

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 4, 2004

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, August 4, 2004 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem David M. Unruh; Commissioner Tim R. Norton; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Jo Templin, Director, Division of Human Services; Mr. John Schlegel, Director, Metropolitan Area Planning Department (MAPD); Mr. Jim Weber, P.E., Deputy Director, Bureau of Public Works; Mr. Chris Chronis, Chief Financial Officer; Mr. Ron Holt, Director, Division of Culture, Entertainment and Recreation; Mr. Andy Schlapp, Director, Community Relations; Ms. Stephanie Knebel, Manager, Facility Project Services; Mr. Larry Ternes, Youth Services Administrator, Department of Corrections; Mr. Tom Pletcher, Clinical Assistant Director of Mental Health, Comprehensive Community Care (COMCARE); Ms. Aiko Allen, Director of Health Promotions, Health Department; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Mike Loveland, Wichita, Ks.
Mr. Harvey Sorensen, Wichita, Ks.
Mr. Henry Luke, Jacksonville, FL.
Mr. Jerry Edson, 5811 W. 111th St. S, Clearwater, Ks.
Ms. Sherry Elder, 2301 N. Cedar Crest, Wichita, Ks.
Ms. Dorothy Nixon, 2733 N. Ethel, Wichita, Ks.
Mr. Linden Drew, 1825 S. Vine, Wichita, Ks.
Ms. Jill Hoopes, 1215 N. Westview, Derby, Ks.
Mr. Gary Remuke, 5044 Elmhurst, Wichita, Ks.
Ms. Laura Fisher, City Clerk, City of Bentley.
Mr. Tony Madrigal, #49 Via Verde, Wichita, Ks.
Ms. Clarissa L. Flemons, 1322 N. Minnesota, Wichita, Ks.
Mr. Patrick J. Yagla, 9115 E. 31st St. S., Wichita, Ks.
Ms. Deborah James, 3250 S. Webb Road, Wichita, Ks.
Ms. Donna Casteneda, 1823 S. Red Oaks, Wichita, Ks.
Mr. James Harden, 3300 S. Webb Road, Wichita, Ks.

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INVOCATION

The Invocation was led by Reverend Darryl Fox of Calvary Baptist Church, Wichita.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, July 14, 2004

The Clerk reported that all Commissioners were present at the Regular Meeting of July 14, 2004.

Chairman Winters said, "Commissioners, you've had an opportunity to review the Minutes. What's the will of the Board?"

MOTION

Commissioner Unruh moved to approve the Minutes of the Regular Meeting of July 14, 2004.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, "Next item."

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PROCLAMATION

A. PROCLAMATION SUPPORTING A FLINT HILLS LAKE PROJECT FEASIBILITY STUDY.

Chairman Winters said, "Commissioners, we have been requested to endorse a proclamation and I'd like to read it for your consideration at this time.

PROCLAMATION

WHEREAS, Sedgwick County is a strong supporter of community and economic development efforts and promoting tourism for our community and the region; and

WHEREAS, there is a need to continue to identify water resources, as well as a strong demand for outdoor recreational opportunities in south central Kansas; and

WHEREAS, the development of the proposed Flint Hills Lake Project could provide water for many communities in our area, increase tourism and recreational opportunities, give retirees an alternative to leaving the State, address flood control issues, and help with economic development efforts in the retention and recruitment of quality individuals and employers in Sedgwick County; and

WHEREAS, the Flint Hills Lake Project is proposed to be located along the Grouse and Silver Creeks and developed with private homes, resorts, marinas and restaurants.

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners, does hereby support a feasibility study for the Flint Hills Lake Project, in an effort to continue to support regional economic development and tourism in south central Kansas.

Dated August 4, 2004.

Commissioners, is there any discussion, or what is the will of the Board?"

Commissioner Sciortino said, "Mr. Chairman, if I could just have a question. Just for . . . I understand what that is, but just for clarification to the audience, when we say we support it, it doesn't mean that we're supporting it financially."

Chairman Winters said, "Right. There's no financial commitment to us with this proclamation and what we are supporting is a feasibility study of the project."

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Commissioner Sciortino said, “But, I mean, we’re not paying for it.”

Chairman Winters said, “No, we’re not paying for the feasibility study.”

Commissioner Sciortino said, “That’s what I meant. I just wanted to clarify that to the audience. Yeah, thank you.”

MOTION

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

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “And I see Mike Loveland and Tim Austin in the audience. Would you all like to accept this proclamation? One of you come forward.”

Commissioner Sciortino said, “You asked for it, the least you can do is take it.”

Mr. Mike Loveland, Developer, greeted the Commissioners and said, “Thank you very much.”

Chairman Winters said, “Thank you, Mike. We appreciate you and Tim both being here. Thank you. All right Madam Clerk, call the next item.”

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AWARDS

B. PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.

1. SUPERVISORY/MANAGEMENT DEVELOPMENT

- **TRACEY HOY, CORRECTIONS**
- **CRAIG FAROH, ELECTIONS**
- **BILL GALE, ELECTIONS**
- **CAROLYN BELL, CORRECTIONS**
- **MARIA VELASQUEZ, SHERIFF'S OFFICE**
- **JULIE LEONARD, CORRECTIONS**
- **SUSAN WILLARD-SHEFFIELD, COMCARE**
- **KEVIN LANTERMAN, EMERGENCY MEDICAL SERVICE**

2. PROFESSIONAL DEVELOPMENT

- **LUCILLE BITNER, AGING**
- **CYNTHIA BALL, FINANCE**
- **DAVID KING, COMCARE**
- **LORETTA HAYES, DISTRICT ATTORNEY'S OFFICE**
- **AZUCENA (SUZY) DE LA TORRE, TREASURER-AUTO LICENSE**
- **MARY PHYLLIS HEPHNER, TREASURER-TAG OFFICE**

3. QUALITY CUSTOMER SERVICE

- **ADRIENNE MUNTZ, SHERIFF'S OFFICE**
- **MARIA VELASQUEZ, SHERIFF'S OFFICE**
- **LORETTA HAYES, DISTRICT ATTORNEY'S OFFICE**
- **MARY PHYLLIS HEPHNER, TREASURER-TAG OFFICE**

Ms. Jo Templin, Director, Division of Human Resources, greeted the Commissioners and said, "If I could have all the employees who will be receiving Career Development certificates to just line up here at the podium. Thank you.

I am very thankful that I can be here today to recognize and honor these employees who have

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completed their Career Development certificates. Career Development certificates are categorized as either Supervisory Management, Professional Development or Customer Service. They require several required courses, and elective courses and accomplishment of these programs are significant to these employees and so we just thank them for their commitment to enhance their knowledge and skills in their public service to the residents of Sedgwick County.

We would also like to thank you, as commissioners, for supporting the Career Development program and, as well, some of their department heads and managers are here today and we would like to thank them for their support and allowing them this opportunity.

The first category is Supervisory Management Certificate. Some of our folks couldn't be here today but I want to read their names, just to recognize them as well: Tracey Hoy, Department of Corrections, Craig Faroh in the Election Office. I think they're busy today. Bill Gale, Election Office; Carolyn Bell, Department of Corrections; Maria Valasquez, Sheriff's Office; Julie Leonard, Department of Corrections; Susan Willard-Sheffield from COMCARE; Kevin Laterman from EMS.

Now for the Professional Development Certificate: Lucille Bitner, Department of Aging; Cynthia Ball, Division of Finance; David King, COMCARE; Loretta Hayes, District Attorney's Office; Suzy De La Torre, Treasurer's Office- Auto License; Mary Phyllis Hephner, Treasurer's Office- Auto License.

Now for the Customer Service Certificate: Adrienne Muntz, Sheriff's Office; Maria Valasquez, Sheriff's Office; Loretta Hayes, District Attorney's Office and Mary Phyllis Hephner, Treasurer's Office- Auto License. Thank you, Commissioners."

Chairman Winters said, "All right, let's give these folks a round of applause. Now for you employees, before you all leave, I would like to say it does make us very proud and we're very pleased to see employees have the incentive and the will to go ahead and take continuing education and training classes. We think it makes Sedgwick County better, as we serve all of our citizens. So for each of you who spent the time and effort to take these classes, the Board of County Commissioners appreciates it very much, and Commissioner McGinn."

Commissioner McGinn said, "Thank you. I too just wanted to say thank you for taking the extra time. You work all day, you're tired and then you decide to go do something else to improve what you're already doing. And along with your job and your families and other things that you have to do in that 24-hour period, I want to thank you for putting out the extra effort just to make our Sedgwick County community a better place. Thank you."

Chairman Winters said, "Thank you all again. Madam Clerk, call the next item."

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PRESENTATION

C. PRESENTATION REGARDING VISIONEERING WICHITA.

Mr. Harvey Sorensen, Wichita, greeted the Commissioners and said, “Thank you for the opportunity to come back to talk to you. I was here earlier, in May, when we talked about the funding of the visioneering process and I would like to spend just a few moments this morning bringing you up to date on what’s happened since May 1st.”

I also want to especially thank Commissioners Winters and Unruh for their continuing support and time and effort that they’ve spent meeting weekly, as we plan and implement the visioneering process. We’re very fortunate to have received funding from Sedgwick County Commission, the Wichita Downtown Development Corporation, the City of Wichita, the Kansas Health Foundation, the Wichita Community Foundation and the Wichita Area Chamber of Commerce in this effort.

As part of that effort, we’ve hired a consultant by the name of Henry Luke and he’s with us this morning and I’d like to introduce him. Henry, would you please stand up. This is Henry Luke, from Jacksonville, Florida who is managing our process and we’ve also been very fortunate to have the full-time services of Susie Ahlstrand from the Chamber. She’s done a great job and we thank her for that too.

Since we met, we’ve had a great deal of outreach to our community. Henry led a series of focus group meetings in June that involved more than 400 people, speaking about their interest in Sedgwick County and our greater community. Since those 20 focus groups, he’s conducted additional focus groups, meeting with City of Wichita staff this week and also with the Sedgwick County staff this week.

You may have noticed in the Wichita Eagle a series of scenarios and articles that have been written about issues that we have identified of some concern to our community that came out of the focus groups and came out of Henry’s analysis of the data. Those scenarios provided thoughtful basis for conversation in our community and, in fact, have led to a great deal of comment and discussion.

We are having a series of community meetings. The first one was Monday night. There was another one last night. Tonight, there will be one in Derby and I would encourage all the members of the Commission, all the members of the audience, and those of you at home to attend one of our

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community meetings. Tomorrow night, they'll be at Allison Middle School and then again, in two weeks, another series of community meetings, one east, north, south and west. We encourage all of you to come.

We had terrific turnout at our first community meeting Monday night. We had over 400 people who stayed for three hours to talk about the concerns of the community. We broke up into 20 small groups of 20 each and they produced hundreds of ideas and suggestions, which Henry is going to synthesize and make available to the community on our website, and I encourage you to look at that.

Last night, at Northwest High, we had another 150 of our citizens show up and participate and I would encourage all of you to do that. Commissioner Norton was there last night and I think had an opportunity to gain some insight into what our community had, as well as Commissioner Winters, who was there last night.

As part of this process, we've also formed a steering committee, we have selected 50 community leaders to help us lead this process. One of the things the steering committee has done is form vision taskforces. There will be four task forces with over 100 people on each task force. We had 800 people self-apply, self-nominate to participate on these task forces. The response has been terrific. We're really getting a lot of enthusiasm in the community and I think that's very much in large part to the support that we've gotten from the Sedgwick County Commission. I want to thank all of you for your help, thank you for your support. Commissioner Winters, Commissioner Unruh, thank you very much for your continuing support. Commissioner Norton, thank you for coming last night. I look forward to seeing the rest of you at a community meeting, and all of you as well. Thank you."

Chairman Winters said, "All right, Harvey, thank you. I have one question for Henry. Henry, would you just come to the microphone and I know we've got a big agenda this morning, so we're not looking for a detailed report, but as the guy from out of town, after you've been here and you've seen two of our community meetings, Monday night and last night, what are your reactions of Wichita/ Sedgwick County and the folks you've interacted with so far?"

Mr. Henry Luke, Jacksonville, Florida, greeted the Commissioners and said, "Well, let me just say that the Wichita region is 580,000 people and making up Sedgwick, Butler, Harvey and Sumner County. And I have to tell you, I believe that that region is a great region and you all have great opportunities and the response has been phenomenal.

Commissioner Norton was there Monday night. I wish all of you could have seen those 400 people and we really weren't prepared for 400 people, and so we had to make some adjustments, but the adjustments were good. Just seeing 300 of those, or about 300 of them, in one big room, some of

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them sitting on the floor, writing on the floor. It was really sort of an emotional moment and I'm terrifically pleased with the response that we're getting."

Chairman Winters said, "All right, well very good. I think all of us are too. We think that it's a good process and we're kind of right in the middle of it. There's a lot of hard work left to do and Susie, we certainly appreciate your help and your assistance and your staff's assistance, as we put this thing in full gear. Commissioner Norton."

Mr. Luke said, "Let me just say one thing. We'd like to have you at 7:00 at Derby High School tonight."

Chairman Winters said, "Seven o'clock this evening, all right. Commissioner Norton."

Commissioner Norton said, "Well, we've already got our shills up there hawking us for the next meetings, but I'll tell you, it's so important to the community and that's my plea to anybody that's watching. If you want to be involved and you want your voice heard and you have great ideas, and you've told all the people in the coffee shop and at church and at your office break, this is the time to tell it to the whole community, to get the best ideas on the table and I would hope that we'd have 400 people at every other meeting that we have to engage the community. So just a little more advertisement about what we're doing."

Chairman Winters said, "All right. The next meeting is tonight at Derby. All right, thank you Henry, Susie, Harvey. Thanks for being here. Madam Clerk, call the next item."

CITIZEN INQUIRY

D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING INGRESS, EGRESS, MAIL BOX AND BRIDGES.

Chairman Winters said, "Is Mr. Edson here? Please come forward. As you know, it is our custom, if someone would like to address the Board of County Commissioners, they need to contact the Manager's Office 10 days before our meeting and you are limited to five minutes. So if you'd give your name and address for the record please."

Mr. Jerry Edson, 5811 W. 111th St. S., Clearwater, greeted the Commissioners and said, "Since I was up here last trying to get you to fix my problems at 111th Street South and Hoover, through the neglect of Ohio Township and Sedgwick County, the West Nile Virus exposure is becoming more

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dangerous to Sedgwick, Sumner, citizens in Peck, Clearwater, Derby and Mulvane and Haysville, as the half-mile of mosquito bog holes in the right-of-way have not been fixed.

I've placed larvaecide briquettes in the bog holes along the half-mile line to find out that the larvaecide briquettes are only approximately about 10% effective. I run a test for it. Are these citizens only a revenue producing deity whose well being and health you are not concerned with?

Also, it looks like the city and county coalition are going to raise taxes again to pay for another 'white elephant', the downtown sport arena and the river walk. The Kansas Coliseum has had trouble supporting itself. How is the sports complex, in competition with the Kansas Coliseum, going to make it? Are the taxpayers going to support both? I'm sure many people are sick and tire of the constant tax raises and don't want their tax dollars supporting the downtown sports complex.

Also, along with that, downtown parking is going to be the biggest problem, trying to find space for another five to eight thousand cars.

I have been in from of you many times asking you to fix your neglect. All I get after speaking before you is 'receive and file'. How many 'receive and files' do I need to get before something gets done. And so our problem still goes on, I guess. Thank you for hearing me."

Chairman Winters said, "All right, thank you for being here, Mr. Edson. Commissioners, is there a Motion to 'receive and file'?"

MOTION

Commissioner Sciortino moved to Receive and file.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye

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Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, "Next item."

PUBLIC HEARING

E. PUBLIC HEARING REGARDING THE 2005 SEDGWICK COUNTY BUDGET.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You have the budget before you, which was presented to you several weeks ago. We've had one public hearing last week, last Tuesday evening. This is the second in the series. I would remind you that this public hearing is about the County's budget of \$307,827,049.

In that budget, there are several notable things that are different from previous years. We are increasing our emphasis on economic development. We are spending more time and attention and money on reducing or trying to contain the jail population and implementing a study that was done last year. We have maintained and continue to maintain, an increase in some cases, the budgets for criminal justice. We're providing a wage increase for elected officials/ appointed officials at 3.5% and then increase total . . . introduce a whole new wage package for other employees that will be different than what we've seen in the past. We continue a high level of delivery of human services and community development and public works and we continue to re-examine and re-adjust and re-structure how we do our internal services, so that we can reduce our overhead as much as possible.

Mr. Chairman and commissioners, it is appropriate for you to open the public hearing at this point and begin that process. Be happy to answer any questions."

Chairman Winters said, "All right, thank you. Commissioners, are there any questions of Mr. Buchanan before we open the public hearing? All right, seeing none, at this time I will open the public hearing for comment on the 2005 budget. Could I see a show of hands of how many people would like to speak on the budget this year? If you're here to speak on the budget? All right, very good. Well, if you would start coming forward. One of you would please be the first. Please come forward, yes ma'am. Just come right around the front, over here to the podium and please your name and address and we would like to hope to limit comments to five minutes or less."

Ms. Sherry Herndon-Elder, 2301 N. Cedar Crest Drive, Wichita, Ks, greeted the Commissioners and said, "I was born and raised here in Sedgwick County and I'm now a teacher in Sedgwick County and I can tell you without any qualms that the best things about Sedgwick County are not

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things. It's the people. There's nothing quite like Mid-West values and, as I've traveled extensively, I have found that it's always a breath of fresh air to come back home to Sedgwick County and its people.

My family has always been involved in Extension work in Sedgwick County and so today I'd like to encourage you to look really hard at the budget for the Sedgwick County Extension Council and fund that budget completely.

The values that I speak about, the Mid-West values, are the same values that are taught and upheld by all of the programs of the Sedgwick County Extension Council. My mom has served on the Extension Council. I grew up in 4-H and it's one of those things that you kind of take for granted and then, as an adult, you find that those are, as they say on those TV commercials, those skills that nobody can take away from you.

A couple of weeks ago at church a lady said to me, 'By the way, I tried your pie crust recipe out of the church cookbook. That is the best piecrust I've ever had' and I said, 'Well, I'm glad you enjoyed it. You know, that won the 4-H cherry pie baking contest about 150 years ago when I was a kid'.

There are daily reminders of positive experiences in Extension work for me, whether I'm working on a quilt for one of my grandchildren or whether I'm being complimented on a piecrust at church. My children were in 4-H and the things that they've learned have followed them. They were taught well and I'm proud to say that they have used and continue to profit from their training in 4-H programs.

My son, when he was 8, as a 4-H project, made simply a new seat for a swing set that my grandfather had made and it was no big deal. It was a piece of wood, sanded and painted, but to him it was an awesome project. Earlier this spring, he built an entire deck on his house and when I went to look at it I said, 'Wow John, I'm impressed'. He said, 'Momma, I've come a long ways since that swing seat, haven't I?' and we had a good laugh at it.

One of my daughters is a physician at the Cleveland Clinic and she told me that when she was closing on a surgery, one of her attending physicians looked over her shoulder and said, 'Your sutures are beautiful' and she said, 'Of course they are, I took 4-H sewing'. So, these are the types of things that I hope will stick in your heart and in your head as you vote. I understand there's about \$145,000 in limbo there that the Sedgwick County Extension Council would like to have.

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There have been a lot of cuts in the last few years. We've lost agents, due to attrition and retirement.

And let me tell you, you think you have a work ethic. There's nobody that has a good, old-fashion work ethic like your Sedgwick County Extension agents. They are doubling and tripling their workload because they believe in the people of Sedgwick County.

And so I encourage you to continue to invest in the people of Sedgwick County. I have . . . I can honestly say, my life has not been enriched by the Kansas Coliseum or the other buildings around the area but my life has been enriched by the education that I received through the efforts of the Sedgwick County Extension Council. So I encourage you to continue to invest in people through their programs, so that we all might benefit and Sedgwick County can continue to boast that we have great people. Thank you very much."

Chairman Winters said, "Thank you, Sherry. Next speaker please."

Ms. Dorothy Nixon, 2733 N. Ethel, Wichita, Ks., greeted the Commissioners and said, "I work with the senior program and right now I'm scared to death. But anyway, I came down here, I had a speech made up, all my friends helped me write a speech for you. But then somebody called me at 3:00 in the afternoon and said, 'You can't say this and you can't say that'. So if I'm limited on what to say I'm in trouble and right now I'm in trouble and so the Lord will have to be with me right now.

But this program that I'm with, it's real good. I mean, I go out to the Wichita Children's Home, I volunteer with the kids but the program also gives us some incentive, a little stipend of something that we can use and I did retire from work. But also, don't nobody know it, you retire, people might say 'Save your money'. Well, my husband was sick for five years and he died of cancer. My mother-in-law was sick. I kept all these people because I didn't want them to go to a nursing home and that kind of depletes your savings.

But anyway, this little program gives me a little bit more of dignity because I can pay a few little bills, not the light bill, guarantee you that, but I can pay . . . buy some groceries. I can pay for my medicine. My medicine is extremely high and there are other people in this room, they do not get as much as I do, and if you're talking about taking away some money, I don't under . . . see, I don't understand your budget. I was up to the Metroplex last night, I went to this thing you had up there. It was really a good thing, but I still don't understand, when it comes to talking about seniors. I mean, we have lived a long time. We have paid . . . I think I've paid my dues, especially when I look at my grandkids. But all I want to say is that I'm here because I hope you leave us what we're supposed to have. Lyndon Drew is going to talk about this thing, but I want you to look at the future. Someday, somebody else might be in my shoes, you know, I don't know if you live long

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enough. I mean, I'm 65 years old right now, but if you live long enough, and you might not be so lucky as to have the money and the things and the resources to work with.

But just like I say, I had to tear up my speech, I don't know what I'm saying. I really am not rambling, but I would like to see this program stay in existence and the little money that you have taken, that really isn't very much and the seniors, some of these seniors really need it because some of them are living with their children.

I mean, at least fortunately I can still live in my house and have the dignity but some of them have to live with their kids because they don't even get enough money to make it. So I just want to thank you."

Chairman Winters said, "Dorothy, one question. Dorothy, just come back, one question, right over here. You are talking about the Foster Grandparent program."

Ms. Nixon said, "Yes."

Chairman Winters said, "Okay, very good and you did a very good job, so thank you very much."

Ms. Nixon said, "Thank you and I'm scared to death, but I said some things I wasn't supposed to say."

Chairman Winters said, "No, you did a good job. All right, next speaker, please give your name and address."

Mr. Lyndon Drew, 1825 S. Vine, Wichita, greeted the Commissioners and said, "Dorothy is one of our 150 foster grandparents in Sedgwick County and we're proud to be a part of that program. And Commissioners, today I want to speak on behalf of those folks and talk about the proposed cuts in the Sedgwick County budget for 2005.

The proposed cut is \$16,400, or 50% of what the Aging mill levy now dedicates to the foster grandparent program. And for five reasons, I believe you should reconsider what the proposal is. The first is that this is a 50% cut. The average cut to Aging mill levy programs, as proposed, is 6.31%. So by far, ours is a larger cut than on average in the Aging mill levy budget.

Second, our \$16,400 is a match against federal monies and it's only a 10% match, so it draws down far, far more than just the \$16,400.

Third, if we lose this match and if we're not able to replace this match with other funding, we could

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lose as much as \$164,000 from our budget. Now that's a substantial amount. Our total federal grant is about \$500,000 so \$164, 000 is equal to about a third of what we get from the feds.

Fourth, we think this program meets a very important need in the community for senior citizens. We provide a stipend, a very modest stipend of \$2.65 an hour for folks who work in this program. Over a month, that might amount to about \$200. Now most of the folks in this program are making very modest incomes, say \$800 a month. So, \$200 for them is a substantial amount of money. And we have 150 of those foster grandparents who are making that every month and to lose that is a substantial loss to them.

Finally, we are not even counting the benefits to the children of the community. We provide over 100,000 a year, services to kids who have special or exceptional needs and we do not count that in making that presentation today. The Sedgwick County Department on Aging does not allow us to count those benefits, since this is Aging mill levy money.

But just based on the benefits to the older adults in Sedgwick County, we believe this program has merit and we urge you to reconsider the proposed cut. Thank you."

Chairman Winters said, "All right, thank you. Are there any questions of Lyndon? Commissioner McGinn."

Commissioner McGinn said, "I'm not sure that I got . . . Lyndon, did you say you were from Catholic Charities?"

Mr. Drew said, "Yes."

Commissioner McGinn said, "Okay, thank you."

Chairman Winters said, "All right, thank you very much Lyndon, appreciate it. Next speaker."

Ms. Jill Hoopes, 1215 N. Westview, Derby, Ks., greeted the Commissioners and said, "I am here today representing the Senior Companion program of Riverside Health Foundation. We are a sister program to the Foster Grandparents. We do basically the same thing, with the exception of instead of assisting children, we assist elders in their home or actually anyone 21 and over.

We had a budget cut of \$3,000 this next budget. Three thousand dollars can fund two full senior companions for a full year and, in turn, will either delay or totally eliminate nursing home care for three to four frail seniors in our community.

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According to national surveys and our own clients satisfaction surveys, 80% of our clients have stated that they would have to receive some form of nursing home placement had they not had a senior companion. There is no charge for our service to the clients, so many people who would be unable to pay for services greatly benefit from this program. I will go ahead and hand out a copy of our quarterly report, as well as our brochure, not only showing the tax saving purposes but to also show that there are many other benefits to our program, especially socially, for those who are isolated in their homes. And next, I will have Gary, one of our volunteers, speak about how this program has helped him and his client.”

Chairman Winters said, “Jill, I didn’t get your last name.”

Ms. Hoopes said, “Hoopes.”

Chairman Winters said, “Thank you. We’ve got a question for you, Jill. Come hand your stuff out.”

Commissioner McGinn said, “Annette, I was just wondering, under the budget, is it under Senior Companions or something else, Annette?”

Ms. Hoopes said, “Maybe Riverside Health Foundation.”

Commissioner McGinn said, “Okay, thank you.”

Commissioner Unruh said, “It’s under in-home services I think.”

Mr. Renfeng Ma, Budget Director, said, “Page 340.”

Ms. Annette Graham, Director, Department on Aging, said, “It’s under In-Home Services.”

Commissioner McGinn said, “Okay, thank you. That’s what I needed to know.”

Chairman Winters said, “Okay, next speaker, please come forward sir, give your name and address.”

Mr. Gary Renecke, 5044 Elmhurst, Wichita, Ks., greeted the Commissioners and said, “I’m a senior companion, have been now for a while. I figure that I’ve helped several seniors go into nursing homes, but some of them had to go and some of them have passed away.

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One gentleman I'd like to talk about, his name is Bob, was an Alzheimer's patient. I would go to his home of a morning, he would have his coat and hat on, wanting me to take him out, go down to Burger King, some place like that. We'd go there. Sometimes I'd take him down to Watson Park, watch the geese and ducks. He enjoyed that and I'd also take him out for a little ride once in a while.

He finally went to the hospital for a minor operation. When they got done with the operation, he would not get up and walk. I know he could, but he wouldn't do it. So his wife is not big enough, you know, to handle him, pretty good size man, so as I said, had to put him in a nursing home where they have physical education rehab to see if they can get him to walk but he still wouldn't get up and walk for them.

So one morning I was there to see him and he was going to physical ed so I went with him down there and it wasn't quite his turn yet, so he was sitting in a chair, and he looks over at me and says, 'I want to go home'. And I said, 'Well you can't until you get up and walk'. So he says 'Okay', so he gets up and takes off down the hallway. So we know he can walk, but he will not do it for anybody but me, it seems like.

And I go to see him, on my own time now, this is not Senior Companion time, on my own time, because I'm off with other companions, seniors now. But I walk in and he says, 'Well, there's my buddy'. He doesn't know my name but he knows what I do and I had several Alzheimer's Patients I've taken care of and other seniors. It's not that bad, you know. I enjoy what I do and I know they enjoy me coming to see them. So I'd like to see the budget returned where we have more help. Thank you, gentlemen."

Chairman Winters said, "All right, thank you Gary and thank you for everything you do for our citizens here in Sedgwick County. Next item . . . or not next item, next speaker, next person who would like to address the Board of County Commissioners on our budget. Yes, please come forward, Laura."

Ms. Laura Fisher, City Clerk, City of Bentley, greeted the Commissioners and said, "I am here on behalf of the XYZ Club in Bentley. XYX is 'X'tra Years of Zest. It's a club that was formed about eight years ago for seniors 55 and older and the purpose of the club is to provide opportunity for socialization, nutrition, recreation, exercise and informational educational programs. The club has been very successful in the meetings they have had over the past eight years.

This past year, they appointed a senior center project committee and that committee is busy pursuing building a senior center in Bentley. They have the endorsement of the city council in Bentley to apply for a Kan-Step grant to help with that project.

Recently, we applied to the Sedgwick County mill levy program for 2005. This is our first time to

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apply. We are hoping to get funds to help us acquire some additional exercise equipment to expand our exercise program. We have a group of seniors that meet twice weekly at our city building for the purpose of exercise and improving their physical fitness. We feel that this is important to seniors, to promote their physical fitness and we would like to have funding for additional equipment.

Also, we would like to expand our food program to our seniors and have some additional kitchen equipment, which would help us to provide a more expanded nutritional program for our seniors. I would ask that you consider these requests from the Department of Aging for the 2005 mill levy program. I have some brochures, which I'll give to you, that tell about our XYZ club. Thank you very much."

Chairman Winters said, "All right, thank you, Laura. Laura is the City Clerk in Bentley and does an excellent job out there, has been out there for many years. She does an excellent job. Is there anyone else who would like to address the Board of County Commissioners? Yes, please come forward Tony."

Mr. Tony Madrigal, #49 Via Verde, Wichita, Ks., greeted the Commissioners and said, "I believe you have copies of our budget that they gave you before. Okay."

Chairman Winters said, "Now what's your organization again now?"

Mr. Madrigal said, "This is La Familia Senior Community Center. And I am also here to address the concerns of budget cuts and budget concerns. At the center, we've had to cut our budget considerably. We've had to eliminate two and a half persons that work at the center.

The major concerns in a Hispanic community has been the Diabetes situation, 60 to 70% of the Hispanic seniors are Diabetic and some of the services that we offer are . . ."

Commissioner Sciortino said, "If I could ask you . . ."

Chairman Winters said, "It's 328."

Commissioner Sciortino said, "I just wanted to get the right page."

Mr. Madrigal said, "We've also had to, in the past year, our directed three-quarters time employment. Last December we had to close down for the full month, because we were out of money and this is a major concern.

And all of you know, with the heat that we're having, this is a concern in our community because

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many of these seniors do not have air conditioning and the center is a good resource for them to come and stay cool most of the day. The main purpose of our center is to have a meal at lunchtime and so the budget cut would greatly affect us and as you can see, we're asking for an increase, which probably is tough, but it's well needed.

Our budget in '03 was \$116,000. This year, for 2005, our budget will run about \$86,000 and that's because of the cuts that we've made. We did have a part-time clinician that would come into the center that would help with the Diabetes, where they would check . . . Diabetes checks. Also, part of our services would be we pick up the seniors at their homes because they do not have transportation, so we sold our bus and now we have a private passenger auto picking up the seniors. The other service that we provide is that we set up appointments for the seniors to go to the doctor. We also transport them, pick them up and bring them back to the center and that is part of our budget and that's been very tough and as you see on the budget, we have in-kind donations of about 40,000 and some of the fund raisers that we have is that we have a garage sale, we raised 13,000, food sales, 500. We had a golf tournament last year that raised \$6,500 and by the way, we're planning another golf tournament this year on September the 17th and you're all welcome to play in that tournament.

And what you determine today in the cuts is very, very crucial to what happens at the Senior Community Center for La Familia and I would appreciate your consideration in the budget and how you can help us. Thank you very much."

Chairman Winters said, "All right, are there questions or Tony? Yes. Tony, we have a question or two. Commissioner Sciortino."

Commissioner Sciortino said, "Tony, what are you asking? I mean, what actually are you . . .?"

Mr. Madrigal said, "I'm asking for an increase."

Commissioner Sciortino said, "That's what I mean, what are you asking, how much of an increase, what are you asking?"

Mr. Madrigal said, "Okay, if you see our sheet there, last year in 2004 it was \$37,638. I don't have a figure that . . ."

Commissioner Sciortino said, "Well, it says here that you were 37.6 last year. You're asking for 40.6?"

Mr. Madrigal said, "40,638, that's correct."

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Commissioner Sciortino said, "Okay, thank you."

Chairman Winters said, "All right. Tony, how are you connected? What position . . . I mean, you're senior volunteer in lead of . . . what do you do?"

Mr. Madrigal said, "This is my fifth year as president of La Familia Senior Center board."

Chairman Winters said, "All right. Well, thank you very much."

Commissioner Sciortino said, "I have another question."

Chairman Winters said, "Okay. Commissioner Sciortino."

Commissioner Sciortino said, "Give us an idea of unduplicated clients. How many unduplicated clients use your center on a monthly basis?"

Mr. Madrigal said, "We serve lunch to approximately 45 to 60 a day. Those services are not duplicated. The Diabetic program that we had for a while is not duplicated anywhere else that we know of."

Commissioner Sciortino said, "No, what I meant 'unduplicated', you go to lunch every day, that isn't five clients, that's one client because it's the same. How many different, unduplicated people, on a monthly basis, avail themselves of a service inside the center?"

Mr. Madrigal said, "I'm going to guess probably 200."

Chairman Winters said, "All right, any other questions? Well, Tony thank you for your work with that group. We appreciate it very much and I'm sure they do also."

Mr. Madrigal said, "Thank you for your time."

Chairman Winters said, "Thank you for sharing with us today. Is there anyone else here in the audience who would like to address the Board of County Commissioners on our 2005 budget? I'm about to close the public hearing. This is the last chance. All right, it's not the last chance, we will have public comment next week, so last chance today. Is there anyone else? All right, we'll close the public hearing. Commissioner Sciortino."

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Commissioner Sciortino said, “Mr. Buchanan, we hear this every year about the Extension service and we get some very good presentations from various services, like 4-H, imploring us not to cut their budget and it’s always been kind of a frustration to me, because we don’t make the decision what budget to cut. We have a general pool of funding for the Extension Service and we leave it up to that Extension Board to decide, once they know how much revenue they have, what programs they feel they should cut.

But to maybe eliminate this, is it a possibility that this board could just be specific in its funding and say, ‘We want to fund the 4-H program of the extension service’, ‘We want to fund the Master Gardener program’ and just pick and chose so that the rest of the individuals can deal with the board and we’re just focusing in on a certain amount of programs. I mean, do we have that within our right to do that, as opposed to just a block of money and then everybody perceives that we’re the ones doing the cutting, and we’re not?”

Mr. Buchanan said, “Commissioner, we enter into a contract with the Extension Council for various services. We could narrow those services and pick one or two programs. What we have done in the past, because we think they are a board that is capable of governing, said, ‘Here’s a contract for a wide range of services, you pick and chose which ones you think are appropriate’.”

Commissioner Sciortino said, “Yeah, but the perception is always they’re pleading with us not to cut their services. They should be pleading with their board, not us and that’s frustrating to me.”

Mr. Buchanan said, “As our Chief Financial Officer has made a point at the beginning of this process, it’s not a matter of . . . the problem is not the money. The problem is the priorities.”

Commissioner Sciortino said, “And we don’t set those priorities.”

Mr. Buchanan said, “We do not set those priorities.”

Commissioner Sciortino said, “But I mean, could we? I mean, could we . . . in other words, from now on, let’s just say we decide to fully fund 4-H from now on, well I mean if they need all the money we have, but I’m just saying, from now on, at least we’re not going to hear from 4-H because we fund them and if somebody else comes, we say ‘No, we’re only funding these (pick the number) programs at Extension Service, you have to go to somebody else, because we don’t fund

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this program or this program’.”

Mr. Buchanan said, “That’s always . . . Yes, that’s possible.”

Commissioner Sciortino said, “Now, I’d like to see that contract if you could. I mean, do we say all of the services that are provided we’re contracting with them for.”

Mr. Buchanan said, “It’s pretty broad. It’s a pretty broadly worded contract, allows the discretion of the Extension Council in order to pick and choose services that they think are appropriate. I would be happy to provide a copy.”

Commissioner Sciortino said, “Do you understand where I’m coming . . . they always look to us to be the bad guy, that we’re cutting the programs and that wasn’t my impression. That we give them money and let them pick and choose which programs they feel are priority. Okay, thank you. That’s all I have.”

Chairman Winters said, “The only response is, when you give them less money though, they’re going to cut something, so that’s the issue.”

Commissioner Sciortino said, “Yeah, but they shouldn’t be pleading with us not to cut them. They should be pleading with their board not to cut them.”

Chairman Winters said, “All right. Does anybody else have any discussion? Commissioner Norton? All right, now Mr. Manager, there will . . . next Wednesday is the day we’ll adopt the budget and there will be a public hearing before that adoption.”

Mr. Buchanan said, “Yes, sir.”

Chairman Winters said, “All right, is there any other . . .? Commissioner Norton.”

Commissioner Norton said, “Not so concerned about Extension right now, but . . . although I need to research it, but I am concerned about seniors and senior centers and senior programs. That came up a lot in the two visioning sessions that I’ve already been to. It came up a lot and seniors are very vocal and they’ve come to the visioning. They know that they need to be a part of the future of Sedgwick County and the regional area. They’re engaged and I think we need to make

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sure that we take a hard look at what we're doing to senior programs and aging and senior centers, because that population of our community is going to grow exponentially in the next ten years. And we don't need to be de-funding programs. We need to help them build infrastructure and programs that are going to serve the baby-boomers when they hit the senior centers.

So I'm going to be an advocate for us to look at restoring most or all of the cuts that we've put through in the Aging area. I just don't think it makes sense, in today's environment, to not take care of our senior population. And I think it's going to come out of visioneering. I think it's a prevailing attitude in the country to take care of seniors and I think we have an obligation to do that. So I'm going to be an advocate for somehow restoring the cuts that we've taken out of the Department on Aging."

Commissioner Sciortino said, "When you say cuts, do you mean cuts from the 2004 budget or cuts from what they've requested?"

Commissioner Norton said, "I'll have to analyze that. I hadn't come to a . . ."

Commissioner Sciortino said, "Okay, because I would be comfortable restoring back to the 2004 level, but some of them asked for some dramatic increases."

Chairman Winters said, "Right, but there was a couple that we cut 50%."

Commissioner Sciortino said, "A couple of programs, yeah."

Chairman Winters said, "Right, so those I think are what I'm concerned about."

Commissioner Norton said, "I am too, and I think we need to take a real hard look before we get down to next week and have to make that decision on the fly. So, I'm going to be a real advocate this week of looking at and trying to understand exactly where that money is and where we could put it back in the budget."

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

Commissioner McGinn said, "Thank you. And I agree with a great deal of what Commissioner Norton has said, not just because many of my colleagues are reaching that qualifying age, but also, I've been out talking to a lot of people, and this is certainly a growing population out there. I am the tail-end of the baby-boomers and that whole generation are starting to get into that category and people want to have the services so that they can continue to stay in their homes, so that they can

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continue to be out in the community and do many of the things that keeps them active, but also helps our community.

So I think that we're really actually reaching an era where we have to change the philosophy about the services that we provide. So, I agree that we will have a great deal of discussion about this next week, but I think we're going to have a lot of discussion during the week, as we try to reach a point to make a decision. Thank you."

Chairman Winters said, "All right, thank you. Well, I would just encourage each of the commissioners individually, and I'm sure staff will be available, management and budget staff/finance staff available to answer commissioner's questions over these next couple of days as we get ready for next Friday's meeting . . . or next Wednesday's meeting. All right, are there any other questions or comments. We've already closed the public meeting so at this point do we need to go into the Fire District Meeting?"

F. RECESS TO THE FIRE DISTRICT #1 MEETING.

The County Commission recessed into the Fire District Meeting at 10:00 a.m. and returned to the Regular Meeting at 10:34 a.m.

Chairman Winters said, "Madam Clerk, will you call the next item."

DEFERRED ITEM

G. CASE NUMBER CON2004-00018 – CONDITIONAL USE FOR A CEMETERY ON PROPERTY ZONED "SF-20" SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 31ST STREET SOUTH AND WEBB ROAD. DISTRICT #5.

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Although I presented this item to you on July 21st, I think for Commissioner McGinn's sake, I'll go back through that presentation again.

The applicant in this particular case is proposing to develop a cemetery on the southwest corner of Webb and 31st Street South on the remaining portion of this land, which is not currently zoned for Limited Commercial. The portion of his land, which is the application area that's outlined on the map before you, is zoned 'SF-20' and a cemetery would not be an allowed use in that zoning district and hence he's before you today seeking this conditional use.

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The cemetery is allowed as part of the Limited Commercial zoning district.”

Chairman Winters said, “John, before you change, do you know what’s the size of the piece that’s in this application today, either by acres or square feet?”

Mr. Schlegel said, “It’s two and three-quarters acres.”

Chairman Winters said, “Okay, thank you.”

Mr. Schlegel said, “As you can see from the aerial photo in front of you now, the surrounding area, his neighbors, consist of agricultural land and single-family homes primarily. And all of that surrounding land is also zoned for ‘SF-20’ and you can see that from this graphic.

He has submitted a site plan. I’ll put that up before you now and you can see, currently he’s operating a funeral home on that property and now wishes to start development of a cemetery on the remaining portion of the site.

At the MAPC hearing on June 10th, several neighboring property owners were present to speak in opposition to this conditional use. Their concerns were regarding negative impacts, traffic, concerns about potential groundwater contamination and concerns about the impact on their property values.

The MAPC did vote unanimously to approve this request, with the conditions that are listed in your report. There is a protest petition . . . protest petitions have been filed amounting to almost 48% of the notification area, as shown on this map.

I do know that the applicant has an agent here representing him today and the neighbors also have an agent representing them. I’ll be glad to take any questions.”

Chairman Winters said, “All right. Anything else? Any questions of John before we proceed? All right, well let’s begin by . . . again, this is not really a technically public hearing but it is always our custom to take comments from citizens on these kinds of cases, so we will take comments from anyone who would like to make comment on this case and we’d begin by the applicant or the agent who would like to speak to this, please come forward. Please identify yourself and we’re going to try to limit our comments to five minutes.”

Mr. Paul McCauslin, Agent for Watson Funeral Home, 106 W. Douglas, Suite 923, Wichita, greeted the Commissioners and said, “What you see before you right now on the screen is Doug Watson’s vision for what his cemetery will look like. This has been draw up for him by Professional Engineering Corporation and this is the drawing that he submitted as part of his

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application to the Metropolitan Area Planning Commission. One of their conditions, with their recommendation is that the development of the cemetery be substantially in compliance with this site drawing.

The portion of the property that is in issue is a 60-foot strip that comes down this edge and then a 145-foot strip, wide strip along this edge. The rest of the property is already zoned light commercial and he may put in a cemetery by right in that area and he intends to do that. What he is asking of the board is that you adopt the resolution approving this recommendation by the MAPC allowing him to fully develop his property to make this a little bit more spacious, a little bit nicer, park-type cemetery than he would be able to do on the portion that's 'LC' at this time.

And if you give that approval, then he would be able to do some of this development in here. I'm not going to go through all of the review criteria, because that is in the agenda request that is before you, but the review criteria as to whether this is a reasonable use has already been considered, in a public hearing, by the Metropolitan Area Planning Commission. They have heard the people who filed protest petitions and their objections and they've heard evidence from Mr. Watson. I'm a baby boomer. We have a lot of baby boomers in our society. We are going to have to have more cemeteries in our community.

Part of the testimony at the hearing was that there really aren't any cemeteries in this portion of the county where there are plots that are still available, so this would be a use that would be beneficial to the community. That said, when this item appeared on your agenda on July 21st, there was a request made by Commissioner Sciortino that the neighbors get together and see if it was possible that they could work out any differences they may have about this application and we did that on Monday, August 2nd we invited the neighbors to come in and talk to us about their concerns, to see what we might be able to do, at least in terms of giving them assurances as to how this project would go.

At that meeting, the owners of this home, owners of the home that's right here, southeast, on the east side of Webb Road and the owners of this property which is undeveloped, were present as well as late the owner of this property came in and there was some other people there, but these three owners were the ones who really spoke on Monday.

Their concerns . . . they had three major concerns. One concern had to do with whether or not there would be screening around the cemetery that would somehow reduce their having to view the cemetery. There is already, on the adjacent property, a line of Austrian Pines that you see here that runs the entire length of the property. That was there before the funeral home was built.

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So of those are fairly mature, eight to ten feet or taller, so there is some screening already there, but it is not part of Mr. Watson's vision that he's going to screen his property so that it can't be seen from 31st Street or Webb Road and if you think of the cemeteries that we have in this town, such as Old Mission that is up by Wichita State University, Wichita Park, which is just north of it, Lakeview, Resthaven, Kensington, most of the cemeteries are what I would call a park-type cemetery. They have large shade trees. They have other plantings and things like that. That's what Doug Watson has in mind.

He also is working on an agreement with Raytheon which has . . .”(five-minute timer when off)

Chairman Winters said, “Continue, but try to wrap it up.”

Mr. McCauslin said, “I'll wrap it up. Which has an easement here and has a pipeline, a gas pipeline to extend this lake all the way down. Screening is not something that he intends to do on this project.

Second concern had to do with security and there was some suggestion that there be security lighting. Really, it's premature to try to evaluate security for this property in this location. Some cemeteries have fences all the way around. They're usually wrought iron or chain link, you still can see the cemetery, but they keep people out. At this point, there is no reason for him to make that determination but this is something that the neighbors were concerned about.

The third major item was phasing . . .”

Commissioner Sciortino said, “Let me ask . . . so the answer to that question for the neighbors is no, we're not going to do that either?”

Mr. McCauslin said, “Well, he's going to of course be concerned about security but I think he needs to determine what security measures, whether it be . . . he has lighting, security lighting around the funeral home now. The question is whether there would be security, if there's a mausoleum put in here and these two circles, would there be some lighting? There might be, it might be motion detector lighting, but it's premature to know exactly what you would use until you get it constructed and often till you see whether you have a problem. Unlike say Highland

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Cemetery, which has to have a fence because it has a history of kids going in a knocking over headstones.

The last issue was a question of phasing. In other words, the neighbors said, 'Well, can you start back here and back here and work forward'. The problem with that, from a commercial standpoint, is that if he's going to make this work, he needs to put in this infrastructure to begin with. That's what he intends to do first is put the trees around the perimeter, in here. He can water about 50 trees with his water wells at a time to get them established and then go to another 50 trees. But as a practical matter, he needs to start on the perimeter, put in the infrastructure and then of course people are going to be attracted because they can see it from the street.

It just seems that there are conflicting views about how this property should be developed and when we left on Monday, I had urged that we sit down and try to talk some more, that I talk with Mr. Kaplan and that we perhaps defer this.

After our meeting adjourned, Mr. Watson said, 'I'm really . . . I can't sleep, I'm sick with worry about this, I need to get my project underway if I'm going to get it underway this year'. He thought that if we were to keep discussions up with Mr. Kaplan and his clients that we would just be giving them false hopes that we might reach some resolution, we would end up before you anyway. So he called me the first thing Tuesday morning and said, 'I think we need to go ahead and have this hearing as schedule'. I was out looking at cemeteries, but as soon as I got in and got the message, I tried to call Mr. Kaplan's office, I talked to the County Counselor's Office and I think there is an impasse in that the neighbors want this developed the way they have a vision of what a cemetery should be. Mr. Watson has his own vision. You can see what that is.

It's a consistent use with the area. It's a use that's consistent with the comprehensive plan. It's a way of having a cemetery that's no different than all of the nice cemeteries that we have in the community and this is his vision. It would be no more appropriate for the neighbors to impose conditions on him as to how this would be, since the MAPC has already done that, than it would be for him to tell the neighbors how to build their house over there and how to set up their own security. That's the way I perceive the issue that you have today, and with that said, we would ask that you approve the resolution that adopts the unanimous recommendation of the MAPC."

Chairman Winters said, "All right, thank you. I have one question, sir. And not necessarily tree for tree, every tree, but is that a fair representation? There appears to be a lot of trees to be eventually planted on that property. Is that a fair representation of what Mr. Watson intends to do, even though they may not provide exactly closed screening, but does he intend to plant a significant number of trees out there?"

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Mr. McCauslin said, "Absolutely. In fact, his plan was, told to at our meeting Monday, is he's going to plant three inch trees, which are a pretty good size tree and you're really, when you're planting lots of trees, you can't plant a lot bigger than that and the trees are going to be your oak trees and your shade trees. He will have some shrubbery and things, he probably will have some different types of plantings around the lake, however large he's allowed to make it. He'll have other planting in this area. This is the berm. This is the area for an internment of cremains. There's going to be a lot of landscaping and there's contour to this property that you can't see on the photograph."

Chairman Winters said, "I think you've answered the question. Thank you very much. Are there any other questions? All right, seeing none, is there anyone else here in support of this application that would like to speak to the commission? All right, is there anyone here who would like to speak in opposition? Mr. Kaplan, and we did go over a little bit on the five minutes, so if we could keep it about eight to ten, we would appreciate it."

Mr. Bob Kaplan, Agent for protestors, greeted the Commissioners and said, "I want to do it, Mr. Chairman, slightly differently. I want to make a couple of very preliminary comments and I want to share a suggestion with the commission. If the suggestion finds favor with this commission, we can pretty much terminate the hearing without listening to all my clients and what they want to advise. If it doesn't, if our suggestion is declined, then I would like to come back and conclude with some legal issues that I think are relevant."

Preliminarily, I want to tell you two things. I'll do this quickly. Number one, the status of the case and number two, what a conditional use entails. This case initially, when filed, Mr. Harden my primary client contacted Mr. Watson and asked for a meeting on several occasions. That meeting was deferred and that meeting was deferred and that meeting was deferred. The last day that he could file a protest, he finally filed his protest to require the super-majority, the 3/4th vote, at which time Mr. Watson declined to meet.

After the administrative proceeding, after the planning commission hearing, then I was retained. I called Mr. Watson. I said, 'Mr. Watson, I think this is a basis for accommodation, our demands are not great, can we meet?' 'Certainly, Mr. Kaplan, we can.' We set a date and time. On the date of the meeting, my office gets a call, 'Mr. Watson has an emergency', unspecified, he's unable to meet, I'll see you at the County Commission meeting. He then, after that July meeting, the last meeting, hires counsel. Now I'm talking to Mr. McCauslin, 'Can we meet, I think we can probably

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work this out'. We set up a meeting for Monday at 4:00 at the mortuary. We had that meeting, as Mr. McCauslin told you.

We identified three primary issues, only three: screening, security and staging or phasing, not a great laundry list at all. At that meeting, Mr. McCauslin suggested a 30-day deferral so that we could draft some proposals and submit them to our respective clients. I said, 'That's fine, I think that's what we ought to do'. Then the day . . . yesterday, I get the call, 'No, Mr. Watson is renegeing again'. Now this is the third or fourth time that this gentleman has agreed to meet and then renegeed on it.

So probably getting together isn't going to work, so what are we going to do here if we're going to resolve it? I want to reaffirm to you one thing very quickly, before I relinquish the podium to my clients. A conditional use implies the imposition of a condition. Otherwise it's not a . . . that's what a conditional use is. You permit a use that you would not otherwise permit, but you impose conditions. That's what it's all about. Look at your staff report. Where is the condition here? There is a condition that he comply with the law. Well, that's a given. There is a statement that if he doesn't comply with the condition, that the conditional use can be withdrawn. That's also a legal principle. The only condition, in your re . . . the Planning Commission said no conditions, none at all.

The only thing the Planning Commission did, sorry Mr. Henzen, the only thing the Planning Commission did was say, develop it in general conformance with this site plan. Mr. Watson has told us and he has told you he is not committed to this site plan. This is a graphic for demonstration purposes. You know how you make trees, if you're an architect? You've got a rubber stamp and you go boom, boom, boom, boom, boom and you've got trees. You don't know what kind of trees. We don't know the spacing of the trees. We don't know the landscaping. There's no detail in here. Let's assume that the county comes forward and I complain that he has not met the condition, what's the county going to enforce? Based on what? There's not detail. None of these things were discussed. I was not pres . . . if I had been at the Planning Commission meeting, I will say, maybe not so humbly, you would have had a different record before you than you've got today.

You have no record before you, because the County Planning Commission, the Metropolitan Area Planning Commission passed it and they did unanimously, without any conditions other than kind of do it like your demonstration graphic.

So let me sit down. My request is send this back, send this back to the Planning Commission. We will then have a public hearing, these folks will have an opportunity to present, through me, these conditions and to have some viable discussion on these conditions and then it can come back to you and let's see if the planners, with specific conditions suggested, think about it a little bit differently when they did when these folks were up there without representation and had no idea what they were doing. And that's my request is if you will refer it back, then these people need not address

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you today. If that suggestion is declined, then they need to address you and I would like to conclude with some principles.

I think that I find a lot of fault with this application, not about the cemetery but some related legal principles that I want to discuss. So that's where I am and that's why I wanted the opportunity to make these preliminary comments."

Chairman Winters said, "All right, thank you Mr. Kaplan. Is there any discussion of that? Commissioner Norton."

Commissioner Norton said, "If we refer it back, right now it takes a super-majority to pass it. Is that right? Four. If we refer it back, it comes back to us, then it takes a simple majority to pass it. Is that correct?"

Chairman Winters said, "There will still be a protest petition."

Commissioner Sciortino said, "It would still take a super majority."

Commissioner Norton said, "I thought if it went back to them and it was dealt with a second time, that it comes back . . ."

Mr. Euson said, "That's just if the Planning Commission makes the recommendation and you go against it. The protest is always going to require four votes to overcome the protest."

Chairman Winters said, "Right, always."

Commissioner Norton said, "Okay, good."

Chairman Winters said, "All right, well I guess I would make a comment, we've got the folks here today. We've deferred this once. I think that the applicant needs to know where we're headed, whether he's going to have a plan that he can move forward with or whether he needs to alter his plans. And to continue to delay a business decision, I don't think I'm in favor of. I think we need to put some stuff on the record here. If at the end of the day today, if we decide to send it back to

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MAPC we do, but I'd like to hear what these people that are here, they've come twice, I'd like to hear what they have to say and then we'll make a decision. Commissioner Sciortino."

Commissioner Sciortino said, "Well, I think I want to hear what these people say. Yeah, I want to hear what these people have to say before we decide what we're going to do. I'm not sure that the request that has been made is that bad of a request but I do want to hear what the people have to say."

Chairman Winters said, "All right, thank you. All right, everybody is in agreement, basically. We'll proceed forward. Is there folks here that would like to speak to this issue? If you would please come forward to the podium and give your name and address and we're going to limit comments to five minutes."

Chairman Winters left the meeting room at 10:45 a.m.

Ms. Margie Flemons, 1322 N. Minnesota, Wichita, Ks., greeted the Commissioners and said, "I'm speaking on behalf of my mother, Clarissa Flemons, who owns the land west of the Watson Mortuary. My mother is opposed to having the land under discussion, which is currently zoned as single-family residential, being used as a cemetery, as has been proposed. Many of us would not like to live or own land near a mortuary or a cemetery, as proposed. She and her neighbors will have both.

Realtors will tell you that property is worth less when located next to either one of these. The owner of Watson Mortuary will say that houses are indeed built next to cemeteries, it happens, but it is not desirable. And in those cases, those people building houses or buying land chose to do that next to a mortuary or cemetery. My mother and her neighbors did not choose to. Their houses and property were there before Watson Mortuary. Watson Mortuary chose to do business next to these residents and property owners.

Residents and property owners did not chose to live next to their business. I have been told that the owner of Watson Mortuary has said that if he puts in his cemetery, the land next to it will be worth next to nothing. Perhaps he knows what Realtors know.

My mother asks and the neighbors ask that you please consider us when you make your decision. The land in question is a small, relatively speaking, amount of land and we, at the least, would like to see it left as single-family so that it can remain as a buffer zone between the mortuary and the residential area and property owners. Thank you."

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Chair Pro Tem Unruh said, "Okay, thank you very much for your comments. Is there anyone else who would like to speak at this time? Please step up and state your name."

Mr. Patrick Yagla, 9115 E. 31st Street S., Wichita, Ks., greeted the Commissioners and said, "The gentleman was talking about the tree line south of the mortuary. That does not belong to the funeral home. That belongs to a lady, Linda Patrick. She planted them trees north of her house way before that funeral home moved in there. Those trees have been in there for several years.

And I've lived on 31st Street now for 10 years, I'm 100% disabled vet, terminally ill and before the funeral home moved in there, the area was nice and quiet, very little trouble. Since it's moved in there, the church has been burglarized several times. We've had people drive down across our land.

When they hear the dogs barking, they take off and it also is causing a lot more traffic, because he doesn't have enough parking space there at the funeral home to put anything.

And this diagram that he has put up there is just to show and tell thing. It's not exactly what he's going to put up there. He doesn't know yet what he's going to put up there. And it's a nice, quiet neighborhood and we all want to keep it that way and I'm sure you wouldn't . . . I don't know where you live, but you wouldn't want me to buy the property around you and put in a mortuary and have the noise and the pollution and everything else. That's one of the reasons that I live where I live, because there's very little pollution there and it's quiet and I can sit out on the porch in the mornings, in the evenings and enjoy the scenery, the birds and the deer and everything else that's there. And if we bring in more traffic and everything, all that's going to be gone. Thank you."

Chairman Winters returned at 10:49 a.m.

Chairman Winters said, "All right, thank you very much, sir. Next speaker. Would someone else like to speak? Yes, please come forward, give your name and address please."

Ms. Deborah James, 3250 S. Webb Road, Wichita, Ks., greeted the Commissioners and said, "I'm speaking on behalf of my husband LeRoy and our family that live at 3250 South Webb Road. We've lived there, had our residence there for 12 years in October and I'm going to read this so that I get through it and get it completed."

Chairman Winters said, "All right, well if you hear the buzzer go off, that will be the time limit."

Ms. James said, "We are not pleased with the idea of having a cemetery and did not have an opportunity to appear before the MAPC. But we do understand that that is being done, that we do not have a choice in that. That Mr. Watson bought the property and can develop it as he sees fit. What we are asking today is that the remaining property that is zoned single-family residential remain that way.

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First, we would like for you to consider that when Mr. Watson bought this land for his business, that he was already aware of how the property was zoned. If it was in Mr. Watson's business plan or vision to have a larger cemetery, why did he choose this property?

It has been the observation, within the neighborhood, that before Mr. Watson advertised what his intentions were for the property at 3201 South Webb, several people were interested in the five acres he ended up with, but when these other prospects learned a mortuary/ crematorium was being built, they were no longer interested in the property. We would be interested in knowing if this is in Mr. Watson's future business plans to acquire more single-family residential and then have it rezoned for light commercial, therefore increasing the size of his cemetery continually.

I know that there is some concern from the neighbors that if Mr. Watson can get a large enough . . . or his business can grow large enough, he may be able to retire by selling out to a larger company or corporation, as has been done with other family owned cemeteries many times in the past.

Secondly, we ask that the zoning not be changed from single-family residential because it would be an opportunity for Mr. Watson to show good will and have the chance to prove he can and will make those improvements which he has spoken of, which leads to another concern about parking area for his business.

It has been evident that when there is a funeral of much size at all that mourners have to park in what is now field, but soon to be cemetery and attendants must keep mourners from parking in the driveway so that it can be kept clear. Our concern is if Mr. Watson expands his cemetery, this will only get worse, as those being buried there may not always have their services at Watson Funeral Home. We know having some burial plots will be a bigger money-maker, but we wonder if improving on aspects of the business as it stands would be more beneficial.

Finally, by not rezoning the single-family residential to light commercial, our neighborhood would have the opportunity to have some of our mentioned anxieties alleviated by actually seeing what Mr. Watson's intentions are before we are forced to accept the changes from a residential area to a business area as Mr. Watson grows and expands his business."

Chairman Winters said, "All right, thank you very much ma'am. Is there any other speakers? Please come forward. Please give your name and address."

Ms. Donna Casteneda, 1823 S. Red Oaks, Wichita, Ks., greeted the Commissioners and said, "I am joint property owner with Ms. Linda Patrick. We jointly own, along with my husband and Linda, the property directly to the south, which are the existing Australian Pines that are already noted in Mr. Watson's diagrams up there and I'm thankful that this is televised because Ms. Patrick

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does have a terminal disease. She's doing quite well right now, but she is unable to attend the meeting today and I know that she is watching it.

Her beliefs and feelings and sentiments, as along with the neighbors, are all pretty much the same. I myself are a little more inquisitive in nature. I have . . . I don't know if these can be passed around?

In doing a little bit of research, and actually quite a bit, on the Internet, the Internet is a very useful source of information out there. The items that are going along through there that I have handed to you are . . . there's Kensington Gardens, that I have printed out, that they have an on-line website. It . . . what I've printed out there shows their pricing. Funeral planning, know your rights and you can reduce funeral expenses. The average cost of a funeral nowadays is around \$6,000.

The senate bill number 214, an act concerning the Kansas State Board of Mortuaries Arts regulating crematories. Item four in there is the State of Kansas Board of Mortuary Arts. They have a very informative website. The item that I printed out there was the executive secretary's comments. Kansas Board of Mortuary Arts individual license requirements, Kansas State Board of Mortuary Arts K.S.A. 17-1305, private burial grounds controlled by county clerk action for damages, and that itself is printed out in that listing.

I have also called the Sedgwick County Vital Records, the Coroner's Office, Topeka Health and Services of Vital Statistics, Kansas State Board of Mortuary Arts in Topeka, Parks and Recreation. They referred me to the Parks Department, Sedgwick County Planning, Maple Grove Cemetery, Lakeview Cemetery, Broadway Cemetery, Animal Shelter, air quality from the City of Wichita.

Not only that, all the websites that I have been to. I've learned a lot about crematories, burial plots, caskets, urns, cemeteries and I can tell you that there is not very many laws, regulations, rules, whatever you want to call them that are in regards to what you can actually do with a cemetery, to a cemetery or the surrounding grounds. If they are privately owned, they pretty much set their own standards or whatever they want to do.

I can stand here and say pretty much what everybody else has said. I can tell you that even Commissioner Norton stated that in the long-term we need to take a look at everything that's going on around. I do know that because my husband and I are going to build a home on the north end of Ms. Patrick's property, because I have become her caretaker, my husband and I have. We caretake, partake in helping her with her daily activities and everything and I have spoke to Mr. Watson on numerous occasions, while I have been out there mowing the lawn or the pasture, whatever you want to . . . grass. I do have concerns.

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He has made numerous comments to me, one of them being in regards to Ms. Flemons property to the west. Ms. Patrick's original hedgerow that she originally established when she moved in on the property in the late '70s, the first part of the '80s, that's why the Australian Pines are so tall. There are pictures there of cemeteries that my husband and I visited. There are currently about 30 or 31, maybe 32 cemeteries listed in Sedgwick County. The majority of those have been established. As a matter of fact . . . and I can't think of the name of it . . . not Maple Grove, the one cemetery that's across from Maple Grove that the City owns. The city owns two cemeteries. It was actually originally established in 1872. You have, as a matter of fact, one of the people that is buried there is the 15th governor of Kansas."

Chairman Winters said, "Donna, that's five minutes."

Ms. Castaneda said, "Okay, I'll wrap it up then. I just would like to see that if this is put into place that there is conditions, which to his conditional use, there are none at this time that look out for the surrounding properties, future development. He has made the comment, and as you can see, the roads that he does have going to the internments, areas there that are encircled, the tree line shows roads that will possibly be built to the south. He did make mention to us in a meeting, after the last time we met and adjourned to another conference room over here, that yes, in the future he does plan to expand his cemetery. And at the going rate of \$6,000 for a common cemetery funeral, yeah, he could probably buy us out."

Chairman Winters said, "All right, thank you very much, ma'am. Is there anyone else who would like to address the Commission? Please come forward and give your name and address and please limit your remarks to five minutes."

Mr. James Harden, 3300 S. Webb Road, Wichita, Ks., greeted the Commissioners and said, "I too am nervous about getting up before a crowd so you're going to have to bear with me. Unfortunately, I have not had the pleasure of meeting or shaking the hands, nor having you know much about myself. So in respect, I'm asking quite a lot from you as Commissioners, including edits to go with the proposed graveyard at SF-20 family land.

Generally, at the corner of 31st Street South and Webb Road, three houses south from the corner of the east side of Webb is where my wife and I live. When we moved there our intent was to try to possibly retire there. We have ten acres that we have built a 3,000-foot-plus home on. The kind of neighbors we think a lot of and didn't look down on anyone for any particular reason. We kind of borrow one another's stuff and also loan one another stuff and we have a pretty good net group of folks.

It was kind of bewildering to Mr. Watson that some of those that signed the protest against him he had spoken to previously and they didn't seem to have a lot of concerns. But what Mr. Watson

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doesn't understand is a neighborhood, and a neighborhood that sticks together. So we the neighbors have discussed this numerous times and feel we were definitely hit with a bad omen, something even over coffee could not mend. And this particular business brings about uncomfortable topics to most people. It certainly does with all of my neighbors. The following is but a few examples from some concerned residents of, by the way, could not be here this morning, there's several that wanted to be here but couldn't.

Residential land in this area is very important to us residents that live closely to the proposed graveyard on residential property. Mr. Watson does not live on the property, nor does he live in the area. This type of careless operation is simply inviting mischievous deeds. The proposed graveyard on the residential land is not a precedence that the residents of this area would like to see started.

As a resident, I feel it would only be a short time when Mr. Watson or a large company that would buy out Mr. Watson, that seems to be the national theme, would be back to this commission for additional residential land or the more on the already established light commercial area owned by Mr. Watson and his mother absolutely nothing has been done. This pretty picture that he has showed you of the proposed graveyard, all the preliminaries could have been done without even getting close to the proposed SF-20, the residential land.

Remember, he had four years to prepare for a graveyard, but nothing has been planned permanently. These are all temporary plans and can be changed and would be changed at any time. So first, we the residents including those not able to be here, would like to suggest three ideas for the commission to take into accord, so we the residents can try to cope with this type of dreadful business.

The first concern is esthetic view. We suggested in our coffee meeting some type of decorative concrete wall, about eight foot tall, around the graveyard and within the now inner edge of the protested SF-20 land. We respect the right for Mr. Watson having a graveyard on the light commercial property, even though we would rather see other preferable use of the land.

Having said that, we the neighbors request Mr. Watson also respect the neighbors that live there in a day to day, day in/ day out business, by simply using positive screening that would also be landscaped on the outside with shrubs and trees and maintained. This would give the proposed graveyard and the neighbors some security. That's my time, right?"

Chair Pro Tem Unruh said, "That's your time."

Mr. Harden said, "Can I have about one minute?"

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Chair Pro Tem Unruh said, "One minute, yes."

Mr. Harden said, "This would give the proposed graveyard and neighbors some security, along with the esthetic view that would help both in question."

The second concern is stigmatized property. The graveyard proposes, and I've given you at the last meeting some information on stigmatized property, including a Realtor that . . . most Realtors agree that this is considered stigmatized property, but didn't go on record with. Mr. Flowers had previously agreed and did so again.

The third is security, along with the screening suggested, some accent lighting around the graveyard. We are not asking for direct lighting, just simply to keep the bad guys away and give it security and esthetic value.

Several locations have had thefts, break-ins and vandalized properties. The church building, two lots west of Mr. Watson's graveyard, was recently burglarized. Hong's Landscaping . . ."

Chairman Winters said, "James, can you wrap it right up? It's been five minutes, so bring it to a conclusion."

Mr. Harden said, "Yes, I can. In recap, the proposed change of residential land for the graveyard could be used as screening for a buffer between the protested residents. We the residents of this area are fortunate to be represented by a commissioner that has seemed to have given us good leadership in the past. We see no reason for that continued representation not being there. This plan anticipates more than 100,000 additional people, this is the 2030 plan."

Hell, I'll just go to the end and then I'm done. In some cases, we are all neighbors, so I'll leave you with this. A neighborly reminder, needing a friendly neighbor is like needing a pair of shoes. If they're not there the first time, chances are you won't need them again. Thank you."

Chairman Winters said, "Thank you, James. Is there anyone else that would like to address the commission?"

Mr. Kaplan said, "I've got two or three minutes left, I want to make two very, very quick points. See if this makes sense to you. There are basically two issues. Forget cemeteries, traditionally with land use, traditionally with land use between commercial uses and residential uses we provide buffering. That's been a 50-year . . . as long as I've been practicing law, that's been a 50-year land use principle that we've always tried to observe. The buffering here . . . the buffering here is 145 feet on the south, which is SF-20, residential, 62 ½ feet on the west, which is residential. Now this

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property is zoned commercial. I can go back to the 1950's and planning commission, in one motion, one afternoon, took every arterial corner in the county and put six acres of what we then called light commercial on every corner, so he's got light commercial around it on the zoning, but the use is residential, and I think the buffering needs to stay. So whether you approve or don't approve of cemeteries, I think that another very salient point is that what they have that Donna was talking about, and she lives just south of here, just south of that south tree line, is a residential buffered area, the same for Margie, who lives on the west, with her ground and I think we need to maintain buffering.

Secondly, Mr. Watson doesn't need it. He has made it extremely clear to us and to you he's doing a cemetery. He has all of his LC ground. He's got 3,500 . . . he says about 35 . . . I'm not going to count all those, there's about 3,500 burial plots, of which 2,500 are zoned LC. The only thing that he's being deferred from doing by not granting the CU is the additional 1,000 that lie within the buffering area.

So here's what I want. I want these folks to have an opportunity, with my help, to present to the planning commission some proposed conditions. I don't think that that's an unreasonable request. They have not formulated or articulated specific requests for conditions on landscaping, screening, security and staging, and the planning commission didn't impose any. There are no conditions in this conditional use, except develop it in conformance, general conformance with this graphic, which Mr. Watson will tell you he's not committed to. He doesn't know if that's the way it's going to look. That is a demonstration, a visual aid, visual aid only. You tell me, what kind of trees we're going to have? How far apart they're going to be? Are they going to be deciduous? Are they going to be Arborvitae? Are they going to provide screening in the winter? We have no idea. We're clueless.

So what I'm asking, respectfully, commissioners I'm asking, give me a chance to represent these folks at a public hearing that didn't happen, and present these conditions to the planning commission and see if this can come back to you and makes a little more sense, even if they approve it again, that's fine. And you may approve it, but let's put some conditions in so that the county has something to enforce if Mr. Watson does not comply. Right now, there's nothing to enforce because there is no condition and you can't enforce this drawing. It has no detail. Okay. Questions?"

Chairman Winters said, "All right, did all the public people that wanted to speak, did they speak?"

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Mr. Kaplan said, "Yes, sir. To my knowledge, Mr. Chairman, that is correct."

Chairman Winters said, "All right, okay. Commissioners, questions or comments? It's not a public hearing, we're just going to . . . the public is done. We're going to limit staff now to comment and ask questions. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. One thing I forgot to mention to this board, Mr. Kaplan had called me yesterday afternoon and was trying to talk to me about this deferral thing and I immediately suggested that he call our Attorney's Office and talk to him. I did want to disclose that there was a phone call from Mr. Kaplan to me.

I'm sort of conflicted on this. I mean, basically, conceptually, to me a cemetery is probably an appropriate use of the land that's there. It's an extension of the mortuary but the thing that kind of bothers me is that there are no, and I've read it here, there actually are no conditions. This is a beautiful rendering, but there could be absolutely no trees, I mean, no buffering. There's going to be a detention pond there or there isn't any detention pond. If it's going to be a park-like setting or it's not going to be a park-like setting.

I'd like to listen to what you all have to say, but I would be inclined to acquiesce to the request that was made that we maybe kick this back to the MAPC and give them the benefit of maybe a professional presentation to their board showing the true concerns of the citizens, maybe articulate it a little bit better, but I'd like to listen to what you have to say, but that's what my inclination is."

Chairman Winters said, "Okay. Well, my first thought is again, I have read the material from the Planning staff and the Planning staff recommends approval. The minutes from the MAPC, they were unanimously approved. We're looking at a 50-foot, 60-foot strip on one side and 145-foot strip, so to me we're not significantly changing what has happened out there. I do not live directly close to a cemetery. I live within a mile of Resthaven Cemetery and drive by it every day going home from work almost. And it's not fenced and it doesn't have solid screening, but it does have a park-like setting and I would be pretty certain that if Mr. Watson doesn't develop this with trees and a park-like setting, he won't be very successful in a business sense.

So, I think that, to me, this looks like a reasonable use and even, you know, if the commission decides to send it back, that's fine. But I think here's a case where we've got a business person that

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needs to know whether we think that this is one that he can move forward with or we think this is one that he shouldn't and he should change his plan. Seems to me like he's been in this process for a long time. Commissioner Norton."

Commissioner Norton said, "Well, I'll start off by saying cemeteries are forever. Well, I mean, you can put up a building and tear it down later, but boy, once you start a cemetery, it becomes hallowed ground to people, so you need to take it very serious, as you go through the process.

It looks to me like a cemetery could be started, designed and then done in phases and the second phase would be the land that we're arguing over today. I can't believe there's going to be that many more plots on the west side, because that's a very narrow strip, so I would think most of it would come on that bottom portion. I've got to believe that the real landscaping plan, the contour plan, the architectural plan could put that in phases so that we'd have time to go and look at it again, send it back to MAPC to put some conditions on it, and then the zoning could be changed at some later point. Once the original grounds of the cemetery is started and the neighbors find out whether their fears are realized or not realized, that can be added on to the property at some later date. So I would certainly be an advocate to send it back, because this is a forever kind of decision.

It's not going to be something that, a year from now, we'd say 'Oh, let's rethink this' because once some people are buried there it becomes hallowed ground to those families and it becomes forever. So we need to be very prudent with what we do."

Chairman Winters said, "But Commissioner, by right he can go ahead and put a cemetery there now and so we won't be affecting the long term decision. If everybody said no from here on out, if we said no now and Planning Commission said no next time, there's still going to be a forever cemetery there, so we're past that decision, in my mind. Now we're in the place of where can this businessperson use this land and is a proper use to just maximize his potential there.

And if we were talking about 10 or 20 acres, I think we'd be talking about a different story but to me we're talking about not a significant amount of property, but I hear what you say. Commissioner Unruh."

Commissioner Unruh said, "Thank you. I guess I don't need to add too much to that. You verbalized what I'm thinking. One of my concerns is that, with respect to the businessman making an investment here, it's just been going on. I noticed, the date on the Planning Commission minutes was June 10th, so they've been involved in this for a long time, just trying to see if we can find approval for a 62 foot strip and 145-foot strip. Other than that, the rest of it is going to happen, according to these minutes. He's declared . . . Mr. Watson I noticed has declared I'm going to put a cemetery in there, and so 62 feet and 145 feet and we've been wrestling with it for 60 days, I'd be inclined to go ahead and make a decision today. But if the majority of the commissioners want to

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send it back again, I suppose it's all right, but I would prefer that we make the decision and move ahead."

Chairman Winters said, "Commissioner McGinn. Commissioner Sciortino."

Commissioner Sciortino said, "Well, I'm going to make the Motion that we defer it and we'll see whether or not . . . or send it back to the Planning Commission to see whether or not that flies.

But what I had hoped was that the two groups could get together and come up with some reasonable concessions. I am disappointed that the applicant couldn't have made some attempt at some offering, even if it was minuscule, make an attempt to say, 'Okay, I guarantee I'll put these many trees here' or I guarantee something, if nothing else, just to try to maintain peace and what I've heard from the attorney for the applicant, well what I'm hearing in Kansas kitchen English, no on the screening around the cemetery, we don't know what type of security we're going to need and we'll do whatever we feel is in our best interest and no on phasing in.

Well, I mean sometimes you try to hand a teaspoon of honey along so that the gallon of vinegar isn't as sour, and that's kind of upsetting to me but that's not . . . these conditional uses that are being asked, I don't know how onerous they are but I think it would be good for the MAPC to hear maybe these neighbors' concerns when they're professionally represented, because whatever is going to happen here is going to happen for a long time.

Now, the other option for us is, since it's being said this isn't a big deal, well we could just turn it down and just deny it. It's no big deal, he's still going to have a cemetery, but he feels this is important, so if no one else has a comment . . . Carolyn McGinn has a comment."

Chairman Winters said, "We do have a couple of comments."

Commissioner Sciortino said, "Okay, then that's all I have to say right now."

Chairman Winters said, "Well, my only comment in response to that, and again I appreciate all of these neighbors' concerns, but I don't blame Mr. Watson for not wanting to fence the entire property. I don't think this entire property needs to be fenced."

Commissioner Sciortino said, "No, and I don't think they said that but he could have given them something. He could have said, 'I'll guarantee you those rubber stamps, I'll put in these trees'. He could have done something is all I'm saying."

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

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Commissioner McGinn said, “Well, I was prepared to make a second and have discussion, if Commissioner Sciortino was going to make a motion.

Chairman Winters said, “Okay. Commissioner Sciortino?”

Commissioner Sciortino said, “You were prepared to do what?”

Commissioner McGinn said, “Second your motion. You started . . .”

MOTION

Commissioner Sciortino moved to refer this case back to the MAPC for further consideration.

Commissioner McGinn seconded the Motion.

Chairman Winters said, “We have a Motion and a second. Is there discussion? Commissioner McGinn.”

Commissioner McGinn said, “Well, I think that this is probably a good site for having a cemetery. I have some concerns that it sounds like the applicant maybe has not given the citizens around the area adequate opportunity to really sit down and talk about what their concerns are.

Hearing that there are no requirements for how it is landscaped, I think we’ve had past cases where we specifically . . . or at least the Planning Commission outlined what that landscaping would look like and I think it’s very appropriate to have that on record. I know we’ve had some past cases where people were supposed to put up some kind of screening, you know, so everybody said, ‘Yeah, we’ll do that’ and then next thing you know, a year or two later, we hear about that. That person hasn’t done what they were supposed to do, you go back, check the record and it’s not there. It was just in the discussion and it wasn’t in and part of the plan.

And so I’m going to go along with Commissioner Sciortino’s request to send it back to the Planning Commission to specifically address these concerns and I think once the applicant and the neighbors sit down and go through . . . because I really, it didn’t sound to me like the neighbors were asking a great deal here. They just wanted some things down, concrete, on paper about exactly what it was

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going to look like and then I think you'll have a very nice cemetery and you'll have good neighbors as well. Thank you."

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

Commissioner Unruh said, "I guess just to clarify a point here, that there was opportunity for public hearing and discussion in front of the Metropolitan Area Planning Commission previously, but it's just that the neighbors were not organized and hadn't retained the services . . ."

Chairman Winters said, "They did not have an attorney."

Commissioner Unruh said, "So I mean, no stealth thing happened here. It was all according to procedure, but they just missed the point."

Commissioner Sciortino said, "Right."

Commissioner Unruh said, "All right, thank you."

Commissioner McGinn said, "And just, can I comment on that, to follow up with that, there are many times people do go to those types of hearings and they share their concerns, but unless you understand the concept of conditional uses and all those kinds of things, you don't really know what to ask for."

Chairman Winters said, "All right, thank you, thank you for those comments. I'm going to be opposed to this Motion. I think we need to move forward with it today and, you know, to me it appears that there's an impasse between the owner and the property owners. It sounds to me like they want solid no-see-through screening around this property in its entirety and I don't think that's necessary. It sounds to me like they want a fence around this entire area and I don't think that's necessary and I for sure don't think it's necessary to have a masonry stone wall separating this area from the countryside. If there's a majority of us want to send it back though, I think we'll let the MAPC take a look at it, maybe they can come to a better conclusion. Commissioner McGinn."

Commissioner McGinn said, "Just a question of clarification on your comment. It could be though that as it's sent back that the Planning Commission decides that the screening just has to do with evergreens or those kind of shrubbery and trees and not a fence. Right? Or we could even

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make that change at the bench here when it finally comes to us. So I just . . . I don't see that the end result is going to be a concrete fence."

Chairman Winters said, "All right. Well, I guess my next question too is I guess for us, if we were going to approve this today, Rich, it would take four commissioners to do that?"

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "Yes, sir."

Chairman Winters said, "And I guess it appears there's not four right now. All right, Commissioner Sciortino."

Commissioner Sciortino said, "One final comment before you call the vote, Mr. Chairman. There was something that was said that just sparked . . . you know, there presently aren't any regulations about cemeteries and even the applicant's attorney said in the very near future there's going to be a need for more and more cemeteries. That might be something that we want to start discussing, to talk about should we start trying to figure out what should happen and should there be regulations on how a cemetery is supposed to be constructed. You know, we're doing dramatic things on septic tanks and changing things that were okay 20, 30, 40, 50 years ago but maybe that's something that we have to take up in the future, because right now as I understand it, if you want to put a cemetery in, put a cemetery in. Okay, that's all I have."

Chairman Winters said, "All right, well I have one more comment and my only comment is I think a cemetery can be a great neighbor and in fact, personally, I'd just a soon have a cemetery be my neighbor as have a house on every 15,000 square feet. I mean, I think that that would make a lot better neighbor and we wouldn't hesitate to figure out how to put high-density housing on this intersection. So I mean, I think we're just putting this through a lot more than it needs to be. Commissioner Unruh."

Commissioner Unruh said, "Well, I . . . perhaps we're getting off target and don't want to just belabor the discussion longer, but you know you drive by Lakeview or Kensington Gardens or Resthaven, they're nice, park-like appearing places and I don't . . . in my mind, they're not objectionable. So that's my comment."

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Chairman Winters said, “All right. Well, I’ll make the same comment just for the record, they’re not objectionable in my mind either. Commissioner McGinn.”

Commissioner McGinn said, “I just have one last question, I hope. And I agree too, that that would be certainly a quite development across the street, but is there also an opportunity for the applicant and the other side to visit about some of these things that we’ve had a discussion today and not go back to the Planning Commission, but I guess once we make that motion, that’s where it has to go, so there’s no other way for them to just try to work it out, bring it back here in a couple of weeks and we end this.”

Chairman Winters said, “Yeah, I think that . . .”

Commissioner McGinn said, “I think you already tried that.”

Chairman Winters said, “I think they’re at impasse and it will come back to us and we’ll have to make a land use decision, based on is this the proper use for this land. All right, Madam Clerk call the vote.”

VOTE

Commissioner David M. Unruh	No
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	No

Chairman Winters said, “All right, that motion passes and we’ll send it back to the MAPC. Madam Clerk, call the next item.”

Commissioner McGinn left at 11:43 a.m.

NEW BUSINESS

H. RESOLUTION CREATING A ROAD IMPROVEMENT DISTRICT IN SEDGWICK COUNTY, AUTHORIZING IMPROVEMENTS THEREIN (REDMOND ESTATES-PHASE I), AND REPEALING RESOLUTION NO. 101-2004.

POWERPOINT PRESENTATION

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Mr. Joe L. Norton, Gilmore & Bell, P.C., Bond Counsel, greeted the Commissioners and said, "For your consideration today is a resolution that would create a road improvement district in the area known as Redmond Estates- Phase I. That is an area of the county located adjacent to 119th Street West, south of 31st Street West and north of MacArthur Road.

This may be familiar to you because you considered this item on June 16th of this year and adopted a similar resolution. Since that time, bids have been received by Public Works and the estimated cost of the contracts, no bids were received within that amount and the property owners, 100%, have re-petitioned this project at the increased amount that was reflected by the bids that were received.

This is the plat map. Phase I is what we're talking about here, which is on the right-hand side of the screen. Before you are both the original and the revised cost estimates. Again, the original project costs was about \$215,000. As a result of bids, were slightly less than \$290,000, which increases the principle cost per lot from about \$10,750 to \$14,500 approximately.

Again, the amended petition was signed by 100% of the property owners liable for assessment. The recommended action for you today is to adopt this resolution that creates this road improvement district at the higher cost and repeal resolution 101-2004, which is the one you adopted in June. I'd be available to answer any questions that you may have. Also, Mr. Weber is here from Public Works."

Chairman Winters said, "All right, thank you Joe. On our recommended action it just has adopt the resolution. Do we need to do something to repeal that resolution?"

Mr. Norton said, "The resolution actually does also repeal the old 101-2004."

Chairman Winters said, "All right. I don't believe we normally take public comment, but is there any reason to ask if there's anyone here that wishes to speak?"

Mr. Norton said, "I'm not aware that anyone is here."

Chairman Winters said, "Is there anyone here who is here interested in our Item H? All right, Commissioners you've heard Joe's presentation. What's the will of the Board?"

MOTION

Commissioner Unruh moved to Adopt the Resolution.

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Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Absent
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

Commissioner McGinn returned at 11:44 a.m.

I. RESOLUTION REVISING THE COUNTY POLICY AND PROCEDURE FOR DISPOSITION OF SURPLUS PROPERTY.

Mr. Chris Chronis, Chief Financial Officer, Division of Finance, greeted the Commissioners and said, "The item that's before you would provide a new policy governing the disposal of surplus county property. As you know, the state law that has existed was pretty restrictive in regards to the opportunities that counties had to dispose of property and with the assistance of Mike Pepoon and Chairman Winters, the legislature this last session amended that law to give us the opportunity to dispose of property in a much more expeditious manner and in a manner that we think will greatly improve the return that the county receives on its assets.

The policy that's before you will implement that new statute. It establishes as the overriding policy objective of the county with regard to disposal of surplus, that we obtain the greatest value from those assets for the county and its taxpayers. To do that, the policy basically has two sections, one concerning personal property and the other concerning real property that the county might want to dispose of.

The personal property section says that the director of accounting is authorized to determine the method of disposal and dispose of any personal property valued at less than \$10,000 and there are a variety of ways that we might chose to dispose of property. It will be up to the director of accounting to determine which of those is most likely to achieve the policy objective of obtaining the greatest return for the county and its taxpayers. For property that is estimated to be valued at more than \$10,000, that authority is given to the Chief Financial Officer, working with the director of accounting.

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In both cases, after we dispose of property, the policy obligates us to notify you and to put on the county's website notification of the fact that we disposed of property and to provide information about that disposal, who bought it, how much they paid for it and so forth.

Regarding real property, the policy has similar provision. The Director of Facility Project Services is given the responsibility of determining how to dispose of real property and to actually dispose of that property if it is valued at less than \$50,000. If the property, the real property is valued at more than \$50,000, then the director will work with the Board of County Commissioners and the BoCC will actually authorize the disposal of that real property valued at more than \$50,000.

Again, there are notification provisions contained in the policy for the Board of Commissioners and the citizens through our website to be notified of property that has been disposed of. There additionally is a section in this policy governing the disposal of surplus by donation and you have seen from time to time that the county has chosen to donate property to some other governmental unit or to some non-profit agency. In the case of any donation, the Board of Commissioners would be required to approve that donation. The determination to make a donation will be those of the people who have the authority to disposal of property at whatever value we're talking about.

I think that covers the essential points. We expect that this policy will allow the county to obtain a much greater value for its surplus property than we have in the past and that greater return will come in three ways. First, using traditional auction devices as we have in the past, we have paid a relatively high service charge to the auctioneer. Typically, the service fee for auctioneers runs about 25%. For the kinds of vehicles that we're talking about using now, that we have the ability to use now, the service charge typically is in the range of 7 to 10%. So we obtain, immediately, somewhere on the order of 15 to 18% net gain on sale of surplus because we're using a cheaper vehicle to dispose of it.

Secondly, we expect for personal property to be using an on-line, web-based auction services for much of our disposal and the practice of other jurisdictions has shown us that those auction services allow us to dispose of property that currently we throw in the trash can because it's not worth our time and effort to go through a traditional auction service, to store the equipment or the property until the disposal date, the auction date, then transport it to the auctioneer and incur all those costs.

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With an on-line service, you bypass that whole process. It's a much more expeditious vehicle, and so we'll be able to dispose of property that currently we don't dispose of. And finally, the on-line services typically provide higher winning bids than face-to-face auctions. I don't know what it is about human nature, but when you get on E-Bay you typically pay more for a good than if you go to a face-to-face auction service and bid on that same piece of property.

One of the reasons for that of course is that you have a much broader participation in the auction in an online auction and E-Bay is the sort of service, but it's not a service that we would probably use, but it's the sort of service that we would use to auction off personal property. And so for those three reasons, we expect to achieve much greater return on county assets and that will help us with our budgetary problems.

If you have any questions about this policy, I'd be happy to answer them. If you don't have any, then I recommend your approval of the policy and resolution as it's been presented to you."

Chairman Winters said, "We have a couple of questions. Chris, first on the sale of real property that's over \$50,000 that the commission gets involved in, is the commission limited in any way to determine the methodology of what that . . . of how that will be sold, whether it be hire a Real Estate agent, we want to negotiate a contract, sealed bids, auction?"

Mr. Chronis said, "As the policy is written, the Director of Facility Project Services has the authority to make the determination and then come to the Board of Commissioners and get approval of that method and then go forward and dispose of it."

Chairman Winters said, "But we would be able to use any of those methods. We would not be limited to just a sealed bid."

Mr. Chronis said, "No."

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

Commissioner Norton said, "Chris and I have talked about this. My only two concerns are making sure that there are checks and balances throughout the process. And then, because you can go online, what is our policy going to be on employees, 2,500 employees can go on line and bid on this and do we open ourselves up to people's . . . general public criticism because, all of the sudden, Sedgwick County employees are buying this stuff and maybe know about it online and the general public doesn't? I know that sounds crazy but we're going to be putting it out to sale and Sedgwick County employees, there could be a hint of impropriety sometimes if they're buying all of it. Now I

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don't think they will, but I just want to raise that flag before we go down this path."

Chairman Winters said, "Okay. Mr. Manager, you have a comment?"

Mr. Buchanan said, "We have all signed a policy that restricts our use of county equipment, especially the use of the computers and Internet for occasional personal use, which is really a supervisory discretion. We have removed people from employment here because they haven't followed that policy. I wouldn't suspect that we would get any more bids from county employees than we do now and some county employees do show up at the public auction."

Commissioner Norton said, "I don't know what the perception there is but I wanted to be sure I raised it. Maybe it means nothing, but we need to make sure that the word is out that we at least considered that when we changed the policy. So, I need to go, Mr. Chair."

Chairman Winters said, "Okay, thank you very much. Commissioner Sciortino."

Commissioner Norton left the meeting room at 11:51 a.m.

Commissioner Sciortino said, "Thank you. Chris, is this going to require here in the next week or two somebody coming before us asking to hire an E-Bay auction overseer at level 17 at the county?"

Mr. Chronis said, "No, it's not going to require that, but in all candor, in the budget that you have before you, one of the supplemental requests that has been recommended is a staff position, a low-grade staff position that is intended to run this program."

Commissioner Sciortino said, "Okay. And you have factored in the cost of that person and this is still a good idea and it still should make us, potentially, more money?"

Mr. Chronis said, "Oh, yes."

Commissioner Sciortino said, "Did you have something there that you wanted to say, Mr. Buchanan?"

Mr. Buchanan said, "No, I was just going to add an adjective, way more money."

Commissioner Sciortino said, "Way more money, a whole bunch more. Now, can I just ask a question because the first time I heard about it is I was reading in the paper and I hadn't heard about this particular concept. You may have showed it to me and it just went over my head, but where did

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the concept . . . how did you get the idea to do it? It's kind of neat."

Mr. Chronis said, "Well, in finance we are involved in a number of networks of our professional associations and through those associations, we started over the last year or two hearing about governments that use this kind of a process. Earlier this year, I happened to attend a seminar on procurement practices and this was one of the topics that was discussed and there were some real good success stories being discussed and so that's what got us serious about it."

Commissioner Sciortino said, "Well, I think it's a low risk way of trying something new and the potential is pretty darn decent, so I think it's a great idea."

Chairman Winters said, "And commissioner, it started Mike Pepoon and myself in Topeka testifying. The disposal laws for counties were written in the 1870's and have been amended dozens of times and even attorneys cannot agree exactly what the old legislation intended to mean. So this will, I think, bring disposal of property for counties into the modern age."

Commissioner Sciortino said, "Well, if I heard right, somewhere, three-four hundred dollars may be potentially on an annual basis and that's what your definition way . . . whole bunch or whatever you were saying there."

Chairman Winters said, "All right, Commissioners, are we ready for a motion?"

MOTION

Commissioner Sciortino moved to Adopt the Resolution.

Chairman Winters seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye

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Commissioner Ben Sciortino Aye
Chairman Thomas Winters Aye

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

J. DIVISION OF CULTURE, ENTERTAINMENT AND RECREATION.

**1. RESOLUTION AUTHORIZING FORMATION OF AN ADVISORY
 COUNCIL ON TECHNICAL EDUCATION AND TRAINING.**

Mr. Ron Holt, Director, Division of Culture, Entertainment and Recreation, greeted the Commissioners and said, "On this item, we have some more information gathering we need to do and so we would request that you defer this item please."

Commissioner McGinn said, "For how long, or indefinitely?"

Mr. Holt said, "Yes, and then we can get it back on the agenda at an appropriate time."

MOTION

Commissioner McGinn moved to defer Item J indefinitely.

Commissioner Sciortino seconded the Motion.

Chairman Winters said, "We have a motion and a second. Any other discussion?"

Commissioner Unruh said, "Mr. Chairman, Mr. Holt do you have . . . originally I had some conversation with you, we were talking about a two week deferral. Now are some forces in the community that are really pressuring us to move on with this and I'm not wanting it to be deferred . . . I mean, is indefinite the best word we should use?"

Chairman Winters said, "Mr. Manager."

Mr. Buchanan said, "Commissioners, I've asked Mr. Holt to use the word 'indefinitely'. That will give us the flexibility to bring it back next week if necessary, with an either on or off agenda item, or two weeks or whenever the issue is resolved."

Commissioner Unruh said, "Very good."

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Mr. Buchanan said, "Gives us the most flexibility."

Chairman Winters said, "But I guess the message we'd like to send to those in the community is this has not derailed our plans to move forward with some kind of technical education comments and issues. Mr. Manager."

Mr. Buchanan said, "Just for a little clarity, Commissioner Unruh. We have from time to time used the word indefinitely to bury an issue. This one will not. This really . . . this is . . . we're using it to give us the most flexibility."

Commissioner Unruh said, "Well, I appreciate the explanation and explaining it that way gives us a little bit of I hope satisfaction to those folks in the community that are very intensely interested in this and we want them to know that we understand the critical nature of this issue and we're going to get back on it."

Chairman Winters said, "All right, thank you. We have a motion to defer. Any other discussion? Seeing none, call the vote."

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, "Next item."

2. AGREEMENT WITH CLEARWATER FALL FESTIVAL COMMITTEE FOR CONTROLLED ACCESS TO ROSS AVENUE IN CLEARWATER, KANSAS SEPTEMBER 10-12, 2004 IN CONJUNCTION WITH THE CLEARWATER FALL FESTIVAL.

Mr. Holt said, "This is an annual agreement that we have come before you for closing Ross Avenue in Clearwater for their annual fall festival and I would recommend that you approve the agreement and authorize the chair to sign."

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

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MOTION

Commissioner Unruh 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 David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, "Next item."

3. AGREEMENT WITH OAKLAWN IMPROVEMENT DISTRICT FOR CONTROLLED ACCESS TO CERTAIN ROADWAYS IN OAKLAWN SEPTEMBER 18, 2004 TO HOLD AN OAKLAWN/SUNVIEW BLOCK PARTY PARADE.

Mr. Holt said, "And this item is for . . . it's an annual agreement for the closing of a number of streets in Oaklawn Improvement District for their annual block party, Oaklawn/ Sunview block party parade. So we would ask you to approve the agreement and authorize the Chairman to sign."

Chairman Winters said, "All right, we have heard your report."

MOTION

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Commissioner McGinn moved to Approve the Agreement and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, "Next item."

K. RECOMMENDATION BY THE JOINT POLICY AND TECHNICAL COMMITTEE TO ACCEPT RKG ASSOCIATES' PROPOSAL FOR MCCONNELL AIR FORCE BASE JOINT LAND USE STUDY.

Mr. Andy Schlapp, Director, Community Relations, greeted the Commissioners and said, "It's good to be back. Today in front of you is our joint land use study. To give you a little bit of history, back in 1992 we were one of the first communities or actually the first community in the country to put in zoning that prevented encroachment on the Air Force base and we are the model, right now, for communities around the country in how to prevent encroachment towards military bases.

Since that time, we've had a change in mission and we've lost the B-2 Bomber and because of that, some of those protections that we put in place will change and can change a little bit. So we've been in a series of different types of studies to make sure that the base and the encroachment, prevent encroachment stays the same so that we can be sure that we have future missions, we don't jeopardize the opportunity for future missions at McConnell.

Joint land use study is one of those models that we're looking at and again that's completely funded by the Department of Defense in Washington but it requires a 25% match in local in-kind service. And we will be able to meet that so today I would recommend that we chose RKG as the consultant and that we proceed with our joint land use study."

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Chairman Winters said, "All right, Commissioners, you have any comments, questions for Andy?"

MOTION

Commissioner Unruh moved to Accept the Committee's recommendation to use RKG Associates for the joint land use study.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

L. CONTRACT WITH REMA FAIRBANKS TRUST FOR PURCHASE OF PROPERTY AT 712 SOUTH KANSAS COURT ASSOCIATED WITH JUVENILE COMPLEX IMPROVEMENTS.

Ms. Stephanie Knebel, Manager, Facility Project Services, greeted the Commissioners and said, "This agenda item requests your approval of this purchase contract for the fourth property needed to purchase and then construct a parking lot in the Juvenile Complex.

The purchase price of this contract is \$52,300, which is the appraised value, and it can be funded from the approved budget from the Juvenile Detention Facility. I request you approval and I'm available for questions."

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Chairman Winters said, “All right, Stephanie. This was part of the original plan and part of our original budget, right?”

Ms. Knebel said, “That is correct.”

Chairman Winters said, “All right, thank you. Commissioners, any questions of Stephanie.”

MOTION

Commissioner Sciortino moved to Approve the Contract and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “Thank you, Stephanie. Next item.”

DIVISION OF HUMAN SERVICES

DIVISION OF HUMAN SERVICES – DEPT. OF CORRECTIONS

M. AGREEMENT WITH UNIVERSITY OF KANSAS SCHOOL OF MEDICINE-WICHITA MEDICAL PRACTICE ASSOCIATION TO PROVIDE MEDICAL SERVICES TO JUVENILES IN DEPARTMENT OF CORRECTIONS RESIDENTIAL FACILITIES.

Mr. Larry Ternes, Youth Services Administrator, Department of Corrections, greeted the Commissioners and said, “The University of Kansas School of Medicine, Wichita Medical Practice

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Association currently provides medical services to juvenile offenders residing in the Residential Facilities of the county's juvenile and youth services division.

The new contract period before you is for 18 months and has been extended to cover services through the end of fiscal year 2005. The maximum amount of the contract would not exceed \$247,500 for the 18-month period. I request that you approve the agreement and authorize the Chair to sign. I'd be happy to answer any questions that you may have."

Chairman Winters said, "All right, you've had an opportunity to hear this report. Commissioners?"

MOTION

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

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

N. DIVISION OF HUMAN SERVICES – COMCARE.

- 1. AGREEMENT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, DIVISION OF HEALTH CARE POLICY, TO PROVIDE CERTIFIED MATCH ALLOCATIONS TO COMCARE.**

Mr. Tom Pletcher, Clinical Director, Comprehensive Community Care (COMCARE), greeted the Commissioners and said, "For Marilyn Cook, who is attending a public policy retreat today. The purpose of this regularly continuing contract is to provide certified match allocations to Sedgwick

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County community mental health centers. These are state general funds that are transferred to community mental health centers and are used to match or pull down the federal financial participation through Medicaid. Sedgwick County COMCARE will receive a total of just over 4.25 million dollars in certified match for state fiscal year 2005.

Use of these funds is limited to matching the federal portion of Medicaid payments. I would ask that you approve the agreement and authorize the Chairman to sign.”

Chairman Winters said, “All right, commissioners, you’ve heard the report. What’s the will of the Board?”

MOTION

Commissioner McGinn 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 David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “Next item.”

2. AGREEMENT WITH TIYOSPAYE, D.B.A. HIGHER GROUND TO PROVIDE SUBSTANCE ABUSE ASSESSMENT AND TREATMENT SERVICES FOR YOUTH WITH HEALTHWAVE INSURANCE.

Mr. Pletcher said, “The renewal of this contract with Tiyospaye or Higher Ground allows for the assessment and treatment of youth with potential substance abuse problems. Services include intake assessments, individual or group therapy. COMCARE’s Family and Children’s Community Services may refer youth up to the age of 18 and who are in the Healthwave program.

COMCARE contracts with the Consortium to provide mental health services and would authorize

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the specific type of amount of services to be provided to youth who are referred to this program. Last year, approximately 23 youth were provided services through this contract. I'd be happy to answer any questions that you might have."

Chairman Winters said, "All right, Commissioners, are there questions or comments about this? This is an extension of what we're already doing?"

Mr. Pletcher said, "A renewal of the contract."

MOTION

Commissioner McGinn moved to Approve the Agreement and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, "Next item."

3. CONTRACT WITH JOB READINESS TRAINING TO PROVIDE PSYCHOSOCIAL SERVICES FOR SERIOUSLY EMOTIONALLY DISTURBED YOUTH.

Mr. Pletcher said, "The renewal of this contract will allow Job Readiness Training to provide psycho-social services to adolescents 13 years and older with serious emotional disturbances. Only medically necessary services that have been authorized through the plan of care process are provided. These services help to provide support to youth that allows them to remain in their homes or home community and avoid a more intensive level of service. The contractor is paid only for services that have been approved and delivered and Medicaid typically pays for these services.

The number of youth served in this program increased by about 34% during the past year, growing

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in proportion to the increase in the number of youth serviced in our family and children community services program. I'd ask that you approve this contract and authorize the Chairman to sign."

Chairman Winters said, "All right, Commissioners, any questions about this contract?"

MOTION

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

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

4. CONTRACT WITH SOUTH CENTRAL MENTAL HEALTH COUNSELING CENTER TO PROVIDE MENTAL HEALTH SERVICES FOR YOUTH WITH HEALTHWAVE INSURANCE.

Mr. Pletcher said, "Since 1999, the Mental Health Consortium has maintained a contract with the State of Kansas to provide mental health services for children in Healthwave. COMCARE contracts with the Consortium to provide mental health services to youth in Sedgwick, Butler and Sumner Counties, acting as the local managed care organization for this program.

The renewal of this contract before you pertains to the agreement with South Central Mental Health Counseling Center, a licensed community mental health center, for the provision of services to youth in Butler County. I'd be happy to answer any questions that you have."

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Chairman Winters said, “Commissioners, you’ve heard this report.”

MOTION

Commissioner Sciortino 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 David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “Next item.”

5. CONTRACT WITH ARROWHEAD WEST, INC. TO PROVIDE RESIDENTIAL SERVICES FOR CONSUMERS PREVIOUSLY SERVED THROUGH THE DEVELOPMENTAL DISABILITY SYSTEM.

Mr. Pletcher said, “The renewal of this contract with Arrowhead West provides continuing residential services for eight consumers who had previously been served through another system. These adult residential services provide supportive services in the residence of these individuals who do not live in their family’s home. Services allow these adults to live in the community in homes that are approximate a typical family setting. The contract maintains support (break in tape) . . . specific individuals. I’d be happy to answer any questions that you have.”

Chairman Winters said, “All right, thank you. Commissioners, questions or comments about

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this?”

MOTION

Commissioner Sciortino moved to Approve the Contract and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “Next item.”

6. AGREEMENT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS ALLOWING DIRECT BILLING OF MEDICAID FOR SERVICES PROVIDED FOR ADULTS WITH A SEVERE AND PERSISTENT MENTAL ILLNESS AND CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES.

Mr. Pletcher said, “The renewal of this affiliation agreement with the Mental Health Association of South Central Kansas allows them to build Medicaid for mental health services for adults with severe and persistent mental illness and children with serious emotional disturbances.

Services provided through this agreement include case management, dependent care and psycho-social groups to Sedgwick County residents, both adults and children, who have serious mental

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illnesses. This agreement provides for the coordination between Mental Health Association and COMCARE to address the mental health needs in Sedgwick County. I'd be happy to entertain any questions."

Chairman Winters said, "All right, thank you. Is there any questions or comments on this item?"

MOTION

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

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, "Next item."

7. AGREEMENT WITH CATHOLIC CHARITIES, INC. ALLOWING DIRECT BILLING OF MEDICAID FOR SERVICES PROVIDED FOR ADULTS WITH A SEVERE AND PERSISTENT MENTAL ILLNESS.

Mr. Pletcher said, "The renewal of this affiliation agreement with Catholic Charities allows them to bill Medicaid for mental health services for adults with a severe and persistent mental illness and provides for coordination between this agency and COMCARE to address the mental health needs of Sedgwick County.

Psycho-social groups are provided by Catholic Charities and assists these individuals in being able to remain in the community and avoid a more intensive level of care. Additionally, this agreement provides for assistant to Catholic Charities in the amount of \$5,000 to partially offset the cost of

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serving consumers without insurance or other means to pay for services. I'd be happy to answer any questions."

Chairman Winters said, "All right, are there any other questions or comments?"

MOTION

Commissioner McGinn 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 David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, "Thank you very much, Tom, all those contracts. Next item."

HEALTH DEPARTMENT

O. GRANT AWARD FROM KANSAS STATE DEPARTMENT OF EDUCATION.

Ms. Aiko Allen, Director of Health Promotions, Health Department, greeted the Commissioners and said, "We've receive a \$3,000 contribution from Kansas State Department of Education in order to work with youth in juvenile correction systems. We will administer a modified youth risk behavior surveillance survey to youth in the Juvenile Intake and Assessment Center, and from there also provide Get Real About AIDS curriculum and other programs that youth identify as important for health education. I'm happy to take any questions on this award."

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Chairman Winters said, “All right. Questions or comments or a motion to approve the acceptance of the award.”

MOTION

Commissioner Sciortino moved to Approve acceptance of the award.

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “Thank you very much. Next item.”

P. AGREEMENT WITH MKEC ENGINEERING CONSULTANTS, INC. TO PROVIDE DESIGN OF STREET IMPROVEMENTS IN OVERBROOK 2ND AND 5TH ADDITIONS (9TH STREET). DISTRICT #1.

Mr. Jim Weber, P.E., Deputy Director, Public Works, greeted the Commissioners and said, “In item P we’re requesting your approval of an agreement with MKEC Engineering Consultants for engineering design services and construction staking on the Overbrook 2nd and 5th Addition, or 9th Street project.

The cost of this work will not exceed \$37,850. All cost of the project are to be paid by the benefited properties through special assessments and we request your approval of the recommended

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action.”

Chairman Winters said, “All right, questions or comments? This in your district, Commissioner?”

MOTION

Commissioner Unruh 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 David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “Thank you, Jim. Next item.”

Q. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF JULY 29, 2004.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “The referenced meeting resulted in four items for consideration today.

**1) NOVA CHIP OVERLAY- PUBLIC WORKS
FUNDING: SALES TAX**

First item, Nova Chip overlay for Public Works. Recommend the low bid from Ritchie Paving for \$631,875.66.

2) LIVESCAN FINGERPRINT SYSTEMS- SHERIFF’S OFFICE

Item two, Livescan fingerprint systems for the Sheriff’s Office. Recommend the low proposal meeting requirements from CrossMatch Technologies Incorporated and execute a contract for

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\$40,703.20 and establish second and third year maintenance costs of \$4,140 per year for a total three-year cost of \$48,983.20.

3) OUTDOOR WARNING SIRENS- EMERGENCY MANAGEMENT
FUNDING: EMERGENCY MANAGEMENT

Third item, outdoor warning sirens for Emergency Management. Recommend the low bid from Phillips Southern for \$33,903 and establish contract pricing for one year, with two one-year options to renew.

4) STREET IMPROVEMENTS- PUBLIC WORKS
FUNDING: SPECIAL ASSESSMENT

The fourth item, street improvements for Public Works. Recommendation is to accept the low bid from APAC Kansas for \$220,116, subject to the availability of funds. For the record, you did approve that today on Item H.

And I'd be happy to answer any questions and recommend approval."

Chairman Winters said, "All right, Commissioners, are there questions or comments about the Board of Bids and Contracts?"

MOTION

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

Commissioner Unruh seconded the Motion.

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

VOTE

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Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

CONSENT AGENDA

R. CONSENT AGENDA.

- 1. Easement for Right-of-Way for Sedgwick County Project 634-36; 63rd Street South and 159th Street East. CIP# R-275. District #5.**
- 2. Resolution supplementing certain previous resolutions of the Board of County Commissioners of Sedgwick County, Kansas, relating to imposition of fees and costs for construction of sewer improvements in the County.**
- 3. Resolution suspending the Sedgwick County Zoological Society, Inc.'s existing cereal malt beverage license for three days, September 10, 11 and 12, 2004.**

- 4. Agreements (four) with Wesley Medical Center and Wichita Center for Graduate Medical Education providing clinical rotation sites for residents through the Health Department's General, Adolescent Health and Children's Primary Care Clinics.**
 - Family Practice**
 - Pediatrics**
 - Med/Peds**
 - Internal Medicine**
- 5. Plats.**

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Approved by Public Works. The County Treasurer has certified that taxes for the year 2002 and prior years have been paid for the following plats:

Elk Ridge Addition
Savanna at Castle Rock Tenth Addition

- 6. Payroll Check Register of July 30, 2004.**
- 7. General Bills Check Register(s) for the week of July 28 – August 3, 2004.**

Mr. Buchanan said, “Commissioners, you have the consent agenda before you and I would recommend you approve it.”

Chairman Winters said, “Commissioners, do you have questions or comments about the consent agenda?”

MOTION

Commissioner Sciortino moved to approve the consent agenda as presented.

Chairman Winters seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “That concludes the regular business at our meeting today. Commissioners, I have been advised that we do have some guests in the room from Cowley County. We also need to have an executive session today. And since these folks are here from Cowley

Regular Meeting, August 4, 2004

County, it's our normal procedure and I think we need to consider keeping it, that if someone wants to address the board of county commissioners, we need to notify the Manager's Office before our meeting, so they can be on our agenda.

But I would like to suggest that as we go to our executive committee, that the manager and our special projects manager Andrew Schlapp meet with these folks that are here from Cowley County in this room and discuss with them their issues for being with us today and then they can report back to us. But I know we're already behind our schedule and Rich, we're still prepared to have an executive session? All right."

Commissioner Sciortino said, "So they could visit with Bill and Andy while we're in Executive Session."

Chairman Winters said, "We have a requirement to call in seven days before hand . . . 10 days."

Unknown speaker in audience said, "We only heard about it yesterday."

Chairman Winters said, "Right, and I can understand that, but I do want to get you in touch with some of our staff people and then if we're not back from executive session, they can tell you how to contact us also."

Unknown speaker said, "Can we not just address you right quickly, just like one minute?"

Chairman Winters said, "We're going . . . let us adjourn into executive session and this meeting will be in recess and I'll be glad to walk through here and we'll spend just a couple of minutes and then we'll have our project guy and then we'll be into executive session just pretty quickly. So, Dave will you . . . do you have the motion for executive session?"

S. OTHER

MOTION

Commissioner Unruh 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 and litigation and legal advice and that the Board of County Commissioners return from Executive Session no sooner than 12:38 p.m.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

Chairman Winters said, “We are adjourned into Executive Session.”

The Board of Sedgwick County Commissioners recessed into Executive Session at 12:16 p.m. and returned at 12:59 p.m.

Chairman Winters said, “All right, we will call the regular meeting of August 4th back to order. Let the record show that there was no binding action taken in Executive Session. Mr. Euson, is there any other business to come before this Board?”

Mr. Euson said, “No, sir.”

Chairman Winters said, “All right, this meeting is adjourned.”

T. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12.59 p.m.

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

THOMAS G. WINTERS, Chairman
Third District

Regular Meeting, August 4, 2004

DAVID M. UNRUH, Chair Pro Tem
First District

TIM R. NORTON, Commissioner
Second District

CAROLYN McGINN, Commissioner
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2004