"

Mr. Ewy said, "Stops Pawnee, it stops Pawnee."

Mr. Schnook said, "It stops Pawnee."

Mr. Spears said, "Commissioner, if this gets approved, we will look at all the traffic control in the area and we'll look at the drainage both."

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Commissioner Norton said, “Well, I guess I have a concern. You know, when we dealt with the Transfer Station at 55th and Hoover, one of the things that we demanded was a turn lane going in. And we, I think that’s important because you get the truck from stopping, they can kind of drift over and then turn into the property as opposed to slowing down and stopping on a heavily trafficked area. If there’s a concern with kids driving through there, that gets the truck in a cuing mechanism to get into the property. You know, once again, just something we could talk about as we think about how this is going to work. Comment there, Dave?”

Mr. Spears said, “Well, here again, we’ll have our Traffic Engineering Department, Mark Borst and his staff, look at this and we’ll come up with a recommendation and go from there. Here again, this is not a permanent thing. The Transfer Station was permanent. So that goes into the mix of things too.”

Commissioner Norton said, “Right. Berms and screening, is there any provisions for berms, screening?”

Mr. Schlegel said, “No. There were no requirements for berms and screening attached to this recommendation for approval.”

Commissioner Norton said, “Okay. It would appear to me on the east side that that might be appropriate, some kind of berms and screen, because that neighborhood is relatively, I mean, it is right up against the property. Just another thought.

Seems like we’ve talked about dust control on the site. That’s always a big concern of citizens. Although, if you live in a rural area where there’s farmers and they’re harvesting their field, there is dust. I mean, you understand that that’s part of living out in a community like that.

Last concern I had was just drainage and it sounds like that will all be looked at as the project goes forward. I’m always concerned with anything that we do that concerns drainage, groundwater, floodwater, storm water because I have so many issues of that on the south side. I’m pretty sensitive to those unintended consequences. There may need to be some more conversation about that. That’s all I have right now Mr. Chairman.”

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

Commissioner Unruh said, “Thank you, Mr. Chair. I guess I just wanted to ask a question that Commissioner Norton touched on and maybe Mr. Ewy could answer it. I think you mentioned it earlier, but this pond would have the effect of alleviating drainage problems rather than making them worse. Is that what you said in your presentation?”

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Mr. Ewy said, "That's what I stated as far as if there are existing conditions. This may be an opportunity to work with County staff on perhaps helping that out by having this pond. I think the important thing that I was trying to get at was, of the existing water issues, the existing drainage issues, this type of use wouldn't exacerbate that. It wouldn't create additional problems."

Commissioner Unruh said, "Okay. Thank you. That's all I had, Mr. Chair."

Chairman Winters said, "All right. Commissioner Welshimer?"

Commissioner Welshimer said, "I have a similar situation, it's a sand extraction operation down in Derby near 63rd. Been there quite a long while. I took interest in that. I drive in and out of there every once in a while. I haven't noticed any dust. There's quite a few trees though, a lot more trees than what this is. But it's developing all around it."

And there haven't been any problems with wells or drainage. It's actually working out pretty well. But there's no 18-wheelers that I've noticed. There are big trucks that go in there to get sand, but there's no 18-wheelers. I'll ask David, what 18-wheelers, that's a big difference on gravel roads, you said part of the roads will be gravel and stay gravel, right?"

Mr. Spears said, "They're cold mix roads. They're asphalt cold mix roads on 151st and Pawnee. What you're talking about is a different operation than this, because you're talking about a sand pit."

Commissioner Welshimer said, "Yes, but it's still got trucks going in and out and still got noise and so on that you would expect. It's an extraction operation?"

Mr. Spears said, "Yes. This one will be a more of a dirt mining extraction with backhoes probably loading the dirt in the trucks. What you're talking about is a sand pit extraction with pumps running and conveyor belts and that sort of thing. Most of those trucks that go in there, are not all of them, but most of them are probably dump trucks."

Commissioner Welshimer said, "Right. So we will have 18-wheelers going in and out of this area. Okay."

Chairman Winters said, "Is that it for now? Okay, Commissioner Parks?"

Commissioner Parks said, "John, did we have a hydrologist or anybody testify at the MAPC hearing?"

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Mr. Schlegel said, "No. The testimony was given by neighbors who were concerned about this proposal."

Commissioner Parks said, "And if I could ask Director Spears if, do you have any kind of a rough estimate count, is this a 600-vehicle per day roadway here?"

Mr. Spears said, "Hang on. If you can go to another question, I'll try to..."

Commissioner Parks said, "I will go to some other comments here. Quite frankly, I looked to the Commissioner in their district to be studied on this and I did talk with Commissioner Winters yesterday. Since I've had some questions brought up now today in today's meeting, certainly that I did understand about the plat being a possibility, that could be sold then to somebody and could put a hunting lodge in there could they not?"

Mr. Schlegel said, "I suppose they could, yes."

Commissioner Parks said, "And then there's no restrictions on days of the week? There's no Sunday hauling or anything like that in there?"

Mr. Schlegel said, "No, sir."

Commissioner Parks said, "Okay. And the water levels, I heard all the way from 60 to 14 feet and that's probably the thing that really makes me wonder in my, makes me feel uneasy in my gut about this is that the people are out there on water wells and that's their livelihood. If they don't have good water, this is something that I appreciate.

I test my water well twice a year and really monitor what's going on around me with punching the water tables and if you do punch a water table and get the water coming up in a pond or in a situation, then there's a coning effect and that draws that water away from about a half mile area around there. That would certainly be something I'm just feeling uneasy about that at this point.

In a lot of the conversation we've had, we've had a lot of maybes and work and after the fact things that I'm feeling a little less comfortable about than I did yesterday at this time. Thank you."

Chairman Winters said, "All right. David, do you have that traffic count?"

Mr. Spears said, "Yes, sir. The last counts we have were 2006. We do counts every other year, so were in the process of counting 2008. Unfortunately, in 2006 we did not have a count on 151st because at that time it was still a township road. It is ours now so we will count it this year. But, on Pawnee to the west of 151st is 889 cars per day, and east of 151st is 910."

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Commissioner Welshimer said, "That's a lot of traffic."

Chairman Winters said, "Any other questions?"

Commissioner Parks said, "No."

Chairman Winters said, "I do have,..go ahead.

Commissioner Parks said "I have a comment of the Legal maybe, if we would send this, you know, I want to help both sides of this out here but property rights and things come up. Can we send this back to the MAPC and how would that work to get some other things in there...?"

Mr. Schlegel said, "Well your action there would be to send it back to the MAPC for reconsideration and then with some specific instructions to the MAPC about what they need to reconsider in their recommendation."

Chairman Winters said, "Anything else Commissioner Parks?"

Commissioner Parks said, "No."

Chairman Winters said, "I have a question of Commissioner Ewy, not Commissioner Ewy, Russ Ewy, Russ would you please come forward."

Mr. Ewy said, "Yes sir?"

Chairman Winters said, "Could you, in follow up with Commissioner Parks' question, what is your intention with bottom of level of the pond in comparison to where the top of where you believe you'll find the water table?"

Mr. Ewy said, "Well, a lot of situations, you're dealing with enough clay liner and I'll let Jim correct me if I'm wrong, just to simply maintain the water in the pond to create that barrier. Other types of uses, I know KDHE has a standard barrier between the bottom of fill and groundwater at five feet for sandy landfills, for example. Obviously a much more extreme situation than simply carrying water on a pond. So I would think it would be somewhere much less than a five foot separation.

I would want to point out that as a standard condition of approval, condition number 14, if you note, does require us to interact with the Health Department in monitoring and ensuring that we are not interacting with the groundwater in a negative fashion. Does that go to answer your question?"

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Chairman Winters said, "Yeah, but that's not what my number 14 says."

Commissioner Unruh said, "Fifteen."

Commissioner Parks said "Mine says 10-days."

Chairman Winters said, "Oh, okay. It's number 15."

Mr. Ewy said, "Okay."

Chairman Winters said, "But as the case of where someone would be developing a sand pit, the clear intention is to break the groundwater level and go into the groundwater to extract water and sand that's in that below the water table."

Mr. Ewy said, "Precisely, you can get..."

Chairman Winters said, "And you're intention is to not do that?"

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

Chairman Winters said, "You're intention is to not break that water table but to stay above?"

Mr. Ewy said, "That is correct. This pond would be no different than any other development that would be, for example, the detention ponds in Turkey Creek Addition to the east or any new housing development, this truly is no different. The only thing we're doing different is we're not building houses around it within the next year."

Chairman Winters said, "Okay. Thank you. John, I have a... yes you have a comment John?"

Mr. Schlegel said, "I wanted to add to what Russ said, if you go to condition number 17 in the Agenda backup, you'll notice that the very last sentence in that condition states that the pond is to be excavated to a depth no lower than 3 feet above of the observed water table at that location. That is something that's going to have to be worked out between the applicant and County Public Works. That's a distance they will have to maintain between the bottom of this pond and the top of the water table."

Chairman Winters said, "And then our Code Enforcement will also be involved in that determination if they have followed this condition?"

Mr. Schlegel said, "Correct."

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Chairman Winters said, "Commissioner Parks, does that answer your question?"

Commissioner Parks said, "Well, if they don't do that, and they do get down into the water table and our Code Enforcement guy is not right there and they fill it back up, either with bentonite or clay or whatever they are try to go seal it back up with, what is to prevent that from happening?"

Mr. Schlegel said, "The only thing that would prevent that from happening would the diligence of Code Enforcement and working with the applicant to make sure that didn't happen."

Chairman Winters said, "So the only other testimony we have is that one water well is at 60 feet and one at 90 feet? All right. John could you put, there is a photo that shows that development to the east of this location, it's a map, I'll know it when you get to it. Right there.

This, in a sense, demonstrates what's happening to east of there, that pink area on the far left side of the map, that is 135th Street and that property is platted for residential development."

Mr. Schlegel said, "That is correct."

Chairman Winters said, "If you go to the top of that map, Kellogg is just off of the map, but the City of Wichita now has city limits on the north side of Kellogg, is now on a further mile to the west of 151st street so the City Limits of Wichita goes clear to 167th and they have sewer and water services out to 167th street?"

Mr. Schlegel said, "That is correct."

Chairman Winters said, "To serve the new Goddard school and the housing developments that are on the north side of Highway 54?"

Mr. Schlegel said, "Correct."

Chairman Winters said, "So this area is close to being in the development hot zone of new housing developments on the west side of Wichita. John, was Mr. Ewy correct in saying that if this was a home development operation, and they were going to move it forward within the next year to build homes here, we wouldn't even be having this hearing?"

Mr. Schlegel said, "Well, it's currently zoned rural residential, as long as they would plat it and development it in accordance with the standards for that zoning district, yes he is correct in what he said."

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Chairman Winters said, “So the difference here is, revolves around the timing issue of not quite being ready for development but this is a process that would in effect make this property closer to being ready for residential homes?”

Mr. Schlegel said, “I think that’s their intent.”

Chairman Winters said, “All right. Well, Commissioners I’m still ready to have continued discussion if we need to. The things that have influenced me in thinking about this case and again, I have certainly heard the neighbors and heard their concerns, but it appears to me that someday this property is going to be residential homes. And with a recommendation from our planning staff, to approve this conditional use, with Metropolitan Area Planning Commission voting 12-0, and I think that is a pretty powerful statement coming from the Metropolitan Area Planning Commission.

And the fact that if they would just turn this into a residential plat, and get that approved, they could proceed on. I think this is a way to move this forward and yet, not lock the future of today or in the platting process, and as process that we would really have no, virtually no say in. And if this does continue to be a conditional use, and then somebody in the future wants to do something else that is anything odd or out of the ordinary it will be back in front of the Board of County Commissioners to look at that again.

So, I’m pretty much thinking that I can support this. If someone does want to talk about hours of operation or something else, I would be glad to listen to that. But I think most likely there wouldn’t be any holiday operation or probably no Sunday operation. There could be some Saturday operation I would think, but if there are some of these that we could talk about that would help encourage Commissioners to support this, I would certainly be glad to talk about that. Commissioner Norton?”

Commissioner Norton said, “Well, I still like the, I don’t mind the ten years but I would rather it be broken in five years and five years so it comes back. Of course, a conditional use, if it’s broken we can deal with that anytime. If they fail to follow the conditional use we can bring it back up anytime. I just like that checkpoint of you know out of sight out of mind we forget about it. Five years gives us a chance to look at it and see what we want to do with it later.

I would advocate more for a 6-day 6 to 6 operation with the ability to have one Sunday a month if they were in a busy time where they needed to work they would have the opportunity to let neighbors know they were going to be working on a Sunday because they had a big need for dirt the next week and that needed to expand to a 7 day operation.

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But that is just some thoughts I would have. I still like the idea of making sure there is a turn lane or some kind of protected ingress and egress just for the safety because that is starting to be a pretty highly traveled area.

And finally, a little screening for the folks to the east appears prudent to me. Now what that looks like and how we would put it into the conditional use, I don't know but those are four things from all of my questions I would like to entertain at least conversation about."

Chairman Winters said, "All right. Well, let's ask Mr. Schnook about the hours of operation. Mr. Schnook, would you come forward? Would 6:00 A.M. to 6:00 P.M., 6 days a week work for you?"

Mr. Schnook said, "It would be fine."

Chairman Winters said, "Thank you."

Mr. Schnook said, "You can put in there we're not going to work Sundays that is just fine also. Or holidays."

Chairman Winters said, "Okay. Thank you. What were the other things you suggested?"

Commissioner Norton said, "Five and five."

Chairman Winters said, "Mr. Schnook, would you come back up? You're familiar with how this works..."

Mr. Schnook said, "Yes."

Chairman Winters said, "What would your reaction be to a five year conditional use and then reup it again at five years for a ten year, would you want to have a hearing again at five years or...?"

Commissioner Norton said, "I don't know it has to be a hearing just have it come back and be sure we still feel good about it and we could then understand how close they are maybe to developing it in some manner because by that time, I would hope a lot of it would be dug out and we would be starting to get close to thinking about what they want to do with the property. I maybe wrong, maybe I'm supposing. I think there is going to be a lot of dirt work to be done in our community in the next five years."

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Mr. Schnook said, "Well, we're hoping so for our markets and everything, but at the same time when we set this up, this whole thing is just for a conditional use permit to extract soil. We don't know exactly what is going to happen with that property. We looked at several different scenarios when we were looking at some sort of a plan. We need soil for our businesses. And, with the way its zoned now and the different things and we try to be good stewards of the land and we try to work with our neighbors the best we possibly can.

It's going to be real hard to get a good sight berm across the back side of you guys. I can't impede the water flow coming out of that draining structure. So I can't do anything with that. We need to make sure we've got enough for the proper drainage quotient that comes through that property. And the 6:00 to 6:00 thing, hey that's fine. And 6 days a week take me off Sundays, take me off holidays, we try to not to do that anyway."

Chairman Winters said, "Let's ask John, John would you step back up. If it was a five year conditional use with an additional five years possible, do you have any idea how that would work, I'm not sure I know how that would work?"

Mr. Schlegel said, "We've have done it a couple different ways. One would be to, after five years bring it back for the Board's review. We have done other extensions of time where it just requires staff approval if things are going smoothly and we're not hearing a lot of complaints. And then you have in those situations authorized staff just to provide for the extension of time. It would be whatever your wishes are on that.

I would recommend it that come back before this Board though. I think it just allows you a chance to take another look at it, and you know if you have heard anything, any complaints in the meantime you have an opportunity to raise those."

Commissioner Norton said, " I think if we feel there is a violation of the conditional use we can bring it up anytime we would like."

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

Commissioner Norton said, "But, you know, it could be that it's out of sight out of mind, once we get started on it we forget about it and we have new Commissioners and maybe it does need to come back for scrutiny and that gives the public a chance to talk with their County Commissioners and make sure the time limit does get looked at and reviewed and looked at and the company is good stewards of the property and of the neighborhood they are dealing business in."

Chairman Winters said, "Okay. Commissioner Parks?"

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Commissioner Parks said, “ I wanted to ask Jim and John a question here about the, the 52% that you alluded to right at the first of the protest petition, you said that was not all bordering or not all within the district or...?”

Mr. Schlegel said “I think what I said was the areas that are shown, the properties that are shown in red on that map are the ones within the notification area. That is the green line that is shown around the application site. Some of those properties that are shown in blue are outside of that notification area.”

Commissioner Parks said, “So the blue ones are protests also then?”

Mr. Schlegel said, “Yes. They submitted protest petition but are not within the notification area.”

Commissioner Parks said, “If I could ask Mr. Schnook then, if you could address something here. If we would send this back to the Metropolitan Area of Planning to get these things ironed out so it wouldn't have to drag along a lot of this discussion in this meeting for a revised conditional use permit, would 30 days adversely affect what your plans are here?”

Mr. Schnook said, “Yes it could. It could very possibly, tell me what the weather is going to do.”

Chairman Winters said, “ I would interject here too. I would like for us to try even if we need to spend a little more time on this, try to figure out a solution because with the way it is now, for us to do anything with the vote it's going to take four of us to agree that we need to move forward. Sending it back to the MAPC and having them rework is not going to change that.

So I know sometimes this is a difficult way to handle things when we have to plow through it word by word, but I might just assume we do it here if we can as opposed to sending it back to MAPC and having them and the neighbors go through that whole thing again.”

Commissioner Parks said, “And for me, I would like to know more about these people in the area and that are in this protest and what their protests are. And if anybody can give me that information, please do. And I would like a little bit more on the hydrology of it. Some hydrologists tell me about the, some of the things about the water wells and the protections and the levels that this might affect.”

Chairman Winters said, “I have a question for John. John, was each of these people who signed the protest notified of the meeting today?”

Mr. Schlegel said, “Yes, they would have all received notification.”

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Audience member said, "No. We were not notified."

Chairman Winters said, "The people that signed the protest, we're you notified?"

Audience member said, "No. Only through the neighbors."

Chairman Winters said, "Let's take a look at that. Because I got the letter and it had a list of people's names on it."

Mr. Schlegel said, "That would be our standard practice, I can't vouch at the moment for everybody receiving a letter, but, that would be our standard practice, would be to notify everybody that is in its protest petition of this meeting."

Chairman Winters said, "Well, that is interesting. You still have your light on?"

Commissioner Parks said, "I have a question. It's not about this procedural thing, this is procedural ineffectiveness week or something due to a meeting we had earlier. I would like to ask Mr. Sandifer about a traffic question."

Chairman Winters said, "Would you come back to the podium please sir?"

Mr. Sandifer said, "Yes sir?"

Commissioner Parks said, "When Director Spears was giving the numbers, is there something that predicates additional information on this from those numbers that he gave or is there some events or something that would go on out there that would make this higher?"

Mr. Sandifer said "Yes, they completed more schools since 2006."

Commissioner Parks said, "I see."

Mr. Sandifer said, "Enrollment is up."

Commissioner Parks said, "Those numbers were 2006 and then when the school traffic came in there those numbers were higher?"

Mr. Sandifer said, "Those numbers are going to be higher."

Mr. Spears said, "We'll recount it of course, if this goes through. And I do want to mention that the average count on a paved County road is 2,500 cars a day."

Commissioner Parks said, "Of course that would take probably a week to recount that then?"

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Mr. Spears said, "Yeah to recount and analyze."

Commissioner Parks said, "Okay. Thank you."

Chairman Winters said, "Thank you sir. Well Commissioners, I'm ready to proceed on, and again, based on the recommendation of the staff, the 9-0 vote of Metropolitan Area Planning, the fact that if this was that plat for residential development we wouldn't even be hearing it, they would be out digging the detention pond with no comment from us.

I'm ready to move forward with the, what do we call the conditions, the 19 conditions that are printed and that we add one for the hours of operation would be from 6:00 A.M. to 6:00 P.M., no operation on Sundays or holidays. And that we do a five year review, the Board of County Commissioners do a five year review in five years to check on the progress of this operation.

I think to put a berm up, that would be, it would have to be a half mile long and I think that would be pretty complicated myself. So, with adding those two conditions, I'm willing to visit here for a moment. Commissioner Parks?"

Commissioner Parks said, "You just didn't have my light on."

Chairman Winters said, "I turned your light on."

Commissioner Unruh said, "Was that a motion, Mr. Chairman?"

Chairman Winters said, "I would make that in a form of a motion and see where it goes."

MOTION

Chairman Winters said, "I would move that we approve the conditional use subject to the conditions recommended by the Metropolitan Area Planning Commission, MAPC, adopt the findings of MAPC and authorize the Chairman to sign the prepared Resolution and we add two conditions, one concerning the hours of operation, which would be from 6:00 A.M. To 6:00 P.M., no operations on Sundays or holidays, and that we, the Board of County Commissioners review this conditional use in five years before extending for an additional five years.

Commissioner Unruh seconded the motion.

Chairman Winters said, "All right, Commissioners, discussion about this motion? Seeing none...Commissioner Norton?"

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Commissioner Norton said, “Well, it doesn’t go quite as far with what I wanted but I see that we have tried to hammer out something that will be good for both sides of the operation. It does have a 9-0 vote of MAPC to move it to us. Granted, even with the conditions we have put on there, at any point and time, once again, we can bring it back to the County Commission to discuss and look at. So I’m going to be okay with it.”

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

Commissioner Parks said, “I just feel uneasy about the hydrology and the wells and the people that are on water wells and that is their livelihood and the traffic some of the things that probably could be remedied, or might be able to be remedied in 30 days, so thank you.”

Chairman Winters said, “Okay. Commissioner Welshimer?”

Commissioner Welshimer said, “This is an area that is not already developing in one certain way, or it’s not developed to the point where bringing an operation like this into the center of it is disturbing the whole process of development. So, I can understand the neighborhood protests and it’s difficult decision to make, but I think that it’s on the fine line of we’re going to have to support the motion.”

Chairman Winters said, “Okay. All right. Any other comments before we vote? All right, Madam Clerk, would you call the vote?”

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

VOTE

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

Chairman Winters said, “This conditional use has been approved subject to the conditions we have outlined. Thank you, John. Madam Clerk, would you call the next item please?”

NEW BUSINESS

B. SELECTION OF A VOTING DELEGATE AND ALTERNATES FOR THE KANSAS ASSOCIATION OF COUNTIES 33RD ANNUAL CONFERENCE.

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Chairman Winters said, “Commissioners, I asked this be placed on the Agenda. Our Kansas Association, Kansas Association of Counties annual meeting this year will be November 16, 17, and 18, here in Sedgwick County. And we need to designate a voting delegate and two alternates for that voting delegate to vote on any business that comes before the entire Board that all counties in the state vote on.

As you know, I serve on the Board of Directors of the Kansas Association of the Counties and so have been attending board meetings and other meetings. I would like to be the voting delegate, but I don’t need to be the voting delegate. So, we need a voting delegate and two alternates. Commissioner Unruh?”

Commissioner Unruh said, “Mr. Chairman, I would support your nomination as our voting delegate and Commissioner Norton as one of the alternates and I haven’t heard from Commissioner Parks or Commissioner Welshimer, but either one would like to be the other delegate they just need to say so and I will add their name in the motion.”

Commissioner Parks said, “Sure.”

Commissioner Unruh said, “All right Commissioner Parks could be the other alternate.”

MOTION

Commissioner Unruh moved to select delegate and alternates.

Commissioner Norton seconded the motion.

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

VOTE

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

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

- C. CANCEL THE BALANCE OF THE LOAN PORTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ISSUED TO UNITED WAREHOUSE, INC.**

Regular Meeting, October 15, 2008

Mr. Sherdeill Breathett, Sr., Administrative Officer, Division of Community Development, greeted the Commissioners and said, "Two days before you a letter received from the Kansas Department of Commerce informing us that as a result of their policy change, no future payments are needed on the Community Development Block Grant loan issued in 2002 for rail spur infrastructure there at United Warehouse at 901 East 45th Street North here in Wichita, Kansas.

Based on the contractual agreements with United Warehouse, all loan payments were made to Sedgwick County and then forwarded to the Kansas Department of Commerce. Since the State has canceled the loan balance for the County, the County will like-wise cancel their loan obligation with United Warehouse as actions by the Board of County Commissioners.

Basically, the State informed us the loan had been converted into a grant and no additional payment were needed. Charlie Schafer was unable to join us, he is the owner of United Warehouse, due to a prior doctor's office. He did indicate that the rail spur did stabilize their business and we also did a boundary modification for the Foreign Trade Zone to have 50,000 square feet placed at their location as well too, as a result of the growth. It basically quadrupled as far as the expansion of the facility.

They have hired 50 to 75 additional employees as a result of the rail spurs as well and it's just been a tremendous asset for the company. Our recommendation is for the Chairman to sign the Agreement and cancel the loan balance and allow the letter to be sent to United Warehouse. Kay, of United Warehouse is here as a witness and to respond to any questions that you might have and I can entertain any questions you might have at this point as well."

Chairman Winters said, "Thank you. Commissioners are there questions? Commissioner Unruh did you have a question or did I forget to turn your light off?"

Commissioner Unruh said "I did not have a question."

Chairman Winters said, "Are there any questions, are there any questions at all for Sherdeill on the issue? If not, what is the will of the Board?"

MOTION

Commissioner Norton moved to cancel the current CDBG Grant Loan balance of \$65,457.00 and authorize the Chairman to sign the letter notifying United Warehouse, Inc. of this action.

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	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you Sherdeill."

Mr. Breathett said, "Thank you Commissioners."

Chairman Winters said, "Next item."

D. KANSAS COLISEUM.

1. KANSAS COLISEUM MONTHLY REPORT SEPTEMBER 2008.

Mr. Ron Holt, Assistant County Counselor, greeted the Commissioners and said, "I'm reporting today on behalf of Dave Rush, who had another commitment come up at the last minute."

The monthly report for September 2008; the Kansas Coliseum experienced a total attendance during that month of 25,897 people, with 7 events and 18 individual performances. Year-to-date we've had 389,815 folks attend events at the Coliseum compared to year-to-date last year same time 390,971. So pretty much, same level of performance.

The net revenues for the month was \$88,215.26. The year-to-date \$1,334,006. Net revenue compared to last year, same time period year-to-date, \$1,146,661. So the Coliseum is continuing to hold its own, especially in comparison to last year in spite of much of the uncertainty that we've heard over the last few months relative to the economy.

October events that have taken place; the Chisholm Trail Gun Show, the Jeff Dunham concert, the Worldwide Paint Horse Congress, the Michael Buble concert and the Pioneer League Cross Country meet, which was held yesterday.

That, I believe, concludes the report and unless you have questions I would ask you to receive and file the report."

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MOTION

Commissioner Parks moved to receive and file.

Commissioner Chairman Winters seconded the motion.

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

Commissioner Parks said, “I did want to make a comment. I did attend the Paint Horse Congress and still hearing some of the same comments about some of the things that weren’t completed at the Pavilion area. But I tell you, they came from Vermont to California from Florida to Montana, so...”

Mr. Holt said, “Great.”

Commissioner Parks said, “Anyway, it was a great event.”

Mr. Holt said “We’re expecting this week to have the architectural schematic design for some those improvements we talked about so that we can come to you with recommendations about what additional work we should do out there and what the cost would be associated with that.”

Commissioner Parks said, “I certainly would like a walk through and if I could have some input from citizenry or the horse club people that would be great too. Thank you.”

Chairman Winters said, “All right. Thank you. We have a motion and a second to receive and file, is there any discussion? Seeing none, call the vote.”

There was no further 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, “

- 2. APPROVAL OF LICENSE AGREEMENT BETWEEN THE COUNTY AND KH, LLC.**

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Mr. Rush said, “This is approval of license for the Thunder Hockey team to use the Coliseum. It really has two year seasons in it. This year, hockey season runs anywhere from late October through May/June, depending on whether or not they make the playoffs. This has two seasons contemplated the 08/09 season that starts Saturday night and the 09/2010 hockey season.

However, there is a provision that when the new Arena opens that that would be some place about the middle of the 09/2010 season, we would relook at this Agreement, and look at having the hockey team move to the Intrust Arena downtown.

The terms and conditions of this Agreement are the same that we’ve had out there during the last five years, a flat fee of \$6,500, and then the rental fee is reduced by 50 cents for each sold ticket in attendance up to 2,000 tickets, and reduced by \$1 for each sold attendance after 2,000 retroactive back to the first ticket sold.

So, it’s the Agreement you recall five years ago that we worked out with the Thunder Hockey and we would continue that Agreement going into this season and into next season looking at how we might make that change for them moving into the new Arena. Unless you have questions, I would recommend you approve the Agreement and authorize the Chairman to sign.”

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

Commissioner Parks said, “I didn’t see in here anywhere if the ownership of the Thunder changes, are the new owners bound by this also?”

Mr. Holt said “I believe that is standard fare for our Agreements, Commissioner.”

Commissioner Parks said “Thank you.”

Chairman Winters said, “Any other questions or comments? Seeing none, what is the will of the Board?”

MOTION

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

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	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Mr. Holt said, "Thank you, Commissioners."

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

E. HEALTH DEPARTMENT.

1. RECOGNITION OF THE HEALTHY YOUTH PHOTO CONTEST AWARD WINNERS.

POWER POINT PRESENTATION

Ms. Sonja Armbruster, Community Health Assessment Coordinator, Sedgwick County Health Department, greeted the Commissioners and said, "I'm here to share a good news story with you today. About a year ago, we came before you to ask for permission to apply for a grant called the Achieve Grant. It was a unique partnership grant, they were asking that local Health Departments and local YMCAs apply together for grant funding to go work on a project together. I have my colleague, Mim Wilkey, from the Greater Wichita YMCA with me.

Because we were successful, we were one of ten communities funded out of 127 that applied, so we were pretty proud of that. And one of the major focus of the grant is to work on policy and environmental changes that will encourage people to move more and eat better. We have done a lot of training and we have done some community perception survey that is just now beginning to be analyzed and one of the focuses for the grant is to do some assessment and there is a new kind of assessment called photo voice assessment, that I just learned about recently, and the intention of photo voice is to have people that are not policymakers and not health specialists to go out in the community and take pictures and describe what they see in their own community.

So we decided to make that an incentivized award program. So we invited youth of all ages 6 to 18, to take pictures of their community, and talk about how that, in an essay of 250 words or less, how that picture helped them move more or eat better. We had a team of 8 volunteers review the applicants. We had 78 applicants apply for this and I just wanted to share some of the results with you today.

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In our ages 6 to 10 category, we have a third place, second place and first place. Here's our third place winners, we had three third place winners, Kennedy Camp and Levi Larson in the upper corner, and Creighton Camp is in the lower corner. Yes, Creighton and Kennedy are siblings. All three of these kids talked about the importance of healthy nutrition. It was really fun to see the kids talk about their family gardens and how that plays an important role in eating all kinds of fresh fruits and vegetables.

This kid, Braxton Kooser, is from Derby and he was very excited about basketball, baseball and football, as you can see from all of the supports he is wearing. In his essay he talked about the importance of stretching. And also that you need to drink water and not pop.

This is Ainsley Adel Tome. Her last name is Tome. And her essay is just so adorable, I have to read just a portion of it, she was our first place winner; 'My name is Ainsley Tome, I am 7 years old, I have lots of allergies and eczema and I live with my grandma so I have to be healthy and safe and exercise and read labels and not eat stuff that will not cause me to stop breathing and turn blue. I take my own snacks to the pool, and I read labels and eat healthy snacks and I like white milk but sometimes I get chocolate milk because you can't take milk to the swimming pool because it gets too hot. I like to stay pretty busy you know. That was the conclusion of her essay. Out of the mouths of babes, it was just adorable.

And ages 11 to 14 category, we see Hannah Heuston, who is a boxer, and that's how she stays physically fit.

The next two were students in a class in Allison Middle School. Twenty-five students from a series of P.E. classes submitted the essays as a class project. Destiny Simms wrote about how music helps her move and dance and really it drives her energy, and a lot of people use music to move.

And Jerica Goodwin talked about, these are pictures of a North High track medal. Her sister is a track athlete at North High and her sister work inspires her to be physically active and try to keep up with her. I think finding role models to follow is a practice lots of us employ.

Our second place winner was Carlie Dickinson, who talked about her love of softball and how coaches and experiences on the team drive her physical activity and behavior.

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Our first winner, in this age category, was Lauren Sinik. The dictionary definition of the word healthy is enjoying health and vigor of mind, body and spirit. She goes on to say another reason that playing sports, such as soccer and running cross country at school are important to me, is I meet so many great people at these activities and a lot of the time spent with those people helps me get motivated and work hard. I have built great friendships through my activities and I believe that a key part of being healthy is having friends that support what you do and getting to know new people. These kids saw some unique aspects of what it means to be healthy and it's just fun to see how engaged they are.

Then, our third place winner in age 15 to 18 was Brandon Walther, who wrote about his experience playing baseball and enjoying that time he plays with his team.

Our second place winner was ages 15 to 18 was Josh Wade, who is on the left there in the orange racing jersey. And a very enthusiastic cyclist. And wrote a lot about what it means to be a, he's a long distance road racer.

And our first place award is Chance Dickinson, who is age 15 and in the 9th grade. From Chance's essay, he is on the tennis court here, 'tennis is my favorite way to stay physically active and maintain a healthy lifestyle. I have gained strength and flexibility because of the continuous use of large muscle groups while running, serving, lunging and returning balls'. This is my favorite part, 'tennis helped me to stay physically fit, but also focused on mental fitness. I have learned to focus and to always be thinking ahead and planning strategies'.

Sometimes we don't think about sports as being ways to help drive kids forward in their thought and planning and thinking about how to do other things in life, but it's nice to see this 9th grader does see that. It was exciting to read the all of their essays. I would say, if we found some major themes running through these essays, we found that having active parents and families guiding these kids was a major portion of why they were so physically active.

Also access to parks, pools and tennis courts, other things in the community that helped them be moving and moving more; and community gardens and the importance of family gardening was a theme that came through several different essays, and last but not least, it was neat to see so many of these kids talked about lots of activities. They weren't just one sport, they were doing lots of different things that will lead them to a lifetime of physical activity.

I know we hear the stories about how many of the kids are overweight and how we need to be concerned about that, and of course we do, but it was fun to have an opportunity to engage these kids and hear about what makes them healthy. I ask that you receive and file and I will be happy to answer any questions."

Chairman Winters said, "All right. Thank you very much. How many entries did you have?"

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Ms. Armbruster said “Thank you for asking, 78.”

Chairman Winters said, “Seventy eight, okay. It looked like there is a number of them from older kids. To get teenagers to respond I think is pretty admirable.”

Ms. Armbruster said, “I agree. It was nice to see. I would say our largest group was the middle school age group, which we were surprised about actually. There was a diverse group of kids that applied and all ages throughout the award. And this was the first time we have ever done this, so we were hoping we would have at least one entry in each category, we really weren’t expecting 78, so we were pleased to see that.”

Chairman Winters said, “All right. Are there other events or other activities that you’re partnering with YMCA on, was this it, or what else is happening with the Y’s participation?”

Ms. Armbruster said, “Through the Health and Wellness Coalition of Wichita, we partner with the YMCA on a number of projects. We just finished a community perception survey that was out on the web and on the Health and Wellness Coalition web site, and we’ll be having those results in the next couple of months.

We also, just in August, had the Working Well Conference, where we partner with the Y and our partners there to talk about the importance of work site wellness. Our coalition has many subcommittees working on a number of projects together.”

Chairman Winters said, “Thank you, Commissioners, are there any other comments? Commissioner Norton?”

Commissioner Norton said, “Is this something that will continue next year, Sonja, that we’ll continue to try to put into our catalog of things we do at the Health Department?”

Ms. Armbruster said, “The Healthy Youth Awards specifically?”

Commissioner Norton said, “Yes.”

Ms. Armbruster said, “Yes. After listening to the reviewers who were reviewing the grant, and the discussion around the table, there was a lot of energy and support for doing this again. So it is our plan to do this again.”

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Commissioner Norton said, “Okay. As we move forward, I would urge us to look at other cohort groups, there is a lot of cohorts that I didn’t see faces portrayed in the winners, I would like to be sure that we find folks of different social economic, ethnicities to participate because we know in all of the studies I have seen that levels of social economic predict health attitudes and wellness predictors. I would want to be sure we really engage the total community as much as we can.”

Ms. Armbruster said, “I hear what you’re saying and we will work to make sure we get a diverse group reached through this effort in the future.”

Commissioner Norton said, “Sounds great. Great results for the first year now, but now let’s get the word out to the whole community.”

Chairman Winters said, “All right, Commissioners, do we have a motion to receive and file?”

MOTION

Commissioner Norton moved to receive and file.

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, “Sonja, thank you very much. Next item.”

- 2. PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE AGREEMENT BETWEEN SEDGWICK COUNTY AND THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE).**

POWER POINT PRESENTATION

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Ms. Janice McCoy, Public Health Emergency Coordinator, Sedgwick County Health Department, greeted the Commissioners and said, "This morning I have been asked to present the contract between Sedgwick County and the Kansas Department of Health and Environment for our federal fiscal year 2009 contract in the amount of \$370,394, which will end August 9, 2009. This is the 7th year for funding.

I would like to give a brief report on, before we, I ask for approval, give a brief report on Public Health Emergency Management Program to highlight how these funds have been used.

Briefly, Public Health Emergency Management, or PHEM, as we call it, is comprised of actually several different grant programs with different focuses, and in April of 2009, the Sedgwick County Health Department received the Metropolitan Medical Response System grant. This program is coordinated under the Department of Homeland Security and in the last couple of years has been expanded to focus to the 19 County Homeland regions as opposed to just our jurisdictional area.

The intent of the MMRS is to assure high levels of community preparedness in response to a weapons of mass destruction event. The focus is to improve medical response systems through preparation and coordination with local law enforcement, fire, Hazmat, EMS, hospitals, public health and other first responders so that we can effectively respond to a mass casualty event within the first 72 hours of the disaster.

The second grant that we received was the Public Health Bioterrorism Program, which was established in 2001. This was in response to the anthrax attacks in Boca Raton, which demonstrated the necessity for public health agencies across the United States to be prepared to prevent illness and death that will result from it.

Funding for this program comes from a cooperative agreement between the Centers for Disease Control and Prevention in the States with monies passing through Kansas Department of Health and Environment to local Health Departments. Funding was also provided to establish public health regions across the state so we can leverage our resources for any kind of regional response.

The third grant we received was for the Sedgwick County Medical Reserve Core, or MRC. This was established in 2003. The grant is received through the Office of the Surgeon General, Department of Health and Human Services and the intent is to help the community based organizations develop local volunteer medical, emergency and public health response capabilities.

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MRC actively recruits and trains volunteers to work seemingly with local public health public and emergency medical responses with the primary focus of recruiting medical professionals as volunteers.

Finally the Pandemic Work Group, which first convened in November of 2005, began addressing the unique challenges of coordinating efforts to prepare for and respond to an influenza pandemic. Funding for this activity was provided by the CDC through the Kansas Department of Health and Environment beginning in 2006. This program was provided funding for three years.

And I know that this slide is a little complex looking but it's just mainly to demonstrate that in the nine years that we have been in existence we have received close to \$6.2 million through MMRS, the Preparedness grant, MRC, pan flu grants.

Beginning in 2009, around \$50,000 will be allocated to the PHEM Program from the general fund. As you can see, funding is decreasing in the areas of preparedness, and we expect this trend to continue.

So what have we accomplished well, with the MMRS grant we have established a Steering Committee with over 25 organizations providing representation. The MMRS Steering Committee was created to make the decisions about response needs for this community.

We also have developed a mass pharmaceutical dispensing plan, development of operational response plans for public health emergencies and we also have established a high volume high-speed notification system that we have made available to other responding organizations in the County so they can utilize this unique service.

We have established a real-time disease surveillance system, it's called First Watch. We have developed a pandemic influenza response plan. We've also provided community, or risk communications training to the community and to internal staff.

I jumped a little fast I apologize. We've also increased collaboration between the Health Department, epidemiology program and our Hospital Infection Control and labs, which has been beneficial with the outbreaks we've experienced this last year. We've also had extensive training for staff and community partners.

Our focus for 2008 and 2009 year is to review and update our existing plans to make sure we have identified gaps and fill them. So we are better prepared to respond. We will exercise our plans and identify areas of improvement. Also we would look to ensure workforce competencies and preparedness and epidemiology and we will focus on collaborating within the Homeland Security south central region on collaboration of patient tracking, medical search development and communications.

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So what is our future vision? Well, we're looking at alternate dispensing plans to ensure the most rapid and safe responses provided to our community. So that they can receive necessary medications in a biological event. We also are looking to increase training and participation of the County staff and dispensing of pharmaceuticals. It is estimated we need 3,000 volunteers to operate 25 points of dispensing sites for 2 - 12- hour shifts in a 48-hour period.

We are also looking to increase BT competencies and integrate them to meet an accreditation standards that is expected for Health Departments across the nation. With that, I would recommend that you approve the contract with the Kansas Department of Health and Environment for continued funding and authorize the Chair to sign the Agreement. I'm happy to answer any questions that you might have."

Chairman Winters said, "All right. We've got some questions. Commissioner Parks?"

Commissioner Parks said, "Being very familiar with one of those 25 sites that you talk about in the MMRS, I just had a couple questions. In the funding for this for the next year, are there plans to get the signs up, the little brown back people signs directing the people where to go to these functions? That was one of the things three or four years ago that was in the plan and the signage, I didn't know where that part of the project was and if you could elaborate a little bit on that and I have another question."

Ms. McCoy said, "Absolutely. Two years ago we started receiving funding to the Wichita MSA, which is part of four counties, called City Readiness Initiative, with the sole focus getting pills into people.

Part of that grant we used to purchase signage for all of our points of dispensing sites. It was never our, or has not been our intention to pre-place the signs but place them when they are needed. And the reason for that is we assess the sites on a continual basis and if for any reason we would have to move the site we want to make sure we have enough signage to inform our community."

Commissioners Parks said, "That is good to know, and good to let the people know about that. I know, at one time they were putting the signs up for, just to have them out there so people would know well in advance. I think that would be a good idea to do that at the first of a catastrophe or something like that.

Also, with the MMRS, the Cipro drugs, the ones that expire and then we, those anecdotal drugs, the old ones that are getting aged, are we dispensing those out to the care homes or to somewhere where those are utilized? I know the state law allowed us to do that last year and just kind of wondering with the expiration of those. I know we don't want to dump them in the landfill or sewer systems."

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Ms. McCoy said, “Correct. Anytime we have a large amount of medications that will expire generally the expiration on that is 5 years. And, through the MMRS grant, we purchased the initial cache of doxycycline and Ciprofloxin. Because of its restraints by law, we’re not allowed to just give that away. So were still working for a really good way to rotate that stock out.

We’re not the only community that struggled with this. We’re one of the few communities left that has a local cache because of the fact that the drugs do expire after five years, you have to pay to replace them, we only have enough to replace for five more years enough money. And then after that none of our grants will allow us to replace that cache, so we will have to decide as a community what is the best way to address that. I don’t think there are a lot of easy answers but it certainly is at the top of the strategies that the MMRS Steering Committee are currently looking at and working on.”

Commissioner Parks said, “Well, I thank you for having those answers and those were really something that I think are important and it sounds like you’re doing a good job with the strategy on that. Thank you.”

Ms. McCoy said, “Thank you sir.”

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

Commissioner Norton said, “On the bar graph, Janice, the green bar part of it kind of went away, and that’s pan flu, does that indicate we built a sustainable infrastructure or is the money just dried up?”

Ms. McCoy said, The money is gone. Because it’s not on the top of the priority list. As you have seen with the preparedness funding, we’ve moved from different types of priorities. Initially, we had anthrax then we had small pox then pan flu. I do believe that it is very possible for us to have an influenza pandemic. I don’t know what that will occur.

We have developed a lot of strategies and infrastructure and response planning, because of that grant, I believe our hospitals are more prepared, I believe the Health Department is more prepared, I still think there is a lot of work to be done in that area. Even though the funding is gone away, our focus in making sure the plans are effective and will work, we’ll continue to work with them and with the community to be prepared.”

Commissioner Norton said, “Obviously sustainability and keeping it in the forefront of the health community and medical community is going to be important. Do we adequately have staff that can continue to keep that in the psyche of our community and in the psyche of those components?”

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Ms. McCoy said, “The fact is that within the community the medical community and public health community, it still is an active topic. So I believe it keeps continually coming up. But as you know, after a while people have heard it and they kind of don’t want to hear about it anymore. Things have leveled out right now, but we still try to find opportunities to keep that and the communities in the forefront of the community’s mind that it is a possibility, it will create great a great burden on our community if we would have an event like we saw in the 1918 outbreak.

So, not only are we preparing internally as an organization or within the hospitals, but we are encouraging our community to self-prepare and to be able to try and take care of themselves and know what they should do to protect themselves if we would have a outbreak such as social distancing and making sure if they are ill they stay at home and those types of activities.”

Commissioner Norton said, “Right on the cusp of this year’s flu season, we’ve already had some events that have moved the community to get flu shots and its available at the Health Department and other locations. What is the prognostication for the flu season this year?”

Ms. McCoy said, “I’m not aware of the prognosis for the flu season this year. I haven’t heard anymore that it’s expected that we’ll have, we’re not expecting anything unusual. We have enough flu vaccine to cover the community, we highly encourage the community to get the flu vaccines every year. It offers some protection even if it was a novel virus there is an expectation it would have some protective effect.”

Commissioner Norton said, “Thank you. That’s all.”

Chairman Winters said, “If you would like to add something, step right on up, jump in.”

Ms. Cindy Burbach, Health Department, “Sorry. I just wanted to mention on the pan flu question, we had a annual pan flu work group meeting yesterday. For three hours we received very detailed, synopsis of what these subcommittees have done and produced and have their legacy if you will, in the field of pan flu preparedness over the last two years they have been working together. It was a joy to behold, it gave you, really, a lot of confidence in what we spent that pan flu money on. Even though its gone there is still a lot of stuff there and we expect to put those reports in a version of a format of a slide show onto the website so everybody can see exactly what were feeling good about.”

Chairman Winters said, “So even though we’re not hearing about the pan flu every day in the media?”

Ms. McCoy said, “We’re still working on it.”

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Chairman Winters said, “We’re still working on it?”

Ms. McCoy said, “Absolutely.”

Chairman Winters said, “All right. Very good.”

Commissioner Norton said, “That’s all I have, thanks.”

Chairman Winters said, “Any other questions we do need to approve this Agreement, this grant Agreement. Commissioners, other questions or comments?”

MOTION

Commissioner Welshimer moved to approve the agreement.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Winters said, “Thank you, Janice.”

Ms. McCoy said, “Thank you.”

Chairman Winters said, “Next item.”

- 3. STAFFING TABLE ADJUSTMENT TO DELETE A SR. PROGRAM MANAGER POSITION AND CREATE A COMMUNITY HEALTH ANALYST POSITION AND FOUR TEMPORARY PART-TIME POSITIONS WITHIN THE SEDGWICK COUNTY HEALTH DEPARTMENT.**

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Ms. Claudia Blackburn, Health Director, Sedgwick County Health Department, greeted the Commissioners and said, “The request before you is a staffing table adjustment to delete a senior program manager position and create a community health analyst position and four temporary positions part-time positions to provide search capacity to the Immunization Clinic during peak times.

The responsibilities of the senior management position that we’re deleting have been absorbed by other staff. And the community health analyst position that we’re requesting will be funded 50% from the Maternal Child Health Trust and 50% from general fund.

Now, the position will be devoted to maternal and child health community assessment, coordinating the Fetal Infant Mortality Review Team that is starting and the Maternal and Child Health Coalition. Along with, what is important about this position is that we have been informed by our national, state and local public health organizations that we will need to be accredited as a health department by 2011. So in order to prepare for that accreditation process, part of this position will be used to help lead that. And will also help with community assessment.

The second part of this request is for four part-time temporary positions to assist with the Immunization Clinic during July and August, which is back to school vaccination season, and October/November for flu shots. About 60% of our immunization clients are seen during these four months, and so it’s really, really busy. And part-time positions are very helpful to see the volume and keep things moving.

This request does not require additional local funding and it will actually result in a cost savings from general fund for 08 and 09 for about \$8,700. I recommend you approve the staffing table adjustment and I would be happy to answer any questions.”

Chairman Winters said, “All right. Thank you. Claudia, do we have a person on staff that is capable of filling this position, this management position or will we need to look for someone?”

Ms. Blackburn said, “We’ll be opening the position. We’ll be looking internally and externally.”

Chairman Winters said, “Okay. Thank you. Commissioners, are there other questions or comments? If not, what’s the will of Board?”

MOTION

Commissioner Unruh moved to approve the adjustment

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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.”

4. AGREEMENT BETWEEN KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) AND SEDGWICK COUNTY TO PROVIDE THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC) IN SEDGWICK COUNTY.

Ms. Blackburn said, “The Health Department has been receiving WIC funding for many years. This program provides nutritional education, supplemental foods and health screenings and makes referrals to health and social agencies for pregnant women, women who just delivered and children under the age of 5. And to be eligible, you have to be under 185% of poverty and meet nutritional guidelines or have some kind of nutritional risk.

KDHE is granting the Health Department \$1.8 million for federal fiscal year 09. This is an increase of \$240,000 or a 13% increase over last year. The assigned case load is 15,911 clients. This is consistent with our actual case load of participating clients which is 15,696. You have heard me use different numbers, we have enrolled clients, that is a higher number, and then we have actual participating clients, those are clients that keep their appointments. And so that number is lower.

Depending on availability of WIC State funds, the Kansas Department of Health and Environment allows us to go a little over the case load assigned. We can go up to 103%. There is no match required, but \$8,000 has been budgeted out of general fund for lease costs and just, give you some information about the WIC program, last year, WIC brought about \$9 million into our local economy in food checks, and that is really good for the local economy.

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And then also, Commissioner Norton has been asking me for years this question, and that question is are we seeing, what percentage of the target population are we seeing in the WIC program, and we have made our best guess. I would not cite this is an article or anything, but our best guess is that we have about 82% of the target population enrolled in the WIC program. Probably a little bit lower in terms of actual participation. That is a much higher penetration than we actually thought. And of course, when the economy is not good we see more patients. So, I recommend that you approve this Agreement, and authorize the Chair to sign. I would be happy to answer any questions.”

Chairman Winters said, “All right. Thank you. You did not answer Commissioner Norton’s question well enough, so he has additional questions.”

Commissioner Norton said, “No I’m just upset that I didn’t get to ask my question you know. I don’t want to be that predictable but, you know, it is amazing that over the years, when I first became a Commissioner, I think we had about 10 or 11,000 people enrolled and now we’re up to that amount, and pretty close to full capacity.

I don’t know well ever reach 100%, but that’s an amazing number in our community that need that services that’s delivered to the WIC program. And I’m glad that we’ve continue to find ways to fund it, expand it and reach those folks because healthy kids and healthy moms make for healthy families and healthy adults. The more we can get upstream and help that population out the better our community is going to be. I’m going to be supportive but I feel, diminished because I didn’t get to ask my question.”

Ms. Blackburn said, “I’m sorry.”

Commissioner Norton said, “It’s okay. That’s all I have Mr. Chairman.”

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

Commissioner Parks said, “I can help Commissioner Norton out by saying that we both have known the WIC program for quite some time and in my previous occupation and his also. We could refer the people to the WIC program and he could sell them at his Target stores.

One thing that I wanted to say or ask you, is the satellite locations, some of those have been cut out over the last few years and I didn’t know if we had any plans or had any, or expanding those or looking at putting some of those back in?”

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Ms. Blackburn said, “There has been consolidation over the years and it’s interesting when you look at the numbers, we have probably increased about 1,000 clients a year. But, we have kept our number of visits fairly constant because of efficiencies in the system. The satellite clinics, right now we have got two, Colvin and Stanley and then we’ve got the main Health Department, which is our largest site. We don’t have any plans right now to change that.

We would be moving more towards the consolidation verses opening more satellites, just because of, you know, efficiencies.”

Commissioner Parks said “I do know that some of the people on, that qualify for the WIC program don’t have vehicles either and maybe one or two times per year to go to a location in some of the satellites might be something considered or some of the outlying communities. I do know that the economy is getting a little bit rougher right now, you will have more people wanting to apply and those things, and not everybody that qualifies for WIC has a computer or the internet either. So, that’s one thing I just want to make sure that those lines of communication to facilitate this very good program stay open to those people.”

Ms. Blackburn said, “Good point, thank you.”

Chairman Winters said, “Thank you. Any other questions? Seeing none, what is the will of the Board?”

MOTION

Commissioner Norton moved to approve the agreement and authorize the chair to sign all necessary documents including a grant award agreement containing substantially the same terms and conditions as the application and approve establishment of budget authority at the time of 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	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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Chairman Winters said, "Next item."

- 5. APPROVE PERMANENT STAFFING TABLE ADDITIONS FOR THE SEDGWICK COUNTY HEALTH DEPARTMENT WOMEN, INFANTS, AND CHILDREN'S PROGRAM (WIC).**

Ms. Blackburn said, "This is a companion item to the last WIC request. In order to serve the additional clients, we're asking for two registered dietician positions and two office specialist positions and that will help us to see additional clients. I ask that you approve the requested staffing table adjustment and I would be happy to answer any questions."

MOTION

Commissioner Parks moved to approve the addition.

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, "Next item."

- 6. CONTRACTUAL AGREEMENT BETWEEN KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) AND SEDGWICK COUNTY TO SUPPORT PROVISION OF TUBERCULOSIS (TB) SERVICES TO THE INDIGENT POPULATION.**

Ms. Blackburn said, "The Agenda item before you is an Agreement with the Kansas Department of Health and Environment for \$15,000 to support the TB Control Program. TB is a disease that is spread through the air from person to person. It normally effects the lungs but other parts of the body can be effected as well."

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Our program is responsible for diagnosing and treating tuberculosis and assuring that it does not spread throughout the community. Currently, we have 11 active cases of TB, that compares with 17 in all of last year. So, we're about the same. We have 180 people that are in treatment for infection, but are not contagious.

This grant is used to contract with the KU School of Medicine for medical x-ray services for indigent clients and also includes funding for operating supplies. There is no match required, the grant runs from July 1 of this year to June 30, 09. And I recommend you approve this Agreement and authorize the Chair to sign it. I would be happy to answer any questions."

Chairman Winters said, "All right. Are there any questions of Claudia on this issue?"

MOTION

Commissioner Welshimer moved to approve the agreement 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

Ms. Blackburn said, "Thank you, Commissioners."

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

F. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON OCTOBER 9, 2008.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of October 9th results in 7 items for consideration today. First item:

1. JUDGE'S CHAMBERS SOFAS – DISTRICT COURT FUNDING – DISTRICT COURT ADMINISTRATION

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Recommendation is to accept the low bid from Baker Furniture and Carpet for a initial purchase of \$21,180 and establish contract pricing for one year with two one year options to renew. Item two:

2. DATA CENTER CLEANING – DIVISION OF INFORMATION AND OPERATIONS
FUNDING – DIVISION OF INFORMATION AND OPERATIONS

Recommendation to accept the proposal from SBM Site Services and establish contract pricing for one year with two one year options to renew. Item three:

3. DISPOSAL OF HAZARDOUS WASTE – HOUSEHOLD HAZARDOUS WASTE
FUNDING – HOUSEHOLD HAZARDOUS WASTE

Recommendation is to accept low proposals from EnviroSolve for items 1, 1a, 2, 3, 5, 5a, 6, 6a, 7 through 9b, 11b, 12b, 13b, 14b, 16b, 17 through 17b, 18 through 18b, 19, 21 through 21b, 23, 28, 29, 30 and 32 through 38. From Solvent Recovery for items numbered 3a, 3b, 5b, 6b, 11, 11a, 11c, 12, 12a, 12c through 13a, 13c through 14a, 15 through 16a, 16c, 17c, 18c, 19 through 21, 22a, 23a, 28a, 28b, and 29a. From Clean Harbors for items 4a, 5b, 6b, 10, 11c, 14c, 18c, 22, 23a through 27, 28b, 29a, and 32 through 38 and execute a two year contract with each vendor with two one year options to renew. Item four:

4. UPGRADE HVAC CONTROL SYSTEM AT THE ADULT DETENTION FACILITY – FACILITIES DEPARTMENT
FUNDING – UPGRADE CONTROL SYSTEM ADULT DENTION

Recommendation is to accept the bid from Building Controls & Services Inc. in the amount of \$67,596. Item five:

5. PUBLICATION OF LEGAL NOTICES – VARIOUS COUNTY DEPARTMENTS

Item was deferred for one week. Item six:

6. OFFICE SUPPLIES – ALL DEPARTMENTS
FUNDING – ALL DEPARTMENTS

Recommendation to accept the proposal from Corporate Express and establish contract pricing for three years with two additional 1 year options to renew. And item seven:

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7. CHANGE ORDER #3 – FOUNDATION AND SAND REMOVAL FOR 330 S. COMMERCE (INTRUST BANK ARENA) – FACILITIES DEPARTMENT FUNDING -- ARENA SALES TAX

The recommendation is to acknowledge the change order with Bradburn Wrecking in the amount of \$13,850. We would be happy to answer any questions and I recommend approval of these items today.”

Chairman Winters said, “Thank you very much, Iris. It was a long list of hazardous waste stuff. Commissioner Parks has a question.”

Commissioner Parks said, “On number 5, this is not going to be opened up or for any other things that, it’s just deferred for a week?”

Ms. Baker said, “It is deferred. Nothing is disclosed until the recommendation is ready to be made.”

Commissioner Parks said, “Oh, okay. Thank you.”

Chairman Winters said, “Any other questions? Was that your only question, Commissioner?”

MOTION

Commissioner Parks moved to approve the recommendations of the Board of Bids and Contracts with the exception of item 1 to be voted separately.

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, “Commissioner Parks, you have a question or comment or do you just want us to move forward?”

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Commissioner Parks said, “I just have a, will have to abstain on this vote. I’m going to tell you up front because I do have a conflict of interest on that.”

Chairman Winters said, “All right. Very good.”

MOTION

Chairman Winters moved to accept the recommendation of the Bid Board on Item 1, regarding the Judge’s Chambers sofas.

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	Abstain
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you, Iris.”

Ms. Baker said, “Thank you.”

Chairman Winters said, “Madam Clerk, would you call the next item?”

CONSENT AGENDA

G. CONSENT AGENDA.

- 1. Establish Additional Grant Budget Authority in the SCA Fund.**
- 2. Establish Additional Grant Budget Authority Medicaid Fund.**
- 3. 2009 Wichita-Sedgwick County MAPD Agreement.**
- 4. 2009 Wichita-Sedgwick County Flood Control Agreement.**

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- 5. Request for waiver of personnel policy to promote a case manager, Band 220 to a Senior Social Worker Band 322, at 3% above minimum for COMCARE's Children's Services.**
- 6. Two (2) Easements for Right of Way for Sedgwick County Project 795-N, O, P, Q; Recondition of 199th St. West between 21st St. North & US-54. CIP# R-267. District 3.**
- 7. Approval of a Cereal Malt Beverage License for Eberly Farms, Inc. located at 13131 W. 21st Street North by the County Clerk's Office.**
- 8. Approval of a Cereal Malt Beverage License for Kwik Shop, Inc. Store #706 located at 3601 East 47th Street by the County Clerk's Office.**
- 9. Schedule post annexation public hearing for December 17, 2008 (City of Kechi – District #1 and #4).**
- 10. General Bills Check Register for the week of October 1, 2008 – October 7, 2008.**
- 11. Payroll Check Register for October 3, 2008.**
- 12. Order dated October 8, 2008 to correct tax roll for change of assessment.**

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You have the Consent Agenda before you and I would recommend you approve it."

MOTION

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

Chairman Winters said, “Commissioners, this brings us to the conclusion of our regular Agenda items for October 15th, is there any other business that we need to discuss at this time? Commissioner Welshimer?”

O. OTHER

Commissioner Welshimer said, “I have an announcement I want to promote for Southeast Wichita and my district. The Wichita Dreams Center is hosting an ‘Annual Friend Day’, an event on Saturday October 18th. This targets Oaklawn, Planeview, South City and Hill Top neighborhoods, but its open to the public and it will be from 10:00 A.M. until 2:00 P.M. on that day.

This is where people can go to have food distribution, clothing distribution, dental screening, medical health screenings, there is going to be a medical van and chiropractic screening and a job search assistant by Sedgwick County.

Another thing I have under ‘other’. There have been several editorials by our local newspaper, expressing concern that there are two of us that they quoted saying we are naysayers when it comes to, what they implicate is the aircraft industry and jobs in Wichita.

I had staff research the minutes of our meetings for the past two years and pull all issues we discussed or voted on concerning the aircraft industry and every case we were unanimous in passing these Resolutions. I had copies made for each of us. And I will pass those around. On top is the copy of one of the editorials and underneath is the excerpts from the minutes. I think we can be confident that we haven’t put obstacles in the way of job growth in Wichita.

And I think when you look through the minutes you will see that Commissioners Winters, Norton and Unruh either made or seconded just as many motions to approve aircraft issues as Commissioners Parks and Welshimer. There doesn’t seem to be that much of a problem. And I just wanted to have the facts brought to light.”

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

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Commissioner Parks said, "I would like to recognize an article that was in last week's Ark Valley News and then in today's business section of the Wichita Eagle. For two businesses that are in my district, and that is the Leeker Family Foods Chain and John Leeker and Gary Smith and all of the people that have made that a success in Valley Center and Park City. And it just goes to show you that even though you may not be the giant in the industry, you can still go out there and work hard and make a successful store and we're really fortunate to have those two businesses in my district. Thank you."

Chairman Winters said, "All right. Thank you. Is there any other business to come before the Board of County Commissioners? Mr. Manager?"

Mr. Buchanan said, "No sir."

Chairman Winters said, "Mr. Euson?"

Mr. Euson said, "No sir."

Chairman Winters said, "This meeting is adjourned."

P. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:22 a.m.

Regular Meeting, October 15, 2008

**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