

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

### **REGULAR MEETING**

**APRIL 23, 1997**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, April 23, 1997, in the July Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Melody C. Miller; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. John Nath, Director, Kansas Coliseum; Mr. Michael S. Knecht, Director, Old Cowtown Museum; Mr. James Alford, County Clerk; Mr. Kenneth W. Arnold, Director, Capital Projects Department; Mr. Jack Brown, Acting Director, Community Health Department; Mr. Tom Pollan, Director, Emergency Medical Service; Mr. David C. Spears, Director, Bureau of Public Services; Ms. Jerri Tousley, Court Service Officer, District Court Pre-Sentence Investigation; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. A. Karen Casto, Deputy County Clerk.

### **GUESTS**

Ms. Pat Lehman, 3830 South Meridian, Wichita, Kansas  
Mr. Rob Hartman, 303 South Topeka, Wichita, Kansas  
Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.  
Mr. Rod Hurt, Pepsi-Cola Bottling Company

### **INVOCATION**

The Invocation was given by Mr. Joe Stout of the Christian Businessmen's Committee.

### **FLAG SALUTE**

### **ROLL CALL**

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

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**CONSIDERATION OF MINUTES: Regular Meeting, April 2, 1997**

The Clerk reported that all Commissioners were present at the Regular Meeting of April 2, 1997.

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

**MOTION**

Commissioner Hancock moved to approve the minutes of April 2, 1997, as presented.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Next item."

**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

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

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

**Regular Meeting, April 23, 1997**

**A. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING APRIL 24, 1997 AS "NATIONAL TAKE OUR DAUGHTERS TO WORK DAY."**

**Chairman Winters** said, "Commissioners, I have a Proclamation that I'd like to read into the record for your consideration."

**PROCLAMATION**

**WHEREAS**, young women need to gain the attention of the workplace and learn about the realities of work, employment opportunities, education and training which jobs require; and

**WHEREAS**, young women need to be invited into the workplace where they are able to meet professionals and gain working knowledge of any career which they may desire; and

**WHEREAS**, young women need to be listened to respectfully regarding their ideas and opinions; and

**WHEREAS**, a national public education campaign has been designed to focus attention on our young women -- their concerns, their spirit, and their dreams;

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim Thursday, April 24, 1997 as

**"NATIONAL TAKE OUR DAUGHTERS TO WORK DAY"**

in Sedgwick County, and call upon all citizens to give the daughters of our County their support, interest and cooperation in this endeavor.

"Commissioners, that's the Proclamation, what's the will of the Board?"

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**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Today we're privileged to have Jerri Tousley here who for a number of years has worked very diligently on this project. Jerri, would you like to say a few words about what is going to happen this year?"

**Ms. Jerri Tousley**, Court Service Officer, District Court Pre-Sentence Investigation, said, "Yes, thank you. Chairman Winters, County Commissioners, thank you so much for this Proclamation today in support of all our young women in Sedgwick County. The program is sponsored nationally by the Ms. Foundation in New York and locally by the Wichita Commission on the Status of Women. Take Our Daughter's To Work Day was launched in 1993 in response to research published by the American Association of University Women, Harvard University, and University of Minnesota. The research showed that girls receive less attention than boys in school. At the time they enter adolescence, girls are vulnerable and unsure of how to negotiate their changing roles in society.

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“Our 1997 theme is “Five Years of Work Toward a Lifetime of Confidence.” The theme is intended to focus attention on how mentoring relationships and exposure to the work world helped girls maintain their confidence and resilience during adolescence. The theme also celebrates the fact that Take Our Daughter’s to Work Day has turned five. Our primary goal is to call attention to the needs and concerns of our nation’s daughters.

“When we focus on girls’ skills and abilities during their crucial adolescent years rather than their appearance or other superficial traits, they can fortify their strength and help themselves during the often rocky times of adolescence. I would like to introduce Carlotta Ponds. Carla is the coordinator of the activities for the County and so they have a very full day planned tomorrow. She said she didn’t want to say anything because she’s congested but I did want you to meet her if you haven’t already.”

**Chairman Winters** said, “Tomorrow is the day that we will participate in this as a County organization and we will have a number of women in the courthouse all day long, fifty-three. Well, thank you very much Jerri. Thanks for all your hard work. Carla, thanks for all that you’ve done to put this deal together. Commissioners, any other comments? Thanks for your hard work and this looks like a project that has lasted more than one year for sure, so I would say it has some real merit.”

**Ms. Tousley** said, “Thank you very much.”

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

**2. PROCLAMATION DECLARING APRIL 28, 1997 AS "WORKERS MEMORIAL DAY."**

**Chairman Winters** said, “Commissioners, I have a second Proclamation I'd like to read for your consideration.”

**PROCLAMATION**

**WHEREAS**, 6,588 American workers were killed on the job in 1994, 4% more than the previous year’s total; and, many American workers are permanently disabled; and

**WHEREAS**, 6,737,400 American workers were injured on the job; and

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**WHEREAS**, American workers die from cancer, lung disease and other diseases related to toxic chemical exposure at work; and

**WHEREAS**, concerned Americans are determined to prevent these tragedies by:

organizing Workers Memorial Day on April 28, a day chosen by the unions of the AFL-CIO as a day to remember these victims of workplace injuries and disease;

renewing our efforts to stronger safety and health protections, better standards and enforcement, and fair and just compensation;

rededicating ourselves to improving safety and health in every American work place;

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 28, 1997 as

**“WORKERS MEMORIAL DAY”**

in recognition of workers killed, injured and disabled on the job.

“Commissioners, that’s the Proclamation, what’s the will of the Board?”

**MOTION**

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

Commissioner Miller seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, “Today, we’re fortunate to have Pat Lehman here, the President of the Wichita-Hutchinson Labor Federation. Pat, welcome to the Commission, and please speak to us about your activities concerning this event.”

**Ms. Pat Lehman** said, “First of all, Chairman Winters and Commissioners, I thank you for the Proclamation. We chose arbitrarily April 28 for the last eight years to remember those who have died trying to earn a living for themselves and their families. I am sorry to report that in the State of Kansas last year, we experienced a 28% increase in workplace fatalities state wide. We went from 47 to 60 people killed on the job. As you well noted, the increase in death continues to rise nation wide, far out of the proportion to the increase in the work force as a whole.

“We are very concerned about the growing number of injuries that we see called repetitive strain injuries and back injuries. Last year, more than 700,000 people across the United States were affected. I will tell you that it is the most commonly known in this part of the world as carpal tunnel syndrome. We virtually have an epidemic of it in the State of Kansas because of the nature of so much of the work that we do. It is caused by repetitive work, such as you find in meat packing, in postal workers, in clerical workers, those who pound a computer virtually all day without interruption, and particularly among aircraft workers who are putting planes together, bucking rivets, and driving rivets. Also, drilling the holes for rivets. Those are the places that we find this injury most often. It is a preventable injury. The tools exist to prevent these kinds of injuries. The knowledge exists to prevent these kinds of injuries. To their credit, some companies have adopted those practices and the tools necessary so that we are not continuing to see 21 year old women crippled for life in both hands, who cannot pick up a child because they have no feeling left in either hand. They cannot button a button. They cannot hold a cup of coffee. At age 21, that is a pretty devastating thing. These people who suffer from these injuries in the state, range all the way from age 21 to age 65 or older.

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“That is a sad way to end your career, so numbed and so damaged that you virtually are unable to care for yourself. We hope that at some point the opposition to the release of ergonomic standards by OSHA will cease and this kind of crippling injury will decrease significantly, not only in our state, but in the United States as a whole. There has been tremendous opposition to the release of these standards and I find it unconscionable that we continue to cripple people. As I said, we applaud those companies who have, through studies, adopted the practices to try to eliminate as much of this as possible. Obviously, we remain concerned about the growing incidents of people who are just killed. They come out to work every day. They are just like you and me. They get the little kid out the door to school and they pet the dog, kiss the spouse, and away they go. No one has an inkling that they will not return at the end of their work shift. For families, that is devastating, because that is generally the primary wage earner. I applaud you, I see some good operating engineers out there today doing the work that is necessary. They are well skilled, they are well trained, and I anticipate this job will be completed without injury and I thank you very much. Thank you.”

**Chairman Winters** said, “Thank you Pat, we appreciate you being here. Certainly, I think you have almost unanimous support in thinking that workers safety is something that is very critical that we all need to be aware of. Thanks for the work that you do in this area.”

**Commissioner Miller** said, “I do have a follow-up question Mr. Chairman. Pat, if you would come back to the podium please. For the public’s sake, could you let us know where we could get a copy of the standards that you are referring to, that is being halted by OSHA?”

**Ms. Lehman** said, “Sure, absolutely. The Department of Occupational Safety and Health here locally has a copy of those standards. I know that they do, but if you want, I can get you a copy and send to you immediately.”

**Commissioner Miller** said, “I appreciate that.”

**Ms. Lehman** said, “I certainly will. I will be more than happy to send a copy to each of the Commissioners. It is not a far-fetched thing. I give credit, many of you probably know, that the Machinist Union and Boeing Company, created a joint trust on occupational safety and health.



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“We devote so many cents per hour of our members money to funding these studies and they have, to my knowledge, done probably the most exhaustive study and have implemented ideas and ways to try to cut down on these incidents and so I have all those companies real credit for going ahead despite the national opposition from what I consider irresponsible employers, and that is basically what has happened on stopping the implementation of those standards. There is no reason for it. The public pays. Ultimately, the public pays because of the loss of the ability to earn a living. More importantly, those families are frequently devastated for the rest of their lives as a family because a primary wage earner is simply no longer able to do that. So we thank you for your interest and I will see you get a copy. Thanks.”

**Commissioner Miller** said, “Thanks Pat.

**Chairman Winters** said, “Thank you very much. Madam Clerk, next item please.”

**PLANNING DEPARTMENT**

**B. CASE NUMBER SCZ-0738 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "SF-6" SINGLE-FAMILY RESIDENTIAL, LOCATED WEST OF 127TH STREET EAST, ½ MILE NORTH OF CENTRAL.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department (MAPD), greeted the Commissioners and said, “I did not bring a map along because I was not sure what the logistics issue would be this morning, but you should be familiar with this case. It did earlier go through a few controversial hearings. This is a zoning request by Kevin Daves, who is the owner of about 31 acres that is on the west side of 127th Street. It is between 127th Street East and K-96 and north of Central in the Crestview area. The zoning is currently SF-20, which is the Suburban Residential District. This request is for SF-6, which is the Urban Single Family District, that permits single family lots which a minimum of 6,000 square feet. It is the Standard Zoning District that most property in the city and the county, where urban services, public water, public sewer, are available. This is the same property that was subject to a number of hearings when it was earlier requested for a planned unit development. That planned unit development for request was withdrawn by the applicant shortly before a second County Commission hearing I think last January. The applicant refiled a very different case and this is a case for straight Single Family Zoning.

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“The staff is recommending approval of this request. It is consistent with the existing land uses and zoning in the area. To the north of this tract is Whitetail, developing single family subdivision, which is also zoned SF-6. Across K-96 to the west is our areas that are zoned and approved for zoning for SF-6 zoning. To the south is a church, which does retain the Suburban Residential District, but has been developed as a church. Across 127th Street, this land actually has light commercial zoning, but is developed with condominiums and townhouses and single family developments on the east side of 127th, in the Crestview improvement district.

“This is also consistent with the Comprehensive Plan that recommends this type of zoning, up to six units per acre of residential densities in the areas where public services are available. Water and sewer are available to the site. There are no significant detrimental impacts on community facilities. As the Planning Commission found, there was no neighborhood opposition to this request. The Planning Commission had their hearing last month. There were no speakers in opposition to this request and the Planning Commission’s vote was twelve to zero to recommend approval of SF-6 zoning. Then after the MAPC hearing, there were no written protests that were filed, so it requires a simple majority of the County Commission to approve. The Planning Commission’s recommendation was for approval subject to the standard condition of platting. The applicant’s agent is here if you have any questions, and I’d be glad to answer any questions at this time.”

**Chairman Winters** said, “Thank you. Commissioners, does anyone have a question of Marvin at this time? Seeing none, we’ll go ahead and open it up for anyone who would like to address the Commission. If there is anyone here who would like to speak in support of this application, this would be the time to do it. Please come forward, state your name and address for the record please.”

**Mr. Rob Hartman** said, “I’m with Professional Engineering Consultants, here on behalf of the applicant. I would just like to explain what Mr. Daves is proposing here in consideration of the zoning change. He is planning on putting single family units in here. There would probably be about eighty units, high quality residential homes. If there are any questions, I’d be happy to answer those.”

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**Chairman Winters** said, "Thank you. Commissioners, any questions of Rob? I see none, thank you very much Mr. Hartman, we appreciate you being here. Is there anyone else who would like to address the Board of County Commissioners on our Planning Department Item B? Is there anyone here in the audience who would like to address the Commission on this zone case? Seeing no one, we will limit discussion to Commissioners and staff. Commissioners, any comments?"

**MOTION**

Commissioner Gwin moved to adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting; adopt the Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until the plat has been recorded with the Register of Deeds.

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you very much. Thank you Marvin. Thank you Mr. Hartman. Next item please."

**NEW BUSINESS**

**C. REVIEW OF WICHITA STATE UNIVERSITY MILL LEVY ISSUE.**

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**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “I have copies of this presentation. Fred has those and will distribute copies to the Commission. I think it is important to certainly explain where we are and where we’ve been and where we think we’re going and give some background to this issue at this point in time. Clearly, there is lots of confusion about the nature of this issue and perhaps it will be helpful to let folks know where we are.

“On March 7 of this year, Chairman Winters received from Dr. Hughes, a copy of a memo that was written by the City of Wichita’s staff analyzing the past few years of the WSU mill levy. About a week later, Chairman Winters and I and staff met with Dr. Hughes, the President of the Board of Trustees of WSU, Mike Oatman, I guess he’s Chairman, and some of their staff, to discuss this issue. It was explained at that time to WSU that the conclusions reached in the memo are invalid because the analysis did not consider changes in the funding formula that occurred in 1994 and were implemented in 1995.

“Let’s talk a little bit about the history of this issue. It is not the easiest issue in the world so let’s try to explain it. In 1963, the City of Wichita was authorized by the State Legislators and the voters to levy a 1,500,000 for WSU. Monies were distributed directly from the County Treasurer to WSU, as if it were a separate taxing district. This direct disbursement provided additional revenues from motor vehicle tax to WSU. The city operated as if WSU were its own separate taxing district, as if it were a municipality. A separate fund was recorded in the City of Wichita’s budget book that the city’s official budget sent to the state did not include a separate fund for WSU. Even before we began in this issue there was confusion about whether the fund existed and which revenues were required to be paid.

“In 1987, the WSU levy was extended county wide. On June 23, the Board of County Commissioners passed a home rule resolution to adopt the recommendations of a long range planning task force for 1.5 mills county wide for educational development at WSU. That includes programs of bonds, the payment of bonds and principles and interest. This was different from what the city had done. Under this legislation, home rule resolution, the WSU mill levy came under the county umbrella.

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“On June 23, the same day, in concurrent actions, the Board of County Commissioners also entered into an agreement with the City of Wichita. It specified in that agreement, an inter-local agreement, that the City Council would have budget authority for proceeds of the 1.5 mill levy that was raised in the city and the county would do likewise. The County Commission would have budget authority over the proceeds of 1.5 mills for the rest of Sedgwick County. That is approximately a 75/25% split, 75 in the city and 25% outside the city.

“Section seven of that Agreement, clearly states that Sedgwick County ‘is the responsible agent under this Agreement to levy, collect, and distribute the funds.’ From 1988 through 1994, Sedgwick County budgeted for separate WSU funds, which included motor vehicle taxes, back taxes, payment in lieu of taxes, motor vehicle rental excise tax, and sent those monies associated with the fund to WSU on a monthly basis. In 1991, we understand, and now have discovered, that WSU requested . . . those early funds were sent sometimes on a quarterly basis, but in 1991, we switched to a monthly basis at the request of the bond holder and WSU.

“Questions in 1993, during the budget process, because of the financial strains on the county, arose about the funds, the tax distribution, and the accounting procedures used in the WSU mill levy. So the Budget staff discovered, and continued to work on, what they thought was a procedural error, and caused more money to go to WSU than necessary. After researching this issue, the budget director and I met with Dr. Hughes, President of the University, and Fred Zuterman in the Spring of 1994, to inform them of a historical error and the county’s intentions to correct it. At that meeting, I laid out two alternatives, which you will see in a minute regarding how that may be done.

“Attorneys for the county and WSU reviewed the issue. On May 19, the County Counselor provided you and me an opinion that the motor vehicle tax was not subject to the property tax levy. I told WSU that the county would correct the error. The county staff proceeded to make that correction. In an attempt to insulate WSU from the drastic funding reductions in one year, a payment schedule was devised by which WSU would receive slightly more money each year, but the revenues would not grow at a rate equal to the assessed evaluation growth. Perhaps this can be better depicted by graph. This graph shows the status quo or growth model projection if you will.

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“In 1993, about 3.4 million dollars was received by WSU. Here is what was going to be received in 1994 and 1995 and 1996. This would have been the normal growth projection at the time. This is clearly optimistical, but that is the growth we use in developing the budget. This includes a 1.5 levy on the motor vehicle tax and associated revenues. It assumes a 2.5 growth rate and is more than what we think is. . more than is legally required at the University.”

**Chairman Winters** said, “Bill, I wonder if you can move back to the podium because I want to make sure that the public and the television hears what you are saying. Maybe you can get a pointer to point to those.”

**Mr. Buchanan** said, “Thanks Mr. Chairman. Let’s go to the next slide. One of the proposals that we presented to WSU in that meeting in the Spring of ‘94, was to do a one year drastic reduction. You can see that in 1994, they would have received 3.5 and in 1995, a 2.9. That looks like a \$600,000 difference and it is from one year to the other, if we would have continued on the growth method, it is as the second bullet says, it would be a \$700,000 decrease. Clearly, WSU, in that meeting with President Hughes and others, this was not satisfactory to them and so the other proposal was handed to them and you’ve seen that form, it was not presented in this way, but in a series of numbers. The other procedure was to give them the same amount of money and in nine years, it was level payments, and in nine years, we would have been where the blue line would have been in nine years, so they would have intersected. It would have been something up here. That was not acceptable so we came back and worked a different plan and this is ultimately what we came up with.

“This takes a little more than nine years, but clearly, we continue to have a growth to WSU in the Phase-in Plan. We planned it to intentionally give them more money each year so that they would not lose any money, the rate of growth would be stunted or restricted, but eventually, in the year 2006, 7, 8, depending upon or maybe 9 or 10, depending upon the rate of growth in Sedgwick County, we would have eventually phased out the use of motor vehicle, and gotten in alinement with what the resolution and inter-local agreement says.

“Continuation of this funding plan over an approximate nine year period, would have resulted, as I said, in receiving on the amount due for the 1.5 mill levy. A portion of the motor vehicle taxes would continue to be allocated to WSU during the phase-in period and after the phase-in period ends, the motor vehicle taxes would no longer be paid to WSU. In 1994, the conclusions during the budget process were reached.

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“One, only ad valorem tax revenues were required. This is a basic difference between the city approach to doing the business as they had done it with their rules and under the legislation that they received and the County home rule charter. The inter-local agreement between the city and the county requires the county to levy an ad valorem tax of 1.5 mills on taxable tangible property. Taxable tangible property does not include motor vehicles. Payment of the motor vehicle tax is not required.

“The state motor vehicle laws specifically prohibits local governments from levying additional property tax on motor vehicles. Motor vehicles ‘shall not be subject to property or ad valorem taxes levied under any law other than the State of Kansas or any other resolution or ordinance of any taxing subdivision thereof.’ Motor vehicle taxes are calculated using a complicated formula administered by the Department of Revenue. The formula is based upon taxable value of the vehicle and the average county mill rate. Remember the debates of the legislature last year about different counties having different rates and that is why. The same year, same make, same car, owned in two different counties would pay two different rates. Taxing subdivisions receive distributions from motor vehicle tax proceeds from the state. It cannot directly levy taxes on motor vehicles. For instance, there is an aging mill levy, there is an aging fund. Aging funds receive distribution from the motor vehicle tax proceeds. The Kansas Coliseum has a fund. It has no mill levy. The fund gets no motor vehicle tax proceeds. Use of a special fund is not necessary. No particular needs exist for a special fund for WSU mill levy proceeds. The 1.5 mill levy is part of the county’s overall levy and it subject to the state tax lid. WSU is not a special taxing district that requires a separate fund. A special fund was collapsed in the County General Fund as a budget simplification measure that year at a time when several other funds, if you remember, were collapsed. We collapsed the appraisal and the special election funds are two that come to mind, were collapsed into the general fund.

“Once it was determined that the motor vehicle taxes were not owed to WSU, a reason no longer existed to have a special fund. The fund was collapsed in August of 1994, when the Board of County Commissioners adopted the 1995 Budget and is shown on several documents since then, including the CAFR. We implemented, because the fiscal year begins in January, we implemented these procedures January 1, 1995. The county collapsed the WSU fund into the General Fund. The change in fund was simply an accounting procedure and was not done with intent of defrauding WSU of any monies legally due the University. The change was part of a large change to reduce the complexity of the county budget and should improve financial reporting.

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“The county budgeted the proceeds of the 1.5 mills for WSU. In addition, the multi-year phase-in plan forwarding a portion of the proceeds from motor vehicle taxes was implemented. This plan, in effect, distributed to WSU more than was legally required. Currently, this plan is in the third year of implementation. Since 1995, the county intentionally sent to WSU more money than it was legally required. The multi-year plan was intended to provide a gradual draw down of the excess to prevent a negative impact on the WSU budget. You have in the report, the figures for ‘95 was \$635,000 and 1996 was \$547,000, and 1997, concluding this year, will be \$442,000, for an excess of 1.6 million dollars.

“Where we are now. After being told in 1994 of this change, and after having received 27 months of payments, on March 14, 1997, WSU expressed concern for the first time with the funding agreement. We, Sedgwick County, agreed to review the financial and legal aspects of the issue and then meet again to discuss the potential changes. On April 8, the county and WSU staff, met for a review of the issue again. On April 9, I met with Chris Churches to discuss several changes in the inter-local agreement to clarify the calculations to the distribution methods, streamline the approval process. The city and county finance directors have met regarding this issue. On several occasions, the last one being Monday, I met with Mike Oatman, to ensure understanding of the details of the issues, the pros and cons of the various proposals.

“What next? I think Sedgwick County continues. What I hear from you and what I hear from the staff, and what I know in my heart, is we remain committed to support WSU with a local mill levy. It is an important function of this community. It is good public policy. WSU and Sedgwick County have been great partners and we will continue to be. It is a relationship that we enjoy and want to continue at the highest level. The staff is working with WSU to address its concern. Several possibilities were examined. We, as a staff, examined could we get back the \$1,600,000.00 that we’ve given them over what we’ve spent? We could do nothing. We could continue with the county’s current interpretation of the laws. We could renegotiate the terms of the inter-local agreement to clarify the tax base upon which the 1.5 mills is levied and which associated revenues will be distributed to WSU. We could rescind the county resolution providing for the 1.5 mills for WSU and let the City of Wichita do it. For various reasons, these were all set aside.



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“We began these changes in 1994, based on a clear legal opinion. I believe we had an understanding of what was going to occur. I informed WSU of what we would do and we did what we said in 1995. Now we know that WSU has concerns and we made more changes in the way in which we are doing business. We are willing and have discussed those issues with them. We are willing to make adjustments now. Since we understand how important some of those issues appear to be to them. Once we learned their specific positions, we will be better prepared to reach a mutually agreeable solution. I expect fully that those discussions will continue.”

**Chairman Winters** said, “Thank you Mr. Buchanan. Commissioners, does anyone have comments or questions at this point? I’ve got a couple but if someone would like to start off.”

**Commissioner Schroeder** said, “Just a housekeeping question. Did we invite the appropriate parties to this meeting today Mr. Buchanan? Did we follow through with that idea?”

**Mr. Buchanan** said, “I had a discussion with some of the parties and I failed to offer a specific invitation to some others.”

**Commissioner Schroeder** said, “Okay.”

**Chairman Winters** said, “I guess that I’ve got a couple of comments and then Commissioners, if anybody wants to join in with where do we head from here, we can certainly have that discussion. I still think it is extremely important that we take a little bit of a historical look at this and I certainly am not the expert on the history of WSU and the City of Wichita and Sedgwick County, but it is my understanding that prior to coming into the state system, that there was in the City of Wichita, a pretty significant mill levy approaching 7 mills or more that was dedicated to fund and operate the University. When it went into the system of the State Board of Regents, the community of Wichita picked up and retained a significant commitment to supporting WSU at what was then a 1.5 mill levy. Then in 1987, the county picked up and shared in that significant responsibility, which is one of the unique things about this university in the nation, that there is a mill levy that is dedicated to supporting the University and I think it is extremely important. I think those commitments to do that are long standing and deep rooted from the time the University went into the system.

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“I am concerned at how the media is going to react to this stage that we are going through now. I certainly don’t want anyone to think that Sedgwick County is now trying to relinquish part of our responsibilities to the University. I would like to, there are several things on your, ‘what do you do next,’ that I don’t think I’m interested in doing next and I doubt if the Commissioners are. I would certainly suggest that on the major issues that have now been raised of concern, that Mr. Manager, you as staff, I think, hopefully call a meeting pretty quickly with the Board of Trustee’s Chairman and the President of the University, and work out an agreement, an understanding, a memorandum of understanding on how we’re going to play our role. As you said, I think we’re not set in concrete in a number of these areas. I think that our budget department staff did a good job. I think they were correct in a lot of the assumptions they made, but I’m certainly willing to discuss those and come to a better understanding between Sedgwick County and the WSU Board of Trustees. In the conversations that I’ve had with Mr. Oatman and Dr. Hughes, I think we can accomplish that. I guess if I had my special desires of what to do next, it would be to have a meeting this afternoon with Mike Oatman and Dr. Hughes and come to a conclusion that they can accept and one that we can accept. I’m sure we can do that because I don’t think we are that far apart.”

**Commissioner Schroeder** said, “I might make a comment that I don’t think we even have a consensus amongst the Board of County Commissioners so how are we going to send Mr. Buchanan to make a deal, if you will, with Wichita State? I think we need to decide what we think is acceptable and send that with him as a negotiating tool. Because I know we are kind of across the board on this deal and I would sure hate for us to step forward and say we can do this when there is no consensus to do that. I think we need to come up with a game plan better than to just send him off this afternoon. We need to talk a little bit more, don’t you think?”

**Chairman Winters** said, “All right. I am certainly open to suggestions on how to do that. If the Manager needs to speak to each one of us individually. I guess if anyone has comments that they would like to make at this time, that might be appropriate, or if Mr. Buchanan just needs to hold some individual meetings with Commissioners over the next couple of days, he could do that, which may be proper too.”

**Commissioner Schroeder** said, “Let’s give it some time for discussion is all that I’m saying.”

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**Chairman Winters** said, "The only thing that I'd like to do, and I don't want to rush to the point that we make a mistake, but as we continue to see the media think that there is some kind of major fracture here, I think the quicker we can get it settled, the quicker we can show the community that there is not a major fracture and that we are going to try to work with the University very closely. Mr. Buchanan, did you have something to add?"

**Mr. Buchanan** said, "I do think there is sense to get this finished, but let me tell you that in the next day or two, I'm scheduled into budget hearings and we've already delayed them and we need to get on to that process too. I will make it an attempt to discuss it with Commissioners and make an attempt to talk with the University people in the next several days."

**Chairman Winters** said, "Well, my comment of trying to get together this afternoon was probably pretty hasty and not well thought out. I certainly didn't mean to think that we needed to rush into it and I am certain that a week or so until we get all of our facts straight, would certainly be acceptable. I guess I just want to emphasize my concern to make this a good situation for both WSU and Sedgwick County. I believe we can do that. That's what I'm going to be working for. Commissioners, are there any other comments? If not, I would receive a Motion to receive and file Mr. Buchanan's report."

**MOTION**

Commissioner Gwin moved to receive and file the report.

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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**Commissioner Hancock** said, "Mr. Chairman, just one comment. Manager, again, in regard to this, the Chairman asked for comments and I've been sitting here thinking about it. I agree with what the Chairman has said and I agree with what Commissioner Schroeder has said. We need to get on with it but we need to do it in such a way that it is measured and proper. I think it is important in this matter that we have some kind of a public statement from WSU about their agreement. An issue was made early on when the memo came from Ray Trail and it appeared that the county was being dishonest in its dealings with WSU. I, for one, resent that. I'm not going to sit here and let everyone think that everything is happy here on the Commission. I, for one, am not a happy Commissioner concerning this issue. I would only ask that, and from what I'm hearing from the Commissioners, and I know I am prepared fully to deal with the issue in a way that WSU would like to see it dealt with. Certainly, I want to do everything I can to give to them everything that they need to operate the way they need to operate. After all, it is their money, the tax payers pay it and it is their property to do with as they see fit of course in the public eye. I don't want to inhibit that process, but I can't help but say that I am a little resentful of how this whole thing came about and I see it as a failure of communication from the city to come forward to us and simply say we have some difficulty here understanding what is going on. Instead, made this an issue, I think, completely blown out of proportion. From what you are able to tell us today, we apparently have not under funded WSU. One interpretation is that we have over funded WSU. So we need to discuss that but we need to discuss it in such a way that we trust one another, not assuming that one or the other is being somehow dishonest. So if you and the Chairman and the staff are prepared to have meetings with WSU, I think we need to honor their request, but at the same time, I think we need a statement from WSU clearly that they understand what is going on and either they like or dislike what we are doing. I don't want there to be any question. If they dislike it, we will adjust, I can promise that. I think that responsible parties need to be responsible and not throw that responsibility to the government whose responsibility it is to collect that tax and distribute it. We have a responsibility to the tax payers ourselves and that 1.5 mill levy is in fact on our levy and I guess sometimes whether the agreement that we've made is even legal because we are in fact the taxing entity and I'm not even sure whether Wichita could make a case that they have a part in this distribution. That is subject to interpretation of their local agreement. Please, Mr. Chairman, and I ask the other Commissioners, to demand that WSU sign off on our agreement very clearly. Thank you."

**Chairman Winters** said, "Thank you. Any other comments or discussion? All right, we'll move on to the next item of business. Madam Clerk, please call Item D."

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**D. RESOLUTION REQUESTING THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS TO ACQUIRE A SITE AND CONSTRUCT AND EQUIP THEREON A BUREAU OF PUBLIC SERVICES FACILITY FOR SEDGWICK COUNTY, KANSAS.**

**Mr. Joe L. Norton**, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "As you may recall, a couple of years ago, Sedgwick County created the Sedgwick County Public Building Commission as an entity which could assist and facilitate in the financing of various public structures throughout the county. Prior to this time, that entity has been utilized to finance the Forensic Science Center, which has been up and operating. Before you today is a request that has been generated by the Bureau of Public Services for the financing of a new Public Services facility to be located immediately north of the current facility, approximately Seneca and Stillwell, and to finance the same through a lease arrangement with the Sedgwick County Public Building Commission.

"That facility, which I'll give you some brief information and if additional information is necessary, David Spears is here and available to answer those kinds of questions for you. It would be an approximately 32,000 square foot facility containing offices for the county's Engineering, Public Works, Zoning, and Code Enforcement operations. The current estimated cost of that project is approximately \$4,480,000.00. The request would be to finance \$4,100,000.00 of that cost with the balance being paid from available Bureau of Public Services funding in their budget.

"Statutory requirements are that, prior to the issuance of these bonds which will be revenue bonds, secured by a lease with the County, the Public Building Commission must adopt a Resolution declaring an intent to issue such bonds and finance the project and public notice is then published once a week for two weeks and a thirty day period exists from which the public can protest that issuance of revenue bonds and force it to a referendum or to abandon the project. Prior to the Public Building Commission considering or making the declaration of intent, we would request that you, in fact, provide your opinion as to whether or not this project should go forward. So for your consideration today is a Resolution, which if adopted in its current form, would request that the Sedgwick County Public Building Commission consider this item and adopt a Resolution declaring their intent to finance \$4,100,000.00 of that project cost and to enter into a lease agreement with Sedgwick County who would provide the funding to the Public Building Commission to debt service those revenue bonds.

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“The structure would be that in essence, the facility would be owned by the Public Building Commission and leased to the county under a long term lease arrangement, the rental payments being sufficient to debt service the revenue bonds to the Public Building Commission. The county would have the obligation to provide for operation and maintenance expenses of that facility. When those revenue bonds are retired, the County would have an option to acquire that facility for a nominal consideration, usually \$100 and whatever the cost would be to transfer title, so in essence, it is a financing vehicle, a lease with option to purchase arrangement between the county and the Public Building Commission. The Public Building Commission, if this Resolution is adopted, would meet and consider that request in fairly short order and move forward on the project if they so determined. So that is the legal framework involved. The rental payments made to the Public Building Commission by the county would be from appropriate funds in its normal budgetary process.”

**Chairman Winters** said, “Thank you very much Mr. Norton. Commissioners, are there questions or need for further explanation? Comments?”

**Commissioner Miller** said, “I do have a question Mr. Chairman.”

**Chairman Winters** said, “Yes, go ahead Commissioner.”

**Commissioner Miller** said, “Joe, this is for the public’s sake for the most part. I am supportive of the project and glad that it is going to go forward. In lay terms, and I know you did describe at the beginning what the PBC or Public Building Commission does and what its duties are, but in lay terms for the public, just why would we need a Public Building Commission?”

**Mr. Norton** said, “The Public Building Commission is a creature of statute. The state legislature has authorized these Public Building Commissions to be created and they have the ability, by statute, to finance with revenue bonds public facilities for counties, cities, administrative offices for school districts, various state and federal agencies. They have a greater flexibility to finance these kinds of projects than does the county.”

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**Commissioner Miller** said, "Okay, and thus far, I heard you say that the PBC has publicly funded the Forensic Center, only?"

**Mr. Norton** said, "At this point in time, the only series of bonds they have issued was for the Forensic Science Center. That project has been financed, been completed, is operational, the lease agreement between the county and the PBC is ongoing. In addition, this Board has requested that the PBC provide assistance in financing Exploration Place and that legal mechanism has taken place. You have made that request and they proceeded with that request and the notice and protest period has expired and basically are waiting on finalization of other private funds necessary to complete that project prior to the time that the PBC would issue their bonds to finance a portion of that project and lease it to the County and make arrangements with the Exploration Place Board. So you have taken that action and made that request, but financing has not yet taken place. I anticipate that may happen on fairly short order now that the fund raising efforts on Exploration Place have gone forward. This would be the third project that you would seek assistance from the Public Building Commission in financing for the county."

**Commissioner Miller** said, "Is there a threshold or a capacity that the PBC can reach in terms of being able to finance?"

**Mr. Norton** said, "There are no legal constraints on what the PBC can finance from a dollar standpoint. They can basically finance, under state statute and your charter resolution, any structure of a public nature for the county, for the city, for the state, or federal agency that is located here within Sedgwick County. So it has to be a public facility, it cannot be a private enterprise or something like that. The capacity for them to issue revenue bonds is the capacity of the underlying governmental agency's willingness to make a lease payment. So they have no taxing authority. The Public Building Commission has no tax authority. All they have are revenues they receive from leases for buildings. Before they would go forward and issue a revenue bond to build a structure, they would want to have a signed lease agreement with the county or another public agency willing to make the payments of the rentals necessary for them to retire their revenue bonds. So in this case, before they would proceed to do anything, they are asking for your concurrence in this Resolution, requesting them to do so and you are declaring an intent that you will, in fact, enter into a lease agreement to provide revenues sufficient to them to retire that \$4,100,000.00 in revenue bonds. Again, that number is a not to exceed amount. The final size has not been calculated or determined."

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“Assuming that they agree to this request, then prior to the time the bonds are issued, that lease agreement would be negotiated between the county and the Public Building Commission and the actual repayment terms would be known and that would come back to you for final approval of the execution of that lease agreement by the Chairman. The Public Building Commission would do a similar thing. Once that is negotiated and signed, then the PBC would go forward and issue the revenue bonds to fund the project at that point in time.”

**Commissioner Miller** said, “I’m thinking in terms of long term debt projected for the county, understanding that we’ve got a challenge in front of us for the 1998 budget, possibly for the 1999 budget. How would we know what the lease agreement would be or do we just project what the lease agreement would be that would possibly impact those budgets?”

**Mr. Norton** said, “We have some preliminary indications right now that the county finance staff has gone over with respect with what those anticipated debt service payments may be. The final amount of those are obviously going to be determined by the actual amount borrowed and the interest rates that are received by the PBC on their bond issues when those bonds are sold. We anticipate that if things move on the time schedule that we would anticipate that later this summer, prior to the time that you finalize your budget, a more refined cost number would be available to you and you would make that decision during your budgetary process as to the amount of rental payments that you are willing to make.”

**Commissioner Miller** said, “We’re talking about Exploration Center and this particular project?”

**Mr. Norton** said, “Well, this particular project basically, assuming the PBC ascends and the protest period expires is between the county and the Public Building Commission. So if the county is willing to make the payment in an amount sufficient to retire the debt and the terms of the lease agreement are negotiated, then those two parties can control that financing. The Exploration Place, I think a lot of parties hope that can proceed this summer also. That is contingent upon a third party source of funding that Exploration Place Board of Directors are seeking from the private sector. If they can obtain that source of funding, to meet their cash contribution to the project, then that could proceed this summer also. Now, obviously the rental payments can commence when the project is complete.



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“They can mix prepayments. Those kinds of financing structures need to be worked out and brought back to you for your final approval during that budget process. Whether those lease payments start immediately or they start a year from now or two years from now when the project is complete, those are all subject to negotiations between the Public Building Commission and the county. So you will have a say when those funds will be implemented into your budget process.”

**Commissioner Miller** said, “Very good. Needed to understand. Thank you. Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you Mr. Chairman. David, just real quickly on the facility and for the public’s edification, because I have been in your current building and I’ve seen the plans for the new one. Talk to me about where your department is currently located and what drawbacks that facility has and how improvements or service can be improved in this facility as it is planned.”

**Mr. David Spears**, Director, Bureau of Public Services, said, “Commissioner Gwin, we’re located at 1250 S. Seneca right now. It is a facility that we’re very cramped in space, very few windows. It is much like a maize. It was a former lumber yard and laundromat. It is very outdated. It actually, in its present state, does not meet some code requirements.”

**Commissioner Gwin** said, “I didn’t mean to ask that.”

**Mr. Spears** said, “That’s all right. I tell you, all the employees in Public Services are very excited about this and it is going to improve morale. I also want to say that I know that all the employees in Code Enforcement, which is not part of Public Services, they’re excited about it. Informally, people will come in there and say how do you people work here in this place? That’s comments we receive from the public. It is going to improve productivity, I know it will. We’ve got a lot of windows in the new building. You ask anybody there, what do you want in your new office and they say a window. We’re excited about it and I appreciate your support.”

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**Commissioner Gwin** said, "I appreciate that. I do believe with the plan, as I've seen it, the public will know where the front door is and they'll be able to get around in it a little easier. It will be laid out for their convenience too, which is not possible in your current facility. I think trying to figure out where you want to go and even what door you want to use in the current facility is a lot iffy. I think from the public's standpoint, they'll be able to use the facility and be able to get to the people that they need to get to a lot easier. I'm supportive of this, too, and I appreciate you talking to us about why the need. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you Commissioner. Any other questions or comments? If not, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to adopt the Resolution.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Next item."

- E. STATEMENTS OF COSTS AND ASSESSMENT ROLL; ESTABLISH DATE FOR PUBLIC HEARINGS REGARDING PROPOSED SPECIAL ASSESSMENTS FOR CERTAIN INTERNAL IMPROVEMENT PROJECTS IN THE COUNTY; AND PROVIDE NOTICE THEREOF.**

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**Mr. Norton** said, "This is the first part of a two-part process, the other one being in the agenda for the County Sewer District, with respect to finalizing the cost and spreading assessments for various improvement projects that have been previously authorized by the Board of County Commissioners and constructed by the Bureau of Public Services or independent contractors on their behalf.

"There are ten projects in this particular phase, all of which are street or road improvement projects, all of which have been requested by the county petition process by more than a majority of property owners of the proposed benefit district to be assessed and in many cases, 100% of the property owners. In each case, 100% of the cost of these projects will be spread as special assessments against benefited properties in the districts. None of these costs will be acquired by the county at large.

"The process basically is a twofold process. One, today's action, is to meet and accept these cost statements prepared by the Bureau of Public Services and designate May 14, 1997, at 9:00 as the date and time for a public hearing for which these property owners may address the County Commission if they so desire with respect to these proposed assessments and to authorize that proper legal notice of that public hearing be given by publication in the official county newspaper and mailed to each affected property owner that would be affected by these improvements. That, in essence, would be a mailed notice that would indicate the date and time of the public hearing, and the amount of the proposed assessment for each individual property. So that property owner would, in fact, get a letter saying your anticipated assessment for this improvement would be X number of dollars and if you want to comment to the Board of County Commissioners, May 14, at 9:00 a.m. would be the time and place to do so. If they want to submit written comments, they may also have that opportunity.

"These ten projects, we'd like to briefly review with you. The focus that we have is on the project description itself and then on the line that is in green, the amount to be bonded and then the line in blue, the net cost per unit. The project, a brief description again these are all street improvements, the first is in the Pray-woodman Addition, which is located approximately 45th Street North and 119th Street West near Maize. The amount to be bonded is \$150,000. That is an amount which is the construction, engineering, costs of temporary financing, things like that. The total amount anticipated to be borrowed by the county. That is a one lot commercial project, all of which will be assessed to that particular property.

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“The Willard Parker Street Addition, at approximately 103rd Street South and 119th Street West, again total costs of about \$77,000. There are four properties in that particular project, each bearing a cost of approximately \$19,000. The Pinehurst Street Addition, approximately 143rd East and Central. Again, approximately \$26,000 or about \$800 per lot for these street improvements.

“Project number four is Fairway Meadows Street Improvement, located approximately 63rd Street South and Greenwich Road. Again, when apportioned among the 148 lots in that benefit district, an estimated cost of about \$4,700 per lot for street improvements.

“Project five is Balthrop Addition, located on the northeast corner of Central and Greenwich Road. That shows various as far as breakouts. There are some commercial lots near the intersection of Greenwich and Central that bear a substantially larger cost share of that and a great number of residential lots. Those residential lots will vary in size, but the approximate lot is about \$9,200 for special assessments for street improvements.

“Wheatland Addition is located near the intersection of MacArthur Road and Hoover. Thirty-four lots in that benefit district at a cost of about \$3,900 per lot. Belle Terre Second Addition, Phase 1 streets, located near the intersection of 159th Street East, on the county line with Butler County and Central. Thirty-eight lots in that particular subdivision area, about \$11,400 for special assessments for street improvements.

“Woodland Place is immediately west of the Belle Terre subdivision. Fourteen lots in that subdivision of about \$10,200 for special assessments. Overbrook 2nd Addition streets, again, near the intersection of 143rd East and Central. Twenty-two lots in the subdivision at about \$5,900 per lot. Overbrook 2nd Addition Phase 3, same general area, about \$6,100 per lot.

“The various assessments in the residential areas differ primarily because of the lot sizes and number of lots in the subdivision configuration. The more culdesacs and things you have, the higher costs there are in doing streets. That’s why there is a differential in the various subdivisions. At the conclusion of the process on May 14, the property owners would have an opportunity within thirty days to pay the amount levied as an assessment in cash and if they do not, then the county would spread those assessments over a 15 year period at the rate which the county would obtain its general obligation bonds to be sold later in the summer.

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“Again, the timing on this would be such that these assessments could be spread, as part of the budget process this summer, with collections commencing later in 1997. Mr. Weber and I would be available to answer any questions you might have about this process. Again, the action today requested is to accept this cost statement and set May 14, 1997, as the date and time for public hearing and authorize the notice to be disseminated in accordance with the law.”

**Chairman Winters** said, “Thank you very much. Commissioner Gwin has a question.”

**Commissioner Gwin** said, “Joe, as you all worked on the estimate figures and the costs, did you have a particular interest rate that you used as a base line and how does that compare with what the interest rates currently are.”

**Mr. Norton** said, “I think the interest rate that has been utilized is 6%. We hope that is conservative. I think if the county were in a position to sell its bonds today, that rate would be much lower than 6%. As you may be aware, the financial markets are somewhat volatile. We’ve had some action by the federal reserve in raising short term interest rates. That has some factor. Again, we’re selling 15 year bonds, so they are primarily adjusting short term interest rates. We may have more of an impact on that in our temporary note issue that we do for construction processes. Rates are up slightly from where they were a year or so ago, but if we were to sell the bonds today, we would be substantially below that 6%.”

**Commissioner Gwin** said, “Thank you. Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you.”

**Commissioner Miller** said, “I have a question also.”

**Chairman Winters** said, “Commissioner Miller.”

**Commissioner Miller** said, “It has to do with project number one, Gilders Gardens sewers. I notice that we have . . .”

**Chairman Winters** said, “Commissioner Miller just a second. Are we talking about the same thing?”

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**Mr. Norton** said, "I don't believe that we are talking about that project yet. You may have a handout that includes both the sewer projects and the street projects. We'll get to that one in the Sewer agenda later in the meeting."

**Commissioner Miller** said, "Okay, I'll save it. Thanks."

**Chairman Winters** said, "Thank you. Commissioners, any other questions or discussion? If not, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve Statements of Costs and Assessment Roll; establish May 14, 1997 at 9:00 A.M. as the date and time for a public hearing; and authorize a notice of such public hearing to be published.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Mr. Norton** said, "Thank you."

**Chairman Winters** said, "Thank you Mr. Norton. Next item."

**F. AGREEMENT WITH COFFEYVILLE COMMUNITY COLLEGE (CCC) WHEREBY SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE (EMS) WILL PROVIDE FIELD INTERNSHIPS TO CCC STUDENTS.**

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**Mr. Tom Pollan**, Director, EMS, greeted the Commissioners and said, “Again, this agreement is an extension of the partnership that we’ve had with Coffeyville Community College over the past year to provide field internship. It is a standard form agreement and I would recommend your approval and authorize the Chairman to sign.”

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, “Thank you Tom. Next item.”

**G. KANSAS COLISEUM.**

**1. ADVERTISING/POURING RIGHTS AGREEMENT.**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, “Before you is an agreement on pouring rights and advertising rights to Kansas Coliseum and the Pepsi-Cola Company. This is a big step for us. These types of agreements are a normal way of doing business in our industry, in the arena industry, and it is one that has just become apparent to colleges and universities as state funds are becoming more scarce.”

**Commissioner Schroeder** said, “Do you have a copy of the Agreement that we could look at?”

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**Mr. Nath** said, "I don't have one with me."

**Commissioner Schroeder** said, "I'm sorry, go ahead."

**Mr. Nath** said, "As evidenced by a recent article this past Sunday in the Eagle, our colleges and universities are starting to recognize the benefits of these kinds of relationships. We sought and received proposals from both Coca-Cola and from Pepsi-Cola. Both of them were very strong and very aggressive. Our committee reviewed the proposals. Our committee was made up of Darren Muci, Director of Purchasing, Jerry Harrison, Assistant County Manager, myself and John Hale and Dedee Hill of the Coliseum staff. We did determine that Pepsi had the stronger proposal. This thing will do a number of things for the Coliseum over the next five years. Number one, it will have an immediate impact upon our bottom line. Two, it is going to allow us, over the next five years, some really interesting and neat marketing things, not only talking about the Coliseum and some of the things that we're doing, but also Select-A-Seat and publicizing the service that we provide through our ticketing company. It is also going to be able to improve our customer service. It is going to be able to help us improve our concession appearance. It is also going to help us to increase our points of sale by increasing our ability to serve the public in a better way. We're also going to be able to do some value added things and we're looking toward installing a closed-circuit TV system around the concession areas. We would recommend that you approve the Agreement and authorize the Chairman to sign. I know that Rod Hurt and Bill Mikulka from Pepsi are here and would be available to answer any questions."

**Chairman Winters** said, "Thank you. Mr. Pepoon, you have reviewed this contract and looked at it and gone through it from the county's perspective and as your position today as Acting County Counselor?"

**Mr. Michael Pepoon**, Assistant County Counselor, said, "Yes sir."

**Chairman Winters** said, "You're happy and satisfied with the technical arrangements of the Contract and its wording and all of that?"

**Mr. Pepoon** said, "Yes, I am."

**Chairman Winters** said, "Thank you. Commissioners, are there other questions of John or any of the others here today?"



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**Commissioner Hancock** said, “Mr. Chairman, I just want to say to John and staff that it looks like a good arrangement and I’m very happy to be able to vote on this one today. I’d like to thank Pepsi for their good bid. I, for one, really appreciate this kind of thing at the Coliseum. I think it will add to the Coliseum greatly. Thank you.”

**Chairman Winters** said, “I would echo that John. I appreciate the work that you’ve put in on this project and your staff and certainly Pepsi’s aggressive stance in coming forward and wanting to be partners with us in the Coliseum. I think it looks like just an excellent working relationship and everything seems to be in order as far as I’m concerned. Commissioners, are there other comments?”

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, “Next item.”

**Mr. Nath** said, “Chairman, excuse me. I think one of the representatives from Pepsi would like to say something.”

**Chairman Winters** said, “Great, let’s do that.”

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**Mr. Rod Hurt** said, “Good morning. Thank you Chairman Winters and Commissioners. I’m from the Pepsi-Cola Bottling Company. We’d just like to say that we’re excited about the new arrangement and agreement as far as the Kansas Coliseum. What we’re handing you right now is a commemorative River Festival can in an agreement that we reached with the River Festival this year in a ten-year sponsorship with them. Of course, in the years to come, we hope to do the same thing with the Kansas Coliseum to try to generate additional traffic and excitement around the Coliseum and build attendance there. Thank you.”

**Chairman Winters** said, “Thank you very much. We appreciate all the work that you guys have done on this. We appreciate this contract. We think it is a very good one. Thank you. All right, anything else John?”

**Mr. Nath** said, “No.”

**Chairman Winters** said, “Next item.”

### **2. PLEDGE AGREEMENT FOR GREATER WICHITA AREA SPORTS COMMISSION MEMBERSHIP.**

**Mr. Nath** said, “This pledge agreement is for the purpose of Sedgwick County to become a charter member of the Greater Wichita Area Sports and Events Commission. This commission and commissions like it around the country are designed to attract all kinds of sporting events to communities. Anywhere from little kids playing soccer to ping pong to bowling to arena type events. I certainly don’t think we’re going to see an event at the Kansas Coliseum right away through the efforts of this although we are working on an AAU Cross Country event laying a course on our grounds. I think this organization will be helpful in supporting us in our efforts of that. These organizations help facilities and sporting organizations to attract sponsorship, assist with volunteers, they assist with supplying hosts to the visiting teams and athletes and they also assist with some of the hospitality aspects of putting on a sporting event.

“My most recent experience has been in Cincinnati with the Greater Cincinnati Sports and Events Commission. What we had done in that community was we formed, and when I say we I’m talking about the facility, we formed a partnership with Ohio University for the purpose of obtaining the NCAA Division I hockey championships.

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“We formed a like relationship with Xavier University for the purpose of obtaining the Women’s Final Four in basketball. The Sports and Events Commission in Cincinnati was an integral part of our approach to the NCAA and we did obtain both of those events. I would recommend that we approve the Agreement subject to the funding limitations and become a member of the Sports and Events Commission. I would be happy to answer any questions that you should have.”

**Chairman Winters** said, “Okay. John, do you know of other major participants in the area that are going to be members?”

**Mr. Nath** said, “Other participants, WSU is on board. I know the Coca-Cola Company is on board and I am drawing a blank but there are quite a few others.”

**Chairman Winters** said, “WSU is going to be involved in this?”

**Mr. Nath** said, “Yes, it is.”

**Chairman Winters** said, “All right. Commissioners, are there questions or comments of John?”

**Commissioner Schroeder** said, “I do have some comments. I’ve had extensive discussion about this issue with the Assistant County Manager and I’m probably going to vote no today and I want to qualify that. That is, after I heard who was on the list, the Assistant Manager read the list of who’s who in the failed downtown public arena public vote and I have a problem with a \$5,000 membership. To me, that says if you have money in this community, you can buy the venue for this community. I don’t know what individuals are doing getting involved in this, paying in their \$5,000, but it doesn’t set right with me. If the Coliseum, Century II, the City of Wichita, Sedgwick County, WSU, and the others want to get involved with this, that makes some sense. But, for certain people in this community to buy their way into this process to me doesn’t make sense. I don’t know if they have any connection to sports authorities across the country and I understand that we’ve changed the name to Sports Commission now from Sports Authority and I don’t know why that happened, but I’m worried about the end result. I can guarantee you that in less than five years, this committee will be involved in the creation of a new downtown arena that failed by public vote a few years ago. Because it reads the who’s who that was involved in the failed public vote for the arena downtown. I am repeating myself because I’m trying to make a point.

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“Our Coliseum is in the black, it does well. Under John’s leadership it is doing well. As we can see today, we’ve got the Pepsi-Cola Company that responded to our request and they’re going to serve us well I know. I’m concerned that if this committee get’s its way, which I think it will in the future, that you are going to have another arena downtown. Therefore, you will have two arenas, both of which will be failing, which will be on the taxpayers back. I would rather see us first have a feasibility study that would tell us if two arenas can exist in this community before we take this next step.

“I am also concerned about Wichita State’s campus life. If you talk to most people at Wichita State, there isn’t much campus life. Football isn’t there any longer. Basketball is finally on its way back. Baseball does a pretty good job. But if you take basketball out of that venue on that campus, you will not have much to do for quite a few months during the winter at Wichita State campus.

“I have talked to people on the Board of Trustees who said we don’t know what they’re waiting on, why they don’t go ahead and expand the present Henry Levitt Arena. I’m a little bit concerned that in order to stay in good graces with the City of Wichita that they are postponing or delaying those plans in order to see what the City of Wichita is going to do for a new downtown arena. I will tell you there will be a lot of alumni who will be very upset if they move Wichita State basketball to a larger arena and fill it half way. I don’t think the Wichita State basketball team can be an anchor tenant for a downtown arena, I don’t think it is going to make it. That’s not going to put that arena in the black.

“The Kansas Coliseum is a very universal arena. It does a good job in providing entertainment for this community from all walks of life. Every spectrum you can think of has probably been in that Coliseum. I can’t think of anything we haven’t done in that Coliseum, World Wrestling, Monster Trucks, concerts, circuses, you name it, everybody in this community has had a chance to visit that Coliseum and see something that they like. We’ve had religious events in the Coliseum. We’ve done it all.

“I agree that the idea of a Sports Authority does make some sense in bringing new and better programs to our community for entertainment. However, I think there is an underlying flow here beneath this that is suggesting that we will use the Sports Commission to get a downtown arena in Wichita. When that day comes, you will have two failing arenas and I really hate to see the taxpayers pay for two of those.

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“Like I said, I think the idea is one that deserves a lot of consideration, but when you read the roster of who has bought into that, it tells me that these people have one thing in mind and that is to build a downtown arena with or without the approval of the public. So that is why I’m going to vote no today. Based on that and the fact that I think we need a feasibility study to show that two of those arenas can exist in this community. There you have it. Thank you.”

**Chairman Winters** said, “Thank you. Commissioner Hancock.”

**Commissioner Hancock** said, “Thank you Mr. Chairman. Commissioner Schroeder, you and I have talked over the years about the downtown arena and there have been proposals over the years to do just that and then there was a vote on it at one time as you recall. I agree with you in many ways that it is pretty scary that we could end up with two venues, neither one being successful. I think it is important that we become a part of this group, one to help sustain sports in the community and bring in new things and two, if there is in fact a desire by folks in the community to build a downtown arena, we need to be at the table and we need to be a part of those discussions to demonstrate how we can make it work or demonstrate clearly why it wouldn’t work.

“I do have difficulty with the necessity of buying in. That appears to be the need, but the organization, the Commission, needs to be funded somehow and that is exactly how it is going to be funded. I think it is important. I wish that we would be supportive so that in case the discussion about the future of the county and the future of the city and the entertainment and sports venues are discussed that we’re there and we’re part of it and we’re able to give folks the kind of information they need, that John has, that his staff has, to tell them whether their proposals will be successful or not. In the past, we haven’t been consulted very much. We haven’t been approached and say well folks what do you think? Because right now we are the 600-pound gorilla as far as large attractions are concerned. John has the experience and the staff has the experience and the staff of the County has the experience with these things and no one has bothered in the past to say County what do you think. Well, we’re going to be there this time I hope to tell them what we think and how we can make both of them work if we need to and tell them why only one works. That is why I want to vote for it.”

**Commissioner Schroeder** said, “Mr. Chairman, may I respond?”

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**Chairman Winters** said, “Yes.”

**Commissioner Schroeder** said, “I appreciate those comments totally and I think all of us have heard of a sacrifice fly and this is a sacrifice vote. I’m making my opinion on this issue known and the only way I can do that is by voting no and I know I’ll get some attention probably from the editorial staff. That’s fine, I think people just need to know both sides of this issue. I don’t think we need to have people of money and influence buying their way into this process. Pepsi-Cola, Coca-Cola, Kansas Coliseum, Wichita, Sedgwick County, Wichita State, any of those large organizations who have something to gain or lose through this process, want to be on that committee it makes perfect sense to me. But for people of money and influence in this community to be on that, I know what that means, we have land downtown we want to sell to the City of Wichita, we want to lease. I think it needs to be relooked at and I think membership needs to be limited to people who have a purpose in this community for being involved in these kinds of events. So I am sacrificing a fly this morning, but I just want that other side to be out there. I still think that the concept of us being at the table is a good one. I do not disagree with that John, and I know you’ll do a good job for us and keep us informed. Also let those people know how it is you operate a facility like ours and keep it in the black and what it takes to get it down. I appreciate your effort.”

**Chairman Winters** said, “Thank you very much. I would just comment that I think I’m going to be supportive of this but I very much appreciate your explanation of your vote. It may have to be a sacrificial vote if you want to call it that, but you did a very good job of explaining to folks what your concerns are and I think once we know what each other’s concerns are we can certainly hopefully make some better decisions. I appreciate your explanation. I really right now see this as headed in that vane. I really see this as a group of people who want to improve the sports environment of Sedgwick County and for that reason I’m going to be supportive of it. We know now that our Coliseum is not large enough for an NCAA event and maybe even a group like this could help convince the NCAA that maybe they should consider smaller arenas because I think they did have an excellent tournament when they were here with their regional tournament and maybe some sports authorities can convince the NCAA to reconsider smaller arenas such as ours. I think is just one place that John has certainly had experience in dealing with the NCAA. I think that could be a big plus. Any other comments or discussion? If not, what’s the will of the Board?”

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**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**H. CAPITAL PROJECTS DEPARTMENT.**

- 1. MODIFICATION TO CONTRACT WITH DESCON, INC. FOR THE REGIONAL FORENSIC SCIENCE CENTER LABORATORIES. CIP #PB-350.**

**Mr. Kenneth W. Arnold**, Director, Capital Projects, greeted the Commissioners and said, "I would recommend that you approve this modification. It is to add deionized water to the new laboratories we are installing. Cost is in the amount of \$1,825. Be happy to answer any questions."

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

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**MOTION**

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

Commissioner Schroeder seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Next item."

**2. AMENDMENT TO THE 1997 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR THE DEPARTMENT OF CORRECTIONS. CIP #PB-352.**

**Mr. Arnold** said, "This item will amend the 1997 CIP if you approve it to install security cameras in the juvenile detention facility in the classrooms that we completed last year. This was originally requested as a 1998 project and has been moved by that department up to a higher priority because of security needs. I would recommend that you approve it. The cost is in the amount of \$41,969."

**MOTION**

Commissioner Schroeder moved to approve the amendment to the CIP.

Commissioner Hancock seconded the Motion.

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



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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Next item."

**3. AMENDMENT TO THE 1997 CIP TO AUTHORIZE CONSTRUCTION OF AN ENGINEERING BUILDING THIS YEAR. CIP #PB-296.**

**Mr. Arnold** said, "This is a follow-up to an earlier item you approved with Public Building Commission Item D, to actually place the Engineering Building construction in 1997 instead of in the year 1999 as was originally planned. I'd be happy to answer any questions and recommend your approval."

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

**MOTION**

Commissioner Gwin moved to approve the amendment to the CIP.

Commissioner Miller seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**I. OLD COWTOWN MUSEUM REORGANIZATION.**

**Mr. Michael S. Knecht**, Director, Old Cowtown Museum, greeted the Commissioners and said, "I am here today to ask your consideration of a staffing reorganization at Old Cowtown. We're passing out an old organization chart that we had for Old Cowtown Museum as it existed the first of January. The second organizational chart is our new organizational chart which was presented to the Board of Trustees on March 24 of this year. The last sheet is the request on the reorganization. Specifically, what we are asking is that three currently vacant positions, county positions, at Old Cowtown Museum be deleted from our staffing chart. Those are the Associate Director, the General Curator, and the Maintenance Coordinator position's.

"Let me backup and say that we've changed the organizational structure out at Old Cowtown Museum and have streamlined our organizational structure in order to better fulfill the mission and goals of Old Cowtown Museum. Specifically, we are asking that three positions, which are currently vacant in our staffing chart, be deleted from our staffing chart. Those positions are Associate Director, General Curator and Maintenance Coordinator. The three positions being added to the staffing chart, those be Curator of Graphics and Exhibits, Carpenter Builder and Collections Care Specialist. This reorganization will have a zero impact on the budget. The positions that we are adding are at a lower range and what we are recommending to do with the funds that will be left from the full time staffing, be shifted over to the part time seasonal staffing at Cowtown. We will use those funds to hire additional interpreters out on the grounds so that when visitors come to Cowtown they will have the opportunity to talk to more people out in the exhibits and really have a greater understanding and impact from that interaction.

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“The reorganization has been reviewed by the Cowtown staff and Board during the months of February and March. It was presented to the Board of Trustees of the 24th of March and was recommended by the Board to go forward with the implementation. We’re here today to ask the Board of County Commissioners to approve the reorganization of Cowtown.”

**Chairman Winters** said, “Thank you very much. Commissioners, I know that we have had, even if we all fumbled around with them, we all have had an opportunity to review these prior to this morning so it certainly is not new to us. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you Mr. Chairman. Michael I appreciate your being here again this morning and appreciate the opportunity to talk to you before today’s meeting so that we had a chance to kind of review where you’ve been and where you would like to be in the future. Let me commend you on, I believe an organizational change that really puts the people where they need to be. It takes some out of the administrative side of it and puts them into the working aspect of Cowtown. As I told you, the thing that really makes me happy is that this is not only a positive or doesn’t cost money, it will save you money and what is important about that to me is that the savings will go to make sure that more interpreters are there. I think I shared with you in my office that that is what I always thought was missing at Cowtown was someone to be able to tell me and my family exactly what it is this exhibit means and to tell me about the way things used to be. Previously you could walk in and you would look at an empty building, which by itself can’t tell you much. I am delighted that the museum is becoming more of a living museum so that we can, in fact, have people who tell us their roles in Wichita and in Cowtown, at that time. Secondly, an organization that again, like I said, puts the workers where the workers need to be to make it a better place. I am very supportive. I appreciate the direction that you and the Board of Trustees are heading. I hope this doesn’t put too much weight on your shoulders. Can you assure me of that?”

**Mr. Knecht** said, “Well, basically what we are trying to do is flatten out the organization and hire managers that are not only managers but are working managers. By spreading that workload out over more shoulders it will help me with the overall running of the organization. More importantly, what you were saying is, we are trying to take Cowtown from being a static open air museum and creating a dynamic living history museum with more living history interpretation going on. It’s going to be real exciting in the next couple of years.”

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**Commissioner Gwin** said, "I'm excited for you. Thank you. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you. Commissioners, are there other comments or questions of Michael? If not, what's the will of the Board?"

**MOTION**

Commissioner Schroeder moved to approve the reorganization.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you very much Michael. Good luck. Next item."

**J. REVENUE-GENERATING 1-900 PHONE SYSTEM IN THE COUNTY CLERK'S OFFICE.**

**Mr. James Alford**, County Clerk, said, "I come before you today with a request for approval of a sort of let's say radical or unique way of raising revenue in the county. As you know, the County Clerk's Office is a repository for a lot of records that the county keeps. We are the main repository for the permanent records that the county has to maintain. Part of those records are the land management records which include the legal descriptions for property, address information, tax information, and other information that is available to the public as well as businesses that use that service."

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“We propose today before you to add a 1-900 number to my office so that we can charge a minimal amount as a user fee to continue to provide this service to our customers. The focus of this is that we’ll raise approximately \$50,000 for the county to continue supporting the customers. We believe that we will reduce calls in the interim to make the office more efficient. Currently, we are providing approximately 43,000 calls per year through our FAXGate system which allows people to call in and request information and we FAX that information back to them. This is a direction that I am trying to take that will basically pave the way for my office to completely computerize. We are trying to develop a LAN in the office putting all of this information on line, giving individuals from the outside access to that information and we believe that this is just a step in that direction.

“We are not charging for the information, we are charging simply a user fee for the time the staff is required to look up the information and get that information back to the end user. The information will still be free and accessible to anyone who comes in the office and wants to look it up themselves or have one of my staff look it up. We considered that when we were looking at this proposal. We calculated that when folks come into the office they have to pay money to park, they have to take their time to come down to the courthouse which can be somewhat exasperating at times, then they come in and we look up the information for them and we charge them a small fee for making copies of anything they want and then we feel like that cost to the consumer would be offset by this cost that we would charge over the phone calls. So we actually felt like there would be a wash and it would reduce traffic into the courthouse. It would reduce traffic through the office and would allow people better access to the information.

“Like I said, it is purely a labor intensive function. We, right now, are maintaining a staff of 4 ½ people full time just to answer telephones for this information now. With my budget reduction for 1998, I project the potential reduction in those staff to about three. What this is going to have is an impact upon the customer service that we’re able to provide. It is going to increase the amount of time it takes someone to get the information. It is going to mean that more people are going to be put on hold and that we’re not going to be able to provide quite the level of customer service that we presently are able to provide.

“We are unique in this in Kansas. We are unique in this in Sedgwick County. We are not unique in the country. There are other counties right now throughout the 48 contiguous states that are charging a user fee in the matter that we are charging.

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“A couple of those are Virginia, Maryland, Delaware, there are several states that I have not mentioned there but there are a lot of other places that the precedent has been set for this type of user fee. It is a \$2.00 per minute charge when they call up to access the information. Out of that \$2.00 per minute, we pay a \$.35 charge to the phone company, who will be doing the collection for this money. It allows us not to have to set up an accounts receivable function, to bill people for information we provide to them. It allows the phone company to collect that money and simply pay us at the end of the month. I ask today that you approve this. I’ll be happy to answer any questions. I have discussed this with all of you and I hope that I have answered your questions prior to today and I hope that we get approval.”

**Chairman Winters** said, “All right, thank you very much Mr. Alford. Commissioners, are there questions or comments? Commissioner Gwin.”

**Commissioner Gwin** said, “James, I don’t know that I have questions because we did have a chance to talk about it, but I do want to say to the public what you and I discussed this morning. I really wrestled with this. I really did worry about it and I guess I kind of came down on the side that says that I believe there are certain customary or what I would call ordinary or even traditional methods of delivering information or doing our jobs, your job, mine, our staffs. Then there are what I believe are extraordinary or at this point in time, non-traditional ways that we take care of the public and deal with their questions.

“In the extraordinary areas, I would put computer access, the phone modems and those kinds of things and recently FAX machines which in the next few years will probably be very customary and very ordinary. But I see those as extraordinary ways for taxpayers to receive information. They can receive it at their home, their office, wherever it is most convenient for them and I really don’t have a problem for charging fees for those extraordinary deliveries of information. But after I really worked on this, I believe that walk-ins, as you have agreed not to charge, but walk-ins are a very customary, very traditional way of people receiving information here at the courthouse, as I do believe are people who just pick up the phone and call. So I am not comfortable with charging for a phone call and for getting information over the phone.

“I appreciate that your people are on the phone but I believe that is what their job is. I think, as I told you this morning, I would be as uncomfortable charging or letting you charge people to get questions answered as I would to institute that kind of service in my own office.

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“I believe people expect that they can pick up the phone, that they can call this courthouse or any office here or the Bureau of Public Services or any place else and get a common question answered because their tax dollars are paying for that answer and that accessibility. So I guess that is where I am going to have to come down, but this appears to be a customary, traditional, ordinary way of delivering service. I would support it on a FAX, I think, but I have real trouble with a phone line, James. I really wrestled with it but I just can't get past that.”

**Mr. Alford** said, “Well, I did too. It was presented to me before I actually took office. I wrestled with the thing for a long time and took a lot of time to think it through and it wasn't until I got my '98 budget numbers that I was kind of pushed over the edge, if you will, and thought of a viable way to increase revenue. I will tell you that one of the things that we thought through when we were coming to this decision was that the general taxpayer is in fact, funding people that are using this service, so we felt like that was a reason to implement this \$2.00 per minute charge for the phones so that the whole taxpayer base or the entire County of Sedgwick would not have to bear the cost for us providing information to probably a predominantly business oriented community. I guess I feel like it is legitimate to levy a small fee, which it is, it is a small fee, for folks that repetitively use this service and they use it to the extent that they may actually keep someone else from being able to get the information in a timely manner. So, if you want to call it another form of taxation, it might be. We saw it as a way that we tried not to charge all of the people in Sedgwick County because we are subsidizing a small segment of those people and we just didn't think that was fair. We thought it was legitimate to spread those costs to only those people that use the service the most.”

**Commissioner Gwin** said, “I appreciate that, that's part of the argument that I went through myself James. Thank you. Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you Commissioner. Commissioner Schroeder.”

**Commissioner Schroeder** said, “Jim, you and I met on this yesterday and it sounded interesting and the more that I got to thinking about it, and you just hit the nail on the head, it was businesses and I know most of the phone calls that you get are from realtors and business people.

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“A lot of those people believe they already pay more than their fair share of taxes because they are assessed higher, so businesses are constantly complaining to us as Commissioners that they are being run out of business because taxes are too high, fees are too high, we’ve got to pay for this, we’ve got to pay for that, and in defense of businesses, I agree that sometimes they do bear the burden of a lot of what we do here. That started to make sense to me and when you said that, it was just like well, you are absolutely right. That is most of those people that do use that system or use your office in that regard are businesses. I do agree with Betsy in one sense, but also agree in the other that I just don’t think that businesses can bear any more support of everything we do in this community. I appreciate your attempt to try something new and different. I understand your budget restraints as does everybody else here, but I think at this point, I am going to have to vote no on this issue today. I appreciate your efforts.”

**Mr. Alford** said, “We were asked to bring you revenue and this is my attempt.”

**Commissioner Schroeder** said, “Understand that.”

**Chairman Winters** said, “Commissioner Miller has a comment.”

**Commissioner Miller** said, “Thank you Mr. Chairman. I would have to concur with both Commissioner Gwin and Commissioner Schroeder, James. When Betsy was talking extraordinary versus customary, I would be hard pressed to be able to justify, at this point, changing the way we have done it for so long. We have not done it any other way, not that I’m a status-quo individual and not able to change because I can move forward quickly. Understanding that this is tax base revenue, this is public information, it is free information, it is very difficult for me to change in midstream and say we are going to charge you for it.”

**Mr. Alford** said, “I just want to say again that I am not charging them for the information, it is a user fee.”

**Commissioner Miller** said, “I understand.”

**Chairman Winters** said, “Thank you Commissioner. Commissioner Hancock.”



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**Commissioner Hancock** said, "Thank you Mr. Chairman. I think everybody has said it so far, Jim came in and spoke to us about this early on and we have been trying to decide this issue for some time and I like the idea. There are so many other counties and states and even the federal government charges for delivering information. Not for information, but for delivering information. I know that one of them is \$5.10 per request for this information. So it is not unusual and it is not unprecedented. I like to try some of these things from time to time. This is one of them I would have liked to have tried and it appears that I may not get the opportunity and then monitor it for a year and see how it goes. See what the revenue generation is and see what the nature of the complaints and if there are any, and then make adjustments if necessary. If it is completely and totally obnoxious to people who use it and then it doesn't work then we can make changes, but I'm thinking that we really ought to give it an opportunity and see what happens. I would hope that you wouldn't give up on some of these things, keep trying. I can't think of a time, and I have done a lot of real estate things over the years, that I ever called the County Clerk for information. I just didn't need that kind of information. So, I want my taxpayer dollars back Jim that you've been consuming. No, I'm just kidding, of course. I can see what you are talking about. There is an identifiable user. There is an identifiable cost and an identifiable way to delineate those costs and the users away from the other taxpayers and then, of course, associate a fee and I believe that is the criteria for fee charges. I think you've met that and we'll just keep trying and see what we come up with next time, but I appreciate it Jim, thank you very much."

**Mr. Alford** said, "Thank you."

**Chairman Winters** said, "Well, I'll make just a couple of quick comments. I think we all have thought quite a little bit about this subject since you brought it up. I certainly know that I have because I've kind of gone both ways. I've done a complete 360 degrees. I was supportive at first, then the more I thought about it I wasn't supportive. Again, as other Commissioners have expressed in getting information out that has traditionally been given in this way. Then as Commissioner Hancock said, I don't think I've ever called the Clerk's Office in my entire life or business career needing property information. If there is one segment of the community that really needs that, then I came back around to saying if we could somehow limit to just that segment then I was ready to support it. I'm not really sure how you limit it to just that segment. I think a lot of other folks would get sucked into the fray. One of the things that we did talk about and I don't remember that I remembered the exact explanation, but we do send out 43,000 faxes every year and that is done automatically."

**Regular Meeting, April 23, 1997**

“Is there a way that we could investigate charging for some of those FAX requests and since it looks like, and maybe we don’t need to go into that because it looks like today’s proposal, if I count right, is probably not going to work. Maybe we could investigate this charge for FAX somehow to help eliminate that. I want to commend you for doing what has been suggested around here for a long time, come up with some innovative ways on how to make your service deliveries work. So I certainly commend you for taking this punch at it. This was not an easy decision for any of us because I think everybody is really thinking about both sides. How do we deliver service and yet how do we make these budget constraints. I appreciate that. Maybe we can work on the FAX, maybe we can work on something else.”

**Mr. Alford** said, “Yeah, I especially thought about it because some of these people I’d be charging this fee to voted for me. It really gave me a lot of concern but I felt like, in support of the county and in support of the Commission, that it was a viable thing to do and that it was necessary for us to continue.”

**Commissioner Gwin** said, “Mr. Chairman, I would echo your comment. Even though this may not get the approval you want today, I would be willing to look at the proposal regarding faxes. I would consider that extraordinary delivery of information.”

**Mr. Alford** said, “Okay, I may bring that back to you.”

**Commissioner Gwin** said, “I’d appreciate seeing a report on that one. Thank you. Thank you Mr. Chairman.”

**MOTION**

Commissioner Hancock moved to approve the new phone service.

Chairman Winters seconded the Motion.

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

**Regular Meeting, April 23, 1997**

**VOTE**

Commissioner Betsy Gwin	No
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	No
Commissioner Mark F. Schroeder	No
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Motion fails."

**Mr. Alford** said, "Thank you very much."

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

**K. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.**

**Mr. Jack Brown**, RS, MPA, Acting Director, Health Department, greeted the Commissioners and said, "Highlights for the month of March. We had a joint staff meeting with the county and the city regarding Capital Improvement Projects. I thought this was a very important type of process to get going because over the years we have had difficulty coordinating between the two governing agencies regarding CIP Projects. I think we've set the ground work and established future meetings and clarified the status of all of our projects and I think that this is quite beneficial for the whole process and for particularly our facility, which brings me to the second item on the monthly report. That is that we are looking at the possibility of Kansas State University assessing our facility. They would be working with Texas A&M to look at the interior and exterior of the Health Department facility and space allocation needs and future use of that particular facility. We're in the discussion stages with them so nothing has been set in terms of doing this but we'll probably come forward with a proposal to enter into an agreement with K-State to initiate this type of review of our building and grounds. So that may be coming up in the near future. As tentatively proposed, it would be the fall semester that KSU would be able to get involved in this project if it is approved on our end.

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“The one area that we’ve been looking at also is customer service and providing information to the public and directing individuals that walk into our clinic and facilities. So we are looking at the possibility of creating a customer information center using existing staff and facilities to better serve the public in terms of handling phone calls, handling as I said, clients that come into the building. That is a top priority with me and I think we should be able to do that with no additional cost, there would be a little bit of reorganization with our current people that are involved with that kind of work. That is something that is in the works.

“The personal health side. Probably the one thing that I want to point out and I mentioned this before, we’ve had continued increases in sexually transmitted diseases, particularly syphilis and we’ve had a very high rate this year. I cannot explain the reasons for that other than the fact that it is taking all of the Kansas Department of Health and Environment staff that we have to take a look at that particular issue and investigate and track down those particular individuals. That is taking a lot of staff time in regard to that particular issue.

“In the environmental area, some of you have seen the Brooks landfill air sparging groundwater remediation system. Early information that I have is that the contaminants are being removed at very high levels. In fact, I think the major contaminants that we are concerned with at the landfill is vinyl chloride and our pilot test sparging data shows that we are getting zero levels of that particular contaminate, so it has been very effective. That is the pilot program that will be expanded to a full scale project by the end of this year. That has been very successful to date.

“Also in the environment, the North Industrial Corridor area, I believe the work plan that we have is almost approved. That has been delayed somewhat at KDHE, but I think more important right now is the fact that we’ve really jumped up in the number of certificates of release that have been issued to businesses. There was very slow movement there, but I think we’re up to 163 have identified the report. We may be even higher now. So there has been a lot of activity in the North Industrial area in terms of businesses selling property, applying for loans, getting these certificates. So that is showing some movement off dead center.

“The 57th and North Broadway superfund site is underway. I think I’ve told you before that the EPA has hired a contractor to do the RI/FS, the investigative work that needs to be done for 57th and North Broadway. That is a superfund lead site where the EPA is totally in control.

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“My feeling was that for local citizens to know more about what is going on that there should be a community advisory group formed. EPA will fund and administer this group. We had a meeting a couple of weeks ago. There was very little response. I don’t know if EPA didn’t get enough of the word out to the community, but I am really committed to trying to get a group formed up there so that citizens who are impacted by the superfund site know the status of the investigation and know what EPA is doing and understand so that they know exactly where the investigation is and the impact that it has on them and their community. I received a letter just the other day from the EPA. They are continuing to try to organize up there, but it may take some local effort. I think that is an important thing that needs to be done and we’ll continue to work on that particular issue.

“Lastly, I might mention we’ve been doing some work, I don’t know the current status, but in terms of these coordinating efforts with the Code Enforcement group to try and streamline and improve the way we provide customer service on the areas that Code Enforcement and Environmental Health work together on sewage facility permits and those types of things. That is an ongoing process. It was started some time ago and we are still working on it, but I think it has been beneficial and we have continued interaction. I think we talked about using computers and all sorts of different electronic exchange of information so that citizens aren’t jumping around from place to place when they are trying to get necessary permits when they are constructing a home and those types of things. If you have any questions, I’d be happy to try to answer them for you.”

**Chairman Winters** said, “Thank you very much, Jack. I certainly want to thank you for participating with the Solid Waste Planning Committee’s tour last Wednesday. Your information about the household hazardous waste facility was very helpful as we were out at Brooks looking at the remediation processes. We certainly appreciate your participation in that tour. Commissioners, are there other questions or comments?”

**Commissioner Hancock** said, “Jack, I was reading in the report about the bioremediation, the natural occurring critters that just love solvents. Are they going to do more of that do you think?”

**Mr. Brown** said, “Well, we’re still trying to push that particular technology but we thought it would be a cost savings and I think it still will be a cost savings. We have to convince the regulators that it is a viable option.

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“But new technologies are coming along and it seems like every time we go down a little pathway it seems like there is something else that pops up. Now the iron reduction walls are being pushed. It is similar to bioremediation except that you would use a passive wall of iron granules to clean up some of these contaminants and that looks like it has a lot of potential and is also a cost savings. I guess really to answer your question, those two technologies, the iron wall and the bioremediation are still very viable and we’re at about the 30% design for the Gilbert Mosley site using one of those two technologies and I think when we do, in fact, get the full scale project going, those are still very viable and if they are not only effective, but if they’re cheaper, then I think we really want to push for those methods.”

**Commissioner Hancock** said, “Thank you Jack.”

**Chairman Winters** said, “Thank you Commissioner. Any other comments or questions?”

**MOTION**

Commissioner Gwin moved to receive and file.

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, “Thank you Jack. Next item.”

- L. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE, WITH RITCHIE PAVING, INC. ON SEDGWICK COUNTY PROJECT NO. 809-T; TYLER ROAD RELOCATION. CIP #R-227. DISTRICT #2.**

**Regular Meeting, April 23, 1997**

**Mr. Spears** said, "Item L is a Modification of Plans and Construction for the Tyler Road relocation near K-42 Highway. There are two items involved in this modification, a sanitary sewer line must be relocated in Mid-Continent Industrial Park to accommodate a drainage outlet and a FAA line must be replaced from junction box to junction box in lieu of splicing. The total cost is \$25,445.85. The City of Wichita will pay for \$5,400 of that amount. I recommend that you approve the modification and authorize the Chairman to sign."

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' APRIL 17, 1997  
REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have minutes from the April 17 meeting of the Board of Bids and Contracts. There are seven items for consideration."

**Regular Meeting, April 23, 1997**

- (1) BITUMINOUS & CONCRETE SURFACING - BUREAU/PUBLIC SERVICES**  
**FUNDING: LOCAL SALES TAX**

“Item one, bituminous and concrete surfacing for the Bureau of Public Services, Kansas Coliseum. It was recommended to accept the low bid of Conspec DBA Kansas Paving, Incorporated, for \$232,557.75.

- (2) PERSONAL COMPUTER HARDWARE & SOFTWARE - DISTRICT COURT**  
**FUNDING: DISTRICT COURT**

“Item two, personal computer hardware and software for the District Court. It was recommended to accept the low bid of Computerland East for \$63,947.15.

- (3) 8 PASSENGER EXTENDED VAN - MOTOR POOL**  
**FUNDING: MOTOR POOL**

“Item three is an eight passenger extended van for the Central Motor Pool and Emergency Medical Services. It was recommended to accept the low bid of Quality Chevrolet with trade-in in the amount of \$13,012.56.

- (4) FOUR DOOR SEDAN - MOTOR POOL**  
**FUNDING: MOTOR POOL**

“Item four is a four door sedan for the Central Motor Pool and Emergency Medical Services. It was recommended to accept the low bid of Quality Chevrolet in the amount of \$14,469.54, which also includes trade-in.

- (5) PAPER & LABELS - INFORMATION SERVICES**  
**FUNDING: INFORMATION SERVICES**

“Item nine, paper and labels for Information Services. It was recommended to accept the low bid meeting specifications of Southwest Paper for the items that you see bolded for \$32,520 and the low bid of Unisource for the continuous feed self adhesive labels for \$2,581.25



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**(6) CASE MANAGEMENT SOFTWARE - DISTRICT ATTORNEY  
FUNDING: DISTRICT ATTORNEY**

“Item six, case management software for the District Attorney. It was recommended to accept the low proposal of Franklin Quest Company, Graphic Computer Solutions Division, in the amount of \$40,335.

**(7) SECURITY CAMERAS - CAPITAL PROJECTS  
FUNDING: CAPITAL PROJECTS**

“Item seven, security cameras for Capital Projects and the Bureau of Central Services. It was recommended to accept the negotiated bid of Protection Systems in the amount of \$43,283.

**ITEMS NOT REQUIRING BOCC ACTION**

**(8) REMODEL HVAC SYSTEM - BUREAU/CENTRAL SERVICES  
FUNDING: CAPITAL PROJECT**

**(9) TEMPORARY SERVICES - BUREAU/HUMAN RESOURCES  
FUNDING: BUREAU/HUMAN RESOURCES**

**(10) COPY MACHINE - AGING DEPARTMENT  
FUNDING: AGING DEPARTMENT**

**(11) HEATING & AIR CONDITIONING SYSTEMS - FIRE DEPARTMENT  
FUNDING: FIRE DEPARTMENT**

“There are four items that do not require action at this particular time. That is one, remodel of the HVAC system for the Bureau of Central Services, Capital Projects, that item is being reviewed. Temporary services for Human Resources, those are also being reviewed. A copy machine for the Aging Department and a heating and air conditioning system for the Fire Department, those quotations are all being reviewed. I’ll be happy to address questions and would recommend that you approve the recommendations presented by the Board of Bids and Contracts.”

**Regular Meeting, April 23, 1997**

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**CONSENT AGENDA**

**N. CONSENT AGENDA.**

**1. Right-of-Way Easements.**

The following tracts of land have been granted by Easement for Right-of-Way at no cost to the county. These Easements were requested by the Director, Bureau of Public Services, as a condition of receiving a Platting Exemption on an unplatted tract.

- a. Road Number 590-18, Owners: Jerry A. Dalrymple and Dorothea L. Dalrymple, located in the Northeast Quarter of Section 12, Township 25 South, Range 2 West, more specifically located on the south side of 117th Street North and west of 119th Street West. Eagle Township. District #3.

**Regular Meeting, April 23, 1997**

- b. Road Number 606-36, Owners: Thomas B. Teter and Melody A. Teter, located in the Northeast Quarter of Section 24, Township 25 South, Range 2 East, more specifically located on the south side of 53rd Street North and west of 159th Street East. Lincoln Township. District #1.

**2. Right-of-Way Agreements.**

- a. Three Temporary Construction Easements and three Easements for Right-of-Way for Sedgwick County Project No. 620-5-1528; Bridge on 6th Street South between 327th and 343rd Streets West. CIP #B-281. District #3.
- b. One Temporary Construction Easement and one Easement for Right-of-Way for Sedgwick County Project No. 618-5-2061; Bridge on 4th Street North between 327th and 343rd Streets West. CIP #B-282. District #3.
- c. One Temporary Construction Easement and one Easement for Right-of-Way for Sedgwick County Project No. 785-L-1933; Bridge on 279th Street West between 29th and 37th Streets North. CIP #B-283. District #3.

**3. Section 8 Housing Assistance Payment Contracts.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
C97024	\$225.00		Sun Valley Apartments
V97027	\$307.00		Karen K. Palmer
C97031	\$261.00	1	Steven and Donna Dutton
C97033	\$295.00	3	Mt. Hope Community Development, Inc.
C97025	\$248.00	3	Mt. Hope Community Development, Inc.

**Regular Meeting, April 23, 1997**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
C97026	\$175.00	3	Mt. Hope Community Development, Inc.
C97028	\$203.00	3	Mt. Hope Community Development, Inc.
C97029	\$251.00	3	Mt. Hope Community Development, Inc.

- 4. The following Section 8 Housing Contracts are being amended to reflect a revised monthly amount due to a change in the income level of the participating client.**

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V96038	\$250.00	\$152.00
V96035	\$157.00	\$150.00
V96046	\$380.00	\$53.00
V95015	\$112.00	\$19.00
C97008	\$400.00	\$132.00

- 5. Order dated April 16, 1997 to correct tax roll for change of assessment.**
- 6. Consideration of the Check Register of April 18, 1997.**
- 7. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970218	Aging	Supplemental Appropriation
970219	Geographic Information Systems	Transfer
970220	County Manager	Transfer

**Regular Meeting, April 23, 1997**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970221	Sheriff	Transfer
970222	County Clerk	Transfer
970223	County Clerk	Transfer
970224	Central Motor Pool	Transfer
970225	District Court Trustee	Transfer
970226	Road and Bridge	
	Sales Tax	Transfer
970227	Capital Projects	Supplemental Appropriation
970228	1997 Bridge Projects	Supplemental Appropriation

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

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Hancock seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Is there other business to come before this Board?"

**Regular Meeting, April 23, 1997**

**Commissioner Schroeder** said, "Just one follow up question. The District Court Trustee, the amount of \$20,000 for purchase of software, was that the amount we agreed to on that, on the issue of the Gateway software package? I'm trying to remember the issue where we were tying into the . . ."

**Mr. Buchanan** said, "Commissioner, if you're thinking about the agenda request a couple of weeks ago about the grant, this is not it."

**Commissioner Schroeder** said, "Okay, thank you."

**Chairman Winters** said, "All right, thank you. Any other questions? Is there any other business to come before this meeting at this time? We will recess the Regular Meeting of the Board of County Commissioners."

**The Board of Sedgwick County Commissioners recessed to the Sewer District Meeting at 11:14 a.m. and returned at 11:25 a.m.**

**Chairman Winters** said, "I'll call back to order the Regular Meeting of April 23, 1997."

**MOTION**

Commissioner Miller moved that the Board of County Commissioners recess into Executive Session for no more than twenty minutes to consider consultation with Legal Counsel on matters privileged in the attorney/client relationship to pending claims and litigation, legal advice, and preliminary discussion relating to the acquisition of real property for public purposes, and that the Board of County Commissioners return from Executive Session no sooner than 11:45.

Commissioner Gwin seconded the Motion.

**Commissioner Gwin** said, "I'm concerned whether we can be done in twenty minutes."

**Chairman Winters** said, "Mr. Counselor, Mr. Manger, can we get this all done in twenty minutes if we talk fast?"

**Regular Meeting, April 23, 1997**

**Mr. Buchanan** said, "Maybe, but all you're telling them is that we're not going to come back any sooner than twenty minutes. It doesn't mean that you can't come back two days later."

**Chairman Winters** said, "Our Motion is that we will return no sooner than twenty minutes, so if we run over a few minutes, we'll try to keep to the twenty minutes. Is that all right? Commissioners, we have a Motion to move into Executive Session, any other comments? Please call the vote."

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "We will recess into Executive Session and will return no sooner than twenty minutes from now."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:26 and returned at 12:20 p.m.**

**Chairman Winters** said, "I'll call back to order the meeting of the Board of County Commissioners Regular Meeting of April 23, 1997. Let the record show that there was no binding action taken in Executive Session. Is there other business to come before this Board?"

**Mr. Ed Randels**, Assistant County Counselor, said, "I have been involved on behalf of the County in the negotiations in a federal lawsuit, styled as Homer Morgan versus Troy W. Griggs. This lawsuit was filed in October of 1995. The trial was getting ready to proceed on this matter and in the federal system there is a mandatory mediation that has to be gone through. I attended that mediation session on behalf of the Board of County Commissioners who are required to represent their employees, including Sedgwick County Sheriff Deputies in every lawsuit and pay any judgements that arise out of the scope of their employments. In that mediation session, we have arrived at a settlement figure of \$25,000."

**Regular Meeting, April 23, 1997**

“They initially sought \$300,000 plus attorney fees, plus cost. Many times in these civil rights actions, the costs and attorney fees far exceed any judgement they are awarded. We have negotiated a \$25,000 settlement. In this settlement, there is no suggestion or admission that Deputy Griggs admitted any fault in the matter, nor does Sedgwick County, nor are we suggesting by any settlement that he was at fault. This is merely a decision to settle this matter and avoid the cost of trial with its inherit risks. We settled for an amount that could very well have been less than what the attorney fees could have been if we had gone through trial. I recommend approval of the settlement. It must be approved by you today and is subject to your approval. We have been in the negotiation process with the federal mediator and would recommend now a \$25,000 settlement with the traditional releases being signed by the plaintiff counsel and the plaintiff.”

**MOTION**

Commissioner Gwin moved to approve the settlement amount of \$25,000 in the case of Homer Morgan versus Troy W. Griggs.

Commissioner Miller seconded the Motion.

**Chairman Winters** said, “Commissioner Schroeder.”

**Commissioner Schroeder** said, “Did you say that if we had gone through trial that it would have been less?”

**Mr. Randels** said, “No, the attorney fees themselves in addition to any judgement that may have been rendered. If we had won there would be no attorney fees, but if they had gotten a one dollar judgement the attorney fees may have been more than our total settlement here is what I’m saying.”

**Commissioner Schroeder** said, “Okay.”

**Chairman Winters** said, “Thank you. We have a Motion and a second to take the recommended action. Is there any other discussion? Seeing none, call the vote.”



**Regular Meeting, April 23, 1997**

**VOTE**

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

**Chairman Winters** said, "Thank you Ed. Is there other business to come before this Board? Mr. Manager? This meeting is adjourned."

**O. OTHER**

**P. ADJOURNMENT**

**Regular Meeting, April 23, 1997**

There being no other business to come before the Board, the Meeting was adjourned at 12:23 p.m.

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

\_\_\_\_\_  
**THOMAS G. WINTERS**, Chairman  
Third District

\_\_\_\_\_  
**PAUL W. HANCOCK**, Chairman Pro Tem  
Second District

\_\_\_\_\_  
**BETSY GWIN**, Commissioner  
First District

\_\_\_\_\_  
**MELODY C. MILLER**, Commissioner  
Fourth District

\_\_\_\_\_  
**MARK F. SCHROEDER**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**James Alford**, County Clerk

APPROVED:

\_\_\_\_\_, 1997