

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

### **REGULAR MEETING**

**September 26, 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, September 26, 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. Brad Snapp, Director, Housing Department; Mr. Mark Masterson, Director, Department of Corrections; Ms. Claudia Blackburn, Director, Health Department; Mr. Ray Vail, Budget Director, Department on Aging; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Mr. Jason Scheck, Project Manager, SCOAP, COMCARE; Mr. Ron Holt, Assistant County Manager; Mr. David Rush, Assistant Director, Kansas Coliseum; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Mr. Karl Peterjohn, Kansas Taxpayers' Network.  
Mr. Ed Wolverton, Downtown Development Corp.

### **INVOCATION**

The Invocation was led by Pastor Rusty Westerfield of Countryside Christian Church, Wichita.

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES:**

Regular Meeting, August 29, 2007

Regular Meeting, September 5, 2007

The Clerk reported that all commissioners were present at the Regular Meeting of August 29, 2007 and Commissioner Welshimer was absent at the Regular Meeting of September 5, 2007.

**Chairman Unruh** said, "Commissioners, you had the opportunity to review the minutes of the

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Regular Meeting of August 29<sup>th</sup>. Are there any additions or corrections?"

**MOTION**

Commissioner Norton moved to approve the Minutes of the Regular Meeting of August 29, 2007.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Commissioners, you've also had the opportunity to review the minutes of the Regular Meeting of September 5<sup>th</sup>, in which Commissioner Welshimer was absent."

**MOTION**

Commissioner Norton moved to approve the Minutes of the Regular Meeting of September 5, 2007.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Abstain
Chairman Unruh	Aye

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

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**APPOINTMENTS**

**A. APPOINTMENTS.**

**1. RESIGNATIONS FROM THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE.**

- **CLEMENT T. DICKERSON**
- **BRIDGET LEMEN**
- **CLIFF SONES**

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "Commissioners, we've received resignations from the following members of the Solid Waste Committee: Clement Dickerson, Bridget Lemen and Cliff Sones and I would recommend you accept these resignations."

**MOTION**

Commissioner Norton moved to accept the resignations.

Commissioner Welshimer seconded the motion.

**Chairman Unruh** said, "Thank you. Is there any comment on the motion? I would just say that we want to express our appreciation for these individuals for their service to Sedgwick County and specifically the Solid Waste Committee. They have all served for several years and served well, so we appreciate their service. With that, Madam Clerk call the vote please."

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

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**2. RESOLUTIONS APPOINTING MEMBERS TO THE  
SEDGWICK COUNTY SOLID WASTE MANAGEMENT  
COMMITTEE.**

- **NANCY LARSON (COMMISSIONER UNRUH'S APPOINTMENT)**
- **CLEMENT DICKERSON (COMMISSIONER NORTON'S APPOINTMENT)**
- **GIL HOOVER (COMMISSIONER WINTERS' APPOINTMENT)**
- **JEFF ST.CLAIR (COMMISSIONER PARKS' APPOINTMENT)**
- **STEVE DALLUGE (AT LARGE APPOINTMENT)**
- **ROGER LYON (AT LARGE APPOINTMENT)**
- **BRENDA MELBY (AT LARGE APPOINTMENT)**
- **JIM SPENCER. (AT LARGE APPOINTMENT)**

**Mr. Euson** said, "We have, commissioners, we've prepared a resolution which would appoint eight members to the Solid Waste Committee, some of whom will fill the vacancies you've just created and other vacancies which have occurred on this board and those eight members are Brenda Melby, Steve Dalluge, Jim Spencer, Roger Lyon, Nancy Larson, Clement Dickerson who is going to serve a different position on this board than he did previously, Gil Hoover and Jeff St. Clair.

These are appointments that will serve until the end of the year and at that time you will reappoint the entire 15-member board and I would recommend that you adopt this resolution."

**Chairman Unruh** said, "Thank you. Commissioner Norton."

**Commissioner Norton** said, "I will make that motion. I did want to comment on Clem Dickerson had been the out of . . . the county representative, and he's moving over to be my appointee. I had nominated him for that county at large, and I really . . . at the time, we didn't have a slot for him to be the District 2 appointee, so he's moving over in that slot. That's why he resigned and is being reappointed. I just wanted to make sure people knew that."

**MOTION**

Commissioner Norton moved to adopt the Resolutions.

Commissioner Parks seconded the motion.

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

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### VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And I might add that all these individuals will be sworn in by County Clerk Don Brace at the first meeting of the Solid Waste Committee on October 1<sup>st</sup> out at the Extension Center. Madam Clerk, call the next item.”

### NEW BUSINESS

#### **B. GRANT REQUESTS TO “FREDDIE MAC” AND U.S. BANK HOME MORTGAGE FOR FUNDING TO MARKET THE KANSAS LOCAL GOVERNMENT STATEWIDE HOUSING PROGRAM.**

**Mr. Brad Snapp**, Director, Housing Department, greeted the Commissioners and said, “Recently, I learned that there were some agencies that had money available that we could apply for and get for the Kansas Local Government Statewide Housing Program, to market that program and increase its effectiveness. Those two agencies are U.S. Bank Home Mortgage, the master servicer for the program and Freddie Mac, and Freddie Mac as the purchaser of the bonds that we issue for that program.

U.S. Bank application is for \$15,000 and Freddie Mac is for \$10,000. All home loans in this program are 30-year fixed loans at the current interest rate of 6.62% with a 4% cash grant. I just wanted to emphasize that none of these loans are sub-prime loans. That seems to be an issue in today’s market. In the last 20 months, 4,100 Kansas families in 68 counties purchased their first house with this program with an average loan amount of \$87,000. Commissioners, if we approve these letters today, we’ll apply for this money and use it for marketing tools so that we can further the effectiveness of this program throughout Kansas. If you have any questions, I’ll be glad to answer them.”

**Chairman Unruh** said, “Well thank you Brad. I don’t see anyone asking to speak, but appreciate the fact that you were able to find some more money to help move this program along.”

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**MOTION**

Commissioner Welshimer moved to approve the submission of grant requests and authorize the Chairman to sign all necessary documents including the grant award agreement containing substantially the same terms and conditions as the application and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**DEPARTMENT OF CORRECTIONS**

- C. ADJUSTMENT TO THE DEPARTMENT OF CORRECTIONS STAFFING TABLE FOR ONE ISO I, B219; ONE ISO II, B220; AND ONE HALF-TIME SURVEILLANCE OFFICER, B216, FUNDED BY THE DEPARTMENT OF JUSTICE SEX OFFENDER MANAGEMENT DISCRETIONARY GRANT FOR OCTOBER 1, 2007 THROUGH SEPTEMBER 20, 2009 .**

**Mr. Mark Masterson**, Director, Department of Corrections, greeted the Commissioners and said, "Last December, this board approved submission of a grant application to the U.S. Department of Justice for funding to implement system improvements in the management of juvenile sex offenders in Sedgwick County. We received this grant award of \$249,996 to be spent over the next 24 months, beginning October 1<sup>st</sup>."

The grant provides the three positions that were described in the reading and I ask that you approve adding these positions to the staffing table. I'll be happy to answer any questions."

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**MOTION**

Commissioner Norton moved to approve the additions to the Department of Corrections Staffing Table and approve establishment of budget authority.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**HEALTH DEPARTMENT**

**D. HEALTH DEPARTMENT.**

**1. ADDITION OF A TEMPORARY, PART-TIME EPIDEMIOLOGIST TO THE DEPARTMENT OF HEALTH STAFFING TABLE.**

**Ms. Claudia Blackburn**, Director, Health Department, greeted the Commissioners and said, "The Health Department is responsible for epidemiology services in Sedgwick County. That includes surveillance, disease investigation and control of reportable diseases. Our current staffing is adequate when we're fully staffed and we're not dealing with an outbreak.

Historically, we have had three staff dedicated to communicable disease control, excluding Tuberculosis and sexually transmitted diseases. In December of 2006 we reassigned a position to create a new community health assessment coordinator, so that we could do a better job of assessing the community health problems and giving data to the community so that others can use it for their planning.

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This left two epidemiology positions for disease investigation. Currently, both of those positions are vacant and we have recently changed leadership in our TB program due to the retirement of the program manager. In order to ensure a smooth transition in terms of training our new TB program manager, and a new soon to be hired epidemiology staff and to deal with the current cryptosporidiosis outbreak. We're requesting the use of salary savings to hire our retired program manager, you never really get to retire, in a part-time position to assist with the transition. So she is helping to train the new TB program manager and doing disease investigation and she'll help to train the new epidemiology staff as well.

We would like to use salary savings. We have . . . we anticipate about \$24,000 in salary savings, and this would use about half of it, about \$12,222 for the rest of the year. I recommend approval of this request and I'd be happy to answer any questions."

**MOTION**

Commissioner Norton moved to approve temporary, part-time addition to the Department of Health Staffing Table.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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



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**2. AMENDMENT TO CONTRACT WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE PROGRAM.**

**Ms. Blackburn** said, “The Sedgwick County Health Department has received federal grant dollars for public health preparedness and response for five years. Funds have been used to develop, implement and test comprehensive emergency response plans and we have been primarily focused on bio-terrorism but the last year, 2006, we received additional funds for pandemic influenza planning and we . . . so last year we received \$427,744 and then an additional \$177,258 for pan flu.

The amendment before us is \$139,150 for two months to cover October and November for emergency preparedness planning. This will pay for minimal staffing and operation costs to continue, develop, refinement and exercising of our emergency preparedness and pan flu response plans for Sedgwick County and this region of Kansas.

And the reason it’s just two months worth of funding is because the federal government did not release the money to the state or the guidance for the next funding cycle until just now, and so this is money, it’s kind of like S-CHP, what you’re hearing about. It’s money just to get us through until we find out what we’re going to get in the next funding cycle and what the rules are going to be for the new money. There is no match required and I recommend that you approve the amendment and authorize the chair to sign, and I’d be happy to answer any questions.”

**Chairman Unruh** said, “Alright, thank you Claudia. Commissioners, are there any questions? Commissioner Parks.”

**Commissioner Parks** said, “Claudia, on your supplies of Cipro and things like that, that expire, the gloves and whatnot, are they at the end of their expiration period. I see we’re going to purchase some of those new things in here again. Are those expendable items used by EMS or somebody or how are those disposed of?”

**Ms. Blackburn** said, “I would have to check and get back to you. I know that they tried to get an extension on the expiration date if at all possible and maybe rotate with some of the pharmacies in town. I’ll get more information on that and share it with you.”

**Commissioner Parks** said, “Okay, thank you.”

**Chairman Unruh** said, “Alright, thank you. Any other questions? What’s the will of the Board?”

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**MOTION**

Commissioner Welshimer moved to approve the Contract 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	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**3. CONTRACT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT TO PROVIDE THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN IN SEDGWICK COUNTY.**

**Ms. Blackburn** said, "The Health Department has been receiving funds for the WIC program for many years. This program provides nutritional education, supplementation, and health screening information and referrals for health and social services for pregnant women, women who just had babies and for children under the age of five. To be eligible, you have to earn less than 185% of the federal poverty level and meet the nutritional requirements of the program.

The Kansas Department of Health and Environment is granting the Health Department \$1,569,626 for federal fiscal year 2008. This is an increase of \$71,431, or 4.8% over last year. Our assigned caseload is 13,862 clients, which is well below our actual caseload. We're able to go over our caseload if we get permission from the state and they have the extra money and right now our actual caseload is about 15,900, so we're close to 16,000.

There is no match and I recommend that you approve this agreement and authorize the Chair to sign."

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**Chairman Unruh** said, "Alright, thank you. And Claudia, the clients that can use this service are both residence and those who work here but don't necessarily have to live here? Is that what I read in the backup?"

**Ms. Blackburn** said, "Have to either live or work here, right."

**Chairman Unruh** said, "Okay, so we're actually providing this service then for an area even larger than Sedgwick County with this money and we don't have to provide match for it."

**Ms. Blackburn** said, "Correct."

**Chairman Unruh** said, "Okay, very good. Sounds good to me. I'm ready to vote in favor of this. Any other questions?"

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

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**4. GRANT APPLICATION TO MARCH OF DIMES FOR FUNDING TO IMPLEMENT THE CENTERING MODEL OF PREGNANCY FOR CLIENTS SERVED BY BOTH THE HEALTHY BABIES PROGRAM AND THE MATERNAL AND INFANT PRENATAL CLINIC.**

**Ms. Blackburn** said, “Currently, the Health Department as you know runs the Healthy Babies program, which is a home visitation program where we use nurses and community liaisons to care for pregnant women, newly delivered mothers and children one and two years of age. We also run a prenatal clinic to take care of women during their pregnancy, provide their medical care during that time and our focus is on reducing low birth weigh and infant mortality and improving the health of mothers and children.

The March of Dimes is excepting grant proposals for programs working to improve the health of babies, programs that have missions like ours and we are applying . . . this is a grant application for \$49,321 to move us towards a centering pregnancy model. It’s . . . the funding would be used for staff training and educational materials and we’ll begin doing group educational sessions and group prenatal care actually in our prenatal clinic for women starting at their sixteenth week of pregnancy and women at high risk will be referred to the Healthy Babies program. We’ll also use this in the Healthy Babies program for women who don’t come to us for their care. But it empowers women, it helps them to develop a social support network and it helps them to learn more about how to take care of themselves and that’s really important when you’re trying to prevent pre-term birth, because you want them to be able to pick up on signs and symptoms of problems and act on it quickly.

So it’s a good thing and we hope that we’re funded and I would recommend that you approve the funding . . . or the application. We are eligible to renew, if we get funded for a two to three year period, if we’re meeting all of the goals and objectives of the grant. So I’d be happy to answer any questions.”

**Chairman Unruh** said, “And this particular program, have we used this before?”

**Ms. Blackburn** said, “No, we have not, this is new.”

**Chairman Unruh** said, “But it has been used elsewhere successfully.”

**Ms. Blackburn** said, “Right. It is research based and they’re actually using it in Wyandotte County and we have visited with them, our staff has been up to visit with them and learn about the program and they really think it will help to empower our patients and increase the efficiency of the clinic.”

**Chairman Unruh** said, “Okay. We have a question from Commissioner Norton.”

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**Commissioner Norton** said, “Not really a question, just a statement. As we went through the Visioneering process several years ago, one of the pieces of data that was important and this will address is the incident of low birth weight rate in Sedgwick County and infant mortality compared to other jurisdictions in the state and in the region and I think this will have an impact on that. Which is one of those things that came out of Visioneering that we wanted to try to solve in the next ten years, so I’m encouraged by the fact that we’re taking on maybe a new evidence-based program that will help that. We have other programs that kind of dovetail together to help that issue, but those are two real important issues that came out of Visioneering in the data that we collected, so hopefully this will help solve that. I’m anxious to see what the results will be on the other end of it. Hopefully you’ll report that to us at some point.”

**Ms. Blackburn** said, “Yes sir.”

**Commissioner Norton** said, “That’s all I have, Mr. Chair.”

**Chairman Unruh** said, “Alright, thank you. Seeing no other requests to speak, commissioners, what’s the will of the board?”

### MOTION

Commissioner Norton moved to approve the Grant Application and authorize the Chairman to sign all necessary documents including the Grant Award Agreement containing substantially the same terms and conditions as the application and approve establishment of budget authority at the time the Grant Award documents are executed.

Chairman Unruh seconded the motion.

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

### VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

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

**E. DEPARTMENT ON AGING.**

**1. AGREEMENT WITH THE KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO RECEIVE AND DISTRIBUTE USDA COMMODITIES.**

**Mr. Ray Vail**, Finance Director, Department on Aging, greeted the Commissioners and said, "I'm here today to present to you the contract between SRS and Sedgwick County Department on Aging to receive and distribute USDA commodities. The contract has been approved by the Finance and Legal and I ask that you approve the agreement and authorize the chair to sign. I'll answer any questions."

**MOTION**

Commissioner Norton moved to approve the Agreement 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	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**2. AGREEMENTS WITH RURAL COMMUNITY GROUPS TO RECEIVE AND DISTRIBUTE USDA COMMODITIES.**

- **ST. JOSEPH CATHOLIC CHURCH**
- **BENTLEY UNITED METHODIST CHURCH**
- **CHENEY FOOD BANK**
- **CITY OF CLEARWATER**

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- **COLWICH COMMUNITY SENIOR CITIZENS**
- **MOUNT HOPE SENIOR CITIZENS**
- **MULVANE AREA VOLUNTEER SERVICE**
- **CITY OF PARK CITY**
- **CITY OF MAIZE**

**Mr. Vail** said, “Commissioners, these contracts before you today are the individual contracts with the rural communities in Sedgwick County to distribute the USDA commodities. This has been approved by Legal and Finance and I ask that you approve the contracts and authorize the chair to sign.”

**Chairman Unruh** said, “We have a comment from Commissioner Norton.”

**Commissioner Norton** said, “I think I already know the answer, but Ray, the City of Derby, the City of Haysville, the City of Valley Center, some other rural areas are not included. Will those contracts come later, or do they sign their own contracts?”

**Mr. Vail** said, “No, they’ll come later. We had some contracts that came in late, so we have to put them on a different agenda.”

**Commissioner Norton** said, “Okay, that’s all I had Mr. Chair.”

**Chairman Unruh** said, “Alright, thank you.”

**Commissioner Parks** said, “That answered my question.”

**Chairman Unruh** said, “Answered your question also. I see no one else asking to speak, so commissioners, what’s the will of the board?”

**MOTION**

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

Commissioner Welshimer seconded the motion.

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

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**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

- 3. LETTER OF AGREEMENT WITH SUNFLOWER FOUNDATION FOR A \$20,000 GRANT FOR PURCHASING COMPUTER SOFTWARE TO ESTABLISH A DATABASE TO STORE ALL DEPARTMENT ON AGING/CENTRAL PLAINS AREA AGENCY ON AGING INFORMATION.**

**Mr. Vail** said, "Commissioners, before you is a letter of agreement with the Sunflower Foundation for the Department on Aging to purchase computer software. This software will allow our department to accumulate the required information in a much more efficient manner. The agreement has been approved by Finance and Legal and I ask that you approve agreement and authorize the chair to sign. I'll answer any questions."

**Chairman Unruh** said, "Alright, commissioners, any comments or questions on this agenda item? I think we're agreeable to receive grants, so probably will be no problem here. What's the will of the board?"

**MOTION**

Commissioner Norton moved to approve the Letter of Agreement and authorize the Chairman to sign all necessary documents including the Grant Award Agreement containing substantially the same terms and conditions as the application and approve establishment of budget authority at the time the Grant Award documents are executed.

Commissioner Welshimer seconded the motion.

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



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**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**DIVISION OF HUMAN SERVICES- COMCARE**

**F. COMCARE.**

**1. AGREEMENT WITH RAINBOWS UNITED, INC. FOR SPACE AT 603 S. ERIE TO HOUSE COMCARE'S THERAPEUTIC PRESCHOOL.**

**Ms. Marilyn Cook**, Director, Comprehensive Community Care, greeted the Commissioners and said, "This is an agreement with Rainbows United to rent space for the third year of our program called Proud of Me that COMCARE does. It's a preschool program. The program previously was housed in the Rainbows facility on Armour Drive, but Rainbows needed that space for some of their regular classrooms. They did offer us some space, to sublease some space that they have on South Erie for a one-year period. It's a space that they're leasing from the Trinity Lutheran Church. I took a look at it. It looks like it might have even been the original church. The space is kid-friendly and it has a playground attached to it. And this program runs from Monday through Thursday and we're pretty pleased with the space so we're asking that you approve the agreement."

**Chairman Unruh** said, "Alright, thank you Marilyn. And this is a one-year agreement?"

**Ms. Cook** said, "It's one year."

**Chairman Unruh** said, "Do we just do this annually?"

**Ms. Cook** said, "Well, we've not had to move the program, so we want to see how this space is going to work out. They're kind of in the sanctuary of the church, but there are little clusters of spaces for the kids to have activities, and we want to see how it's going to work."

**Chairman Unruh** said, "If it works, alright very good. Commissioners, any other questions?"

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**MOTION**

Commissioner Norton moved to approve the Agreement 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	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

- 2. GRANT APPLICATION TO THE NATIONAL ASSOCIATION OF COUNTIES TO DEVELOP A CRISIS INTERVENTION TRAINING PROGRAM TO TRAIN LAW ENFORCEMENT OFFICERS IN RECOGNIZING AND RESPONDING TO PERSONS WITH MENTAL ILLNESS AND TO DIVERT INDIVIDUALS WITH MENTAL ILLNESS FROM THE SEDGWICK COUNTY JAIL.**

**Ms. Cook** said, "Commissioners, this is a grant application to the National Associations of Counties, or NaCO for \$4,988 to be used to send four individuals from this community to Memphis, Tennessee to observe their crisis intervention team. It's a model that has been named as a best practice model for this kind of work. The model has been used there in Memphis for some years, different communities throughout the United States have modified it to fit their community. But in all cases, it's specialized training for law enforcement to better identify individuals with a mental illness. It provides them some strategies to be able to respond in a better way to individuals they're encountering in the community that have very active mental illness symptoms going on.

The four individuals who are going to be traveling to Memphis include two WPD officers, one COMCARE manager, the manager of our SCOAP program, and one Sheriff Deputy. They're going to spend two days obtaining information from the program. They're going to actually observe the program, including riding along with law enforcement there to see how the program works and receive some consultation about pre-planning for such a program for us to implement here.

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The group also committed to come back and share what they've learned with the CJCC. We are hoping that this program model can be developed further and implemented here for a pre-booking addition to our SCOAP program that is currently focusing only on individuals in the post-booking phase in the detention facility. Be happy to answer any questions and we're going to recommend that you approve the application."

**Chairman Unruh** said, "Alright, thank you. We do have a couple of questions. Commissioner Parks."

**Commissioner Parks** said, "Since two of the officers are from WPD and one from the county, are there going to be workshops when they come back? Is this in the plan, to help the entire county and the other agencies in the county to maybe provide some training? Because I do know that there is some need out there for that."

**Ms. Cook** said, "Yeah, there's definitely some need. This is what they're calling or we're calling phase one of this, kind of going, seeing what it's all about, seeing if it's something that would be valuable here, even though we feel at this point that it is worth it, but then there are a couple of other phases that are outlined in this grant, where people will come back and start training others in the community and I've got to tell you, I don't have it memorized, but in here, in the application it talks about what percentage then individuals would be trained in the community. There are others on the taskforce that are looking at this, including NAMI and other members, that would also be trained when these folks come back."

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

**Chairman Unruh** said, "Alright, thank you. Commissioner Norton."

**Commissioner Norton** said, "Not a question, but this appears to be a linkage to one of the learnings that we started when we started the Criminal Justice Coordinating Council is that you need some, to get upstream a little bit with officers being able to identify mental health issues and not book somebody and let them go through the system, but to get them into mental health kinds of programs before we even get them to the jail and I think this is a great step in trying to understand that, look at a program that's been around for a while."

I'm familiar with that program in Memphis and it has worked pretty well in that community. So I'm very hopeful that it's the next step of trying to take a piece of what we've already known that's problematic and start to solve it in our own community. So let's hope that this is going to bear fruit and do what we think it's going to do. I'm pretty encouraged by that. Thank you Mr. Chair."

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**Chairman Unruh** said, "Thank you, commissioner. Well Marilyn, I noticed that you have Jason with you here today, who is directing our SCOAP program. I think it would be appropriate, is it possible for either you or he to tell us how SCOAP has been doing so far, give us a couple of facts?"

**Ms. Cook** said, "Rather he than me."

**Chairman Unruh** said, "Okay, I know it's going well. We're proud of the success as an alternative to incarceration."

**Ms. Jason Scheck**, Project Manager, SCOAP program, COMCARE, greeted the Commissioners and said, "We've served about 200 individuals to date and we've had a success rate of about 75% of our clients who have been transitioned into ongoing mental health services and of course that is one of the keys to keeping them out of our criminal justice system."

**Chairman Unruh** said, "Okay, well thank you and for now I guess that update is sufficient, but we know that it's working and it's one of the ways that we deliberately decided to attack our jail overcrowding problem on the one hand, and provide a definite service to individuals who need a little extra help on the other hand and get them back into community. So good work, Jason, we appreciate your efforts. Another question from Commissioner Norton."

**Commissioner Norton** said, "And I think Jason could tell us maybe the difference between the two kind of programs. One of them is post and one of them is pre. Is that not just the answer?"

**Mr. Scheck** said, "Correct. Right now we're mainly working with individuals who have already been booked into jail and the CIT program would assist us in diverting individuals before they're booked into jail and relieving some of that strain on the booking population."

**Commissioner Norton** said, "I think the public needed to know that. There is a differentiation between the two and they both could work. Eventually, hopefully you won't have a SCOAP program because you'll have the other program. If it really all worked liked we wanted it to, you wouldn't even have people in jail with those mental health illnesses."

**Chairman Unruh** said, "Okay, well thank you very much. Commissioners, are there any other questions or comments?"

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**MOTION**

Commissioner Norton moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including the Grant Award Agreement containing substantially the same terms and conditions as this Application; and approve establishment of budgets authority at the time the Grant Award documents are executed.

Chairman Unruh seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Marilyn, Jason, thank you. Madam Clerk, next item please."

**G. AGREEMENT WITH LDF SALES AND DISTRIBUTING, INC. FOR ADVERTISING SPACE AT THE KANSAS COLISEUM.**

**Mr. David Rush**, Assistant Director, Kansas Coliseum, greeted the Commissioners and said, "This agreement is between us and LDF for an advertising partner. It's covering signage and advertising in the building and the VIP room. Would recommend that you authorize the chairman to sign this agreement. It's been through Legal and it's been approved. If there's any questions, I'll try to answer them."

**Chairman Unruh** said, "Alright, Dave. Are there any questions of Dave? What's the will of the Board?"

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**MOTION**

Commissioner Norton moved to approve the Agreement 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	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**PUBLIC WORKS**

**H. PUBLIC WORKS.**

**ITEMS H.1, H.2, AND H.3 WERE DEFERRED FROM THE SEPTEMBER 19,2007 BOARD OF COUNTY COMMISSIONERS REGULAR MEETING.**

- 1. AGREEMENT WITH THE CITY OF WICHITA REGARDING SEDGWICK COUNTY PROJECT 817-V,W,X; WIDENING OF MERIDIAN AVENUE BETWEEN 47<sup>TH</sup> STREET SOUTH AND 71<sup>ST</sup> STREET SOUTH. CIP# R-281. DISTRICT #2.**
- 2. AGREEMENT WITH THE CITY OF HAYSVILLE REGARDING SEDGWICK COUNTY PROJECT 817-V,W,X; WIDENING OF MERIDIAN AVENUE BETWEEN 47<sup>TH</sup> STREET SOUTH AND 71<sup>ST</sup> STREET SOUTH. CIP# R-281. DISTRICT #2.**

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**3. AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION, THE CITY OF WICHITA AND THE CITY OF HAYSVILLE REGARDING SEDGWICK COUNTY PROJECT 817-V,W,X; WIDENING OF MERIDIAN AVENUE BETWEEN 47<sup>TH</sup> STREET SOUTH AND 71<sup>ST</sup> STREET SOUTH. CIP# R-281. DISTRICT #2.**

**Mr. David C. Spears**, P.E., Director, Public Works, greeted the Commissioners and said, “Items H-1, H-2 and H-3 are all related to our road project on Meridian between 47<sup>th</sup> Street South and 71<sup>st</sup> Street South. I would like to make a presentation to you on all three items.

Sedgwick County is creating a partnership with Haysville, Wichita and KDOT to utilize earmarked federal funds from the SAFETEA-LU legislation to widen Meridian between Wichita and Haysville. The respective roles of each partner are as follows: KDOT will manage the distribution of the federal funds and ensure compliance will all state and federal regulations, Haysville and Wichita will each pay for project upgrades within their city limits such as sidewalks and storm sewers, acquire right-of-way within their city limits and make certain utility adjustments. Sedgwick County has contracted for engineering, will manage construction of the project, acquire right-of-way in the unincorporated area of the county, pay for the required 20% local match and pay for all project costs that exceed the federal earmark and the contributions of Haysville and Wichita.

In order to proceed with the project, we need to put three agreements in place. In Item H-1, we are requesting your approval of an agreement between Sedgwick County and the City of Wichita that will define the terms of payment and tasks to be performed by each.

In Item H-2 we are requesting your approval of a similar agreement between Sedgwick County and the City of Haysville that will define the terms of payment and the tasks to be performed by each.

In Item H-3 we are requesting your approval of a four-party agreement between KDOT, Sedgwick County, Haysville and Wichita that will allow KDOT to participate in the project inside of all three local communities, defines the responsibilities of KDOT and the local partners and defines the maximum participation of KDOT with federal funds.

Based on these agreements and our approved 2008-2012 CIP, we anticipate construction costs to be paid by each party to the agreement to be as follows: KDOT, \$3,000,000 which is the earmark money; Haysville, \$555,071.08; Wichita, \$355,788.73; Sedgwick County, \$3,089,140.19 and the construction will be in 2009. The field check is scheduled for today. I suggest that you take each item individually and would be happy to answer questions about all of them now or as you take up each item.”

**Chairman Unruh** said, “Alright, thank you David. Commissioner Norton.”

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**Commissioner Norton** said, "Well this is a project I've been working on for a couple of years and we had it in a CIP at an earlier date, but once we found out that there was some federal earmark money, it only made good sense to accept that earmark, even though it may have moved the project back a little bit and slowed it up."

I think it's going to be a great partnership project, when you talk about Wichita, Haysville, the state, the feds and Sedgwick County putting money into a project like that, that's going to mean a lot to the south side and a lot to one of our partner cities. I think it's a great project. I'm a little disappointed that it got moved back a year, because I think we're going to maybe miss that window of opportunity because of some growth. The new schools in Haysville have already . . . one of them is already open, the middle school is going to open next year. We're going to be a little bit behind the curve for Haysville, but for that part of our community it's going to be a very important project and I'm excited about it. I'll certainly make all the motions if we need to, but it is a great project and I'm glad that we're moving ahead on it. And it's wonderful that we got a little help from the federal government along the way, because that does take a little bit of the sting out of a project that's, you know, costs some money."

**Chairman Unruh** said, "It's significant, yes."

**Commissioner Norton** said, "So if there's no other questions or discussion . . . okay, I'll wait."

**Chairman Unruh** said, "And David, we should take these in three separate motions?"

**Mr. Spears** said, "That would be up to Rich. I don't know. It's probably a legal question."

**Chairman Unruh** said, "Mr. Euson?"

**Mr. Euson** said, "Mr. Spears recommended you take them individually. You can take them all at once. They were presented all at once. I don't see anything wrong with it."

**Chairman Unruh** said, "Okay, thank you. Commissioner Parks."

**Commissioner Parks** said, "On the map here showing some of those areas, it looks like the City of Wichita basically surrounds most of this. Is that correct?"

**Mr. Spears** said, "No sir, that . . . no, the City of Wichita is at the north end, Haysville is at the south end and the county is in the middle, on Meridian."

**Commissioner Parks** said, "Then on those projects, past practice is that the county cooperates with



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those and this has been . . .?”

**Mr. Spears** said, “Standard operating procedure. Yes, we’ve had, in the past, many agreements with Derby and other cities in the county. What basically we say is we’re going to do a four-lane road to a county standard or a rural standard. If you want curb and gutter and storm sewer and sidewalks, you need to pay for the difference, and they willingly do that because we do the design, the inspection and it’s a win/ win for everybody.”

**Commissioner Parks** said, “Okay, thank you.”

**Chairman Unruh** said, “Alright, any other comment or question?”

**MOTION**

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

Commissioner Winters seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you, David. Commissioners, I think now would be the appropriate time for us to take an off agenda item.”

**MOTION**

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Commissioner Winters moved to consider an off agenda item regarding the Sedgwick County arena project budget update.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "And Mr. Holt is here to present this item."

**OFF AGENDA ITEM**

**SEDGWICK COUNTY ARENA PROJECT BUDGET UPDATE.**

**POWERPOINT PRESENTATION**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, "Commissioners, on December the 13<sup>th</sup>, 2006 based on the revised forecast of the receipts from the one cent, 30-month sales tax an arena project budget was presented to you and you approved it, an updated arena project budget was presented to you and was approved at \$201,024,000.

In June of this year, we reviewed with you an updated project budget, still at the \$201,024,000, but the budget pie had been re-sliced based on updated construction costs estimates provided by Turner Construction, a member of our architectural and engineering team, as well as some other changes and some other components of the budget.

We were in the throws of releasing the project for bid at that time and since the sales tax forecast had not been revised, at the June meeting although we reviewed those budget numbers with you, we did not ask you to take formal action on the budget at that time.

Just after this presentation, I think you next item, you will be hearing from Iris Baker, our

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Purchasing Director, who will be providing a recommendation from the Board of Bids and Contracts that you approve the construction bid for the arena, from the general contractor joint venture of Dondlinger and Sons Construction, a local well-respected contractor, and the Hunt Construction Group, which is a very reputable national firm.

In the last day or so, it came to our attention that a budget adjustment would be necessary, since the last formerly approved budget showed the arena construction costs a bit less than the amount of the actual bid. That's the budget that you approved in December '06. So I'm here this morning to provide you with an update of the arena project budget from the time of the referendum, which was developed in August 2004 till today, so that you get a . . . put this in context and the real perspective on what you . . . what we're asking you to approve.

The total budget, the total project budget commissioners as we've said time and time again, will always equal the sales tax receipts. And although we've provided budget updates on various occasions, in addition to those shown here on this sheet. We've provided you, the commission, an update in December of '05. We've provided another budget update in January of '06. As I mentioned, we provided another budget update in June of '07. You've only taken official action on the August 4, 2004 and the December, 2006 project budget. Following the original budget, the sales tax I know had been estimated at 184.5 million. In December of 2006, we had had a revised forecast of the sales tax, plus at that time the final design development phase of the project had been completed and therefore it was appropriate at that time to ask you to take formal action on the budget.

Now that we've received actual construction bids, it is appropriate for us to take another look at the budget and another re-slice to the budget. You see on this sheet, these budget items from '04 to '06 total . . . the arena subtotal was 151,789,000 in '04; 178,594,885 in '06; and with the latest bids, it's estimated to be 183,625,241 today. However, I would point out to you that the project total, which was the 184.5 that you approve in August 2004, was changed in December, 2006 based on revised forecast of the sales tax to 201,024,000 and the current budget would be based on the 201,024,000, although before we get done with the presentation, Chris Chronis has done a revised forecast based on receipts to date and the time left on the forecast and we'll talk about that and you'll see how that flows into this budget as we go through this presentation.

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What I want to do now is to go through each of these budget components and talk about the changes from '04 to '06 and the changes from '06 to '07 so that you have a real sense of what has changed and why it has changed. The first budget item relates to design and owner's costs, the A & E services and equipment. You see there in '04 the projection, the budget was 11,229,000. In December of '06 it was \$18,879,774. Now the estimate is \$16,641,456. This budget component is intended to pay for architectural and engineering services and for arena costs that are not covered by the construction contract, such as permits, furniture, fixtures and equipment. The changes from '04 to the '06 budget related to cost for the design contract were higher than expected. We went through that at the time, we made that presentation back in '05. The completion of design development phase in December of '06 of the project resulted in increased allocation for furniture, fixtures and equipment. Because we'd gone through the design development phase of the project, we were able . . . more able to better define what furniture, fixtures and equipment were going to be necessary to make this project complete.

The changes from '06 to '07, which was a decrease, was because we took another look during the past few months at that furniture, fixtures and equipment budget and decided that some of the items we had in there and working with SMG could be changed to a different kind of item that costs less and consequently we were able to reduce costs in that budget item over the past few months.

The next item is the land acquisition costs component. Site acquisition, in August '04, was estimated at \$20,000,000. In December of '06 that went down to 15.8 million and in September of '07 we're projecting that cost to be just under \$17,000,000. This line item is intended to pay for items that are needed to obtain a clear, build-able site, as well as properties for street improvements on Washington to better accommodate ingress and egress to the arena area off of Kellogg.

The changes from the '04 to '06 budget resulted from the review of the site and as it became more defined, fewer properties were identified for acquisition, relocation and demolition. At one time, in the very conceptual stage of this project, it was presumed that we would take the Spaghetti Works Warehouse building and all of those buildings to the south of it, the Gore Oil Building as well as the Lofts building. And as you know, as we've worked on the project, worked on the site and it became more defined, those buildings all remained on the site.

The changes from the '06 to the '07 budget were based on higher legal and acquisition costs due to a greater number of condemnations than we had anticipated, and of course as we got into the bowels of the relocation review, those relocation costs came in a bit higher than were anticipated at the

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December timeframe.

On-site construction costs, this item is intended to pay for all construction on the arena site that is outside the building footprint. You'll notice that in August '04 it was estimated that that would be 7.5 million dollars. And then in December it went to zero and it remains at zero. And the reason for that is because the architects explained as we went through the development of this project, the impracticality of separating site construction from building construction. So this budget was consolidated in the arena construction category.

Infrastructure cost, these are the off-site costs related directly to the arena. As you note there, the 2004 budget amount was \$4,000,000, went down to 2.9 . . . \$3,000,000, just under \$3,000,000 December '06 and now at 3.6 million dollars, this is intended again to pay for street, water and sewer work that's necessitated by the arena. Now the changes from the '04 to '06 budget, the site that was selected permitted reduction of these anticipated needs. As we got in to the further development of that site, we saw that we . . . we discovered that we did not need to do some things that we thought we were going to do.

Now the changes from the '06 to the '07 budget are related to street, storm water and sewer improvements expanded at the request of the City of Wichita. These added costs will be reimbursed to this project by the city. The city decided that as we were working in that area, for the service of the rest of downtown, they needed to and since we were there it would be much more expedient and cost-effective for them to join with us on this project and to update some sewer and street projects and you'll hear about those in the Board of Bids and Contracts presentation. And then also we got more accurate estimates of the costs of improvements to Waterman rail overpass that we're going to be doing and the Waterman and Washington Street intersection.

Parking costs, in the 2004 original budget it was at 24.4 million dollars. You see in December that was moved to zero and remains that way. This is intended to pay for, as we explained early on, parking decks and our surface lots as required to serve the arena. The changes from '04 to '06 were because on-site parking was consolidated with the arena construction budget and our parking study at that time and analysis showed that existing parking in surrounding area was sufficient to serve arena needs, so the budget was consolidated for parking to the O and M reserve fund and I might just state, as you know, we have . . . you set up a county workgroup. We have been meeting and talking about parking and we will be meeting with City of Wichita representatives to talk about parking, so that whatever parking solutions for the arena, further solutions for the arena, are defined, can be done in concert with and to compliment whatever parking solutions are needed for all of downtown. The point is, if we're going to do additional parking and we still need to have

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those discussions, it needs to be in the right place as it relates to all of the rest of events downtown, and still serve the needs of the arena, so it's not a done deal. It will require further discussion and those discussions are ongoing and will soon involve discussions with folks from the city to see what bigger plans there might be.

Arena construction costs, this is the 1,000 pound gorilla as a part of this overall project budget. It's the big piece. The arena is intended to pay for contractors to build, and materials and so forth to build the arena. In the '04 budget we had a conceptual plan only at that time. We didn't even have a site, a specific site. I mean we had a 'blue cloud' area, you'll remember we called it at that time in downtown Wichita, but we didn't have even a specific site. We had a very conceptual plan. It was to do a 15,000 seat arena for basketball in downtown Wichita. That was the plan when we started, recognizing that we had to go through a planning and development process, which we've done. And again we've tried to do that, we've been charged to do that by you and we've worked very hard at doing that in a very open and transparent fashion.

In December of '06, once we finished the final design, development stage of the project, then we had a very defined project. We had cost estimating going on throughout this and certainly at this time, with Turner Construction a part of the A and E services team and in fact the cost then was estimated at that time to be \$135,264,088 for the actual construction of the arena. That cost we reviewed with you again in June, although we didn't ask you to approve a change in the budget, we did review with you what the cost estimates were now, in June, at \$139,973,101. Changes from '04 to '06 budget, remember the on-site construction budget was consolidated into arena costs. The on-site surface parking budget was consolidated into arena costs. The on-site surface parking budget was consolidated into the arena costs and the design development had resulted in better defined scope of work and more accurate cost accounting and all . . . been a lot of discussion about the nationwide escalation of construction costs over the past couple of years. And then the changes from December to September, December '06 to this time, where further escalation of construction costs were the results of those changes.

The contingency budget, in August 2004 it was at 7.7 million dollars. We revised that in December 2006 to 4.4 million dollars, just under 4.4 million and again we're revising that at this time because we have more defined project now and the costs are more defined, to 3.5 million dollars. Again, it's intended to provide backup, or backstop budget authority in the event of any unanticipated cost increases. And of course a project of this size, taking the length of time it takes to build, we're going to work very hard to keep those at a very minimum, but you can expect some up and down on costs.

Changes from '06 to '06 budget . . . '04 to '06 budget, again the design development resulted in a better defined scope of services, more reliable cost estimates and it reduced the need, some of the need in the amount of the contingency. Again, the changes from '06 to '07 budget were further confidence in cost estimates reduced the need for the level of budget that had been there before.

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Project management and planning costs, these costs are intended to pay for contracted project manager and arena pre-opening costs. You'll note there that when we presented the plan in August 2004, we had zero dollars allocated for this. As we worked on the project, it became clear what it would take not only to get through the construction, but to bring this project on-line and have it ready for events when the construction is completed. In December 2006, that cost went to 1,264,735. Now that we've done the SMG contract, we've better defined those pre-opening costs during the summer, spring and summer. Now that estimated cost is at 2.9 million dollars and the changes again were . . . from '04 to '06, were related to added budget authority for a contracted project manager, added budget authority for pre-opening costs. And the changes from '06 to '07 were better defined pre-opening budget, contract service fees for marketing of naming rights and premium seating financial performer and the arena operator doing pre-opening.

I might just also mention here that on all of our county projects, we certainly have a fine Project Services and Facilities staff and they work with the architects and the construction then is managed by a person in Project Facility Services and the architects. The person in Project Facility Services on all of our projects except this one have other projects that they're managing. Because of the size, the complexity of this project, early on we presented to you and you approved that we need a full-time construct project manager on this project and we will have that. We've had that person on board. They're on loan to us from Spirit. They will be on board with us throughout this project and they bring a high level of value to getting the construction done, getting it done with the least amount of changes and better understanding what those changes might be so that we can prepare for them ahead of them, so that we don't have molehills becoming mountains during the construction project and that's all related to cost and the schedule.

The pavilion costs, the line item for pavilion costs, in August 2004 that line item was estimated at 9.1 million dollars. December of '06, it was estimated at 7.8 million dollars, and now 6 point . . . just under 6.1 million dollars. This intended to pay for design of renovations of the Kansas Coliseum complex undertaken prior to the sales tax vote and for construction costs of pavilion renovations. The change from '04 to '06 because design development was completed, resulted in better defined scope of work and more accurate cost estimates and the changes from '06 to '07, the actual construction bids came in less than the cost estimates, so we were able to get the work done that we wanted to get done, but at a lesser cost than we had estimated and that's a good thing.

Let's switch now just a bit and talk about the arena sales tax receipts. What we've asked, since we were going to be making this presentation today and since we now have significant sales tax receipts based on the 30-months, we asked Chris Chronis, our Chief Financial Officer, to do another projection on the sales tax receipts. In August of '04 it was 184.5 million dollars. As I mentioned

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to you earlier, that forecast was changed in '06 and so our budget was changed in December of '06, and you approved that, 201,024,000. Again, the total project budget will always be the same amount as the sales tax because, as you see there, by law receipts may only be used for the arena project budget question and that question is and was: *'Shall Sedgwick County, Kansas be authorized to impose a special 1% county-wide retail sales tax, the proceed of which shall be used . . . and here's the operable word . . . only to pay the cost of the downtown arena, design of the Kansas Coliseum complex and improvements to the pavilions and an O and M reserve'*. And so the projections now, that receipts through December 31, '07 will amount to \$205,500,000.

Remember there's a two-month lag and when we get receipts so when we get to March 1, 2007 [sic] we will have you the actual total number because we will have now all of the receipts collected, with the tax again ending December 31, '07, we will know late February what those total receipts were through December 31, '06 . . . '07, sorry.

So what does that then mean for the operating maintenance and parking reserve fund. This item is intended to hold all arena sales tax receipts remaining at project completion to be used to defray future operating losses, any parking facility that might be determined to be needed, and any further capital improvements for the arena. The O and E reserve, in August '04 was estimated at \$23,611,000. In December 2006 that number was presented to you as \$14,610,000. When we reviewed this with you in June, that number was moved to \$11,370,000 and remember the difference between December and June really was the four, three and a half, four million dollar difference in the arena construction cost. The increased sales tax now are estimated to give us another 4.5 million dollars. That money then would then relate to the operating maintenance and parking reserve fund. And so as of today, good news, the revised O and M reserve fund heads back north from the 11,000,000 past what was presented to you in December, back to 15.8 million dollars.

Again, the net effect of changes to other project components and increased projection of sales tax, the reason for this change from '04 to '06 and the changes from '06 to '07, that 14,000,000 to 11 had to do with escalation of construction costs, but then the increase back to 15 is the increase of estimated final sales tax from 201,024,000 to 205,500,000.

And so how does the budget pie, re-sliced, look from page one to now? Again, it's based on the total project budget, will always equal the sales tax receipts and there you see that the original budget was 184.5. The current budget that was approved in December of '06 was 201,024,000. The revised budget today, based on the increased sales tax receipts that are being forecasted, is \$205,500,000.

Now commissioners, there's been a lot of talk around that when the project budget of the original plan that was presented in 2004 and adopted in support of the ballot question there's been a lot of



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talk around that this was subject to state statute that requires certain actions by the county if the project costs exceeds . . . is exceeded by more than 20% of the amount identified prior to the referendum. Now the County Counselor, as we reported to you before, the County Counselor and the bond counsel have both opined that the 20% threshold would be exceeded only if total expenditures on the project were more than 20% higher than the 184.5 million dollars. When you take 20% of the 184.5 million dollars, and increase that amount, it gets to \$221,000,000. So the 205.5 million dollars is well under that 20% threshold.

And we are asking you then today to approve the increase of the project budget from \$201,024,000 to \$205,500,000 based on anticipated arena sales tax receipts and to approve the reallocation of the project budget among expenditure categories as described. That's the recommended action. I would be happy to answer any questions that you might have."

**Chairman Unruh** said, "Thank you for that presentation, Ron and you might want to leave that recommended action up for us, in case a motion is forthcoming."

**Mr. Holt** said, "If someone will help me find it, there we go, thank you."

**Chairman Unruh** said, "We do have a question from Commissioner Parks."

**Commissioner Parks** said, "Well I just wanted the record to reflect and I know that I've told Mr. Holt this before and he's probably tired of hearing it, but I want to make sure that the record reflects those decisions made in August of 2004 and December of 2006, regarding the presentation just made on those items, included but not limited to O and M and parking, Kelly Parks was not involved in those decisions.

Did want to . . . I know this is not a public hearing and at some time I have a person that would like to speak to this and Mr. Chair, if I could ask you for five minutes for somebody to maybe respond to this, it would be appreciated."

**Chairman Unruh** said, "Okay, we can accommodate I think that, but perhaps we'd want to wait till the specific item on our agenda, rather than this budget item."

**Commissioner Parks** said, "Okay, that would be fine. Thank you."

**Chairman Unruh** said, "Alright, thank you. Commissioner Welshimer."

**Commissioner Welshimer** said, "Is this . . . this is not in the document here, the bid board. This is just the total budget for the arena. We haven't had a meeting on this or talked about this."

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**Chairman Unruh** said, "I think this is our opportunity."

**Commissioner Welshimer** said, "We're going to do it and then we're going to vote during the opportunity?"

**Mr. Holt** said, "And commissioners, I might just reiterate . . . Pardon me, Ron Holt again, I might just reiterate again that the numbers that you see on this revised budget except for the increased sales tax receipts, which increased the O and M reserve fund, all of these numbers were presented in June and we talked about them in June. What we're asking you . . . It came to our attention, in the last day or so, that for . . . we needed to do a budget adjustment for your action, contemplating your action in response to the Board of Bids and Contracts and so that's why we're here today presenting this budget that you've seen before in the June timeframe, to present it to you today to show the changes, to help you understand why the changes are there and to ask you to adopt this formally, as a part of the budget adjustments to manage this project expense."

**Commissioner Welshimer** said, "This money hasn't come in yet. This is not money we've collected."

**Mr. Holt** said, "We have . . ."

**Commissioner Welshimer** said, "It's what you anticipate we'll collect, so you're just raising . . ."

**Mr. Holt** said, "The entire time we've been operating this, the 184.5 million dollars, we didn't have any of that at the time that we adopted that budget. The 201,024,000 we had only July through . . . July, 2005 through October 2006 receipts at the time that we adopted that budget in December of '06. Now we have receipts from July '05 through July of '06 . . . '07, so we have that many months of actual receipts that these projections are now based on those kinds of actual receipts. So this becomes much more of a doable budget because we're this far into the 30-month collection of sales tax."

**Commissioner Welshimer** said, "I understand that all the money that comes in from the sales tax has got to be spent on these specific things, so we're going to be spending it on the arena or the grounds or whatever, parking it may be, but I think this is the wrong time to do this. I understand that that money will have to be spent for what you're suggesting that we do this, but I think it's just the wrong time."

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**Chairman Unruh** said, "All right, thank you commissioner. I'm . . . may I ask you a question?"

**Commissioner Welshimer** said, "Sure."

**Chairman Unruh** said, "What is the timing that would be good, or . . .? I'm not understanding your . . ."

**Commissioner Welshimer** said, "Well, I would say let's stay with the budget. Then if we do get more money in and we do have to spend it on that, you know we can explain that to the public, but just to keep uping and uping and uping the costs of this arena when it's already creating some objections, I mean we've recently had a time when we've had to sit down and explain . . . an article in the newspaper and so on about how we're increasing our budget, and this is just, you know, 'Gee, we're going to get more money, let's up it'."

**Mr. Holt** said, "Okay, thank you. I think I understand better, but I think Ron, you made it clear that according to the ballot question, the money that we collect from the sales tax can be spent only on this arena project, according to the question that our public voted on. Which by the way, while I'm talking, I would just want to say I appreciate that, Commissioner Parks, your comments that you were not here when this was started and I guess I'd want to say I was here when this was started and I have been appreciative of the fact that we have been able to move progressively and openly and logically and thoroughly and deliberately through the process to arrive at the position we are now. So I'm . . . I hate to use the word I'm really proud of what we've done but I'm quite satisfied that where we are, that we've done this I think deliberately and openly. Commissioner Winters."

**Commissioner Winters** said, "Thank you Mr. Chairman. I went back and reviewed our June 27<sup>th</sup> meeting because I was a little bit unclear exactly what we had done there. And in reviewing that, it came back to me clearly, we spent quite a bit of time talking about the budget that had been revised and presented on June the 27<sup>th</sup> and we talked about whether to make that the firm budget but we did not know what the construction bid was going to be, we had not completed the SMG contract. So the motion that we made on that day was 'Commissioner Winters moved to receive and file the final design construction document report and the budget update and that we review the budget after receiving the construction bids and reviewing the final SMG contract."

So on June 27<sup>th</sup> we didn't have the information that we have today, and so the plan developed in the last several weeks when we determined and knew exactly when the construction bids were going to be received, that date was September the 15<sup>th</sup>, or the 14<sup>th</sup> . . . on the 14<sup>th</sup> that the bid board would spend all of last week reviewing that document and we would act on that document today, the bid contract. Now in order for us to approve this bid contract, we've got to have a budget in place that

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reflects what that bid result was and fortunately the budget that we looked at in June was more than the bid document contract we're going to be looking at today, so we're not spending more money on this bid. If we're spending any more money, it's going into the parking and reserve fund, and I certainly don't think we should wait till the first of March of 2007 . . . or 2008 before we proceed on, because that will be the month that we know the final receipts. So I'm perfectly confident that we're on track in accordance with what we talked about on June 27<sup>th</sup>."

**Chairman Unruh** said, "Okay, thank you. And by the way, that vote was?"

**Commissioner Winters** said, "That vote was four to one. Commissioner Parks voted no on that motion."

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

**Commissioner Parks** said, "I did want to say that I didn't like the figures in the O and M going up in that. That's one thing that I've been adamant about keeping and that's some of the reasons I voted against that before was I don't ever want to see the ad valorem property taxes used to support this structure. Thank you."

**Chairman Unruh** said, "Thank you. I think, Commissioner Parks, you've indicated you want to ask someone to speak and anticipating what those remarks might be, I think perhaps now would be a more appropriate time to ask for that person to speak if you'd like, rather than wait till our bid board. But before we call this person to speak, Commissioner Norton would like to speak."

**Commissioner Norton** said, "Well just a couple of questions. When will we know about naming rights, Ron?"

**Mr. Holt** said, "The only hesitation I give you is because speaking out loud, you know these are very fragile negotiations and speaking out loud, I don't want to hex the process. We are very, very close and we are hopeful, very hopeful that within 30 days, 45 days at the most that we can have naming rights. We're that close. Again I would just . . . you know, these kinds of negotiations are very fragile and until you get the name on the line you don't have a contract, but we're very, very close."

**Commissioner Norton** said, "Same question with premium seating, how . . . I mean, I know we're going to market that but when do you anticipate we'll start understanding the sale of premium seating?"

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**Mr. Holt** said, "We're going to open a premium seating marketing and sales office here in town so that people can touch, feel, see the product that they're buying. Hope to have that done on or around the 1<sup>st</sup> of November, mid-November so that by the first of the year, just because holidays get in there, by the first of the year we would hope to start full court press on marketing and selling suites and then loge boxes and then club seats.

Now that will carry over till the arena opens, unless they're sold out before that time, but that will start around the first of year in earnest and will continue throughout the pre-opening aspects of the project."

**Commissioner Norton** said, "Okay. I don't know that we've had this conversation and if we did, I missed it. Where do we anticipate that money going, as far as the budget being commingled with budget monies? Is that set-aside money? Obviously it's not tax money, so we can do different with it, but have we discussed, has staff discussed or discussed with commissioners where that money will go and what it will be used for?"

**Mr. Holt** said, "Yes commissioner, you'll recall . . . we did talk about the, in presenting the SMG contract, that the receipts, the revenues from the premium seating would be a part, is a part of the SMG contract, the revenue and expenses relative, so they'll go directly in operations. But the arena naming rights funds stay with the county and become a part of the Operation/ Maintenance reserve fund."

**Commissioner Norton** said, "And that's where we decided we've already earmarked that to go into there."

**Mr. Holt** said, "Yes sir."

**Commissioner Norton** said, "Okay. Premium seating however gets commingled with . . . it is seating out in the arena bowl and that has a different conversation."

**Mr. Holt** said, "And it's such an integral part of the operations of the facility that it is a part of the profit and loss statement, the Performa for the operations of the facility."

**Commissioner Norton** said, "Okay, that clears that up. So naming rights will increase the O and M figure that we've dealt with, whatever that may be per year for however many years, supplements the O and M."

**Mr. Holt** said, "That's correct."

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**Commissioner Norton** said, “Okay. On the item that has to do with planning and equipment, architectural services and equipment, do you have a number that breaks that down and how much of it is going to be equipment for the arena? Because I think that was furnishings and scoreboard, and all those things that go inside. Is that correct?”

**Mr. Holt** said, “That’s . . . the scoreboard is in the arena construction costs, because it’s going to be bid as a part of the arena, so that when it’s installed, but it’s for desks and chairs in the administrative offices, it’s for glasses and spoons and tables and tablecloths and janitorial services type equipment, all of those equipment and I do have a number here somewhere. Finding it, in the middle of all this at this quick time might be . . .”

**Commissioner Norton** said, “Well, I would like it . . . I mean, we’re going to have a speaker so that will give you a minute to look at that. I would like that information before we move on. The last time we voted to take the number to 201,000,000 I voted against that because I didn’t like the idea that we just expanded the budget and the money could be moved around into different areas. I didn’t think we were targeting it strong enough and that we didn’t have as much control over that use of that money as we could. So when we went to 201,000,000 I was not particularly enamored with that.

The conversation I would like to have about this additional money is that I’m not just real happy with it being an O and M and parking budget line-item. I’m working real hard, as is Commissioner Winters, on figuring out parking. And I’d like to somehow describe that some of that money is earmarked for parking, not just kind of all commingled. And I don’t know how we come to that thought process today, but I’d like to at least have some discussion on that because one of the things I hear out in the community is that parking is still very important to people and I don’t think we send the right message if we say we think there’s plenty of parking, there’s no budget for parking and that it’s just kind of thrown in with O and M. I think there’s a conversation that needs to be had that we’re very serious about parking and that part of this money that’s been collected will go to making sure that we have a parking plan and that part of it goes to infrastructure if we decide we need it, and I don’t know what that conversation is but I’d like to have it before we move on. That’s all I have, Mr. Chair, right now.”

**Mr. Holt** said, “I have the number, if you want me to.”

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**Commissioner Norton** said, "Okay."

**Mr. Holt** said, "Point six million dollar for architectural engineering services and equipment, rounded number 7.9 is for design, permitting, those sorts of costs, owner's costs related to that. The difference, 8.7 million is for furnishings, fixtures and equipment, which remember we have two club areas, so there's tables and chairs and barstools and bars and those sorts of things, administrative offices, equipment, zambonis. I mean there's all these equipment needs to service this large of a building that amounts to the 8.7 million, rounded."

**Commissioner Norton** said, "Okay. Do we have an individual line-item budget for F and E, which is what that is? That's the F and E part of it. Have we described that so that that's a hard figure or a soft figure?"

**Mr. Holt** said, "That is a pretty hard figure. Remember that number, the A and E services went down from December of '06 to what we're proposing now and it was in that furniture, fixtures and equipment was the reason for that reduction and we were able to reduce it because we were meeting with SMG and they were helping us better define what the finishes on those products ought to be and pieces of equipment ought to be and what kinds and types they ought to be.

So that's . . . again, until you go out and buy it, that's when you get the actual cost, but based on folks who are in the business, know the business, those are pretty, we believe pretty good cost, we have a high confidence in those costs."

**Commissioner Norton** said, "Pretty well a hard number on the architectural design and permitting side, that's other permits too. I mean that's not just design, but permits that are needed to build and to do the things we have to do. That looks like a pretty hard number and the other side is going to still be a soft number until we actually buy it. Is that correct?"

**Mr. Holt** said, "That's correct, yes."

**Commissioner Norton** said, "Okay. That's all I have for right now, Mr. Chair."

**Chairman Unruh** said, "Okay, thank you commissioner. Commissioner Parks."

**Commissioner Parks** said, "I just wanted to agree with something that Commissioner Norton said there. I had an objection on the O and M and parking being separated out in December of '06, but I didn't have a chance to vote on that either, so thank you."

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**Chairman Unruh** said, “Thank you commissioner. Just a comment on that, Commissioner Norton. To me, my comfort would be better to know what the parking plan is before we carve out a specific budget, and then see what that plan calls for, relative to what we have available, rather than carving a number out and that either inhibiting us or causing us to perhaps build more than we want.

Some of us, I don’t know how many of us, I have an opinion that if nothing happened we would be able to park and this would be a successful project and I know that many in our community do not share that view and they want some closer parking but if we don’t build anything, there are enough spaces down there for people to park and make this a wonderful experience, so I would rather see what you all working on this plan very diligently propose and weigh that cost, in light of my perception of problem before we cut out . . . so, just as a comment on your suggestion.

I don’t see anyone asking to speak right now Ron, so I’ll ask you to yield the floor just for a moment and Commissioner Parks has requested for Mr. Peterjohn to have a few moments, and Karl, I know that you’re very efficient and will not go over five minutes. Is that correct?”

**Mr. Karl Peterjohn**, Kansas Taxpayers’ Network, said, “I’ll do my best.”

**Chairman Unruh** said, “Alright, and I would like to state that this is not a public hearing and typically we would not allow this sort of dialogue but this is an important decision and we know your serious in your comments, so we want to allow you this opportunity.”

**Mr. Peterjohn** said, “Thank you, Chairman Unruh, County Commissioners. For the record my name is Karl Peterjohn. In 2004, I was the leading spokesman opposing the downtown arena project and the Kansas Taxpayers Network that I have the privilege to lead led the organized opposition to the sales tax hike that would pay for this project during that vote. Our opposition at that time was based upon: the flaws in the proposal, cost problems, difficulties with location inside the downtown area, as well as the tax hike. Parking was certainly a major issue that we raised at that time.

I am going to resist the temptation in light of the \$60,000,000 construction cost overrun to say ‘I told you so’ but I want you to think, \$60,000,000 is a lot of money. It is almost two and a half times the 25,000,000 that it cost to remodel the Charles Koch Arena at Wichita State University a few years back.

The 60,000,000 cost overrun is more than the \$56,000,000 that was the projected cost to remodel the Kansas Coliseum, including the pavilions. Today, Sedgwick County taxpayers still don’t know what you will do about the Kansas Coliseum and how much it will cost to demolish or do whatever you intend to do with this. Now \$60,000,000 is equal to almost 15 mills of property taxes or



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roughly half of the entire county property tax mill levy for one year.

Sedgwick County has a big problem with the downtown arena. The original cost estimates have grown while the benefits that were supposed to be provided have shrunk, disappeared or, in the case of parking, have apparently shifted over to the county's . . . city's CIP budget to the tune of 25,000,000. If that 25,000,000 for parking was added to the current 201,000,000 this project would be 22% over the \$184,500,000 cost estimate that the voters mistakenly believed they were actually voting upon in November, 2004. I know that you are all aware of KSA 12-6, 122 that requires the local units to take up one of three actions when costs go beyond 20%: you as commissioners would have to vote again, vote for it, vote against it, or resubmit it to the people.

Now I believe the downtown arena proposal continues to be a mistake and I want to mention a couple of costs that I didn't hear addressed today and a concern that I thought of when I was hearing Mr. Holt's presentation. First was Gilbert and Mosley, the location is in that area and I remain concerned that there are going costs occurring from that. Since 2004, I've also heard and this may be an area where Mr. Chronis has some expertise, some of the rules for local government accounting have been changed by the federal government and I don't see any depreciation put into this plan or proposal and I think there's a need for that, in light of the fact that the Kansas Coliseum didn't have depreciation and there was some maintenance problems that arose during the time and that was part of the reason behind the \$56,000,000 cost.

We still have problems with anchor tenants. I believe they are largely MIA and a large number of the smaller events that have been at the Kansas Coliseum I think are likely to move to the new private arena being built in Park City.

Fortunately, a large part of the spending for the downtown arena has not occurred. Let's not throw more good money after bad. Let's admit that the conditions have changed and that the need for a large facility downtown does not exist today. Instead of taking the \$60,000,000 surcharge for constructing just the building that's appeared when the single quote appeared recently, let's use that to update the Kansas Coliseum. Let's pay the bills that have already been incurred and let's turn around and use the balance to provide some property tax reductions for voters in this county. I believe that over 100,000,000 and perhaps as much as even 120,000,000 or even 130,000,000 could be diverted to property tax relief out of the total tax revenues taken in by the one-cent sales tax so far.

I think the county commissioners should place this proposal in front of the voters. Let's not compound the mistake that was made when the state officials retroactively authorized the November, 2004 vote during the 2005 legislative session. You have a deeply important decision to

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make on this deeply flawed downtown arena project. You are facing a cost overrun for just the arena itself that is 81% above the 2004 estimate and the first shovel of dirt has not even been overturned. I'm concerned that more cost overruns will follow. Let the people get to vote again, and give them a proposal that would provide them some property tax relief. That would do more to stimulate our community's economy than constructing this building. I appreciate the commissioner's attention and time and I'd be willing to stand for any questions."

**Chairman Unruh** said, "Commissioners, do you have any comment or questions for Mr. Peterjohn? Well thank you for your presentation, Karl. Pardon me, we do have . . ."

**Commissioner Parks** said, "I just have a comment that Mr. Peterjohn did try to get on the agenda and he was somewhat untimely in that and in the future, I wanted everybody to know if you want to get on the agenda, we need that two weeks ahead of time. Thank you."

**Chairman Unruh** said, "Karl, I would want to argue with a couple of things with you and we don't need to get into a deep dialogue, but I wonder about people talking about cost overrun, which you used a couple of times in your presentation, when we hadn't had a cost estimate until we do our bid board today. That's a different estimate and a larger estimate and an overrun of an estimate, it's not a cost overrun. We haven't got a cost yet. Maybe that's just quibbling about words, but it sends a wrong message that we're into something we haven't anticipated. The project is getting started, we did have an estimate of costs. We have a new estimate of costs. That's not a cost overrun, at least the way I would understand those words, so just picking at words.

Secondly, Karl, you and I are friends and I've always appreciated your professionalism and the way that you do your research and you're always crisp in your delivery, give a lot of facts, but I really do not understand how you can say that we've shifted our project to the City of Wichita. I mean, they're doing projects, we're doing projects. We don't have agreements with them, contracts with them, shifting. It's not . . . I think that you're out of bounds when you say that. So . . . and I give you the opportunity to respond."

**Mr. Peterjohn** said, "I appreciate that, Chairman Unruh. I'm speaking specifically about the fact that the original proposal had 24.4 million for parking and that's been a big issue and now that's gone to zero on the county end, but in the city's newest CIP they've got a line-item in their CIP called 'downtown arena parking' at 25,000,000. And so what disappeared on the county budget has reappeared in the CIP at the city budget and that's my only reason for making that possible . . . I see a connection. It might be purely coincidental, but you know, in the words of Woodward and Bernstein, 'follow the money'."

**Chairman Unruh** said, "Well at least now I understand where you got that from and I don't agree with your conclusion, but at least I know where you got it, so appreciate that. Thank you."

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As we said before, it's not a public hearing, but is there anyone else that's just wanting to speak? Mr. Wolverton."

**Mr. Ed Woverton**, Downtown Development Corporation, greeted the Commissioners and said, "Over the past few months, there really has been a number of comments that have been made about the downtown arena and the election itself and that's really helped to create a lot of confusion. In fact, it seems to be creating its own little mythical urban myth of proportions that's going on here, so I want to talk about Mr. Peterjohn brought out some specific things about outcomes and goals and things that are happening and I'm going to touch on just a couple of those first.

As Ron Holt mentioned to you earlier, we had a goal here. I guess Ron didn't say this earlier, but the goal of this project is to create a modern, first-class sports and entertainment venue for our community. You recall, in 2004 going back even to the 1990s the county was under court order to bring our community and events facility into compliance with the Americans with Disabilities Act.

There were two opinions, in my view, that were presented to the voters. One was to renovate a 26-year-old building using a 20-year bond to pay that back or build a new facility in downtown funded by the sales tax. That's what the community chose to do.

The goal, creating a facility, the outcome, getting it done. In my world there was another goal of stimulating downtown development. Now even though the arena has not been built, my organization tracks statistics very carefully about investment in downtown, in 2003 and 2004 we've had a net investment in downtown of roughly . . . well, of exactly 79.2 million dollars. Pretty good.

In the two year after the arena vote approved, 2005/ 2006, we've had \$11,000,000 of investment in downtown in that time. There is a correlation between that investment and the arena decision being made to come into downtown. That's a 29% growth over those two year periods caused directly by the arena. Ladies and gentlemen, this is an outcome that has come from the arena and it hasn't even been built yet. More will follow.

Lastly, there was a reference to the arena neighborhood redevelopment plan and the city's capital improvement program. The neighborhood plan is a city led effort to guide investment in a 32-block area of the southern portion of downtown, boundaries Douglas, Main, the railroad track and Kellogg, a little bit north of Douglas actually, the alley north. This is just like neighborhood plans they've done for commercial areas in the 21<sup>st</sup> Street corridor, in the Delano area and more are in the pipeline. This was the first comprehensive development plan for downtown that was done since 1989, the RTKL plan if you remember that one. That the city used to develop and program ten-years worth of capital improvement costs that were implemented over time that included street

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improvements, parking infrastructure, things in Old Town, a number of activities through the city's CIP program came out of the RTKL plan. It was a ten-year plan. That gets us to 1999. Since then, there hasn't been any comprehensive look at downtown until the arena neighborhood plan.

The plan has not yet been adopted by the city. They're evaluating it still, so it is addressing a range of infrastructure issues and it is something that will be moving forward, hopefully in the next few years, and I'm confident that the projects that are outlined in the CIP from the neighborhood plan is going to further stimulate and enhance our downtown development efforts.

As Ron did say, we did start this project from scratch three years ago. In the time since then, much has been done by this board. The community has already benefited and we stand to benefit even more, as more development happens so I appreciate the leadership of this commission in getting things done and I look forward in moving ahead with the next phase of the project, which is getting construction underway. I'll be glad to stand for any questions if you have them."

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

**Commissioner Parks** said, "Ed, I appreciate your comments and I do want to kind of go with one of the things that you said on that about the vote and the wording on the ballot. I still get two calls a week asking when are they going to start repairs on the Coliseum. If you put up a picture before the people north of 37<sup>th</sup> Street to the county line, and from 119<sup>th</sup> to Woodlawn, which is basically a large portion of my area which I might add that the people in that area voted 8 to 1 and 5 to 1 for me, if you put a picture up of the Britt Brown Arena and say 'what is this?' they say 'this is the Coliseum'.

The people had, many people that voted yea for that had no idea that the demise of the Britt Brown Arena was coming, so I just wanted to throw that in that there's still people out there that think that there's going to be those ADA repairs on the Britt Brown Arena. Thanks."

**Mr. Wolverton** said, "And I agree and that decision is clearly yours and, to my knowledge, that conversation hasn't happened yet, so if I was construing in saying that it's going away, I mean I don't know that yet."

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

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**Chairman Unruh** said, "Thank you, Ed. I don't see any other people asking to speak. We will try to move forward now. Mr. Holt, you are still on the floor and commissioners, we have a recommended action in front of us, unless there is further discussion. Commissioner Winters."

**Commissioner Winters** said, "Well thank you. I'd just respond to Commissioner Norton's comments. As you know, he and I are on a county internal team that is working on parking and Tim, I would think that after we've done part of our work and after we have consulted with the City of Wichita and talk about their issues that they have as they relate both to the arena and to all the other projects that they've got going on, I think we'll have a better feel of what that parking solution is going to be.

I know in the conversations that Commissioner Norton and I have had taking place, we can see what we believe are some very obvious answers. Now I don't think we're ready to push forward on this yet, because we need to make sure that they match up with what the intent of the rest of the community is, but we think we see some solutions that are very possible. And so as you want to have conversation about that, I very well anticipate that we're going to be doing some things in relationship to parking and putting resources into them.

I did have an opportunity to, while waiting for another meeting to start, visit with Councilman Longwell and he has a high enough interest in parking as it relates to other city projects, and so I had very good conversation with him and I think we'll expand on those. So Mr. Chairman, if there are no other comments, I'm ready to offer a motion here, knowing again that the reason we did not take this budget action at our June 27<sup>th</sup> meeting is because we did not know what the final SMG contract was going to be and how it would effect the budget and we did not know what kind of construction bid we would receive, but now that we know those items, I'm prepared to help us establish this budget."

**Chairman Unruh** said, "Okay, we'll be ready for that in a moment. Commissioner Norton."

**Commissioner Norton** said, "Well, I'm still interested in we described that as only an O and M budget and I think . . . does it have slash-parking on there?"

**Mr. Holt** said, "Yes."

**Commissioner Norton** said, "Well, I've made my statement that I think parking is important. We're going to have to encumber some money in it. I think the public wants us to understand that

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just saying there's enough parking spaces downtown is not good enough. We need to understand the dilemma we have of moving towards a metro-urban kind of arena and understanding that the public still likes the kind of surface parking and ease of access to an event center that they've been accustomed to for many, many years. And somehow, the hybrid that we put together is going to be important for this community for 30 to 40 years. And I just want to be sure that the public knows that we're serious about parking, that in my mind we've not offloaded any of that responsibility to the city.

In fact, all the conversations we've had have not even encumbered the city yet. Now if someone else is having some of those conversations somewhere else, I certainly haven't been privy to them. I have worked within the structure of the workgroup that we established months ago. I have reported every council or commission meeting since then on what our conversations have been. I certainly haven't talked about every detail of it, because some of it has to maybe do with land acquisition and something we might want to think about building and I don't think you tip those things off until you're ready to do it. But the truth is, parking is important. It is an integral part of this building. The experience that people have getting to the arena is not as important as what happens in the arena, but it will be a factor of whether the public accepts this at face value as a great facility for our community, so I take it very seriously.

I guess I could be comfortable with that, as long as we've had that conversation that everybody understands that we're working on parking, we're going to put money into it if it is necessary and at this point, early stages of my thinking, it is going to be necessary. I think the public demands it and I think we're going to come to some conclusions that will require us putting some money into parking, so as long as we understand that, I can move forward with that."

**Chairman Unruh** said, "Alright, thank you and commissioner, I think there is that understanding among both the commissioners and the staff. Commissioner Winters, I think we're ready for a motion."

### **MOTION**

Commissioner Winters moved to approve the increase in the project budget from \$201,024,000 to \$205,500,000, based on the anticipated arena sales tax receipts anticipated to be received by December 31, 2007 and to approve the reallocation of the project budget among expenditure categories as described in the presentation today.

Chairman Unruh seconded the motion.

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**Chairman Unruh** said, "We have some discussion. Commissioner Norton."

**Commissioner Norton** said, "I'm going to be supportive, but mainly because we've now got a hard number for construction and design and some of those things, so that we know money is not going to be bled off for other kinds of things. It will, most of the increase, will drop into O and M and parking and I think those are two very important dialogues that the community is going to have about this. The others are hard and fast numbers, I feel comfortable with them, but I want to make sure that we know that any increase in sales tax money now drifts into O and M and parking and not anything else. I think that's pretty well described here, so that's why I could support it differently than I did last time."

**Chairman Unruh** said, "Alright, thank you. Commissioner Winters."

**Commissioner Winters** said, "Thank you. Two questions, one, does Sedgwick County have any responsibility in notifying the Department of Revenue or others that the sales tax stops on December 31<sup>st</sup>, or is that something that the Department of Revenue will notify every sales tax collector in Sedgwick County?"

**Mr. Holt** said, "Because the vote was that it ends December 31, that is an automatic . . . the Department of Revenue is primed to do that. I think, based on all of the discussions we've had here, we're just going to be sure of that and we'll make sure that they know that that's part of their . . . that's a part of this vote, but absolutely, that's in the plan and it's as a part of the vote, as a part of the law, part of the Department of Revenue, State of Kansas' responsibility."

**Chairman Unruh** said, "But we will not assume the mechanics of it, we're going to follow up on it."

**Mr. Holt** said, "We'll follow up, yes sir."

**Chairman Unruh** said, "Thank you."

**Commissioner Winters** said, "I think that's the only question I have."

**Chairman Unruh** said, "Alright. Commissioners, I don't see anybody else asking to speak, so at this time I'll ask the Clerk to call the vote."

### VOTE

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Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	No
Commissioner Welshimer	No
Chairman Unruh	Aye

**Chairman Unruh** said, “The motion passes. Thank you, Ron. Madam Clerk, we’re ready to call the next item.”

**I. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ MEETING ON SEPTEMBER 24, 2007.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of September 24<sup>th</sup> results in five items for consideration today.

**1) CONSTRUCTION OF DOWNTOWN ARENA- FACILITIES DEPARTMENT  
FUNDING- ARENA SALES TAX**

The first item is construction of the Sedgwick County downtown arena for the Facilities Department. The recommendation is to accept the bid of Dondlinger Construction/ Hunt Construction, a joint venture in the amount of \$138,022,898.

For the record, a summary of the project is that a committee comprised of Larry Pecenka, Stephanie Knebel, Project Manager; Ron Holt, Assistant County Manager; Steve Classen, Facilities Director; Iris Baker, Purchasing Director; Bob Parnacott, Assistant County Counselor; Chris Chronis, Chief Financial Officer; Troy Bruun, Deputy Chief Financial Officer and Wes Darnell, Project Architect evaluated the response. An interview was also conducted with the construction team for clarifications and qualifications for work to be performed on this project and references were checked.

The criteria used in evaluation includes: the capacity to perform the work, qualifications and standards of workmanship based on past projects, references and previous experience on large projects, plan for opportunities for subcontracting of minority and women-owned businesses, Kansas businesses and small businesses, the use of safety programs, recycling programs,



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community involvement and professional development participation, along with the financial ability to perform the work based on the outlined requirements and specifications.

Dondlinger Construction's experience includes the building of the Kansas Coliseum, which is a 10,500-seat facility, and the renovation of Koch Arena at W.S.U., 10,000 seats. Hunt Construction's experience includes Charlotte Bobcats' Arena in Charlotte, North Carolina, 18,500 seats; Bank Atlantic Center in Sunrise Florida, 19,495 seats; Bradley Center in Milwaukee, Wisconsin, 20,000 seats; A T & T Center in San Antonio, Texas, 18,500 seats; American Airlines Center in Dallas, Texas, 19,000; Toyota Center in Houston, Texas, 19,800 seats; Honda Center in Anaheim, California, 19,200 seats; Pepsi Arena in Albany, New York, 15,500 seats; along with several other arenas and stadiums.

Vendors solicited included all the contractors in the county's bid lists as well as 22 vendors who have experience in arenas and larger contractors who had the capability of providing services for a project of this size. Vendors who notified the county in writing of 'no bid' are acknowledged in the bid table. The county also received several telephone responses of 'no bid'. Most indicated that they did not have the resources, time or manpower to participate in the project at this time.

For the record, Dondlinger and Hunt have also proposed value engineering during the course of the arena construction, which could produce cost savings over the duration of the project.

I will also note for the record that \$602,000, which are the additional bid parts number 1, number 3 and number 4 will be reimbursed by the City of Wichita through an inner-local agreement.

**2) CLASS 809 SLIDING TANDEM AXLE EQUIPMENT TRAILERS- FLEET MANAGEMENT**  
**FUNDING: VEHICLE ACQUISITION**

Item two, class 809 sliding tandem axle equipment trailers for Fleet Management. Recommendation is to accept the bid from Berry Tractor and Equipment in the amount of \$69,992.

**3) OFFICE OF THE DISTRICT ATTORNEY, D.A. MEDIA ROOM REMODEL- FACILITIES DEPARTMENT**  
**FUNDING: RELOCATE D.A./ APPRAISER**

Item three, Office of the District Attorney media room remodel for Facilities Department. Recommendation is to accept the low bid from Descon Incorporated in the amount of \$38,818.

**4) OFFENDER REGISTRATION AND MANAGEMENT SYSTEM- SHERIFF'S OFFICE**  
**FUNDING: OFFENDER REGISTRATION**

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Item four, offender registration and management system for the Sheriff's Office. Recommendation is to accept the proposal from Watch Systems for an initial cost of \$10,500 and execute a contract for a five-year cost of \$50,500.

**5) GAS CHROMATOGRAPH/ MASS SPECTROMETER- FORENSIC SCIENCE CENTER**  
**FUNDING: NIJ COVERDELL GRANT/ REGIONAL FORENSIC SCIENCE EQUIPMENT RESERVE**

And item five, a gas chromatograph, mass spectrometer for Forensic Science Center. And the recommendation is to accept the low bid of Quantum Analytics in the amount of \$112,503.

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

**Chairman Unruh** said, “Alright, thank you Iris. We do have a question. Commissioner Norton.”

**Commissioner Norton** said, “Not a question. I'd make a motion.”

**MOTION**

Commissioner Norton moved to approve the recommendations of the Board of Bids and Contracts on items 2 through 5.

Commissioner Parks seconded the motion.

**Chairman Unruh** said, “We have a motion and a second to approve items two through five of the board of bids and contracts.”

**Commissioner Welshimer** said, “That does not include the arena contact.”

**Chairman Unruh** said, “That's correct, it does not. Is there any further discussion or question? Madam Clerk, call the vote.”

**VOTE**

Commissioner Norton

Aye

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Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Commissioners, we have left to deal with bid board item number 1, the construction of the downtown arena. Are there any questions or comments?”

### MOTION

Commissioner Winters moved to approve the recommendations of the Board of Bids and Contracts on item 1.

Commissioner Norton seconded the motion.

**Chairman Unruh** said, “Thank you. We have a motion and a second and we do have some discussion. Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well, this is a contract for the construction with the builder. It’s not related to my issues with the parking or my issues with this recent increase. It is the only bid we have. It does come from a local builder who does tell us they’re going to be using local subcontractors. It seems to be a reasonable bid. There’s going to be project oversight. So the fact that my district is really not accepting this arena at face value as we discussed a few minutes ago, there’s not a lot of support for it in people that I’ve talked to and I’ve tried to address these concerns, but they continue to go on and I don’t think that the concerns that have come to us on the arena have been addressed or solved. I’m still not 100% at a comfort level with it, but I see nothing in this contract with the developer, since it’s going to be ‘go ahead, we’re going to build it’, I see nothing that relates to my concerns and so I’ll be voting for the contract.”

**Chairman Unruh** said, “Alright, thank you commissioner. Commissioner Parks.”

**Commissioner Parks** said, “I too think it’s a reasonable bid for what we’re . . . what has been proposed and we’re getting. I think Dondlinger is a great company. For competitive bids, I would have liked to have seen at least one other person or one other company in that bid process, but I have heard from my constituents and I will be representing them. Thank you.”

**Chairman Unruh** said, “Alright, thank you. Commissioner Winters.”

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**Commissioner Winters** said, “Well thank you very much. I am certainly going to support the contract approval also. I think, you know, even with receiving one bid, there are some strong factors that also play into this. One is I think we’re so fortunate that we’ve got a local contractor that has the wherewithal and the ability to do a project of this size located here in Wichita. And then with teaming with a nationally known contractor that has built arenas and stadiums all across the country, I think we have a great combination. And even though we had one bid, we know that we had a cost estimating company involved with this, Turner Construction was a cost estimator that was at the table from the beginning. And in December of 2006, we believed we were working with a number of \$135,000,000 for construction.

Then as we moved into the summer of this year, June of ’07, we had a revised number of 139,900,000 so that was the number that was implanted in the community’s mind if they were listening and in the commissioners’ minds, \$139,000,000. We got a bid from a local contractor that is less than that amount and so I think they were on target. I think we had excellent work from our architects and our cost estimators. We all wished we could have done it for a cheaper price. We all wish that it would have been less expensive, but we want a quality, first-class arena. We do not want an arena that we will not be proud of and I think this is an arena that we will be extremely proud of.

The other thing, I’m so pleased with Dondlinger and their response. I’m not personally familiar with every one of the subcontractors, but what we heard again and again from the people who went out and helped us support this arena project and who have helped us encourage citizens to vote yes back in 2004, one of the things they were concerned about is that as much of this money stay local as possible and now we’ve got a lineup of people that even though they may be part of larger companies, they have employees and families depending on the jobs that are created and that includes people like Lafarge, Buckley Roofing, Wickham, MSS, Mechanical Systems Incorporated has a larger part, Lender has a large part. So we do have some major subcontractors that are going to be hiring local people to work on this project and as a number of us started this that was certainly one of the things that we wanted to have as a result and we received that when we received this bid from Dondlinger. Thank you.”

**Chairman Unruh** said, “Thank you. Commissioner Norton.”

**Commissioner Norton** said, “Iris, how many packets did we send out? How many construction companies did we contact and send information on this project to originally?”

**Ms. Baker** said, “We sent to 22 vendors throughout the country and they were contractors who had arena experience and they were the larger contractors that could cover a project of this size, that would have the resources to do that.”

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**Commissioner Norton** said, “Twenty-two. And then we had a bid meeting, where it was . . . they were obligated to come if they were interested to pick up bid packages and to understand the rules. How many people actually picked up bid packages and showed up at that pre-bid meeting?”

**Ms. Baker** said, “There was a total of almost 100 different firms. They weren’t all major contractors, but about 100 different firms picked up bid packages. Of the 50 or so participants at the mandatory pre-bid meeting, six of them were what would be considered general contractors.”

**Commissioner Norton** said, “So we had the anticipation that because they picked up, six would be giving us a final number. We had that anticipation. In fact, we were pretty happy about that, that there might be six bids.”

**Ms. Baker** said, “Yes.”

**Commissioner Norton** said, “I guess one of the conclusions I came, and you know, I think the whole community is distraught that there was one bid, even though the bid was a local company, well respected that partnered with an entity that is good at what they do and have built many arenas, I think the community is dismayed about only one bid. But the truth is, five companies elected a no-bid. They didn’t think that they could get their pencils sharp enough, or they could come up with the manpower or they didn’t have expertise. In my mind, there were six people very interested, but as they did their analysis as a business, they just couldn’t step up and do this project.

Now if Dondlinger or anybody else thought that nobody else was going to bid it, then you know we should have some worries, but all along I think everybody knew that they had to turn in a pretty reasonable bid or they might not get the proposal. Just the idea that 60 or 70, upwards to 100 different groups showed up to get bid documents and that six of them were general contractors, I would assume that meant that Dondlinger knew that they had to sharpen their pencil, put in a reasonable bid if their anticipation was to gain our business. I don’t think they went into it thinking ‘Oh we’re the only guys so we can bid this as high as we possibly want to’, so I’m encouraged. That if only one person had picked up the bid package and that’s who won it, that gives them the idea that ‘Gee, I guess we don’t have to be very sharp on what we bid’.

You know, maybe that’s a bad conclusion I’ve made but there was a very open competition. A lot of people had knowledge of this arena. In fact, as I’ve talked around, you know a lot of buzz has

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been about this arena, not only in our community but throughout the state and even in other areas. You know, as we went to Little Rock, they already knew what was going on here because of the press that we've gotten on building a new arena, so I think plenty of companies knew that they could bid on this. The final result of only having one bid, although it dismays some people, I don't think it meant we only had one company we were going to deal with. We could have had many more, so I'm going to be okay with authorizing this today."

**Chairman Unruh** said, "Well thank you. As am I, I'm proud of the fact that a local company is the lead contractor on this bid. I'm proud of the fact that we have many local subcontractors working on it. I think we've got a bid that fell well within our estimates of costs, so I'm pleased that we have the opportunity to vote on this. Any other requests to speak, commissioners? I think we have a motion before us to approve this item, so madam clerk call the vote please."

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	No
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you Iris. Next item."

**CONSENT AGENDA**

**J. CONSENT AGENDA.**

- 1. Waiver of policy to hire a Health Promotion Coordinator, B324, at more than 6% above the minimum pay for this position.**
- 2. Drive Approach Closure Certificate associated with construction of the Sedgwick County Arena.**

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3. **Order dated September 19, 2007 to correct tax roll for change of assessment.**
4. **General Bills Check Register(s) for the week of September 19 - September 25, 2007.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "Commissioners, you have the consent agenda before you and I would recommend you approve it and remind you that, we've been talking a lot about sales tax, but in 96 days the sales tax goes away."

**Chairman Unruh** said, "We're under 100, that's good. Commissioners, you have the consent agenda. What's the will of the board?"

**MOTION**

Commissioner Norton moved to approve the Consent Agenda as presented.

Commissioner Winters seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "We've come to the end of our agenda, commissioners. We do need to have an executive meeting, but at this time it would be appropriate, if there are any other items that you wish to mention or bring before the commission. I think Commissioner Norton was first."

**K. OTHER**

**Commissioner Norton** said, "I just want to remind everybody that the exhibit 'Race' is at Exploration Place. I had the opportunity to go to kind of a grand opening event there Friday night and it is incredible, the dialogue it's going to stimulate in our community. I would urge people of all backgrounds to stop by Exploration Place. This is an exhibit that has no extra cost assigned to it, so if you have a membership or you buy just a regular ticket to get into Exploration Place you can participate in this. I would earmark two or three hours of your time to go."

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There are wonderful videos on the civil rights movement, there is scientific evidence about race and ethnicity and genes that get us to be who we are, not only as an individual, but as a society. I think it stimulates a wonderful dialogue about who we are as a community and how we are going to get passed the idea that there is a conversation about race in any community. And I think it has a powerful place in the societal fabric of our community and I would urge people to get out and take advantage of this tremendous exhibit. It's only the second time it's been in the United States and this will be the farthest west that this exhibit will go in all of the places it's going to go in the United States. It's called 'Race, Are We So Different?' but the truth is it goes beyond just the context of race. It goes into what makes us human beings and what makes a society and what contributes to cultures that can and cannot get along for whatever reason and I think that's going to be a powerful place for us to have stimulated conversation in our community to make it the best that it can be.

I wanted to comment on the Health Access Workgroup, we've had two of them. Navigation met yesterday, Dr. Adrian Walling is the chairman. Coverage met yesterday too and Brian Rose of Preferred Health Systems is the chairman there. Tomorrow a coordination workgroup will meet and John Rosell of the Medical Society is leading that group. The dialogue on access to healthcare is moving along quickly in our community and hopefully we'll have action plans brought forward, not before the end of the year I don't think, but shortly after that, to start solving this grave issue in our community of people who do not have access to insurance. They're very underinsured and for whatever reason they're not getting the medical home that promotes wellness. The number one issue that came out of Visioneering under quality of life was access to healthcare and we have attacked that as the county. We're facilitating this conversation and hopefully we'll come up with some solutions.

The next thing I wanted to talk about is the homeless town hall meeting that was held on Sunday, about 100 participants, great dialogue, Manager Buchanan was there, Ron Holt was there, I was there to participate and listen to the conversation in our community about what to do about chronic homelessness but also what to do about homelessness in general that is just another malady that we have that really ties to health access and economics and workforce creation and jobs and what it takes to have a strong community, so great conversation and hopefully it puts some of the work of the taskforce through the filter of the community to give us more understanding and intellectual capital to solve the problem.



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As I always have, the parking work group met again on Monday and we have moved forward on some other thought processes. We charged Ron Holt and Bill Buchanan and John Schlegel to get us some pretty sensitive information. I'm not willing to talk about it right now in public because some of it has to do with property acquisition and some other things that we just can't get into detail on, but we met again, we're serious about parking and once again I've communicated that today in our meeting, but I'll communicate it one more time, we did meet and I would think real soon, and Commissioner Winters may want to comment on this, that we'll have some actual action points and some working documents that will start to describe to the community what we're going to do on parking for the arena in conjunction with parking for the whole downtown that the city's working on.

And finally I'd like to talk a little bit about the article in the paper today about the disaster simulation that's coming up. I think it would be interesting for Bob Lamkey to give us some kind of presentation on that. It is a huge, huge project that is sponsored by the KU Med Center and KDHE and the county, I think the City of Wichita to do a complete, four or five day disaster simulation of terrorist attacks and other kinds of homeland security events that might happen in our community and we're participating by using some of the buildings that we're going to be tearing down as sites to really do search and recovery and those kinds of things that don't come along very often. You do tabletop disaster simulations, but this will give our emergency preparedness folks and our first responders a chance to actually go into buildings that look like they've been bombed or had an event to simulate the disaster recovery in our community. It's a huge event, it's statewide . . . well it may be national, there may be people coming from all over the United States to see this, so I'd like to have a little briefing, a little more information because it's probably a once in every ten year kind of event that you could ever have in your community and we're having it right here. That's all I have, Mr. Chair."

**Chairman Unruh** said, "Alright, thank you. Commissioner Welshimer."

**Commissioner Welshimer** said, "Well it was my hope to vote today on whether to allow our county employees the right to chose to elect coverage under the Kansas Public Employer/ Employee Relations Act, but we had our staff meeting yesterday and we determined we didn't have the votes for that and didn't want to vote on it at this time. Union representatives and county employees need

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more time to convince this board that this is something they want, so I'm not going to ask for the vote on that today. But I do want to emphasize that I believe that our top priority should be those that elect us to this office, and those who work for us to deliver county services, which I see as one and the same.

There's no employee representation available to us at our Tuesday staff meetings or at this meeting today, and we do live in a democracy and I believe a democracy should have a local government entity that's democratic in its methods of serving that democracy. So I will continue to work on that and we'll bring it up sometime in the future, but for now I would not force that vote.

The other thing I have is tomorrow we have a CJCC meeting and we do have a proposal from Nancy Insoh who came to talk to us and she's suggesting that she believes, I think she needs to do some further investigation into this and talk to some other people, but she believes that she can reduce our jail population by 40% in 180 days and do it for less than \$50,000 and I think that's quite a deal, to save a \$50,000,000 addition on a jail. So I'm hoping that there will be some good support for this and we'll bring it back and have a vote on that.

The other project I have going is the Planeview community. It's been in my . . . is in my district, and was in my legislative district over the years, certainly needs some help down there. They've lost many of their services and we need to restore that community organization and services to that area, so I've pulled together a group that will be meeting monthly. There's representatives from the Planeview Neighborhood Association, the city, the county, WSU, the Red Cross, the school district, private sector, religious sector, parks and recreation and others and we hope to get Planeview up on its feet."

**Chairman Unruh** said, "Okay, thank you commissioner. Commissioner Parks."

**Commissioner Parks** said, "A little over a week, a piece of history will be gone from our area and I wanted to just be able to tell people that if you want to visit the Greyhound Park, you'd better do it before its closing date of October 6<sup>th</sup>. Even if you're not gamblers or don't do that, if you've never been there, this is a piece of history that you might want to visit before its gone. They do have a nice restaurant there and the matinee on Sunday does provide a family type of venue.

I want to discuss a little bit about open meetings and staff and I know it is open, our staff meeting on Tuesday. I brought this up in a staff meeting a week ago about the press not being there and we have more candid discussions, I guess, if the press is not there. But that kind of makes me feel uncomfortable about 29 years worth of being the chief of police, you know, that when we have a quorum that we should have the press available. I would encourage those press venues to come to those meetings, even though they haven't been well attended and just in saying that I guess I won't

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put that anymore.

Last, but certainly not least, and Commissioner Unruh touched on it, let's remember Lieutenant Bryon Johnson's family in our prayers. Thank you."

**Chairman Unruh** said, "Alright, thank you commissioner. I don't see any other requests to speak, so we need a motion for executive session."

**MOTION**

Commissioner Winters moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and litigations, potential litigation, legal advice, personnel matters of non-elected personnel and preliminary discussions relating to the acquisition of Real Property for public purposes and that the Board of County Commissioners return to this room from Executive Session no sooner than 11:55 a.m.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "We are recessed into Executive Session."

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**The Board of County Commissioners recessed into Executive Session at 11:25 a.m. and returned at 12:10 p.m.**

**Chairman Unruh** said, "We have returned from Executive Session and we will call the regular meeting of the board of county commissioners back to order and will state for the record that while we were in executive session no binding action was taken. But at this time, I will ask County Counselor Rich Euson to present an issue to us."

**Mr. Euson** said, "Thank you, commissioners. While we were in executive session, we discussed a case involving a Worker's Compensation claim of Lonnie Smith and based on our discussion, it's my recommendation that you agree to settle this case in the amount of \$30,000, which will close all issues relating to future medical payments and review and modification of the award. That's our recommendation."

**Chairman Unruh** said, "Alright, thank you sir."

**MOTION**

Commissioner Norton moved to settle the Worker's Compensation claim of Lonnie Smith in the amount of \$30,000, which will close all issues relating to future medical payments and review and modification of the award.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you. Is there anything else to come before the board? Hearing none, we are adjourned."

**L. ADJOURNMENT**

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

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

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

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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,

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Fifth District

ATTEST:

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

APPROVED:

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