

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

FEBRUARY 28, 1996

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, , 1996, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Melody C. Miller; Commissioner Betsy Gwin; Commissioner Paul W. Hancock; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Stephen Plummer, County Counselor; Ms. Becky Allen Bouska, Director, Finance Department; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. John Coslett, Director, Emergency Management; Ms. Deb Evenson, Senior Accountant, Accounting Department; Ms. Deborah Donaldson, Director, Bureau of Health Services; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Public Affairs Officer; and Ms. Susan E. Crockett-Spoon, County Clerk.

GUESTS

Ms. Arneatha Martin, Chairperson, Community Health Clinic Committee

Mr. Thomas Webb, Commerce Bank

Mr. Walter Gates, Chairman/CEO, Thorn Americas Inc.

Mr. Keith Martin, Executive Director, Community Development Coalition

Mr. Greg Stephens, 2108 W. 60th Street North, Wichita, Kansas 67204

INVOCATION

The Invocation was given by Mr. Bob Bruner of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

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

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Chairman Winters said, "Seeing none. Thank you very much, Becky. Next item."

PROCLAMATION

A. PROCLAMATION DECLARING MARCH, 1996, AS "SEVERE WEATHER AWARENESS MONTH."

PROCLAMATION

"**WHEREAS**, it is estimated that at any given moment nearly 2,000 thunderstorms are in progress over the earth's surface; and

"**WHEREAS**, tornadoes occur in many parts of the world and in all 50 states, but no area is more favorable to their formation than the Continental Plains of the United States, and no season free of tornadoes; and

"**WHEREAS**, local government has the responsibility to inform the public and promote awareness in an effort to reduce the loss of life, property, and personal injury; and

"**WHEREAS**, the National Weather Service and the Kansas Division of Emergency Management will hold a statewide tornado safety drill Tuesday morning, March 5, 1996, designed to test the emergency warning systems throughout Kansas; and

"**WHEREAS**, Sedgwick County will participate in this drill to increase public awareness in this vital area of personal safety;

"**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim March, 1996 as "Severe Weather Awareness Month" in Sedgwick County, and urge all residents to participate in the scheduled activities.

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MOTION

Commissioner Schroeder moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Here to accept the Proclamation is John Coslett."

Mr. John Coslett, Director, Bureau of Emergency Management, said, "Thank you very much Mr. Chairman, Commissioners. We appreciate the Proclamation. This will be sort of a kick off for our weather awareness. Severe storm season is coming up.

"Very briefly for the benefit of those people who are watching. There are going to be several tornado spotter classes, severe weather type spotter classes, held throughout all of March and up into the early parts of April. For a complete listing of those, they can contact the Emergency Management Office here in the Courthouse at 383-7546. We'd encourage anybody who has an interest to come out and see them. Most of them are held in the meeting room.

"During the first week of March, as stated in the Proclamation, severe weather awareness will have a state wide drill on Tuesday and if severe weather is here and the weather is not conducive to this type of exercise, Thursday will be a back-up day. Probably the biggest location where we have people come for the tornado spotters class will be that same evening, Tuesday, at the City Commission Chambers across the street. We encourage everybody to come out and be aware that we're headed into the season. Thank you very much."

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Chairman Winters said, "Thank you, John. We appreciate the work that you and your department provide for all the citizens of Sedgwick County. We know this is your busy time of the year, so pass on our appreciation to you and your department."

Mr. Coslett said, "Thank you very much."

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

PRESENTATION

B. PRESENTATION REGARDING COMMUNITY HEALTH CLINIC FUNDING PROPOSAL.

Chairman Winters said, "Commissioner Miller, would you like to go ahead and introduce..."

Commissioner Miller said, "Yes, thank you Mr. Chairman. It was two weeks ago that Ms. Martin and the majority of her Board was here and gave, I would feel, an in-depth presentation. It is at this time that I believe that Ms. Martin is going to give an overview and if there are further questions from the bench then I think it would be appropriate, I think, at that time it will be to our best interest to go ahead and call for the vote. Thank you."

Ms. Arneatha Martin, Chairperson, Community Health Clinic Committee, said, "Thank you very much. I would also again like to introduce the members that are here with me, Thomas Webb from the Commerce Bank, Mr. Bud Gates, and Keith Martin, the Executive Director from the CDC, I should know his name like the back of my hand. Again, I'd like to thank the County Commissioners for giving us this opportunity to come before you again to address the issue regarding the Community Health Clinic. I would like to just briefly restate the purpose of the program. Again, it is to improve access for the traditionally undeserved people in the northeast community.

"Our goal is to reduce the number of disproportionate number of chronic illnesses that affect, diseases that are affecting the northeast area. One of the things that we want to focus on most of all is to prevent the high risk behavior that causes a lot of chronic illness. We also want to work with the University for outcome measurements of these high risk behaviors and most of all to focus on the health and wellness of a total community.

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"Early investors, as I identified when I was here before, remains Via Christi with over \$600,000 toward the management of the physician, Thorn Americas, Mr. Bud Gates, the City of Wichita has allocated the land, the Wichita Black Nurses' Association has donated \$5,000, Compton Associates is our architect. We also have two new donors after I was here last time, and it made me feel very good, from Berry and Associates, and they donated \$500 and the Physiatic Research Institute donated an EKG machine, so it has been very positive. I think we do have the support of the community and I would request that the County invest in this endeavor for the health of the community with us for \$125,000."

Commissioner Miller said, "Thank you."

Chairman Winters said, "Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman, if you please. Ms. Martin, this land that was donated by the City of Wichita, what was its appraised value, have they given you a worth on that?"

Ms. Martin said, "Yes, it was around \$125,000."

Commissioner Schroeder said, "Okay, was that just an estimate from the City staff? I suppose that's what that was."

Ms. Martin said, "Right."

Commissioner Schroeder said, "Okay, and that has actually been donated or deemed over to your organization?"

Ms. Martin said, "It's a lease to own."

Commissioner Schroeder said, "Lease to own, tell me a little bit about that."

Ms. Martin said, "Well we have over a twenty year period, we can lease it if we choose over that period of time and then the follow up is that we could buy it if we wanted to, any time between the twenty year period."

Commissioner Schroeder said, "Buy it?"

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Ms. Martin said, "Uh-huh, we could purchase it."

Commissioner Schroeder said, "So you have to buy the land from the City after a twenty year period, is that correct?"

Mr. Keith Martin, Executive Director of the Community Development Coalition, said, "The way it was set up was as a lease option. This is kind of unique, because basically when you look at the dollars that we are talking about leasing it for, we're talking about leasing it for like \$200 and that is in a year, so when you start looking at the way that this was actually set up, it is set up in the same format as a donation, because all the other expenditures and stuff were actually donated. We opted to pay a certain percentage of dollars to the City with the option of being able to come back in there and actually purchasing it. So, the way that it was actually set up was that there is a certain portion of those dollars is actually a donation, the other part is actually a lease and the options on being able to acquire not only the land in behalf of the medical facility, but additional lands was part of the agreement package as well."

Commissioner Schroeder said, "Okay, well I don't want to be the bringer of bad news Melody, but I am going to ask that we table this until we have further time to discuss this with the City. I assumed from the discussion that they actually donated this land that they valued at \$125,000. I didn't realize these folks were going to have to buy it from this after a lease period. What I'm asking is that the City and the County both put up an equal amount whether it is cash or land and that is what I assumed had happened and so what I want to ask you today is it okay with you and the Commission and this group of people that somebody sit down with the City and see if we can actually get a contribution of the land out of them and not a lease."

Commissioner Miller said, "At this time, and I do appreciate your straight forward concern on this matter Commissioner Schroeder. At this point, this is how I'd like to respond. First of all, I think we're probably and when I say we, I'm talking about the Commission bench, I think we're probably all understanding that and very aware that this is not an across the board equalization of investiture by way of the City, when you compare what it is that the County is being asked here. I think we've had those concerns and I have heard those from at least two of the Commissioners here on the bench."

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"The concern is whether or not if indeed we are actually making equal investments and I said to Chairman Winters and I believe I have said this to Commissioner Hancock and I know I've talked with the Manager and that, I don't believe from my perspective, I am taking the City out of the equation period. So I've made that statement. I see this as an investiture in an accessible community clinic. I do not see this as the ability for us to be able to equal what it is the City of Wichita has invested. Because we know that Via Christi has invested probably three quarters of a million dollars in a three year period of time. They are standing strong. So, at this point I do respectfully understand you asking to table this, but my concern does not lie in making the City shore up with the \$125,000 that they have supported to put into this. That's not where I'm at on this."

Commissioner Schroeder said, "Well that is what I understood was that our amount came from that appraisal and somebody told me the City put in \$125,000 with the land and they're asking the County to put in \$125,000, it was an equal share and typically this happens with the City. They've got land banked all over the City and it was bought for much less than what they value it at today, but that's not the problem, the problem is that I thought this was an equal opportunity between the City of Wichita and Sedgwick County to both donate an equal amount of in kind services and or land or cash to this project, which I think is worthwhile, but up until about two minutes ago I assumed that the City of Wichita had donated or deeded this land to the organization. Now I find out that they haven't and they're going to make these people buy it from them. I'm not sure where the City of Wichita comes up with \$125,000 worth of expenses on a piece of land that small, if that doesn't include the purchase price. I'm not sure where their expenses are at? I'm not sure whether there's really \$125,000 contribution?"

Mr. Martin said, "I think that expenses that they have taken out, IRB, to actually purchase that entire block there and when you start talking about demolishing costs and also talk about site prep, that land can run up real quick. I think one of the things that we are in the process of doing is that we are actually talking about going back in and negotiating with the City. I commend you Commissioner Miller, because I think it can't be a tit for a tat, I'm sorry if you perceived that we misled you, because it wasn't our intent."

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Commissioner Schroeder said, "It was in the paper that the City had donated \$125,000 worth of land, that's what I was told and that's what I assumed was happening. Let me reiterate, I think it's a good project but today as it stands, I can't support the concept until I know what the City has donated to the project. I want to know that we are and I feel that we are equal partners in the project. This is in the City of Wichita serving Wichita residents basically, however they are our constituents too. I want to know what it is that they are donating to this other than the possibility that you can purchase the land at another date. You talk about site preparation and the IRB's and demolition, I still have a hard time calculating that they would have \$125,000 worth of site preparation and demolition on that piece of property."

Commissioner Miller said, "Well if the question is at this point whether or not, if indeed the...City has put up \$125,000 and if they've put up \$15,000 and if that is what the County will match, then at this, point I am willing to simply pull this because I think it is absolutely ridiculous that we are at this point now squandering over whether or not that corner is appraised out over \$125,000 and based on that, that is what we will indeed invest in this site, because I know personally that I told the Chairman that is not how I perceived it. That is not how I was going forward with it so it is not an issue right now. But there is someone who would like to speak."

Mr. Gates said, "If I could just say something for a minute, I think it is our belief that the value of the contribution of the City is at \$125,000, if you look at all the land, the demolition, the site prep and how this is structured, it is at \$125,000. Now we can delay this process yet again, but I think with each passing day is a day that goes by that we can't get going on this and I fully believe that there is \$125,000 of value to the City and we're going to go back and meet with them again, Commissioner and see if we can get this going."

Commissioner Schroeder said, "If you have consensus then that the investment is really there, I guess I would be willing to support it today if somebody can provide me that documentation later on, because this is typically what happens. I feel like we need to be an equal partner Melody and we've done this..."

Commissioner Miller said, "And I respect that comment."

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Commissioner Schroeder said, "We've done a lot of projects with the City and typically the County puts up cash and they put up some land that they've had land banked for years and that is okay. But to me the investment is not an equal investment, it is an easy way for them to do business. I appreciate their participation, I appreciate their thoughtfulness in this project and in wanting to help, but at the same time, I'm putting up \$125,000 cash and that is not always easy to come up with, but if there is a consensus out there among you folks that you believe they have done that, I will consider that if somebody will send me documentation from the City of Wichita. Surely they've provided somebody with documentation about their cost to this."

Ms. Martin said, "Yes, they have and I do have that."

Commissioner Schroeder said, "That's fine then, if you can get it to me at a later date I would really appreciate it. I could support the process then, if you've got that documentation to show. Okay, very well."

Commissioner Miller said, "Thank you. Could I just have a follow up commentary that I suppose I'm a progressive thinker, I'll say that again, I'm a progressive thinker. I move forward, I don't stand on how we've done business in the past. I don't make my decision on a relationship that has been perceived to be an actuality. Instead, I see futuristically what the positive can be in a project that is in front of us. So instead of banking all of my consideration in being able to invest in this project on the fact that the City of Wichita has indeed, affirmatively invested \$125,000 or no, they have not, I choose not to do that.

"I choose not to go down that path, instead I choose to see this as a project with some possibilities and some potentialities and so, therefore, Sedgwick County should be a vested partner and if that is a I don't know, if that's the wrong approach at this time then I need to know that because I happen to feel that being progressive is what Sedgwick County is all about and I don't think I'm going to stop thinking that way now, but I do thank you for your questions. They were valid questions, they've surfaced, they've gone around and around and I hope that they'll be answered."

Chairman Winters said, "I think maybe Commissioner Schroeder has a follow up."

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Commissioner Schroeder said, "I just want to say that I agree with you Melody and I, too, am a progressive thinker or otherwise I wouldn't even be considering this today, I wouldn't give it a second thought. I don't know what the vote is going to be today, but I understand that it could be a split decision. Regardless of that, I do take the opportunity when I have it to ask the City to be an equal participant with us. I've been here long enough to see how sometimes that works and sometimes it doesn't work and when taxpayers come to tax time and they get their tax bill and they're asking why the taxes went up in the County's case and not in the City's case, I want people to know why.

"Because I am in investing their community, which I am a County Commissioner, they are City Council members and I see the purpose, and I have the same pride they do in investing in their community, but people need to understand that and that is something that has always concerned me that we do make a lot of investments in the City of Wichita. As you well know, there are a lot of smaller communities, nineteen others, that ask for the same participation from time to time and they can't understand why they don't get it. Obviously, our population base is the City of Wichita and we have the obligation to assist all people in this County, but when the population base is so concentrated like it is here in this County then a lot of our assets and our funds go towards those projects in the City of Wichita.

"I am a progressive thinker, otherwise I wouldn't be here today. But I just wanted to make sure that somebody comes to me and says the City of Wichita is putting in \$125,000 worth of investments and we want the County to put in \$125,000 cash I assume we're matching. Nobody told me otherwise and so that's what I've been basing my decision on to some extent for the last two or three weeks is that we're equal partners in this and then today I find out well maybe not, but our folks out here are going to provide me with that documentation and I appreciate that so thank you."

Chairman Winters said, "Commissioner Hancock."

Commissioner Hancock said, "Thank you, Mr. Chairman. I wasn't here for the first presentation of this. I may have to go back to some basics here. We have Via Christi who is going to be a player in this and Sedgwick County who is being asked to be a player in this, the City of Wichita and there are various other donations. Could I have the answer to some basic questions? Certainly you have an idea what the overall cost to begin construction, to open the doors, staff and begin operations, tell me a little bit about the plan.

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“At what point will construction begin, at what point will you open the doors based upon the ability to finance this operation?”

Ms. Martin said, "Our goal is that once we raise \$750,000 or some where around that amount, that we will break ground and we wanted to make sure we had the finances before we break ground, because that is what our Board has decided that we would do and we are confident that with the support that we have that we will be able to raise that amount of money within a reasonable period of time, six to eight months.

“So our goal is to some time later in the fall, early next year, to break ground and then build the building. We have a physician that is already signed on the dotted line thanks to Via Christi, so that is one of our biggest concerns, to be able to get a family practice physician for this clinic and we have been able to secure that and that is done. Our other concern was the land and so that's done, so I think that we are really doing a very good job at making sure that this clinic comes to be a reality and the people we have behind us that are supporting it makes it an actuality that we will get this done because of the support that we have.

“It is not like you'll be putting your money into something that is not going to be successful, because hopefully if we get this up and running, we plan to have a high quality cost effective clinic and we're moving from the hospital to the community like they are all over the United States to decrease the cost of health care. As managed care becomes more of an emphasis in Wichita, we plan on utilizing this clinic to manage the care of a large group of people in the northeast area, so I really think the investment that you are contemplating will come back to the City triple fold, because if we can keep the cost down of health care well then obviously we are going to have healthy people who are able to work, they can pay their taxes. It is an overall concept and...”

Commissioner Hancock said, "Okay, Arneatha, what I'm getting at is you have this \$750,000 that you are looking for to break ground on construction, is the \$600,000 and \$125,000 you are asking from us and the \$125,000 approximate contribution from the City is that included in the \$750,000 figure?"

Ms. Martin said, "No."

Commissioner Hancock said, "Those are all outside those \$750,000, that's cash that you want to raise outside of what we do."

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Ms. Martin said, "No, the \$125,000 is part of that because that's part of building construction."

Commissioner Hancock said, "Okay, that leaves \$600,000."

Ms. Martin said, "The \$600,000 is operating expense over a three year period."

Commissioner Hancock said, "So how much does the building cost?"

Mr. Gates said, "What we have is three parcels to this. Approximately three quarters of a million dollars to get the building built, then there will be a subsequent endowment campaign which will raise approximately two million dollars which will provide an ongoing operating subsidy. Those two things will happen over three years and for the first three years approximately \$200,000 a year of operating subsidy will be provided by Via Christi."

Commissioner Hancock said, "I understand that."

Mr. Gates said, "So at the end of three years, this should be a completely self supporting operation."

Commissioner Hancock said, "Okay, my question is this, you want to build a building, how much do you estimate the building will cost, to create the physical facility?"

Mr. Gates said, "About three quarters of a million dollars."

Commissioner Hancock said, "Okay, where is it going to come from?"

Mr. Gates said, "The monies for that? They will come from donations from which this \$125,000 is part of that."

Commissioner Hancock said, "Okay, that leaves \$600,000, where is that coming from? Donations?"

Mr. Gates said, "Hartsick and Associates have been retained to be a fund raising partner with us on this."

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Commissioner Hancock said, "Okay. If we would vote today to make our contribution contingent upon you raising \$600,000 would that be acceptable?"

Mr. Gates said, "Yes, that would."

Commissioner Hancock said, "I believe when Ms. Martin came to me and talked to me about this, my first reaction and I still feel solid in that, in that I always look for a good public-private partnership especially when a particular area of the community needs special attention and that is one of the reasons that I've been on board on this from the very beginning, but I want to be assured from our end of it that the public-private partnership is going to work out, that it is going to be there, it is going to be in place.

"If you talk to my fellow Commissioners they will probably tell you that I can get pretty angry sometimes and there is nothing that can make me angrier than to do this and then somebody else not fulfill their responsibility, because I'm spending tax money and it is very difficult to do sometimes. So, I look at this operation if you can raise this \$600,000 for the physical facility, you have \$600,000 from Via Christi guaranteed as operation expenses for three years, and it looks to me like, do you think that every year from then on will be about a \$200,000 operational cost for the clinic?"

Mr. Gates said, "Yes, the clinic obviously generates revenues on its own, but our conservative estimate is it will probably take about \$200,000 on an ongoing basis to close the gap between what is taken in and the expenditures."

Commissioner Hancock said, "Will there be one or more physicians that will be working in the clinic?"

Ms. Martin said, "Right now there will be one to begin with and that physician will be teamed with an Advanced Practice Nurse and together they will be able to see a large group of patients. The conservative estimate that was put in our business plan, we made it very conservative, because we didn't want to appear that we were going to have all these patients and perhaps not, although I believe we'll have more patients than we can handle, because of the type of care that we're going to give.

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“So that is my vision of always looking into the future and being too grandiose at times, but I guess I would let you know that we know and did an environmental survey, we know that the community needs this service and the type of service we are going to offer, there is no way that this is not going to attract the amount of patients that we would like for it to attract, because it is something different, it is something new. We don't have this type of service any where, where we're going to have this type of service in the inner City to combine a physician with an advanced practice nurse, they will be a full service. There will be a procedures room, there will be an x-ray, we plan on having a little area so that if a person needs their medication we can kind of give them a little assistance in going out and purchasing that.

“We're going to work very closely with the Senior Citizen's clinic that's there to make sure that those people have access. We've talked to some of the physicians that are farther down on 21st and they feel kind of overwhelmed with all of the patients that Doctor Brown had that these people are just kind of out there not without access. I do know the need is there. We have done an environmental survey to prove that it is there.”

Commissioner Hancock said, "Thank you. Let me ask you this question and I apologize, you may not have the answer for it and it may seem a little bit unfair. Last week or maybe the week before, we had a report from the Health Department and they are doing a survey, a study of community health needs and one of the aspects of the report was that there are a number of health providers available, many of them are simply in the wrong location. Have you pursued going to any of these clinics who seem to be and obviously the Health Department has been able to identify some of them and pursue some kind of partnership with them to come to the area, simply move existing clinics or practices?"

Ms. Martin said, "When we did our environmental survey we did find out that these clinics are there and they are on the fringe that people were not seeking out the service. They reminded me, see I have this great support group, that's great. How we did that, we did go out and ask the community and so mostly the traditional services are offered from 8:00 a.m. to 4:30 p.m. and so we are going to offer our service from 10:00 a.m. to 8:00 p.m. so that the average blue collar worker can access the clinic so that is how we are going to do that. As far as going and asking them if they were going to move, no I didn't do that, because we thought we were able to give this service and we wouldn't have to move, we'd put it right there in the community so that it would be accessible to the people in the community."

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Commissioner Hancock said, "Well the reason I was asking that, I just imagined after hearing the report two weeks ago, I could imagine that there might be practices out there that are somewhat lack luster at least that is what was reported to us and they're not doing as well as they should."

Ms. Martin said, "I don't think they have a physician that is there that is an employee there. I think they mostly operate on volunteers and that is another big difference in this will have a physician that is employed at the clinic so that continuum of care can be carried out over a period time. You don't get a physician there, it is kind of like using an emergency room when you go to a lot of those places because it is not a continuum of care and that is how you decrease the high risk behavior, by having a physician and an ARPN that is going to follow me and manage my care over a period of time."

Commissioner Hancock said, "I understand that, but that's not what I'm talking about."

Mr. Martin said, "During the research, what we had done, we actually researched and found out that all the existing care providers sit on the fringe of the northeast and looking at it statistically, we too came up with the same conclusion that we need to be able to do a better job because when you look at the statistics talking about the African-American and talking about the northeast having a high concentration of African-Americans, it just didn't add up, nothing balanced out. One of the reasons that we had in talking and going door to door and talking to over a thousand people was that the concentration dealing with the African-American and also outreach programs does not exist in the northeast."

"So those facilities do sit on the fringes of the northeast area, but they do not have a mechanism to actually access the people there. The highest percentage of one of the medical facilities was actually 11% participation of African-Americans in their particular area, so when we looked at those statistics, we said 'hey, look, we're going to have to do something about that'. The medical facility came about because of those statistics and this actually fits our overall plan and overall scheme of our organization as part of our business plan to look at adding not only the medical facility but looking at other additional things to bring in. Bring in financing, bring in job training, bring in affordable housing, bring in a neighborhood center, to be able to help support that facility."

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“If you look at the northeast area, you can't come in with just one thing to be able to address it, it has to have a whole spectrum of things that come in all at one time and a part of this plan is that we initiated the housing, we initiated the neighborhood center, now the credit union is open there on Hillside. Now the medical facility will come in and actually complement this overall plan. So we did take that all into perspective and did do our research just like the County and this is the reason why this came about.”

Commissioner Hancock said, "Thank you. Thank you Mr. Chairman."

Chairman Winters said, "Commissioner Gwin."

Commissioner Gwin said, "A couple of questions and they may have been answered a couple of weeks ago and I don't have that in front of me. The ownership of this building, is that the CDC who owns that?"

Ms. Martin said, "No. It would be Community Health Clinic Committee."

Commissioner Gwin said, "Say that again."

Ms. Martin said, "The Community Health Clinic Committee."

Commissioner Gwin said, "Okay. When you talk to the private physicians in the neighborhood, did they express any concern about government participation or assistance to a clinic when no one was doing anything to help them?"

Ms. Martin said, "No, they are being very supportive, the physicians that we've talked to that are on the outer fringes. They think this is a need because they are not able to take care of that large group of patients."

Commissioner Gwin said, "Okay, because there is a doctor's office not too far away from this proposed facility is that correct?"

Ms. Martin said, "No, I think it is Woodlawn, farther on up toward Rock Road there is a physician's office up there."

Commissioner Gwin said, "Is there one on 21st just off Hillside?"

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Ms. Martin said, "Woodlawn."

Commissioner Gwin said, "I think there is one just west of Hillside just west of the University. I was just curious about how that physician felt."

Mr. Martin said, "Again, in our research, one of the things that we did address is we did address the private physicians who were there. We're talking about a non-profit and there is a difference. Those guys were very supportive of us being able to bring a medical facility here to be able to kind of blend in with what they're already doing. They were very supportive, very involved, and as far as our research is concerned. So I don't think that we created any kind of waves or problems with already existing physicians that are there. Their response was we need more."

Commissioner Gwin said, "The other question I have is a couple of weeks ago I asked questions regarding this clinic's use of the Wichita-Sedgwick County Health Department and this clinic's use of the what used to be called the Mental Health Department or is currently COMCARE to avoid duplication of taxpayer dollars. Have you had any opportunity to think about that in this last couple of weeks and whether or not this clinic can use...how this clinic can use those Departments and make the tax dollars go farther?"

Ms. Martin said, "Yes, again our service is really different than what the Health Department is going to offer. What we want to do is to refer patients to them when they need to and we want them to refer patients to us when it is going to be in the best interest of the patient. I did visit with the lady from the Mental Health Department outside the other day when I was here and we see this as a blend on how we can best serve the community and I don't believe they see that we would be doing the same thing as they are doing."

"We will be managing the care of a group of patients over a period of time and the other facilities have good services, I'm not saying that, but they're not able to manage that care over a period of time, because we will have a paid staff, a physician and a nurse that is there managing that care. That is the movement, that's how you keep people well is to know that patient and manage their care over a period of time, not just work on their illness, we're going to work on their health, try to keep them from being ill, but obviously we'll be taking care of chronically ill patients, also. That is really kind of the difference in the service."

Commissioner Gwin said, "Thank you, Mr. Chairman."

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Chairman Winters said, "Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman, if you please. I promise Melody these are the last three questions I have."

Commissioner Miller said, "No problem."

Commissioner Schroeder said, "The longer we sit, the more questions I come up with. Bill already asked the question about the other contributions that Mr. Hartsick's company is going to try to raise for you and making our contribution contingent on whether you are able to do the project. The other issue is, and I think we touched on this last time we talked, was the indigent people. You're willing to take indigent people in this clinic and work with them and help them."

Ms. Martin said, "Sure."

Commissioner Schroeder said, "My final questions is and it is related to our discussion earlier about the option versus the lease. Obviously you have probably come to some kind of conclusion on the option price, the purchase price, can you tell me what that is?"

Ms. Martin said, "It is \$100,000."

Commissioner Schroeder said, "It's \$100,000, okay. Do you recall how big that lot was? We asked that last time and I don't recall that lot size."

Mr. Martin said, "It is 200 by 220, but we also had the City come in and look at purchasing two additional dwellings..."

Commissioner Schroeder said, "Additional land?"

Mr. Martin said, "It actually has dwellings on them and to come in and demolition of those and stuff and prep them and get them ready for future expansion."

Ms. Martin said, "And they hadn't included that, so that would add an additional amount, because they have said that they would do that."

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Commissioner Schroeder said, "I didn't know if any of us had asked that question and I thought I heard option price and it didn't even dawn on me to ask what that was. Well that is really all I have, thank you very much. Thank you Mr. Chairman."

Chairman Winters said, "Thank you. Commissioner Miller."

Commissioner Miller said, "Just a comment in regards to the number of physicians that are in the area. I believe you are referring to Dr. Ohaebosim, of African decent. I think what we're working with here is a new, not necessarily a new era, but a new way of dealing with health care. This particular physician and anyone else that would be in the area would probably have his or her own clientele that they have built over the years. I believe what we're trying to do here and what the clinic committee is trying to do here is to access individuals that would not be coming to those physicians. More than likely, they are going to attempt to access individuals...when you say undeserved you are not talking underclass, you are simply talking individual who have not had an ability to access health care in the same ground that others have, so therefore they are undeserved."

"So, I don't believe that it is going to be a problem with the physicians that are around that area and that is only physician that I can recall. Dr. Bernie has a very small clientele if he still sees clients at all and Dr. Brown if you recall has closed his practice, so that leaves a void and a large one I might say."

"How does this clinic use in tack services? We've gone through this before and we find ourselves asking the questions again and evidently it has not been answered, but I believe in a sense that the Sedgwick County Health Department and that is Wichita-Sedgwick County Health Department, has a preventive perspective or target in their philosophy of dealing with health care. They do not manage health care of a growing number of clients. This health clinic will be able to do that as opposed to offering immediate care services which some of us utilize. I know I do because I have a young daughter. This doctor would be able to take in clients, not only see them at that time, but keep them under his wing and be able to care for them on a continuum basis. I think that would do nothing but positively impact the neighborhood and then ultimately positively impact Sedgwick County. So I just needed to address those two comments. Thank you Mr. Chairman."

Chairman Winters said, "Thank you. Seeing no other questions, what is the will of the Board?"

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MOTION

Commissioner Miller moved to approve the funding proposal for \$125,000 contingent upon their raising the \$600,000 in their fund raising campaign.

Commissioner Schroeder seconded the Motion.

Chairman Winters said, "We have a Motion and a second. Is there any discussion on this Motion? One perspective from my view point. Commissioner Miller, I agree with you that you are a progressive thinker on this Board and for the entire community. I think that we do have an excellent working relationship on this Board and I think we all bring a lot to that I think your contributions have been very good and I agree with you that you are a progressive thinker and I certainly appreciate the private concerns that are involved in this project. Mr. Gates and Union National Bank and Commerce Bank and those, I agree with Mr. Hancock that this is the way to get things done in a public private partnership. I am going to vote no on this Motion and for simply two reasons.

"One, when I think of Sedgwick County being involved in community health concerns, I think about our Wichita-Sedgwick County Health Department and our COMCARE, which was formally Mental Health and I think, to me, I am not sure I understand the relationship of this organization to those and so at this time I am going to be a no vote on this issue although I will say that I think you've got a great mind in thinking about these and how it affects the community. So I guess it is probably because I maybe don't see clearly that I am going to vote that way. Commissioner Hancock."

Commissioner Hancock said, "Mr. Manager, in the event that the \$600,000 when that is raised and the organization comes to us and says we are ready for the \$125,000 contribution should it pass today, do we have to do a transfer of some sort and approve that?"

Mr. William Buchanan, County Manager, said, "Not necessarily, it could come directly from a contingency fund that would not necessarily require a transfer."

Commissioner Hancock said, "Okay, what I'm asking, is there a mechanism by which before we actually send a check that there is a review to make sure that everything is in place?"

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Mr. Buchanan said, "We can assure, we can put something in place that will assure that occurs, either it can come back here if you desire or we can review that through the Bureau of Finance."

Commissioner Hancock said, "That's what I would like to do if it's alright with the other Commissioners, when everything is ready to go that we can review it and make sure that everything is alright."

Chairman Winters said, "I kind of anticipated that Commissioner Miller's Motion spoke to that. Mr. Manager."

Mr. Buchanan said, "Mr. Chairman, Commissioner Hancock, if the Motion passes as it was made, that is monitored and we would not send the check out until there was something, responding correspondence indicating that the \$600,000 was raised, that is part of the Motion, that's part of the normal routine checks and balances that are in place so that we would just not send out the check for \$125,000 without receiving."

Commissioner Hancock said, "I would sure appreciate knowing how the City is going to play a part in this aside from selling this for \$100,000."

Commissioner Schroeder said, "And somebody was going to get me that information later on I assume."

Commissioner Hancock said, "Alright, that's all I've got to say."

Chairman Winters said, "Thank you. Are there other questions from the bench? Seeing none, call the vote."

VOTE

Commissioner Betsy Gwin	No
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	No

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

APPOINTMENT

- C. RESIGNATION OF JUDY ALBRECHT FROM THE POSITION OF TREASURER OF KECHI TOWNSHIP.**
- D. RESOLUTION APPOINTING DEWITT MCENTIRE (COMMISSIONER MILLER'S AND COMMISSIONER GWIN'S APPOINTMENT) TO THE POSITION OF TREASURER OF KECHI TOWNSHIP.**

Mr. Stephen Plummer, County Counselor, said, "You have in front of you two township items, the first is a resignation of Judy Albrecht as Treasurer of Kechi Township and the second is a resolution appointing Dewitt McEntire to that vacant position. I recommend you accept the resignation and appoint Dewitt McEntire to that vacant position as Kechi Township Treasurer."

Commissioner Gwin said, "Can we do that with one Motion?"

Mr. Plummer said, "Yes."

MOTION

Commissioner Gwin moved to accept the resignation of Judy Albrecht and adopt the Resolution appointing Dewitt McEntire to the position of Treasurer of Kechi Township.

Commissioner Miller seconded the Motion.

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

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Next item please."

DEFERRED ITEMS

E. METROPOLITAN AREA PLANNING DEPARTMENT.

1. CASE NUMBER DR 94-4 - PROPOSED UNIFIED ZONING CODE.

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "We have had a couple of chronically ill patients for a long time now, the City Zoning Ordinance and the County Zoning Resolution, and we have been patching them up for a number of years, but it was time for major surgery and so we've been involved for the last three years in a long process to try to develop this new Unified Zoning Code. You had a public hearing last week and you had some comments from a couple of different groups, one was a neighborhood group who had concerns about notification and time frames and how much administrative discretion to put in the process, and from the representative of the manufactured home industry, and I think that it wasn't clear at the time to that group whether we were changing the rules in any way in this County portion of the new zoning code, that would change the rules and the way that lots in rural suburban areas are developed and whether or not mobile or manufactured homes can be placed on those lots, and if we're changing anything about that.

"Also, is there an agricultural zone in the code. We had meetings with both of those groups, separate meetings with both of those groups, and we summarized in a fairly lengthy memo to you the results of those discussions. I think they were amicable discussions. They resulted in six additional minor changes to the proposed unified zoning code that are basically clarifying amendments.

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“We had a couple of members of the Planning Commission sit in on one of those meetings, so they were involved at least informally and understood what kind of discussion was going on. If you'd like, I could go into detail about any of those points, but I think we dealt with most of the issues in that memo and through the amendments and by way of explanation on some other matters.

"Yesterday, the City Council voted to approve the proposed code unanimously subject to all the amendments that were proposed including this last set of six amendments that were in the memo that we provided you. One change that the City Council made in the zoning code, and it only affects cases that are in the City limits, is the way the protest petitions are calculated. In the County, the State law requires that protest petitions be 1,000 feet, in the City, the State law requires the protest petitions be at least 200 feet. The City had been operating for a period of time with a varying 200 foot to 1,000 foot radius for protest petitions.

“In their Motion, they've decided to go back to the rule that they had before 1992, which is to calculate the protest petitions based on the 200 foot radius inside the City limits no matter what our notification might be, which sometimes is up to 1,000 feet. That doesn't affect any County cases. We're always required in the unincorporated area to extend out notice 1,000 feet and to calculate a protest area based on a 1,000 foot radius.

"Over the last week, there have been continuing, despite those meetings, rumors about what does this new County Code entail. I think it would be good to clear the air in case anyone is listening in or watching this morning that doesn't understand. I understand there was a radio advertisement, done over the weekend. Some of you may have gotten calls. We're still trying to identify someone who claims responsibility for taking out these advertisements, but haven't been able to yet. I think the jest of the advertisement was that the County Commission is rushing through an ordinance that will rob Sedgwick County property owners of their rights and I say first that we don't rush anything through, we can't under State law. As you know, this process has taken a long time and so I don't know the way to rush things through.

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“Second, we're not changing any of the rules in the unincorporated area for residential zones in any meaningful way, and I'll talk about that in just a second. I want to clarify that we are not changing the rules, we're not creating an agricultural zone, there is no agricultural zone in what is before you. The Planning Commission took that out back in December at the staff recommendation and their recommendation to you at their January 11 meeting does not include an agricultural zone and that's not in front of you today. That means that anyone who has the ability to, under the zoning today, to have two acre or five acre lots or tracts is still able to do that without having to come in and have a public hearing to determine whether or not they can divide lots or tracts into those size lots.

“We're not changing any of the rules about where you can place mobile homes or manufactured homes in the County. We are changing the process only in that for an individual placement of a mobile home, where there is today a public hearing required, where today it goes to the County Board of Zoning Appeals, under what is called a use exception, in the proposed code it would go to the Planning Commission under what is called the conditional use permit. If you have the right without any public hearings to place a manufactured or mobile home on a lot or on a tract, you are able to do that, the rules don't change.

“Third, we're not changing any of the rules about platting, and when you are exempt from platting or not exempt from platting to place a home, whether it is a mobile home or a site built home on a lot. These are not the subdivision regulations and so the areas that are exempt from platting remain the same as they always have been.

"We do have County wide zoning. There has been County wide zoning since 1985, and so every property in the County since 1985 has been subject to some rules. Most of the rural parts of the County are in the Rural Residential District or in what is called today the R-1 Suburban Residential District. If you are in an R district, a Rural Residential District, you can have two to five acre lots, minimum size for your house depending on whether or not it requires a septic tank or a lagoon. If you are in an R-1 area, then you can have a lot that is as small as 20,000 square feet, depending upon whether or not there is a public water supply, even if you don't have public sewer. Those are the two districts. The only changes in the code that affect those districts are number one, we are changing the names, the R district becomes the RR for Rural Residential District. The R-1 district becomes SF20, which means single family, 20,000 square feet. It is one of several residential districts where we are trying to identify the minimum lot size in square feet.

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“So we are changing the name. Second, the change for the placement of an individual mobile home where it requires individual approval in some parts of the County, and there is a map that is part of the current County Resolution, indicates where you can put a mobile home by right on five acres and where you must get special approval. That map doesn't change. The only thing that changes is that the Planning Commission would approve that as conditional use whereas today, the Board of Zoning Appeals those use exceptions. Third, there are a number of uses that used to require zoning changes for commercial or industrial in rural areas that would not be conditional uses in the rural and suburban residential zones.

“Agricultural sales and service, a new category, animal clinics so that you could treat your cows or horses without having to change to a commercial zoning classification, Bed and Breakfasts, and a few other uses could be permitted by a conditional use permit rather than requiring industrial, an anhydrous ammonia facility would require a conditional use permit. It is still a public hearing, but doesn't require rezoning to commercial or industrial classification. A temporary asphalt or concrete plant that is part of a government project, if it is at least 1,000 feet from any residences will be permitted by right and not require an additional use permit, not having to go through a public hearing process.

“The only other change that we can identify is that in the development standards, where it used to be that if you wanted to put an accessory building in front of your main dwelling on a lot in the County, you had to go to the Board of Zoning Appeals. We're permitting that by right, as long as you maintain the minimum set back that is required today by the County code, you can put your garage or accessory building in front of the main dwelling without having to go to the Board of Zoning Appeals. Those are really the only rules, it is really mostly making the rules a little bit more flexible in some cases, and I just thought it would be appropriate to walk through those for you briefly.

"On the agricultural district, it was part of previous drafts up until December, when we got some comments that there hadn't been enough discussion about it and we recommended to the Planning Commission to delete it and they have. But we have been having ongoing discussion about that possibility. It would create basically a 20 acre lot minimum, and there would be exceptions to that. I think the details of it would still need to be worked out, but the idea even when it was proposed as part of the code was just to put it in the code, but not to map anybody's property. If it was part of your code today and you were approving it, nobody's property would become zoned agricultural."

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Chairman Winters said, "Just a second. You slipped over and are now talking about the ag zoning right, which we're not talking about today?"

Mr. Krout said, "That's right, we're not talking about it, but I just want to clarify that if it was part of the code it still wouldn't have zoned anybody's property to an ag zone, it would just have put the category in the zoning code with the expectation that at some point in the future we would have public hearings with notification to property owners, but we decided to take it out, have more discussions about it. We have had a number of discussions in December and January and this month and we have a couple of more meetings that are scheduled and we'll come back to you in the next several months after these meetings are completed to report to you on what we've heard and whether or not there is consensus or not or enough support to consider it, and suggest if there is, some kind of process which would include notification and public hearings in the future.

"So I would say that we haven't given up on the idea, we've heard a lot of pro and con about it. We've heard a lot of good suggestions that would make this district better than the way that we had drafted it back through December. So if we come back, I think it will be an improved version, but that's not part of what is on your agenda today. You are not approving an agricultural zone. Because there are some changes that we are recommending to you since the Planning Commission's official hearing and action, it does take three quarters, two thirds of the Commission, which is four votes of the Commission to include those amendments as part of the approval. What we're asking you to do today is to approve the zoning code and the associated schedule of fees in concept and then we'll bring the final Resolutions back to you on both of those in two to three weeks along with the final Ordinance to the City Council."

Chairman Winters said, "Okay, thank you. I'd like to try to approach this in an orderly manner, but I want to run over just a couple of things quickly. As far as this zoning rewrite would regard changes in the unincorporated area of the County, new changes that are in this zoning rewrite that we are considering today. I heard you say there are none."

Mr. Krout said, "There are minor changes that I have described in the residential districts. There are also some minor changes in the commercial and industrial districts..."

Chairman Winters said, "But as far as platting requirements in the County, as far as lot sizes, they remain exactly as they are today."

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Mr. Krout said, "Exactly the same."

Chairman Winters said, "And ag zoning is not going to be part of a Motion that we act on today."

Mr. Krout said, "That's right."

Chairman Winters said, "And County wide zoning is not an issue that we are dealing with today as we've had County wide zoning in Sedgwick County since 1985."

Mr. Krout said, "Correct."

Chairman Winters said, "Okay. Commissioners, I would like to open this up, but before we do that, in case the public would like to speak to any of the amendments that have been made, we've been provided a copy with the amendments. Does anyone have any questions from the bench about any of these amendments or do they seem to fit our needs and desires. I see no questions. What I think I would like to do at this time is to accept public comment from anyone here today who would like to speak to our proposal of rewriting the Unified Zoning Code. If there anyone here who would like to speak to this issue? If so, please come forward, state your name and address for the record. You are limited to five minutes."

Mr. Greg Stephens said, "I live at 2108 West 60th Street North, Wichita, Kansas 67204. We won't need that long. I was here two weeks ago and spoke against the code. First of all, I would like to commend Marvin Krout and the Metropolitan Area Planning Commission for the mammoth task that they have undertaken to rewrite this code, so that it fits both the needs of the County and the City and I think they have done a tremendous job. I am the President of the Sedgwick County Manufactured Housing Association.

"Two weeks ago I did speak against this particular Unified Zoning Code, because I had no knowledge of what it contained. I asked for a copy of it and Marvin was extremely quick in getting me a copy of it, hand delivered it to me. I had an attorney, two developers, and a technician from the manufactured housing industry go over the particular document in question. We came up with two lines in the whole book that were kind of negative deals and those are addressed on the front end of this. The only thing I would do, I would suggest that the Board of County Commissioners accept this Unified Zoning Code, because it is a tremendous effort of the part of the Metropolitan Area Planning Commission.

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“They do have the City and the County's best interest at stake so they're both speaking from the same sides of their mouth which is something that the manufactured housing industry has been after for a long time because things that sometimes were addressed by the County weren't addressed by the City and in what they call the 3 mile limit areas or the affected areas was pretty complex sometimes to get approval from the County and the City on those different items. Those are addressed in their entirety and like I say, it is a tremendous job.

"The only thing I would caution the County Commission on, this Commission, and the next Commission, and the Commission after that is the very thing about agricultural zoning, because from the meeting that Marvin Krout and several members of our industry and the Planning Commission and that were all there, which was Friday, February 23, I believe, I asked Mr. Krout directly. I asked him if he intended to pursue agricultural zoning and he said oh yes, with much zeal. Again, the tail end of the Pledge of Allegiance is with Liberty and Justice for All. Again, the Commission has an awesome responsibility to protect the rights of the individual, as well as look to the well being of the whole population. Agricultural zoning in my estimation would be an economic disaster for this County.

“We have the largest populous County in the State of Kansas. We need to move again and we don't need to restrict business in the way that it is done in this County and that's part of the problem we've had in the past. I move that you would accept the Unified Zoning Code as it is written today with the amendments as Marvin Krout has suggested. I think it is a tremendous document. We need it. Thank you.”

Chairman Winters said, "Thank you Mr. Stephens."

Commissioner Gwin said, "Mr. Stephens, just a moment. I appreciate you coming back again and talking to us one more time, because some of the uncertainties you expressed have obviously been answered and I appreciate staff assisting you in that regard. Secondly, I believe you're right, I think the purpose of all of this is to make sure that an individual wants to build, develop, sell, whatever, that the rules are basically the same and that you don't have to just scratch your head and jump through hoops to try to figure out which side of the street, whether you're in the City or the County or whatever. So I think that's our intent, I think that's staff intent. I will tell you that despite the very eloquent presentation of Mr. Busenitz a couple of weeks ago, this Commissioner, I am not ever likely to support ag zoning and probably more likely to ask Mr. Krout and his staff to lay off if I can get the support of the majority of this Commission until we tell them to do so.

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"I have concerns about its impact upon land values, owners rights, and those kinds of issues also, so depending upon the mood of my fellow Commissioners in the present bench, I would be prepared to tell staff to just leave it alone until we tell them to go. I am not supportive of ag zoning and I think it is the wrong direction, but I appreciate you taking the time to come back and I appreciate you bringing your different thoughts and new thoughts today. I thank you very much."

Mr. Stephens said, "Thank you."

Chairman Winters said, "Thank you Mr. Stephens. Is there anyone else who would like to address the Commissioners concerning this item? Is there anyone else in the audience who would like to address the Commissioners concerning this zoning rewrite or anything else that might be on your mind today. Seeing no one else, we will limit the discussion to the staff and bench. Commissioners, we have two items to address, approval of the Zoning Code and approval of the new fee schedule. Commissioner Hancock."

Commissioner Hancock said, "Some questions for Marvin if you would please. A long time ago Marvin, you remember, and you've done very well with this and I really appreciate you including this in the new zoning code, that we perform as many functions as possible administratively. That's been a concern of mine in that there are certain minor details that we had to take care of and we had to have several public hearings to do it and I know I shouldn't throw this at you, but we always remember the case of the telephone box. We have to have special use permits and public hearings over it, but we've taken care of some of those things and I really appreciate that."

"The question I have for you is, in your heart and mind, have we done as much in this code as we can to take care of some of those small details administratively."

Mr. Krout said, "Well, we haven't found...I think as we go along and we have experience with this new code, we may find other areas where we can do that. You should understand that there is this tension and if you read the letter from the City representatives, the City Homeowners Association who was here, there are people out there who want less administrative discretion than we've already built into the code. So there is a push and pull on that issue."

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"I think we have pretty much identified everything we could think of in terms of our experience that has been a problem that we can deal with under the current State Statutes and we're using the liberal interpretation of the statutes even to be able to do some of the things that we're doing. There may be some other things that we can do along the way. If you notice them, or other Board members notice them, bring them to our attention. One of the best ways to do that is to identify where telephone cabinets come up, where we see a repeated Board of Zoning Appeals case. That indicates that something is wrong and it needs to be fixed. We tried to identify those.

"The County will now have...all variances that used to be very minor, like someone built a house twenty years ago that encroached six inches and needs to clear their title, that can be done now administratively instead of waiting 60 days to get to a Board of Zoning Appeals and notifying the neighbors and doing a hearing. I think we've identified the ones that we've been aware of, that's not to say that there aren't going to be some more out there."

Commissioner Hancock said, "You've done everything that you are aware that you can do at this point and get away with. That's good. Some of the things...well, you know that telephone box will always stick out in our minds forever. Recently, temporary locations were asphalt plants. It just makes common sense, it just doesn't make any sense to go through this public hearing process."

Mr. Krout said, "Although sometimes we are always surprised, we try to picture ourselves as neighbors and say this might offend us and half the times the ones that we do, there is no one that comes in and objects and then other cases we feel like we have no objections to if we live next door to, you see a room full at the Planning Commission, so it is hard to say. We've at least identified the areas that we have known about for some time. I think there will probably be more."

Commissioner Hancock said, "An issue of overlays. I've gone through this and tried to find it, but tell me how overlays are enforced."

Mr. Krout said, "Part of the zoning code. It will be a zoning violation just like it would be a violation to...if you're violating a condition in a conditional use permit. That would be a zoning violation and County Code Enforcement would go out and issue a notice of violation and then issue a citation and take the case to court if necessary."

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Commissioner Hancock said, "That is probably one of the areas that I have difficulty with, in that I hate to take our own Code Enforcement people and go out and enforce what essentially have been covenants."

Mr. Krout said, "You do have conditional uses and those aren't exactly covenants, but sometimes they are fairly complicated conditions. I think that there are times and places where you have probably all been involved in cases where no matter how much you try to fine tune the ordinance, it needs to be fine tuned for a specific property so that the neighbors and the property owner can find their way together on a case and move along. So that's what this does, it allows that tailoring of a project. I think the caution has to be not to use an overlay, because it is tempting to use it, to solve every problem in its own little way. You have to avoid using it every case that comes along because then I think it will become a real administrative burden to keep up with all the unique rules for every piece of property that you are rezoning. Hopefully, we've made enough changes, adding new districts, and creating better defined districts that people can fit into them easier without having to find some mechanism like a covenant or protective overlay in most cases.

"But every once in a while, those cases are going to come along where the City has I think used covenants that they have decided that they would accept and enforce and it has been a good deal both for the applicant and the neighbors. They've both walked away happy, they both walked away with the feeling that the property owner can do what he wants with his property and still has flexibility to do other things and the neighbors feel like they're protected from what otherwise might happen if there weren't some protection."

Commissioner Hancock said, "I just like to see the neighbors protect themselves and make it a civil matter instead of a government regulatory manner and that's where we are at on this Marvin, and like you say, each individual overlay will be unique and no matter how much that we try to discourage folks not to use this as a tool, anytime there is going to be a disagreement in a community even as a last resort the applicant is going to try to use an overlay to get whatever he is asking done. We're going to have code enforcement people all over this place, carrying around documents, trying to figure out what they are supposed to do and what they're not supposed to do and what is unique to this property and what isn't and our folks will be right in the middle trying to regulate these overlays. It's going to be an impossible situation I think in certain instances. Maybe it will work, but I see some very...I mean it's difficult, where in the past if the citizens were truly interested in making sure that those covenants were not violated and they initiated themselves a civil procedure."

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Mr. Krout said, "As a nuisance you mean?"

Commissioner Hancock said, "As far as covenants are concerned."

Mr. Krout said, "Well, to have private covenants you have to have two parties. One party that is suffering..."

Commissioner Hancock said, "Maybe I used the wrong term. When you plat or you develop, you may file with your plat covenants, or file with the deed covenants, whatever the case may be, but it has never been up to the government to enforce those covenants, it's always been the citizens themselves who felt they were violated to file civil action. I know, I've been through it, I've had it filed against me. But now we are asking Sedgwick County inspectors to go out and make an inspection and then file a notice of correction."

Mr. Krout said, "To me, it is an extension of what you do sometimes with conditional use permits and not every case is a sand pit. You have a lot of conditions when you approve sand pits. It is an administrative responsibility and sometimes difficult to try to keep track of all those conditions and make sure that someone is complying with all those conditions. Most cases where you would use a protective overlay are not going to be that complicated. There is an administrative problem to keep track of them, but I assure you that in each of your districts, you've had situations where you probably said to yourself I wish I had some way to deal with this problem, because I don't want to approve this open ended zoning and the neighbors concerns are valid but this applicant and what he wants to do makes sense if he's not going to harm anybody, so isn't there a way to make this work. I am just suggesting that it is there, use it judiciously and not in every case."

Commissioner Hancock said, "Okay. Let me give you a scenario and see if we can do this or not. In the past there have been a number of situations on farms where the son or the daughter or whoever wants to locate a house, sometimes it is a mobile home, sometimes it is not a mobile home, almost adjacent to their original homestead. I have always thought we were able to do that. Have we been able to do that in the past? I've always assumed that we made exceptions."

Mr. Krout said, "Yeah, we do."

Commissioner Hancock said, "Can we still do that?"

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Mr. Krout said, "We do have exceptions to allow for one division off of a property. In the proposed agricultural zone we are talking about some more flexibility on that, allowing, like Harvey County, their agricultural zoning allows two dwelling units on a large tract of land, so you don't have to split the tract off legally and file it as a separate tract, you're allowed to have two dwelling units period, on a tract that is in agricultural zone. In the proposed agricultural zone we talked about more than one division of a property being possible so that you could have more than one family member that you could divide out land to. That's if you start out from 20 or 40 acres, not when you start out from 5 acres which is where we are today."

Commissioner Hancock said, "Okay, in my situation, I'm farming and I have a son and he wants to...he can't afford a large house, he wants to put in either a mobile home or a small house right next door to me and I live on eighty acres, that's the homestead, he can do that? He goes down to County zoning and says I want to put in a house and they're going to give him a permit?"

Mr. Krout said, "They'll split off one tract, yes."

Commissioner Hancock said, "What's the process?"

Mr. Krout said, "Well, in the Sub-Division Regulations you have a map and the map indicates in the unincorporated area, areas that are called 20 acre exemptions and 5 acre exemptions and as long as that lot is in the 5 acre, well the one split off is exempt from platting, no matter whether it is in the 5 acre or the 20 acre area. If you want to do anything beyond that, then you have to plat. If the tract is less than 20 acres and it is in what is defined the 20 acre exemption area, which are the areas that are closer to the City, most of the County is in the 5 acre area. Which means that as long as you divide one or more tracts or the whole property into tracts that are 5 acres or larger, you don't have to plat the property, you can sell it off by metes and bounds description. To get a building permit, you do have to go to County Code Enforcement, you may be required to dedicate an area that is flood prone as a reserve. You may have to dedicate some right-of-way for the street that is mile line road that it may be facing, but those are the only requirements."

Commissioner Hancock said, "Okay. So I can be assured that this can happen, because I know it happens a number of times."

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Mr. Krout said, "There is nothing in there. That isn't even in the Zoning Regulations, that is part of the Sub-Division Regulations and those aren't changing."

Commissioner Hancock said, "Extending the City screening requirements into the County, this is my last thing that I have some concern about. I think that is wonderful, but why should we do that, make it a part of our Zoning Regulations when the City already has it and the City, all they have to say is if you want us to annex you, you'll have to screen, you are making it part of our requirement to approve those."

Mr. Krout said, "I think, it wasn't discussed at length, but I think that the County, whenever you are zoning you are generally zoning commercial and industrial land, you are dealing with more urban situations and I think the County is dealing more and more with situations south of Derby, Four Mile Creek, areas like that."

Commissioner Hancock said, "Yeah, but I may not like their screening requirements."

Mr. Krout said, "Well, this is the time to address them then. I think the staff and Planning Commission felt that screening between commercial and residential uses and residential zoning is appropriate and I think it has worked in the City for a long time. I can see that there would be areas out in the County where you would potentially be zoning spots of property that may be surrounded by farm land that is going to stay farm land for twenty years and there wouldn't be any need to screen that property and maybe there is...and right now that is not an area that we can waive administratively and if you are suggesting to us that we come up with some language on providing for an administrative waiver of screening requirements, I think we could work on that and bring it back in the final Resolution."

Commissioner Hancock said, "I guess what I'm saying is that in the Zoning Resolution as it is proposed, if we have a commercial business or even a residential plat that some sort of screening is going to be required by the City and let's say that by approving our version of that, the County's version that we did not include that screening requirement into it, what would be the affect? Do we have to include those screening requirements because it is in our Zoning Resolution?"

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Mr. Krout said, "No, you have a couple of options here and I guess another option is that you could decide to make the screening requirements only applicable in the City of Wichita. We'll bring that back to the City of Wichita when we bring back the final ordinance and I don't think they would have much reason to complain about that. There are areas where we have different rules in the County and different rules in the City, so that certainly is an option for you that you could decide to not make them applicable. I would suggest that a better alternative is to provide some type of administrative waiver for this."

Commissioner Hancock said, "I guess what I am asking is it when the design of a plat or a particular...whether it is one lot or 50 or whatever the case may be, and they bring on this plat the screening requirements, I know we're not doing the landscaping requirements, just the screening, based upon what the City requires to us in the form of final plat. If in our infinite wisdom we decide this is ridiculous, they shouldn't have to do this, can we say no you don't have to do this?"

Mr. Krout said, "Not as part of platting. Sometimes there will be cases where some already platted lot and you won't see a plat anyway, or it is a plat that is something that is exempt, or it is an administrative splitting of a lot that is responsible, so I don't think the platting process is the right place to catch screening and say yes or no. I think that what you could do is build in an administrative process, so that when or before someone files for a building permit, which is when it would be enforced, that's when they would come and ask us to waive a requirement for screening. I would rather than for it to become part of a procedural thing where the Planning Commission or the County Commission needs to be involved in those waivers, I think they could be administrative like we have written in some similar waivers or reductions of requirements."

Commissioner Hancock said, "I just want that sometimes to get in the way of possibilities and the landscaping requirements has in the past gotten in the way of possibilities and I don't want to see it as a stumbling block. I think it is a very needed and useful tool to have, but for every rule I know we're going to run into exceptions and I want to be able to have the ability to except certain screening requirements. I want this to be as flexible as possible."

Mr. Krout said, "That would be my suggestion on that. I think that would be a better way of taking care of it than we have now which would require the Board of Zoning Appeals to waive the screening today."

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Commissioner Hancock said, "Let's see how it goes, what we run into. If it is not an issue than there is not a reason to make an issue of it already, but let's see how it goes in the future and practice here what you've done and said. I'm sure in the course of time we'll run into some bugs we didn't anticipate and we'll straighten those out."

Mr. Krout said, "I'm sure we'll come back to you with some amendments."

Commissioner Hancock said, "Especially on the overlays, I want to watch those and see how much trouble they cause us, if any. I could be totally wrong on it Marvin. Thank you."

Chairman Winters said, "Thank you. Marvin, I see no other questions at the present time. I will take this opportunity to really sincerely thank you and the staff and all the citizens who have been involved in this. I know there has been a lot of committees involved in looking at this zoning rewrite and I think it has been a big job and we appreciate the effort. I think I would suggest that maybe you somehow contact the Board of County Commissioners on proceeding with the zone ag idea and without maybe even getting a clear yes or no, I think we need to have a sense whether the Commission is willing to have you and your staff spend time and effort on further exploration of this.

"We heard one pretty clear comment today from one Commissioner. I know I have serious concerns about the philosophy of protecting agricultural land through zoning requirement. I think that takes it out of the free market. I think we begin to arbitrarily say property is best used for and that raises a real flag with me, so I would hope that before you proceed, that you communicate with the Commissioners to see if this is an area that we need to really ask further questions about or not."

Mr. Krout said, "That's fine and if you feel like you can give us some clear communication on that this morning, then we would know and other people would know too."

Chairman Winters said, "Commissioner Schroeder."

MOTION

Commissioner Schroeder moved to ask staff to leave Agricultural Zoning as it is.

Commissioner Gwin seconded the Motion.

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Chairman Winters said, "We have a Motion and a second. Commissioner Miller."

Commissioner Miller said, "In clarification, Commissioner Schroeder, when you say leave it as it is, don't go that direction, don't bother, is that what you're saying?"

Commissioner Schroeder said, "Yes."

Commissioner Miller said, "Okay, I just needed to clarify."

Commissioner Schroeder said, "I have heard the discussion and I've heard the complaints and I don't know if I totally understand everything that has been communicated to me about the issue, but I know it has really gained some interest of some people out in the rural parts of the County and unless it has some significant impact on the way we do business or how it affects zoning to any great degree, I guess I'm just not too interested in dealing with it and getting a lot of people excited and upset whether their concerns are real or perceived, I don't just don't see any reason to go through that anguish if it doesn't make a lot of difference to us what happens there.

"I know that there has been some discussion that the City would like to see us stop developing out in the County and maybe it has some impact on that. I would just prefer to leave it like it is, because I don't see any problem with it right now, unless there is something that I'm missing that someone would like to point out to me."

Chairman Winters said, "Commissioner Hancock."

Commissioner Hancock said, "Well before I go that route, I'd like to hear what the pros and cons are, what the advantages and disadvantages are, I understand that it was optional to the landowner if they wanted to do this? Was I correct?"

Mr. Krout said, "Well, we've talked about lots of ways to do it. I think that we couldn't guarantee based on when I talked to the County Counselor, that if you put in the code that it would be entirely optional. The County Commission has the ultimate authority to zone property and regulate property in the County and you can't set in stone anybody's zoning so that it can't change.

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“What we talked about was that you could set up procedurally special hurdles or special requirements so that someone who protests being zoned into an agricultural district you could take four out of five votes or even all five votes like zoning areas of influence to overrule that or that if someone was zoned agriculture and they wanted to do 5 acre lots so they came in for rezoning, you could require that denying that rezoning could require a super majority vote or an unanimous vote, so you could put special requirements on it, but you couldn't say no you can't. We're tying the County Commission's hands from zoning this property in the future or tying the property owner's hands.

“That is probably the way you could handle it. If it was going to be voluntarily by saying just put it in the code and whoever wants it will come in, it's not going to be effective. You may have a couple of people come in, but it's not going to do the job and meet the objectives that we had in mind for it.”

Commissioner Hancock said, "Marvin never mind procedure, tell me, I'm out here, I own 80 acres and I want to make it ag, what advantage is it to me as a landowner, if any, or what disadvantages?"

Mr. Krout said, "If you're...and we're just talking about the land owner not other County objectives."

Commissioner Hancock said, "I own the land, that's all I'm interested in."

Mr. Krout said, "Okay, if you are the land owner what objective is there to be zoned ag. It has entirely to do with how you look at your property and if you are looking at that land as a resource and want to maintain it for your family for future generations as a producer of food products and not for development purposes. What it does is it protects the area around you from being developed in a way that makes it untenable for you to continue that farming operation and we have heard and we've been out at meetings and their are pros and cons, but farmers for whom that is their primary concern are working on a day to day basis dealing with the land use conflicts of having more and more people moving out, who are calling in complaints about night time operations and dust from the operations and tractors blocking the road and spraying the crops and the health affects that they may or may not have and all these small things accumulatively add up and get more and more difficult for farmers to be able to do their every day job.

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“Plus, in some areas, it creates speculation on the land for development purposes that doesn't allow the farmer to be able to compete and acquire land to be able to expand his operations.”

Commissioner Hancock said, "So in other words, if I zone my theoretical 80 acres ag and the guy across the street platted his suburban type residential subdivision, they come to you and say Bill is over there making dust every day, you could tell them that's just the way it goes."

Mr. Krout said, "You could try to tell them that's just the way it goes. But I think as more and more development occurs out there, farmers want to be good neighbors and so they start curtailing their operations and sooner or later there is some kind of code that is going to hit them or they're going to be threatened with private nuisances."

Commissioner Hancock said, "But I'm protected if I have the ag zoning?"

Mr. Krout said, "No, you are protected in that the surrounding development may not occur and that you have something to say at least about whether or not that development is going to occur because there is a public hearing and you are notified that your neighbor wants to divide into 5 acre lots. You have something to say and you may be qualified to file a protest petition."

Commissioner Hancock said, "Okay, thank you."

Chairman Winters said, "Thank you. Commissioner Miller."

Commissioner Miller said, "Thank you Mr. Chairman. I am thinking that for the sake of information giving, I would have to agree with Commissioner Hancock that I'd like to know more in order for me to make a decision so I would like to be informed in terms of exactly what ag zoning would entail. I was just informed with that last question that Commissioner Hancock asked. I'm sure that there are many others that we could garnish some answers to, so just for the sake of information, I would like to hear more about ag zoning."

Chairman Winters said, "Okay, thank you. Commissioner Gwin."

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Commissioner Gwin said, "Mr. Chairman, I'm going to support Commissioner Schroeder's Motion, but I do appreciate Commissioner Miller and Hancock's questions. I don't know that gathering information and data is contrary to this Motion, maybe it is. If you have meetings scheduled and there are still people who want to talk and you want to get input maybe that's fine if it is the will of the Board, but unless this information can show me something different than the market good and values and those kinds of things, I'm not likely to change my opinion.

"If there are Commissioners here who want to hear more input and data gathering, I guess I could support that, I don't want, if it's the will of this Board, at this time however that what I don't want is your department spending a great deal of time out there listening and visiting with people when you know full well when you bring it back here to us that there is a majority that says we don't care about that, we, like me, have already made up our mind. It is the idea of where we have you put your energies and if it is the will of this Board, the majority of this Board that we're not interested in ag zoning, we don't want to talk about it, the RR zoning out in the County is just peachy with us, leave it alone, then I would say you could spend your time doing something else."

Mr. Krout said, "And we would appreciate that because we have lots of things to do, even if we don't deal with an agricultural zone."

Commissioner Gwin said, "You usually take on these multi-year projects and I'm sure you've got another one you've got to get to."

Mr. Krout said, "Oh, there's several."

Commissioner Gwin said, "That's what I was thinking."

Mr. Krout said, "I don't know that more data or more meetings is really going to change opinions if you have philosophy about this and that's why I would suggest that if there are enough Commissioners who have that philosophy this morning that we'd like to know about it."

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Commissioner Gwin said, "As I was rolling those thoughts around, that kind of was what I was thinking that your time and your staff's time may be better spent working on some project that we're likely to support rather than one that right today we're not going to. Thank you Mr. Chairman."

Chairman Winters said, "Thank you. Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman, if you please. Marvin, other than job security, which I think you have proven what you can do here and protect yourself, but I just wanted to say and relay it to the comments I just heard from Commissioner Gwin, you know you may be gathering information from now to eternity on different issues and this could be one. I guess I don't have a real headache with you gathering information, but one thing I will say, is that the Commissioners are not always going to be aware of everything you are doing or asking or saying, what kind of feedback you're getting unless our phone starts to ring, because these individuals, these farmers, these people, are concerned that something is going on over in Planning, they're running down this course of ag zoning again, when in fact you're not. I guess basically my concern is we're sending false signals to people.

"If we sit up here today and the majority of the Board says we don't want anything to do with this any longer yet the Planning Department keeps digging away at it, they're not going to believe us or you. I don't know where you draw the line on how much information you try to obtain, because that process can create serious problems for us and you. So I'm just asking the Commission if we tell them no, it's like how much no do you mean, does it mean we're approved to go do this or do you just want us to leave it alone entirely? I think we have got one or two options here, either we go do something or you don't. If you do something, we're going to keep getting the phone calls and concerns from residents and from farmers."

Commissioner Gwin said, "Some of that was just my unexamined thoughts that I get from Tom and they kind of come over here and hop on me and I think your Motion was fairly succinct, though general, that just says stop it, don't talk about it until we tell you to start talking about it again. So if that was the intent of your Motion, that's the idea that I'm going to support."

Commissioner Schroeder said, "Yeah, it was."

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Chairman Winters said, "Thank you. Commissioner Hancock."

Commissioner Hancock said, "I'll support that Motion also, if that is the intent. Something Marvin you said got my attention and you may or may not be aware, my family was involved in the peach business for a long time, about thirty years. The one aspect, one part of it that finally drove us out of that was our proximity to developing areas and two was the speculative nature of land in that we couldn't compete with those who could buy land and just wait for something to happen. We couldn't afford it anymore. So you got my attention. I can agree, don't talk about this until you're ready to talk about this, but I would like to understand it a little bit better and it may be something we want to talk about after a while. I don't want to just close the door on this completely. The other half of that is that as a farmer I have had people call the Health Department, I have had folks call County Zoning and complain about what I'm doing and most recently the City of Wichita is using lots of land in my area, as a matter of fact, it's all in my area, in my district, to put sludge on. It is an accepted practice now as far as solid waste is concerned.

"They are doing it all over the county and I get a number of calls when they are doing this and yet it seems that it is the standard practice for agricultural to get the folks who live in the area who are not farming feel like their rights are being violated. So if this mitigates some of those problems, I think it may be useful if it can protect me as a farmer from investors to come out and speculate on land and not drive up my land values, so I can't expand my operation when I'm ready. Believe me, in order to survive in the business, it seems like expansion is necessary. Then maybe we ought to have a look at. It may be a tool. I'm not willing to slam the door on it and take it away, I'd like to examine the possibilities."

Mr. Krout said, "As you might imagine, a lot of the farmers that we talked to, basically would like to have their cake and eat it. They'd like to protect from something happening on the neighboring property, but want to have complete freedom to do what they want to do with their own property. Now there are other aspects to the ag zone in terms of the cities that are growing, not just Wichita, but the cities that are growing at the edge, wanting to extend water and sewer and then premature development of these five acre tracts happens and it is very difficult to divide those then into urban lots for urban development and it causes all kinds of problems for the cities.

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“Plus the concern is that if you continue to see this multiplication of five acre tract developments as we tried to say before, what are going to be the service implications for those as they continue to multiply. The paving and the maintenance of more streets, the increased demand for fire protection, the need to deal with individual situations which almost inevitably crop up where on-site water or sewer systems for one reason or another become polluted and then someone has got to deal with that problem and the County is the one that is going to have to deal with that problem.

“So I think that there are future costs to continuing with the current mode of five acre tract development, somewhat speculative. You have some control over it in terms of what services you will or won't provide, but you are getting more and more people out there demanding more and more services. I think that is something that is going to be a serious problem. The idea of the ag zone was not that it was going to be everywhere in the County either. Areas between Haysville and Derby, areas that are certainly prime for development or the trend is there, those areas would not be zoned agricultural. But we've got lots to do so if there's not the philosophical desire to continue this.”

Commissioner Schroeder said, "I amend my Motion to let Marvin go do something else."

Chairman Winters said, "Don't be confusing us more."

Commissioner Schroeder said, "Okay, sorry I'll withdraw that."

Chairman Winters said, "Commissioner Miller."

Commissioner Miller said, "I just simply, I know we're out numbered here, and I think it's clear, when I say we, I'm talking about the information gatherers, Mr. Hancock and I, but I think it is clear that there are three Commissioners that are...well, it appears to be, that will say no. I got a feel for it so I went ahead and put it out. So is there a way that I could just get some more information and possibly Commissioner Hancock if that's what we so deem. I just want some information on the prospect or the potentiality of ag zoning. I think the message is going to be don't pursue it."

Mr. Krout said, "We can always put together some information."

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Chairman Winters said, "I would assure all the Commissioners that any time they want to bring an item back before this bench they can certainly do that and to gain some more information about this I think we would probably be well served if you want to do that. I am also going to support this Motion. I realize Marvin that there are growth issues and lots close to the City, I realize that. I have just a great deal of difficulty in looking at what could be traditional farm ground and as I realize its value as wheat production at \$1,300 or \$1,400 an acre, but for some other reason may be in the area of \$8,000 or \$9,000 an acre as potential best use for the property and for us to somehow arbitrarily say well, this is out of the \$8,000 an acre range, it is going to be \$1,300 wheat ground from now on, I have really got to understand how that will not happen. In the information gathering, if someone can help me with that, then I might be able to talk about it again, but right now I'm going to support the Motion that we call a halt to the ag zoning until there is a different philosophy. Seeing no other questions, is there any other discussion on this Motion? Thank you. Call the vote please."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you."

MOTION

Commissioner Hancock moved to approve the proposed Unified Zoning Code as recommended by the Metropolitan Area Planning Commission subject to the additional technical changes as recommended by staff, and direct staff to prepare a final Resolution for adoption by the County Commission March 6, 1996.

Commissioner Gwin seconded the Motion.

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Chairman Winters said, "We have a Motion and a second and this is the actual item that we are about today, accepting the zoning rewrite. Is there any other discussion on this issue?"

Commissioner Schroeder said, "Mr. Chairman, just to clarify, it does not include an ag zoning."

Chairman Winters said, "It does not include ag zoning at all."

Commissioner Schroeder said, "Thank you."

Chairman Winters said, "Is there any discussion on the Motion? Seeing none, please call the vote."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "We have one other issue in this same category of Planning under the MAPD Filing Fees."

MOTION

Commissioner Gwin moved to approve the proposed new fee schedule as recommended by the MAPC and instruct staff to prepare a final Resolution for adoption by the County Commission March 6, 1996.

Commissioner Miller seconded the Motion.

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

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Thank you very much Marvin and again, extend the appreciation to the MAPC and all the subcommittees of our appreciation of their hard work. We're going to call a ten minute recess.

"I'll call back to order the regular meeting of the Board of Sedgwick County Commissioners. Madam Clerk, next item please."

NEW BUSINESS

F. RESOLUTION ESTABLISHING A POLICY FOR THE PROVISION OF ASSISTANCE TO OTHER JURISDICTIONS WITHIN AND WITHOUT SEDGWICK COUNTY AND KANSAS PURSUANT TO K.S.A. 12-16,177 (1994).

Mr. John Coslett, Director, Emergency Management, greeted the Commissioners and said, "The Resolution before you this morning, if approved, would establish a policy that allows the County to provide assistance to other jurisdictions in case of an extreme emergency or a disaster. This type of assistance would be in the form of law enforcement with the Sheriff, Fire, EMS, Emergency Management, Public Works, or administrative type individuals. The assistance would only be provided if the County could do so without jeopardizing the protection of the County itself. The Resolution will not conflict with existing interlocal agreements or any automatic aid or any programs that are in affect.

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"In essence, it is just a process of providing assistance if you so desire and if we can. The requesting jurisdiction must be operating under a local or a state disaster declaration, so it has got to be something of a pretty serious nature. As far as budget impact, the budget impact would be zero unless of course we had to send somebody to another jurisdiction, then we would put up whatever expenses involved with sending whoever was sent. I would be pleased to answer any questions that I might."

MOTION

Commissioner Schroeder moved to adopt the Resolution.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

G. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER THREE, WITH KEY CONSTRUCTION IN THE AMOUNT OF \$23,631.79 FOR PB-285 - REGIONAL FORENSIC SCIENCE CENTER.

Ms. Deb Evenson, Senior Accountant, Accounting Department, greeted the Commissioners and said, "Item G is the final modification to the contract with Key Construction. The majority of that is for the x-ray room and we didn't know how to construct that until we actually bought the piece of equipment and the rest of the items are miscellaneous items, additional lighting, additional ceilings had to be moved, a few duct work had to be changed. I just ask that you approve the modifications and authorize the Chairman to sign."

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MOTION

Commissioner Schroeder moved to approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you Deb. Next item please."

H. HIRING OF A QUALITY ASSURANCE COORDINATOR AT RANGE 24, STEP 5.

Ms. Deborah Donaldson, Director, Bureau of Comprehensive Community Care, greeted the Commissioners and said, "We are requesting your approval to hire a Quality Assurance Coordinator at a Step 5. This is a very specialized area and one that is very helpful when you have someone with very extensive experience that can step in and do that job, since I would anticipate otherwise you would spend several years training someone to be able to do that. I'd be glad to answer any questions."

Chairman Winters said, "Okay, thank you. Commissioners are there any questions?"

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MOTION

Commissioner Schroeder moved to approve the hiring at Step 5.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

I. PRESENTATION REGARDING THE 1997 BUDGET PROCESS.

Mr. William Buchanan, County Manager, greeted the Commissioners and said, "It is the time of year to deal with budget processes again and I thought we could spend a little bit of time talking about the process itself and where we are headed and what has occurred. There has been some publicity about what may or may not happen and some speculation. I wanted to remind us of some of the planning processes that we've gone through and what we intend to do from this point forward.

"This is just a little bit of the process, part of the budget process, that we will traditionally have the department heads and outside agencies and others will have hearings before us for the management staff to talk about the budget development. We, the Board of County Commissioners will hear from those people during the week of April 29 to May 3. That is one week of hearings that usually takes two and a half, three days and we are blocking off the whole week until we define that a little more. The budget will be presented some time in June. One of those Wednesdays in June.

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“The first part of the hearing is scheduled for July 3, the second public hearing is July 10, and that is the last day that we can raise up the budget. At that point, it is as high as it will get. Then August 14, a little later, is the public hearing on budget adoption. It is the second week of August, and we have traditionally, it's been a recent tradition, but traditionally, not met the day after the primary election and therefore the week before that, August 7, is the day after the Primary, so that is why that process is delayed.

"Let me just discuss for a little bit where we are and where we have been in terms of planning and where we are headed. First, I want you to note that it is already draft two, that the previous year we've done alphabets, this year Brad says since we're the Budget Department, we're going to do numbers and so this is already the second draft of the 1997 budget.

"We have anticipated at this point, if everything remains the same, and if we were going to do business as usual, we would bring to you a budget somewhere around a 1 mill increase. That is because of the increase, and we anticipated this, it is because of the increased cost and some of the things that are happening at the adult detention facility, including and especially the medical cost. Item two is the increased cost of juvenile detention. We have a plan that the Secretary of KDHE has indicated that we need to come up with a solution to our overcrowding problem, that we will in fact do that, that plan will cost us money, additional money, because some of the things that we have in mind and that would include some additional housing as a relief valve for when we get 40 to 45 kids.

“The other is the South Seneca project which happened in late October and November. We have planned to use that cash to offset some tax increase since '97 that came up as an unexpected expenditure. It was one that was absolutely needed. Our business is to serve the public and a group of citizens were having flooding problems there and as County residents, they needed some relief. The City presented a concept of how to do that and a fashion that made some sense to us and we participated.

"Let me tell you, the news continues to get more dismal. Let me tell you where we were last August when we were doing some financial planning. As part of the budget, we do present a financial plan to you and please note that this published in the '96 budget, this is a little different format. There is not as much detail, but it is part of the '96 budget. You will see that the sub-total revenue, the revenue that obviously we take in and the sub-total of expenditures is what we expect to spend.

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“So in '97 it looks pretty good, \$142,000,000 and \$142,000,000 and we knew we needed to spend some cash to get some projects done. In '98, you will see that the revenue is higher than the expenditure and that is a good thing and that continues in '99. Here are the anticipated major projects. We anticipate a continuation of a road of brick project that continues to grow, the special assessment debt is here and those are offset, many are offset by revenues in here. Here is a juvenile detention debt which we anticipated in August and September of '98 of 1.3 million dollars. The Board of County Commissioners has said no to that. You have already indicated that you want us to look at some other alternatives. Additional debt requirements for the detention facility, you see if we borrow this money in '96, we'll have to start paying in '97 and that's what was anticipated to begin that payment, in '97 and '98. The outside housing costs were continued at 2.9 and then we anticipated a dropping off in '98 at half a million dollars.

“Now this plan again was developed in August. In the meantime, you chose, as part of your decision making process to make the detention facility larger than what was originally planned because had we done it the way it was originally planned it would have been filled the day it opened. So that cost may go down and we need to reexamine that and the jail addition operating impact. How much is it going to cost, besides personnel? We know the personnel is going to be another 3 to 3.5 million dollars. What is it going to cost besides that? How do we get \$4,000,000? Well, \$4,000,000 is some start up cost in the first year but most of it is food. A lot of it is medical, but most of it is food. With an increase in prisoners, that cost will increase, so at that point we have an idea. What does that mean for future years, '97? Well, we've already indicated that current level would go up 1 mill, that under the current way of doing business it looks apparently like a 4 mill increase in '98. We have some adjustments to make, but that's what we planned in August of '96 and that number will change. In 1999, it is nice to plan that far out ahead, but I don't frankly have a great deal of comfort level with the reliability of these numbers in that some of these will change.

"Before we say oh my, ain't it awful, there are lots of things that can be done by the Board of County Commissioners and by management to ensure that those kinds of increases don't occur. What I am suggesting to you is that we begin to tighten the base targets. Now that sounds like a technical term for budgeting purposes, but at the beginning of the budget season, we give department heads, bureau chiefs, and elected officials, an idea of what will be acceptable, what level of expenditures makes sense and fits in the total plan and that is what the base targets are.

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“We could be looking at doing those in a different sort of way than we have in the past. We can re-examine some of the County's ongoing programs and activities and services. Do we need to be in those kinds of businesses? Do we need to examine how we transfer money within this organization? If we are going to tighten down, does that fly in the face of empowering department heads to make more decisions, give them more freedom to do the kind of business decisions they make, on the other hand, do we need to have more controls on how they move money within their budgets? That is one item that we could examine and take a look at. We need to re-evaluate outside agencies.

“In our Goals and Mission Statement, we indicate that it is our task to assure that quality public service is delivered. Are those outside agencies whom we use, whom we fund, are they providing quality public service? Could that job be done a different way or do we need to be in that business? We have continually struggled with that issue. We have in the past, whittled some of those agencies down or gotten out of the business completely. It is a process that we need to continue to take a look at. We need to rethink the financing of projects, how we're doing that. Do we need to enter into some different sorts of agreements? Do we need to make the debt longer or shorter? Do we need to have a mixture of cash and at this point I don't have an answer at that? We've raised the questions. We know that what is in the financial plan is not going to be acceptable to the Board of County Commissioners and so that's where we're headed.

"We want to assure you, I want to assure you, that we are a Budget Department, the Finance Bureau, and Senior Management group has been working on some budget issues already. We have begun that process in January. We are to the point now of coming to some areas that we need some help from you. If that financial plan calls for significant adjustments as to how we are going to do business in 1998 and 1999, then now is the time to begin, because the sooner you begin, the less painful it is later. By making adjustments now, by beginning the process, we can begin taking a look at those activities, savings if any that would be made, would be made now and would be continuous which could be applied to soften the blow later, but we are in a position to begin taking a look at these.

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"Let me also tell you something else. The finances of Sedgwick County are solid and stable. The Board of County Commissioners in the last ten years or so and especially in recent years, have been prudent in the way you spend money. We have done what is necessary to preserve this organization and the tax payers dollars. We have put, as you saw in the paper this morning, some concern about whether there is too much cash or not, we continue to struggle with that, and it becomes a public policy debate where it should be and will continue to be. We have been served because you have been conservative, you have had the money on hand to participate when a crisis arises, that was evidenced in the Seneca Street project and the big ditch project. Both of those, there was no need to borrow money, but could respond to those immediately, so we are in a solid position.

"To remain there, to remain a successful organization, we need to pay attention to what we're about and that's all that we're saying. I'm not raising warning flags. I'm not raising undo concern I'm saying that we have some opportunities here. We have promised the public to lock up people in a jail, we've promised to take the youth offenders who do terrible things in this community and make sure they're not on the street, that's part of our job, and we've said to them we're going to go about that and we are in the process of doing that."

Chairman Winters said, "Alright, thank you Mr. Manager. I have a couple of just quick comments. One, I really think that you've come at the right time to begin this process, because I know that you are about to visit with department heads and officials that affect our budget, so I think it is appropriate that we begin talking about this. We have made a commitment to the citizens of Sedgwick County concerning how we will handle adults that need to be incarcerated in our jails and that is an expensive proposition and we are following through with our commitments to the development of downtown Wichita, which is also very vital to this entire region. One of the things that you said kind of struck me as something I want us to think about. When we talked about doing business as usual, or thinking about the current way of doing business.

"I think this is a time when...I don't know of an organization, business, government, that is not going through a tremendous amount of re-evaluation, realignment, relooking, and I think Sedgwick County has been very fortunate in the past, but I think now it is really time in seeing these numbers that are going to be related to our debt service and the operation of the jail, that we're going to have to do that same kind of relooking and determining if we're doing things the best we can do. I think that range goes from looking at the very smallest items we are involved in to large items.

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“That would include the general finance, non-essential kinds of services, looking at them, I think there may be ways we could continue to work, even some employment benefits. I saw an ad the other day about a company doing time share, job sharing, and in modern families, sometimes that is appropriate and can even be a reduction in some benefits provided by the company or the organization involved. I think we do need to continue to look at our cash situation and you mentioned that. If we need to really get into the big items, looking at exactly holding spending to what it has been in the past or even begin to make across the board reductions, I'm prepared to do that. Just speaking as one Commissioner, I'm not prepared to vote for a 4 mill increase a couple of years out so I agree, this is the time we need to really start determining what is going to happen in the years '98, '99 and the year 2000. I hope that the Commissioners can be a driving force in this issue.

“I think one of the things I'll commend Mr. Buchanan, you and the staff, I'm excited about this strategic planning process. I think strategic planning could play a big deal in budgets and how we look at budgets and how we spend money and as people come to you and to us, talking about needs, I think we need to ask the question, have you used strategic planning to make sure you are doing things the most efficiently cost wise you can and what are you doing in your department or your organization to save Sedgwick County money. I think that is a question that needs to be asked every time somebody has an increase. We need to know what you're doing to operate better. I think it is going to be a tough budget season, but I think this is probably one of the most important things we can do and one of the most important things the taxpayers expect us to do is because we do need to live within our means. Commissioner Schroeder.”

Commissioner Schroeder said, "Thank you Mr. Chairman, if you please. Bill and I have talked about this budget off and on the last month and so and something that I've noticed, and the County has been, I think, very prudent in the way we've budgeted our operations over here and how we've treated the taxpayers and how we respect their opinion. I think we've always prided ourselves of having, is we have increases, a little at a time in order to accommodate the services that need to be approved. For example, the ones the Manager just alluded to, juvenile and adult detention and those kinds of things. These sudden jumps like 4 mills, things like that, obviously there would be two or three of us gone in 1999 if we were to do that, but I see where the City has talked about cutting the bus system back.

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“They've come to us numerous times asking us to be a part of that system and I still can't envision buses driving 55 miles per hour on a sand road out in the County, I just don't think it works. They are cutting back library hours, some of the libraries are closed on the weekends. They used to be open when I was a kid, when I was in school. We've given them grants for new projects and then you've got the School Board on the other end who is talking two hundred and some million I believe for new schools. I would like to say I am somewhere in between, but that's quite a range. It still worries me somewhat. Mr. Buchanan has wisely cautioned us and said that cash is an important part of how we do business and that we are solid. We are very stable and I think we should take pride in how we conduct ourselves here. I want us to be sure we don't spend our cash down to a level that becomes a problem or becomes serious, because obviously our cash balance helps us with our bond rating, which helps us with borrowing, which saves the taxpayers money.

“That is a balancing act. I know that the next couple of years are going to be difficult years because of all that is upon us, but I want to say one thing, when I hear people tell me that taxpayers will accept increases in taxes if it is for law enforcement, I believe that for the instant, until I get the phone calls from them when they get their tax bills and say why did my tax bill go up X amount of dollars? Well, it's because we did it for law enforcement? Well, they're still not happy. They may have believed that at one time until it actually hits home and I just want to caution us that this is important, obviously, I am saying we need to build jails and keep these people off the street, we need to support the Police and the Sheriff Department and their endeavors to fight crime, but we have to be a little bit prudent about how we do that, just like we do with any other department. I will say that David Spears has done an excellent job in the last ten, fifteen years, in rebuilding roads.

“Seldom do I ever get a complaint about a road that is under the County system, 99% of my complaints come from Township or City streets. We try to direct those complaints in the right direction. We're doing a good job and the Manager and his office is continuing to keep us on that track. I just want to make sure we stay with it. I'm proud of what we've done in the past, I think we've got a good organization.”

Chairman Winters said, "Thank you. Commissioner Gwin."

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Commissioner Gwin said, "First, Mr. Chairman, I want to thank you for suggesting that this item be placed on the agenda. What the public and what our bureau chiefs and what our elected officials and department heads are hearing in public for the first time are some of the sentiments that we've shared with the Manager and the budget staff in each of our offices as we start heading toward the budget. I think that it is important that the public, elected officials and bureau chiefs and department heads hear us say this out loud. Budget targets have been presented to departments and I've always gotten complaints, well the Manager's target just isn't enough for me to work on or the Manager's target budget just isn't enough for us to do our job.

"What I want people to know is, the five of us are the ones who set that target. We discuss our philosophies with the Manager and this time publicly. We discuss our priorities with the Manager and then we also give the Manager direction on where we believe the expenditures and the mill levy and all of that should end up. So I want everyone to know, when they receive a target for their budget for '97, it is a target that is directed and driven and created by the five of us up here and carried out through the Manager and the Finance Department. So that is the first point of discussion.

"Secondly, the philosophies of this Commission may change over time, but I think it should become apparent to anybody who watches us for very long, that we are going to be fiscally conservative and that we are going to challenge our departments. I don't know that there is anything wrong with asking departments to send them a target of 3% less than what they had last year, 5% less than what they had last year. I don't what the number is yet, but there is nothing wrong with that, with challenging them to do that. There is nothing wrong with reexamining what we are currently doing and see if we continue to need to be in that business or if it needs to be some place else. We need to talk seriously about that. I have been a proponent, though it is the hardest thing in the world to do, of reducing finance general and those are the outside agencies for the most part who have assistance from the County.

"I want to make sure that the County taxpayers money is used as it is said it is going to be used. I think we need more accountability from those agencies. I think we need to hear from them on a regular basis in exactly how they are using taxpayer dollars and what other sources of moneys they have discovered on their own. Rethinking the financing of projects, I think there are some projects that we possibly can pay cash for and I think we ought to consider that rather than loading up the debt limit to the maximum if and when we can.

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“I am going to tell all of our internal sources, as well as the public, that I believe that we need to challenge County government to work with less money, to tighten up on our expenditures, and to use the cash in a prudent and careful manner. I also need to warn people, and I think they need to listen very hard, ongoing programs within the County and outside agencies, you are going to be under a lot of scrutiny and you better be prepared to justify the program that you are asking for and the agency that you are operating and the reasons that you are coming to us. It has always been serious, but it is especially serious as we start seeing major projects coming on. This is my warning to anyone who is listening, you better be able to do more with less, because that is the philosophy of this Commissioner and I wouldn't be surprised if that isn't the philosophy of the entire Commission. So when you see the Manager of the finance staff come to you with a target that looks considerably less than what you had last year, I'm just telling you don't be surprised. Thank you.”

Chairman Winters said, "Okay, thank you. Commissioner Hancock."

Commissioner Hancock said, "Thank you Mr. Chairman. The last couple of years, I have suggested without much action that we take a look at our budget in total of course, what our budget is, but we somehow separate out law enforcement from the rest of the budget. I think that it is important for the community to know what it is costing us in terms of prosecution, incarceration, arrest, probation, juvenile detention, and all the programs we have associated with that so not only can we understand it better, but our constituents understand it better where the money is going right now. I think you would see a trend that aside from law enforcement or capital improvement programs, the general government really isn't going up, if anything, it is probably going down relative to the valuation increase we've had over the community. There are a lot of ways to look at it and a lot of tricks, but in the past everybody assumed I wanted two budgets.

“I don't want two budgets, I just want it for the sake of public information and demonstrate to them what we're going through here and where our extreme costs are. You can't blame the District Attorney, you can't blame the Sheriff Office, you can't really blame anybody except for the folks that are breaking the law. They are the ones that are costing us a lot of money and that isn't the point. Both the D.A. and the Sheriff have even said that it would probably be a pretty good idea to demonstrate to folks out there what the criminal justice system is going through right no, the upheaval and the cost to the community. Because it doesn't cost me anything except other than as a taxpayer.

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"It doesn't cost me anything as a County Commissioner and it doesn't make me a lot of difference either way, but the community needs to understand what the situation is that we're going through in terms of law enforcement and what the criminal justice system is doing to them and to their pocket books. Not government, not what it takes to run our mental health department, now what it takes to keep track of the records, not what it takes to do general government, but the law enforcement and criminal justice system outside of civil proceedings, the criminal proceedings and the courts, what it is costing them. I think they would be surprised and it would be interesting reading."

Chairman Winters said, "Thank you. Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman, if you please. To follow up on Commissioner Hancock's comments, before I got here, your basic involvement with government was either some encroachment upon your property, some kind of a problem that you were having with a neighbor and you went to the government with sufficient assistance in solving it. The biggest place that you get public involvement is as I said earlier, when they open up the tax statement. That is their biggest involvement with their elected and their government, is when they open up their tax statement, that's it. Nobody mailed me a budget, nobody pointed out to me what increases and what departments they were going to be and so I would be willing to suggest, and this has been talked about before, that when a taxpayer receives his or her tax statement, that in their it sets out some of those areas that Commissioner Hancock referred to, like law enforcement.

"What part or what percentage of the budget went to law enforcement and or the judicial system, which would be like he said, the courts, the D.A., Sheriff's Department, et cetera. That is a big drain upon our budget. Maybe there is a way to do that and also in the past, we've had elected officials ask for their autonomy that if I ask for X amount of dollars from the Commissioner some of them expect to get it, because I will respond to the public for my department for my budget. If that is the case, we could list that on their too. I'm just saying, the closest we come to the public is something we get in the mail and it comes, not on a regular basis, not very often, but it is their tax statement. Maybe that is the best way to relate to them what is happening with their government, what is happening in the community. That is something that they pay attention to. I don't know about you guys, but when I get junk mail, I have tendency to throw it away.

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“We can send out news letters and stuff until the cows come home, I don't think it has any kind of an impact, but when they get that tax statement and there is information attached to it as to why their taxes went up or they didn't go up, what departments were most impacted or most impacted your taxes, that will be spelled out there. They have a good accounting then in their mind of what their government is doing. Otherwise they don't, unless they watch the meetings, read the paper, see the news, happen to catch that 30 seconds on the news, or see that article in the paper and maybe it was a Sunday paper that it came out in and they weren't even home Sunday and didn't read it. I'm just saying that there has got to be a better way to inform the citizens of this County other than through the media. Maybe it is up to us to change that practice. Thank you Mr. Chairman.”

Chairman Winters said, "Thank you. Commissioner Hancock."

Commissioner Hancock said, "I want to add to what Commissioner Schroeder is saying, in that we have a lot of things in this community that we want to do to create a better community and sometimes because of what we must do, leaves us few options of what we would like to do. I am really, as an elected official, sometimes I just get a little bit tired of having to make my choices based upon what we have to do rather than what we would like to see for our community. What's happening to me as a Commissioner, it seems like in the last few years, because of the crime problem, because of the juvenile problem, it leaves us few options of how we can improve our community. I want to stay involved with business and I want to stay involved with the citizen groups and I want to stay involved with my community outside the City of Wichita, but it is pretty hard to do that and have the funding and revenue to be able to participate when I have to spend all my time building jails, building juvenile housing facilities, hiring more people to watch these people, creating more space for the court system, and on and on and on.

“I would like for the citizens to understand that this is what it is costing us folks. Your government really isn't costing you more, but as long as we don't make changes in our community block by block to solve the problem of criminal justice and the juvenile problem, then the cost of government is going to continue to go up, because I am convinced that is the thrust right now as far as our spending is concerned.

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“We have had one luxury and that is the Science Center, and that is a luxury and it is a big one, I'll agree, but it is something that is positive, it's good, it's going to create an enormous benefit for downtown and I think an enormous benefit for all the Community, but it is a luxury and sometimes as an elected official you feel just a little bit guilty about voting to spend that kind of money for those things and it is a tough decision. The other things, the must do things, that you really don't have to do if the situation was different causes you to spend money someplace else. Anyway, that's why I agree with Commissioner Schroeder and that's why I say take a look at what the criminal justice system is actually costing us versus what government is costing us.”

Chairman Winters said, "Thank you. Mr. Manager."

Mr. Buchanan said, "To put in perspective, the public safety justice component of our budget takes up almost 57% of the employees who work for Sedgwick County, 57% of those. Fifty-seven out of every 100 employees work in the criminal justice system, the Sheriff, youth services, court trustee, emergency communication, detention, or the D.A. In terms of dollars, it is 43% of our budget. Forty-three out of every \$100 goes to that function. That is \$86,000,000."

Chairman Winters said, "Okay, thank you. Commissioner Miller."

Commissioner Miller said, "My comment is just a follow up for the most part to something that I talked about when we originally actually put out for bond the additions to the detention facility and I would like to say to Commissioner Hancock and also Commissioner Schroeder that I would support us actually being able to delineate out to the taxpayer where the fair share of the increase in their tax amount is coming from. I think that would be informative. That's not to say that it is not our obligation as elected officials to be able to do that publicly and be able to do that upon request or demand in certain sittings. Now, originally what I had asked to see happen is to not only know how much it is that we are spending on law enforcement and detention facilities would be an example of that, but to also be able to delineate how much it is that the County is spending on the 'front end' of the problem here. Now may not be the time, but I think since the door has been opened and the discussion is out there, to be able to tell the taxpayer why it is that their tax mill levy is increasing, how much of it is actually going to law enforcement.

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"I think that it is just as important for us to tell how much of our County revenue is going toward keeping individuals from going in that direction. So I will place that on the table once again for the Finance Department to assist me in obtaining that information, because I think it would definitely be informative for one, and might be an eye opener for the taxpayer for two. Thank you Mr. Chairman."

Chairman Winters said, "Thank you Commissioner Miller. I believe this has been a worth while discussion and I think it is beneficial when the five of us listen and speak to each other about what we believe about budgets because budget time is here and we don't communicate often enough in this kind of forum to determine what each of us is thinking. So I think this has been very good. I agree with Commissioner Hancock and Commissioner Schroeder, I think it is important that we divide some of that out. I agree with Commissioner Miller, I think front end services do have a role, but I specifically and clearly agree with Commissioner Gwin that we're going to set some tough targets this year.

"This is not business as usual, this is an organization, but we are like those companies and business and organizations, that are going to look at every opportunity to make sure we're doing things the best that we possibly can. So I agree with Commissioner Gwin. We're going to have tough hard targets, and if department heads and officials wonder why the Manager is being tough on targets, it's because the Commissioners want him to be on targets. I appreciate the discussion. I appreciate the report Mr. Buchanan. Is there any other discussion?"

MOTION

Chairman Winters moved to receive and file.

Commissioner Gwin seconded the Motion.

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

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much Mr. Buchanan. Next item please."

J. ESTIMATE FROM THE SEDGWICK COUNTY ELECTRIC COOPERATIVE FOR RELOCATION OF EQUIPMENT IN CONNECTION WITH SEDGWICK COUNTY PROJECT NO. 646-2-4780; BRIDGE ON 111TH STREET SOUTH BETWEEN 375TH AND 391ST STREETS WEST. CIP #B-242. DISTRICT #3.

Mr. David Spears, Director, Bureau of Public Services, greeted the Commissioners and said, "Item J is approval of a proposal by Sedgwick County Electric Cooperate to relocate their electric line at a cost of \$1,950 in connection with the bridge project on 111th Street South between 375th Street West and 391st Street West. This project is designated as B-242 in the Capital Improvement Program. This line is not located in the public right-of-way. I recommend that you approve the relocation and cost estimate."

MOTION

Commissioner Hancock moved to approve the estimate.

Commissioner Schroeder second the Motion.

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

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' FEBRUARY 22, 1996, REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have before you the minutes from the February 22 meeting of the Board of Bids and Contracts. There are seven items for consideration this morning."

(1) 1996 LATEX MODIFIED SLURRY SEAL - BUREAU/PUBLIC SERVICES FUNDING: SALES TAX

"Item one, 1996 latex modified slurry seal for the Bureau of Public Services project R-140. It was recommended to accept the low bid of Beachner Construction, in the amount of \$810,638.50

(2) SANITARY SEWER IMPROVEMENT: WHITE TAIL ADDITION, PHASE 11 - BUREAU/PUBLIC SERVICES FUNDING: DEBT FINANCED SEWER PROJECT

"Item two, sanitary sewer improvements for the White Tail Addition, Phase 11, also for the Bureau of Public Services. It was recommended to accept the low bid of Nowak Construction Company in the amount of \$27,752.

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(3) COPY MACHINE - BUREAU/PUBLIC SERVICES
FUNDING: BUREAU/PUBLIC SERVICES

"Item three is a copy machine also for the Bureau of Public Services. It was recommended to accept the low bid meeting specifications of Wilbur E. Walker Company for \$16,218 for the outright purchase price.

(4) CM-B SAND - BUREAU/PUBLIC SERVICES
FUNDING: BUREAU/PUBLIC SERVICES

"Item four, CM-B sand, also for the Bureau of Public Services. It was recommended to accept the low bid of Ritchie Sand, for \$62,700 and County forces will pick up that material.

(5) RESCUE EQUIPMENT - FIRE DEPARTMENT
FUNDING: FIRE DEPARTMENT

"Item five, various rescue equipment items for the Sedgwick County Fire Department. It was recommended to accept the only bid received on each individual item, for items you see noted from Casco Industries for a total of \$2,990 and Kan-Ok Apparatus of \$13,645.90.

(6) MAINTENANCE ON XEROX PRINTERS - INFORMATION SERVICES
FUNDING: INFORMATION SERVICES

"Item six, maintenance on Xerox mainframe laser printers for Information Services. This is a 1996 maintenance contract for the Xerox 4050 and the 48 mainframe printers. It was recommended to accept the only sole source bid of Xerox which is the manufacturer, for \$78,516.

(7) MAINTENANCE FOR SECURITY SYSTEM - BUREAU/CENTRAL SERVICES
FUNDING: BUREAU/CENTRAL SERVICES

"Item seven, maintenance for the security system by the Bureau of Central Services for the Sedgwick County adult local detention facility. It was recommended to accept the sole source bid of Simplex as the manufacturer and provider in the amount of \$67,369. Again, that is a 1996 maintenance contract.

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"I would recommend you approve the minutes as presented by the Board of Bids and Contracts."

MOTION

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

Commissioner Gwin second the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

CONSENT AGENDA

L. CONSENT AGENDA.

1. Highway Permit Agreement.

Boeing Commercial Airplane Group is submitting application requesting permission to remove traffic signal arms and heads at the intersection of Lot O and MacArthur Road. Items to be replaced in approximately four months. Riverside Township. Highway Permit #002-96. Road #628-29. District #5.

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2. Right-of-Way Easements.

The following tracts of land have been granted by Easement for Right-of-Way at no cost to the County. These Easements were requested by the Director, Bureau of Public Services, prior to the approval of platting exemptions.

- a. Road Number 793-NH, Owner: Gerard Seiler, President of GGD, Inc., located in the Northwest Quarter of Section 7, Township 27 South, Range 2 West, more specifically located on the east side of 215th St. West and south of 21st St. North. Attica Township. District #3.
- b. Road Number 779-R, Owners: Jeffery Hitt and Kathy Hitt, located in the Southeast Quarter of Section 35, Township 27 South, Range 4 West, more specifically located on the west side of 327th St. West and north of 23rd St South (Pawnee). Grand River Township. District #3.
- c. Road Number 833-BB, Owners: Charles A. Warren, Pamela R. Warren, Curtis J. Warren, Lori R. Warren, Steven R. Dutton, Donna M. Dutton, Danny R. Warren Alisa K. Warren and Carl D. Warren, located in the Northeast Quarter of Section 20, Township 29 South, Range 2 East, more specifically located on the west side of 95th St. East (Webb Road) and south of 95th St. South. Rockford Township. District #2.

3. Right-of-Way Instruments.

- a. One Easement for Right-of-Way for Sedgwick County Project No. 642-27, 28; 95th Street South between Broadway and Hillside. CIP #R-142. District #2.
- b. Three Easements for Right-of-Way for Sedgwick County Project No. 817-G through N½ J; Meridian from the north city limits of Wichita to the south city limits of Valley Center. CIP #R-169. District #4.

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4. Section 8 Housing Assistance Payment Contract.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V96015	\$425.00	5	Glenn Dvorak

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V93026	\$279.00	\$295.00
V93025	\$447.00	\$447.00
V93028	\$250.00	\$300.00
C95004	\$344.00	\$364.00
V10110	\$373.00	\$397.00
V95111	\$262.00	\$360.00
C87102	\$173.00	\$299.00
V94011	\$306.00	\$137.00
V95009	\$324.00	\$000.00
V95149	\$190.00	\$194.00
C862021	\$304.00	\$188.00

6. Order dated February 21, 1996, to correct tax roll for change of assessment.

7. Consideration of the Check Register of February 23, 1996.

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8. Budget Adjustment Requests.

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960099	Capital Projects	Supplemental Appropriation
960100	Flood Control	Transfer
960101	Capital Projects	Transfer
960102	Capital Projects	Transfer
960103	1996 Bridge Projects	Supplemental Appropriation

Mr. William Buchanan, County Manager, said, "Commissioners, you have the consent agenda before you and I would recommend you approve it as it is presented."

MOTION

Commissioner Gwin moved to approve the consent agenda as presented.

Commissioner Miller second the Motion.

Chairman Winters said, "We have a Motion and a second on the consent agenda. Is there any discussion? Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman, if you please. Mr Buchanan, I'm not sure who could answer this, but item 960102, Capital Projects Department, regarding EMS Post #12. CIP contingency funds, to transfer funds from CIP contingency to construction related items on the EMS Post. Do you know what is going on there? I guess I haven't heard."

Mr. Buchanan said, "No, I can't give you the details of why a \$30,000 adjustment is needed there."

Commissioner Schroeder said, "Obviously, that must be over the estimated cost of the project then, if we're going into CIP contingency. Could somebody get back to us? Is there any immediate need to do it now, or should we go ahead and approve it?"

Mr. Buchanan said, "I can't imagine why we couldn't delay this a week."

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Commissioner Schroeder said, "Could you brief us about what is going on?"

Mr. Buchanan said, "Absolutely."

Commissioner Schroeder said, "Okay, thank you. Can we amend that to delay that for one week?"

Commissioner Gwin said, "So amended."

AMENDED MOTION

Commissioner Gwin moved to approve the Consent Agenda, with the exception of budget adjustment request number 960102 for one week.

Commissioner Miller seconded the Motion.

Chairman Winters said, "We have a Motion to accept the consent agenda with the exception of budget adjustment request number 960102. Any other discussion? If not, call the vote please."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you. We had tentatively scheduled or had scheduled an executive session, but due to the lateness of the hour, I think we can delay that unless anyone has serious problems with that. Is there any other business to come before this Board? Seeing none, this meeting is adjourned."

M. OTHER

N. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 11:58 a.m.

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

THOMAS G. WINTERS, Chairman
Third District

MELODY C. MILLER, Chair Pro Tem
Fourth District

BETSY GWIN, Commissioner
First District

PAUL W. HANCOCK, Commissioner
Second District

MARK F. SCHROEDER, Commissioner
Fifth District

ATTEST:

Susan E. Crockett-Spoon, County Clerk

APPROVED:

_____, 1996