

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

JUNE 19, 1996

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, June 19, 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 B. Plummer, County Counselor; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. John Nath, Director, Kansas Coliseum; Mr. Mark Masterson, Director, Youth Services, Juvenile Detention Facility; Ms. Louanna Honeycutt Burress, Administrative Officer, Department of Housing & Economic Development; Mr. Kenneth Arnold, Director, Capital Projects Department; Mr. Gary Curmode, Chief, Fire Department; Ms. Patti Peterson, Lieutenant, Fire Department; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Jim Weber, Director, Sewer Operations/Maintenance; Mr. Ken Williams, Assistant Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Susan E. Crockett-Spoon, County Clerk.

GUESTS

Ms. Marge Zakoura-Vaughan, President, Human Services Board
Ms. Earline Wesley, Director, Human Services Department, City of Wichita
Dr. David Brown, M.D., 5942 South T Street, Derby, Kansas
Mr. Rex Morley, 5811 South Preston Trail, Derby, Kansas
Senator Nancy Herrington, Kansas State Senate District #
Mr. Shannon McGuinness,

INVOCATION

The Invocation was given by Mr. David Cline of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, June 5, 1996.

The Clerk reported that Commissioner Schroeder was absent at the Regular Meeting of June 5, 1996.

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

MOTION

Commissioner Gwin moved to approve the minutes of June 5, 1996, as presented.

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	Abstain
Chairman Thomas G. Winters	Aye

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

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Ms. Becky Allen-Bouska, Finance Director, greeted the Commissioners and said, "You have previously received the certification of funds for today's regular and sewer district agenda. I am available for questions if there are any."

Chairman Winters said, "Thank you. I see no questions. Thank you very much. Next item please."

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PROCLAMATION

A. PROCLAMATION DECLARING JUNE 22, 1996 AS "LOCAL DIALOGUE ON POVERTY DAY."

Chairman Winters said, "Thank you very much. Commissioners, I have a Proclamation in front of me that I'd like to read into the record."

PROCLAMATION

WHEREAS, poverty is among the foremost challenges confronting America today; and

WHEREAS, it presents numerous roadblocks to the upward mobility of children born in poverty, and absorbs substantial amounts of society's resources; and

WHEREAS, locally, 10.9 percent of people in Sedgwick County are below poverty level; 18.4 percent of children under 5 in Sedgwick County are below poverty level; 61.1 percent of the poverty level households are female-headed; and

WHEREAS, there are many factors which contribute to poverty; and

WHEREAS, the National Association of Community Action Agencies will sponsor the National Dialogue on Poverty on Saturday, June 22, 1996, hosted locally by the City of Wichita's Human Services Board;

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim Saturday, June 22, 1996, as

"LOCAL DIALOGUE ON POVERTY DAY "

in Sedgwick County, and urge all citizens to take part in these historical discussions.

Chairman Winters said, "Commissioners, you've heard the Proclamation, what's the will of the Board?"

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MOTION

Commissioner Schroeder moved to adopt the Proclamation 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 very much. Today we have with us Marge Zakoura-Vaughan."

Ms. Zakoura-Vaughan, President, Human Services Board, said, "Commissioners, thank you very much. We appreciate your Proclamation and your recognition of this important event. If I may have come up with me Earline Wesley, from the Department of Human Resources."

Chairman Winters said, "Yes, Earline, please come forward and welcome to our Commission meeting."

Ms. Earline Wesley, Director, Human Services Department, City of Wichita, said, "Thank you."

Ms. Zakoura-Vaughan said, "We have worked as a team to try to put together a day when we could involve as many people as possible in Sedgwick County to have a dialogue on poverty. There are so many important issues that affect us as a community. We want to call together everyone. We'll be at more than 40 sites within Sedgwick County. We urge each of you to participate. For those of you who can come and bring a car load of people who

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might not be able to get there, this is important, as we in our community discuss poverty, its affect upon the entire community as well as the individual. This will plus into the State data and the national data where we will set priorities as a community, a State, and a Nation. We hope that we will have excellent participation. We appreciate your encouragement of this and your participation. Thanks."

Ms. Wesley said, "I'd also like to extend an open invitation to all of those who participate in the dialogues and those who may not be able to participate to join us at Century II at noon, beginning at noon on Saturday until 2:00 p.m. for the wrap-up, where we will have an opportunity to visit in fellowship with all of those who have participated and talk about some of the strategies, the feelings that we have after the discussions. The discussions are not intended to obtain consensus. This is an opportunity for this Country to begin to have a serious dialogue on poverty and the effect it has on all of us in our community. This has not been done since the 1960s. It is long over due. The people who are in positions to talk about solutions to poverty are not hearing from the people who are most directly affected, our citizens who are living in poverty and the local law makers, like you, policy makers who have to deal with the problems at the local level. Again, as Marge has said, we would like to extend an open invitation for the entire community to join us in these discussions and in the wrap-up session at Century II on Saturday. Thank you."

Chairman Winters said, "Thank you. I think Commissioner Miller has a statement if you'd wait just a second. Commissioner Miller."

Commissioner Miller said, "How are you ladies this morning?"

Ms. Zakoura-Vaughan said, "Just fine."

Commissioner Miller said, "This is a wonderful venture and I agree, it's long over due. What I'd like to do though is get out some actual locations if you happen to have any on the top of your head for the viewers that might be watching at this time."

Ms. Zakoura-Vaughan said, "The American Red Cross, Bank IV, City Hall, numerous churches throughout the community. The Brookside United Methodist Church in Plainview, the Catholic Diocese, the Child Care Association, Data Mac on 21st Street, Evergreen, College Hill United Methodist Church, CPO Council 1, First Christian Church, Gloria Del Lutheran Church, Goodwill Industries, Head Start at the Greater Christ Temple."

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Ms. Wesley said, "The locations are printed in the newspaper."

Commissioner Miller said, "Very good."

Chairman Winters said, "Yes, I did see in the newspaper that there is a list of locations this morning. Is there a phone number that people could call so if they wanted to talk about it could receive more information?"

Ms. Wesley said, "Yes, the number is 268-4691."

Chairman Winters said, "It's 268-4691, if anyone would like to call for additional information."

Ms. Zakoura-Vaughan said, "Chairman Winters, if I could plug one additional location. I had a call this morning from Hunter Health Clinic. They've agreed to be a location and they were inadvertently omitted."

Ms. Wesley said, "And Wichita Industries and Services for the blind for those who are visually impaired. I believe we are having the information in braille as well as in larger print and it is handicap accessible."

Commissioner Miller said, "That's very good."

Ms. Zakoura-Vaughan said, "We do have some additional flyers which have been put over on the side table. You each have a copy. Again, we invite you to be with us this Saturday, June 22, from 9:30 to 12:00 for the dialogue at various locations and 12:30 to 2:00 at Century II for the wrap-up."

Ms. Wesley said, "And we will be serving lunch."

Commissioner Miller said, "Excellent. Thank you."

Chairman Winters said, "Thank you very much ladies. We hope we are able to discern some valuable information. Next item please."

APPOINTMENT

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B. RESIGNATIONS (2) AND APPOINTMENT.

1. RESIGNATION OF CHARLES W. HUBBARD FROM THE WICHITA-SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE.

Mr. Stephen Plummer, County Counselor, greeted the Commissioners and said, "The first item you have is a resignation letter from Charles Hubbard resigning from the Wichita-Sedgwick County Solid Waste Management Committee. I recommend you accept his resignation."

MOTION

Commissioner Schroeder moved to accept the resignation.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Absent at vote
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."

2. RESIGNATION OF FRANCES JACKSON FROM THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Mr. Plummer said, "Next is a letter of resignation from Frances Jackson, resigning from the Sedgwick County Advisory Council on Aging. I recommend you accept her resignation."

MOTION

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Commissioner Miller moved to accept the resignation.

Commissioner Schroeder seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Absent at vote
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."

3. RESOLUTION APPOINTING DONNA H. ARD TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Mr. Plummer said, "Last of all, you have a Resolution appointing Donna Ard to the Sedgwick County Advisory Council on Aging. I recommend you adopt that Resolution."

MOTION

Commissioner Miller moved to adopt the Resolution.

Commissioner Schroeder seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Absent at vote
Commissioner Paul W. Hancock	Aye

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Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. I believe Donna Ard is here this morning. Donna if you would come forward please. County Clerk, Susan Crockett-Spoon will swear you in."

Ms. Susan Crockett-Spoon said, "Donna, if you will raise your right hand and repeat after me.

"I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and faithfully discharge the duties of the Office of Sedgwick County Council on Aging Advisory Board, so help me God."

Ms. Donna Ard repeated the oath, and said, "Thank you very much Commissioners."

Chairman Winters said, "Thank you very much. We certainly appreciate it when citizens agree to serve on our advisory boards. They are very important and we appreciate that. Commissioners, before we go to the next item, we have a citizen here to speak to us with a Statement of Position concerning solid waste and I visited with them for a moment about the place in the agenda. Commissioner Schroeder needs to leave for the funeral of a friend and we have a planning item deferred, so if it is acceptable with the Commission, I'd like to skip now to item D now, a deferred item concerning planning so we can have that discussion while Commissioner Schroeder is here. Madam Clerk would you please call Item D."

DEFERRED ITEMS

D. CASE NUMBER V-1939 - REQUEST TO VACATE A FLOODWAY RESERVE AGREEMENT LOCATED EAST OF 127TH STREET EAST AND ½ MILE NORTH OF 63RD STREET SOUTH.

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, said, "This request is a public hearing item and the item was deferred. It involves the vacation of a floodway easement for a tract that is off of t Street East in the southeast part of the County. There is

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a pond that is shared by two property owners. Both of these owners are here, by the way, this morning. Dr. Brown who is the owner to the north of the tract, involving the proposed easement expressed some concerns privately about this vacation to me and the impact it would have. Part of the plan involves widening a pond on the applicants property and I think he had concerns about the impact of that. I think it is important to point out that the widening of the pond actually doesn't require the vacation of the floodway easement. In fact, that expands the floodway area. The purpose of removing the easement is so it will have more area to build on the lot. I think both of the applicants are here this morning in case you have any questions of them. I think your intention last time was to close the hearing, but since both of the owners are here this morning, it would probably be appropriate to reopen it and hear there concerns."

Chairman Winters said, "Alright, I think that would probably be the appropriate thing to do, so at this time, we will receive public comment acknowledging that our first public meeting had been opened and closed, but we will reopen that and listen to citizens that want to discuss this item. So if there anyone who would like to address the Board of County Commissioners concerning this item, please come forward. Item D on our Metropolitan Planning. Yes sir, please come forward. State you name and address for the record and you are limited to five minutes, please."

Dr. David Brown said, "I am an emergency room physician who was recruited from Texas to come here and work in Kansas. A year ago we brought this property on 5942 South T Street East in Derby, Kansas. We bought the property knowing there was a flood reserve agreement. I have the agreement here and it states that no building shall be placed within the reserve, no fill, change of grade, creation of channels or other work be carried on without the permission of the Sedgwick County Engineer. This pond that I have, the majority of the water is on my property. The pond, itself, we bought the pond and the property knowing we liked it the way it was. A small portion of the pond, less than 10% does exist on Mr. Morley's property. In heavy rains, we do get some overflow and the damn also goes onto his property, so he does have a portion of the pond. By his widening the channel and digging the pond out deeper and changing the grade, this will possibly allow me to end up with a mud hole on my property. I have a very small pond. The deepest it every exists is about 5 feet deep in depth. By digging the pond out deeper on his wide and widening the channel, he actually will be changing the grade and therefore, the water will flow naturally from my property to his to the lowest spot by gravitation. Therefore, I could end up with a devaluation of my property and end up with a mud hole and my livestock would have no

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water except what I could pump to them.

"We also are protesting that vacation because where he proposes to build also would be adjacent to our home and the ten acre tract that he proposes to build on, when we looked at the agreement and the flood reserve plain, it looked as if the only building site would have been in the northeast corner of his property, not by vacating the property, but the agreement would allow him to build now adjacent to our home. So those are a couple of my concerns about vacating this agreement. Naturally, the devaluation of my property, loss of my water rights and also having a home adjacent to mine, which is now open pasture and very beautiful to look at. If he would build his home where the original site was, it would not be a problem. So those are several of my concerns. Questions gentlemen."

Chairman Winters said, "At this time, Dr. Brown, I don't see any questions."

Dr. Brown said, "Okay, I do have one other statement here I'd like to present. It just talks about these types of situations in flood reserve agreements and changes of water and there are just a few cases in Kansas dealing with these water rights. In fact, there was one case of Johnson versus the Board of Pratt County Commissioners, a 1995 case, where the owner of the property on a river, you know I can't find an identical case, but he provided a barrier to confine the water so the channel naturally, this affected all the people along the river, naturally, by building this barrier, and they had lost their access to the water and so this was a similar case where I would lose access to my water and I am very concerned about it and I hope you would rule in my favor. Thank you gentlemen."

Chairman Winters said, "Thank you. Is there anyone else here who would like to address the Commission on this issue? Please come forward, state your name and address for the record and again, you are limited to 5 minutes."

Mr. Rex Morley greeted the Commissioners and said, "My current address is 5811 S. Preston Trail, which is approximately a mile and a half from this proposed property, which has an address of 6000 127th Street East. I would like to answer these questions on a par basis. Now is this a chalk board?"

Chairman Winters said, "No."

Mr. Morley said, "Okay, then I'm going to have to ask you to use your imagination. My

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proposal on this pond and this property is where my son and his wife want to build a home. To go approximately 40 foot from the property line and dig a hole away from the property line and the way we intend to build the property and the way a pond bottom goes, it's curved. If we've got a curve that comes this way and we come 40 foot from this way and we dig the pond down this way and then away from it to enlarge it, that water level is only going to go down to a certain level and then stop. When it rains like it does, both of us are going to have water until it dehydrates out to that point, at which time, I will not take any more water from him. I won't take any water from him at all. Right now, I can't even dig in there because the water has come up another 20 foot from where we originally were hoping to start. So we can't even dig there, so I'm not going to take any real water away from the gentleman. If he goes dry, then everybody is going to go dry. I may not because I've got a deeper hole in which point I hold more water, but I'm not going to take any more water away from him then what he would get through a normal process of evaporation and being pulled into the ground. I've already made this statement to the gentleman that I had no intention of taking his water and I've made the statement in front of several witnesses that would back him up should I decide to do anything to make him a mud hole. I am not going to do anything more than what nature would do. All I want to do is just make a bigger pond.

"I would like to point out an issue here. This floodway is really not a legal requirement. This floodway does not even have to exist. It is not on any flood plain of federal government. For all theory, my son and I could ask that the whole thing be removed and not be legally bound to hold it in the sense that it is not required. It is not a true flood plain. My son and I went in and we didn't want to remove everything. All we want to do is make a presentable building site for my son and his wife so that they could have everything everybody else has, is a home on a piece of property. This section is in a home development area. It has been plotted out for home sites at 10 acres.

"Now, as far as his other contention, being close to his house. I agree, my son, if he gets this vacated, will be able to build his home up on the front part instead of on the back half or the back one tenth, I guess you'd call it, the way that it is written up there on your maps. But his home will probably be about 260 to 280 feet from the property line and it will sit behind his home by at least 70 to 100 foot. So if that is close to his house, I'm sorry. On 10 acres, that's a large amount of distance. In town, everybody would love to have that much distance from their neighbors.

"I'm not here to take his property, I'm not here to take his rights, but my son has a right and

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his wife has a right to be reasonably able to build a home on property that they bought. We did make concessions on this, talking to the water people, Bob George and those people, to leave this in effect. True, we might like to have had it all removed so that we wouldn't have to worry about future problems with it, but we did agree to the vacation as it stands in front of you folks, to leave this floodway in existence, when it really doesn't need to be. That's all we're asking for, my son and his wife have a right to build a home just any other normal American. That's all I have. I may have one more thing. We had a meeting a couple of weeks ago and possibly you guys received a report from your Legal Department. You might want to read it. Now your question sir?"

Chairman Winters said, "There is a couple of questions for you sir. Commissioner Hancock."

Commissioner Hancock said, "Mr. Morley, is there a spillway in this particular pond?"

Mr. Morley said, "An overflow?"

Commissioner Hancock said, "Uh-huh."

Mr. Morley said, "Yes sir, there is."

Commissioner Hancock said, "And if you enlarge the pond, will you change the elevation of the spillway?"

Mr. Morley said, "Yes sir, I'm going to lower it one foot. I want to lower it one foot either way, whether we get it vacated or otherwise. Lowering it one foot will allow more water to flow and less chance of damage to my neighbors. My neighbor also has an emergency back-up spillway on his property."

Commissioner Hancock said, "Down stream from this one?"

Mr. Morley said, "It's on his side of the property at his end of the damn as an emergency spillway."

Commissioner Hancock said, "Are we talking about Dr. Brown?"

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Mr. Morley said, "Yes sir."

Commissioner Hancock said, "Okay. There are two spillways on this property then?"

Mr. Morley said, "There is one normal spillway and then the other one for an emergency overflow."

Commissioner Hancock said, "Okay and it is a higher elevation than the normal spillway."

Mr. Morley said, "Yes sir."

Commissioner Hancock said, "Why would you lower it?"

Mr. Morley said, "Because the last rains we had that were really big the first of this year, or the middle of last year."

Commissioner Hancock said, "August."

Mr. Morley said, "The water got real high and my son and I were looking at it and it was coming awful close on Mr. Brown's actual property around his home. And if we lower it a foot, we'll take away that additional chance of him getting water backing up into his doorway and going into his home."

Commissioner Hancock said, "From the pond, I presume."

Mr. Morley said, "Yes. From the heavy rains."

Commissioner Hancock said, "I think what we are assuming here is when you enlarge the pond and that you are lowering the depth of it, we're all assuming that there is going to be the same amount of water volume retained. Wouldn't this actually retain more water volume?"

Mr. Morley said, "It will retain more water volume, yes sir."

Commissioner Hancock said, "Would it decrease the surface area?"

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Mr. Morley said, "The only way it would decrease the surface area is if I were to dig the damn right now at the water level that it is right now and my original purpose to begin with at the time I was going to dig, was not dig it at that water level, I was going to dig away from it so that when the rains came, his side will fill up a little more and then it would fill up my hole and we would both have a ton of water."

Commissioner Hancock said, "By this, you're assuming that once the volume is obtained in the pond, then it will be maintained at its normal level, pretty much as it is today with the exception of the one foot that you intend to lower the spillway?"

Mr. Morley said, "Well, yes sir, that is probably a good basis. At the water level that it is today, if I were to dig a hole today, I would be about 25 feet away from where I would like to have done when it was a little drier. But if I dig today, I'm not going to take any more water away from him tomorrow at all."

Commissioner Hancock said, "Until the pond reaches it's normal spillway level, it would be a little bit lower but then after it reaches that level."

Mr. Morley said, "It's going to remain the same until the water evaporates or gets sucked into the ground to that point to where I started digging down."

Commissioner Hancock said, "Do you have any idea how much more surface area you would be creating on the pond?"

Mr. Morley said, "Well, if I hadn't spent so much money, a huge amount, but at this point in time, all we're telling the builder is just take out enough dirt to build the road we need to build out there and maybe prepare a home site. So in relativity, that's not a whole lot of dirt."

Commissioner Hancock said, "Okay, I see."

Mr. Morley said, "We told him to dig it as deep as he can right now."

Commissioner Hancock said, "In terms of increased service area, do you think, well a typical house about be 1400 to 1500 square feet, the area of a house maybe?"

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Mr. Morley said, "Originally, it was going to be approximately 100 foot wide by 230 foot long. We were hoping to get a 10 to 15 foot depth."

Commissioner Hancock said, "So that's 25,000 square feet."

Mr. Morley said, "Right, of course, it has to be sloped at an angle. It can't be cut square because the banks would fall in."

Commissioner Hancock said, "What I'm trying to do in my own mind is, I'm assuming that once the pond is full, the surface area will be maintained as it is today, pretty much. Dr. Brown seems pretty much happy the way it is. He wants to maintain that service area, so there is water in his end of the pond."

Mr. Morley said, "Once it is filled, it is not going to go any deeper then what it is at today's level."

Commissioner Hancock said, "The only thing that would create a situation where if you would increase the service area and not increase the depth. What I'm saying to you is more evaporation occurs and the water goes away faster and the chances of his end becoming a mud hole would increase."

Mr. Morley said, "The evaporation is even completely across the whole scope. Just because you add more water doesn't increase the evaporation."

Commissioner Hancock said, "I understand that, but evaporation is proportional to the amount of surface area you have exposed, so I guess what I'm trying to clarify in my own mind, once the pond is full, then essentially, the other owner would have the same amount of surface area."

Mr. Morley said, "He would have the same amount of surface area."

Commissioner Hancock said, "The only thing I can see is that it would decrease by the foot that you are lowering the spillway."

Mr. Morley said, "That would be the only thing. Although right now, I would have to go about 4 foot down to touch the water level as it is right now."

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Commissioner Hancock said, "Okay, I understand. The water level is well below the spillway."

Mr. Morley said, "Way below."

Commissioner Hancock said, "And stays that way for the most part."

Mr. Morley said, "Yes sir. I will say this, the pond I have behind my existing home was dry this year and this pond still had water in it up to about 30 foot on my side of the property line. Mine was completely dry."

Commissioner Hancock said, "When you talked to Bob George, did he indicate to you in any way that it would change the overall situation there by you enlarging the pond?"

Mr. Morley said, "He thought it would have no impact on it. Mr. Weber I believe is here and you can ask him and he would know what Mr. George said."

Commissioner Hancock said, "I have one more question and I may come back to it. I think what we are doing here is assuming that the pond is never going to fill up and if it doesn't fill up and if it is deeper, certainly it will expose on one side. It's been my experience that once the pond is filled up it is generally maintained pretty much at a certain level dependent upon the rain. I think that you are just retaining more water aren't you? Isn't that essentially what you are doing?"

Mr. Morley said, "Essentially, I will have more water, especially if I'm lower than the pond level as it is right now. But I'm not going to take any water away from him. The only way I'll take water away is if I go up to the fence line and dig my hole there and there is no way to do that. You have to let a pond stay dry for a year before you can even get in and dig it out. Right now, with these delays that I've had, I've been pushed further and further away from where I wanted to. I originally wanted to go about 40 foot away from the property line and make this pond the whole way through that 40 foot and leave 40 feet of dirt between the neighbor and myself."

Commissioner Hancock said, "I might ask the engineers that are here, am I on the right trail here? Am I thinking properly as far as from an engineering perspective that it just becomes a large retainage essentially and the surface elevation remains pretty much the same once it

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is full?"

Mr. Jim Weber, Director of Sewer Operations and Maintenance, said, "If I could take just a minute to address it a little bit more detail. The area that Mr. Morley wishes to excavate is currently in an existing floodway reserve. If you vacate the floodway reserve that Mr. Morley has requested you vacate, it will still be in a floodway reserve. As Dr. Brown had read the language in a floodway reserve to you, it indicates that these kind of changes cannot be made without the permission of the County Engineer. Mr. Morley has requested permission to do four or five different things to the property. One of them is to excavate out the pond and we have, earlier this year, issued him a letter giving him permission to do that. We essentially agree with the description that Mr. Morley has given you. By doing excavation, he would create a larger volume of water below whatever the surface level of the pond is at any given time. When we met in the field, he did describe, although I don't believe we have any way to control whether he does this or not, but he has described coming back from the property line and intersecting, if you will, the existing pond bottom and over excavating. However, that just creates more volume under whatever the water level is. I think the only temporary side effect of this is that, for example, if that were to happen three weeks from now, on July 4, when the water levels were down, it might be a little distressing to do that work. There probably would be some water shift from Dr. Brown's property to Mr. Morley's property in the short term and that would be a real bad time to have that happen. That would be something that might be more appropriate to happen in the fall when it is more likely to get it done and get some rain on it and not have the heat stress on whatever is living in the pond or around it. But once you get past the short term, the temporary problem, this should have no affect, in fact it should probably should be helpful because then you've got a larger body of water, it is more likely that if you're into fishing that you're going to be able to retain a fish population. I don't know that there is really anything bad that happens as a result of this."

Commissioner Hancock said, "The only thing I could see is that there maybe a good reason for it. Mr. Morley suggested lowering the spillway and that is the maximum elevation of any spillway from the time the rain stops until they start again and just by you would lower that service area then would be decreased on the upper end of the pond which is Dr. Brown's property. That's the only thing that concerns me and that may be a situation I'm not quite understanding precisely, that's the maximum elevation is right at the bottom of that spillway and that's where it starts the evaporation process and that means that foot of water that would be, that elevation wouldn't be available to Mr. Brown. That's the only thing I'm

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concerned about."

Mr. Weber said, "I'm not sure that Mr. Morley fully understood your question. As far as I can tell, there is no pipe through the spillway. All we have operating here is an emergency type spillway, one on Mr. Brown's and one on Mr. Morley's."

Commissioner Hancock said, "Around both ends of the dam?"

Mr. Weber said, "Both ends of the dam. What I'm not sure today is, I can't tell you factually what the difference is in elevation between those two spillway elevations. We have a survey on the Morley property but not on the Brown property."

Commissioner Hancock said, "Probably one is slightly higher than the other and takes over."

Mr. Weber said, "That's what Mr. Morley has indicated and they are way high from the surface of the pond."

Commissioner Hancock said, "Okay, very good. Thank you."

Chairman Winters said, "Other questions for Mr. Morley?"

Commissioner Hancock said, "No."

Chairman Winters said, "Okay, at this time we will stop the public comment. Commissioner Gwin."

Commissioner Gwin said, "Jim, don't go away. We're talking about vacating a floodway easement and removing a portion of it from a flood reserve agreement. What parties are a part of a floodway reserve agreement, of this one?"

Mr. Weber said, "A flood reserve agreement is essentially an easement form and it is between the individual property owner and the County or if it is something that eventually gets annexed into the City of Wichita, whoever the governing body of the jurisdiction it is."

Commissioner Gwin said, "Okay. Now I also notice in the minutes that it indicates that the

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current flood maps indicate that this property is outside the 500 year flood area. Is that an area that would need to be still considered a floodway reserve?"

Mr. Weber said, "When we look at these types of rural developments. These are both being done as platting exemptions, where platting is not required. You are used to seeing a lot of plats, where these easements and things are acquired. When someone applies for a platting exemption, they are required to meet essentially the same standards as a plat is. However, we do that in house with our own staff and try not to overload them with regulations and engineers and things a large developer has to deal with. It is typical, whether it is in a flood plain or not, if we identify a pond and if you think about the property, it is basically a pasture. This pond has water coming into it from two or three directions. Our goal is to protect the drainage system so someone doesn't cause a problem on it and the floodway reserve agreement is the least intrusive document we have. It essentially says it is up to you to maintain it in the form that it is now, if you want to change it, come talk to us and we can give you permission to do that. If in the future we needed to do a drainage project, we can essentially convert that into a drainage easement and go in and do what we need to do. But whether a property is in the 100 year flood plain or not, if we see a drainage feature that needs to be protected, then we would require that those be dedicated."

Commissioner Gwin said, "Okay, the issue today, as I see it, is having to do with approving the vacation of a floodway easement and I gather that in order primarily for Mr. Morley to build a home, correct?"

Mr. Weber said, "That's correct. We do not allow people to build permanent structures, dwelling units, in a floodway reserve. If Mr. Morley requested to be able to put a pole barn in the floodway reserve and it wasn't something that we thought was going to be a problem, we could allow that to happen in a floodway reserve. Obviously, you get all kinds of clouded titles when you start putting houses in a middle of these kinds of easements."

Commissioner Gwin said, "Could Mr. Morley change the pond without approving vacation of the floodway easement, just change it however he feels?"

Mr. Weber said, "We have granted him permission to do that right now under the existing floodway reserve agreement."

Commissioner Gwin said, "So he could change it without asking anyone's permission, is

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that correct?"

Mr. Weber said, "No, he could not change it without asking permission, if the floodway reserve exists today, he has requested to make specific changes and we have granted him permission to do that. The problem is that if the floodway reserve is not vacated, there is a site there where he would like to build a home, or his son would like to build a home, we would not allow him to do that. But if he felt that he wanted to move the house to the back of the property, he could do that without vacating the floodway reserve and he has already got permission to make the changes."

Commissioner Gwin said, "Well the issue for me is, is the site that he has selected, in the County's opinion, an appropriate place for a house to be built."

Mr. Weber said, "We believe that it is. I don't want to belabor the thing, but a little back ground. This was originally one large tract and when, as we kind of explained, we try not to bog people down with a whole lot of regulation and engineering work, so when the original owner had selected a building site, it is often easier to write these things rather conservatively and the owner had his building site and wasn't concerned about, we have little knobs and hills that show up out there and this thing got covered with the easement. Had the owner at that time said I'm concerned about being able to put something over there, we probably would have worked with him to identify the proposed building site as a place that we would have written around in the first place."

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

Mr. Weber said, "Just one thing. Commissioner Hancock had asked about the size of this. The area where he has requested and received permission to excavate the pond, is about 100 feet by 400 feet long, a little less than an acre. Out of that, he had kind of showed leaving a little island situation or peninsula out in the middle of that. I'm guessing it probably doubles or adds 75% more capacity to the surface area of the pond."

Chairman Winters said, "Alright, thank you Jim. We kind of got off on staff. Is there anyone else in the public who would like to speak to this issue? Anyone else from the public who would like to speak to this issue, please come forward. State your name and address for the record and you're limited to 5 minutes."

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Mr. Ryan Hodge said, "My address is 353 N. Market and I am Dr. Brown's attorney. I just wanted to discuss a couple of the issues that I located in examining the prospects of what is going on today. As I understand the rules and the law of this State, even though the County has the right, certainly, to grant him a permit to do these changes, the law requires that surface water area be limited to a reasonable use. In the event that for some unforeseen circumstance, or perhaps even partially seen as a result of some of the things we've discussed, like increase surface area, the use of this water causes an unreasonable use which excessively depletes the water supply to Dr. Brown. It creates a litigation situation and I guess my concern is, as is Dr. Brown's, and part of this is a little bit speculation because to be honest with you, we really don't know what is going to happen. We just don't know, but we want to be sure that Dr. Brown's lake is appropriately protect. If there can be guidelines set out that can ensure that, then perhaps that is the appropriate way to go, but it would seem to me, when I was reviewing this, I read through several cases and one of them I found was somewhat similar in a sense that a company had gone out and done mining. When they dug the hole, they dug it next to a person's lake and the water leached through from the lake and filled up the mining holes after they were done and lowered the elevation of the lake. It seems to me that what is happening here may be similar. If Dr. Brown has a lake that is this deep and this gentleman is digging his lake out this deep, we may have water being leached back across away and out of Dr. Brown's lake in addition to the increased surface area. I think the increased surface area is probably the biggest concern though as it seems to me that would be the most obvious way that water would be evaporating. If there is some way to ensure that this is not going to lower the water level in an unreasonable manner for Dr. Brown then I don't think there is going to be any problems with it, but once again, I think we're dealing with some pretty serious speculation. I haven't had the opportunity to review any of the civil engineer's analysis or reports, but it seems like there ought to be some specific attention given to what affect that a 100% increase in surface area is going to cause in a situation like this. Particularly on top of the fact that the side is going to be deepened because in a particularly dry time, if that water level is deepened, then there is that much less water to go over the spillway and that much less water available to Dr. Brown's area. So I guess in summary, if there are some sort of guidelines set and if we can have some pretty good assurance, those are things that need to be addressed. But in the event that those guidelines aren't set forth and in the event that something comes up that isn't foreseeable and Mr. Morley, whether intentionally or not begins to unreasonable use the water that Dr. Brown was entitled to, it simply creates a situation litigation and I would request that the County give this serious thought in order to avoid us having to deal with that later on down the road through the court system when the issue can be addressed right now."

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Chairman Winters said, "Okay, Thank you very much Mr. Hodge. I see no questions, thank you. Is there anyone else from the public who would like to speak to this issue? Anyone else from the public who would like to speak to this issue? Seeing no one, we'll close this part of the public discussion and limit discussion to the Commissioners and staff. Commissioner Gwin."

Commissioner Gwin said, "I have another question for Jim Weber. My item says that this is a case number V-1939 - request to vacate a floodway reserve agreement located east of blah blah blah blah. As a County Commissioner, is my singular issue whether or not I should vacate the floodway reserve agreement to allow Mr. Morley to build a house in a certain part? Does it have anything to do with whether or not he changes the pond, this item that is in front of me? This doesn't saying anything about allowing him to change the pond. I'm trying to find out, as Mr. Hodge said, whether or not the legal issues are going to be civil issues between Dr. Brown and his neighbor or whether it is going to be between the County. My sense is that, maybe I'm wrong, that the issue in front of me is shall I vacate part of this reserve agreement to allow Mr. Morley to build a house in a certain spot that is not today permitted, now is there more to this than that? Because it sure has gotten into the pond issue and I'd like to be able to separate them to know exactly what it is I'm making a decision about."

Mr. Weber said, "I believe they are separate issues and one of the clearest signs of that is that when you vacate the floodway reserve, you are still going to still going to retain floodway reserve at the pond location. We are not going to change it where the pond is. So our regulatory responsibility or requirements remain the same today as they would two months from now if you vacate the floodway reserve. The net effect of that is whether the property owner builds the house in what would be the vacated portion."

Commissioner Gwin said, "Mr. Plummer, my second question would be to you. If my job is to see whether or not it is appropriate for Mr. Morley to build a house in a particular piece of dirt and then he asks to change the pond, then does that get back to our engineering department I would assume? Is that where Mr. Hodge is talking about legal?"

Mr. Plummer said, "I believe that's right Commissioner."

Commissioner Gwin said, "Okay, I wanted to try to separate the two because I thought my

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responsibility this morning was to decide whether or not I should vacate part of it to allow this man to put a home in a certain spot. The rest of it is up to my engineering department to decide whether or not they think..."

Mr. Weber said, "And you may want to take issue with what we have done there, but that responsibility has existed for some 10 to 15 years out there and would continue to exist. What I could tell you is that the staff people who have worked on this, I feel are in agreement with the way you have just outlined the situation. These two property owners may have some other issues. Our granting permission to do this work does not relieve Mr. Morley of responsibility to make sure that he is in compliance with whatever State laws or regulations exist out there and we have in our approval letters and in letters back to Dr. Brown have indicated that still is the case. Privately they may all need to go resolve those issues if there are any. We don't believe they really exist, but we control only a very small portion of what happens out there."

Commissioner Gwin said, "Alright, thank you. I wanted to separate that in my mind. Thank you."

Chairman Winters said, "Thank you Commissioner Gwin. This is kind of a difficult decision and I'm not sure I have a clear direction. I guess the clear direction for future thought is if you own a pond jointly, it can kind of become a sticky situation someday. I would almost rather err on the side of not letting us affect some change here that is going to drastically affect either side, but I'm not getting a clear feeling and I kind of sense that from the rest of the Commissioners and I don't know if it would be wise for us to delay this another time and not take any more public comment but try to get a clear indication of what is going to happen. Commissioner Schroeder."

Commissioner Schroeder said, "Well I would be willing to delay it for a week but I don't think it is going to change anything. I'm going to offer a Motion that we disapprove the vacation order based upon what I heard three weeks ago from Mr. Krout that the activities occurring on this property will have an adverse affect on the neighbor. If there is no second to that at least I've made the attempt because I feel like these two ought to be able to get along better than they are and I feel like Mr. Brown has an investment that needs to be protected. He has cattle that need to be protected and I don't agree totally with the theory that the pond is going to fill back up and everybody is going to be fine. If you do have a dry spell, the water will go to the deeper part of the pond which could cause an affect on Mr.

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Brown and I don't know who that gentleman was that was here three weeks ago and said that this was spring fed. I don't believe that and I don't know where he got his information, but I think it is run-off is what it is. That's my Motion and if it fails, at least I've tried because I feel like there is going to be an adverse affect on the neighbor."

MOTION

Commissioner Schroeder moved to deny the vacation order.

Chairman Winters said, "We have a Motion. This Motion fails for a lack of a second."

MOTION

Commissioner Gwin moved to approve the Vacation Order and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

Chairman Winters said, "We have a Motion and a second. Any further discussion on this issue?"

Commissioner Hancock said, "Mr. Chairman, just briefly. When this came up, I knew we were talking about a pond and then the building site came in and I think Commissioner Gwin is on the right track that we're to approve a vacation so that a building can be located there. Assuming, of course, that our engineering people say this will have no adverse affect on the floodway reserve and its performance and that is what I'm basing my vote on."

Chairman Winters said, "In other words, there are two separate issues."

Commissioner Hancock said, "I believe so. The issue of the pond must be considered by the two individuals together to work those details out. Any agreement that guarantees no adverse effects from the change of the pond I think that has to be dealt with by the individuals themselves."

Chairman Winters said, "Okay, we have a Motion before us to approve the vacation order."

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Any other discussion? 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	No
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Madam Clerk, please let the record show that at this time in the meeting, Commissioner Schroeder had to leave the meeting to attend a funeral of a friend. We'll go back, Madam Clerk, please call item C. Madam Clerk, before you call that, I would like to recognize two other additions to the Chamber this morning. Senator Nancy Herrington from near Clearwater is here today, welcome Senator and Mayor Bruce Long from Clearwater is here today. Mayor Long, thank you for attending our meeting. Now Madam Clerk, if you'd call the next item."

CITIZEN INQUIRY

C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING A "STATEMENT OF POSITION" LETTER CONCERNING DISPOSAL OF SOLID WASTE IN SEDGWICK COUNTY

Chairman Winters said, "Thank you very much. Senator Herrington I see coming to the podium."

Senator Nancy Herrington said, "Thank you Commissioner. I am not going to speak, I just wanted to lend my support. As Commissioner Winters said, I do live outside of Clearwater, South 185th West. I don't want to take any time away from Mr. Shannon McGinnis, who will present to you all, a very hard effort on behalf of his group and the group that also these people are my neighbors, my friends and my constituents and that's why I am here to support them. I would like to thank Commissioner Winters for his support and his diligence to see to it that the concerns of my neighbors were adequately addressed before Mayor Knight and the City Commission and like I said, I don't want to take any time away from Shannon

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McGinnis, but I did want to thank you and also just say that I appreciate their efforts. They will deliver each one of you one of these. Thank you."

Chairman Winters said, "Thank you Senator. Mr. McGinnis, come on forward. I appreciate very much your cooperation in letting us juggle our agenda this morning. That matter was important for Commissioner Schroeder to be able to be here, so we appreciate very much your diligence. Please state your name and address for the record and you are limited to 5 minutes."

Mr. Shannon McGinnis greeted the Commissioners and said, "I reside in the County, southwest of Lake Afton. I am here today to present statements of positions from citizens of Sedgwick County regarding the issue of solid waste management that the City of Wichita must decide here in the near future.

"What I'd like to do please is read the first two pages, if I may, of the documents that we brought forward. 'Dear Mayor Bob Knight, this serves as an introduction to the citizens of Sedgwick County who have sincere interest in responsible solid waste management plan. We are comprised of the City of Wichita and Sedgwick County residents. It is our belief that the solution to this problem must take in consideration the citizens, the business community, future economic growth of Sedgwick County, and the safe guarding of our local environment. With these documents, it is our intent to express our position regarding the solid waste management options which the City of Wichita must decide for all of Sedgwick County. Please find attached statement of positions of nearly 3,000 citizens, signature on these documents represent a wide range of City and County residents. These signatures were collected within a two week time frame. We sincerely feel that this number is representative of a much larger number of citizens with the same beliefs.

"We stand united in our desire to see positive future growth and posterity in Sedgwick County. Our common mission is to advocate a responsible decision on the issue of solid waste management, a decision that will benefit Sedgwick County and its residents. Respectfully, Sedgwick County Citizens for Environmentally Responsible Waste Management.'

"These documents were presented at the City Council meeting yesterday and carbon copies to what we feel is the appropriate individuals.

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"Page two please; statement of position. Transfer station versus local landfill. The most equitable solution for solid waste management for Sedgwick County must be decided by both City and County. It is time for responsible action on solid waste disposal that takes into consideration all who are affected. Many factors must be considered. Among the most important factors are, the economic growth of the City and County, the environmental safety, the geographic suitability, and the cost factor to consumers. A cooperation between the City of Wichita and Sedgwick County will result in a solution that is in the best interest for our community now and in the future. The construction of a solid waste transfer station is the best solution due to County geology and population density. Other established Kansas landfills are requesting our solid waste to satisfy their volume requirement and enhance their land reclamation projects. We are in a unique position, with these existing landfills being in such close proximity to our County. Transferring waste to those existing sites poses less damage to the environment due to depth of ground water, population density, and the geology. Locating a transfer station near the necessary infrastructure will allow the safe transfer and transportation of solid waste to these existing Kansas landfills. A transfer station can easily be compatible to various levels of recycling programs and source reduction activities. A transfer station will not require major funds to be set aside for disaster clean up and waste site monitoring. It could also serve as a temporary solution while advances in technology provide options for safer more permanent solutions. A transfer station could be constructed to accommodate waste volume fluctuations in the event that major waste haulers pursue other options.

"Siting another local direct haul landfill or regional landfill in Sedgwick County is an irresponsible choice for disposing of solid waste. Due to the proximity of ground water and other geological factors, the siting of the landfill could become another environmental catastrophe. The **leachett** collection system in liner technology of a sub-title D landfill has only been tested for a small fraction of the life of a landfill. The containment cannot be guaranteed. The inevitable leaking will contaminate ground water sources in the County. With the increasing County population, starting another local landfill will be impossible without inflicting long term environmental hazards and health risks to citizens. Recycling efforts will not increase in Sedgwick County as long as waste haulers can dispose of solid waste in a direct haul landfill less expensively than participating in recycling efforts. The siting of a landfill in the county will also defer further economic growth which will seriously affect County residents, small municipalities and even the City of Wichita. It is time the private citizens and the business community take responsibility for the solid waste we generate."

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Chairman Winters said, "Excuse me Mr. McGinnis. Mr. McGinnis has about a third of a page left. I move that we give Mr. McGinnis ample to continue and read this statement into the record."

MOTION

Chairman Winters said, "moved to give Mr. McGinnis time to read the statement into the record."

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	Absent
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Please continue sir."

Mr. McGinnis said, "It is time the private citizens and the business community take responsibility for the solid waste that we generate. The increased cost to consumers would still be considerably less than the national average and a small price to pay for solid waste management that will appropriately consider City and County as a whole. It is particularly disturbing to learn that the main beneficiaries of a new local landfill are specific businesses and waste haulers. While this should be taken into consideration, it is only one aspect of a much broader issue. We remain steadfast in our conviction that the construction of a local landfill in Sedgwick County would not be in the best interest of its citizens and more importantly a detriment to the County's already fragile environment. We are the stewards of our environment and obligated to preserve it for future generations. We encourage the consideration from a Sedgwick County perspective to promote City-County partnerships. The increasing sincere interest in an environmentally safe solution for the City and County will build a better community. We implore the Wichita City Council to vote for the

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construction of a transfer station and transfer solid waste to a more desirable existing Kansas landfill. This is the only equitable solution to the City of Wichita, County residents, future community viability and the environment. Thank you."

Chairman Winters said, "Thank you Mr. McGinnis, we appreciate your being here today and sharing your concerns. This is certainly an impressive document. We here at the County level certainly do not feel that the process of public input has stopped with the conclusion of the final town and country meeting. We continue to hear from all of our neighbors, particularly our constituents outside of the City limits of Wichita. We know that they continue to hold meetings and they continue to discuss this issue and they continue to ask the tough questions about what the outcome is going to be. Currently, the decision on solid waste rests with the City Council of the City of Wichita and finding an answer is going to be a tough task, but I think they need to know that as they search for answers, they do have a partner in that project and that is Sedgwick County, who wants to be involved and be participants as we try to find a good solution. I hope that the City Council will continue to search for answers as they try to determine why some of them feel like they're not getting input from their particular constituents in the City of Wichita but that is not what is happening with County residents from both east and western parts of the County. We're very clearly hearing from our constituents. So I want you to be assured that we will continue to share our communication process with the City council and the Mayor as I am confident we can come to a good solution. It is going to be perhaps, well it is not going to be easy, it's going to be difficult, but I can assure you that I'm at least one Commissioner that is going to stay fully engaged in the process until we find out what that solution is going to be. So again, Mr. McGinnis and to all of those folks, I'm sure you didn't carry all of these to the 3,000 signatures, I'm sure you had a great number of folks involved in this process and we appreciate your taking one more availability and one more way to communicate with your elected officials. I can assure you this is one County Commissioner that is listening and I'm confident that there are City Council folks also listening. So thank you and thank you to all of you in the audience today concerned about this issue. Senator, thank you. Mayor Long, thank you for being here also.

"Mayor Long, you're not really on the agenda but in the fact that you are a Mayor from a Sedgwick County city, we'll certainly give you an opportunity."

Mayor Long said, "I will make my comments brief. Like Senator Herrington, I would like to express my support certainly of the activities of this group and I would relay to you as

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well, I attended the City Council meeting yesterday where the same document was presented to those elected officials. They expressed as well the spirit of cooperation with the County and I think intend on having a great deal more dialogue. They also suggested that the Association of Rural Mayors might be brought into that dialogue. As a member of that group, we would certainly welcome being asked to be a part of that process."

Chairman Winters said, "Okay, thank you very much Mayor. We appreciate you being here. Again, I appreciate all of your indulgence in letting us change our agenda schedule for a moment and we certainly appreciate your willingness to wait a few extra moments. Thank you very much. Madam Clerk if you would come back to the regular agenda and call the next item please."

NEW BUSINESS

E. CONTRACT WITH KANSAS STATE FAIR OF THE STATE OF KANSAS (FAIR) TO ALLOW THE FAIR'S TICKET OFFICE TO OPERATE AS A SELECT-A-SEAT OUTLET

Mr. John Nath, Coliseum Director, greeted the Commissioners and said, "What this contract will do will continue for another three years, the relationship between Select-A-Seat computerized ticketing service and the Kansas State Fair, meaning that all the ticketed events at the State Fair would be available through the Select-A-Seat system and consequently all the Select-A-Seat events, all the events that are on the system would also be available at the State Fair Office. The State Fair Office would serve as an outlet for all the events on the system."

Chairman Winters said, "Very good. Commissioners, you've heard Mr. Nath's report, what's the will of the Board?"

MOTION

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

Commissioner Miller seconded the Motion.

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Chairman Winters said, "We have a Motion and a second. Is there further discussion? Commissioner Miller."

Commissioner Miller said, "Thank you Mr. Chairman. Mr. Nath, is there anything different about this particular contract?"

Mr. Nath said, "The only thing we've changed in this version of the contract is the original three years ago stated the start-up of the relationship so there was some equipment lists, there was certainly some training of State Fair personnel, which is no longer really necessary because that part has already been complete."

Commissioner Miller said, "Okay, thank you. Thank you Mr. Chairman."

Chairman Winters said, "Thank you. Commissioners, we have a Motion. Any other discussion? Seeing none, call the vote please."

VOTE

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

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

**F. AGREEMENT WITH KANSAS STATE BOARD OF EDUCATION
NUTRITION SERVICES TO PROVIDE REIMBURSEMENT FOR YOUTH
SERVICES DIVISION MEALS**

Mr. Mark Masterson, Department of Corrections, greeted the Commissioners and said, "Before you today is a request to renew the nutrition services agreement with the Kansas State Board of Education which allows Youth Services Division to receive meal reimbursement funds. We expect to receive approximately \$89,000 in reimbursements in 1996. We participated in this program which is commonly known as the school lunch program since 1982. We request you approve the request and authorize the Chairman to sign the agreement. If you have any questions, I'd be happy to try to answer them."

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Chairman Winters said, "Thank you very much."

MOTION

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

Commissioner Miller 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
Chairman Thomas G. Winters	Aye

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

G. LOCAL ELECTED OFFICIALS AGREEMENT WITH THE CITY OF WICHITA AND THE COUNTIES OF BUTLER, COWLEY, HARPER, KINGMAN, SEDGWICK AND SUMNER, DESIGNATED AS SERVICE DELIVERY AREA IV, TO DEFINE THE DUTIES AND OBLIGATIONS OF, AND PROCEDURES TO BE FOLLOWED BY, THE LOCAL ELECTED OFFICIALS UNDER THE JOB TRAINING PARTNERSHIP ACT

Ms. Louanna Honeycutt-Burress, Department of Housing and Economic Development, greeted the Commissioners and said, "Back in 1982, Congress enacted a Job Training Partnership Act and in 1992, it revisited that Act and amended it. The purpose of the Act is to provide funding to states to establish programs that will prepare youths and adults to enter or reenter the job market. The program is administered through the service delivery areas. Each state is divided into a number of service delivery areas. Sedgwick County and the other Counties in south central Kansas are part of Service Delivery Area IV, otherwise known as SDA IV. The program is divided into a number of titles and just to give you a quick overview of what these are, Title II-A is a job training program for adults age 22 or

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older. These are for economically disadvantaged adults. It is to provide training or retraining so that they will have an opportunity to become more employable. This is a long term program. It is to increase their earnings and ability to provide for themselves and also to reduce the dependency on welfare.

"Title II-C is a job training program which is for youth, 16 to 21. This is to enhance their education and employability. Now Title II-B is also for youth, but this is a summer program, it is to provide meaningful training and jobs for youth during summer months. Title III is an economic dislocation and worker adjustment assistance portion of the Act. This is to assist adults who through no fault of their own lose their job. Generally, this may be restricted to a particular area that undergoes a unique down turn. To put a face on part of this. If you have seen and if you haven't seen, you will, over the next several weeks, a number of youth around the court house. This is a part of the youth summer program and Harry Hicks, the Director of the Bureau of Human Resources tells me that this is funded through JTPA.

"Also, I'm sure we've all become aware of the closing of the hospital in Winfield. That area is going to take a pretty significant economic hit by the loss of those jobs down there. This is an area that may be addressed through Title III, to help those people become retrained so they can get back into the job force.

"It has been decided at a federal level that the best way to implement and to administer JTPA is through a public private partnership. The public component of this partnership is the local elected officials board and this is comprised of representatives from the Counties and from the City of Wichita. The LEO Board, as it is called, then appoints a private industrial council and this is the private component. It is the LEO Board and the PIC, which provides the oversight and the policy direction for JTPA.

"Every two years, we are presented with an agreement which you are asked to approve which essentially indicates the County will participate in the LEO Board for the next two years. Generally, I think it is the Chairman of the Board of County Commissioners who serves on the LEO Board, however, the Chairman can appoint an alternate to attend in his or her stead. We've been hearing over the last year or so, the federal government may change the way it handles some of these programs and it is possible that a new Congress may alter the Act or in some other way decide to address the problems of employability. However, until they do that, it is important that Sedgwick County, as being the most populated County in the State, to actively participate on the LEO Board. I am

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recommending that you approve the agreement for the next two years to participate on the LEO Board and authorize the Chairman to sign."

Chairman Winters said, "Okay, thank you very much Louanna. Commissioners, you've heard the report and the details of this agreement, what's the will of the Board?"

MOTION

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

Commissioner Gwin seconded the Motion.

Chairman Winters said, "We have a Motion and a second. Is there further discussion?"

Commissioner Hancock said, "Just for a moment, I want to thank Louanna for the report. It has been a long time since I heard those since I was on that Board and heard all those acronyms that is involved in this thing and I appreciate it. It brought back a lot of memories so I'm glad you brought all that up again. Appreciate it. Thank you Mr. Chairman."

Chairman Winters said, "Thank you. Again, I think we get involved in a lot of things. I think in Sedgwick County this is one we need to be a little more involved in than we have been in the past and perhaps we can figure out how we're going to do that, but I guess I'm saying that I will become involved in it. Commissioners, we have a Motion and a second. Any other discussion? Seeing none, call the vote."

VOTE

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

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

H. MODIFICATION TO THE CONTRACT WITH VANASDALE

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**CONSTRUCTION FOR REMODELING OF THE APPRAISER'S OFFICE,
PB-311**

Mr. Kenneth Arnold, Capital Projects Director, greeted the Commissioners and said, "I had an occasion to visit with you on this modification. It is for the installation of some new double doors with hold open devices into the Appraiser's Office, where the doors can be left open at all times and still comply with the fire codes. We would request that you authorize the approval of modification and authorize the Chairman to sign. Be happy to answer any questions."

MOTION

Commissioner Hancock moved to approve the contract modification 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
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. The next item is about a 12 minute video concerning the Fire Department. I'm going to suggest we take a 5 minute break at this time. Is that acceptable? We're going to be in recess for 5 minutes. Folks don't go too far away, we'll be right back. Thank you very much. I'll call back to order the regular meeting of the Board of Sedgwick County Commissioners, regular meeting on June 19, 1996. Madam Clerk would you call the next item please."

I. PRESENTATION OF THE 1996 SEDGWICK COUNTY FIRE DEPARTMENT INFORMATIONAL VIDEO

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Mr. Fred Ervin, Director, Public Relations Department, said, "I hope you guys are relaxed because this is a 12 minute segment. This is your entertainment segment for the next 12 minutes or so. I'm doing the manual labor on this deal, I'm putting the tape in, that's a scary thought. But this video, and Fire Chief Gary Curmode, and Patty Peterson, with their Education Department, will be visiting with you as well. This is a very good partnership between a department and a producer, channel 8's producer and if Martie Gotto would raise her hand, Martie would you raise your hand? Martie is probably the best producer there is in the business and we have her, Sedgwick County has her. This was a good job with Martie. Our department sort of facilitated and coordinated and kind of kept things going but they did all the work and got it done. This is also a good example, this video was just completed last week, it is a good example of the use of supplemental funds. We didn't time it this way, seriously, we didn't do that. This is a good example of how we use the supplemental funds. They'll visit with you on how they're going to use the video. That's my portion, I'm done and they're going to take over and I'm going to do what I need to do here."

Mr. Gary Curmode, Sedgwick County Fire Chief, greeted the Commissioners and said, "I'm really proud to have you take a look at this. We looked at it last week and it really kind of mind boggles us when we saw all the things we do. It is pretty exciting. Lieutenant Patti Peterson, our Fire Public Education Officer too, is here today and she coordinated and spear-headed this effort so I'd like Patti to say a few words."

Ms. Patti Peterson said, "Good morning Commissioners. I would like to personally thank you for the supplemental funding that allowed us to get our hands on this video. We look forward to using it and estimate that probably several thousands of people in Sedgwick County will be viewing this video over the next several years. We plan on using it in most of our presentations and we also have booths set up, like during the Home Show and other festivals of that sort, where we would be showing the video. We hope that you enjoy it. I would like to thank Martie and also Jeff Johnson, the camera man. They spent a lot of time and very often evenings and weekends. Jeff didn't get very lucky though, every time he headed out for a fire, the fire fighters had the fire put out before he got there so there isn't a whole lot of footage of flame, but they did devote a lot of their personal time to this video and I enjoyed getting to know them. They've become friends of the year that we've been working on this project. So again, thank you very much for allowing our department to produce this video. We appreciate it."

The 1996 Sedgwick County Fire Department Information Video was viewed by the

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Commissioners, staff and guests.

Mr. Ervin said, "I think you already did the recommended action by viewing the video. We also did a video with EMS. We didn't do what we did for them, what we did this time, and we should have and that was my fault. Thank you Marie for getting this going. Thank you. If there is any questions."

Chairman Winters said, "Thank you Fred. I don't think any questions, just a couple of comments. Chief Curmode, Chief Masters, I think the Commission is very proud and confident of you and all of your staff. Staff that is here today and all the staff that is out there in the field, whether it is actual suppression of fire prevention, education, investigation, I think we've got a first class department. There are always levels you can proceed to the next level, but you certainly have taken us to another level and you've got a fine staff, a couple of great assistance Chiefs involved and kind of as a new member to Sedgwick County, we're glad you're here. We think we made a good decision hiring you as our Chief and this is another example of that I think."

Chief Curmode said, "Thank you Mr. Chairman. I've got to say I've got the best department in the State and I've got the finest staff and I really appreciate the Commission's effort and support."

Commissioner Gwin said, "We do too."

Chairman Winters said, "Alright. Thank you and your staff for being here. Next item please."

J. BUREAU OF PUBLIC SERVICES.

1. RESOLUTION DESIGNATING BRIDGE WEIGHT REQUIREMENTS FOR ALL BRIDGES WITHIN SEDGWICK COUNTY. ALL DISTRICTS.

Mr. David Spears, Director of Bureau of Public Services, greeted the Commissioners and said, "This resolution updates the bridge weight posting requirements for all County maintained bridges. The basic changes are a direct result of the construction of new bridges in 1995. We have a total of 630 bridges, of which 156 are posted, 4 are closed and 470 are

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open. Open no limit bridges are defined as those bridges which can handle any legal load. As far as posted bridges are concerned, in 1985, we had 318 and as of this date we have 156, which is a significant reduction over a time period of 10 years. As a matter of information, this year, we are constructing 13 new bridges by contract and another 10 with our bridge crew. This Resolution designates bridge weight posting requirements for all of our bridges in accordance with procedures outlined by the Kansas Department of Transportation. I recommend you adopt the Resolution."

MOTION

Commissioner Hancock moved to adopt the Resolution.

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
Chairman Thomas G. Winters	Aye

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

Commissioner Miller said, "I do have a comment."

Chairman Winters said, "I'm sorry Commissioner Miller, I didn't see that."

Commissioner Miller said, "You asked early and I didn't, then I clicked on my light, so. Just a quick comment for the public sake. I had a constituent that called and was really concerned about how we determine building a new bridge or taking out a bridge that is existing. I think you were saying there were X number of bridges proposed to be redone or built. What's the criteria and how can we put to rest some of the fears that an individual that has lived in an area for a long time, they see a bridge, they can't see the hairline cracks, they don't go through the process that your department or your inspectors go through."

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Mr. Spears said, "Right, okay. We have two bridge engineers on staff. Every other year, we are required by the federal government to inspect each and every one of our bridges and do a report on each and every one of those bridges and submit it to the Kansas Department of Transportation. Failure to do so would result in elimination of federal funding for our County on roads and bridges. So this is very important, not only for that reason, but more importantly for safety. School buses cross these bridges all the time. Now when you have 630 bridges and we started out, like I said a while ago, we had 318 that were posted and we're down to 156. Now you have to obviously prioritize which ones you are going to defer. The way we did that, not only did our engineers prioritize them, we ask each of the townships for help and ask them which bridges in their township do they think need to be replaced first and we looked at that. In general, you replace the lowest one first, like the 3 ton bridges, then the 5 ton, the 6, and the 8, and so on. You replace the worst ones first and in general that's what we do. A lot of these bridges, believe it or not, were built back in the 1930's. So there are many bridges that are over 50 years old. We have put a good dent in this, so to speak, since 1982. But if there is any citizens that has one, please call the Bureau of Public Services, 383-7901, and we will look into it."

Commissioner Miller said, "Well thank you. Thank you David."

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

2. APPROVAL OF A KG&E PROPOSAL TO RELOCATE OVERHEAD LINES AND POLES IN CONNECTION WITH SEDGWICK COUNTY PROJECT NO. 624-30; PAWNEE RELOCATION. CIP #R-15. DISTRICT #5.

Mr. Spears said, "Item J-2 is approval of a proposal by KG&E to relocate their overhead lines and poles at a cost of \$32,000 in connection with the Pawnee relocation project. This project is designated as R-15 in the Capital Improvement Program. The lines are not located in the public right-of-way. I recommend you approve the relocation and cost estimate."

Chairman Winters said, "Okay, before we do that. Madam Clerk, did we vote on the last item?"

Ms. Crockett-Spoon said, "Yes we did."

Chairman Winters said, "Okay, thank you. Alright, Commissioners, you've heard this item, item 2."

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MOTION

Commissioner Gwin moved to approve the utility relocation.

Commissioner Miller 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
Chairman Thomas G. Winters	Aye

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

3. CONTRACT WITH PROFESSIONAL ENGINEERING CONSULTANTS FOR DESIGN, CONSTRUCTION STAKING AND INSPECTION SERVICES FOR THE BALTHROP ADDITION STREET PAVING PROJECT. DISTRICT #1.

Mr. Jim Weber, Director of Sewer Operations and Maintenance, said, "In Item J-3, we are requesting approval of an agreement with Professional Engineering Consultants for design, construction staking and inspection services for the Balthrop Addition street paving project. The cost of this work will not exceed \$194,689 and all costs of the project will be paid by the benefited properties through special assessment. We request your approval of the recommended action."

MOTION

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

Commissioner Miller seconded the Motion.

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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
Chairman Thomas G. Winters	Aye

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

K. PURCHASING DEPARTMENT

1. RECONSIDERATION OF ITEM 8 OF THE BOARD OF BIDS AND CONTRACTS' JUNE 6, 1996 REGULAR MEETING MINUTES: TRACKED EXCAVATOR - MOTOR POOL.

Mr. Ken Williams, Assistant Director of Purchasing, greeted the Commissioners and said, "We ask for the recommended action on this item."

Chairman Winters said, "Okay, thank you very much Ken. Commissioners, there were questions about this item last week. Does anybody have any remaining questions that we need to discuss?"

Commissioner Hancock said, "Mr. Chairman, if I might. I want to comment on that. I had a nice visit with the Director of Motor Pool and we talked about this and I had questions about it last week. We go through a process, for public information, we take a look at all the competing equipment and on a try-out basis and we had our employees, and I'm not sure everyone is aware, our employees actually tried out this equipment and rated it using a numerical process where we quantified the results and it was determined that this particular piece of machinery performed best of all. It was preferred by the employees and we're looking at bids these days based upon performance, which is a little bit different than specification, using power rating and so forth. Good way to look at equipment and buy a piece of equipment that you want for a particular purpose and use. So very happy to report that I thought the process was very outstanding and I appreciate Bob taking the time to visit with me and having us go one more week. It looks like to me if we're buying a pretty nice

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backhoe. Thank you very much."

Chairman Winters said, "Okay, thank you Commissioner Hancock. I also made a quick call about it and we did have one bid that probably was lower than the other four bids but that particular piece of equipment had a physical problem. I mean it didn't meet our requirements on its height. It wouldn't work for that reason. You take the others and they are all within pretty close parameters of each other and I think this is clearly the case where then the evaluation process by Motor Pool worked very well. Okay, we have this reconsidered item, is there a Motion to accept the recommended action of the Board of Bids and Contracts."

MOTION

Commissioner Gwin moved to approve the recommendation of the Board of Bids and Contracts.

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
Chairman Thomas G. Winters	Aye

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

2. REPORT OF THE BOARD OF BIDS AND CONTRACTS JUNE 13, 1996 REGULAR MEETING.

Mr. Williams said, "Commissioners, I have 6 items for your consideration this morning.

**(1) STREET IMPROVEMENTS - BUREAU/PUBLIC SERVICES
FUNDING: SPECIAL ASSESSMENTS**

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"The first item is street improvements for the Bureau of Public Services. It is recommended to accept the low bid of Asphalt Construction Co., in the amount of \$64,702.90.

(2) LIVERY SERVICES - FORENSIC SCIENCE CENTER
FUNDING: FORENSIC SCIENCE CENTER

"The second item is livery services for the Forensic Science Center. It is recommended to accept the only proposal received from Ambassador Mortuary Services, Inc., not to exceed \$46.00 per each delivery.

(3) PLAYGROUND EQUIPMENT - SEDGWICK COUNTY PARK
FUNDING: RISK MANAGEMENT RESERVE

"Item three is playground equipment for Sedgwick County Park. It is recommended to accept the low bid of Iron Mountain Forge, in the amount of \$11,272.40.

(4) DISPOSITION OF 1981 INTERNATIONAL VACTOR TRUCK - MOTOR POOL
FUNDING: MOTOR POOL

"Item four, disposition of a 1981 International Vactor Truck for the Motor Pool. It is recommended to declare this item as surplus and to accept the high responsible bid of Utility Maintenance Contractors, Inc., in the amount of \$7,000.

(5) PERSONAL COMPUTERS - REGISTER OF DEEDS
FUNDING: REGISTER OF DEEDS

"Item five is personal computers for the Register of Deeds. It is recommended to accept the low bids meeting specifications of Automated Business Systems, in the amount of \$4,264, Entex Information Services in the amount of \$6,245, and Business Computer Center in the amount of \$13,153.14. This would make a grant total of \$23,662.14.

(6) UNIFORM RENTAL - VARIOUS DEPARTMENTS
FUNDING: VARIOUS DEPARTMENTS

"Item six, uniform rental for various departments. It is recommended to accept the low bid

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of Aramark Uniform for a one year contract, with two, one year options, for a total yearly amount of \$44,984.55.

"That is the recommendations of the Board of Bids and Contracts for your approval."

Chairman Winters said, "Thank you very much Ken. Commissioners, you've heard the report, what's the will of the Board?"

MOTION

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

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
Chairman Thomas G. Winters	Aye

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

CONSENT AGENDA

L. CONSENT AGENDA.

1. Utility and Highway Permit Agreements.

- a. Southwestern Bell Telephone Co. is submitting this application requesting permission to attach cable to a bridge located at the northwest corner of 87th Street South and Woodlawn. Rockford Township. Utility Permit No. 061-96. Road No. 829-Z. District #5.

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- b. KGE is submitting this application requesting permission to lay gas main in 53rd Street North west from Hillside, thence north in Mill Heights Drive. Kechi Township. Utility Permit No. 062-96. Road No. 606-27, 28. District #1.
- c. KGE is submitting this application requesting permission to make an entrance for a substation onto Ridge Road between 55th and 63rd Streets South. Waco Township. Highway Permit No. 013-96. Road No. 811-W. District #2.

2. Right-of-Way Instruments.

- a. Three Easements for Right-of-Way and seven Temporary Construction Easements 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.
- b. Three Easements for Right-of-Way and two Temporary Construction Easements for Sedgwick County Project No. 787-L-4175; Bridge on 263rd Street West between 29th and 37th Streets North. CIP #B-250. District #3.
- c. One Easement for Drainage to clean channel downstream of cross road culvert on Viola Road between 79th and 87th Streets South. District #3.
- d. One Owner Release for Damages and one Easement for Right-of-Way for Sedgwick County Project No. 598-24-1300; Bridge on 85th Street North and Kessler. CIP #B-220. District #4.

3. 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, as a condition of receiving a platting exemption on an unplatted tract.

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- a. Road Number 590-34, Owners: Richard O. Turner and Debra D. Turner, located in the Northwest Quarter of Section 10, Township 25 South, Range 2 East, more specifically located on the south side of 117th Street North and east of 111th Street East (Greenwich Road). Lincoln Township. District #1.
- b. Road Number 590-34, Owners: Richard O. Turner and Debra D. Turner, located in the Northwest Quarter of Section 10, Township 25 South, Range 2 East, more specifically located on the south side of 117th Street North and east of 111th Street East (Greenwich Road). Lincoln Township. District #1.
- c. Road Number 807-X, Owner: Don Klausmeyer, dba Don Klausmeyer Construction, LLC, located in the Southeast Quarter of Section 31, Township 28 South, Range 1 West, more specifically located on the west side 103rd Street West (Maize Road) and north of 71st Street South. Waco Township. District #2.
- d. Road Number 636-19, Owner: Don Klausmeyer, dba Don Klausmeyer Construction, LLC, located in the Southeast Quarter of Section 31, Township 28 South, Range 1 West, more specifically located on the north side of 71st Street South and west of 103rd Street West (Maize Road). Waco Township. District #2.
- e. Road Number 791-M, Owner: Mitchell Puetz, located in the Southwest Quarter of Section 1, Township 27 South, Range 3 West, more specifically located on the east side of 231st Street West and north of 21st Street North. Garden Plain Township. District #3.
- f. Road Number 813-G, Owner: Don Klausmeyer, dba Don Klausmeyer Construction, LLC, located in the Northwest Quarter of Section 2, Township 26 South, Range 1 West, more specifically located on the east side of 55th Street West (Hoover Road) and south of 77th Street North. Park Township. District #4.

4. Section 8 Housing Assistance Payment Contracts.

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<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V96042	\$223.00	4	Margaret Westerfield
V96043	\$234.00		Terri L. Mathews
V96044	\$203.00		LawnDale Apartments
V96045	\$179.00	5	William Favreau
V96041	\$285.00	5	Cottage Grove

- 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>
V94055	\$231.00	\$227.00
C94059	\$182.00	\$183.00
C862012	\$255.00	\$425.00
C95133	\$251.00	\$298.00

- 6. Real Estate Purchase Contract with Bill D. Smith and Reba J. Smith in the amount of \$168,735, less required deductions, under the FEMA buy-out program.**

- 7. Plat.**

Approved by the Bureau of Public Services. The County Treasurer has certified that taxes for the year 1995 and prior years are paid for the following plat:

Savannah at Castle Rock Ranch 8th Addition

- 8. Order dated June 12, 1996 to correct tax roll for change of assessment.**
- 9. Consideration of the Check Register of June 14, 1996.**

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10. Budget Adjustment Requests.

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960351	Finance General/ Human Resources	Transfer
960352	Kansas Coliseum	Transfer
960353	Juvenile Intake	Transfer
960354	Road & Bridge Sales Tax	Transfer
960355	1993 Bridge Projects	Supplemental Appropriation
960356	Balthrop (Phase 3) Streets	Supplemental Appropriation
960357	Balthrop (Gen & Phase 1) Streets	Supplemental Appropriation

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

MOTION

Commissioner Gwin moved to approve the consent agenda as presented.

Commissioner Miller 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
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Is there any other business to come before

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this Board? Is there any other business to come before this Board? We are adjourned."

M. OTHER

N. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 11:05 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