

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

### **REGULAR MEETING**

**June 20, 2007**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, 20, 2007 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Thomas G. Winters; Commissioner Tim R. Norton; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Jo Templin, Director, Human Resources; Ms. Susan Erlenwein, Director, Environmental Resources; Ms. Annette Graham, Director, Department on Aging; Ms. Marilyn Cook, Director, COMCARE; Ms. Kristi Zukovich, Director, Communications; and, Ms. Evelyn Good, Deputy County Clerk.

#### **GUESTS**

Pastor David Welsh, Central Christian Church, Wichita  
Mr. Thomas W. Pollan, EMS Director, Division of Public Safety  
Mr. Steven M. Westbrook, Sheriff Deputy, Sheriff's Offices  
Mr. Larry D. Mazur, Sheriff Deputy, Sheriff's Offices  
Mr. Ben Huie, Wichita  
Mr. Gary Mason, Integrated Solutions, Inc.  
Mr. Mike Maloney, Sr., CEO, Universal Lubricants  
Mr. Ron Smith, Environmental Compliance Manager, Universal Lubricants  
Mr. Gary Cain, President, Universal Lubricants  
Mr. Mike Maloney, Jr., Universal Lubricants

#### **INVOCATION**

The Invocation was led by Pastor David Welsh of Central Christian Church, Wichita.

#### **FLAG SALUTE**

#### **ROLL CALL**

The Clerk reported, after calling roll, that Commissioner Norton was absent.

**Chairman Unruh** said, "I might mention that Commissioner Norton is attending a meeting out of state today to discuss health access issues. So that's the explanation of his absence. Next item Madam Clerk."

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**CONSIDERATION OF MINUTES:**

Regular Meeting, May 23, 2007

Regular Meeting, May 30, 2007

The Clerk reported that all Commissioners were present at the Regular Meetings of May 23, 2007 and May 30, 2007.

**MOTION**

Commissioner Parks moved to approve the minutes of the Regular Meeting of May 23, 2007 and the minutes of the Regular Meeting of May 30, 2007.

Commissioner Welshimer seconded the motion.

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

**VOTE**

|                        |        |
|------------------------|--------|
| Commissioner Norton    | Absent |
| Commissioner Winters   | Aye    |
| Commissioner Parks     | Aye    |
| Commissioner Welshimer | Aye    |
| Chairman Unruh         | Aye    |

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

**RETIREMENTS**

**A. PRESENTATION OF RETIREMENT CLOCKS.**

**Ms. Jo Templin**, Director, Human Resources, greeted the Commissioners and said, "This agenda item recognizes the career service of three of our Public Safety employees.

The first is Thomas Pollan, EMS Director with the Division of Public Safety, Department of EMS, who will retire July 1, 2007 after 32 years of service."

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**Chairman Unruh** said, “Before you get the formal presentation here, you started this, evidently, when you were very young, right? And you’ve come a long way since the days; I’ve been told it was called ‘scoop and run’? And I don’t know about all the other acronyms you use to describe your activity, but I am glad it’s no longer ‘scoop and run’ in those ambulance activities.

Let me present to you, first of all, a certificate that will commemorate the occasion of your retirement, 32-years with Sedgwick County, and we want to let you know how much we truly appreciate your service and I suspect, after 32-years, you could have lots of stories to tell and maybe you’ll share some of those. We also want to present to you this clock and we hope that as you look at it to check the time that you will remember well the years that you spent with Sedgwick County.

I know that you have family and friends here and so I bet we’re all waiting for you to say something. Would you like to say something?”

**Mr. Thomas W. Pollan**, EMS Director, Division of Public Safety, greeted the Commissioners and said, “The most difficult part of retiring is thinking through all of the things that you’ve experienced, people that you’ve known, people you’ve interacted with, organizations, and trying to sort through and say who would you want to recognize and who would you not want to recognize, those types of things.

I really was going to write this down and I tried and I tried and I just said no, just say it from my heart and let it go from that. But I would give you some numbers; I don’t ever come to this table without some numbers.

Since this organization began in 1975, as of to date, it has delivered just short of 900,000 responses to this community. It has transported nearly 700,000 patients, that’s more than the population of the County as a whole. It’s done that with, what I believe has been, integrity, it’s done it with speed, it’s done it with compassionate and passionate folks that take care it.

I am inundated with letters, notes, cards about how people have been treated well. Yes, we do sometimes not do it very well, or at least to their determination. But those are really pretty rare. And so an organization that has that much contact and has user fees, that’s really, really, really pretty good. I’m proud of that, I’m proud of the organization that people who do this work everyday because that is what they want to do, they want to take care of others and to fit that privilege of being with an individual at their worst times, when their sick, their injured and their needing help. They’re not at their best at that point, but it’s nice that we can be there.

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It's nice that this organization, Sedgwick County, for the changes it's had over this, since 1975, five seats instead of three. The room hasn't changed a whole lot but the personality of this organization has, tremendously, very professional organization. I have been privileged and honored to work for it for this number of years and at this point I leave hoping that those values will continue and praying that they will. And I think that they will, the leadership is here. Thank you.

One parting comment, it's always kind of been ironic to me that we give people clocks to watch after they retire. I mean, it's better to give them a wrist watch when they start so they can get here on time."

**Ms. Templin** said, "Our next retiree is Steven Westbrook with the Sheriff's Office. He is a Sheriff's Deputy and he will retire July 1, 2007 after 30-years of service."

**Chairman Unruh** said, "Steven, you also are a long-time servant of Sedgwick County and citizen of Sedgwick County, we really appreciate your contribution to public safety in Sedgwick County and 30-years is a long time, and I know that you also have many stories that you can tell.

But we just want to commemorate your retirement with this certificate and also present to you a clock. As we found just a minute ago, they are heavy, so hang on here. We just want to congratulate you and express our appreciation of your service to the citizens of Sedgwick County."

**Mr. Steven M. Westbrook**, Sheriff's Deputy, Sheriff's Office, greeted the Commissioners and said, "Thank you sir.

**Chairman Unruh** said, "Appreciate it if you want to say something."

**Mr. Westbrook** said, "First of all, I would like to say it's been a very good job. I've enjoyed my stay here, 30-years. I've enjoyed serving the citizens of Sedgwick County. If I could leave you with one thought, it would be, your most valuable and precious resource is your employees. Please treat them as such. Thank you for the recognition of my retirement."

**Ms. Templin** said, "Our third retiree is Larry Dean Mazur, also a Sheriff's Deputy in the Sheriff's Office, who will retire July 1, 2007 after 29-years of service."

**Chairman Unruh** said, "Well Larry, I want to congratulate you on the occasion of your retirement and, men in blue, you guys always look sharp and impressive and authoritative and I know that as you carried out your responsibilities that you did a great job for Sedgwick County, providing public safety and we want you to know that we truly appreciate that and hope that you have an enjoyable time as in retirement, or whatever it is that you are going to do next.

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We want to present you with this certificate and also with a clock and lots have been said about watching the time and being on time and whatever else. But you can be on time or not, whatever you want to do. We want you to have this clock as expression of our appreciation. Would you like to say something?"

**Mr. Larry D. Mazur**, Sheriff's Deputy, Sheriff's Office, greeted the Commissioners and said, "Almost 29, I thank you for letting me work here. It's been, the job has been very important to me. Sedgwick County has been important, the Office has been very important. And I have to mention my wife, if I hadn't been working there, it probably wouldn't have mattered. Thank you."

**Commissioner Winters** said, "All right. We will just a moment to call the next item until the Chairman returns."

**Chairman Unruh** said, "While all of our public safety folks and EMS folks are leaving, we want you all to hear us say that we appreciate all of your work and service to Sedgwick County. Madam Clerk, I think we are ready to call the next item."

### CITIZEN INQUIRY

#### **B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE ARENA RE-VOTE ISSUE.**

**Mr. Ben Huie**, Wichita, greeted the Commissioners and said, "I am here today to call upon you to open the arena proposal for public hearings and to hold a vote on it as it now stands. You note that I said a vote, not a re-vote. The reason for this is that the proposal as it now stands is dramatically different than that which was presented to the voters in the fall of 2004.

Most of the public discussion has focused on the overall cost increase of 9% from \$184 million to \$201 million. On its face, this does not look like a large change, particularly considering general cost increase in the construction industry. However, upon closer examination of the numbers, much larger changes are seen.

Construction costs for the arena itself have nearly doubled from \$77 million to \$135 million. As a result, the core cost of the arena project has soared by 45%, from \$123 million to \$179 million, therefore, instead of costing about twice what renovations of Britt Brown would have cost, the new facility will cost over three times what renovations would have cost, these cost overruns have been largely hidden by slashing other provisions that were promised in the 2004 vote.

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For example, the original proposal had provisions for parking, infrastructure improvements to support the arena and perhaps, most importantly, \$24 million to cover operating deficits. As the County noted, and I quote “We must plan for operating deficits at the Downtown Arena”, end quote. The total of these provisions, infrastructure, parking and deficits was supposed to be \$52 million; this amount has been slashed by 72% to a total of less than \$15 million.

Provisions for improving the pavilions at the Coliseum have been cut by 14% from the promised \$9 million to less than \$8 million. It now appears that the City of Wichita will find that it must provide infrastructure improvements to support your arena, thus these costs are shifted to the Wichita taxpayers. As for parking, it seems likely that the parking study will reaffirm the need for onsite parking that had supposedly been included in the original plan. However, there is little money available to provide such needed parking, and if you do spend the money to provide parking, the reserve fund will be further depleted. All these changes place the entire project on shaky financial ground. Needed infrastructure and parking are no longer provided for. Also, the inevitable operating deficits need to be addressed.

It is for these reasons that the entire project needs to re-examined. Perhaps there are reasonable answers to the questions that exist. Perhaps your project managers can explain the costs over-runs and how they will deal with the unfunded parts of the project. Perhaps you can explain how you will manage to provide for operating deficits, I don't know. However, you owe it to the citizens of Sedgwick County to make these explanations and to provide for a complete airing of these concerns. A clear majority of your citizens have turned against this project. This fact needs to be addressed.

It has been claimed that it is impossible to rectify this situation. I doubt that this is true and propose a mechanism for accomplishing that. First, of course, would be to set a vote for August 7, the same ballot as the casino vote. Of course, as with the 2004 vote, this would be advisory only. Then, between now and that date, set hearings to discuss the situation, call upon your project managers to be fully open with the reasons for these cost overruns. Come up with a concrete plan to cover infrastructure, parking and future operating deficits. Allow all viewpoints to be heard on the record. If the voters can be convinced that this project, as it exists today, makes sense, then they will affirm it in August. Then the vote will be, for all practical purposes, moot.

If, on the other hand, the vote goes against the project, then you should go back to the Legislature to get enabling Legislation to refund the revenues collected. This refund could take either of two forms. One would be to follow the precedent established by the Internal Revenue Service with the telephone excise tax. This was refunded to taxpayers on line 71 of the Individual's Form 1040, business lines had similar refunds. The sales tax could be refunded based on zip code and/or county residence on the K-40, included on line 28. Another method to refund the sales tax could be to reduce the tax rate to 5.3% for a period of time until the difference it made up.

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It has been pointed out that renovations to Britt Brown, while much less costly, would have to been borne by the property tax. It is indeed unfortunate that you did not allow the option in 2004 of doing renovations via the sales tax option. It was suggested, however, that was your decision. For reasons that are painfully clear, you made the decision to tie the arena solely to a pre-paid sales tax and tie renovations to bonds and then after the fact, property tax payments. This was done to make renovations appear more costly than the really are by folding in carrying costs and ignoring net-present value future valued money. Today we are dealing with the consequences of that decision.

So, in summary, I call upon the County Commission to set a vote on the current changed arena project and to set hearings where all the facts thereto may be discussed. Then let the chips fall where they may. I have a copy of these for record, if you like.”

**Chairman Unruh** said, “All right, thank you Mr. Huie. Do we have a motion to receive and file?”

**MOTION**

Commissioner Welshimer moved to receive and file.

Commissioner Parks seconded the motion.

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

**VOTE**

|                        |        |
|------------------------|--------|
| Commissioner Norton    | Absent |
| Commissioner Winters   | Aye    |
| Commissioner Parks     | Aye    |
| Commissioner Welshimer | Aye    |
| Chairman Unruh         | Aye    |

**Chairman Unruh** said, “Madam Clerk, call the next item.”

**PRESENTATION**

**C. PRESENTATION REGARDING SUBMISSION OF A REQUEST FOR PROPOSAL TO USE THE BRITT BROWN ARENA AS A CASINO.**

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**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “We have distributed to you a copy of the Request for a Proposal for a Destination Casino developer for the Kansas Coliseum site in Sedgwick County, Kansas.

Some people would suggest, why are we doing it now and some people have suggested that we should delay this process. Just by talking about casinos on a site that we would influence the election some how. That is certainly a point of view. I would suggest to you that first and foremost, what public expectations are of government is that we are prepared and that we be prepared for success and for failure. And you can define what success and/or failure is. By going through this process now, we’re allowing and letting the casino developers know that we are available and that’s good business and that, I think, is what citizens expect. I believe citizens want government to be prepared, to thoughtfully anticipate circumstances, rather than randomly react. And we are, through this process, getting prepared.

The proposal before you, lays out a number of conditions that we are requesting developers use when they make their submittals. I would turn your attention to page 2 of the Request for Proposal and the tentative schedule. This indicates that a request for proposal will be issued tomorrow, that they will be returned, that we will have any clarifications in a week, that we expect proposals to be delivered to us July 20<sup>th</sup> and that evaluation process and award would occur sometime between July 20<sup>th</sup> and August 15<sup>th</sup>, that has yet to be determined.

I would also point out that on the bottom of page 6 is the minimum qualifications and requirements and there are 22 of those. Most of those are routine and regular items that you would expect to find in a similar request for proposal requiring to meet the State law’s history and background, whether how involved they have been in litigation. Those sorts of boiler plate items that are on a normal request for proposals.

I would point out that on the number 7, we are requiring \$300 million financial investment for development of a world class gaming facility. This is more than the State’s requirement of \$240 million, but we think that’s a number that makes sense for this community.

With number 8, understand that the Britt Brown Arena will remain open for public use until the new Downtown Arena is fully operational. We need to make sure that the public knows that and developers know that, that it is our intent to keep Britt Brown Arena open. We have commitments through ’08 with some commitments in ’09 already and that we would expect the Britt Brown to remain open until the Downtown Arena is up and operational.

Under number 12, I would point to you, that under no circumstances will the Britt Brown Arena



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ever be used for an event center, an arena or in any way compete with the Downtown Arena, so that we don't, if the developer chooses to rehabilitate the Britt Brown Arena, they certainly may do that, but it wouldn't be in competition with our own facility.

Under 13, the developers are required to take care of the zoning and we know that that process takes 60-days as being proposed by the MAPD, that the zoning request would go through the planned unit development process and we know that could take as much as 60-days.

Under 7, you'll see that we have some required, or desired requirements and we want the developers to address this issue any way they see fit, and using these desired requirements, we will have a way to contrast and compare developers and it is our intent to review those developments and maybe, we will be in a position to endorse more than one developer going to the State. That has yet to be determined, but this appeal allows that to happen.

Under the desired requirements we are asking them for commitment for funding allocation for Social Services and Community Activities, which they plan to do that. Describe a special attraction developments that are unique to this site, to provide a detailed plan of public safety, we think that's important. Describe what additional revenues will be provided to non-host communities and/or school districts and describe any additional revenue beyond that for Senate Bill 66 for Sedgwick County.

We are asking for \$100,000 deposit on this. That money would be returned to them if they are not endorsed. If they are endorsed by Sedgwick County and they withdraw their, voluntarily withdraw their application because they want to go to another site, we would keep the \$100,000.

And under items 9, 10 and 11, they are standard request for proposal legal requirements that we put in all of our Request for Proposals.

So that is the Request for Proposal that we will be sending out tomorrow. Are they any questions, Commission, I'll be happy, Mr. Chairman, I'll be happy to answer."

**Chairman Unruh** said, "All right, thank you Bill. First of all, I just want to say that I want to express appreciation and commendation to you and your staff and to Iris Baker for producing this document in a weeks time at the Commission's request and getting it to us, it seems to be very comprehensive. But I think we are going to have some questions about it."

**Mr. Buchanan** said, "Mr. Chairman, thank you. It really was an effort that Charlene Stevens and Iris Baker really did the heavy lifting on this and they are to be commended."

**Chairman Unruh** said, "I know the time frame was not typical and there was a big rush, so we

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appreciate that extra effort. Commissioner Welshimer?”

**Commissioner Welshimer** said, “I think you did a superb job on this and you mentioned earlier something that needed a decision? Something in here, I forgot, I ‘m sorry.”

**Mr. Buchanan** said, “The time table, ma’am, on page 2, under section 5, the tentative schedule? The evaluation process and award could occur sometime between July 20<sup>th</sup> and August 15<sup>th</sup>, that has yet to be determined.”

**Commissioner Welshimer** said, “Just depending on what we receive and...?”

**Mr. Buchanan** said, “And how long it takes.”

**Commissioner Welshimer** said, “Yea. Okay.”

**Mr. Buchanan** said, “If it was the Commission’s desire to do it the same day we receive them, we could do that. I wouldn’t advise that, I mean, I would think that you would want us to do some sort of analysis.”

**Commissioner Welshimer** said, “And we can receive as many developers as we wanted?”

**Mr. Buchanan** said, “Yes ma’am.”

**Commissioner Welshimer** said, “Put our site in their proposal?”

**Mr. Buchanan** said, “Yes ma’am.”

**Chairman Unruh** said, “Is that all Commissioner?”

**Commissioner Welshimer** said, “Sounds good to me.”

**Chairman Unruh** said, “The date for evaluations and that sort of thing, was consistent with our motion last week, that we receive them on the 20<sup>th</sup>?”

**Mr. Buchanan**, said, “Yes.”

**Chairman Unruh** said, “And those dates for opening and then subsequent evaluation was yet to be determined, is that, that’s the way I remember the motion from last week, is that correct?”

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**Mr. Buchanan** said, “Yes.”

**Chairman Unruh** said, “So, the way our process is right now, that we voted on, is that we would receive these proposals on July 20<sup>th</sup> and we may, not even, it’s possible, unless we decide otherwise, we won’t even open them until some other date that we will decide on in the future. Is that, that’s where it sits right now? So we’re going to get them on the 20<sup>th</sup> but, I remember a motion saying that we wouldn’t even open them until some date that we agreed on. Is that, or do I misunderstand?”

**Mr. Buchanan** said, “On the 20<sup>th</sup> we would have a list of those developers who submitted a proposal. We would acknowledge receipt that day and our process and practice has been that that acknowledgement of receipt is made public. So that the public would know that we have one or ten, and the names of those folks that submitted.”

**Chairman Unruh** said, “Okay, I understand that and that seems reasonable, however, I’m trying to make, because last week we had quite a bit of conversation about this and there was some protracted discussion about ‘we’re going to receive them on a certain date, but we don’t have to open them on that date and we don’t have to evaluate and we don’t have to choose’, and as I recall the motion, and I don’t know who is going to give us a definite answer, but we were going to receive them on the 20<sup>th</sup> but not open them until we decided on a date to open them. Now, I think perhaps, that’s not what other Commissioners understand, but, I want to know what our ground rules are right now. So do you understand that differently, or am I a little bit confused?”

**Mr. Buchanan** said, “Yes.”

**Chairman Unruh** said, “All right, good answer.”

**Mr. Buchanan** said, “Clarity would be helpful.”

**Chairman Unruh** said, “Let’s, we have two Commissioners wanting to speak, so let’s get that input here, as we have this discussion. Commissioner Welshimer?”

**Commissioner Welshimer** said, “I think that time would be wasted if we didn’t open them as they

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come in, at least, Commissioners. And also interview the developers, Commissioners, interview the developers and be familiar with the proposal and then they can be evaluated by staff. And staff can make some recommendations and then we can make some decisions. But I don't see the benefit in not looking at the proposals. I think that it will take time to digest everything, I don't think there are going to be just one or two pages."

**Chairman Unruh** said, "I appreciate what you are saying and understand your perspective, however, I thought last week our conversation was specific in saying 'we'll receive them and the date for opening and evaluation is yet to be determined.'"

**Commissioner Welshimer** said, "The date for making a decision on who could use our site in their proposal was left open. But we wouldn't be making a decision who the developer would be, albeit one or however many, we wouldn't be making that decision prior, we could make it whenever we wanted to, but we have a window and we voted on that window for making a decision. But I don't remember anything, unless I am mistaken, in the minutes, anything that talks about whether we read them or not or open the envelope or not."

**Chairman Unruh** said, "We might need to consult the minutes, but others want to talk. Are you okay for right now?"

**Commissioner Welshimer** said, "For right now."

**Chairman Unruh** said, "Okay. Commissioner Parks?"

**Commissioner Parks** said, "Well I would certainly want to make sure that we had the entire Commissioner here before we made any decision or any vote or even any clarification on the minutes from last week. I think we've asked staff to put out the request for proposal, I think they are prepared to do and if we can certainly make an informed timely decision at another date to, how to proceed once we received the request for proposals."

**Chairman Unruh** said, "Okay, thank you. Commissioner Winters?"

**Commissioner Winters** said, "Thank you, Mr. Chairman. I think I agree with the comments that Commissioner Parks just made. But again, the way I remember how I was thinking last week, and it may not be how others were.

The reason I supported moving forward with the request for proposal is because I think the window

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between the vote day, of August 7<sup>th</sup>, and 90-days to decide how we would work with the developer, if the vote was affirmative. That 90-days is going to be a very fast period, it is going to go extremely fast. And by having this proposal, it gives us a head start on selecting a group or more than one of who we would like to work with.

I just don't believe, though, that I wouldn't favor opening of the proposals before we know what the vote is on the 7<sup>th</sup>. The people of the community are going to weigh in to this issue. There is going to be, again, a lot of discussion and I don't think the proposal that we have out there should have any affect in setting the tone for the community discussion. The community is going have the discussion and they are going to vote it up or they are going to vote it down. If the vote is affirmative, then we will be in a position after the 7<sup>th</sup> to then rapidly begin the discussion with selecting someone that we can work with. If the vote is no, then the issue just moves on and we don't accomplish anything.

I am just concerned that in that week or so before the election, if we start opening bids and start talking about this or that, I don't think I could support that because it would, to me, have too much of an affect. Either the people would like it, they wouldn't like, but it would have an extra curricular event affecting how people are thinking about it."

**Chairman Unruh** said, "Okay. Well, we have others, Commissioners, turn on their lights. The Chairman doesn't have a light, if I had one, I would have turned it on first, so I want to go ahead and talk.

The reason I'm kind of nit-picking this issue is because if we go forward with this, it says that we're going to receive them on the 20<sup>th</sup> and then we have to wrestle with the issue of when we open, one Commissioner assumes that we're going to open, one Commissioner assumes that maybe we're not going to open them and then we still have to wrestle with the issue of when will we make that decision.

I know that I approved, voted affirmative, for a decision last week that we put out the RFP and that we receive them on the 20<sup>th</sup> of July. I still think that putting the RFP out is a good business decision. I believe that casino operators need time to develop their response to this RFP and it seems like, also, like a good business decision to allow them all the time that we can possibly allow them to make a legitimate, reasonable response.

If we are in a position where we are restricted from trying to influence the election, then I don't think we ought to take any action that might imply or give the appearance that we're trying to

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assume a position that, of inevitability that this is going to pass or that it's not going to pass. I think we need to stay completely neutral and receiving these RFP's before a day that we are going to make a decision, seems unnecessary. If we're not going to make a decision before the vote date, because we do not want to try to influence the election, then I think we shouldn't even receive the RFP's until that date after the election.

I don't know if that circular reasoning was very clear there, but I know that we shouldn't be in a position where anything we do has a position of influence on this election.

Secondly, we need to make a wise business decision in that we give our responders to the RFP plenty of time to make their response and, so bringing this back after the vote seems to me, like perfectly logical for political reasons and for business reasons. And so I would prefer that we don't even receive this back , even though it was approved to receive it July 20<sup>th</sup>. I would prefer that we don't receive it back until August 8<sup>th</sup>, that way we are clear out of any position of influence, we have given our responders plenty of time to respond and it doesn't do any violence to the process, if we're not going to make a decision until after the election anyway. So to me, it is perfectly logical to do that. But, that's what I wanted to say and get off of my chest, and so now we'll continue the discussion. Commissioner Welshimer?"

**Commissioner Welshimer** said, "Well, I think this, there's definitely two very definite sides, two definite arguments. And the other side is we're competing. We're competing with developers, we're competing with site owners, we're actually competing with the date of our vote because Wyandotte is having their election before we have ours. Sumner doesn't have to have one, so these areas that are going to be voting, if they vote positively, are going to be dealing with these developers long before we do, because they have had their vote.

We don't know how many developers will be interested in ours, we've got a building that needs to be torn down or something done with it. Whereas they may have other areas where there is, they don't have that problem. So I think that the main thing on the other side of the issue is competition and are we going to be ready for that competition. It's not something that we've set ourselves up for; it's created by Senate Bill 66. And I don't doubt for a moment that other counties and other site owners are going to be well prepared.

The developer must have the site determined and in their proposal, so really, until they know the site, they can't make much of a decision or write their proposals at all. And so, would we be holding them up? I don't know. We need to talk to these developers, we need to know what their

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needs are and figure out what it is they can do that will put us together with them if we have the opportunity to do that.

If we lose this opportunity, not by the vote, but by not accommodating the potential developers, then, we have no money, apparently from our budget hearings yesterday, we have nothing planned whatsoever in our Capital Improvement budget clear up until 2012 to do anything with the Britt Brown Arena. And if we do everything else we're planning to do, we've used up our debt ceiling. And we are very much in debt. So, there we will sit with that building, so I think we have to consider the fact that we need to, we are in a competition situation."

**Chairman Unruh** said, "All right. I understand you clearly."

**Commissioner Welshimer** said, "Good."

**Chairman Unruh** said, "Commissioner Parks?"

**Commissioner Parks** said, "I believe that this is an appropriate time frame for the RFP to go out. Casino developers have resources, they have, if they have a desire to look at that location, they will immediately get on this, and like I say, they have the time, the resources to do this and I think that we should pursue this.

As much as I, in disagreement with one of my colleagues here, I don't think it is as much influence as it is information. We have, I don't want to see another bunch of people coming in asking for a re-vote on it after the, we come up and say this is who we chose for our person out there. Not that that's going to happen, we'll have to see how many RFP's we get.

But it's not as much as influence as it is information. We need to get that information out and I think it's an issue of open government and getting information out to the people. I don't see that as being swaying either way, other projects are done and we get RFP's and this time we are happening to vote on it and I think this is a good way to let the citizens know what they are voting on. Thank you."

**Chairman Unruh** said, "All right, thank you. I, by getting information out to the people, Commissioner, you are not suggesting that we disclose the details of the responses to the RFP?"

**Commissioner Parks** said, "I think that needs to be decided by the entire body at a future time, but this RFP needs to go forward as we directed last week."

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**Chairman Unruh** said, “Well I would be in agreement that we need to put the RFP out on the street. I would simply say, if we are going to be in a position where we are not giving the impression that we are supportive of approval of this referendum, or that we are at a position where we are establishing the inevitability of it’s success or words of that nature, then it doesn’t do any harm to our process to wait until after the election and therefore we don’t have any influence in it at all. It won’t slow down our process and it does give potential developers a greater opportunity to develop their proposal.

I don’t know, Mr. Manager, do you have any indication as to potential responders, whether they think 30-days is a sufficient window of time to give us a good response to our RFP?”

**Mr. Buchanan** said, “I have not talked to anyone directly, no.”

**Chairman Unruh** said, “All right. Commissioner Winters?”

**Commissioner Winters** said, “Well thank you. Your comment, I agree with and I think if we get into opening the Request for Proposal, if we talk about them before the election, I just, right now, could not support that. And it would appear that maybe that this looks like it may be an issue we need to wait until we have a full Commission to decide. But I agree with your comments, thank you.”

**Chairman Unruh** said, “All right, thank you. Well, Commissioner Welshimer?”

**Commissioner Welshimer** said, “Well, we do have this draft from our meeting last week and we do not talk about, in this, we have not talked about not opening these proposals. So that subject is not, was not in our conversation.”

**Chairman Unruh** said, “It wasn’t in our motion, it was in our conversation.”

**Commissioner Winters** said, “Right. If we had the minutes of the whole discussion, I know I talked about it several times.”

**Chairman Unruh** said, “I was going to make a motion that we move the date for receipt of the due date of the RFP’s to August 8<sup>th</sup> and I think that we are going to have a 2-to-2 vote here, so I don’t know whether that makes any sense to make that motion or not.”

**Commissioner Welshimer** said, “Is this a vote or a re-vote, Mr. Chairman?”

**Chairman Unruh** said, “Yes, this would be a re-vote. (Laughter) That was cute. The, well if we



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go forward with this without comment then the July 20<sup>th</sup> date stands. And there is no way to change it after we put this out.”

**Mr. Buchanan** said, “The Request for Proposal says, on page 2, that the last date for clarification, information and addendums, the third one down, addendum issues if needed, could occur as late as Monday, July 2<sup>nd</sup>. So if you were changing the date of receipt or if you decide, when you decide when the proposals would be opened, we would want to do that before July 2<sup>nd</sup>.”

**Chairman Unruh** said, “Okay. Well then, I think perhaps, Commissioner Parks is correct in saying we ought to wait until we have a full Commission here to vote on this. I just would reiterate that it seems like it’s good business to get as much time as we can, an August 8<sup>th</sup> due date would eliminate us from any accusation or inference that we are trying to manipulate or engineer how this vote is perceived, and it doesn’t, in my opinion, do any violence to our process in making a selection. It’s just a slam-dunk decision in my opinion but it doesn’t, we don’t have an agreement on that, so. I think I will not make that motion and perhaps end up with a 2-to-2 vote, we’ll put this out and we can talk about it with a full Commission. Any other...?”

**Mr. Buchanan** said, “Mr. Chairman, I do want to point out two things, please. The first is that this process for the Request for Proposal is assuming and preparing for, again, preparing for the election, if it is successful. If the election is not successful, we will then, through 2008, think about how the Britt Brown Arena site will be used. And I know that Commissioner Parks has been approached already about other uses besides a casino and so, I think we need to understand that this is a step in a process.

The second thing I want to remind you, and remind the public, is that no matter what we decide, and no matter how hard we work, this issue is not ours to decide. This issue is decided by the State, by the committee that’s in place, that will be in place, who will decide the developer and the location, so that we are only trying to position ourselves to influence that decision. No matter what you do, that’s not your decision, it’s someone else’s.”

**Chairman Unruh** said, “All right, thank you. I think that needed to be stated, that what ever we do, someone else makes that decision. And there, should it find approval, and I don’t think there is any guarantee that this is going to be successful, there’s a lot of discussion on the street, especially in light of the recent report from the Center for Economic Development and Business Research, so this is not a done deal.

But it may be that in our process, if it’s successful, we might advance more than one proposal. The City of Wichita could advance more than one proposal; Sumner County might have a variety of proposals. So, the idea that we are going to have a clear picture for voters one way or the other is simply, it’s simply not true because we don’t know what the Commission in Topeka will decide.

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Okay, ...”

**Commissioner Parks** said, “Mr. Chairman?”

**Chairman Unruh** said, “Yes sir?”

**Commissioner Parks** said, “I was going to say, I would recommend that we receive and file the presentation made by the County Manager.”

**Chairman Unruh** said, “Is that a motion?”

**Commissioner Parks** said, “Yes.”

**MOTION**

Commissioner Parks moved to receive and file.

Commissioner Welshimer seconded the motion.

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

**VOTE**

|                        |        |
|------------------------|--------|
| Commissioner Norton    | Absent |
| Commissioner Winters   | Aye    |
| Commissioner Parks     | Aye    |
| Commissioner Welshimer | Aye    |
| Chairman Unruh         | Aye    |

**Mr. Buchanan** said, “Thank you.”

**Chairman Unruh** said, “Thank you sir. Next item please.”

**NEW BUSINESS**

**D. CERTIFICATION THAT THE SOLID WASTE PROCESSING FACILITY PERMIT APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT**

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**BY UNIVERSIAL LUBRICANTS, LOCATED AT 2824 NORTH OHIO, WICHITA, KANSAS, IS CONSISTENT WITH THE LOCAL SOLID WASTE PLAN.**

**POWER POINT PRESENTATION**

**Ms. Susan Erlenwein**, Director, Environmental Resources, greeted the Commissioners and said, “The Kansas Department of Health and Environment requires that any State Solid Waste permit must first be reviewed and approved by the local Solid Waste Authority, in this case the Board of County Commissioners.

The permit application before you today is by Universal Lubricants, who wishes to put a processing facility at 2824 N. Ohio, which is near 29<sup>th</sup> Street North and Ohio, West of the Canal Route. They have hired many consulting firms to help them with this process and with me today is Gary Mason of Integrated Solutions, Inc., and he would like to present information to you about this process application. Gary?”

**Chairman Unruh** said, “All right, very good. Welcome Gary.”

**Mr. Gary Mason**, Integrated Solutions, Inc., greeted the Commissioners and said, “Before I start my presentation, I want to recognize a few people. We have Mike Maloney, who is the CEO of Universal Lubricants; we have Gary Cain, who is the President; and we have Ron Smith, former Kansas Department of Health and Environment, Environmental Professional who is now the Environmental Compliance Manager for Universal Lubricants. I also brought with me a few of my staff here, along on the back row there, that helped with the application and Commissioner Unruh, you may recognize one the young ladies in the back there.”

We were called by Universal Lubricants about six months ago and asked them, they asked us if we wanted to participate in a project and, I’ve been in the environmental field for about 29-years, I believe, and it’s rare that you find a project that has so much environmental benefit that you get involved with. I hope, in going through the presentation today, that you’re as excited as we are about the project and I hope that you recognize the benefits about bringing a project like this to the Sedgwick County community.

I’ve got a power point presentation I’m going to kind of walk through. Universal Lubricants is basically into two different markets and the business sector. They’ve brought new lubricating oil to the community and different businesses. They also are in the used oil collection business. And used oil, traditionally, is taken and burned in kilns for its energy value. And so basically what you are doing is taking used oil, selling it to places that burn it, like asphalt plants, and they recover the

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fuel value out of that. But then you have to go and mine or explore for crude oil to actually replace what you've burned and lost in the market. So, in today's market, what's going is you're exploring for crude oil, you're refining that and then selling that back on the market.

With this proposed project, what Universal Lube is looking at doing is actually taking that used oil, reprocessing it, cleaning it up and selling it right back on the market. And you lower your dependency on crude oil, you also, Joe Pager, with the City, also described it as it's like taking your dirty laundry and burning it instead of cleaning it at the laundry mat. And this is a very similar deal, all we are doing is taking the used oil after it's dirty, cleaning it up and put it right back on the market place.

And this used oil can be recycled again and again and again, I think, theoretically on the calculations, about 20 times that it can continue to be recycled and recycled. It's a very, very positive project and you just start thinking about the environmental benefits.

There is also some other viable benefits that we're looking at doing. There is a lot of people that change their own oil, and we're, as part of this project, we're going to try to set up collection centers throughout the community that will allow this used oil to go to these locations and then be brought back to this processing plant in the north part of town, and where it will be reprocessed, cleaned up and put back on the market. And you can see these jugs that are on the bottom, left hand side of the screen, where we'll put a product in and you might be able to pick that up or buy it a local store, maybe a Wal-Mart or something, that's got the clean oil in it. You come back home, you change your oil out, you put the clean oil in, you put the used oil back into this container, along with the oil filter, that allows all of that to be recycled.

This is just a picture of a dumpster, that over a weekend, a few things get accumulated by, I think this is at a, I'm not sure which, it's a local Wal-Mart store, where over the weekend their used oil collection center, which was under lock and key, you'll find a few things sitting by it at the end of the weekend.

There is some other unique benefits with this oil. And a lot of cases, when you reprocess this used oil, you may not get a very high quality product. They have run some tests and their anticipating some very, very clean product that can be sold back on the market as virgin material. In addition, this would be, this facility would be in an area that's currently not developed, that's an industrial area that would allow that to be redeveloped. It's also going to provide about 37 new jobs and about \$40 million to the local economy. And those are numbers provided by Wichita State

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University.

A little bit about the facility, obviously it's going to be located here in this town and this county. We're looking at about 30,000 gallons per day of used oil to be processed. The end products will be these four items of gas oil, 2-base oils, lube oils and then an asphalt flex that's sold in the asphalt market.

This is a little 3-D drawing that Gossen Livingston Architects pulled together to kind of show you the facility, give you the visual of it. There's a, you can see a lot tank farm area and tankage, where they bring a product in, on the left side of your screen, and off load it and then process it, across to the right side of the screen where it ends up being final product in the tanks, there, stored off right. It'll have the ability to both offload onto trucks and rail car.

But this wall you see here would be a 4-foot earthen wall with an 8-foot concrete wall that would go up for to help with the visual effects. But this is right on Ohio Street, on the west side of the property.”

**Chairman Unruh** said, “Gary, does that industrial area require that type of screening?”

**Mr. Mason** said, “No it doesn't, this is just something that they proposed to do. You'll see features with this that they decided to take an extra step to, just to make it look better and be a safer or environmental pleasing, or whatever, you know, they really made some extra steps with this project.

The structures here, the two or three structures in the middle of the screen, are probably going to be about 70-feet tall, but it's, if you drive behind on 1-35, heading north for example and look over, it's all blocked by that grain elevator, that's sitting back there. I've got a plot plan I'll show you in a minute, to give you a better feel.

There is three major processes with this facility. First you dehydrate or move the water that's in it and then second you run it through a, what's called a thin-film evaporator and then the third is hydro treating. I'm a chemical engineer by education, so these things mean a lot to me and I kind of get excited when I get involved in a project like this.

We will be required to have several environmental permits from the Kansas Department of Health and Environment, also from the City of Wichita. They are listed here, air and solid waste, the solid waste one is the one we're talking about today, and storm water construction and operating permits and also a waste water discharge permit with the City.

The solid waste processing permit, this slide kind of represents our time-line, we've been working

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on the application this spring, we've submitted it to Susan's group and they reviewed it on June 4<sup>th</sup> and now we are here before the Commission for their approval. I believe the Sedgwick County Solid Waste Planning Committee had a 7-0 vote in favor of this project. We hope to send it to the Kansas Department of Health and Environment later this week, and they will probably take about 30-days to 45-days for review and approval. We've met with them and all of the environmental media groups to review this project, to get their input on as we've moved forward with preparing the various applications and we fully anticipate that this will not be an issue with them and it will be approved, hopefully late summer.

This is the side view that we showed before and as you can see, the structure in the middle with the tank farms on both sides. This is an actual aerial photograph with, this is my where's Waldo picture where you can try to find where I stick the plant, and it's the real green section of land there, along Ohio. And you can see the railroad tracks, the grain elevator, and 1-35 off to the right of the screen. The building that's north of the green land is actually the current Universal Lubricant property. So this is just an extension to the south of their current operation.

This is another plot plan or plan view, and as you can see to the left, the trucks would come and off-load into the tanks of, the used oil will be processed from left to right and then segregated into the tank farm on the right side of your screen, which I think can be loaded into rail or trucks.

There are a couple of slides here to kind of wrap up the formal presentation. Universal Lubricants obviously has a tremendous reputation in this community, they are a fourth generation family-owned business. I failed to introduce the fourth generation, Mike's sitting next to Mike. Mike Jr. is sitting next to Mike Sr., but they are a family-owned business and they have been here a long time and provide some great service to the community and throughout the mid-west.

If you take a look at the Kansas Department of Health and Environment's regulatory files up in Topeka, you will find that they have a great reputation and they have established, I feel, a great team to make this project work. Professional Engineering Consultants, PEC, is involved with the design, Gossen Livingston has been involved with some of the architectural design. Pilco Environmental is kind of a group, out of Houston, that's heavily into the petroleum and oil industry, their looking over our shoulder to make sure we are doing our job right. We're helping with all of the environmental permit applications and things of that nature.

Ron Smith was recently hired from Kansas Department of Health and Environment to manage their compliance issues as they move forward with this project. And I think an important element of this is a lot of times a business, the owners or the management team is not local, but the CEO and President are here, their right there and they are going to make this thing work. And their attention to details and performance will mean a lot to this project as we move forward. And at this time, I will ask if the Commission has any questions."

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**Chairman Unruh** said, "Well, thank you for the presentation Gary, it is very informative and comprehensive and we do have some comments. Commissioner Parks?"

**Commissioner Parks** said, "Do I understand this, that you are going to buy the oil there or you're going to buy from just whole-salers like Wal-Mart's or the other recyclers out there."

**Mr. Mason** said, "Currently the, Universal Lubricants, brings in about 7 million gallons a year now, from a variety of sources, from the local car dealerships to, for a while had a contract with your Household Hazardous Waste Facility, to bring the oil back from there too. I think the last go around they kind of lost the bid on that, but they would be interested in bidding for it in the future. But they work in all capacities from the little job shops up to the big manufacturing facilities in town, and handling their used oil."

**Commissioner Parks** said, "So, the people in my district that want to bring in the 5-gallons can do that?"

**Mr. Mason** said, "Yes."

**Commissioner Parks** said, "And you will pay them some monetary....?"

**Mr. Ron Smith**, Environmental Compliance Manager, Universal Lubricants, said, "There have been times we've done promotions, we are currently doing one right now. (Inaudible) who wants to bring in oil, we will maybe give them a credit against fuel oil, or a purchase from us...."

**Commissioner Parks** said, "I see."

**Mr. Ron Smith** said, "In one form or another, they'll get something. (Inaudible)"

**Commissioner Parks** said, "Maybe this is a question for Susan, rather than you, but, on the heavy metals, when you process and then reprocess this oil, what do you do with the heavy metals and the, for storage and disposal of those?"

**Mr. Mason** said, "Good question. The heavy metals will come out in the water phase and the dehydration process and then they go through a wastewater treatment system that removes the metals. The metals at that point will be tied up in some sediment and silt, things of that nature, that will be characterized and properly managed. Ron Smith here, his main duties with Kansas Department of Health and Environment was Hazardous Waste management issues and Ron, I know, will tend to that detail and make sure that it is done properly."

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**Commissioner Parks** said, "So that will be disposed of off-site?"

**Mr. Mason** said, "Yes it would be, it would be contracted with a hazardous waste vendor if it is hazardous waste."

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

**Chairman Unruh** said, "All right, thank you. Commissioner Winters?"

**Commissioner Winters** said, "I just have a question for Susan and then a comment. Susan, in your staff's work and in the work of the Solid Waste Management Committee that discussed this, were there any negative downsides that you or the Committee really thought were important enough to bring to our attention?"

**Ms. Erlenwein** said, "No sir. In fact in reviewing our Solid Waste Plan we do have a section in there on used oil and the need for facilities like this in our community to properly process that used oil. So the Committee voted in favor of this process, it was unanimous and only positive comments were made."

**Commissioner Winters** said, "Well thank you. Well, this seems like a, really, a great deal to me and so I would say that your certainly going to get my blessing and I would assume the whole Commission is going to be excited about this project and I think it's one maybe we would like to come and see after you get it up and running and operational., because I think it sounds very good.

The only other comment I would make would be, is just from my past business experience in owning a trucking a company for a number years, we can say that Universal Lubricants is one of the real foundation, good strong companies that have been locally-owned and operated for a long time. I certainly got confidence that this is not somebody just coming in with a wild plan. I am confident that if these folks think they can do it, they can stand behind it to make it work. So, I think it sounds like a great project."

**Chairman Unruh** said, "All right, thank you. Well I would make a comment that essentially seconds Commissioner Winters. First of all, the potential for this to be a real boon for our community in terms of not only the investment and the jobs and those sort of things but the fact that we're recycling something that was a pollutant and with the big trend now and days to take care of your transmission and cars are running longer, to use good quality lubricants is, you know, a real benefit to our mobile society. I think it's a great thing for us and I would second Commissioner Winters' remarks about universal oil and the family-owned business and what an important part it is



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in our community. In my previous life, we bought a lot of automotive products from you, so we know you're a good company.

I think it is a thing, a good idea and it's also, from your presentation, that this can be recycled over and over and over again, it's just not reusable once, but we can continue to recycle it, so it's an interesting thing. I'm going to be very supportive. Commissioners, are there any other comments or questions?"

**MOTION**

Commissioner Winters moved to approve the Local Government Certification and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

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

**VOTE**

|                        |        |
|------------------------|--------|
| Commissioner Norton    | Absent |
| Commissioner Winters   | Aye    |
| Commissioner Parks     | Aye    |
| Commissioner Welshimer | Aye    |
| Chairman Unruh         | Aye    |

**Ms. Erlenwein** said, "Thank you."

**Chairman Unruh** said, "Thank you very much, and thank you all for being here and we wish you the best with this investment. Madam Clerk, please call the next item."

**DIVISION OF HUMAN SERVICES - DEPARTMENT ON AGING**

**E. AGREEMENTS (FOUR) TO PROVIDE RIDE COORDINATION SERVICES FOR THE TRANSPORTATION BROKERAGE'S VOLUNTEER PROGRAM.**

- **MOUNT HOPE COMMUNITY DEVELOPMENT**
- **X.Y.Z. CLUB**

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- **GARDEN PLAIN SENIOR CLUB**
- **CLEARWATER SENIOR CENTER**

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, “A one-year grant application to Kansas Department of Transportation that included funding for a volunteer transportation program was approved by the County Commission on January 24, 2007. After that date, we did find out that funding was awarded by Kansas Department of Transportation. Now we will bring before you the Contracts for these programs. Transportation will be provided by the R.S.V.P. volunteer transportation program by volunteers in their private vehicles. These volunteers are insured through the R.S.V.P. volunteer program.

The Agreements you have before you are with Mount Hope, Bentley and Garden Plain, these are all renewals with the first Agreements initiated by the County in 2005. We are now expanding the program and this is the first Agreement with Clear Water.

Terms of the Agreement are for July 1, 2007 through June 30, 2008. These are Senior Centers and this program does, in fact, enhance services to individuals needing transportation services. The Senior Centers also benefit because they get reimbursed \$7 per ride that they coordinate with the use of volunteers. And for those that request, they can be reimbursed up to, reimbursed 15 cents a mile.

And so the total program budget is \$33,788, and this is anticipated to purchase 4,084 rides with a cost of \$8.27 per ride when we factor in the mileage that is requested or that has historically been requested. This has been a great program. The Senior Centers that were involved were very enthusiastic about it and really provided enhancement of transportation services for these rural communities and everybody was really excited about it. The service has been great and we were able to, with increased funding through KDOT, expand to another Senior Center who is really excited about joining in on this program. I’d be happy to answer any questions.”

**Chairman Unruh** said, “All right, thank you Annette. We do have a question from Commissioner Parks.”

**Commissioner Parks** said, “Were all these that made the cut here, were there any of them that didn’t make the cut, or requested funds that didn’t get in the program?”

**Ms. Graham** said, “No, this was really, because we already worked with Senior Centers, we kind of talked with them to see what their needs were, what their operating schedules were because they needed to be operating and have the availability of someone at that Senior Center to coordinate that. So we worked with the Senior Centers to kind of find out where the interest and the needs were and

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who had the capability to do this program. No, we've, not at this point, had people who wanted to do it that we turned down, although the funding is pretty limited."

**Commissioner Parks** said, "So do we have, did you contact all the basic Senior Centers that you worked with then about this program?"

**Ms. Graham** said, "We looked at the Senior Centers and how they operate. So, it wasn't so much that we contacted each one, we really looked at their hours of operation, cause we know the programming they have going on there, to see if they had the capability and then talked to those that looked like they might be appropriate for that."

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

**Chairman Unruh** said, "All right, thank you. Any other questions or comments? Well, I'm going to be very supportive of it, transportation is a extremely critical issue for folks who don't have ways to get around, so if we can help with that, it's a great enhancement to their quality of living. I'm going to be supportive."

**MOTION**

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

Chairman Unruh seconded the motion.

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

**VOTE**

|                        |        |
|------------------------|--------|
| Commissioner Norton    | Absent |
| Commissioner Winters   | Aye    |
| Commissioner Parks     | Aye    |
| Commissioner Welshimer | Aye    |
| Chairman Unruh         | Aye    |

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

**DIVISION OF HUMAN SERVICES - COMCARE**

**F. AGREEMENT WITH HEARTSPRING FOR COMCARE TO PROVIDE CHILD PSYCHIATRIC CONSULTATION AND EVALUATION SERVICES.**

**Ms. Marilyn Cook**, Director, COMCARE, greeted the Commissioners and said, "This is a renewal of an Agreement that COMCARE has with Heartspring's Facility. Heartspring pays COMCARE 8-hours a month to utilize Dr. Deanne Jenkins' time with children that are at their facility. Dr. Jenkins is one of very few Board certified child psychiatrists in our area and she had been working with this facility prior to coming to COMCARE two years ago. She had a strong sense of obligation to continue some work with these children since there are so few specialized psychiatrists in children's work in our area. Dr. Jenkins specializes in childhood onset of schizophrenia, working with children with symptoms in the autism spectrum range and children with developmental disabilities. So we have had this Agreement in place a couple of years, it's very beneficial for Heartspring, obviously, to have her be able to continue her services. It's good for us as a mental health center to be able to have a person of the caliber of Dr. Jenkins, who also has this connection in the community. So we are recommending that you approve the renewal of the Agreement and I would be happy to answer any questions."

**Chairman Unruh** said, "All right, thank you Marilyn. Commissioners, are there any questions about this Agreement? It seems that it is mutually beneficial and been successful and we are approving of it. Any other question or comment? What's the will of the Board?"

**MOTION**

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

Commissioner Parks seconded the motion.

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

**VOTE**

|                      |        |
|----------------------|--------|
| Commissioner Norton  | Absent |
| Commissioner Winters | Aye    |

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|                        |     |
|------------------------|-----|
| Commissioner Parks     | Aye |
| Commissioner Welshimer | Aye |
| Chairman Unruh         | Aye |

**Ms. Cook** said, "Thank you."

**Chairman Unruh** said, "Thank you, Marilyn. Next item please."

**G. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE, FOR SEDGWICK COUNTY PROJECT 628-9-2930; BRIDGE REPLACEMENT ON 39<sup>TH</sup> STREET SOUTH (MACARTHUR) BETWEEN 263<sup>RD</sup> AND 279<sup>TH</sup> STREETS WEST. CIP# B-395. DISTRICT #3.**

**Mr. David Spears**, P.E., Director, County Engineer, greeted the Commissioners and said, "Item G is a modification of plans and construction for the bridge project on Macarthur Road, between 263<sup>rd</sup> and 279<sup>th</sup> Streets West, designated as B-395 in the Capitol Improvement Program. There will be an increase in costs of \$64,550 because the pilings for the piers cannot be driven through the shale and we have to drill holes into the shale for each of the pilings and then fill the holes with concrete. I might mention that to date, we are under budget on the bridge program this year, the total bridge program by \$1,336,000, probably one of our best years ever for bridges. This particular bridge is under budget by \$139,000. I recommend that you approve the modification of plans and construction and authorize the Chairman to sign."

**Chairman Unruh** said, "All right, thank you David. Commissioner Winters?"

**Commissioner Winters** said, "Thank you. Just a quick comment. David, would it be correct that your guys really knew that this potential was out there from the beginning, but they were really trying to save money on these pilings and the plan just didn't work because of the terrain?"

**Mr. Spears** said, "That's correct. The consultant recommended pre-drilling the holes prior to the project. Our bridge engineer thought that we would have a chance to drive the pilings down through the shale, there is other bridges in a nearby vicinity that that has been done on, however, we could not get them drilled through there. And, so, had you put this in, in the first place, you would have paid the same amount. You're just paying for it now instead of putting it in the bid in the first place. He was hopeful that we could have saved the money and drive through it, but we could not."

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**Commissioner Winters** said, “All right, thank you very much.”

**MOTION**

Commissioner Winters moved to approve the modification of plans and construction and authorize the Chairman to sign.

Commissioner Parks seconded the motion.

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

**VOTE**

|                        |        |
|------------------------|--------|
| Commissioner Norton    | Absent |
| Commissioner Winters   | Aye    |
| Commissioner Parks     | Aye    |
| Commissioner Welshimer | Aye    |
| Chairman Unruh         | Aye    |

**Chairman Unruh** said, “Thank you David. Next item please.”

**H REPORT OF THE BOARD OF BIDS AND CONTRACTS’ SPECIAL MEETING ON JUNE 18, 2007.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of June 18<sup>th</sup> results in two items for consideration today.”

**1) WATER-BORNE TRAFFIC LINE PAINT, EXTENDED WEAR WATER-BORNE TRAFFIC LINE PAINT AND GLASS BEADS – PUBLIC WORKS FUNDING-TRAFFIC OPERATIONS AND MAINTENANCE.**

**Ms. Baker** said, “Recommendation is to accept the low bid on items 1, 2, 3 and 4 from Ennis Paint, Inc., for a total cost of \$40,304.01 and to accept the low bid on item 5 from Flex-O-Lite for costs of \$10,800 and establish and execute contract pricing for 1-year with two 1-year options to renew. “

**2) SELF PROPELLED MOWERS – FLEET MANAGEMENT FUNDING – VEHICLE ACQUISITION.**

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**Ms. Baker** said, “The recommendation is to accept the low bid meeting specifications from Andale Equipment in the amount of \$41,362.

Would be happy to answer any questions and I recommend approval of these of these items.”

**Chairman Unruh** said, “Commissioners, are there any questions about the Bid Board recommendation?”

**MOTION**

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

Commissioner Winters seconded the motion.

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

**VOTE**

|                        |        |
|------------------------|--------|
| Commissioner Norton    | Absent |
| Commissioner Winters   | Aye    |
| Commissioner Parks     | Aye    |
| Commissioner Welshimer | Aye    |
| Chairman Unruh         | Aye    |

**Chairman Unruh** said, “Thank you Iris. Next item please.”

**CONSENT AGENDA**

**I. CONSENT AGENDA.**

**1. Plat.**

Approved by Public Works. The County Treasurer has certified that taxes for the

**Regular Meeting, June 20 , 2007**

year 2006 and prior years have been paid for the following plat:

**Matthew's Office Addition**

2. **Agreement with Child Nutrition and Wellness Section of the Kansas State Department of Education meal reimbursement funds.**
3. **Program line adjustment request to the State Juvenile Justice Authority.**
4. **Amendment to Agreement with the Mental Health Association of South Central Kansas for the Community Crime Prevention Grant.**
5. **Range Reallocation of an Office Specialist, B115, to an Accounting Technician, B218.**
6. **Waiver of policy to hire a Trade Specialist III, B220, at 10% above the minimum pay for this position.**
7. **One Easement for Right-of-Way for Sedgwick County Project 805-J,K,L; recondition roadbed plus 6" bituminous surfacing on 119<sup>th</sup> Street West between 29<sup>th</sup> and 53<sup>rd</sup> Streets North. CIP# R-254. District #3.**
8. **Order dated May June 13, 2007 to correct tax roll for change of assessment.**
9. **General Bills Check Register(s) for the week of June 13 – June 19, 2007.**

**Mr. Buchanan** said, "You have the Consent Agenda before you and I would recommend you approve it and remind you that there is only 194 days left for the, until the sales tax expires."

**Chairman Unruh** said, "Thank you. Commissioners, are there any questions or what's the will of the Board?"

**MOTION**

Commissioner Winters moved to approve the Consent Agenda as presented.

Commissioner Welshimer seconded the motion.

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



## Regular Meeting, June 20 , 2007

### VOTE

|                        |        |
|------------------------|--------|
| Commissioner Norton    | Absent |
| Commissioner Winters   | Aye    |
| Commissioner Parks     | Aye    |
| Commissioner Welshimer | Aye    |
| Chairman Unruh         | Aye    |

**Chairman Unruh** said, “Commissioners, we’ve arrived at the conclusion of our regular agenda. We need to have an Executive Meeting in a moment, but before we do that is there any ‘other’ items that you wish to mention at this time? Commissioner Parks?”

### **J. OTHER**

**Commissioner Parks** said, “Just wanted to make sure that the people knew that this weekend is, Cowtown will be open again. We had an opening last week, it was kind of what we call a ‘soft opening’, but there’s going to be ‘grand opening’ this weekend with ‘Women of Kansas’ and the settings, and I think that the family would enjoy this weekend out if you could make it down to Cowtown. As an alternative vacation, an inexpensive vacation, option for Kansas, I think Cowtown is providing quite a bit of family entertainment there.

Also, Wichita Wild was mentioned earlier. The Kechi parade is at 10:00 Saturday, going to have a good time there, I plan on walking in that. And the African-American Museum Ball is July 6<sup>th</sup>; tickets are available from those members. And last, but not least, the Wichita Cat-Backers are meeting tonight at Beech Activity Center. Thank you.”

**Chairman Unruh** said, “All right, thank you. I appreciate your tie and shirt today. I would just also want to say, I am going to be the Kechi parade this Saturday, have breakfast with Mayor Parker. And, actually, my vehicle and my driver is here in the Boardroom today. My neighbor’s got a little Volkswagen convertible and he is going to drive me in the parade. So, we are going to have a good time on Saturday. Anyway, that’s all that I have to report. Commissioners, is there anything else?”

### MOTION

Commissioner Winters moved to recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation, legal advice and personnel matters of non-elective personnel and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:35 a.m.

**Regular Meeting, June 20 , 2007**

Commissioner Welshimer seconded the motion.

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

**VOTE**

|                        |        |
|------------------------|--------|
| Commissioner Norton    | Absent |
| Commissioner Winters   | Aye    |
| Commissioner Parks     | Aye    |
| Commissioner Welshimer | Aye    |
| Chairman Unruh         | Aye    |

**Chairman Unruh** said, "We are recessed."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 10:25 a.m. and returned at 10:42 a.m.**

**Chairman Unruh** said, "We are back from our recess to Executive Session and I will call the County Commission meeting back to order and declare that while we were in Executive Session, no binding action was taken. Commissioners, at this time is there anything else to come before the Board? Mr. Manager? Mr. Euson? We are adjourned."

**K. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 10:43 a.m.

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

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**DAVID M. UNRUH**, Chairman  
First District

**Regular Meeting, June 20 , 2007**

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**TIM R. NORTON**, Commissioner  
Second District

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

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**KELLY PARKS**, Commissioner  
Fourth District

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**GWEN WELSHIMER**, Commissioner,  
Fifth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2007