

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 19, 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 Wednesday, August 19, 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; Mr. Ron Holt, Assistant County Manager; Ms. Jennifer Magana, Deputy County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; Ms. Jo Templin, Director, Human Resources; Ms. Sharon Langley, Administrative Specialist, Register of Deeds; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Ms. Annette Graham, Director, Aging; Ms. Iris Baker, Director, Purchasing; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Mr. Greg Lippincott, President/CEO, Heritage Development Group, Inc.
Mr. Russ Ewy, Agent, Baughman Company
Mr. Charles Peaster, 9453 N. 135th St. West, Wichita, Kansas
Mr. John Dailey, P.O. Box 381, Valley Center, Kansas
Mr. Max Weddle, 862 S. Zelta Ct., Wichita, Kansas

INVOCATION

Led by Ashok Aurora, Hindu Community, Wichita, Kansas

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Norton was absent.

RETIREMENT

Regular Meeting, August 19, 2009

A. PRESENTATION OF A RETIREMENT CLOCK.

- **SHARON LANGLEY, ADMINISTRATIVE SPECIALIST, REGISTER OF DEEDS WILL RETIRE OCTOBER 1, 2009 AFTER 11 YEARS OF SERVICE.**

Ms. Jo Templin, Director, Human Resources, greeted the Commissioners and said, “This Agenda item recognizes the public service of one of our longtime County employees. We would like to thank her for coming, and also we would like to thank Bill Meek, our Register of Deeds, and several coworkers from the Register of Deeds Office are here to wish Sharon well. Sharon Langley is an Administrative Specialist in the Register of Deeds Office and she is planning to retire after 11 years of service.”

Commissioner Norton entered the Board of County Commissioners Meeting at 9:08 a.m.

Chairman Parks said, “Sharon, as a token from Sedgwick County, we would like to give you this clock, whether you want to watch the time go by or do something else, we wish you the best in your ventures in your retirement. And we’ve always heard good things about you so we’re saddened to see you leave, but happy that you get to have your retirement.”

Ms. Sharon Langley, Administrative Specialist, Register of Deeds, greeted the Commissioners and said, “Thank you, Commissioner.”

Chairman Parks said, “Also, we have a certificate that you can hold and cherish and think pleasant thoughts of Sedgwick County during your retirement.”

Ms. Langley said, “Thank you.”

Chairman Parks said, “If you’d like to say a few words, we would welcome that.”

Ms. Langley said, “I just want to thank everybody for the opportunity I’ve had while I was here, especially the Commissioners and Mr. Meek. Thank you.”

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

PLANNING DEPARTMENT

Regular Meeting, August 19, 2009

- B. ZON2009-00020 AND CUP2009-00018 ZONE CHANGE FROM SF-20 SINGLE-FAMILY RESIDENTIAL (“SF-20”) TO LC LIMITED COMMERCIAL (“LC”) AND CREATION OF DP-320 DUGAN WEST KELLOGG COMMUNITY UNIT PLAN. DISTRICT 3.**

VISUAL PRESENTATION

Chairman Parks said, “Mr. Schlegel, if you would like to start the presentation.”

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “In this case, the applicant is proposing to rezone a 52 acre parcel to Limited Commercial (LC) from its current designation as SF-20, Single-Family Residential, and establish along with that rezoning classification the Dugan West [Kellogg] Community Unit Plan. The intent is for future commercial development along west Kellogg. You can see the parcel’s location just to the southeast of the intersection of Kellogg and 135th Street West. They are proposing in the CUP (Community Unit Plan) one large 32 acre parcel for commercial development and then five outparcels strung out along the west Kellogg frontage road. Under the CUP, they would permit all the uses that are permitted by right in the Limited Commercial district with the exception of certain types of uses such as adult entertainment, sexually oriented businesses, taverns and drinking establishments and correctional placement residences. They have built into the CUP provisions that you see on the right hand side of that graphic; a number of design features which would mitigate impacts on nearby residential development.

“Going back to the aerial photo, well, let’s go back to the zoning map first; you can see the zoning pattern for the area. On the north side of Kellogg, directly across the street from this site, is all General Commercial (GC) zoning designations. Those sites are developed with a self-service warehouse storage complex and an antique mall just across the street from this site. The land just to the west of the application site is currently zoned SF-10 (Single-Family Residential), and as I’ll show you in a minute on the aerial photo, is still in agricultural use. Further to the west, across 135th Street, you can see the General Commercial and Limited Industrial (LI) zoning; and just to the south, you can see the residential development that has occurred in a SF-5 (Single-Family Residential) zoning district. Just to the south of this property, the line that you see running through there is a former railroad right-of-way which has been rail banked. Let’s go to the aerial photo, you can see that the site currently is in agriculture uses. Just to the west, again, that site is still in agricultural use, and then a little bit further to the west along 135th Street, there where 135th Street crosses the abandoned railroad right-of-way, you can see there’s a concrete processing plant.”

“Just to the east of this site you can see the heavily wooded area is the Calfskin Creek and associated floodplain and that’s a factor in this zoning case. You can see on the graphic I put up before you now the floodway and flood zones adjacent to the Calfskin Creek. The drainage plan, therefore, you can see how this, the floodplain, the blue area, extends into the northeast corner of

Regular Meeting, August 19, 2009

this site. Now, that will become a factor in the establishment of the drainage plan for the site when they get into platting the site. You can see just to the east of the site, this wooded area adjoining the application site, is on the adjacent property. That became an issue during the Planning Commission meeting when the Planning Commission heard this item on July 9, they did vote 12-2 to recommend approval of this zoning request, subject to the staff recommendations. However, an agent for the property owners, just to the east, these two property owners and down here as well, raised the issue of access to that property since it is cut off by the floodway from the rest of the property, and they were concerned about how access would be preserved to this site, and they were hoping that they could work something out with this property owner. So they raised that issue at the Planning Commission. The Planning Commission did not feel that that was something that needed to be resolved as part of the zoning request, that that was something that needed to be worked out between these property owners, and their recommendation by the 12-2 vote was to recommend this rezoning request subject to the staff recommendations, plus platting within one year. I might add that the adjacent property owners, although they raised the issue about access, are not opposed to this rezoning request. So you have before you then a recommendation from the Planning Commission for approval of this rezoning request. I would be glad to take any questions.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Yes, Mr. Schlegel, can you tell me, in terms of the access for that property owner at the moment, what they currently have under the current zoning, is this any change?”

Mr. Schlegel said, “The zoning request would not change anything in regards to those property owners access to this portion of their plan. I think those property owners are concerned that with the floodway in between this portion of their property, and the rest of their property, to the east that in order to have access to that property, they would have to bridge the Calfskin Creek in some way.”

Commissioner Peterjohn said, “Can you go into more detail, in terms of the various color coding with the floodway along the Calfskin, I noticed the pink is, you’ve got pink, blue, and then kind of a light brown or beige...”

Mr. Schlegel said, “The pink...”

Commissioner Peterjohn said, “...exactly what those differences are, please?”

Mr. Schlegel said, “The pink area is the floodway itself, that’s where the water flows down the Calfskin during the flood event. The blue is the hundred year floodplain, or the one percent chance of flooding on that land. And the beige area is the 500 year floodplain, or the .02 percent probability of flooding on those lands.”

Regular Meeting, August 19, 2009

Chairman Parks said, "That's all your questions?"

Commissioner Peterjohn said, "That was the last of my questions..."

Chairman Parks said, "Okay."

Commissioner Peterjohn said, "...Mr. Chairman."

Chairman Parks said, "I did have a couple, and I don't know if Mr. Ewy would like to come, maybe he'd like to come to the podium. I think it's probably more appropriate for him. The platting is going to be an entirely separate action by this body, is that correct?"

Mr. Russ Ewy, Agent, Baughman Company, greeted the Commissioners and said, "That is correct."

Chairman Parks said, "So, at that time, do you have a four corner drainage plan now as we speak?"

Mr. Ewy said, "We don't. We have a general concept. Whenever we lay out a development such as this, obviously we need to look ahead and lay out our piece of property. In this case, you'll see where we do have a reserve laid out within the CUP which will be platted into a drainage reserve to account for that area on our property inundated by the floodplain. We feel good in our preliminary workings with Public Works that our concept will be easily transitioned when we plat and actually come up with the drainage plan."

Chairman Parks said, "I do believe those four corner drainage plans are the best, and it's kind of getting to be the standard around. Now, this may be a question for you or Mr. Schlegel, when you say rail bank, there's no possibility of these property owners getting the property back from the rail since the condemnation 100 years ago or whenever that happened?"

Mr. Schlegel said, "No, it could not be used for road right-of-way. That right-of-way was originally created for the railroad, and they have gone through the process of abandoning their claim to that right-of-way and it became rail banked a number of years ago, I can't recall exactly when that happened. The rail banking is enabled under a federal act which is intended to encourage the development of trail systems, and if it's not used for a trail system, then the adjoining property

Regular Meeting, August 19, 2009

owners have a claim to that abandoned right-of-way. So you can't really substitute another type of right-of-way use, other than trails, for that abandoned right-of-way."

Chairman Parks said, "Okay. That brings me up to another question; if it's not put into rails for trails [Rails-to-Trails Conservancy], or something else, and the property owners do get to a certain point on each side to recover that property, is there some provision for buffering, or do you think that that would be necessary, or was that brought up in MAPC (Metropolitan Area Planning Commission) at all about a buffer between this and the residential area?"

Mr. Schlegel said, "Yeah, that's an issue that's dealt with in the conditions that staff recommended. To the south you have that Single-Family Residential area and when this property is developed for commercial purposes, presumably they will be annexed into the City of Wichita when it does go to commercial development, then at that point they will have to deal with the screening requirements of the code."

Chairman Parks said, "Okay. Thank you for answering those questions. Any other questions from Commissioners? I know this is not a public hearing, but I like to let anybody, whether Randy, whether you want to do that, or say anything else or make any statements. Also, I am going to open it up to anybody else that's in the audience that would like to speak on this matter; yea or nay. Seeing none, what is...Commissioner Peterjohn."

MOTION

Commissioner Peterjohn moved to adopt the findings of the Metropolitan Area Planning Commission, approve the zone change to LC Limited Commercial, and DP-320 Dugan West Kellogg Community Unit Plan; subject to platting within one year; direct staff to prepare an appropriate Resolution after the plat has been approved and authorize the Chairman to sign the Resolution.

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

Regular Meeting, August 19, 2009

Chairman Parks

Aye

Chairman Parks said, “Thank you, Mr. Schlegel.”

- C. DER2008-00009- ADOPTION OF THE JULY 9, 2009 EDITION OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE INCLUDING CODIFICATION, MINOR AMENDMENTS AND ADDITION OF THE CONSTRUCTION BURN SITE, GENERAL (“CBS, GENERAL”) AND CONSTRUCTION BURN SITE, LIMITED (“CBS, LIMITED”) AS SPECIAL PURPOSE DISTRICTS.**

VISUAL PRESENTATION

Mr. Schlegel said, “I hope you’ll recall that this item was originally presented to you back on January 21 of this year. At that time, you voted to defer any action until staff met with several people who spoke at that meeting and requested additional changes. Since that time, we have met with them on numerous occasions and we believe we’ve had very productive dialogue, and we are now ready to offer several new amendments, as a result of those discussions, that address the concerns of those citizens. So today I’m presenting both the original amendments that we brought to you back in January and the additional amendments. All of these amendments have been reviewed by the MAPC. They held a public hearing on July 9, at which time they voted unanimously to recommend adoption of these amendments. Let me go through what’s contained in this set of amendments that’s before you today.

“First of all, it codifies 15 previous amendments that have been adopted by this Board and the Wichita City Council since the 2001 addition of the Unified Zoning Code was adopted. So by approving this request today, you would codify these previous amendments within the base zoning document. Then there are a number of other, what we’re calling non-substantive changes, these are things that more have to do with style and not with the content, things like we capitalized all of the terms within the zoning code which are defined in the definition section so to alert the reader that that is a defined term. There were some inconsistencies in punctuation that we corrected. We added some references to comprehensive planned land use designations that weren’t in before.”

“Then some more substantive changes that are contained within these amendments have to do with, first of all, Construction Burn Sites (CBS) as a special purpose district for the disposal of clean tree waste that’s generated whenever a site is cleared for development purposes. These amendments would create two classes of Construction Burn Sites: General and Limited. General Construction Burn Site would allow tree debris to be brought from offsite to be burned on a particular site and it would require the use of a technology called an air curtain. A General Construction Burn Site does require a conditional use approval and would be allowed in the Rural Residential (RR), SF-20,

Regular Meeting, August 19, 2009

Limited Industrial and General Industrial zoning districts. A Limited Construction Burn Site would be allowed by right when the debris that's being burned is only generated from that particular site. It would be limited to no more than three times a year, and again, they would have to use air curtain technology in burning that waste.

“Another amendment, and this is a part of the original amendments back in January, has to do with neighborhood swimming pools. We've reclassified them as a public or civic use, rather than a residential use, and we've reduced the parking requirements for those kinds of facilities by 10 percent. We've amended fencing and screening requirements. This was a result of the discussions we've had over the past several months. To better clarify, we believe how and where fencing and screening are required. Previously, vegetation was allowed as part of meeting the screening requirement, as long as it was evergreen vegetation and we have removed that requirement, so any kind of vegetation that meets the standard now for solid screening would be allowable, and that standard now is pegged at 90 to 100 percent opacity. We've included a diagram now with that definition to show people what 90 to 100 percent opacity means. We've also incorporated new definitions for group home, assisted living and nursing facility in order to make those definitions consistent with State law. Currently the zoning code is not consistent with the State statutes for these types of congregant type living facilities.

“Some other changes, we have clarified the difference between terms defining proximity by collapsing the term 'adjoined' into the term 'abut' and adding a definition for the term 'contiguous,' and believe me, this is one of the hardest things that we had to do with these amendments. I think everybody had a headache by the time we worked that issue through. We eliminated outdoor storage as an accessory use and made it a use that's allowed, by right, as a principal use in the General Commercial, Central Business District (CBD), Limited Industrial and General Industrial (GI) districts. That came about because, I think as we went through these discussions over the past couple months, it became more evident to us that the rules about what you can store outdoors in a residential district are already spelled out in the code, in the section that describes accessory uses, and by listing it in the code as an accessory use, it created a lot of confusion about, and we believe that that provision clears up some of that confusion.”

Mr. Schlegel continued, “We also had a lot of discussion about the home occupation regulations, very complex portion of the code, and in order to help promote better understanding of those regulations, we have included a graphic within the code to help explain better the differences between standard home occupations and rural home occupations. And I'll show you that graphic in a minute. We also created a zoning certificate within the code which would be used in lieu of a certificate of occupancy in cases where no building permit is required and there is a need to show compliance with the zoning code. Finally, we have added some more specifics on the types of evidence that would be acceptable to the Code Enforcement Office for determining whether something is illegal, nonconforming use. And this is the graphic to show the difference between the

Regular Meeting, August 19, 2009

standard home occupation and a rural home occupation, it's not really meant to substitute for the regulations, it's just meant to help people better understand the differences.

“Then there were several changes that were made as a result of our conversations over the past couple months which affect only the County. We've eliminated the 72 hour limitation on parking. We also removed flat tires as an inoperable vehicle criteria in that definition, and then we added a provision that would allow for 8-M trailers as an accessory use. Finally, City only change, we're to have definitions for entertainment establishments in the City, and event center in the City, and these were added to reflect changes in the City's licensing code that the City Council recently adopted and they created these new uses in the licensing code and we wanted to make the licensing and zoning codes consistent. With that then, I also wanted to mention to you that one other thing that came out of these discussions we've had over the past couple months was the idea of creating a guide to the zoning process. I left a copy of this as a draft in front of your seats. We hope that this will help to better explain to the ordinary citizen how the zoning process works. We acknowledge it's a very complex ordinance, very complex set of rules, and it's oftentimes hard to get through it for somebody who is not really familiar with zoning regulations. And with that, I will be glad to take any questions.”

Chairman Parks said, “I did have one ex parte, or actually two, that I wanted to declare at this time. I did go and meet with the, or not meet with, was in the audience at the MAPC public hearing for this event, and also I did go to one of the staff meetings towards the end of the discussion to see if there was any conflict or anything that anybody had with City and County and saw none, and I think that staff did a wonderful job. I just wanted to do that before I make my comments to any ex parte things that were out there. Commissioner Welshimer.”

Commissioner Welshimer said, “On the air curtain, I mean, it sounds good to me what you've done because we need to make a choice for people who are cleaning up their rural or acreage and other properties, but what kind of regulation do we have in there as far as violators, for instance, when they start piling up the brush and the trees and the so on and the neighbors donate furniture and appliances and what have you, do we have anything other than where we were before on that?”
Mr. Schlegel said, “I think that would be a matter of a Code Enforcement action of going out and making sure that people were complying with their burn permit, for people that would just be clearing brush on their land, not necessarily for development purposes, they still would need a burn permit for that. They would not have to use the air curtain technology for that. The air curtain technology is meant for sites that are being cleared for development. And you're talking about other trash being put into...”

Commissioner Welshimer said, “Yes, right.”

Regular Meeting, August 19, 2009

Mr. Schlegel said, "...I would imagine that Code Enforcement would have to go out and take a look at that..."

Commissioner Welshimer said, "Or take a call."

Mr. Schlegel said, "...and see whether or not that complied with their burn permit or not."

Commissioner Welshimer said, "It would just take a call from a neighbor or a land owner..."

Mr. Schlegel said, "Right."

Commissioner Welshimer said, "...in the process?"

Mr. Schlegel said, "Yeah. This construction burn site overlay is not intended for people just to burn trash, it's meant for..."

Commissioner Welshimer said, "I know that."

Mr. Schlegel said, "...clean tree and shrub debris."

Commissioner Welshimer said, "But they pile it up and wait until they have enough there to go and secure that curtain, and then bring that curtain in and burn it, but in the meantime, people deposit things there that don't belong. So that was just a concern of mine."

Mr. Schlegel said, "Yeah. Neighbors will have to call that in to..."

Commissioner Welshimer said, "[inaudible] my experience in the past."

Mr. Schlegel said, "...Code Enforcement then."

Commissioner Welshimer said, "Okay, thank you."

Chairman Parks said, "Also on the permitted ones, I know the Fire Department goes out there and I do know situations where they've said, hey, this is too big a pile, it's too close to the neighbors, it is too close to this or that. So there is some checks and balances in that with the Fire Department. I know a guy that was denied until he got some rubber hose out of the middle of one of those piles, so the Fire Department does go out and inspects those immediately, or within a few days, before that is lit. Just thought I would bring that up and let you know about that. Commissioner Peterjohn."

Regular Meeting, August 19, 2009

Commissioner Peterjohn said, “Mr. Schlegel, I’m very glad to see this draft form, I believe you said, for description on zoning to be able to hand out. Has the MAPC had a chance to take a look at this too and have they rendered any comments, and what sort of time frame do we have, in terms of getting information, in terms of any comments we might have back to your department before this gets finalized?”

Mr. Schlegel said, “I can’t recall if we’ve taken it to the MAPC or we were just waiting until these code amendments were adopted, but we will be doing that. And if you’re interested in providing comments on this; how about if I give you until the middle of September, is that enough time?”

Commissioner Peterjohn said, “For this Commissioner.”

Mr. Schlegel said, “Okay.”

Commissioner Peterjohn said, “I’m only speaking for one Commissioner.”

Mr. Schlegel said, “Okay.”

Commissioner Peterjohn said, “But I would say, I am very much pleased to at least provide a kind of a flow chart on page four, because it is a complicated process, and it is often difficult to navigate. Anything that can provide clarity I think is very helpful and useful to the citizens out there.”

Mr. Schlegel said, “Great.”

Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chair. John, first of all, I want to congratulate you and the committee of citizens and staff who work hard at coming up to this conclusion that seems to be agreeable to a lot of folks who have a specific interest, and to our staff, and from our previous review of it, it looks like you’ve done a good job in cleaning it up, so congratulations and good job to you in that group. The only question I had, on some of these restrictions, especially about screening or about vehicles parked and those sorts of things, if there is a homeowners’ association, a group however they’re formed, they can make rules for their group that are more restrictive than what is on this code, is that correct?”

Regular Meeting, August 19, 2009

Mr. Schlegel said, “Right. That’s often the situation in neighborhoods where there will be covenants and restrictions that have been created just for that neighborhood, and where we have those kinds of situations, the more restrictive would apply. Now, the enforcement of those covenants and restrictions would be up to the homeowners’ association and would not be a matter for either the City or the County.”

Commissioner Unruh said, “Okay. Thank you. Well, it seems to me it provides still a lot of flexibility and freedom relative to these issues for people. And as far as I can understand a complicated issue, I think this is a good job and I’m going to be supportive. That’s all I have.”

Chairman Parks said, “I did want to say that during that meeting at the MAPC there was good dialogue amongst the MAPC members and that was an unanimous decision. No citizens testified against it. The Legal helped out quite a bit in this. I can see that from that one staff meeting that I attended that the Legal had a lot of cleanup and definitions and coming into alignment with State law that I think is good. Anytime we can have the continuity with the State law, that’s good. Many times that’s not in some of the things that we do. As stated, Legal helped cleanup some of those things, and the confusion part of it, I think is part of the people that are out there that want to do the right thing, and then also that the code enforcement, and it helps everybody and I, too, like the pamphlet process, and getting that information out to educate the citizens, so I am going to be supportive of this. Before we open up the public hearing, is there any other comments from Commissioners? Seeing none, I’ll open up the public hearing on this matter. Anyone from the gallery want to approach the podium and talk about this issue? State your name and address for the record, please.”

Mr. Charles Peaster, 9453 N. 135th St. West, Wichita, greeted the Commissioners and said, “I would like to thank this Commission because I was one of the citizens that helped bring our point of view to the MAPC and to the Planning Department and like Mr. Parks said, we went in there with the idea, when we first came to you, that there were some things that needed to be changed, and most of those were changed and we were happy with the results of this, along with the pamphlet that they are going to put out eventually, which should make it easier for everybody to understand the code. With that, thank you.”

Chairman Parks said, “Thank you.”

Regular Meeting, August 19, 2009

Mr. John Dailey, P.O. Box 381, Valley Center, greeted the Commissioners and said, “I am a resident of the unincorporated part of Sedgwick County. I just would like to thank you for the opportunity to work with the MAPD (Metropolitan Area Planning Department). We were able to discuss and get some changes made that’s more appropriate for what actually people out in the outer limits, how they live and so on. Acreage is different than a city lot, so there are differences and I agree that some of the things in Wichita need to have the zoning codes like they do, but they don’t need to be out in the unincorporated, so thank you for the opportunity and I approve of what has been done. Hopefully we can just keep working together. Thank you.”

Chairman Parks said, “Thank you. Anybody else want to speak on this matter?”

Mr. Max Weddle, 862 S. Zelta Ct., Wichita, greeted the Commissioners and said, “I was one of the participants in the meetings. The only thing I would say is that the Planning Department and Mr. Schlegel and those people are very, very cooperative and we have some really smart people working for this combined government. Thank you.”

Chairman Parks said, “Thank you. Anybody else want to speak during the public hearing? Seeing none, I’ll close the public hearing. Any other comments? What is the will of the Board?”

MOTION

Commissioner Welshimer moved to open the public hearing, receive comment, close the public hearing; adopt the recommendation of the MAPC to adopt the July 9, 2009 Edition of the *Wichita-Sedgwick County Unified Zoning Code*; approve the Resolution and authorize the Chairman to sign 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

NEW BUSINESS

Regular Meeting, August 19, 2009

D. RESOLUTION TO ADD AND AMEND POLICIES TO THE SEDGWICK COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL.

Ms. Jo Templin, Human Resources, said, “This Resolution will approve changes and additions to the Sedgwick County Personnel Policy Manual. The policy revisions include 4.604; our Retirement policy, which updates our policy with the new regulations that took effect July 1 of 2009. Highlights of this revision included reducing the vesting period for all KPERS (Kansas Public Employees Retirement System) members down to five years, and also adding a tier 2 for employees hired after July 1 of membership. It also includes revisions to 4.711; our Family Medical Leave policy, which includes the new federal regulations. Highlights of that are the new criteria for the qualifying exigency leave, adding provisions to allow eligible employees up to 12 weeks leave when an eligible employee has a spouse, son, daughter or parent on active duty, or called to active duty status, in National Guard, Reserves and the employee needs time to address certain family needs or making arrangements prior to going into military service. It also adds a new category called service member leave which allows eligible employees up to 26 weeks to care for a family member who is seriously injured or made ill in the line of military duty.

“Looking over the last four years, the County has about eight employees every year who take extended military leave, and about 30 every year, on any given pay period, are out on temporary military leave for National Guard Reserve or other temporary military leave. And then we know there are a lot of employees who may have family members in the military, so these new additions to the Family Medical Leave address concerns that those individuals have. There were also administrative changes to the Family Medical Leave policy that we have updated. Technical changes were made to policy 4.709; Leave of Absence and 4.903; Performance Evaluations. 4.312; Telework, is a new policy for us, it allows consistent County wide policy for departments who want to take advantage of the opportunity for telework arrangements if it fits the business need of the department. These policies have been reviewed by Legal, Finance and the Manager. I briefed each of you on these and I would just ask that you approve the policy revisions and additions.”

Chairman Parks said, “I would like to thank Jo and her staff for the work on this. The updates on these things were discussed with each one of us. This is not going to be made without a lot of deliberation and questions that we had, that won’t be brought up today, but I do want to make a particular point of saying that, along the lines of the military families and the military leave, that we want to do everything we can to support the military services when they leave and also when they return to us. What’s the will of the Board?”

MOTION

Commissioner Unruh moved to adopt the Resolution.

Regular Meeting, August 19, 2009

Commissioner Welshimer seconded the motion.

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Ms. Templin, just for the record, I want to second the Chairman’s comments, in terms of being supportive for the County employees and their family members who are in service to our country and helping keep us safe from some of the problems that are existing overseas and have caused a number of Americans to lose their lives in the last decade, and even longer in a few instances, and I’m very pleased that we are keeping up with the ability to, in the area of technology changing, to be able to take advantage of it as much as possible, and so I guess as opposed to actually posing a question for you, I have more of a comment for the record and will continue to be interested and want to continue to be briefed as we implement this here in Sedgwick County.”

Ms. Templin said, “Okay. Yes, sir.”

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

VOTE

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

Ms. Templin said, “Thanks.”

Chairman Parks said, “Thank you.”

E. MONTHLY REPORT REGARDING THE KANSAS COLISEUM COMPLEX.

Chairman Parks said, “We had asked Mr. Lippincott to return on a monthly basis to kind of give us an update and he is here to do so.”

Mr. Greg Lippincott, President/CEO, Heritage Development Group, Inc., greeted the Commissioners and said, “Thank you. Mr. Chairman, members of the Board, ma’am, we are grateful for this opportunity to submit our first progress report at this 19th day of August of 2009. Per your motion passed on the July 15, 2009, meeting of your Board of Commissioners, the

Regular Meeting, August 19, 2009

Heritage Development Group will be submitting a monthly progress report for the next seven months. It is our pleasure to present the first item of our report that Heritage Development Incorporated, with support of the Sedgwick County Commissioners, was successful in obtaining the contract for hosting the 2012 and 2013 National High School Rodeo Association (NHSRA) Wrangler Junior High Division Rodeo Finals to be held at the Kansas Coliseum complex in Sedgwick County, Kansas. At this time, I would like to read the acceptance letter from the National High School Rodeo Association. It says, 'To the Heritage Development Group, this letter will confirm that on Sunday, July 26, 2009, at our regularly scheduled annual meeting, the Board of Directors of the National High School Rodeo Association, Inc. voted by a majority vote to award the bid to host the 2012 the 2013 Wrangler Junior High Finals Rodeo at the Kansas Coliseum complex in Sedgwick County, Kansas.' And it's signed by Kent Sturman, which is the Executive Director of the National High School Rodeo Association.

“So what is the National High School Rodeo Association Junior High Division and what benefits does it bring to Sedgwick County? The Junior High Division is an extension of the National High School Rodeo Association. The National High School Rodeo Association produces the world's largest rodeo; the National High School Finals Rodeo. The Wrangler Junior High Division is the prequel to that rodeo. Students in the Wrangler Junior High Division are in the sixth, seventh and eighth grades, and then graduate to the High School Division; 9th through 12th grades. The Wrangler Junior High Division Finals Rodeo is approximately the same size as the high school rodeo, only the contestants are younger. As reported and verified by the Wichita Eagle newspaper, the National High School Rodeo Association Finals brings \$5 million worth of cash, which is spent in the host community with an economic impact between \$35 and \$50 million. Contestants and families spend over \$1 million at local restaurants, another \$1 million at local hotels, and the remainder on entertainment, fuel, automotive repairs, RV (recreation vehicle) repairs, animal feed, shopping, and numerous other items. This not only creates revenue through these sources, but also creates new jobs for the Wichita area that did not, and have not, existed in the past.”

Mr. Lippincott continued, “The majority of the money spent during the rodeo is from outside the State of Kansas. It is generated revenue for our community and new money introduced into our economy that currently does not exist in the State of Kansas or Sedgwick County. We bring international revenue into our State from Canada, Australia, as well as 40 other states in the Union. This event, and other western events, will be added to the yearly schedule at the Kansas Coliseum. This is one of many events planned at the Coliseum, not just this event only. The Heritage Development Group is working to put together an entire year's worth of events, having similarities in scope, grandeur and influence of the National High School Rodeo Association Junior Wrangler High School Finals.

“We thank the Sedgwick County Board of Commissioners for their foresight and understanding of economic development, community development and new business strategy, as well as job creation. We appreciate the support that they have given us in allowing the Heritage Development Group,

Regular Meeting, August 19, 2009

Inc. to bring this event and new business to our home and community. This is exciting new economic development in Sedgwick County. We further want to acknowledge those who supported the Sedgwick County Commission and Heritage Development Group in this team effort. We thank the State of Kansas for their financial commitment of the National High School Rodeo Association, including the Kansas Department of Commerce, the Travel and Tourism Division, legislation members who have helped and shown their tremendous support throughout the bid process. Also, a thank you goes to the Greater Wichita Area Sports Commission, Mr. Bob Hanson, Brian Hargrove and the Board of Directors. The Sports Commission attended the National High School Rodeo Finals in New Mexico to talk and assist the National High School Board of Directors with their sports needs and it was a great example of the kind of organization that is vital to the sports community in Sedgwick County.

“We want to also thank the Go Wichita Convention and Visitors Bureau, including special thanks to Mr. [John] Rolfe, Ms. [Maureen] Hofrenning and Keith Talbert. The presentation and representation of entertainment, hospitality and hosting capabilities of Wichita and Sedgwick County was outstanding. These organizations executed an enthusiasm and a plan to host premium western events in Sedgwick County. In summation, we want to divulge a portion of another similar size event that we're currently negotiating. We have come to an agreement with another western events organization and we feel comfortable that we will be able to finalize negotiations with them by the end of October. We will present the outcome of those negotiations on our November report to the Commission. We are also working with and talking to existing organizations and people currently utilizing the Kansas Coliseum complex.”

“Throughout the excitement of bringing large national events like the National High School Rodeo to Kansas, we must also remember that sustaining our current business is as important as building new. We would like to thank members of the Sunflower Cluster Dog Shows and also the Kansas Horse Council, and the EquiFest of Kansas, which currently brings an economic impact to the community of over \$5.2 million during their EquiFest event. We have received wonderful letters from these groups outlining their usage and support of the Kansas Coliseum complex and their support of future use. They have shared their need to plan for the future and we are grateful to be working with them in the area of current events. We have also attended some recent events at the Coliseum and have identified some key areas that can lead to increased revenue for the pavilions, such as concession availability and offerings. Per Commissioner Norton, there is a significant amount of food and beverage brought in by the participants, some due to the lack of services currently offered to the patrons of those pavilions. However, with an increase in concessions offered, we can reduce the amount of carry-in food and beverage and greatly increase our return on concession items, sales tax on vendor sales and accountability, online gun check fees for firearms sold and traded at the various gun shows in the State of Kansas and Sedgwick County.

Regular Meeting, August 19, 2009

“With the understanding of more revenues needed to be generated from current events at the Kansas Coliseum complex, we have identified a possible contributing factor to the loss of revenue in 2007 at the pavilions. It is to our understanding in 2007 the pavilions were closed for construction purposes, this led to a loss of revenue due to no events or low usage. Income generated during the construction, from approximately the first week of March of 2007 through the end of October, 2007, approximately an eight month period. The loss of revenue followed into 2008, due to patrons not returning to hold events at the pavilions in the year following the construction. A full analysis and source verification, as well as an accurate timeline, would be needed to specify which groups did not return or have not contracted to return, and associated reasonings on discontinuing use of the pavilions.

“We would be glad to research this situation further and present a timeline and a revenue impact due to the 2007, 2008 declines in revenue and subsequent fiscal impact of the Coliseum pavilions at the request of the Commission. This is evidence to support the theory that with accurate information from past events, we may be able to recapture revenue from past patrons at the Kansas Coliseum and increase revenue from old business, as well as build new business. We are currently working on a co-response to the Coliseum RFP (request for proposal) for development and look forward to submitting a development plan in the near future. Thank you for allowing us to present to you today. We look forward to building upon the success of Sedgwick County and the Heritage Development Group, and adding more new events to enhance the NHRSA Wrangler Junior High Division contract coming in the next few months and years. Thank you.”

Chairman Parks said, “Thank you, Mr. Lippincott and I do want to reiterate that the contract will be coming to our Legal and then come back to this body before final approval around February, 2010, by my understanding is when that actual contract...”

Mr. Lippincott said, “Yeah, they should be getting that to us, probably in October, so there will still be some time before their midwinter meeting in Denver, so we have the transition of, you know, back and forth.”

Chairman Parks said, “But I did want to, for the record, say that there hasn’t been any contract signed at this time, but they are in progress, and they will be reviewed by our Legal, and also be reviewed by this Board for any amendments in the contract. I did check on one of the concessions that you had a concern with at the Miniature Horse Show. That’s actually what the contract with the Miniature Horse Show people wanted. To tell everybody on the Board what went on with that, I guess the Miniature Horse Show concession stands were closed down at 2:00, and that’s what they figured that a lot of the people that were out there, and I know one of the judges even said that she attended several days downtown to eat also, in downtown Wichita, they anticipated people going

Regular Meeting, August 19, 2009

out after 5:00 and doing their own thing, and I can attest that from the Applebee's in Park City and other places around Park City that they did go out to eat..."

Mr. Lippincott said, "Yes they did."

Chairman Parks said, "...on that. Any further questions from Mr. Lippincott? Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, Mr. Lippincott, in terms of this Junior High School Division event, can you give me an idea, in terms of roughly how many, an approximate number of the number of participants and approximately how many days would this event be?"

Mr. Lippincott said, "The duration of it is 10 days long and during those 10 days it's roughly 100,000 people, accumulative of each day."

Commissioner Peterjohn said, "I meant..."

Mr. Lippincott said, "So roughly..."

Commissioner Peterjohn said, "...in terms of that I've heard these are more event participant driven as opposed to spectator driven..."

Mr. Lippincott said, "That's true."

Commissioner Peterjohn said, "...and I was interested, in terms of the number of actual junior high school students who would be participating in this event, as opposed to family members or other folks who'd be coming along with them, friends or whatever..."

Mr. Lippincott said, "The participants themselves, like the kids that actually do the events?"

Commissioner Peterjohn said, "Right."

Mr. Lippincott said, "That's about 800."

Commissioner Peterjohn said, "About 800, okay."

Mr. Lippincott said, "Eight hundred to a thousand."

Chairman Parks said, "Commissioner Unruh."

Regular Meeting, August 19, 2009

Commissioner Unruh said, "Thank you, Mr. Chairman. Did these folks that you're talking with, did they express any requirements of us as far as the facility?"

Mr. Lippincott said, "No, sir."

Commissioner Unruh said, "Have they seen our facility?"

Mr. Lippincott said, "Which folks are you referring to?"

Commissioner Unruh said, "The Junior High Rodeo Finals people."

Mr. Lippincott said, "No, they have not seen the...well, I take that back. The gentleman that is the Kansas representative has and he conveyed the facility to them."

Commissioner Unruh said, "He's a part of their board?"

Mr. Lippincott said, "In fact, he's the President of the Board."

Commissioner Unruh said, "Okay."

Mr. Lippincott said, "Yeah."

Commissioner Unruh said, "The other question I guess I had, and maybe Manager Holt could help me, we have an RFP out for use of the Coliseum now?"

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, "That's correct, Commissioner. The responses are due by end of business Tuesday, August 25, next week."

Commissioner Unruh said, "Okay. So the results of that will have a direct influence on this negotiation, I'm assuming, could have?"

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

Commissioner Unruh said, "Okay. I guess I'm just trying to keep in my mind clear what the process is and how these things are lining up. This is not yet an obligation that you have presented to us and I mean it might be influenced by the RFP, so this is still kind of an information item, I'm taking it?"

Chairman Parks said, "Yes. That's what I perceived it to be also."

Regular Meeting, August 19, 2009

Commissioner Unruh said, "Okay."

Chairman Parks said, "The State also had committed \$40,000, I don't know if that's appropriated for that junior high rodeo, but I think that was taken probably out of the economic development or lottery fund or somewhere there...."

Mr. Lippincott said, "It was out of the tourism."

Chairman Parks said, "...when we met early, I think all of us met with Senator McGinn and..."

Mr. Holt said, "Mr. Neufeld."

Commissioner Unruh said, "Melvin Neufeld."

Chairman Parks said, "...Melvin Neufeld, yeah, about that. You might have done that, too."

Mr. Lippincott said, "It's taken out of the Attraction Development Grant Program."

Chairman Parks said, "Okay. And that is a commitment from them?"

Mr. Lippincott said, "That's \$40,000 for each year."

Chairman Parks said, "Right."

Mr. Lippincott said, "Eighty thousand total."

Chairman Parks said, "Right. Any other questions? Seeing none, thank you for your report."

Commissioner Welshimer said, "Do we want a motion?"

Chairman Parks said, "Receive and file."

Commissioner Welshimer said, "Yes."

Chairman Parks said, "Is the will of the Board to receive and file this report?"

MOTION

Commissioner Welshimer moved to receive and file.

Regular Meeting, August 19, 2009

Commissioner Peterjohn 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."

F. AGREEMENT WITH RITA'S RIDES TO PROVIDE CONTRACTED TRANSPORTATION SERVICES THROUGH THE SEDGWICK COUNTY TRANSPORTATION PROGRAM.

Ms. Annette Graham, Director, Aging, greeted the Commissioners and said, "The Sedgwick County Transportation program utilizes community transportation vendors to provide services for demand-response trips throughout Sedgwick County. By utilizing private and nonprofit vendors, we maximize County and grant funds and assist with meeting the needs for the growing demand for, and need for, low cost and accessible transportation. The first agreements with contracted transportation providers were initiated by the County in December 1998, when we established the Sedgwick County Transportation Brokerage. The term of this current agreement is for August 1, 2009, through December 31, 2009. This is a new provider and it increases our available transportation providers. The reimbursement on mileage, and there is a chart in the backup of yours, on page four that shows that, and that's a one way reimbursement fee. I would request that you approve this Agenda item and authorize the Chair to sign and would be happy to answer any questions."

Regular Meeting, August 19, 2009

Chairman Parks said, “Do I hear a motion?”

MOTION

Commissioner Unruh moved to approve the Agreement and Authorize the Chair to sign.

Chairman Parks seconded the motion.

Chairman Parks said, “Any discussion? I do have a question on it. This is within Sedgwick County and we don’t transport any of these people from outside of Sedgwick County?”

Ms. Graham said, “It is just Sedgwick County, yes.”

Chairman Parks said, “Thank you. Seeing no further comments or questions, call the vote.”

VOTE

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

G. APPROVAL OF THE “AUTHORITY TO AWARD CONTRACT COMMITMENT OF COUNTY FUNDS” WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY PROJECT 823-X-1870; BRIDGE ON HYDRAULIC BETWEEN 63RD STREET SOUTH AND 71ST STREET SOUTH OVER THE WICHITA VALLEY CENTER FLOOD CONTROL. CIP# B-442. DISTRICT 2.

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, “In Item G, we request your approval of the Authority to Award Contract and Commitment of County funds, Form 1309, for the Kansas Department of Transportation (KDOT). This will authorize KDOT to move forward with the bridge project on Hydraulic over the Wichita Valley Center Flood Control, which is between 63rd and 71st Street South. This project is designated as B-442 in the Capital Improvement Program (CIP). The low bidder was King Construction at \$6,469,733.14. Sedgwick County’s matching local share is \$1,350,000 which will be paid out of local sales tax. I recommend that you approve the Form 1309 and authorize the Chairman to sign.”

MOTION

Regular Meeting, August 19, 2009

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

Commissioner Peterjohn 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."

H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON AUGUST 13, 2009.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, "The meeting of August 13 results in five items for consideration today. First item;

**1. USED FLUID RECOVERY SERVICE – HOUSEHOLD HAZARDOUS WASTE
FUNDING – HOUSEHOLD HAZARDOUS WASTE**

"Recommendation is to accept the high bid from Universal Lubricants, LLC for a cost of \$0.67 per gallon and establish contract pricing and execute a contract for one year with two one-year options to renew. Item 2;

**2. CHANGE ORDER #5, AMENDMENT TO CONTRACT FOR BI, INC. – DEPARTMENT OF CORRECTIONS
FUNDING – DAY REPORTING PROGRAM**

Regular Meeting, August 19, 2009

“Recommendation is to accept the amendment with BI, Inc. and establish contract pricing. Item 3;

- 3. CHANGE ORDER #1 – AMENDMENT TO A&E SERVICES FOR DESIGN AND CONSTRUCTION OF THE DISTRICT COURT COURTROOM (4th floor) IN MAIN COURTHOUSE – FACILITIES DEPARTMENT FUNDING – ADD COURTROOMS & CHAMBERS – MAIN COURTHOUSE**

“Recommendation is to accept the change order and amend the contract with WDM Architects to add a second courtroom to that site in the amount of \$26,537. Item 4;

- 4. SPOTLIGHTS FOR INTRUST BANK ARENA 21.01 & 21.02 – FACILITIES DEPARTMENT FUNDING – ARENA SALES TAX**

“Recommendation is to accept the low bid from Blue Planet Lighting in the amount of \$108,994. And Item 5;

- 5. FOLDING CHAIRS FOR INTRUST BANK ARENA – FACILITIES DEPARTMENT FUNDING – ARENA SALES TAX**

“Recommendation is to accept the proposal from Clarin for an initial purchase of \$125,130 and establish contract pricing for one year with two additional one-year options to renew. I’d be happy to answer any questions and I recommend approval of these items.”

Chairman Parks said, “I do have a couple of questions. On four and five, what was the recommendations of the Tax Oversight Committee also in line with this?”

Ms. Baker said, “They would be, yes.”

Chairman Parks said, “Okay. I think that’s all the questions I had. Thank you.”

Ms. Baker said, “I’ll say for the record this is still part of the furniture, fixtures and equipment (FF&E) acquisition.”

Chairman Parks said, “I see. Okay. Any other questions? Commissioner Peterjohn.”

Regular Meeting, August 19, 2009

Commissioner Peterjohn said, “Ms. Baker, on those same two items, do you know how that compares with what had been originally budgeted within the Arena project, if this is above, below or right at?”

Ms. Baker said, “One of them is slightly below, the other one is right on target.”

Commissioner Peterjohn said, “Okay. Thank you, Mr. Chairman.”

Chairman Parks said, “Thank you. What’s the will of the Board?”

MOTION

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

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

Ms. Baker said, “Thank you.”

Chairman Parks said, “Thank you.”

CONSENT AGENDA

I. CONSENT AGENDA.

Regular Meeting, August 19, 2009

1. **VAC2009-00023 – Sedgwick County request to vacate the plattors’ text to amend the uses allowed in platted reserves; generally located northeast of the 21st Street North and 151st Street West intersection. District 3.**
2. **Request approval of Affiliation Agreement with Wichita Habitat for Humanity; to perform eligible activities related to the Neighborhood Stabilization Program (NSP). Eligible NSP activities include establishing financing mechanisms, purchasing and rehabilitating foreclosed upon homes, purchasing homes and/or vacant properties in order to redevelop such properties for sale to financially qualified individuals or families, and demolishing blighted structures.**
3. **Order to correct tax roll for change of assessment on August 5, 2009.**
4. **General Bill Check Register of August 5, 2009 – August 11, 2009.**
5. **Payroll Check Register for the week of August 1, 2009.**
6. **Plat.**
Approved by Public Works. The County Treasurer has certified that taxes in 2008 and all prior years have been paid for the following plat:

Louise Powell WSU Biology Field Station Addition
7. **Plat.**
Approved by Public Works. The County Treasurer has certified that taxes in 2008 and all prior years have been paid for the following plat:

Imbler Estates 2nd Addition
8. **Plat.**
Approved by Public Works. The County Treasurer has certified that taxes in 2008 and all prior years have been paid for the following plat:

Sedgwick County Fire Station No. 39 Addition

Mr. Ron Holt, Assistant County Manager, said, “You have the Consent Agenda before you and I would recommend your approval.”

MOTION

Regular Meeting, August 19, 2009

Commissioner Unruh moved to approve the Consent Agenda.

Commissioner Peterjohn 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

J. OTHER

Chairman Parks said, “Do we have any ‘other’ comments before we go into the Fire District? Seeing no other comments, we’ll move on into the Fire District Meeting.”

The Board of County Commissioners recessed into the Meeting of the Fire District Number 1 at 10:12 a.m. and returned at 10:14 a.m.

Chairman Parks said, “And we're back to the regular County Commission Meeting. Is there a...”

Commissioner Welshimer said, “Motion to...”

Chairman Parks said, “...no, a motion for Executive Session if needed?”

MOTION

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice and preliminary discussions relating to the acquisition of real property for public purposes and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:30 a.m.

Commissioner Peterjohn seconded the motion.

Regular Meeting, August 19, 2009

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, "We're in Executive Session."

The Board of County Commissioners recessed into Executive Session at 10:15 a.m. and returned at 10:50 a.m.

Chairman Parks said, "We are back from Executive Session, no binding action was taken. Seeing no other business to come before the Board of County Commissioners, this meeting is adjourned."

K. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:51 a.m.

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

KELLY PARKS, Chairman
Fourth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

Regular Meeting, August 19, 2009

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

September 2, 2009