MEETING OF THE BOARD OF COUNTY COMMISSIONERS
SITTING AS THE GOVERNING BODY OF SEWER DISTRICT

REGULAR MEETING

MAY 26, 1999

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, Sitting as the governing body of the Sewer District, was called to order at 10:20 a.m., Wednesday, May 26, 1999, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Bill Hancock, with the following present: Chairman 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. David C. Spears, P.E., Director, Bureau of Public Works; and Ms. Heather Knoblock, Deputy County Clerk.

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, May 5, 1999.

The Clerk reported that all Commissioners were present at the Regular Meeting of May 5, 1999.

MOTION

Commissioner Gwin moved to approve the Minutes of May 5, 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."

DEFERRED ITEM

A. PUBLIC HEARING AND RESOLUTION REGARDING PROPOSED SPECIAL ASSESSMENTS FOR CERTAIN INTERNAL IMPROVEMENT PROJECTS IN THE COUNTY.

This item was deferred at the May 12, 1999 Commission Meeting.

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "I appreciate the opportunity to rearrange the schedule here and if there are any persons here who want to speak on these items won't have to wait until the end of the regular Commission Meeting.

"The process is basically the same here. Because of the way the Sewer District statutes are created the assessments for sewer improvements have to be levied by the Sewer District Governing Body as opposed to the Board of County Commissioners acting in their normal capacity. Again, this process was started in some cases many years ago. Projects were approved by the CIP. Those projects were individually authorized and constructed. The Bureau of Public Works has finalized costs and those were approved by the Governing Body of the Sewer District on April 14. At that time, they also set May 12 as the date and time for the public hearing. We had the same problem with publications and deferred that item until today. In advance of the meeting, there was published notice. Again, I have affidavits of those at this time. We have individual letters mailed to each and every property owner affected by this proposed assessment role indicating the exact amount of their proposed assessment. At the conclusion of this hearing, you will consider a Resolution which would levy the assessments. If adopted, that Resolution would be published on Friday, recorded with the Register of Deeds, and then a notice would be mailed to each affected property owner of the actual amount of their assessment. That would indicate that they would have 30 days in which to pay in all or a portion of that amount and any amount not paid would be financed on a permanent basis by the County's general obligation bonds, which are expected to be sold on July 21. The interest rate received that date will be added to the principal component on the unpaid assessment and spread on the property tax roles commencing this fall for a period of 15 years as an equal annual principal and interest amount on their property taxes.

"There are 11 projects to be considered in this hearing with respect to completed Sewer District Improvements. If it is okay with the Chairman, we'd like to have these processed exactly like we did for the street improvements, opening the public hearing and taking each individual project separately. It may

be appropriate to open the public hearing now and we'll talk about the projects."

Chairman Hancock said, "At this time I'll open the public hearing for public comment regarding the following items."

Mr. Norton said, "Thank you. The first project is a sewer improvement in Balthrop 2nd Addition. That area is located north and east of the intersection of Central and Greenwich Road. The final cost statement on this project, as determined by the Bureau of Public Works, is $88,469.91. There are 20 parcels within this Benefit District. They are to be assess on a fractional basis depending upon the size of the lots, the larger lots getting a higher assessment than the smaller lots. The average assessment per lot is $4,423.50."

Chairman Hancock said, "Thank you, Joe. Is there anyone here who would like to comment on Balthrop 2nd Addition sewers? If not, next item please."

Mr. Norton said, "The next three projects are all located within the Belle Terre South Addition. That is located north of 54 Highway and west of the County line, which is 159th Street East. The first of those is Phase I, sewer improvements in Belle Terre South. Total cost of that project is $187,804.85. There are 72 lots within this benefit district, which shall equally share the cost of the sewer improvement at an amount of $2,608.40 per lot."

Chairman Hancock said, "Thank you, Joe. Is there anyone here who would like to comment on Belle Terre South Phase I sewer? If not, next item please."

Mr. Norton said, "The second project is Phase IV of the sewer improvement in Belle Terre South Addition. Total costs are $116,383.70. There are 40 lots within this Benefit District to be assessed on a fractional basis depending upon the size of the lot again with the smaller lots receiving a lower assessment than the larger. The average, however, is $2,909.59 per lot."

Chairman Hancock said, "Thank you, Joe. Is there anyone here who would like to comment on Belle Terre South, Phase iv? If not, next item please."

Mr. Norton said, "The final one in Belle Terre South is Phase V of the sewer improvements. Total costs from the Bureau of Public Works Department is $106,844.45. There are 10 parcels within this benefit district, again on a fractional basis depending upon size of the lot, with the average being $10,684.45 per lot."

Chairman Hancock said, "Thank you, Joe. Is there anyone here who would like to comment on Belle Terre South Phase V sewers? If not, next item please."

Mr. Norton said, "The next two projects relate to Brentwood Village, Phases II and part of Phase III. This is an area located south of Harry between Rock Road and Greenwich Road, just east of Webb Road if it were to follow through that area. Phase II improvements have a total cost of $57,975.61. There are 41 parcels in this particular benefit district that equally share the cost of the improvement for **$**1,414.04 per lot."

Chairman Hancock said, "Thank you, Joe. Is there anyone here who would like to comment on Brentwood Village, Phase II sewers? If you miss your item, jump right up and we'll accept your comments. Next item please."

Mr. Norton said, "The next item is a portion of Phase III, a brief explanation there. At the time Phase II was being constructed, determined by Public Works and developer that would be cost effective to also make improvements to a portion of Phase III. That was done here and of that Phase III portion, there are 30 lots effected. Again, they are equally per lot. There will be 36 lots effected by the next part of Phase III, which will probably happen next summer as projects are built. When divided among the 30 lots, the total cost of $53,920.06 would equal $1,797.34 per lot."

Chairman Hancock said, "Thank you. Is there anyone here who would like to comment on Brentwood Village, Phase III sewers, partial? If not, next item please."

Mr. Norton said, "The next project effects Country Club Court Addition. Again, that is an area located between 13th Street North and Central, just west of 127th Street East. The total cost of this improvement is $230,431.03. The fractional basis method is used to split this cost, again with the larger tract receiving a higher assessment but the average cost per lot of the 67 lots is $3,439.27."

Chairman Hancock said, "Thank you, Joe. Is there anyone here who would like to comment on Country Club Court Addition sewers? If not, next item please."

Mr. Norton said, "The next project is Estates at Shadybrook. Again, located south of Central and east of 143rd Street East and the Kansas Turnpike. There are 7 units in this benefit district that share a total cost of $16,517.26. The method of assessment is based upon size of the lot. They are approximately the same size so the average cost per unit is $2,359.61."

Chairman Hancock said, "Thank you, Joe. Is there anyone here who would like to comment on Estates at Shadybrook sewers? If not, next item please."

Mr. Norton said, "This item is Smithmoor 7th, Phases I and II. This is an area located south of Harry between Webb Road and Greenwich Road. For Phase I the total costs of the project is $61,087.93. There are 33 parcels in this area that equally share the cost of the improvement at $1,851.15 per lot."

Chairman Hancock said, "Thank you, Joe. Is there anyone here who would like to comment on Smithmoor 7th, Phase I sewers? If not, next item please."

Mr. Norton said, "This one is Phase II. This is the item that earlier in the regular Agenda you allowed the expansion of the benefit district to include the unplatted parcel creating approximately 14 benefit units. The total cost of this project is $34,963.96. As you see on the screen, we've illustrated to you that with only 7 parcels in the benefit district, each lot would have had an assessment of about $5,000. Now, by expanding this benefit district earlier to allow the improvement to serve the larger tracts when divided among 14, which is anticipated, upon platting the assessment would be $2,497.43. So we've, in essence, cut their assessment in half for those existing property owners."

Chairman Hancock said, "Very good. Thank you. Is there anyone here who would like to comment on Smithmoor 7th Addition, Phase II sewers? If not, next item please."

Mr. Norton said, "Final item is in Tara Falls, Phase I. This is an area located south of Harry between Greenwich Road and 127th Street East. The cost of the project is $299,669.59. There are 70 parcels within this area that will equally share the cost of the improvements, at $4,280.99 per lot."

Chairman Hancock said, "Thank you, Joe. Is there anyone here who would like to comment on Tara Falls, Phase I sewers? If not, we'll close the public hearing and limit comments to staff and Commissioners."

Mr. Norton said, "Again, I would like to note a couple of things. We have had an opportunity to visit with several of these property owners during the last two weeks. I think we have addressed their questions so they didn't see fit to come down today. Also, I failed to indicate at the beginning of this hearing, each of these projects on the sewer as well as the street we did earlier, were initiated by petitions signed by 100% of the property owners requesting improvements. That may be one of the reasons why

you haven't heard form any people today. In addition, each and every one of these projects, the actual final cost came in under the authorized amount that was contained in the estimate. That was also good work on the Department of Public Works to bring those costs in at less than we anticipated.

"We have prepared a Resolution that would implement these assessments on these 11 projects and provide notice to be mailed Friday of this week to each of them providing for a 30 day pay in period, if not so paid to be spread over 15 years on the tax roles at the interest rate to be obtained by the County on it's bonds sold this summer."

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

MOTION

Commissioner Gwin moved to adopt the Resolution.

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

Mr. Norton said, "Thank you very much. This may have set a record for shortest public hearing on these projects."

Commissioner Gwin said, "You're right. It makes a difference when you have 100% petitions."

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

NEW BUSINESS

B. RESOLUTION ESTABLISHING HOLIDAYS TO BE OBSERVED BY SEDGWICK COUNTY SEWER DISTRICT IN 2000.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "Commissioners, this is an item that also appears on your Fire District Agenda and on your Regular Agenda. This is the time of year that we ask you to approve this Resolution in order to assist County departments and the courts in planning for the year 2000. The resolution is recommended for your approval."

Chairman Hancock said, "Thank you. Commissioners, you received copies of that Resolution, what's the will of the Board?"

MOTION

Commissioner Sciortino moved to adopt the Resolution.

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, "Is there further business to come before the Sewer District? If not, we're

adjourned."

C. OTHER

D. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:35 a.m.

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

BILL HANCOCK, Chairman
Second District

BETSY GWIN, Chair Pro Tem,
First District

THOMAS G. WINTERS, Commissioner,
Third District

CAROLYN McGINN, Commissioner,
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

_____

James Alford, County Clerk

APPROVED:

_____, 1999