

## **MEETING OF THE BOARD OF COUNTY COMMISSIONERS**

### **REGULAR MEETING**

**OCTOBER 27, 1999**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, October 27, 1999 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Bill Hancock; with the following present: Chair Pro Tem Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Public Relations; Ms. Jo Templin, Director, Division of Human Services; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Deborah Donaldson, Director, Division of Human Services; Ms. Annette Graham, Director, Department on Aging; Mr. Tom Pollan, Director, Emergency Medical Services; Ms. Jane Morales, Compensation Specialist, Division of Human Resources; Mr. Charles Magruder, MD, MPH, Director of Community Health; and Ms. Heather J. Knoblock, Deputy County Clerk.

### **GUESTS**

Mr. Gary Wiley, 303 S. Topeka  
Mr. Bill Morris, 1928 E. 47th Street South  
Mr. David Morris, 100 N. Broadway, Suite 500  
Mr. Bob Helsby, 715 W. Maywood  
Mr. Wayne Hancock, 418 W. 59th Street South

### **INVOCATION**

The Invocation was given by Reverend Don Noble, of the Dawson United Methodist Church.

### **FLAG SALUTE**

### **ROLL CALL**

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

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**CONSIDERATIONS OF MINUTES:      Regular Meeting, September 29, 1999  
Regular Meeting, October 6, 1999**

The Clerk reported that all Commissioners were present at the Regular Meeting of September 29, 1999 and the Regular Meeting of October 6, 1999.

**Chairman Hancock** said, "Let's take the September 29 Minutes first. Commissioners, you've had an opportunity to review those, is that correct?"

**Commissioner Gwin** said, "Not yet, we've had some problem with the disbursement of those."

**MOTION**

Commissioner Gwin moved to defer the approval of the Minutes of the Regular Meeting of September 29, 1999 for one week.

Chairman Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "You've had an opportunity to review the October 6 Meeting, what's the will of the Board?"

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**MOTION**

Commissioner Gwin moved to approve the Minutes of the Regular Meeting of October 6, 1999.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Next item, please."

**RETIREMENT**

**A. PRESENTATION OF RETIREMENT CLOCK TO NORMA SCHERBACK, FISCAL ASSOCIATE, COMPREHENSIVE COMMUNITY CARE.**

**Ms. Jo Templin**, Career Development Officer, Division of Human Resources, greeted the Commissioners and said, "We are here today to congratulate Norma Scherback, who will retire from COMCARE on November 1. Norma has spent 15 years of service with COMCARE and during her employment has been in the out patient mental health clinic, the psycho-social program Center City, and the program for the homeless. We congratulate Norma."

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**Chairman Hancock** said, "Norma, we're pleased to have you with us today and we're giving you a certificate of retirement. On behalf of the Board of County Commissioners and the people of Sedgwick County, we want to thank you for the time you've been here. You've been here long enough probably and you're ready to go but we're going to miss you. We're very unhappy to lose such a dedicated employee who has been here that many years. On behalf of the Board of County Commissioners I'd like to give you this small token of our appreciation for your time spent here. Congratulations."

**Ms. Norma Scherback** said, "Thank you, very much."

**Commissioner Gwin** said, "Next item."

**AWARDS**

**B. PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.**

**Ms. Templin** said, "I'm very pleased today to have Sedgwick County employees here who have completed the career development program certificates. We have several. We also would thank you, as Commissioners, for your support of this program as well as the County Manager, as well as the department heads who have allowed their employees this opportunity to enhance their skills and competency as Sedgwick County employees in providing the public services that we provide. Thank you."

**1. PROFESSIONAL DEVELOPMENT**

**! VANESSA HARRIS, TREASURER'S OFFICE**

**! JAMES MYERS, GEOGRAPHIC INFORMATION SYSTEMS DEPARTMENT**

"Today we have two employees receiving the Professional Development Certificate. That is Vanessa Harris with the County Treasurer's Office. Vanessa, thank you. James Myers with the GIS Department. Congratulations."

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**2. SUPERVISORY/MANAGEMENT**

**! KEITH HUTCHISON, SHERIFF'S DEPARTMENT**

**! JAY HOLMES, DEPARTMENT OF CORRECTIONS**

**! JACK KEGLEY, EMERGENCY MANAGEMENT DEPARTMENT**

"We have three employees who have completed the Supervisory/Management Development Certificate. Keith Hutchinson in the Sheriff's Department, I don't believe Keith is here. Jay Holmes, who is with the Department of Corrections. Congratulations. Jack Kegley, who is with the Emergency Management Department is out of town at a conference. We will give him his certificate.

**3. FACILITATOR**

**! PHIL HANES, BUDGET DEPARTMENT**

"We also have a Facilitator Certificate. This certificate was developed to enhance skills as meeting facilitators. Phil Hanes with the Division of Finance has achieved this certificate. Thank you."

**Chairman Hancock** said, "Thank you, Jo. I would like to congratulate all of those folks who have completed the requirements for these certificates. I know some of them are a long haul. I've been through one of them and I know it takes a lot of time. You get up early in the morning and even have to study at night. Congratulations to all the employees who have gone through this process. Jo, thank you, very much for doing this for us, we appreciate it. Next item, please."

**PUBLIC HEARING**

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**C. PUBLIC HEARING AND RESOLUTION REGARDING THE POSSESSION, STORAGE, SALE, USE AND DISCHARGE OF FIREWORKS IN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS.**

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "We're going to request that you defer this item for one week. But before you do that, I think it would be appropriate to open the public hearing and accept comment from anybody who might be present since this is an advertised public hearing. Then close the public hearing and defer your decision until next week."

**Chairman Hancock** said, "Okay, very good. At this time, if there is anyone here who would like to address this item, Item C on today's Agenda, we'll be glad to listen to what you have to say today. Is there anyone who would like to address this item? Is there anyone here who would like to address Item C today? If not, we'll close the public hearing and the Chair would entertain a Motion."

**MOTION**

Commissioner Gwin moved to defer the item for one week.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Next item."

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**PLANNING DEPARTMENT**

**D. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).**

- 1. CASE NUMBER SCZ-0794 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "MF" MANUFACTURED HOUSING ON 39.5 ACRES OF PROPERTY LOCATED ONE-HALF MILE WEST OF BROADWAY, SOUTH OF 55TH STREET SOUTH.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "There are two items on the Agenda and one is this zoning case. It is a request for Manufactured Home Zoning. Manufactured Home Zoning is manufactured homes in a manufactured home park or a manufactured home subdivision. There needs to be a declaration and a site plan that is submitted to indicate which it is. In this case, it is manufactured home park.

"Manufactured homes are permitted by right in any single family district on an individual lot or subdivision if they meet requirements that are specified under the definition of residential design manufactured homes, which is a double wide home on a permanent foundation, with a pitched roof, and other features that make it similar to site built homes. In this case, these are not intended to be placed on permanent foundations. It may be a mix of single wide and double wide units. It is meant to be pad sites that are rented and leased instead of lots that are sold on public streets. So this is a manufactured home park.

"Normally, these requests come into the City because it requires municipal water and municipal sewer in order to provide it. This property is adjacent to the city limits of Wichita, which are 55th Street. Normally what would happen is if this property was zoned mobile home park and subject to platting, then as part of the platting process went over to have water and sewer extended to the site then they would request annexation and become part of the city and that would be required after the annexation occurred. That is what would happen in this case. So we did look at this in terms of some of the city's standards that are in the City Regulations for site plans for manufactured home parks.

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"This tract is just short of 40 acres. It is an irregular site. The Union Pacific railroad tracks are on the east side. The area to the east and to the west is scattered development with one half acre to one acre lots. Some of those are manufactured homes and some are site built homes. The area to the south and west is where the substantial problems from the tornado occurred and there is a lot of rebuilding that is going on in that area. Some of it is manufactured homes that meet the residential design requirements. Some of it is site built homes. So there is substantial construction. The homes in this area are mostly older. To the south is agricultural land. To the north is an urban density subdivision, Robin Farms Addition. In this area here are condominiums that were developed with open space on the west side of the railroad. So there is a mix of housing in this area but no manufactured home parks in the immediate vicinity.

### **SLIDE PRESENTATION**

"This is an aerial photograph that shows you again the undeveloped land that we are talking about. A very long tract that extends down to 59th Street, the half mile line. The substantial one half acres to one acre lot development to the east. A similar development to the west. More urban type development with water and sewer and the City Limits to the north.

"As I said, we reviewed the site plan with regard to the city standards. The original site plan that was submitted to the Planning Commission was deficient in a couple of areas. Some of the lots were too far from the proposed storm shelter. There were some questions about the width and design of the roads. There was a question about access. All the access was coming out to 55th Street with only emergency access at 59th Street as part of the original plan. The original plan did not have landscape buffers between signal family and the mobile home park along the east side that are required by the city's ordinance. All of those issues have been addressed in a revised plan that the applicant has submitted after the Planning Commission hearing. So I think from the standpoint of the technical requirements that we were looking for as we reviewed the site plan, those issues have been addressed. But it doesn't change the basic recommendation of the staff or I think would change the recommendation of the MAPC, which was to recommend denial.



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"The MAPC held their public hearing and they voted eleven to three to recommend denial of this case. They cited the staff reasons. Number one, in terms of the Comprehensive Plan, the plan indicates areas that are called low density residential and medium density residential. It says that manufactured home parks should be reserved for medium density residential areas. This is not a medium density residential area designated on the Comprehensive Plan map. It is designated as low density. Now in terms of the actual number of units per acre on this site, this is within the range that low density is described in the Comprehensive Plan, which is one to six units per acres. This is under six units per acre. This was originally 224 not it is revised to 214 units on just under 40 acres, which is 5 plus units per acre. So it is technically within the range that low density residential is described as, but it is not an area that was anticipated for a mobile home park and designated as such in the Comprehensive Plan.

"The other thing about the plan is it says there should be good buffers and describes as examples rivers and freeways between manufactured home parks and traditional neighborhoods. I think I would agree that the railroad serves as a pretty strong buffer on the east side. There really is no buffer on the west side or the south side except for the fifteen foot landscape requirement that is in the landscape code of the city that they be required as part of the platting to comply with. Then the question is, is an arterial street a buffer? Fifty-fifth street is the buffer here and there would be a landscaped area along 55th Street. That was not what we had intended although there probably ought to be a clarification in the plan policies about what do we mean by buffers if we are trying to buffer these uses from other areas. The applicant contention is that for sure 55th Street and the railroad make for buffers that are called for in the Comprehensive Plan.

"We had a concern with traffic. Fifty-fifth is a two lane street. It has about 6,000 cars per day. Two hundred fourteen units will generate somewhere between eight and ten cars per day per unit, which is somewhere in the vicinity of 2,000 cars per day. That would overload 55th Street, which is not scheduled for improvements we feel and is not appropriate at that location. Partly in response to that and the response to at least a couple of questions that the Planning Commission had and at least a couple of them wanting to spread out the traffic more, the applicant has opened up the emergency access so there is access to 59th Street. I think if I go back to the map, I can show you that 59th Street does extend to Broadway, so there would be a secondary access and a way to get some of the traffic in and out of the manufactured home park. On the other hand, that conflicts with another recommendation of the plan, which is to try to separate higher density

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traffic generating uses and lower density uses and bringing a lot of traffic through this low density neighborhood is not very desirable either.

“I think originally the applicant did what he thought the staff would like to see, which is to try to confine the traffic to the arterial and not take it through the neighborhood to the east. But because there were questions about maybe that was overloading 55th Street, the revised plan shows the traffic being spread out now to 59th Street as well.

"Traffic was an issue. We also did and refer to in our staff report a 1997 study of mobile home parks in the south and southwest Wichita area. Where existing parks were, what the supply and demand seemed to be, where there were opportunities for logical expansions for mobile home parks where a mobile home park already existed on one or two or three sides, it was logical for that to be an expansion area for mobile home parks. We added up what that acreage was and identified areas that we thought were the most reasonable places for any additional amount of this development in the south and southwest areas. This tract was not one of those areas. We think that there are other locations that are potential and suitable still in the south and southwest area without rezoning an area which could set off a chain of other rezonings for mobile home parks in this general area.

"That was basically the staff reasoning. The Planning Commission had their hearing. There were 13 people who spoke in opposition, neighbors both to the east and to the north from the condos and the single family area to the north. The Planning Commission vote was eleven to three to recommended that this request be denied. Because of that, it would take, on your first consideration unless you return this to the Planning Commission for reconsideration, it would take four votes of the County Commission to override the Planning Commission's recommendation and approve the mobile home zoning.

“If you approve the mobile home zoning, it should be subject to platting and also subject to a revised site plan, either with or without access to 59th Street. I think the other site plan conditions have been met and the plan is acceptable as it has been presented in its revised form.

"This is not in the Haysville zoning area of influence. That area starts at 59th Street and goes south from there. So Haysville is not officially part of the process of reviewing this case. But because they heard about the case from neighbors, they did send a letter of concern and that letter is in your staff report indicating they had concerns with traffic and some of the other issues related to this case. No written protests were filed after the Planning Commission hearing though, so it is not

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written protests that would require a four vote approval of this case.

"I'll go through the slides of the area quickly for you. The area photograph you've seen. The site plan I think we've talked about. Now two storm shelters so that no storm shelter is more than 1,200 feet or a quarter mile from the furthest lot. We're looking from 55th Street South at the lot. On the right side would be the railroad tracks. This is the undeveloped tract. There is a vacant home on this site. We're looking now south and east on the right hand side would be 55th Street. Now we're looking at 55th Street. Neighbors expressed concern about the heavy traffic, not only the regular traffic but also the school traffic just across the railroad tracks and down 55th Street is the Haysville School Campus. The railroads do block the traffic. You can see in the background across the tracks the condominiums that are west of the tracks and north of 55th Street. I think it is called Gold Coast Condominiums.

"Now we're looking straight up north. This is City Park, the condominiums, and on the right hand side, the beginning of the Robin's Farm single family addition, a newer single family addition. You're seeing that. Now we're looking the other direction down 55th Street towards Broadway. This is looking to the south and east. Now we're back on the 59th Street side, so we're at the south end where that road would come out on to 59th Street, which dead ends at this property and goes east toward Broadway. Looking across the field to the north. The rest of these slides, this is 59th Street looking now to the east at the nearest home to the east of the site. This is looking to the south and west. On the right hand side is the tract in question. South is agricultural area. South of 59th Street. This is the end of 59th Street and the homes on the east. Then the rest of the slides give you an indication of the character of the housing that is on the east side of this tract in the residential neighborhood that runs between this area and Broadway.

"This tract is zoned SF-20 today, which allows for one acre to one half acre lots like the area to the east and west without water and sewer. I'd be glad to answer any questions you have. The applicant and their agent are here if you have any questions."

**Chairman Hancock** said, "Okay, thank you, Marvin. Commissioner Gwin."

**Commissioner Gwin** said, "Just a question for Rich I guess. In times past Rich, when there has been some substantial change or substantive change, I mean I know we can't make those when something comes to us. Is the fact that there has been a revised plan that has been submitted that's

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changed what the Planning Commission saw, is that something that is of concern to you or do you think we can go ahead and consider this item?"

**Mr. Euson** said, "There were a number of changes in that site plan. I don't know if that would be substantial enough for the Planning Commission to change their minds. It would really force me to have to guess as to whether they would. A number of other things they considered, as Marvin pointed out to you, were the traffic, the character of the neighborhood, the conformance to the Comprehensive Plan. So my guess is that it would not change. But I can not tell you that it is not a substantial aspect because as I read the Planning Commission minutes, they did discuss the plan and there were concerns about the one point of access and so forth. I can't tell you it wouldn't be substantial."

**Commissioner Gwin** said, "Okay. Marvin, for you I know you didn't think it would change anything. Are you confident in that?"

**Mr. Krout** said, "There was some discussion. One or two Planning Commissioners indicated that was part of their concern but then that followed by conversation where at least a couple of Commissioners said that wouldn't change my vote, I think it is out of character with the neighborhood. In my opinion, it might change the vote by one or two, but eleven to three was a substantial vote and I don't think it would change the outcome."

**Commissioner Gwin** said, "Okay, thank you. Thank you, Mr. Chairman."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioner Sciortino."

**Commissioner Sciortino** said, "Once again, Mr. Chairman, Commissioner Gwin asked the question I was going to ask."

**Chairman Hancock** said, "Okay. Marvin, I was not here on Monday or Tuesday, are you referring to the change in the plan are you referring to the exit to the south? Is that what you're referring to?"

**Mr. Krout** said, "Right. I think everything else was talked about and the applicant indicated that he was going to comply with all those conditions. The only thing that he didn't say that he would

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do and then did in submitting his revised plan was access to 59th Street. Now if we had shown access to 59th Street instead of an emergency access to 59th Street we might have gotten a whole new collection of people who might have been opposed to the request who didn't show up at the last hearing. That's the one change that I think the Planning Commission hadn't contemplated on changing between the Planning Commission and this Meeting."

**Chairman Hancock** said, "Okay, thank you. Commissioners, further questions for Marvin? If not, if there are folks here who would like to address the item, we welcome their comments. Marvin, just as a matter of curiosity, it shows the city limits extending down, I didn't realize there had been any annexation south of 55th between Seneca and Broadway. Is it true?"

**Mr. Krout** said, "There were a couple and those were related to individuals who wanted water service I believe. But we have gotten a large petition for a very large area and expect the City of Wichita to be considering an annexation all the way down to 63rd Street in the future."

**Chairman Hancock** said, "Okay, thank you, Marvin. Good morning, Mr. Wiley."

**Mr. Gary Wiley**, Professional Engineering Consultants, said, "I'm here to represent the contract purchaser today. I'd like to go back just a little bit and expound on what Marvin was relating to on the natural barriers for this particular site. First off, we're talking 460 feet or so of frontage along 55th Street South, well landscaped with a masonry wall. We do have the railroad running here. We have a Koch pipeline that runs right down through here and there is a 150 foot KGE easement with a transmission line located in it. So this site, when Mr. Morris came to me, I thought this would be a good site for a mobile home park. It is kind of secluded. The railroad track actually is elevated somewhat and kind of hides this area if you've been by to look at it. What we've proposed, as Marvin indicated, was 5.4 dwelling units per acre, substantially less than the eight that is permitted by the M.H. Zoning District.

"One thing Marvin forgot to lead to is the fact that this area in through here, there are two non-conforming mobile home parks and approximately 35% of the area is developed either with manufactured homes or mobile homes. Out of the, I think the staff figured some 150 units out there, approximately 35% are already manufactured or mobile homes.

"Traffic is a concern. That was a reason that we proposed to do this exit onto 59th. What Mr. Morris has proposed to do is to gate that and have a security gate so that only the people in the park could utilize the entrance so it wouldn't become a through way for everybody. We

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proposed, with traffic being a concern, as to putting a left turn lane into this site as it would make the movement into the site itself. Right now, there are approximately six trains a day that comes up this track. In the future, we look at more. Now the other areas over here, Robins Farm, you can see there is a considerable difference between the track and any residential.

“The Gold Coast Condos, they're all at this location, a considerable difference from the track itself. This area, if you develop it into single family or even manufactured residential designed manufactured housing, you're going to have people right up against the track. I think if it is a manufactured home park, if people don't like the track they can move on. That was one of the other considerations that we had for this particular site.

"Traffic generations. This Robin's Farm. The only access it has is to 55th Street South. I don't see how this particular development of some 214 units is going to add that much more traffic to 55th. Right now, they're saying 55th, all along here, is some 6,000 trips per day. What they are suggesting is this mobile home park would provide another 2,000 trips per day. I think that is a little excessive because all of this area depends upon 55th Street South.

“On down a mile to the west of here is Campus High School. I see 55th developing to a need of more than two lanes that are there today. One other thing is we think this will be an improvement to the neighborhood. It is not going to be a detriment to the neighborhood. I can't think of anything else. I'd be happy to answer any questions. The applicant is here. He's been in the mobile home park business for some 18 years. His father here has had a park, currently, Glen Acres in the southeast quadrant of Broadway and 47th Street South. In fact, I think the last one goes clear to 55th Street South over by the turnpike area. Be happy to answer any questions."

**Chairman Hancock** said, "Thank you, Gary. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you, Mr. Chairman. Gary, you talked about the separation of the track as it applies to that area, which is a pond and that other space. When you made your presentation to the Planning Commission, did you talk to them about how that would impact this if it was left SF-20 or how that would limit development potential?"

**Mr. Wiley** said, "No, I did not. I probably should have. But I have, since the Planning Commission meeting, I did prepare a SF-20 plan for the site, an SF-6 actually, and come up with some 161 units, within about 40 units of what the proposed manufactured home park is."

**Commissioner Gwin** said, "Did that show some separation between the track?"

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**Mr. Wiley** said, "We have to utilize it because of the Koch pipeline thought runs through here. It takes a 50 foot bite out of the whole area."

**Commissioner Gwin** said, "Okay."

**Mr. Wiley** said, "That was one of the other reasons for redesigning the park and handing everything to you as it would develop out."

**Commissioner Gwin** said, "Okay, thanks Gary. Thank you, Mr. Chairman."

**Chairman Hancock** said, "Thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I guess I have this question of Marvin. On the revised site plan now, has the applicant conformed to the buffering requirements?"

**Mr. Krout** said, "He has met the minimum buffer requirements in the city's landscape code between mobile home parks or apartments and single family homes, which is a 15 foot landscape buffer. So he has done that. In my mind, that doesn't meet what the Comprehensive Plan was saying about how mobile home parks should be buffered substantially from residential neighborhoods. That is still a minimum of 15 feet of landscaped area is still a pretty minimum buffer from the area to the east. But it does meet the minimum requirements of the city's landscape code."

**Commissioner Sciortino** said, "I guess for an applicant to get comfortable maybe in the future, do we have a definition of what substantial means?"

**Mr. Krout** said, "Well, in the Comprehensive Plan it just gave examples and it said e.g. freeways and rivers. That gives an indication that they were more substantial than a 15 foot landscape buffer, but I agree with you, as I tried to point out earlier, that we've begun to talk to the Planning Commission about that. That maybe we need to have clearer criteria about where mobile home parks, since they are so controversial, a clearer criteria for applicants to have a feeling about where they are going to go."

**Commissioner Sciortino** said, "So the applicant is in conformity as far as density is concerned?"

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**Mr. Krout** said, "Yes."

**Commissioner Sciortino** said, "And he does meet at least minimum standards on buffering. So the main concern is traffic or the general impact it might have on the neighborhood?"

**Mr. Krout** said, "The general pattern of the area. The fact that the Comprehensive Plan identified limited areas for manufactured home parks and that this isn't one of them. This was contemplated for a continuation of single family traditional neighborhood housing and also the traffic concerns."

**Commissioner Sciortino** said, "Okay, thank you. That's all I have."

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

**Commissioner Winters** said, "I have just a quick question for Marvin too, to follow up on this buffering issue. I understand railroad tracks, freeways, rivers. It appears to me there is a significant tree line along that eastern boarder of the property, a hedge row in fact. Is that just temporary? How do you look at something like natural, well I guess it wasn't natural, somebody planted it there, but as hedge row?"

**Mr. Krout** said, "We try to preserve, any time a hedge row comes up in a single family addition or a mobile home park, we try to preserve it by separating it from utility easements so utilities aren't going to come in there and tear it down. A single hedge row, again to us, it is not what we contemplated as separation because it is so common in the landscape. We were talking about areas were more substantial in terms of width, I guess 100 feet or more, but we didn't specify it that closely."

**Commissioner Winters** said, "I understand that. I just think it is unique. There are a lot of trees along the edge of this property. Thank you."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioners, further questions? I was going to ask Gary while I've got you up here. You say there are two non-conforming mobile home divisions in the area?"



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**Mr. Wiley** said, "Yes, off of Broadway. Commissioner, one thing I forgot to say that I did want to relate to you and I don't know if you got to see the plans or not. But the minimum lot size here is 50 X 100, some 5,000 square feet. In the SF-6, the minimum lot size is 6,000 square feet. Many of our lots are in the 105 to 110 foot depth by 50 and even greater. We more than exceed the 6,000 square foot minimum on the overall area for the site. I wanted you to be aware of that. It is not just a small lot mobile home park."

**Chairman Hancock** said, "Commissioner McGinn."

**Commissioner McGinn** said, "I just had two quick questions for Marvin or Gary either one I guess. The emergency exit, I keep hearing emergency exit."

**Mr. Wiley** said, "We will go emergency, however it is determined wanted. We don't care whether it is emergency or open for the tract. When I prepared the plan and when the clients came to me, they wanted me to use 59th. I thought 55th was much better because there is signalization at Broadway and 55th. I thought it was better to route the traffic to Broadway, the majority of the traffic is going to go back to the east where employment centers are. You've got 47th, 135, got the turnpike. I just see most of the traffic flowing back to the east. The reason I suggested we do the left turn lane is because that traffic coming west bound would then have an area to turn off into the park."

**Commissioner McGinn** said, "Then I saw that there was some concerns about drainage. In looking at the plan, I guess you're the engineer, that's all adequate?"

**Mr. Wiley** said, "What we will do Commissioner is actually do some detention systems in reserve areas that we set aside. We will exceed somewhat the 8% set aside for open space. Part of that area will be used for a detention system so that drainage will all be funneled to a detention system and released at a rate probably less than what the rate is there today."

**Commissioner McGinn** said, "Then on the parking, I see on the plan, it says no parking shall be allowed on the street. Is that because the street is only a certain width?"

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**Mr. Wiley** said, "The minimum street for a manufactured home without parking is 21 feet, back to curve to back to curve. A 29 foot back to curve to back to curve provides for parking on one side. A 35 back to curve to back to curve provides for parking on two sides of the street. The client has represented that he wants the 29 foot paving with no parking. He prefers to keep all the parking off the street. It makes it a safer park."

**Commissioner McGinn** said, "If you do have some violators though they can still go both ways."

**Mr. Wiley** said, "Yes."

**Commissioner McGinn** said, "Thank you."

**Chairman Hancock** said, "Thank you, Commissioner. Are there other speakers who wish to address this item today? Please come forward and give us your name and address for the record. You have five minutes."

**Mr. David Bowmaker** said, "5809 and 5848, I own two properties there. The first thing he was talking about is to support that 14 feet gas line. It is supposed to be 50 feet away. Did you ever see what a pipeline does to a mobile home park, it ignites it like a flame. Another thing, the trains that go up there. There's a switching track north of 55th to let the south bound or north bound train, there's a switching deal to the right. It usually takes 15 minutes to an hour for them to switch them trains. Traffic backs up. The traffic, what it is going to do is go through the neighborhood to get away and come back to Broadway to the south or back to the north. There aint no way to get across those tracks except 63rd or 47th Street. The same way to the west.

"The drainage, we do have a drainage problem. The last eight inch rain we got, it flooded everything there. I don't know how they're going to detain the rain by putting in a ditch or whatever they're going to do because all the water is supposed to go to 55th, down the Cowskin, the Cowskin back to the big ditch. That aint worked in years. It has been plugged up.

"Another thing, he is talking about 6,000 cars. That is going to be more traffic than any of that neighborhood or anyone can put up with, with people hot rodding and stuff like that. Another thing about these trains and stuff. Have you ever seen what a train derailment looks like in a neighborhood? That'd be nice to have all those mobile homes there and a train comes out of the south running 60 miles an hour down through there when it jumps the tracks. There's been a

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derailment there before. About the trailer houses in the two parks, that's about 15% not 35% of them trailers or manufactured homes there. It has Robin's addition across 55th to the north. The only thing is it has two exits not one exit. Another thing I'd like to say too is who is going to pay for the sewer that is going to come into this? Is that the new water fund they're going to hook onto that?

"Another thing is I would like to say it is a terrible shame to destroy what a man and God built and it should go back like it was. This place has walnut, cherry, pecan and peach trees all through this place and cedar trees.

"There is one tree back by there by the west of the property that is about 120 years old. It is a big old oak tree. I'd like to see what they're going to do with that, you know. When they go in and redo all the stuff there to make housing, they usually doz all that stuff up. That would be a waste. I'd like to see it back to a peach orchard like it was, not a mobile home park. That probably backs up to my place right there.

"Another thing, on 59th Street for an emergency exit. By the time they get down there and unlock the gate, that place will be all ablaze anyway with the trailer houses packed in there. I think the last meeting they said they were going to have 241 trailers with an option of 70 more. Now since they revised the plan, since I'm a person who lives down there, we aint heard how they revised the plan there. So we're just up in arms. That's all I've got to say."

**Chairman Hancock** said, "Commissioner Gwin."

**Commissioner Gwin** said, "Mr. Bowmaker, I have a question for you please. Would it make any difference to you if this parcel were developed in half acre to acre lots as opposed to the proposed mobile home park?"

**Mr. Bowmaker** said, "No."

**Commissioner Gwin** said, "You wouldn't want it no matter what."

**Mr. Bowmaker** said, "No. It would be too much traffic and riff raft. Every time they develop something like that you got more riff raft, more trouble coming in. Just back to the north there, when they developed all that. All them people come down and terrorize and dump their trash down through here and leave their dogs and stuff like that."

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**Commissioner Gwin** said, "I think the truth of it is they can develop it with certain kinds of homes now if they choose to do so, because of the zoning. But I just wanted to get clarification of what your position was. Thank you."

**Mr. Bowmaker** said, "Thank you, Ma'am."

**Chairman Hancock** said, "Commissioner Winters."

**Commissioner Winters** said, "Mr. Bowmaker, could you point to where you live on that map? Thank you."

**Chairman Hancock** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "I don't know if this question is for Marvin or David or someone. But someone brought up the concern of water run-off and have we looked at that and are we comfortable that the plan conforms with our requirements that the water run-off won't be greater after the site is developed."

**Mr. Krout** said, "David can answer this if he likes but there is an open space area that is shown along the railroad tracks on the west portion of the site plan and that is planned for detention and the subdivision requirements that are enforced by County Engineering are the run-off from this site will not exceed, by using that detention, will not exceed what the predevelopment run-off is."

**Commissioner Sciortino** said, "Okay. Then there was one other concern I heard the gentleman mention. About the time when railroad trains are going to stop the traffic on 55th or 59th, that there be more traffic going through the neighborhood. But the site plan doesn't have any ingress or egress through those neighborhood streets does it?"

**Mr. Krout** said, "Only with the revised plan down at 59th Street. So someone would have to go all the way down to 59th Street and then come out to get back to Broadway."

**Commissioner Sciortino** said, "I was looking at some of the neighborhoods."

**Mr. Krout** said, "There is no access to any of the other neighborhood streets, 58th and 57th Streets to the east, no access."

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**Commissioner Gwin** said, "I suppose to what he was referring to was those north south streets in his subdivision that go all the way from 55th to 59th. I assume people probably cut through there now anyway. I don't know that. If the traffic is backed up, I would probably take a left and come straight south on one of those and then back out, turn around and go the other way out to Broadway, I think."

**Chairman Hancock** said, "Commissioners, further questions? Are there other speakers? Please come forward sir."

**Mr. Bob Helsby**, 715 W. Maywood, said, "Talking about traffic through a neighborhood, when traffic is backed up here, they split off and come through there all the time."

**Chairman Hancock** said, "Sir, you need to come to the microphone. We are recording this so we need to have you come to the microphone."

**Mr. Helsby** said, "We have the high school traffic there with the buses and kids ripping up and down the street. If you're not familiar with the area, you really ought to go down there and take a look at it. You've kind of over done it on mobile home parks. You want to look from Hydraulic clear over to Meridian, it is unbelievable. It actually, in three years, that type of property depreciates where a standard built home appreciates, except for the fact that we've been flooded twice and been hit in the pocket book pretty hard by it, because the new drainage system wasn't in there."

"Getting back to the traffic situation. I recently witnessed a train, during a school bus period, and a lot of shifts from the factories are coming and going. The traffic was backed up clear from Seneca to Broadway. I can stand in my back yard and see it. They're talking about a left turn lane to get through that traffic? That would just further back things up. The whole plan, in my opinion, is just not proper. It isn't safe. It is unfair to the neighborhood. Like I said earlier, I'd like for you, if you're not familiar with the area, to come down and take a look at it. You can see some of the things that we've expressed our concerns about. Do you have any questions?"

**Commissioner Gwin** said, "Yes, Mr. Helsby, I'm going to ask you the same question I did Mr. Bowmaker. If this property were developed in sites of half an acre to one acre sites rather than what they're talking about, would that be more acceptable to you?"

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**Mr. Helsby** said, "That would reduce the amount of traffic access on 55th Street. Again, it is a two lane road and it is pretty heavily traveled right now. You also have open tankers, they stop at the railroad tracks. They hold up traffic just like the school buses and they're dangerous if they get in an accident. To answer your question, yes, it would be better. But to dump more traffic on a two lane street that is already unsafe and backed up is not very wise."

**Commissioner Gwin** said, "Thank you, sir."

**Chairman Hancock** said, "Further questions? I don't see anything. Thank you. Is there anyone else who would like to address this item today?"

**Mr. Wayne Hancock**, 418 West 59th Street South, said, "It adjoins the subject property. It is just west of my property line. I face out on 59th Street South and my house is about 30 feet from the property line and their placement of trailers would put my house within about 60 feet of the trailers. Now I have one acre there that runs north and south. The lots were originally laid out for east and west. But the west half of lot 79, or 69 and 70 has been split off and my house runs 300 feet north from 59th. There would be at least six trailers backed up real close to my property.

"You can see there, that along the east side of the Crawl property, on 59th Street North, there are approximately 10 lots there that have been platted. They were platted with the rest of the Van Dale annex there but they were never sold and developed because that is the lowest spot on the whole property. That property is high at the railroad and practically all of it from there to the east flows east. That makes, when we get a rain, all of us adjacent to that, our back yards fill up. Mine is the last yard going south and that's where all the water stops. Three times in the last 25 years, that's how long I've lived there, I've had water under my house. Flow in and go under my house. At least twice a year, the back half of my lot will be covered with water. That is where my septic tank and lateral lines are. That is not a healthy situation. It is usually, after it gets covered, just the back yard over the lines, it takes at least ten days for the stool, tubs, and so forth, to operate properly. We had that rain, approximately the 26th, that eight inch rain last month. It got up around my house but didn't get under my house.

"I think that is partly due to the fact that Mr. Crawl's ground has laid idle for two years and had such a week cover on it that it helped hold some of the water back. If it hadn't been for that, there would have been water under my house. But just in the past week, I have started digging my

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laterals out, that is digging down to them, throwing this dirt out and letting it try to put it back in there again. What I'm throwing out of there practically has water running out of it. It has taken at least a month and it still hasn't dried properly.

"Now, when they put their detention ponds along the west side by the railroad, they are going to have a problem getting that water to flow uphill too, unless they raise the east side. Using the dirt for fill by taking it from the west side to the east side, so they can get a positive drain back to the west, then they will probably create a four foot wall of dirt on the west side of my property. From then on, any heavy rains that come down, there will be no place for it to spread out and I will have water in the floors of my house. When you get water under a house, it is not a basement, just a crawl space, you get mold when it starts drying out.

"I think there has been some in the news about health problems with mold in houses here recently. I don't know about radon, whether damp earth attracts radon or not. But any time it gets wet under a house, you've got problems. You've got mildew, you've got mold. Plus the sewer problem. Now we are supposedly to get sewer and water down there but I doubt if we ever have city sewer in my life time.

"The solution here would be storm sewers to carry that water out of there. There is no place for it to go. Everything that is put on lawns or what have you north of May in the way of fertilizer, pesticides, herbicides and residue from pets using the back yard, when it rains it runs down on my place. It sets there and finally soaks in. I can't even raise a garden any more. My garden this year, we had three tomatoes out of fifteen plants. That was it. My concern is the water situation there. Plus, if they open up what they had originally scheduled for an emergency exit entrance, if they open that for people to go in and out, that driveway, that gate, will be less than 150 feet west of me. My driveway comes out onto 59th. With the traffic generated there, I'd be lucky to get out of my driveway."

**Chairman Hancock** said, "Mr. Hancock, how much more time do you need?"

**Mr. Hancock** said, "Mr. Winters, didn't you say there was a hedge row along the east side of that property? That is mainly elm growing in the fence row. There is a real hedge row that runs on south, but this is mainly elm. Mr. Crowl, sometime in the past, has planted a row of pine trees maybe 12 to 13 feet in on his property and they grew up. Some of them have died out. That is what is in there. That plus, I wouldn't know how much poison ivy, just a mass of poison ivy. I was raised out southwest of Wichita and I'm real familiar with that. I learned to recognize poison

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ivy at an early age. I think that is about all I have to say on that. Any questions?"

**Chairman Hancock** said, "Thank you. Commissioners, questions? I don't see anything. Thank you for being here. Are there other speakers who would like to address this item today? I don't see any speakers. Commissioners, questions or comments? Commissioner Winters."

**Commissioner Winters** said, "I have a question for Mr. Wiley. I guess if I had a question or problem, it would go towards the traffic issue and maybe it is more of a question than a problem right now. As I look at that, how will all those people get out onto 55th Street between 7:30 and 8:00 in the morning? Again, I can just see that as being a bit of a bottleneck right there for at least two times a day, morning and evening. Gary, do you have any thoughts about that?"

**Mr. Wiley** said, "This is a moderate size manufactured home park. You're talking about 214 units total. As I suggested, I think a traffic study would show that the majority of the traffic is going to go east bound on 55th, not making a left turn. Some will, there is no doubt about it. I don't have an idea what the train schedules are. But 6,000 cars that are there today is not that many for a two lane arterial. I don't foresee that this would be a major problem."

**Commissioner Winters** said, "Your entrance, if you're going north to exit the area on to 55th, will there be places for a left turn side and a right turn to that those wanting to turn left will not hold up the entire line?"

**Mr. Wiley** said, "That's correct. We'll have the major entrance at the frontage there, two out, one in."

**Commissioner Winters** said, "And on 55th Street, if you're west bound, a left turn bay, you would put in the left turn bay."

**Mr. Wiley** said, "Yes, it is even on the plan. The start of that left turn bay would be some 500 feet roughly to the east of the railroad tracks."

**Commissioner Winters** said, "Thank you. I have a question for Marvin. Marvin, this is a little bit of a difficult case for me to think about so I just want to ask you a question and listen for other comments to help enlighten me. In your estimation, this property, what other kind of alternatives have we got, does the property owner have for this kind of property? It would appear to me that



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it would not be a property that was across the street north of 55th Street, the residential design built houses over there. I'm not sure that you could sale houses like that on this tract of land. Do you have thoughts or ideas about what any other use might be for this property?"

**Mr. Krout** said, "I think it would have to be a residential use. I agree with you to a certain extent the owner kind of created his problem by leaving an awkward shaped site as properties were sold and platted off as the Planning Commission noted. The question is, does that now become a problem that warrants a change in land use? We have examples of single family homes that do back up to railroad tracks all over the city. I am not saying it is the most desirable arrangement, but we do have them.

"So I would guess that the most likely use of this land would be for, as Gary said, an SF-6 development, a development similar to Robin's Farm. Water and sewer is there and probably would be economical. A developer would have to figure out if he would be able to make money by bringing water and sewer down there and sale lots for enough money and sale houses in that area. But that is the most likely scenario for me is that it would be developed with urban density lots, like the lots on the north side of 55th Street."

**Commissioner Winters** said, "Thank you. I guess the last comment I would make is if we moved forward with this, I'm not saying we are yet, but I would almost think there would have to be an exit down on 59th Street. Again, I don't know if that changes the completion of the application enough that MAPC would need to look at it again or not. But 59th Street is a half mile line road. Someday it is going to have to play a significant part. I don't know, this is a tough one for me to think about right now. That's all I have now."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioners, further questions or comments?"

**Commissioner Gwin** said, "I guess I have questions going back to the urban density lots. If that were the case Marvin, and this parcel developed urban density, how many parcels on that as compared to how many parcels that the applicant has suggested."

**Mr. Krout** said, "Gary said, I haven't seen his lay-out, but he said that he would be able to, with

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minimum sized lots, be able to have 160 to 170 lots as opposed to the 214 lots on this tract. That may be possible. You have room for detention also. It is true that these lots that he is showing on the mobile home park are not the minimum sized lots. Fifty by a hundred, does get close to the 6,000 square foot minimum. But I think it isn't just density and traffic, but it had to do with land use. Right now, the plan says we aren't providing a lot of places for mobile home parks because in our experience, there are not a lot of 20 or 30 year old mobile home parks that seem to age as well as 20 to 30 year old neighborhoods.

“We also know that from a tax standpoint, these are not taxed like property and they do not appreciate, they do depreciate. So the plan currently limits the numbers and locations of mobile home parks and says that it does provide affordable housing, but there are a lot of existing housing on the market at the price ranges of mobile home parks that are competing for those dollars and that mobile home parks in the long run may not be the best solution in terms of neighborhoods for Wichita and Sedgwick County.”

**Chairman Hancock** said, "Further questions Commissioners of Marvin? Marvin, I understand, to make it simpler, you're saying that as far as land use is concerned, that seems to be a major factor in the staff recommendation, that this should be urban density residential, similar to what is now on the north side of 55th. Is that correct?"

**Mr. Krout** said, "That's what I think would be the most likely use and it might be 2/3 to 3/4 of the density of the mobile home park that is proposed. Even that is lesser traffic on 55th Street, which isn't scheduled for any improvements soon. I agree, we had recommended that the left turn be installed on 55th Street if this is approved and that would certainly mitigate the traffic. I agree with Gary that more of the traffic is going to go toward the Broadway side than the Seneca side."

**Chairman Hancock** said, "I do too. I agree."

**Commissioner Winters** said, "I'm still not sure that you could built stick-built foundation houses south of 55th Street as they are north of 55th and sell them. I don't know if you could sell them."

**Chairman Hancock** said, "The character of the neighborhood is similar, they are really the same on the north and south of 55th Street."

**Mr. Krout** said, "That's true, but also mobile home parks are a little bit like used car lots. Once

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you approve one, it is hard to say no to the next one. We are seeing a lot of what I think are very positive signs of redevelopment in the area west of the tracks. I'm sure there are insurance reasons why some people are able to build back. It's not like they're making a choice to build new there necessarily, but I think that is a positive sign for this area and I think that some day someone will decide that this is an area that should be filled. Maybe it is residential designed manufactured homes, but they are on permanent foundations, on lots, and taxed as personal property and I think over the long run they'll be maintained as neighborhoods better."

**Chairman Hancock** said, "You mean taxed as real property."

**Mr. Krout** said, "As real property."

**Chairman Hancock** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. The first gentleman who spoke in protest, he indicated a concern as to who would be paying for the extension of the sewer lines and the water lines. It is my understanding that the developer would have to through a special assessment. The residents weren't going to have to pay for that."

**Mr. Krout** said, "That's right. It is possible for owners on the east, if they're interested, to join in a petition with this property owner and design a system for both water and sewer that would bring them water and sewer. More than likely, it will just be a petition for this property and be paid for by this developer."

**Commissioner Sciortino** said, "That's their option if they want to join in. They're not mandated to nor would they be charged for any development of water or sewer line at this site."

**Mr. Krout** said, "It is possible for the applicant to bring in a petition that would include some properties to the east but I don't think they would be attempting to do that without their cooperation."

**Commissioner Sciortino** said, "I agree with Commissioner Winters. This is a tough one. On one hand, I know that the neighborhood feels it is probably saturated with mobile home type facilities. On the other hand, I feel there is probably a need for that type of housing or perceived need, or no one would buy them or rent them. My main concern is the traffic impact. I guess I

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don't know where I'm going to go."

**Chairman Hancock** said, "Commissioner Winters."

**Commissioner Winters** said, "I guess I have two suggestions maybe. One would be that again I think Chairman Hancock probably knows his district much better than the rest of us know his district. If some of the issues that MAPC brought out are important than I think I could concur with that. On the other hand, we do have the option to send it back to MAPC and that would probably indicate a couple of things to them. I think they could then maybe struggle a little differently with some of these issues that we have thought about. In the seven years since I've been here, I know we could count on one hand the number of cases we've send back to MAPC. We generally like to take the attitude that it causes a lot more work for everyone. People who are both the applicant and those who are protesting have to sit through and wait for that all to happen again.

"But maybe as we sit here thinking out loud, maybe that is one of the reasons we have this option to send it back to them is send it back with comments or thoughts that this appears to have a lot of pluses although there are some negatives and would you, MAPC, revisit this in light of the revised plans that have been submitted. I guess knowing this was one that had a lot on both sides of the table before the Board of County Commissioners. Just a suggestion."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you, Mr. Chairman. Commissioner Winters, I appreciate that and know that we do have that option. I have a couple of concerns about that in that with the vote being as lop sided as it was, I question whether or not we'd get enough folks to change their mind. They might come back with the same recommendation. If it is possible, I'd like to make a decision on this today if we can come to some sort of agreement on it. The difficulty is, that is an odd piece of property.

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"I mean that is an odd shape. I mean in the first place, from a development standpoint, that is just hard to work with. The other aspect of it is, with the properties to the east being half acre lots, used to some elbow room, I certainly understand their opposition to having so many neighbors beside them. I mean we hear that all the time on zoning cases where they're used to the space that they have and the influx of a lot of neighbors upsets a lot of folks. I'm all over the place.

"I understand the concern about manufactured housing. I understand the depreciation factor of personal property instead of real property. We see that a lot. But I also have concerns that I don't know in that shape or that location if it really would develop in lots like they are north of 55th Street South. It wouldn't be commercially feasible however I don't think for the developer to develop more half acre lots. I don't think there is enough there for him to make any progress there. I feel like I'm arguing with myself which I have been doing since this came to us. But there are still issues about this being used in this manner that concerns me. I appreciate the concern about traffic, because I think that is a clear and present problem. This wouldn't help it. I appreciate the concerns about drainage because the gentleman who lives there tells me that everything is draining to the east. This property claims that it is going to be draining to the west. I think that is going to be difficult to handle. People move where people move. I suppose it could be used in other types of development. I do fear that this use would detrimentally affect nearby properties. I hear the neighbors say that. I don't know if I'd approve this or anything without an additional access out at 59th Street. As Marvin pointed out to us earlier, if that were in the plan I suppose we'd hear from a lot more people at the south end who feel like they'd be there. They'd be affected. As I've argued with myself, I think I've kind of landed where the Planning Commission members must have too, in that there are some possible pluses to this but there are some definite negatives to it. I think at this point I'd probably side with them and deny the application."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. Well, since Betsy kind of made a decision. Everybody else is all over the board. When I look at the drainage situation and the comment that the gentleman made about how that would perhaps change his situation. I look at the traffic congestion and the situation with the train line there on 55th. I look at the density.

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“Then I also look at the emergency access. I understand you have a back entrance there, but even when you put in housing developments I know our emergency people are concerned about how you are going to be able to get there and how quickly you can get in there. It seems to me that with this plan, there is just too many what ifs. Because of that I feel uncomfortable going against the Metropolitan Area Planning Commission, especially since they voted eleven to three and they were uncomfortable with that. That's kind of where I'm at.”

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

**Commissioner Winters** said, "I would think if the drainage situation could be improved for those people that live on the east side of the tract, because if their drainage and detention and park area is going to be on the west side near the railroad track, somehow the water is going to have to flow that way. If at this current time it flows to the east and causes problems over there, my first inclination would be that it might be part of a solution to some of those problems that the neighbors to the east have. Again, I'd make a pitch one more time for sending it back to let MAPC deal with it again, just simply based on what I hear is a little bit of our still struggling with both sides of the issue. If we want to move forward I don't have a problem with that either. You'll just eventually need to make a motion."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioner Sciortino."

**Commissioner Sciortino** said, "I guess I'm going to get off the fence for, . . . I think I can support taking it back to the Planning Commission. I've heard a lot of things from the applicant. I've got a problem that this property could ever be developed for anything else maybe than a mobile home park. I don't share the one individuals concern that a gas line is in the bottom and it's all going to blow up, and that it happens quite frequently. I don't have that concern. I think that the new site plan with maybe the developers ability or willingness to open up 59th Street has merit. I'm not that optimistic that we're going to change an eleven to three vote. But I think I would be in favor of sending it back to the Planning Commission."

**Chairman Hancock** said, "Thank you, Commissioner. Further discussion? This is a very difficult case for me. I know it is probably difficult for the Planning Commission and Department as well in making the recommendations. I've been pretty much on the record as opposition to any more mobile home parks, particularly in my Commission District. A few years ago we did a map depicting the density of mobile homes in the various districts. I can't remember the exact number,

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but I certainly had well over 60% as I recall of the total number of lots. So I've been very careful about approving mobile home parks and mobile home subdivisions in the second district because of the density, with the idea that these types of subdivisions should be spread throughout the community in other districts. That's not always possible. It is always pretty much impractical.

“Two things concern me here. Having gone out and looked at this piece of property and visited with Gary and the owner before the meeting, both sides make the case very well that this is probably a pretty good use for this particular piece of property. With the railroad on the west and the pipeline going through it. Even with the character of the neighborhood on the east being mixed use with both mobile homes and site built homes. It is very difficult. The other half of that which disturbs me is what Marvin Krout said today is that similar to car lots, once you put one in it is hard to keep them from proliferating. It would almost be a case where I would like to zone everything around this for about half a mile while we're zoning this at the same time. Keep it from proliferating. It would be nice to do that.

"I just see a piece of property here that is very difficult to use. Mr. Morris has brought us a plan that is probably as good a use as any for this particular piece of property, but has ramifications for the community on the east and for the future of the area around it. I don't know if there is an alternative plan that the Planning Commission could consider. I don't know if it will do any good to send it back. I don't think there is a vote here today to approve it as presented, although in my view this particular case is acceptable as far as the use that is being proposed today. But there are a lot of questions that have to be answered by my colleagues and they've asked good questions. They asked good questions and both sides of this discussion have presented good strong cases. One thing is I know that Mr. Wiley has always brought us cases, and he makes good strong cases with good designs and we can trust what he says. I know the developer in this case has done excellent jobs of doing these kinds of subdivisions and it makes it even worse for us. I'm looking for guidance on it. For me, at least, I have no objection. I talked to constituents that lived in the area just north, in Robin's Farm.

“In addressing the item very early on, when notices were first sent, as far as the meetings were concerned in the Metropolitan Area Planning Commission, in no uncertain terms, without knowing

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all the details, my policy was that I was against mobile home parks in the area for right now unless they did improve the neighborhood. I'm not so sure that this would improve the neighborhood, but I'm not so sure that the land use here is anything but this.

"If there are suggestions by the staff, the engineer, and owner, that would make this more palatable to the community and yet use this property to its highest and best use, I'd be interested. I don't know if that answer is out there. I don't know if Marvin would even attempt to address that right now. I listened very carefully to what you said. I don't disagree. I just don't know what the answer to this one is. This Commission, I know, has a long history of subscribing to listening very carefully to developers and doing all that we can to help them do their business.

"I think this is a case also where we'd like to see a developer do well and be successful, and at the same time, improve the community. It is a difficult case for me. If we would like to send it back, it might be possible. Marvin, do you want to address that at all if it would do any good at this point?"

**Mr. Krout** said, "I'd not be surprised if you would send it back. It is a difficult site. One thing that occurs to me is a possibility and I don't know how the applicant's would feel about this, but maybe if you created more of a buffer at the south end so that you would not be creating the excuse for further mobile home development to the south. You'd reduce the density of this a little bit and have some sort of buffer. It might be traditional single family homes platted in lots or something like that. Then that is a possible alternative if you're looking for something. Then maybe those lots would take their access separate and there wouldn't be as much pressure then on 55th Street. That is a possibility. It is a tough situation."

**Chairman Hancock** said, "I'm surprised at the vote, the lack of margin on the Planning Commission's vote."

**Mr. Krout** said, "I think maybe the Planning Commissioners, like me, share a real concern about whether mobile home parks are a viable use of our land use future and aren't going to be problems in the future."

**Chairman Hancock** said, "Say that one more time."

**Mr. Krout** said, "I think there are concerns with mobile home parks providing affordable housing but over time being a liability in terms of tax base and in terms of deterioration."



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**Chairman Hancock** said, "I understand. Well, as far as the personal property is concerned that is probably true. As far as the real property, which they're rental property, it probably isn't true. Of course dependent upon how it is maintained and cared for. It is one thing that has never come up in our appraisals and our review of appraisals. That is grades of mobile home parks. I don't know if we grade them or not."

**Mr. Krout** said, "Like restaurants make."

**Chairman Hancock** said, "Like golf courses, A through D."

**Mr. Krout** said, "Park City is talking about a fee that they're considering to try to capture some of that difference in the tax base that is lost with mobile home parks depreciating each year."

**Chairman Hancock** said, "I can tell you this Marvin, the community to the east there probably needs services eventually, water and maybe sewer in the future. I know the area to the west needs water. We need, in this square mile between 55th and 63rd and Broadway and Seneca, significant help in as far as bringing it to the standards that most communities would like to see themselves as. I know the area to the north of 55th, that's a nice area. It is well developed and middle class homes. It is a good place to be and live. I've always had concerns about this square mile. It has been a real trouble spot for our community down there. It has not done well. It wasn't planned well. This is probably, right here in the northeast corner, is the most dense of all that square mile. I know maybe southwest as dense, but it is not dense right now, it doesn't exist because the tornado blew most of it away. It is coming back with some different kinds of development. I don't know what the answer is for it from a planning standpoint, but I think when we look at something like this, we have a tendency to take this in a context of the whole square mile. What do we choose for that community because it definitely needs significant improvement to be the kind of community that even the folks who live there wish it would be. I'm not sure I know what the answer it. I think that when we look at something like this, if we should send this back, I would like the Planning Commission, and I don't know if it is even legal or not, but it is practical and needs to be done, to look at this in the context of that whole area down there."

**Mr. Krout** said, "Certainly they can and they should."

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

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**Commissioner Winters** said, "I'm ready to make a motion that we send it back to MAPC. I realize all the problems that it causes, but I think if they have the benefit of reading the minutes of this meeting and hearing part of the discussion and the real issues and questions that we've dealt with and we had difficulty moving forward or backwards on this one, I think that would be helpful. I think that is one of the reasons we have the ability to send it back to MAPC for their reconsideration. If it comes back over here still eleven to three, then I think it would probably have a pretty tough row to hoe. I would like to have them revisit this one if there is no serious objection."

#### **MOTION**

Commissioner Winters moved to return the item to the Metropolitan Area Planning Commission for their reconsideration.

Commissioner Sciortino seconded the Motion.

**Chairman Hancock** said, "Further discussion?"

**Commissioner Gwin** said, "As I stated, I was prepared to make a decision today but if there is a way to answer some of the questions that are out there, I suppose I would support the motion."

**Chairman Hancock** said, "Thank you, Commissioner. Marvin, I was pretty wordy about this one and it has mainly to do with my total and complete confusion on what to do on this issue. I really support the idea but I'm not sure it is a good idea."

**Mr. Krout** said, "Like a lot of zoning cases, we call them coin tossers."

**Chairman Hancock** said, "You know us, we haven't been very bashful here. We generally make up our minds and move on. This one here is very difficult for us."

**Mr. Krout** said, "I understand."

**Chairman Hancock** said, "Thank you. Further discussion? If not, Clerk call the vote, please."

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### VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Thank you, Gary. Thank you, Mr. Morris. Next item, please."

### 2. MAPD MONTHLY REPORT.

**Mr. Krout** said, "Commissioners, I'll be very brief and just tell you that the Planning Commission last month, in September, dealt with this case and spent not as long as you did, although they had a lot of people speaking at the meeting. They also did have the first two conditional uses that dealt with the parking of tractor trailers, if you remember that, on lots that are less 20 acres. There was no opposition and those cases were both approved with no problems.

"Let me just touch on the Planning Commission's efforts with the Comprehensive Plan. They have been meeting on a weekly basis . They divide into two committees. One dealt with land use issues. One of them was dealing with more public facility issues. Then they came together later in the month to review each others work and to develop what is now kind of a working draft of an update to the Comprehensive Plan. There are not just land use changes being recommended, but there also are facility questions that I think need to come to the table. I'm sure you know about the solid waste proposal that is suggested. One of the things the Planning Commission suggested, which I think is a good idea, is that before they get to the point of saying this is a plan that we want to take out to the public for the official public hearings that are required to be advertised by state law, they would like to have a meeting similar to the July luncheon meeting that we had with the City Council and County Commission to discuss where they are, what are some of their key changes that they are headed towards. Have an informal discussion so they can take some of your thoughts once more into consideration before they pull together their work and take it out to the public for formal public hearing. We're working on trying to set something like that up some time before the Thanksgiving holiday. I'll try to work with the Chairman to set something up. If you have any other questions, you do have our monthly report and I'd be glad to answer

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any."

**Chairman Hancock** said, "Okay, thank you. Commissioners, questions?"

**MOTION**

Chairman Hancock moved to receive and file.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you, Marvin. Next item please. Before we continue, let's take a five minute break."

**The Board of Sedgwick County Commissioners recessed at 10:40 a.m. and returned at 10:46 a.m.**

**Chairman Hancock** said, "I'll call the Meeting back to order. Next item please."

**NEW BUSINESS**

**E. PRESENTATION BY MICHAEL MCMILLEN, JUVENILE PLANNING CONSULTANT, REGARDING EXPANSION OF THE JUVENILE DETENTION FACILITY.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "There are

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two items before you today that are tied together. The first is a report by Mr. McMillen, and he will be here in a moment. The next item is a site plan, which is based on that report. It might be helpful to tell you why we're here today and how did we get here. Over the past decade, we've had several issues regarding the juvenile detention facility including safety issues, escape problems and over crowding.

“Because of those issues, we have thoughtfully and carefully tried to provide programs and ideas that would reduce the amount of juveniles in the system. In 1990, we began with an at home supervision program so kids could be diverted away from the juvenile detention facility and placed in either home with or without monitors. That program helped reduce the number of juveniles in the facility. In 1994, we constructed a 21 bed shelter, the juvenile residential facility. We contracted for off site beds about a year later, which was in September of 1995.

“Then, almost in conjunction with that, we began a whole process of accessment intake. Intake assessment for juveniles. That was finally put into place in 1998. Early in '96 however, we ran into some difficulty with KDHE and entered a consent agreement that we agreed to keep the number of juveniles at a specific number, 44, and hopefully around 33 if we could. We also than began renting spaces, as you know, outside, increasing the contracting of off site beds to help us accomplish that order.

"Finally, in 1998, we began a prevention fund. In spite of that, we still have about 70 children currently in the system now and the system seems to be working with the state having new programs through JJA and through some of the work we've done ourselves. You need to know that we have looked at this building. We thought it was going to need 130 beds. We had an idea about how much it was going to cost. Because of the design and lay out, Mr. McMillen will tell you that we've reduced the operation cost of about three quarters of a million dollars a year because we worked with KDHE about how to supervise folks in a different sort of a way. We've reduced the number of beds from about 130 to 108 beds. That's because the programs I just mentioned and because of the new funding of JJA programs that will add more capacity in the community to keep children out of the system.

"Sometimes we lose focus about what is going on down there. So let me just remind you that today Bob, a 16 year old male, is there waiting a possible adult prosecution for kidnaping, aggravated assault and rape. Bill, a 14 year old male, is the son of the victim of the above rape. He is being held for battery of a law enforcement officer. Nancy is a 13 year old female. She's

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there. She's four months pregnant and she's awaiting sentencing for the fourth shoplifting case. Mark is a 16 year old male awaiting possible adult prosecution for a murder of a rival gang member. Ken is another 14 year old male and is awaiting a sentencing for auto theft and is a member of the same gang as the murder victim who we think Mark murdered. Donna is a 12 year old girl being held for shoplifting because no family can be identified. We can't find her family. Keith is a 16 year old male sexual offender against family members who has such aggressive behavior that sexual offender programs won't take him, but whose charges are not sufficient for direct commitment. No place for him to go. So these are the kinds of folks who are in there today and that's why we're doing this, because of those children.

"We thought we'd run through what the plan has indicated, where we are today. Stephanie Kneble will run through a little bit about the methodology and then Mr. McMillen will lay out the plan and then we'll hear the next Agenda item."

**Chairman Hancock** said, "Thank you, Mr. Buchanan."

**Ms. Stephanie Kneble**, Capital Projects Office, greeted the Commissioners and said, "I'm here to give a little bit more back ground on why Mr. McMillen came to work at our facility. If you would remember, a couple of years ago the County spent some time and effort with Gossen Livingston kind of an initial look at the juvenile detention facility, giving us some options. Because that study was old, the County had been through a lot of changes especially in beginning to implement some of the JJA recommendations and the new law changes. Richole Brick and I spent some time trying to find an individual who had extensive experience in planning and designing juvenile detention facilities and we found Mike McMillen. He came recommended to us from Mark Masterson. He had dealt with him earlier also. So we asked Mr. McMillen to come and spend some time with us here in mid August. We spent about three days together, not only with the juvenile detention facility staff but also District Attorney staff and District Court staff. As Bill eluded, some of his recommendations are changed since a couple of years ago based on new information and implementations. Mike, if you'd like to come up and give us a summary on what you've found."

**Mr. Michael McMillen** said, "I want to tell you all that I never thought there could be a more difficult siting issue than a juvenile detention center. Never, ever, but I am rightly up rated now. I should start by saying a little bit about myself. All I do is juvenile detention planning. By planning, I don't mean just the buildings, but how the system works, what are the operations, how

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do you decide who gets to go in and who doesn't go in. Then once you decide to do a building, how to decide how big it is, how much it is going to cost to operate and design. A lot of projects that I do are not just designing facilities. I wanted to emphasize that because when the folks asked me to come down in the first place, it was to talk about what are the problems. What do we really need to look at here? No one was quite sure what was necessary but everybody knew they had a building that didn't work very well. It wasn't just a detention building. The way the system works is sending kids out, the way the District Attorney is, the court. Everything was kind of like well, it had been piece mealed together over a lot of years.

"What we found out in looking at it was the detention center itself, I didn't have to tell anybody this, it doesn't work well for a lot of different reasons. There are too many kids. It is poorly arranged. It is hard to separate kids. It is the biggest mess. Because of that it is very staff intensive. You have lots more staff than what you really need to have to run an effective facility because of the way it is laid out. We looked at intake and assessment to see how that new element is working and how that impacts the number of kids that are going to come into the facility or into the court system. The court building itself, actually it is a nice building. I like the court building. It just doesn't do what it needs to do. If I had to take a guess looking at your court case load, right now we're saying four court rooms is probably okay, that will get us through. But if you have a continued growth that you've had for the past couple of years, 9 kids going to detention. Just family court type cases. It is just sky rocketing right now.

"It has nothing to do with the number of kids you've got in the County. It is just more families, more kids, are being reached. You've got tons of kids rolling and every anticipation is that it is going to get worse in the next four or five years. You really ought to be looking at five court rooms and six judges and all that sort of stuff as a way to consider your future. But none of that is iron clad because it hasn't been really statistically analyzed. The fact of the matter is though, that the whole physical plant is not what it needs to be for any where down the way. I probably don't even have to talk about the Gables building. I expect you've been hearing about the Gables building for a long time.

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"What I'd like to talk about with regard to the size of the building that is being discussed, which is 108 beds in this case, is it didn't come out of the blue. The original study said we need 130 beds. It was based on a lot of factors that were true in '95. When you look at it now, with the juvenile population decreasing and with all the other alternatives available. If you had the building right now, you could probably be able to put the 70 or 75 kids that you have in detention today. You've got your building and out of county. A 75 bed building would do you today. A few years down the road it is probably more like 90 to 99, somewhere in that range is the real projection of the beds you'll probably need. But that doesn't give you much sluff for the future. Nobody wants to look at just precisely what you'll need in two to three years. Let's carry it out a few more years. That's why we're looking at 108 beds right now.

"The reason for those 108 beds is because people have changed their ideas about how they want to operate. What is the best sort of thing to do. Originally, in 1995, you had a proposal that said we could do a 21 bed housing unit because that matches state requirements with regards to staffing.

"Well, you know what, 21 bed housing is ridiculous. No one wants to do big giant housing that you can't manage the population. It gets to be more like a jail. So one thing I've heard over and over again talking to everybody. It is not a jail. What we're doing is trying to have an impact. We're trying to be effective. We're trying to do the right things. We're trying to have staff be able to deal with the kids. Well a jail doesn't work then. But, there is a place in between. With nine beds, a staff person can deal with nine beds and we've thought of ways to put that together. Low and behold, you come out with either 99 beds or 108 beds, but you begin to group it so you can do the good services.

"So, we're at 108 as being the closest number to covering needs for the next five, eight, ten years, that sort of thing. I have a note here that says now you want to know how much one of these things is to build. Well, it is \$13.6 million if you just build around 100 beds, \$14.6, the numbers begin to grow that way if you're up around 108. I want to clarify that \$14.6 million for 108 beds is all of your costs, not including land acquisition. It is what you have to pay to build a building, to develop a site, to buy furniture, and have some contingency in there too. It never goes exactly right.

"You've been there before. Things changes as projects go along. The \$14.6 million should give you the whole package. That's right now. If you don't build it for two or three years of course



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it escalates. That would give you a 108 bed facility.

"How much does it cost to operate. That's another big number and it is on page 11 of the report. What we said was, after looking at it, it probably is going to be about \$4.6 million a year to operate. That's a lot more money than you're paying right now. So it is worth saying that up front. The \$4.6 million is a phenomenal increase. Now some of that money you're already paying out to other counties in terms of per diem for kids who are being served by private or other out of county facilities. But it is still a lot of money. Another way of looking at it, it is a lot less money than if you went with 130 beds. It is significantly reduced from that. What's right and what's not, I couldn't tell you. But you have to be aware of that consideration.

"Now, when we looked at what could be done with the site. Basically, the decision was you can't mess with the existing building now. You have to have a new building first before you can start playing around with how to fix up the existing building. The reason for that is that you can't cease operations while you are trying to do modifications to what you've got there because you close the building down for a year or a year and a half. The options we looked at are what can we do with brand new construction. How big does it have to be? Can you phase it?

"Well, you could save the existing building and add some new beds. You could build all new beds and then vacate the existing building. That appears in the options that are presented in the back of this report.

"We looked at things like gee, do we want a big building? Do we want one that goes up and down? We've got a jail right across the street. It has a lot of beds. I was really impressed when I drove by it. I thought I'd seen the whole thing. I realized there was a whole other part of the building back on the south side. That's a massive structure. People going up and down. Okay, the main thing you have to consider is that when your with kids, you don't want them going up and down. You don't want all these transitions. You want everything to be nice and level and smooth. So everybody really wants a one level building. They especially want a lot of programs and services. You will have space for that but not nearly the percentage you need for juvenile detention.

"Taking all those factors into account, what we tried to do was put it on the site. Okay, how do you fit all this stuff in, a complex that works. You'll see the diagrams in there and I think Mr. Buchanan is going to be talking about them again in a second. The options that seem most reasonable at this point were to develop a detention center that is brand new that will serve those

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108 kids and that will carry you pretty far away into the future. If you do that, you're going to be able to save the existing detention center and expand court services into it. So ultimately it will be a less expensive proposition to take this approach.

"Before we move into the next section, I also was requested to talk about privatization, which is one of the issues covered in the actual document here. There really are just a couple of things to say. One is that privatizing is happening all over the place. I've seen it in probably five or eight different states. More is proposed. The difference is that most privatizing juvenile operations occurs at the correctional level or treatment level. That is, for a juvenile who has been sentenced, he now needs to go and do six months at some facility or program. A lot of those kinds of operations are becoming private. A lot of existing state institutions, not a lot, I shouldn't say that. There was none ten years ago so four and five is a lot to me. A lot of those kinds of institutions are now being handed over to private operators. There are very few just stand alone juvenile detention centers that are privately owned and privately operated. It is hard to say why that would be the case, except that when you talk to people who run the facilities like this and programs all over the country, they say it is cheaper because they don't have to pay county wages. But we don't get the programs or services out of them. We can't control what they do. We can't mandate the quality of service or their staff qualifications. So that has presented a lot of difficulties in jurisdictions that have approached this sort of thing.

"I'll give you a few examples. There are two private facilities in Iowa that because of the boom in beds, just like you, the counties up there had to be sending their kids out so people built some private beds. Because of the difficulties in running or in external government managing a private operation, the biggest jurisdictions in the state have gone and built their own facilities so they could bring their kids back. They weren't happy with it. There's an excellent facility with detention and commitment in Vincennes, Indiana. Privately operated. It was originally started by Corrections Corporation of America. I've been to see it. It really is an excellent place. They take kids, in order to make the money they need to continue operations however, they take kids from all over the southern half of Illinois and the entire state of Indiana and quite a number of jurisdictions in Kentucky. When your operation is in the middle of a rural area especially, you have to take people from everywhere and you have to reach a certain density before it becomes profitable. I don't mean to imply that profit is a dirty word, but you don't operate for free. You have to be able to make your costs and then pay investors. So what it means to me is that when you privatize, in my mind it is best to avoid going with somebody else's building, somebody else's program, somebody else's staff. The State of Colorado, for example, has reached that conclusion.

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Almost all their new construction, starting about two years ago, the current and proposed construction is going to be state owned facilities. They're going to own the buildings, but they will privatize the staff and operation. That way, if two or three years down the road they are unhappy with the performance of the provider they're gone and somebody else can come in and use the building. You can't do that if the provider own the building.

"These are the kinds of approaches that are being used. I have to tell you again that there are very few detention private operations. Corrections is beginning to be more and more that sort of thing. Anyway, the bottom line is that in the long run, I absolutely believe that your best interest will be served by providing not only detention expansion but the capability of responding to court needs, probation needs, intake needs, juvenile services needs. You need to be able to look to the future and say yes, we will need to grow and we need to provide a comprehensive package of operations on the juvenile side. With that, I'll just ask if anybody has any questions before I turn it back over to Mr. Buchanan."

**Chairman Hancock** said, "Thank you. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you. Mr. McMillen, one of the frustrations that this Board or previous Board felt had to do with the expansion of the adult detention facility soon after we constructed the new one."

**Mr. McMillen** said, "That happens every where."

**Commissioner Gwin** said, "So we built or our predecessors built the new one and then it seemed like over night we had to build a huge expansion. Luckily, we had the space to do that so that we didn't have to make a decision on where else to go. The reason was, they tell us, that we didn't anticipate the gang problems, we didn't anticipate the changes in state law for DUI offenses or domestic violence or those kinds of things. Are you comfortable that you have anticipated that you have put in enough extra beds so that we can anticipate or that we are prepared for those unknown, unseen changes in laws or attitudes or behaviors. I mean this site is not very big."

**Mr. McMillen** said, "I can address that as an issue that is also related to the whole thing. Let me start by saying you're absolutely right. It is a mess when you've done it wrong. But I have to say that the number that I project, where was it, page 11, page 9. I tried to lay out on page 9 how you get to the point of knowing what the number of beds are. The fact of the matter is that there

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is always something magical about, some change that happens. It is not real, if you want to look at it from that perspective. This is with the best information that we have right now. But when the NCCD report in 1995 said 130, that was with their best information at the time. What this County has done is put together some really good other ways of dealing with kids that don't need to be there. So now they only use 72 beds a day rather than up closer to the 100 that people thought at that time. Also, your juvenile population is going down. You're going to have fewer kids. For the next few years, you've got a growth in the population. But after that, it is a six or eight year decline. So you say well, we're safe that way. Well, the fact of the matter is, when you build the beds you're going to use them, one way or another.

“You are going to find people to put in those beds. They might not be serious and nasty offenders, but we got them so that's what we can do. There is really a very limited way to control just how much you use detention. If Sedgwick County and its court system decides that we're going to put a lot more kids in here, then you might have to do that expansion that you're talking about. If it continues on the path it is now following, which is to divert the kids it can and access them very well up at the front so they don't have to do detention, it is likely to carry you a long ways down the road.

"I will tell you though that with the 108 beds, if things just stay marginally in the same direction they're going right now, you're probably okay. The difficulty is that we have to expand the site that you're looking at right now. It is not designed to grow it up to 130 or 140 beds. It is really tight the way it is. How can I answer you with one question? There are too many elements."

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

**Chairman Hancock** said, "Thank you, Commissioner. Commissioner Sciortino."

**Commissioner Sciortino** said, "That is one of the concerns I had because I do know we're doing a lot in prevention and trying to lower that number of beds. I'm going to be cynical enough to say that probably our need for beds is going to increase and not decrease."

**Mr. McMillen** said, "I would not disagree with that."

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**Commissioner Sciortino** said, "It seemed like from your presentation that we were pretty darn close to the 108 right now, within seven or eight or whatever you said."

**Mr. McMillen** said, "If you look at what your needs are two or three years more out from right now."

**Commissioner Sciortino** said, "It is 88 to 99 now, so 108 is only nine more."

**Mr. McMillen** said, "Oh no, right now, 75 if where you need to be. But in four years you're going to be up there at that 100 level."

**Commissioner Sciortino** said, "Committing \$15,000,000 to this project and four, five, six years down the road what do we do? If we need 130 beds, we're going to have to find a different site or have two sites. So that is a concern. On page 9, what does youth awaiting direct commitment mean?"

**Mr. McMillen** said, "Youth awaiting direct commitment are the juveniles who are going to go to state facilities."

**Commissioner Sciortino** said, "The assumption is that we won't have any of those? Right now I believe that makes up a fairly decent percentage of our population. I may be wrong. Is that right Mark?"

**Mr. Mark Masterson**, Director, Department of Corrections, said, "Fourteen percent of the bed days."

**Mr. McMillen** said, "Is that the youth awaiting direct commitment? Okay."

**Mr. Masterson** said, "There is a difference between those that are awaiting for out of home placements in private facilities or community placements versus those that the court has said is going to go to one of the state juvenile correctional facilities. That's about 14% now of our secure population is that category."

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**Commissioner Sciortino** said, "Do you estimate that that will drop to zero or will it always be about that percentage of our population will be in that area?"

**Mr. Masterson** said, "There are going to be more juvenile correctional facility beds built. The state is working on a plan now to add more beds. The issues that are involved there are the steps that have to take place for movement to occur from juvenile detention to the state facility. If you can't impact that process, we think it is going to be about the same that it is now. We're not expecting our number of bed needs to go down. That's what that number means?"

**Commissioner Sciortino** said, "I guess my question is should we be factoring in a certain number of population awaiting direct commitment?"

**Mr. Masterson** said, "We've factored in the current level, 14%. We're saying it is not going to grow or decline."

**Mr. McMillen** said, "See, it is already up in that 72.57 number."

**Commissioner Sciortino** said, "I understand now, thank you. One other question. Am I right in assuming that you're not a proponent of privatization?"

**Mr. McMillen** said, "I have seen it done well once or twice in my life. I've seen an excellent correctional program and an excellent detention program. I can't say it can't work. I just believe that the County or State should retain control of its property so they can control the program over the long run."

**Commissioner Sciortino** said, "It would still be my hope that we have a real in-depth, non-biased look into privatization. I want to see how we can do this with as little money as possible. I'm hearing words like murder, rape, car theft, and those are major crimes. I believe that we need to really look into that to see if we can't accommodate what our needs are with the least amount of money expended. Thank you."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioners, further questions? I don't see any further questions."

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**Mr. McMillen** said, "Mr. Buchanan will finish up a little bit here."

**Mr. Buchanan** said, "Commissioners, the recommended action is for you to receive and file that report."

**MOTION**

Commissioner Winters moved to receive and file.

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Next item."

**F. PRESENTATION REGARDING SITE DEVELOPMENT OPTION FOR THE JUVENILE COMPLEX.**

**SLIDE PRESENTATION**

**Mr. Buchanan** said, "You have in front of you Mr. McMillen's report and he developed several alternatives. This is the alternative number three in your report that you have in front of you. It is on page 21. This is the site plan that we are recommending. Marvin Krout left unfortunately. We could talk a little about a plan unit development. Why we're asking you to approve a site plan now is that in July of this year, on July 28, we agreed to purchase a property and that property was contingent on . . . that property is this piece up here."

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“That property was contingent upon receiving the proper zoning and that's what we've agreed to purchase it if we can obtain the right zoning. In August of this year, the staff, Bob Lamkey and others, met with the neighborhood regarding what our intentions were. You, on September 1, approved Baughman and Company to provide professional engineering services. The 13th of September, we approved Allied Environmental Consultants to do the hazardous materials survey on that site.

"To buy that property we need the proper zoning. So the zoning we are requesting is a planned unit development. A planned unit development is, 'a special purpose planning district that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments.' This is an opportunity to move the buildings and move the structures around in a way that makes sense to us. You'll see in the plan that this is a court building currently and the plan would call for some new courts and we haven't decided how that would work or how it would flow.

"This is the existing detention facility. You could put probation, you could put some court rooms in there. Again, we need to do some space planning for that. You'll notice that the Gables building is not here. Offices for attorneys could occur in these two places. The shelter, the existing building here, that would stand. A whole new juvenile detention facility is up here. This is perhaps an energy center we would explore, a place by which the water, gas and electric would come into the building and then we would distribute from there. So that is what the site plan would look like.

"We are asking that you approve the site plan so that we can submit it to the Planning Commission. They would then be scheduled to review it and conduct hearings and hopefully bring it back for approval to them and to the City Council before the 1st of February. I'd try to answer any questions that you have and recommend that you approve this site plan and allow us to proceed to submit it to the Metropolitan Area Planning Department and to proceed with the site space planning, which would require some more assistance about where the attorneys and judges and other people would sit."

**Chairman Hancock** said, "Okay, thank you, Mr. Buchanan. Commissioners, questions on the item? As I understand it, this is the foot print that we are approving?"



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**Mr. Buchanan** said, "Yes sir."

**Chairman Hancock** said, "Thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. If I understand it, this doesn't lock us in that this is what we have to build, is that correct? Should we have someone make us a privatization and they have a different concept of what they'd like to build, that still gives us that flexibility."

**Mr. Buchanan** said, "We then amend the planned unit development. Yes."

**Commissioner Sciortino** said, "Thank you."

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

**Commissioner Winters** said, "Just a follow up on that same thought. This is the plan that would allow the Planning Department to at least see our current intentions and be able to move forward on. If some kind of different configuration concerning the court building or whatever, it is possible to make adjustments to the plan. This is really the first step as we approach the Metropolitan Area Planning Commission, correct?"

**Mr. Buchanan** said, "That's exactly right sir."

**Commissioner Winters** said, "Thank you, that's all I have."

**Chairman Hancock** said, "Thank you, Commissioner. Commissioners, further questions? If not, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to selection option three as the site option and direct staff to proceed with site space planning.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Thank you, Mr. McMillen, Stephanie, Mr. Buchanan. Thank you, very much. Next item, please."

**G. DIVISION OF HUMAN SERVICES.**

**1. AGREEMENT WITH SAYED S. JEHAN, M.D. TO PROVIDE PART-TIME PSYCHIATRIC SERVICES.**

**Ms. Deborah Donaldson**, Director, Division of Human Services, greeted the Commissioners and said, "This first item is with Dr. Jehan, who has worked with us previously to provide some part-time services. The cost would be \$18,720 and those are state funds. I'd be glad to answer any questions."

**Chairman Hancock** said, "Thank you, Debbie. Commissioners, questions? If not, what's the will of the Board?"

**MOTION**

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

Chairman Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Absent at vote
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Next item."

**2. AMENDMENT TO EMPLOYMENT AGREEMENT WITH REX LEAR, M.D. TO PROVIDE FULL-TIME PSYCHIATRIC SERVICES.**

**Ms. Donaldson** said, "Commissioners, Dr. Lear has been working for us half-time and this moves him to a full-time position. The split on that in terms of dollars would be \$49,000 that would be County mill levy and \$21,000 would be state funds. I'd be glad to answer any questions."

**Chairman Hancock** said, "Commissioners, questions on this item? If not, what's the will of the Board?"

**MOTION**

Commissioner McGinn moved to approve the Amendment to Employment Agreement and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
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Commissioner Thomas G. Winters	Absent at vote
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Next item."

- 3. DELETION OF ONE ADVANCED NURSE PRACTITIONER POSITION, RANGE 27, FROM; AND ADDITION OF ONE HALF-TIME PSYCHIATRIST POSITION TO; THE COMPREHENSIVE COMMUNITY CARE (COMCARE) STAFFING TABLE.**

**Ms. Donaldson** said, "Commissioners, this establishes the position that we just moved Dr. Lear into. We're asking for your approval on this. The budget impact is \$25,206 of County mill levy."

**Chairman Hancock** said, "Thank you, Debbie. Commissioners, questions on this item?"

**MOTION**

Commissioner Gwin moved to approve the deletion from and addition to the COMCARE Staffing Table.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Absent at vote

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Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you, Debbie. Next item please."

**4. AGREEMENTS (11) FOR DELIVERY OF USDA COMMODITIES.**

- ! CITY OF VALLEY CENTER, KANSAS
- ! MULVANE AREA VOLUNTEER SERVICE
- ! MOUNT HOPE SENIOR CITIZENS
- ! UNITED METHODIST CHURCH OF GODDARD
- ! CITY OF GARDEN PLAIN, KANSAS
- ! COLWICH COMMUNITY SENIOR CITIZENS
- ! CITY OF CLEARWATER, KANSAS
- ! CHENEY FOOD BANK
- ! BENTLEY UNITED METHODIST CHURCH
- ! ST. JOSEPH CATHOLIC CHURCH
- ! CITY OF PARK CITY, KANSAS

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, "This item is an approval of eleven agreements with the rural community for the delivery of the USDA Commodities Programs.

"These allow the Department on Aging to assist in coordinating the delivery of these commodities to the rural areas of Sedgwick County. This is with eleven rural groups that we have an agreement with."

**Chairman Hancock** said, "Thank you. Commissioners, questions on this item? If not, the Chair would entertain a Motion."

**MOTION**

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Commissioner McGinn moved to approve the Agreements 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Next item."

**5. AGREEMENTS (SEVEN) TO PROVIDE TARGETED CASE MANAGEMENT.**

**!**     **KIMBERLEE ANDERSON**  
**!**     **SONA JINAY BEVAN**  
**!**     **FAE COLE**  
**!**     **GAGE CRANGLE**  
**!**     **VANESSA GALBREATH**  
**!**     **PAULA B. MORRIS**  
**!**     **SANDY THORNTON**

**Ms. Graham** said, "These contracts cover targeted case management, which is services through the Medicaid Program. This is 100% Medicaid funding. This is for seven contracts with targeted case managers to provide the services within the tri-county area, Sedgwick, Butler, and Harvey County."

**Chairman Hancock** said, "Thank you. Commissioners, questions on this item? If not, the Chair would entertain a Motion."

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**MOTION**

Commissioner McGinn moved to approve the Agreements and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Absent at vote
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Thank you, Annette. Next item please."

**H. ADDITION OF TWO CAPTAIN POSITIONS AND TWO INTERIM CAPTAIN POSITIONS, ALL RANGE 23, TO THE EMERGENCY MEDICAL SERVICE STAFFING TABLE.**

**Mr. Tom Pollan**, Director, Emergency Medical Service (EMS), greeted the Commissioners and said, "This request is to reinstate four positions to focus on training and quality assurance function within EMS. These positions were eliminated in 1997 due to projected user fee shortfall. While the reduction met the short term goal of meeting the budget requirement, it didn't address the ongoing and increasing demands for training and quality assurance, both of which are required by state law. During the year 2000 budget process, these functions, training and quality assurance were evaluated by the County Manager staff and the Management Partners, Inc. on a consultant basis. Their findings indicated the training and quality assurance for EMS needed additional human resources and an injection of new technology.

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“Subsequently, the Board of County Commissioners received and approved additional resources to meet these needs in the year 2000 budget. Today, I am requesting that we jump start that program for training and quality assurance by adding four positions for the remainder of 1999. This will ensure that we get the maximum potential of our user fee revenues. It will also address and make sure that we are finally in our quality assurance process as well establishing meeting established goals for the year 2000 for training programs. The cost, and I must tell you there is a misprint and that was my typo in the cost, is \$42,942. I believe it is written as \$49,942. This can be funded within the EMS budget. Therefore, I am recommending and requesting your approval to activate the program in year 1999.”

**Chairman Hancock** said, "Thank you, Tom. Commissioners, questions on this item? If not, the Chair would entertain a Motion."

**MOTION**

Commissioner Gwin moved to approve the additions to the EMS Staffing Table.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Absent at vote
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. You just don't know who is going to be here at any given moment do you. Thank you Tom. Next item please."



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**I. ADDITION OF ONE FIELD CASE MANAGER, RANGE 16, TO THE DEPARTMENT ON AGING STAFFING TABLE.**

**Ms. Jane Moralez**, Compensation Specialist, Division of Human Resources, greeted the Commissioners and said, "I am here today to request that the staffing table for the Department on Aging be amended to add one field case manager, range 16. This position is a grant position. The cost for the remainder of 1999 is \$5,225, and for 2000 is \$32,778. I recommend your approval."

**Chairman Hancock** said, "Thank you, Jane. Commissioners, questions on this item?"

**Commissioner Sciortino** said, "Is the position in the year 2000 budget?"

**Ms. Moralez** said, "Yes, if you approve it. It is not now. It is a new grant."

**Commissioner Sciortino** said, "Where does the money come from?"

**Ms. Moralez** said, "The City of Wichita, it is a 100% grant."

**Commissioner Sciortino** said, "Thank you."

**Chairman Hancock** said, "Thank you, Commissioner. Further questions? If not, the Chair would entertain a Motion."

**MOTION**

Commissioner Sciortino moved to approve the addition to the Department on Aging Staffing Table.

Commissioner Gwin seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Absent at vote
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Thank you, Jane. Next item please."

**J. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.**

**Dr. Charles Magruder**, MD, MPH, Director of Community Health, greeted the Commissioners and said, "Just to give you an update on the early intervention programs/Olds Model. We have received feedback on our written application. It has been very favorable. They requested some clarification regarding our organization, how we do business, et cetera. But in verbal conversations we do not anticipate any difficulties forwarding that information this week. We are preparing a contractual agreement for the next Board of Health meeting with this organization that will deal with what we need to do in terms of phase one of the program for education of staff and also obtaining materials that will allow us to implement the program. We anticipate formal approval from the federal government of this process on their piece by mid-November. Our time line at this juncture remains the same as I presented to you previously. That is, we hope to get our staff for phase one into training by January and implementation of that phase by late February or early March, depending upon what we learn about things from the training process. There are still a few unknowns that we have to deal with.

"In terms of presentation I have given to the community about this program. During the past month, I gave a presentation to the Chamber of Commerce and also to the lead volunteers at Wichita's Promise, to which there was a very favorable response. Presentations that are planned this month include the prevention community of Team Justice and also the senior SRS staff that I'll speak to next week. Other organizations I'm attempting to schedule but they have not been firmed up yet.

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"In terms of the breast and cervical cancer program that I mentioned last week. The Board of Health has formally approved the use of additional KDHE funding to further promote those programs. Just two items I wanted to thank people for. The Sedgwick County Fire Department for a number of ways in acknowledging Health Department staff and work that we have done with them. We hope to increase and improve that relationship in the future. Also, our thanks to the Sedgwick County Extension Service, who on a routine basis over the past several months of years has allowed the Health Department to use their facility to engage the community in a number of different activities. It has been very beneficial to us in many ways. That's all I have, I'd be glad to answer any questions you might have."

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

**Commissioner Winters** said, "Dr. Magruder, I believe there was probably maybe six weeks to two months ago when you had originally talked to us about the Olds Project. I don't think there is any need to do anything quicker, but perhaps at your next report to us, we could go over that time line again. I don't know that we need to go over a lot of details about the project, we've all heard that once. I would be interested in at least refreshing our minds about time lines. I know there were quadrants of the city where we'd start, federal money . . . I think it would be helpful. I'm not talking about a long report, but just maybe four or five minutes on that time line at your next monthly report."

**Dr. Magruder** said, "Would you like me to provide a written document ahead of time so that you can review that and see it in detail?"

**Commissioner Winters** said, "Probably wouldn't hurt. I think one of the things that we continue to try to do is to inform the community of all of these activities as they begin to take shape. As we look at our prevention efforts, I think we need to continue to remind ourselves of the time line. I'm going to basically say I was at the meeting when you talked about it but if I had to draw the time line today I don't think I could. Just maybe keep refreshing us."

**Dr. Magruder** said, "Sir, if I had to remember everything that was presented to me in briefings I'd be in trouble."

**Commissioner Winters** said, "Thank you, very much. That's the only question I had Mr. Chairman."

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**Chairman Hancock** said, "Thank you. Commissioners, further questions?"

**MOTION**

Commissioner Gwin moved to receive and file.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you, Dr. Magruder. Next item please."

**K. PUBLIC WORKS.**

- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH UTILITY CONTRACTORS, INC. ON SEDGWICK COUNTY PROJECT NOS. 775-M-3445, BRIDGE ON 359TH STREET WEST BETWEEN 21ST AND 29TH STREETS NORTH, CIP #B-312; 616-2-2706, BRIDGE ON 13TH STREET NORTH BETWEEN 375TH AND 391ST STREETS WEST, CIP #B-324; 624-5-3445, BRIDGE ON 23RD STREET SOUTH BETWEEN 327TH AND 343RD STREETS WEST, CIP #B-328. DISTRICT #3.**

**Mr. David C. Spears**, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, "Item K-1 is a modification of plans and construction for three bridges included in one contract. The first bridge project is on 359th Street West between 21st and 29th Streets North, designated as B-312.

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“The second is on 13th Street North between 375th and 391st Streets West, designated as B-324. The third bridge is on 23rd Street South between 327th and 343rd Streets West, designated as B-328. All of the bridges are in accordance with the Capital Improvement Program. These projects have been constructed and are ready to be finalized. There will be a net decrease of \$7,125.27 due to variations in planning quantities from actual field measurements. I recommend that you approve the modification and authorize the Chairman to sign.”

**Chairman Hancock** said, "Thank you, David. Commissioners, questions on this item?"

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Absent at vote
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Next item."

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2. **MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH CENTRAL PAVING, INC. ON SEDGWICK COUNTY PROJECT NO. 618-34, CENTRAL BETWEEN GREENWICH AND 127TH STREET EAST. CIP #R-224. DISTRICT #1.**

**Mr. Spears** said, "Item K-2 is a modification of plans and construction for the road improvement project on Central between Greenwich Road and 127th Street East, designated as R-224 in the Capital Improvement Program.

"This project has been constructed and is ready to be finalized out. There will be a net decrease of \$1,366.58 due to variations in planning quantities from actual field measurements. I might mention that this was a \$2.6 million job. I recommend that you approve the modification and authorize the Chairman to sign."

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Absent at vote
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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**Chairman Hancock** said, "Thank you. Next item."

**3. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH CUTLER REPAVING, INC. ON SEDGWICK COUNTY PROJECT – 1999 ASPHALT SURFACE REJUVENATION, CIP #R-182. DISTRICTS #2, #4 AND #5.**

**Mr. Spears** said, "Item K-3 is a modification of plans and construction for the 1999 asphalt surface rejuvenation project, designated as R-182 in the Capital Improvement Program. This project has been constructed and is ready to be finalized out. There will be a net increase of \$74,271.84 due mainly to three items. First, additional work was required on Oliver to connect to the new Oliver project near 47th Street South. Second, the Seneca project was extended 800 feet south of the bridge over the big ditch to match the Haysville city limits. Third, on both 47th Street South and Rock Road, we milled more around the curb and gutter so a smoother transition could be made for all the driveways. I recommend that you approve the modification and authorize the Chairman to sign."

**Chairman Hancock** said, "Thank you, David. Commissioners, questions on this item? If not, the Chair would entertain a Motion."

**MOTION**

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

Commissioner Winters seconded the Motion.

**Commissioner Winters** said, "David, to put it in a little bit different terms. On this increase, it wasn't really a change in any of the measured materials, it was as projects were unfolding it was determined that more needed to be resurfaced and that was the reason for the increase?"

**Mr. Spears** said, "That's correct. That actually sounds better than what I said. We did not

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negotiate with the contractor before these increases. We had unit prices and it was an extension of the projects that we were doing. We did seven miles of this in various locations in the County. It was simply an extension of it mainly. There was no negotiation. They are being paid for the work that they did."

**Commissioner Winters** said, "Thank you. The only other thing is, David mentioned this is kind of a really high intense maintenance work on our very best roads. As people complain about the number of yellow barrels and problems we have with construction. This is a process particularly around the Boeing facility where we went in at night and did these projects during the night time hours so day time drivers were not even effected by this project."

**Mr. Spears** said, "That's correct. We do this type of project once every five years to these particular roads. Of course, there may be more roads added later on, but these are four lane curb and gutter roads. You cannot overlay those roads because you get the asphalt in the curb and then your drainage will not work. You have to mill out the asphalt that is in the road and put back new asphalt and we do recycle half of what we pull out. Then we can stay level with the curb. It can be done. Yes, we did that with Boeing over night so it would not interfere with the main traffic during the day."

**Chairman Hancock** said, "Very good. Further questions? If not, Clerk call the vote please."

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Absent at vote
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you, David. Next item."

**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' OCTOBER 21, 1999  
REGULAR MEETING.**



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**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the October 21 Meeting of the Board of Bids and Contracts. There are five items for consideration.

**(1) PERSONAL COMPUTER HARDWARE & SOFTWARE - INFORMATION SERVICES**  
**FUNDING: INFORMATION SERVICES**

"Item one, personal computer hardware and software for Information Services. It was recommended to reject all bids and resolicit at a later date. That is actually happening right now. We determined the need to increase the quantities, it was a change in scope.

**(2) SLIP-IN PUMP & TANK UNITS - FIRE DEPARTMENT**  
**FUNDING: FIRE DEPARTMENT**

"Item two, slip-in pump and tank units for the Fire Department. There are actually two of these. It was recommended to accept the low bid meeting specifications of Hays Fire Equipment. That amount, \$20,149.18.

**(3) FIREHOUSE SOFTWARE - FIRE DEPARTMENT**  
**FUNDING: FIRE DEPARTMENT**

"Item three, firehouse software for the Fire Department. It was recommended to accept the sole source bid of Firehouse Software, they are the publisher of this particular software, \$14,835.

**(4) MCSE CERTIFICATION TRAINING - INFORMATION SERVICES**  
**FUNDING: INFORMATION SERVICES**

"Item four, Microsoft Certified Software Engineer certification training for Information Services. It was recommended to accept the extension of a proposal pricing that was solicited earlier this year. That amount, \$18,680.30.

**(5) MOBILE & PORTABLE 800 MHZ RADIOS - PUBLIC WORKS &**

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**EMERGENCY MANAGEMENT**

**FUNDING: PUBLIC WORKS & EMERGENCY MANAGEMENT**

"Item five, mobile and portable 800 MHZ radios for Public Works and Emergency Management. It was recommended to accept the low bid of Mobile Electronics. Grand total for all these items is \$97,152,25. A complete tabulation follows.

**ITEMS NOT REQUIRING BOCC ACTION**

**(6) PERSONAL COMPUTER HARDWARE & SOFTWARE - JUVENILE  
DETENTION FACILITY**

**FUNDING: JUVENILE DETENTION FACILITY**

"There was one item that did not require action at that particular time. That was personal computer hardware and software for the juvenile detention facility. Those bids were tabled for review. I'll be happy to take questions and recommend approval of the Minutes from the Board of Bids and Contracts."

**Chairman Hancock** said, "Thank you, Darren. Commissioners, questions on this item?"

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Absent at vote



**Regular Meeting, October 27, 1999**

Robbins' Acres Addition

5. **Order dated October 20, 1999 to correct tax roll for change of assessment.**
6. **General Bills Check Register of October 22, 1999.**
7. **Budget Adjustment Requests.**

**Mr. Buchanan** said, "Commissioners, you have the Consent Agenda before you and I would recommend you approve it."

**Chairman Hancock** said, "Thank you."

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Absent at vote
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. Is there further business?"

**N. OTHER**

**MOTION**

**Regular Meeting, October 27, 1999**

Commissioner Gwin moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with Legal Counsel on matters privileged in the Attorney Client relationship relating to legal advice and personnel matters of non-elected personnel, and that the Board of County Commissioners return from Executive Session no sooner than 12:01 p.m.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Absent at vote
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

**Chairman Hancock** said, "Thank you. We are in Executive Session."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:40 a.m. and returned at 12:27 p.m.**

**Chairman Hancock** said, "We are back in session. Let the record reflect there was no binding action taken while in Executive Session. Mr. Counselor, Mr. Manager, anything else? Thank you. We're adjourned."

**O. ADJOURNMENT**

**Regular Meeting, October 27, 1999**

There being no other business to come before the Board, the Meeting was adjourned at 12:27 p.m.

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

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**BILL HANCOCK**, Chairman  
Second District

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**BETSY GWIN**, Chair Pro Tem,  
First District

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**THOMAS G. WINTERS**, Commissioner,  
Third District

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**CAROLYN McGINN**, Commissioner,

**Regular Meeting, October 27, 1999**

Fourth District

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**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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**James Alford**, County Clerk

APPROVED:

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, 1999