

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 9, 1998

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, September 9, 1998 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Mark F. Schroeder; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Melody C. Miller; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; Mr. John Coslett, Director, Emergency Management; Ms. Jan Kennedy, Sedgwick County Treasurer; Mr. Tom Pollan, Director, Emergency Medical Service; Mr. Steve Gilbert, Forensic Administrator, Regional Forensic Science Center; Ms. Diana Salazar, Personal Property Director, Appraiser's Office; and Ms. Lisa Davis, County Clerk.

GUESTS

Ms. Beverly Gutierrez, Member, Sedgwick County Community Corrections Advisory Board.

Ms. Iva Ballard, Owner, Ballard Aviation.

Ms. Cindy Prince, Director, Emergency Service- Via Christi Regional Medical Center.

Ms. Patricia Brown, Little Osage Trail Chapter of Daughters of the Revolution, Derby, Ks.

Ms. Phyllis Buchanan, Randolph Loving Chapter of Daughters of the Revolution, Wichita, Ks.

Jo Ann Kelly, Chairman, Wichita Area Regents' Roundtable.

INVOCATION

The Invocation was given by Mr. Chuck McCoy, of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, August 19, 1998.

The Clerk reported that Commissioner Hancock was absent at the Regular Meeting of August 19, 1998.

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Chairman Schroeder said, "Commissioners, you've received the Minutes of the meeting, what's the will of the Board?"

MOTION

Commissioner Gwin moved to adopt the Minutes of August 19, 1998.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. Next item."

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Mr. Bob Rogers, Assistant County Manager, greeted the Commissioners, and said, "You have previously received the certification of funds for expenditures on today's Regular Agenda. I am available for questions, if there are any."

Chairman Schroeder said, "Thank you, Bob. I see no questions. Thank you. Next item, please."

PROCLAMATION

A. PROCLAMATION DECLARING SEPTEMBER 17-23, 1998 AS "CONSTITUTION WEEK."

Chairman Schroeder, said "Commissioners, I have that Proclamation, which I'll read into the record.

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PROCLAMATION

WHEREAS, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a constitution for the United States of America; and

WHEREAS, it is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support it, preserve it and defend it against encroachment; and

WHEREAS, the anniversary of the Signing of the Constitution provides an historic opportunity for all Americans to learn about and recall achievements of our Founders and to reflect on the rights and privileges of citizenship, as well as its attendant responsibilities; and

WHEREAS the independence guaranteed to the American people by the Constitution should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17-23, 1998 as designated by proclamation of the President of the United States of America in accordance with Public Law 915;

NOW THEREFORE BE IT RESOLVED, that I, Mark Schroeder, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim September 17-23, 1998 as

“CONSTITUTION WEEK”

and urge all Sedgwick County citizens to pay special attention during that week to our Federal Constitution and the advantage of American Citizenship.

MOTION

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

Commissioner Miller seconded the Motion.

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

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VOTE

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

Chairman Schroeder said, “Today we have, I believe, Jo Ann Kelly, Chairman of the Wichita Area Regent’s Roundtable. Welcome.

Ms. Jo Ann Kelly, Chairman of the Wichita Area Regent’s Roundtable, said “Thank you. We’re going to meet on the seventeenth. That’s the day, two hundred and twelve years ago, they signed the Constitution of United States of America, and we’re having the Southwest conference of the Kansas officers, and it’s a big day for us. So, thank you, very much, for this Proclamation.”

Chairman Schroeder said, “Well, you’re quite welcome. And today you have a couple of folks with you.”

Ms. Kelly said, “Yes, I do.”

Ms. Grim Patricia Brown, Little Osage Trail Chapter of Derby, greeted the Commissioners.

Ms. Phyllis Buchanan, Randolph Loving Chapter of Wichita, greeted the Commissioners.

Chairman Schroeder said, “Well, it’s nice to have all of you here today. Good luck. We hope you have a successful week. Thank you, very much.”

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APPOINTMENTS

B. RESOLUTIONS (TWO) APPOINTING BEVERLY GUTIERREZ AND BRUCE KOUBA (BOARD OF COUNTY COMMISSIONERS APPOINTMENTS) TO THE SEDGWICK COUNTY COMMUNITY CORRECTIONS ADVISORY BOARD.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "These are reappointments to this Board. They are two year terms, for a term ending on August 31, of the year 2000. This a twelve member board, containing six statutorily required appointments, three appointments from the City of Wichita, and three appointments from the Board of County Commissioners. These resolutions are in proper form, and we recommend them for your approval."

Chairman Schroeder said, "Thank you. Any discussion on this item."

MOTION

Commissioner Gwin moved to adopt the Resolutions.

Commissioner Winters seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Beverly is here with us today. I don't see Bruce. The Clerk's Office, are you here to swear in Gutierrez?"

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Ms. Linda Leggett, Deputy County Clerk, said, "Good Morning. Raise your right hand, and after I administer the oath, say I do swear.

"I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and faithfully discharge the duties of the Office of Sedgwick County Community Corrections Advisory Board."

Ms. Beverly Gutierrez said, "I do swear."

Chairman Schroeder said, "Congratulations."

Commissioner Gwin said "I just want to thank Beverly for her continuing service. She's a reappointment to that committee, and they are vitally important to this county, and even more so with some of the changes that we have coming down the road. Thanks again, Beverly, for your continuing service."

PUBLIC HEARINGS

C. PUBLIC HEARING REGARDING EVALUATION OF THE PERFORMANCE OF THE FISCAL YEAR 1993 DISASTER RECOVERY PROGRAM COMMUNITY DEVELOPMENT BLOCK GRANT #93-DR-463-HM, 100-YEAR FLOOD PLAIN BUYOUT PROJECT.

Mr. John Coslett, Director of Emergency Management, greeted the Commissioners and said, "To give you just a brief recap of where we're at and how this all came about. As a matter of fact, September of 1995, three years ago this month, the County made application to both FEMA and the Department of Commerce, CDBG (Community Development Block Grant), for participation in a hazard mitigation program, for buying out property in flood-prone areas of the county. The grant was approved in November of 1995, for a not to exceed \$2,061,981. The original numbers, when we submitted the grant, there was 31 applicants who wished to participate, and we have since amended the application on four different occasions. We included another 20 people, for a total of 51 applicants. Out of those 51 applicants, we were only able to finalize 31. Which doesn't seem like a lot but it helped a tremendous amount of people relocate and get out of flood plain area and out of harm's way for any future flooding. The total amount spent of this grant was \$1,350,748.45. We spent roughly half of what was allotted. Again, it was an application not to exceed, so what we used was all that we get. A reminder, too, that the funds were all federal and state funds, and did not come out of county funds.

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“We’re in the final stages of closing this out. One of the requirements on the CDBG side is that there’s a public hearing to take any input that there might be out there, any questions, or what have you, with regard to the program. So, we need a public hearing, and my recommendation is the Board take the recommended action, as you see fit.”

Chairman Schroeder said, “Thank you, John. John, I do have one question. This program, I think, has been a good program. I know some people in my district took advantage of that, and I believe Commissioner Hancock’s, and I’m not sure about Commissioner Miller. Those people, obviously, benefited from this program. The question is, there are a couple that I know of, that through the process of our reappraisal hearings, one or two did not take advantage of that. Will this be something that will be offered again?”

Mr. Coslett said, “No, sir. Everything I’ve been told, it was a one time affair. It came about as a result of the floods in 1993 and 1995. Nineteen hundred ninety three, when the program first initiated, we did some checking, and the desire was not there, for people to participate, but we had some more flooding in 1995 and that changed some people’s minds. So, there were some pretty strict guidelines as to who could participate, but there were also some very loose guidelines as to whether or not, what I’m trying to say, you could say I want to participate, but the day you sat down to sign the closing papers, and you changed your mind, you could get up and walk away without any problems, whatsoever. Everything I’ve been told, it’s a one time thing, the money that was allocated as part of this grant, that we didn’t use has been used elsewhere in the state at this time.”

Chairman Schroeder said “Okay, very good. Thank you, very much. At this time I’ll open up the Commission Meeting to public hearing. Anyone who would like to be heard regarding this item please come forward. If not, we’ll close the public hearing and limit discussion to bench and staff. John, anything else? Commissioners, questions? Comments? If not I’d entertain a Motion.

MOTION

Commissioner Hancock moved to receive and file the report.

Commissioner Gwin seconded the Motion.

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

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VOTE

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

Chairman Schroeder said “Thank you, John.”

Mr. Coslett said, “Thank you very much, and thank you for your support throughout the program.”

Chairman Schroeder said, “Next item, please.”

D. PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION AUTHORIZING CONVEYANCE OF A REAL PROPERTY INTEREST BY SEDGWICK COUNTY UNDER THE AUTHORITY OF K.S.A. 19-211(E).

Mr. David C. Spears, Director, Public Works, said “I’ll give you a little background on this subject. The next three items, Items D, E-1 and E-2 all pertain to the same project.

SLIDE PRESENTATION

“What we have, we’re relocating Oliver from Boeing down to 63rd Street South. We’re actually relocating this last half mile. We’re making it four lanes. This project will be done in 1999, next year. Sorry about the size of this. I’ll have to move it around. But what we’re going to do is, Mr. Bill Lusk owns the property where we need to realign. This is the realignment here, Oliver here up to this line. What we need to do is, Mr. Lusk has agreed to give us the right-of-way for the new alignment, if we would give him this piece right down here. Let me orient you a little. This is 63rd Street South, this is K-15, this is old Oliver, which will be, from this point on, will be a frontage road to help the people in the houses along there, and also, there will be a cul-de-sac right here.

“Now, the three items today, first Item D, it authorizes the transfer of our easement rights. In this area outlined here, to Mr. Lusk. That’s what Item D is for. What you need to do is open the public hearing, receive public comment, close the hearing, and adopt the Resolution.

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Chairman Schroeder said, “Thank you, David. At this time I’ll open up the Commission Meeting to public hearing on Item D, anyone who like to be heard on this item please come forward. Is there anyone here today who would like to be heard on Item D? If not, we’ll close the public hearing. Dave, anything else?”

Mr. Spears said “No, not on this item.”

Chairman Schroeder said, “Commissioner Winters.”

Commissioner Winters said, “I just have one question that pertains to all of these items. David, in your assessment of looking at this project, and acquiring of right-of-way, and disposing of right-of-way, it’s in your best opinion that this is a good and equal trade as far as the County is concerned, in obtaining this right-of-way and disposing of the other. From your standpoint, this is a fair and equitable trade.”

Mr. Spears said, “From our perspective, we think it’s a great deal for the County. What we’re going to receive is about nine acres of right-of-way, and we’re going to give up eight acres of right-of-way, which we’ll never need again.”

Commissioner Winters said, “Okay, thank you.”

Chairman Schroeder said, “Any other questions? If not, what’s the will of the Board?”

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Hancock seconded the Motion.

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

VOTE

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

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Chairman Schroeder said, "Thank you. Next item."

NEW BUSINESS

E. CONVEYANCE OF REAL PROPERTY.

1. RESOLUTION AUTHORIZING CONVEYANCE OF REAL PROPERTY UNDER THE AUTHORITY OF K.S.A. 19-211(D).

SLIDE PRESENTATION

Mr. Spears said, "This on the same subject, Commissioners. You do not need a public hearing on the next two items. I also want to mention, this entire area lies in an airport overlay zone. It cannot be developed for residential housing. Also, we have talked to Phil Nelson and Charlie Brown, City of Derby, and they are in complete agreement with the realignment of Oliver. We'll intersect into Buckner at this point here. This is Buckner on down to Derby. There will be a signal there, and this will really help traffic. The Boeing commuters who live in Derby. Also, I want to mention that Mike Pepoon, of the Legal office, prepared all these legal documents, and he's here this morning if you have any technical questions on that. Item E, we also have one acre of land that we own, and that's in green. This right here. And we own that one acre. Item E authorizes the transfer of 1.09 acres, to Lusk Holdings, and like I say, this is property that we own. And that's what this Resolution is for. I recommend you adopt this Resolution."

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

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

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Chairman Schroeder said, "Thank you. Next item."

2. **AGREEMENT WITH WILLIAM LUSK, JR., ET AL, FOR THE EXCHANGE OF PROPERTIES IN SECTION 25, TOWNSHIP 28 SOUTH, RANGE 1 EAST.**

Mr. Spears said, "Item E-2 actually ties everything together. It is actually the agreement between the County and Lusk, and it gives, Lusk gives us the rights-of-way for the new Oliver realignment in exchange for the easements as I previously descibed. I'd recommend you approve the Agreement and authorize the Chairman to sign."

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. Any other business, Dave."

Mr. Spears said, "That concludes it."

Chairman Schroeder said, "Alright, thank you, very much. Next item, please."

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F. PROPOSAL FOR CONSTRUCTION ENGINEERING SERVICES WITH KANSAS DEPARTMENT OF TRANSPORTATION ON PROJECT NO. 639-30690, CIP #B-219, 83RD STREET OVER THE ARKANSAS RIVER.

Mr. Spears said, "Commissioners, Item F is a force account agreement with the Kansas Department of Transportation, to reimburse Sedgwick County for construction engineering services, that's inspection, performed by our personnel during construction of the bridge over the Arkansas River on 83rd Street south. This project is designated as #B-219 in the capital improvement program and will have 80 percent reimbursement. The maximum amount of funds the County can receive is 80 percent of \$152,429.72, which is \$121,943.78. I recommend you approve the Agreement and authorize the Chairman to sign."

Chairman Schroeder said, "Thank you, David. Discussion on this item."

MOTION

Commissioner Hancock moved to approve the Agreement.

Commissioner Winters seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Commissioner Hancock."

Commissioner Hancock said, "Dave, when will this project let?"

Mr. Spears said, "It's going to let this month. They'll have the contract, hopefully, if everything goes well, by the end of October the contractor will have the agreement with KDOT. Hopefully we can start on a few things even this winter. It will be, about a two year project."

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Commissioner Hancock said, "It's unfortunate. After 40 years, the railroad fixed the railroad tracks on 83rd, so its really nice going over it now. I hate to abandon it so soon, for two more years."

Mr. Spears said, "You know it's going to be realigned, and at the new location, there's a hump there, and Derby is working with KDOT to try to get a hazard elimination safety funding for that, to help on that new alignment."

Chairman Schroeder said, "Thank you, David. Any other questions? Next item, please."

G. RESOLUTION AUTHORIZING PAYMENT TO THE OAKLAWN IMPROVEMENT DISTRICT OF INTEREST IN THE AMOUNT OF \$44,527.28 ON FUNDS HELD BY THE SEDGWICK COUNTY TREASURER ON BEHALF OF SAID IMPROVEMENT DISTRICT.

Ms. Jan Kennedy, Sedgwick County Treasurer, greeted the Commissioners, and said, "This issue arose as a result of some litigation, revolving around the Crestview area, and so we began to look at the policies and procedures in place, in our office, in relation to their funds. Since we collect, as the tax collector, we collect the funds that are used to pay off the improvement district bonds and so forth. We then contacted all of the districts, and asked them to make a choice. Which is to handle their own funds, to permit us to handle the funds, for which we would retain 2% of the investment income, and/or if we didn't hear from them, that we would continue to hold their funds in a non-interest bearing account.

"The Oaklawn Improvement district did contact us, and in exchange for their agreement, we will pay them interest in the amount of \$44,000 computed over the last two years, and they will no longer seek any further prior interest. That's probably not very clear. They're going to give up their right to talk to us about any interest in addition to this \$44,000. That was the amount we figured, using a weighted average, knowing what their balances were, what their funds were that we held and what the investment rate was that we were getting at that time. They have actually signed their resolution, and they have signed the agreement with us. We do not yet have a copy of it. So, we would ask that you go ahead and adopt the Resolution, but we will not proceed until we have a signed copy of their documents."

Chairman Schroeder said, "Mr. Euson, then, if we approve this today, it is merely subject to receiving the signed document back from them. And we have to make that part of the Motion."

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Mr. Euson said, "I am told that the Oaklawn Improvement District met last night, and that they signed a release in regard to this, which is a release from all claims, regarding this interest for the calendar year 1997, and prior years. I think you could go ahead and pass the Resolution, we will not make payment subject to receiving those documents."

Chairman Schroeder said, "Commissioner Miller."

Commissioner Miller said, "Thank you, Mr. Chairman. Jan or Trish, does this mean that Crestview will no longer seek Sedgwick County's assistance, and it's not assistance, but basically Crestview will take care of its own business."

Ms. Kennedy said, "They have been. Yes, they have been. Oaklawn intends for us to continue."

Commissioner Miller said, "So Oaklawn does want to continue."

Ms. Kennedy said, "So their only question was whether or not they were owed interest."

Chairman Schroeder said, "Okay, thank you. Any other questions or comments? If not, what's the will of the Board."

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you, Jan. Next item, please."

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H. AGREEMENT WITH HCA HEALTH SERVICES OF KANSAS, INC., DBA WESLEY MEDICAL CENTER, REGARDING UPDATED GUIDELINES AND JOINT SCENE OPERATIONS FOR HELICOPTER EMERGENCY RESPONSES.

Mr. Tom Pollan, Director, Emergency Medical Service, said “For you this morning, I have the agreement that amends our 1980 agreement with LifeWatch, and provides a first step to finalizing a long term agreement for helicopter services in Sedgwick County.

“Before I begin, I would like to clarify one issue. I’ve handed out some material to you. What this agreement calls out is how we will distribute call volumes for helicopter, requests for service for helicopter services. What it does not do, it does not call out directly the transportation of that patient to a health care facility. Those are controlled by medical protocols. I’ve given you a copy, that was amended on June 24th, you have the front page of it. In the red, it calls out the amendment that was made on June 24th, and that deals with the issue of looking at, and I’ll put a map up on the screen, to help you just a little bit.”

SLIDE PRESENTATION

“If you would look, it states in the first paragraph, it talks about those calls that occur on 1-35 and then 35 south to 47th Street and then east of that line, essentially splitting the County to the east side with those geographically easy landmarks to find. All those patients under medical protocols established by the Medical Society of Sedgwick County would return to Wesley Medical Center. For all those that are west of that line, they would return to Via Christi, St. Francis Campus. Again, we’re talking about critical trauma patients. This is not every patient. This is simply those patients that are critically injured.

“There are two exceptions, and there’s some minor little pieces in there to help us work this better, but the two major exceptions are, if the person is a female, and pregnant, greater than five months, 20 weeks of gestation, is critical patient, or code blue, they would be transported back to Wesley, irrespective of which side of that line they are on. If they are, what we call a ‘burn alert’, meaning they meet the criteria for a significant burn, that would need to go the Burn Center, they are transported to Via Christi-St. Francis Campus Burn Center. So, those are some major exceptions to that. But those are adopted by the Medical Society of Sedgwick County, under state statute and you’ve authorized those, indirectly, through this agreement. You’ve done that also in the County-wide ambulance resolution. And that starts in sub-section 3, of both agreements, but in specifically this one.

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“If we have that distinction now, what I want to talk about is the call distribution, in other words, who are we going to respond when we have a critical patient that’s in the rural part of the community. This is what this graphic is for. You’ve asked me to do two things, one, to fully implement immediately EagleMed into the system. And two, to reasonably distribute this call volume of who we’re going to send to the scene. We’ve done some studies, and there are a number of ways to approach this, all have their good and bad points. The one that we have settled on, was looking at what you see here, following K96 from the northwestern part of the County, down to the city limits of Wichita, and then south again on I-35 interstate. What we’ve determined is everything east of that or north of that line or on those two interstates or freeways will be a LifeWatch response. Everything west of those lines or south of that line would be an EagleMed response, subject to both being available. In other words, and what I’m saying there is, if LifeWatch is unavailable, the County is EagleMed’s, if EagleMed is unavailable, the County is LifeWatch’s, we’ll respond the closest we can that’s available. What that did was break that down to a 57-43% split, 57% to EagleMed and 43% to LifeWatch. That’s incorporated in this agreement.

“ If you sign it today we’ll give notification to EagleMed, and it will be changed as soon as they accept. I understand they will accept the agreement, the change in the standing operating guidelines, it’s not a change in the agreement, because the agreement still stands, and we’ll move forward on this long term agreement. I believe I’ve covered everything I need to. The agreement’s pretty much the same from there on out.”

Chairman Schroeder said, “Okay, Tom, I know there’s going to be some questions, and there are. Let me ask you, the areas like the City of Wichita, Haysville, Derby, those areas where there not shaded in, what does that tell me.”

Mr. Pollan said, “The City of Wichita, we do not respond with helicopters except under the gravest of circumstances. That would be very rare. Because, simply it is faster to move the patient by ground than it would be to try to clear an area for them to land, and do all that we need to. There is just not very many places to land.”

Chairman Schroeder said, “The next question I have would be, the types of patients that are required to be transported by helicopter, what are their codes.”

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Mr. Pollan said, "You would know it as a code-red or critical trauma patient. There are some rules, and I must add one thing. This is a dynamic document. Everything in medicine is subject to change. Things have changed drastically in the 30 years I've been in the system and we will continue to see change. Currently, as we're operating this is what it will do for us. Those patients who are critically injured, the vast majority auto accidents, shootings, those types of things, they would say they are unstable, their vital signs are unstable, and they would need to be transported immediately to a level-one trauma facility."

Chairman Schroeder said, "Okay, very good. Thank you. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. Tom, the other question I have is that, we are now going to have available to this community two helicopter services. I don't know whether that means more calls or not, it depends how folks act out there, and what kinds of trauma happen to them. But would you help us with re-evaluation, and continuing to look at this, as calls continue. Obviously, you've gotten the message that the Commission felt very strongly about an equitable call-out. And I want to make sure that that continues to be the case. Can you give us a periodic update on calls and those kinds of things, where helicopter service and transportation has been used? Can you do that for us? Because I'd appreciate keeping up on this, keeping tabs on it."

Mr. Pollan said, "Between Diane Gage and myself we've established a procedure to even capture those where we just place them on stand-by. To see where we're placing people, units for stand-by, or helicopter service for stand-by status, and that meaning, we think it might be critical, but until we get a first responder on the scene to qualify that it's critical we don't launch, because it would be very, very expense to launch every time we had a call."

Commissioner Gwin said, "I think all the information we can gather, and continue to learn about this is important to us, as decision-makers. Thank you for the work on it. Thank you, Mr. Chairman."

Chairman Schroeder said, "Thank you. Commissioner Miller."

Commissioner Miller said, "Thank you, Mr. Chairman. Tom, is it true that the actually numbers that yield the percentages that we're looking at right now, based on the K96 dividing line, are they three year stats, do they go back three approximately years, or how?"

Mr. Pollan said, "That's correct."

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Commissioner Miller said, "Are we thinking that possibly, the real calls and the real percentages now may be different, may reflect a slightly different scenario than a 57-43% split."

Mr. Pollan said, "That's certainly a possibility. You must understand, and I know you know this very well, that K96 is under construction nearly all of that period. And obviously, construction zones create different accident scenes, those types of thing. So, we don't know, plus it's now all four lane instead of being a two lane highway, with escape areas for getting on and off of access onto K96 that weren't there in the past. So, that may change the whole scheme of things as far as how K96 might generate calls. And I hate to say K96 generates it, because it doesn't, it's people who generate the need."

Commissioner Miller said, "Following the line of questioning that Commissioner Gwin began, in terms of looking at this in a equitable perspective. Recognizing the Medical Services Board, their protocol, uses I-35, east and west, as a dividing line. Do you think we'll move in that direction. It would seem to me it would make life a bit less complicated to be on the same board, or the same page, as the medical protocol."

Mr. Pollan said, "That's certainly a possibility. In the past, the medical society has not attempted to direct how we would operate. They've directed how we would deal with medical issues. Obviously, these patients are needing rapid transport back to the closest facility. That's the reason the line has changed, to look at specifically I-35 and I-135. If they determine to change that based upon another set of circumstances. Certainly, that's a possibility. I believe they will review all of this, as far as the information of where patients are taken to, the nearest trauma facility, on a routine basis. And they do currently, on a monthly basis, review it with us. So, we're, I think, very well in tune with the medical community and the hospitals on this particular issue of looking at trauma patients and are we providing the best service we possibly can."

Commissioner Miller said, "I'm just simply saying, would it be to our best interest to recognize the same dividing line as the medical society protocol dictates?"

Mr. Pollan said, "I don't think it's a requirement."

Commissioner Miller said, "No, no, best interest is what I'm saying. At any point, and this is all hypothetical. I'm just simply thinking this through, nothings been in place yet, so we don't know exactly how it's going to work. You say it is a dynamic document, so more than likely it will change. But, is there any benefit to that, I guess is what I'm saying?"

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Mr. Pollan said, "There are pluses and negatives to that. I think I would rather defer that to the medical communities, whether they would want to adopt this as their distribution of patients to medical facilities or whether they would like to remain where it is."

Commissioner Miller said, "Thank you. Thank you, Mr. Chairman."

Chairman Schroeder said, "Thank you. I know there are some folks in the audience that may want to address us on this issue, so at this time, I'm going to open up the Commission Meeting to discussion with the public, and if there's anybody here today who would like to respond or make comments, they're welcome to do so at this point. If there's anybody today who would like to respond to this item, you're welcome to come forward and do so."

Ms. Cindy Prince, Director, Emergency Services, Via Christi, said, "I wanted to thank Tom, and I wanted to thank everyone that's put so much work in on this. I wanted to thank the County Commissioner's for their time that they've spent with me, and understand, my grandfather was a county commissioner in a small county in Kansas, so I understand how difficult your decisions are. At any rate, certainly I trust that Tom will look after all issues related to patient care. I personally look at the I-35 line, as a common sense approach but I know Tom will monitor patient times and look after the patients of Sedgwick County. I just wanted to state those facts."

Chairman Schroeder said, "Thank you, Cindy."

Ms. Iva Ballard, owner, Ballard Aviation, greeted the Commissioners and said, "I probably wanted to express my appreciation very much, too. Because sometimes people give politicians a rather 'bum rap', but you guys have done an outstanding job of listening to our concerns, and you have acted very promptly. Tom and Michelle have done a really good job, I think, and we had some concerns about splitting the County maybe on I-35, but we're very happy to go this way, and continue to look at it. We just really appreciate all the work you've done on this and the promptness you've done it in. So, thank you, very much."

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Chairman Schroeder said, "Thank you, Iva. I really like the 'bum rap' part, though. That was my favorite. Is there anybody else who would like to speak to this item. If not, we'll close the public comment. Tom, if you don't mind, if you'd come back up to the podium. I'm going to ask you, what you think would be a good review date for something like this. This is obviously new to this community and to us, having two services in Sedgwick County. Whatever we adopt, or approve today, we need to come back and look at this at some point. And do you have a feel for what you think might be an appropriate amount of time, that we should take another look at this? Obviously, you're going to monitor it almost on a weekly basis or an everyday basis, but when do think would be an appropriate time for us to take a look at it, again?"

Mr. Pollan said, "Both of the agreements call out a six month period to come back with a long-term agreement, in other words, we need to establish that then. I'm going to do that, during that period, but 25 calls, it's really hard to get a feel for whether we're doing it. I think that each year, as we go through this, we'll probably be looking at this on an annual basis for a while. To make sure that it's doing what we want it to do for the community."

Chairman Schroeder said, "I would ask that during the first year, that you do it on a more frequent basis, regardless of the amount of calls. That comes up to about 1 ½ to 2 calls a month, but I think, on a basis that you take a look at it every once in a while, to see how it looks and how things are going, and answer their questions. I want this to run, and I know the other Commissioners do to the best possible way and I think our goal here is to provide the best service to our patients that we transport. Obviously, both Wesley and Via Christi have an interest in this process, and it benefits them, it's a business decision, but it benefits us because it's a patient care decision on our part. So, we have to take care of both of those issues, that's the way I see it, and that's the way I'll continue to look at it. So, I just want to make sure that on a regular basis, you take a look at those numbers and you see anything that doesn't look quite right, go into it a little bit further and see what's going on. I think it's a great opportunity for Sedgwick County to have both of these services, and I know it seems like a simple task, but it's difficult in many ways. I hope that whatever we agree on today will be beneficial to everybody involved."

Mr. Pollan said, "I will add a section to my monthly status report that addresses the phone calls and launches."

Chairman Schroeder said, "Very good. I appreciate that. Thank you, Tom. Commissioner Hancock."

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Commissioner Hancock said, “Tom, I wasn’t sure about this agreement when I saw it, but however, the charge to you was to for you to make the decision, based upon your experience and knowledge. I appreciate Commissioner Schroeder requesting that we look at it more often than on a annual basis. Interestingly, something came up yesterday, a question of not only fairness or equalness of launches, but also how rapid the patients can be delivered to the emergency center for medical treatment. That is as important to me as the fairness issue of how many time each service goes. If you can, I would probably be interested in understanding that as well as possible. How fast folks get delivered to where they need to be picked up and give us a opportunity to look it over. Who knows, after we look at this for a few months or more, we may end up doing something totally different and trying something a little bit different. In the end, I hope we can do the best thing possible for everyone involved and not compromise, of course, on patient care. I appreciate what you’ve done and I appreciate all the input we’ve had from folks who have been working with us in the past few months. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Thank you. Tom, do you have anything else to add?”

Mr. Pollan said, “I would just recommend approval today.”

Chairman Schroeder said, “Is Michelle here? Michelle, do you have anything that you would like to add? I will say that I was kind of under the same understanding or assumptions that the interstate or canal route would be a dividing line, but not knowing the numbers etcetera, I still like it for the ease of doing it, but I’m willing to take a look at the proposed map that we have here, that we’ve seen up on the screen. See how it works and I know that the two services will work well together, that is their charge in this community and I know, Tom, that you will be there and be part of that process. So I hope that we can work through this in the next few months, to get the best possible service for Sedgwick County and the patients that we transport. Thank you, Tom, I appreciate the effort you’ve put into it. Obviously, to Via Christi and to Wesley for being so patient with us through this process. Its been one that’s been described as an easy one, yet difficult. So, it’s something new to us to deal with, and we’re looking forward to a good partnership. Commissioners, at this point, any further discussion on this item?”

MOTION

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

Commissioner Gwin seconded the Motion.

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

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VOTE

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

Chairman Schroeder said, "Thank you, Tom. Next item, please."

I. AGREEMENT WITH UNIVERSITY OF KANSAS SCHOOL OF MEDICINE-WICHITA FOR FORENSIC PATHOLOGY TRAINING OF UNDERGRADUATE MEDICAL STUDENTS AT THE REGIONAL FORENSIC SCIENCE CENTER.

Mr. Steve Gilbert, Forensic Administrator, Regional Forensic Science Center, greeted the Commissioners and said, "For the past several years, Dr. Corrie May, the District Coroner, has been providing forensic pathology training for undergraduate students from University of Kansas School of Medicine here in Wichita. It is time to renew that agreement for the '98, '99 school year. Under this agreement, Dr. May will provide forensic pathology training to a maximum of six undergraduate medical students in the area of forensic pathology. We'd like to recommend that the agreement be approved and the Chairman authorized to sign."

Chairman Schroeder said, "Thank you. Discussion on this item. If not, what's the will of the Board?"

MOTION

Commissioner Hancock 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.

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VOTE

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

Chairman Schroeder said, "Thank you. Next item, please."

J. RECOMMENDATION TO THE STATE BOARD OF TAX APPEALS THAT RELIEF BE GRANTED IN THE MATTER OF THE APPLICATION OF MAX E. WESTFAHL FOR A REFUND OF 1981 AND 1982 PERSONAL PROPERTY TAXES.

Ms. Diana Salazar, Personal Property Director, Appraiser's Office, greeted the Commissioners and said, "The issue before you is the abatement and refund of 1981 and 1982 personal property taxes of Max E. Westfahl. This matter has been returned to you by the Board of Tax Appeals for your consideration and the Appraisal Office is recommending that you approve this."

Chairman Schroeder said, "Thank you. Any discussion on this item? If not, what is the will of the Board?"

MOTION

Commissioner Gwin 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.

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VOTE

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

Chairman Schroeder said, "Thank you, Diana. Next item, please."

**K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' SEPTEMBER 3, 1998
REGULAR MEETING.**

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners, and said, "You have the Minutes of the September 3rd meeting of the Board of Bids and Contracts. There are three items for consideration this morning.

**(1) STREET IMPROVEMENTS- BUREAU/ PUBLIC WORKS
FUNDING: SPECIAL ASSESSMENTS**

"Item 1, street improvements for the Bureau of Public Works, Tara Falls Addition, Phase I. It is recommended to accept the low bid of Ritchie Paving, in the amount of \$477,817.20.

**(2) 800 MHZ RADIOS- SHERIFF
FUNDING: EQUIPMENT RESERVE**

"Item 2, 800 megahertz radios for the Sheriff's. It was recommended to accept the only bid received from Motorola, Inc., That amount is \$12,408.00 and we'll share matching of current equipment.

**(3) PERSONAL COMPUTER HARDWARE & SOFTWARE- DISTRICT COURT
FUNDING: BYRNE GRANT**

"Item 3, personal computer hardware and software for the District Court. This is Byrne Grant monies. It is recommended to accept the only bid of Gateway That amount is \$59,991.00 to match existing equipment.

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ITEMS NOT REQUIRING BOOC ACTION

**(4) SANITARY SEWER IMPROVEMENTS- BUREAU/ PUBLIC WORKS
FUNDING: SPECIAL ASSESSMENTS**

**(5) STREET & DRAINAGE IMPROVEMENTS- BUREAU/ PUBLIC WORKS
FUNDING: SPECIAL ASSESSMENTS**

**(6) STREET IMPROVEMENTS- BUREAU/ PUBLIC WORKS
FUNDING: SPECIAL ASSESSMENTS**

There are three items that do not require action at this particular time. They were tabled for review. They include sanitary sewer improvements for the Bureau of Public Works, Arbor Lakes Estates, street and drainage improvements for the Bureau of Public Works, Wood River 2nd Addition, Phase 2 and street improvements for the Bureau of Public Works the Estates at Shadybrook. Those are all being reviewed. I'll be happy to take questions and recommend approval of the Minutes provided by the Board of Bids and Contracts."

Chairman Schroeder said, "Thank you, Darren. Discussion on this item. If not, what's the will of the Board?"

MOTION

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

Commissioner Miller seconded the Motion.

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

VOTE

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

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Chairman Schroeder said, "Next item, please."

CONSENT AGENDA

L. CONSENT AGENDA.

1. Section 8 Housing Assistance Payment Contracts.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V98041	\$463.00	4	Doyle D. Davis
V98040	\$383.00		Guy's Rentals
V98042	\$451.00	5	Springcreek Apts.

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V94069	\$144.00	\$159.00
C97065	\$175.00	\$175.00
V95031	\$179.00	\$179.00
V98011	\$224.00	\$325.00

3. Plat.

Approved by the Bureau of Public Works. The County Treasurer has certified that taxes for the year 1997 and prior years are paid for the following plat:

Summer View Addition

4. Order dated September 2, 1998 to correct tax roll for change of assessment.

5. Agreement with Kansas Coliseum Corporation providing creation of the

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Kansas Coliseum Advisory Board.

6. Consideration of the Check Register of September 4, 1998.

7. Budget Adjustment Requests.

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
980442	Fleet Management	Transfer
980443	Capital Improvement Program	Supplemental Appropriation
980444	COMCARE Crisis Intervention	Supplemental Appropriation
980445	Sedgwick County Park Miscellaneous Grant	Supplemental Appropriation
980446	Capital Improvement Program	Transfer
980447	Sheriff	Supplemental Appropriation

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

MOTION

Commissioner Gwin moved to approve the Consent Agenda and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

VOTE

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

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Chairman Schroeder said, “At this time, I’d move we take an Off Agenda item.”

MOTION

Chairman Schroeder moved to take up an Off Agenda item.

Commissioner Winters seconded the Motion.

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

VOTE

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

OFF AGENDA ITEM

Chairman Schroeder said, “Commissioner Winters just reminded me we needed to take an Off Agenda item. We wanted to discuss the issue of the Intake Center possibility of the State Corrections I believe, moving it from Topeka to El Dorado. My understanding is, the savings for the State of Kansas is approximately \$4,000,000, if this facility was moved to the El Dorado area, it would save Sedgwick County about \$30,000 a year. The City of El Dorado, the Mayor, Ed Blake I believe his name is, asked us to participate in this process. That amount that he has requested from us is \$15,000. I think, in my estimation, I think that is a pretty good investment. Saving \$30,000 a year, and putting in \$15,000 to help promote the move. So at this time, Commissioners, if you have any questions or comments or if there is any discussion on this? Commissioner Gwin.”

Commissioner Gwin said, “First of all, I appreciate the opportunity to talk about this. We had a

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few minutes in staff meeting yesterday to talk about it and most of us tried to get up to speed. I've spent a little time thinking about it, yesterday afternoon, about economic development opportunities. Usually, when folks come to us it's a request for hundreds of thousands or millions of dollars or something to make something happen or try to convince people that this is a good part of the state to be. But, A, the request is certainly modest, and B, I think it is an opportunity for us to work in concert with neighboring counties and to support this region of the state.

"I think we ought to go ahead and let them know that we're on board today, and hopefully that will send a message to the decision-makers in Topeka that El Dorado is the best choice, so I'm prepared to support the request, and today's action."

Chairman Schroeder said, "Very good, thank you. Commissioner Winters."

Commissioner Winters said, "I'm also going to be supportive and for two reasons. Basically, as Commissioner Gwin has stated, I think it is an opportunity of us to participate in a project with our neighbor county, with Butler county, as they try to secure this facility being established in El Dorado near their present correctional facility. I think it's a positive for South Central Kansas, and would want to work with them. But, also, just from the very realistic fact that Sedgwick County generates more prisoners that utilize this facility than the next two counties combined, so it would be a savings for us in transporting prisoners for diagnosis and the response that will be done at this facility. So, I agree with the Chairman, if this an opportunity to spend \$15,000 to help enhance and entice this move, then we're certainly going to be the beneficiary to almost \$30,000 every year hereafter, so I'm certainly going be supportive."

Chairman Schroeder said, "Okay, very good. Thank you. Any other questions or comments. Commissioner Hancock."

Commissioner Hancock said, "I think it's important that we have our local delegation on board on this, and when we were discussing this yesterday, I don't know why their not at this point. But they should be. We should be aware, that there's ongoing concerns in this Commission, and the

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Butler County Commission, and I'm sure all this region. We do a lot of business, unfortunately, with the Department of Corrections and I would like to have, I know we're a little short handed, but Marie or Fred, make sure that some notice is sent out to our local delegation, that we're going to support the effort for this Center in El Dorado. They need to be put on notice that we'd like to have their support and that the director of Corrections would certainly appreciate hearing from them."

Chairman Schroeder said, "Any other questions or comments? Mr. Manager, anything you'd like to add?"

Mr. Buchanan said, "No, sir."

Commissioner Hancock said, "I presume this is coming from our Contingency."

Chairman Schroeder said, "That's the discussion I had."

Commissioner Hancock said, "It hasn't been depleted from the budget?"

Chairman Schroeder said, "We'll find it. I think it's a wonderful project, too, and I hope the state makes the right decision and moves the facility where the people are. Obviously, we're the ones who put most of the people into the system, the prison system. Yes, Mr. Manager."

Mr. Buchanan said, "Mr. Chairman, the issue about the money, really, we've kind of joked about it, but the bill won't come due for a year or two. So, there's plenty of opportunity to find the funds."

Chairman Schroeder said, "Okay, thank you. Further discussion. Would you like to make a motion, Commissioner Winters?"

MOTION

Commissioner Winters moved to contribute \$15,000 to the City of El Dorado's fund to enhance the opportunities to move the diagnostic center to El Dorado.

Commissioner Gwin seconded the Motion.

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

VOTE

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

MOTION

Commissioner Hancock moved that the Board of County Commissioners recess into Executive Session for 15 minutes to consider consultation with Legal Counsel on matters privileged in the Attorney Client relationship relating to pending claims, litigation, legal advice, and personnel matters of non-elected personnel, and that the Board of County Commissioners return from Executive Session no sooner than 10:15 p.m.

Commissioner Gwin seconded the Motion.

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

VOTE

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

The Board of Sedgwick County Commissioners recessed into Executive Session at 10:00 a.m. and returned at 10:42 p.m.

Chairman Schroeder said, “We’re back in session. Let the record show there was no binding action taken in Executive Session. Mr. Euson, anything to add? Mr. Manager? Commissioners, anything else? Then we are adjourned.”

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N. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:44 a.m.

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

Regular Meeting, September 9, 1998.

MARK F SCHROEDER, Chairman
Fifth District

PAUL W. HANCOCK, Chairman Pro Tem
Second District

BETSY GWIN, Commissioner
First District

THOMAS G. WINTERS, Commissioner
Third District

MELODY C. MILLER, Commissioner
Fourth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1998