

## MEETING OF THE BOARD OF COUNTY COMMISSIONERS

### REGULAR MEETING

**June 27, 2007**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, June 27, 2007 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Thomas G. Winters; Commissioner Tim R. Norton; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Lieutenant Terrilee Jones, Sheriff's Department; Ms. Jo Templin, Director, Human Resources; Mr. Steve French, EMS Paramedic, Emergency Medical Services; Mr. Don Brace, County Clerk; Mr. Ron Holt, Assistant County Manager; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Bill Longnecker, MAPD; Mr. David Miller, Director, Budget Department; Ms. Crystal Gile, Management Intern, Manager's Office; Ms. Annette Graham, Director, Central Plains Area Agency on Aging; Ms. Claudia Blackburn, Director, Health Department; Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### GUESTS

Mr. King David Davis, Wichita, Ks.  
Mr. Wes Darnelll, Member, Downtown Arena Design Consortium.  
Ms. Susan Lockwood, 927 N. 343<sup>rd</sup> St. W., Cheney, Ks.  
Mr. Bob Kaplan, 430 N. Market, Wichita, Ks.  
Mr. Samantha Rainwater, 902 W. 25<sup>th</sup> St. S., Wichita, Ks.  
Mr. Bill Cather, 2935 S. Seneca, Wichita, Ks.  
Mr. Dave Kirkbridge, 4114 W. 9<sup>th</sup> St., Wichita, Ks.  
Ms. Shari Loyd, 2538 High Point Cr., Wichita, Ks.  
Ms. Sheryl Sheels, 1013 N. 343<sup>rd</sup> St. W., Cheney, Ks.  
Ms. Janice Clasen, 1501 N. Valleyview Ct., Wichita, Ks.  
Mr. Vince ?, 832 S. 343 St. W., Cheney, Ks.  
Mr. Raymond P. Doll, 1313 N. 343 W., Cheney, Ks.  
Ms. Mary Herold, 3536 W. 2<sup>nd</sup> St., Apt. #1101, Wichita, Ks.  
Ms. Brenda McCoskey, 9408 S.W. Pine Rd., Andover, Ks.  
Ms. Maddy Leedom, 2502 Lakepoint Ct., Augusta, Ks.  
Ms Sydney Williams, 506 Stone Lake Ct., Augusta, Ks.  
Mr. Austin Willis, 16 Arnold, Augusta, Ks.  
Ms. Sharon Scheffler, 520 S. 1<sup>st</sup> St., Colwich, Ks.  
Ms. Julie Washburn, 201 W. Albert, Maize, Ks.

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**GUESTS (Continued)**

Ms. Cathy Elpers, 33715 W. 13<sup>th</sup> St. N., Garden Plain, Ks.  
Mr. Leroy Clasen, 1501 Valleyview Ct., Wichita, Ks.  
Mr. Colin Busey, 4911 S. Meridian, Wichita, Ks.  
Mr. Ed Laverentz, 2120 S. 343<sup>rd</sup> St. W., Cheney, Ks.  
Mr. Ed Lockwood, 927 N. 343<sup>rd</sup> St. W., Cheney, Ks.  
Mr. Pete Gustav, President, Wichita Area Technical Center.

**INVOCATION**

The Invocation was led by Pastor Todd Carter of Westlink Christian Church, Wichita.

**FLAG SALUTE**

**ROLL CALL**

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

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

**PROCLAMATION**

**A. PROCLAMATION DECLARING JULY 9 – 13, 2007 AS “SEDGWICK COUNTY LAW CAMP DAYS.”**

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

**PROCLAMATION**

**WHEREAS**, approximately 150 youth between the ages of 11 and 15 will attend the 11<sup>th</sup> Annual Sedgwick County L.A.W. Camp July 9-13, 2007 at Lake Afton Park; and

**WHEREAS**, the mission of the L.A.W. Camp is to create a partnership between law enforcement and guard personnel as role models- building self-esteem, confidence and trust; and

**WHEREAS**, a squad of 10 youth will be assigned to mentors who will keep track of the activity schedule. The mentors will operate in teams of two, consisting of one deputy and one soldier from the Kansas Army National Guard; and

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**WHEREAS**, L.A.W. Camp is a partnership involving more than 25 public and private sector organizations;

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim July 9-13, 2007 as

**‘SEDGWICK COUNTY LAW CAMP DAYS’**

in recognition of this effort to involve our youth in alternatives to crime and violence.

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

**MOTION**

Commissioner Parks moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “And accepting the proclamation from the Sheriff’s Department is Terrilee Jones. Good morning.”

**Lieutenant Terrilee Jones**, Sheriff’s Department, greeted the Commissioners and said, “I’d like to thank the commission for making this week Law Camp Week. This is a cooperative effort between at least 25 different agencies and organizations in Sedgwick County. We wouldn’t be able to do this without the help of the whole community.”

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**Chairman Unruh** said, "Well thank you. We are very pleased to make the proclamation and be supportive of this effort. One hundred and fifty youngsters out there getting character training, if you will, I think is very beneficial to our community and we just want to express appreciation to all those Guardsmen and officers who have given their time and see this as an important contribution to Sedgwick County so thank you very much for your leadership in this. Madam Clerk, call the next item."

### **RETIREMENT**

#### **B. PRESENTATION OF RETIREMENT CLOCK TO STEVEN R. FRENCH.**

**Ms. Jo Templin**, Director, Human Resources, greeted the Commissioners and said, "This item recognizes the contributions of one of our Public Safety officers in Emergency Medical Services and this is Steven R. French and he is an EMS Lieutenant. He will retire July 1<sup>st</sup>, 2007 after nine years of employment with Emergency Medical Services."

**Chairman Unruh** said, "On behalf of the Board of County Commissioners, we just want to express our appreciation to you for your years of service to Sedgwick County and I know this is a big day for you and we just want you to have this certificate of recognition that commemorates this day and also we want to present you with this retirement clock. I'll hand it to you. It's heavy so hold onto it. Hopefully, when you look at it in your retirement years you'll remember your service here and the good memories. And I just want you to know that our EMS Department really has an outstanding record of service to our community and you've been a part of building that and we certainly appreciate your years of service, so congratulations."

**Mr. Steve French**, EMS Paramedic, Emergency Medical Services, greeted the Commissioners and said, "Just a brief moment here, I would like to thank the Commission. It has been an honor for me to serve in the capacity with Sedgwick County EMS, probably regarded as one of the finest EMS systems in the state. I would like to thank my family. I've been in the public safety sector for 29 years and they have supported me and gone through hardships and sacrifices for me. It's going to be nice to be home with them. Thank you."

**Commissioner Winters** said, "Thank you. We'll wait just a moment while the Chairman returns before we call the next item."

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

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**APPOINTMENTS**

**C. APPOINTMENTS.**

- 1. RESOLUTION APPOINTING RILEY WILLIAMS AT LARGE APPOINTMENT TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.**
- 2. RESOLUTION REAPPOINTING JEAN A. HOGAN AT LARGE APPOINTMENT TO SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.**
- 3. RESOLUTION REAPPOINTING KATHLEEN KAISER AT LARGE APPOINTMENT TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.**

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "Item C-1, 2, and 3 are all appointments to the Sedgwick County Juvenile Corrections Advisory Board. Item C-1 is a resolution appointing Riley Williams to that board as an at-large appointment and Item C-2 is a reappointment is a reappointment of Jean Hogan. Item C-3 is a reappointment of Kathleen Kaiser and I would recommend that you adopt this resolution as written."

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner Winters seconded the motion.

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

**VOTE**

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

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**Chairman Unruh** said, “And we have County Clerk Don Brace here who will administer the oath of office to Mr. Williams.”

**Mr. Don Brace**, County Clerk, said, “Please raise your right hand.

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

**Mr. Riley Williams**, Member, Sedgwick County Juvenile Corrections, Advisory Board, said, “I do.”

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

**Mr. Williams** said, “Thank you for the work that you do and thank you for considering me and allowing me the opportunity to serve on the Sedgwick County Juvenile Corrections Advisory Board. Thank you very much.”

**Chairman Unruh** said, “Well thank you sir and we want you to know that we appreciate your willingness to serve Sedgwick County. Madam Clerk, next item please.”

### AWARDS

#### **D. PRESENTATION OF “EXCELLENCE IN PUBLIC SERVICE AWARD” CERTIFICATES.**

**Ms. Kristi Zukovich**, Director, Communications, greeted the Commissioners and said, “Each year we have the opportunity to participate in the Excellence in Public Service award program and this is sponsored by the DeVore Foundation and they have taken it upon themselves, this is the 20<sup>th</sup> year, to say that it’s important for us to recognize not only a county employee, a USD 259 employee and a City of Wichita employee and so each year we ask for nominations from throughout the community for folks in those categories and today we would like to recognize all of our county employees who were nominated for this program and I will ask them to come forward.

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We have first Linda Baughman from the Division of Information and Operations; Carol Cole from the Sedgwick County Commission Office; Chris Chronis from the Division of Finance; Phillip Crayton from COMCARE; Kelly Dixon from Code Enforcement; Gary Farthing from our Sheriff's Department; Carol Flower, Department of Corrections; Lynne Frasier, COMCARE; Jeremy Jameson from the Sheriff's Department; Kathy Landwehr from the Department on Aging; backup, I saw Chris Chronis from Division of Finance just come in; Mark Reed of our Sedgwick County Zoo; Cindy Roeder, Division of Human Resources; Carly Sanchez, Department of Corrections; and Brent Shelton from the Sedgwick County Clerk and Brent was this year's recipient of Sedgwick County's Excellence in Public Service award.

And commissioners, I'd just like to note that you see the wide range of departments and these are folks who are nominated by the co-workers or by folks that they work with in the community and what this award acknowledges is not only their quality public service that they deliver while they're here at Sedgwick County, but also their contributions to the community and they have such a wide range, anything from volunteering at the Lord's Dinner to mentoring youth, to reading with kids, to Boy Scout activities, to just you name it, there's a wide range of activities that they do to help make our community better, so I'd like for us to take a moment to recognize all of our nominees if you would."

**Chairman Unruh** said, "Well Kristi, we do have a couple of comments and first I'll call on Commissioner Norton."

**Commissioner Norton** said, "Well I'd like to congratulate all of the nominees and certainly Brent Shelton for being our recipient. But I have to tell you, you hold the banner up for all the other 2,800 to 3,000 Sedgwick County employees that every day come and try to serve the public.

And one thing, since I've been involved in public service for quite a few years myself going back to being a city councilman and a mayor, is I've always been struck by the idea that people in public service and administration also are generally very active in their community in many other ways. Not only do they serve the public in their day to day work lives, but they serve the public in many other ways in their lives and I think this is a real testament to that, to be nominated by your peers and be nominated by the community for this public service kind of award, so congratulations. You honor us by working for the county and carrying that banner very high for the 3,000 people that work in government in Sedgwick County. Thanks."

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**Chairman Unruh** said, “Thank you, Commissioner. Well Commissioner Norton has said it very well. We appreciate all your work on behalf of the county and on behalf of our community and it is important to have folks like you and you set an outstanding example and we’re proud of you. We also would want to mention, we’re very thankful to the DeVore Foundation and the DeVore family for making this award possible each year and kind of stimulating us to recognize the outstanding folks who work for Sedgwick County, but we do appreciate each of you. And I notice the Zoo Director Mark Reed has on a penguin tie and he told me that our penguins are all healthy out at the Sedgwick County Zoo, so we’re glad to hear that today. Kristi, thank you for this presentation. Thanks to all of your for your service to the county. Madam Clerk, please call the next item.”

### RECOGNITION

#### **E. RECOGNITION OF COMPLETION OF WORK OF THE ARENA CITIZEN DESIGN REVIEW COMMITTEE.**

**Chairman Unruh** said, “I want our citizens to know that this is not a lack of punctuality by Mr. Holt. This is an indication of how hard he’s working and how many responsibilities we’ve given him, but welcome Ron.”

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “And it’s my pleasure and opportunity to take this time on your agenda to recognize folks who have been assisting us in the arena design process. Back on September the 21<sup>st</sup>, 2005 you appointed a 23-person committee to assist us in the design, development of the arena. These were citizens representing a cross-section of our community. Each commissioner had three appointments. The mayor had an appointment. Each city council member had an appointment and then there was an appointment at-large.

These citizens have met eight different times over the course of almost two years now, about 19 months. Many of these citizens also accompanied us in a trip to Oklahoma City to review the Ford Center. The role and responsibility of this committee was to be the eyes and ears of the county and for the community in developing an arena project that we all could be proud of and that would have, in it’s final completion, fingerprints of the citizens all over it, and we believe we have accomplished that goal.

And so it is my pleasure this morning to recognize all 23 of those persons who served on that



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committee. I'm going to go down this list. We did have, about halfway through, three-quarters of the way through the timeframe, a person whose schedule just would not allow them to continue, and so they resigned but we were so far into the project, we elected not to replace that person. But let me just go down the list of names and ask them to stand if they're here, remain standing. We have certificates of appreciation that we would like to present to each of them and we also . . . or to come forward when I call their name, if they are here. We have certificates of appreciation and would like to recognize them in that way.

Going down through the list, in alphabetic order, Mr. Franklin Bergquist, and I apologize getting in here late, I haven't had a chance to see whose here; Mr. Lorenzo Breckenridge; Mr. Brian Cartright; Tiffany Farha; Sam Frey; Phil Garrison; Bob Hanson; Phil Hayes; Kim Henning; Steve Hinds; Ron Jacobson; Joe Johnson; Roger Lowe; Mike Michaelis; Mack Moore; Gary O'Neal; Shelley Palmer; Frank Sietz; DeAnn Sullivan; Richard Taylor; Whitney Ward and LaVonta Williams, who is now a new city councilmember.

So commissioners, again I will on your behalf award these certificates and the read: 'Certificate of Appreciation presented to the person named for service on the Arena Design/ Review Committee, September 21, 2005 through June 27, 2007. Signed by the Chair of the Board of Sedgwick County Commissioners, on behalf of the commission and the community'. And we want to thank them very much for their service."

**Chairman Unruh** said, "Okay. Well while your passing out those certificates Ron, we do have a comment from Commissioner Norton."

**Commissioner Norton** said, "Well yesterday we had a chance to drop by the Design Consortium and kind of look at some of the textures and fabrics and materials that they'll be using that you guys have kind of looked at and anguished over for the last few months and it looks like it's going to be spectacular. I'm sure there's going to be folks that look at the colorization and the textures and the tiles and ask what were you guys thinking when you made those decisions, but I think the thing that's so powerful is that these decisions weren't made by Sedgwick County Commissioners, they were made by citizens that went and spent their time to try to understand what we're trying to do in a huge public project and that it was put through the filter of citizens.

Now it would be nice if we could put it through the filter of 350,000 citizens in Wichita, but that's not always going to be the case. But I think if you look at the folks that are here today and listen to

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the names that were called, a pretty wide perspective in our citizenry. You know, we had people from a lot of different walks of life, a lot of different demographics and age groups and I think that really shouts what I believe, is that we have made this an open process and that we've tried to let citizens be a part of that and hopefully you'll be representative, as we move forward for the community when questions are being asked that it did go through the filter of the public. You did have a chance to look at the issue. You did help design the arena, one of the largest projects ever done in the public sector in our community, and I applaud you for stepping up and taking that on.

You know, as much cacophony as there's been about the arena, all you've done is step into the fray with the rest of us and I appreciate that because it is not an easy process to go through. A big project like this is messy at best, but at the end of the day, I'm very proud that you've stepped up and helped us make the decisions for our community to make this arena the best that it can be. Thank you. I really appreciate it."

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

**Commissioner Winters** said, "Well thank you, Mr. Chairman. I just also want to add my thanks to all the committee members. I certainly appreciate your input and your attendance at briefing concerning the arena. I know a lot of us don't need another meeting to attend, but I appreciate you all making the effort to be part of this community project. I think we have gone above and beyond in obtaining community input in lots of different areas and your committee was just one of those, but again, thank you very much for participating with us on this really bid project."

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

**Commissioner Welshimer** said, "Well you all were appointed before I became a member of this commission, but I do appreciate everything you've done. Thank you so much."

**Chairman Unruh** said, "All right, thank you. Well let me just say, I want to . . . Joe, go ahead."

**Mr. Joe Johnson**, Member, Arena Citizen Design Review Committee, said, "I happen to be an architect myself. I just wanted to say it was a pleasure to serve on this committee and I just wanted to commend the commission for selection of a great design team to carry out this project. I think you did an excellent job in the consortium that you put together. Thank you very much."

**Chairman Unruh** said, "Well thank you Joe. I would just want to remark, I would second the remarks by the other commissioners and appreciate Joe, your expression on behalf of the committee

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how much you enjoyed working on this and appreciated that opportunity. But not only appreciate your willingness to contribute to our community here in south central Kansas, but I just want to tell you, I think the product of your work is really good. What we saw at the design consortium yesterday was good looking colors and textures and the products that you've put together. I think everyone is really going to think this is a first-class arena and that was our goal. So the certificates you received is not much remuneration but I hope that in 15 years from now, you can look back at this arena and say 'I contributed to what is the pride of south central Kansas' and we thank you very much."

**Mr. Holt** said, "Well thank you commissioners. You know, the way a camel came about, it was a committee put together to design a horse, and they ended up with a camel and I assure you that this committee designed a horse, not a camel and we're very proud of the work they've done. Thank you so much."

**Chairman Unruh** said, "Very good, thank you Ron. Commissioners, at this time I want to take a couple of items out of order and take Item G and H before we take Item F, which means that we will call for a citizen inquiry at this time.

Before I ask the Clerk to call that item though, I just want to say that we have a process for citizens to speak at our county commission meeting. Folks can't just show up here and request to speak and speak immediately. We ask them to give notice to the county manager's office ten days prior to the time that they want to be on our agenda and this allows us to have some sort of control over what's going on here. And along with that, we don't allow people to speak every week, you know there's a certain limit on the number of times that they can come before us. But just wanted to give that explanation about our process.

Commissioner Winters wants to make a comment."

**Commissioner Winters** said, "Mr. Chairman, just so there's no confusion, the people that are here to speak at the zoning case, they will be able to speak at that. They don't have to get a previous approval for that. This is just for the citizen's inquiry portion."

**Chairman Unruh** said, "That is correct. With those explanations, Madam Clerk, please call the next item."

### **CITIZEN INQUIRY**

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**G. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING A TRIBUTE TO THE INSTITUTION OF GOVERNMENT AND LOCAL LAW ENFORCEMENT.**

**Mr. David Davis**, Wichita, Ks, greeted the Commissioners and said, "I stand here today, humbly, yet despite having been the target of political retribution, false arrest and malicious prosecution in order to keep the truth and the good an honorable voice of the people silenced. My respect for government, the uniform of the law and the people's badge of honor is higher now than it has ever been.

Fifteen years ago, during the Summer of Mercy, I entered into the political arena of our community, not realizing that would be the beginning of a journey to the truth and the dark side of politics and the discovery of honor's gold.

The more I learned and understood the institution of government, its lawful function and the honorable role of society has made me one of its biggest defender and would be protector from those who disrespect it, contaminate it and erode it from within and without.

Therefore, I come before you today not as a peasant who has no worries, nor as part of a slave society who has sold out their liberty and country for the comforts and gains on the moment. But rather, I stand here as a citizen who understands his God given civil authority, declared before the powers of the earth, July 4<sup>th</sup>, 1776 and authority by which government is subject and accountable.

So as a small tribute to the institution of government, law enforcement and the fourth of July, I will be launching this summer what will be known as Operation Clean Sweep, Bad Apples Beware, a four year campaign to identify, penalize and remove from public service those individuals who bring shame and disgrace to the people's badge of honor, the uniform of the law and the institution of government.

And for the real heroes of law enforcement and the shining stars from local government, for those who truly serve with honor, respect and dignity, their fellow citizens, we will have the Golden Apple award, an award of the highest nature.

Whereas, those officers who like to throw their weigh around, abuse our citizens with excessive force, they could get a special invitation to what will be known as the Ring of Honor and/ or the Hall of Shame and Disgrace, for which there is no escape from its grip, except through the fire of honor's gold.

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In the establishment of a leadership gold standard, there has to be real authority, real power and a real foundation to build on, such as the laws of nature and nature's God, July 4<sup>th</sup>, 1776. We have all these things, plus the wealth of honor's gold, so to give the political opposition a fair chance and to gain honor, I will take an oath and subject myself to the same underlying duty and obligation to public service, not so from an elected office, but rather from the office of citizen as set forth and declared July 4<sup>th</sup>, 1776.

I, King David Davis, do solemnly swear before God, the commissioners and citizens of Sedgwick County this day, June 27<sup>th</sup>, 2007 that I will protect, defend and honor the United States and Kansas Constitution. I will exercise my citizen authority over government humbly, honorably, respectfully and lawfully. I will operate within the lawful authority given to each man, woman and child equally by God at the moment of conception and declared July 4<sup>th</sup>, 1776.

You see, the opportunity and authority to restore government and law enforcement to its highest place of honor and respectability amongst men and God as surely the most basic calling of anyone who would dare call themselves a politician. And as the honorable attributes of a true statesman of we the people. Thank you commissioners, county manager and all present for being my witnesses and giving me this opportunity to express such a small token of respect to the people's institution, the uniform of the law and the people's badge of honor and the land we call America home sweet home. We truly are a very wealth and most powerful people, as one nation, under God. Thank you."

**Chairman Unruh** said, "Madam Clerk, would you please call the next item, Item H please."

### **PLANNING DEPARTMENT**

#### **H. MAPC CON2007-00014 – CONDITIONAL USE TO AMEND CON2004-10, A CONDITIONAL USE FOR COMMUNITY ASSEMBLY FOR A BIRDS OF PREY**

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**REHABILITATION AND EDUCATIONAL FACILITY, TO ALLOW EXPANSION OF THE SITE, TO ALLOW MORE STRUCTURES ON THE SITE, TO RAISE MAXIMUM NUMBER OF PEOPLE ALLOWED ON THE SITE AND TO EXTEND HOURS OF OPERATION TO ALLOW CAMPING.**

**Chairman Unruh** said, "Okay, while Mr. Schlegel is waiting to get to the podium, I just might say that these zoning cases present to us a quasi- judicial situation where commissioners are required to make findings based on the facts presented.

So in light of that, as we go through this process and different individuals will have an opportunity to speak, we just want everyone to maintain the decorum of this meeting and understand the importance of this type of a proceeding and we would want everyone to refrain from applause or any sights of expression like that. We've had quite a bit of applause this morning, but that's to recognize individuals for achievement. So in this type of a situation, we want to maintain that sort of decorum and give this the respect that it deserves for this sort of a zoning case. So with those comments, I think Commissioner Winters has a comment."

**Commissioner Winters** said, "Mr. Chairman, I just wanted to acknowledge before we start this case that I have had contact with the applicant in this case and visited with him about this case. I have had contact with some of the neighbors who are in opposition with this case. I have received numerous e-mails, both in support and requesting a denial of this case, but for all those present, I have not come to a conclusion. And as you said, this is the hearing where I will come to my determination. Thank you."

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

**Commissioner Parks** said, "I have also visited with both sides of this and received numerous e-mails and a few phone calls and I too have not come to any conclusion as of this time."

**Chairman Unruh** said, "All right, thank you. Commissioner Welshimer."

**Commissioner Welshimer** said, "I have not visited with either of the parties, but I have received e-mails and other correspondence, letters."

**Chairman Unruh** said, "All right, thank you. Well then, in light of those disclosures, I need to say that I visited the site and talked to the applicant and also have talked to those in opposition and received numerous e-mails, but have yet to make any decisions and Commissioner Norton."

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**Commissioner Norton** said, "I have received e-mails, both pro and con, and I have driven by the site although I did not stop and make contact with anybody at the site."

**Chairman Unruh** said, "All right, with those disclosures, Mr. Schlegel, I think we're ready."

### **POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "This case, the applicants are requesting an amendment to their existing Conditional Use to allow community assembly for a non-profit birds of prey rehabilitation and educational facility. The property in question is a 20-acre site zoned Rural Residential, and surrounded as you can see from the zoning map before you now, by other Rural Residential zoned properties. This particular zoning classification permits community assembly only with the approval of a conditional use.

The aerial photo in front of you shows the types of land uses that surround this property. It's predominately an agricultural area. You can see, just to the north, at the edge of the aerial photo, the house on the neighboring property to the north. This more expanded view shows the location of the property in relationship to Garden Plain and US 54 to the south.

The applicants have stated that recent, more stringent changes in standards that are required to operate a raptor rehabilitation center have caused a decline in the number of centers that are available to take care of injured birds, and have subsequently have experienced an increase in demand for their services and it's this increase in demand that has motivated them to try to expand their facility through this proposed amendment.

The conditions of the existing conditional use, which was granted in the year 2004, are outlined in the materials, your backup materials, and they are seeking to amend conditions one and ten of that existing conditional use. Their request is to expand the approval, under the existing conditional use, from the current three and a quarter acres of their property to the entire full 20 acres and to add two rehab pens, an additional eagle pen, two future educational buildings and a walking path to a proposed campsite.

Those are all illustrated on the proposed site plan that was submitted by the applicant. The path to the campsite, on the west side of the property, near the creek, then also would be expanded to include a return path along the southern edge of the property.

Condition number ten of the existing conditional use states that the hours of operations will be limited to 10 a.m. to 9 p.m. with a maximum of 35 people at any one time allowed. They are allowed to be open seven days a week under the current conditional use.

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What they were proposing to do is to include a campsite on this property. That would mean that they would have to be, in essence, allowed to have people on site 24 hours a day, seven days a week and they are also proposing to expand the maximum number of people that would be allowed, up to 55 people at any one time. Their intent, as they've stated to us is to integrate the camping into the raptor center's educational program and they have in mind allowing Boy Scouts and Girl Scouts and groups like that to camp on the site. You can see on the site plan that they submitted, the parking area and the existing structures, as well as the proposed new structures that they have been asking for, as well as a row of plants along the north property line to screen their property from the northern neighbor.

As I mentioned before, the existing conditional use was originally granted back in the year 2004. Earlier this year, county Code Enforcement began receiving complaints about how the raptor center was being operated from neighbors, alleging that they were in violation of the conditions of the existing conditional use and as a result, the code enforcement people directed the applicant to either begin . . . go back to operating within the conditions as set forth in that 2004 approval, or to apply for the amendment before you today.

This item was heard by the Metropolitan Area Planning Commission on its meeting on May 17<sup>th</sup>, at which time the planning commission considered the requested amendment and staff's, planning staff's recommendation. Our staff recommendation was to deny the expansion of the raptor center to the full 20 acres and also to deny the proposed expansion of hours and camping. Our recommendation was to limit the use of the site for this purpose to about four and a half acres, which is shown on this revised site plan. This particular line denotes the area that staff was recommending the raptor center be limited to.

We also recommended maintaining the required spacing of 50 feet for all outdoor facilities from neighboring properties and 200 feet from any neighboring residence. We recommended maintaining the current hours of operations from 10 a.m. to 9 p.m. seven days a week. We also recommended to the planning commission that they be allowed to expand the number of people allowed on the site at any one time to 45 people. And that they be allowed two additional rehab pens, an additional eagle pen, the eagle nest and two future educational buildings.

After hearing a great deal of testimony, the MAPC acted to recommend approval of this request, in accordance with the staff's recommendations, although they would also add to the recommendation, and this is what I'm presenting to you now is that they would also add to that then, to allow the applicant to have this trail down to this campsite, although that would not include allowing over night camping. The applicant, this week, has told me that he now concurs with the recommendation that has been submitted to you by the planning commission.



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At that MAPC meeting, there were people there that spoke both for and against this request and we have received numerous phone calls, as I'm sure you have also, both approving and protesting the request. There is a valid protest petition that covers about 74% of the notification area, so that will be a factor in your vote today. You will need a super-majority in order to approve this request.

The issues that were raised by the protestors include that the site is not appropriate for a raptor center, that this is a commercial activities, that it attracts crowds and buses, that the applicant is not living up to conditions of the original conditional use and that the applicant has broken a private restrictive covenant, as well as the raptor center is not a good neighbor. There were also additional protests from outside the protest area and those . . . by filing those protests, those property owners have appeal status.

We have not included in your agenda backup a resolution for adoption today because of all the uncertainties of how this request will be resolved today. What we would like to do is come back to you at a future meeting with a resolution for adoption, once we know what your decision is today. We'll draft up that resolution to reflect your decision.

So the recommendation of the planning commission is for approval, subject to the staff recommendations, which would limit the area for the raptor center to the approximately four acre site that's shown on this site plan. It would also expand the number of people that would be allowed at any one time, up to 45 people. Would allow some additional buildings to be built within that site area, as well as allowing this trail in the campfire site, down near the creek. With that, I'll be glad to take any questions."

**Chairman Unruh** said, "All right, thank you John. We do have questions. Commissioner Winters was first I believe."

**Commissioner Winters** said, "Thank you. John, two just quick clarifications. You mentioned that you had visited with the applicant and the applicant is now more inclined to think that the actions by the MAPC, the planning commission are acceptable to him?"

**Mr. Schlegel** said, "Correct. I spoke with him on the phone the other day, and he indicated that he concurs with the MAPC's recommendation."

**Commissioner Winters** said, "All right, thank you. The second item is you made mention of the conversations about the covenants for this property. Could you just review that for us very quickly as to whether covenants apply in this particular case or not for us?"

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**Mr. Schlegel** said, "Well this has been a factor in the discussion, both with the staff and with the MAPC. However, we . . . neither the MAPC nor this board has any jurisdiction in the enforcement of that restrictive covenant. That's something that . . . I think that's even, as outlined in their restrictive covenant, that they would have to take to a court of (*unintelligible*) jurisdiction. All right, and so we have tried to not make it a relevant factor in these decisions."

**Commissioner Winters** said, "And so as a board of county commissioners, we have no ability to enforce covenants or really make comments about their enforcement."

**Mr. Schlegel** said, "You have no jurisdiction in enforcing that."

**Commissioner Winters** said, "Thank you, that's all I have right now."

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

**Commissioner Welshimer** said, "Is there any other place in the county where we have a bird sanctuary? Anything like this at all?"

**Mr. Schlegel** said, "Not to my knowledge."

**Commissioner Welshimer** said, "Okay and you said that the hours would be extended, 10 a.m. to 9 p.m.?"

**Mr. Schlegel** said, "They're already permitted to have those hours of operation, under their existing conditional use."

**Commissioner Welshimer** said, "And the camping doesn't change that time?"

**Mr. Schlegel** said, "If you were to allow what they originally requested, which would be to allow overnight camping, then you would have to extend those hours of operations to be, in essence, 24 hours a day."

**Commissioner Welshimer** said, "Is the camping included in this?"

**Mr. Schlegel** said, "No, the MAPC recommendation does not include . . ."

**Commissioner Welshimer** said, "Does not with that, okay, thank you. That's all I have."

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**Chairman Unruh** said, "Okay. The recommendation is not included and the applicant is in agreement with that."

**Mr. Schlegel** said, "That's what he has indicated to me."

**Chairman Unruh** said, "Okay. A question I had, the recommendation includes two future educational buildings to be permitted. Is that correct?"

**Mr. Schlegel** said, "Yes, that is correct."

**Chairman Unruh** said, "And are there restrictions on the size of those buildings?"

**Mr. Schlegel** said, "No, we did not place any restrictions on the size of those buildings in the conditions. Help from Bill, is that correct? Okay, thank you."

*Voice in audience said 'That's correct, the limitations would strictly be . . .'*

**Chairman Unruh** said, "Would you want to step up to the podium and say your name?"

**Mr. Bill Longnecker**, Senior Planner, MAPD, greeted the Commissioners and said, "The restrictions on the buildings would be per the Rural Residential zoning district. That simply says as a height limit of 35 feet. It does not give a size restriction in regards to any accessory structures in that zoning district."

**Chairman Unruh** said, "Okay, so they're limited to 35 feet and the size of the conditional use permit would have something to say about the size of the building, because he has a total of just shy of five acres, is that right?"

**Mr. Schlegel** said, "Correct."

**Chairman Unruh** said, "Okay, thank you, that helps me. Are there any other questions of Mr. Schlegel? Well I don't see any questions for you right now, John, but if you and your staff and Mr. Parnacott will stay close, we will allow at this time, it's not a public hearings but we will allow individuals to speak in regard to this zoning request and we request that you not speak any more than five minutes and if there's a lot of repetition, perhaps everyone doesn't have to speak but you certainly have that . . . we will allow that."

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If . . . how many folks want to speak, could you all raise your hands, we can see about how many? Okay, if . . . thank you. We're going to be here a while and it may be we want to take a break in the middle of this. I don't know . . . Commissioner Winters."

**Commissioner Winters** said, "Mr. Chairman, I wondered if we ought to let the applicant have the five minutes and then someone from the . . . that are here to protest, have five and then move it to three minute time limit, but I don't want to restrict anything and I just see this is going to be a long discussion and I'm ready to have it."

**Chairman Unruh** said, "Well, I think that's a good suggestion."

**Commissioner Winters** said, "I see Mr. Kaplan in the room. Is he going to represent the protestors?"

**Mr. Bob Kaplan**, 430 N. Market, Wichita, Ks., Agent for Protestors, greeted the Commissioners and said, "I do commissioner and in that regard, there are a number of people here that would relinquish their time in order for me to deliver my message, so we could cut back on the speakers if I get a little additional time."

**Chairman Unruh** said, "All right, commissioners is there any disagreement with Commissioner Winters' suggestion? I don't see any disagreement, so perhaps we can do that. We'll give the applicant five minutes and the folks who are protesting five minutes, designate a speaker and then everyone else . . . we'll allow you to speak but if you can limit it to three minutes, we'd much appreciate that."

But why don't we have . . . we'll go the process this way. Those if you that want to speak, we'll let you all speak first and then we'll let Mr. Kaplan speak for the protestors five minutes and then Mr. Lockwood speak for five minutes, if we can follow that procedure. So who would like to be first?"

**Commissioner Winters** said, "Mr. Chairman, could I disagree with that?"

**Chairman Unruh** said, "Yes you may."

**Commissioner Winters** said, "I would . . . you know, it's been our normal procedure to hear the applicant first and just the applicant and then if we could hear Mr. Kaplan and then just go open whoever wants to talk could talk."

**Chairman Unruh** said, "Well I have no opposition to that. I was under the assumption that the applicant wanted to speak last, but . . ."

**Commissioner Winters** said, "I'd rather hear what he's got to say and then let us respond to that."

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**Chairman Unruh** said, "All right, I will accept your suggestion and then we will start by hearing Mr. Lockwood speak, so if we can start with that with five minutes."

**Mr. Ken Lockwood**, applicant, said, "Commissioners, I'd like if it's okay with you, I'd like for my wife to speak first as a co-owner and then I would like to ask permission to speak last after everyone has spoken. I would like to know if that would be acceptable."

**Chairman Unruh** said, "A representative from the applicant can have five minutes now and then if you want to speak later, you'll have three minutes. All right, that would be fine. So then first up is . . . if you'd want to step to the podium and say your name please and then Mr. Kaplan would speak next and then we'll open it up to individuals who want to speak."

**Ms. Susan Lockwood**, 927 N. 343<sup>rd</sup> St. W., Cheney, Ks., greeted the Commissioners and said, "I am the co-owner of Eagle Valley Raptor Center and I would like to briefly give you a history on how Eagle Valley Raptor Center was started.

Ken and I started rehabilitating birds of prey in 1998. A few years later, we started giving educational programs about birds of prey. We purchased 20 acres of land in July of '02 from Leroy and Janice Clasen. We were up front with the Clasens about our wanting to continue rehabilitating birds of prey and giving educational programs. Mr. Clasen visited us at our home in Goddard. He's seen our bird pens, which were right next to our house. One of the large pens we had in Goddard was actually disassembled and moved to our land in Cheney and reconstructed. We started construction of our home and the bird pens in August of '03. We received our non-profit status for Eagle Valley Raptor Center in September of '03. We finished construction on our home and the initial bird pens in December of '03. We moved into our house on January 4<sup>th</sup> of '04. The on-site program birds that we have for education were also moved to the property at this time.

We completed construction on the outdoor restroom and pavilion in March of '04. We received a conditional use permit for public gathering on March 25<sup>th</sup> of '04 with zero opposition. After Ken and I moved into our home in January of '04, I had a conversation with fellow coworker and union steward Mr. Jim Sheils. Mr. Sheils expressed interest in buying land to build a home. I told him about the three 20-acre tracts that were still available where we bought our land.

Also in that conversation, I explained that Ken and I had moved there to continue to rehabilitate birds of prey and to do educational programs. I also told Mr. Sheils that the use of fireworks in

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Goddard was very stressful on the birds and that was another reason that we moved to Cheney. I had other conversations with Mr. Sheils when we worked together and I freely talked about rehabilitating the birds and I was also up front with him that we would be having occasional buses bringing in school kids for field trips.

Mr. and Mrs. Sheils bought the 20-acre tract north of our property. We invited Mr. And Mrs. Sheils to our home and we gave them a tour through our house. They hired the same builder that we had. Mr. and Mrs. Sheils had three separate 20-acre tracts to choose from when they bought their property. They bought the property that was closest to our house. I guess that was the tract of land that they liked the best.

I would like to just quickly recap on dates and events. We purchased our land on July 19<sup>th</sup> of '02. We began building our house and initial bird pens in August of '03. We received our non-profit status for Eagle Valley Raptor Center in September of '03. The construction on our house and initial bird pens was completed in December of '03. We moved into our home on January 4<sup>th</sup> of '04. The program birds for our educational programs were also moved into their new pens at this time. Our facility was up and running, with our conditional use permit on March 25<sup>th</sup> of '04. The Sheil's purchased their land on April 4<sup>th</sup> of '04. The Rau's land was purchased on April 15<sup>th</sup> of '04 and Loyd's land was purchased on July 2<sup>nd</sup> of '04.

These tracts of land were all purchased after we had built our homes and bird pens and we were living there. Also the tracts of land were sold after we received our conditional use permit. Ken and I have dedicated the last ten year of rehabilitating birds of prey and educating the public. We also believe that as a property owner with rights, it is important that you don't abuse those rights. That is why we have always conducted our tours quietly and with rules so that we do not disturb the neighbors. And at this time, I would like to answer any questions the commissioners may have. Thank you."

**Chairman Unruh** said, "All right, thank you. Commissioners, you have any questions? I don't see any, so thank you..

Mr. Kaplan, I think we've established a procedure that you are next."

**Mr. Kaplan** said, "Mr. Chairman, Commissioners, Bob Kaplan on behalf of a number of the neighbors. Let me be as concise as I can be and I'll attempt to bring myself within that five minute suggested timeframe, but I was not actually initially retained in regard to this case and have not previously appeared in this case. I was not at the MAPC. I was retained to determine the feasibility of litigation regarding the private covenant with which your aware and which is not, as Commissioner Winters inquired really relevant to your decision. I concede that there is no jurisdiction here over that private covenant. It's a matter for me and the courtroom, Mr. Lockwood

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and his attorney.

But let me make some points here that I think this message is very important because in preparing for the possibility of a lawsuit on the covenant, I reviewed the record and I was really rather startled by the revelations in the record and I think I've resolved in my mind exactly what is happening here and I think there's a lot of misunderstanding and misapprehension about what this is about and it's easy to come to that conclusion because all we talked about are birds, birds, and birds.

And please understand, whatever you do with this case, please understand that the care and rehabilitation of birds has nothing whatsoever to do legally with this conditional use. This conditional use is not about the raptors and it's not about the care and rehabilitation of the birds and it's a serious mistake to think that's what we're dealing with.

This conditional use is for moneymaking activities. It's for community assembly. It's to add additional buildings, educational buildings. It's to increase attendance and thereby increase traffic. It's to operate a campground and to bring folks in and increase donations. It's moneymaking activities. He does not need a permit and you can turn to your legal counsel, you can turn to Mr. Parnacott, I think he's here, he does not need a permit to care for injured birds or raise birds. It's an agricultural activity. If I can raise chickens, I can raise birds and I don't need a permit and I don't need a conditional use, so this whole concept of we've got to protect the birds and we've got to protect the bird sanctuary and we've got a terrific mission here may be true, but it's not relevant to your decisions. You're determining whether or not this moneymaking activity, as requested by the conditional use, the tour buses, the school buses, the campgrounds, the picnic shelters, all of these things ought to be permitted in this section, and I think that's wrong and inappropriate any more than you would put any commercial activity in this neighborhood, you would not do it and this bird . . . it's just a front for what's actually is coming on with commercial activity.

Now I couldn't understand then, I got to that point and then I couldn't understand why, because I wasn't there, why the MAPC approved it or recommended approval if you will. We fall into . . . lady and gentlemen, we fall into the same trap, we continue to fall in in land use cases. I've done this for a very, very long time and I think I know my subject and what we do is we discuss and we look at the land user instead of looking at the land use and we've done it repeatedly.

I had a recent case, not relevant to this, a large retail development on East Kellogg at Oliver and that's in the courts right now, and it's undergoing litigation where the land use was for commercial development at an obvious arterial commercial intersection. But the prospective tenant was a big box discount store and that's all we heard was about the retailer. We didn't hear anything about the

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land use or the appropriateness of the land use. All we heard was about the big box retailer: I don't like their employment practice, I don't like their insurance practices, I don't like this, I don't like that, I don't like them. Had nothing whatsoever to do with the propriety or the appropriateness of the land use. And that's what we're doing . . . you haven't done it, but that's what I believe the MAPC did here. They looked at the mission, they looked at the birds, they looked at the user, they looked at a viable, appropriate mission of caring for these injured birds and doing these things and said 'Gee, thanks nice, that's good, why don't we do it' and we're talking about the user instead of looking at the land use at the moneymaking commercial activity."

**Chairman Unruh** said, "That's your five minutes, Mr. Kaplan. Can you conclude quickly?"

**Mr. Kaplan** said, "I can and I'm sure there's a number of people here that would be glad to relinquish their time. I'll very quickly finish up."

**Chairman Unruh** said, "Yeah, go ahead."

**Mr. Kaplan** said, "I wanted . . . I just want to make a couple of points. I'll sit down. The birds and the care and treatment and raising and whatever Mr. Lockwood does, he doesn't need a conditional use for that purpose. He can do it. Ask your legal . . . he can do it. He's engaged in an agricultural activity. That's not why he's here. It's got nothing to do with the birds, legally. Now in the sense that I suppose he makes more money from these activities and more money allows him to do more, then I guess he can make that indirect argument, but he doesn't need the conditional use for the birds.

What he's asking you to do is allow the moneymaking activity, the commercial activity and that's where the covenant comes in. Now quite frankly, Mr. Lockwood doesn't understand this either. I'll be glad to talk to him. If he wants to talk to me, I'll be glad to meet with him. He doesn't understand what's happened here himself. I don't believe he does. He is, by seeking this amendment, and this additional use, he is inviting an injunctive lawsuit under the covenant. So far, these folks have sat back and they have not challenged what they believe to be a violation of the covenant and they've let the operation go on and seemingly have been okay with not challenging it.

Now he wants this amendment, which is now brought to the forefront the covenant, which means more probably than not, we're going to be in litigation on the covenant, and if I'm successful and the court agrees with the neighborhood and agrees with the covenant and agrees with my arguments that it's in violation of the covenant, if that's where we go, he's going to lose the whole operation.



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Not just the amendment, the original CU, which is at risk also and I don't think . . . I've never met Mr. Lockwood, I've never talked to . . . I'm willing to do so. I don't think Mr. Lockwood understands that for the sake of this additional use and a few additional buildings for educational purposes that he is risking the whole operation in a lawsuit, because the neighbors have not instructed me to file any lawsuit as to the original conditional use, but this amendment, this continued progression, doing more and more and more, now they're saying 'Mr. Kaplan, if we can enjoined it, we want you to do it' so I don't believe that Mr. Lockwood what he may be doing to himself. If he'd leave well enough along, he goes on and he runs this operation. If he gets this amendment, we go into court and the court says 'Hey, it's a violation of the covenant', he's got nothing. I'll be happy to sit down and talk to him or talk to his council but perhaps this ought to go back to the MAPC. If you want to defer it to give me an opportunity to talk to him on behalf of my folks, I'm willing to meet with the gentleman. I'm very recent in this case, but I wanted to make those observations, because I think we've really missed the issue in talking about birds. Thank you."

**Chairman Unruh** said, "All right, thank you. Mr. Kaplan, one question about your comments. This is a non-profit operation, right? Not for profit. It's not a commercial operation."

**Mr. Kaplan** said, "I'm advised and I have the documentation that he holds a 501-C3 and he's not taxed. He doesn't pay any real estate taxes on his property and it's a non-taxable venture at least at this time. But again, that doesn't solve the covenant problem. We're talking about a moneymaking activity and the covenant problem is a contractual thing. What is the intent of the people who drew the covenants. What did they intend. I don't think intended to allow it because it's non-profit."

**Chairman Unruh** said, "Okay. All right. Thank you. All right, well we are ready now then for other individuals who want to speak. Those of you who want to speak, it might be helpful if you just kind of line up over here and get your . . . and plan to speak for three minutes, but this young lady here I think held her hand up first so lets let her speak first. You'll need to say your name and address please and we'll just move through this."

**Ms. Samantha Rainwater**, 902 W. 25<sup>th</sup> St. S, Wichita, Ks., greeted the Commissioners and said, "Currently I'm a teacher with USD 259 and have been for 15 years. I also am director for a day camp for the YMCA during the summer and oversee all of our field trips. I have gone out there during field trips and I am very impressed with the fact that he works with a wide range and can communicate well with the children. In the summer I work with 5 through 12 year olds and during the school year I work with middle schoolers."

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He was able to captivate their attention. He was able to instill the rules with them, so that they understood what was going on but still made it fun.. Usually on field trips, my counselors or my fellow teachers spend a lot of time helping out with the kids. This is the first one this summer where my counselors were able to sit back and enjoy it. The children were quiet. The children behaved. They followed the rules that they needed to follow and I believe it was because of the way Ken handled the field trip. I had more positive feedback from the parents because of this. They were coming in, I think I went through 20 cards where they wanted to know how to go out there and what they could do to help.

He also helps so far as the owl pellets that we use in our science classroom. On average, it takes seven dollars to buy a pellet that has been sterilized. I have 127 students a year. My budget is 250. You can kind of figure that one out for yourselves. He gives these pellets to us so that our students can go through them and actually the pellets that he gave me this year are by far better than any pellets I get. Usually they're smaller owl pellets and there's very little in there to study with the kids, so it's great within the science classroom and he does his best to help us out wherever he can.

So far as the grounds, I was extremely impressed. I have worked with rescued animals for years. I have several myself, from birds to hedgehogs. I've worked across the country, including several Alaska wildlife foundations. By far, the cages were more attractive aesthetically. The land was aesthetically attractive. The safety of the kids was a priority with when he made this and laid the field out, as well as the wellbeing of the animals that he worked with. I was extremely impressed with that.

He wanted to make sure that we knew what was going on, why he was there, and I cannot express enough how safe I felt with my kids without me just hovering over them like I do in several other places, including our zoo.

I also work with the Native American Storytellers and am a member of the Warriors' Society for Native Americans and we are very excited about the projects that they have going on, the storytelling that they want to do at the campfire and the community, as well as the Warriors' Society is behind them in wanting to help them as much as possible.

So far as the bus, my bus driver was extremely impressed. We've been to several wildlife areas here that week. He was able to turn his bus around, he was able to park it without any problem. I noticed going in that there's a lot of traffic on that road and I'm surprised that the bus would be even noticed, let alone the fact that we passed no houses going to him facility or going away from his facility, so I am very surprised at that and I thank you for listening to me."

**Chairman Unruh** said, "Thank you very much. Next speaker please."

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**Mr. Bill Cather**, 2935 S. Seneca, Wichita, Ks., greeted the Commissioners and said, “And I would just like to indicate to you that, as Mr. Kaplan says, this bird sanctuary is a laudable activity but it is not, as he says, a commercial activity. This man is a volunteer and he’s running an educational activity and it’s simply not a business. I think that what is occurring here is an attempt to infuse the specter of a covenant issue and a covenant lawsuit and drag this specter of a lawsuit into this at some premature stage. There is no lawsuit and I think this is just a bogus issue that’s being brought in to you.

Furthermore, I don’t think Mr. Kaplan realizes that what is being presented to you is a compromise that MAPC has done. MAPC has heard this. MAPC has come up with a compromise and I think that if you do accept this MAPC compromise, you’re not finding for one side or the other. You’re just simply accepting a compromise, which is often the best thing you can do.

I would just simply say that Eagle Valley Raptor Center is a good neighbor, a very good neighbor. They don’t make as much noise over there as a farmer’s rooster. Stress and noise are the same thing for this operation. This is an attraction, just like some of the other laudable attractions we have in this community, like Exploration Place and the zoo and other things.

And Mr. Lockwood is certainly a volunteer. He has to pay for the food, the medicine, the vet treatments and so forth for these animals and so we hope you will make a finding that he is a good neighbor, that he is a teacher and that you will grant this compromise. Thank you very much.”

**Chairman Unruh** said, “Thank you sir. Next speaker.”

**Mr. Dave Kirkbride**, 4114 W. 9<sup>th</sup> St., Wichita, Ks., greeted the Commissioners and said, “I’m executive director of the teachers’ association for the suburban Wichita area. I’m also the chair of the Sierra Club South Wind group and I have toured the raptor center. In fact, we had a Sierra Club dinner and tour of the raptor center last fall. The Lockwoods are doing, in my opinion, very laudable work. They are dedicated to caring for these injured raptors and rehabilitating and releasing the ones that can be released back into the wild. I think it’s a marvelous educational opportunity and I think . . . I can’t imagine that Mr. Lockwood would ever make any money off this operation.

He has thousands of dollars invested in the operation and is responsible for the food, and medical care of the raptors. I just can’t imagine that he would ever make a dime off of this, so I am here to encourage you to accept the MAPC recommendation to allow a compromised expansion plan. Thank you very much.”

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**Chairman Unruh** said, "Thank you sir. Next speaker."

**Ms. Shari Loyd**, 2538 High Point Cr., Wichita, Ks., greeted the Commissioners and said, "My husband and I own tract number one of the four coveted tracts of the Clasen Addition. We live . . ."

**Chairman Unruh** said, "Excuse me, please. Tract number one, where is it? Where's . . .relative to this?"

**Ms. Loyd** said, "Just directly south."

**Chairman Unruh** said, "Okay, thank you. That helps me."

**Ms. Loyd** said, "We bought the property in '04 to build our home. After we bought, we saw that there were going to be a few bird cages there, next door to us, which was fine. We didn't imagine anything that it's turned out to be. With the advent of the proposed northwest expressway, all the medical facilities and the housing areas in the Renwich school district, this is future suburban area in the trends of America. Therefore it will be more populated with people like us in the future, building home sites for a little peace and which, in one of Mr. Lockwood's letters that I saw, he said that he was there for the same reason.

His home site now looks like a commercial business site to me. There's 120 acres directly behind our property that is in the preliminary stages to be sold as home sites on five acre tracts. It would not be right that there's a business, profit or non-profit, in this location so close and well within view. No matter how you slice it, this place has business activity and the business hours, just like any commercial business of this type, if the amendment is passed and there is expansion, there's just going to be more and more commercialization.

We're talking about inappropriate use today. That's what we're opposing. We'd like the entire amendment to be rejected. Mr. Lockwood's center has negatively impacted our community. The farmers that were farming on our property were aggressively approached by him and asked to stop farming, putting the lime fertilizer out on our property. He called the coop. All these people were in a big dilemma. They didn't know what to do so they did stop. They actually took the lime off the property. The farmer had double the amount of nitrogen that he put on the crop and that was bad for the land, bad for the water it soaked into. The crop didn't get a good stand. The farmer lost

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about a thousand dollars. They let all that go, but they really weren't understanding what was happening. That's why they let it go at the time.

I'm wondering, if this is an appropriate location where the birds would be exposed to all the toxins and irritants, then why are they here? I've talked to several veterinarians and some of them out at Goddard that have donated the veterinarian health care and also drugs for the birds and they agreed that it could be detrimental to the health of the birds to have all the wheat dust and the lime fertilizer.

What I'm saying is to be fair to the birds, shouldn't they be in a cleaner environment, not right in the middle of all this farming and pesticides and fertilizer. There's not enough space there. It needs a bigger area. A lot of raptor centers are not on home sites. They're in refuges and parks. Thank you for your time."

**Chairman Unruh** said, "All right, thank you."

**Ms. Sheryl Sheils**, 1013 N. 343<sup>rd</sup> St. W., Cheney, Ks., greeted the commissioners and said, "I'm the only existing neighbor, along with my husband. We're adjacent to the Lockwoods on the north side. And I'd like to remind everyone that 75% of the protest petitions that were returned were in opposition in the surrounding area that are adjacent to the Lockwoods. So I guess the question is are the Lockwoods' use of the land deemed suitable, given the surrounding zoning and site criteria and the answer is absolutely no.

Susan Lockwood came onto our property one day and told our farmer to get off of our property. The fertilizer that he was putting down might harm the birds. She said that if he does harm any of them, he will be reimbursing her for \$1,500 for each bird that he happened to injure or kill. She rang my doorbell. I opened the door and found out . . . I saw my farmer headed down my driveway and she proceeded to tell me what she told the farmer and that she had run him off the property. The farmer was just applauded and that is agricultural property out there and the Lockwoods . . . maybe they were the first home out there by they knew they were moving in the midst of all the wheat fields.

And you know, I've been asked 'well Sheryl what's the difference, whether they have a cage over there, they can put cages for their eagles versus a farmer that has chickens in a coop' you know, why would you think that's not right? Well I can tell you the difference real easy between their eagle in a coop and a chicken in a coop. The farmers don't have school and tour buses coming off their property 24/7. They don't have crowds. They don't have public picnic shelters. They don't have outdoor public restrooms. They don't have outdoor parking lots and that brings up another

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situation

If the Lockwoods get these extended hours, which we sincerely hope are not approved, it's going to mean would they have to have parking lights. Right now, it's light until 9:00. It will be fall soon and they're going to need these lights on all the time, their parking lot, for people to be able to come out. We enjoy the beautiful skies out in the country right now and people come out there to observe. This is going to be more light pollution for the people and not to mention right next door, year around.

There are no tree line, no tree line at all. The trees that they have there are not as high as the grass. They're about three feet and there's wild grass around them that's taller. We have to look at this situation and the commotion all day long and we've been very lenient up to this point. I also feel like the Lockwoods, in the relevance of the covenants . . . could I have just another second?"

**Chairman Unruh** said, "If you can close . . ."

**Ms. Sheils** said, "Finish my sentence. The Lockwoods signed the covenants and were well aware of the knowledge of them and that they were also pertaining to them. Thank you very much for your consideration."

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

**Ms. Janice Clasen**, 1501 N. Valleyview Ct, Wichita, Ks., greeted the Commissioners and said, "My husband and I sold the property to the Lockwoods in '02. When we met with our realtor to sign the agreement on the contract for buying, Mr. Lockwood presented to us a little picture, a snapshot of a building approximately eight by twelve that he was going to build on the property to house injured eagles. We have never heard of the raptor center. We have never heard of wildlife. We had no intension. He never disclosed in any way what his proposal was going to do with his land. We would not have sold him this ground if we would have known to the extent that he was going to commercialize and make this a business.

We have covenants and I know that's been mentioned before. I would like to state, I know that's a civil matter, but I would like to state that our intent in writing these covenants was to protect the property. To have it used as an agricultural, residential area. Whether this business they run is profit or non-profit doesn't enter into our problem or what they're doing. It's still a business. It's still commercialism. There's glaring lights that's going to continue. With these educational buildings, that's going to increase the activity, the people, the lights.

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When we go down to the beaver dam that they're talking about, that beaver dam, are they going to have lights down there, are they going to have a pavilion down there, a campfire down there? What are their intentions, a fence? Are they just going to go walk down this path and stop and then walk right back that path? I doubt it very seriously. They're going to have to have some kind of lighting for the evening hours, especially with the extended hours.

We've been asked many times why we didn't protest the conditional use, that first one. We did not receive notice for one thing. I don't know what the mix up was. We didn't receive the notice. Furthermore, I wonder if we would have protested. Mr. Lockwood told us, showed us this little building he was going to build on his property. We had no reason to question that. We didn't have any idea of the involvement of the problems that were going to extend with this.

We have 117 acres back behind here, behind his property. That's for sale at the present time for either development of residential or agriculture, for farming. I feel like our property rights are going to be devalued. Also I would like to say just a little bit more, that it's the American dream, just like Mr. Lockwood's dream. I'd like to finish this point if I may. It's the American dream to have acres, a pond, a view, a wonderful place where people . . . the city, the lights, the activity doesn't bother you. This has not happened out there. Thank you very much for your time."

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

**Ms. Rena Dutcher**, 832 S. 343<sup>rd</sup> St. W., Cheney, Ks., greeted the Commissioners and said, "I'm an MRI technologist at Via Christi. I'm here in support of Ken and Susan Lockwood and the Raptor Valley Center. I've toured their facility. It's beautiful, it's safe, it's well kept up, it's well maintained. I met an eagle named Wazoo. I think there are many Wazoos out there who need Ken and Susan and their facility and I would like to see you approve for their expansion. Thank you very much."

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

**Mr. Raymond Doll**, 1313 N. 343<sup>rd</sup> St. W., Cheney, Ks., greeted the Commissioners and said, "Which would actually be a quarter of a mile north of the Lockwoods. For someone to stand here and say 'he's a good neighbor', I don't know what your neighbors are like because I don't live there. They're not getting the whole picture if you don't live there. If you're a neighbor, you get the whole picture.

If you get to see the glory of something, sure it's neat. If you could come out there and look at

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these birds, you can leave, whether you live in Wichita or Andover or wherever some of these people live that are in favor of it. You can get in your car, you can drive home. I am at home. I'm not leaving. I can see the picture of it. I'm there 24 hours a day and it's different if you're there.

To stand here and to guess what kind of a neighbor he is, it's not the same if you lived there, so I'm totally against any addition or expansion on this. Thank you."

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

**Ms. Mary Harold**, 3536 W. 2<sup>nd</sup> St., Wichita, Ks., greeted the Commissioners and said, "Thank you for the opportunity to speak. I've been on many tours at Eagle Valley Raptor Center and have always found the grounds to be aesthetically pleasing. We volunteer there and when we are on tours, Ken always reminds his tours no loud noises, no running of course because it will startle the birds. I can't imagine how his tours would be detrimental to his neighbors or the environment in any respect.

The campsite would be a wonderful place for the scouts to go down and have a meeting, learn about nature, listen to Native American storytellers. Watching my grandchildren's faces on tour at Eagle Valley and knowing how we felt after our first tour, it's clear that Ken provides a very worthwhile educational experience to people of all ages who wish to avail themselves of this opportunity. I can't imagine a person who wouldn't be profoundly changed after being so close to these birds. Thank you."

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

**Ms. Brenda McCoskey**, 9408 SW. Pine Rd., Andover, Ks., greeted the Commissioners and said, "I'll take just a minute and a half or so and then after me the next group of speakers and their three minute time period would be my students that I brought with me and they are the reason and this little bird that was saved from the Greensburg tornado twister, they're the reason that I'm here.

As I said, my name is Brenda McCoskey and my address is 9408 Southwest Pine Road, Andover, Kansas. I'm a third grade teacher at Ewalt Elementary School in Augusta and this past May I had the opportunity to take a group of students to the Eagle Valley Raptor Center on a field trip. This field trip presented an educational opportunity for the students to interact with some of the most amazing birds, while at the same time aligning with the state's science standards, which we're always struggling to meet and also provided to be an unforgettable life experience for all.

Upon my initial contact with Ken he did stress to me that he had certain behavior expectations from visitors at his center. He asked that all visitors remain calm, in control, and respectful of the birds and his surroundings. There could be no running or shouting or fooling around. I immediately



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shared with the students that we had best behavior expectations and shared with them my conversation with Ken. I did not anticipate any problems, as I had a wonderful and respectful group of children this past year.

I can honestly say that after 19 years of teaching in several different states across this nation that this was one of the best field trips, if not the best I've ever taken a group of students to experience. I would encourage each and every one of you that have not had the opportunity to go, to go visit that center.

And my students decided that we should write Ken and thank him for the great experience and I have a letter of one of the students that I'd just like to share with you and it pretty much wraps up the feelings of the whole group. It says 'Dear Ken, thank you so much for our tour. My favorite birds were Wazoo and Annie the Owl. I had a wonderful experience. I have never seen anybody be so nice to the birds. I like what you're doing for them and it's amazing that you get new birds every week. All of the birds were beautiful. I also hope that Hooty the owl was okay when she left, when you released her. Your birds were awesome'. And here's a whole notebook of letters of thanks and experiences like that from the children, so I just hope that you'll really consider your options here today. And I would like to introduce my three students. This is Maddy Leedom."

**Chairman Unruh** said, "Ma'am could you . . . we didn't catch your name."

**Ms. McCoskey** said, "Okay, my name is Brenda McCoskey."

**Chairman Unruh** said, "Okay, thank you. And this is Maddy."

**Ms. Maddy Leedom**, 2502 Lakepoint Ct., Augusta, Ks., greeted the Commissioners and said, "I am a student a Ewalt Elementary School. My address is 2502 Lakepoint Court, Augusta, Kansas. On May 5<sup>th</sup>, our class took a field trip to the Eagle Valley Raptor Center. Our teacher though it would be a good field trip, because we were learning about vertebrates and had just learned all about birds. Ms. McCoskey told us from the very beginning that we were expected to be on our best behavior. It meant that we were not to be loud or out of control or disrespectful of Ken. We went on-line to look at the center and the birds and we thought it looked like fun. It ended up being the best field trip ever.

We learned a lot and knew we would probably never be able to have a chance to get that close again to those birds. When we got to the Eagle Valley Raptor Center, Ken told us before we even got off the bus about his rules. While we were eating lunch in the pavilion, Ken again told us he expected our best behavior. We would scare the birds and we were at his house and we had to respect the people's right.

I would say Wazoo the eagle and the eagle's nest were my favor of the field trip. He gave our class

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pellets to dissect and study, which saved our teacher a lot of money. We put the bones back together after sorting them and had to decide what kind of animal. My skeleton was a vole. I hope I get to go and see the center again.”

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

**Ms. McCoskey** said, “And this is Sydney Williams.”

**Ms. Sydney Williams**, 506 Stone Lake Ct., Augusta, Ks., greeted the Commissioners and said, “I am a student at Ewalt Elementary. May the 5<sup>th</sup>, 2007 we all took a field trip to the Eagle Valley Raptor Center. I think it was the best field trip ever.

My favorite parts were seeing Wazoo the eagle and watching him rip the head off a dead . . . and also gave an owl pellet. We got to put the bones back together. I think mine was a vole. All the birds we saw were amazing to see. It wasn’t just fun, it was also very . . . it was the best field trip of my life.”

**Ms. McCoskey** said, “This is Austin Willis.”

**Mr. Austin Willis**, 16 Arnold, Augusta, Ks., greeted the Commissioners and said, “My trip to the Eagle Valley Raptor Center was the best field trip ever. The center was very nice and clean. My favorite part was when we went to the eagle cage with Wazoo. I want to go back again.”

**Chairman Unruh** said, “Thank you. We’re ready for the next speaker.”

**Ms. Sharon Scheffler**, 520 S. 1<sup>st</sup> St., Colwich, Ks. greeted the Commissioners and said, “I’m a volunteer there and have been for over a year and I’ve known Mr. and Mrs. Lockwood for over seven years. I won’t bother to go through all that I had prepared to because I will just reiterate and support what the others have said in favor of the raptor center and the experiences that they’ve had there. There’s no need to repeat all of that.

But I am saying it is a very quiet and serene place. I go there different days of the week and different hours and every time I’m there, It’s quiet and peaceful. The sounds I hear are nature sounds and farm sounds, a noisy loud Meadowlark or he has a Mockingbird there that wants to dominate the place and he sits up on a pole and announces his presence all day long and tries to dominate a particular hawk.

But there is a lot of traffic that goes by there. There’s dump trucks and farm trucks and combines

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and those noises . . . and I think we're not complaining about those. Those are just rural sounds, but they're a lot louder or as loud as a bus might be as it comes in and certainly a lot more than what comes from the raptor center itself or any of the guests.

Mr. Lockwood's facility is not only an essential service to the local area, but to the state and nation as well. He receives birds from all over the state, even more recently victims from Greensburg. The Kansas Wildlife and Parks depend upon him and other rehabilitation centers as well. He has facilities because his facilities and special expertise in working with these birds. He was sent a three year old eagle from Juneau, Alaska so that she would have a good life quality and Milly, a juvenile Bald Eagle from Milford Reservoir with a broken wing, hoping she would be rehabilitated to fly again. Mr. Lockwood has taught her to fly and she will be released this winter, back to the wild.

Surely the differences the neighbors have with Mr. Lockwood and now that he has conceded to some of their requests, hopefully they can learn to grow, to coexist with one another. I urge you to grant Mr. Lockwood permission to continue their facility, along with tours and education. Thank you for listening."

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

**Ms. Julie Washburn**, 201 W. Albert, Maize, Ks., greeted the Commissioners and said, "I've been listening to everybody talk about how this is . . . I'm a little confused, the fact that I thought businesses you make a profit. You put money in your pocket for your benefit and pay your employees, if you have any. This is a community service and the place is so nice out there. They rehabilitate animals. Animals get the short end of the stick all the time and this is a hidden treasure that we have here in Sedgwick County and I think it would just be a shame that you make a decision without going out and visiting the site and really taking a long, hard look at it.

They do so much out there. It's peaceful, it's clean. I would love to have them for a neighbor. And you know it is a donation. It's not you have to hand over money right then. It's a bucket that says donations and you put in whatever you feel like putting in. How is that a business? You know, they struggle to get mice to feed the birds. It's not a business. I just really wish that you would go out and visit it and look at it and then make your decision."

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

**Ms. Cathy Elpers**, 33715 W. 13<sup>th</sup> St. N., Garden Plain, Ks., greeted the Commissioners and said, "I live a mile . . . or about a quarter of a mile north and a quarter of a mile east of Mr. Lockwood. And basically what I just wanted to say is this is a business that is in the wrong area. He's doing a good

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thing with the birds and everything but we are out there in the country to enjoy the country. We don't want the traffic. We don't want the lights. We don't want all of that. People say there's no houses on the way there. There are houses on the way there. They're out there, they're disturbing the agricultural life. They're telling people that you can't put your lime down, you can't spray your fertilizer, you can't do this because it's going harm the birds. There's hunting out there. The guns are going to scare the birds. They said they moved from Goddard because of the fireworks scaring the birds. There's people . . . you know, we shoot fireworks out there. We . . . you now, there's hunters out there. They hunt every season that there is, so what difference is that going to make. It's going to scare the birds as well.

They moved into the wrong area in my opinion. This is a country neighborhood and people from Wichita or surrounding towns can come out and they can say 'Oh, it's a beautiful place' but like they've said, they get to leave and they go back home. How would they like it if someone moved into their neighborhood and they had lived their life, however long they'd lived there, and all of the sudden somebody comes in and says 'You can't spray your chemicals on your lawn because it's going to take care of this or it's going to take care of that'. You know, they just . . . they're in the wrong spot. It's not a bad thing what he's doing, but where he's at, it's just not the right place to be. Thank you."

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

**Mr. Leroy Clasen**, 1501 Valleyview, Wichita, Ks., greeted the Commissioners and said, "We sold the property to him, Janice and I did. And in this farming operation out there, we know about the dust, we know about the lime and so forth. But we also, I talked to the Cessna Flying Club and he asked them people not to fly over his property. Why I don't know. I guess the noise, but are we limited now because the noise from one airplane that we can't spray crops, such as alfalfa, aerially spray them, because if you raise sunflowers you have to do this in order to harvest them, which I checked through the local coops and cotton is the same way. Now are we limited, where we can't put these crops out because birds are in these cages?"

I have nothing against the birds and he showed us the birds. I've seen the birds. But the pen that he's talking about is a 40 by 90 flight pen, I don't remember seeing it, if I did I don't remember. But anyway, the . . . what Janice was saying was the small picture of this 10 by 12 or whatever it might be was the picture, he's going to house these eagles, each one having one. I'm not against that because I mean if I need a chicken coop here and a chicken coop there, that's not a problem, so the birds are alright there as long as we can do what we want to do but he's already stopped, or tried to stop airplanes from flying over his property. And in one instance, I don't know if this is true or not, but I heard that FAA was called out due to an instructor and trainee flying over the property at the legal height and so forth. Whether this happened I don't know but rumor has it out that it did, that they were called on it.

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And then going out to the so-called beaver dam or up to the wetlands, whatever they're wanting to call it, has that been put into acreage if you permit what he's asking for at this time? Is that acreage already added in or is that going to be added acreage again, where they walk around or are they just going to have a pavilion where they walk down the path? How much acreage is the path itself, going out to the creek and coming back? Has this all been determined on the boundary lines of the increase it to five acres? Is that what we're up here for, about what the planning commission okayed?"

**Chairman Unruh** said, "We'll ask that question. We'll ask that from Mr. Schlegel when you're completed."

**Mr. Clasen** said, "Oh, okay. Oh, and an education building probably isn't really needed because he told us when he bought the property that he could educate on these birds but it wasn't mentioned at all that there would be a 40 by 90, which I understand now is what's coming in the future if this is permitted too. And it doesn't take an education building to take care of wounded birds. Thank you for your time."

**Chairman Unruh** said, "Thank you sir. Next speaker."

**Mr. Colin Busey**, 4911 S. Meridian, Wichita, Ks., greeted the Commissioners and said, "I'm a real estate agent with Jeff Lange Real Estate. I represent the Clasens right now in the sale of 117 acres just west of the tracts in question. What a classic example of a locally unwanted land use. I don't mean locally when it comes to Sedgwick County because I think there's a need there, but this is in a neighborhood.

We've been calling this the Eagle Valley Raptor Center, we've been calling it the rescue raptor center. If you drive down 343<sup>rd</sup> Street, it's called the wildlife center. Which one is it? A little bit of history here, Janice and Leroy Clasen called me, knowing that I was a real estate agent, wanted to find out if there's a demand for land out in the country. Well there is. You mentioned the American dream, everybody would like to have 10, 20, 30 acres out in the country so that they can have a little bit of elbowroom. And I went out and met with them. We decided we'd create some 20-acre home sites. I know this area as the Clasen tracts, not the Eagle Valley Raptor Center. These are the Clasen tracts. These folks, from stage one, went through a process here. We hired a surveyor to create these tracts.

We sat and talked about covenants. It seems when it comes to covenant you're either damned if you do, you're damned if you don't. Somebody is going to break the rules. I let the Clasens know, you have to be able to enforce those rules too. It looks like that might be what we need to do. No commercial activity whatsoever, whether for profit or not for profit, you drive by there it looks commercial. I'm not sure I'd build my house there now either.

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If this is such a great neighborhood, I have 117 acres for sale just west, my phones not ringing off the wall. I don't think allowing this to expand is going to make this any easier on where do we go from here. I would strongly suggest that you not allow for the expansion. Thank you very much."

**Chairman Unruh** said, "Thank you sir. Next speaker."

**Mr. Ed Laverentz**, 2120 S. 343<sup>rd</sup> St. W., Cheney, Ks., greeted the Commissioners and said, "This is approximately three miles south of the property that's being discussed today. I'm here, I'm a tenant for the Loyd family. They own the property that is directly south of the affected zoned area. And I've known the Loyds for a long time, but they want to build a house here and they wanted to know what kind of a crop that they could put on this land and would be the least invasive to living out there and to the neighborhood and we've come to the agreement to plant brome grass, which is a perennial crop.

In doing so, we had some soil test taken and determined that we needed to have certain soil amendments done and this is where the problem came about with what we encountered out there with Mr. Lockwood. I employ Farmer's Cooperative Garden Plain to spread lime. We had a very negative confrontation. Mr. Lockwood came out, verbally abused the equipment operators, called the general manager of Farmer's Cooperative, threatened them with lawsuits and contacted the Kansas Department of Health and Environment saying that they were in violation of spreading lime, which is a generally accepted ag practice.

Earlier, the Kansas State Legislature passed state statutes protecting generally accepted farming practices from people filing frivolous lawsuits against people that were engaging in these types of practices. Sedgwick County I believe has also passed a similar resolution here several years ago and what this does, this protects the farm and agricultural industry from such verbal confrontations and lawsuits on doing their normal ag practices. Mr. Lockwood has also had several other confrontations with local farmers. And farmer who farms Mr. Sheils' and Mr. Clasen's ground has been approached and threatened, which has already been testified to this morning. The gentleman who farms land directly east of this property, across the road, on 343<sup>rd</sup> Street, Mr. Lockwood has asked him not to farm when the dust would blow across his property and also to keep the noise down, because this negatively impacts what he's trying to do with his birds.

I think Mr. Lockwood has shown, demonstrated that ag practices do indeed impact what he's trying to do out here in the rehabilitation of birds, can he legally control these practices? No he can't. He does have . . . he does not have the ability to do that and that is protected both by state and your

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county resolutions. Mr. Lockwood has demonstrated that by complaining directly to these ag interests and since he cannot control that, then I think you as commissioners has to ask can we rezone this and allow him to expand his operations out there. I can't answer that for you. I can only express my opinion. If you have no questions, thank you."

**Chairman Unruh** said, "Thank you sir. I think . . . I don't see anyone else asking to speak, so Mr. Lockwood, you said you reserved your three minutes until this time."

**Mr. Ken Lockwood**, owner, Eagle Valley Raptor Center, greeted the Commissioners and said, "I had something that I was going to say but I figured it would be best if I go ahead and address the concerns of the protestors. To Mr. Kaplan, should be able to rehabilitate Kansas wildlife, birds of prey or any bird of prey, you have to be licensed with the U.S. Fish and Wildlife Service and the Kansas Department of Wildlife and Parks and you also have to have a certain amount of training hours before they even allow you to rehab.

The incident with the farming, I have a farmer to the south and his name is Doyle Heimerman and his wife recently broke her foot so I've been . . . I was going over there at nighttime and helping repair his combine because she was unable to help him. I have another farmer named Ted Martin, which I'm sure Mr. Clasen and some of the others might know. We let him cut the brome and the prairie grass on our 13 acres that are undeveloped and we donated that to him for his cattle and whatever, horses if he has those in exchange just for cutting that.

We incidence with the two . . . there was twice, it happened twice, once with my wife Susan, I was in Minnesota training at the time. The other time was actually on the Loyd's property. What was happened was on those two particular days we had wind gusts up to 40 to 50 miles an hour. I actually went over to Loyd's property, I asked them because there was actually more chemicals blowing in the air than I think they were putting on the ground, and I asked them very nicely, I said could you wait until the wind dies down a little bit before you continue spraying and actually they were very nice about it. The incident with my wife Susan, when she went over there, was the same thing. We were having a really 40 to 50 mile an hour wind coming from the north and it was just caking us over there, and again we just asked that they would just wait until the wind dies down. That has happened two times in three and a half years.

We do an average of about 15 tours a month. This year alone, we've had a total of 11 buses, that's about 1.75 buses a month. As you've heard testified today on how quiet we are. I recently had a group of retirees from the Kansas Masonic Home and I'm so strict on my rules about talking, one of the things I talk about is running and I said, 'it scares the birds, they think you're a predator' and there was this one lady, she was like eighty years old and walking, she gets on her walker and she

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goes like this ‘Slow enough for you, Mr. Lockwood?’ I just didn’t realize that, you know, it was a funny situation but the point of it is we are very respectful in that regard.

When we apply for permits, we have to pay the Fish and Wildlife the permit application, we have to pay the Kansas Department of Wildlife for the permit. We receive no federal or not state funding for this. We do this on our own. When we release barn owls for example, we go to local farmers and I’ve released 13 barn owls in the last three years to local farmers. I’ve asked them if they would like a barn owl and I have never been turned down because barn owls are one of the best mouse traps you can get.

We have people that hunt in our area and I love hunting season because hunters are forever bringing me ducks, they’re bringing me geese, they bring me deer. We have hunters in the area. They’re very supportive of us and they help us out.

The buildings that Mr. Clasen had mentioned, he came to our property when we were living in Goddard, at Tanganyika Wildlife Park. The one in particular that was next to our home was 32 foot long by 20 foot high and 24 foot wide and we explained to them that we were going to be building something similar to this but about three times as long because of an eagle, you have to have that long distance in order for them to exercise their wings. We have been very up front about all this.

On our tours, our tours on average last about an hour and a half. They’re done during the day, when most people are at work. When Mr. and Mrs. Sheils, when they talk about how that we’ve impacted their life, almost on a daily basis, especially during the spring and summer when the weather’s nice Mr. and Mrs. Sheils have a golf cart and they . . . can I finish?”

**Chairman Unruh** said, “Yeah, can you finish pretty quickly?”

**Mr. Lockwood** said, “I can do it in about 30 seconds. They have a golf cart that they like to ride around in. They ride around their trees, up and down their driveway. They have two dogs that we’ve never had a problem with and I watch Mrs. Sheils. She’s out there throwing the stick with them, with the ball. Mr. Sheils does woodwork. I’ve heard him working you know, on his woodwork when he’s had his shed door open and this goes on when we’re not having tours or when we do have tours and this has happened and so that’s why I don’t understand where we’re impacting their way of life. I’ve never met Mrs. Loyd. When I’ve seen that she was a protestor, I called her on the phone. I asked her what are we doing or what can we do and her answer was to me that she didn’t want us there, she didn’t like raptors and she felt that we were breaking the covenants.



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I've tried to offer olive branches to relieve this, but in ending this I would like to say that we are in total agree-ance with the MAPC's planning. I feel that we will give up the camping, we'll limit the number of people, we won't use the south trail and if you do grant that for us, Susan and I will continue to operate our tours at Eagle Valley Raptor Center by being respectful to the neighbors. Thank you."

**Chairman Unruh** said, "All right, thank you. All right, I don't see anybody else asking to speak, o at this time we'll just kind of close this portion of the meeting and we'll just restrict the comments to the bench. And commissioners? Commissioner Winters."

**Commissioner Winters** said, "Thank you. I've got a couple of questions and then make a couple of comments. John, can you help us, there was a question about the position that the MAPC took in a sense allowing that hiking trail down to the campsite area and where the beaver dam is. Does their action then, does that actually increase the 4.5 acres that's in the CU, does that increase that to a bigger boundary or was the MAPC's intension that that was just going to be handled in some other manner."

**Mr. Schlegel** said, "Well I think their intension was just to allow the pathway and the campfire and that area would not include any new structures that might be built in the future by Lockwoods."

**Commissioner Winters** said, "So there would be no availability to put a structure of any kind down along that trail."

**Mr. Schlegel** said, "Correct. The intension would be to expand the area where they could build structures to approximately four and a half acres."

**Commissioner Winters** said, "All right. Another questions was that about parking lot lights. Is there anything that restricts parking lot lights or large outdoor lights?"

**Mr. Schlegel** said, "No, there's nothing in the recommendation of the MAPC regarding parking lot lights. It wasn't addressed simply because there was no indication that they had any intent to put lights in."

**Commissioner Winters** said, "And I guess maybe I answered my own question, the reason for lights would be if there was camping down there, there might be more of a need for outside lighting that was there 24 hours a day, as opposed to if camping was restricted, the need for outside lights would probably be greatly reduced."

**Mr. Schlegel** said, "Correct."

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**Commissioner Winters** said, "All right, thank you. Well commissioners, this is in my district and again we see oftentimes that land use cases have become very, very difficult and part of that problem is what rights does an owner have with the property that they own and then when does that have an effect on their neighbors.

And right now, without hearing other discussion from the commissioners, and having listened to all of this and read the backup material again this morning, I think that I'm leaning to supporting MAPC's what I would consider a compromise action in this case.

But the thing that really does disturb me is this conflict with the neighbors and particularly the conflict with the neighbors over farming operations. And it was brought to my attention, I had an e-mail from Ed, and I'm sorry I don't remember how to pronounce Ed's name but he was one of the last speakers, talking about the State of Kansas and the Right to Farm Act. And back on July 22<sup>nd</sup> of 2000 I was the Chairman of this board at that time and this board passed a resolution, it's our resolution 130-00 providing for the conservation and protection of farmland in Sedgwick County. And the reason the commissioners passed this resolution was to recognize that agriculture activities significantly enhance the county's economic wellbeing and quality of life and that the county desires to place non-farm, rural residents on notice that generally accepted agriculture practices are reasonable activities to expect in the unincorporated parts of Sedgwick County.

So there is going to be fertilizer spreading on all of the properties surrounding this area. There is going to be chemical pesticides and as Mr. Clasen noted, if someone decided to grown sunflowers, there's probably going to be aerial spraying at this location. And so at that point in time I think Mr. Lockwood is going to have to determine if he is in the right place because those farming activities are not going to stop.

Now the reason I'm going to suppose what this compromise has been is I think owning 20 acres in a rural part of the county, an individual does have some rights to do on that property what he or she wants to do. And I think the covenants then would come into place in a civil court, because if the owners of the lands want to self-restrict themselves, that's their ability to do that. They have the ability to say 'This is going to be like a suburban neighborhood, this is going to be like a city neighborhood, where there aren't going to be a lot of activities that normally occur in a rural setting'. But under the guidelines that I think we've worked on in the past is there are a lot of

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activities that you can do on 20 acres and the reason people move to the country was because they didn't want to have the restrictions of living in a city. They want this outdoor life. So I'm right now leaning towards supporting this MAPC compromise. It would appear to me that the residents out there have those covenants and if they want to take those covenants and proceed with bringing the activities to a higher standard, then I think that's the avenue that they need to pursue.

So again, I am certainly torn by this case, so commissioners if any of you have got other opinions, I would certainly understand that and those are just my few comments."

**Chairman Unruh** said, "All right, thank you. Commissioner Parks."

**Commissioner Parks** said, "Well in all of this dialogue that I've had with my constituents, and that's who I'm up here to represent, you know I've had a lot of constituents call me and it has all been in favor of it, but they're not the neighbors and I do lend a lot of support to the commissioner that's in the district that is . . . has those constituents that he deals with on a daily or closer basis than I.

I might say that during this conversation with one of my constituents, I wasn't going to bring this up but Mr. Lange from Lange Real Estate, one of my constituents is in fact thinking about . . . hoping that some of this area will become . . . that was in favor of it, would become available to sell so I think you do have some market out there for people that favor the eagle raptor center and she wants to convince her husband to move right across from that, so there may be some market out there for you and that's kind of off the subject.

One of the things I wanted to ask Commissioner Winters and maybe Mr. Weber from Public Works, the northwest expressway, what impact is this going to have on this immediate area? Do you know or is this anywhere close to the northwest expressway?"

**Commissioner Winters** said, "The northwest expressway is closer to 167<sup>th</sup> West, which is . . . would be east of Goddard. This road is approximately halfway between Garden Plain and Cheney."

**Commissioner Parks** said, "Okay. Well that was brought up and I wanted to get that clear in my mind about this area also. And there was something that was also brought up about fireworks by Ms. Lockwood and since they're illegal in Sedgwick County, I didn't think that that would be a problem, if it is. There are ramifications for that too. I'm living out in the county and realizing that fireworks are illegal in Sedgwick County know that sometimes that and livestock do not mix and in

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fact I get in my preparation for fixing fence for the horses running through for those people that don't observe those laws coming up here next week. But that shouldn't be a problem with the birds because of the laws on that.

The lights, Commissioner Winters tested . . . or talked a little about that and I don't want to belabor that. Presently, 9 a.m. in the summertime is something that's fairly light most of the summertime. I'm going to make my decision based on taking the emotion out of it. I too visited the center. The emotion with the kids and everything is great, but I'm looking at it as a property rights issue and a land use issue and for whatever reason, I'm leaning towards supporting the MAPC recommendations also."

**Chairman Unruh** said, "All right, thank you commissioner. Commissioner Welshimer."

**Commissioner Welshimer** said, "Well I think the MAPC has done the best they could do under the circumstances. I think one of the things that I see here is our platting and zoning land use rules have grown over the years to be so restrictive in so many ways that it's very difficult to combine anything. Be very difficult to replace this raptor center, but that's not what we're after. We're just looking at expanding the conditional use. There's no other establishment for this type of activity, so any expanded need here can't be accommodated elsewhere.

I do agree with Mr. Winters that the farm operations are going to have to continue and that that will be a problem and I wish that we could solve a lot of these problems, but it's just not going to happen that way. I think the only thing we can do is just address just exactly what we're asked to do here and so I'm going to support the MAPC decision."

**Chairman Unruh** said, "All right, thank you. Commissioner Norton."

**Commissioner Norton** said, "I haven't decided really what I think about this whole issue. It's very unfortunate that we can't bring neighbors together to figure out this issue without the county commissioners having to make that. I'd like to just ask some questions and so of them will be kind of pertinent to real zoning and some of them will be just general questions. On property of 20 acres, is there any limitation to traffic going in and out, buses, farm equipment, semi trucks?"

**Mr. Schlegel** said, "The zoning code does not address those types of issues."

**Commissioner Norton** said, "Okay, you could have as much traffic going in and out of this property as you wanted."

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**Mr. Schlegel** said, "Correct. Generally speaking, the limitations on the type of uses that you allow, you know, on a 20 acre lot in a rural residential zoning district would almost, by definition, limit the amount of traffic. You know, a single-family home on 20 acres is not going to generate that much traffic."

**Commissioner Norton** said, "Okay, if it's agriculture and they were selling eggs and they had a lot of vehicles coming to buy the eggs and come through?"

**Mr. Schlegel** said, "There would be no restrict on that."

**Commissioner Norton** said, "No restrictions, okay. What is the ability to camp on this property, if it was just residential? Can you camp on a 20 acre site?"

**Mr. Schlegel** said, "Certainly that family and their friends could camp on that site, yes. There would be no restriction in the zoning code."

**Commissioner Norton** said, "Large family with a bunch of Boy Scouts could invite their friends to come camp every weekend if they wanted to?"

**Mr. Schlegel** said, "Yes, I would say that probably your code enforcement officer would find that inviting the local Boy Scout troop to camp over the weekend would not be a violation of the zoning. I think it only became a question here because we got into the question of community assembly and the use of the property for large groups."

**Commissioner Norton** said, "Explain the community assembly."

**Mr. Schlegel** said, "Well the . . . within the code, there's a definition for that and I can't cite it to you chapter and verse because I haven't memorized the code but what's pertinent here is the fact that this particular non-profit use of this rural residential lot would be inviting larger groups of people there and the original conditional use had anticipated that would have larger than you might normally expect groups assembling on this rural residential lot. That's why they came in for the conditional use back in 2004 and why there was a limitation of 35 people placed on that lot. And now they're seeking to expand that to 45."

**Commissioner Norton** said, "Residential that had a garage sale every weekend, any limitations on that?"

**Mr. Schlegel** said, "I don't know what the county code says about garage sales. I couldn't answer

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that one.”

**Commissioner Norton** said, “That would create traffic, people would be coming and going. Well, we’re talking about all the difference uses that things can have. Any difference in the buildings that are going to be built and building built for ag use? They look like, smell like raptor center buildings or do they look like buildings that could be used for many functions?”

**Mr. Schlegel** said, “You can see in these photographs what the structures look like. I’ll let you look at those and make your own judgment.”

**Commissioner Norton** said, “Well it’s not for me. I’m trying to decide if that’s any different than could be used for ag use or any other use on a property. We call it buildings for raptor center but I mean, it’s a building. Is that correct?”

**Mr. Schlegel** said, “Correct, and rural residential zoning does allow ancillary building in addition to the main building.”

**Commissioner Norton** said, “Okay. It’s the usage that becomes the issue in that particular building, but the actual structure could be built there, unencumbered if it was for a different use.”

**Mr. Schlegel** said, “Correct.”

**Commissioner Norton** said, “Okay. What is the zoning currently for Star Woods Girl Scout Camp? Okay, it’s pretty close to a residential area, it’s in an unincorporated area, kids come and go, there’s education going on. I guess to me that’s one of the comparable kind of . . . did they have a conditional use or do they have a zoned use?”

**Mr. Schlegel** said, “If you would ask me these questions before the meeting, I would have researched that and had an answer.”

**Commissioner Norton** said, “Okay. I didn’t have that question before the meeting. I’d like to know about what is required on a 501-3C as far as reporting? What do you have to report as a 501-3C? I mean you have some obligations to the IRS to be able to get that and I’d like to know what the reporting mechanism is, what you report, what this business, it’s been described as a business, but what this entity has to report as a 501-3C?”

**Mr. Schlegel** said, “If you’re asking me, you’re probably asking the wrong person. Perhaps the applicant, maybe the applicant could address that.”

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**Commissioner Norton** said, "The applicant real quick, what he has to report as a 501-C3?"

**Mr. Lockwood** said, "The original reason why we had to apply for a 501-C3 is the US Fish and Wildlife requires you to be a non-profit to be able to work with Eagles. We're currently under what's called . . . we got a letter of determination and that's for a three-year period. Our three-year period is up December 31<sup>st</sup> of this year. Each year we turn in a form 990 and unless we make more than \$25,000 per year, we don't have to report our income.

Now on December 31<sup>st</sup> of this year, they'll do an audit on us and then they'll determine whether we're a non-profit or a for-profit and that will be after December 31<sup>st</sup>, this year."

**Commissioner Norton** said, "Okay. Currently, what is your level of donation?"

**Mr. Lockwood** said, "It fluctuates. This last year we did approximately right around \$14,000 and that was in donations and then we also do off-site programs, where we go to the schools and stuff, and we did right around 14,000 last year. The year before it was right around 10,000. This year, we're hoping to do a little bit closer to 20,000 this year if things go well."

**Commissioner Norton** said, "Okay. Is there any salary involved for anyone that's part of this entity?"

**Mr. Lockwood** said, "Well I get room and board, my wife let's me stay there."

**Commissioner Norton** said, "Okay. Is the home site included in the 501-3C property evaluation?"

**Mr. Lockwood** said, "Well actually what we had to do is we actually have two addresses. We have 927 North, which is our home, we have 933 North which is the bird center. The reason for that was is that our homeowner's insurance decided that they wanted then separated. They wouldn't cover the whole thing. The home is also included and the reason why is that when we build our home in '04 we built a third car garage so to speak and that is our actual rehab room and that's the room that we use when we get the birds when they're initially injured, that's where we do any immediate vet care and that's where they stay while they're recovering until they're well enough to go out into a cage. And we also store all our food for our birds in a deep freeze in our basement, so we do use our . . . that's the reason why we use our home for that."

**Commissioner Norton** said, "So it's included in the 501-C3."

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

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**Commissioner Norton** said, "That's all the questions I have right now Mr. Chair. Thanks."

**Chairman Unruh** said, "All right, thank you. Commissioner Parks."

**Commissioner Parks** said, "Some of the questions that have come up, I see Director Wiltse is here also and one of the things I wanted to ask him, the bathrooms that are there have met all the septic tank or . . . I don't remember seeing a lagoon out there. Is there a threshold of number of people that are on rural residential?"

**Mr. Glen Wiltse**, Director, Code Enforcement, greeted the Commissioners and said, "I believe when that was originally built, that was all designed for the number of people that the original CU had and I don't know what the design criteria, whether it would handle the additional capacity. We haven't looked at that part of it yet. We haven't had any problems with the system or anything, so we would look at the actual capacity and the footages and everything as to how it has been originally designed."

**Commissioner Parks** said, "Have you had, and this may be an unfair question, another one of those that has arisen here today, have you had any complaints on this property from the original conditional use permit?"

**Mr. Wiltse** said, "The only complaints that we'd ever had was started in either late December, January basically that's the only time we'd ever had any complaints and that's when we started the process of talking to Mr. Lockwood about amending his original conditional use."

**Commissioner Parks** said, "Okay. And it's not your area to enforce the fireworks. That is another agency that would enforce it."

**Mr. Wiltse** said, "That would be through the fire department."

**Commissioner Parks** said, "Fire Department enforces that illegal ban on fireworks in the county."

**Mr. Wiltse** said, "I think they do it on a complaint basis, if someone calls, then they handle it from that point."



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

**Chairman Unruh** said, "All right, thank you Glen. Well commissioners, any other questions of staff or anyone else here? I haven't offered my opinion yet on this . . . on the one hand, it seems like this operation can continue on the size and the scope of the property it is right now. If the purpose is to take care of birds, as near as I can see, that he can continue to take care of birds and house them and rehabilitate them and send them on their way. It seems like the thing that's driving this is whether or not we want more people out there to look at it and whether we turn this from a rehab project into an educational facility because as I'm trying to understand it, that looks like what we're dealing with and as an educational facility, do we allow a trail down to a campsite or not or do we say no this is . . . the original conditional use was for bird rehab and the site is plenty sufficient for that as it stands.

On the other hands, if we consider that this is not much of a modification to its current use, and the MAPD and the MAPC have both approved it, that's a strong influence on my thinking, so I'm just trying to whittle my opinions down as closely as I can. What is the appropriate use of the land. I mean, it can be used the way it is right now without stopping this operation. If the applicant continues to use it in accordance with the rules they've put on it, it seems like it will not have huge detrimental effect to the neighbors and it seems to me like if I'm out farming my ground and somebody comes up and says I can't put down the fertilizer, I'm going to tell him I'm doing my business, you know, I'm putting down the fertilizer, it's my ground and I'm growing a crop so I'm a little confused about why someone would change their operation, if that's what they think they need to do to get in a crop and just do it, but I understand I wasn't there in the interpersonal heat of the moment, so I guess I won't make a judgment on that.

I am inclined to vote no on this, in light of the fact that it seems like the best use of this operation is on a much larger piece of ground somewhere else. I'm very reluctant to go against the Metropolitan Area Planning Commission's recommendation. That's what they're there for, they consider all of these issues. But at this point, I probably would be making a no vote, in spite of the fact that I think the Lockwoods are doing a great job. I've been out there. It's a beautiful looking place, it's neat as a pin and it looks like they're helping birds, but it does appear that this is a misplaced commercial application for land use.

So with all that being said, Commissioners, I don't see anybody else requesting to speak and Commissioner Winters."

**Commissioner Winters** said, "Well I was ready to make a motion if there's no other discussion and I am going to make a motion that we take the recommended action of the Metropolitan Planning Commission but before I would say that, I would certainly . . . I mean, if anybody else

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wants to speak, we could certainly do that. But I want to say to Mr. and Mrs. Lockwood and to the neighbors and the farmers who farm in that area that the neighbors can continue to do any legal activity that they want to do on their property and that includes hunting, shooting blue rock, shooting skeet, fertilize the property, putting herbicide on it, using an aerial sprayer, using a ground sprayer, flying an airplane over the property. Anything that's legal, they can continue to do and so I just hope that even though there seems to be this neighborhood conflict that the neighbors certainly know they've got the right to proceed with legal activities."

### MOTION

Commissioner Winters moved to approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the Resolution.

Commissioner Welshimer seconded the motion.

**Chairman Unruh** said, "We have a motion and a second and we have had copious quantities of discussion but we have a comment by Commissioner Norton."

**Commissioner Norton** said, "Well I think there's still a conundrum up here at the bench but I'll probably support that by the nature of we've gone through the process, we've talked about it, we have a recommendation and if there is still a civil way to solve this through the covenants that have been described and that it's strictly a land use case, we go through the process and go with the MAPC. But that if there needs to be another kind of solution to that, there is still an avenue for the citizens out there that are encumbered with the covenants to take. So I probably will be supportive today, knowing that there's still other avenues to . . . that can have another body look at this and make a determination."

**Chairman Unruh** said, "All right, thank you. Before we vote, Mr. Euson, to find approval this requires a super majority but not an unanimous vote?"

**Mr. Euson** said, "This requires four votes for approval and I was going to ask is the intent of Commissioner Winters to take the recommended action as printed on the agenda?"

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**Chairman Unruh** said, "Well let's review that or do you have it in front of you?"

**Mr. Euson** said, "I have it in front of me and the recommended action is to approve the conditional use subject to the conditions recommended by the Metropolitan Area Planning Commission, adopt the findings of the MAPC and authorize the Chairman to sign the resolution."

**Commissioner Winters** said, "Mr. Chairman, yes that was my intension and so that did include walking trail down to the campsite, as the MAPC recommended it. Is that correct? They did recommend that?"

**Mr. Schlegel** said, "They did recommend that, yes."

**Commissioner Winters** said, "All right, yes, that is the intent of my motion."

**Chairman Unruh** said, "All right, thank you. Commissioner Norton."

**Commissioner Norton** said, "You did describe though some difference between the original plans and what is now the final proposal, is that correct John?"

**Mr. Schlegel** said, "Yes."

**Commissioner Norton** said, "And that's what your motion is, Tom, the final version of what the MAPC is recommending?"

**Commissioner Winters** said, "That's correct."

**Commissioner Norton** said, "Which is different than the original."

**Commissioner Winters** said, "That is different than the original. The original called for a whole 20 acres and much more. My motion did not include that."

**Commissioner Norton** said, "So it's the limited recommendation of the MAPC."

**Commissioner Winters** said, "Yes, that's my intension."

**Mr. Schlegel** said, "The plan before you now shows the MAPC recommendation. This was their original request."

**Chairman Unruh** said, "That's the MAPC recommendation. That is the compromise that Mr. Lockwood agreed to."

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**Mr. Schlegel** said, "Correct."

**Chairman Unruh** said, "All right. Any more discussion commissioners? Hearing none, Madam Clerk call the vote."

**VOTE**

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

**Chairman Unruh** said, "All right thank you John and all you folks for being here today. Appreciate your contribution to this process. We will take about a minute here let everyone . . . okay, we can take five minutes to let everyone clear the room and then we are going to . . . commissioners, before we recess for that five minutes, we want to take . . . let's see, I want to have the WATC folks speak to us before the arena folks, so that would be Item F-2 before we break for lunch, so we'll take a five minute recess, we're in recess."

**The County Commission recessed at 11:35 a.m. and returned from recess at 11:43 a.m.**

**Chairman Unruh** said, "Okay, ladies and gentlemen, we are back from recess and I will call the County Commission meeting back to order and ask the Clerk to please call Item F-2."

**2. UPDATE REGARDING WICHITA AREA TECHNICAL COLLEGE'S COST/BENEFIT ANALYSIS AND PROPOSED PROGRAM ROLLOUT TIMELINE.**

**Mr. Holt** said, "As has been noted, this is a WATC update. In November of 2006, Sedgwick County did propose a new model for the delivery of technical education in Sedgwick County. The new model supported a streamlining of existing stakeholders, which required the restructuring and did allow for the appointment of that institution as the managing partner for the Jabara campus project.

The new model was endorsed by the Sedgwick County Board of County Commissioners, the Sedgwick County Technical Education Training Authority, the Kansas Technical Training Institute and KITE in November, culminating in the final approval from the Kansas Board of Regents in December of 2006.

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Shortly thereafter, the Board of County Commissioners approve a \$1,000,000 operational grant to WATC, to their general fund, and the funding of this agreement, for the grant was articulated the following expectation of WATC, subject to the 2006-2007 funding. And it was this, taken right out of the agreement: ‘WATC covenants and duties, it is mutually agreed by and between the county and WATC that accountability for this funding is tied to the following conditions; that WATC perform a three-year cost/ benefit analysis of current administration programs and report to the county by June 30<sup>th</sup>, 2007 plans for phasing out underperforming offerings and implementing administrative changes. WATC considered proposed programs at the Jabara campus project and reported to the County by June 30<sup>th</sup> 2007 a collaborate plan and timeline for launch and delivery of all new program’.

As you know, WATC implemented . . . leadership implemented a restructure plan in early May that impacted a significant number of administrative positions and here today is Mr. Pete Gustav, who is the WATC president and the CEO of the Sedgwick County Technical Education and Training Authority to present the outcomes of the restructuring and the plan for the program roll-out. Pete.”

### **POWERPOINT PRESENTATION**

**Mr. Pete Gustav**, President, WATC, greeted the Commissioners and said, “It’s a pleasure for me to be here. Thanks for the opportunity to speak to you. I would like to introduce Dr. Diane Wright. She is the chief operating officer for the technical college. She has over 30 years of experience in technical education, including as president of a well-respected technical college.

We did have some board members here this morning but they got called away to various meetings and would love to be here but couldn’t. On behalf of the authority and Jim Walters, who is in Dallas on business today, it’s a pleasure for me to present to you this report. We’ve been working on this diligently since January. We’ve performed a retreat. Our authority board went away and discussed the current situation, looked at the organization from the inside out, including structure, staff structure, programming and the result is this report that was a requirement by the county commission.

First I want to talk a little bit about the first part of the report and I think you all have a copy. It’s right here. The first part was to perform a cost/ benefit analysis on the current operations, which we accomplished and we acted in May to streamline the organization and put it more in line of a tech college. I think it’s important that we all understand where we’re headed and where we’re headed is to be a tech college, and that’s different than being a K-12 organization or community college.

A tech college is, historically, is closer to business. The mission of a tech college is to train people

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for jobs and that's the business we're in is to train people for jobs and be in a position to offer high-tech jobs and jobs that pay well and serve of our business community and our citizens.

A tech college will look like a college that has multiple entry points. We're talking about going to the quarter system. We're hoping to implement that in a year, which means there's four entry points. Today there are only two and that will effect how we operate in the future, gives our citizens more opportunities to move in and out of the system.

The second thing that we're changing is to become day/ night operation. We have had very high success with a day/ night operation in the aviation maintenance school. We are moving our campus to deliver programs in the morning and in the evening. It's important that a tech college be open when their customers are available to go to school and a lot of people we have right now that are going to school work during the day and go to school at night. As a matter of fact, the vast majority of the students that are enrolled in the aviation school today are working and trying to upgrade their skills. So that's the first section.

We have implemented goal one, which was to perform the cost/ benefit analysis and streamline the organization. We cut a million and a half dollars of administrative costs out of the technical college to make it more in line with the tech college. That the faculty and the teachers are more in line with the administrative staff and we have implemented that.

Included in your report is a historical background regarding technical education, not only in Sedgwick County, but in the United States and we discussed the programs and the history of the separation from the tech college from USD 259 as mandated by the state.

In addition to the programming, during that transition there were 33 programs that were eliminated or cut severely back. This was done a couple of years ago to try and alleviate the impact of the almost \$9,000,000 in revenue that they lost when they separated from the school district.

In addition to the programming side, the adult basic education program was affected. The mill levy that the USD 259 levied for adult basic education was eliminated for the WATC, so we had to act rather quickly on right-sizing the ABE program. I think you have seen a report regarding a certified letter of community and we want to get more people in the community involved in making sure that the folks have opportunity to move up and to get education. Also to assist those foreign folks that are coming here to work in our community to get the essential language skills that they need and their GED.

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Our GED program is growing. We currently have served over 1,800 individuals in the adult basic education program and we're going to continue on with that. There is a visioning group led by Commissioner Norton, who is looking into certified letter communities and also the alternatives that we can pursue to better deliver adult literacy, the critical adult literacy programs for our community.

In addition, we have looked at phasing out some programs, mainly short-term programs that are in healthcare that have not been very successful and that's outlined in your report. There are some programs that have low enrollment, namely the diesel program, carpentry program and others, truck driving program where enrollment has suffered. We have not recommended at this time to eliminate those programs because of the sheer demand by the industry.

We have a few programs that we're going to try and get the industry more involved in to help make those programs stand on their own and be successful. We decided, because of industry demand and because of the criticality to our community of those programs that we invest and try and make those programs into a standard for our industries here. And the diesel programs, there's about three or four of those programs and that's outlined in your report.

In addition, goal two was to consider the programs for the new campus. You will see on page 18, the programs that we're talking about for the new campus. This has been going on for three and a half years. We've talked to over 50 of our companies and the majority of them are involved in one way or the other in the design and the planning of the programming and the design of the facility for the campus project. We have had countless meetings from leadership, from the aviation community, the manufacturing community, including subgroups of those who are subject matter experts in the specific programming that we're talking about and we're talking about high-tech stuff here. We're talking about advanced avionics, we're talking about industrial manufacturing, robotics and others that are outlined on page 18 of your report.

It is important I think for us to remember that the aviation community has been behind this project for over five years now, since I've been here and prior to that and they have been responding and stepping up to the plate with assistance, with loaned executives, with resources to insure that we have the necessary programs and curriculum in place to insure that we're successful at our next phase when we move to the new campus.

This is about aviation and manufacturing in our community and it's important that we continue this process. Also in the report is the timeline for the new campus. We've had a number of meetings regarding the process with the various government agencies, industry, the educational community regarding the process and the architects are working diligently with our various teams, not only from the county but the industry and education to insure that we have the right project at the right place that is outfitted the way we need to have it outfitted in order to supply the aviation and manufacturing community with the necessary high tech skilled workers that they so desperately

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need right now.

The challenges we have moving forward, we have right-sized the ship. We are in the black. We were not in the black prior, but we have a ways to go. There's an analogy that Tiger Woods says that I think is appropriate here. You play on Thursday, Friday and Saturday just to be put in a position to win on Sunday and we're in a position to win and we need to drive forward and do the necessary things we need to to make sure we are providing world-class training not only for our citizens but producing world-class workers for our aviation and manufacturing.

We that, that's a quick summary of the report. I'd be more than happy to answer any questions regarding where we are, where we have been or where we're going."

**Chairman Unruh** said, "Well, thank you for that report Pete and we do have some comments. Commissioner Norton."

**Commissioner Norton** said, "Well I'm on the tech authority and the WATC board and I'm going to just bring up a few issues and let Pete comment on those because I think they're important to the discussion. Talk a little bit about the budget process we just went through, Pete, because that was gut wrenching. After making some cuts and trying to right-size the organization, we went through the budget process and that was really digging down deep into the organization to figure out what our values were and everything, but talk about budget a little bit."

**Mr. Gustav** said, "Well our budget process came out of our retreat. We decided, one we decided what our core mission was, which was we're in the training business. We're in the business of providing training for jobs for people. That started our budget, the budget process. In the past, the budget process is what I would call a bottom up process. In other words, the programming folks would come up and say I need 'x' amount of dollars and that would be submitted to the leadership in the authority board to make a decision on how those resources were allocated.

We all decided early on that we wanted to shift to a resource allocation model, where the policy folks that are on the authority will decide where the resources are going to be invested, meaning we're going to invest in programs that we want to move into and not just fund other programs. The previous model of budgeting is typical of government budgeting and what happens is that at the end of the year, if you have a budget of \$10,000 and you have 3,000 left, instead of giving that money back you say well we're going to spend \$3,000 before the end of the year and you end up with things you don't need. What we're doing is going to a resource allocation model to where we allocate the resources and actually the authority board, through the finance committee, allocates the resources.



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The budget process this year, in order to transition to that model, took a little bit longer than we had hoped. The budget was approved at our last board meeting. The finance committee, of which Commissioner Norton is a member, spent countless hours digging deep into all the aspects of the budget, the programming and where we were headed and what we wanted to do for this year to move on.

We have a number of infrastructure investments we're going to need to make in order to prepare ourselves to move into the new campus and quite frankly, we do not have the resources to do that right now. We're looking at other options and opportunities but it was a tough process and you know better than I do, Commissioner Norton, you were involved in it, but that's what we did."

**Commissioner Norton** said, "Okay. The next thing is talk about clock hours, Pete. Where we've been in the past, where we are today and where Dr. Wright and yourself are trying to take the organization because that's what drives everything."

**Mr. Gustav** said, "Clock hours has steadily declined over the past few years, since the separation from the school district. Obviously, when you cut your products, which is programming in a tech college's case, when you eliminate products, your sales are going to go down and that's exactly what happened. And down to the point where a year ago they were under 600,000 hours. To give you a concept of what that means, Cessna does about 650,000 hours of training just for one company. They did more training at Cessna than we did at the tech college for their current employees. That gives you kind of an idea. We still are the highest producing tech college in Kansas as far as clock hours but we're way below where we need to be.

This year, the clock hours, we made some changes quickly. The clock hours increased to over 615,000, which was about a 4 or 5% increase over the previous year. We're projecting about 20% increase from this year to next year. Dr. Wright is 45%. She's nipping at our heels to make sure that we put the things in place to get there, so we based our hours on a conservative number in order to be able to realistically come up with budget. We're increasing but historically it's been difficult."

**Commissioner Norton** said, "I think the number is around 750,000 clock hours is what we're budgeting, but the magic number is 1,000,000 clock hours is what we would like to have. The high is above that, that at one time before we cut the 30 different programs and eliminated faculty and everything, back several years ago, so 1,000,000 clock hours gets us closer to where we want to be.

Talk a little bit about state initiatives, state funding and the hold harmless, because that's another

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thing that I think the public needs to know a little bit about when it comes to tech education.”

**Mr. Gustav** said, “The state funding model was changed a couple of years ago to go onto what’s called a rolling average. They take three years and average them out in order to come up with an amount that is given to each institution. Prior to that, there is a state law that says tech colleges are funded 85% through the state and 15% through tuition. Over the last ten years, that has never been funded to that level. Consequently, most of the tech colleges in Kansas are funded at somewhere under 60%.

In the case of the rolling average, as our clock hours decline historically over the past three years, the tech college was going to lose about \$750,000 last year. And our local leadership, including the chamber and others helped us pass what’s called the hold harmless to keep us whole, so in other words we were flat and wouldn’t gain anymore money. This year that went up to, because of the rolling average and our decline in hours, that went up to 1.2 million dollars, and again we were able to get a hold harmless through the legislature to protect us to keep our funding level where it is today.

The problem with that is that you increase enrollment, you don’t get any more money from the state because we’re getting 1.2 million dollars more than we deserve, according to the formula. This new tech authority that was put in place this year, that was passed this year by the legislature, and the tech commission of which George Fannestock is the chairman, have pleaded with the legislature to come up with a funding formula that’s equitable for the tech education institutions in the state.

There was some major progress at the state level in getting us some creative ways to get the business community more involved through tax credits and other things and we’re evaluating that and have something on that in July. That’s what happened at the state.”

**Commissioner Norton** said, “Well I think the reason I asked you to go through that is because I think the public needs to know that state funding is important in many, many states. Throughout the country, tech education is funded totally through the state and there isn’t a need for the locals to get too involved in that, like we have had to do here and it’s very important that George Fannestock, the technical education group works hard to help solve what we see as a local problem, but really is a state problem also. Is that fair to say?”

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**Mr. Gustav** said, "That's fair to say and the state is trying to gain control in leadership. They're a number of years behind and I don't know if this current situation or setup is going to work. They still have to staff it. It's going to be a number of years before they're going to be able to do much to assist us."

**Commissioner Norton** said, "Talk a little bit about as you went into the budget, you went into the organization, you had to make some decisions. The balance of administration to faculty was out of line. Talk a little bit about that, because as you talk about delivery of tech education, where a student needs a faculty member or a learner is there is the product, that's what's important and we were a little out of balance there, is that correct?"

**Mr. Gustav** said, "Yeah, that's correct. And when you go into an organization that comes from a culture that is not a culture that we want to incent for the future. You have to make decisions and changes that are going to effect that culture. A K-12 culture does not meet the needs of the business community and we all knew that and the legislature knew that a number of years ago, when they passed Senate Bill 7.

So in order to change the culture, we had to look at the system and the way it was set up, in order to get to the mission and the culture that we wanted to incent. Consequently, the faculty and the administration of the faculty was top-heavy. In other words, a tech college usually is somewhere around 50/ 50 or less administration to faculty. This institution was more like 70 or 65/ 35 administration to faculty.

And part of the . . . there was a plan for that before, because the idea was is that once you cut and moved away, you had to keep that administration, which the previous folks did, keep that administration and that you would grown into that. Well, when you lose your products that's going to be hard to grow into administration and consequently the organization was considerable administratively top heavy and those adjustments had to be made.

But those adjustments weren't made specifically because of the top heaviness of the organization, those were made to meet our mission. And our mission of training, training people for jobs, and this is the most effective way to do that."

**Commissioner Norton** said, "Mr. Chair, I only have a couple of more. Is it okay to continue on this?"

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**Chairman Unruh** said, "You have the floor."

**Commissioner Norton** said, "Well I just want to . . . I want to be sure that if we're going to do this report and ask for it, that we get everything we can out of it. Pete, talk a little bit about ABE, Adult Education sustainability. That also has kind of a life of its own, over and above the programs of WATC."

**Commissioner Winters left the meeting room at 12:08 p.m.**

**Mr. Gustav** said, "Yeah, I think that the mill levy change that the school district decided to do caused us to look at AB in a different light and it's something that we hadn't done in the past. Adult literacy is a huge problem in our community. Providing those services are critical and have proven . . . the success stories, I know Commissioner Norton was at one of our graduations, and the stories are just amazing that you hear from students that have been able to move back into society because they've been able to improve their literacy skills.

What struck us, I think, as an authority board was that the onus for adult education was WATC, when the onus for adult education and the responsibility is really the community. We are not the only provider. We are the largest provider. We are not the only provider. There are a number of other providers. And what we thought as an authority is that we needed to get everybody in the community involved in adult literacy because it's important to everyone, and we're talking about the churches, the centers that are providing . . . the Indonesian Center, the KANSEL, the Urban League and all those folks to get involved.

So we went to Visioneering and requested that Visioneering get involved in leading that effort. And that we turn this into a community event. And there was a thing called a certified letter of community that's been successful in a number of states and the goal of that certified letter of community is cut illiteracy in half in ten years, so it has specific goals, specific outcomes. And with the whole community pulling together, that just made a lot more sense than WATC doing that part.

And the other side of adult literacy is it's kind of an afterthought. It's in the basement of a 100-year-old building and that's where they go and we need to raise the visibility and the importance of that and tell those people they are important and they are valuable to us and we are going to have services to assist you to be able to move back into society."

**Commissioner Norton** said, "Well and the sustainability is going to depend on pulling all the partners together and maybe jettisoning that off from WATC and the county connection to try to hold that up with funding or subsidies or whatever. Is that correct?"

**Mr. Gustav** said, "Yeah, one thing I found out is that we have some really smart people in this

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community and once you get them together, they can figure it out and I'm confident that we'll figure out AB."

**Commissioner Norton** said, "Okay. I guess the final thing is we talk about WATC and where tech education is going. Talk just a little bit about the facilities that you're kind of worrying with, because there's a whole wide variety of facilities that you're delivering tech ed in right now."

**Mr. Gustav** said, "Yeah, and it's . . . we're in one of the oldest buildings in Wichita for our healthcare folks, we in the central high school building. We're in facilities at Schwieter. We're in facilities, for our truck driving school, out in western Sedgwick County. We have the Grove campus behind East High. All these facilities are old. They're all in disrepair. It's difficult for us to see a reason why we need to invest more into a facility that we're not going to be there very long. But by the same token you want your students to be able to learn in a clean environment that provides the resources they need to get a quality technical education.

So we are in facilities that are old and outdated and the technical college system has not been given the attention it's deserved over the years and we're excited that we're doing that now, so we have . . . it's really difficult when we're trying to incubate programs for the new campus, but by the same token we have to invest resources into painting and putting lights up in you know our automotive areas and other areas so students can see what they're doing and so forth, when those resources would be better spent on, you know, investing in the programming for the new campus. So it's a tough decision and we weigh it all the time. I know in the finance committee, we weigh it all the time, whether we're going to invest . . . we've got a saying down there that whatever we invest in is going to be a Kia, and if it's going to the new campus, we'll look at any thing over a two and a half or three year warranty."

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

**Chairman Unruh** said, "Okay. Well thank you Pete. I think, for me, the important parts of your report is the fact that we've turned the corner, after an evolutionary process of trying to turn from a K-12 culture to a tech college culture and that's extremely important for us to do that to get where we want to go and we are being business responsive on . . . across the board, it seems like that's what's driving our decision. And then thirdly, we're going to turn out students who can actually be hired. That you're going to teach them how to be a good employee and how to do skills, so that's what's going to get us where we want to go. So I guess a question yet to be answered that I'm eager to find out though is when are we going to decide on a name and branding this whole thing so that we can talk about it and what it's going to be in the future and you can just say 'in the future'. You don't have to answer that."



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

**Chairman Unruh** said, "I see the members of the Arena Design Consortium here and I know that's the next agenda item but we had intended to take a lunch break right now. Is that going to create a huge problem for you folks in the next agenda item? All right, well we want to be sensitive to our partners here, so if it's not a problem, I'm going to say that we are going to recess until 1:00 and we will pick up Item F-1 at that time, and so we are recessed."

**The County Commission Meeting was recessed at 12:16 p.m. and returned from recess at 1:00. Commissioner Winters was present at this time.**

**Chairman Unruh** said, "We were ready for agenda item F-1 I believe."

### **PRESENTATIONS**

#### **F. PRESENTATIONS.**

##### **1. PRESENTATION REGARDING THE SEDGWICK COUNTY ARENA.**

#### **POWERPOINT PRESENTATION**

**Mr. Holt** said, "Throughout the arena process, based on the charge of the County Commission to us working on the project, back in 2004 the county manager and county staff that make up the arena project team who have taken the time, the charge was to be open and transparent, so we've taken the time to involve stakeholders and citizens to insure that the development and construction process is as open and transparent as possible."

Additionally, we are coming to the close of the design phase, what is called the initial planning stages are concluding, so it is important to examine the major items that have impacted the project budget, want to talk about that a bit today and in attendance today is Wes Darnell with Wilson, Darnell, Mann, one of the three local architectural firms involved in the Arena Design Consortium, that is providing the architectural and engineering service to this project and Wes is going to come and talk about selected interior and exterior finishes, and then we'll talk about, end this up talking about . . . talking specifically about the budget and the proposed construction schedule, or bid

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schedule and construction schedule.

As you know commissioners, this project has been, again, a process that insures openness, transparency, public input and quite frankly, it has been a journey and a journey that has been well developed. Today we're here at a significant place along the journey, and we want to talk to you about that today. This presentation is pretty much in three parts. We'll try to do this as efficient as we can, but I want to give you a brief review of how we got to this point. That will then set the stage for Wes to come forward and to talk about the results of the arena design process, up through and including the construction documents phase of design and then I'll come back and review the budget in the next steps. Again, I'll try to be quick but thorough.

As you know, we continue to talk about our goal being a modern, first-class sports and entertainment venue that's in downtown Wichita that seats 15,000 for basketball. You see these completed steps and I'm not going to go through all of them, but the start there in June, 2004. And on this page it takes us through preliminary programming phase in February of 2006. This slide and the next slide summarizes the steps of the process that have been completed and again, starting in June 2004 and then going to the second page here, or the next page here of the presentation, taking us clear through December, 2006 and you see all of the component of the process of the design process and the other kinds of activities that have been taking place to bring this project on-board.

These next three slides review the steps that are currently in process and again I'm not going to spend a lot of times on these, but just to show you that there are still significant items that we're working on that need to be completed. The second item on this page is the Real Estate appraisals, acquisition, relocation and demolition. I am glad to report that all of the property in the arena site has been acquired. And as you know, and we'll hopefully in the next few weeks be back to you, there are still three properties along Washington Street that we need to acquire. One is a full take and the others are partial takes and we'll be back to you to talk more about that in the next couple or three weeks.

We'll also, as you see there in the third bullet, the integrated comprehensive mobility plan for downtown Wichita, you see the dates there through December 2007 and I would just say to you we are close to having the report of the parking study contractor that you approved in January, we're close to having that preliminary report that we can then review with you and get public input on, as we head towards a public plan. We would plan to have that review done before the summer is out, which will give us the sense for where we're going with this plan. It will take us, we want to get



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SMG on board, who we're looking at to operate the arena. It will take us a few months to finalize that plan and that's why you see the dates there through December, but we will have significant discussion about that plan before the summer is out.

Continuing on with the steps in the process, again we're glad to report that the Pavilion renovation is underway. You see the construction bids happened there in October- November, '06. Construction is underway, pavilions are closed. We're supposed to reopen September 1, '07 and be ready for an event there about September the 10<sup>th</sup>. I will tell you that the contractors are getting a little nervous, with all the rain that we've had, of impacting the construction schedule. But I was talking to Mike Seward out of the Arena Design Consortium, the architect that is overseeing this project, and they are talking about what steps we need to take to make sure that happens, recognizing that we have a date, an event date scheduled and what do we need to do to make sure we meet that date.

The construction, next steps in the process are the construction documents. We've been working through, the last few months, the bid package development and as we talked about construction documents in the 30%, 60%, 90% and 100% development and within the next couple of days, we will get the construction documents that are 100% documents, it's about 760-some pages of construction documents that we will be receiving as we get ready to go through that next item, the bid process, the construction and the arena opening, which is July '07 through the fall of '09.

I should also note here, it's not on the slide, but I should note that we are in the final stages of negotiations of the arena operations and management contract with SMG. These negotiations have taken a bit longer than we expected, but for a good reason. We're working on a no-risk contract for arena operation subsidy, so that we would have a contract where all of the risk for operations would be on the operator, SMG. And I think, we're working out those details, it's taken a little while and I think when we bring that to you, we'll be presenting that in a fashion that you'll be very pleased with what we've been able to develop there.

Again, as we get ready for Wes to come on, let me just remind you that the design process started with preliminary program, went through exterior design concepts. Then we went into schematic design, design development to get to the construction documents and then we're going into the bid process and construction so a lot of work has been done here. You'll see September '06 through February '06 the preliminary programming happened, and again I'm not going to delineate each of these points, we've been over these before, but you get some sense for how this plan has been put together and developed.

Again, you start with preliminary programming so that you look at all the parts and pieces of the

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arena, you start looking at the building footprint. You then end up, and we did at the completion of this phase, in early '06, with building costs that were by unit price. If we're going to have this many square feet, what should each of these areas cost and that's the way the pricing was done at that time.

We then moved to exterior design concept, which was February '05 through May of '06. Again, we selected an exterior design concept in May of '06 and you'll remember the discussion that that design concept would be . . . would blossom and that in fact is what happened during the summer of last year and continues to up until this time. The next stage was the schematic design phase, which started in '06, May of '06, went through September of '06 and at that time significant presentation to you was the south elevation was presented to you last July. The loge box and premium seating layout was presented last July, and the north elevation was presented at the end of August last year.

Schematic design, we presented the outline there for you last fall and it was an important piece of moving the project through the design stage to make sure we understood all of the individual pieces of the project.

The next stage was design development, which occurred September through December 2006. Here the defining of the building structure systems and main elements were happening. We had some discussions about interior materials, signage and graphics and we did a comprehensive definition of the project scope and the budget of the various components of the project. We did review of the design with community groups, users, operators, code officials, fire marshal. You'll remember, we talked about going through process with the Historic Preservation Board, Environs review and it was then, in last December when we presented that and the final decision on the design were made at that time. We showed you 387 sheets of drawings in December and talked about how we had come to the point of looking at the big picture items and issues and it was at that time that we recommended a change in the budget from the 184.5 to the 201 million and I talk some more about that here in just a few minutes.

Here we are at the end of construction documents and we are, at this stage, to bring Wes forward to talk about what has been included there, what the building looks like, both the interior and exterior and I'll be back after that to talk more about the project budget. Wes."

## **POWERPOINT PRESENTATION**

**Mr. Wes Darnell**, Member, Arena Design Consortium, greeted the Commissioners and said, "Before I get started, I want to recognize Jeff Vansickle of our design partners with McCluggage, Vansickle Perry and I'm sure you noticed that Bill Livingston was here earlier. He had to go on to another commitment this afternoon, wasn't able to stay for the afternoon.

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The process that we've been through, it's been a good one, it's been very productive and we've really felt good about how things moved along and how decisions have been made and involving public/ private partners in this whole process has really been very productive, has given us great guidance as we complete with the design of this very important building.

As the three commissioners that have been along through the process know already, we arrived at what we call a design dichotomy in the approach, and it makes this building a little bit unique in that we're looking at this building from two different perspectives. And the first that we're looking at here is what we kind of think of as the Old Town side of the building, or the historic side of the building, that relates very closely to the buildings in the immediate area. It matches, in similar proportions, around the brick portion at the base of the building. It's about six stories high, which matches the height of some of the adjoining building and it uses many of the same materials, using bricks that come out of a collections of buildings in the Old Town area similar to the Rummly Building, even to Wilson, Darnell, Mann. We realized that they had bricks and brick coloring very similar to what will be used on this building.

The north entry that you see there, which will be in the center of the north entrance, aligns down St. Francis, so we have a vista to the building as we approach and at that point we are breaking from the Old Town and making a connection to the south lobby, so that there is a continuity between entrances and the recognition that they are entrances, going a little more glassy there and a little more open. And that vista, as you look down St. Francis, will guide people right into the building is out thought.

Around on the other side of the building, we have a complete different approach to the design. We labeled this, from the very beginning when we looked at this clear back at design/ development and schematics as being functionally expressive was the approach that we were looking to accomplish here, very open, very visually clear, building where people can look into the building and sense what's happening.

The idea here was that we build anticipation, even from the Kellogg overpass, as people would approach this building, as they would step, as they would come from their cars approaching this building they would have the sense of activity being able to see into the building, see people moving, see lights, see action and one of the things we're doing there to really build that anticipation, we'll show also on one of the interior slides, is we'll have a large 30 by 30 LED screen inside, on the main concourse level, that will literally read through that glass façade to people approaching the building, very exciting element.

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Just to quickly talk about the site before we go inside. We positioned the building tightly on the site. The site is very compact. We do have some amount of parking, about 350 spaces on the site immediately surrounding it and many of those would be given to accessible parking, but would be further discussion as we go through our planning about how those will be designated and used but for now we've got spaces south of the building and as you can see . . . well, southeast of the building and north of the building. And we have approaches to the building from the north, down St. Francis and we have an entry plaza in front of that north elevation entrance as we look at a moment ago as well as an entrance, a plaza in front of the southwest entrance, the main entrance to the building, which approaches off of this corner here. And of course we have another walking approach to the building, you see here. What you see here as pink material here will be brick pavers, where people will be approaching the building from the east. So the building is very inviting, very open, has basically two different approaches, but has a certain architectural character that we think is kind of interesting and sort of unique to Wichita.

Something I need to sort of step back here and point out, the service yard which you see right here on the east side of the building is adjoining and against the railroad tracks side, and that of course where all the trucks and the production would come into the building off that side, and so we've pushed that around to the side that's kind of back and away from the public view, so that pretty much gives you an idea about how the site has been laid out.

We'll talk a little bit about the service level plan first. We'll go up through the building plans here, and I know these are plans that get into a lot of detail that I know that you aren't particularly interested in the minute details but I wanted to kind of touch on a few things here. What you see mainly on the service level are back of the house uses. The main thing that happens at that level is the production of the shows, spaces for either the teams or the actors to get themselves prepared and administrative offices and large amount of storage area, as well as a preparation kitchen for the concessions people.

But to look at the entrances again from the perspective of the service level, the north entrance, which is up in this area, it will be right inside of those glass windows that we were looking at a moment ago on the north elevation and on the south side, it's the larger entry lobby, as well as the ticketing window operation here. This element you see off of this southwest corner is what we refer to as the post-rock element that you saw back in the elevations a few moments ago. That's kind of the signature piece off of that elevation, that kind of creates that dynamic anchor, if you will, for that side of the design.

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Stepping inside, at the main lobby that we were just discussing, this is a view in that main lobby. You can see that the finishes here involve bringing some of the stone and material that are on the exterior of the building inside. We have terrazzo finishes, so high level finishes in this area. What you see, those dark square shapes over the top are kind of what we refer to as clouds. They'll be hanging below an exposed structure, but creates some opportunities for visual connection to some panels that will go down the interior side of that lobby.

And these panels that we're looking at here along this lobby will be visually apparent, as you approach the building, through the glass window. Right now they present some options or some choices for us. They can be used by a naming rights sponsor for advertising purposes. They can be used for simple commercial advertising, or they can be used for art pieces. None of those uses have been designated yet, pending negotiations with naming rights people and further discussion with the county. But there's some great possibilities there for something that would be really dynamic. Our vision is that we're wanting those panels to really jump, so we put a lot of lighting on them, a lot of emphasis on those panels. We'll make them very apparent, through the exterior windows of the building, as well as within the lobby.

The upper concourse area, or the main concourse area extends off of that lobby, on the south side, right in this immediate area, and a lot of the same finishes, which are mainly terrazzo on the floors, still some stone on the walls and we introducing a little bit of wood paneling up here in this area. In the immediate area. This is where our design dichotomy begins to be apparent, because this area has very much the same feel as the lobby and the south side of the building. And then once you pass a point right in here, on this side and right over here on this side, from here on around is what we refer to as the Old Town scheme, so that's more of a continuity of what you would see coming out of the north lobby, up the escalator and within that area we're utilizing brick walls along the concourse. They'll be the same brick that's used on the exterior of the building. The floors will be concrete, but they'll be a ground face and stained and then sealed concrete. That is a very nice finished appearance, yet is much more economic than the terrazzo finishes that we're using in the lobby entrance.

We're kind of shifting gears there aesthetically, again just like we were in the exterior of the building, creating a dichotomy. It creates some kind of unique interest in this building and a little bit of change of scenery, as you tour around the main concourse building.

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Just to kind of cover that for a moment, this is a view that would be like on the north side and around on the east and west sides, where we have the brick walls, we have exposed structure overhead and we have the ground finish floor here and you can see we're not staining the entire floor. We're staining panels, so we'd be staining in this darker panel and then leaving nature concrete as a contrast, to create kind of a wrap around of those panels at the center, create some more interest. Our columns will be natural concrete columns, painted structure above our heads and then like in concession stands, we'd have some brick piers on each side with some stone trims and things that would match some of the field of some the exterior. The fronts of the concessions are relatively simple, stainless steel counters of course and finishes that are more durable. And then above, we have a signage package, bring in a graphic continuity with different types of concessions throughout the concourse.

What you'd see beyond there is the entrance to the restrooms and those have material that's very much like stone that we're using on interiors that creates kind of an enclosure around the restroom entrances to emphasize those. You can begin to see that we're showing some of our graphics, but we expect there to be a lot of graphic impact going down the concourse here that will probably be more realized once the graphic packages have been bid and is completed. So we think there will be a lot of light, a lot of excitement, a lot going on as you'd walk around this concourse.

The south side of the building, above the entry lobby and in this view you're looking down into the entry lobby to your left, to your right is the area that I was just describing, it's right above that and that area is where we would have the terrazzo floor, on that south side of the main concourse.

What you're seeing up above here is the entry into the suites. There's two levels of suites above this area, the first level and then the second level is kind of above the view here. But that 30 by 30 LED panel that would have an active graphic on it is what's been shown right here. So as people would approach the building, they would see through the glass to this panel as it would come into the building, they would continue to get closer and closer until they would be right in this area right in front of it and they'd get the full impact. It would be a very dynamic element, create an impression on people coming to our arena, it's unique.

The upper concourse level does not go all the way around the building. You'd be coming up out of that lobby, or excuse me, the main concourse area that we were just looking at on an escalator right here, and the concourse at this level goes around 270 degrees back to another escalator at this side.

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That gives us the ability to do the thing that's again sort of unique about our arena in that we are stacking all the suites along the south side of the building. There will actually be suites, which you see in pink here, at this level and then the next level you'll see that there's more suites stacked right on top of that, so we've layered all our suites along this side of the building, as opposed to wrapping them all the way around the building. It gives us the ability to kind of concentrate some of our fan experiences and some of orientations for seating in a kind of unique way and the other effect is that the general public is able to by seats right down to the edge of the floor on the other sides that way, so it has kind of a double payback in our estimation.

What you see ringing around this concourse is restrooms and of course concessions, as you'd anticipate. In this case, the restrooms are shown in kind of yellow here and the concessions are kind of the green color. I should have covered that for you on prior concourse, spar towers for exiting off of key corners, here's our post rock forum. We have a little outdoor balcony area there that would allow people to step outside and overlook the plaza in front of the building.

This is the upper deck and at this level, what we're really showing you around the perimeter is the upper seating bowl, which is entered at the bottom and people go up, somewhat like happens at WSU Koch Arena. People would go up to their seats from the entry to the concourse, or from the concourse. And on this side, as I mentioned a moment ago, the suites are stacked on the south side of this plan, over the suites just below those.

Just to kind of talk about the West Club, which is the club that will be available to any general patron, very nice, a lot of the same finishes that are coming out of the concourse, i.e. the ground face concrete on the floor and then we're bringing the brick off the walls into this area, but we're creating some kind of unique elements here, some brick arches inside of this space gives a certain character to this area.

To the left in this view would be the open view to the bowl, where people can come to that edge and sit a higher-top tables and watch the action or look into the bowl. And on the right side it's open to the concourse so that people walking by can feel involved and be invited into this dining area. What we're seeing right here is a bar area at one end. At the far opposite end is a food area where people can go up to the counter and get food to just sit here and enjoy. As you can see, we've got screens all over the place to keep people informed about what's happening on the floor if they're not at the edge of the bowl watching firsthand.

Talked a little bit about the bowl itself. I'm kind of trying to cut my presentation short, I kind of

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jumped by the South Club in the suites area but the finishes in those spaces are carpet and tile and in the South Club area, which would be where the premium seat holders and that area is right in behind this glass right here, or right below where the suites are located and the loge boxes, which flank that area, are right here on each side, as you come right out of that space into the loge boxes and then our club seating is down in front of that, so the club seating is down here between that South Club and the floor. But within the South Club itself we do have some upgraded finishes, kind of creating a nice space, would actually be a space that lays out so it could be leased activities away from game days or event days, so if someone wanted to come in and have a function within the building on an off-day it would be available. It's immediately accessible from the stairs off the south side of the building, so it's easy to get to and a very nice space and a kind of dynamic connection with the floor and the bowl that can be that space.

The suites immediately above that, the flooring is a combination of carpet and tiles, carpet in kind of what we call social half of the suite and tiles in the food service half. The finishes there on the walls themselves are basically painted and somewhat simple, but we've tried to create some surfaces and things that make that more interesting, so nice upgraded stained wood counters, cabinets with composite tops and those of you that got by and looked at finishes yesterday saw the nice leather seats that will be available on the bowl site for those patrons that have suites, in front of their suite and watch the activity firsthand.

Within the bowl itself, we . . . and I don't know if you're able to get it on your screen with the scale but we will have a ribbon sign . . . the ones that you see in other arenas I'm sure, that goes all the way around our arena. It does make a little bit of a leap, it follows the front edge of the upper seating bowl all the way around, but then when it gets over in front of the suites it has to make a little jump and runs across the bottom of the suites at this level right here, so that's how it connects around to give a full 360 degree experience.

You also probably are aware that we're sort of wrestling a little bit with the color on our seats, but we will have all upholstered seats and backs on our seating in the bowl, both upper and lower, and it will be really quality seating experience I think for fans that have been yearning for after seating on some seats at the Coliseum they haven't been totally happy with them and first went through a lot of study with you all in determining the size and spacing and widths of those seats, I think we'll have some good fan . . . from what we've selected.

The structure overhead will somewhat float into obscurity but up within that area we'll have exposed structure. Above that we'll have valances hanging up there that are for acoustically



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dampening because there's a lot of dynamic sound in an arena like this and we've worked very hard to make this arena work for the variety of experiences and of course I don't know if you really think about these things very much, but there's quite a lot of difference in acoustic needs for a concert versus a sporting event, so you don't want the place to be so dull that a sporting event just goes dead in there, but on the other hand, you don't want to have some wonderful performer and they're unable to tell what they're doing because there's so much reverberation in the building. So we hopefully hit a middle field in there where that works for everyone.

The scoreboard or the center-hung scoreboard, which doesn't show in this view, that will be right up in the middle of the structure up here, will nest up into a recess in the structure, so it will be able to be pulled back up. It won't be fully enveloped into that structure, but it will go back up so you don't have to do what you have to do at the Coliseum and that's drop it to the floor and carry it out of the building every time you have an event that doesn't require a scoreboard.

We will have house curtains that will allow various configurations to be realized here. When we have a center stage performance for this layout of course we won't need to have any of the curtains in place. We'd have the full seating capacity, plus floor seating available. This is your maximum seating capacity in this configuration, but in some of your other configurations and let me point out before you point out to me this refers to a side stage and this is actually an end stage configuration, but in the end stage configuration, the dark area you see at the right side would actually be masked with curtains that would close those areas off so that they would be hidden from view and closed off to the back of the stage.

One of the interesting concepts that available with the suite configuration that we have is the ability to do a side stage, again mislabeled here. A side stage configuration where we can create a very intimate seating arrangement, curtained off most of the arena and be able to make a performer comfortable in a 4,500 to 5,000 seating venue where they wouldn't have all these empty seats above and around them, and make a little more unique contact with the audience in a setting like this. Of course for sporting events, basketball 15,000 seats was the programmed requirement here and that would include seating on the floor. Seating for hockey, configuration there with the dasher boards and all the goals and things, goes a little bit less than the basketball seating because we don't have seating on the floor and we also have to give up a little bit for the teams and penalty boxes and for arena football.

So we've covered all the possibilities we think that we think would be needed for making this a very viable facility for you all and hopefully serve this community for many years to come. Really worked very hard to keep the budget in line on this project and I know that's Ron's next focus here

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to chat with you about but our philosophy on this has been we wanted to create something unique for Wichita, something that had a 'wow' factor, yet we really wanted to keep it in the budget, so we tend to think of this design as 'wow on a budget'. I believe we've done a good job for you and thank you very much."

**Chairman Unruh** said, "Thank you, Wes, appreciate your presentation and we're glad we've got 'wow on a budget'."

**Mr. Holt** said, "Thank you commissioners, Ron Holt again, and just to continue and very quickly move through and talk about the budget. In December 2006, the project budget was changed from 184.5 million to 201 million dollars, a little over a 16,000,000 increase. We reported at that time that the increase was due to increases in furniture for the premium suites, decisions on the kinds and amounts of technology that would be included in the facility, (*unintelligible*) signage and we had then looked at having escalation in construction costs included at that time as well.

At that time, we reported a construction cost escalator was added to the construction budget to make sure that we were addressing that going forward, beyond the December 2006 timeframe, to the point that this project would be bid.

What I want to do now is to very quickly again review the project. I want to look back at July, 2004 when we first announced this project and just again, I won't spend a lot of time on it, but show you the development of the project and the critical, important pieces that were identified during the design that has affected the budget and helped us better, if you will, define the budget.

In July, 2004 we knew two things about the arena. It was going to be downtown and it was going to be 15,000 or more because there were a lot of people calling for more seats at that time, that we had put on that then just with that information, looking back at previous plans, a budget of 141.5 million and that we would fund this project through a special sales tax for a predetermined amount of time. This was back in the summer of 2004, at the very beginning of the arena plan.

As we went through the community engagement process, we then narrowed down or better defined that it would be 15,000 seats for basketball and 24 suites and at that time we got into a lot of discussion of parking and what parking options might be and with some of those parking options, we even talked about a project budget in those community engagement meetings of 211 million dollars and again we talked about that it would be financed through a special sales tax for a predetermined amount of time.

September 2004, after the community engagement meetings and at the time that you were approving, the commission was approving the vote question, the ballot question, we then had decided that the downtown location was going to be inside what we had deemed the 'blue cloud area' basically south of Douglas, between the railroad tracks and Main and north of Kellogg. We

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still had 15,000 seats for basketball and 24 suites. We then honed in on the project budget at 184.5 million dollars to be generated now a defined 1% special sales tax for 30 months that had been estimated to generate that funding.

We then went through that whole 'Vote Yea' campaign and the legislative process and then, April 2005 through November of 2005 we went through a site selection process and so in November 2005 what was new information then was we had a specific site selected, that the 15,000 seats for basketball, 24 suites, we'd done the parking analysis within five blocks of the arena. There would be adequate parking for 90% of the events and we said we're going to only do parking on site, but we will keep parking as an option as we further develop this project and that's what we have continued to do.

Also during that time, traffic analysis indicated that we had a need for conversion of Topeka Street to two-way street from Kellogg to Waterman and traffic analysis indicated that the left and right turn lanes would be required at Washington and Waterman and that those left and right turn lanes would require us to acquire more property than we had anticipated acquiring, as we first developed this project, on Washington.

Again, the arena plan was updated based on public input during the site selection, with a project budget of 184.5, again with special sales tax of one percent for 30 months estimated at the 184.5 million dollars.

In February 2006, now by this time we had completed the preliminary programming for the project and now we've decided and presented to the commission and presented to the public and had public input, that we wanted 15,000 seats for basketball, 24 suites but in addition to that 40 loge boxes. You see the other items that remain there. We also decided at that time that this would be a two concourse arena, that there would be 19 and 20 inch seats with a 33 inch tread depth, the distance between front and back of seats. We also looked at and had decided that the square footage of the building would be estimated to be 418,500 square feet. Again, the project budget was 184.5 but the sales tax estimates, to be collected on the 1% 30 months, had been revised to 201 million dollars. We didn't revise our overall project budget at that time, but the sale tax numbers, revenues had been revised in January of '06.

The next thing that happened is we went through the exterior design and you see there in May 2006 an exterior design concept was selected. From May to August 2006 the site was developed further, and more defined. All of those other items remain. The exterior building square footage, then based on other work that had been done was estimated to be 427,951 square feet and the exterior design was further developed over those months, May through August.

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Again, the budget was not changed at that time because we were still in the process of schematic design, moving to design development and it was pointed out that at design development we would have more specific square footage numbers, as well as interior materials and so forth, at that time.

In December 2006, we had completed the design development phase of the project. A final site plan had been developed. Again we'd honed in on 15,000 seats for basketball, now 20 suites, two party suites, 40 loge boxes and all of those other things remained constant. The arena building square footage had been set at 417,000 square feet. The exterior design had been updated. The interior design had been developed to some extent and that was when we came to you and knew more about construction cost increases and we came to you and asked to have the budget increased from the 184.5 to match the revenue projections of 201 million, again to be financed with the 1%, 30 month sales tax to generate that 201 million dollars.

Again, we're here today, June. Everything has remained the same. We've come full circle now. We know the project, based on what Wes just presented to you. All of the materials and designs have been developed, maybe a couple of more decisions on colors, but everything else has been pretty much defined and developed and in fact we're here today getting ready to move forward to go to bid.

Let me just now talk about the difference in the budget today and what was presented to you in December. A and E services, and I want to point out there what's in parentheses. A and E services, that's the big portion, we call that line but that's design, permitting, furnishing and equipment and a significant portion of those dollars are for furnishing and equipment. We've been meeting with SMG since January. We have a much more better understanding, a much better understanding of what kind of furnishings and equipment we're going to need in this new building.

We've even, with understanding that, met with the people out at the Coliseum to try to decide if there are furnishings and equipment we can take from there down to the new building. That's limited, but we wanted to go through that process so that we were not leaving any opportunities unexamined.

So the A and E services, with the design permitting, furnishings and equipment, has gone from 18.9 million to 16.6 million. The site acquisition and demolition, as I mentioned to you, we have all of the arena site properties acquired. We're in the process of getting ready for demolition. We have three more sites to acquire on Washington and so that budget is becoming much more defined, 15.8 million in December, now it's 16.9, 17 million dollars.

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On site construction, and you see the asterisk there, when we first started this project back in July of '04 clear up through February of '06 we had a line item for on site construction. It started at 7,000,000, moved to 5,000,000 but because we want the folks doing the work on the on-site to be coordinated with the people building the arena, we have moved all of those dollars into the arena construction line item and consequently, about five, six million dollars of the arena construction items really are tied to the on-site construction and that's what that asterisk says there.

Off-site construction is 2.9 million, 3 million in December and now is at 3.6 million. You see a double asterisk there. What I want to point out to you that the city . . . we've been working with the City of Wichita, they have some street and storm water sewer improvement they want to do in that site area that would be coordinated with this project. They've asked us to include those in the project and they will reimburse us. We will be coming back to you in a few weeks with an inter-local agreement that will spell that out, but all of that increase for the \$2,980,621 to the \$3,569,800 is related to that work that we'll be doing for the City of Wichita and we'll be reimbursed, the project will be reimbursed for.

Parking, you see the three asterisk there. Early, early in this project we had a parking line there. Throughout the project, we moved that parking line to the bottom line and in connection with the operation and maintenance reserve, and that's what those three asterisk point out there.

Arena construction in December was \$135,264,088. The arena construction now is \$139,973,101. Again, we have better pricing on some of those furnishing and equipment that have defined that and that's where that cost increase comes from. The contingency is moved from 4.4 million to 3.5 million. Project planning and management in December was 1.3 million. Now we're estimating it to be 2.9 million. What we know more about that there is pre-opening budget, pre-opening kinds of events or cost related to pre-opening events and the fees that will go along with SMG, once we bring that contract back to you for approval, that would be related to pre-opening.

The arena development subtotal then is \$178,594,885 in December. Today's numbers it \$183,625,441. Then we have the improvements to the pavilions, again we've built that project, we know what's involved there, so that line item has gone from 7.8 million to \$6,000,000. Again, that's not because we changed the scope of work there. That's because the bids came in less than what we had estimated them to be.

Woops, I skipped one I think. Yes, the parking, operation maintenance reserve fund has gone from \$14,610,420 to \$11,369,872. You see the four asterisk there. The footnote say that the \$582,000 from the city will come back into that fund. In addition to that, we will take all funds that were received from naming rights, and they will be added to that. None of the naming rights revenue will go to SMG. It all comes back to this line item in our budget. In addition, as I mentioned earlier, we're working towards a no-risk arena operation subsidy for the county, which means that this fund will really go from an operation and maintenance reserve fund to a maintenance and capital

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improvements reserve fund.

Bottom line is that the 201 million dollars that we talked about in December is the same budget we're working on now. That page that I just skipped are the explanation of the asterisk on the previous pages, which I've talked about.

The arena sales tax forecast, in July 2004 it was 184.5 million. That revised forecast in January 2006 was 201,024,000. To date, through May the projections were 137,875,000. Actual through May 141,637,000.

Again, any cost reduction, other revenues will be used for parking, operations and maintenance reserve fund. The SMG agreement will be a no-risk contract for the county, eliminating the need for funds to subsidize arena operations and proceeds from naming rights, premium seating and sponsorships will be used to offset annual operating costs and that operating and maintenance reserve fund will really become a maintenance and capital improvements fund.

Summary, we would ask you to receive and file the report today, the budget update information, and we will be proceeding with the construction bid process phase of the project. Let me just say again, that phase is July 23<sup>rd</sup> go out for bid, have those bids return some date, and we're still working on that, about the middle of September and in fact I'll just say to you again, as we say each time here, it is at that time when we'll know what the arena building will cost us to build because we'll have hard, firm bids. We believe that the costs estimates that we have been getting through the Arena Design Consortium, through Turner Construction have been very, very good. But no matter how good they are, they're not the bids of the contractor, who will be putting . . . signing the line, saying I can build this project for that amount. That's what we'll get in September and we will then be able to talk about what those bid numbers are and how we proceed forward with this project at that time. I think that concludes my presentation. I'd be happy to answer any questions that you might have."

**Chairman Unruh** said, "All right well thank you, Ron. We do have some questions but appreciate your report and you hustled right through it. A lot of information there. Commissioner Parks."

**Commissioner Parks** said, "Well I have about 20 questions, but due to time constraints I'll give about 8 of those I guess. I guess for the architect, could I ask was there provisions in there for WiFi or other technology to be added, conduits, co-axis, satellites on top of the building, anything like that?"

**Mr. Darnell** said, "We have just about everything you described included in the documents. This building will be total WiFi. We'll be able to operate a lot of our devices, like scanning tickets and

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things, with WiFi. I mean, the wireless devices, we have amplification of cell phone signals and things throughout the building. This building will be very wired and very cutting edge technology-wise.”

**Commissioner Parks** said, “Well I just hate to see ESPN come in and say ‘gee I’d like to broadcast one of your regional basketball tournaments, but we can’t do that because of the technology curve’.”

**Mr. Darnell** said, “We won’t disappoint them.”

**Commissioner Parks** said, “Okay. I think that’s something that’s real important, satellite in and satellite out, and all that stuff, great. Do you have a media room in there also for them?”

**Mr. Darnell** said, “Yes.”

**Commissioner Parks** said, “I didn’t hear anything about that.”

**Mr. Darnell** said, “Yeah, I’m sorry, I was kind of glossing through rather quickly to try to shorten the presentation, but on the service level, back at the area near where the dressing rooms are is a media room.”

**Commissioner Parks** said, “Okay. Now the tower that we see, is that guide-wired or is that a self standing unit.”

**Mr. Darnell** said, “You’re talking about what we refer to as the post-rock form at the top.”

**Commissioner Parks** said, “Right.”

**Mr. Darnell** said, “Yeah, that’s a masonry, a stone formed piece that stands connected to the building above the service level. It stands free at the service level, but once it gets above that level, it connects to the building, the building actually coming from the north.”

**Commissioner Parks** said, “So there’s no plans to have any electronics or anything in that. That’s just aesthetic?”

**Mr. Darnell** said, “Yeah, it’s aesthetic, that’s correct. It does have, I guess it has two spotlights in it and it does function as an exit stair tower.”

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**Commissioner Parks** said, "Make an excellent lightning rod."

**Mr. Darnell** said, "Yes, and we've got it wired for that, by the way."

**Commissioner Parks** said, "Okay, well that's a question that I . . . on-site EMS stations?"

**Mr. Darnell** said, "Well of course EMS is set up to operate out of the building and they will have a first aid station there that will be manned by county EMS personnel."

**Commissioner Parks** said, "And you're doing everything you can to spec that to Kansas brick, like from Kansas Brick and Tile or Acme Brick at the locations."

**Mr. Darnell** said, "We are actually, yeah, we are specifying around a clod ceramic product, which comes from Kansas Brick."

**Commissioner Parks** said, "Some of the finest. Is it going to be 'green friendly', like recyclables? Are people going to be able to throw certain plastics in a container that goes to a collection site or something like that?"

**Mr. Darnell** said, "Of course that's an operational issue, not an architectural issue."

**Commissioner Parks** said, "Well if it goes to a collection site it might be in the architects, if you throw it in a receptacle that goes to a collection box somewhere, like on another level or something like that, that might be something that's . . ."

**Mr. Darnell** said, "Oh, I see what you're saying. No, we don't have anything planned like that."

**Commissioner Parks** said, "And it's not quite so labor-intensive."

**Mr. Darnell** said, "Well that would be an interesting idea, but we didn't have the foresight to do that."

**Commissioner Parks** said, "Okay. I believe that's all I had for the architects. I did have a couple of questions for Ron. There's no O and M for the pavilions at all?"

**Mr. Holt** said, "The pavilions are again, because they're part of this project, then all of that works to that O and M line that you see there, but quite frankly, that's not an area . . . it's been my experience (*changed tapes*) subsidization. That's an area . . . the pavilions generally pay for



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themselves and add to the bottom line at the Coliseum.”

**Commissioner Parks** said, “Okay. I guess my thought on the O and M, and I know we’re going to be reimbursed somewhat in that line item, but I’ve always stood fast that I think that that \$14,000,000 should be a stand-alone project, not included with any other capital outlay, expenses. I’m sure there will be differences of opinion on this board about that, but I don’t want to see five years down the line that the taxpayers have to start paying for something for the arena that has already been set up there, so I just really think that that \$14,000,000 figure should stand firm on that and I would ask you I guess, five years down the line, if the upholstered seats start coming apart, or whose going to be paying the utility bill five years from now at the arena, things like that that this O and M would be there for that, instead of putting that back on the ad valorem property tax for the taxpayer.”

**Mr. Holt** said, “I fully understand that commission, and all along that’s been the intent of this project. What I would ask your indulgence in, let us go to bid, let us get firm bids back, and then we’ll be talking about a more defined and definitive number there, based on what the bids are and we can revisit that at that time, about if and how you want to split that out. The other thing that we’ll know for sure at that time, we’ll have a contract, an agreement with SMG and so we’ll have two big knowns that are now unknowns. That contract with SMG, the particulars, the specifics of that, which we haven’t except in a general way, factored in here and the other will be we’ll have an actual hard bid that we will know what the arena costs are. And so you’ll have a chance to take a bite of that apple, again, before we move forward but I would beg your indulgence to take a look at that once we get the bids in.”

**Commissioner Parks** said, “If we’re okaying this document, that’s okay and that reduction in that 14 to 11 million then, with the asterisk on that item?”

**Chairman Unruh** said, “I think we’re still just dealing right now with the concept on that part of it, and these numbers are still fluid. We won’t be able to itemize those or be definite on them until we get the bid documents back.”

**Mr. Holt** said, “Because that’s out of the 201,000,000- 139,000 of that has ties to the bid, so once we get the bid back, we have a significant number now to know if it’s under, if it’s even, if it’s higher and then we can deal with . . . there’s a couple of other line items there we need to deal with at that time, that we would have a much, much better grasp of what our costs for construction would be.”

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**Chairman Unruh** said, "Okay, but Commissioner Parks, if he so chose, he could at any time now or 90 days from now, say I want an O and M fund of 'x' dollars."

**Mr. Holt** said, "That's correct. Again, I would just ask you that you don't lose anything by saying 'we're going to make a final decision on O and M come September when we have bids back'. You'll have a chance to do that. There will be an opportunity to do that and then we'll look at what our options are. Do we scale some things back if the bids are not where they need to be in the project or do we look at other means for doing that? But we would have an opportunity to do that and we would be much, much better prepared to do that at the September, mid-September timeframe."

**Chairman Unruh** said, "Okay, is that answer good with you?"

**Commissioner Parks** said, "Answer is good with me, but I still feel uncomfortable with that, so I'll just leave it at that."

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

**Commissioner Welshimer** said, "Originally, I asked for someone to be here from the City of Wichita today. I know John Schlegel was here, and Mr. Johnson. We probably just delayed them so long that they had to go back to other things."

**Mr. Holt** said, "Commissioner, if I might, John did tell me he tried to stay. He had two or three other commitments, he'd passed a couple, and Ed Wolverton wasn't able to be here but from both of them I have a commitment that whenever time you want them, they can come to a county commission meeting or Tuesday staff meeting. Ed can talk about since the arena project was announced, what kind of development dollars have been announced for downtown and of course John can talk in more detail about how the arena neighborhood redevelopment plan interacts and what the projections are in there. But they both understood the need for that. John just had another commitment he had to go to and that's why he's not here."

**Commissioner Welshimer** said, "Are we going to be having an opportunity for that any time soon?"

**Chairman Unruh** said, "We can make that happen, I mean Ron, you can get that on our staff meeting schedule so that we can maybe have a free-flowing discussion at staff for Commissioner Welshimer's questions."

**Mr. Holt** said, "We can sure do that. We're not having a staff meeting next Tuesday. I would tell you that on the 10<sup>th</sup> I know that John is committed to a workshop on the arena neighborhood plan

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with the city, so he'd be willing to do it. We can do it the 17<sup>th</sup> or if we need to find some other time, he can come do that at some earlier time if we need to do that quicker."

**Commissioner Welshimer** said, "Well my concerns are that we're putting \$201,000,000 investment into the City of Wichita. It's not going in Derby or Park City or any of the other 20 cities in this county. It's going in the City of Wichita and we're not . . . I'm not, you know, we're struggling with this and struggling with this parking on our own. And the City of Wichita, parking is in their territory and we don't have the authority to rework everything that . . . you know, this is under their purview. And so I think it's time we started talking with them and it's time we started hearing their plans and answering some of the public's questions because it's difficult for us not to know how we're going to solve this parking problem when we really don't have the ability to do whatever we want in downtown Wichita.

So again, I don't particularly relish the idea of waiting two or three more weeks, as more and more misunderstanding, you know, works its way up and so I'd like to see it happen much, much sooner."

**Chairman Unruh** said, "Well we can, pardon me Ron, you were going to speak but we can schedule a meeting where all commissioners are present in some workshop setting earlier than that to get these questions answered and hopefully put them to rest."

**Mr. Holt** said, "Absolutely and there's two pieces, they're tied together, but two pieces. One is the overall arena neighborhood plan. John of course has all of that discussion. The other piece is the parking, which is a part of that plan and a part of what we're doing. We will be having, here in the next 30- 45 days, significant discussions with you, with the city and with the public relative to the parking study that the contractors that you approved in January, their report will be back and we'll be ready in just the next few weeks to have that kind of discussion, which will be on parking for downtown, a significant discussion that goes beyond just the arena, but what's happening downtown, whose role relative to the arena and what the roles and responsibilities are for the overall downtown."

**Commissioner Welshimer** said, "Well I hope so, because I know back when we were talking about the consultant report for the parking, I thought then and I still feel that if we're going to build this arena, we put it down there where they wanted it, I mean it's downtown Wichita that wanted it there, City of Wichita that wanted it there, they should ask anymore from us, except to build the arena, put it there and then they should take over the parking and all of the . . . everything around there and take it over from there. And I feel like we're being left with it and you know, it's on our backs and I hope that we can get that worked out. That's it."

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**Chairman Unruh** said, "Okay, well Ron, if you do schedule for us a workshop, it will not be before we have the information from the Walker study, is that correct? I mean, there's no sense in us having a meeting and then getting information. You'll coordinate that for us."

**Mr. Holt** said, "And I think we're close enough that we can do both of those together and do them pretty quickly. I don't want to give you a date, and so if it's not close enough, then I think we need to come back and talk about the arena plan and then have a second date soon after that to talk about the overall parking plan."

**Chairman Unruh** said, "All right, I just don't want to duplicate our efforts and have meetings before we have information. Secondly, as I think we're just talking about this parking issue, before it gets out of balance, out of focus for us, I mean you gave us information earlier that indicate that for 90% of the events at the arena, there's adequate parking within five blocks, so 90% of the time we can . . . I mean, there just simply isn't a problem it appears like to me, so anyway we'll see how that works out. There is another question from Commissioner Winters."

**Commissioner Winters** said, "Thank you Mr. Chairman. Ron, going back to the budget issue just briefly, we all know that we need to use budgets and we have budgets and we believe in their used to have the guidelines of how we proceed. But if I heard you correctly, I mean after we receive back from the construction bids, we'll have a much better and after we completed the SMG contract, we'll have a much better idea about where we are and if there is contingency funds available at the end of this project that are not used in the construction process, I know that the architects are making accommodations for increased escalations in commodity prices. There's another contingency item in the construction. If we're all very fortunate, and those contingencies aren't needed, that money can go right back into the O and M fund. Is that correct?"

**Mr. Holt** said, "That's correct and we've been intentional. Rather than keeping those funds at \$14,000,000 by taking those contingencies out of those other line items, we've been very intentional about keeping contingencies there because we can, we will have a chance before we sign a contract for construction, to revisit this and we'll know whether or not those contingencies up in those other line items were needed, remembering, we have to remember that whatever funds come in for this project, those funds have to go for this project and consequently, the balancing number will be the Operation and Maintenance Reserve Fund or the Capital Improvement Fund or whatever

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we end up with a final designation of that fund going forward. The whole intent is correct, going forward, that we would not have the need to use other general fund, tax-supported dollars for the operation of this arena.”

**Commissioner Winters** said, “All right, thank you. And the other portion, and I know you probably said this and it’s already escaped me, the date in which the bids are going to be public information and out there for construction folks to start taking a look at, when is that?”

**Mr. Holt** said, “July the 23<sup>rd</sup> is when we will . . . our current schedule, and I don’t see anything that should get in the way of that now, but I’ll just give that a little caveat, July 23<sup>rd</sup> is the day that this project will be let for bidding.”

**Commissioner Winters** said, “All right, and with that date so close, it’s probably a pretty correct statement to say that the documents are about 100% complete and it’s the final checks and rechecks and so what you’re asking us today is to receive and file this final design as we’ve seen it and the report that you’ve given and the budget update information. That’s what you’re asking us to do today?”

**Mr. Holt** said, “That’s what we’re asking you to do today, recognizing that we’ll be back late September to talk about the next phase.”

**Commissioner Winters** said, “And the next step, really next major step after today is letting those bids out for review by the construction company.”

**Mr. Holt** said, “That’s correct.”

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

**Commissioner Norton** said, “Well I have to agree with Commissioner Welshimer that I’m still a little perplexed about the parking. Hopefully the study will start to clear that up, but when you look at the parking for the whole ‘blue cloud’ or for downtown, I hate for us to try to take that on our back. That just doesn’t make sense. What we committed to and what the public charged us with was to build a modern, first-class, 15,000 seat arena and I know the ancillary effect is where do you park, but that becomes a conversation for a revitalization strategy for the whole downtown. And I’ve said many times, I have always been perplexed that we didn’t have a revitalization strategy first

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and then place the arena strategically where it would fit and make sense on ingress and egress and parking and all that. We picked the site first and then we hoped we worked all these things out. And the faster we move along on this, we're getting ready for construction documents, we're clearing the ground and we still don't have a lot of that worked out. And maybe free market is going to take care of all of that and maybe our partners across the street are really going to jump in and figure the parking out, but those are pretty big, unanswered questions in my mind.

In fact, I think we have a better idea of what the arena is going to look like, what the seating bowl is going to look like, what the floor dressing is going to look like, what the seat cover is than we have for which is really the big issue in our community, what is downtown going to look like, and that's what's important, I think. That's what got us moving on this, is what is downtown going to look like? Is it going to be donut hole in 20 years from now or is it going to be a vibrant place for people to come and be entertained and to live and to do business.

Arena is a part of that but I'm still concerned about that 40,000 foot viewpoint that we don't control a lot of that. We control this one piece, but there's a bigger dialogue that needs to be had and I kind of feel like we're maybe left out of that. If it's going on, I sure don't know a lot about it.

Talk a little bit, Ron, about revenue projections, because if we're going to be open with this, I kind of feel like there's a chance that, based on the numbers I saw, that revenues are going to go up even a little more than the 201. Is that a fair assumption?"

**Mr. Holt** said, "I think it's a fair assumption with these qualifiers. We have . . . let me get my dates right. We're showing receipts through May '07. That's collections through March, '07. And so we have nine more months of collections, through the end of this year. If the projections are right, with the collections that we have, we're about, as we show there, about \$3,000,000 above, on actual above what the projections are. So if you just did a straight line calculation there, you would say 'yes, we would be three and a half, four million dollars above'. But there are all kinds of blips that could happen in the economy that could impact that, and so we're being very careful that we are not going to look at a budget number that's based on different projections than what we have a trend

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line for right now. That's another opportunity, come the end of the year, that we'll get another chance to look at are there additional funds from the sales tax, remember, that must be maintained with this project, that would be available to go into that maintenance reserve fund or other kinds of funds, but they have to be used for this project and will be maintained to be used for this project."

**Commissioner Norton** said, "Okay, just wanted to be on the table, talk about it in public if it looks like it's trending that way. Talk about naming rights."

**Mr. Holt** said, "We have, as you will recall, Superlative Group who came to town, did an evaluation of naming rights, the number of premium seating and so forth, and they completed that work last fall and starting earlier this year, they were starting to lay the groundwork to do the marketing of naming rights. The report to us is that they are very close to having a naming rights partner and we would like close to be, you know, in a couple of weeks. Their close may be in a couple of months, but we've been pushing them that before we go to construction, we would certainly want to have a naming rights partner identified, so that we're moving forward together with that partner in the construction project with the naming . . . with their name on it."

**Commissioner Norton** said, "Okay. Is naming rights only for the total arena, or are there naming rights for like the club level restaurant?"

**Mr. Holt** said, "And that's part of what the final naming rights document or the naming rights contract will lay out. But generally, the naming rights are for the building, the external building, the arena itself. There would be other opportunities within the building for additional kind of naming rights but they may be limited by the contractual arrangements with the bigger naming rights partner. We'll have all of that sorted out when we get the naming rights and we'll looking for having more opportunities, but we don't want to talk about what those are or how they might come about until we have the major naming rights partner identified."

**Commissioner Norton** said, "Okay. And that is . . . the naming right, the final decision comes before us and we make that?"

**Mr. Holt** said, "Absolutely, yes sir."

**Commissioner Norton** said, "Okay. Pre-sales, as far as loge seats and all of that, when does that process start, who does that for us?"

**Mr. Holt** said, "Superlative is working, it's part of their contract is to do the marketing, the sales of the premium seating. We have also now gotten, because we're working with SMG who will be required, Superlative is selling them, but SMG requires if they're the operator, for serving, so we've

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been putting those two people together to talk about how they would work together. But the sales and marketing will still remain with Superlative, the Superlative Group.

We're about a month away from having a sales and marketing office. They are about a month away from having a marketing sales office established here in Wichita where they would be able to invite folks in to see a model suite, to see a model loge box, to see a club seat and what that entails, as a part of that overall campaign. So in earnest, the sale of those, although they've been doing a tremendous amount of laying groundwork for that, the sale of those, the marketing of those will start around the first of September and we'll go forward through the end of the project, till the building is open or earlier if they're all sold sooner."

**Commissioner Norton** said, "Okay. On those premium seats, and Wes kind of alluded to this, the design of the arena bowl puts more emphasis on the average fan experience, and not so much on the premium fan experience, although it's going to be very good, it's not every premium seat right on the 50-yard-line, around the arena is going to be sold to somebody that may have the means to buy that extra premium seat, but it's less than normal. Is that correct?"

**Mr. Holt** said, "That is correct. Less than . . . even taking the suites, less than a quarter of the seating in this building will be premium seating related. Over three-fourths will be related to the general public fan and in fact, if you use the center court analogy, the general fan, significant number of general public fans will have an opportunity to have a seat at center court, just like on the other side of center court will be the premium seat fans."

**Commissioner Norton** said, "Okay. Talk about the Washington properties that are left on the table. Did you include that in that number, that \$16,000,000 plus for property acquisition? Is that included in all that?"

**Mr. Holt** said, "The Washington Street property acquisition is included in that, as well as estimates for Washington, the actual improvements to Washington Street have been worked up and are included in the numbers we presented today, yes."

**Commissioner Norton** said, "Okay. Have the architects prioritizes some options that can come off the table? I mean, obviously we prefer that everything we've seen is going to be what we're going to build and there's no chances that we're going to have to diminish, but as rising construction costs go up, as we decide on the policy decisions of what the final expenditure is going to be for the actual construction of the arena, there could be some things we're going to have to look at, and is there kind of a priority listing of five or six or ten items and their price tags that we could weigh out? I mean obviously we're not going to come back and try to change the air handling units or things like that, but you're going to look at restrooms and go 'wow, do we have to be that



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expensive on that' or locker rooms, do we have to put that kind of treatment. Are there some places where that's already been identified for us as we look into the issue?"

**Mr. Holt** said, "The architectural and engineering team has done a significant amount of that work. Our side, the project team has done a very minimal side of that work and what we've said to them is if this building comes in over budget, we want you to be ready to give us recommendations that we can take back to the commission, but we want to sort through those of course first, but you need to really think about what would . . . what we could do that would have cost savings and then what impact does that have on this wow factor. And so yes, they have thought about that. They've looked at that. I've seen some preliminary review of that, but we've intentionally kept that separated, because we are needing to get those actual construction bids back so that we can make real decisions when we have to, but we won't be unprepared to act quickly if we need to bring you a recommendation if the bids just come back clear out of the ballpark."

**Commissioner Norton** said, "Well I hope that list goes into file 13 and we never have to look at it, but you know the old plan for the best and prepare for the worst is very prudent here I think for the taxpayer. I think that's what they expect of us is if it looks like there's going to be huge cost overruns, be prepared to do the hard work of talking to architects and the engineers and understanding what we're going to have to do to make sure this is a great arena, but that it still comes in with the money we've got. We just can't have the idea that we're going to overbuild and we'll figure out the money later."

I guess the last thing I'd talk about and this is just a general discussion, it may be for the commission, I think we need to have some kind of staff meeting pretty soon, and maybe it's closer to when the bid documents come out, to really crunch the budget numbers one more time so that we have it in our head. I think that's important to the community and I continue to hear 'it's just a lot of money and I don't think you know how you're spending it'. I think we do know how we're spending it but I'd like to go into it one more time, just to be sure that I can articulate to anybody that asks me out in the community that I really know what's going on with every one of these line items.

And obviously, you've explained them in pretty broad categories, but you know we're charged with understanding this at a pretty deep level and I want to be sure that maybe at some point we have a discussion of just about where the money is being spent and what some of the cost numbers look like and how it's been built up and what are some of the decisions we're going to have to make on funding to move it around. I think the parking study may guide some of that. Obviously, the construction documents might. I'd just like to have that as something we do as a commission, to make sure that we can articulate to the community that we're being very fiscally responsible with the charge they've given us to build this arena with 'x' amount of dollars. That's all I have, Mr. Chairman."

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**Chairman Unruh** said, “Well, and we can perhaps do that at the same time at the other meeting we were talking about parking and so forth. I mean, I don’t know if that’s the appropriate time, but that may work. We have a question from Commissioner Parks or a comment.”

**Commissioner Parks** said, “Well I just wanted to comment about the sales tax and the revenue for second quarter. Whether it’s valid or not I don’t know, USA Today had an article in last week, some of you may or may not have seen it, about 38 of the states are going to be down on revenue for the second time. Kansas was in there. I don’t know who they’ve been talking to at the state, but it’s apparently less than what had been anticipated so that’s something, you may get USA Today’s source of whatever, what the state to work with those figures.

I wasn’t here when the naming rights deal came down, but refresh my memory on how many years that naming right is good for?”

**Mr. Holt** said, “We would be . . . a minimum of ten. We would love to have 20 years, but it’s my understanding that 20 year naming rights deals are far and few between anymore. So something north of 10 would be our hope and that’s what the Superlative Group is working on.”

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

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

**Commissioner Winters** said, “Thank you. This is kind of a follow up with Commissioner Norton’s very last comments about reviewing this again, and what I would like to suggest is that, this is not a motion, but I would be glad to make a motion that said we receive and file the final design/ construction documents report and the budget update information and that we review the budget after receiving the construction bids and review the SMG contract, which is going to be some time this fall. Because I think if we come back in August, and talk about the budget again, we’re still not going to know what the construction documents are going to review. So again, I would do that or I’m not even sure we need a budget at this point in the game. I wouldn’t be opposed to just receiving and filing the report that we received today, knowing that we’re going out

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for construction bids on July the 23<sup>rd</sup> and when we get those back and we see what we've got, then we can have a much more accurate discussion about what the final budget is going to be."

**Chairman Unruh** said, "All right, that's not a motion you said, at this point. Well I don't know, maybe that's something for you to comment on, Ron. I mean, other than give us this general conceptual budget and keeping us updated on revenues, until we get construction documents back and maybe a thorough or a detailed going over what our anticipated costs are is premature. I don't know, that's sort of what you're suggesting?"

**Commissioner Winters** said, "Well, my suggestion was I think there's still some folks that are concerned about the budget and I'm afraid that if I make a motion to just receive and file the final design report and budget update as of today, that I'm afraid there's going to be some no votes and I'd a lot rather craft a motion that could be a unanimous vote and then we come to the real budget numbers after we know what the final contract with SMG is going to look like and after we know about the bid process. And then if somebody doesn't agree with that budget, then we're at a place where we can just agree to disagree."

**Chairman Unruh** said, "All right. Commissioner Norton."

**Commissioner Norton** said, "Well, I certainly understand what Commissioner Winters is getting to, because we'd like to think that this is a hard budget that you just look at and go 'that's the budget' but we know that it is also very fluid, because we're still not to that point that we know all the hard numbers for construction. Some of these other things, we're getting closer to site acquisition. As much as you can budget for that number, once it goes to imminent domain and condemnation, it's not in your court to decide that, it's in somebody else's court and those numbers are starting to be firmed up. So I understand where commissioner is going with that. I probably am okay with that. I just need . . . I just want to be sure that the public knows that we're concerned about the financials as much as they are. That we're trying to look at every number and understand what it means and how it's effecting it.

Certainly looking at the concerns of operating and maintenance and budgets that would come later. I know Commissioner Parks has a worry with that, as do I because we've committed to certain numbers early on that we though were good, solid, hard numbers but the fact is they do float a little bit and if they float too much, then I think we get away from doing what we said we were going to do and the public worries about that. So I agree with Commissioner Parks. The more we can nail these down and get closer to what the real number is and say 'that's good, we think that's enough'. It's not quite as much as the original number but it still suits the purposes of the intent of what we talked about early on in all this process.

To think that that number is ever going to be exact, you may be kidding yourself, but is it enough, is

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it reasonable, is it close enough that we haven't told the public one thing and done something totally different? And that's what's important, the credibility that we'll have with the public to make sure these numbers come out pretty close to what we said we're going to do, based on all the things that can change during a course of a project that's three years, four years in the making.

The other part of it for me is that conversation about the parking study and the revitalization and that's another whole meeting. I can probably hold off on the budget thing, I just think we need to say that we understand that it's a lot of money and we care about the budget and we're not going to let it float for six or eight months and then look at it again and go 'okay, that's okay'. We're going to continue to think about it and look at it every chance we get."

**Chairman Unruh** said, "Well, thank you. I would just want to make a comment. I think Commissioner Winters is ready to make a motion, but I just want to make a comment that I wouldn't want to give anybody the impression that we are out of control or that something is floating or that we don't know what we're doing. I'm telling you that we do know what we're doing, things are under control, we're managing the system, we've got experts in place and we're doing it right. And to give the impression that we're not doing it right I think is wrong, because we're doing this right. It's going to come out right. We're going to have a beautiful building. It's going to be within the revenues that we receive and people are going to like it. And so I appreciate your concern, but we are not out of control, we know what we're doing and we're doing it and it's going to be something we like, so Commissioner Winters."

### **MOTION**

Commissioner Winters moved receive and file the final design construction document report/ budget update information and that we review the budget after receiving construction bids and reviewing the SMG contract.

Chairman Unruh seconded the motion.

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

### **VOTE**

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

**Chairman Unruh** said, “Thank you Ron and Wes and Jeff, thank you all for being here. Madam Clerk, I don’t know what we’re ready for now. Item I.”

**NEW BUSINESS**

**I. RESOLUTION IMPLEMENTING AND ESTABLISHING A SCHEDULE OF FEES TO BE ASSESSED AGAINST AND CHARGED TO REAL PROPERTY WITHIN THE COUNTY’S SOLID WASTE SERVICE AREA; PRESCRIBING THE USE AND EXPENDITURE OF REVENUES FROM SUCH FEES AND ESTABLISHING THE BOUNDARIES OF THE COUNTY’S SOLID WASTE SERVICE AREA.**

**Mr. David Miller**, Director, Budget Department, greeted the Commissioners and said, “I had planned on doing a PowerPoint presentation this morning . . . this afternoon, excuse me, but based on our schedule, I’ll skip that and we’ll go through this as quickly as we can.

Before you today is a resolution for the adoption of the 2008 solid waste fee. That funds our environmental resources program, in addition to our household hazardous waste facility. The imposition of the solid waste fee is authorized under KSA 65-3410 to support waste disposal operations and waste collection and processing.

The fee was first imposed by the county back in 2000, when our community transitioned to a county-managed waste disposal system. As you know commissioners, the fee is billed on the annual property tax statement and is based on a tiered system, with residential and commercial properties segregated into different tiers, based on the solid waste characteristics of each class of individual property.

As you see in your backup agenda, the proposed fee for 2008 is flat, in comparison to 2007. There is no proposed increase. That the fee will allow us to continue the current services that we do today, and if there are no questions, I recommend that you adopt the resolution.”

**Chairman Unruh** said, “Commissioner Parks.”

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**Commissioner Parks** said, "So just in a nutshell, this is not a new tax, it's not an additional increase of a tax. It's just kind of renewing a sunseted fee."

**Mr. Miller** said, "It is a fee, not a tax. It's based on each individual parcel and not the value of each individual parcel. The commission can chose to renew this fee once every year, so there isn't a sunset date or anything of that nature, assuming you chose to renew it."

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

**Chairman Unruh** said, "Okay, but this we're renewing at the same rate as previously?"

**Mr. Miller** said, "As in 2007, yes."

**Chairman Unruh** said, "And this handles our solid waste program that we're responsible for and helps fund our recycling programs?"

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

**Chairman Unruh** said, "A lot of times we get pressure, I guess is the right word, from folks wanting us to recycle. This is one of our efforts to do that and we're doing it on a very minimal cost basis, but it is a program related, or fee related charge."

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

**Chairman Unruh** said, "I mean, it shows up on our tax bill, but it's a fee."

**Mr. Miller** said, "Yes, as a fee."

**Chairman Unruh** said, "Okay. Any other discussion? Commissioner Winters."

**Commissioner Winters** said, "And David, if we didn't have this, where would any money come from that we would spend on recycling?"

**Mr. Miller** said, "If we didn't have this fee and we chose to continue these types of services, we would have to fund them through the property tax supported general fund."

**Commissioner Winters** said, "Thank you. That's the only question I had."

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

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What's the will of the board?"

**MOTION**

Commissioner Winters moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

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

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

**J. AGREEMENT WITH WICHITA FESTIVALS, INC. FOR SPONSORSHIP OF THE WICHITA FLIGHT FESTIVAL.**

**Ms. Crystal Gile**, Management Intern, Manager's Office, greeted the Commissioners and said, "Before you is an agreement with Wichita Festivals Inc. for sponsorship of the 2007 Wichita Flight Festival in the amount of \$15,000. For the past two years, Sedgwick County's sponsorship has contributed to the success of the Wichita Flight Festival.

This year's festival will be held August 24<sup>th</sup> through 26<sup>th</sup> at the Jabara Airport in an effort to celebrate Wichita's past and promote its future. As the Air Capital of the world, the festival will include aerial performances, aircraft static displays, the Kansas Aviation Gallery, as well as educational exhibits and projects for children. I would recommend that the commission approve the agreement and authorize the Chairman to sign. I'll be happy to answer any questions."

**Chairman Unruh** said, "All right, thank you Crystal. Commissioners, any questions? What's the will of the board?"

**Commissioner Winters** said, "I was trying to think of a real hard question."

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**Chairman Unruh** said, “We do this to management interns on their first presentation, we ask them hard questions.”

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

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

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

**K. AGREEMENT WITH KANSAS DEPARTMENT ON AGING TO PROVIDE SFY2008 CLIENT ASSESSMENT REFERRAL EVALUATION (CARE) PART A, LEVEL 1 CARE SERVICE PROVIDER SCREENINGS.**

**Ms. Annette Graham**, Director, Central Plains Area Agency on Aging, greeted the Commissioners and said, “The Central Plains Area on Aging has operated the Client Assessment Referral and Evaluation, CARE program, since January 1<sup>st</sup>, 1995. In the State of Kansas, it is required that anyone seeking admission to a nursing home be required to have a care assessment prior to admission.



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We have operated this program and as the Area Agency on Aging, we are responsible for coordinating the assessment for Butler, Harvey and Sedgwick County and making sure that these are done timely and accurately. We coordinate this and we utilize contractors to do this and this is a pre-assessment, assessment for individuals of all ages seeking nursing home placement. This is the annual rate setting document. It is our agreement with the Kansas Department on Aging that sets that and as you can see here, it is funded at a unit cost of \$135.24 for contracting and for a rate of \$63.49 for those that are done by hospital staff. There are no funds that we put into this. This is the amount that comes in. It does cover the cost of providing the program and for three staff that manage that program within our department and I would request you approve the agreement. I'd be happy to answer any questions."

**Chairman Unruh** said, "All right. Commissioners, are there any questions about this agenda item?"

**MOTION**

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

Commissioner Parks seconded the motion.

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

**VOTE**

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

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

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**HEALTH DEPARTMENT**

**L. COLLABORATIVE GRANT APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, FOR THE HEALTHY BABIES INITIATIVE PROGRAM FOR FUNDING TO DECREASE THE INCIDENCE OF CHILD ABUSE AND NEGLECT IN HIGH RISK FAMILIES THROUGH NURSE HOME VISITATION.**

**Ms. Claudia Blackburn**, Director, Health Department, greeted the Commissioners and said, “As you know, the Health Department currently runs the Healthy Babies program. It’s a prenatal and post partum home visitation program, designed to improve nurse outcomes for the residents of Sedgwick County. We enroll pregnant women and teens as early as possible in their pregnancy and then follow them until their baby is six months to two years of age. And for the five-year period ending 2005, we had zero deaths in the patients, zero infant deaths in the patients that we were following, and so that has been our focus.

But this program is also researched base for children abuse prevention and one of the outcomes that we measure is the number of children removed from the home annually, and if you look at the numbers from our program compared to the community rate, we have about half the rate of the community in terms of number of children removed from the home for child abuse and neglect. So though we don’t play up that aspect of the program, it really is also something that we accomplish with the Healthy Babies program.

What you have in front of you today is an application to the Department of Health and Human Services, Administration for Children and Families, for a Healthy Babies Initiative to decrease the incidents of child abuse and neglect to high risk families through a nurse home visitation program. If awarded, we will received \$400,000, with a \$44,000 match per year for five years. It will begin September 30<sup>th</sup> of ’07 and end September 29<sup>th</sup> of 2012. We will not need any additional local dollars to meet the match requirements. We’ll do that with our Maternal and Child Health grant from KDHE and some other funds that we have.

The funding that we . . . if we get this grant, if you approve it and we are awarded this grant, it will help us with some of the upcoming funding loses that we anticipate in the Healthy Babies program, as the Knight Foundation funding goes away and some other funding that we have relied on.

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The grant offers funding for six positions, three new positions. The new positions are a nurse and two social workers. One of the social workers will be placed at the Kansas Children's Service League through a sub-contract.

New features of the program added to enhance the child abuse prevention and neglect include healthy marriage and relationship classes and responsible fatherhood or individual counseling, whatever works. There's really going to be a focus on trying to help people who want to be married, be married, work through the issues that are involved with that and also to bring in fathers who may not be with the mother, but who want to play a role in the life of the child, and help them to learn how to be fathers.

Research has shown that this is a significant association between low birth weight births and subsequent child abuse and neglect, even more so than fussy babies, so since one of our primary goals is to decrease low birth weight, if we can remove that risk factor, then we are also decreasing the risk for child abuse.

As policy makers, you struggle with trying to keep people out of jail through diversion programs. You've talked in the past about the importance of early brain development. This program is a program that really is prevention, in terms of all of those negative social behavior and increases the health of the children and improves the health of the family overall. So I recommend that you allow us to apply for this grant and I'm happy to answer any questions."

**Chairman Unruh** said, "All right, thank you Claudia. We do have a question. Commissioner Winters."

**Commissioner Winters** said, "All right, thank you. Just very briefly, I am certainly going to be very supportive of this. I've been around since we started the Health Babies initiative early on, and just know that the earlier we can help folks, the better off they are going to be and their babies are going to be.

Claudia, if we apply for this, when do you think we'll know the outcomes and the results?"

**Ms. Blackburn** said, "We know that we'll find out before September, but exactly when I'm not sure."

**Commissioner Winters** said, "Well would you be sure and let the commissioners know as soon as you find out whether it's a yes or a no. I'm sure we'll be anxious to know that."

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**MOTION**

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

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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

**DEPARTMENT OF CORRECTIONS**

**M. AGREEMENTS (9) TO ADMINISTER JUVENILE JUSTICE AUTHORITY FUNDING TO SUPPORT PROGRAMS THAT PREVENT JUVENILE DELIQUENCY IN THE COMMUNITY.**

**PREVENTION PROGRAMS**

- **Office of the District Attorney – Family Group Conferencing** **\$131,007**
- **Office of the District Attorney – Truancy Prevention** **\$176,511**
- **Unified School District No. 259 – Truancy Prevention** **\$479,718**
- **Kansas Children’s Service League – Parent Training** **\$91,515**

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- **Kansas Children’s Service League – JIAC Case Management** **\$135,135**
- **Youthville – Functional Family Therapy** **\$167,668**

**INTERVENTION PROGRAMS**

- **Kansas Legal Services, Inc. – Detention Advocacy Service** **\$97,278**
- **Office of the District Attorney – Diversion/Immediate Intervention** **\$166,549**

**CONSULTATION SERVICES**

- **WSU School of Community Affairs – Juvenile Justice Consultation** **\$12,700**

**Ms. Chris Morales**, Systems Integration Coordinator, greeted the Commissioners and said, “This past March, you approved our grant application to the Kansas Juvenile Justice Authority for a community funding plan for state fiscal year 2008. We now have that award, which will begin July 1 and we’re here today to request that you approve our nine service contracts that will provide for the continuation of those existing services.

We have six prevention contracts, which are shared among four different agencies, two intervention contracts among two agencies and one consultation contract. This is with Wichita State University to provide an independent evaluation of our JJA funded programs, as well as the Community Crime Prevention Fund. We are asking that you approve these contracts and authorize the Chair to sign.”

**Chairman Unruh** said, “All right, thank you. We have a couple of questions. First, Commissioner Parks.”

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**Commissioner Parks** said, "I did talk with Ms. Morales yesterday at length about the truancy prevention program at USD 259. I think that's very admirable if we can keep them in school and keep them out of our jails, that's a good goal. However, I think we may need to send a message in the near future that maybe 259 and start taking over some of the funding on this. This is my opinion, I don't know if the entire board feels this way, but some of the funding could be absorbed a little more through the school district and then in some outreach areas, maybe Haysville or Derby or Maize or somewhere would have a problem with truancy, maybe serve those programs a little better, so I think we're working towards that and the staff certainly knows where I'm coming from on that so I will be supportive of this this year, but next year we may want to have 259 or the other school districts be a little bit more involved."

**Chairman Unruh** said, "All right, thank you. Commissioner Winters."

**Commissioner Winters** said, "Thank you. Chris, this is money that's supplied to us by the Kansas State Legislature to use in juvenal justice issues. Is that correct? So it comes through the Juvenile Justice Authority to address problems that we see here in the community."

We appointed a person this morning to the Juvenile Justice Corrections Advisory Board. Has the Juvenile Justice Advisory Board reviewed all of these proposals?"

**Ms. Morales** said, "Yes, they reviewed it in February, prior to your approval in March."

**Commissioner Winters** said, "All right, so this is actually just after having received the funds and now putting them to work."

**Ms. Morales** said, "Correct."

**Commissioner Winters** said, "Thank you very much, Chris."

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

**Commissioner Norton** said, "Talk about the Unified School District 259 Truancy Prevention. Have we always given them that amount of money?"

**Ms. Morales** said, "Actually that is one contract but there is two providers. They subcontract with Communities in Schools to provide services in 11 middle schools, so about 300,000 of that is for Communities in Schools."

**Commissioner Norton** said, "Oh, okay. It's kind of flow-through money. That was confusing to me, because didn't we used to give that directly to Communities in Schools?"

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**Ms. Morales** said, "Yes we did."

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

**Mr. William P. Buchanan** said, "Commissioners, if you recall there was a glitch in how information could be accessed through the school district. This was a way that we could assure confidentiality and get what we needed get delivered, so we just switched who we contracted with with the understanding Communities in School would be the provider."

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

**Chairman Unruh** said, "Any other questions?"

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

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

**N. APPROVE THE SELECTION PROCESS FOR THE CASINO REQUEST FOR PROPOSAL.**

**POWERPOINT PRESENTATION**

**Mr. Buchanan** said, "Commissioners, we have about an hour and a half to go to set the record, but I don't think we're going to make it, not going to set the record."

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We had a discussion a couple of weeks ago about the Request For Proposal for casinos at the Kansas Coliseum site. And today we're asking you to approve the process. The process being proposed is the one we've used for many years. The purpose is the public procurement process is to be clear and assure the public that there's a methodical, proper way in which we go about doing our business. It's specifically designed to insulate elected officials, but that doesn't necessarily mean it always has to be.

Let me review the process for you. I sent you a memo on June 22<sup>nd</sup> and it's the same memo that we discussed yesterday. The first bullet is 'upon receipt, vendor's names are read', so that when we receive the proposals for the Kansas Coliseum the public and everyone will know who the people are that are bidding. They are recorded as received. All proposals remain confidential and no information about those proposals is disclosed until after the award is made. That allows staff to review the information in a way and the bidders know that they are not being compared in the public and we found that that helps the process of analysis.

Purchasing would typically create . . . we do create the third bullet, evaluators would read the proposals, the committee would meet for collective rating and review. Additional information may be needed and we would ask bidders if they would provide that information if it's needed. That would be distributed to the evaluation committee.

The evaluation committee would create a shortlist. If there's more than a bunch, we might in this case want to create a shortlist. But remember that it might be in the county's best interest to approve more than one vendor. It may be in our best interest to approve about three or four that have significant contributions they can make to the community and let the state then decide which is the best for us. Additional . . . so the short list may or may not be created.

The interview questions would be set and that will occur as we continue with this process and before bids are received. If interviews are necessary, we'll interview folks and rank them. Once a consensus is reached, a recommendation would be made to the Board of Bids and Contracts. The Board of Bids and Contracts would make the formal recommendation to the commission, and you would approve, after reviewing all the considerations you would approve the final determination or reject or accept the recommendation. That's the process and I would recommend you approve that process."

**Chairman Unruh** said, "Okay, we have some questions and we'll start with Commissioner Welshimer."

**Commissioner Welshimer** said, "Well I know we talked about this yesterday at staff meeting and I



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know we have three votes for changing this. I do want to mention though that in the very beginning, the very first one of the board meetings that we talked about this, we agreed that we would do more of a hands-on approach to this and that staff would do the research and report back to us and that we would visit with the potential developers and keep a handle on it ourselves and what this does is it takes us totally out of the picture puts it totally in the hands of staff and then they're going to come back to us and their going to give us the final . . then they're going to say we make the final determination, accept or reject their recommendation. I don't know based on what? I mean if I haven't met a developer, I don't know what they're all about. I really wasn't a part of any of that, I didn't read the proposal, why would I want to do that. So that's my opinion on this.

I think that when we're talking to a group who might change the whole economic picture for our county, you know, as a county commissioner what do I say to groups or to people who ask me about that? Well, you'll have to talk to staff. Anyway, for that reason I'm not going to vote for this. And I have another comment when we're through with this issue."

**Chairman Unruh** said, "Okay, well we can . . . I mean, I'm sure it's open for you to make a motion to modify this in some way, but my . . . Mr. Manager, this has been a process that we've used for years."

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

**Chairman Unruh** said, "And the reason we're even talking about it now is because of the conversation we've had previously about how to handle the RFP for the casino. Otherwise, we wouldn't even be looking at this for a typical RFP."

**Mr. Buchanan** said, "That's right."

**Chairman Unruh** said, "Okay. This is a process that we've used for a lot of years and has worked effectively and has kept the commissioners insulated from any accusations about personal gain or impropriety or that sort of thing. I mean, one of the reasons it was established this way and my understanding but to help insulate us from that sort of involvement or accusation. Is that . . . am I correct or not correct?"

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

**Commissioner Welshimer** said, "But are we insulated from responsibilities?"

**Chairman Unruh** said, "I don't think so. I mean this still comes back to us for a final approval, I

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mean at the policy level, which is what we're responsible for. But when this goes to the bid board, that's the first time that this information becomes public, is that correct? Between the receipt of the RFP and the time it goes to bid board, it is not public information."

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

**Chairman Unruh** said, "So at that time, either from Bid Board meeting minutes from the information that we receive from that or during the discussion of the bid board at the county commission meeting, we can ask for any information we want, we can delay the decision and we have an opportunity then to become thoroughly involved after the staff has done their investigation. Is that correct?"

**Mr. Buchanan** said, "That's who it's worked in the past and if you recall from the bid board minutes, you receive a detailed . . . often not just the price, but a detailed matrix of how decisions were made."

**Chairman Unruh** said, "Okay, well I guess a big part of my purpose in that line of questioning or whatever is to first of all say that this is what we've always done. This wasn't just developed to deal with the arena issue, and what it has done over these I suppose decades of use, it's kind of kept the commissioners and county government pretty much squeaky clean without accusation of any sort of impropriety in any of these issues. So that's . . . I think I'm correct in saying that, so I guess that's my point in trying to review this process and what we're doing. That's all the comment I have right now. I'll call on Commissioner Winters."

**Commissioner Winters** said, "Well, thank you Mr. Chairman. Well I'm going to suggest that we take a recess, a break because one of the issues that I want to talk about is the timing issue and the four of us were here last week and we couldn't agree on the timing issue and so we were going to wait until Commissioner Norton was here to help us square that away and he stepped out . . . he stepped out of the room, so I would suggest we take a recess and determine if he's gone for the day or gone for the moment."

**Chairman Unruh** said, "Well, while we are recessing . . ."

**Commissioner Winters** said, "The only reason I say that is because I think he's going to be important to the discussion and I'd kind of like for him to hear . . ."

**Chairman Unruh** said, "Hear our discussion. Well Commissioner Parks wants to speak and so in

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order for Commissioner Norton to hear all this, . . . is that okay, wait? Commissioner Welshimer, is it okay to wait a little bit.”

**Mr. Buchanan** said, “We just sent someone to find out.”

**Chairman Unruh** said, “All right, we won’t recess, we’ll just kind of sit here for a moment.”

**Commissioner Winters** said, “Well then I’m going to leave.”

**Chairman Unruh** said, “Okay, we’re going to recess for five minutes.”

**The County Commission meeting was recess at 3:02 p.m. and returned from recess at 3:08 p.m.**

**Chairman Unruh** said, “The five minutes have elapsed, we are back from recess, I will once again call the county commission meeting to order and we will continue where we were. I believe, when we left off we were anticipating remarks by Commissioner Parks.”

**Commissioner Parks** said, “Well I think it’s admirable for people to want to insulate the county commission. However, on some of these issues I think that there are major issues, major decisions that the buck actually has to stop here and we’re elected to do this job and I think the buck does come back to the elected officials on a lot of this stuff.

And I was going to wait until the ‘other’ portion of our conversation to say a lot of this, but I think maybe in the future, to prevent some of this, we need to maybe review some of those things. Some of those things have been going on for 20 years may not be something that should continue to go on. Such things as citizens’ committees, RFP, you know kind of redefining the staff job descriptions and the county commissioner’s job descriptions. I don’t know, in relation to major decisions like this and budgets and operations and things that I think we should be involved in, so just having said that, I’ll pass it back to the Chairman.”

**Chairman Unruh** said, “All right, thank you. So I can kind of explain part of my personal

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problem, perhaps it is, from wanting to be insulated and that is it's public knowledge that Bob Knight wants to make a proposal to the county. I mean, I think he's been in the papers about that and he's been illustrating his proposal to various groups I think. And Bob Knight is a personal friend of mine, I've known him for a long, long time and he claims me as a friend. In light of the fact that he might make a proposal on an issue like this and I, in some way, get involved in that evaluation process, I think could leave me open to some accusation that 'Well, Bob and Dave are buddies and who knows what kind of deal they made'. I mean, who knows, did he get an extra chip in his pocket or what went on.

So that's just kind of the scenario that I've tried to envision and think that this is a well placed policy that goes through an evaluation process, then to the bid board, and then we have the opportunity to question or evaluate it. So that's a big part of my thinking and I'm not trying to say anybody else has got a similar problem, or a similar open to accusation, but I just think it puts us in a very awkward position, especially on this type of an issue, but that's part of my thinking and that's, I guess, putting all my cards on the table, as they might say. Commissioner Winters."

**Commissioner Winters** said, "Well thank you, Mr. Chairman. And I guess likewise, I could make the same comments. I've known former mayor Knight for a long time. We've worked on a lot of projects together over the years. But on this particular issue, I think there could be some value with having elected officials eyes in the evaluation through the process, so I haven't made up my total mind. I'm almost in as much conflict as I was in the zoning case we had this morning, on that issue.

The one that I would like to bring to a head, and will at the proper time make a motion though, that we don't start this process until after the election, and so that's the part that I can't agree on. I think we need to start on August the 8<sup>th</sup>, after a determination has been made by the citizens but I've got a little bit of flexibility on a commissioner being part of the evaluation process."

**Chairman Unruh** said, "Okay, thank you. I want to call on Commissioner Welshimer, but let me just say it appears then perhaps we have two things that we need to come to ground on, one process and two timing. And so if anyone is going to make a motion about it one way or another, I'd prefer two motions, rather than putting them together. Commissioner Welshimer."

**Commissioner Welshimer** said, "I just want to address what you had said, and there's actually two sides to that. I mean, I think most of us know Bob Knight, his capabilities and how long he's been

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in this community. What we don't know is the other people making the proposals and we will not know them, and that's what worries me. I mean, you know, I mean we will be told by staff what they're come up with, but we will not have that same level of knowledge that we'd have there. So . . . and when we talk about the timing, we've already voted upon the timing two commission meetings ago, we voted to keep the timing date open so that we could see what these people bringing in these proposals in were wanting. We didn't say that we would not wait until after August the 7<sup>th</sup>. We left it open to do that, but we just, you know, did not set a date, so that's going to be changing something we've already . . . we'll be re-voting on that."

**Chairman Unruh** said, "Okay, what we voted on is we would receive them on the 20<sup>th</sup> of July and then we were open after that."

**Commissioner Welshimer** said, "Open all the way up to and after the election."

**Chairman Unruh** said, "So if that's open, then it's open for a decision to set a date then, I would think."

**Commissioner Welshimer** said, "Well my thoughts were that it would be based on what came in, but we're not going to see what comes in anyway, so what difference does it make I guess."

**Chairman Unruh** said, "Unless there's a vote to change the process. Commissioner Winters."

**Commissioner Winters** said, "Well I'm going to be very brief on that point. I remember that too, that we said that we were going to leave that open and what I interpreted that to mean was we'll leave it open and we'll determine at a later date what the timeframes are going to be. And so sometime here I'm going to make a motion that we not review those, and I'm not sure whether we want the evaluation committee to go ahead and start or we want a very small group, financial evaluation to start, but I'm still going to make a motion that we not begin the full review process until we determine what the vote is on August the 7<sup>th</sup>."

**Chairman Unruh** said, "All right, thank you. Commissioner Parks."

**Commissioner Parks** said, "I was just going to say, I agree with the Chairman. I think it should be two separate votes, two separate issues."

**Chairman Unruh** said, "Okay, it would seem like perhaps first we should make a decision on a process that we're going to use and whether or not we want to adopt the longstanding policy of how

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we handle responses to Requests For Proposal, or whether you want to modify that in some way and ask for participation in that. And I'd be open to a motion. I'm not going to make one, because I'm happy with the procedures outlined and really think that it's not good for us to get involved in that, so I won't make the motion, but we'll see what happens. Commissioner Norton wants to make a comment."

**Commissioner Norton** said, "Well I don't know that I want to make a comment. I kind of . . . You know, I wasn't here last week and it was a good thing for me, because I'm the guy in the middle. I know we're lined up kind of two and two and the truth is, one of the words I don't like being used is insulated. I don't feel like I'm insulated from anything, anywhere. I know that in a large organization like there, where there's a county manager and a staff relationship, that there are things out there that we turn over to the professional to work on and bring back to us.

But truthfully, it's what I used to call management by walking about. We have every opportunity to go inside and outside, anywhere in the organization we want to and ask questions. I've never felt like I'm insulated within the confines of the Sedgwick County community, so I don't like that term that we want to be insulated. I really don't want to be insulated. I want to understand all the issues, but I also understand that sometime on issues you have to call on paid staff and professionals and other good thinkers to work through the details and put it in some kind of way that eliminates us from getting too mired up in the minutia. I don't think, in an organization this large, with 3,000 employees, that a board of county commissioners can get so mired in the minutia that you don't understand the 4,000 foot viewpoint, so I don't want to be . . . anybody to think that we're characterized as insulated, but we have to be prudent with our time on what the issues are.

The second question I've had is if . . . and I think it's provocative, what Commissioner Welshimer has talked about, is that she wants to be involved. This is an issue she's passionate about, she's brought to the table since she was elected. I understand that, but when you start talking about opening bids and looking at them and having commissioners look at them, I would offer up in most counties the commissioners are the bid board and when they open the bid, they make the decision pretty darn quick. It's not about reviewing anything, it's about opening the bids and saying 'is it the lowest responsible bid or not?' If it's the lowest responsible bid, you take action on it, you pretty well do it.

The bid board does offer a chance to . . . it's not insulation, but it's letting thinkers go into the belly of the beast on complicated issues and bids and come up with what they think are viable recommendations. That does not preclude that the commissioners get to ask all the hard, pertinent

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questions. I've seen many times, since I've been a commissioner, where we've stopped the process and said 'We're not going to deal with that today'. EMS chassis, we went back and forth with whether the countries were reasonable and were right about what they were presenting to us and we changed the bid process and went back and redid some of that. There's been plenty of times we've done that.

What would concern me and I tried to ask Rich a little bit about what the legalities are of that, but if you have the bids and they are presented on July 20<sup>th</sup>, they are open and they go to the bid board or its evaluation committee, is that an open record, can it be looked at and can it even be looked at by county commissioners without it becoming public record and something that everyone's wanting to do, so it gives us time to evaluate it. Because I think that evaluation part is important and I hear that from Commissioner Welshimer, that she doesn't really want to make a decision based on packaged information or filtered information, but wants to really understand what it is when she makes this very important decision, and I understand that, believe me I do. I understand that's important to her. It's important for me to be informed and try to make the decision based on the best information I possibly can. I have a question of Rich. What is that process, Rich? If we open those bids on July 20<sup>th</sup>, start the process, it's going to an evaluation committee, does that have to be laid out to the whole public, as we're trying to analyze it, or is that a controlled document until it comes to the full commission."

**Mr. Richard Euson**, County Counselor, said, "It is a controlled document until the Board of County Commissioners either accepts a bid or rejects other bids. In the meantime, the discussions at for instance bid board, would be open so while the document is closed the discussions are open. But certainly commissioners can look at the documents without fear of them having to be opened until commissioners take some form of action.

So in other words, it doesn't come under the usual situation, where you have the recommendation and you mentioned in a public meeting and all the sudden it's out in the open."

**Commissioner Norton** said, "If we were to add two commissioners to this bid process, does that change the legality of what you have to offer?"

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

**Commissioner Norton** said, "When you have to disclose?"

**Mr. Euson** said, "No, it does not."

**Commissioner Norton** said, "If that bid is discussed at a public meeting, does just the discussion of

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it make it available to anybody that wants to see it immediately?"

**Mr. Euson** said, "I don't think it does. I don't think it does because it's a specific part of the open records act that says bids are excluded from mandatory exposure until they're voted on."

**Commissioner Norton** said, "Okay, but the bid boards are open meetings, so once they discuss it, that document is open to the public."

**Mr. Euson** said, "But they're not the one that makes the final decision, they're the ones that make the recommendations. So their discussions are open, but what they're discussing is not open public record until you vote on it."

**Commissioner Norton** said, "Okay. I guess that's a moot issue, if you discuss everything that's in the proposal, it becomes public record, unless you talk in some cryptic form where nobody would know what you're saying, you know you have some glossary of terms that don't really mean what they mean."

I just have a problem with . . . the other part of that is who are the two commissioners, because if you have three commissioners it's a meeting and then it's total open and you could make decisions and two commissioners are left out, so who are the two commissioners and is it a commissioner that is pro and anti-gaming, if we line up that way, or it's two pros or two anitis. I mean, that becomes kind of mixed up, as to how we would think about that, and is it two friends of Bob Knight or two people that don't even know Bob Knight. Obviously I think all of us know Bob Knight, but there's a lot of combinations which could lead you to make even two commissioners could make a suggestion to this body that aren't neutral, that are maybe not reasoned by facts, but reasoned by emotion and that concerns me a little bit.

The other part of it is that some of the information, some of the questions, some of the anecdotal information doesn't go to all the commissioners at the same time and the same format, that two commissioners would have a different perspective of what was said and the inferences and the facial expressions and what was inferred and what wasn't inferred that three other commissioners wouldn't get to hear. All of that worries me about this process.

I guess those are some of my questions and I'd like to hear my colleague's response. I mean, the truth for me is I want to make my position known on this as neutral as I can going into the vote, because I think the vote is predominantly about one thing, or it should be. You believe gaming is right for Sedgwick County or gaming is wrong for Sedgwick County and if you can do it on a moral



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issue, you can do it on an economic issue, you can do it on a quality of life issue, but I think that should be the reason you would vote one way or another, not based on what some county commissioners are doing with a piece of property or whatever. I think it's really a fundamental issue of what the constituents are going to vote on, as far as the gaming issue, and I don't know how I justify that in my head. I've worried with this for about ten days now trying to figure out what my moderate position is on this issue, so I'd like to hear a little more dialogue before we would move forward."

**Chairman Unruh** said, "Okay, thank you. I think Commissioner Parks was next."

**Commissioner Parks** said, "What I have trouble with is the revised part of the support of Ms. Stevens on the RFP process is that it would create a short list. I guess I'd want to look at a long list. I'd like to look at all of them. Go ahead."

**Mr. Buchanan** said, "These bullets were taken out of the standard processes that we use. And what we're often doing is buying services from architectural or engineering firms when we use this process. And some of those prices are outrageous, some of the background doesn't work, some of the firm's experiences aren't sufficient, and so there's no reason to have a conver . . . there's no reason to interview those. They submit the proposal but it's clear that they're not . . . they've disqualified themselves because of experience or trouble with the law or price and so a short list is needed."

In this case, commission, I think we are going to have the long list. I think, you know, unless there's some glaring mistake or some glaring error in the process, that you want to talk to them all, because it's my opinion that it's probably is prudent to approve not just one developer, but as many as we can, to get those in front of people in Topeka and let Topeka decide. It gives us more fish that we have in the barrel, the more likely our fish is going to be caught."

**Commissioner Parks** said, "Well, and I think a lot of those state regulations, if you read that Senate Bill 66, take care of the felons and the people that are bona fide business people and taking care of that."

**Mr. Buchanan** said, "But if someone were to submit a proposal and not meet those qualifications, I don't know that I would want to spend much time talking to them when we know full well that they're not going to get to first base in Topeka."

**Commissioner Parks** said, "The standard lease agreement, when we lease property to Jabara, did it go through this process? Did the whole, entire county commission discuss that before that was leased?"

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**Mr. Buchanan** said, “Yes sir, we went through the details of the . . . every detail of that lease was discussed at a public meeting, in front of the board of county commissioners.”

**Commissioner Parks** said, “Did that go to bid board?”

**Mr. Buchanan** said, “That was not a competitive process. We went out and sought that land because that was the best possible site we thought for the campus.”

**Commissioner Parks** said, “Well I guess I might have had other thoughts on that had I been on the commission at that time that there was a better site out there somewhere.”

**Mr. Buchanan** said, “Commissioner, pretty limited when it has to be attached to a airport.”

**Chairman Unruh** said, “Anything else.”

**Commissioner Parks** said, “No.”

**Chairman Unruh** said, “All right, Commissioner Welshimer.”

**Commissioner Welshimer** said, “How many proposals, qualified proposals would you expect that we would receive? How many did you send out?”

**Mr. Buchanan** said, “We’ve sent out a whole . . . we’ve sent out a whole bunch. I know that Wyandotte County is suggesting their they suspect five to eight, and so . . .”

**Commissioner Welshimer** said, “Five to eight.”

**Mr. Buchanan** said, “So if we have three or four, that would be a lot.”

**Commissioner Welshimer** said, “Three or four. I think I’d meet you halfway on this . . . if those proposals came to us before they went to this committee, and at least two of us looked them over, or all of us had the opportunity to look them over, five to eight is not that many. I don’t know how . . . would that work for you, and then we could interview them also two at a time if you’d want to . . . if they came . . . do you think they would come to be interviewed?”

**Mr. Buchanan** said, “I think if you make the decision that you want the interview process to occur that we would inform all . . . we sent 18 to 20 of them out. We would inform the potential bidders that part of the process is an interview process and they get to self-select then or not.”

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**Commissioner Welshimer** said, "I think that should be part of the process because that would satisfy me."

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

**Commissioner Winters** said, "Well that's not what I'm thinking about at all. I think we've got to stay teamed up with staff. When I was talking about commissioner's eyes looking at things, I wasn't talking about looking at them alone. I don't think I would support two commissioners or one or all of us individually looking at these bids before it went through some or at the same time some staff were involved in that whole process. That would just be way to shaky for me. And I'm not sure where Commissioner Norton is really headed, but his comments kind of affected me and I guess what I would like to think about is somehow using this evaluation process but somehow being able to inform commissioners individually or having some commissioners involved somehow before we get to the very end and it looks like all that the commissioners are doing is stamping an approval, and that's what I was trying to accommodate. But when we start talking about having meetings and not inviting staff to be in those meetings with developers and when we start talking about opening bids without staff there, I can't support that at all."

**Chairman Unruh** said, "Okay, so Commissioner Winters, you're thinking if we follow this process with a couple of commissioners involved."

**Commissioner Winters** said, "Well that's what I originally thought but Commissioner Norton about changed my mind."

**Chairman Unruh** said, "So what is your recommendation?"

**Commissioner Norton** said, "Well if we come to the conclusion and what Tom's talking about, I mean that's what I'm wrestling with, if we can somehow make sure that what comes to the Board of County Commissioners to vote on has been looked at and is understood and I think there is a place for good thinkers and professionals and our staff to help us with that. I mean that's why you have staff in these big organization. Now granted small counties with 5,000 people, they open their bids, but let's be honest with them. They're not opening these kind of bids every day that we have to and there needs to be some kind of look, or we wouldn't have professional staff to help us with all of that."

Now having precluded that, and Bill knows this because I've talked to him about it, I don't want to be packaged. I don't want to be insulated. I don't want to get filtered information. I don't want to be hoodwinked by staff. I've said that many, many, many times. I'm a free thinker. I'm elected to do a certain job and I don't want staff telling me what to think or what to do, but I do want their

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professional opinion, their good thinking, their intellectual capital because they are expert in many cases in the fields that they endeavor to work in.

I don't know that I have a problem with two commissioners working with the bid board, because this is a tough, tough process that we're going to go through, but I think it's probably a combination. The difficulty is who the two commissioners are and will they be as objective on this issue as they possibly could be because of all the ramifications of this. And that's not an indictment towards anybody's integrity or the thought process, but we've all come to the table with some kind of bias or belief mechanism or a value system that could be the same or different of what information and facts we're going to look at. I could probably go along with it.

The one thing that I have really struggled with is looking at it, all this process, doing our due diligence on a building that we own, advocating well for the building and the county facility that the public owns and making sure that it's used properly is very important. Doing that maybe leading up to the election is fine with me. I would rather not us take action and vote on it until we know the results of the election, but all of the due diligence, all the working on the process, all looking at the information, being informed, getting county commissioners to know what they need to do on this issue, I don't have a problem when we do that and I don't know . . . that I'm coming to the point where two commissioners want to be involved in that and be our eyes to come back to us and tell us the real deal, I'm okay with that too probably, but I'd like to hear more from everybody."

**Chairman Unruh** said, "No lights on, I'll . . . first of all, perhaps I used the wrong word with insulate, or maybe I interpret insulate differently than you do. I think it is not a bad idea for a lot of this detail to be taken care of where we're not . . . we're not even open to any sort of accusation about trying to work some sort of a deal, and I'm not saying any of us are. I don't mean to say that. I'm just saying that there's that opportunity to be accused of that and I think this is a good way to protect us from that. But anyway, without trying to argue the definition of that word, that's the word I used.

I have never felt in my time on the commission that there was any information that, if I wanted it, that it was not available to me. I mean, all I had to do was ask a division leader, ask the manager and I got the information I wanted. I've always felt like this process has served us well, as it's gone through the different levels of investigation and when it comes up and I see the agenda for bid board items, I can ask any question I want, get the information I want and when I come time for it to come

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before the bench, I've always felt like we were, at that time, either make a decision, ask a question, defer the item, do whatever we wanted to do with it at that time. So I've never felt like I've been packaged. I've felt like staff has tried to help me make a decision that they thought was right, and I had the ability to either accept that decision or not accept it. So I'm still favoring this process and if a motion comes forward we're going to follow this process and we're going to include two commissioners, I would probably vote no on that, recognizing that it might find approval. But I'd say I don't want to be one of the commissioners in that process, so that has to do with the process.

On the timing, I would argue strongly that it not go to the bid board until after the August 7<sup>th</sup> referendum. I mean, if the evaluation process starts before hand and it is privileged information, you know I would prefer them not to even start the evaluation until after the referendum but it seems like the commission might go ahead and be approving of that, but I would argue strongly that we should not be put in a position of making that decision until after the citizens of our county have said either we want or don't want a casino, so I've kind of established my, for me, my non-negotiables for me, I guess for lack of a better term right now. Commissioner Parks."

**Commissioner Parks** said, "The bullet on the second page of the proposal today, the board of bids and contracts makes a formal recommendation to the county commission? I think that in itself, if we don't accept that particular bid or don't have enough information, have to delay that or something, I think that in itself lends itself to wondering if there's something . . . impropriety going on, so I just I think this is a unique situation and it's a land lease. I wanted to ask Rich Euson also, are you under that open records, are you thinking about the real estate acquisition or what exemption were you talking about there a little bit ago?"

**Mr. Euson** said, "I can't tell you the number but I can tell you about exactly where it's at."

**Commissioner Parks** said, "Is it under the real estate acquisition or . . . ?"

**Mr. Euson** said, "No sir, it's under the provision in the open records act that exempts certain things from mandatory disclosure and one of those things is bids that come before the public voting."

**Commissioner Parks** said, "Well I'm sure uneasy about anything that we have county commissioners looking at that is not open. You know, I'm just a little bit uneasy about this, so . . ."

**Chairman Unruh** said, "You ask it."

**Commissioner Winters** said, "So does that mean that you don't support county commissioners being on the evaluation team?"

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**Commissioner Parks** said, "Well, I think two county commissioners on the team, I may have a third opinion here or something, but I think two of them is not all of us. I think all of us need to be look at it."

**Commissioner Winters** said, "All at some time, whenever that is."

**Commissioner Parks** said, "Well I think it needs to be before they bring us the short list. I think we need to look at all of them."

**Commissioner Welshimer** said, "I still think the same thing, before it goes to this group right here."

**Commissioner Winters** said, "Well I guess I'm . . . may I?"

**Chairman Unruh** said, "Yes you may."

**Commissioner Winters** said, "I guess I'm really confused. It would appear to me, what Kelly just indicated, is that this group, this evaluation team would receive the bids and start an analysis of their opinion. And then at some time after that, whether it be one at a time or two at a time, the commissioners somehow review with the manager or others on the staff what all of the folks who have submitted the bids, but then review it with them because I don't know how we could do it any other way, of all five of us taking a look at it without that being in an open, public meeting."

**Commissioner Norton** said, "I think we can all have it and look at it. We just can't discuss it and once we've discussed it in any form it becomes public record."

**Commissioner Welshimer** said, "And then we'd meet with them two at a time, with the developer."

**Mr. Euson** said, "Commissioner Norton, it does not become public record, at least it's my opinion, it does not become public record until you accept a bid or you reject all bids. So I think you can discuss it in an open meeting."

**Chairman Unruh** said, "Well that's to me I just really believe that we ought to follow this procedure and if there's a couple of commissioners that really want to be involved in that, then I suppose we ought to hear a motion to that effect.

And then that way, it is still available to our analysis and judgment and evaluation before it becomes a public record and we can ask individual questions anytime we want during that time.

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That makes more sense to me. I hate to abandon this process that has served us well for decades. I mean, I think it has . . . it's a good process. We've proven that it works and if a couple of commissioners want to be on that, somebody make that motion, but I think having the staff with us as we open them and read them and talk about them, the CFO and our county counselor and the manager and MAPD director I think makes legal, rational, good sense. And Commissioner Welshimer, Commissioner Parks, if you all especially want to be on it, I do not think that you're going to hide things from me. I think you're going to go through the process, when it's time for me to see it I'll ask those questions."

**Commissioner Welshimer** said, "The County Manager could bring these, each proposal to us and visit with each one of us individually."

**Chairman Unruh** said, "If we asked for it . . ."

**Commissioner Welshimer** said, "Before it goes to this committee of . . . evaluation committee and then once the evaluation committee comes back with a decisions, and chooses the ones they think that would be the best ones for us, at least we will have that knowledge. And I also would like to visit with the developers making the proposal so the developer might come in one day, from the County Manager's office, with a proposal they could bring and the manager could bring them through to each one of us."

**Chairman Unruh** said, "Commissioner, I'm willing for this committee to work and I'm willing for you to be on it and I'm willing for you to decide who needs to be interviewed and you all interview them and when that's done and you come down towards the bid board, that's the time I think you should tell me. I do not care about seeing everyone of these guys, but I think this committee and if you and another commissioners want to be on it, I just don't have a problem and I will trust the process that's been proven."

When it gets to the point of going to bid board, then I think I would like to know that information, have the opportunity to question and I think that would be provided for in this process, or did I confuse you Mr. Manager? All right. Commissioner Norton."

**Commissioner Norton** said, "Rich, is there any culpability or discrimination if you were to say that you're going to interview the different people and you only interviewed two of them out of five? Would they have any ability to come back later and go 'this was not a fair process, that not all the county commissioners interviewed me personally to hear my proposal, that it was just done on paper and that there was some kind of discriminatory or favorability tactics being used by the commission'?"

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**Mr. Euson** said, "Again, . . . well, that's a god questions and obviously it depends on what the facts are and how the decision is made to narrow down the list. And if a matrix is done for that process, and I'm not clear whether it is for that particular process, but if that's done that certainly would insulate you from any of those kinds of claims."

**Commissioner Norton** said, "Well obviously somebody can sue for anything, I mean that won't stop that, but if we had two commissioners that were going to interview, yet they didn't get around to interviewing everyone or didn't see the need to, that could open us up for some kind of criticism that we weren't being fair. I mean, obviously when we don't interview every architect on everything that we do or every . . . we don't go to ever Ford dealership or Chevy dealership when we're ready to buy a truck to look at the truck, kick the tires."

**Mr. Euson** said, "Do you mean two commissioner on their own or two commissioners as part of a review group?"

**Commissioner Norton** said, "I don't know what I meant, I wish I was more definitive, either one, both."

**Mr. Euson** said, "I mean, as far as a review group, I would think the review group would have some standards that they would apply and that would be probably easier to defend. If it's just two commissioners, it depends on whether or not you have standards and how you set those and how you employed them after you set them."

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

**Chairman Unruh** said, "Well I mean if a developer or something wants to come to me and make an appointment, I mean I can talk to him anytime I want to, can I not So I mean if they call me and want to make an appointment, I can talk to them but that doesn't in any way bind this process, I mean the process is still in place once we vote on it"

**Mr. Euson** said, "And it just points to the propriety, again and good process that's time tested and that has value over experience."

**Chairman Unruh** said, "Well this process does not keep me from getting information, so . . ."

**Commissioner Welshimer** said, "My understanding over the last few days that we've talked about this, particularly yesterday, is that we are not to look at the proposals or talk to the developer or anything until . . . we just wait until this committee and then there's a bid board brings us their



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recommendation and we never meet them.”

**Chairman Unruh** said, “If one of us wanted to ask questions about that we could get that information.”

**Commissioner Winters** said, “How would the manager respond to that question?”

**Mr. Buchanan** said, “Let me . . . there’s nothing to preclude you from talking to any vendor at any point in time and any . . . during any process. Sometimes it may not be advisable, but that’s a decision that you have to make and there’s no rules in the bidding process, there’s not rules in this process that forbid you from talking to anybody that makes a proposal to Sedgwick County.

The reason we created this process was to make sure that the committee had the information and if commissioners . . . and it has happened in the past, I assume it’s going to happen in the future that commissioners wanted more information at the beginning of the process, more information in the middle, there’s nothing to preclude us from providing you copies of the proposals.”

**Commissioner Welshimer** said, “Well that eliminates the problem.”

**Commissioner Parks** said, “It does.”

**Commissioner Welshimer** said, “I’ve been under the impression all along that we’re just totally closed out from the process.”

**Chairman Unruh** said, “But you can ask . . . but what we’re saying now, perhaps that was an impression that was given, because I’m just under the impression that once we start this, if we do this process, I personally am not going to be asking for any questions until it gets right up to the bid board and I think you will be. But I guess the question right now is do you want to be on this committee. I don’t want to be on that committee and I’m willing to wait until this process gets towards the bid board before I start asking for information and so that’s why I’ve been satisfied with it and if you all want to change it, then I don’t know. I think it’s going to be a very awkward thing to get all of us all of the information on every bid and expect that to help the process. That’s my opinion.”

**Commissioner Welshimer** said, “All right, through the process that’s on this, we can interview developers?”

**Mr. Buchanan** said, “You can meet with . . . I think if you’re saying interview, that’s a more formal kind of term of art and I would suggest that the committee, the whole committee interview folks. We have . . . Sedgwick County got itself in trouble several years ago when a commissioner

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or two interviewed a potential . . . a bidder that wasn't successful and that didn't work so well."

**Commissioner Welshimer** said, "Can we sit in on these meetings if we want to?"

**Mr. Buchanan** said, "Pardon me?"

**Commissioner Welshimer** said, "Sit in on the meeting."

**Mr. Buchanan** said, "Oh no, if this commission chooses and we can easily do that, if two commissioners are on the committee, would be in the interview process."

**Commissioner Parks** said, "If a third one would show up?"

**Mr. Buchanan** said, "That's a public meeting."

**Commissioner Parks** said, "That's a public meeting even if they're not discussion or interviewing, they're just there to listen, that's a public meeting. Okay, well then the press should be able to come in at that meeting also then, right?"

**Chairman Unruh** said, "Right."

**Mr. Buchanan** said, "You see commissioner, I think part of perhaps my dilemma has been when earlier discussions about this process, it was suggested that these bids be open to the public immediately, and that's not what we've done and so that's the issue that I was trying to address and I think if you felt that that meant that commissioners couldn't receive the information. I sorry that occurred but what we are suggesting is that to do the analysis recommended that they don't become public information until it comes to the commission fro a final decision.

Now if again you want these interviews to be public, I think we can do that but I think we need to inform the people who are going to submit proposals that there will be a public interview process and they get to choose whether to bid or not, but we need to do that now and not later."

**Commissioner Parks** said, "I guess if I would ask you, when you get all your bids in, if you're getting ready to give me a short list on this and I say 'Hey, I want to see the long list' then the bid board would provide me that information."

**Mr. Buchanan** said, "Oh, sure."

**Commissioner Parks** said, "Well, that's what I'm asking for is to be informed. I don't necessarily

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have to be on this committee or on the two, I just want to be informed and if I have a question, I want to be able to ask it.”

**Chairman Unruh** said, “Yeah, I agree.”

**Mr. Buchanan** said, “In the process of hiring architects for the arena, the architects for the 9-1-1 building, we have vis . . . we have created a list of folks we were going to interview and came to the commission and informed you why we were not going to interview the other ones, said here’s the list, here’s the short list. If you need to influence this decision, here’s the time to do it. So it’s not just informing, it’s also asking for your opinion. If there’s a reason you believe that firm ‘x’, despite the price, despite . . . needs to be interviewed, we’ll interview them. That’s never been an issue. All you have to do is ask.”

**Chairman Unruh** said, “Okay, with that explanation and with this discussion, commissioners, do we want to move to approve this process or do you want to modify.”

**Commissioner Welshimer** said, “Is there a . . . Kelly does not want to serve on this committee. If I served on this committee, is there one other one of us that would serve with me?”

**Chairman Unruh** said, “I don’t know that’s a requirement, but there may be. I’m not that one.”

**Commissioner Winters** said, “I’m not that one either.”

**Commissioner Norton** said, “I really don’t want to be . . . I mean, I want to get information, but I don’t know that I want to be on the bid board.”

**Chairman Unruh** said, “This would be an evaluation team.”

**Commissioner Norton** said, “Okay.”

**Chairman Unruh** said, “So if you want to have us appoint you to that, commissioner, well you can make the motion.”

**Commissioner Welshimer** said, “I’d rather have two of us on it.”

**Commissioner Parks** said, “Well I said I wouldn’t have to but if nobody else is wanting to do that, I would certainly step up and do that.”

**Commissioner Welshimer** said, “Okay.”

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**Commissioner Norton** said, "If I might, I think it would be appropriate that our number one advocate for moving the process along, which is Commissioner Welshimer, would be on there and the individual who has that piece of property in his district would be on there. And although they are our two newest commissioners and that kind of leaves out some of the older commissioners, I think that might be appropriate if we are going to have two people on there, to have the person who is most interested in the topic, knows more about it probably and the person where the property is in their district."

**Commissioner Welshimer** said, "You're going to let us get our feet wet, in other words."

**Commissioner Norton** said, "Well it's going to be a tough process at best. It's already been tough for the five of us, so it's not going to get any easier, as I see it."

### MOTION

Commissioner Welshimer moved to approve the process with an amendment putting Commissioner Parks and Commissioner Welshimer on this evaluation committee.

Commissioner Norton seconded the motion.

**Chairman Unruh** said, "So the motion is, Madam Clerk, if I understand this is that we approve the process with a modification that Commissioner Welshimer and Commissioner Parks serve on the evaluation team. Is that correct? Okay, we have a motion and we have a second and then Commissioner Winters wants to speak."

**Mr. Buchanan** said, "Evaluation committee."

**Chairman Unruh** said, "Okay, committee, thank you."

**Commissioner Winters** said, "And it would be my interpretation that that means that the two commissioners would be part of the team, not an independent team, but part of this team."

**Chairman Unruh** said, "All right, we have that clarification. Is there any other comment or discussion. Hearing none, on the motion about process, Madam Clerk call the vote."

### VOTE

Commissioner Norton

Aye

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

**Chairman Unruh** said, "Motion carries. Now commissioners, before we leave this issue, I think we should talk about the time process one more time and see what we want to do, but before I begin that, Commissioner Winters."

**Commissioner Winters** said, "Mr. Chairman, I'm going to support making the motion, I'm not making it right now, but I would support making a motion that there be no public comments or public discussion of these proposals until August the 8<sup>th</sup> or after and that this discussion about the proposals not be held in any public way before the election and before we actually know how citizens are going to vote."

**MOTION**

Commissioner Winters moved that there be no public comments or public discussion about these proposals until August the 8<sup>th</sup> and that would include it making its way to bid board process or to the commissioners or to an open discussion."

**Chairman Unruh** said, "All right, I hear the motion and I need clarification. Does that mean it would not go to bid board until the 8<sup>th</sup> or after?"

**Commissioner Winters** said, "Yes, I'm going to make that as a motion that there be not public discussion or comment about any of the proposals before August the 8<sup>th</sup>, and that would include it making its way to bid board process or to the commissioners or to an open discussion."

**MOTION**

Commissioner Winters moved that there be no public comments or public discussion about these proposals until August the 8<sup>th</sup> and that would include it making its way to bid board process or to the commissioners or to an open discussion."

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Chairman Unruh seconded the motion.

**Chairman Unruh** said, "And we have opportunity for discussion and Commissioner Norton, I think you were first."

**Commissioner Norton** said, "Well now the motion is . . . I need to think about it and so go ahead and . . . I'll yield the floor."

**Chairman Unruh** said, "All right, I'll turn your light back on and call on Commissioner Parks."

**Commissioner Parks** said, "Well that's pretty definitive and no public comments. You know, the way I take it is that we're not going to be able to say anything about this until after the election. And I would hope . . . I'm certainly not going to take a yes or no stance. I'm going to vote, just like everybody else in the county is going to vote, secret ballot. Why I'm on this committee, why I'm on this process is we have a piece of land, we need to do something with it, it's in the best interests of us to be prudent with the management of that land and get the best value for the county residents that we can out of it, whether that be a casino, whether that be a church, whether that be whatever and that's what I'm working towards there and I think if we put a carte blanche, not discussion out there, I don't think I can go along with that but I respect your motion and your second on that, but I just think that there could be a situation out there where we would have to disclose some things."

**Chairman Unruh** said, "Okay, my interpretation of the motion is that we're talking about disclosing details of who bid and what the details of that is. It doesn't mean that you can't speak in general, saying I think the Britt Brown Arena is the appropriate place for development or speaking in general terms that many of us have already spoken in. Is that what you mean?"

**Commissioner Winters** said, "That's correct."

**Chairman Unruh** said, "But we're talking about details of the bid process."

**Commissioner Parks** said, "But that's what puts up kind of behind an eight ball that we would have such a fine line to walk there that we wouldn't, may not know whether we were . . . your detail may not be a detail to me."

**Chairman Unruh** said, "All right, okay thank you. Commissioner Norton."

**Commissioner Norton** said, "I guess I'm still fuzzy as to what is public record and what is not. Because if you have this evalua . . . the evaluation team can meet and not be held to any scrutiny of public record, is that correct?"

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**Mr. Euson** said, "Yes, that's correct."

**Commissioner Norton** said, "However, when it rolls over to the bid board, then that changes."

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

**Commissioner Norton** said, "Because the bid board is an open meeting and whatever is said there becomes public record. Now if they still don't have access to the documents, they have access to the dialogue. Okay. Now I need to process that. Go on to somebody else."

**Chairman Unruh** said, "All right, well I don't see any other lights on. The intent of the motion I think, Commissioner Winters, correct me if I'm wrong is just that we don't have public disclosure before the referendum so that we are not in any way . . . I don't like the word accused, but no one can say that we've in any way tried to influence the election."

**Mr. Buchanan** said, "Chairman, if you will, please understand that the process, when we receive the bids and open them, we read the names and so the names will be public on July 20<sup>th</sup>."

**Chairman Unruh** said, "Okay, but our determination or the details and our partnerships should go that far it would not be."

**Mr. Buchanan** said, "The name of the person submitting, the corporation name, the individual name, those names will be read."

**Chairman Unruh** said, "Okay, I understand that. Commissioner Winters."

**Commissioner Winters** said, "Again, the purpose of my motion is we do not know how the citizens in Sedgwick County are going to vote and I just don't think we should get out in front of the game by talking about disclosing potential contracts, potential this, potential that until after we know how citizens have voted."

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

**Commissioner Norton** said, "Rich, does anything preclude the applicants, once the bids have been open, from telling their story?"

**Mr. Euson** said, "No, there's nothing that precludes that."

**Commissioner Norton** said, "They can show pictures, they can open their documents and tell the

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story as much as they would want to to the citizens of the community.”

**Mr. Euson** said, “Yes sir.”

**Commissioner Norton** said, “Whether our committee, evaluation committee does or not, those individual applicants that have bid on the RFP have every right to tell . . . make public, because the bid is the bid at that point, whatever was sealed, so it could end up being public record, from their perspective anyway, immediately, whether we disclose it or not, they could disclose it. Okay. You can go on to somebody else now. I’ve got something else to think about.”

**Chairman Unruh** said, “Okay, no one else is asking to speak. I don’t want to call for the vote sooner than . . . I mean, I don’t want to cut off discussion so . . . Commissioners, I’m going to call for the vote here if nobody wants to talk.”

**Commissioner Norton** said, “Well, we don’t have time . . . do we have thinking time?”

**Chairman Unruh** said, “I’ve got a headache.”

**Commissioner Norton** said, “My wife says I mull things over. You’re not giving me enough mulling time.”

**Chairman Unruh** said, “All right, does any further clarification need to be made on this motion about saying essentially it’s not going to end up at the bid board before the referendum. I don’t see any more requests to speak. Commissioner Norton.”

**Commissioner Norton** said, “So I’d like to be sure I understand the motion. It will not even go before the bid board until August 8<sup>th</sup>. It could go to the evaluation committee, but not to the bid board until after August 8<sup>th</sup>.”

**Chairman Unruh** said, “That’s correct.”

**Commissioner Norton** said, “And if the evaluation committee, including two commissioners, were to look at it and it was only one bid and they could look at that in three days and move it forward. You’re still saying that it won’t go to the bid board until after that time, even if it’s only one proposal that could already be public record by the time it hits the street that day.”

**Commissioner Winters** said, “My motion, the hinge on my motion was that we will not know how



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citizens have voted on this until August the 7<sup>th</sup>, and so that's what the foundation of my motion is, because there's no use for us to discuss this topic until we know how the vote has turned out."

**Chairman Unruh** said, "Is there any other questions or clarifications or comment? Commissioner Norton."

**Commissioner Norton** said, "Well, once again I'm perplexed with the conundrum that I find myself in, because for me number one it's about staying neutral if I can, but secondly it's also about doing the due diligence on a piece of county property and if you go through the evaluation and are ready to allow it to go to bid board in a natural manner, then you're really kind of playing with that. So you may be lengthening the due diligence you're doing when you don't need to. Now maybe it won't, maybe it won't matter that much, but that puts me in that conundrum of saying I want to do my due diligence of a piece of public property that might have some usage in a very short timetable that we're dealing with, but also I do not want to influence the vote one way or the other, because we're advocating for a casino proposal, when the voters haven't even told us that they want a casino yet. I guess that's the conundrum for me."

**Chairman Unruh** said, "And I understand that and that's the issue for all of us. You know, we don't want to be put in a position where we're ahead of the electorate or look like we're advocating or like we're assuming inevitability of either way of the vote. I think we're relatively safe however on doing our due diligence if they come back in July the 20<sup>th</sup> and we're saying they won't go to the bid board until August 8<sup>th</sup>. That's about a three week, two and a half week window and by the time we do our due diligence on just finding out who the bidders are and so forth, it will probably consume that amount of time and I'm . . . I don't know, I'm fairly well convinced that we're going to get more than one response to our RFP, so if that helps or doesn't help, that's my thought on it. Commissioner Norton."

**Commissioner Norton** said, "Bill, do you think that going to the bid board is really a perfunctory kind of issue, if an evaluation committee with two commissioners has already said 'here's our recommendation' that bid board maybe will look at it but that's not going to be a very protracted, long drawn out proposition, that should happen pretty quickly?"

**Mr. Buchanan** said, "It could happen very quickly. I would suggest to go through the bid board. That's the process and procedure that we have in place. It might be perfunctory, but you have some independent people in there who think, and they'd probe and ask some questions. But that's . . . my experience has been, when the evaluation committee does its homework and lays out the matrix, here's the reasons why, here's the reason why this is good for all of us, here's the reasons it's not, that that's done in such a thorough fashion that the bid board usually works pretty quickly."

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Bid board . . . the vote is on the 7<sup>th</sup>. Bid board meets on the 9<sup>th</sup>. There would be no reason you couldn't take it to the bid board on the 9<sup>th</sup>, or it necessary a special meeting on the 8<sup>th</sup>. So we could turn this around relatively quickly. Chris Chronis and I disagree about how long the due diligence is going to take."

**Commissioner Norton** said, "Well under normal due diligence with the bid board, dealing only with this issue themselves I can see that. With an evaluation committee that's going to have two commissioners on that, I would that that would shorten that time. I mean, there may still be some analysis that maybe you had already been done on some financial things of the companies that are being interviewed, but a lot of that can be done ahead of time by the financial guys to present to the bid board to say all the checkmarks are there for this company, oops, this one doesn't have the financial backing, they don't have he the certain ratings, they've never built one before, blah, blah, blah. You probably, even though you've interviewed them, probably don't want to consider them. That can all be pretty easily done I can imagine.

I guess I'd like to hear comments on that, particularly from Commissioner Welshimer, on if she's involved in . . . which I think one of the things she really wants is to be involved in this, understand the deals, the nuts and bolts, get the best possible proposal and have it ready to go, so that we don't miss out on our best opportunity for the best casino we could possibly have if the voters say yes. I understand her need to have it maybe moved up, but could this be something that she could live with, knowing that the bid board is going to go pretty fast, once she's on the evaluation."

**Commissioner Welshimer** said, "This evaluation committee may chose four or five out of the eight and hopefully we can and send all four or five to Topeka after the vote, if the vote is positive. So you know, I don't see the big problem, if we have only one or two and one is very weak and one is very strong, well we might get into some, you know some problem there of not appearing to be fair, but we're going to select enough that we increase our chances of doing something with that property."

**Commissioner Norton** said, "Well I guess in my mind, what I'm trying to come up with is a moderate solution of having two commissioners really analyze this, get the best proposal, do our due diligence and not have to deal with it until the day after the vote with the bid board. And I don't know if that's something where we can compromise on and come to or not, but I think we've . . . as far as I'm concerned, making sure that commissioners are deep in the process, which is a change in what we normally do is part of this and the other part is the timing and I have . . . you know, I have a little bit of a problem with when the timing happens, just so we're not getting too far

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ahead of the voters on this. I mean, to me it's almost like having the plans for the arena, the construction plans already done before there was a 'Vote Yea' vote and we didn't have that."

**Chairman Unruh** said, "Commissioner Winters is first."

**Commissioner Winters** said, "Commissioner Norton, I didn't understand your last comment. So are you saying that you would support this motion? Okay, if I didn't hear that right, the only . . . the two conundrums I think we'll get into if it ends up to the bid board before the 8<sup>th</sup>, is one, they're going to ask themselves 'How am I suppose to vote on this?' and we've got an independently elected official on there and then again, we've got some people that know how to think and they're going to say 'well how am I going to vote on this when I don't know how the voters have already voted'. And secondly, if I'm going to vote on this at bid board, it's going to be a media event, a newsworthy item for the media, because that bid board is going to be an open meeting and the details may not be outlined, but it's still going to be one more event out there and I just can't see a reason why waiting until the 8<sup>th</sup>, or Thursday the 9<sup>th</sup> to have bid board get the vote as affirmative can delay this process. I mean, we're talking about a matter of weeks here, not months."

**Commissioner Welshimer** said, "I don't see it's delaying the process, I see that we could possibly lose some of our better opportunities to other areas who have already had the vote."

**Commissioner Winters** said, "Well I just think if a developer wants to choose a population of Dodge City with, what have they got, 30,000 people in Dodge City of Sumner County which probably has 30,000 in the entire county or a county with 500,000, I mean I just don't see that that's a decision. I mean, if they want to go to a small market and not include our market if the vote is successful, I'm not sure we want them. We'll find somebody else."

**Commissioner Parks** said, "More reason you should be on the board."

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

**Commissioner Parks** said, "Well since the information thing was brought up about the arena, I thought I'd reply to that. I think that's why we've had some people in here wanting a re-vote, because they didn't have enough information. They said before the arena was built, where's it going to be built? They said 'we don't know, so I guess that's one of those things that I just had to reply to that.'"

**Commissioner Winters** said, "And I'd just reply to that, I mean it's the state legislature didn't say 'Okay, go find a location, go find a developer and then have a vote'. Did they say to have

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*(unintelligible)* that way?”

**Commissioner Parks** said, “No, I’m just saying why . . . I don’t want them to come back and say after the casino vote, well we didn’t have enough information on it.”

**Commissioner Winters** said, “I guarantee there’ll be people come back and say they didn’t have the information and I guarantee there’ll be people want to have a revote.”

**Chairman Unruh** said, “Okay. I . . . the issue before us, we’re going to get the RFPs back on July the 20<sup>th</sup>. We know the process we’ve established, we know we’ve got two commissioners on it. The issue before us, do we want the possibility of opening those before the August 7<sup>th</sup> election or do we want to say . . . or I mean going to bid board before the August 7<sup>th</sup> election or do we want to say the evaluation process is probably going to take that length of time. We don’t want to be in front of the August 7<sup>th</sup> election. We don’t want to go to the bid board before, any time before August 8<sup>th</sup>. That’s the vote. And I seconded the motion, I’m going to be supporting it. I think it makes sense to me. I think it doesn’t leave us open to any accusations to try and influence the vote any way or another. I don’t think it hurts our process or our opportunities to get the best deal possible. So commissioners, are there any other comments before I call for the vote. Hearing no more comments, seeing no more requests to speak, Madam Clerk call the vote.”

### VOTE

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

**Chairman Unruh** said, “So the motion carries 3 to 2 and it will not go to bid board before August 8<sup>th</sup>. The process is in place, Commissioner Welshimer and Commissioner Parks will sit on that committee. Commissioner Welshimer.”

**Commissioner Welshimer** said, “Just a comment, something to be thinking about, we have also got . . . we have another property to think about, we have a dog track and we have a tenant in the dog track and we have a lease agreement and in that lease, I have read this lease and it tells me that we in this lease do not allow slots and another thing to think about in this lease, I mean I think we have something like 50 years or something in this lease, but yet we’re not going to be . . . we don’t have a lease that’s going to fit if the dog track passes on August the 7<sup>th</sup>. And then the other thing is too, are we going to keep that lease at the same rent for the next 50 years, even if there are slots

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there. So that's just something to sleep on tonight and we'll take that up some other time, but I wanted to mention that that problem is there."

**Chairman Unruh** said, "All right, thank you and we all should sleep well tonight. But I mean, Mr. Manager, I mean we are aware of those circumstances and depending on what the situation is, we're going to negotiate our way through there."

**Mr. Buchanan** said, "We've already done the legal research, we all understand the nuances. We know that we're going to have to renegotiate that lease if the vote passes on August 7<sup>th</sup>."

**Chairman Unruh** said, "All right thank you. Well commissioner thank you for calling that to our attention. Commissioner Norton."

**Commissioner Norton** said, "Well just a comment. I mean we're at 4:15, it's been a long day but I have to tell you that I admire my colleagues for having this kind of conversation on a tough darn issue. You know, I articulated that I felt I was kind of caught in the middle a little bit. I certainly don't want anybody to feel like that it's one of those things where you side with somebody one way or another. To me it was gut wrenching to try to listen to all the information going back and forth, being articulated from people that are passionate about public service and I think there was some give and take and some pluses and some minuses on both sides on this issue. It is important to our community, regardless of which way to feel about the issue, it is an important issue and I just have to say that I admire my colleagues for having that kind of conversation out in the public, look each other in the eye and say 'here's what I believe, here's what I'm thinking'."

Granted, I was a little flaky and protracted in the middle, because I wasn't sure exactly how I felt about all the issues as I came in here today, but truthfully I think not being predisposed to all your ideas is important some days, and being a little confused and having to get more information and figure out what it is you believe and what you want to have happen and for me that happened today.

It wasn't always comfortable, but it felt good at the end of the day that we're still sitting here, going to make decisions and now Commissioner Welshimer has come up with another conundrum that we're going to have to deal with. Thank you very much, but I'm proud of my colleagues for offering me the chance to kind of be in the middle, but to give me good information to try to make

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my final decision on.”

**Chairman Unruh** said, “All right, thank you commissioner. Madam Clerk, please call the next item.”

**CONSENT AGENDA**

**O. CONSENT AGENDA.**

- 1. MAPC VAC2007-00004 - Request to vacate a recorded plat, generally located approximately one-quarter mile south of Central Avenue on the west side of Greenwich Road. Sedgwick County and City of Wichita three-mile ring subdivision jurisdiction. District #1.**
- 2. Agreement with the Wichita Center for Graduate Medical Education and University of Kansas School of Medicine – Wichita for a psychiatry resident program at COMCARE.**
- 3. Resolution authorizing the Sedgwick County Human Resources Director, Assistant Director, and the Benefits Manager to sign certain documents for Sedgwick County’s 457 Employee Deferred Compensation Plan.**
- 4. Resolution stating findings made by the Board of County Commissioners at the post-annexation hearing held on June 13, 2007.**
- 5. Order dated May June 20, 2007 to correct tax roll for change of assessment.**
- 6. Payroll check register of June 15, 2007.**
- 7. General Bills Check Register(s) for the week of June 13 – June 19, 2007.**

**Mr. Buchanan** said, “Commissioners, you have the consent agenda before you and I’d recommend you approve it and I have no idea how many days it is till the sales tax goes away.”

**Chairman Unruh** said, “It’s the end of June, about 26 weeks and a couple of more.”

**MOTION**

Commissioner Winters moved to approve the Consent Agenda as presented.

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Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “Thank you. We have completed our agenda for our regular meeting of the Board of County Commissioner and we have need for a Fire District Meeting, so at this time I will adjourn the regular meeting of the Board of County Commissioners.”

**P. OTHER**

**Q. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 4:22 p.m.

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

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

**Regular Meeting, June 27, 2007**

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

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

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**KELLY PARKS**, Commissioner  
Fourth District

\_\_\_\_\_  
**GWEN WELSHIMER**, Commissioner,  
Fifth District

ATTEST:

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

APPROVED:

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