

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 26, 2009

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 a.m. on Wednesday, August 26, 2009 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; Mr. John Schlegel, Planning Director; Mr. Joe Brunk, Sedgwick County Household Hazardous Waste, Mr. Robert Parnacott, Assistant County Counselor; Ms. Caroline Hosford, Environmental Resources; Dorsha Kirksey, Housing Director; Ms. Irene Hart, Director, Community Development; Ms. Marilyn Cook, Executive Director, COMCARE; Ms. Diane Gage, Director, Emergency Communications; Ms. Chris Morales, Department of Corrections Project Manager; Mr. Pete Giroux, Principal Analyst, Budget; Ms. Iris Baker, Director, Purchasing Department; and, Ms. Angela Lovelace, Deputy County Clerk.

GUESTS

Ms. Nancy Larson, K-State Pollution Prevention Institute
Mr. Tim Hagan, Community Housing Services Executive Director
Ms. Leslie Beynon, 3232 N. 124th Street West
Ms. Beverly Jackson, 3005 N. 124th Street West
Mr. Jerold Harris, 3337 N. 124th Street West
Mr. Dan Vogeli, 3326 N. 124th Street West
Mr. Richard LaMunyon, City Administrator, City of Maize
Ms. Rene Strunk, Director, Project Independence
Mr. Joe Norton, Gilmore & Bell
Mr. David Hadley, Chief Financial Officer, Via Christi Health System

INVOCATION

Led by Pastor Larry Wren, Westlink Christian Church, Wichita

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES

Regular Meeting for July 29, 2009,
Commissioner Unruh was absent

Regular Meeting for August 5, 2009
All Commissioners were present

Chairman Parks said, “Since Commissioner Norton was absent, we’ll be taking those on an individual basis. What is the will of the Board?”

Commissioner Welshimer “I move we approve the minutes for July 29, and August 5th.”

Chairman Parks said, “Can we just do them one at a time?”

MOTION

Commissioner Welshimer moved to approve the minutes of the Regular Meeting for July 29, 2009.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

MOTION

Commissioner Welshimer moved to approve the minutes of the Regular Meeting for August 5, 2009.

Chairman Parks seconded the motion.

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

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VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “At this time I am going to entertain a motion for an off agenda item.”

MOTION

Commissioner Welshimer moved to accept an off agenda item.

Chairman Parks seconded the motion.

Chairman Parks said, “We have some discussion. Commissioner Norton.”

Commissioner Norton said, “What is the off agenda item for? I mean, we've had quite a few of those lately, and we end up taking action on them. I want to be sure that we're being open to the public as to what the off agenda item is.”

Commissioner Welshimer said, “I just wanted to announce that I put out a request for a retraction from The Eagle on the fact that we did not search downtown buildings for a jail annex. I just want to inform the Board of my actions, and then you can do whatever you like, or nothing.”

Chairman Parks said, “Seeing no one further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye

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Commissioner Welshimer	Aye
Chairman Parks	Aye

OFF AGENDA ITEM

Chairman Parks said, "I will turn the reading of the statement over to Commissioner Welshimer."

Commissioner Welshimer said, "Well, yesterday I sent an e-mail to all the newspapers in the County, and the other media, and just briefly what it said was that either The Wichita Eagle knew they were putting out false information on their jail annex stories, or they didn't know for sure and printed their stories recklessly. Their August 20, 21, and 23 articles and editorial claiming the County Commission had been reviewing properties in downtown Wichita for a jail annex were not true. The Eagle's actions caused considerable concern for downtown business owners. No Commissioner has looked at any downtown buildings with any real estate agent for the purpose of housing detainees. A retraction and an apology are due to the County from The Eagle."

Chairman Parks said, "What's the will of the Board? Do we want to support this in terms of a motion, or do we want to just leave it stand as part of the minutes, and receive and file? Go ahead."

Commissioner Unruh said, "Mr. Chairman, thank you. It seems like, perhaps, the statement from Commissioner Welshimer can stand on its own. It's a request; it's pretty clear. I would be in favor of receiving and filing."

Chairman Parks said, "Okay. I, too, want to receive and file it. I've been disturbed with the headlines, and I know the reporters, of course, the individuals anyway, don't have a lot of control over the headlines. There have been several disturbing headlines that I have, and I know that there's at least one Commissioner that expressed that he is going to meet with The Eagle on that. Certainly, if they need something clarified, our Communications Department has clarifications. If they want to go through them, or to go through one of us, or me as Chairman, I can certainly be a facilitator to do that. I am saddened to see that the media has taken the steps and not checked out some of the headlines that they put out. Any further comment? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I share concerns about misleading headlines that have appeared in The Eagle, at least on two related subjects, since the beginning of this month. I am going to support the idea that of receiving and filing this because I think the statement is quite clear and stands on its own merits."

"I think the dates mentioned, as well as a very misleading headline that appeared shortly after we approved our budget, is the basis for my concerns in terms of the headlines that have appeared, and

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I will clearly state for the record that, while I have looked at some property, I have not looked at any downtown property related to work release. I was very surprised to see the article that appeared in The Wichita Eagle last weekend, and I was very disappointed to see the comments that were expressed in that article.”

MOTION

Chairman Parks moved to receive and file Commissioner Welshimer’s statement.

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

PLANNING DEPARTMENT

A. DER 2009-01: AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS. ALL DISTRICTS.

VISUAL PRESENTATION

Mr. John Schlegel, Planning Director, Wichita Area Metropolitan Planning Department, greeted the Commissioners and said, "What you have before you are some relatively minor changes in the Wichita-Sedgwick County Subdivision Regulations. The revisions are in Article 7, 8 and 9, representing some language clarifications, and also corrections in terminology in regards to some storm water issues that were brought to the attention of our department and the Planning Commission by the City of Wichita’s Public Works Department. There are also some revisions to

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the definitions in Article 11 of the subdivision regulations in order to provide greater consistency with the amendments that were recently adopted in the Unified Zoning Code.”

“I’ve briefed each of you in detail on these amendments; I won’t go into a lot of detail in my presentation today on this. I’ll be glad to answer any questions that you have. These amendments have been reviewed by the Metropolitan Area Planning Commission at their meeting on April 9th; the public hearing. There were no comments from the public at that meeting. The Planning Commission recommends that you approve these amendments. These same amendments were adopted by the City Council at their meeting yesterday. So with that, I’ll be glad to take any questions.”

Chairman Parks said, “Mr. Schlegel, was that a unanimous vote of the Planning Commission?”

Mr. Schlegel said, “No, it was not. There was one vote against. That individual was raising some issues that were not really relevant to these amendments, and voted against the amendments because his concerns weren’t addressed.”

Chairman Parks said, “Thank you. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Mr. Schlegel, these amendments are all basically technical revisions from what we adopted earlier, is that correct?”

Mr. Schlegel said, “That is correct.”

Commissioner Peterjohn said, “What is likelihood that there may be any other technical revisions coming forward based on the revised Zoning Code within the foreseeable future?”

Mr. Schlegel said, “In the subdivision regulations?”

Commissioner Peterjohn said, “In the entire Zoning Code at this point, as well as the subdivision issue.”

Mr. Schlegel said, “The one remaining issue that will come up, probably in either September or October, has to do with impound lots. We are currently working on revisions in the Zoning Code that, if they are adopted, would create a new use class in the Zoning Code called Impound Lots. That was the result of a number of actions recently where people that wanted to put in impound lots, or insurance pool lots, come in for conditional use permits as wrecking/salvage yards, and those particular types of businesses object to being classified in with junkyards, so they have

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persuaded the Planning Commission to initiate this zoning amendment. However, that amendment has run into some opposition, especially from the City's District Advisory Boards, and we are now going through a second round of presentations with the City's District Advisory Boards trying to work some of those issues out.”

Commissioner Peterjohn said, “I appreciate the clarification, because my reason for asking this is, since we have just adopted a new code, I was hoping there would be kind of a quiet period where we get it implemented, see how it was working, and not have continuing revisions. If it’s continuing to be kind of a work in process, it’s very hard for people who are having to live under this code. It’s a long code to begin with, and a lot of details are contained within it, and I was kind of hoping we were going to be in a position where we would have a little time to let both City and folks who are in the unincorporated areas get a chance to really live under this before we started changing it again.”

Mr. Schlegel said, “Your wish is our wish also, but sometimes we can’t control when either of the governing bodies, or the Planning Commission, want to initiate amendments to the code.”

Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “Any other comment at this time? I know that this is not a public hearing, or we are not commanded to do that, but I think it’s dangerous when we’re legislating laws and changing things that we don’t allow the public to speak. Is there anybody here from the public that would like to come to the podium and speak, either for or against this? Seeing none, what’s the will of the Board?”

MOTION

Commissioner Unruh moved to approve the amendment to the Wichita – Sedgwick County Subdivision Regulation as recommended by the Metropolitan Area Planning Commission, adopt the Resolution, and authorize the Chairman to sign.

Chairman Parks seconded the motion.

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

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VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

NEW BUSINESS

B. HEARING TO CONSIDER WHETHER THE CITY OF MAIZE HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR THE ANNEXATION ORDINANCE NOS. 624, 628 AND 638.

Mr. Robert Parnacott, Assistant County Counselor, greeted the Commissioners and said, "This is one of our five-year post annexation hearings that we are required to hold following an annexation by a city that involved the preparation of a service plan, which are generally those annexations that occur without the consent of the landowner, so the purpose of this hearing is for you to hear testimony from the City and from any landowners as to whether or not the City has provided the services in accordance with the service plan.

"As you can see from the map, this area is north of 29th Street North, west of 119th Street West. It consists of three different annexation ordinances that were adopted in 2004. The two big areas were the Creekside Estates subdivision, and Balmoral Briar subdivision. The notices were sent out to all the landowners in the area; there were about 50 properties involved. We got two or three inquiries back, and responded to them, and we have some people here today that would like to speak, so we can open the public hearing, when it's appropriate, and hear that testimony."

Mr. Parnacott continued, "The service plan the city prepared is at page 75 of your backup. It's a fairly standard city service plan providing that, on petition or request, after annexation the city would provide street work, sewer, water, and street lights. Upon annexation, immediately, they would provide any police services, park and community building services, code enforcement, and those types of typical city services. At page 73 of your backup is a report the city submitted prior to the hearing that indicates they did some roadwork on 124th Street North, the northern portion that runs up through the two subdivisions; I think you can see that on the map. The southern portion was already blacktop at the time of annexation, so they just, after annexation, finished the northern portion, is my understanding, but Richard LaMunyon is here from the city, and he can answer any questions about that."

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“The City of Maize, according to the report, also has entered into an inter-local agreement with the City of Wichita to prepare for any water and sewer services that might be needed for the area. The city has installed fire hydrants at 124th Street West, or at least somebody has installed fire hydrants at the 124th Street West and 29th Street North intersection, and then some east and west of the intersection. Finally, the city has indicated they have a park plan that will be east of the area on some land the city owns, but that’s the extent of the information I have at this time. I would recommend, unless you have any questions for me, that you open the public hearing, hear any comments from the city or from the landowners, and then we can answer any questions afterwards, and you can make the appropriate finding.”

Chairman Parks said, “I shall open the public hearing. Did you want to have some questions of Mr. Parnacott?”

Commissioner Peterjohn said, “I have a question for Mr. Parnacott.”

Mr. Parnacott said, “Yes, sir.”

Chairman Parks said, “We can do that during the public hearing also.”

Commissioner Peterjohn said, “First question I’d like to ask you, since there were three separate ordinances, can we consider these as one group, or do we have to consider them each separately? Basically, if we would decide to take action on one, do we have that opportunity to sever them, or do we need to keep them together in one group?”

Mr. Parnacott said, “You certainly can. The statute is fairly silent on the procedure; it’s a fairly limited statute in terms of setting up the public hearing. It doesn’t really say how you handle these things, so we tend to group our annexations together. These occurred at different times in 2004. For the convenience of the City, and for the convenience of the Commission, we try to group small city annexations into one group. You could take these up separately if you felt they had provided services for one annexation but not for the other; you could bifurcate those. You can handle it anyway you feel appropriate.”

Commissioner Peterjohn said, “I very much appreciate that, because, just for the record, this is only the second time since I’ve become a Commissioner that we’ve had this issue under KSA (Kansas Statutes Annotated) 12-531 I believe it is.”

Mr. Parnacott said, “Yes.”

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Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "Okay. I do see at least one person that I think may want to speak. If you want to speak about this issue come to the podium, state your name and address, and position."

Ms. Leslie Beynon, 3232 N. 124th Street North, greeted the Commissioners and said, "I live in Block 2, Lot 2 of Balmoral, and as a homeowner, a lot of the things that they're proposing for us are things that, as a new neighborhood, we really don't need. We already have our sewers, our laterals, and we are all on wells, not needing that unless something would be contaminated. As for streetlights, a lot of us moved out there to be a part of a country, or a more rural scene, and we don't really request that at this time. However, the one thing I'm concerned about is the park and community building. It indicates that it's existing in our area, and it says under existing land use pattern, to the north is agricultural, and on the east is the mixture of park, residential and agricultural. As far as I know, when a portion of land was donated to the City of Maize, I had high hopes that a portion of that would become a park area. That would be very handy to our neighborhood. However, the land to the east was sold, with my understanding, to a church and utility, so I guess I would like to know, where is that proposed park to be?"

Chairman Parks said, "I think that we'll have opportunity for the City of Maize to respond to that, at least I would hope they would later here."

Ms. Beverly Jackson, 3005 N. 124th North, greeted the Commissioners and said, "I live in Balmoral Briar right at the corner of 124th Street West and 29th Street North, and the first time I saw the extension service plan was after we got the notice that there would be a five-year hearing, and so as residents, we had no idea there was a plan that Maize was to be providing services for, so, we had to pour through some things to really understand. It's very general; it would be very difficult to miss meeting this plan. However, what I am concerned about is their ability to meet the plan in the future, because at this point, most of the services are by request of the homeowners, and as she stated, we are on well water, and we have septic in all these home areas, and there could conceivably come a time when those services would be required of a public nature.

"At this point, when the annexation plan was sold to us at our town meeting, town hall meeting, by the City of Maize, they said they would provide water services to us cheaper than what Wichita could; that it would cost us an exorbitant amount in assessments to get the Wichita water to our places, and that Maize water would be cheaper, and at that point it was the, they were talking about the well water, the aqueous water they're bringing up out of the aqueous beds.

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“Now, I understand, there’s a plan from the City of Maize, with an understanding with Wichita, to contract Wichita for that water, and there would be a higher water bill paid because of the extra arrangements that they had with Wichita, and also probably because Maize’s water services are higher. So I’m concerned about the ability of Maize having the resources to provide for water in the future.

“I do appreciate having a presence of the police. We did have a presence of Sedgwick County Sheriff’s Department in the past, and that has been nice so far. I’m not sure we’ve had to use that, but I’m glad. On water, the City of Wichita has kindly placed a fire hydrant in my front yard, which didn’t affect my fire rates because they had already redesigned the zones, but the Wichita water, in 2004, was a far stretch of getting it, and now the Wichita water is sitting on my property, so I don’t think it would be difficult to access, but as a Maize resident I would pay more to tap into that line and use that water than I would being in the Maize City resident.

“As she stated, we haven’t requested any services from Maize, but the ability to provide sewer is through Wichita, rather than through their own sewer system. They have too few resources to do upkeep on their property. In the service plan, Balmoral Briar, I was sent a different service plan than what Creekside Estates was sent. The only thing that was different, to my knowledge that I can tell, is the planning and zoning was added to the overall service plan for the north addition, but I’m not sure where upkeep of their property falls, if that’s actually in code enforcement, which I feel like it is, but they have not been able to, they do not enforce code.”

“They have lots overgrown that they’re in possession of. I live on 29th Street. They own the south 50 feet, from my property line to the center of 29th Street, which is a very large setback. There are 15 pine trees on that row, and they are dying, and I’ve had to use my own money to keep the needles and everything picked up, so that my yard is not impacted by the debris that falls out of the dying pine trees, and when I called the City of Maize they said they did not have the resources to take down those pine trees. There were two dead ones right in the area of a transformer that, we’re rural electric, we do get sparks, and it has in the past, so we took those trees down at our own expense. My eventual cost, probably, is going to cap over \$3,000 to take care of 15 pine trees that Maize does not have the resources to handle. They did offer to carry away the debris when we took them down, but the man I contracted with hauled that away for me.

“Emergency access, it’s still kind of confusing right now, what’s happening with the Sedgwick County Fire Department and the access road in the northern area of Creekside Estates. There was a planned access road at 32nd Street, and then there is 124th Street that was probably projected to go on into an expansion of the housing development. At this point, it is said that 32nd Street has been vacated and is in the process of being deeded back to the homeowners. They have taken care of that

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property, regardless of Maize's possession of the property, and so Sedgwick County Fire Department will have a report next week whether or not, and there's also stated that they have deeded back part of a temporary cul-de-sac to a homeowner; not deeded back, but taken a temporary cul-de-sac out of the plan, and allowed the homeowner permission to go ahead and build on that lot consuming part of that land that was a cul-de-sac. That cul-de-sac, in my estimation is being confirmed right now, is necessary for fire protection for the last house on that street."

Chairman Parks said, "Can you kind of wrap this up?"

Ms. Jackson said, "Okay. Seeing that Wichita is providing most of our services, we don't want to pay an up-charge to Maize for the services that Wichita is providing. I would like to see them put on probation to see if they do have the ability to provide these services that they said in their service plan. Thank you."

Chairman Parks said, "Thank you. Ma'am, I do have a couple questions of you."

Ms. Jackson said, "Yes."

Chairman Parks said, "In terms of you, alluded to your plan, how long have you lived there?"

Ms. Jackson said, "We built in 1995. We've been there since before it was City property. We were County property at that time."

Chairman Parks said, "The plan was mailed out, and I'll let the City of Maize say when they did that back, or that's what they're supposed do on that notification."

Ms. Jackson said, "The service plan was never mailed. You can ask several residents there. We had a meeting, and the residents did not get, did not see this service plan until this hearing was announced. Unfortunately, it's short term."

Chairman Parks said, "How large is your lot was the other question."

Ms. Jackson said, "An acre and a half."

Chairman Parks said, "Thank you. Mr. Parnacott, can you shed any light on the mailing of the service plan?"

Mr. Parnacott said, "Yes, sir. They're not required to mail the service plan at the time of the annexation proposal. They are required to make a copy available at City Hall. They sent a notice out saying there's going to be a public hearing regarding the annexation. They adopt a resolution first."

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So in 2004 there would have been a resolution of the intent to annex. At that time they would have prepared a service plan. The resolution and a notice would have been sent to the landowners informing them that, if they wanted to see the service plan, they could come to city hall and see a copy of it. Then, at the public hearing, the city presents the service plan, so they're advised at that time what the service plan consists of, but there's no requirement that it be mailed out to each landowner."

Chairman Parks said, "I guess I got confused with some legislation that's been going around the last couple years that, maybe, this should be done that way, and I would hope that all cities would, in the future, do that; mail that service plan out to these people. I think it's important to have that in their hands, and not make them come to City Hall, I guess. Thank you. Sir, step to the podium, state your name and address."

Mr. Gerald Harris, 3337 N. 124th Street Court West, greeted the Commissioners and said, "It's Lot 19 of Creekside Estates. I was the first homeowner to move in and build on that particular lot. When I looked at the service plan, when I go through all of the items that were to be provided, it looks like to me the City of Maize has met the service plan, and obviously I'm here to speak in support of the annexation. The park issue mentioned is an issue, but my understanding is, in visiting with the City of Maize officials, that there are plans to fix that."

"With respect to the sewer, water, lights, visiting with neighbors, none of us want that at the present time. There may be a day when we're forced or required to hook up to sewer and/or water, but at the present time we have requested none of that, so nothing has been done there. Secondly, with respect to street maintenance, the City of Maize has been out there, they have filled some cracks in the street with tar, they've placed a speed limit sign in the neighborhood. There is a couple of times where they have been out there with snow equipment removing some snow from the road, so my sense is, we were destined to be in the City of Maize or Wichita, one or the other, and my sense is we get much better service from the City of Maize at the present time. The presence of police, I appreciate that. I see them frequently. In fact, when I am going in or out of the subdivision and I pass a police car, I usually stop and tell them we appreciate them observing and being out there in the neighborhood. Again, it looks to me like they have met the requirements of the service plan, and we don't require a lot, we don't expect a lot."

"Now, I like my fellow neighbors, don't like paying any more for these services than necessary, but again, I think we get more response and quick service from the City of Maize than we ever would from the City of Wichita. So, again, I would conclude by saying, as a resident, I have appreciated, if we're going to be one or the other, Wichita or Maize, I appreciate being the City of Maize versus Wichita. I don't have anything against Wichita; I just like Maize a little better. Thank you."

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Chairman Parks said, "Thank you. Next."

Mr. Dan Vogeli, 3326 N. 124th Street West, greeted the Commissioners and said, "I live at 3326 N. 124th Street West. It's the second last house on the north end in Creekside Estates. Five years ago as Maize came in and annexed us in spite of almost unanimous objection, they did not come to help our neighborhood, as we did not need their help. The only tangible thing that has happened in the five years since the annexation is the paving of the south part of 124th, and I think it's been stated that the north side was paved, but I'm about 100% sure it was the south part of the street that was paved. In the neighborhood we paid for 100% of that street, and we, as a group, even got the petition going to do that. Maize didn't initiate it or anything like that. It was a gravel road before and, actually, I think with us paying for it, we probably saved Maize money by them not having to maintain a gravel road.

Mr. Vogeli continued, "In the last five years, drainage has never been addressed on the south end of 124th Street, and now there are actually new drainage problems, with a driveway added where the two additions meet, that has been brought to Maize's attention in the last year, and nothing has been done about it. If you look at the list of things that Maize said they would offer at the annexation, there is nothing that most of us homeowners wanted, or wanted to pay for. We did not want or need a sewer system we would have to pay for. We did not want or need a water system we would have to pay for. We already had a good police force in the Sedgwick County Sheriff's Department, and we did not want streetlights. This is one of the reasons most of us moved out to the county.

"As far as parks and a community building, now all of a sudden this morning there's a rumor that we're going to get a new park there, that, a year or two year ago, or three years ago they sold our park, and then all of a sudden after this meeting is announced and people are upset, we're going to get a new park, or there's talk of it, as they sold Dugan Park that was right at the end of 29th and 119th. As we look down the list of things they promised, it comes down to the fact that they promised us nothing they want, and that's about what we got delivered. We didn't want anything from them, and they delivered almost nothing.

"The City of Maize did not have our best interest at heart when they came and annexed us, and I don't believe they do now. They want our tax dollars, and I look out across my field in my backyard, and I see Wichita a lot sooner than I see Maize, and to see the City of Maize is across 2 ½ miles of plowed ground. I thank you for your time this morning."

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Chairman Parks said, "Thank you. Anybody else wish to, opportunity for City of Maize to respond to any of those questions or comments that have been brought up."

Mr. Richard LaMunyon, City Administrator, City of Maize, greeted the Commissioners and said, "You have the service plan, and I'll just touch on a few of the points that were brought up here today. When the property was annexed, regarding the park, let's talk about that first. The old CERF (Coleman Employees' Recreation Facility) Club, if you will, that was located north of 29th and west of 119th was donated to the City of Maize at the time that we bought some property for some water wells in that area. There was a total, I think, of about seven acres that was brought in there.

"As time went on, we did sell about four of those acres, including the building. The building was purchased by a church, and this church has plans in the future to probably take that building down and establish a new facility at some time. There are three acres still remaining adjacent to this annexed property that will become a City Park. That's part of the master Park Plan that we have just completed, with the help of some consultants, and our Park Board is working now to determine what type of activities will be put on that three acres, which is adjacent to this annexed property. "There will be some type of park, and as the Park Board moves forward, they will obviously be asking for input from the neighborhood as to what they would like to see in that particular area. When the property was annexed, the southern part of the property of 124th Street was blacktopped; the northern part was not. The neighborhood got together and requested that the north part be blacktopped, and all of the neighborhood, both north and south, did pay for the street, so that's been improved. The other problem that we had out there at the time, 29th Street was unimproved, 29th Street has been improved, with the help of the County, now, and the City of Wichita has improved 119th and 29th Street. 119th is also improved, so, the road conditions getting in and out of the annexed areas are greatly improved to what they were.

"The utility services for that particular area, this is being handled through an inter-local agreement with Wichita. There's a portion of Maize that lays south of 37th Street to the west of Maize Road. Any of that area will be serviced through an inter-local agreement by Wichita. It's more economical in terms of providing the service; water and sewer. Currently for this area, as indicated by one of the speakers, there is a water line on the north side of 29th that touches this neighborhood, where water would be available if they want it.

"The sewer system is on the east side of 119th, just north of 29th, and could be accessed if they so desire. Upon talking to many of the residents up there, as they indicated here, they don't have any desire. By state statute no one can be forced to hook on to water or sewer until a majority requests it, or unless the Health Department comes in and deems there's some kind of a health issue. At this

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point I think everything, according to what we can find out, is certainly above standards in terms of sewer operations, and their water wells are certainly very good in that particular area.

“The streetlight issue, that was one of the things that was brought up during the hearing. They did not want streetlights, and the way we left it in the service plan is until we receive requests from the residents, we wouldn’t pursue that, so we have not pursued that at all. I think that addresses most of the issues that were brought up. If there are other issues that the Commission has, I’d be happy to address them.”

Chairman Parks said, “Let me go back over. There is no request for petitions for 124th Street West, sewer, water, and streetlights, you addressed there a little bit. I would like to ask about the Code Enforcement. Do you know anything about the trees or about what went on with that issue?”

Mr. LaMunyon said, “We do have Code Enforcement. We have a very strong Code Enforcement Officer, and we do send letters out, we mow lots, we do things of that nature. We do not go in and remove trees from right-of-ways and things. That’s usually left up to the property owner. If it’s an issue with the power company, certainly we notify the power company. In this particular case we did notify the power company and did not get any kind of response from them, in terms of taking the trees down.”

Chairman Parks said, “So those trees were on your right-of-way?”

Mr. LaMunyon said, “They were on the right-of-way along the property line, yes.”

Chairman Parks said, “Okay. Any other questions from any of the other Commissioners? Commissioner Peterjohn.”

Commissioner Peterjohn said, “Mr. LaMunyon, did the City of Maize, when they did the annexations, actually include section that touches 119th Street West, and the street at the north boundary, I’m a little bit shaky I guess, the street that runs just below Union on the sign, I don’t see a street number there. It must be somewhere between 29th and 37th Street, so I’m going to guess and call it 33rd Street.”

Mr. LaMunyon said, “There was a street, originally, when this was annexed, if I recall correctly, I think it was 32nd, I’m not sure, that street has been vacated and turned back to the property owners.”

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Commissioner Peterjohn said, "Okay."

Mr. LaMunyon said, "Was that your question?"

Commissioner Peterjohn said, "That was my question on the north side. Did you annex to include 119th Street on the east?"

Mr. LaMunyon said, "Yes, 119th is in the City."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "Any other people that want to speak at the podium on the Maize annexation issue? I'm about ready to close this public hearing if not. I'll close the public hearing. I do have a question of Mr. Parnacott. If this Board, it takes a super majority of this Board, or just a simple majority of this Board to pass or deny this?"

Mr. Parnacott said, "A simple majority is required only."

Chairman Parks said, "Okay. What is the procedure if it's not passed?"

Mr. Parnacott said, "If you make a finding that they have not provided the services, the City then has 2 ½ years to provide those services. At the end of those 2 ½ years, if a landowner still feels the services are not being provided, the landowner has to petition you for another public hearing. You would then hold another public hearing, and the City and landowners would present evidence as to whether or not the services have been provided, and you would have to make a determination whether or not the property should be de-annexed from the City. You have some hoops you have to jump through, you have to make some additional findings regarding that the de-annexation won't affect the public health, safety, and welfare, and it will create a hole in the middle of a city, so there are several statutory requirements that you have to meet in order to finally order de-annexation. There's a 2 ½ year grace period, if you want to call it that, for the City to go ahead and provide those services."

Chairman Parks said, "During this 2 ½ year grace period, they still pay their taxes; they still get served by the people?"

Mr. Parnacott said, "Yes."

Chairman Parks said, "The services, police and fire? Okay, thank you. Commissioner Welshimer."

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Commissioner Welshimer said, “Well, actually, we’re still under the same statutes, I believe, that a city can annex without providing services unless they’re asked for by the people they’re annexing, and in this case, as in most cases, those utilities haven’t been requested, is that right?”

Mr. Parnacott said, “That’s correct.”

Commissioner Welshimer said, “So what they have is compliance with the contract that offers nothing. That’s a situation working on, and frustrated with, ever since I’ve been on the Commission, and it’s been a difficult one. I think something needs to be done at the legislative level, but in the meantime, it’s quite frustrating to the cities and the people that they are annexing also. That’s all I have.”

Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Bob, the question before this Commission is relatively straightforward, that is, whether or not the City of Maize has or has not provided services according to the plan that has been recorded?”

Mr. Parnacott said, “Yes.”

Commissioner Unruh said, “You know, some of the time, because of the issues of the citizens, we get involved in the question of whether or not Maize should have annexed it, and whether or not, you know, we don’t know the dynamics five years ago of what was going on between the City of Maize and the City of Wichita, as both cities are kind of in a growth mode. We’re not called upon now to say whether or not the citizens wanted it, or didn’t want it. I mean, it’s similar to the comments Commissioner Welshimer made. If our responsibility is to find out whether or not services have been provided according to the plan that was recorded, it really isn’t our place to decide whether that plan was substantial, or pretty thin, in its services.

“I’m going to be supportive of the question as to whether or not they have provided services, and realize that there’s some regret among the citizens that they’re not getting all the services they might otherwise wanted, or whether or not they think this was appropriate to be annexed, that was a question, I think, for five years ago, so just a comment as to my rationale as to how I came to the conclusion that I will be supportive of finding that Maize has provided the services as provided in the plan. That’s all I have at this point. Thank you.”

Chairman Parks said, “I have another question for Mr. Parnacott also, and Mr. LaMunyon will appreciate this. Is this a preponderance of evidence case, or beyond a reasonable doubt?”

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Mr. Parnacott said, "I would refer to it as more of a preponderance of evidence. You have to weigh the evidence you heard and make your decision based on what you've heard."

Chairman Parks said, "Having you saying that, then, I do see some things on here that I think are questionable. I know they have a wonderful Police Department. The person that was against it even said they appreciated the police out there. I think there are things to be worked on here, and the way I count them up it's about even, so that preponderance of evidence will affect my decision."

"I would like to say two years ago, the state law, states across this country had various annexation laws. Six states had those that were similar to ours now. Now only four states have those. There's been two states that have said, hey, we don't want to do this forced annexation, and they have liberalized the things that they wanted to go out and be able to do this. The states are realizing, the other states know that there is a certain effect of want to in there, and it's state law. This is what makes it really hard for us to vote against some of these things, at times, because if they do meet their service plan, however light it may be, this is one page, and I saw one from Overland Park at the legislative session last year that was two inches thick, and there were still people that did not want to be annexed in that area."

"It's that way, particularly more in the metropolitan areas, than it is in other areas, but we have to realize that there is growth, and I hope that the State Legislature will look into a little bit of that and not just stick it in some committee and let it die next year, have something come up that would be amenable to both cities, and the people on the outskirts. This lady built her house in '95; apparently Maize has grown out to that. I will refer to Commissioner Peterjohn at this time."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I am glad that the legislature has been working on this issue. As a person who spent a good deal of time during the legislative session as an advocate for tax reform, I became quite aware that the Kansas Constitution has a provision in their Bill of Rights that says all political power is inherent in the people, and I have struggled with the fact that, becoming a County Commissioner, I am looking at a situation where we are involved in providing the oversight that, I think, this power actually should belong with the people, and there should be more protection for the people, like most of the other states do have when it comes to forced annexations."

"Having said that, I share many of the concerns Chairman Parks presented. The statute says that when we've got a service plan, however thin it may be, if it fails those requirements, that's what the

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statute calls for. So I don't believe that this is an issue that is going away, and I hope that the municipalities, as an organization, will be more concerned about citizens who do not live inside their city limits when it comes to these forced annexations. I don't think it's a good situation; it's becoming an annual issue in front of the legislature, and I hope soon the legislature will make the Kansas Bill of Rights provide those folks with the protections that are called out within the Kansas Constitution."

Chairman Parks said, "Any further discussion on this item? Seeing none, call the vote."

Mr. Parnacott said, "I don't believe we have a motion."

Chairman Parks said, "We need a motion."

Commissioner Welshimer said, "I move we take the recommended action."

Chairman Parks said, "Is it going to die for lack of a second?"

Commissioner Unruh said, "No, but I think we need to say affirmatively, one way or another, whether we find if the City has or has not provided services according to the plan."

Commissioner Welshimer said, "Approve the amendment to the subdivision regulations? No, no, no, I'm on the wrong one. I'm sorry."

Mr. Parnacott said, "My recommended action was just that you close the public hearing and make the appropriate finding. Not which finding it is. You'll have to make an actual finding in your motion."

Commissioner Welshimer said, "Open hearing, receive evidence from city and landowners, and make a finding whether or not the city extended services as provided for in the service plan, and that's the recommended action."

Mr. Parnacott said, "So is your motion intended to show that the city has provided services as set out in the service plan?"

Commissioner Welshimer said, "It is. I don't see that we have a choice here. Do we have a choice?"

Commissioner Unruh said, "No, but you need to say I move that we make a finding that the city has..."

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MOTION

Commissioner Welshimer moved to make a finding that the City of Maize has provided services as provided for in the plan.

Commissioner Unruh seconded the motion.

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

VOTE

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

C. ACCEPTANCE OF KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT POLLUTION PREVENTION AWARD.

VISUAL PRESENTATION

Ms. Caroline Hosford, Environmental Resources, greeted the Commissioners and said, "Last week, at the 2009 Kansas Environmental Conference, the Kansas Department of Health and Environment awarded a Pollution Prevention Award in the area of education and outreach, and I'd like to tell you a bit about how this came about. Homes across the country, and in Kansas, and in Sedgwick County have stockpiles of old medications that are unwanted, or expired, and flushing of these old medications used to be the common practice; it used to be the way that they were disposed of.

"In the last decade the United States Geological Service has identified changes in aquatic life due to elevated concentrations of these pharmaceuticals in our waterways, so early last year three partners: the Pollution Prevention Institute, Walgreens, and Sedgwick County Environmental Resources partnered together to launch a new outreach program in an effort to educate residents not to flush old medications. There were two primary goals of this project. The first was to eliminate these old stockpiles of medications that were in homes so that we would promote safer homes, and the second was to educate homeowners via retail pharmacies and medical clinics so that they would eliminate these old flushing practices and offer an environmentally preferred option, to include the use of our

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Household Hazardous Waste Facility.

“So using a summer intern, last summer the program visited more than 200 retail pharmacies and medical clinics, and they distributed posters like this that were put up in pharmacies that say ‘don’t flush medications,’ gives all the information for residents what to do, and we also produced and distributed thousands of these educational, we call them bag flyers, it’s just a tear off, so that these can be included when someone purchases a prescription, or they can be placed on the pharmacy counters for consumers to take.”

Ms. Hosford continued, “Follow-up evaluations, the summer after the program, both in person and via phone, we contacted 78% of the retail pharmacies that had been contacted originally and found that 96% of the facilities had implemented the program and continued to rank it favorably. In addition to that, the Sedgwick County Household Hazardous Waste Facility has reported a 35 to 40% increase in the amount of pharmaceutical waste that is received at their facility since this program began. Joe Brunk from the Household Hazardous Waste Facility is here this morning. This is the award that we received last week. I would recommend your acceptance of the award.”

Chairman Parks said, “What is the will of the Board?”

Commissioner Unruh said, “Mr. Chairman, I had a question.”

Chairman Parks said, “Okay, go ahead.”

Commissioner Unruh said, “First of all, I’m going to be very proud to receive the award on behalf of the County and for the work that’s been done. These elements that get flushed as we described, you can trace those, they can measure that, and it was at some level that was harmful?”

Ms. Hosford said, “Right, our water treatment facilities are not designed to remove pharmaceuticals. They are designed to remove a lot of things, but that’s not one of them, so pharmaceuticals just go right on through, and they can be measured.”

Commissioner Unruh said, “And now we can measure that this has had a significant difference?”

Ms. Hosford said, “Well, I can’t say that we know that it’s had a significant difference in the water ways. I don’t think that that has been measured yet.”

Commissioner Unruh said, “All right. Well, just wondered. I mean, it is obviously good practice, I’m supportive of it and glad that we took the lead and kind of got ahead of it, and are making a difference. I’m going to be supportive. I just want, asking for a little clarity, I guess. Thank you.”

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MOTION

Chairman Parks moved to accept the award.

Commissioner Welshimer seconded the motion.

Chairman Parks said, “Motion and second, and I do have some further discussion, and I guess more of a comment than anything else. As a former law enforcement officer, when the judge would order those things destroyed that we might have, whether legal or illegal drugs, a lot of times those were flushed, and I’d questioned that back 20 years ago when we had a large amount of drugs that were flushed, and nobody seemed to have any concern about it then, but this is a good program and I hope that all of our law enforcement, also, are participating in this, and if you have some of those extra fliers, I know a couple of communities in my district that send out a Welcome Wagon bag. I think that would be good to have those in that.”

Ms. Hosford said, “We can do that.”

Chairman Parks said, “Seeing no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

D. OPERATING AGREEMENT WITH COMMUNITY HOUSING SERVICES FOR COMMUNITY DEVELOPMENT IN OAKLAWN/SUNVIEW.

VISUAL PRESENTATION

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Ms. Dorsha Kirksey, Housing Director, greeted the Commissioners and said, "This is an annual agreement that we have with Community Housing Services, or CHS. The funding provided under this agreement enables CHS to continue community development activities in the Oaklawn/Sunview neighborhood and Sedgwick County outside the city limits of Wichita."

Ms. Hosford continued, "These activities include mortgage and home improvement loans, housing and budget counseling, new home or in-fill construction, and other neighborhood revitalization activities. I had mentioned that CHS is also one of our affiliate agencies for the Neighborhood Stabilization Program. I would recommend that you approve the agreement and authorize the Chair to sign, and I would be happy to answer any questions you may have at this time."

Commissioner Welshimer said, "Mr. Chairman, this is in my district, and I appreciate all the work you're doing in Oaklawn, and I would make a motion that we approve the agreement and authorize the Chairman to sign."

MOTION

Commissioner Welshimer moved to approve the agreement and authorize the chairman to sign.

Chairman Parks seconded the motion.

Chairman Parks said, "Further discussion, Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, Ms. Kirksey, could you give me an idea on these agreements when you will be bringing the agreement for next year? I understand this is a continuing agreement."

Ms. Kirksey said, "Yes. The agreement for next year will be coming sooner in the year, probably sometime in January or February."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "Seeing no further action, call the vote."

VOTE

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Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

E. (1) PUBLIC HEARING AND (2) CONSIDERATION OF RESOLUTION APPROVING THE ISSUANCE BY THE CITY OF WICHITA OF CERTAIN HOSPITAL FACILITIES REFUNDING AND IMPROVEMENT REVENUE BONDS FOR THE BENEFIT OF VIA CHRISTI HEALTH SYSTEM, INC.

Ms. Irene Hart, Director, Community Development, greeted the Commissioners and said, "The City of Wichita proposes to issue \$155,000,000 in Hospital Facilities Refunding and Improvement Revenue Bonds for the benefit of the Via Christi Health System, Inc. This issue has two major components. First, it would refund bonds issued by the City of Wichita in 1992, and secondly, it would provide for the purchase, acquisition, furnishing, and equipping of a new 80-bed, 144,000 square-foot acute care hospital facility to be located near 151st Street West and 21st Street North. This is in the unincorporated part of Sedgwick County, and because the hospital property is currently in the unincorporated area, Sedgwick County must approve the issuance of the bonds.

"Over the next four years, 250 to 300 new jobs are expected to be created. There's no agreement for property tax abatement, as not-for-profit hospitals are exempt from property tax. The next steps are to open a public hearing, to receive comment, close the public hearing, and consider the Resolution. With us today in the audience are David Hadley, who is the CFO (Chief Financial Officer) of Via Christi Health System; J. T. Klaus with Triplet, Woolfe, and Garretson, Via Christi's Bond Counsel; and Joe Norton of Gilmore & Bell, the County's Bond Counsel. We would be happy to answer any questions you have."

Chairman Parks said, "Just for the record, I did ask Ms. Hart, when she provided the back-up information on this, can a city, in fact, issue these bonds outside the city limits, and that is acceptable."

Ms. Hart said, "They can with your permission."

Chairman Parks said, "At this point we'll open up the public hearing. I would invite Mr. Norton, or Mr. Hadley, or whoever wants to come to the podium, please come support your cause."

Mr. David Hadley, Chief Financial Officer, Via Christi Health System, Inc., greeted the Commissioners and said, "Thank you, Mr. Chairman. On behalf of the Via Christi Health System

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we are seeking your approval and your support. We are excited about this project to bring a new acute care facility to the western part of the county.”

Mr. Hadley continued, “We are thrilled at the opportunity to be able to do so, and we thank you, and we wish your support, and we thank the staff’s time, as there’s been quite a bit of staff time involved in this with various infrastructure projects, and the inspections, and we appreciate all the effort, the county has supported the project, and I’d be glad to answer any questions.”

Chairman Parks said, “Certainly not in my district, but it is very close to my district, and the people of northwest part of the County really appreciate this, and are looking forward to this facility coming in. Thank you. Any other people want to speak? Mr. Norton.”

Mr. Joe Norton, Gillmore & Bell, greeted the Commissioners and said, “Just a brief comment. The question the Chairman asked is correct. The City of Wichita does have the ability to issue these bonds. All the proper proceedings are in order; we’ve reviewed those along with the County Counselor’s office.”

Chairman Parks said, “Thank you. Any other people want to speak for the public hearing? We’ll close the public hearing, and Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. This is in my district, and the number of new jobs that are listed here, at a time when we’re suffering from a very high level of unemployment, I believe it’s absolutely a very strong positive sign to have this happen, so I am going to move to approve this resolution and authorize the Chair to sign it, because we are in a situation where, for folks in the western part of Wichita, as well as the unincorporated areas, and the small towns in western Sedgwick County, we’ve had quite a long drive if you need an emergency room, and having this facility will be a very substantial benefit in this part of the county. This area, while it is in the unincorporated part of Sedgwick County, it is very close to where the City of Wichita is located, and 21st Street is part of a strong growth pattern, because it is just due west of the brand new northwest branch of the YMCA (Young Men's Christian Association).”

Chairman Parks said, “That’s a rather lengthy motion. Do you want to re-state your motion?”

Commissioner Peterjohn said, “Well, I’ll re-state it again.”

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MOTION

Commissioner Peterjohn moved to approve the resolution and authorize the Chairman to sign.

Chairman Parks seconded the motion.

Chairman Parks said, "Seeing no further discussion, I do have some further discussion, Commissioner Unruh."

Commissioner Unruh said, "It is not a question, just a comment that I just want to express appreciation to Via Christi and the organization, and I don't know the order that governs Via Christi, but if you could express our appreciation to that organization, and your Board of Directors for your willingness to fulfill your mission here in Sedgwick County in providing healthcare services. You know, these are economic times where this took some courage, I think, for you all to go ahead with that. I think it is going to be greatly beneficial to Sedgwick County, and we just appreciate your foresight and courage to go ahead with this. Want to express that."

Chairman Parks said, "Motion and a second. Seeing no further discussion, call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

F. CONTRACT WITH PROJECT INDEPENDENCE, INC. FOR CONSUMER-RUN SOCIAL ACTIVITIES, OPPORTUNITIES FOR LEADERSHIP, EDUCATION, TRAINING, AND RESEARCH IN A DROP IN SETTING.

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, "This is a renewal of a longstanding contract that COMCARE has had with Project Independence. Project Independence is a consumer run organization, or CRO, and services are provided by trained peer counselors. It has an active membership between 80 and 90 consumers each quarter, with an

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average daily attendance of 24 to 25 people each day. This is a drop-in center where individuals with mental illness can connect with others and reduce their social isolation, and there is a lot of value in that. **Ms. Cook** continued, “The project also provides opportunities for leadership, for education and training, for the individuals who attend there each day. The staff also provides transportation from Project Independence to the Lord's Diner and back to Project Independence each day for those who need that assistance, and they offer a ride home for folks who don't have other transportation.

“It also sponsors and facilitates a 12-step recovery group for individuals with co-occurring disorders, and they hold and host Schizophrenics Anonymous group at their facility on South Ida as well. In addition to all this, they are also a practicum, or clinical experience site, for consumers as providers, which are a group of consumers who are learning to become providers, mental health providers, and that was a training site for them, as well as various student internships during 2007 and 2008, and I'm proud to say that they were also actively involved in the recent CIT training that happened in this community, the Crisis Intervention Training with law enforcement.

“The contract provides funding for these activities. They submit their expenses to us quarterly and then we reimburse them after the fact. We also monitor their activities, and we have seen satisfaction surveys in their consumers that are attending, they are very satisfied with their service. One consumer wrote that ‘without Project Independence, I wouldn't have as many friends or support,’ another one said ‘going to Project Independence helped me to be better able to deal with everything.’ That's pretty glowing.”

“Present today in the audience, Rene Strunk, if you would stand up or raise your hand, who is the Director of Project Independence, and has been for a number of years, and Sam Schrepel, their Board President. I would recommend you approve the contract and authorize the Chairman to sign.”

Chairman Parks said, “All those things you said for \$59,000 of state money?”

Ms. Cook said, “Pretty good, isn't it?”

Chairman Parks said, “That's a bargain.”

MOTION

Chairman Parks moved to approve the contract and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

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Chairman Parks said, "Any further discussion? Commissioner Peterjohn."

Commissioner Peterjohn said, "Ms. Cook, you said it's located on South Ida. Can you be more specific, and how long have they operated under this, you said it is a renewal of a contract, how long have we had it?"

Ms. Cook said, "The contract with them? Gosh, a lot of years. I know Project Independence started, and Rene can help me with that, Project Independence initially had some rent-free space in our Community Support Services program when I came here in 1993, so it's been at least that long."

Ms. Rene Strunk, Director, Project Independence, greeted the Commissioners and said, "The programming started in 1992, but we've been on south Ida since 1996, and we have been funded by the county since 1992. Before, we were actually in the COMCARE building, before we relocated to 310 South Ida.

Ms. Cook said, "They became independent of us at that point."

Commissioner Peterjohn said, "We'll thank you. I appreciate that information on their location at 310 South Ida, and their long-term relationship going back to the early 1990s. Want to get it in, because your voice may not carry onto the video and so on."

Ms. Strunk said, "I'm sorry. Thank you."

Chairman Parks said, "Seeing no further discussion, call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

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G. FREQUENCY REBANDING AGREEMENT AMENDMENT #1.

Ms. Diane Gage, Director, Emergency Communications, greeted the Commissioners and said, "This is another step in our re-banding project with Nextel and Motorola. This agreement that's before you, or rather amendment that's before you to our frequency re-banding agreement is to allow Motorola to bill Nextel for the actual services that they provide for us, which includes retuning radios, reinstalling radios, that type of thing. It does not include any hardware or radios themselves; this is just strictly labor and service costs. I would be happy to answer any questions."

MOTION

Commissioner Unruh moved to approve the agreement and authorize the Chairman to sign.

Chairman Parks seconded the motion.

Chairman Parks said, "I do have a question. When you are re-banding the radios, this does include the Fire Departments, EMS (Emergency Medical Systems), and Police Departments throughout the County?"

Ms. Gage said, "It includes approximately 6,000 subscriber units that operate off our 800 megahertz system. These radios will be touched twice; first to add the new frequency, and then after we get everything up and running on the new frequencies to take the old ones out."

Chairman Parks said, "So in particular the Cities of Maize, Park City, Valley Center, and Cheney, who I have been contacted by..."

Ms. Gage said, "We have been in contact very closely with them. Right now we are behind the scenes inventorying radios to make sure we've identified every radio that is going to need to be replaced that cannot be re-banded, and which of theirs that will simply be re-banded on the new system."

Chairman Parks said, "Thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Ms. Gage, could you help me with a question? In the backup material I received, I don't know if you have that in front of you, at the end of the first paragraph, background information indicated that this agreement does not include any hardware or radio items and tangible items will be in a future, and it is kind of left up in the air. Can you kind of fill in..."

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Ms. Gage said, “A future agreement. We will be adding another amendment to this when we actually go through that process, because we have more than one vendor we can use to replace radios, and there are several options available to us. Sedgwick County is taking advantage of the re-banding agreement to enable people, at a much lesser cost or no cost, to be ready for the future when we need to go digital, so that will be coming later on.”

Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “I know this has been a long process, and I’m certainly glad to see that we are getting towards the, hopefully, towards the end where we can see light at the end of the tunnel.”

Ms. Gage said, “There is light at the end of the tunnel, and it’s about 18 months out.”

Chairman Parks said, “Okay. Seeing no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

H. KANSAS JUVENILE JUSTICE AUTHORITY (JJA) SFY10 CONTRACT WITH KANSAS CHILDREN’S SERVICE LEAGUE WHICH CONTINUES SERVICES CONTAINED IN THE JUVENILE JUSTICE STRATEGIC PLAN.

Ms. Chris Morales, Project Manager, Department of Corrections, greeted the Commissioners and said, "This past July the Commission approved seven prevention contracts, and they were to support the continuation of existing Juvenile Justice Authority funded services. Due to ongoing contract negotiations, there was one contract that I was unable to present to you at that time, so I am back today for your approval on the Juvenile Intake and Assessment Center Case Management Agreement with Kansas Children's Service League. This will allow Kansas Children's Service League to continue providing services to 120 youth that are admitted to Sedgwick County Juvenile Intake and Assessment Center a second time or more who are at high risk for future delinquency and currently have no case management services. The total amount of this contract is \$90,875. Team Justice, your Juvenile Corrections Advisory Board approved the funding for this program on August 7th, and we are asking that you also approve the contract and authorize the Chairman to sign.”

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Chairman Parks said, "Are there any questions? Commissioner Peterjohn."

Commissioner Peterjohn said, "Ms. Morales, can you tell me KCSL's status? Is it a 501(c)(3), (c)(4)...?"

Ms. Morales said, "501(c)(3)."

Commissioner Peterjohn said, "It is a (c)(3)?"

Ms. Morales said, "I believe so."

Commissioner Peterjohn said, "The reason I'm asking this is that KSCL had been active in closing tax reform. They've got two registered lobbyists, according to my records, at the State House [of Representatives], and they've been an advocate for increased government spending when I have seen them testify up in front of the legislature, and I was very interested in terms of this arrangement. I would like to ask a question for Mr. Euson. We have no provision in this agreement that would prevent any of this money from being used for lobbying, is that correct?"

Mr. Euson said, "That is correct. There is no such provision."

Commissioner Peterjohn said, "This is an area where I have a concern. The agreement, on its face, is fine, but if we're having an agreement with an organization that is lobbying, and I believe in many cases KCSL's position in opposition to improving the fiscal climate in this state, at a future point I think we may need to have some provisions in place to make sure money is fungible, and have some protection that an organization that is involved in lobbying, and that's why I am concerned about this, whether they are a (c)(4), they regularly lobby. I believe under very limited circumstances a (c)(3) may be able to lobby, but in most cases they can't and don't, and so that's why I was proceeded by that question and was very interested, in terms of where we are with this agreement. That's my concern for the record, Mr. Chairman."

Chairman Parks said, "And this funding source is?"

Ms. Morales said, "Kansas Juvenile Justice Authority."

Chairman Parks said, "So it is not Sedgwick County taxpayers' money that's coming out of this?"

Ms. Morales said, "It is state funding."

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Chairman Parks said, “State funding, okay. Does that assist you any with some of your decision on that?”

Commissioner Peterjohn said, “I appreciate the clarification for the record.”

Chairman Parks said, “Okay, thank you. What’s the will of the Board?”

MOTION

Commissioner Unruh 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 Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

I. AMEND THE 2009 CAPITAL IMPROVEMENT PROGRAM CIP TO INCLUDE R309 ROCK ROAD STORM SEWER AT MCCONNELL.

VISUAL PRESENTATION

Mr. Pete Giroux, Principal Analyst, Budget, greeted the Commissioners and said, "Commissioners, I have one CIP (Capital Improvement Plan) amendment request for your consideration this morning.

Public Works has requested that R-309, a 2010 storm sewer project you approved August 5th as part of the 2010 CIP be accelerated. The project addresses a roadside ditch issue on the east side of Rock Road adjacent to the McConnell Air Force Base housing area, and there is some conflict, or potential for conflict, with R-322, which is a project that has received funding under the American Revitalization and Recovery Act (ARRA).”

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Mr. Giroux continued, “You may recall that you approved a CIP amendment in April for R-322, it was subsequently recommended by the Wichita Area Metropolitan Planning Organization to KDOT (Kansas Department of Transportation), and then KDOT approved it for the ARRA funding. KDOT now indicates to us that they intend to bid that in October, which has moved up a little bit, and it should begin construction in spring of next year.

“Here are the two projects: R-322 is in green, and it extends from the Wichita city limits just south of Pawnee down to the Derby city limits, which are about a half mile north of 63rd Street South. You can see the R-309, which is opposite the McConnell gate, and extends down to the point of the pedestrian overpass that’s on the east side of the road. To avoid the potential for the work on R-309 to conflict with R-322, again, Public Works proposes that the storm sewer project be accelerated in this year’s CIP and it be accomplished first, and it would also avoid any potential damage to asphalt overlay in R-322.

“We do have some good news; the cost of the project has been reduced. The Public Works staff improved on the initial design concept, and were able to reduce it from a total of \$540,000 down to \$250,000, and of course we’ll reduce the 2010 CIP when it’s established next year. CIP Committee recommends approval of the R-309 this year. Do you have any questions any questions?”

Chairman Parks said, “Any questions? Commissioner Welshimer.”

Commissioner Welshimer said, “I think what we’re doing here, we’re moving this project up so that we don’t have to tear up a new road to do this project next year.”

Mr. Giroux said, “Exactly.”

Commissioner Welshimer said, “This is in my district, and I’m grateful for the savings we’ve achieved here, and I am going to support this.”

MOTION

Commissioner Welshimer moved to approve the amendment to the CIP.

Chairman Parks seconded the motion.

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

VOTE

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Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

J. APPROVAL OF A SUPPLEMENTAL AGREEMENT TO THE PROJECT AGREEMENT WITH KDOT FOR CONSTRUCTION OF A BRIDGE ON 143RD STREET EAST OVER THE KANSAS TURNPIKE. DISTRICT 1.

Mr. David Spears, Director of Public Works, greeted the Commissioners and said, "In September of 2008, you approved an agreement with KDOT that would allow the use of federal funds distributed through the Wichita Area Metropolitan Planning Organization, known as WAMPO, to construct a bridge on 143rd Street East over the Kansas Turnpike. At that time, the federal funding was split between the 2009 and 2010 federal fiscal years. Under the terms of the original agreement, Sedgwick County was required to forward the amount of the 2010 federal funding, which was \$1,000,000, to KDOT before construction could begin.

"The money was to be returned to Sedgwick County during federal fiscal year 2010. Due to funding issues with other municipalities within WAMPO, the 2010 funding has now been shifted back to 2009 by WAMPO. This will allow the return of our advanced payment to KDOT of \$1,000,000 to Sedgwick County earlier than expected. The proposed amendment modifies our agreement with KDOT to show all the federal funding in 2009, and allows return of our advance payment this year. We've been told that we could have the money within a month. The original payment was made from the sales tax fund, and the money will be returned to that fund, and we request that you approve the agreement, and authorize the Chairman to sign. "

Chairman Parks said, "What is the will of the Board?"

MOTION

Commissioner Welshimer moved to approve the supplemental agreement and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

Chairman Parks said, "Commissioner Unruh."

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Commissioner Unruh said, "David, that bridge is nearly completed, is it not?"

Mr. Spears said, "It will be completed by the end of this year."

Commissioner Unruh said, "Okay. Well the progress looks like it might even exceed that, because it is looking good, looks like a good project. The folks on the east side of the county, I think, are really appreciative of it."

Mr. Spears said, "The contractor does have working days clear to the end of the year, so I don't want to be too optimistic, but were hoping to get it finished ahead of time."

Commissioner Unruh said, "Okay, looks like a good project. That's all I have, Mr. Chair."

Chairman Parks said, "And there's no bonus for him to finish that up early?"

Mr. Spears said, "No, sir."

Chairman Parks said, "Okay."

Mr. Spears said, "We don't have that in our contracts."

Chairman Parks said, "Okay. Thank you. There's some, I guess, on the Board that might think that would be a good idea in future contracts. Seeing no further comments, call the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON AUGUST 20, 2009.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of August 20th results in five items for consideration today. Item one,

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1. CONSERVATION TREATMENT FOR SEDGWICK COUNTY SOLDIERS AND SAILORS CIVIL WAR MONUMENT – FACILITIES DEPARTMENT FUNDING – BUILDING MAINTENANCE

“Recommendation is to accept the proposal from Russell-Marti Conservation Services, Inc. and establish contract pricing for five years. Item two,

2. MEDICAL SURGE SYSTEM – HEALTH DEPARTMENT FUNDING – MMRS GRANT

“Recommendation is to accept the low complete proposal from Mid-Continent Safety in the amount of \$67,387.50. Item three,

3. LIEBERT BDS – 40 BATTERY MONITORING SYSTEM AND INSTALLATION – DIVISION OF INFORMATION AND OPERATIONS FUNDING – COMMUNICATION EQUIPMENT/COMMUNICATION EQUIPMENT WIRELESS

“Recommendation is to accept the low responsive bid from Ziegler Electric Service, Inc. in the amount of \$20,896. Item four,

4. CHASSIS’ for EMERGENCY MEDICAL SERVICES – FLEET MANAGEMENT FUNDING – FLEET MANAGEMENT

“Recommendation is to accept the low bid meeting specification from Rusty Eck Ford in the amount of \$90,379. Item five,

5. RETRACTABLE SPECTATOR NETTING for INTRUST BANK ARENA – FACILITIES DEPARTMENT FUNDING – ARENA SALES TAX

“Recommendation is to accept the bid from Athletica/Sport Systems Unlimited in the amount of \$87,166.80. I would recommend approval of these items and be happy to answer any questions.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Ms. Baker, on item five, for the spectator netting, I notice that that we only had one response on the bid. I was curious how that price projected with what we had

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initially expected to pay for that item. Do you have any idea how that bid came in?"

Ms. Baker said, "Yes. The price is within the budget that we had anticipated. When we released the bid, we actually got a response from Cascade Nets that indicated that he would not bid because he didn't want responsibility for installation, but he was kind enough to share what he would charge if he were to supply just the spectator netting, and that pricing was \$10,000 less than the bid that we are recommending, so by the time you include the installation it's very comparable."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "On item four, the backup shows we've cut Chevrolet clear out of that for various reasons, for logistics, I guess, on those ambulance bids..."

Ms. Baker said, "Correct."

Chairman Parks said, "...but the Luber's Ford appeared to be some \$1100 cheaper. Can you kind of allude to what happened there?"

Ms. Baker said, "Luber's had bid three products, three 450s that they have on the lot, they have existing today, and they did not meet specifications for radio and keyless entry, which fleet has indicated is an essential, if you will, for EMS (Emergency Medical Systems) folks, so they don't have to mess with keys and take away from response time."

Chairman Parks said, "Okay, thank you."

MOTION

Chairman Parks moved to approve the recommendations of the Board of Bids and Contracts.

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye

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Commissioner Welshimer Aye
Chairman Parks Aye

CONSENT AGENDA

L. CONSENT AGENDA.

- 1. Addendum Number One for the 2009 Group Medical Insurance Plans with Preferred Plus of Kansas (PPK), providers of a Health Maintenance Organization (HMO).**
- 2. Renewal contract with EAP Plus to provide employee counseling services to full-time, part-time, retired employees, and immediate family members of all such employees.**
- 3. First Amendment to Agreement for the lease between Keith Bomholt and COMCARE for grant increase for the four apartments for the transitional housing project.**
- 4. Contract between COMCARE and Keith Bomholt for apartments for the Housing and Urban Development (HUD) grant.**
- 5. Resolution Temporarily Suspending the Sedgwick County Zoological Society Inc.'s Cereal Malt Beverage License.**
- 6. Six (6) Temporary Construction Easements for the Sedgwick County road project R-626-34; paving of E. Calais Road. District 5.**
- 7. Order to correct tax roll for change of assessment on August 12, 2009.**
- 8. General Bill Check Register of August 12, 2009 – August 18, 2009.**

Mr. William Buchanan, County Manager, greeted the Commissioners and said, "Commissioners, you have the Consent Agenda before you and I would recommend you approve it."

MOTION

Chairman Parks moved to approve the Consent Agenda.

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Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

M. OTHER

Chairman Parks said, “Of course we’ve had a lot of discussions, had a lot of discussions in our meeting yesterday about the H1N1. I’ve had a hog producer in my district make sure that he wanted me to announce that there have been no pigs, with the swine flu pandemic going on, there’s been no infection of those, and so the last five days out of the last seven days, the last five days the hog markets really went down. Certainly there’s no correlation between that. That’s why we’re calling it the H1N1 now. Other comments, Commissioner Peterjohn.”

Commissioner Peterjohn said, “Well, I would just add, in terms of the subject of H1N1 virus, that it is important that we refer to it that way. I would hate to have any part of our agricultural community negatively impacted, and unfairly so since this is going to be a very difficult flu season, and we are looking at taking a variety of steps, and it is going to include, in all likelihood, three separate inoculations for most folks to be able to get the full immunization available, and I think it is very important that, particularly young people who often think that they are invulnerable, are going to be most susceptible, so I wanted to add those comments, and urge folks to try and cover up if they have to sneeze, and use hand sanitizers, and wash your hands at all opportunities.”

“On a much more pleasant note, my item that I would like to mention; everybody gets to go out to Cheney for the Sedgwick County Fair in July. Well, this weekend, beginning August 28th, Cheney will be celebrating their 125th anniversary with a variety of events out there, and I urge everyone who is looking for a good time this weekend that to keep their eye on Cheney and join if the fun. That’s all I have, Mr. Chairman.”

Chairman Parks said, “And if we had a proclamation next week we could probably read that.”

Commissioner Peterjohn said, “I think that would be a good idea.”

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

Commissioner Unruh said, "Thank you, Mr. Chair. Well, I just want to mention while we're talking about having a good time, reinforce what Kristi announced at the beginning, the Sedgwick County Zoo is having their annual fundraising party at the Zoo on September 12th, Zoobilee. It's always an enjoyable time. They have silent and live auctions out there, and all the proceeds from that support our great Zoo that we have in Sedgwick County, and I still have one ticket left for sale if anybody is interested. By the way, if you folks buy your tickets before September 1st, they are \$110 a piece. After that time, they are \$125, and I have one ticket left. That's all I have."

Chairman Parks said, "I'm sure that you can amass other tickets if you have more requests."

Commissioner Unruh said, "I can get more. Yes, sir. Thank you for reminding me. I can get more."

Chairman Parks said, "Okay. So what is that number? Is that the home phone number they want to use?"

Commissioner Unruh said, "People can find me."

N. ADJOURNMENT

Chairman Parks said, "Okay. Seeing no further action for this Board today, this meeting is adjourned."

There being no other business to come before the Board, the Meeting was adjourned at 10:38 a.m.

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

KELLY PARKS, Chairman
Fourth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

September 16, 2009