

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

### **REGULAR MEETING**

**August 31, 2005**

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 31, 2005 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Ben Sciortino; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Commissioner Lucy Burtnett; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Mariann Fountain, Clinical Manager, Comprehensive Community Care (COMCARE); Mr. Don Brace, County Clerk; Ms. Annette Graham, Director, Department on Aging; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. John Schlegel, Director, Metropolitan Area Planning Department (MAPD); Ms. Jo Templin, Director, Division of Human Resources; Mr. Dave Thompson, Executive Officer, Sheriff's Department; Mr. Dave Rush, Assistant Director, Kansas Coliseum; Mr. Randy Duncan, Director, Emergency Management; Ms. Jeannette Livingston, Contract Administrator, Division of Human Services; Ms. Monica Cissell, Program Manager, Department on Aging; Mr. Ted Jobst, Director, Integrated Family Health, Health Department; Mr. David Spears, Director, Bureau of Public Works; Mr. Jerry Phipps, Purchasing Agent, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Ms. Liz McGinness, Chair, Sedgwick County Suicide Prevention Task Force.  
Ms. Martha Sanchez, Member, Sedgwick County Mental Health Advisory Board.  
Mr. Mitch Mitchell, Member, Wichita/ Sedgwick County Metropolitan Area Planning Commission.  
Ms. Terry Cassidy, City Manager's Office.  
Mr. Chris Carrier, Director, City of Wichita Public Works.  
Mr. Terry Smythe, agent for applicant, Baughman Company, P.A.  
Mr. Ray Boese, 13414 W. 23<sup>rd</sup> Street N., Wichita, Ks.

### **INVOCATION**

The Invocation was led by Chairman Unruh.

### **FLAG SALUTE**

### **ROLL CALL**

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

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

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING SEPTEMBER 2005 AS "NATIONAL PREPAREDNESS MONTH."**

**Chairman Unruh** said, "Commissioners, I have a proclamation to read for your consideration."

**PROCLAMATION**

**WHEREAS**, the Department of Homeland Security, in partnership with other federal, state and local agencies, non-profits and public partners remind us that September is National Preparedness Month; and

**WHEREAS**, the goal of National Preparedness Month is to increase awareness about the importance of preparing for emergencies and it is the responsibility of every Sedgwick County resident to do so; and

**WHEREAS**, in preparing for the full spectrum of disasters, from natural to potential terrorist attacks, it is important for citizens to respond successfully and this remains a priority of Sedgwick County government; and

**WHEREAS**, there is a potential for disasters to occur anywhere, including Sedgwick County; and

**WHEREAS**, Sedgwick County places a high importance on providing professional and effective emergency response systems, as well as prepared citizens.

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim the month of September 2005 as

**'National Preparedness Month'**

in Sedgwick County and urge all residents to take the following steps: Make a plan with your

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family; Put together a disaster supply kit; and Be informed about what may happen in our community. Don't be afraid, be 'Ready to Respond!'

Commissioners, you've heard the proclamation. What is the will of the Board?"

**MOTION**

Commissioner Norton moved to adopt the proclamation 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 Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "And accepting the proclamation today is Mr. Randy Duncan, who is director of our emergency management system."

**Mr. Randy Duncan**, Director, Emergency Management, greeted the Commissioners and said, "I thank you all for your recognition of this important month, especially in light of current events involving Hurricane Katrina, which I'm having a difficult time saying, and our colleagues who are in need down in the gulf coast.

While we're talking about the issue of preparedness, I'd like to share with you all just a couple of things that Sedgwick County will be doing to mark this month and to help folks understand all about preparedness in September. First, we'd like to start off by reporting we have seven community emergency response teams volunteers who are taking training in what's called HazMat decontamination class today and tomorrow over at Wesley Medical Center.

On the 7<sup>th</sup>, several staff members, as well as several CERT volunteers and Medical Reserve Corps folks will be traveling up to Topeka to listen to Governor Sebelius mark another similar

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proclamation on behalf of the State of Kansas, regarding preparedness month. Also, we'll be hosting a special state class here in Wichita on the 10<sup>th</sup> and doing a special thing we call moulage. Now basically, that's the art of doing makeup for disasters, so we can simulate disaster victims.

A special thing that's going to be happening this month, on the 12<sup>th</sup> and 19<sup>th</sup>, KPTS Channel 8 is going to be airing a special television series called 'In the Balance'. They'll be discussing two scenarios, one a biological attack and one, a city under siege by a series of bombs and they have some very interesting panel members who will be participating. For example, on the bio-attack scenario panel, my personal acquaintance Jerry Howar, who is the former head of the mayor's office of emergency management in New York City will be participating and then the city under siege panel, Mr. Buchanan's counterpart Mr. Duncan from Montgomery County, Maryland will be participating. So I think that will be extremely interesting.

And then we will also have, on the 21<sup>st</sup>, a flood plain management open house sponsored by Sedgwick County Code Enforcement. Thank you for allowing me to share these events with you and if you have any additional questions, I'd be happy to respond."

**Chairman Unruh** said, "Okay, well thank you, Randy. We do have some commissioners who want to make a comment. I just want to express our appreciation for the way that you have managed this particular important function of county government and sometimes it's hard to get prepared for something that you hope never happens, but never the less, we appreciate what you do and I notice that you have some folks here from your Emergency Response Team here supporting you today, so appreciate you all's participation in this proclamation. Commissioner Norton would like to make a comment."

**Commissioner Norton** said, "Well certainly with what's happened in our nation along the Gulf coast, a proclamation like this seems to have even more importance. My comments are really not going to be so much about this proclamation, but that I thought that your prayer was very appropriate today, Chairman and I think our hearts go out to, as elected officials, you know one of things, we sit at the bench here, to go to chicken dinners, we do all the things of government that are kind of mundane and you really find out the metal of your elected officials when they go through something like this, so I'd like to just offer up our support for Mayor Nagins of New Orleans and Governor Blanco and Barber of Mississippi and Louisiana.

As you see their faces and what they're dealing with and trying to understand how they really serve their constituents right now, all the preparedness in the world I don't think prepares those individuals for the kind of tragedy and pain and disaster that has hit their communities and my heart

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goes out to them, because you look at 80% of New Orleans under water and you look at whole towns just gone. I can't even imagine what they're dealing with, and certainly preparedness is part of that, but I don't know if internally, mentally that you're ever prepared for seeing that kind of tragedy in your community. Just a comment about that."

**Chairman Unruh** said, "Thank you, Commissioner. Well, Randy I think that's all of our comments, but we appreciate the work you do in keeping us prepared."

**Mr. Duncan** said, "Thank you, Commissioners."

**Chairman Unruh** said, "Madam Clerk, call the next item please."

### **2. PROCLAMATION DECLARING SEPTEMBER 2005 AS "NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH."**

**Chairman Unruh** said, "Commissioners, I have a proclamation to read for your consideration."

#### **PROCLAMATION**

**WHEREAS**, substance use disorders are a serious and treatable health problem, and as many as 63 percent of Americans say that addiction to alcohol and other drugs has had an impact on them at some point in their lives, whether it was the addition of a friend or family member or another experience, such as their own personal addiction; and

**WHEREAS**, assessing our citizens' needs for addiction treatment and referring them to appropriate treatment- and their family members to support services- is a crucial first step in helping people realize that recovery is possible and treatment is effective; and

**WHEREAS**, recovery from substance use disorders is possible when people have the support and resources to get help at home, in the community, and in the workplace in order to overcome the stigma and discrimination that is associated with addiction; and

**WHEREAS**, community members seeking treatment deserve affordable individualized treatment programs; and

**WHEREAS**, celebrating individuals in recovery and their families, and saluting the health care providers who helped them obtain treatment, educated our community about the benefits of treatment and affirms that such providers deserve adequate compensation for their services.

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**NOW THEREFORE**, I, Dave Unruh, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim the month of September 2005 as

**‘National Alcohol and Drug Addiction Recovery Month’**

in Sedgwick County and call upon all citizens to promote the benefits of alcohol and drug treatment and recovery and to support community treatment programs.

Commissioners, you’ve heard the proclamation. What’s the will of the Board?”

**MOTION**

Commissioner Sciortino moved to adopt the proclamation and authorize the Chairman to sign.

Commissioner Burtnett seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And Mariann Fountain is here to receive the proclamation. Good morning.”

**Ms. Mariann Fountain**, Clinical Manager, Addiction Treatment Services Program, Comprehensive Community Care, greeted the Commissioners and said, “September is the 16<sup>th</sup> annual recovery month, and I am here again today to represent a community-wide group of substance abuse treatment and prevention providers who encourage you to join us in celebrating our

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successes, as more and more citizens of our community embark on the journey of recovery from alcohol and drug abuse. I'd like to recognize some of my supporters in the audience who are from Miracles, Incorporated, from SRS and from Paralax. Thank you for being here.

This year's theme is Join the Voices of Recovery. Through wives, families and communities, people's recovery from substance abuse disorders, their families, friends and communities can all benefit from the healing that occurs when an affected person begins the path of recovery, when individuals who are addicted participate in treatment, they report that they have significantly reduced their alcohol and other drug use, expands increases in employment and income, made improvements in their mental or physical health, decrease homelessness and reduced behaviors that put them at risk for HIV, AIDS and other diseases.

National efforts for this year's recovery month are focused and dedicated to three areas that communities continue to improve: assessing addiction problems and referring people to treatment and provide services they need, along with providing their families with support programs that can help them; helping individuals with substance abuse problems gaining access to treatment and on-going support services and third; promoting measures that make treatment more affordable and equitable and available.

In an effort to increase the community's knowledge about substance abuse treatment services in Wichita, every Thursday through the month of September, from 9:00 in the morning to 7:00 at night, COMCARE Addiction Treatment Services will provide, at no charge, confidential answers to questions that the community might have about substance abuse treatment or just issues in general and what they can do is call us at ATS and our number is 660-7550.

Thank you very much for this opportunity to celebrate recovery month with you all this September and thanks for the opportunity to be here. Thank you."

**Chairman Unruh** said, "Well, thank you and we do have some comments and I'd just like to say we appreciate your efforts and Sedgwick County's efforts in providing healing and recovery rehabilitation for folks that are afflicted with this problem, and that it's not the end, when you have this problem, but there is a way out and appreciate our help in doing that. There are . . . I have a comment from Commissioner Sciortino."

**Commissioner Sciortino** said, "Well, this is something that's very near and dear to my heart, personally. Alcoholism is the only disease that keeps telling the alcoholic he doesn't have or she doesn't have a disease. The treatment programs only work if the addicted person realizes they have a problem and want help. If they don't admit they have a problem, there's very little any treatment program can do, but a treatment program can be very effective in helping the individual help

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themselves out of this cesspool of denial.

I think it's excellent that we're able to recognize this. I forgot, somebody told me what percentage of the people that were visiting our adult detention center might have a problem with alcohol, but the percentage is pretty high. I think that the effort that we have to continue to work on is trying to get the person that has the problem to admit and to stop denying and sometimes that takes tough love and that takes an intervention that you're going to run the risk of losing a friend by being brave enough to show real, true love of that friend. Too many family members, friends, inadvertently enable the alcoholic by just denying that there's a problem. And it's like having a 5,000 pound gorilla in your living room and nobody notices it and you can't. You have to challenge that individual to get honest with themselves and I commend you on the work that you're doing, but I don't want to mislead the public. We have some tremendous programs, but just because we put somebody in the program, doesn't mean we go through the program, you're going to be over your problem. That's the word called 'recovering'.

You never recover from alcoholism, but you can continue in recovering, and it's like a pilot light on a stove, a pilot light on your furnace. If you're an alcoholic, that pilot light is always going to be lit, but if you've got the rheostat turned down so it's just the pilot light, I mean, that's fine, but boy you've got to keep that hand away from that rheostat to turn it this way, or it flares back up and it's a raging inferno.

You've got a lot of work ahead of you. I know you've made some successes. I know some of the failures are heart rendering, but there's nothing your people can do that will cause an alcoholic to drink. And there's really nothing you can do that will cause them not to drink. That has to be something that they make that decision on their own, but we can provide a lot of help and allow alcoholics to help themselves and regain society and be happy and serene and sometimes goofy. Thank you."

**Chairman Unruh** said, "Thank you, commissioner. Mariann, thank you for being here today. Madam Clerk, next item please."

### **3. PROCLAMATION DECLARING SEPTEMBER 4 – 10, 2005 AS "SUICIDE PREVENTION WEEK."**

**Chairman Unruh** said, "Commissioners, I have a proclamation to read for your consideration.



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**PROCLAMATION**

**WHEREAS**, suicide is now the eleventh leading cause of all deaths in the United States and the third leading cause of death among individuals between the ages of 15-24; and

**WHEREAS**, in the United States, one person completes suicide every 17 minutes; and

**WHEREAS**, suicide is now the ninth leading cause of death in Kansas; and

**WHEREAS**, one out of every seven Kansans who die from suicide is from Sedgwick County; and

**WHEREAS**, it is estimated that for every successful suicide there are ten attempts of suicide; and

**WHEREAS**, fifty-four percent of people who die by suicide use a firearm, and guns stored in the home are used for suicide forty times more often than for self protection; and

**WHEREAS**, it is estimated that four and a half million people in the United States are survivors of suicide; (those who have lost a loved one to suicide); and

**WHEREAS**, a great number of suicides are preventable; and

**WHEREAS**, Sedgwick County is dedicated to reducing the numbers of suicides in our community through education and awareness efforts lead by the Sedgwick County Suicide Prevention Task Force

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim September 4<sup>th</sup> through the 10<sup>th</sup>, 2005 as

**‘Suicide Prevention Week’**

in Sedgwick County and I encourage all citizens to make themselves aware of the warning signs and risk factors associated with suicide and make suicide prevention a community effort.

Commissioners, you’ve heard the proclamation. What’s the will of the Board?”

**MOTION**

Commissioner Burtnett moved to adopt the proclamation and authorize the Chairman to sign.

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Commissioner Sciortino seconded the motion.

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

### VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And here receiving the proclamation is Liz McGinness. Welcome to the commission meeting, Liz.”

**Ms. Liz McGinness**, Chair, Sedgwick County Suicide Prevention Task Force, greeted the Commissioners and said, “I’d like to talk to you today about . . . first of all, thank you for the proclamation and accepting that. We would like to share with you, and the community at large, the event that will be coming up on September the 9<sup>th</sup>, which is National Suicide Prevention Day. That coincides with Suicide Prevention Week, which is the 4<sup>th</sup> through the 10<sup>th</sup>.

On September the 9<sup>th</sup>, we are going to be distributing 30,000 of these bookmarks and I think everyone in the room has one. These bookmarks are designed to help the public understand some of the symptoms of depression and suicide and also know where to get help. We are going to be at Quik Trips, Dillons and Walgreens throughout the community on that day. Quik Trip has sort of bent their corporate rules by allowing us to do this. This is something that is really an honor for us to be able to be in the Quik Trip stores. We’re going to be in stores that are targeted, according to 14 zip codes, where we have over the past four years seen a number of suicides occur.

So we’re going to be at Quik Trips, Walgreens pharmacies and Dillons pharmacies with these bookmarks. We will be in two shifts, early morning and also over the lunch hour at the Quik Trips to be able to hand these out to customers as they leave the store. Again, thank you to Quik Trip and Walgreens and Dillons for their participation with this.

And we will also be distributing these with the Meals on Wheels food services that go out that day, and also at local senior centers. We will also be distributing these to every student and faculty staff

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member in the Wichita public schools. So we're very excited about the opportunity to get this information out. I would like to thank the Sedgwick County Suicide Prevention Task Force volunteers that are here today. This is a huge effort and it is a great honor to have these people working for us and helping us get this awareness effort underway.

One of the things that I think is just so important in this effort is that we continue to break down the stigma that surrounds depression, suicide and mental illness. People are in the shadows because they are afraid to talk about this and it's very important to know that it is okay to talk about depression and suicide. You're not going to cause someone to commit suicide because you've talked with them about it. And that's an important thing to know and remember, because when someone is hurting, sometimes the best thing you can say is, I see that you're in pain, is there something I can do to help? Are you thinking of hurting yourself? By initiating and engaging in that conversation, you may actually save a life.

Lastly, please remember that talking about suicide does not cause someone to do it. Please get more information about suicide and our local suicide prevention efforts at our website, which is [www.sedgwickcounty.org](http://www.sedgwickcounty.org) or call our hotline, which is available 24 hours a day, every day of the year, and that is 316-660-7500, if you or someone you know may be in this kind of despair, please ask for help. Thank you."

**Chairman Unruh** said, "Okay, well thank you Liz, appreciate your presence here and your leadership in the Suicide Prevention Task Force. Thank you very much and I would just say that this little bookmark is, I think, very helpful. I mean, it allows us to be a little more sensitive to some of the warning signs and then gives some advice on how we might help those folks and the comment you made about talking about it doesn't stimulate that impulse, but it is helpful, so appreciate that and just thank you for being here today.

Madam Clerk, call the next item."

#### **4. PROCLAMATION DECLARING SEPTEMBER 3-5, 2005 AS "BLACK ARTS FESTIVAL WEEKEND."**

**Chairman Unruh** said, "Commissioners, I have a proclamation for your consideration.

### **PROCLAMATION**

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**WHEREAS**, this year our community will celebrate the 37<sup>th</sup> Annual Black Arts Festival; and

**WHEREAS**, the Black Arts Festival will be held on Labor Day weekend at McAdams Park and will feature a number of events including a basketball tournament for girls, children's village, and a senior citizen luncheon as well as a number of vendor and food booths; and

**WHEREAS**, the goal of the festival continues to be to improve the communities race relations, cultural awareness and business involvement; and

**WHEREAS**, the entire community is invited to attend the festival September 3-5 from 11 a.m. to 9 p.m. at McAdams Park, 16<sup>th</sup> and Ohio.

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim September 3-5, 2005 as

**'BLACK ARTS FESTIVAL WEEKEND'**

in Sedgwick County and encourage all employees and citizens to take part in the festival.

Commissioners, you've heard the proclamation. What's the will of the Board?"

**MOTION**

Commissioner Burtnett moved to adopt the proclamation 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 Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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**Chairman Unruh** said, "And I see that accepting the proclamation, on behalf of the Black Arts Festival, is Commissioner Burtnett."

**Commissioner Burtnett** said, "Yes, and I want to thank you for this today and encourage everyone to go out there. There's going to be a lot of fun activities at this festival. Reading through the brochure, one of the really fun ones I think would be the human wheelbarrow race. There's also, for those that are a little more athletic, there's a run and a walk on Saturday at 9 a.m. and you can register the day of the walk, or you can register beforehand also, at either First Gear in Old Town, Fitness 2000 on South Oliver or the Kansas African American Museum right here on Water Street. So I encourage everyone to get out this weekend and attend any of the events that they can."

**Chairman Unruh** said, "All right, thank you. I suppose that if we attend, that we can just observe the human wheelbarrow race. We don't have to participate."

**Commissioner Burtnett** said, "Well I believe that if two or more commissioners are there, we have to do it together."

**Chairman Unruh** said, "That's a warning, I think. All right, we do have another comment. Commissioner Sciortino."

**Commissioner Sciortino** said, "Where is the food?"

**Commissioner Burtnett** said, "There is food."

**Commissioner Sciortino** said, "Well, I don't see . . . it says African Marketplace . . . I mean, will there be vendors selling soul food, I hope?"

**Commissioner Burtnett** said, "Yeah, there will be vendors with food."

**Commissioner Sciortino** said, "Soul food, I hope."

**Commissioner Burtnett** said, "Well, I'm sure . . ."

**Commissioner Sciortino** said, "Because I can suck a neck bone shiny, if you give me a chance. All right, well, we're going to give it a shot and see what's going . . . I have to wear my six-gun at Cowtown and take off the guns, because I know you can't . . . and then . . . Okay, I'll try to be there."

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**Commissioner Burtnett** said, "Okay."

**Commissioner Sciortino** said, "I got my button."

**Commissioner Burtnett** said, "All right. Me too."

**Chairman Unruh** said, "Okay. Is there anything else? All right, thank you. Madam Clerk, call the next item."

**APPOINTMENTS**

**B. APPOINTMENTS.**

**1. RESIGNATION OF BILLIE LIVELY FROM THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.**

**Mr. Rich Euson, County Counselor**, greeted the Commissioners and said, "This resignation has been tendered to you and at this time, I would ask that you accept it."

**MOTION**

Commissioner Norton moved to accept the resignation.

Commissioner Sciortino seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye

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Chairman Unruh

Aye

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

2. **RESOLUTION APPOINTING MARTHA SANCHEZ (COMMISSIONER BURTNETT'S APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.**

**Mr. Euson** said, "Commissioners, we've prepared this resolution of appointment for a vacancy just created this term. It will expire in April of 2007 and I recommend you adopt the resolution."

**MOTION**

Commissioner Burtnett moved to adopt the resolution and authorize the Chairman to sign.

Commissioner Sciortino seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "And Ms. Sanchez is here and County Clerk Don Brace will administer the oath of the office."

**Mr. Don Brace**, County Clerk, greeted the Commissioners and said, "Please raise your right hand.

*I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Mental Health Advisory Board, so help me God."*

**Ms. Martha Sanchez**, Member, Sedgwick County Mental Health Advisory Board, said, "I do."

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**Mr. Brace** said, "Congratulations."

**Chairman Unruh** said, "Would you like to speak?"

**Ms. Sanchez** said, "Good morning, commissioners, and I would like to thank Commissioner Burtnett for appointing me and I'm looking forward to serve on this board."

**Chairman Unruh** said, "Okay, well we have a comment from Commissioner Burtnett."

**Commissioner Burtnett** said, "Well, and I just wanted to thank Martha for accepting the position. We met shortly after I took office and she was kind enough to say that she would fill this position. I really appreciate you doing this. Thank you for your time."

**Chairman Unruh** said, "Well, we appreciate your willingness to serve, along with the others who serve in similar positions. Thank you very much."

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

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

### **3. RESOLUTION REAPPOINTING JEAN SCHODORF (AT-LARGE APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.**

**Mr. Euson** said, "Commissioners, at-large appointees to this board serve a term of two years and we've prepared a resolution to that effect and I would ask that you adopt the resolution."

**Chairman Unruh** said, "Thank you. Commissioners, what's the will of the Board?"

### **MOTION**

Commissioner Winters moved to adopt the proclamation and authorize the Chairman to sign.

Commissioner Burtnett seconded the motion.



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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And Senator Schodorf is not present today. I would just like to comment for the record though we’re very appreciative of her willingness to serve and she is an important link with Sedgwick County government, to the state legislature, so we appreciate it. Madam Clerk, call the next item.”

**4. RESOLUTION APPOINTING MITCH MITCHELL (COMMISSIONER BURTNETT’S APPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION.**

**Mr. Euson** said, “Commissioners, we have prepared a resolution of appointment for Mitch Mitchell to the MAPC and this is a four-year term and I recommend that you adopt the resolution at this time.”

**MOTION**

Commissioner Burtnett moved to adopt the proclamation and authorize the Chairman to sign.

Commissioner Sciortino seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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**Chairman Unruh** said, “And Mr. Mitchell is here this morning and Clerk Don Brace will administer the oath.”

**Mr. Brace** said, “Seems like they know you, Mitch. Please raise your right hand.

*I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Wichita/ Sedgwick County Metropolitan Area Planning Commission, so help me God.”*

**Mr. Mitch Mitchell**, Member, Wichita/ Sedgwick County Metropolitan Area Planning Commission, said, “I do.”

**Mr. Brace** said, “Congratulations.”

**Mr. Mitchell** said, “I want to thank Commissioner Burtnett for the appointment and to you gentlemen for your affirmation of her mistake. I will serve with honor and it’s been many years that I’ve looked forward to an opportunity to serve the county in this position and I want to thank you all.”

**Chairman Unruh** said, “All right, well thank you. But we do have a comment from a commissioner. Commissioner Burtnett.”

**Commissioner Burtnett** said, “Well of course I can’t just let you walk away without some sort of comment. I do appreciate you taking this position. I know that you’ve been very helpful to me, teaching me a lot of the things about the Metropolitan Area Planning Commission and I appreciate all the help you’ve been giving me over the past year learning about it, so thank you very much.”

**Mr. Mitchell** said, “You’re most welcome.”

**Chairman Unruh** said, “Well Mitch, I’d just like to say we’re all aware in your involvement in governmental issues and zoning issues and these sort of things throughout the county for many, many years and appreciate your willingness to continue to serve and you might do something just outstanding and change your nickname from ‘Big Ditch Mitch’ to something else.”

**Mr. Mitchell** said, “I knew I couldn’t get through this without that.”

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**Chairman Unruh** said, "That's right. I wasn't going to let that happen."

**Mr. Mitchell** said, "Thank you all."

**Chairman Unruh** said, "Thank you. We do have another comment from Commissioner Sciortino."

**Commissioner Sciortino** said, "Well I just want to tell the public, I've known Mitch for a while and yeah, Big Ditch Mitch, the guy has been around since the state was first made a state. I think he was here when it was just a territory, but this individual is the one chiefly responsible for the Big Ditch, to eliminate all the flooding. And back in the '50s, whenever that was put to bid or whatever, most of us weren't alive then but . . ."

**Mr. Mitchell** said, "Early '50s."

**Commissioner Sciortino** said, "Yeah, I was here, okay. That was a very, very controversial issue and it took a lot of courage for elected officials and individuals to push that through, because public opinion was totally against it. Everybody thought that it was just a waste of money and time and effort. But this individual persevered, went forward, believed in it and today we're reaping the benefits. Whenever there is a heavy, heavy rain we know that, through this man's efforts, we're still going to be safe and sound, so I congratulate you and thank you for not kowtowing to a lot of pressure."

**Mr. Mitchell** said, "Well, I thank you and it's an opportunity to be a part of something that's been that successful. That is rare, and again thank you."

**Chairman Unruh** said, "Madam Clerk, call the next item please."

### **AWARD**

#### **DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING**

- C. PRESENTATION OF THE 2005 ACHIEVEMENT IN AGING AWARD GIVEN BY THE NATIONAL ASSOCIATION OF AREA AGENCIES ON AGING AND GUARDIAN MEDICAL MONITORING IN RECOGNITION OF CENTRAL**

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**PLAINS AREA AGENCY ON AGING'S PRESCRIPTION DRUG RESOURCE FAIR.**

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, "On July 12<sup>th</sup> of this year, at the national conference for the National Association of Area Agencies on Aging, the Central Plains Area Agency on Aging was awarded one of 24 awards for achievement in aging awards. These awards were designed by the National Association to recognize and celebrate innovative programs in the field of aging that assist many older adults throughout the United States.

This award was presented by the NAAAA in association with the Guardian . . . National Guardian Medical Monitoring group. This is one of 24 awards that were handed out. There are 655 Area Agencies on Aging, and 237 Title VI organizations throughout the United States and only 25 awards were nominated and received the awards.

This is for our prescription drug resource fair. We have put this on for three years and what it is is an opportunity to provide information and education to older adults throughout the tri-county area about prescription drug issues. Several years ago, we did a study and found out that that was one of the highest rated problems that our older adults were facing was the high cost of prescription drugs. So through our agency, in collaboration with the Community Service Advisory Board, started putting this resource fair on and it brings together the community resources, professionals from CMS, Centers for Medicare Services, Social Security Administration SRS, and a variety of organizations and programs throughout our area to provide resources and assistance with this important issue.

We will once again be putting this resource fair on on December 6<sup>th</sup> at the Extension Office. We will have lots of information out and this will be an importantly critical year for this information resource fair, because of the Medicare Modernization Act, Medicare Part D service that will . . . seniors and adults on Medicare will be able to make application for this new resource that will help with prescription drugs, effective November 15<sup>th</sup>. The application process opens and ends May 15<sup>th</sup> so we will once again be bringing together all these resources for our community to become aware and educated and to help them to sign up for this program.

So I wanted to bring this award today and recognize our agency staff and the community service people who helped in putting this important event on."

**Chairman Unruh** said, "Okay. Well, thank you Annette and I would just make the comment that this is a testimony to the effectiveness of our Aging Department and the Central Plains Area Agency on Aging and able to provide these services to our aging population, number one, but the fact that we've been recognized as one of 25 out of over 600, you just said, that shows you're doing good work, so congratulations.

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But I would also say that the whole area of prescription drugs is confusing and you don't just have to be in the aging population to get confused, because . . . well, I guess I am in that category now, so anyway, it's easy to get confused. Appreciate your help."

**Commissioner Sciortino** said, "Welcome aboard, buddy."

**Chairman Unruh** said, "Helping folks through that, and congratulations and commissioners, what's the will of the board?"

**MOTION**

Commissioner Burtnett moved to accept the award.

Commissioner Sciortino seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

**D. PUBLIC HEARINGS REGARDING WHETHER THE CITY OF WICHITA HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLANS PREPARED FOR ANNEXATIONS.**

**1. ANNEXATION NO. 00-01, KELLOGG AND 143<sup>RD</sup> STREET EAST.**

**POWERPOINT PRESENTATION**

**Mr. Robert W. Parnacott**, Assistant County Counselor, greeted the Commissioners and said, "Let

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me get you a map up on the screen. This is one of our post annexation hearings. It deals with an annexation that occurred five years ago. This is phase one and phase two of an annexation of the general area of 143<sup>rd</sup> to 159<sup>th</sup> from Central all the way down to Harry.

The purpose of this hearing is to determine if the city provided the services they said they would provide in the service plan they prepared for this annexation. That service plan schedule of services is set out on page 53 of your backup.

We are required, by this statute, and we did provide notice to the landowners involved and to the city. We received a few phone calls, as we typically do. Frankly, none of them really addressed the relevant issue of whether or not the city provided services. There were more complaints, generally, about roads actually and some of the roads in the area are still ours so they turned out to be matters that I forwarded to our Public Works Department and they responded back to them, but there were no phone calls that I received that indicated any concern about the level of services being provided by the City of Wichita.

The one thing I would point out, the city has also prepared a report for you that sets out their response to all the services they said they were going to provide and how they've been providing them. They did note that originally they had some plans to do water mains at Grand Mere to Harry, to have those done by 2004. Those have now been pushed back to the 2006-2007 timeframe. That's not that big of a problem, I think, for the purpose of this hearing. The service schedule is a plan. It's not a straightjacket and I think the city has to have the opportunity to adjust those plans and make those preparations as they feel appropriate.

So, with having said all that, I guess I should point out that right now we're dealing with this first hearing, which is phase one, which is the darker hatched area, which is . . . I'm kind of moving my cursor around the screen, as I don't know if I have any other way to kind of describe it, but that's the first phase that we'll talk about."

**Commissioner Sciortino** said, "Where is Kellogg on that?"

**Mr. Parnacott** said, "Kellogg is right in the middle of the map. There's Kellogg and then of course on the right is the county line, 159<sup>th</sup>, 143<sup>rd</sup> is in there. So I hope that's helped you get acclimated to what we're talking about and at this point, I would recommend that you open the public hearing, receive any testimony from the city or from any landowners that are present, and then close the public hearing and make the appropriate finding."

**Chairman Unruh** said, "Okay, thank you Bob. Commissioners, are there any questions or Mr. Parnacott before we open the public hearing? Seeing none, I will at this time open the public hearing and ask if there are any citizens or landowners who would like to speak to this annexation

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issue? I don't see anyone moving, so I will ask Terry Cassidy to speak on behalf of the city, and Terry I notice once again you've brought several city staff. We appreciate you all being here, being prepared and pay attention to what's going on."

**Ms. Terry Cassidy**, City of Wichita Manager's Office, greeted the Commissioners and said, "Yes, I always bring with me the department directors from the departments that provide direct services to Sedgwick County citizens. I feel like it's always important that we're prepared to answer whatever questions you may have about these various annexations.

We do feel that we're in compliance with the requirements of the service plan and would be happy to respond to any questions, any comments and we are hopefully that you will find in our favor this morning. Thank you."

**Chairman Unruh** said, "Okay. We do have a question. Commissioner Burnett."

**Commissioner Burnett** said, "On the water mains that he just was referring to that have been moved from 2004 to 2006-2007, what about the 143<sup>rd</sup> Street/ Central that was due for 2005? Is that being pushed back also, or has that already been done or still schedule to be done in 2005?"

**Ms. Cassidy** said, "The 143<sup>rd</sup> Street street project?"

**Commissioner Burnett** said, "Central to 3,720 feet south."

**Ms. Cassidy** said, "I'm going to ask Chris Carrier to respond to that question and give you an update on that."

**Mr. Chris Carrier**, Director, City of Wichita Public Works Department, said, "I would have to look into our Capital Improvement Program to see where that's scheduled. We just adopted the new CIP. I didn't bring that with me, commissioner, but it's still in the program, I can assure, and I think part of it has been done but there's still part of it left to be done and we will be doing that in the near future."

**Commissioner Burnett** said, "Okay. I just figured if you were pushing back a 2004 project, you obviously would be pushing back the 2005 also. Okay."

**Mr. Carrier** said, "This year? Okay, Dave Warren says it's scheduled for this year."

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**Commissioner Burtnett** said, “Okay, all right thank you. That’s all I had.”

**Chairman Unruh** said, “Okay. Commissioners, any other questions? Okay, seeing none, I will close the public hearing and restrict comments to the bench. Commissioners, what’s the will of the board?”

**MOTION**

Commissioner Winters moved that the City of Wichita has extended services as provided for in the service plan.

Commissioner Burtnett seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Next item please.”

**2. ANNEXATION NO. 00-08, KELLOGG AND 143<sup>RD</sup> STREET EAST.**

**POWERPOINT PRESENTATION**

**Mr. Parnacott** said, “Commissioners, this is phase two of the same, general annexation area. Here we’re dealing with an area that’s farther to the south, kind of a lighter shaded area, in the neighborhood of Harry and 143<sup>rd</sup>. I don’t really have anything else to add that I haven’t already said for the previous hearing, so I’ll just incorporate my remarks by reference there and again recommend that you open the public hearing and receive any comment or any testimony and close the hearing and make your findings.”



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**Chairman Unruh** said, "Thank you. Are there any comments on this annexation directly to Mr. Parnacott?"

**Commissioner Sciortino** said, "I do. I'm confused on it too. Could you show on the map what areas this does include? Is it the dark areas south of Kellogg or where are they?"

**Mr. Parnacott** said, "It's farther south. It's down here closer to Harry. This looks like Harry right here. Can you see where I'm moving my cursor? And on this diagonal stretch of kind of lightly shaded area. I can't, unfortunately on this computer screen, I can't read the addition names, but it's running from the lower right hand corner of the map, on kind of a diagonal toward the upper left hand corner. It's a smaller area involved."

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

**Chairman Unruh** said, "Are you located, Commissioner?"

**Commissioner Sciortino** said, "I'm okay on that one. I'm still . . . now, where's the first one? What map is . . . what page is the map on?"

**Mr. Parnacott** said, "Well, they're both set out on the same map. There's a map titled proposed annexation area that is on page . . . unfortunately, I don't have the backup with me."

**Commissioner Sciortino** said, "What I'm trying to figure out is which one is my neighborhood? Is it number one or number two?"

**Commissioner Winters** said, "One."

**Commissioner Sciortino** said, "Okay."

**Commissioner Burtnett** said, "Page 51, I think, has a better map."

**Commissioner Sciortino** said, "Okay, that's fine. I think I can find it. Okay, I got it."

**Chairman Unruh** said, "Okay, we are now located. Are there any other questions or Mr. Parnacott? Seeing none, I will open the public hearing and ask if there are any citizens who want to speak now to this portion of the annexation area? Seeing none, Terry, would you like to speak on behalf of the city?"

**Ms. Cassidy** said, "Thank you, Chairman Unruh. Again, the city believes to be in compliance with

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the requirements. We would be happy to respond to questions or comments that you might have regarding this second phase of this annexation.”

**Chairman Unruh** said, “All right, thank you. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Not a comment of the presenter, but Mr. Euson, do you concur with the city’s assumptions that they are in compliance with what they promised?”

**Mr. Euson** said, “Based on the information that we have, I don’t have any reason to believe otherwise.”

**Commissioner Sciortino** said, “Okay, thank you. That’s all I had.”

**Chairman Unruh** said, “All right. Any other comment or question? Seeing none, I will close the public hearing and ask commissioners if there are any other comments or question. Seeing none, what’s the will of the Board?”

**MOTION**

Commissioner Sciortino moved that the City of Wichita has extended services as provided for in the service plan.

Commissioner Winters seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you, Bob and thank you Terry and representatives from the city for being here. Clerk, call the next item.”

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### PLANNING DEPARTMENT

- E. **CASE NUMBER ZON2005-00030 – ZONE CHANGE FROM “SF-20” SINGLE-FAMILY RESIDENTIAL TO “GO” GENERAL OFFICE, GENERALLY LOCATED SOUTH OF 21<sup>ST</sup> STREET NORTH AND 860 FEET EAST OF 135<sup>TH</sup> STREET WEST. DISTRICT #3.**

### POWERPOINT PRESENTATION

**Mr. John Schlegel**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “The item before you today is a request by the applicant to rezone the property to General Office. The site is 13.7 acres, an unplatted site, out on 21<sup>st</sup> Street North, near 135<sup>th</sup> Street West. Their stated intention is to develop the property for offices and a medical complex.

Most of the application area, about two-thirds of it has a Conditional Use approved for it for private, outdoor recreation, and the remainder of this site, which is on the western and northern edge of that site is used currently as a farmstead.

Going to the aerial photo, you can see on the eastern edge of the property the Cowskin Creek running north and south and the FEMA maps for this area indicate that a portion of the site is within the 100-year flood plan of the Cowskin Creek.

You can also see on the aerial photo that north of the application area, across 21<sup>st</sup> Street, the land is used for agricultural purpose, a church site and includes a property that you recently rezoned for a Neighborhood Retail zoning, with a protective overlay restricting uses for that property to neighborhood office district uses and a photography studio. You may recall that application.

The property immediately to the east, south and west is all owned by the applicant and is under either agricultural use or is used for outdoor recreation purposes. Going a little further off the applicant’s property to the east, you will find SF-5 zoned property within the City of Wichita and I think that shows up better on the graphic in front of you now, which is developed with single-family residences.

Further west of the site is 135<sup>th</sup> Street West, with SF-20 single-family development, some LC zoning at the southeast corner of that intersection, with Wichita water and sewer pump station located there, as well as some vacant commercial land. And then on the northwest corner of that intersection, you’ll recall that was the site of the recent YMCA rezoning application.

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So at the MAPC meeting, on July 28<sup>th</sup>, there was one neighboring property owner that appeared to ask some questions about the development and the proposed land uses and as a result of that neighbor speaking, the applicant offered up some restrictions on uses of the property, using a protective overlay to restrict the property to the ten uses that are listed out in you backup report. So there would be several residential uses that would be allowed, some institutional uses, daycare and basically allowing it for general office and medical purposes.

There is a valid protest . . . there are valid protest petitions from 22 surrounding properties, representing over 20% of the notification area, so an approval following the recommendation of the MAPC today and approving this would require that you have four affirmative votes. Again, the recommendation of the MAPC is to approve this zone change, subject to platting within one year and the provisions of the protective overlay, which restrict the uses to the ten that are listed in you backup report and with that, I'll be glad to take any questions."

**Chairman Unruh** said, "All right, thank you John. The substance of the protest, can you characterize that in any way."

**Mr. Schlegel** said, "Well, the only one that we have any type of documentation on is the one property owner that appeared at the MAPC meeting. His concern is about the range of different uses that might be allowed by the GO and the applicant has tried to mitigate that particular concern by the volunteering to restrict their use to the ten uses that would be in the protective overlay."

**Chairman Unruh** said, "Okay. And there has been some conversation with the applicant and the protestor."

**Mr. Schlegel** said, "I do not know the extent of conversation between the applicant and this protestor, although there is a representative of the applicant here today and you may want to ask that person."

**Chairman Unruh** said, "Well, it's not a public hearing, but we'll be glad to hear from the applicant on this application if he would like to speak."

**Mr. Terry Smythe**, agent for applicant, Baughman Company P.A., greeted the Commissioners and said, "I'm here on behalf of the owner of the property, as well as the contract purchaser, who is also here if you have any questions. I took a little bit of offense to it when they said something about my case was up and everybody moved away from me in the audience. I hope that's not any evidence of what's going to happen.

We're currently requesting general office district on this site. I purposely rezoned approximately 13 acres so we could adequately get into the flood plain area, so we could adequately detail all the

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information we need to make good decisions in this area. We probably have maybe 7 to 8 acres usable that's out of the floodway, but again we purposely requested zoning there so we could gather that information during the platting process, so we could get very detailed information to make those decisions on how we handle our own drainage.

John did an excellent job, stole some of my thunder, but I need to kind of just repeat a little bit. At planning commission meeting, we were there, we had plenty of department staff support on this case. I met with one individual before the meeting and during the meeting and sat down with the contract-purchasers of the property and based on that one individual's concerns about uses, we eliminated all but ten uses and this is the most restrictive protective overlay I've ever done, personally.

And I thought, at that point in time, he was satisfied that we got rid of some of the uses that may be of some concern to him out there. None the less, he protested and apparently got a lot of his other neighbors to protest as well. Nobody else at the planning commission showed up but him, so I guess if you have some concerns about why the people protested, he may be able to give the answer and I think he is in the audience as well.

Drainage is always a concern out here along the Cowskin Creek, as you all well know, and during the platting process, all the detailed drainage information that you all want to hear will be done, because during the platting process I acquired all the topography, all the necessary FEMA maps, if there's any conflict with any FEMA maps, we put them all together, and then we sit down with both . . . in this case we're working with both the county engineering department as well as the city engineering department to come up with a consensus as to if there's any issues out here for drainage at all.

We are currently starting to work on that just to try to get you some better ideas, but the detailed information and the plat that you will get, if this is approved, will have that information for you in about two months, maybe three months. That's when we really discuss the detailed issues, if there are any, along the Cowskin Creek. What I'm doing here today is really asking you to approve the rezoning request, with the protective overlay. Are these remaining ten uses compatible with the zoning districts that you have approved out here in the past. And again, it's along the heavily traveled 21<sup>st</sup> Street corridor, which is changing very rapidly.

So the question really today is are these ten uses compatible to what's out there, and if they are, you will make this, and so is John, this request subject to platting the property. I can't really go too much further in the platting process until I get approval to rezone the property. If I can't adequately address the drainage issues that may come up, I don't get the zoning. It's as simple as that. There's

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no way around it. So we will continue to work with the county's engineering department, as well as the city's engineering department to come up with a solution, if there is a problem. You know, I think there are concerns. I'm not sure if there are problems yet. Our job is to avoid the problems.

And I notice that M.S. Mitchell is in the audience, and as you all well know, he is probably the most knowledgeable person in this county, as it relates to drainage issues, and we'll be glad to work with Mitch to get his information on this basin to see what we need to do for drainage.

Two of the cases that have been approved, the one to the north of this property, subject to platting, which identifies again the drainage issues and then in the YMCA case to the west, which was approved subject to platting, it's platted, it's being constructed today, so if there are issues, they can be solved in this area.

We have both planning commission approval, which is 11 to 1 vote and planning staff approval. I think we have modified our request to satisfy any individuals in the area, in terms of the uses that are out there. Hopefully, you will give me the ability to proceed on with the plat by approving this zone change request today."

**Chairman Unruh** said, "All right, thank you. Comments? Commissioner Winters has a comment."

**Commissioner Winters** said, "Mr. Smythe, you made the comment that the total application is for a little over 13 acres, he made the comment that there's seven or eight usable acres. Will you expand on that a moment. What do you mean by that?"

**Mr. Smythe** said, "If you have the same map on your screens as I do, if you look at the little arrow that points into the property, from 21<sup>st</sup> Street, approximately from that line to the east is floodway is Cowskin Creek."

**Commissioner Winters** said, "And your intensions with the floodway are . . .?"

**Mr. Smythe** said, "We cannot put structures in the floodway whatsoever."

**Commissioner Winters** said, "So when you say there are seven or eight usable acres, you're talking about the westwardly most part of this piece of property."

**Mr. Smythe** said, "That is correct."

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**Commissioner Sciortino** said, "Is that your northwestern little square up there on the northwest corner. Is that what he's referring to?"

**Mr. Smythe** said, "No. There's a smaller line just to the east of that little square. It's got a little arrow in the middle of it."

**Commissioner Sciortino** said, "The substance in red?"

**Commissioner Winters** said, "No, that's the wrong property."

**Commissioner Sciortino** said, "Could you go back to that map that you just clicked past. West of that little arrow means what? I mean, . . ."

**Mr. Smythe** said, "Over this floodway it's apparent that I can't touch . . ."

**Commissioner Sciortino** said, "Well, stay up here on the map. To just kind of draw what area you're going to develop. Okay, and how far south? Okay, all right."

**Commissioner Winters** said, "And all of that westwardly property is considerably higher than the east part of the property."

**Mr. Smythe** said, "Correct, correct."

**Commissioner Winters** said, "Okay. That's the only question I have now. I may have one later, but that's it for now."

**Mr. Smythe** said, "If you've ever been out to the Eberly Farms, and have been down to the first structure with the swimming pool, that is the extent of the north/ south development area."

**Chairman Unruh** said, "Okay. Well thank you Terry. I don't see any other questions right now. Ben noted that the individual representing some of the protests was here in the room. Sir, would you want to make a comment? I mean, it's perhaps a little bit out of the ordinary, but we want to give you the opportunity to speak. If you just would please state your name."

**Mr. Ray Boese**, 13414 W. 23<sup>rd</sup> Street N., Wichita, greeted the Commissioners and said, "I due north of this property that they are zoning. This is the first time that I have heard anything about the flooding plan. When the Y went in, this was a concern to Sam Eberly of flooding. All of the sudden, at the Metropolitan, they said the people that are trying to zone this said that it was all taken

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care of. They've got a way, they've got a method of getting rid of the flooding but they haven't proposed it, they have said what their intentions were, and I think they're asking you to vote blind, saying we're going to do it, but give us permission to do it first.

The number two issue is I haven't seen any, or received anything that says what they plan on doing with this property, no buildings, no nothing. They have no planning, as far as I'm concerned, of what they're going to do or they're keeping away from the public. They don't want to vote this information.

Now yes, Terry, he did drop 'GO' from 44 to 10 items. I didn't agree to it. He just voluntarily done it. On this, I want to address number ten first. You all are asking for a general office zoning. In all General Office zoning, there is 34 things that is included, more than that. One of them, below the medical, is office general. They write it down here as general office. That's GO. So they want to keep it, plus they want GO back, the whole 34 uses and I don't think that's right. General office or office general includes executive, management, administration or professional service, but not including medical and dental service or the sale of merchandise, except through incident to the permit use and it also includes insurance companies, real estate companies, public property management companies, travel, law and many, many more.

So there's a difference between general office and office general and I think this would be correct. I could not get this corrected through the Metropolitan yesterday, but I think that you need to look at that and have it changed to what it should be.

I am . . . I would ask for you to approve medical services only. We don't care for a duplex in our area. Fifteen years from now, it's kind of rundown and been used, and a bunch of duplexes go in, we don't want that. We're in a community of houses, builders, business people and here they want to put a duplex assisted living. We can live with a church. We can live with a college, as long as it is a satellite college. Convalescent care, which is old folks . . . not old folks home but anyway, daycare, we don't want it and the protestors don't want it. They want medical services only. They don't want a hospital in there. They want medical service, but they do not want office general."

**Chairman Unruh** said, "Okay, thank you very much. We appreciate your comments and appreciate your being here. Commissioners, do you have any comment or question?"

**Commissioner Winters** said, "Why don't you see if there's other citizens and then I've got a comment."



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**Chairman Unruh** said, "Okay. Are there other citizens here? Okay, I don't see any. Commissioner Winters, you had a comment?"

**Commissioner Winters** said, "Well I just wondered if John could help us with this list of 10 restrictions and then general office and office general, I got kind of confused there."

**Mr. Schlegel** said, "Well the confusion is that under the zone district name of General Office, there's also a category of uses called 'office, general' and he was reading the definition of that, and I think that pretty well describes what would be allowed in 'office, general'. And if it would eliminate any future confusion about that, we can simply change on the list of uses, we can change that from the way it reads now, which is 'general office' to 'office, general' and then perhaps that would eliminate that confusion. That's a very simple matter to take care of."

**Commissioner Winters** said, "Mr. Smythe, is that the way you interpret that?"

**Mr. Smythe** said, "Yes, it is our intention, when we originally filed the cases for General Office zoning. When we eliminated uses and you start to get into the very defined definitions, the ten here, there is a definition called office/ general. We want that but we do not want the overall general office zoning. I don't do that kind of sneak attack."

**Commissioner Sciortino** said, "So you're okay with 'office, general'?"

**Mr. Smythe** said, "Yes. That is a defined type of office in that category."

**Chairman Unruh** said, "Thank you. Commissioners, are there any more questions or comments for any of the folks who spoke? Commissioner Winters."

**Commissioner Winters** said, "Thank you. I mean, if all the citizens that have spoke have come and I'm sure they have. If there's any other citizen here?"

**Chairman Unruh** said, "I don't think so."

**Commissioner Winters** said, "All right, commissioners, as you know this is in my district, so I would like to make a couple of comments and I'd like for all of you to know that several weeks ago, more than a month or so ago, Mr. Sam Eberly did call me on the phone and tell me that he was going to file this application, and just wanted me to be aware that he was making this zone request."

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Since that time, I have had a couple of brief conversations. I had a very brief conversation with a Mr. Dan Unruh with Inside Real Estate, basically spending just a very few minutes talking about the quality of project that they plan on doing here. Then I have had conversation with Mr. Ray Boese. Ray called me on the phone, talked to me about his concerns and again, he was here today and I have had a brief conversation with Terry Smythe with Baughman Company talking about the drainage issue, because drainage is such an important part of anything that happens in this part of the county, that Mr. Smythe wanted me to know that they were very sensitive to that issue.

From what I've gathered today by reading the material that we have in the backup, the material that we have in our backup, reading what Metropolitan Area Planning Commission has done, my tendency right now is going to be to support this application. There are several reasons. First of all, the Metropolitan Area Planning Commission staff, department has recommended approval. The Metropolitan Planning Commission voted ten to one to make this approval.

There are a number of findings that are listed in our backup material concerning uses and character of the neighborhood and the suitability to the property and the impact on community facilities. I think they address all of those quite well. There has been an overlay place to reduce some of the activities that could have taken place in just the general office plans, so there are some restrictions that won't happen: no multi-family, no group residence, no cemeteries, community assembly, correctional. This list is quite extensive of what cannot happen there.

Then as we look at that neighborhood, 21<sup>st</sup> Street is becoming a major arterial street in this area. Some even continue to compare it to Rock Road, and I don't think it's quite there yet, but I mean, as we travel west along 21<sup>st</sup> Street, it is going to be a major street supporting a lot of commercial kinds of ventures.

We did have, and have proceedings with zoning for the west YMCA, that's on just about a half a mile to the west of this location, on the north side of the street and if you all remember, we had extensive discussion about drainage and all kinds of issues. I think that as this area continues to be annexed into the City of Wichita, I think it's . . . a number of those issues are going to be addressed and I believe that the overall plan for this area is going to call for development such as this to be happening. I'm pleased that they have recognized that they're not going to be in the floodway, but are going to be on the part of this property that is up and out of that floodway.

I believe, and we could have someone from either the applicant for representatives talk about . . . we didn't talk about the quality of development, but it's my understanding that they really plan on the quality development and not something that we would be sorry that was there, but something that is going to be attractive and well done. So with that Mr. Chairman, I'm going to be supportive of this application for a zone change."

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**Chairman Unruh** said, "Okay, thank you. We have another comment from Commissioner Norton."

**Commissioner Norton** said, "Well I've read all the background material, and I did visit with Commissioner Winters. One of my key issues with this is the drainage, as we look at the west side, drainage has always been an issue around the Cowskin Creek and certainly I understand that, representing the south side, that everything flows that way, so I'm always sensitive to drainage. I have been for five years. As Tom and I talked through that, he felt pretty comfortable with all the information he got and with all the conversations he had, that drainage was not going to be an issue."

We also know that the person that owns the land is still going to do business and have property just to the south of that, and it wouldn't make sense to do anything that was going to impair or hurt his own property to the south. So I think I'm going to be supportive of this, knowing that 21<sup>st</sup> Street is not always going to stay undeveloped and with more of a residential, rural flavor, but will start to have office complexes and industry and commercial development out there, and it sounds like this was going to be a good one, so I'm going to be supportive."

**Chairman Unruh** said, "All right, thank you. Well I'll just make the comment also that in light of what we have already approved on West 21<sup>st</sup> Street, I don't think that this particular request is inconsistent with what we've already approved. They have taken into consideration the draining issues. It looks like, with the protective overlay, they've tried to be as sensitive as possible to neighbors' requests and I think 21<sup>st</sup> Street is undoubtedly going to be a well developed, commercial artery, and so I'm going to be supportive of the request also. Are there any other comment or question, commissioners?"

### MOTION

Commissioner Winters moved to approve the zone change, subject to platting within one year and subject to the provisions of Protective Overlay #161, adopt the findings of the Metropolitan Area Planning Commission, direct staff to prepare an appropriate resolution after the plat has been approved, and authorize the Chairman to sign the resolution.

Commissioner Sciortino seconded the motion.

**Chairman Unruh** said, "Thank you. There is discussion. Commissioner Norton."

**Commissioner Norton** said, "Is there a legal protest petition on this property?"

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**Mr. Schlegel** said, “Yes. We received 22, representing more than 20% of the notification area, which affects the vote.”

**Commissioner Norton** said, “Okay, and that requires a super-majority, is that right?”

**Mr. Schlegel** said, “Right, you need four affirmative votes for that Motion to pass.”

**Chairman Unruh** said, “All right, thank you.”

**Commissioner Norton** said, “That’s all I had.”

**Chairman Unruh** said, “Any other discussion? Seeing none, call the vote.”

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you John and Terry and Mr. Boese, thank you all for being here. Next item please.”

**NEW BUSINESS**

**F. EXPLORATION PLACE UPDATE.**

**POWERPOINT PRESENTATION**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “I have for you this morning a review, analysis, and recommendation regarding Exploration Place. There will be no surprises in this presentation. And we’ve discussed some of these, a portion of all these issues over the past several weeks in staff meetings and in your offices, so this is all information that we have worked on and refined over the last nine weeks.

I will be recommending a four-year transition plan that will include financing, redefining the mission, the leadership and development of alternatives for long-term funding and a strategic

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planning process.

Sedgwick County's involvement has been a little longer than a decade. In 1993, we decided to invest \$20,000,000 in downtown Wichita. That was based on two principles. One is that there was a significant assessed valuation in the downtown area, in comparison to the city as a whole and the county, and to protect that investment, there was a plan . . . to protect that assessed valuation, there was a plan to do some investments in the downtown.

And the other underlying philosophy really comes out of the Prophet Jeremiah, who says that the welfare of the city increases everybody else's welfare. And there was a general feeling and continues to be a general feeling that when the city is successful, those around and in the city are also successful.

We funded, in '94 and through '96 pre-operation, through a pre-operation agreement. These were operating funds that allowed Exploration Place to begin the programming first of all to hire the architect to begin the programming, to put a down payment down on the Cyberdome and then in '97 we sold 16.7 million dollars worth of bonds for the building, which completed our \$20,000,000 commitment.

In 2004, in June of 2004 there was a Wichita Eagle article that talked about the executive director of Exploration Place resigning and moving on and that the Wichita Eagle described, in 2004, the budget predicament that the chairman at that time said it was not unexpected and it should not be worrisome. Well, between June of 2004 and December 2004, it became apparent, more apparent that the budget woes were in fact becoming more difficult. Expenditures were not going down as expected, nor had the revenues increasing to offset the expenditures and more and more of the operating reserves were being expended.

Exploration Place sent us a letter, talked to us, representatives of the county talked to us representatives of the county about a funding request in December to be included in the '06 budget.

In March, the City Manager and I received a letter asking for 2.8 million dollars of funding sources for the future of Exploration Place and on June 24<sup>th</sup> it became evident to me that the funding need was critical and this started on the top of my list of activities to help determine.

It was at this point, thanks to your leadership and thanks to you for understanding this is not only a

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short-term problem, but a long-term problem, that we are here today. And on July 13<sup>th</sup>, we approved a \$300,000 interim funding for Exploration Place and we proceeded to hire a consultant.

We did that at the same time and we hired Diane Frankel of Interim Museum Services. You recall, Ms. Frankel was a director of a science museum, was on the staff and directed the National Association of Museum in Washington D.C. and comes with impressive credentials as an expert in museums.

We asked her to conduct an institutional analysis of, give us the overview of that institution and she provided that by interviewing 32 individuals. She toured Exploration Place, the museum district, the Museum of Ancient Treasures, Old Town, River Corridor and got a feel for this community. Her findings, significant challenges was the inadequate funding. That the funding plan that had been a part of Exploration Place business plan was not working, it was flawed, there was not enough revenues coming in under the current structure.

She made it clear that the mission . . . the museum was ambiguous at best, it was unclear mission and vision. That the children's museum services one audience and the science museum serves another audience and that this, perhaps was causing some of the difficulty, the lack of a strategic plan. The staff, although willing and able, was demoralized because they understood the finances as well as anybody, and the exhibits certainly were tired.

What Frankel heard from the community was that no one wanted Exploration Place to close, that it was in fact an important component of our urban community. It could be used for school resources and tourist attractions and in fact, had in some cases been that, but not as much as some other museums of the same type and size.

The potential, as an education and entertainment complex was clearly understood and continues to use as rentals for social activities in the community and it has been an anchor tenant, a jewel in the downtown and riverfront development and now with water walk and the \$20,000,000 investment of downtown along the river by the city, this Exploration Place remains in the center of it.

The steps to leadership was . . . what Ms. Frankel suggested was a leadership restructure, which includes board and hiring a director to allow us to proceed with restructuring the mission and the product of the museum. It involves the larger community and certainly take a new look, again, at the mission.

Her recommendation was to redefine the mission, and that really ties into the third bullet, which is

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rebuild and revamp the leadership. To do a redefinition of the mission, you need someone onboard, in place as the director, to assist with that process, so that they are here when those missions and strategies are defined, so that they can implement that, they bought in, they believe in it and they're part of the solution.

To explore multiple financing strategies, this is not only short-term and long-term, in St. Louis and Pittsburgh, Pennsylvania there are specific strategies about how to fund museums and museum districts. I know the City of Wichita is working on a plan that has some potential, but that plan does not provide the necessary funding that we need to . . . that would assist in this case. And it's also building about partnerships throughout the community and how to reengage the operations and reengage the community and that was what her findings were.

At the same time she was doing her review, we had both an operations and financial review of the system occurring. The financial review was led by Chris Chronis, our Chief Financial Officer. He reviewed the audits, the financial reports, the balance sheet, conditions attached to major donations. He interviewed with the CPA and the auditors and interviews with Exploration Place staff. And his conclusions were and our conclusions were the planned annual income of 1.1 million dollars was about right. There could be an expectation to receive \$400,000 from sponsors and donations. That the endowment of 3.6 was not restricted and could be used in this transition period. The future pledges were . . . may be used for operations, if necessary and the pledges of 5.2 million over the next seven years were restricted to endowment.

And the two conclusions were that Exploration Place could operate off it's available reserves, but only for a short period of time. There was no one that would expect us to use those reserves and hire an executive director to come to town to help lead us through this problem, with that kind of funding situation, so public funding seemed to be the only solution and is the only solution at this point to survive and thrive.

We are stabilizing the institution, stabilizing the patient before rehabilitation can be done and this would allow us the time to redefine the mission, the purpose, the leadership and the product.

In our operations review, it was led by Kathy Sexton, the Assistant County Manager, we realized that maintenance and cost were extremely high. The building and grounds were built to look good, and therefore the cost of operations are high. The volunteer program . . . the good news is the volunteer program is healthy and strong and people are committing their time and energy, above what one could expect, and that's a good sign. Attendance was declining. That has occurred over the several years and attributed to certainly exhibit fatigue and the staff, although in some cases we said demoralized, seemed to be primed for change and seemed to be ready for new leadership and a new direction.

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We also took a look what would happen if we had to close the building. If you recall, that was one of the possibilities, in late June and early July and we looked at that cost. The utilities and maintenance and custodial service and we looked at those issues and in planning for success and failure, we did take a look at this. The cost to close it, permanently mothball it, or mothball it for a lengthy period of time is pretty expensive and we quickly discerned and tried to determine that what our best efforts would be is to spend our time and energy to see in the transition period.

So what were the roads to solutions? Well, clearly the role of government is . . . has a lot to do with it. We're obviously involved in public safety issues and making a community safe and we're also in the business of providing people opportunities. Opportunities when one is clobbered by disease or clobbered by birth or clobbered by economic conditions to be successful in this community, or to provide the infrastructure for businesses to have an opportunity to succeed. And the third element, it seems to be that local governments are involved in is this issue of quality of life and how do you make a community in which you live, work and play even better to live work and play, so it's an attraction and a retention method to keep young folks and to keep people here.

Sedgwick County has an investment in the building and operations already. We have been a partner and developer in that building. The county was approached, in this case, not only by the board of directors of Exploration Place, but by the board of the Chamber of Commerce, by the Wichita Convention and Tourism Board, by Kansas Health Foundations and by individuals and economic development folks in this community have asked you to help and step up and we have done so. And the Visioneering process, I would remind you, in their case for change, talks about an increased opportunity that we, as a community, need to have an increased opportunity for culture, arts and recreation and have a lively downtown, which is a museum district becomes a regional destination and I would suggest to you that this plan, in fact, allows that to happen.

And Sedgwick County has experience and expertise in these issues. We are a partner in the zoo, with the Zoological Society. That program has been successful and that partnership has made that facility a quality, world-class attraction.

The recommendation is to beautify the attraction, do some exploration of multiple financing strategies, and it's to revamp the leadership and build a partnership through the community. I would recommend the financing transition to stabilize the institution as follows: \$1,000,000 in '06, 1.5 in '07, 2,000,000 in '08 and 2.5 in '09. I believe this plan certainly is not a hand out but a hand up to this organization, to allow the transition to occur.

Ms. Frankel, in her report, suggest that, quote: 'It will require hard work, time and creativity' and I think this plan provides the fiscal foundation to provide the time to explore what we need to do.



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I would ask that you approve this plan. I would ask that you authorize that the Chairman and I negotiate a financial and operating agreement to bring to the commission for approval, similar based on the similar formula, similar contracts that we have with the zoo and we would then establish a team to assist Exploration Place with that change, including strategic plan and continuing to review operations, ways in which we might be helpful.

It makes sense for Sedgwick County to be involved in this process. This is what we . . . this is part of what we do, provide opportunities for quality of life issues. We have a history of involvement in this organization for the last several years, beginning in 1993. Government assures the community amenities for quality of life. This certainly is one of the quality of life issues here.

We've had a request from business and citizens and community members to lead in this effort. We need to protect our investment we made in the operations and construction of Exploration Place. We, as a participant in Visioneering Wichita, we've understood those issues and understand that this museum and the activities thereof play an important part in making a lively downtown and a museum district that's a destination and we do have expertise and experience in developing partnerships in this area.

Mr. Chairman and commission, I would recommend that you approve this plan and authorize the Chairman and I to begin negotiations with Exploration Place Board."

**Chairman Unruh** said, "Thank you, Mr. Buchanan. Commissioners, are there questions or comments of the manager? Commissioner Burnett."

**Commissioner Burnett** said, "Actually, I have quite a few questions. I realize the time frame on this, June of 2004 the Eagle had the article and in March of '05 we got the letter for the 2.8 million. As long as we've known about the problem with the financing and I listened to your report saying that they need to redo this, redo that, what is the time frame for Exploration Place right now? What have they done to take strides to make things better, like with the exhibit fatigue, changing the exhibits? What have they done from the point where they started asking for money to the point we are right now?"

**Mr. Buchanan** said, "I don't know all the specifics, but I do know that they created a new exhibit. First of all, they understood the issue and restructured the governance to form some committees to deal with issues, such as exhibits and building and marketing. In part of that process came a new exhibit, the castle exhibit, which is in place and has been pretty successful.

In the meantime, they have gone out and visited with some of their donors and some of the original donors and there is an understanding by some of those folks that as long as the transition plan is in place, that they are willing to come to the front and do some more exhibits. We've . . . they've been

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in discussion, preliminary discussion with the university and Dr. Beggs and I've had the discussion personally with Dr. Beggs about how we could use the university and some of their exhibits or some of the activities, so I think there is . . . clearly the board has stepped up and tried to do some changes internally, and changes with exhibits and changes in the way they're dealing with the community."

**Commissioner Burnett** said, "Okay. One of the other things I noticed in your report is that the simulation center was closed in 2004 as the vendor no longer supported this high-tech operation and produced no new shows. Is that something that has been revisited?"

**Mr. Buchanan** said, "No. The space continues to be revisited, but that's probably . . . we need to examine how that space might be used and if that's a viable alternative."

**Commissioner Burnett** said, "Okay. And with all these other folks that are saying that they think we should do this, like Wichita Area Chamber of Commerce, Convention and Tourism Bureau, Health Foundation, economic developers and other community organizations, has anyone else stepped up with any money on this, or are they just saying 'Yeah, this is something you should do'?"

**Mr. Buchanan** said, "There is . . . no one has stepped up with . . . these groups have not stepped up with money, but what has occurred commissioner is that there are, at least I'm aware of, five different business institutions that if Exploration Place is going to go through a transition plan, are willing to start serious discussions about new exhibits and how they can participate.

Secondly, the board has done a good job about going and visiting with people who have pledged their money, so those pledges continue and that if a transition plan is approved, that their funds that had been originally set aside for endowment can be used, if necessary, through this transition. So, I think that's a pretty healthy step that has occurred."

**Commissioner Burnett** said, "And then I think my final issue is on negotiating the financial and operating agreements and bringing it back to us. Is the county going to play a much bigger role is the financial statements and auditing of the museum or are we . . . ? I realize that's what you're going to negotiate for, but is that kind of the direction we're going?"

**Mr. Buchanan** said, "It would be our intent, clearly, to do that. If we're investing this kind of money that we would expect to have a lot more oversight than we have previously exercised or

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previously done.

In the operating agreement with the zoo, it has been very helpful to us to have people on staff and county representatives on the executive committee, on the finance committee, on the building and maintenance group so that we understand not only the short-term issues, but long-term issues and can help in that process with our expertise, but also in planning not only for the short term, but for the future.”

**Commissioner Burtnett** said, “Okay. I think, at this time, that’s all I have.”

**Chairman Unruh** said, “Okay, thank you. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you. Bill, as you know, we just got a hold of this late last night and what have you, but first of all, I’m not as good at quoting the Bible as you are, but I believe Jeremiah or somebody said something about the welfare of the city benefits all and what have you. The consultant talked about ‘no one wants Exploration Place to close’, it’s an important component of the urban community. It can be an anchor tenant, a real jewel in the downtown riverfront development. It’s a potential tourist attraction, but who is conspicuously absent of wanting to be part of this solution is the City of Wichita, but the Bible says they’re going to benefit from it, and I’m not going to go against the Bible.

The consultant indicates that the real economic benefit will come to the City of Wichita, but I believe this same request was made of them, and the last time you all came to us, you said that they didn’t offer any financial help. If it is true that no one wants Exploration Place to close, then I think they should join with us in trying to form the solution.

I also know that we’re talking about a \$7,000,000 investment, over four years. The old proverbial ‘Once the camel’s nose gets under the tent’ then if some of these ideas that we’re trying to develop don’t work, and now we’ve got a \$7,000,000 commitment, including a commitment that we’re going to have to pay until 2022, guess who is going to have to pay for any other shortfalls that happen.

I do agree that we have to have something in place before we hire an executive director. You’ve got to give that person some assurance that’s there’s going to be a job. I think it’s premature to hire an executive director now. We have set aside \$1,000,000 in 2006 to give us the flexibility to see what we could do to be part of this solution and I think some of that money would be better spent to hire a consultant to come in here and work with the board and redefine the mission, explore multiple financing strategies, rebuild and revamp the leadership. I assume reenergize the board means replace some board members with people that understand that the primary mission of a board

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member is to give money or to get money. I assume that's what is meant by reenergizing the board. And solve some of these problems and then this submarine that's going down underneath the water, if we could ever get it to go level, then we'd know how much far below the surface of breakeven it is, and now the entire community will know how much money we have to subsidize, because I don't believe any museum is a money-maker, or can even break even. I do believe there has to be some public support.

But to just jump in and say, okay, no problem, here's \$7,000,000 and then we'll start working on these plans, I think is premature and I would . . . well, the one thing I would think we need to do right now, since we just received this, and this is a very sizable amount of money, is that we should receive and file this report and discuss it before we just commit \$7,000,000 of taxpayers' dollars. There's going to be a lot of big, big issues and decisions this board is going to have to make in the next year or year and a half in the areas of public safety. We've heard about the needs of the Sheriff and the jail and there's a lot of pressure that's going to be put on us for funding and I'm not so sure that's not going to require a property tax increase. I don't know how we can address what the Sheriff is asking for and not have to talk about this, and I think we have to show the taxpayers that yes, we do want to be part of this solution, but we have really scrupulously worked at making a wise investment.

But I for one cannot support committing \$7,000,000 when this submarine is still going down, and there's no plan on how to at least break it level. I would rather suggest that we spend some money and hire a professional to come here, as a consultant, and I don't know what it would cost but I'm sure we could get it for less than \$1,000,000 and work with this board and start resolving some of this. Let's go out and really find out if no one in the community doesn't want this to go, well then come and join us in part of this solution. The Wichita Chamber of Commerce, the tourism all says 'this is great'. Well, come and help us be part of the solution. Wichita, Kansas help us be part of the solution.

But for right now, just to . . . if it goes to a vote, I'll have to vote no on this. I would prefer receiving and filing this, and then start really working toward trying to get additional partners to help us in finding the solution to this problem. That's all I have, thank you."

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

**Commissioner Burtnett** said, "Well, one of my questions also, which I forgot earlier, was are we set in stone, if we agree this transitional plan that says the \$1,000,000 in '06, 1.5 in '07, is this set in stone, once we say we're going to have to do it? If we find, that if we get into this and nothing is working and the city doesn't get on board and the board doesn't change . . .?"

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**Commissioner Sciortino** said, "There's nothing says the city . . . there's nothing in the plan that says the city . . ."

**Commissioner Burtnett** said, "I know, but I think that's one of our goals is to get more people involved in this and if that ends up not happening, are we going to be able to redirect the way we want to spend the money."

**Mr. Buchanan** said, "The way the . . . I understand the agreement with the Zoological Society is, that it gives either party I think 30 days out to . . . here's our long-range plan of how we're going to spend money, but it also provides us an opportunity to get out of that contract, if we need to. So, as a basis for negotiating with Exploration Place, it would be my intent to make sure that we all know that the Board of Commissioners can change, financial conditions can change, community conditions can change and therefore, we would want to have a plan in place so we can do some long term planning, but we also need flexibility to get out of that contract if the desire of the board is to do so."

**Commissioner Burtnett** said, "Okay, and then I'd also have to say I think that hiring a new director would be something that would be important, right away, rather than a consultant. Because if we get a director in and things start moving forward and going well, we already have the director in place who has been helping towards all the other strategies that we're doing. So I believe hiring a director would be one of the most important things, right away, in my opinion to do and I'm supportive of this, as long as I know that we have a plan that we can change down the road, it's not set in stone, and rock solid."

**Chairman Unruh** said, "Very good. Commissioner Sciortino."

**Commissioner Sciortino** said, "Well, I'll wait, unless anyone else wants to visit, but if no one else's lights on, I'll talk."

**Chairman Unruh** said, "I think there are more lights going to come on. You want to go ahead or you want to wait?"

**Commissioner Sciortino** said, "No, I'll wait."

**Chairman Unruh** said, "I will put your light back on and I will call on Commissioner Norton."

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**Commissioner Norton** said, "Okay. Well first of all, as I've said many times, I wear two hats and I want to be sure that everybody understands today, I only wear one hat, and that is the county commissioner. I am on the Exploration Place Board. I have been very involved and knowledgeable over the about the last year and a half of some of the difficulties that Exploration Place has had, but make no mistake about it, today I wear a county commissioner's hat.

This is an extremely tough issue. I mean, we've been languishing over it, as a community. It's certainly been in the press. We've had plenty of staff looking at it and trying to analyze, very smart people that understand not only government, but business models also to try to take a look at it. The county commissioners have had great dialogue over and over and over it, at staff meetings for almost a year about what is happening at Exploration Place, what our obligations are, as far as the building. How we got through this process, as far as history. Ron Holt has been very involved in Exploration Place, trying to understand that facility and its mission and how we move it forward.

It is very, very important that we stabilize the institution, so that we can start to reinvent its best future. Now how we do that, what an operating agreement would look like I don't know, but I've gotten a clear message from taxpayers, constituents, voters, business community, other non-profits and people that I trust that somehow we need to make sure that there's a chance for Exploration Place to reinvent themselves, change their mission, stabilize and have the best future. We have this wonderful architectural icon in the middle of our community that is part of the river corridor redevelopment. There's going to be more and more money poured into that downtown redevelopment over the next ten to twenty years, whether it be from the City of Wichita, from the county, from business entities and to start to give up on some of the decisions we've already made would not be good thinking. So stabilizing this institution is going to be very important.

It is a public space. It's owned by the citizens of Sedgwick County through Sedgwick County. We put a lot of money into it many years ago, and because of that and because it is a public space, a public building, I certainly feel obligated to find out what its best future is and to continue that over the next few years. To just wantonly step back from this and say, 'Okay, we're done with it, we'll pay off the bills and be out of it' I don't think is good public policy.

Our goal should be to make this an exciting, vibrant venue on the river. It started out that way. It's languished a little bit, but it has the potential to be that, once again. There is a commitment from private donors right now, and the board to utilize endowment funds to supplement the remainder of

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'05 and '06. This is not just county money that's going into this. There's some private money that's going to be dropped in. Some of it was encumbered as endowment only, but it's been loosened up to be operating funds also. So for a couple of years, it's not going to be just the county bailing it out, it's going to be members of our community that put some pretty big money into it to help keep it afloat.

I think it's a challenge to work on reinvention, change of vision, program additions, multiple uses and bold leadership is going to be very, very important. Now that's all going to lead to increased attendance and financial stability, I hope, but I understand what Lucy was talking about a few minutes ago. That could change, as we evolve through the next four years. It is an operating agreement. If things really go well, we can renegotiate. If things deteriorate somehow, we'll look at it again. I don't think any of this is set in stone, but it certainly starts the process of stabilizing Exploration Place now.

I challenge companies and philanthropists to sponsor exhibits, traveling programs and other events. I think that's going to be critical, as we move this forward, we know that . . . I think we talked about exhibit fatigue. There are plenty of traveling exhibits out there, but it's really a chicken and the egg process. To have those exhibits, which some of them are pretty expensive, you have to have money, and right now, taking money and putting it into an exhibit was not a great decision for the board. I know it wasn't, but as we move forward, it's going to be critical if one of the key issues is tired exhibits and not having programs that stimulate new people and tourists to come and see it over and over and over, we need to take care of that and I think there are plenty of companies and philanthropists out there that have the ability to step forward and sponsor some of these exhibits and programs and events at Exploration Place.

There is a criticism that if this fails to solve Exploration Place's flaws and issues, it's a Sedgwick County problem. Well, it's truthfully already a Sedgwick County problem. Maybe not Sedgwick County government, but all of the people that live here, you know it is our issue. It's paid for by public money, it's used by individuals that live here, so we can't deny that it's the elephant in the room.

And truthfully, I would rather be criticized for bold action, than sitting back and doing nothing. It's really my philosophy of life. I'd rather step out on the edge and make a bold decision, even though it costs a little money, than to be criticized for stepping back, dusting off my hands and saying, 'I'm done with it, I'm not going to do anything'.

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The truth is, we have the ability to monitor and watch this, every action, make sure that it's working, we'll be deeply embedded as Sedgwick County, with all our best staff and intellectual capital to help for the best solution, but finally for me, if I spend some political capital doing this, I'm going to be watching real closely. I'm going to be taking a good look at what this institution is.

And then finally it washes over me, as we talk about the zoo over and over as our model, that that started out as a zoo in downtown Wichita and at some point it became the Sedgwick County Zoo, not a City of Wichita issue. It became bigger than just a small entity in the middle of the community and now it's a world-class facility. I think we should have the same vision for Exploration Place.

Certainly the folks that went out and raised the money and helped find the architect and put it into our community had that vision and with just a little action, we can move that forward today. I'm willing to move forward today. I understand Commissioner Sciortino's reservations. It is a lot of money. We have the ability to do error-corrects over the next four years, if we see that it's not working like we want, but I'm not willing to sacrifice Exploration Place at this point. Thank you, Mr. Chair."

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

**Commissioner Winters** said, "Thank you very much, Mr. Chairman. This has certainly been an interesting process and one that we can say we've been in from the very beginning, from kind of being the original folks that kicked off the Exploration Place project in the beginning. We didn't have the original idea, but we were certainly one of the first contributors to this major project.

I don't know that I have anything really profound to say. One of the things, in thinking about even in the consultant and we talk about all of the folks who are saying no one wants Exploration Place to close. I kind of think that's a wrong terminology and . . . Where I picked that up is reading these letters from the people who have communicated with us about the support for the facility. And we had 19 to 20 letters here from businesses, industry, organizations, individuals, foundations, organizations and to me, what they're saying is not 'Don't let it close'. They're talking about what an important institution it is to the community and how a part of just an important aspect of . . . they talked about landmark building. One individual talked about corporate . . . talked about how economic health is tied to the cultural organizations of a community. Other companies talked about the quality of life for their employees and their families.

They referred to it as a public asset, which it clearly is, and then one of the folks talked about in life of institutions, it's a relatively young institution. It's still evolving. It's still growing. It's still learning about what it's going to be, and if you think about some of the great museum of the



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country, we're looking at, you know, institutions that are 100 years old or older, and I would expect that Exploration Place will stay that length.

I can understand Commissioner Sciortino's reservations. I have heard though both Commissioner Burtnett and Commissioner Norton talk about error corrects, I mean, if we start down this road of 2006 and if the submarine is still going down, I think we would have an opportunity. No commission group can really bind another one too long on some kinds of these financial issues. So I would think we would have ample opportunity to revisit.

And I think this is just too big of an asset to let it fail. Commissioner Norton mentioned that. We've got too big a stake in it to let it fail. Whether this is the right time to hire the director, I'm sure we could debate that back and forth. I'm sure the organization does need a new, dynamic leader that could just bring some new energy and new ideas. And again, I think part of what I hope, as those who are involved in the process of looking for a leader, look for someone who has the energy and real drive of a marketing type person, I think marketing and salesmanship may be as important in this endeavor as someone who is making sure that we've got the most perfectly dotted 'i's and 't's for a museum institution, that we pass all the standards and all that. I think it might be more important that we've got somebody that really connects with community and gets people involved. So I'm, unless I hear something else, right now I'm leaning towards taking the Manager's recommended action of approving this transition plan, but knowing that once the Chairman and the Manager visit with and negotiate if something doesn't work, we come back and talk about it again. Thank you."

**Chairman Unruh** said, "Thank you. Commissioner Sciortino, before I call on you again, I want to make a few comments. As I'm trying to process our involvement in this proposal, one of the first things I have to clear up in my own way of thinking is what is our responsibility here as the commissioners in Sedgwick County. Do we have a real responsibility for cultural stewardship, for lack of a better phrase? Do we have responsibility to make this the best place to live and to work and to play and make it attractive, consistent with what some of the main purposes of the Visioning goals are, and that is that we retain people and that we attract people, and that the focus of that retention and attraction really is for the younger folks in our society.

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And so I really believe that we do have a responsibility for more than one reason, just simply on cultural terms, but also on kind of an economic aspect of that question. We also have a responsibility I think to Exploration Place in terms of ownership of the property. I mean, it is a wonderful asset, but we are already responsible for debt service on that building and we have a huge investment and I think there is a certain responsibility we have simply for protecting that investment.

But a second question that I had, in trying to analyze the question, is do we have the ability to correct this and can we make it a financial priority? Not of highest priority, but included in our prioritization, that we were willing to invest in that. Do we have the experience and the expertise and our staff among the resources we call on to make this successful? Is the talent available? Well, I answer that question also yes.

The third question I ask, you know, besides responsibility and ability, do we have . . . is there the potential for success, if we get involved in this, and I think there is. I think the potential for new partnerships, I think there's potential for this to be something that we're all very proud of and that it has a vitality that makes it successful. And have we taken the steps to identify what the problems are, so that we know what are some of the first things we have to do to correct it, and the answer to that question also is yes. We know we have to have a change in leadership. We know that Exploration Place has, in some regard, been dealing with a split personality, and so in order to overcome that, we have to redefine the issue, and that's also been something that's already identified. There's the cost of administration of this whole thing, that we are trying to deal with. We know that we have to change exhibits. We have to change entry fees. All those problems we've identified, we know that we can influence, make a change, and that drives us to, I think, a successful venture.

So, as I try to go through my way of analyzing the problem, I come out to the conclusion that this is something that we need to do and I'm willing to support it and go forward. And I think it is something though than rather than we just have approached it without thoughtful consideration and are going to look at the prospects of investing \$7,000,000, I would suggest that we've done a careful analysis and that we have the potential, as Ben mentioned, to change course if we need to, but under the best analysis we have now, in trying to consider what's good for our community, I'm ready to go forward and support the proposition, and so, with that I will call on Commissioner Sciortino."

**Commissioner Sciortino** said, "Well, I've pulled out my calculator and once I got pass three, I didn't continue on, so I have a strong sense that this is going to pass. I want to make a statement

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here that understand . . . I am not proposing to let this fail. Okay. What my proposal was to try to ensure its success without first committing \$7,000,000.

Now technically commissioner, you're correct, no sitting board can commit beyond one year. In 2007, it would come before us again and we can say no to it, technically. Politically, I don't see that there would be any way this board has not made . . . the cement may be a little slurry right now, but we've made a \$7,000,000 commitment and once we make it, we can't pull it back. I mean, that's the political aspects of a commitment like this, that we are making a \$7,000,000 commitment although technically it sounds good that we can at any time revisit it and what have you, but I think those of you that have been around long really understand, we're making a \$7,000,000 commitment today.

The thing that bothers me the most about this is that we haven't seen a plan for righting this ship. We're going to try to make some things that we want them to do, but if they don't do it, what are we going to do? Then say 'Okay, that's it, we'll let it fail tomorrow'. No, once we get onboard, we're in with both feet and we now have the . . . We are now the financial backer of Exploration Place, lock, stock and barrel, if any of the other ideas that they're going to try doesn't work. So it might as well be Sedgwick County Exploration Place and we're the chief funder of it.

The idea about if they needed 2.8 million dollars in 2006, we're going to give them a million, they're going to draw down endowment capital, that the capital was presented for the first place to start building up an operating reserve to help run it. That's what an endowment is. If you're going to draw down the endowment, you're reducing one of the areas that an entity does to try to build up operating capital so there would be less public involvement. Now that we've . . . and again, people that are conspicuously absent, the City of Wichita, fine, if Sedgwick County wants to do it, that's great, there's no fin . . . we can reap any of the benefits. The Chamber of Commerce, all these supposed concerned citizens, as long as we are ready to put in all the money, then where's the pressure on them to do it?

My concern about going out and hiring a consultant . . . Excuse me, a director right now, is that this director is going to have to be something fantastic to come in here and change its direction. We don't know who that person is, how long it's going to take, and then when the person gets here, they're going to have to have some time to get their feet wet, to figure out who everybody is. I can imagine six to seven months before we even had somebody even ready to begin. A consultant could be in here on day one, and start redefining this message and really working on it and then we pay that consultant off, and now when the board gets comfortable that 'Yeah, this looks like this

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could be workable', and now we clearly understand what type of a subsidy we're going to have to do on an ongoing basis, and it's going to be higher than this. That 4.1 million dollar budget is not going to include the monies that are going to be needed to infuse this entity with fresher exhibits, new ideas, etcetera and so forth. There's going to be more demands on our money, not just the \$7,000,000.

I just think we're jumping in too fast. I use the concern that I have about what's facing us in the area of public safety, which there is no question about whose responsibility that is. The figure I've been told is that it's going to be in excess of \$10,000,000 a year if we take the Sheriff's recommendations on the expansion of the jail and talk about alternative programs to reducing the increase in our jail population. I don't know how we're going to do that without a tax increase. Maybe somebody can figure . . . I don't know where this other money is going to come from.

This year, if we had needed 1.5 million, we didn't have it this year, the extra five, I don't know where the extra five is going to come next year. I don't know where the extra million and a half is going to come in two years, but we're making these commitments and we're going to have to honor it, and it just is a bother to me. I am resigned to the fact that this is the majority and I accept that and I will vote no on it. Thank you."

**Chairman Unruh** said, "Thank you, commissioner. Is there any other question or comment, or discussion?"

### MOTION

Commissioner Norton moved to adopt the transition plan as presented and authorize the Chairman and the manager to negotiate an operating and funding agreement with Exploration Place Board.

Commissioner Winters seconded the motion.

**Chairman Unruh** said, "Thank you. We have a Motion and a second. Is there any discussion? Commissioner Norton."

**Commissioner Norton** said, "Just a couple of comments. First of all, we already encumbered a million dollars, in our budget, for next year and that's the number that we have integrated into the transition plan and I made an express challenge that we were putting that in there. I made sure we set it at the budget meetings, when we authorized the budget, I made sure that I'd

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written it several times in different articles and I have to tell you, I have not got one phone call from a constituent saying ‘Why did you put any money into Exploration Place?’

So I guess, for me, if we’ve already encumbered a million, we put it in the budget, it was an open book kind of thing, it wasn’t that we are doing it behind the scenes. We’ve been talking about this for a long time. A million dollars is quite a bit of money that we encumbered for next year and I didn’t get . . . haven’t heard one criticism for a constituent, pulling me aside at the grocery store, at church, sending me an e-mail, calling me saying that was a bad decision. So, that kind of leads me to believe that yeah, it’s a lot of money. I think I was the one quoted as saying ‘gulp’ when I heard 2.8 million, but the truth is, it is important to our community and I haven’t gotten a lot of negative feedback.

Sometimes, you know, in business, you have to spend money to make money and I think that’s what is going to happen here. We’re going to make an investment and then, down the road, we’re going to be very proud that we did. Thank you, Mr. Chair.”

**Chairman Unruh** said, “Thank you, Commissioner. Relative to one of the comments Commissioner Norton made, I have one question for clarification, Mr. Manager. On page 17 of our transition plan, it indicates that the county support next year is 1.3. Does that include the bridge money?”

**Mr. Buchanan** said, “Yes.”

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

**Mr. Buchanan** said, “It was there . . . it’s there ’06 fiscal year, which was 1.3. They will be contributing 300,000 and the other million would occur after January 1<sup>st</sup>.”

**Chairman Unruh** said, “Very good, thank you. Any other question or discussion? Seeing none, call the vote.”

### **VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	No
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you, Mr. Manager and I see the Chairman of the Board and many

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members from the Exploration Place Board here, and appreciate your attendance at our meeting and we weren't going to give you a chance to talk. So, thank you."

**Commissioner Norton** said, "Go to work."

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

**Commissioner Sciortino** left the meeting room at 11:20 a.m.

**G. RESOLUTION ADOPTING REVISIONS AND ADDITIONS TO THE  
SEDGWICK COUNTY PERSONNEL POLICIES AND PROCEDURES  
MANUAL.**

**Ms. Jo Templin**, Director, Division of Human Resources, greeted the Commissioners and said, "This resolution before you asks for the creation of policy 4.4001 and amends several policies in the Sedgwick County Personnel Policies and Procedures Manual. I've talked to each one of you, individually, and discussed these policies. I'm here to answer any other questions that you might have, and if it pleases the board, I'd ask that you adopt this resolution."

**Chairman Unruh** said, "Thank you, Jo. Are there questions about this? I think that we've all been briefed on this pretty extensively and for the most part, this is house cleaning, getting everything up to speed and everything consistent, eliminating some excess verbiage and that sort of thing."

**Ms. Templin** said, "Correct."

**Chairman Unruh** said, "All right. What's the will of the Board?"

**MOTION**

Commissioner Burtnett moved to adopt the Resolution.

Chairman Unruh seconded the motion.

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**Chairman Unruh** said, “Is there any discussion on the Motion? Commissioner Norton.”

**Commissioner Norton** said, “You indicated that some of this was just kind of general housekeeping and personnel issues. I’d also like to comment that over the past year we’ve had several struggles where we’ve had several struggles where we’ve found some little blips in our personnel policies that we’ve had to deal with and these are all also what I call error-corrects, that we’ve looked at it, reanalyzed it, done some studies and to make sure that we maybe don’t have some of the same difficulties because personnel policies don’t always cover everything that could possibly happen. That we have rewritten some of these, not just because we wanted to simplify and make it easier, but also to make sure that we are the employer of choice in the government realm, and personnel policies help us do that. Thank you, Mr. Chair.”

**Chairman Unruh** said, “All right, thank you. Any other comments? Seeing none, call the vote.”

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

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

**Commissioner Sciortino returned to the meeting room at 11:21 a.m.**

**Commissioner Norton left the meeting room**

**H. GRANT AWARD FROM U.S. DEPARTMENT OF HOMELAND SECURITY FOR BUFFER ZONE PROTECTION PLAN FUNDING.**

**Mr. Dave Thompson**, Executive Officer, Sheriff’s Department, greeted the Commissioners and said, “The Department of Homeland Security identified six at-risk facilities in the Wichita/Sedgwick County area and two of these are under county domain.

The Homeland Security Department offered up to \$50,000 for equipment and training for each of these sites, to improve emergency response and security, so in conjunction with Emergency Management, we developed two buffer zone protection plans that we submitted to the Department of Homeland Security which have been approved and which will provide \$50,000 worth of

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equipment and training for each of the two sites on a 100% reimbursement basis. I would ask the board to accept the grant award and approve the establishment of the budget authority.”

**Chairman Unruh** said, “All right, thank you Dave. I think it’s probably not a tough decision for us to receive money to help us improve our homeland security for the citizens in our community.”

**MOTION**

Commissioner Winters moved to accept the grant award, and approve establishment of budget authority.

Commissioner Burtnett seconded the motion.

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

**VOTE**

Commissioner Norton	Absent
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

**Commissioner Norton returned to the meeting room at 11:24 a.m.**

**I. KANSAS COLISEUM.**

**1. AGREEMENT WITH ROYAL HOST MANAGEMENT, INC., D/B/A SUPER 8 MOTEL, PROVIDING ADVERTISING RIGHTS AT KANSAS COLISEUM.**

**Mr. Dave Rush**, Assistant Director, Kansas Coliseum, greeted the Commissioners and said, “This is a simple agreement, covers three years for just advertising at our signings out on the highway and up in the hallways and so forth. Would recommend approval.”

**Chairman Unruh** said, “All right, thank you Dave. This is just regular business for us, right?”

**Mr. Rush** said, “That’s correct, \$10,500 over the three years to our bottom line.”



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**Chairman Unruh** said, "All right, very good."

**MOTION**

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

Commissioner Burtnett seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

**2. AGREEMENT WITH VALLEY CENTER SCHOOL DISTRICT 262 FOR RENTAL OF PORTABLE BLEACHERS SEPTEMBER 2 - 3, 2005.**

**Mr. Rush** said, "This is to help out our neighbor, Valley Center. As the news has reported, they've got problems with their football field, no grass, and they need more bleachers to go over to the other school and this is a simple rental agreement for the use of our portable bleachers."

**Chairman Unruh** said, "All right, thank you. Do we . . . we've got to keep the football season going, don't we. Commissioners, any other questions or discussion?"

**MOTION**

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

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Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

**J. AMENDMENT TO CONTRACT WITH KANSAS STATE FIRE MARSHAL FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAMS.**

**Mr. Duncan** said, "I'm asking you to consider an amendment this morning with our contract between the Kansas State Fire Marshal and our hazardous materials team, which responds as the regional hazardous material response team, as a state asset under certain circumstances."

The bottom line issue, the impact of this contract amendment is we asked the state fire marshal's office to bill for our personnel time at over-time rate all the time, and in return they'll reimburse us for actual cost, plus the difference of the overtime rate, which will generate a small amount of additional revenue to help defray costs of the team responding that aren't covered by the current agreement."

**Chairman Unruh** said, "Okay, thank you. The overtime rate that he's billing at is just a negotiated number. I mean, it's not like we're saying we're working longer hours than we've actually worked. That just happens to be what that number calculates to."

**Mr. Duncan** said, "That's correct, sir. You're exactly right."

**Chairman Unruh** said, "All right, thank you. Any other questions or comment, Commissioners?"

**MOTION**

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Commissioner Winters moved to approve the Amendment to 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 Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

**DIVISION OF HUMAN SERVICES**

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**K. AMENDMENT TO CONTRACT WITH CATHOLIC CHARITIES EXTENDING THE 2005 SEDGWICK COUNTY COMMUNITY CRIME PREVENTION GRANT THROUGH AUGUST 31, 2005.**

**Ms. Jeannette Livingston**, Contract Administrator, COMCARE, greeted the Commissioners and said, "Sedgwick County opted not to renew the crime prevention grant with Catholic Charities for state fiscal year 2006. This contract amendment extends their 2005 grant for two additional months.

The decision not to renew the crime prevention grant for Catholic Charities Family Advocates program was a difficult one, you know, the program staff, were clearly working hard to achieve the goals. They were using a good, evidence-based curriculum. However, it just wasn't working with that population. I would note . . . so the contract amendment extends it for two months. I would note there's an error in our agenda backup. The total 14-month amount is correct at \$35,051. However, the fiscal year 2005 grant was \$29,576, so the amendment actually adds \$5,475 to that amount.

Extending the grant for two months allows just a more planned closure of cases, so that it's not a sudden discontinuance and just as being a good partner with Catholic Charities to be able to discontinue the grant and the program services.

The recommended action is to authorize the chairman . . . excuse me, the commission to approve the amendment and authorize the chairman to sign."

**MOTION**

Commissioner Norton moved to approve the amendment to Contract and authorize the Chairman to sign.

Commissioner Winters seconded the motion.

**Chairman Unruh** said, "We do have a question on the Motion. Commissioner Winters."

**Commissioner Winters** said, "Jeannette, what was the name of the program that was being conducted?"

**Ms. Livingston** said, "The Family Advocate program. It used an evidence-based parent training program with families in the homeless shelter."

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

**Chairman Unruh** said, “Are we going to continue that effort through another avenue or is this just something that doesn’t show enough results that we can invest in?”

**Ms. Livingston** said, “Well, you know the agency itself likes the services. The issue was completion rates. Homeless families, pretty chaotic, maybe not the best time for an intensive intervention in a family. There are just so many changes, they weren’t able to incorporate or to finish or complete this program. However, the program itself, I spoke to them yesterday, they are continuing to use the curriculum with the children. They are able to work with the children and they would like to continue this if their funding allows and they will be able to mold it to meet what that facility needs, versus the outcomes and the goals that we accept for the program.”

**Chairman Unruh** said, “Okay, thank you. Commissioners, are there other questions or comment? Seeing none, call the vote.”

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

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

**L. AGREEMENT WITH HUSTON CENTER RESIDENCES, L.C. FOR OFFICE**

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**SPACE AT HUSTON CENTER, 2245 SOUTH BROADWAY.**

**Ms. Monica Cissell**, Program Manager, Department on Aging, greeted the Commissioners and said, “Today I have a 2005 lease agreement with Key Management for office space at the Huston Center, which is located at 2245 South Broadway. We intend to have three staff there from Department on Aging, two information specialists and one intake specialist, and Huston Center is a senior residence, which has about 60 residents and will be providing information and assistance and intake services out of that location.

This lease agreement is for five years and is at no cost to Sedgwick County, except for janitorial services, which will be \$110 a month. The recommended action is that you approve the fiscal year '05 lease agreement and authorize the Chairman to sign and I'd be glad to answer any questions.”

**Chairman Unruh** said, “Well Monica, I'd say it's good work if you can get a lease at no cost, so good job. Commissioners, any comment or question?”

**MOTION**

Commissioner Burtnett moved to approve the agreement 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 Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

**DIVISION OF INFORMATION & OPERATIONS – HEALTH DEPARTMENT**

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

**Mr. Ted Jobst, Director**, Integrated Family Health, greeted the Commissioners and said, “This is an agreement between KDHE and Sedgwick County for the WIC program, the Women, Infants, Children program. This includes a grant award in the amount of \$1,461,038 for operation for a 12-month period, which is different from what we have experienced before with KDHE. Usually, in years past, we’ve operated on a three-month grant and then a nine-month grant. They’re changing that funding process so that we are now operating on an annual grant that covers a 12-month period, which I think is going to be better for both them and us.

This is an increase of \$69,719, about a five percent increase, to provide services for a caseload of 13,863 WIC participants. We however are currently serving a caseload of about 16,400, which is about 18% above this assigned caseload. This is also a situation that we usually find ourselves in each year, when we get our WIC grant, and that is we’re serving more clients than we’re actually funded to serve, and we do that through . . . I think they are just operating the program as efficiently as possible, which I can say that we do, and also that we have sometimes a waiting list or that we’re not able to serve clients in the timeframe that we would prefer, although currently we do meet the federal guidelines in order . . . federal guidelines, in terms of service to the clients that we are serving, so we are in compliance at the present time. If you have any questions, I’d be glad to address them.”

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

**Commissioner Norton** said, “It’s the same question I ask every year. What do you think is the potential? You know, every year it goes up considerably. We get a little increase, that covers a few more people, but there’s still more potential. Do you have an idea, Ted, what that is?”

**Mr. Jobst** said, “I really can’t say, on the upper end, Commissioner. What we’ve continued to experience is exactly what you have stated, and that is we are seeing a gradual and steady increase, one year to the next, one funding cycle to the next and I don’t know that we really know what the ceiling is, in terms of the services here.”

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

**Regular Meeting, August 31, 2005**

**Chairman Unruh** said, “Okay, thank you. Well, it’s obvious you’re working hard and doing something very efficiently, because we’ve got . . . the backup says we have 18% more participants than our assigned caseload, so we can use all the increases in the finances that we can scare up.”

**Mr. Jobst** said, “Yes, thank you.”

**Chairman Unruh** said, “Commissioners, any other comment?”

**MOTION**

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

Commissioner Burtnett seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

**N. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF AUGUST 25, 2005.**

**Mr. Jerry Phipps**, Purchasing Agent, Purchasing Department, greeted the Commissioners and said, “You have the Minutes of the August 25<sup>th</sup> meeting of the Board of Bids and Contracts and there are two items for your consideration.



**Regular Meeting, August 31, 2005**

**1) SYSTEM FURNITURE FOR THE NEW JUVENILE DETENTION FACILITY-  
FACILITY PROJECT SERVICES  
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item one is system furniture for the new juvenile detention facility for Facility Projects. It was moved to accept the quote from John A. Marshall for \$220,280.52.

**2) PHASE II DATA CONVERSION- REGISTER OF DEEDS  
FUNDING: REGISTER OF DEEDS**

Item two, Phase II back data conversion for the Register of Deeds. It was moved to accept the low proposal of Computer Information Concepts and execute a contract for \$412,550.

I'd be glad to take questions and recommend approval of the Minutes of the Board of Bids and Contracts."

**Chairman Unruh** said, "Commissioners, are there any questions for Mr. Phipps? Commissioner Norton."

**Commissioner Norton** said, "The first one, on item number one, there's only one bid there and just for the public to know, that's a joint governmental, sole source."

**Mr. Phipps** said, "That is correct. That is from our state contract and that's still in effect. And we still get 72% off of our retail, so yes it's still a good contract in place. That's why we use it."

**Commissioner Norton** said, "That's all I have."

**Chairman Unruh** said, "All right, thank you. Any other questions, Commissioners? What's the will of the Board?"

**MOTION**

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

Commissioner Norton seconded the motion.

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

**Regular Meeting, August 31, 2005**

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

**CONSENT AGENDA**

**O. CONSENT AGENDA.**

- 1. Five Temporary Construction Easements for Sedgwick County Project 821-BB, Cowskin Creek. District #2.**
- 2. Performance Evaluation for Lisa Corr.**
- 3. Two Easements for Right-of-Way for Sedgwick County Project 803-Z, repair of sinkholes along 135<sup>th</sup> Street West between 79<sup>th</sup> and 87<sup>th</sup> Streets South. CIP# R-310. District #3.**
- 4. Floodway Reserve Easement for Sedgwick County Project north of 71<sup>st</sup> Street South and west of 119<sup>th</sup> Street West. District #3.**
- 5. Temporary Construction Easement for Sedgwick County Bridge Project 618-9-2151, bridge on Central between 263<sup>rd</sup> and 279<sup>th</sup> Streets West. District #3.**
- 6. Real Estate Purchase Contract with American Legion Thomas Hopkins Post #4 for property at 809-811 North Water associated with parking lot improvement at the 200 West Murdock Tag Office.**
- 7. Notice of public hearing October 12, 2005 regarding the Sedgwick County Housing Authority 2006 Annual Plan.**
- 8. Notice of Default of Forgivable Loan Agreement with Aircraft Seal and Gasket Corporation.**

**Regular Meeting, August 31, 2005**

- 9. Orders dated August 17 and August 24, 2005 to correct tax roll for change of assessment.**
- 10. Payroll Check Register of August 26, 2005.**
- 11. General Bills Check Register(s) for the week of August 31 – September 6, 2005.**

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

**MOTION**

Commissioner Norton moved to approve the agreement 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 Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Commissioners, we will need to call to order a meeting of the Fire District, but before we do that, perhaps now would be the time, if you want to mention any items of community interest. Commissioner Burtnett.”

**P. OTHER**

**Commissioner Burtnett** said, “Well, with the holiday weekend upon us, I just want to remind everyone that the Sheriff’s Office is going to be stepping up enforcement of traffic laws, so you need to be careful out there.

Also on September 3<sup>rd</sup>, at the Kansas Coliseum, the Park City Races are going to be there and future

## **Regular Meeting, August 31, 2005**

calendar markings, on September 23<sup>rd</sup> is the Park City state barbeque cook-off, which is always a fun weekend. And that weekend is going to be a big weekend, because also Valley Center will have their fall festival that weekend and the junior livestock show will be out at the Coliseum, so we've got a lot of things going on in September."

**Chairman Unruh** said, "Well Commissioner, it seems like you keep track of all the parties, is what it sounds like."

**Commissioner Burtnett** said, "Yes, that's exactly right."

**Chairman Unruh** said, "Well, I would just want to remind everyone that Zoobilee is September the 10<sup>th</sup>, and so that is also a big party also, a fundraiser for the Sedgwick County Zoo and well attended, but a lot of fun for those of you who want to take advantage of that opportunity.

And I would just mention that last night I had the opportunity to speak to the survivors, breast cancer survivors as they got ready to kick off the Susan Komen Breast Foundation Race for the Cure and they had a little special emphasis last night on co-survivors, which I'm in the category of co-survivor, since Karen now has been a survivor for three years and it was a really good event, but the purpose was kind of to get everybody up to speed on the Race for the Cure, which is September the 24<sup>th</sup> and they expect they could have as many as 8,000 people out there for this race and it's a major fundraiser for that foundation and I think they had 6,500 or so last year and 75% of the proceeds from that stay in the State of Kansas. It's a very worthwhile activity, so encourage everyone to try to participate in that.

I don't see any other lights, Commissioners, so if there's nothing else to talk about, we will adjourn the regular meeting of the Board of County Commissioners."

### **Q. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:39 a.m.

**Regular Meeting, August 31, 2005**

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

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

\_\_\_\_\_  
**BEN SCIORTINO**, Chair Pro Tem  
Fifth District

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

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

\_\_\_\_\_  
**LUCY BURTNETT**, Commissioner  
Fourth District

ATTEST:

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

APPROVED:

\_\_\_\_\_, 2005