

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

JUNE 7, 2000

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, June 7, 2000 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Carolyn McGinn; Commissioner Betsy Gwin; Commissioner Bill Hancock; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Brad Snapp, Director of Housing Office, Division of Community Development; Ms. Karen Turner, Housing Eligibility Specialist, Division of Community Development; Mr. Paul Rosell, Deputy Clerk; Mr. Marty Hughes, Revenue Manager, Division of Finance; Mr. Dale Miller, Current Plans Supervisor, Metropolitan Area Planning Department (MAPD); Mr. Jim Weber, Deputy Director, Bureau of Public Works; Mr. Kenneth W. Arnold, Senior Project Manager, Facility Project Services; Mr. John Nath, Director, Kansas Coliseum; Ms. Marilyn Cook, Assistant Director, Division of Human Services; Ms. Dorsha Kirksey, Phonebank Director, Department on Aging; Lieutenant Paul Moser, Director of Operations, Exploited and Missing Children Unit- Investigations Division, Sheriff's Department; Dr. Charles Magruder, MD, MPH; Mr. David Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Lisa Davis, Deputy County Clerk.

GUESTS

Mr. James Moore, Executive Director, Wichita Community Foundation.

Ms. Sherri Luthé, Member, Mental Health Advisory Board.

Ms. Dora Timmerman, President, Friends of the Sedgwick County Soldiers and Sailors Civil War Monument.

Mr. Russ Ewy, Consultant, Baughman Company.

Mr. Tim Austin, Consultant, Austin Miller PA.

Mr. Don Brace, Representative, Friends of the Sedgwick County Soldiers and Sailors Civil War Monument.

INVOCATION

The Invocation was led by Mr. Chris Brown of the Xygo Program.

FLAG SALUTE

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MOTION

Commissioner McGinn moved to approve the Minutes of the Regular Meeting of May 10, 2000.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

YOUR COUNTY SERVICES

A. HOUSING DEPARTMENT.

Chairman Winters said, "Commissioners, we've begun the process of taking a few minutes at the beginning of the meeting to talk about some of the different County departments. Today, we've got Brad Snapp here and perhaps Karen Turner, so I'll turn it over to Brad."

Mr. Brad Snapp, Director of the Housing Office, Division of Community Development, greeted the Commissioners and said, "I don't want to steal too much of Karen's time, but I wanted to introduce her to you. She's just completed her fifteenth year with the County. She's the Eligibility Specialist."

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Ms. Karen Turner, Housing Eligibility Specialist, Division of Community Development, greeted the Commissioners and said, "The Housing Office is part of the Division of Community Development. We are responsible for several housing programs. Number one, the 2000 Single Family Mortgage Revenue Bond program for first time home buyers. This program is available to all income qualified households throughout the state of Kansas. As of June 6, over 100 families have used this program to buy a home of their own.

"Number two, we are finishing a housing rehabilitation program for home owners in the Oaklawn area of Sedgwick County. Eight home owners have received funding to make homes safer, more energy efficient, and longer lasting. Typical repairs include replacement windows and doors, new siding and gutters and HBAC systems.

"Number three, the Housing Office is operating the same sort of rehab program for victims of the 1999 tornado who were living in Haysville or unincorporated areas around the city. If anyone in the viewing audience still has unmet needs, please call our office.

"The largest program we operate is the Sedgwick County Housing Authority. We provide tenant rental assistance for households with income at or below 50% of area median income. The majority of our families make less than \$15,000 a year. The Sedgwick County Housing Authority serves people throughout Harvey, Butler, and Sedgwick County, with the exception of Wichita.

"I'd like to tell you about one of my clients who used the program as a bridge to success. She was a single working mother with six children, who went to school and graduated with an RN degree and then graduated from the Housing Authority.

"About 30% of our clients are seniors. Most of them are single women living on social security, about \$500 a month. This program allows them to live in safe and affordable housing. We take applications on the second Tuesday of every month. People in the viewing audience may call our office for information at 383-7433 or 383-7148. Our address is 604 N. Main Street, Suite E. If you have any questions, I'll try to answer them."

Chairman Winters said, "Thank you very much, Karen. If someone has a question and just wants to know if they might be eligible, there is no problem with calling you and you'll walk through the requirements with them, individually?"

Ms. Turner said, "That's right."

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Chairman Winters said, "Why don't you give the telephone number one more time."

Ms. Turner said, "It is 383-7433 or 383-7148."

Chairman Winters said, "Okay. Thank you very much. Commissioner Hancock."

Commissioner Hancock said, "Thank you. Karen, one question. The housing that is available and the clients, are they matched up? Is there a waiting list on either side of that situation?"

Ms. Turner said, "Yes, I have a waiting list."

Commissioner Hancock said, "Of folks who want homes?"

Ms. Turner said, "Yes."

Commissioner Hancock said, "Do you need more landlords? Do you need more houses? Is that the problem?"

Ms. Turner said, "Yes, I do."

Commissioner Hancock said, "How does a developer or a builder get involved in the program, do they just come to you?"

Ms. Turner said, "They just call me and I'll be happy to explain the program, how it works and what they need to do."

Commissioner Hancock said, "Really. Okay, very good. I'll spread the word. Thank you."

Chairman Winters said, "Thank you, Karen, and we appreciate your being here very much. Madam Clerk, next item."

APPOINTMENT

B. RESOLUTION APPOINTING SHERRI LUTHE (COMMISSIONER MCGINN'S APPOINTMENT) TO THE MENTAL HEALTH ADVISORY BOARD.

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Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "We have prepared this Resolution of appointment, which is a four-year appointment to this 15 member board. It is in proper form and I recommend it to you."

Chairman Winters said, "Thank you. Commissioners, what's the will regarding this Resolution?"

MOTION

Commissioner McGinn moved to adopt the Resolution.

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "I believe Sherri is here this morning. If you'd please stand up and come to the podium, Deputy County Clerk Paul Rosell will swear you in."

Mr. Paul Rosell, Deputy County Clerk, said, "Raise your right hand and say I do swear after the oath.

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

Ms. Sherri Luthe said, "I do."

Chairman Winters said, "Sherri, thank you very much. If you'd like to make a comment, you're certainly welcome to do that."

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Ms. Luthe said, "I want to say thanks for the opportunity to be a voice for families in mental health."

Chairman Winters said, "Thank you for serving. It is a very important board. We do take this boards' recommendations and their advice very seriously. As you work through that organization, we would just, again, assure you that if you have any time that you want to visit or talk to a Commissioner about the activities of the board, don't hesitate to carry the word to that board that Commissioners are open to discussion and visiting about anything they want to talk about. We would offer that to you personally, too. Thank you for serving. Next item."

AWARD PRESENTATION

C. PRESENTATION OF A GRANT AWARD BY THE WICHITA COMMUNITY FOUNDATION; AND REPORT REGARDING FUND-RAISING EFFORTS FOR RESTORATION WORK ON THE SEDGWICK COUNTY SOLDIERS AND SAILORS CIVIL WAR MONUMENT.

Mr. Marty Hughes, Revenue Manager, Division of Finance, greeted the Commissioners and said, "This morning we have with us James Moore, Executive Director with the Wichita Community Foundation. He has come to present a \$5,000 grant to the Friends of the Sedgwick County Soldiers and Sailors Civil War Monument. We're real happy to have James here with us and appreciate the real generous donation of that \$5,000 grant, to be used to do external repairs to the monument. Mr. Moore."

Mr. James Moore, Executive Director, Wichita Community Foundation, greeted the Commissioners and said, "Thank you, Marty. We appreciate the opportunity. For those of you who have not looked at the monument, it is on the south lawn of the old courthouse, across the street. The Foundation, in addition to making this grant, also acts as fiscal agent for this project, because this is just simply a group of interested citizens. They are not incorporated as a legal body as such. So the monies that have been raised for this project to date are and will continue to be with the Foundation until the work actually begins and then we will disperse those funds to take care of, not only the restoration but hopefully an endowment, that will take care of the preservation of the monument. We're interested in other such projects if you can think of some along the way."

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"Dora Timmerman is here today. Dora kind of spearheads the group that has taken on this project. Dora, I don't know if you wanted to say a word or two or not."

Ms. Dora Timmerman, President, Friends of the Sedgwick County Soldiers and Sailors Civil War Monument, greeted the Commissioners and said, "I would like to all. First of all, I thank you so much. This is certainly a boost to our fund raising efforts. We appreciate Jim and the Wichita Community Foundation for their support and also for the fact that we can work through them as being a holding entity for our funds. I am Dora Timmerman and I also want to say thank you to you, as County Commissioners. I think we have forged a very efficient working . . . we've developed a wonderful partnership with you all and we appreciate your support and the enthusiasm you've given to this venture. It is a huge amount of money to raise and we are slowly getting there, as our financial person will bring you up to date very soon. It has been a slow process. I'll hear what he has to say and then, if there is anything that I can add to that, I will do that later. Again, thank you so much."

Chairman Winters said, "Thank you, Dora. Thank you for all your continued hard work."

POWERPOINT PRESENTATION

Mr. Hughes said, "As the fiscal agent for the Friends of the Soldiers and Sailors Monument, I want to give Jim back his check, so he can go deposit it for us. In addition to working at the Division of Finance for the County, I'm also the Treasurer for this Friends of the Soldiers and Sailors Monument, the fund raising effort. I'd like to give you a little update on our fund raising efforts to date. So far, to date, we have confirmed funds, including this \$5,000 that we just received today from the Wichita Community Foundation of \$119,351 that has been confirmed, including County match funds of \$34,310. Then we have \$106,000 that is pending. In that is included \$48,000 worth of County match fund. Then there is \$5,504 that we're still trying to raise to bring our total up to the total cost of the project of \$230,855. Secured funding includes \$4,801 in private donations, \$5,000 from Project Beauty, \$5,000 from the Wichita Greyhound Park, \$5,000 from the Wichita Community Foundation that we just received today, \$24,000 from Save Outdoor Sculptures, and also an additional \$24,000 from Sedgwick County for the match on that grant, \$41,240 from the Kansas Heritage Trust Fund, and there was a \$10,310 County match for that, too. That brings our total committed funds to \$119,351."

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"Then on our pending applications, we have a \$10,000 application pending with the Wichita Greyhound Charities. That money would be used for the bronzed doors on the monument. Then we have a pending application with the John S. And James L. Knight Foundation for work on the outside of the monument and the Liberty Statue that is on top of the monument. In addition to the Knight Foundation there is a \$48,000 County funds that are set aside for the match for that. Total pending funding right now is \$106,000.

"Here we have a slide to show you, the percentages of donations from the different sources. We have County funds in reserve, to date, is 36% of the total. Committed funds from grants is 36% and pending grant funds is 26%, with private donations at 2%. This shows the monument funding dollars to date. We have \$58,000 from the grant funds that are pending. We have \$80,240 of grant funds that are confirmed. The \$82,310 that the County has set aside and reserved for the monument work and then \$4,801 from private donations. Anyone who would be interested in contributing to this effort to restore the Sedgwick County Soldiers and Sailors Civil War Monument, the donations can be made to the Wichita Community Foundation, Civil War Monument Fund, at 151 N. Main, Suite 140, Wichita, Kansas 67202. We want to thank you for your support."

Chairman Winters said, "Thank you very much, Marty, appreciate that update on the finances of this project. Commissioners, on Item C, we need a motion."

MOTION

Commissioner Gwin moved to Accept the Award and receive and file the report.

Commissioner Hancock seconded the Motion.

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

VOTE

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

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Chairman Winters said, "Commissioners, at this time I would like to suggest we go to Item F. There are two parts to this item, which concerns this Soldiers and Sailors Civil War Monument. Madam Clerk, would you call Item F."

NEW BUSINESS

F. FACILITY PROJECT SERVICES.

- 1. AMENDMENT TO THE 2000 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR THE SOLDIERS AND SAILORS CIVIL WAR MONUMENT. CIP #PB-318.**

Mr. Kenneth W. Arnold, Senior Project Manager, Facility Project Services, greeted the Commissioners and said, "This first item, F-1, is on page 88 in your back-up. Marty has just given you a detailed report on the funding and those issues related to this. As a result of the funds that have come in and commitments on timing for some of these grants, we are asking today that you approve an amendment to place this project on the 2000 Capital Improvement Program, so that we can go ahead and start work on the monument's restoration. Be happy to answer any questions that you have."

Chairman Winters said, "Thank you, Ken. Commissioners, are there questions or comments?"

MOTION

Commissioner Hancock moved to approve the CIP amendment.

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item on Item F."

2. AGREEMENT WITH RUSSELL-MARTI CONSERVATION SERVICES, INC. TO PROVIDE CONSERVATION AND RESTORATION OF FOUR CAST BRONZE SCULPTURES LOCATED ON THE SOLDIERS AND SAILORS CIVIL WAR MONUMENT.

Mr. Arnold said, "This is on page 89 of your back-up. This is an agreement with Russell-Marti Conservation Services to restore those four cast bronze sculptures located on the monument. They are the specified contractor under a grant award that you previously approved with the Save Our Sculpture organization last fall. The Friends of the Soldiers and Sailors Monument have also signed this agreement. It is a three-way agreement. This is the first of several we will be dealing with that will deal with the restoration of the liberty structure on top, cleaning, tuckpointing and sealing the exterior, adding an interior dehumidification and heating system, restoring the monument's interior and as was discussed, long-term maintenance. The County's portion of this is \$24,000. I would recommend that you approve the Agreement and authorize the Chairman to sign. Also, Don Brace is here from the Friends of the Monument, as well as Dora Timmerman, if you have any questions of them."

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

Commissioner Gwin said, "Ken, just for clarification. At the top in our background on page 89, it says three way agreement provides for the conservation and restoration of the four cast bronze sculptures located on the monument. Then when it lists the additional packages, are those items that we have not yet received funding for? Because in items one through five, it doesn't mention the four bronze."

Mr. Arnold said, "Some funding has been received for some of those, as Marty has indicated previously. We have to put bid specifications together to complete some of those, plus we have to receive the additional funding in some cases for those. So, you'll be seeing those come to you on an individual basis

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over the next several months."

Commissioner Gwin said, "So, we're prepared then to go forward today with working on those four."

Mr. Arnold said, "That is correct. We are all ready to go and the company is lined up and ready to start that work."

Commissioner Gwin said, "Okay, thank you."

Chairman Winters said, "Thank you, Ken. Are there other questions or comments?"

MOTION

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

Commissioner Hancock said, "I say we get Don Brace up here and ask him a lot of real hard questions."

Mr. Arnold said, "I think he is ready to respond to all those hard questions."

Chairman Winters said, "I'm sure he would be if called upon. I know Mr. Brace has been very active in this and we appreciate your work on this project, too, Don. Any other questions? Do you have a specific question for Don?"

Commissioner Hancock said, "I can't think of a real hard one that he wouldn't know. That's the kind I really wanted to ask him today."

Chairman Winters said, "We appreciate your work. Mr. Brace worked on this project while he was employed here at Sedgwick County and has continued on, I would assume. Is that correct Mr. Brace?"

Mr. Don Brace, Representative, Friends of the Sedgwick County Soldiers and Sailors Civil War Monument, greeted the Commissioners and said, "Yes sir, it has been a great pleasure getting this program started. Dora Timmerman and Pam Kingsbury and her committee have done an excellent job in gathering the monies needed to get this project on the road. It has been a pleasure transferring the project over to the County and Ken Arnold and his staff have done an outstanding job getting this thing on the road and getting it fixed. I think the people of the County and the City of Wichita will really appreciate this art when

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it gets done. The City itself is doing a lot of art work, which we noticed during the River Festival and the doorway to the City down there. I think the Soldiers and Sailors Monument will only add to the art of the City. We're glad to see it get underway. Thank you very much."

Chairman Winters said, "Thank you. Thanks for your continued work on this project, Don. We have a Motion and a second on Item F-2. Is there any other discussion? Seeing one, call the vote."

VOTE

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

Chairman Winters said, "Thank you, Ken. Thank you, Don. Thank you, Dora. Thank you, Marty. We thank the Wichita Community Foundation and James Moore for their contribution. Thank you all. Now Madam Clerk, we're back to our regular schedule. Please call Item D."

PLANNING DEPARTMENT

D. CASE NUMBER ZON2000-00012 - RESOLUTION REGARDING ZONE CHANGE FROM "LC" LIMITED COMMERCIAL AND "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL ON 8.3 ACRES OF PROPERTY LOCATED NORTH OF 21ST STREET NORTH AND EAST OF HOOVER ROAD.

Mr. Dale Miller, Current Plans Supervisor, Metropolitan Area Planning Department (MAPD), greeted the Commissioners and said, "I'm substituting for Marvin Krout today. As indicated, this is a request for 'LI' Limited Industrial Zoning. The application size is 8.3 acres and it is located north of 21st and east of Hoover. The applicant is requesting 'LI' Limited Industrial Zoning and, initially, staff had concerns about that request because of the broad scope of uses that are permitted in the 'LI' District. It allows things such as vehicle sales and outdoor storage. Because of this location's proximity to 21st and Zoo Boulevard, Sedgwick County Zoo, activities going on further west, along 21st, as that commercial corridor develops, we had concerns about introducing those kinds of outside uses, that would be unscreened, in this particular location. As the case has evolved, the applicants have agreed and submitted a Protective Overlay with this request. With that addition, staff is supportive and the Planning Commission also recommended approval of this request as well, subject to the conditions of the Protective Overlay.

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"There are three conditions that the Overlay contains. Basically, a list of uses that would not be permitted, even though it is zoned 'LI'. For example, vehicle and equipment sales outdoors, a nightclub, rock crushing, are some of the activities that would not be permitted. The second item is that they would have a 35 foot front building set-back, which is consistent with the Industrial Park standards. Number three, that all outside storage uses would be screened on all sides. With that, I'll run through the slides.

SLIDE PRESENTATION

"The application area outlined in black, 21st Street, Hoover, Zoo, and the Zoo Park is over in this area. The 21st corridor. The aerial photo. See a large lot, residential activities to the north as well as along here. This tract here was recently approved for Industrial Park uses. There is a self-service warehouse that is currently under construction here, an older sand pit to the east. I believe the City of Wichita has purchased property here for a water treatment plant that will be constructed."

Chairman Winters said, "Dale, before you move on. To the east of this, again, where that Industrial Park has been approved. About how much, is that all of that property or is that similar in size to what you have on the map there?"

Mr. Miller said, "I believe it is similar. It may not have gone quite as far north, but a similar size."

Chairman Winters said, "But it is immediately to the east of this property. Okay, thank you."

Mr. Miller said, "This is a view looking north. Then east, back towards the area that has recently been approved for that Industrial Park Zoning. The self-service warehouses to the south. A southwest view of the intersection. Looking west. North again. This is looking east, down that large lot residential located north of the site. Back to the aerial. Be happy to answer any questions."

Chairman Winters said, "Thank you. Commissioners, does anyone have a question of Dale? Seeing none, this is not an official public hearing. It is our policy and past practice to take comments from anyone who would like to comment on this zone change request. Is there anyone here in the meeting room today who would like to address the Board of County Commissioners on this zone change? Please come forward. Give your name and address for the record, please. We like to try to limit our comments to five minutes."

Mr. Russ Ewy, Consultant, Baughman Company, said, "I'm the agent for the applicant. Just to quickly touch on one concern that you addressed. The size of the property that was approved for Industrial Park

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Zoning to the east of us is just over twice the size of our property. There is 30 acres that is undeveloped there. We are the west ten acres of that property. We understood through the reading of the Minutes of the last zoning case to the east of us what the concerns were of this area. We tried to work with staff, as well as the Planning Commission, to address those concerns in the Protective Overlay that we volunteered when we applied for the zoning. We're in agreement with staff comments and we're in agreement with the outcome of the Planning Commission. I would stand for any questions."

Chairman Winters said, "All right. I guess I would have a quick question. One of the things that we talked about on the previous application was how sewer service is going to be provided until actual city services are at this site. Do you know when city sewer service will be available? Kind of a two part question."

Mr. Ewy said, "Absolutely. I think, as with the developer of the property to the east, we both have one use that we would like to site at this location within the next year or year and a half. We'd be working with County Health to develop a system that would contain a type of sanitary sewage that would be trucked off site with on site well water as a temporary type of development. In speaking with the City's Water and Sewer Department, they intend to extend sewer mains diagonally across Zoo Boulevard to the intersection of Hoover and 21st Street before running that main further to the east and then back up to the north to serve this area.

"With these two zoning changes happening at this point in time, I think from what I've heard from City staff, is that they may try to speed up that process of extending that sewer main to try to jump start development of this area. The definitive time frame for that we don't have."

Chairman Winters said, "All right, thank you. I think I'm comfortable with that arrangement. This is kind of a ground water sensitive area. We certainly want to make sure that any kind of disposal options are handled in a very environmentally friendly kind of way. We'll be anxious to hopefully have sewer up there sooner than later. Commissioners, are there any other questions of Mr. Ewy? Thank you very much. Is there anyone else here in the meeting room who would like to address the Commissioners on this item? Anyone else? Commissioners, any questions or comments?"

MOTION

Commissioner Gwin moved to adopt the findings of fact of the Metropolitan Area Planning Commission (MAPC) and approve the zone change subject to the additional recommended

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provisions of a Protective Overlay District and subject to the condition of platting within one year; adopt the Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication of the Resolution until the Plat has been recorded with the Register of Deeds.

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

DEFERRED ITEM

E. CASE NUMBER SCZ-0793 - RESOLUTION REGARDING ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "B" MULTI-FAMILY; AND

CASE NUMBER DP-245 - REQUEST FOR THE CREATION OF CATAMARAN COVE COMMUNITY UNIT PLAN (CUP), LOCATED NEAR THE SOUTHWEST CORNER OF 37TH STREET NORTH AND RIDGE ROAD.

SLIDE PRESENTATION

Mr. Miller said, "As you are aware, this case has been heard by this body back on April 26th, and then the Planning Commission heard it twice as they deliberated. I'll be real brief in terms of the background on this. It is a request for 58.3 acres. They would like to develop about 26 ½ acres of the 58.3 acres for multi-family units. There would also be a 31.8 acre reserve that would be located in this general area that would contain a lake. The rest of the tract would be available for development.

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"The key issues that have arisen as this case has been heard were access, flood plain management issues, and overall density. Access in the original application, the only point of access that was being shown was on this location. The applicant was proposing in excess of 1,000 units for the project in terms of total development density. As we have gone through the hearings, the applicant has proposed that the density be reduced to 775 units instead of the original 1,000 plus. They also have agreed to limit the amount of development that would occur on the site as long as there is only one point of access. That only 50% of the allowed units would be developed until a second point, over to Ridge or some other location, is obtained so they would then have that second point of access. Then finally, is the issue of flood plain management. This is, according to the FEMA maps, about 75% of this area is in floodway areas. Those issues can be addressed at the platting stage, at least that is traditionally when we handle it. If there is a concern with the zoning request, it would be possible to add a condition that would ask the applicant to conduct additional studies prior to filing a plat to update any information that may be necessary to correctly address the drainage issue at the platting stage.

"The Planning Commission recommended approval of this request subject to platting within one year. Staff is also recommending the approval subject to conditions within one year. One person spoke at the Planning Commission hearing. It wasn't exactly in opposition. His concern, which was the property owner to the west, was that he would like to see an eight foot tall wall be constructed between the proposed area and his property because he has a large lake there and is concerned that it presents an attractive nuisance should there be children in the apartment project. With that, I'd answer questions. I can run through the slides if you need to see those again. If you don't, we'll skip those."

Chairman Winters said, "Commissioners, we've seen those slides once, does anybody need to see them again? I think we're fine with what we've got. Commissioner McGinn."

Commissioner McGinn said, "I may have some questions for Dale, but first I'd like to have Tim Austin come up, unless you guys have questions for Dale right away."

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Mr. Tim Austin, Consultant, Austin-Miller PA, greeted the Commissioners and said, "I'd be happy to answer any questions you might have."

Commissioner McGinn said, "I guess before you begin, I'd just like to, for the public, we've kind of broken this down into two situations, one was drainage and one was density. Last week we talked about drainage and we're having staff look at some master plan for that area and on up north and a little bit west of there. We're going to probably see what they come up with next week. Today I think we're talking about proper zoning uses. The concern about drainage is still out there, but that is not going to be the focus today and as Dale said, we can make this subject to some of the information that they may come up with at a later time.

"Tim, would you talk a little bit about the density. I think that is where I struggled a little bit, concerned about how much traffic we're going to have on Ridge Road here in the future with the hospital and other things going on. Even though you are applying for one category, that doesn't necessarily mean that is how many units will be there and when talking about the square footage of the apartments."

Mr. Austin said, "That is correct Commissioner McGinn. The way we approached the development may be a little bit different than what is customary. Typically, in the recent history, is to look at limiting the number of dwelling units and putting a maximum on it. Prior to that, historically, we look at development in terms of limiting it by gross floor area. On this particular development, we kind of combined both of those concepts, one limiting the gross floor area and also by the number of dwelling units.

"What the limitation with the maximum gross floor area does is it allows the developer to be a little bit more flexible in trying to determine the mix of loft apartments, one bedroom or two bedroom apartments, while still maximizing, to the extent possible, his density which is why we put it that way. To kind of refresh what Dale had said, under typical B Zoning, there would be almost 1,900 dwelling units that would be allowed. We've agreed, at this time, to 775. That is more typical of MF-29, which is Multi-Family 29 dwelling units per acre zoning, which would be 769 units. So we're pretty close to matching what the MF-29 zoning would be.

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"Primarily, the reason why we were looking to increase the density, the maximum, is because of the development costs. Primarily, what we were looking at is development costs for this area. Obviously, it is going to require a significant amount of fill to remove it from the flood plain. Also, access is a real issue. It doesn't have much value, in terms of commercial development, because it doesn't have frontage on Ridge Road and as the slide went by, you saw it was sandwiched between two lakes. To have access to the site, we have two locations, one here which would require a bridge and a crossing and the other up to 37th, which would require a bridge and a crossing. Also, water and sanitary sewer, there is a significant cost to extend those into the site to service the site. When you factor all the development costs, site costs, you really have to look at the type of land use that would allow that economic recovery. That is why we selected the Multi-Family, feeling that that was its highest and best use. We felt that the density requirement was needed to allow that recovery.

"As far as traffic issues and stuff, there was a limitation that the Planning Commission agreed to, which was that until we developed both access points, that we would only be allowed to develop 50% of the site with dwelling units. Probably more likely, we would try to access Ridge Road at this point. So, there is a limitation, as far as traffic, limiting that traffic coming on to Ridge Road until the access is developed. I think, over time, as you see those traffic needs increase, there will be some improvements on Ridge Road as well.

"Some of the other things to keep in mind in terms of traffic is there is some significant improvements being looked at at 37th and Ridge and we would be guaranteeing some of those street improvements. In that entire corridor, traffic is going to increase. There are a number of commercial zoning changes already around the intersection of 37th and Ridge and further north up around K-96 and Ridge Road. I think traffic is something that certainly planning staff and Public Works will be looking at very closely and we have agreed to improvements that will help that situation."

Commissioner McGinn said, "Tim, I see in our back-up in the motion area, it said you will partner as far as providing a light and the turn lanes and those kinds of things. In some of the discussions, in the MAPC meeting, I thought that I read that also it would be with 37th Street as well, once that develops."

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Mr. Austin said, "Right. There is a requirement for some turn lanes on 37th Street and I believe those requirements were stipulated by the Planning Commission."

Commissioner McGinn said, "You would be paying for those as well."

Mr. Austin said, "That's correct. Those would be assessed against this property as a special assessment."

Commissioner McGinn said, "Okay. I do want to speak, just briefly, to the drainage issue because I notice this Item I requires a six foot masonry wall to be constructed on the west side of the property. If the master drainage plan determines that that might hinder proper drainage in that area, is that something you guys can work out some other solution, do you know?"

Mr. Austin said, "I think we would definitely, if there was a need to provide some type of buffering or security along that line, we could work out another solution. I know there was some concern because we have the Big Slough that runs through here and on either side is a 300 foot floodway reserve. We definitely cannot take the wall across that 300 foot. It would basically act like a dam. I think before that wall would be constructed, we would definitely need to have a look at the drainage situation and decide is something that we should be doing or not. I think there are some alternatives that we could look at."

Commissioner McGinn said, "Okay. I think that is all the questions I have."

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

Commissioner Hancock said, "Thank you. Is the wall a requirement of this zoning request?"

Mr. Austin said, "It was a requirement imposed by the Planning Commission."

Commissioner Hancock said, "Give me the distance from top to bottom of this particular lot."

Mr. Austin said, "It is, from this point to this point, is about 2,200 feet."

Commissioner Hancock said, "2,200 feet? And you're talking about a poured concrete wall?"

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

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Commissioner Hancock said, "What's the purpose of it?"

Mr. Austin said, "The property owner to the west has a private lake that is about 7 acres in size and he felt that that would be an attractive nuisance if this was developed as a multi-family for people that would be crossing over onto his property to access his lake. I think the reality is that before this property will ever be developed, because of the lack of public service, at this point in time we're probably about two to three years out before we could get water and sewer in there anyway. I think his property will be rezoned, eventually, as well. That, more than anything, is the reason."

Commissioner Hancock said, "It's an unusual request. It is usually the other way around."

Commissioner Gwin said, "I worry about that, too, as Commissioner McGinn said about the impact of that on the whole drainage. I think that is a very odd requirement that they put on there."

Mr. Austin said, "It is, as the Planning Commission passed, it was a six foot wall requirement. Typically, like swimming pools and stuff, there is a six foot fence required around that."

Commissioner Gwin said, "I understand, but it is not a half mile long, or whatever it is."

Mr. Austin said, "I don't think my client would object to you guys removing that as a requirement."

Commissioner Gwin said, "The other thought is, if the lake is an attraction, aren't you going to have a lake on this property? It's already there, isn't it?"

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

Commissioner Gwin said, "I could real easily remove that requirement because if a lake is going to be an attraction, they've got one out their front door. Why would they have to transverse someone else's property to access a lake when there is already one within walking distance of where they live? I could easily remove it."

Chairman Winters said, "Commissioner Hancock, do you have more comments right now?"

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Commissioner Hancock said, "I was just sharing the same sentiments as Commissioner Gwin. That's all."

Chairman Winters said, "Commissioner McGinn."

Commissioner McGinn said, "Sorry, I was visiting through part of this so I may have missed it. The whole idea was the other person's property, to the back side, wasn't that the reason for this masonry wall, for protection? If someone was to do a fence you could do a fence and that would allow water to go through and not hinder it."

Mr. Austin said, "That's correct. If the purpose was security, we could possibly look at a chain-link fence. If there is some need for buffering or screening, we could work with the property owner in developing some type of buffering, like landscaping."

Commissioner McGinn said, "I understand the concern, it is a liability issue for him. I think we need to work something out on that. I don't know that we need a concrete wall though. Thank you, Tim. I guess I need to have Dale come up."

"Dale, I'm not sure how to do this. I'm willing to make this motion but I have a couple of conditions that I'd like to probably have met. One is, I think we need to take a closer look at this retaining wall, particularly as it pertains to drainage. So, I guess if I make this motion with knowing that we have staff looking at a master plan for this area, which could include different ways in which we do drainage or raising freeboards and those kinds of things. I want to make sure that everything here is subject to the findings of the master drainage plan. Do I make this motion and then say subject to the master drainage plan that is currently being worked on in that area?"

Mr. Miller said, "Yes, that leaves it pretty wide open. I don't know whether you'd want to see it back, once that study is done."

Commissioner Hancock said, "Would that be part of the plat?"

Mr. Miller said, "Yes, you could tie it to the plat. The other way would be with the assumption that when the drainage plan is done that when the plat comes through that the plat would be consistent with those recommendations."

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Chairman Winters said, "David Spears."

Mr. David Spears, Director, Public Works, said, "Is the City going to annex this and then the plat would go through the City?"

Mr. Miller said, "Well, I don't know whether they will request annexation prior to the platting or if they'll wait for the plat to be done. But once it is platted, I'm sure the City will annex it."

Mr. Spears said, "I just want that thought expressed."

Commissioner McGinn said, "Which would mean, if they. . . "

Mr. Spears said, "You won't consider it again."

Commissioner McGinn said, "But can you tie it to the plat? Can we make this approval subject to and they have to pick up on what we decided?"

Mr. Miller said, "I believe you can."

Chairman Winters said, "One of the things I'm hearing is that if we go through the platting process and if this study group that is going to look at the drainage would come up with the thought that this should not have a masonry solid wall on the west side of this property, that it could be allowed to happen."

Mr. Miller said, "The masonry wall is a CUP requirement. There is a separate requirement that there just be screening between Multi-Family and Single Family Uses. But given the nature of the situation, I think it is clearly within your ability to modify that requirement for the masonry wall and just indicate that there should be something consistent with making drainage work in that area."

Commissioner McGinn said, "Another part of that would be perhaps raising the freeboard level for everyone in that area."

Commissioner Hancock said, "Okay, what is freeboard?"

Commissioner McGinn said, "I just learned that a couple of weeks ago. I'd have Jim explain it, but the short answer is that you raise the level at which you build, but Jim has a more technical answer."

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Chairman Winters said, "Jim, would you come to the microphone for just a second."

Mr. Jim Weber, Deputy Director, Bureau of Public Works, greeted the Commissioners and said, "If you'd like, I have a full color graphic this time."

Commissioner Gwin said, "Can you explain what she is talking about?"

OVERHEAD PRESENTATION

Mr. Weber said, "I had a feeling that two weeks ago I didn't do a very good job at this so I got back with the staff and they pulled out some stuff that FEMA uses in some of its training. I think this will help us all. Just to go through it. This line at the bottom and keep in mind that the slough doesn't look anything like this. It is not this deep. But this would be the bottom of the natural stream bed, the channel, the valley section. This bottom line would be representative, and it goes clear across. This is the flood elevation in the undeveloped valley section. Then we got the bulldozer here so we fill this in and what the computer model is doing is showing this filled in as a vertical wall. That stops doing that when the water surface goes up by one foot. So we now we have the original valley then, water is being carried in this entire section and then now that they have done the encroachment, the water is being carried in this section. That causes the water to go up one foot. So, this is what I was trying to say the last time. Once you've done that, this is already assuming a vertical wall straight up, so how far up we go the computer doesn't care.

"Then the freeboard is, if you look at that house that is being built on the encroachment, or in this case the apartment complex, we actually have the water surface and then we are up somewhat above that. The freeboard is the distance between the water, actually we go from here, from the flood elevation to the surface of the ground. It usually gets translated into a minimum pad elevation or requirement or minimum first floor requirement for the structure to make sure it is adequately protected.

"So, where we are right now with the regulation is that we require those minimum pads or first floor elevations to be one foot above the flood elevation. This is the flood elevation so it puts them right at the floodway elevation. The discussion about freeboard is now that is basically a zero protection kind of thing so you add more to that to bring it up. I'm hoping this makes more sense this time."

Chairman Winters said, "It does, thank you."

Mr. Weber said, "Any questions about that?"

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Commissioner Hancock said, "Isn't this known as minimum pad elevation, is that what this is?"

Mr. Weber said, "Yes, except we also have first floor elevations. We use minimum pad when we're not in the flood plain because this is the other thing about it, while we're at it. You see this house doesn't have a basement. So, if you're in the flood plain, a basement is not allowed below the flood elevation. So, if we're not in the flood plain, we use minimum pad, which says the ground around the house has to be above the flood, the water can't come in the windows and down into the basement. If you're in the flood plain, because of the insurance and the federal requirements, you can't have a basement so the minimum first floor you build up from there. So, the apartment complex, for example, is not a bad thing because we don't have too many basements in apartment complexes. You don't have the ground water problems and you don't have the first floor problems, surface water coming in. Anything else?"

Commissioner Hancock said, "In the plan that we're talking about, then this is what you shown us here, it is going to be somewhat replicated."

Mr. Weber said, "In fact, this is pretty much exactly what is happening. If you look at the east side, when they did the pit, this is the pit out in the middle. They've already built up this part and had it removed by a letter of map amendment or map revision, I'm not sure which one. So, the part along Ridge Road is already elevated. What they haven't done is elevate the back side. So, this encroachment here would be what it would take, maybe not that much, but what it would take to make that ready for development."

Commissioner Hancock said, "You may not have the answer to this, but I'm going to ask it, maybe someone does. On the Halloween flood of '98, was this area here, was it pretty much under water?"

Mr. Weber said, "My recollection is that Ridge Road had water going over it. I think that was before the new bridge was done though."

Mr. Spears said, "The interchange at K-96 and Ridge Road, you couldn't get on or off the interchange because water was over Ridge Road."

Commissioner Hancock said, "Someone, a few minutes ago, referred to the drainage study that is going

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on."

Chairman Winters said, "You weren't here the week we talked about that, so there is a study going on."

Commissioner Hancock said, "Very good. Thank you."

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

Commissioner Sciortino said, "Jim, could you keep that up there for a second more. I'm learning a lot here. I think I understand, by building up the vertical walls, it is going to disallow the water to dissipate horizontally, so that is going to raise the level of water?"

Mr. Weber said, "Exactly."

Commissioner Sciortino said, "Now is the freeboard the amount above the extra foot that it has been raised because of the wall?"

Mr. Weber said, "No. The freeboard, the way we define it, goes from the original base flood elevation. So, our resolution says one foot, a minimum of one foot above. The federal regulations and the computer program already uses up the foot when it does the floodway calculations. So that puts us right at the flood elevation."

Commissioner Sciortino said, "Okay. We're going to raise the water so that it will be level with the new floodway, is that right?"

Mr. Weber said, "Right. We'll raise the dirt."

Commissioner Sciortino said, "So it is level with the floodway. Because if you raise it higher then the water would go higher again, right?"

Mr. Weber said, "It doesn't go higher because it is already assuming a vertical wall right here in the computer program. So, if we stacked it up to here, it would not make that higher. But to go with what you had said, if we push this in another ten feet, that would kick it up higher."

Commissioner Sciortino said, "Thank you."

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Chairman Winters said, "Thank you. Commissioners, other comments or questions?"

Commissioner McGinn said, "Just one final comment. Out of the meeting that we had, we did learned that drainage had significantly been improved in that area because of some of the things that are going on and that we did identify a couple of areas that were bottlenecks and that is part of the plan that we're looking at, how we can improve those areas, correct Jim?"

Mr. Weber said, "Yes, that's right. Since two weeks ago, let me just tell you that we have talked to Mitch Mitchell, who does floodplain work and also works part time for us. He is willing to, on our time, to come in and to do a flood study through there. We've talked to the folks at Baughman and to Tim Austin, having some conversation with P.E.C., and I think they are all willing to contribute, do a partnering deal where we'll get whatever data we already have and there is some willingness to go out and get more data if they need to or if we need to. I think we can put this together and rerun the reach from 21st Street up to K-96 and go back. I think the thing that we're really talking about here is, to go back to this for a minute. The old flood study established this elevation up there and established this elevation. Part of what we are talking about is verifying that this is actually the right place, after the development that has occurred to the south of this location has occurred, and just make sure before everybody goes on that everything is working like it is supposed to up there. That will help us with the discussion about should we be kicking the freeboard up."

Commissioner McGinn said, "Okay, thank you, Jim. I'm prepared to make a motion but I might need Rich's help here. Have you figured it out yet, Rich? I want to make this motion but I want to make sure the conditions of whatever comes out of the master drainage plan for this area are met. If it moves on and the City annexes it and they do the platting, I want to make sure that is still tied to that, is that possible?"

Mr. Euson said, "Yes. I think Mr. Miller has indicated that and I agree with that. I think all you need to do is add that as an additional condition in your motion of approval."

Commissioner McGinn said, "Okay. Thank you."

MOTION

Commissioner McGinn moved to concur with the findings of the MAPC and approve the zone change and CUP subject to the condition of platting within one year; adopt the Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until the Plat has

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been recorded with the Register of Deeds. In addition to this, this approval needs to be subject to the master drainage plan in this area prior to the plat.

Chairman Winters said, "Is there a second?"

Commissioner Hancock said, "I'd like to add a little bit more to that. I'd like to revise Item I and, as a result, revise general provision 19. I'd delete the requirement of a six foot masonry fence, in place of, I presume provision 19 is about screening."

Chairman Winters said, "I guess I would ask for a parliamentary ruling here Mr. Euson."

Commissioner Gwin seconded the Motion for discussion.

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

Commissioner Hancock said, "Are you with me on Item I there? If we just stipulated general provision 19 and did away with the rest of that, would that provide screening and not necessarily a masonry wall?"

Mr. Miller said, "Yes, I think if you just stipulate that it's your preference that it not be a masonry wall but other suitable screening, is that what you're after?"

Commissioner Hancock said, "If it's acceptable to the Motion and the Second. That's up to you."

Commissioner McGinn said, "No, I'm glad you brought that up because I forgot about that. The only concern I have, well I have two concerns. One, putting a masonry wall and how it might effect drainage. Two, though, I understand the concerns of the land owner next to them, as far as liability. If there is some way you could put a different kind of a fence that would help meet his need for liability protection but at the same time allow water to flow through if need be."

Chairman Winters said, "The only concern I have there is I think if this six foot high fence had of been a major stumbling part for the land owner and the potential to go forward here, I think I probably would have strongly considered it. But at one point in time, the property owner had agreed to this provision and I would assume to kind of make sure it went through MAPC and staff and even though it would be a bit cheaper to maybe not have it there, at one time they agreed to have it there. So, I think that is at least a part of it. Then I do have some concern about the liability of the guy next door. Again, it may not need to be a masonry fence. I doubt if the developer would want to put an ugly fence there. I would think if

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they're going to rent apartments, they would want to have something there that looked pretty nice or it would be a detriment to the opportunity to rent. I guess I could be flexible."

Commissioner Hancock said, "Someone mentioned, a few minutes ago, that this land to the west probably would develop in time and this looks like it will be a long range project. We've got to do a drainage study, we've got to do a plat. It is not going to be too short. But what I'm saying is that when I look at other communities that have already developed residential housing and so forth, not all the lakes and retention ponds have fences around them. I think it is a ridiculous requirement, quite frankly, because there may be some liability, but there is liability with all water everywhere. We develop around water constantly and we don't use fences. That's all I was thinking. It just seemed to be a requirement that just wasn't necessary and it got in way of drainage planning because I can see there are going to be some things done here that they're going to be flowing under that fence I would think."

Chairman Winters said, "There is no doubt in my mind that I wouldn't want a 2,200 foot dam there, if the drainage plan says that would be a problem. Commissioner Gwin."

Commissioner Gwin said, "I could, on this item, support a fence because I understand separating multi-family from, at this point, single. I concur with Commissioner Hancock, I don't see any reason for us to require it be masonry and I think that is a long term mistake and an expense that this land owner shouldn't have to bear because I think the drainage plan is probably going to tell us tear it down or don't build it. I think we might as well go ahead and say fencing is fine but it doesn't have to be a masonry fence. I could support that."

Chairman Winters said, "Commissioner McGinn."

Commissioner McGinn said, "Nothing else."

Chairman Winters said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. If we were to change it to require a fence

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that would allow the free flow of water through it, would that not perhaps minimize our need to wait for the flood study, since that wouldn't be a detriment to the flood study? That could possibly solve the single individuals concern to the west and minimize the cost that we're imposing to the developer. I just throw that out."

Commissioner McGinn said, "Use the wording a fence that would allow the free flow of water, that kind of would take care of both?"

Commissioner Sciortino said, "It's just a thought. I don't know for sure if that would work."

Commissioner McGinn said, "I'm all right with that."

Commissioner Gwin said, "I'm all right with that."

Chairman Winters said, "Do we need a Substitute Motion?"

Mr. Euson said, "You can withdraw the Second and the Motion or you can do a Substitute Motion and vote on that. I might also recommend that maybe, in order to address this, you reference Item I on page 80 of the agenda back-up, that you state that the fencing requirement should be in accordance with the recommendations in the master drainage plan and that should take care of your concerns, I think, as I understand them."

Commissioner Gwin said, "If you withdraw your Motion, I'll withdraw my Second."

Chairman Winters said, "You withdraw your Motion?"

Commissioner McGinn said, "Yes."

Chairman Winters said, "The previous Motion has been withdrawn."

Commissioner Hancock said, "Is that going to create problems in the platting process?"

Mr. Miller said, "No, I don't think so. In fact, Mr. Weber was telling me that he thinks that the area where the flood plain area is, the first 600 feet is where the key issue would be, in terms of the fence. I think what you're proposing, to delete the masonry wall requirement and have it consistent with the findings of the flood plain study, is clear to me anyway in what you're after."

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

Chairman Winters said, "Commissioner McGinn, would you like to try a motion again?"

SUBSTITUTE MOTION

Commissioner McGinn moved to concur with the findings of the MAPC and approve the zone change and CUP subject to the condition of platting within one year, and subject to the master drainage plan in this area that also identifies Item I on the back-up page 80, that a fence would allow the free flow of water; adopt the Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until the Plat has been recorded with the Register of Deeds.

Commissioner Gwin seconded the Motion.

Chairman Winters said, "I guess I would say, for future clarification, that would mean that Item I on our back-up on page 80 would not require that to necessarily be a masonry wall but could be some other kind of structure."

Commissioner Sciortino said, "It could be if he decided he still wanted to go to the expense, but allow the free flow of water, but it doesn't have to be."

Commissioner Gwin said, "And it if is in compliance with the master drainage plan."

Chairman Winters said, "Okay, we have a Motion and a Second. Any other discussion? Seeing none, call the vote."

VOTE

Commissioner Betsy Gwin

Aye

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

Chairman Winters said, "Thank you all very much, for being here. Next item."

G. KANSAS COLISEUM.

1. AGREEMENT WITH 2 COOL PRODUCTIONS FOR RENTAL OF BLEACHERS.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, "This is our standard agreement for renting of equipment for events other than events held at the Coliseum. In this case, it is five of our smaller bleacher units for a rodeo that I believe is going to be in Old Town. We recommend approval."

Chairman Winters said, "Old Town Rodeo, all right. Commissioners, you've heard John's report on this item, what's the will of the Board?"

MOTION

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

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

2. AGREEMENT WITH 360WICHITA.COM, LLC FOR ADVERTISING RIGHTS AT THE KANSAS COLISEUM.

Mr. Nath said, "This is our standard advertising agreement. In this case, we are trading advertising for and receiving services. In this case, it is web site content, 360 is going to produce a 360 degree picture of the inside of the Coliseum. Our end goal is to be able to tie that into our web site. When people buy tickets, they can see where the stage is from their seat. That is what we want to work towards. They're also going to be providing on-hold telephone services, producing music and our ability to add up-coming event information and the ability to change that easily. We recommend approval."

Chairman Winters said, "Thank you. Commissioners, what's the will of the Board?"

MOTION

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

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

3. AGREEMENT WITH JOURNAL BROADCAST GROUP FOR ADVERTISING RIGHTS AT THE KANSAS COLISEUM.

Mr. Nath said, "This is our standard advertising agreement, however, this is for a coupon on the back of the Select-a-Seat tickets. Since the system was started nine years ago, KFDI has always had a coupon on the back of the tickets. Journal wanted to continue with that and is actually paying a much higher fee. It is a \$20,000 a year fee on a three-year agreement. We recommend approval."

Chairman Winters said, "Thank you. Commissioners, what's the will of the Board?"

MOTION

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

Commissioner McGinn seconded the Motion.

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

VOTE

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

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

H. DIVISION OF HUMAN SERVICES.

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1. CONTRACT WITH FAMILY CONSULTATION SERVICE OF WICHITA, INC. TO PROVIDE THERAPY AND MEDICATION MANAGEMENT SERVICES.

Ms. Marilyn Cook, Assistant Director, COMCARE, greeted the Commissioners and said, "This item involves a contract with Family Consultation Services. The State of Kansas provides specific funding sources to all designated county mental health center and COMCARE is the sole mental health authority, or what we call the participating mental health center for Sedgwick County. We are the participating mental health center for Sedgwick County, but Family Consultation is an affiliate of ours and as a community health center, Family Consultation is eligible to receive State aid and to obtain Medicaid reimbursement.

"This contract would provide a share of the state aid and certified match to the Family Consultation Service for their work as a community mental health center, providing therapy and medication management specifically, to children and families regardless of their ability to pay. The contract specifies outcome goals and reporting requirements. The total contract is \$821,498. The funding sources, there are ten individual State fund coffers that this will be coming out of, but it would total \$821,498. I'd be happy to answer questions on this one."

Chairman Winters said, "All right, thank you. Is there mill levy money in this or is it all State funds on this particular one."

Ms. Cook said, "It is all State funds. This is a high amount of dollars, but this is also a combination of the dollars that the Guidance Center and Family Consultation received last year. This is all going, at this point, to Family Consultation Services. That is why that number is higher than it was last year."

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

Commissioner Gwin said, "It also appears, Marilyn, that about half of that is coming from the children's . . . for children's services, is that correct?"

Ms. Cook said, "Actually, out of the ten funds, eight of them are State funds from the adult side. One is coming from a children's fund and one is coming from an administrative fund."

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Commissioner Gwin said, "But the children's fund makes up almost \$450,000 of the total."

Ms. Cook said, "Right."

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

Chairman Winters said, "All right, thank you. Commissioners, other questions of Marilyn on this item?"

MOTION

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

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

2. CONTRACT WITH BOSTON TECHNOLOGIES, INC. TO PROVIDE A DATA SYSTEM INTERFACE.

Ms. Cook said, "This item involves a contract with Boston Technologies, Incorporated. I used to think

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it was out of Boston, but Boston is the name of the gentleman who owns the firm. It is out of New Jersey. COMCARE's current management information system is a BTI product and we need modifications made very soon in order to meet reporting requirements that the State is asking us to meet. BTI is the only vendor that is able to make the necessary modifications since it is their product and we are solely using that product. COMCARE's system has to be enhanced to not only convert existing data into the new AIMS format, but we also are going to have to have modifications made to be able to transmit, monthly, what we call encounter data or service data on clients to the State each month. We are asking in this contract with BTI to provide consultation and programming that we need in order to be able to meet this deadline with the State. Total cost of the contract is \$14,250, to be made in two payments. They need money immediately to do this program, which is about 150 hours of programming at \$95 an hour. Then we would pay them the last 50% when the successful completion of transfer of the information was made to the State and an opportunity was made to have any kind of editing report that we might need. We are requesting approval of the contract."

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

Commissioner Sciortino said, "Thank you, Mr. Chairman. Just education for me. To secure this vendor, did we go through the Board of Bids and Contracts and send out an RFP to people or how does that work?"

Ms. Cook said, "Not in this case because BTI is the vendor that we used for our billing system and our data collection system so there were no other vendors that were able to do this for us. This was their product."

Commissioner Sciortino said, "Normally, if you needed some services like that, would it go through Board of Bids and Contracts?"

Ms. Cook said, "Absolutely."

Commissioner Sciortino said, "Thank you."

Chairman Winters said, "Thank you. Commissioners, other questions or comments? What's the will of the Board?"

MOTION

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

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

3. AGREEMENT WITH FAMILY CONSULTATION SERVICE OF WICHITA, INC. ALLOWING MEDICAID BILLING.

Ms. Cook said, "This is an affiliation agreement with Family Consultation Services. It is a renewal agreement. It will allow Family Consultation Services to bill Medicaid for mental health services for adults and children with mental illnesses. The services provided under the agreement include evaluation and diagnostic services, individual, family, group therapy, medication services, mental health consultation, and marital therapy. An affiliation agreement has to be in place for Family Consultation Service to bill Medicaid for the services that I just mentioned.

"In addition to that, the agreement provides for the coordination between Family Consultation Service and COMCARE and provides a certified match for the federal portion, the piece you just approved. There is no cost to this. This is a contract that simply allows Family Consultation Service to bill."

Chairman Winters said, "Thank you, Marilyn. Is this what we would call our standard agreement with affiliations? Is there anything unusual in this agreement?"

Ms. Cook said, "No, we have outcomes filled out. This is a renewal. It would be our standard affiliation

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agreement."

Chairman Winters said, "Thank you. Commissioners, are there other questions or comments?"

MOTION

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

Chairman Winters said, "Next item."

4. CONTRACT WITH FAMILY CONSULTATION SERVICE OF WICHITA, INC. TO PROVIDE IN-HOME FAMILY THERAPY SERVICES.

Ms. Cook said, "The contract with Family Consultation Service, this contract would set the terms and conditions for the provision and payment for in-home family therapy services. Family Consultation Service is currently the only mental health provider in town that does do in-home therapy. They do that with identified youth and their family with in-home settings, just as the name would suggest. The intent of it is to help families address immediate crisis and situations that they have in their own environment where they

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might be more agreeable to what is being discussed. The in-home therapy involves all family members when that is possible. The contract is part of the State funded family center system of care program, the tobacco settlement money. It is for \$45,000. It is coming from the children State fund coffer. We're requesting approval on this contract."

Chairman Winters said, "All right, thank you. Again, according to our information here, this agreement is our standard agreement, standard contract."

Ms. Cook said, "Yes."

Chairman Winters said, "Thank you. Commissioners, any other questions?"

MOTION

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

Chairman Winters said, "Next item."

5. AGREEMENT WITH HORIZON'S MENTAL HEALTH CENTER, INC. FOR COMCARE TO PROVIDE PSYCHIATRY SUPERVISION AND CONSULTATION SERVICES.

Ms. Cook said, "This item involves a contract with Horizon's Mental Health Center. Horizon's Mental Health Center is the mental health center in Hutchinson, Kansas. They have had a very difficult time

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securing a board certified psychiatrist in child and adolescence psychiatry. We have such an individual, Dr. Madden. So this is a contract with COMCARE to provide up to three hours of service a week of Dr. Madden's time. Horizon's has hired an advanced nurse practitioner, or an ANRP, who will be seeing the children at Horizon's, but she will get on the tele-medicine unit in Horizons and Dr. Madden will get on our tele-medicine unit in our family and childrens program and Dr. Madden will provide supervision to her and help sign off on the cases there. In addition to that, if there are difficult cases, or cases too difficult for the nurse practitioner to handle individually, the nurse practitioner will be in the room in Hutchinson with the family and Dr. Madden will provide direct consultation. They are guaranteeing us three hours a week. They get to chose, in all of those areas, how they would use that, use her time. We would be compensated \$125 an hour for that. We're recommending that you approve the contract."

Chairman Winters said, "Thank you. Commissioners, questions or comments? Commissioner Sciortino."

Commissioner Sciortino said, "Just one real brief one. I assume that will be worked around our psychiatrist's schedule."

Ms. Cook said, "Yes. Dr. Madden had been working under a similar contract for Horizons for six hours a week prior to this. We felt that was taking away too much of her time so we asked to go down to three hours. They obtained the services of the advanced nurse practitioner, so they did it expressly to meet our needs."

Commissioner Sciortino said, "Thank you. That's all I have, Mr. Chairman."

Chairman Winters said, "Thank you. What's the will of the Board?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

6. AMENDMENTS (TWO) TO FISCAL YEAR 2000 CONTRACTS PROVIDING AGING MILL LEVY FUNDS.

! **CITY OF HAYSVILLE**

! **MT. HOPE COMMUNITY DEVELOPMENT, INC.**

Ms. Dorsha Kirksey, Department on Aging, greeted the Commissioners and said, "This first amendment is a correction to the Haysville Senior Center contract. The original contract included \$5,500 that is actually going to be made available to them through an old purchase order from 1998. So, we are requesting that their contract be amended from \$31,530 to a total of \$26,030, but they will still receive that other \$5,500, due to that old purchase order.

"Secondly, the Mt. Hope Senior Center Contract has been amended to reflect \$2,500 in additional funding that would be distributed to that senior center. These additional funds were made available when the Hunter Health Clinic indicated that they would not be able to fulfill their 2000 Aging Mill Levy Contract, for a total of \$5,000. So, the Sedgwick County Advisory Council on Aging has determined to award \$2,500 of that to the Mt. Hope Senior Center for wheelchair accessible parking area. Be glad to answer questions on either of those amendments."

Chairman Winters said, "All right, thank you, Dorsha. The advisory board had looked at all the options and this is their recommendation and staff agrees with that?"

Ms. Kirksey said, "That's correct."

Chairman Winters said, "All right, thank you. Commissioners, what's the will of the Board?"

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MOTION

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

Chairman Winters said, "Next item."

**7. AGREEMENT WITH HEALTH MINISTRIES OF HARVEY COUNTY, INC.
FOR USE BY CASE MANAGEMENT PERSONNEL OF OFFICE SPACE
LOCATED AT 209 SOUTH PINE STREET, NEWTON, KANSAS.**

Ms. Kirksey said, "This is a shared space agreement for the use of office space for our Newton and Harvey County area case manager. This would be paid for by funds generated through the targeted case management program with the home and community based services frail elderly waiver program. The total amount of the agreement is \$3,000. We are recommending approval for this contract."

MOTION

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

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Commissioner Gwin seconded the Motion.

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

VOTE

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

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

I. GRANT AWARD FROM U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, IN THE AMOUNT OF \$260,972 TO FUND AN "INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM," TO BE OPERATED BY THE EXPLOITED AND MISSING CHILDREN UNIT.

Lt. Paul Moser, Director of Operations, Exploited and Missing Children Unit - Investigations Division, Sheriff's Department, greeted the Commissioners and said, "I'm here to provide a brief overview of the grant and some of the challenges we are going to be encountering that it may require this grant funding to overcome. Currently, the EMCU operation has already a task force that is staffed by the Wichita Police Department, Sedgwick County Sheriff, and Wichita's Social and Rehabilitative Services. The ICAC task force is going to be incorporated into that existing force there because of the necessity for jurisdictional problems outside of Sedgwick County. By virtue of electronic communication, our case investigations that we will be encountering will go into the State, beyond the State and into the United States and beyond that

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into international boundaries. Because of that, we are joining with the F.B.I., the U.S. Postal Inspector's Office, and U.S. Customs Cyber Smuggling Unit for those jurisdictional issues along with K.B.I.

"Some of the problems we're going to be encountering are of course the technology required to do these types of investigations. The Internet and computer technology is ever evolving and the fiscal budget process for law enforcement somewhat inhibits our ability to maintain a level of competence in the technology area. The allowance of this grant will allow us to evolve that technology as needed along with establishing the current technology that we would need to start the investigations. Also, we are in the process of establishing community presentations and other training to law enforcement through virtue of this grant. There is not a lot of law currently written for Internet investigations nor is there a great deal of case law in regards to the prosecution of these. We will be in the forefront of probably some legislative action and without a doubt some case law in regards to this.

"We are hoping to develop a program for the Kansas Law Enforcement Training Center and Wichita/Sedgwick County Law Enforcement Training Center, not for the investigation so much of these Internet crimes, but for the knowledge of officers responding to a call in a home where a parent is saying my daughter received this E-mail or this photograph. They need to know how to preserve that evidence because of certain avenues that has to be done for that. That information needs to be put out to law enforcement because it is an evolving field. We don't have a lot of knowledge yet.

"There are a great many obstacles that we are currently working on in regards to this. None of these are probably more important than the training required for ourselves. We need to develop some sort of federal training, which is already available through the Office of Juvenile Justice and Delinquency Prevention, both protecting children on-line and the search group that provides law enforcement training out of Sacramento, California. That cannot be brought on to site and will also require some funds to provide us that training. None of this is available through the current E.M.C.U. budget and this grant will allow us all the funding to necessitate this task force, the training, and the equipment needed to conduct an investigative process for these types of crimes.

"We have several goals in mind for this. I've touched on, obviously, our primary goal is the same as E.M.C.U. has always been. We do not want to create a focus where computers are the focus of our investigations. Every one of these investigations still has a real child victim and that has always been the

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function of the Exploited and Missing Child Unit to protect the victimization of those children. We're asking that you approve the grant to allow us to continue with this task force and begin the investigation of Internet crimes against children here in Sedgwick County."

Chairman Winters said, "Thank you Lieutenant Moser. You speak about all the obstacles that you've got in front of you and I understood part of those. But at least, with this \$260,000 grant, we ought to be able to come a long way to overcome some of those, I would think. I think we'd certainly be in a lot better position today than we were before receiving this grant."

Lieutenant Moser said, "Absolutely, and E.M.C.U. has been involved in some computer investigations locally, however, those have been maintained within Sedgwick County jurisdiction. The I.C.A.C. task force will allow us to expand, as I indicated, to international boundaries, along with the other entities that we're joining with. This funding will certainly allow us to do that."

Chairman Winters said, "How are folks, here in Sedgwick County, going to be better off than we were before we got this grant? Can parents, someday, have a little bit more confidence or do they know that if you or your unit gets a call now concerning some kind of Internet use against children that we can respond in a better method than we would have before?"

Lieutenant Moser said, "I am hoping we can respond expertly as opposed to just kind of avoiding the issue because we did not know how to address it previously. We are hoping to expand the actual parent's knowledge so they can help themselves through some of the programs that we're going to be putting out to the school systems and stuff like that, which is also funded by this grant."

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

Commissioner Sciortino said, "Thank you, Mr. Chairman. Has the department been receiving a lot of calls from parents because of concerns they have of their children receiving things on the Internet that they don't feel they should be receiving?"

Lieutenant Moser said, "Yes, we have in increasing numbers as a matter of fact. By virtue of last year, I think we investigated only 7 types of these cases and we are actively involved in probably that many this month."

Commissioner Sciortino said, "So this is sort of nipping the problem in the bud, it is just starting and building up and this grant is going to allow us to be prepared to handle it in the near future."

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Lieutenant Moser said, "That's correct. We currently have no avenue to pursue prosecution in these cases because we don't know how to investigate them and don't have the technology to do so."

Commissioner Sciortino said, "Great. I think this is very worthwhile."

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

Commissioner Gwin said, "Thank you, Mr. Chairman. I think we only need to look as far as the daily news, the most recent news, to understand that there are potential predators out there who are more than willing to use the Internet against potential victims. I am pleased and very proud that we've received this grant because, hopefully, we'll be able to forestall some of those occurrences, not just here but throughout the country and throughout the world."

Lieutenant Moser said, "That is certainly our desire also."

Commissioner Gwin said, "Thank you."

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

Commissioner McGinn said, "I guess it would be nice to make a note to come back in a year and let us know what kind of progress that you've made and things you've learned through this new grant."

Lieutenant Moser said, "It certainly would be very exciting because I anticipate a huge amount of change from our starting point to a year from now. I neglected to say that this is a continued grant. It is refunded again the following year at a 10% reduction, still without a requirement of matching funds. It is 100% funded."

Commissioner McGinn said, "How many years will it go?"

Lieutenant Moser said, "There is not a termination of this grant that I am aware of. There is no termination date to this."

Chairman Winters said, "Well, Lieutenant Moser, we appreciate the work that you and your group do and the partnership of all the agencies that are involved. You have a difficult task and we wish you the best in being the best you can be to protect the children of this County. Commissioners, you've heard the report, what's the will of the Board, if there are no other questions?"

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MOTION

Commissioner Gwin moved to approve the Grant Award and authorize the Chairman to sign.

Commissioner McGinn seconded the Motion.

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

VOTE

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

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

J. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.

POWERPOINT PRESENTATION

Mr. Charles Magruder, MD, MPH, Director of Community Health, greeted the Commissioners and said, "Just to give you a monthly update. The first thing I want to talk about is our recent activities. Our first activity that I want to relate to you is our involvement in Earth Day. Earth Day took place at Century II for approximate 1,000 students, primarily students, up to about the fifth grade. We fielded a number

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of questions and gave a lot of very nice answers. As you can see from this photo, students were very interested in the hazardous materials suits. Although, if they had an opportunity to have a real experience with these, I think their interest would wain considerably. Never the less, there is a curiosity there. We also used a relatively new apparatus, called the enviroscape, that enables us to simulate different types of potential ground water contamination and particularly show its effects on ground water. Something that we've had around for some time is a little recycling game. Students are able to look at different types of materials they would find in their household and in different types of places and go to a little board and determine where they would put those materials and get some rewards if they do it correctly.

"We also participated in the Children's Health Fair. At that fair, as you can see, we were primarily concentrated in helping children learn how to wash their hands appropriately. That may seem like a relatively minor thing, but in fact, basic good hygiene is something that we often, even as adults, don't participate in appropriately. As you can see, that can help prevent many communicable diseases. Perhaps surgeons are the only ones who do it appropriately. In any case, there are things we all can learn about doing that that would help in a very basic way. We had more than 800 children who visited the booth and they also received a free bar of soap.

"The section we would emphasize this month is our child care licensure section. Our goal in this section is to promote and maintain healthy, safe, quality child care facilities for children of Wichita and Sedgwick County. We have five nurses in that organization, one of whom is a supervisor, one child development specialist, and one clerk II. These staff routinely provide a number of educational programs for people in the community. In April, they participated in day care orientation, where they gave 16 sessions with 344 attendees. They also provided Healthy Child Care Kansas Training, which is a ten hour training course provided for 19 child care providers. This is also an example of the collaborative activity in conjunction with the Child Care Association, K.D.H.E. and the Heart of America Family Services in Kansas City.

"Other things, licensed home and center visits, as a matter of routine. This month they had 276 visits for licensure, relicensure, examination of complaints. K.D.H.E. will often make requests of us to go to meetings as well. We also participate in building inspections.

"We had 602 phone calls from the public regarding policies, communicable disease control, et cetera. Now some of our collaborative efforts that we emphasized this month, pediatric training in the community. I presented this to you earlier. Basically, it involves the KU Department of Pediatrics, USD 259 and United Methodist Health Clinic. The basic goals of that are to improve the curriculum for pediatric

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residents, provide increased resources for community clinics, including Lincoln Elementary School, North High Teen Health Station, and the evening pediatric clinic. We weren't successful this year in obtaining these funds, but Dr. Choe is going to continue his work in this area and we hope to be successful next year.

"Finally, I want to make you aware of the activity that we're currently involved in with the Metropolitan Medical Response System. The key partners in this effort, at least some of them, are local government public safety, Bob Lamkey and his staff will be playing an instrumental role in this process, all of our local hospitals including the V.A. Medical Center will be key partners and some military organizations will also be involved as well, including predominately the National Guard and we'll also contact McConnell Air Force Base. Basically, to make it very simple for the purpose of this presentation, the purpose of this whole exercise is to ensure that Wichita and Sedgwick County are prepared to manage an incident that involves weapons of mass destruction, such as the use of biological weapons or chemical weapons.

"The key actions that are coming up immediately; We just received, a couple of weeks ago, and this came through the City of Wichita to the Mayor's Office, the paperwork from the federal agency that is managing this program. The Health Department has been designated the responsibility of ensuring that the initial grant gets completed and we're having to move very quickly on that because the due date is June 22. Fortunately, we don't have to have all the details mapped out, but we do have to at least put our basic plan in place.

"There are three basic items that will be a part of this effort. The first is health surveillance, something that the Health Department has been promoting for some time. This grant will help us get that moving along. Looking at various medical response procedures. How is EMS going to respond? What kind of tools will they need should they encounter a situation where chemical weapons have been used, for example? Also, we need to look at maintenance of supplies. What types of new pharmaceuticals are going to need to be stored? What types of new tools will our EMS personnel need in order to respond and help people immediately on the scene, et cetera? I'll be happy to answer any questions you might have."

Chairman Winters said, "Thank you, Dr. Magruder. Commissioners, are there questions? Commissioner McGinn."

Commissioner McGinn said, "Dr. Magruder, about six months ago we kind of talked about the ground water remediation at Gilbert and Mosley. Next month, could you maybe give us an update on where we're at on that?"

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Dr. Magruder said, "Yes Ma'am."

Chairman Winters said, "Are there other questions on Dr. Magruder's report?"

MOTION

Commissioner Hancock moved to receive and file.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

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

K. PUBLIC WORKS.

- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER TWO AND FINAL, WITH WILDCAT CONSTRUCTION CO., INC. ON SEDGWICK COUNTY PROJECT NO. 817-G, H, I, N½J; MERIDIAN FROM**

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THE NORTH CITY LIMITS OF WICHITA TO 77TH STREET NORTH. CIP# R-169. DISTRICT #4.

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 the road improvement project on Meridian, from the north city limits of Wichita to 77th Street North, designated as R-169 in the Capital Improvement Program. This project has been constructed and is ready to be finalized. There will be a net decrease of \$65,356 due to variations in planning quantities from actual field measurements. I recommend that you approve the modification and authorize the Chairman to sign. I might mention that this is a \$6,400,000 project."

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

Commissioner McGinn said, "David, when we started this project, we went from up there by the Moorings to 77th. The City now owns up to 69th Street, is that correct?"

Mr. Spears said, "I do not know for sure. I know they've been annexing and I don't know just exactly."

Commissioner McGinn said, "I think it's 61st Street. It's the river, it's the pink bridge I believe. Anyway, we just recently finished that and just making a point."

Mr. Spears said, "One thing that took so long, I might just mention, a water line was being put in to go up to Valley Center and the water line was going to be under the sidewalk that we were going to construct. So it would have been sort of silly for us to construct the sidewalk and then they tear up the sidewalk and put the water line in, so we waited and waited and waited until the water line was put in and then we put in the sidewalk. That is what we've been waiting for. That's the cause of it."

Chairman Winters said, "Thank you. Commissioners, other questions or comments? Commissioner McGinn."

Commissioner McGinn said, "How come there is sidewalk on both sides? Is that a requirement?"

Mr. Spears said, "No, but I will tell you this. We probably get more compliments about sidewalks than we do about roads. For example, the bike and hike trail over by K-96. Many people use them to exercise, walk, and these sorts of things. We do get a lot of compliments on them. In an area like that, where we go to four lane urban sections and the city is going to take it over as they are, it just sort of

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makes sense to have that in an urban type setting."

Commissioner McGinn said, "But it is not required."

Mr. Spears said, "It is not required."

Commissioner McGinn said, "Okay."

Chairman Winters said, "Thank you. Are there other questions? We did this project \$65,000 under budget, is that correct?"

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

Chairman Winters said, "Very good."

Commissioner Sciortino said, "Actually more. Wasn't this the second reduction?"

Mr. Spears said, "That is correct. We had a prior modification decrease of \$130,000 and this is another \$65,000. That is almost \$200,000 under, the original amount was \$6,600,000 and we finalized out at about \$6,400,000."

Chairman Winters said, "Very good. Thank you. Commissioners, what's the will of the Board concerning Item K-1?"

MOTION

Commissioner McGinn 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

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

Chairman Winters said, "Next item."

2. RESOLUTION DESIGNATING AND CLASSIFYING WEST 2ND CIRCLE NORTH TO THE ELK RUN FIRST ADDITION, ATTICA TOWNSHIP SYSTEM. DISTRICT #3.

Mr. Spears said, "It is standard procedure that after a road is constructed within a platted residential subdivision in accordance with County standards, that road is then assigned to the township system. In this particular case, West 2nd Circle North, located in Elk Run First Addition, will become the responsibility of Attica Township. The Attica Township Board was informed that this resolution would be on the County Commission agenda today by letter, dated April 18, 2000. Recommend that you adopt the Resolution."

Chairman Winters said, "Thank you. Commissioners, what's the will of the Board?"

MOTION

Commissioner Sciortino moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' JUNE 1, 2000 REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "This is the Minutes from the June 1st meeting of the Board of Bids and Contracts. There are eight items for consideration.

(1) STREET IMPROVEMENTS - PUBLIC WORKS FUNDING: SPECIAL ASSESSMENTS

"Item one, various street improvements for the Town & Country Estates Addition. It was recommended to accept the low bid of Conspec dba Kansas Paving for \$211,020.50.

(2) PAVING, CURBING & GUTTERING, PAVEMENT MARKING - PUBLIC WORKS FUNDING: SALES TAX

"Item two, paving, curbing and guttering, pavement marking, et cetera for Public Works for the Sedgwick County Zoo parking lot. It was recommended to accept the low bid of Ritchie Paving, that amount \$199,500.

(3) CONCRETE SIDEWALK REPLACEMENT - KANSAS COLISEUM & FACILITY PROJECT SERVICES FUNDING: KANSAS COLISEUM

"Item three, concrete sidewalk replacement for the Kansas Coliseum and Facility Project Services. It was recommended to accept the low bid of DJ of Kansas. That amount is \$16,128.

(4) COMPUTER GENERATED ADMISSION TICKETS - KANSAS COLISEUM FUNDING - KANSAS COLISEUM

"Item four, computer generated admission tickets for the Kansas Coliseum. It was recommended to accept the low bid of Boca Systems, \$11,424.

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**(5) DIGITAL SPREAD SPECTRUM TRANSMITTER - SHERIFF
FUNDING: SHERIFF**

"Item five is a digital spread spectrum transmitter for the Sheriff. It was recommended to accept the only bid received of Innovative Surveillance Technology, \$13,082.35.

**(6) PROJECTOR & ACCESSORIES - DISTRICT COURT
FUNDING: DISTRICT COURT**

"Item six, various digital projector and accessories for the District Court. It was recommended to accept the individual low bids of Insight Technologies for \$6,574 and Electronic Video Systems for other items, \$5,570.32. The grant total is \$12,144.32. A complete tabulation follows on the next page.

**(7) SOFTWARE LICENSES - COMCARE & SHERIFF
FUNDING: COMCARE & SHERIFF**

"Item seven, software licenses for COMCARE Division of Human Services and the Sheriff. It was recommended to accept the low bid of Software Spectrum. This is a not to exceed amount of \$33,274.50.

**(8) FIBER OPTIC CABLING - DIVISION OF INFORMATION & OPERATIONS
FUNDING: DIVISION OF INFORMATION & OPERATIONS**

"Item eight, fiber optic cabling for the courthouse by the Division of Information and Operations telecommunications. It was recommended to accept the low proposal of Systems Solutions, dba Nex-Tech, \$16,077.

ITEMS NOT REQUIRING BOCC ACTION

**(9) BRAKE LATHE & ACCESSORIES - FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

"There was one item tabled for review, brake lathe and accessories for Fleet Management. I will be happy to take questions and recommend approval of the Minutes from the Board of Bids and Contracts."

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Chairman Winters said, "Thank you. Commissioners, questions of Darren? Seeing none, what's the will of the Board?"

MOTION

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

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

CONSENT AGENDA

M. CONSENT AGENDA.

1. Right-of-Way Agreement.

One Temporary Construction Easement for Sedgwick County Project No. 636-22; 71st Street South between 55th and 71st Streets West. District #2.

2. Agreement with Caring Hearts of Wichita to provide Developmental Disability Community Service Provider status.

3. Order dated May 31, 2000 to correct tax roll for change of assessment.

Regular Meeting, June 7, 2000

4. Plats.

Approved by Public Works. The County Treasurer has certified that taxes for the year 1999 and prior years are paid for the following plats.

First Addition to Bentley Farms
Timber Creek Addition

5. Payroll Check Registers of May 26 and May 31, 2000.

6. General Bills Check Register of June 2, 2000.

7. Budget Adjustment Requests.

Mr. William Buchanan, County Manager, greeted the Commissioners and said, "Before I do the Consent Agenda, I'd like to introduce to Randy Partington a new intern. He has a partner and when he shows up we'll introduce him too."

Chairman Winters said, "Welcome Randy, glad to have you here."

Mr. Buchanan said, "Randy is a graduate from WSU and grew up in Great Bend, where his father is the city manager there."

Chairman Winters said, "Very good."

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

MOTION

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner McGinn seconded the Motion.

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

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VOTE

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

Chairman Winters said, "We do not have a Sewer or Fire Agenda. Is there other business to come before this Board?"

N. OTHER

MOTION

Commissioner McGinn 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 pending claims, litigation, legal advice, and personnel matters of non-elected personnel, and that the Board of County Commissioners return from Executive Session no sooner 11:17 a.m.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "We are in Executive Session."

Regular Meeting, June 7, 2000

The Board of Sedgwick County Commissioners recessed into Executive Session at 10:57 a.m. and returned at 11:35 a.m.

Chairman Winters said, "We're back in session, the June 7th meeting. Let the record show there was no binding action taken in Executive Session. Commissioners, any other comments? Mr. Euson?"

Mr. Euson said, "I'd like to ask your authority to dismiss an appeal that is in the District Court in a case entitled Gamelson versus Board of County Commissioners. I just ask for your authority."

Chairman Winters said, "Thank you. Commissioners, what's the will of the Board?"

MOTION

Chairman Winters moved to dismiss the appeal in District Court for Gamelson.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	No
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you. Is there any other business? Mr. Manager, do you have anything? All right, thank you. This meeting is adjourned."

O. ADJOURNMENT

Regular Meeting, June 7, 2000

There being no other business to come before the Board, the Meeting was adjourned at 11:37 a.m.

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

THOMAS G. WINTERS, Chairman
Third District

CAROLYN McGINN, Chair Pro Tem
Fourth District

BETSY GWIN, Commissioner
First District

BILL HANCOCK, Commissioner
Second District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

Regular Meeting, June 7, 2000

APPROVED:

_____, 2000