

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

### **REGULAR MEETING**

**June 24, 2009**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 a.m. on June 24, 2009 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Ms. Jo Templin, Human Resources Director; Ms. Sharon K. Seyfert, Accountant, Treasurer's Office; Ms. Sheena Lynch, HR Specialist, Organizational and Professional Development, Division of Human Resources; Mr. Chris Chronis, CFO; Mr. David Miller, Budget Director; Mr. Ron Estes, Treasurer; Mr. John Schlegel, Planning Director, Metropolitan Area Planning Department ; Ms. Charlene Stevens, Assistant County Manager; Ms. Claudia Blackburn, Health Director, Health Department; Ms. Sandra Ring, Program Manager, SCKEDD (South Central Kansas Economic Development District); Ms. Annette Graham, Executive Director, Central Plains Area on Aging; Ms. Diane Gage, Director, Emergency Communications; Mr. James Weber, Deputy Director, Public Works; Ms. Iris Baker, Director, Purchasing Department; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; and, Ms. Angela Lovelace, Deputy County Clerk.

### **GUESTS**

Ms. Lunda Asmani, Appointee  
Mr. Chad Pattera, Appointee  
Mr. David New, Appointee  
Mr. Justin Givens, Appointee  
Ms. Cheryl Hill, Appointee  
Mr. Greg Ferris, Ferris Consulting

### **INVOCATION**

Pastor Ron Pracht  
Olivet Baptist Church, Wichita

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**FLAG SALUTE**

**ROLL CALL**

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

**CONSIDERATION OF MINUTES**

Regular Meeting for June 3, 2009

**Chairman Parks** said, "You all have had a chance to read over the minutes of the meeting, what's the will of the Board?"

**MOTION**

Commissioner Peterjohn moved to accept the minutes for the meeting of June 3, 2009.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**RETIREMENT**

**A. PRESENTATION OF A RETIREMENT CLOCK.**

- **SHARON SEYFERT, ACCOUNTANT, COUNTY TREASURER'S OFFICE WILL RETIRE JULY 1, 2009 AFTER 20 YEARS OF SERVICE.**

**Ms. Jo Templin**, Director, Human Resources, greeted the Commissioners and said, "This agenda item recognizes the long-term commitment to public service of Sharon Seyfert, who is an accountant in the treasurer's office, and she will retire July 1st after 20 years of service."

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**Chairman Parks** said, “On behalf of the County Commission, I would like to present you this small token of a clock so you can keep track of time in your retirement, and we do appreciate long-term employees, and we certainly appreciate the work that you did.”

**Ms. Sharon Seyfert**, Treasurer’s Office, greeted the Commissioners and said, "Thank you.”

**Ms. Templin** said, “Thank you.”

**Chairman Parks** said, “Thank you very much.”

**Commissioner Welshimer** said, “Clerk, call the next item.”

**PRESENTATIONS**

**B. PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.**

**Diversity Certificate**

- |                                |                          |
|--------------------------------|--------------------------|
| - Monica Clemons               | Treasurer                |
| - Kelly Dixon                  | Code Enforcement         |
| - Linda Ester                  | Emergency Communications |
| - Keith A. Hansen              | Corrections              |
| - Laura Johnson                | Aging                    |
| - Erica Johnson-Wootson        | Sheriff                  |
| - Melissa McCrary              | Corrections              |
| - Brenda Jill Stocklin – Smith | Human Resources          |
| - Marcus West                  | Corrections              |

**Professional Development Certificate**

- |                         |             |
|-------------------------|-------------|
| - James Denning         | Corrections |
| - Gary Farthing         | Sheriff     |
| - Keith A. Hansen       | Corrections |
| - Erica Johnson-Wootson | Sheriff     |

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**Supervisory/Management Development Certificate**

- |                         |                |
|-------------------------|----------------|
| - Stacey Burke          | Sheriff        |
| - Claudia Cash          | Corrections    |
| - Tania Cole            | Communications |
| - Gary Farthing         | Sheriff        |
| - Keith A. Hansen       | Corrections    |
| - Erica Johnson-Wootson | Sheriff        |
| - Michelle Mullin       | Corrections    |
| - Marcus West           | Corrections    |

**Ms. Sheena Lynch**, Human Resources Specialist, greeted the Commissioners and said, "We are here to recognize these recipients for their hard work and dedication to their career development. Each of these certificates has a number of required and elective classes. Obtaining these is quite an accomplishment, as this can be a lengthy process developing on the availability of the classes, as well as the recipient's schedule.

"I would like to thank those that support the career development process, and the supervisors and managers for support of their employees. If I could have all of those receiving Career Development Certificates, please join me on this side of the room. The first group of certificates is a Diversity Certificate; Monica Clemons, Kelly Dixon, Linda Ester, Keith Hansen, Lora Johnson, Erica Johnson-Wootson, Melissa McCrary, Brenda Jill Stocklin-Smith, and Marcus West. Congratulations.

"The next group will be receiving the Professional Development Certificate; James Denning, Linda Ester, Gary Farthing, Keith Hansen, Laura Johnson, and Erica Johnson-Wootson.

"The final group will be receiving the Supervisory Management Certificate; Stacy Burke, Claudia Cash, Tania Cole, Linda Ester, Gary Farthing, Keith Hansen, Erica Johnson-Wootson, Wendy Liston, Michelle Mullin, and Marcus West. Again, thank you for your support, and congratulations."

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**Chairman Parks** said, "Let's give them a big round of applause. We certainly do thank the employees and as I've said before, these aren't just merely seat warmer classes, they do work hard for these things that enhances their development in the organization, to make the organization better, and we certainly appreciate every one of these employees that have gone the extra steps to do this class. Commissioner Norton."

**Commissioner Norton** said, "Well I always like to point out, everybody works hard at these. Several got two of these certificates, but I notice two people got all three of them, kind of hit the trifecta. So Keith and Erica, that had to be tough to get through three certificates in one period, but we applaud all of you, but I wanted to point out that we have people that go even above that and try to get as many of these certificates as fast as they can to promote development in their area. That's all I have Mr. Chair."

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

**Chairman Parks** said, "Thank you. If we can have a little pause so we can clear out a little bit here. It is great to see the numbers and participation in these development courses. Hope that trend will continue. Next item."

### **B. PRESENTATION OF GFOA DISTINGUISHED BUDGET PRESENTATION AWARD TO SEDGWICK COUNTY FOR THE 2009 ADOPTED BUDGET.**

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, "Sedgwick County, along with most other local governments, publishes an annual budget, and an effective public sector budget should serve three purposes, it should, first, provide a financial plan, it should tell citizens what resources the government is going to use, how it's going to use those resources, and, most importantly, why it needs those resources."

"The budget document should provide a management plan, that it, it should tell citizens what the government is expecting to accomplish with those resources over the course of the budget period. And finally, it should serve as a communications device. It should tell citizens what the policies and the priorities are of the governing body of the particular government."

"A government that does an effective job of publishing a budget is eligible to receive a peer review"

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by the Government Finance Officers Association (GFOA), which is the professional association of people like me, and budgets that achieve the highest degree of professionalism, that meets those standards most effectively, is eligible to receive an award that is referred to as the Distinguished Budget Presentation Award. That is what we are here today to present.

“Sedgwick County has received that award from GFOA for the 2009 budget which is this document that represents the current year’s budget. You all have a copy of this. It is available in libraries and on the internet at the County’s website, and, the point that I would like to make, I think that’s most important, is that this is not a one time deal. This is the 26th consecutive year Sedgwick County has received this award. That is the longest stretch of sustained success in the State of Kansas, and it is one of the very longest stretches of consistent receipt of that designation throughout the entire nation.

“Sedgwick County has a long tradition of providing effective communications to its citizens about what it is doing with their resources as evidenced by the receipt of that award for 26 consecutive years. In Sedgwick County this year, the fact that we’ve received this award is largely attributable to the good work of our budget staff, and the agenda summary that was in your packet was prepared by our Budget Director, David Miller. Oddly enough as you look through that document, you don’t see David Miller’s name anywhere.

“He didn’t say he should receive any recognition, but in fact I think he receives the lion’s share of the credit for the success that we have had in publishing good budget documents over the past several years during his tenure as Budget Director. I would like to ask him to step up to the podium and he actually has the plaque that I am going to present to him. But you can see here, you will see, those of you who have been on the Commission for a few years, will recognize this, because there are a lot of these plaques in this bidding. As I said, we have received this for 26 consecutive years. The only thing that is different from plaque to plaque is the year on it and the signatures on it from the officials of GFOA, but we are very proud to have received this again, and it is largely due to David’s good work and the work of his staff, and I will ask him to make a few remarks and introduce his staff.”

**Mr. David Miller**, Budget Director, greeted the Commissioners and said, "I just have a few comments, and first of all, I just want to say that there are several reasons why we apply for this

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award. The first and a fairly important reason is what Chris mentioned, that is that this organization has received this award for almost over two decades. Not only that, but we're also one of only 13 organizations that received this award in the State of Kansas, so not applying for this award and not receiving it means that I should start looking for a new job.

"The second reason that we apply for it is that we know that this budget book document, which is over 700 pages, is a very exciting read, and we have a very strong self interest in making this document the very best that it can possibly be. When we come to work today, every day, we want to make sure we are doing the best job we can do. Lastly and most importantly, I believe that the receipt of this award should give the Commission some confidence as we work through these extraordinary budget times that we are currently in right now that the document that we prepare on your behalf is transparent and that it provides the citizens the best information that's possible so they can understand how their resources are being utilized as we put together an operating plan and capital plan for the next budget year.

"I would also like to say I have the great honor of working with some very extraordinary individuals in the Budget Office. Really, this award is because of their work, and not mine. That includes Chris Duncan, Anthony Swartzendruber, Nicky Huntington, who just got married, and I still say Nicky Spencer, and Jill Tinsley, and Pete Giroux. Thank you."

**Chairman Parks** said, "I did have a couple of comments. I wanted to thank the staff for your hard work this last year especially, and being able to get the documents in the 700 page book, a lot of those we asked you to get on the internet and working with not only your staff, but other County staff to get that information on the internet, so we can be open, and people can actually go out and see where the taxpayer money is being spent. That's a great goal, and I am glad that you have done that.

"Also, I would also thank staff for putting up with me when I do my random selections every month, and go through and pick out five to seven items that I question checks on and want to see the originals and whatnot. I am not auditing you; I am just trying to be a champion of the taxpayer to make sure that we know where that money is going, so, I would like to thank staff for that also. Thank you. Commissioner Norton."

**Commissioner Norton** said, "I've had the privilege of working with staff for more budget seasons than anybody at the bench right now, so I really understand that budgets are one of those times in

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the life of elected officials where it gets real dicey because we are held to high public scrutiny to use the taxpayers' money in our best possible manner. And, having a budget document that's easy to read, that's understandable, and that evolves over the years based on what the priorities are, and what the needs are of the Commission is enlightening, and I applaud you for being able to do that.

"When I remember the first couple of budgets that I went through, the budget book was a little dicey to go through, and we've simplified, we've collated, we've collaborated to make the numbers easier, and to make it easier for the public to understand, too. So over the years, I appreciate that ability to move to the next level of budgeting and presentation of budget books, because it does make our job easier. It doesn't make it easier to make those final decisions on how to spend the money and what the budget is, but it is nice to have that preparation so far ahead of time that we can really try to make the best decisions we can, and I appreciate that from all of staff that has worked so hard over the years. Thank you Dave."

**Mr. Miller** said, "Thank you."

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

**Commissioner Unruh** said, "Thank you, Mr. Chair. Well, David and Kris, and all of staff in the budget department, I just want to also offer my congratulations for a great job, and the fact that you are able to continue this standard that you've established for yourself and continue to get this award year after year I think is pretty remarkable just in itself, that you're recognized by the group that determines these and rates them as being a topnotch budget department.

"You know, I think that one of the things that I benefit personally, and that the citizens of Sedgwick County benefit from, is the fact that you look at what we have done and reflect on what we are doing now and make a good strategy to go forward in the future in such a way that it keeps us financially solvent and makes for good planning so that our citizens aren't continually faced with cycles and crises as we make decisions about what happens in Sedgwick County. So, I appreciate what you've done, I think it is a great job, and we trust that you will continue to do the job that helps our job become much easier, so thank you very much."

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

**Commissioner Peterjohn** said, "Thank you, Mr. Chairman. I am just going to jump in, because I am on the other end of the equation from Commissioner Norton, I am the newest member, and I



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appreciate the information and the efforts of not only getting the information out in printed form, but David, Chris, and all the rest of the folks in the Budget Office, the challenges of moving with the technology and the times, and I appreciate the answers and the efforts that all of you provided to questions that I have been bringing as the newest member up here. So, thank you very much and congratulations. That's over a quarter of a century, that is a little bit of time, you know."

**Mr. Miller** said, "Thank you."

**Commissioner Peterjohn** said, "You can rest on your laurels, but then you've got to come back from lunch."

**Chairman Parks** said, "Yes, and certainly this year is going to be a challenging year for us all. So thank you, David. Next item."

### **APPOINTMENTS**

#### **D. A RESOLUTION APPOINTING MICHAEL S. BORCHARD AS COUNTY APPRAISER FOR SEDGWICK COUNTY.**

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "The Kansas Statutes provide for the appointment of an Appraiser in each County or each Appraisal District in the State of Kansas for a four-year term, and those terms run starting on July 1st. Mike Borchard was last appointed in 2005, and so it is now time to reappoint him if you choose to do so, and I have prepared a Resolution for that purpose, and the Resolution provides for his appointment from July 1st of this year until June 30th of 2013. I would recommend you adopt it, and I would be happy to answer any questions."

**Chairman Parks** said, "On this one lets go ahead and have a motion and second, then we can have discussion."

### **MOTION**

Commissioner Welshimer moved to approve the Resolution.

Commissioner Unruh seconded the motion.

**Chairman Parks** said, "We have a motion and a second. Discussion. Commissioner Norton."

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**Commissioner Norton** said, "I see Mike in the room. We might want to ask him to leave the room while we vote, just so he has comfort. No, just kidding, Mike. I'm going to be very supportive."

**Chairman Parks** said, "Was that a wipe of the brow or a salute?"

**Commissioner Norton** said, "I am going to be very supportive of Mike. As we made that decision four years ago, we did a search to try to find someone nationally to see what was offered out, and we had several really good Appraiser candidates. But as we looked around, we found somebody in our own organization that had the moxy to do the job, the loyalty from the people to do the job and we picked Mike Borchard, and I tend to think, in retrospect, that was not a bad decision, because he's done an outstanding job in my opinion, in an area where people can have some emotion, because people equate the appraisal of their property to their tax rate, and those two things are interconnected but they are different and they are applied different because of state laws and other regulations. But Mike has worked hard to develop his staff, to find facilities, to take care of technology, and to maintain the highest respect of his peers, and I am going to vote for him because I think he's done a magnificent job and I hope we'll all line up to reappoint Mike for the job. That's all I have."

**Chairman Parks** said, "Adding to that, the State has a standard they go by for evaluations, and Mike Borchard's office has always come in exceeding those expectations from the State, and they are telling us that he is a right-on kind of guy, and, I am, too, going to be in support of him. I do appreciate long-term employees. I think it was a wise move four years ago to bring somebody up through the ranks. I think that's important for continuity in the department, and, having said that, I will pass it along to Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Thank you, Chairman Parks. I agree with your sentiment in terms of being able to promote from within, and the challenge that the County Appraiser has to fulfill, because not only does the County Commission have involvement in this process, the Appraiser also has to report to the Secretary of the Property Valuation Division who is an appointee of the Governor and operates within the Kansas Department of Revenue. And the Appraisers job, like a lot of County positions, is closely tied to state law and the state rules that are out there, and so he's got, the Appraiser has, he or she, will have a challenge not only from the local level, but also from the State."

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**Commissioner Peterjohn** continued, “I think it is important to be aware of that fact, because, as Commissioner Norton noted, there is a connection between tax bills, but the appraisal process is interrelated, but it is not identical with that process, and, we can see the challenges of upgrading computers and software, and that’s something that the Appraisers office has had to do in Sedgwick County this year under a state mandate, and that has been quite a challenge, and I think that Mike and his staff have performed that very well despite having all the challenges that any sort of computer upgrade, and I think anybody that has been through that knows how difficult that can be, so, I wanted to pass that along because I plan to support this motion.”

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

**Commissioner Welshimer** said, “Well Mike, you’ve done a good job, and I am most confident in your reappointment. Thank you.”

**Chairman Parks** said, “I did want to say one other thing about, kind of follow-up on Commissioner Peterjohn's statement. The Orion system was thrust upon us by the State, and a lot of counties resisted that, a lot of directors resisted that, and are still resisting that, but Mike grabbed the bull by the horn and tamed it and he’s a, I think, a leader, from what I understand from other Commissioners, a leader in the State in trying to implement programs that the State has set out for us. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chair. I just want to also voice my support for this appointment. I think Mr. Borchard has done a great job, been responsive to me as a Commissioner, and when I have questions, or have some need to discuss an issue in District 1, but, staying in compliance with state mandates and running an Appraiser’s office where things seem to be running smoothly is a testament to his managerial ability, and I think that Mike has done a great job for the citizens of Sedgwick County.”

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

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**VOTE**

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

**Mr. Euson** said, “Mr. Chairman, it might be appropriate if someone is here to swear in Mr. Borchard for the next term.”

**Chairman Parks** said, “Is Miss Bailey prepared to do that today? Let’s go ahead and do that at this time. Did you read the fine print in this, Mike?”

**Mr. Michael Borchard**, County Appraiser, greeted the Commissioners and said, "I did."

**Ms. Karen Bailey**, Chief Deputy County Clerk, greeted the Commissioners and said, "Raise your right hand and just affirm or say I do."

*“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 Appraiser, so help me God.”*

**Mr. Borchard** said, “I will.”

**Ms. Bailey** said, “Congratulations.”

**Mr. Borchard** said, “Just a few comments. I would like to thank the Commissioners for your support. I would just also like to thank you for taking the time and efforts to understand the appraisal system and the property tax system and how they are interrelated, and most of all, I want to thank a staff, who has worked very hard over the last four years, to not only get through an overactive real estate market, but convert to a new computer system, and most recently to consolidate our offices in one location. We’ve come a long way in the last four years. We have a lot of challenges ahead of us. We went from an overactive real estate market to something we’re watching real closely now, that, you know, these are unprecedented times as far as the market. So, those will be our challenges going forward, and we’re going to continue our commitment to quality public service.”

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**Chairman Parks** said, “Mike, I’d like to tell you along that line when you are talking about the unprecedented sales and what not, thank you for keeping us updated on that too. For those of you who may not realize it, we’ve had quite a dip the last couple months in real estate sales in Sedgwick County, and that will reflect upon the values. We’re going to have to work through that and determine where we are going to make those necessary adjustments to adjust to that market. Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well, I’m just thinking that it might be a good idea to, in case there are some people who don’t know where your new location is to describe your new location.”

**Mr. Borchard** said, “We are at 4035 East Harry, which is ‘Office This,’ formerly the ‘Wichita Mall.’”

**Commissioner Welshimer** said, “Okay, thank you. That’s for all Appraiser functions.”

**Mr. Borchard** said, “Right.”

**Commissioner Welshimer** said, “Tax appeals and everything.”

**Mr. Borchard** said, “We’ll have all of our operations and administration in one place.”

**Commissioner Welshimer** said, “Okay.”

**Chairman Parks** said, “Thank you.”

**Mr. Borchard** said, “Thank you.”

**Chairman Parks** said, “Next item.”

**E. SOUTH CENTRAL KANSAS ECONOMIC DEVELOPMENT DISTRICT (SCKEDD).**

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**1. RESIGNATIONS FROM THE SOUTH CENTRAL KANSAS ECONOMIC DEVELOPMENT DISTRICT.**

- **KENT BROWN**
- **SARAH GILBERT**
- **DEBRA TEUFEL**
- **MIKE INGERSOLL**
- **LISA TOTTEN**
- **BRIAN BLACK**
- **JUAN YANEZ**

**Mr. Euson** said, “Commissioners, at this time, I would ask that you accept resignations of the following persons from this board: Kent brown, Sarah Gilbert, Deborah Teufel, Mike Ingersoll, Lisa Totten, Brian Black, and Juan Yanez.”

**MOTION**

Chairman Parks moved to approve the resignations.

Commissioner Unruh seconded the motion.

**Chairman Parks** said, “Motion and second. Seeing no further discussion, call the vote.”

**VOTE**

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

**Chairman Parks** said, “Next item.”

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**2. RESOLUTION APPOINTING MEMBERS TO THE SOUTH CENTRAL KANSAS ECONOMIC DEVELOPMENT DISTRICT (SCKEDD) BOARD OF DIRECTORS, ALTERNATES AND MINORITY AT LARGE PURSUANT TO RESOLUTION NO. 23-2003.**

- **LUNDA ASMANI – BOARD OF DIRECTOR**
- **CHAD PATTERA – BOARD OF DIRECTOR**
- **ELDON MILLER – BOARD OF DIRECTOR**
- **MANDY PANKRATZ - ALTERNATE**
- **DAVID NEW - ALTERNATE**
- **JUSTIN GIVENS- ALTERNATE**
- **CHERYL HILL - ALTERNATE**
- **ALAN HENNING - ALTERNATE**
- **KEVIN ANDREWS – MINORITY AT LARGE**
- **JAMES BARFIELD – MINORITY AT LARGE**

**Mr. Euson** said, “Commissioners, we have prepared a Resolution to make the appointments of these persons to the SCKEDD Board, and they are Lunda Asmani, Chad Pattera, and Eldon Miller to the Board of Directors. Then as Alternates, Mandy Pankratz, David New, Justin Givens, Cheryl Hill, and Alan Henning, and then as Minority At Large Representatives, James Barfield and Kevin Andrews. I would recommend that you adopt the Resolution.”

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Chairman Parks seconded the motion.

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

**VOTE**

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

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**Chairman Parks** said, "I believe that there are some people in the audience that will be sworn at this time. If you would like to come forward. The others will be sworn at a later date."

**Ms. Bailey**, Chief Deputy County Clerk said, "If everyone will gather up here. Raise your right hand, say I do or I affirm at the end of the Oath."

*"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 South Central Kansas Economic Development District, so help me God."*

**Mr. Lunda Asmani, Mr. Chad Pattera, Mr. David New, Mr. Justin Givens, and Ms. Cheryl Hill**, Appointees, said, "I do."

**Chairman Parks** said, "If there are any speeches, we'll hold those to 20 minutes apiece. We do have, before you all sit down, we do have some comment from the bench."

**Commissioner Norton** said, "Well, I know most everybody, but it'd be nice if they introduced themselves to the crowd and to the audience that's listening so that everybody starts to put a face with the name. We'll start with Cheryl."

**Ms. Cheryl Hill**, Appointee, greeted the Commissioners and said, "I'm happy to be here, excited to serve and just great to see the way things are going, because they are still going, in a good direction. Thank you."

**Mr. Chad Pattera**, Appointee, greeted the Commissioners and said, "I'm with the Workforce Alliance of South Central Kansas and I just thank you for the opportunity to serve on the SCKEDD Board and represent the County. Thank you very much."

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

**Mr. Lunda Asmani**, Appointee, greeted the Commissioners and said, "I'm with Sedgwick County Enterprise Resource Planning Department, and I am thankful that you re-nominated me to be on this board. Thank you."

**Mr. Justin Givens**, Appointee, greeted the Commissioners and said, "I am the Community Development Director for the City of Goddard, and one of my responsibilities is economic development, and I'm happy to be appointed to this board as an alternate. Thank you very much."

**Mr. David New**, Appointee, greeted the Commissioners and said, "I am the Community



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Development Director from Haysville. I consider it a privilege to serve. Thank you very much.”

**Chairman Parks** said, “Thank you all for serving during this tough economic time that we’re facing. Next item.”

**F. WICHITA AIRPORT ADVISORY BOARD.**

- 1. RESOLUTION NOMINATING HENRY HELGERSON (COMMISSIONER WELSHIMER’S APPOINTMENT) TO THE WICHITA AIRPORT ADVISORY BOARD.**
- 2. RESOLUTION NOMINATING THOMAS PRYOR (COMMISSIONER PARKS’ APPOINTMENT) TO THE WICHITA AIRPORT ADVISORY BOARD.**
- 3. RESOLUTION NOMINATING RON ESTES (COMMISSIONER UNRUH’S APPOINTMENT) TO THE WICHITA AIRPORT ADVISORY BOARD.**
- 4. RESOLUTION NOMINATING DR. THOM ROSENBERG (COMMISSIONER NORTON’S APPOINTMENT) TO THE WICHITA AIRPORT ADVISORY BOARD.**

**Mr. Euson** said, “Commissioners, if we could take items F1 through 4 all together, they relate to the same subject.

**Chairman Parks** said, “I believe that’s appropriate, unless there are objections to that.”

**Commissioner Norton** said, “I will make that motion if you would like me to.”

**Chairman Parks** said, “Go ahead and make the motion.”

**MOTION**

Commissioner Norton moved to adopt the Resolutions.

Chairman Parks seconded the motion.

**Chairman Parks** said, “We I have a motion and second. If you would like to continue, any

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more information? Is anybody from the Airport Board here to be sworn today? This is just an appointment to the Board, and we do this through the Wichita Advisory Board, so seeing no further discussion, let's call the vote."

**VOTE**

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

**DEFERRED ITEM**

**G. ADOPTION OF RESOLUTION IMPOSING SOLID WASTE FEES FOR 2010.**

**Mr. David Miller**, Budget Director, said, "Last week I recommended for your consideration an increase in the Solid Waste Fee that is imposed on the property tax bill and is collected by the County Treasurer with the property tax payments to fund the Household Hazardous Waste Facility, our Environmental Resources Operations and the Storm Debris Removal Contingency that is part of the Solid Waste Management Plan. Last week's vote ended in a split 2-2 decision and the item was deferred to this week's agenda.

"For your consideration, staff's recommendation to establish the fee at \$4.73, a 69¢ increase for residential owners and 49¢ as the base nonresidential rate remains the same. The fee increase will slow down the drawdown of the fund's fund balance as has intentionally occurred the past several years as the balance reached a high of slightly over \$1,000,000 in 2006. This increase would allow us to maintain a balance of approximately \$500,000 at the end of 2010, which would allow us, if required to be utilized, the Storm Debris Removal Contingency. I would happy to stand for any questions and recommend that you adopt the Resolution."

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

**Commissioner Welshimer** said, "The amount of money we're looking at is \$90,000 isn't that right?"

**Mr. Miller** said, "That is what the additional fee would generate, yes, ma'am."

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**Commissioner Welshimer** said, "Can that fee be subsidized by the general fund rather than dunning the taxpayers?"

**Mr. Miller** said, "What could occur is that, the general fund is by its definition general. We cannot take money from the general fund because State Statute KSA (Kansas Statutes Annotated) 79-234, which says basically you can't transfer money from one fund to another fund unless it is allowed by law. Essentially there has to be a statute that says there is an action allowed by the Commission to do. However, what you could do, is you can remove expenditures from what are currently occurring in the Solid Waste Fund and place them in the general fund."

**Commissioner Welshimer** said, "And we could designate an amount in that general fund for that purpose?"

**Mr. Miller** said, "Yes, you could."

**Commissioner Welshimer** said, "Okay."

**Chairman Parks** said, "Commissioner Norton."

**Commissioner Welshimer** said, "I'm not done."

**Chairman Parks** said, "Okay."

**Commissioner Welshimer** said, "That's alright, go ahead, then come back to me. I can wait."

**Commissioner Norton** said, "I can wait, I can defer to you."

**Commissioner Welshimer** said, "I can wait too."

**Commissioner Norton** said, "Okay. Over the years, and I have been here several, so over the years we've lowered it many times as opposed to raising that fee, is that correct?"

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

**Commissioner Norton** said, "And have kept it flat or static for several years?"

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

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**Commissioner Norton** said, “And at one time, after we had raised it, it built the fund back up and we realized it was growing a little too fast, so we lowered it to a level, kept it static and drew down on the money that we had in reserve for debris removal or contingency, or whatever, is that correct?”

**Mr. Miller** said, “That’s right. We started that process back in 2006.”

**Commissioner Norton** “Okay. I think we’ve always prudently looked at it individually from year to year as to what our needs were. We’ve grown some processes. One of them is the local hazardous waste removal that we’ve done, which is outreach into the community; we’ve expanded some of the recycling boxes which this covers, and it also helps pay for the Hazardous Waste Collection Facility, and its grown tonnage over the years so that we have to dispose of that and have some money for contingency, and we know there is potential for storms to put debris out that we have to pay for.

“So, I know it is an increase at a very minimal rate for taxpayers, but I’m going to be supportive because I think it gives us the funds to do that very particular kind of disposal and waste management that our citizens have come to expect. Not to mention that gives us a little wiggle room that we want to have a tire collection or another E-Waste collection this year which is not budgeted I don’t think, is that correct?”

**Mr. Miller** said, “That’s correct, sir. Yes, sir.”

**Commissioner Norton** said, “We know that there are pockets of tires that have built up since we had our last collection, and we also found out real quickly that the E-Waste collection is expensive, but is it also drew huge crowds to the Coliseum, all of which didn’t get taken care of, so we May have to do it again. I think even though it is a small increase that is prudent to have money in reserve to do those kinds of things this year and I’m going to vote for it.”

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

**Commissioner Peterjohn** said, “David was this fee charge increased last year?”

**Mr. Miller** said, “Yes, it was. The fee, I apologize, the fee in 2007 and 2008 was held the same at \$3.65. It was increased in 2009 to \$4.04. It was raised 39¢.”

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**Commissioner Peterjohn** said, “How much revenue did that increase last year?”

**Mr. Miller** said, “I will give you an estimate, Commissioner, because I do not have the exact figure. I would say that generated probably about \$50,000.”

**Commissioner Peterjohn** said, “About \$50,000. What is the current cash balance in the general fund?”

**Mr. Miller** said, “The current cash balance I believe is roughly around \$56,000,000.”

**Commissioner Peterjohn** said, “Thank you very much.”

**Chairman Parks** said, “I’m just going to make a comment before I call on Commissioner Welshimer. \$56,000,000, I think some transfer money could come out of some of that somewhere if we needed that for debris removal without raising tax. Commissioner Welshimer.”

**Commissioner Welshimer** said, “I have a question for the County Counselor. This fee, we’re calling it, this is a tax is that correct, isn’t that correct? A tax rather than a fee?”

**Mr. Euson** said, “The statute says that it’s a fee. There is some case law to indicate that there is a difference between a fee and tax, the difference being that a fee is paid for an elective service and a tax is paid for a service that is imposed upon everyone, and so there is that distinction, but the statute does use the term fee. So, according to Kansas law definition, it probably is more like a tax because it is imposed upon everybody and they’re not necessarily requesting the service, the service is being imposed upon them.”

**Commissioner Welshimer** said, “Yes. We’re levying the tax in a specials tax category on the property tax bills.”

**Mr. Euson** said, “I think that’s accurate.”

**Commissioner Welshimer** said, “Yeah, I don’t know, we’ve had plenty of money to take care of other things in the past. I’ve, you know, been pushing for cutting in spending, and I know we rolled back the heavy one mill last year, but there are many things that I was hoping would be finalized so

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that we wouldn't be having a problem this year, we would be covering any mill levy roll back or any cuts that we would have, and, so that's disappointing that we're not at that point."

"We've been working on this for the better part of three years. Last meeting we okay'd a \$30,000 architectural fee for updating the lobbies and restrooms in the courthouse. I don't see that the need here to dun the taxpayers regardless of what the amount is; I think it sends the wrong message."

"I do agree that that fund needs to be refurnished. We need to put the money in that fund that we need to support the efforts of our Solid Waste and Hazardous Waste activities, and so I'm concerned, but I am concerned about taxing the public for it when we do spend many more times than \$90,000 in other areas. We have an economic situation going on. The State is in bad shape, and none of the State employees are receiving raises this is year. The City [of Wichita], we just found out this morning, is in a deficit situation, and they are not having raises. We're nearing 10% unemployment. The dunning the taxpayers for a tax increase, regardless of the amount, just sends the wrong message.

"I had proposed in another budget talk that we not take raises for our employees who are in management and supervisory levels. I asked the Human Resources department to give me some numbers on what that would amount to. I am just talking about the management employees, supervisory employees that are under the County Commission, not under any other elected official, and the manager, senior staff and division directors, a 4% raise, which is in this budget, if we did not take that 4% raise, out of respect for the situation that's going on in our community, we would save \$35,000, and our department heads, there are 28 employees, and we would save \$105,000. If the other department heads wanted to participate in this, of course they could, but, for just that we are looking at \$145,000 plus that would remain in the general fund that we could designate \$90,000 of that for the activities of the Solid Waste Fund, and that being said, Mr. Chairman, I would like to make that motion."

**Chairman Parks** said, "Okay. Do we want to take care of the motion that is on the agenda first and then have that?"

**Commissioner Welshimer** said, "Oh, yes, okay."

**Chairman Parks** said, "And present that as an alternative, and I'd refer to legal on that. That probably should be the way that would be done. "

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**Commissioner Welshimer** said, "Sure."

**Mr. Euson** said, "Commissioner Welshimer's motion could be treated as a substitute motion. You could just vote on that."

**Chairman Parks** said, "Okay. I stand corrected, then."

**Mr. Euson** said, "I guess, Mr. Chairman, I should add, I'm not, I'm really not, I sent an opinion around yesterday about this issue. I am not totally convinced that you can take the expenditures from, that are financed by a Solid Waste Fee, and move them over to the general fund, and so I am not convinced that can work, but it is a little bit contrary to the opinion that I rendered yesterday."

**Chairman Parks** said, "Let me ask this opinion of you, kind of an impromptu situation here now then, this money could be put back in the fund balance at the end of the year and used out of that fund balance for the supplement to this program then?"

**Mr. Euson** said, "Which money?"

**Chairman Parks** said, "The money that would be saved from our salaries and the other higher [inaudible] salaries, then that could be placed into the fund balance, and then that fund balance could be tapped for the Solid Waste programs."

**Mr. Euson** said, "Well that money needs to remain in the general fund and it can only be spent for purposes for which the general fund exists, and the general fund exists for purposes of general government expense not governed by other tax levies, and of course this Solid Waste Fee is of the nature of the tax levy for the specific purpose, so, I am not sure how you spend specific tax levied monies out of the general fund, when the general fund exists for purposes of that are contrary to what special fund is created for."

**Commissioner Welshimer** said, "We use that for donations, and things that are outside of, you know, consultants, donations, other areas that we help. But you think that that can't be done, can you tell us how it can be done?"

**Mr. Euson** said, "I would be glad to look at that."

**Commissioner Welshimer** said, "I don't want to leave the fund without the money it needs. I also don't want to dun the taxpayers."

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**Chairman Parks** said, "I think what several of us have said in the past is that, the funds can be there, but they are just out of other areas, and you know we we're talking about spending several million dollars for an industrial park here a while back. I thought that would be something similar to this program. If it is not, it's not the same thing?"

**Mr. Euson** said, "It is not the same thing."

**Chairman Parks** said, "Out of the fund balance, the money that would come out of the fund balance?"

**Mr. Euson** said, "The money out of the fund balance can be spent for whatever general fund purposes exist, and that's certainly a purpose, just like donations."

**Chairman Parks** said, "And, general fund is under the Solid Waste Management, is it not?"

**Mr. Euson** said, "No, general fund is everything other than specified special use funds."

**Chairman Parks** said, "Okay, we have some further discussion."

**Commissioner Welshimer** said, "Well, perhaps we could withdraw this motion and handle this in a manner that we could go ahead and pay into the fund, or raise the tax on the taxpayer, but reduce the mill levy by an amount that would equal 90,000."

**Mr. Euson** said, "We could certainly do that."

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. My thoughts are a little fragmented right now with the discussion we just had. It seems as though, just as a general discussion here, we have to establish a Solid Waste Fee at some level today, correct?"

**Mr. Euson** said, "You need to do it before July 1<sup>st</sup>, so today is the day."

**Commissioner Unruh** said, "Okay, and that fee is to cover certain specified activities?"

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

**Commissioner Unruh** said, "Among which, that can be used for, is the removal of storm debris, and that's one of the things that we used this fund reserve balance for, is that correct?"



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

**Commissioner Unruh** said, "And included in that would be also, help solve some of the issues of citizens in Sedgwick County that has been quite a concern, especially in District 3 and District 2, and that is that the storm debris that backs up in creeks and streams that causes a lot of drainage and flooding problems, so that could be used to help solve some of the citizen problems in that fund. So, that's one reason that I am generally supportive of the staff recommendation, and the 69¢ increase. It also seems to me that, as Commissioner Norton pointed out, in the last several years that we've been imposing this fee, this tax, upon our citizens, it has fluctuated, and we are still below the historic high, even if we add the 69¢."

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

**Commissioner Unruh** said, "Seems to me the most amount that we've ever assessed, maybe even before I got here, was like \$5.28 or something."

**Mr. Miller** said, "\$5.48."

**Commissioner Unruh** said, "\$5.48. So, I can't get away from the definition of this as a tax, but I think that if you want to talk about it in terms of a range, we're not exceeding our range. It is not an increase at least in that perspective. The 69¢ will allow us to maintain our fund reserve at what, historically, the Budget Department has determined is a reasonable amount of fund reserve, it can be used for a lot of activities that fit the definition that provide services to our citizens, and I believe our citizens expect that from government, they want us to do these things, so, in light of the fact that we are within the range, it's historic fund level that our Budget Department shows that we need, it will satisfy even some of the recent problems it's faced from flooding and drainage in different parts of the County, I believe that I'm going to be still, remain supportive of the staff recommendation of what it takes to maintain that fund balance."

"One of the things, as Commissioners I think we need to do, is not react in a knee jerk reaction. We need to take action here that are policy decisions that provide good for our citizens over the long-term. It's strategic policy decision, not just a reaction to a short term situations."

"I understand that we have, at this point, still generous, general fund balances, and that some of these things, like debris removal can be done in the general fund, and so I'm not ignorant of that, but I do know that we expect to be spending in a structural imbalance for the next several years,

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which is going to consume those fund balances, which is another indication of good strategy and good policy and management so that we don't have to go back to our citizens and say, well, we're going to be cutting employment, we're going to be cutting services or we're going to have to have a mill levy increase."

"We're in a situation where we can continue County government without having to deal with those types of decisions, so, all this is kind of getting folded together both on budget considerations and Solid Waste Fee considerations, I understand that, but, just in trying to respond to some of the comments of the Commissioners. One last comment, Mr. Chairman, is that if a motion prevails about capping pay-for-performance raises, I need a little better clear understanding of what we're voting on and who actually is included in those capping that you're talking about. But those are my comments for now as we continue to discuss the issue."

**Chairman Parks** said, "Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Thank you, Mr. Chairman. I've got a number of questions, and I guess I'll start with the County Counselor, because initially one of the questions I wanted to throw out to you was who would be paying this, because I understand that this is not only imposed on property taxpayers but also on entities that are normally considered tax exempt including charitable organizations and I wanted to see if that was your understanding too?"

**Mr. Euson** said, "Yes, that is my understanding."

**Commissioner Peterjohn** said, "Okay, would this also be imposed on other governmental bodies?"

**Mr. Euson** said, "That, I don't know."

**Mr. Miller** said, "I do not, no."

**Commissioner Peterjohn** said, "Like school districts, the City has a Storm Water Utility Fee that they impose on other governmental bodies?"

**Mr. Miller** said, "I do not believe so."

**Commissioner Peterjohn** said, "Okay. Question for Mr. Miller. Last week we approved about a million dollars on, for drainage, in Commissioner Norton's district. Did that come out of this fund, or did it come out of the general fund, or did it come out of some other fund?"

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**Mr. Miller** said, "I can tell that you it did not come out of the solid waste fund. I do not know whether that came out of the general fund or another fund. Which project in particular are you referencing?"

**Commissioner Peterjohn** said, "Commissioner Norton's project down at Hillside and 103rd Street, I believe, to try and solve a flooding groundwater issue."

**Commissioner Unruh** said, "CIP (Capital Improvement Program) project."

**Chairman Parks** said, "Was that a CIP?"

**Mr. Miller** said, "I believe so."

**Chairman Parks** said, "But that CIP is generated from..."

**Commissioner Peterjohn** said, "General fund."

**Chairman Parks** said, "General fund and the mill levy, the taxpayers."

**Mr. Miller** said, "Yes, so that's a proposed cash funded CIP project for the 2010 budget."

**Commissioner Peterjohn** said, "Well, I'm rather surprised to have this brought up, that our hands are supposed to be fiscally bound in this point, because of one of the things I learned a long time ago, I'm going to present a word that may not be in everyone's vocabulary, it is called fungible, and it means you can shift money around, in layman's terms. To get this issue diverted, in my view, on a fungibility issue, I don't think is useful or appropriate. I think we can go down the route that Commissioner Welshimer mentioned in terms of, if our hands were truly tied on this fund by lowering a mill levy so that there is an offset, and that is something that could happen, but I would hope that we would do it with full planning and aforethought which has not occurred, in my opinion, in this case."

"This is a revelation to this Commissioner. Maybe it's not to some other folks here today, but, I'm very disappointed to have this brought up in this manner at this time, because, when we voted upon this last week, that was not presented as part of the staff. So, as a new Commissioner, I'm trying to learn where I can, but if we get in a situation where it's, we're playing, things are moving around on

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us in terms of how we can proceed and how we are being directed to proceed, I am very, very uncomfortable in this process.”

“My position concerning this issue from a taxpayer perspective, people are hurting. Taxes are a big problem for many homeowners, property taxes and the property tax bills should not be going up for people at a time when we’ve got not only a doubling of unemployment in this community, but we’ve got a situation where there is no turn around in sight that I can see. I would love to see it. I hope to see it. I’m searching for it, but, without that turn around in place, the best solution I have heard this morning is this, if we are truly bound, and I am very disappointed to have this revelation popped on us, a least for me at this point in time, we could do an offset on the mill levy. But I think it would need more planning, and to have this come up when we’ve got, when we’re under a July 1st deadline to proceed is a very strong disappointment to this Commissioner. And I am, I want everyone who hears my words to know that this is a very, very, very disappointing step that we are proceeding down this morning.”

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

**Commissioner Norton** said, “Well, I personally would like to resolve the Solid Waste Fee and then have these other discussions like we normally do during the normal budget process, because all salaries and personnel is a huge issue when you develop a budget, should be put through the filter of public hearings and I think we’ll come to conclusion. I understand that there’s a movement to lower the mill levy some, and if that’s prudent for the economic times we’re in, I could probably support it if we can still maintain the kind of service levels that our citizens continue to need during these economic times. There’s almost a conflict when you have a County that provides such great human services and the need escalates as the economy toughens.”

**Commissioner Norton** continued, “So we have to be very prudent that we don’t debilitate services that we provide to those that are in most need by wrecking some budget areas where we can’t move things around to cover those needed services, and part of that, I think, as Commissioner Peterjohn expressed several weeks, ago is that we still don’t know what the State is going to do. We’re in

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pretty good financial condition here, and have some reserves, but I think they can go away pretty quick in the budget cycle as we try to maintain the kind of stability and service provision that citizens have grown to take advantage of. So, while I want to solve the Solid Waste Fee, I don't want to have a protracted debate over salaries and other budget levies and transfers of funds until we have that full budget talk and that we get we actually see what the County Manager's final budget is going to be, take it through the public hearing filter, and then make that decision as a body, as we're elected to do, and as we're charged to do by the electorate."

"I think we've got down some rat holes today that I'm not willing to run into. I'd like to move on with the Solid Waste Fee, however, it goes. I'm going to supportive, but I know that it could stay at the level it's at, or it could be reduced based on what the Commission's will is today, but I think we need to deal with that, and then prudently have conversations about where we want to go with salaries for electeds [sic], for the whole entity called Sedgwick County, and I don't know that today is the day to do that when we have so much budget still ahead of us. That's all I have, Mr. Chair, thanks."

**Chairman Parks** said, "Thank you. On this deferred item, it's certainly in my case not a knee jerk thing. I've talked with staff, talked with a lot of people on this, I know what I promised the taxpayers out there when I ran and was elected. That's where I'm coming from. Some of these projects that are out there, that need to be gone through, and the projects with the mitigation and the storm water, storm damage reserves, I still think can be coming out of other funds and I will still work with staff to do that, if need be. I just do not think that this is the year to do that. We can, under normal budget, I think that reducing the mill levy in the normal budget is going to be a good thing; however, that is another vote. I think there are twists to these two votes that may be different and we may have some difference of opinion on that. I'm certainly not ready to raise taxes on my constituents, and I'm not sure that creek cleaning, if you're telling me earlier that this can't be moved around for storm mitigation, that creek cleaning can be taken out of this fund either, and you're not going to get much creek cleaning for \$90,000 more."

"Every election cycle, across this state, you see entities that go out, and I've discussed this at a staff meeting just yesterday, that they go out and they vote whether to have their drainage district taxed on a special tax to clean out a creek. So, in any event, seeing no further discussion, I'm ready for a motion and get this particular vote over with. If we can have more discussion afterwards, that's fine."

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**Commissioner Welshimer** said, “We have a rather confused motion now, don’t we? We have a motion? We don’t have a motion?”

**Ms. Angela Lovelace**, Deputy County Clerk, greeted the Commissioners and said, "Mr. Chair, there was discussion of substitute motion which was withdrawn. No motion has been made on adoption of this Resolution.”

**Chairman Parks** said, “The substitute motion has been withdrawn at this point.”

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Item fails. Seeing no substitute motion at this time, I do think that this fund...”

**Commissioner Peterjohn** said, “Mr. Chairman, I’ll make a substitute motion, because I do not want to put us in a position, if we do not act today, we’re going to be in a position where we do not have a fee in place because of the time constraints and how this was brought before us. I’m going to make a motion that we renew this fee at the existing level for the next year.”

**MOTION**

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Commissioner Peterjohn moved to renew the Solid Waste Fee at the existing level for the next year.

**Mr. Miller** said, "If I could, Chairman, I do have an alternative Resolution prepared which, if it pleases the Commission, I could bring forth for your consideration, which leaves the fees at the exact same level as they are for 2009."

**Chairman Parks** said, "That would probably be good to take a quick look at that. While we're looking at that, would you like to speak to your question or comment on this?"

**Commissioner Norton** said, "Mr. Chair, it is obvious that it's a 3-2 vote and if there's a substitute motion, maintaining it at the level, I will be supportive of that. I'm not going to get in a fight over 69¢. I thought that it would be prudent to make sure that we build that reserve, but we'll find another way to do that. I don't have a problem with changing my vote and supporting it. I think I voted twice the other way. You know, my wife accused me of being really hard headed, but I think I can change my mind and be supportive of where we're going with this."

**Commissioner Welshimer** said, "This is very long."

**Chairman Parks** said, "Yes, it is. The funds that are in this can be exceeded, if we get the interest off the \$56,000,000, no matter how light the interest may be. That may be even enough in the first three months of 2010 to cover what we want to do here. However, you're saying that it just wouldn't take another mere action of moving those funds from the fund balance over to that fund, it would take a Resolution?"

**Mr. Euson** said, "Commissioner, I was just saying the budget law prohibits you moving money from one fund to another fund, and that's all I was saying. Unfortunately, I really haven't, I didn't realize what the position was of the Finance Department on this and it just kind of caught me by surprise."

**Chairman Parks** said, "The general fund is out there for things that we need for contingency. If we determined that cleaning of a creek is contingency, I guess maybe that would be a better idea to not put it over in that fund but use it from the contingencies?"

**Mr. Euson** said, "This may be good topic for discussion at a workshop because I don't, it's difficult to talk about conceptually. The Solid Waste Fee can be used for, and is clearly authorized to be used for cleaning up streams, and so that's what that fund should be used to do. You can't, so that's

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the purpose of that fund, you can't, so when you have that fund, the general fund does everything other than what specific funds do, and so you can't have two funds doing the same purpose."

**Chairman Parks** said, "Well, the Solid Waste Fee, the solid waste tax that we're talking about here, is something that I like to see everybody get a benefit out of. If we go in and say, just these people on the certain creeks get the benefit out of it, I don't think that's a fair and equitable taxation and just think that those funds should come from somewhere else, when we're talking about solid waste, we're talking about things that the Hazardous Household Waste, the E-Waste, that's what I think of that everybody could participate in if they so desire. Cleaning of creeks is not one of the things that somebody that built their house on a hill needs to worry about necessarily. So, in being so matter of fact there, I'll yield the floor to Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chair. I just wanted to make a comment on the motion. I appreciate Commissioner Norton's willingness to change his vote and support the motion as it is. I am convinced that that is not good fiscal management; it's not good financial management to do that. I think we need to maintain the balances that are required as projected by the Budget Department. The information we received yesterday at staff meeting indicates that in 2013, in order to keep ourselves afloat, that the Solid Waste Fee would have to be \$5.39 going forward if we don't change it."

**Commissioner Unruh** continued, "So, in my understanding of what I think my constituents want me to do, I think they want me to use good financial management, do some long-term thinking and approach this strategically and so, although I'm certain the, maintain the fee at the current level, that that proposition is going to prevail, but I think I need to vote in the negative. So that's the reasoning."

**Chairman Parks** said, "There's been some comment about what the taxpayers have come to expect, or what the citizens have come to expect, the standard of living needs to go up. The standard of living, quality of life, you know, all these things, some of this quality of life thing may have to plateau, or go down just a little bit because we're in some pretty rough economic times now. The next person had the light on was Commissioner Peterjohn."

**Commissioner Peterjohn** said, "I've got a staff related question, maybe not so much for Finance, but maybe for Mr. Spears. Question would be, on the Cowskin Creek where we have been doing



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this, has the cleanup there, that you have been involved in for a number of years, how has that been funded, out of which fund? Do you know?

**Mr. David Spears**, Public Works Director, greeted the Commissioners and said, "Stream maintenance folks do that work, and I believe they're funded out of the general fund."

**Commissioner Peterjohn** said, "Okay. So we're getting stream maintenance as being funded out of the general fund, which gets back to my point in terms of fungability. I appreciate Commissioner Norton's comments concerning his flexibility on this motion."

**Chairman Parks** said, "That's exactly where I was going, Commissioner Peterjohn, with mine also. It's general fund money. Commissioner Welshimer."

**Commissioner Welshimer** said, "Is the Commissioners' contingency fund also a fund that can't take money there and put it somewhere else? I mean, could the contingency fund furnish this \$90,000 if I could make a comment."

**Mr. Miller** said, "If I could make a comment, the Commissioners' contingency, which is budgeted at roughly about half a million dollars each year exists within the general fund, so it is essentially a separate account within the general fund."

**Chairman Parks** said, "Commissioner Norton."

**Commissioner Norton** said, "Well, I'm ready to move on with the vote. I think there's going to be a debate forever as to whether debris that falls into a stream is caused by a storm or is caused by erosion of banks, and it just falls in, or it's caused by beavers that, whatever it is, and I'm an expert on it because I have walked a lot of streams. We have got mechanisms that can do some of it, but I have to tell you, and as we talk about stream maintenance, the Cowskin cleanup that we started three years ago, it wasn't something that we funded with a lot of money and went and did in three months. I mean, it is an ongoing process that we have cobbled together between other things and

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it's been effective, but in some cases, there may be impending flooding that needs to be handled much quicker than that. I think we'll continue to have that debate of where you get the money to do that, but if it's important, I think we'll probably find it. I don't know that that would be the reason that I would fall on my sword, over a Solid Waste Fee, because I think there's other mechanisms that we could take care of that."

**Chairman Parks** said, "And I agree with that, the general portion of that. The \$56,000,000 was established in the cash balance fund, some of that was carry over from past years and what not. This is a rainy day fund, if you will, from my perspective of it, and I think we're going to have some rainy days here before long, so this is one of the things that we really need to look at and see where we're coming from there. I'm ready to call this vote, or get a motion."

**Commissioner Welshimer** said, "We're voting on the Resolution?"

**Chairman Parks** said, "Need a motion and second on the Resolution."

**Ms. Lovelace** said, "Mr. Chairman, there's a motion on the floor by the Commissioner Peterjohn to leave the existing level for this year. It still requires a second if that's the motion you wish to vote on."

Chairman Parks seconded the motion.

There was no further discussion and the vote was called.

**VOTE**

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

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**Chairman Parks** said, "Thank you. Thank you for this hard work. I'm sure this discussion is not over by any means. Next item."

### **PLANNING DEPARTMENT**

- H. ZON2009-13/CON2009-14 – COUNTY ZONE CHANGE FROM SF-20 SINGLE FAMILY RESIDENTIAL AND LC LIMITED COMMERCIAL TO LI LIMITED INDUSTRIAL AND CONDITIONAL USE FOR WREAKING/SALVAGE YARD TO EXPAND AN EXISTING AUTO POOL. DISTRICT 2.**

### **POWER POINT PRESENTATION**

**Mr. John Schlegel**, Planning Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "In this case, the applicant is seeking to rezone, and also have a conditional use approved for this 8.4 acre site that you see on the graphic in front of you now outlined in the bold black line. The rezoning would be to change the zoning of that parcel from its current designation of SF 20 residential zoning and LC zoning, you can see a portion of the south end of this property is already zoned for LC or limited commercial.

"The conditional use would be to allow a wrecking/salvage yard, which is the classification under the current zoning code that would apply to their proposed use, which is an auto insurance pool lot. The intent is to store automobiles and other vehicles on this lot that are involved in insurance claims. We would see the current zoning on the graphic that's before you now. It's a mixture along of different zoning districts along South West Street, including several types of residential zoning and commercial zoning."

"Going over to the aerial map, you can see that this parcel of land is currently not developed. It's in agricultural use. There's a mixture of different types of land uses along West Street and also along MacArthur Road to the southwest of this site. The applicant owns a, previously had received approval, and owns an insurance pool lot on these parcels of land just to the southwest of the application area. So with an approval of their request today, they would be able to expand that current use on to this property.

"This item was heard by the Metropolitan Area Planning Commission (MAPC) on the May 21st meeting. There was one residential neighbor off here to the southwest along MacArthur Road that

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appeared at the public hearing to speak against the request. The Planning Commission did receive letters from several other property owners along West Street in support of their application, and the MAPC's action was to approve the request subject to the staff's recommendations, plus an additional condition that would require the applicant to petition the City of Wichita for annexation within 120 days of receiving approval. You can see the current City boundaries in this pink boundary; their current lots are within the City of Wichita, and this is outside the city limits, and the reason that the MAPC went with that particular recommendation was that they we're concerned about how enforcement actions would take place with a split in the property between the City and the County.

"We have received about two protest petitions. You can see they amount to 2.3% of the total notification area so they are not a factor in the vote today. So with that, you have a recommendation from the Planning Commission for approval subject to the staff recommendations, plus the 120 day limitation on petitioning for annexation into the City of Wichita. With that, I'll be glad to take questions."

**Chairman Parks** said, "Commissioner Norton."

**Commissioner Norton** said, "John, the only frontage on West Street is that one little strip and that will be an access point to the back of the property?"

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

**Commissioner Norton** said, "And there is already an existing use, and it's highly industrial in that area already, is that correct?"

**Mr. Schlegel** said, "Yes. There's a mix of different types of uses, including some industrial uses."

**Commissioner Norton** said, "City enforcement of this kind of property as zoned will be more stringent than the County, is that correct? If it stayed under County's purview, would it not be more strict?"

**Mr. Schlegel** said, "I wouldn't know how to answer that question. I can't say that the, is your question whether or not City is tougher in enforcement?"

**Commissioner Norton** said, "Well, the City's rules for these kinds of usages are different than the County's Code Enforcement rules, are they not?"

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

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

**Mr. Schlegel** said, "They should be the same."

**Commissioner Norton** said, "They would be the same and applied the same?"

**Mr. Schlegel** said, "Right."

**Commissioner Norton** said, "Okay. Mr. Chair, I haven't had any protests or calls from anyone on this issue. I'm aware of that property; it's highly industrial through there. There will have to be adequate screening, is that correct?"

**Mr. Schlegel** said, "Correct. One of the conditions of approval would be for eight foot screening fence or wall."

**Commissioner Norton** said, "At this point, I'll make a motion to take the recommended action."

**MOTION**

Commissioner Norton moved to adopt the findings of the Metropolitan Area Planning Commission; approve the zone change and the Conditional Use, subject to the recommended conditions, and authorize the Chairman to sign the resolution when recommended conditions have been met.

Commissioner Peterjohn seconded the motion.

**Chairman Parks** said, "Little bit of discussion here. Show me again where the protest petition was on that map that you're on right now."

**Mr. Schlegel** said, "The two properties designated in red along MacArthur, the two residential properties, and both of those property owners submitted protest petitions."

**Chairman Parks** said, "Okay. I know this is not a public hearing, but if there's anybody from those protest petitions in the gallery today and would like to speak for a little bit, certainly open it up to them about their concerns. Is there anybody in the gallery that signed those protest petitions?"

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Seeing none, would the petitioner like to present anything at this time? One of the things that I had just a little bit of angst with was the requirement for annexation. I think sometimes that goes a little bit too far, but I'm going to follow the lead and the general consensus of my colleague's whose district this is and knows it better than I. Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Question for either Greg or John. Is there a fencing requirement that's part of this agreement, and how far are the people who protested from the nearest point on that parcel?"

**Mr. Schlegel** said, "The solid screening fence will be everything you see outlined in black."

**Commissioner Peterjohn** said, "Okay. "

**Mr. Greg Ferris**, Ferris Consulting, greeted the Commissioners and said, "It's a requirement of the zoning code. That's approximately 350 feet from the corner of that lot to the, corner of our lot to the corner of their lot. Just so I could address annexation, we agreed on that based on the fact that the County Code Enforcement was uncomfortable, when we met with them, that they would have, if they got a call, they wouldn't know, well, is it on our side of the lot or the city side of the lot that the actual code violation may occur, and that certainly made sense that we wouldn't oppose that. That wasn't our first choice, but certainly, we were not opposed to that because we understood that might cause your staff some real issues so we felt like that was appropriate."

**Chairman Parks** said, "Provided that the City has staff to go out and do those enforcements."

**Mr. Farris** said, "They have to anyway because the other part of the lot is already in the City. That's the issue, there were two different parcels, one in the City, one in the County, would then be under the same ownership and under the same use, so if somebody called, we've been there, no one called any issues, so we don't anticipate that there would be any, but if someone called and there was an issue on one parcel, who would enforce it, the County or the City, and that's what became the issue."

**Chairman Parks** said, "Thank you. Any other comments from staff or the gallery? Seeing none, let's call the vote."

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**VOTE**

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

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

**NEW BUSINESS**

**I. APPLICATION FOR FEDERAL ASSISTANCE TO BE SUBMITTED TO THE U.S. SMALL BUSINESS ADMINISTRATION (SBA) FOR FUNDING RELATED TO THE NATIONAL CENTER FOR AVIATION TRAINING AT JABARA AIRPORT.**

**Ms. Charlene Stevens**, Assistant County Counselor, said, "You have before you an application to submit to the Small Business Administration for funding in the total of \$475,000. This funding will be used for the furniture, fixtures, and equipment for the National Center for Aviation Training (NCAT). We were awarded this funding in part through our partnership with our congressional delegation and I would recommend you approve the application. If you have any questions, I'd be happy to answer those."

**Chairman Parks** said, "What's the will of the Board?"

**MOTION**

Commissioner moved to approve the Grant application and authorize the Chairman to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

- J. APPROVE THE HEALTHY BABIES GRANT APPLICATION IN THE AMOUNT OF \$428,000 FOR PRENATAL EDUCATION AND OUTREACH, FUNDING OPPORTUNITY # CDC-RFA-DP09EM-907, COOPERATIVE AGREEMENTS TO SUPPORT STATE-BASED SAFE MOTHERHOOD AND INFANT HEALTH INITIATIVES PROGRAMS, CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC).**

**Ms. Claudia Blackburn**, Health Director, Sedgwick County Health Department, greeted the Commissioners and said, "Before you is a grant application with the Centers for Disease Control (CDC) for \$428,000 for prenatal education and outreach. This funding has been specifically allocated for Sedgwick County thanks to our relationship with our congressional partners. The funds will be managed through the Healthy Babies program at the Health Department. This is one time funding and the grant period begins September 1st of 2009. Pending approval of our application, we expect to use these funds through August 2012."

**Ms. Blackburn** continued, "The funds will be used to enhance our current Healthy Babies program. It is a prenatal and postpartum home visitation and group education program that is for all women but specifically targets high risk moms, teenagers, first time moms, moms that have medical conditions and psychosocial conditions and the goal is to reduce prematurity, low birth weight, and deliver a healthy infant into a healthy family.

"The purpose of the CDC Safe Motherhood and Infant Health Initiative is to promote health for women before they get pregnant and in between pregnancies. We know that according to a national study by the CDC in Washington, three months prior to pregnancy, 23% of women are using tobacco, 50% are using alcohol and only 35% are taking vitamins four times a week. In order to



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really improve pregnancy outcomes, we have to improve the health of women and we want to begin that before pregnancy.

“We are proposing that the money be used to fund a social marketing campaign to increase awareness of women’s health prior to and in between pregnancies. We may need to focus on teenagers, and not just the women but all of the people that surround them. We do not know what those messages will be yet, but those will be, we will do this in a methodical manner and assure that any messages used are acceptable and make an impact on the community and there will be messages that we can use after the funding goes away.

“We also intend to extend the Sedgwick County Infant Mortality Review project to help determine the social and medical factors that are causing, that are involved with the low birth weights that we’re seeing in Sedgwick County and the infant mortalities and implement a new software system at the Healthy Babies program to improve our program evaluation process, and then lastly, to expand the use of our Community Health Navigators. We’re using this for the Health Access program and we will expand their capabilities so they can also better connect pregnant women with services and women who are at reproductive age with women’s healthcare services. I recommend that you authorize the electronic submission of this grant application and authorize the Chair to sign all necessary documents. I have with me Susan Wilson, who is the Healthy Babies program manager and also the grant writer. We would be happy to answer any questions that you have.”

### **MOTION**

Chairman Parks moved to approve the electronic submission of the grant application and authorize the Chair to sign all necessary documents, including the 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.

**Chairman Parks** said, “We will have some discussion on this. Commissioner Norton.”

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**Commissioner Norton** said, "Was there a prequalification for this request? I mean, did it come to us that, once you get asked to give the grant, it's pretty automatically added."

**Ms. Blackburn** said, "Correct. This is money that we are guaranteed if we submit an application that is approved."

**Commissioner Norton** said, "Is it for three years, or is it, you get the money up front and it stretches over three years?"

**Ms. Blackburn** said, "We will ask to stretch it over three years."

**Commissioner Norton** said, "Will it be distributed a third, a third, a third?"

**Ms. Blackburn** said, "I'm not sure about that at this point."

**Commissioner Norton** said, "Okay, and this fits in well with one of our core strategies, which is reduce low birth weight infants."

**Ms. Blackburn** said, "Yes, because that's a major precursor of developmental disabilities and infant mortality."

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

**Chairman Parks** said, "This is for the citizens of Sedgwick County?"

**Ms. Blackburn** said, "It is, yes, it's for Sedgwick County residents, people that live in Sedgwick County."

**Chairman Parks** said, "Okay. Now, we're not doing this for any illegal aliens or anything then?"

**Chairman Parks** said, "I don't know what kind of an eligibility process there is. I'm not sure that we really ask about citizenship status."

**Chairman Parks** said, "I have had some comments from my constituents on that item so I just wanted to ask that. Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Claudia, is there any requirement for any sort of a local match with this, and is there any extended commitment expected at the end of the time of the grant?"

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**Ms. Blackburn** said, “There is no local match and there is no expectation extended commitment, and at this time we don’t intend to use the money for staff so that we’re not getting into recurrent requests.”

**Commissioner Peterjohn** said, “Claudia, I notice that there was a statewide survey of how all the counties performed on a variety of criteria. Was low birth weight babies one of the criteria in that study that came out earlier this month, do you happen to recall, and I was curious how we scored on that if you have that information off the top of your head.”

**Ms. Blackburn** said, “I don’t have it off the top of my head. I would be happy to look that up and send it to you.”

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

**Ms. Blackburn** said, “You’re welcome.”

**Chairman Parks** said, “Okay. We have had a motion and second, and discussion; seeing no further discussion, call the vote.

**VOTE**

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

**Chairman Parks** said, “Thank you, Claudia.”

**Ms. Blackburn** said, “Thank you.”

**K. PUBLIC HEARING TO CONSIDER SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT – R APPLICATION TO THE KANSAS DEPARTMENT OF COMMERCE ON BEHALF OF SEDGWICK COUNTY AND SUMNER COUNTY BENEFITING PECK IMPROVEMENT DISTRICT. RETAIN EXISTING INTERLOCAL AGREEMENT BY AND BETWEEN SEDGWICK COUNTY AND SUMNER COUNTY THAT WAS UTILIZED UNDER CDBG GRANT NUMBER 06-PF-616.**

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**Ms. Sandra Ring**, Program Manager, South Central Kansas Economic Development District, greeted the Commissioners and said, "What we have before you today is, last week we had did a closeout for existing CDBG (Community Development Block Grant) project that was to benefit the Peck Improvement District. The reason why it was brought before you is the fact that in Peck Improvement District, it borders both on Sumner County and Sedgwick County. In order to move forward for the new grant application, which is Community Development Block Grant Recovery Act, commonly known as CDBGR, we have presented to Sumner County an application in the amount of, the total project, I apologize, the total project is \$1, 670,191, of which CDBG funds requested with the application is \$248,000. This is the exact same amount as the previous grant.

"The dollar amount has increased substantially. The amount that was applied for and awarded in 2006 was in the amount of \$888,000 and a few dollars. The project has obviously increased substantially, primarily due to the cost of the project, and having to restructure it to meet KDHE (Kansas Department of Health and Environment) requirements. The purpose of this meeting is to ask you to hold a public hearing as a requirement of that application which will be submitted later this afternoon if so desired. I can further explain the application of what it benefits."

**Chairman Parks said**, "Let's go ahead and recess the regular meeting and open the public hearing for the grant application. Do we have anybody in the audience that would like to speak to this item? I really don't like these under a minute public hearings, but seeing nobody in the audience that wants to speak to it, I'll close the public hearing. We're back in session. Go ahead."

**Ms. Ring** said, "Thank you. This project is the sanitary sewer system. It consists of a pressurized collection system and discharging lagoon. There will be 77 connections to this system for which we'll have small grinder pumps at each individual residence or business. These grinder pumps will then be connected to a network of polyethylene piping. The piping will mostly be smaller diameter, going from 1.25 to 4 inches. This will also be discharged into, or collects into, there's two earthen lagoons for which this will replace the antiquated and faulty, unhealthy mode of sewage disposal consisting of septic tanks and cisterns with lateral fields. So right now it's an unsewered property.

"The conditions for which bring up unhealthy situations is the fact that there is septic systems that are backing up, there is sewage that is showing up on the grounds, there is contamination of groundwater. So, obviously, KDHE wants to get the situation resolved. The funding source as I mentioned prior, the total project is \$1,670,191 of which \$248,000 is from CDBG funds. That's

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what we're applying for. The application will be submitted to the Kansas Department of Commerce, hand delivered this afternoon, as the application had a very short turnaround time. The other funds, the \$1,422,191 is to be coming from the USDA (United States Department of Agriculture) Rural Development and there is a commitment from that entity.

“The number of entities that benefit range, it comes from two different reports, but the high end is 174 individuals. The low end is 166. There’s approximately 66% low to moderate income individuals that will benefit from this project. The numbers were gathered from a walk from door to door survey that was created. I’d be more than welcome to entertain other questions that you may have. We’re looking forward to getting this application submitted to the Kansas Department of Commerce this afternoon, and we plan to have award notice by, within a month actually, July 24<sup>th</sup>, which is very quick for the Kansas Department of Commerce. The actions for which to start the program, actually, will be immediate as the documents have already been prepared by the engineer. The formalized engineering report has been done and accepted, and construction should start within the normal time of procuring and sending out bids, out for, I’m trying to think, for formalized bid opening. We do perceive that the construction can start within 60 to 90 days.”

### MOTION

Commissioner Norton moved to approve the Grant Application and authorize the Chairman to sign all necessary documents.

**Commissioner Norton** said, “Just a note, Sumner County will remain the lead on this project. It is a dicey area down there. This problem has exacerbated itself and grown over the years. I was dismayed a little bit last time when we had to close out the other one without having finished everything, but it’s encouraging that we’re opening it back up and looks like we can move forward because there are, it is a pretty bad situation; there’s raw sewage on the ground, systems have failed, so hopefully, this will help the Peck community to deal with that problem. There’s quite a few citizens looking forward in that area to having this resolved.”

Commissioner Welshimer seconded the motion.

**Chairman Parks** said, “I have a motion and second. Further discussion, I’ve been around CDBG grants for about 30 years and most of those have, I have understood in taking in the information on is that they’re are overdue and very useful, and I’m going to be supportive of this program because that certainly sound like this fits the bill. Commissioner Peterjohn.”

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**Commissioner Peterjohn** said, “Thank you, Mr. Chairman. Sandra, is this strictly to build a re-replacement system for the failed septic systems, so it would be like a capital expenditure, and if that’s the case, is there any provision in terms of who is going to operate it and how that’s going to be funded?”

**Ms. Ring** said, “Very much so. The project itself will serve 77 connections for which the community will, that it contains the whole community of Peck Improvement except for a couple that were newly added on. We had to have the opportunity; we had an environmental assessment, as you very well know how environmental assessments work, that was the footprint of existing. You had asked, in regards to how is this going to be funded, a part of the fee structure for the community was prepared by Reiss and Goodness Engineers, and also reviewed by USDA engineers in house, for a dollar amount for which, they included, let’s see here, for the proposed monthly service will be charged \$53.11 per month per user. The user fee is \$43.11, and the maintenance fee is estimated to be \$10, so they are going to fund it through that. The community itself of Peck Improvement District will service it through the direction of Sumner County.”

**Commissioner Peterjohn** said, “Thank you.”

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

**VOTE**

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

**Chairman Parks** said, “Next item.”

**L. HUMAN SERVICES – DEPARTMENT ON AGING.** Presented by Annette Graham, LSCSW, Executive Director, Central Plains Area Agency on Aging.

**1. APPROVAL OF ONE AGREEMENT FOR THE SENIOR HEALTH INSURANCE COUNSELING FOR KANSAS (SHICK) PROGRAM FUNDED BY KANSAS DEPARTMENT ON AGING.**

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**Ms. Annette Graham**, Executive Director, Central Plains Area on Aging, greeted the Commissioners and said, "Starting in February 2006 Central Plains Area Agency on Aging officially became a Senior Health Insurance Counseling for Kansas (SHICK) Program and began to receive funds to provide the services. These services include education and support for older adults and caregivers with information in needs in education and questions regarding Medicare, the supplemental programs and Medicare Part D. This contract will continue for us to provide services and to oversee the program for a period of April 1st 2009 through March 31st 2010.

"The SHICK coordinator and trained volunteers assists people every day with information regarding insurance questions. They help those for retirement, to learn more about Medicare, to learn about the supplemental insurance options and Medicare Part D. This is information that is useful and very valuable to these people as they look at what their options are. Every year, in November, this program opens up for Medicare Part D and every year older adults have to remake the decision about what program they will be utilizing, which one will best meet their needs, and every year these options change and there are multiple options available for them to review. So this is a very valuable program."

**Ms. Graham** continued, "Under this contract, Central Pains Area Agency on Aging will receive \$2,511 from the Kansas Department on Aging for this services, to do this. There is no financial obligation for Sedgwick County. I would request that you approve the Senior Health Insurance Counseling for Kansas program agreement and authorize the Chairman to sign, and would be happy to answer any questions about this."

### **MOTION**

Chairman Parks moved to approve the Senior Health Insurance Counseling for Kansas (SHICK) Program Agreement and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

**Chairman Parks** said, "Do we have any discussion on this matter? I had a question. It says March 31st, 2010 is the ending program in your backup on this. Will you be coming to us in February or March of 2010 again?"

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**Ms. Graham** said, “Yes. It’s an annual program. It depends on when Kansas Department on Aging gets us the information, so sometimes that’s not real timely depending on when they get it from the federal government.”

**Chairman Parks** said, “I know that there’s been various levels of discussion on state budgets and SCHICK so I just wanted to make sure that we had that information before we voted here, knew what the timeline was.”

**Ms. Graham** said, “Yes.”

**Chairman Parks** said, “Thank you. Anything further discussion? Did I get a second on that?”

**Commissioner Welshimer** said, “You did. I seconded it.”

**Chairman Parks** said, “Let’s call the vote, then.”

**VOTE**

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

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

**2. APPROVAL OF 10 CONTRACTS FOR LEVEL 1 CLIENT ASSESSMENT REFERRAL EVALUATION (CARE) ASSESSORS.**

**Ms. Graham** said, “Central Plains Area Agency on Aging has had a contractual agreement with the Kansas Department on Aging since 1995 for the purpose of managing the state and federal Client Assessment Referral and Evaluation program. This program includes data collection, individual assessment, provision of information on community based services and referral to services, and



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providing information on community based services and referral services for appropriate placement for long-term care facilities for persons seeking nursing home placement in Harvey, Sedgwick County and Butler Counties. Central Plains Area Agency on Aging contracts with licensed professionals with a minimum of four-year degree and experience in working with older adults to complete the pre-screening of individuals seeking nursing home placements. All assessors are required to have a six-hour care training program.

“The ten contracts before you are with professionals, including social workers and nurses, all of them with many years of experience providing assessments and information for older adults. They will provide functional assessments for individuals seeking nursing home placements, including those individuals diagnosed with mental health issues, developmental disability, or mental retardation. The contract amount for a level one assessment is \$35 per assessment plus mileage. The contract period is for one year with a month to month continuance pending a new contract. This is a program that is funded from the Kansas Department on Aging. Anybody in the State of Kansas seeking nursing home placement in a nursing facility that receive any type of Medicaid reimbursement is required to have an assessment prior to going into a nursing home.”

“The purpose of this is to help people and hopefully to increase the diversion rate. We have done a very good job of doing that in our area, and, in fact, had an increase in that this year. The contractor’s names that we’re seeking to have contracts with are listed on the second page. We have ten of those. I would request that you approve the CARE assessor contracts and authorize the Chairman to sign, and I would be happy to answer any questions.”

### **MOTION**

Commissioner Welshimer moved to approve the CARE assessor contracts and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

### **VOTE**

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

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

**M. AGREEMENT WITH MOTOROLA TO PROVIDE RECONFIGURATION SERVICES. THIS IS THE SECOND AGREEMENT FROM THE CURRENT WAVE OF 800 Mhz REBANDING. THERE WILL BE OTHER AGREEMENTS AS THE PROJECT PROGRESSES. ALL COST TO BE PAID BY NEXTEL-WEST.**

**Ms. Diane Gage**, Director, Emergency Communications, greeted the Commissioners and said, "I have before you the next agreement in our 800 megahertz re-banding project. This is where they actually replace the mobile and portable radios. We have a choice of going with Motorola or E.F.Johnson and they're both spelled out in here. This is at no cost to Sedgwick County unless we choose to take the opportunity to upgrade radios to be ready for when we go to digital radios in 2012. Be happy to answer any questions."

**Chairman Parks** said, "I do have a few questions. The agreement with Nextel, and maybe this is more of a legal question than an 'other' question, the lawsuit that came down on this, Rich, are you familiar with this lawsuit that came down on this?"

**Mr. Rich Euson** said, "Vaguely."

**Chairman Parks** said, "Well, I don't want to put you on the spot."

**Mr. Euson** said, "I think it's more of an F.C.C. order. Maybe Diane can help you out here, but I think it's..."

**Ms. Gage** said, "Yes. Are you thinking the lawsuit that happened about seven or eight years ago, where that pushed the whole thing forward to have us abandon these frequencies?"

**Chairman Parks** said, "No. I was talking about this specific Nextel agreement, and maybe it is an agreement, I didn't know if they were avoiding legal action to do this, just to be nice or what, but my point is, did the other cities, does the City of Wichita and other cities in the County, are they in on our program or did they have a separate agreement with Nextel?"

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**Ms. Gage** said “They are all in on our program. Any radio that operates on the Sedgwick County 800 megahertz system is underneath this agreement.”

**Chairman Parks** said, “That includes the smaller cities in the area also?”

**Ms. Gage** said, “Yes.”

**Chairman Parks** said, “So they shouldn’t be going out and buying re-banded radios, is that what you’re saying at this point? Because we’re going to provide them through this Nextel agreement?”

**Ms. Gage** said, “Okay, we’re not providing all of the radios. We’re not replacing all of the radios that are currently operating on the system. The only radios being replaced are the radios that cannot be reprogrammed into the new frequencies. We have quite a few radios out there that can be reprogrammed, and those, they will pay the cost of having them reprogrammed. These are just to replace older radios that cannot support those bands. So it’s kind of a win-win for us because some of the radios we’re replacing have been on the system since it went live about 1992 or 1993, and people are actually finding some of these older radios because they can now be replaced with a brand new one.”

**Chairman Parks** said, “Okay, well I do know that I received some feedback a couple of weeks ago from one of the chiefs’ meetings and they were concerned about this, and one of throws was particularly in Commissioner Peterjohn’s district. Maybe he has information on this also. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Well, Diane, the question I had for you was tied to how this connects with the large expenditure that’s projected in the CIP, that’s tied to communications, and I’m not sure to what degree it’s tied to this shift from frequency to frequency that’s part of this agreement. Can you clarify that for me please?”

**Ms. Gage** said, “If you’re looking at the one around \$500,000, is that, I want to make sure we’re talking about...”

**Commissioner Peterjohn** said, “No. I’m thinking of much larger expenditure.”

**Ms. Gage** said, “The larger one, a couple years down the road?”

**Commissioner Peterjohn** said, “Yes, a couple years down the road.”

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**Ms. Gage** said, "What this will do for us, is these radios that are being replaced, That Nextel is replacing, we are choosing to get the upgrade so that they can be both digital and analog, so when we go digital, they're very capable of being used on the digital system and we don't have to replace those or upgrade them at that time, we're able to do it right now at a much lower cost than two years down the road."

**Commissioner Peterjohn** said, "Okay. "

**Ms. Gage** said, "Does that answer your question?"

**Commissioner Peterjohn** said, "The cost that we're looking at a couple years down the road has nothing do with radios themselves, it's strictly to do with, I guess, towers or other equipment that would be needed that the radios would operate in conjunction with?"

**Ms. Gage** said, "Well, the radio system that we're operating right now is analog. A few years down the road we're going to be forced to go the way that you are with T.V. right now, we're all struggling to go digital."

**Ms. Gage** continued, "We are going to have to move off of analog type systems, smaller bandwidth, and go digital, and the radio system we have now will no longer be supported for being repaired and that type of thing that we're being pushed, as my boss likes to say, the unfunded mandate from the feds that we're going to have to abandon an analog system and go digital in 2012. So, we're trying to do some steps ahead of time to eliminate what expenses we can then, minimize them by taking advantage of this right now."

**Commissioner Peterjohn** said, "Okay. It's an over 40 page agreement filled with legalese, and a lot of fine details in the fine print and I'm always very cautious when you get into examining those sorts of documents. Since its part of a larger transition that we're involved in and you compared it to, I think that's a good analogy between analog to digital T.V. It's something that I want to keep a close eye on, Diane."

**Ms. Gage** said, "And we did take into consideration the size of these documents because we have a law firm in Maryland, Shulman and Rogers, who is representing us along with multiple other jurisdictions in this issue. However, I don't just stop with them. After they've given me a document to approve, it goes on up to County legal staff, to make sure,so I've kind of got a double checked system there to make sure everything we've got is really in keeping with what we do in

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Sedgwick County.”

**Commissioner Peterjohn** said, “Okay. Thank you.”

**Chairman Parks** said, “Any other questions? What’s the will of the Board?”

**MOTION**

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

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

**N. PUBLIC WORKS.**

**1. APPROVAL OF AN AGREEMENT WITH BAUGHMAN COMPANY, P.A., FOR DESIGN AND CONSTRUCTION ENGINEERING FOR STREETS IN VIA CHRISTI WEST CAMPUS ADDITION. DISTRICT 3.**

**Mr. James Weber**, Deputy Director, Public Works, greeted the Commissioners and said, " In item N-1 we’re requesting your approval of an agreement with Baughman and Company for engineering design services and construction engineering services for the projects in the Via Christi West Campus addition. The project is located on the north side of 21st Street just east of 151st Street West. You’ve approved the petition authorizing the projects in six phases in November of 2008. This agreement covers work in phases 2, 3, 5 and 6. Phase 1 was completed privately by Via Christi and phase 4 will be completed at a later date to serve northern portions of the property along 151<sup>st</sup> Street West. The cost of this work will not exceed \$307,880. All costs of the project will be

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paid by the benefited properties in the Via Christi West Campus addition through special assessments. We would request that you approve the agreement and authorize the Chairman to sign.

**Chairman Parks** said, "What's the will of the Board?"

### MOTION

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

Commissioner Welshimer seconded the motion

**Chairman Parks** said, "We have a motion and a second. Any further discussion? Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Since this is out in my district, I had been following this project and I believe that this is going to be a very positive addition to the community when this gets completed and I urge my colleagues to vote with me on this issue."

**Chairman Parks** said, "Commissioner Norton."

**Commissioner Norton** said, "I will abstain on this vote because I believe one of my sons will be doing some, may be doing some of the engineering on the streets out there."

**Chairman Parks** said, "Thank you for that ethical consideration."

**Commissioner Norton** said, "Making sure that everybody knew."

**Chairman Parks** said, "Thank you, and this is in line with the things we normally do for all projects out there?"

**Mr. Weber** said, "Standard practice for special assessment projects. All the costs of construction and engineering and everything will be bonded. Special assessment will go on later. They will have the opportunity to pay those off partially or totally in cash before we actually spread the assessments out on to the property. This is exactly standard procedure."

**Chairman Parks** said, "I think you know why I said that. I am having a project in my district coming up soon and..."

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**Mr. Weber** said, "I am aware of that project."

**Chairman Parks** said, "We'll have some discussion on that. We have a motion and second. Call the vote."

**VOTE**

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

2. **APPROVAL OF AN AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION ON SEDGWICK COUNTY PROJECT 831-S, T, U, V, ½ W; ROCK ROAD FROM OAK KNOLL TO ½ MILE NORTH OF 63<sup>RD</sup> STREET SOUTH. CIP# R-322. DISTRICT 5.**

**Mr. David Spears**, Director, Public Works, said, "In item N-2 we are requesting your approval of an ARRA, that's an American Recovery and Reinvestment Act agreement with KDOT (Kansas Department of Transportation) for construction of a mill and overlay project on Rock Road between Oak Knoll to a point a half of a mile north of 63rd Street South. We estimate the total project cost at \$2.3 million. The WAMPO policy body approved the use of ARRA funding for this in the amount of \$2,070,000, or 90% of the estimated project cost.

"On April 15<sup>th</sup> of this year you approved an additional expenditure up to \$230,000, or 10% of the project cost to be paid from local sales tax to cover any costs over and above the ARRA funding. This agreement is based standard KDOT language, except for the addition of federally mandated employment monitoring requirements. Since Sedgwick County is performing inspection on the project we will have to report employment of our personnel for the project in the same way that contractors and subcontractors report their payrolls. We recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Parks** said, "What's the will of the board?"

**Commissioner Welshimer** said, "I have a question."

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**Chairman Parks** said, "Okay."

**Commissioner Welshimer** said, "This is in my district and I'm familiar with this area. What exactly are you doing with the road? What type of improvements?"

**Mr. Spears** said, "It's called a mill and overlay, where you mill the top two inches of the asphalt off and then you overlay it with a new asphalt. When I say mill that's like, grind it up and remove that and put a new surface on top."

**Commissioner Welshimer** said, "Okay."

**MOTION**

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

Chairman Parks seconded the motion.

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

**VOTE**

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

**Mr. Spears** said, "Thank you."

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

**O. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JUNE 18, 2009.**

**Ms. Iris Baker**, Director of Purchasing, greeted the Commissioners and said, "The meeting of June the 18th results in four items for consideration today. First Item;

**1. WATER-BORNE AND EXTENDED WEAR WATER-BORNE TRAFFIC**



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**LINE PAINT – PUBLIC WORKS**  
**FUNDING – R316 REPLACE SIGNAL CONTROLERS ‘09**

“Recommendation is to accept the low bid from Ennis Paint Incorporated for an initial purchase of \$41,910 and establish contract pricing for one year with two one-year options to renew. Item 2;

2. **ELECTRICAL CABLING MATERIALS AND LABOR for HARRY STREET MALL – JUVENILE FIELD SERVICES**  
**FUNDING – JUVENILE FIELD SERVICES**

“Recommendation is to accept the low bid from Decker Electric in the amount of \$42,520.87. Item 3;

3. **CHANGE ORDER #3, PATIENT TRANSPORTATION SERVICES – COMCARE**  
**FUNDING – COMCARE/SHERIFF’S OFFICE**

“Recommendation is to amend the contract with Apple Bus Company in the amount of \$42,000, and item 4;

4. **PATIENT TRANSPORTATION SERVICES – COMCARE**  
**FUNDING – COMCARE/SHERIFF’S OFFICE**

“Recommendation is to accept the low responsive proposal from Apple Bus Company and establish contract pricing and execute one year contract with two one-year options to renew. I’d be happy to answer any questions and recommend approval of these items.”

**Chairman Parks** said, “It certainly looks much less controversial than last weeks, so I’d entertain a motion to approve.”

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

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

**CONSENT AGENDA**

**P. CONSENT AGENDA.**

- 1. 457(b) Deferred Compensation Plan Committee recommendation to close and transition the International Fund, Forward International Equity fund to the American Funds Euro Pacific Fund.**
- 2. Schedule post annexation public hearing for City of Maize Annexation Ordinance Nos. 624, 628, and 638. District 3.**
- 3. Authorize the Chairman to sign a Notice of Intent (NOI) for Municipal Stormwater Permit Renewal Application to be submitted to the Kansas Department of Health and Environment.**
- 4. General Bill Check Register for the week of June 10, 2009 – June 16, 2009.**
- 5. Payroll Check Register for the week of June 6, 2009.**
- 6. Order dated May 27, 2009 to correct tax roll for a change of assessment.**
- 7. Order dated June 10, 2009 to correct tax roll for a change of assessment.**

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

**MOTION**

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

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**Chairman Parks** said, “We have drilled down into this item pretty good and I have received several staff recommendations and discussions on this and I’m ready to vote on this also. Seeing no further discussion call the vote.”

**VOTE**

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

**Chairman Parks** said, “We now have a Fire Agenda that we need to recess this meeting and open the Fire District Number One meeting.”

**The Board of County Commissioners recessed into Fire District Number One Meeting at 11:14 a.m. and returned at 11:26 a.m.**

**Q. OTHER**

**Chairman Parks** said, “We are back in session with the regular Board meeting. We have ‘other’ on our agenda. Do I see any Commissioners that have anything other besides myself? The Kechi Fair is this weekend, and I know that several people are going to be at a Sedgwick County booth out there, including myself, in the morning anyway, at the Kechi Fair, and they will have a parade and festivities up there. Also, late models will be running at 81 Speedway. The Kansas International Drag Way will be having a program. The Kansas African American Museum, which I had mentioned at the first of the meeting, will be having their festivities and honors program.

“I want to say one more thing about the summer and the heat. We’ve kept our employees informed to take more frequent breaks and do that. I would set out that we had a Healthy Babies program this morning. This is a great program, but we need to think about the summer heat when we’re thinking about the very young, the very old, and the people and animals that can’t take care of themselves. Make sure that you get plenty of water and we don’t want to see

## **Regular Meeting, June 24, 2009**

any fatalities or anything from leaving anyone in a car or any disastrous things happen with that.

“I know we’ve had several drownings in the area. One in my district, and the heat and the temperature differential in some of the ponds and things can really do things to a body so be very aware of your swimming activities, especially in places where that temperature difference is great. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “I would be remiss if I did not mention that July 4th, the City of Garden Plain will be holding their 4th of July parade. It’s a great event, and a lot of folks turn out for it. As you mentioned, Mr. Chairman, it can be warm, and probably will be.”

**Chairman Parks** said, “And, since we’re not having a meeting next week, thank you for reminding me that Park City will be having a 4th of July Parade also.”

**Commissioner Welshimer** said, “And Derby.”

**Chairman Parks** said, “And Derby. Do I hear anymore 4th of July parades?”

**Commissioner Peterjohn** said, “Haysville?”

**Commissioner Norton** said, “I’ll be there in Haysville, throwing out candy.”

**Chairman Parks** said, “Next week, although the internet says we’re going to be having a meeting next week, we are not, and that will be corrected hopefully later today that the website page says we’re going to be meeting next week. We are not. There’s going to be a little bit of a break here before we get back at the budget and some other things that are important on our schedule. Seeing no further action, a motion to adjourn?”

### **R. ADJOURNMENT**

#### **MOTION**

Commissioner Peterjohn moved to adjourn the meeting.

Commissioner Welshimer seconded the motion.

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

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**VOTE**

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

There being no other business to come before the Board, the Meeting was adjourned at 11:30 a.m.

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

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**KELLY PARKS**, Chairman  
Fourth District

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

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

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**KARL PETERJOHN**, Commissioner  
Third District

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**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

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**Kelly B. Arnold**, County Clerk

APPROVED:

July 22, 2009