

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

### **REGULAR MEETING**

**February 1, 2006**

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, February 1, 2006 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Ben Sciortino, with the following present: Chair Pro Tem Lucy Burnett; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Mr. Richard Vogt, Chief Information Officer, Division of Information and Operations; Mr. Ron Holt, Assistant County Manager; Mr. Larry Ternes, Youth Services Administrator, Corrections Department; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

#### **INVOCATION**

The Invocation was led by Reverend William Mulford of Grace Presbyterian Church, Wichita.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES:** Regular Meeting, January 11, 2006

The Clerk reported that all Commissioners were present at the Regular Meeting of January 11, 2006.

**Chairman Sciortino** said, "Commissioners, I believe you've had a chance to review the Minutes of the meeting of January 11<sup>th</sup>. What's the will of the Board, please?"

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**MOTION**

Commissioner Burtnett moved to approve the Minutes of the Regular Meeting of January 11<sup>th</sup>, 2006.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, "Thank you. Next item."

**APPOINTMENT**

**A. RESOLUTION REAPPOINTING BOBBY STOUT (COMMISSIONER NORTON'S APPOINTMENT) TO THE SHERIFF'S CIVIL SERVICE BOARD.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "Commissioners, we've prepared this resolution of reappointment to the Sheriff's Civil Service Board and this is an appointment that will expire in January of 2009 and we recommend you adopt the resolution."

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner Winters seconded the motion.

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

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**VOTE**

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

**Chairman Sciortino** said, "I don't believe he's here."

**Commissioner Norton** said, "He is not here, but he has been on the Civil Service Board for us for quite a number of years, very active in the law enforcement community so obviously I think it will be a good reappointment. Sorry that he's not here today."

**Chairman Sciortino** said, "It would have been nice to recognize his long-term . . . Well, then we'll just get him sworn in . . ."

**Commissioner Winters** said, "At some point."

**Chairman Sciortino** said, "Okay, next item please."

**NEW BUSINESS**

**B. RESOLUTION REQUESTING THAT GOVERNOR KATHLEEN SEBELIUS AND THE KANSAS LEGISLATURE SUPPORT LEGISLATION THAT WOULD CREATE BUFFER ZONES TO PROTECT FAMILIES FROM UNWARRANTED HARASSMENT DURING FUNERALS AND MEMORIAL SERVICES.**

**Chairman Sciortino** said, "Commissioners, I'd like to . . . if you could bear . . . go ahead, Rich, if you're going to say something."

**Mr. Euson** said, "No."

**Chairman Sciortino** said, "No, I wanted to, after you said whatever you were going to say, I wanted to actually read it into the record, just so the public can know what we are . . . if that's okay and I don't know when it's appropriate."

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**Mr. William P. Buchanan** said, “Right now.”

**Chairman Sciortino** said, “Right now. Okay. This is a resolution requesting that Governor Kathleen Sebelius and the Kansas Legislature support legislation that would create buffer zones to protect families from unwarranted harassment during funerals and memorial services, and it states:

**WHEREAS**, families have a substantial interest in organizing and attending funerals for deceased relatives; and

**WHEREAS**, the interest of families to privately and peacefully mourn the loss of their loved ones are violated when funerals are targeted for picketing and other public demonstrations; and

**WHEREAS**, picketing, public demonstrations and other uninvited outside interference at funerals causes emotional distress and has the potential for creating disturbances resulting in a threat to public safety and the breach of the peace; and

**WHEREAS**, the State Legislature has addressed the issue of picketing at funerals by enacting previous statutes and should once again address this issue to provide for a state-wide policy protecting the rights of families to grieve without unwarranted harassment; and

**WHEREAS**, the Board of County Commissioners of Sedgwick County recognizes and appreciates the efforts of Richard Strothman and the Patriot Guard with American Legion Post 136 to bring this issue to the forefront by requesting that laws be enacted protecting the rights of families to grieve the loss of loved ones in peace by creating buffer zones to protect such families from unwarranted harassment during funerals and memorial services.

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Sedgwick County, Kansas that:

The Board of County Commissioners strongly urges the Kansas Legislature and members of the Sedgwick County legislative delegation to support legislation protecting the rights of families to grieve the loss of loved ones in peace by creating buffer zones to protect such families from unwarranted harassment during funerals and memorial services.

And there’s a place for all of us to indicate how we vote on this. Richard.”

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**Mr. Euson** said, "Thank you, Mr. Chairman. Commissioners, this comes before you as a result of a request made by the American Legion Patriot Guard in December. And the request at that time was for the county to enact local regulations to provide distance requirements for picketing and protests at funerals. At that time, we asked for time to review what the county could do, in that regard, and we're now reporting back to you.

Since then, we have determined that the county certainly does have home rule authority to enact local regulations. Those regulations would be effective in the unincorporated area of the county. They would apply to approximately 32 cemeteries. However, they would not be effective for the incorporated cities within the county, and so there would be approximately 26 cemeteries that would not be covered by these regulations.

We also determined that of course cities would probably also determine that they have their own home rule authority to enact regulations and whether or not they would enact the same regulations that we do is uncertain.

We know that the State of Kansas has legislation regarding this, but their distance requirements are uncertain. We know that other states, such as Illinois, Indiana and Nebraska, for instance, do have laws in front of their respective legislatures having distance requirements for protests at funerals and, to my knowledge, none of those has been enacted yet.

Some of the distance requirements vary, from as little as 100, and as much as 500 feet. Also since that time, a bill has been introduced and just last week I believe Senator Jean Schodorf introduced a bill into the Kansas Legislature to establish specific distance requirements of 300 feet and that is Senate Bill 421, and there was a comment in the paper when that was introduced that that would breeze through the senate, and as a matter of fact, it is on a pretty fast track and there is a hearing this morning at 10:30, in front of the federal and state committee to have a hearing on that.

And as a matter of fact, Richard Strothman, who appeared before you in December to make this request is currently in Topeka to testify on that bill and I think we also have Andy Schlapp, who is going to offer testimony also.

So as a result of the fact that there is a statewide push to amend the state law, we felt that it might be best to allow that to happen, since it's going to be affective in all 105 counties, whether it's in the unincorporated area or incorporated cities and so we do recommend that you pass this resolution, which requests that the governor and legislature of the State of Kansas enact amendments to the current state law."

**Chairman Sciortino** said, "Thank you. Commissioners, Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I just want to make a comment that it's

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very saddening that we need to address a person like this to begin with. That people would engage in conduct that is so offensive, but that happens to be the situation that exists and so I'm pleased that we can make an appropriate response. I just want to express appreciation to Richard Strothman for his part in kind of precipitating a response and some activity by this government and by our state legislators.

And also want to recognize Senator McGinn and Senator Schodorf for their active, proactive position in trying to move this legislation along and I know that they are appreciative, as the commissioners are, for Mr. Euson, your office for participating with them in trying to come up with right solutions that will stand any judicial challenge. So I think this is the right thing to do, I'm ready to move on and just appreciative of those folks who helped bring this to the point where we can be successful in trying to control some of the activities at funerals and that's all I had, Mr. Chairman."

**Chairman Sciortino** said, "Thank you, Commissioner? Any other comments gentlemen, ladies? Yes, Commissioner Winters."

**Commissioner Winters** said, "Thank you. Well, I'm going to be fully supportive and I'm confident that our board is. My question is, since there is a hearing in Topeka this morning at 10:30 and Richard is up there and our Andy Schlapp, Governmental Relations, I wondered if someone needs to contact them this morning, or fax them this morning a copy of this resolution, so at the hearing, they can say this morning the Sedgwick County Commission took this action."

**Mr. Euson** said, "If you approve this resolution, they will be contacted forthwith."

**Commissioner Winters** said, "Okay."

**Chairman Sciortino** said, "Okay, thank you. I don't see that there's any other comments, so what is the will of the Board on this item please?"

## **MOTION**

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Commissioner Unruh moved to adopt the Resolution.

Commissioner Burtnett seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, "Thank you, Richard. Next item please."

**DIVISION OF HUMAN SERVICES- COMCARE**

**C. AGREEMENT WITH SOUTH CENTRAL MENTAL HEALTH COUNSELING CENTER FOR COMCARE TO PROVIDE AFTER HOURS MENTAL HEALTH EMERGENCY SERVICES.**

Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE), greeted the Commissioners and said, "This is a renewal of a contract that we've had for several years with South Central Mental Health Center, which is the center that provides services to Butler County residents. All licensed community health centers are mandated by the state to have 24/7 coverage for crisis situations and South Central fulfills that obligation by contracting with COMCARE to provide that service.

The service is primarily delivered by us, answering their emergency phone number after-hours. In fact, we took 399 calls last year, with an average of about 33 a month, so it's not high volume, but it's certainly significant for them. We also, since we're so close to Butler County, have the capability of seeing individuals that need to be seen face to face and we actually did the latest one of those we did in December, when a woman was brought in to our crisis program midway through the day upon the suggestion of the Rose Hill law enforcement, so it was good that Rose Hill and surround communities know that we cover this for Butler.

The woman was very delusional, she had recently lost her job and was so confused she wasn't able

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to kind of even comprehend the consequences of that and was very actively hallucinating but not willing to seek treatment, so her son and daughter-in-law brought her in. We did that evaluation. We contacted the after-hours therapist at Butler County and he was taken by EMS to the hospital, where she was admitted locally, as an unassigned patient, so that was a service that was provided to Butler County but it would also ease the struggle that that family had with mom that day. We are recommending that you renew the contract and I'd be happy to answer any questions you might have."

**Chairman Sciortino** said, "Yes, we do have some. Commissioner Winters."

**Commissioner Winters** said, "Thank you. Well, I'm going to certainly be supportive of this. I think it's a great opportunity for us to share some of our services that we do have on a 24/7 with some of the smaller areas that that would be really a pretty significant financial hardship for them.

My only question was, and you did mention Butler County, is there more in the South Central Mental Health Center than just Butler County, or is it only that one county?"

**Ms. Cook** said, "That's Butler County but they have actual small centers: one in Rose Hill, one in Andover, one in El Dorado so they're kind of scattered. They don't have a central building, like some centers do."

**Commissioner Winters** said, "All right, thank you very much. Well, just keep up the good work and I think this is . . . because I think we do this for Sumner County. Is that correct?"

**Ms. Cook** said, "Right, and we do it for Reno County as well, five . . . for the mental health center that covers Reno and the surrounding areas there, so yes."

**Commissioner Winters** said, "Well, I think it's a good contract, a good partnership, lets us share some of our costs and gives us a better deal, than if they had to put their own system in place, so thank you."

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I agree that this is a good program, going to be very supportive. But Marilyn, how many calls do we field, annually, at our crisis intervention."

**Ms. Cook** said, "It varies, year to year. Last year, I believe the number was 51,000 calls and those



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are information calls, they're calls for people in distress, they're calls from agencies, but I believe that number was 51,000 last year."

**Commissioner Unruh** said, "Okay. Well, I've been giving a few talks about county government and I've been talking about that particular service and I repeat that number and every time I say it, it staggers me. So anyway, we are providing a service to a lot of folks."

**Ms. Cook** said, "Absolutely."

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

**Chairman Sciortino** said, "Okay. Any further comment on this item?"

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

**Chairman Sciortino** said, "Thank you very much, Marilyn. Next item please."

**D. PRESENTATION OF THE 2005 REPORT ON E-GOVERNMENT SERVICES.**

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**Mr. Buchanan** said, “Commissioners, I’d request that you defer this item.”

**MOTION**

Commissioner Norton moved to defer Item D.

Commissioner Winters seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, “Thank you. Next item.”

**E. PRESENTATION REGARDING THE SEDGWICK COUNTY ARENA.**

**POWERPOINT PRESENTATION**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “I’m here to update you on the arena project and let me just get oriented here. There is a . . . there we go . . . what I want to talk to you about this morning is the preliminary programming report and the project budget. We’ll talk specifically about the arena design process, but we do have a specific recommendation this morning, for you to approve the preliminary programming report, which is phase one of the arena design process, and to authorize us to move to phase two of the arena design process, which is the exterior design concept phase.

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Also, included in this recommendation coming before you today, is the preliminary budget detail, and you've seen that before. We want to make sure, as we go forward, we have all of the information updated for you and up to date, so that we're all on the same page. Again, our goal is to build a modern, first-class sports and entertainment venue, an arena that seats 15,000 for basketball and to accomplish this goal within the budget of the funds that are to be generated by the voter approved 30-month, 1% sales tax.

As demonstrated today, we are committed to again, an open and transparent process where citizens have opportunities, various opportunities to weigh in on what we're doing, but most important to have those citizens to know what we do on this project is done in a way whereby they are kept fully apprized of what decisions are being made and on what basis these decisions are being made.

To that end, very quickly, these are the steps that have been completed to date, June 2004 through November 2005. They include from the development of the arena plan, through the 'Vote Yeah' campaign and the actual vote, approval by the state legislature to implement the sales tax, and finally to site selection, which you approved what we call the 'east site' on November, middle of November, 2005. All of those steps have been completed and we've done those, again, having various community meetings and public input opportunities, as well as meeting with our established committees to help us take a look at the parts and pieces of development of this project.

Starting in September, 2005 the arena design phase of the project was initiated. As we mentioned in previous presentations to you, there are five phases that make up the arena design process. As you can see from this chart, the arena design process and timeline goes . . . is as follows. The preliminary programming phase, September 2005 to February 2006, if you approve our recommendation today.

The exterior design concept phase then starts right away and goes through May, 2007. Around Mother's Day we should be ready to make a recommendation on a final design concept. Then we start the schematic design phase in May of 2006 and goes into September 2006, around Labor Day.

After that, becomes the design development phase of the design process, September 2006 through the first of 2007, around New Year's Day 2007 and then the last phase of the arena design process is the construction documents phase, which would start in January of 2007 and be completed around Mother's Day, 2007 and in that construction documents phase, there's a 30% review and a 60% and a 90% review of construction documents, so that when we complete that phase, we are ready to let the documents for bid."

**Chairman Sciortino** said, "Ron, could I interrupt for a minute. What does it mean, 'construction

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documents'? Could you just maybe explain that, if you could, in a sentence or two?"

**Mr. Holt** said, "I'll talk about it a little bit more in a few minutes, but yes, construction documents means putting together all of the documents required to let the project go to bid so that a contractor who is bidding on the project understands, from A to Z, what it takes to build the facility."

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

**Mr. Holt** said, "And have the diagrams and specifications and so forth that go along with that."

In addition to the arena design process, other activities underway, the Real Estate acquisition and demolition process is underway. We started that in December. We hope to have some real activity going on there in the next few weeks and have . . . that process will run through . . . we hope sooner, but we've given our timeline through February 2007. That's acquiring the properties and demolishing the properties to make the site ready for construction.

As you know, we hired a fee appraiser. They've started work already. We have, just yesterday, or the day before, let the RFP for Real Estate acquisition team. By March 8<sup>th</sup> we hope to be back to you with a selection . . . a recommendation on a selection for Real Estate acquisition team. That team, then working with the fee appraiser, will start the actual work of negotiating acquisitions of properties at the site. It is our intention, that as we can, if we can once properties are acquired, that we would start the demolition process as well. So it is possible, late March, early April, those properties that we can acquire in a very quick, turn around way, we would start seeing demolition on the site as well.

Naming rights, sponsorships and premium seating evaluation, this graph says December 2005 to February 2006. Just yesterday, and I haven't . . . didn't get a chance to update this slide. We have moved that up to April or May. We just finished negotiating the contract with a group that's going to be doing that and so we pushed that up a couple or three month, but that is underway as of today and we will be deciding, with the help of this group and back to you, recommendations on how many suites, how many loge boxes, what number of club seats we ought to have in the arena and we'll, over the next few months, be coming back to you with those recommendations.

Also, you see there, we are in discussions about private party contract management. We're evaluating what makes sense in this new arena, and we hope to have some recommendations to you around summertime this year.

And then the city's Arena Neighborhood Redevelopment Plan, they've started. They've worked

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with us in site selection, that was last fall and now they've started in earnest to take a look at, based on the site that they selected, that we selected, that they had input to what are the redevelopment activities, how do they provide incentives, take a look at a plan that would help redevelopment in and around the arena.

By mid-summer, late summer this year, they plan to have their plan fully completed and that plan will also involve . . . or the development of that plan will also involve a number of community meetings.

For the next few minutes though, let me focus on the arena design process and timeline. Again, September 2005 through May 2007 for all five phases. You see them repeated there again, the preliminary program design, the exterior design concept phase, the schematic design phase, design development phase and then the construction documents phase.

The preliminary programming phase of the design is the process, as we mentioned before, for figuring out the details that will make the arena comfortable and functional. It is the first step in every design process. It is, as has been reported before, an evolving process. It will change, as new information comes about. It resets the stage and becomes the first input from users, operators and owners, but it's not the last time to talk about the functionality, how the building functions, internal, for operational purposes.

As we've discussed before, the information developed in the preliminary programming phase of the projects, it becomes the list of ingredients for the recipe for design. It is not the absolute determination of the final ultimate size and relationship of spaces within the building. That happens at the completion of the design development phase, as we'll talk about in a minute. When we get to that phase, then really any changes then become major shifts to budget and schedule.

This phase guides the designers in the first steps of conceiving the building. It established the overall size of the building. It establishes the parameters that will set the building footprint and it sets up, again, basic configurations of spaces based on relationships and needs. And all of this, gathered from not only the experiences of the architectural engineering team, but most especially from the input from the various users and stakeholders in the building operations that we've talked to.

It allows the first look at the building costs from a unit pricing basis and back in December the HOK folks and Turner folks were here to talk to you about that. The programming document, they report to us, should be thought of as a working or dynamic tool for evaluating decisions at each step along the way, through the early design phases. And while some decisions will need to be made at each phase, there are other decisions that can be tweaked, refined as far as the building layout is concerned throughout these design stages.

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So it would be expected, design factors along the way again are evolving considerations, affect final design outcomes, but the programming is the starting point and what we're going to be asking you today is to approve this preliminary programming report.

Once this report is approved, we then move to the exterior design concept phase. Again, we're looking at February through May, early May. It is the precursor to the schematic design. It considers design impacts that have been provided from public meetings, arena citizens design review advisory team has weighed in. The Citizen's Arena Neighborhood Redevelopment Plan steering team has weighed in on their thoughts and ideas about the design. It is based on the site that's been selected. The site is an important aspect of moving with design.

We've asked our architectural and engineering team to formulate three design concepts and then we'll go through a public review process and we will, of course, at some time at the end of that be back to you with a preferred design concept, which fits the project budget. Again, we're looking around early May. Again, we're talking about Mother's Day this year timeframe for having all of that wrapped up, around that time.

Beyond, or the next step after the exterior design and the schematic design phase, primary objective of the schematic design phase is to develop a clearly defined floor plan. It's schematic level drawings from all of the disciplines are developed. The opportunity to tweak or refine information that has been developed during the preliminary programming phase can happen here. Opportunity also exists to review and update the project budget at this time.

After the schematic design is the design development phase of the design process. During this time, much time will be spent in further defining the building structures, the systems and the main elements, interior materials will be selected, signage and graphics determined, other specific decisions made. Again, the idea here is to develop a comprehensive definition of the project, the scope and the budget of each bid package is determined, life cycle and cost analysis on building systems is done, and value analysis of materials will be completed. And at the end of this phase then is where the building budget, the building schedule is pretty much set and put in place so that we can move forward then with construction documents.

Also, during this time, we will meet with local representatives of the Independent Living Resources regarding accessibility issues and others that may be appropriate in that are, Envision for instance. We'll meet with local law enforcement in regard to reducing crime potential, there's a process called CPTED and local law enforcement will review the design to make sure that we've built in or thought about reducing crime in and around the arena, terrorism threats. We'll meet with local representatives of the Area Agency on Aging regarding user friendliness of this popula . . . for this

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population with the facility and other groups, as appropriate, that we'll be looking at and developing throughout the next few months.

Again, this would be the last time for any major changes to be made to the preliminary programming document, without having a significant impact on the project schedule and the budget. Beyond this then comes the construction documents phase. At this time, documentation is presented for review of the completion of the main building packages at 30, 60 and 90%. Changes in packages scope of basic materials would be considered as the basis for change of fee and schedule. So any changes made during this process would be considered major and we think, based on the process we're using, there would be limited need, if any, for making changes during this stage of the process.

Design of all building bid packages are set. Other bid packages, depending on how the project is broken down, may proceed through a different process and there we're talking about street and other infrastructure improvements, maybe follow a different process than the actual facility itself.

During this preliminary programming phase, what have we been doing and what have been the results. Let me run through, right quickly, the activity that's been generated through this phase of the process and what results, what's come out of that.

Again, I'm not going to go through all of these. You'll see, starting in September, we made tours, we've been to various arenas, we've had work sessions with the various stakeholders and users. We've had the Citizen's Design Review to weigh in on their thoughts and ideas about the arena functionality. We have a follow-up meeting with county programming team to look at the input we got from the various users and providers to make sure that we had vetted that information and followed up on that information.

We presented . . . had presentations here, not only on the programming, but also on the budget. We've met with our review teams, both the internal county review team, as well as our steering team. Also, another meeting with the Citizen's Design Review Advisory team and all of that talking about programming and budget, based on that information that was developed out of that two-day meeting held back in September.

And finally, again we went to the Alltel Arena to take a look at a one-concourse arena, had another meeting with the Citizens' Design Review Advisory team. A couple of weeks ago we were here and gave you an update on the process and timeline. On the 25<sup>th</sup> of January, we had a public

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meeting to focus specifically on . . . give the public a chance to focus on what we call the ‘fan experience’. What are the components of the functionality of the building and what their thoughts were about those various components.

Seven components to the . . . that were developed out of this preliminary programming phase: spectator facilities, food and retail facilities, circulation, event team facilities, administration offices, media facilities and building operations.

Now these next few pages are going to be tough to read and I didn’t present them . . . put them here for the information, but to give you a sense of the information that we’ve provided in that public meeting we had, a fifth public meeting and also the kind of information we provided to our Arena Neighborhood Redevelopment Team, as well as to our Citizens’ Design Review Team.

Again, the seven areas: spectator facilities, and identified there is about 145,080 square feet of the building would be designated for spectator facilities; food service and retail, about 21,870 square feet area needed to accommodate what is proposed for the food and retail services area; circulation, which includes lobbies, concourses, vertical circulation, need there about 69,200 square feet; event facilities, there about 60,810 square feet, these are the locker rooms and storage areas; the administrative area, about 9,350 square feet, just under 9,350 square feet for offices, both for ticketing and the facility management offices; the media area, about 2,690 square feet allocation there and then finally; the building operations area, about a little under 39,000 square feet for the building operations area. So again, the point there is a very comprehensive and detailed indication of what will be going on in the arena and how all of those parts and pieces work together.

This program, as we mentioned, is a living document. It’s a starting point for design. The programming areas will be tested throughout the design process against the project budget and the Arena Design Consortium is committed to identifying area, cost reduction opportunities that do not compromise operational efficiencies or the overriding goal of creating a first-class arena facility.

Out of all of this data gathering and information gathering, two areas have been identified to be



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addressed, to move to the next phase of the arena design process: the number of concourses and the seat sizes and tread depths. Our recommendation is for you today to approve the preliminary programming report and authorize the architectural and engineering team to move forward with exterior design concept phase of the arena design process. That approval, what we're asking you to do is to approve a two-concourse arena and 19 to 20 inch seats in the upper and lower seating bowl, with 33 inch tread depths. This approval of course is for the site that you approved back in November.

Why two concourses? Two reasons summarize . . . can be summarized in two reasons: to enhance the fan experience and also to enhance the revenue opportunities. We have found, through our meeting and through . . . with the public as well as our planning teams, that this is an expectation for modern, first class arenas to have two concourses. Also means a varied experience for the fan. There's more to see. It enhances the overall experience for the fan at an event. There's quicker access to concessions, restrooms and over amenities resulting in a more favorable fan experience, as well as generating greater revenues from sales per capita.

There's much more flexibility and ability to compartmentalize the arena spaces for different size events and this is especially true for the set up for half-arena events and we're finding more and more that that becomes a major portion of the kinds of events you would be having there, using about half of the space.

It allows positioning of seats and other premium seating, with its own circulation system, and again, we're not going to be overwhelmed in their facility with premium seating, but every facility, there are revenue opportunities out of these premium seating and having them designated premium seating, how people access those facilities also has a . . . makes an impact on what you can charge for those areas.

The cost impact for a two-concourse arena is \$5,000,000 or less, \$45,000,000 is what the cost impact of having a two-concourse versus a one-concourse would be and we have that built into the project budget that we'll be talking about in a few minutes.

We're recommending 19 to 20 inch seats in the upper and lower seating bowl, with a 33-inch tread depth. This exceeds both seat size and tread depth, what happens at Koch Arena and quite frankly, out of all the meetings we've had, out of every other place that people have been to see events, what they keep telling us is make sure we have more wider seats and more tread depth than Koch Arena. That's what people know. That's what they attend, been used to attending in this community. It's comparable to or exceeds arenas in our area and it is at or above standard for general seating in all arenas.

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If we would add one inch to all of the seats and one inch to the tread depth, if we would add . . . go to 20 to 21 inch seats and a 34-inch tread depth, we would be adding about 5.9 million dollars. Through all of our discussions, we believe that we meet fan experience with this size seat tread depths and it allows that money to be used in other enhancements to the arena, once we get into more design development.

Now let me switch to the budget. This is kind of a quick, one-page summary of what we're looking at. It's a 418,500 square feet that we're starting with in the preliminary design stage. Again, we will tweak up or down, depending on how we look at various locker rooms and other aspects of that, through the design development, up to and through design development. One of the pieces I want to spend a little bit of time on, you're going to be hearing three different numbers when we talk about construction. The number you see on this page is 119,808,000. That is including everything. That's actual unit pricing for square footage, that's scoreboard and signage and some food handling equipment, and that as you note there, it's \$4,346,000 for soft costs.

Let me just . . . this page, get into that in a little more detail. You see here that the site acquisition and demolition costs we're estimating to be about 11.7 million dollars. Off-site utility construction, about 5.5 million dollars. On site utility construction, about 5.3 million dollars and here's that arena construction number. The total number of the \$119,808,000 the amount of that for the actual square footage, the unit pricing for square footage of the building is \$111,000,000. You add to that 1.7 and 2.5 million for food service equipment and ribbon signing and scoreboard, you get another 2.5 million. Added to the 111, you get to 115,462,000 and then the overall costs when you add soft costs back in there is 119,808. It always becomes a part of discussion and I know that's a little bit of a detail, maybe more than you wanted or needed, but from our architects and engineering point of view, they want to talk about, rightfully so, 111,000,000. From a county staff point of view, we want to talk about 119,000,000, so that's why I'm making a point of that for you.

Here the square footage cost per each of the seven areas we talked about and then we added there, to the bottom there, food service equipment, the ribbon sign and scoreboard, making that total cost that you'll probably be hearing more often, is this \$115,462,000 cost.

Going on with the budget, the design permitting, furnishings and equipment is fourteen and a half million, about one and a half million for incidentals and other kinds of things that happen throughout a project this size and this long a timeline, for a subtotal of \$158,271,000. Then you add

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to that improvements to the pavilion at 9.1 million and then, as we've indicated to you, and starting parking operating and maintenance reserve fund of 17.1 million dollars get us to the 184.5 million that we've been operating against and will continue to operate against until we have reason to believe that there are more or less dollars to deal with.

The project programming and budget updates, as we mentioned, will be provided periodically throughout the design. That means from now through early 2007. Again, any cost reductions, our revenues will be used to increase parking, operating and maintenance reserve fund, or as you determine to go into building enhancements if we see any need for those and then proceeds from naming rights, premium seating and sponsorships will be used to offset any annual operating costs.

So, as we start towards summary here, what are the next steps? If you approve the preliminary programming report, and our recommendation is around that today, we will then move into exterior design concept phase over the next few months, schematic design phase follows that, design development, beyond that and moving towards construction documents to be completed around Mother's Day 2007.

In addition, here are the future components and once we get the naming rights and premium seating evaluations done, we would start marketing those in April of this year. That would go through February 2008 or earlier, if we can market them in a more expeditious fashion. We will, after the city's Arena Neighborhood Redevelopment plan has been completed, we will start in, if you will, earnest in developing a parking strategy and plan and we would plan to have that completed by December 2007, if not before, part being well ahead of the arena opening, so that we would not only have public input to that, we would be able to clearly and over time communicate what that plan is.

The construction bid process, if we can keep to this schedule, would be May 2007 to July 2008. The sales tax would end December, 2007 or earlier. The construction period then would be July, 2007 to early 2009. You will note here . . . and the arena opening in early 2009. You'll note here that at one point, we will have at that . . . we had, at this stage, December 2008 or early 2009. Because of the 30, 45, 60 days that we were dealing with the arena over the river, we moved this schedule a little bit, but we're still committed to the early 2009 timeframe and don't . . . probably the next real time you would adjust that schedule, if it needs to be adjusted, would be once we let construction bid, so that the contractor would be telling us, with all of these things, here's what we can do.

So we are sticking, if you will, to this timeframe until or unless when we get to construction . . . selecting a contractor. They would deem it a necessity for a different timeframe, based on the

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construction drawings.

So in summary, our recommendation again is to approve the preliminary programming report, authorize the project team to move forward with exterior design concept phase of the arena design process, with two concourse, 19 to 20-inch seats in the upper and lower seating bowls respectively, 33-inch tread depth and this would be, of course, at the site that's approved, that you approved back in November and we're also, as a part of this, asking you to approve the 17.1 million dollars of the 184.5 for project . . . of the project budget for parking and operation and maintenance and reserve fund, remembering that the proceeds from the naming rights, premium seating and sponsorships will be used to offset annual operating costs that the project programming and budget updates will be provided periodically throughout the design, and any cost reduction or other revenues will be used to increase parking and maintenance reserve or our goal to building enhancements, as you would deem appropriate. That's our recommendation and I would be happy to take any questions you might have."

**Chairman Sciortino** said, "Thank you very much, Ron. That was a very detailed and seriously, I think we appreciate this much detail, because I think this is something that I think the public has to disseminate, so we appreciate it. Commissioner Winters, you had your light on."

**Commissioner Winters** said, "Thank you. Just a couple of questions or comments perhaps. I really do appreciate this fact sheet with all of the details of all the information in it and I know that a lot of folks have gone into working on this document to get it to where it is.

My question would be is before we . . . you know, or maybe we've already disseminated it, but I wondered if maybe somehow we could have on here some place that this is the information that was developed by 'x' and 'y'. And by that I mean, I'd like to have HOK's name on here, the Design Consortium's name on here, maybe even a couple of committees, but I mean, so people would know this isn't something we dreamed up yesterday, but is something that has the work behind it of the experts that we've hired to help us through this whole process. So unless there's some technical reason we couldn't do that, I'd sure like to think about getting some names on here."

**Mr. Holt** said, "I'm looking at Kristi. I think the plan would be to put this . . . to post the information on the county's website and we can, at that time, certainly add that information and then any other time that we would hand out hard copies, to have that information attached. That's a great suggestion, appreciate it."

**Commissioner Winters** said, "All right, and secondly and I think all you needed to say is 'Yes, we have' but again, on the front page of one of the items, it talks about is restrooms at the new facility and I guess we have had a lot of discussion about restrooms, the size of, people know that the fan

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experience at the Coliseum is not good. So just make a comment and tell me that we're comfortable with this projection for restrooms."

**Mr. Holt** said, "Yes, we have and especially, as you'll remember the discussion from HOK around that and especially as we looked at women's restroom versus men's restroom, although we have had some folks representing the . . . a group, I talked about the aging community saying, 'I want to make sure that's all balanced, as us baby-boomers get older'. That's a consideration as well, and so yes, that's been looked at and will continue to be a consideration for refinement, as we need to, as we go through this process."

**Commissioner Winters** said, "And just a side note here, in talking about the aging community, I had just a quick call from a senior citizen constituent who said 'I hope you consider handrails at every opportunity in the arena' and I told her I didn't know how we would do that, but I told her, and I've already talked to Wes Darnell about that, and so we will consider it. I don't know what that outcomes needs to be."

The last thing then, Ron, that I wanted to say, if I heard you correctly, at the site we've selected, at the east site, we selected that back in the beginning of November and we're ready to start demolition on that site, 60 days, by the end of March we should be at demolition process."

**Mr. Holt** said, "That is correct. We believe that there are, just based on talking to a number of our folks that have property in that area, there are a number of folks that are anxious to get the negotiations over with and done. We would begin demolition as soon as we acquire those properties, so where we could do a quick deal, if you would, we would start demolition right away and that's our plan."

**Commissioner Winters** said, "All right, thank you. I think that's all the questions I have right now."

**Chairman Sciortino** said, "Before I find if any of the other commissioners have a comment here, I'd like to just expand a little bit on what Commissioner Winters has talked about and that's potty parody. I noticed in the press box we're going to have toilet rooms. I assume potty parody will be carried over into the press box also. Is that correct? Some members of the media might be interested in that. I just . . ."

**Mr. Holt** said, "The criteria for number of people per the toilets and lavatories has been carried throughout the building."

**Chairman Sciortino** said, "It was a joke, Ron. All right, well I guess we'll have potty parody all

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over the place. Okay, commissioners, any other comments or questions? Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Ron, thanks. I would agree, great presentation, very thorough, very detailed and appreciate this update. A couple of questions I had from constituents has to do with the number of seats and I know that we have been consistently saying 15,000 for basketball. But is there provision, is there any thought given to where we . . . is it possible to expand, later on? Can that be part of the design features, or is that something that’s not part of our thinking, because of construction and design problems? I’m looking for an answer that I can pass on.”

**Mr. Holt** said, “That is something that is not part of our thinking, that we’re building a 15,000 seat arena, which . . . for basketball, which means that depending on the configuration for concerts, it can seat more and of course for hockey, less. And the reason for that is when we were developing . . . even back when we were doing the Coliseum renovation plan and certainly when we were developing the arena plan, we did a lot of work on looking at talking to experts, so called experts if you will, people who have been in the arena business, who understand the marketplaces for arenas, and clearly said to us that for now, and for the future, this community is about a 13,500 seat arena community. That’s even looking into the future.

But looking at that, the incremental cost from 13,500 seats to 15,000 was insignificant . . . was not that great. However, going beyond 15,000, then you start talking about significant incremental costs, and that’s how we settle on 15,000. That far exceeds what we’ve been told, based on our research, based on information gathering, that would serve this community well into the future. That’s how we got there and consequently, as such, we’re not building any expansion plans into this program.”

**Commissioner Unruh** said, “Okay, so it’s an analytical decision that we made, but also to provide for future expansion just changes the cost of it so much, it’s just not practical.”

**Mr. Holt** said, “It does have an impact on cost. That’s correct.”

**Commissioner Unruh** said, “All right, thank you. The next question I had, we’re going to have three design concepts. What was the date or the time of that? That’s pretty quick. Was that 60, 90 days down the road here?”

**Mr. Holt** said, “We hope to have three design concepts in April, late April and then we would go through a public process of getting input, giving citizens, giving various groups an opportunity to weigh in on those, with some final . . . with a preferred design, with a final design recommendation back to you early mid-April . . . mid-May.”

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**Commissioner Unruh** said, “All right, and that . . . those designs that are going to be presented, three of them or whatever, are they going to be all the same type of a deal? I mean, we’re not going to have one of them that looks like Camelot and one of them that looks like, I don’t know, Cowtown and one of them looks . . . I mean, are we going to decide in advance that we’re going to have a certain style and then give us three great looking deals that makes our decision really hard, because they’re all so good?”

**Mr. Holt** said, “That’s correct. I think what we’ve been showing are four design styles, and of course those overlap somewhat, but one style is called an icon/ landmark and as a . . . probably over-simplified, but a very general statement there is if you saw it, it wouldn’t look like an arena. You wouldn’t call it an arena, based on its exterior design. Another style has been traditional, called traditional. It’s new, but you would know that it’s an arena, yet it had some features to it that made it kind of exciting. Contemporary is another style and the contemporary and traditional are very close together.

Again, a lot of it has to do with how much glass, what kind of brick that you would use in the exterior design, what the presence will be as you view it from inside and out. And then the other style has been called functional. That would be the style that you would absolutely expect an arena to look like. All of the feedback we’ve gotten has been traditional/ contemporary. Don’t go to the far extremes, but traditional/ contemporary, yet make them unique for this community, have some pizzazz to them and that’s the information we’ve given to the architectural and engineering design team and we’ll be talking to them about coming back, if you approve this today, with design styles in that traditional/ contemporary mode, but that has some flare, pizzazz to it, that folks can say it’s exciting.”

**Commissioner Unruh** said, “Okay, well thank you. That answers my question. Mr. Chairman, I think that’s all I have right now.”

**Chairman Sciortino** said, “All right. Commissioners, any other comments right now? Well, let me just make a comment on the one or two concourse concept, because I know that I’ve really labored over this, as to which one should I go to.

And you know, just the fact ‘Well, no one is doing it’ didn’t sway me. Everybody . . . you know, that didn’t sway me, but I had an experience here a couple of weeks ago when we had the rodeo over at the Coliseum and I don’t think there could have been as many as 5,000 people there. It certainly wasn’t sold out. And in getting into that concourse to try to go to the restroom or to the

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concession stand I thought was almost dangerous, it was so packed and congested. Heaven forbid, if you were trying to stand in line crossing the concourse for a concession when the wave of humanity was wanting to get through.

I saw people literally plastering themselves against the wall, waiting for ingress into the restrooms, and I know a single concourse can be widened that that one, but this idea of improving fan experience, that's always been a motivator of mine and I believe all of us, that we want this to really be a pleasant experience and if we can cut in half the amount of people that are going to be on a concourse for any reason, if we can double the number of concession stands that they can access, if they're so desired and the restrooms, I just have to feel that that's going to dramatically improve fan experience.

Total ingress and egress in and out of the facility should be enhanced and I did some . . . my logic may be a little silly, but I'm terming it the reduction to the ridiculous. We've been told four to five million is the cost, so I've taken the \$5,000,000, I've divided it by the number of years, you know 25 years we expect this facility to be in operation, divide that again by 98 event days, and just picked a number, average 8,500 people. Well, that's 25 cents per every . . . if I go to the event and I don't know, if all the sudden, my overall experience was nice, I got to not have to choose between bathroom and concession, I'm paying 25 cents.

Okay, if you want to argue average attendance is only 4,500. Okay, that's 50 cents, so when you get it down to that level, you know, reducing it almost down to the ridiculous, I think this is a good investment for the people that are going to be accessing the new arena, and I think that would be money that they would think would be well spent so I have now, finally in the last minute, decided that two concourses is the way to go. And what swayed me is the fact that the media box is going to have potty parody too, and I think that's important and I'm going to be supportive of the recommendations of staff. So that's my little diatribe and if there's no further comments, at this time, I'll entertain a motion."

### **MOTION**

Commissioner Winters moved to take the recommended action, as given to us by our management staff, led by Ron Holt and Arena Design Consortium and approve the preliminary programming report and authorize the project team to move forward with



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exterior design concept phase of the arena design process, which would include two concourse arena, 19 and 20 inch seats in the upper and lower bowls, 33 inch tread depth and 17.1 million of the 184.5 million project budget for the parking operation and maintenance reserve fund.

Commissioner Burtnett seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, "Thank you very, very much Ron and we'll see you next time. Madam Clerk, call the next item."

**F. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF JANUARY 26, 2006.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the 26<sup>th</sup> results in two items for consideration today.

**1) FOOD STAPLES- JUVENILE DETENTION FACILITY & BOYS RANCH  
FUNDING: CORRECTIONS**

First item, food staples for Juvenile Detention Facility and Boys Ranch. Recommendation is to accept the proposal meeting specifications from U.S. Foods, establish contract pricing and execute a contract for one year, with two one-year options to renew, at an annual estimated cost of \$400,000.

**2) CAD HARDWARE MAINTENANCE- EMERGENCY COMMUNICATIONS  
FUNDING: EMERGENCY COMMUNICATIONS**

Item, two, CAD hardware maintenance for Emergency Communications. Recommendation is to accept the quote from Northrup Grumman Information Technology Incorporated for an annual cost of \$27,992.21.

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

**Chairman Sciortino** said, “Do you have any questions of Iris on this one? I see that we have no questions Iris, so Madam Clerk, if you would call the roll please.”

**Ms. Lisa Davis**, Deputy County Clerk, said, “I need a motion.”

**Chairman Sciortino** said, “Excuse me, we need a motion.”

**MOTION**

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

Commissioner Winters seconded the motion.

**Commissioner Norton** said, “Excuse me, Commissioner Norton. I’m sorry.”

**Commissioner Norton** said, “Explain the logic on Item #1. I mean, I tried to follow this and look at all these prices and come up with there’s pluses and minuses in every column. Was that actually figured all the way down, based on the usage of a prior year, to come up with what looked like the best bid, or was there a different logic?”

**Ms. Baker** said, “No, the way it was figured was, in looking at the items, all of the items that are listed are used throughout the year. Actual usage on each varies from year to year, so we didn’t use that kind of format, we just went by cost.

One of the key factors here is labeling. That’s now required for federal reimbursement for the department, and U.S. Foods, at the current time, is the only one of the three that can label the items listed, with the exception of the items that they have listed as no bid. Right now, they do not have the capability . . . or they do not label those and we’re working with those, I think

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there's 12 items, to get those labeled and then cost configured on those. But one of the key elements here is the labeling that is now required and the items listed in this table require labeling."

**Commissioner Norton** said, "Explain labeling."

**Ms. Baker** said, "Labeling is the child . . . well, Larry, do you want to address it? It's nutritional value required for juveniles and Larry Ternes can speak more to it."

**Mr. Larry Ternes**, Youth Services Administrator, Sedgwick County Juvenile Detention Facility, greeted the Commissioners and said, "What Iris is referring to is the reimbursement process that we use to get federal reimbursement for our food services programming, for all of our facilities requires . . . the Kansas State Department of Education is who I'm referring to, requires that the labels on the products meet the KSDE requirements for reimbursement and without that, we have no opportunity whatsoever to ask for reimbursement from the Department of Education. So each of the product items has to have a particular label that meets food particular contents for fat, for protein, all of those kinds of things."

**Commissioner Norton** said, "I thought that was pretty standard procedure on food stuffs, that you had to have that nutritional label. Is there a special one for juvenile that would be required?"

**Mr. Ternes** said, "No, it's not common that all of the vendors have the capability to do this. I believe U.S. Foods, if I'm not mistaken, contracts as well with local USD 259, who has that same requirement for meeting reimbursement issues. What we found, and one would think that was the case but it's not, commissioner, that they don't all meet that particular labeling requirement."

**Commissioner Norton** said, "That surprises me. I thought it was a federal law that foodstuffs had to have nutritional values, caloric content, all of that on their labels, so I guess I've learned something new today."

**Chairman Sciortino** said, "So if I understand what Commissioner Norton has just . . . or what we've just discovered, none of these people will ever be able to bid for us again unless they figure out a way to . . . I mean, if their suppliers aren't supplying them . . . because they're just a go-between, aren't they. They just collect the food and then . . ."

**Mr. Ternes** said, "That would be correct."

**Chairman Sciortino** said, "So their suppliers, I would assume, are the same suppliers of U.S."

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Foods supply. I mean, if you're going to get carrots or chicken, you go to some place that's producing them and if they're producing . . . I mean, is U.S. Foods . . . I can't imagine U.S. Foods is making up individual labels and sticking them on all the cans. I mean, they have to come from their supplier and if these people are drawing upon the same . . . so U.S. Foods is the only one that does it, so in the future, we don't have to send it out for bid. It's always going to be U.S. Foods, right? I mean, if they're the only ones that . . ."

**Mr. Ternes** said, "Commissioner, I wish I could answer that for you, as to why the others don't do it. I'm just not able to answer why the others are able to do it or not willing to. I'm guessing there is an additional cost to making that on the product itself, and maybe that's part of the reason why they've chosen not to do it."

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. Just a comment on this labeling thing. It almost seems to me an unnecessary requirement, when you're an institutional buyer. I mean, I see this at the retail level, but I don't understand that that's a requirement at all, but if that's the rules, and someone is thinking they need to help protect us, then we've got to play by the rules. That's all there is to it. My question is though, does this represent all the food that we need for the entire year for Boy's Ranch and the Juvenile Detention Facility?"

**Mr. Ternes** said, "That would be correct."

**Commissioner Unruh** said, "Okay. Well, if I used the Chairman's reductionist mathematic technique, it's about a buck and a half a meal. Is that right?"

**Mr. Ternes** said, "It actually is about two dollars, is what we pay."

**Chairman Sciortino** said, "That's with dessert."

**Commissioner Unruh** said, "Pardon me?"

**Chairman Sciortino** said, "It goes up to two dollars if it's with dessert."

**Mr. Ternes** said, "We also are required to provide snacks, two snacks per day for each of the

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residents, which we are able to get reimbursement on certain days, when school is in session.”

**Commissioner Unruh** said, “Okay. Well, still sounds like a bargain. All right, well thank you. That’s all I had, Mr. Chairman.”

**Chairman Sciortino** said, “Thank you. Any other questions? What’s the will of the Board?”

**Ms. Davis** said, “We already have a Motion.”

**Chairman Sciortino** said, “I’m going to wake up here. Would you mind . . . have we already called the roll? Okay, Madam Clerk, would you call the roll.”

**VOTE**

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

**Chairman Sciortino** said, “Thank you. Next item.”

**CONSENT AGENDA**

**G. CONSENT AGENDA.**

**1. Right-of-Way Agreements.**

- a. One Right-of-Way Easement and one Temporary Construction Easement for Sedgwick County Project 773-CC-5200, replacement of bridge on 375<sup>th</sup> Street West between 103<sup>rd</sup> Street South and 111<sup>th</sup> Street South. CIP# B-405. District #3.

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- b. One Right-of-Way Easement and one Temporary Construction Easement for Sedgwick County Project 773-CC-4750, widening of bridge on 375<sup>th</sup> Street West between 103<sup>rd</sup> Street South and 111<sup>th</sup> Street South. CIP# B-396. District #3.
  - c. Temporary Construction Easement for Sedgwick County Project 821-AA, Cowskin Creek. District #2.
  - d. One Right-of-Way Easement and one Temporary Construction Easement for Sedgwick County Project 841-C-4443, bridge on 159<sup>th</sup> Street East between 101<sup>st</sup> and 109<sup>th</sup> Streets North. CIP# B-352. District #1.
2. **Waiver of policy to hire a Community Health Nurse II at step 6.**
  3. **Orders dated January 18 and 25, 2006 to correct tax roll for change of assessment.**
  4. **Payroll Check Register of January 27, 2006.**
  5. **General Bills Check Register(s) for the week of January 25 – 31, 2006.**

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

Chairman Sciortino said, “Thank you.”

**MOTION**

Commissioner Norton moved to approve the consent agenda as presented.

Chairman Sciortino seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye

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Chairman Sciortino

Aye

**Chairman Sciortino** said, “Thank you. Commissioners, I think we’re going to have to have an executive session today but before we do that, why don’t we handle other, if any of you have anything going on this weekend or would like to discuss anything under the ‘other’ category. Yes, Commissioner Winters.”

### H. OTHER

**Commissioner Winters** said, “Just very quickly, I think folks may have noticed in the newspaper, just a couple of weeks ago, there was a national kind of survey done on EMS around the country and kind of the headline in the paper was ‘EMS deserves a C-’ which was really a pretty misleading kind of a statement and I certainly appreciate Dr. James Gilbreath, who had another article in the paper then, just a few days ago, saying the EMS system, basically in Sedgwick County, deserves an A and not a C- and went through a pretty good recommendation.

And then I see Chairman Sciortino, just yesterday, sent him a letter thanking him for the article, which I thought was good, but that original headline was pretty misleading and I certainly appreciate some folks taking the time. James Gilbreath is the president of the Medical Society here in Sedgwick County, who is a great partner with EMS, so I appreciate his note and I appreciate your thanking him for that vote.”

**Chairman Sciortino** said, “Thank you. Commissioners, I don’t see any other lights on. I do now. Commissioner Norton.”

**Commissioner Norton** said, “I’m sorry, I thought somebody else was going to talk. Just a couple of things. This weekend is the home show, which is a pretty big event and I know several of us may be out there. I know I’m going to serve some time in the Haysville booth that’s there every year. But home show is going to be at the Expo Hall and it lasts for two or three days and it’s a pretty good . . . it looks like it’s going to be good weather, good place to go and kind of look at things that you can do to your home and to your garden, to your outside to make it better.

And the final thing I’ve got is that we spent yesterday in our annual retreat and went over kind of a strategic plan of the items that we’re going to be looking at, not only in the near future, but long-term and you know, kind of crunch the costs and how we felt about it. I thought it was very productive, but I think the citizens, the taxpayers need to know that some of these items are not just . . . they don’t just pop up on an agenda and we vote on them and that’s the end of it. That they

## **Regular Meeting, February 1, 2006**

come out of these retreats and workshops that we have to try to figure out not only what we need to do in the near future, but long term and what the cost implications, the tax implications will be and what the service implications will be for citizens so I thought it was very productive. We talked about probably 20 items, four of them in great detail, but many more in lesser detail, as we try to figure out what our role of government is in Sedgwick County. That's all I've got."

**Chairman Sciortino** said, "Thank you. I just have one item. It's just I heard today that Senator McGinn has introduced a bill on affordable airfares up in the senate. I heard that on the radio this morning and just wanted to let her know that we appreciate that. I know REAP has been very involved in affordable airfares, as we have, as the city has and would like to let the senator know and I might send her a letter thanking her for that work too and anything that we can do to support her efforts up there I think would be very productive for us to do, so that's all I had. Other than when are the Lyons having another breakfast? I'm just about ready to bike over there and scarf down on those pancakes."

**Commissioner Norton** said, "The Masonic Lodge . . ."

**Chairman Sciortino** said, "The Masonic Lodge, excuse me."

**Commissioner Norton** said, "They're having theirs . . ."

**Chairman Sciortino** said, "Is it this weekend?"

**Commissioner Norton** said, "No, I think it's next weekend."

**Chairman Sciortino** said, "Next weekend. I'm going to probably try to make it, if the weather holds. Anything else? Okay, I think we have perhaps, Madam Vice Chair, a . . ."

### **MOTION**

Commissioner Burtnett moved to recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return to this room from executive session no sooner than 10:33 a.m.

Commissioner Unruh seconded the Motion.

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

### **VOTE**



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

**Chairman Sciortino** said, "This meeting is recessed into Executive Session."

**The Board of Sedgwick County Commissioners recessed into executive session at 10:23 a.m. and returned at 10:35 a.m.**

**Chairman Sciortino** said, "I'll call the meeting back to order and let the record show that there was no binding action taken while in Executive Session. Mr. Euson, you have something to discuss with us?"

**Mr. Euson** said, "Yes, sir. Commissioners, while in Executive Session, we discussed a Worker's compensation case that is pending, in an administrative proceeding, involving a current employee by the name of Kevin Rush. We are recommending at this point in time that we settle this case in the amount of \$16,176.52."

**Chairman Sciortino** said, "Thank you. What's the will of the Board?"

**MOTION**

Commissioner Winters moved to take the recommended action from the County Counselor.

Chairman Burtnett seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye

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Commissioner Burtnett	Aye
Chairman Sciortino	Aye

**Chairman Sciortino** said, "Thank you. Anything further to come before us, Mr. Euson? Mr. Buchanan? This meeting is adjourned."

**I. ADJOURNMENT**

**Regular Meeting, February 1, 2006**

There being no other business to come before the Board, the Meeting was adjourned at 10:37 a.m.

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

\_\_\_\_\_  
**BEN SCIORTINO**, Chairman  
Fifth District

\_\_\_\_\_  
**LUCY BURTNETT**, Chair Pro Tem  
Fourth District

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

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

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

ATTEST:

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

APPROVED:

\_\_\_\_\_, 2006