

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 9, 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, September 9, 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. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Jo Templin, Director, Human Resources; Mr. Robert L. Burns, Sheriff Lieutenant, Sheriff's Office; Mr. Ron Holt, Assistant County Manager; Ms. Monica Cissell, Program Manager, Central Plains Area Agency on Aging; Ms. Claudia Blackburn, Director, Health Department; Ms. Sandi Reichenberger, Program Manager, Women, Infants and Children (WIC), Health Department; Mr. Mark Borst, Engineer, Public Works; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Mr. Kelly Wendeln, PO Box 1817, Wichita, Kansas
Ms. Brenda Salvati, Wichita/Sedgwick County Regional Prevention Center

INVOCATION

Observed by a moment of silence.

FLAG SALUTE

ROLL CALL

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

PROCLAMATION

- A. PROCLAMATION DECLARING SEPTEMBER 28, 2009 AS "FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN."**

Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, "I'll read this for the record:

PROCLAMATION

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WHEREAS; the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute to be the greatest threats to the well-being of America's children; and

WHEREAS; 14 years of surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS; the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS; parental influence – through such activities as family dinners – is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS; family dinners have long constituted a substantial pillar of family life in America.

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim September 28, 2009, as

'Family Day – A Day to Eat Dinner with Your Children'

in Sedgwick County and urge all citizens to join the Wichita/Sedgwick County Regional Prevention Center, Stand Together Coalition and Wil-Ken Enterprises, Inc./Popeye's Chicken in recognizing and participating in its observance.

“And it's dated September 9, 2009, and signed by the Chairman, Kelly Parks.”

MOTION

Chairman Parks moved to adopt the proclamation.

Commissioner Welshimer 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

Ms. Zukovich said, “And Commissioners, we do have Brenda Salvati who is here this morning to accept the proclamation and and maybe tell us a little bit more.”

Ms. Brenda Salvati, Wichita/Sedgwick County Regional Prevention Center, greeted the Commissioners and said, “Thank you. I appreciate the partnership that you brought forward today with this proclamation with the Regional Prevention Center at Mirror, Inc. here in Sedgwick County. And we appreciate the partnership to look forward to having healthy children and bringing families together. And eating dinner with their families is a wonderful thing, and as you all know, those types of things help build those relationships, and relationships are very important in keeping children healthy and happy and keeping them away from drugs. We appreciate this partnership. Thank you.”

Chairman Parks said, “I would like to thank you for your work on this, and challenge, I guess, people to have more than just one day a year with this, make that more frequently...”

Ms. Salvati said, “That’s right.”

Chairman Parks said, “...if you can, because I’m sure, as the law enforcement in attendance here today can attest to, that communication between parents and kids is essential.”

Ms. Salvati said, “Yes, it is.”

Chairman Parks said, “Thank you for your work.”

Ms. Salvati said, “Thank you.”

RETIREMENT

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B. PRESENTATION OF RETIREMENT CLOCK TO ROBERT BURNS, SHERIFF LIEUTENANT, SHERIFF'S OFFICE WILL RETIRE OCTOBER 1, 2009 AFTER 27 YEARS OF SERVICE.

Ms. Jo Templin, Director, Human Resources, greeted the Commissioners and said, "This Agenda item just recognizes the long-term commitment to public service and law enforcement of Robert Burns, Sheriff Lieutenant, who will retire October 1 after 27 years of service. Bob is joined today, as you can see, by many coworkers and managers of the Sheriff's Office, and also family and a granddaughter, so thank you for coming today."

Chairman Parks said, "Sergeant, I would like to present you this clock with the utmost gratitude for your 27 years of service. I would like to present you with the award that you can look at or hang on your wall, maybe in your new office. I don't know that a lot of people know, but I think you'll probably tell them if you want them to know where you are going to be working, it is definitely a fit. I tell you that it's been a pleasure working with you, both from this side and from the other side of the badge, so be careful out there. I will let you say a few words."

Mr. Robert Burns, Sheriff Lieutenant, Sheriff's Office, greeted the Commissioners and said, "Thank you very much. First of all, I'm kind of saddened getting so close to the end of my career that I'm demoted, but that's okay. Just a couple things..."

Chairman Parks said, "That's why the laughter, and I was thinking about you coming into Valley Center one time to get some people to work some security at the Coliseum, so..."

Mr. Burns said, "Right."

Chairman Parks said, "...sorry about that."

Mr. Burns said, "I'll try to make this as quick and politically correct as I can. Shane Brazil was a friend of mine, but I am not going to go there. I am here today because of a couple people that have been very important to me. Ox Whitney was a commander of the Sheriff's Reserve back in 1966, and I was a skinny guy back then, and I didn't weigh enough to get on the police department, but

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Ox got the staff to waive the weight requirement and there began my career. Next was Ed Pavey. Once I left the law enforcement and came back, Ed made sure I got on the Sheriff's Department and then hired me as a worker out at the Coliseum. Once Ed retired, he talked Sam Fulco in to letting me be the Security Director out there for the Sheriff's officers, and because of that, my career is going to go forward after I retire. This is my partner, if it wasn't for her, I wouldn't be here today as I am. Thank you."

CITIZEN INQUIRY

C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING ENERGY COSTS.

VISUAL PRESENTATION

Mr. Kelly Wendeln, PO Box 1817, Wichita, Kansas, greeted the Commissioners and said, "There are several things wind power proponents do not tell you. The subject of this is why does wind power cost more? Number one, wind generators are heavily subsidized by the federal government. Two, the wind only blows 40 percent of the time. Three, then you have a blackout 60 percent of the time. Four, wind generators have to be backed up by natural gas generators. Five, this is going to raise your electric bill because you have to build two different kinds of generators. Six, you will also have to pay to build new very high voltage transmission lines. Seven, solar power is even more expensive. Eight, electricity has to be used the instant it is generated. Nine, after many years of study, no way has been found to economically store large amounts of electricity. They are not doing it. Ten, the public is deceived by certain stories in the news media often. Would you like to hear some well-known examples? First, you have to know how much different fuels for electric generation cost from the Electric Power Research Institute (EPRI) going from the lowest approximate wholesale price per kilowatt hour to the highest price is: hydroelectric, 3 cents; coal, 6 cents; nuclear, 7 cents; wind, 9 cents; natural gas, 6 to 15 cents; solar, 17.5 cents. Displayed above there on the screen."

"Kansas has almost no hydroelectric power because it is fairly flat and somewhat dry the further west you go. Now, small amount of hydroelectric comes from Oklahoma, Arkansas and Missouri. Kansas' large coal electric generators at Holcomb, St. Marys, Tecumseh, Lawrence and LaCygne get most of their coal by train from Wyoming's huge open pit mines, which are the least expensive large electric generation for Kansas. Nuclear is fairly inexpensive, but some people who liken this to Hiroshima will always object to building those. Wind generators would not be possible except for

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the heavy subsidy by a majority of the US (United States) Congress with your tax money. Kansas is the third windiest state behind number one North Dakota and Texas. The big problem is Kansas wind only blows 40 percent of the time. To prevent a blackout, wind has to be backed up by some other power source when the wind stops blowing. Coal and nuclear are similar in that both provide a lot of heat but cannot back up wind because they take six to eight hours to heat a large tank of water to steam at 2,300 degrees Fahrenheit, which drives a turbine, which spins a generator. Natural gas can come online within only five minutes because gas can start and run a large engine which drives a generator, similar to gasoline powering your car's engine and driving its alternator or generator.

“The reason wind power with natural gas backup is very expensive is because you have to pay for two types of generators and because natural gas price is not always cheap and is very volatile. Remember how your natural gas home heating price skyrocketed in September, 2006? When you use natural gas to heat your home and make much of your electricity, you will have less of it to heat your home, then the price goes up again. The cost of wind and natural gas generators and the cost of natural gas will greatly increase your electric bill. This is why Durango, Colorado stopped buying wind power in 2009. There's an article on that. Kind of like the ethanol farce, the way the Kansas democratic administration has been stalling on a new power plant for the last four years, I wouldn't be surprised if we experienced some blackouts. We have no reserve power. I told all of you this last winter that the big push 35 years ago was to convince you we were going to have global warming. This is a copy out of The Reader's Guide to Periodical Literature showing several stories back in the 70's about global warming. The way the Kansas democratic administration has been stalling on a new power plant for the last four years, I wouldn't be surprised if we experienced some blackouts. We have no reserve power. I told all of you that last winter that the big push 35 years ago was to convince you we are going to have global cooling. The three biggest lies are: global warming is real, carbon dioxide pollutes, and wind power is free. Go against any...”

Chairman Parks said, “Kelly, can you wrap this up?”

Mr. Wendeln said, “May I have one more minute, please?”

Chairman Parks said, “30 seconds.”

Mr. Wendeln said, “Thank you. Your vote, a vote against any politician advocating expensive wind power, like that Derby mayor, Dion Avello, who is going to run for Sedgwick County Commission next year. Your electric bill was raised by these Wichita legislators who voted you to force to pay for windmills on February 27, 2009: JoAnn Pottorff, Nile Dillmore, Gail Finney, Geraldine Flaharty, Delia Garcia, Raj Goyle, Judy Loganbill, Melody McCray Miller, Dale Swenson and Jim Ward, vote them out of office in 2010. Thank you.”

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Chairman Parks said, “Kelly, we’re not going to get into a political debate here. Kelly, what can we do at this Board to help you with this, aside from the politics, I don’t want to get into any more of the political side of this?”

Mr. Wendeln said, “Well, one candidate has already announced running for Commissioner, County Commission next year, and he is advocating as one of his party platform plans to be in favor of attracting industry that makes wind power to Sedgwick County.”

Chairman Parks said, “Okay. Well, that’s what I said, aside from the political; we will receive and file this. Thank you.”

Mr. Wendeln said, “Thank you.”

MOTION

Commissioner Welshimer moved to receive and file.

Chairman Parks seconded the motion.

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

VOTE

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

NEW BUSINESS

D. SELECTION OF A VOTING DELEGATE AND ALTERNATES FOR THE KANSAS ASSOCIATION OF COUNTIES 34TH ANNUAL CONFERENCE.

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Chairman Parks said, “The item that we have before you is the voting delegate and alternates for the conference. Does anyone have a particular item that they want to discuss about this before we get into the meat of this?”

Commissioner Welshimer said, “Who are our delegates now?”

Chairman Parks said, “We have to send new delegates for each one of them, is my understanding.”

Commissioner Peterjohn said, “Mr. Chairman, as the newest Commissioner, I was interested in finding out who had been the delegate, and I understand there are two voting alternates who had represented Sedgwick County and that each county only has one delegate vote at this conference in November, and so, for the counties that are members of the Kansas Association of Counties (KAC), and I think that’s roughly about 90 of the 105, we’ve got to select three people. But I was curious who was representing Sedgwick County last year in which capacity? Any information my colleagues can provide me and the public out there would be very much appreciated.”

Commissioner Unruh said, “I think...”

Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I think last year Commissioner Winters represented us because he was on the KAC board, and in my opinion, it is appropriate to nominate Commissioner Norton since he is presently on the KAC board as our voting member and then perhaps our Chair and Pro Tem as our two alternates.”

Chairman Parks said, “Is that a motion?”

Commissioner Unruh said, “I would submit that as a motion.”

Chairman Parks said, “There is a motion and do we have a second?”

Commissioner Peterjohn said, “I’ll second that for discussion purposes...”

Chairman Parks said, “Okay.”

Commissioner Peterjohn said, “...at least.”

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Chairman Parks said, "I certainly have appreciated the legislative action that Commissioner Norton has taken on these items, and what not, and have worked closely with him, so I am going to be in favor of that. I will be there as an alternate. Any further discussion on that?"

Commissioner Peterjohn said, "Well, for clarification..."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "...for the record, my understanding is that we not only have to pick two alternates, but we've got to pick them as a first alternate and a second alternate, so I would ask Dave, since he made the motion, and I seconded it, but I probably should have been more specific, who did you want as the first alternate and who did you want as the second alternate, Dave?"

Commissioner Unruh said, "Well, I think we go in order of the Chairman and the Chair Pro Tem, in that order..."

Commissioner Peterjohn said, "Oh, okay."

Commissioner Unruh said, "...as the first and second alternate."

Chairman Parks said, "That is what I heard also."

Commissioner Welshimer said, "And I'll have a conflict at that time and so I would defer to Commissioner Peterjohn, if that would be all right with you?"

Commissioner Unruh said, "That's fine with me."

Chairman Parks said, "So now we have a motion and a second, to do that with more information, we need to amend that motion to have the second voting delegate to..."

Commissioner Unruh said, "Well, Mr. Chairman, if I might..."

Chairman Parks said, "...somebody else."

Commissioner Unruh said, "...let me withdraw the first motion."

Commissioner Peterjohn said, "And I'll withdraw my second too."

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Chairman Parks said, “Okay. We can do it that way, also.”

MOTION

Commissioner Unruh moved to select Commissioner Tim Norton as the voting delegate and Chairman Kelly Parks as alternate #1 and Commissioner Karl Peterjohn as alternate #2.

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

Chairman Parks said, “Next item.”

E. INTRUST BANK ARENA COUNTY/CITY COORDINATION AGREEMENT FOR ARENA EVENT TRANSIT SERVICES.

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, “Meeting the demand for parking for arena events, as we’ve discussed over the past two, three years, will vary according to the attendance expected at each event. Also, the time and day of week when the event is held will have an impact, and whether an event is being held concurrently at Century II or some other downtown venue will also have an impact. As such, we’ve been working, again, diligently with the city, and about two years ago, of course, we had two County Commissioners and two City Council folks involved in discussions, but we’ve developed an arena event parking plan with the following components.”

Mr. Holt continued, “Number one, that within a four block radius of the arena, use existing parking facilities, both public and private, to serve the needs for arena events, and as you well know, you have allocated dollars to expand some of those parking areas and also to add lighting and that sort of thing. We’ve also, and you have approved funding, that would add extensive way-finding on both Kellogg, as well as 135, in the downtown area as well, and then to identify specific parking lots for arena parking within that four block radius of the arena. We also have, through SMG, hired

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the services of Carl Walker Consulting, and they are working on an overall downtown arena event parking and mobility management plan. There will be a joint City Council/County Commission workshop on September 22, where that plan, or at least the first draft of that plan, will be discussed with the city and the county. You will recall that they have been here on a number of occasions over the last few months. You have been involved in a number of discussions with them, as well as a number of different stakeholders in the downtown area have had discussions with that group, and they will be looking at all aspects of this downtown parking and mobility management plan, including public safety, communications about parking for arena events and even to the point of discussing for those close-in parking areas what the charge should be for those parking spaces.

“The last component of this plan has to do with transit or shuttle services. I’m here today to recommend that we agree to a coordination of transit services among arena events, events at Century II and other downtown uses, and to know that having this kind of coordination is critical to enhance accessibility, the orderly movement of vehicles and pedestrians in downtown during arena events. You may also recall that we had an additional parking and mobility master plan study that was done back in 2007, and in that plan, along with the way-finding, transit downtown circulator service was recommended. As such, what we are asking today is that the county provide transit service for all arena events to serve patrons who choose to park at downtown lots or in areas that are further from the arena than within that four block or a reasonable walking distance. And so, the agreement today is asking for the establishment of a base service downtown circulator route that would establish regular service in accordance with current federal transit administration regulations and those regulations require that you have this base service or the transit service cannot expand their services to meet needs associated with downtown arena events. This regular full-time route would operate Monday through Thursday from 6:00 p.m. to 10:00 p.m., it would be one trolley; Friday from 6:00 p.m. to 12:00 midnight, two trolleys; and Saturday 12:00 noon to 12:00 midnight, two trolleys; 51 weeks per year. This base service would result in a total of 52 operating hours per week for an annual cost of \$159,120.”

“We’re being asked, in our cooperation and coordination with the city, to provide up to \$93,000 per year, which has been determined to be the proportional amount of the total cost that is necessary to facilitate the needs of the arena, excluding expanded arena events. Right now, there is a downtown circulator that runs only on the weekends, so the portion of this expanded cost related to that continuing service, will be the city’s portion of this \$159,120, which is \$66,000. The additional cost is what the county is being asked for arena events. The agreement would be renewed and adjusted on the first of January each subsequent year, only after a full assessment and a full review of existing service levels and costs has been completed.

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“The second part of this agreement, that doesn’t have any cost associated with it, but is the real reason for the agreement, is that flexibility will be needed for each arena event and the actual transit service requested and provided will vary, again, depending on the needs of the arena and the ability of the city to provide the transit services specifically required to meet arena events. These services will be determined by SMG and directly coordinated with Wichita Transit on an event-by-event basis, except if we need far out, what we call park’n’ride locations, which would be far east, far west, far south, far north locations. Then those park’n’ride services, SMG will contract directly with private providers to provide those services. What we’re talking about is having, again, the base circulator service, which would be six days a week starting this fall. It would run each day, for six days, when there’s an arena event scheduled, depending on the need, there would be an additional circulator route that would take in Gander Mountain and the Broadview Hotel parking lots. As needed, based on attendance, based on time of day, time of week, an additional shuttle service would be provided; the expanded additional shuttle service would be provided to go to Lawrence Dumont Stadium, Exploration Place. Based on, again, events, number of attendees and so forth, an additional shuttle service could be added that would take in what we call the government district, which would include the county garage, and even the city garage, although I know there’s been discussion of the city garage being off limits to the public during the day, we’re talking about basically weekend and weeknight events.

“So with all of that being said, what we’re being asked to do is to approve an agreement that will establish and help pay for the base downtown circulator route service through Wichita Transit up to \$93,000 per year for the county’s portion. One other piece I would add, the reason we’re talking about this as an up to amount, the city has applied for a grant, they don’t have it yet, they are very confident that they will receive this grant, but until they do, you know, it is not a done deal. They are very confident though that they will receive this grant. If they do, then the amount for the county’s portion would be \$32,000 per year, and this grant that they requested would be over a three-year period, but again, each year we would review what services have been provided, what the needs have been, what the anticipated services are, and would make a decision on a year-to-year basis whether or not we continue with this service as proposed.”

Mr. Holt continued, “I think that is all I have, and I would be happy to answer any questions that you might have. I would recommend that you approve the agreement and authorize the Chairman to sign.”

Chairman Parks said, “Let’s get a motion and a second before we get into the discussion. What is the will of the Board?”

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Commissioner Norton moved to approve the agreement and authorize the Chair to sign.

Commissioner Unruh seconded the motion.

Chairman Parks said, "Okay, we have a motion and a second. Discussion. I believe first was Commissioner Welshimer."

Commissioner Welshimer said, "Ron, is there something in this contract that prevents us, or allows us, to renegotiate in the event of price increases?"

Mr. Holt said, "As the contract reads, it says that each year based on needs, based on services, we would sit down and re-evaluate whether or not the service is needed and then what the cost would be. So it is an allowance, or a provision there, to take a look at this on a year-to-year basis."

Commissioner Welshimer said, "Okay. And have we justified that the division and the amounts paid, in other words, between the city and the county, because obviously the county is paying quite a bit more than the city?"

Mr. Holt said, "The justification is based on what the existing downtown circulator route that the city runs now costs, they are going to keep that cost, and this is the additional cost to expand that service from a three day a week service to a six day a week service with longer hours on a couple of those days."

Commissioner Welshimer said, "And this \$93,000, or whatever the result of the grant is, this is going to be a cost for parking from now on?"

Mr. Holt said, "It could be an ongoing cost, but again, I would just indicate to you we're going to each year sit down, take a look at those costs, take a look at those services and decide if the service is required and/or needed. SMG will be a significant player in this based on how they have used the service for the expanded shuttle services."

Commissioner Welshimer said, "Well, once the one cent sales tax money is gone, then we're funding this \$93,000 out of the general fund, wouldn't that be accurate?"

Mr. Holt said, "My recommendation is that we would fund this out of the line item called Parking/ Operation and Maintenance (O&M) reserve fund and I would remind Commissioners that beginning with the arena opening, each year we will be receiving, in addition to the funds that are

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left there from the arena sales tax, we will be receiving over \$800,000 a year from naming rights that will be going into that fund. So there is a source of funding, the requirement here could be ongoing, there is a source of funding that would be ongoing as well.”

Commissioner Welshimer said, “How long is that naming rights contract?”

Mr. Holt said, “Twenty years with a five year renewable extension.”

Commissioner Welshimer said, “Okay, thank you.”

Chairman Parks said, “There were no particular stops, I am going to go ahead and interject a couple things here, no particular stops in this contract, though, there’s no routing as we have it now, is that correct?”

Mr. Holt said, “There’s no particular stops in the contract, but there is a trolley Q-Line route that is already posted for the weekends, and there is an expanded route every once in a while for special events that the trolley does. Those routes would be followed as part of this service.”

Chairman Parks said, “And this doesn’t replace anything that’s presently going to the Kansas Coliseum, is that correct?”

Mr. Holt said, “That’s correct.”

Chairman Parks said, “Has there been a dialogue with the private bus companies in with and before we formulated this contract?”

Mr. Holt said, “We haven’t had a direct dialogue, we’ve had discussions internally about who those companies might be, how they provide services, and that will be a SMG task as they look toward, I suspect even the opening event.”

Chairman Parks said, “Okay. The grant timeline that City of Wichita is looking at, we just had a child advocacy group, we kind of put them off and waited for a grant to come in for them, do we know what kind of a timeline this is with the City of Wichita and their grant process?”

Mr. Holt said, “They expect to know by the end of this month whether or not they get the grant. It’s a WAMPO (Wichita Area Metropolitan Planning Organization) related process. They expect to know by the end of this month whether they get the grant, and if they get it, it is a one year grant with two more additional years that would be renewal.”

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Chairman Parks said, “Kind of explain to me why this wouldn’t be a SMG cost on the whole, the entire picture, the approval that was given back over a year ago with the SMG contract?”

Mr. Holt said, “The SMG costs are going to be related to how this might be expanded. During regular weekdays, the reason this is required is because Wichita Transit has to have an established downtown circulator route for them to provide the additional expanded services and so SMG is fully engaged and will pick up all of the expanded related services, but this is a service that allows that expansion to happen. In my review, and our analysis of this, it is no different than the additional parking facilities were added, and/or the way-finding signage that we’ve added.”

Chairman Parks said, “Okay. Commissioner Norton.”

Commissioner Norton said, “Well, I’m going to be supportive. I mean, we’ve worked on this for several years and it’s been an arduous process. Ron, you might want to talk about, because there is federal money that goes into the transit system to be able to expand your use for events and everything and use the [Wichita Downtown] Transit Center, which we plan on doing, you have to have an established route, a circulator route, that’s more than just weekends, and that gives us the ability to add all the other circulator routes to the satellite lots. But that really has to do with federal funding that is embedded in the transit system, is that not correct?”

Mr. Holt said, “That’s correct. Outside of this grant that they are getting, they have a significant amount of federal dollars that support the transit system, and it is that support with those funds from the Federal transportation [Transit] Administration (FTA) that requires them to have an established six day a week route, rather than this three day route that they currently run, if they are going to be able to provide the expanded shuttle services that we are going to need for the arena. We will be using the transit building. They are adding additional signage to that building; LED (light-emitting diode) boards, display boards, message boards, that after an event, with those expanded services, they will be able to give messages to patrons about where which bus goes to which parking lot they have parked in. The other thing that this does, and it does comply with federal regulations, the other thing it does, it provides the patron an option. If they want to park close, and I don’t know what the cost is going to be yet, we will be talking to you about that in a couple weeks, if you want to park close to the arena, you would pay for that parking. But if you don’t want to pay, you will park a little further away and then this gives you the opportunity to ride that shuttle service and park in a free parking lot.”

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Commissioner Norton said, "Well at the end of the day it's advantageous to us to be sure that there is a circulator system and that there is a way for patrons of the arena, and downtown just in general, to be able to find satellite parking and use it to their advantage. And the little bit of money we put in establishes a way to do that."

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

Commissioner Norton said, "That's all I have, Mr. Chair, thank you."

Chairman Parks said, "Okay. Thank you. I'm going to ask you to try to remember some of the figures that you had in the past here, we're talking about 30 events during the year at the arena and 80 percent of those are going to be 8,000 or under in attendance, is that a correct statement from what you made before?"

Mr. Holt said, "Around 120 to 130 events per year at the arena."

Chairman Parks said, "Okay."

Mr. Holt said, "Eighty percent of those would be 7,200 or less, meaning we'd need parking for about 2,400 vehicles. Within that three and a half, four block radius of the arena, that's been our focus, to provide, to make sure that we have identified, set aside, parking for arena events within that three and a half, four block area up to the 2,400. Beyond the 80 percent, then there's about another 15 percent or so where the parking would be related to absolutely having to have parking that's beyond that four and a half blocks, that's where the expanded shuttles that the Wichita Transit Service would help us provide. Another 5 percent of events, and these are rough calculations, another 5 percent of the events, we're going to need these park'n'ride services which are outside of the downtown area. We have to work with SMG on lining up, not only the private contractor to provide those, but where those services would be, and working with those owners to be able to shuttle from their parking lot."

Chairman Parks said, "Is it a necessity for the private contractor to hook up with SMG or what would be their benefit from doing that, as opposed to operating an independent service for that?"

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Mr. Holt said, "If they connect with SMG, the cost for the patron to ride the shuttle is expected to be borne by SMG as part of their operating expense. If they do it on their own, then they are going to be charging for this park'n'ride which may be a deterrent to folks wanting to use it."

Chairman Parks said, "Okay. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Mr. Holt, please clarify for me, you mentioned the duration, in terms of the naming rights, but could you talk about the duration of this agreement, in terms of what's the maximum length it could be?"

Mr. Holt said, "Well, the maximum length it could be, it could be the life of the arena."

Commissioner Peterjohn said, "Oh, really?"

Mr. Holt said, "It could be the life of the arena. The parking needs that we have addressed have also been addressed on the basis that we are going to have redevelopment downtown, so some of the existing parking will be, and I think its everybody's hope that that's sooner rather than later, some of the existing parking will no longer be available after development happens. Will it be replaced? There is a hope that it can be. Will it be replaced in total? Maybe or maybe not. This is an important, key complement of the overall parking plan for the arena for downtown events that goes on irrespective of whether or not we have the existing parking assets that we have currently identified."

Commissioner Peterjohn said, "My second question would be, in terms of this grant that the city has applied for to get federal tax funds to help subsidize this route, how long would that grant be for, in terms of the maximum length it could be?"

Mr. Holt said, "Right now they are looking at three years. Is it renewable beyond that? There is no promise. Are there other grants that would be looked for? Yes. But right now, that grant would be for three years."

Commissioner Peterjohn said, "I very much appreciated your remarks concerning the city garage and clarifying the fact that while it may be closed during the day on Monday through Friday on business, it would be open to the public on weekends and on evenings, and I wanted to understand that if 80 percent of the events of 8,000 or less, are we relying upon parking at, for instance, the City Hall parking garage and the county parking garage as part of that 8,000, or is that strictly for pack the house sort of events?"

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Mr. Holt said, “The expanded shuttle, which includes the government center, I mentioned, includes Exploration Place and Lawrence Dumont, it includes Gander Mountain and the Broadview Hotel lots. That’s the expanded service, those would not be necessary for the 80 percent of the events. Those would be only necessary for the additional 20 percent of the events. What this plan does is allows folks who want to park close-in, pay for the parking, those who want to park in some other lot that’s outside of that four block area, but have access to a shuttle service, they would be able to use this service during any event.”

Commissioner Peterjohn said, “That was going to be my follow-up question, because if folks don’t want to pay high-priced, close-in parking, could they utilize at these smaller attendance sort of events the further away, but less costly parking? Because frankly, most folks are a creature of habit and if they find a good place to park for going to events, and they are going to more than one event, they are likely to continue to use that one location, regardless of whether it is a 4,000 attendance event or it’s a 14,000.”

Mr. Holt said, “That’s correct. And they would be able to use, by following where the shuttle route runs, they would be within a half a block, a block of this downtown circulator by parking outside of this four block area and still having access to this downtown circulator to get them to the arena.”

Commissioner Peterjohn said, “Well, Mr. Chairman, I want to state for the record that I am going to be supportive of this motion, because I think with the resources and the interest income that we are going to be able to generate, we will be able to fund this, and maybe perhaps be in a position to do some other things to improve the parking and egress transportation related issues for this new facility.”

Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chair. Ron, there is no service on Sunday, is that because there won’t be events on Sunday, or is that because you think downtown will be vacated enough there will be plenty of parking?”

Mr. Holt said, “There is no service on Sunday. However, if there is an event on Sunday and it is large enough that a circulator or additional shuttle, it wouldn’t be a circulator because it’s not going to run, the additional shuttle service we announced in here would be required, then they could put that in place. They are allowed that one day expansion. They have to have a six day service, they can go to seven when it’s needed, and there is the feeling that there will be some events on Sundays,

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won't have a huge number of events on Sunday, and the parking will be much more available on Sundays then would be even on weekday evenings, as well as on Saturday evenings."

Commissioner Unruh said, "Okay. Thank you. That's all I have."

Chairman Parks said, "Well, I'm going to finish this up, I guess, by saying that I do have a little bit of a problem with this in that, one; the two private bus services, I guess the dialogue, I would like to have seen a little bit more dialogue there and I don't know if it's going to affect their overall business, or their business plan for the downtown arena, I've always been one that looked at private business first before government got involved in certain things for serving the public, and especially if we are going to pay as you go. The grant price tag difference in there and the grant that's coming up, I think maybe we're just a little bit early on this, but I do want to see specific stops before I can be supporting of that. Seeing no further discussion, call the vote."

VOTE

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

Mr. Holt said, "And Commissioner, I would just remind you that we sent you, after a BoCC (Board of County Commissioners) staff meeting, that question was brought up about the specific stops, and we sent you a copy of the transit downtown circulator route that has those stops on it."

Chairman Parks said, "And I think the dialogue on that probably should be over, but that was a concern for me also."

Mr. Holt said, "Thank you."

Chairman Parks said, "Thank you."

F. APPROVAL OF ONE AGREEMENT WITH NATIONAL ASSOCIATION OF AREA AGENCIES ON AGING (n4a) FOR THE *GENERATIONAL COMMUNICATION CAMPAIGN*.

Ms. Monica Cissell, Program Manager, Central Plains Area Agency on Aging; "I'm standing in for Annette Graham this morning to talk to you about this grant that we received from the National Association of Area Agencies on Aging (n4a). It is for a campaign that they call Generational

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Communication to promote Medicare benefits education to pre-retirees and people aging into Medicare. The program, we have named Retirement by Design, to encourage people to design their own retirement by clearly learning about their benefits and also about other retirement issues that they need to take into account. We plan to educate pre-retirees on Medicare benefits and other retirement issues. Education will be provided through presentations, technologically based training, internet forum and media. Volunteers will be recruited and trained to assist with the community education. Currently we have four volunteers, we are very excited about that, and we will also recruit volunteers to help with Medicare benefits counseling, internet based benefits review and to help us coordinate a women's retirement group called Project Renewment. We will partner with community organizations and companies to educate pre-retirees on Medicare benefits and other retirement issues prior to retirement, as we did yesterday at the Sedgwick County Retirement Fair. We were thrilled to be one of ten area agencies on aging in the nation to participate in this pilot project. My recommendation today would be to approve the agreement and authorize the Chairman to sign. I'd be glad to answer any specific questions about the program if you have any."

Chairman Parks said, "What is the will of the Board?"

MOTION

Commissioner Unruh moved to approve the letter of agreement and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

Chairman Parks said, "We have a motion and a second. Further discussion, Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Monica, I just want to say I am going to be supportive of this, as one who not too long ago had to sign up for Medicare and do some of those things, I tell you, it is a little intimidating. You come to that time and you think, well I know what to do, or you haven't really planned for it, all of a sudden it's upon you and you think, am I going to miss a deadline, am I doing it right, am I putting a check in the right box and those sort of things. I think this can be very helpful and I'm glad that we have the opportunity to be a pilot project and I think it will be beneficial to a lot of people."

Ms. Cissell said, "Thank you."

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Commissioner Unruh said, “That’s all I have.”

Chairman Parks said, “And I thank the department for working on that number for good, and seeing no further discussion, call the vote.”

VOTE

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

Ms. Cissell said, “Thank you all.”

Chairman Parks said, “Thank you.”

G. DEPARTMENT OF HEALTH.

- 1. AMEND THE AID-TO-LOCAL AGREEMENT THAT REDUCES FUNDING BY \$3,815 FOR THE AIDS HEALTH EDUCATION/RISK REDUCTION (HE/RR) GRANT.**

Ms. Claudia Blackburn, Director, Health Department, greeted the Commissioners and said, “The Health Department, as part of our aid-to-local grant from the Kansas Department of Health and Environment (KDHE), has received funding for HIV (human immunodeficiency virus) education and risk reduction for many years. This funding supports one staff member, and the health educator that’s funded from this position provides risk reduction, education to people, adults and juveniles in our correctional institution. She works at the treatment centers to provide education and works with other agencies to provide continuing education to providers who work with at risk populations and also partners with community agencies to make sure that people that are at risk are educated and tested. The grant award was originally for \$40,808 this year and it is being reduced by \$3,815, so the total amount will be \$36,993. This may have a very minimal effect on the client volume, but we don’t foresee any significant changes in the program because of this reduction. Of course, we would rather that we weren’t having a reduction, but we can manage this. I recommend that you approve the amendment and authorize the chair to sign and I would be happy to answer any questions.”

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Chairman Parks said, "What is the will of the Board?"

MOTION

Commissioner Welshimer moved to amend the Aid-to-Local agreement and authorize the Chair to sign the amended document and the additional budget authority.

Chairman Parks seconded the motion.

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "I'm just curious, what is the status of AIDS (acquired immunodeficiency syndrome) in our community? I mean is the number of people that have AIDS, is that up or down?"

Ms. Blackburn said, "Well, it's fairly stable. We have about 696 individuals who are living with HIV and AIDS in our community at this time, and in 2008, we had 28 new cases of HIV and we had 18 new cases of AIDS. Now, some of those new AIDS cases are probably people that were already diagnosed with HIV, so it is hard to know exactly what the total is, but we generally have about 20 to 30 new cases of HIV a year."

Commissioner Welshimer said, "And we have new medications, and so on, people are living longer with AIDS."

Ms. Blackburn said, "Yes, HIV is really a chronic disease now."

Commissioner Welshimer said, "Okay, thank you."

Ms. Blackburn said, "You're welcome."

Chairman Parks said, "I recently saw a news article on PBS (Public Broadcasting Service) that was talking about that and they said that across the nation the reported cases are probably double that because of the people that don't know they have it or that there are some other, would you agree to that?"

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Ms. Blackburn said, “I’m not sure about the stats, but I know that there is a recommendation now that people, when they have their annual checkup, also have an HIV test. I don’t know that that’s actually happening, but that was a recommendation that came out a couple years ago.”

Chairman Parks said, “Okay. 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

Ms. Blackburn said, “Thank you.”

2. AGREEMENT TO PROVIDE THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC) IN SEDGWICK COUNTY.

VISUAL PRESENTATION

Ms. Sandi Reichenberger, Program Manager, Women, Infants and Children (WIC), Health Department, greeted the Commissioners and said, “I would like to first give you an update on the program and then tell you some recent changes that have occurred with the WIC food packages and then ask you to approve the new contract. First of all, WIC provides nutrition education, breastfeeding support and promotion, a monthly food package and referrals to social and health services. To be eligible for WIC, a family needs to be income less than 185 percent of poverty, and that means an example is a family of three, income less than or equal to \$33,874 annually. Nutrition and medical risks must also be documented, and this is just three examples of an extensive list of risks that we screen the clients for, that’s: pregnant women that have low iron levels, children that are overweight, infants with low birth weights or prematurity. In July of 2009, the enrolled participants in Sedgwick County WIC is 19,281. If you look at this graph, 52 percent of those are children under the age of five, 29 percent are infants and the remaining 23 percent are women who are either pregnant, nursing or have recently delivered. I might tell you that we estimate that we’re serving approximately 82 percent of those eligible in Sedgwick County at this time.”

Chairman Parks said, “Well, let me just say that, in general, I certainly support the WIC program. I have seen it since its inception, I was in law enforcement and I tell you what, there is a lot of law

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enforcement officers that have recommended this program to people when they see them for different reasons.”

Ms. Reichenberger said, “Yes.”

Chairman Parks said, “And if we’re back up, I will let you start the program again.”

Ms. Reichenberger said, “Okay. Sorry, we got stuck there.”

Chairman Parks said, “That’s okay.”

Ms. Reichenberger said, “Recently here in August, we had first time a big change in WIC since its inception in 1974 and that was with our food packages that we provide to the women, infants and children. The program now provides foods that fit the US Dietary Guidelines better, MyPyramid and the American Academy of Pediatrics’ feeding guidelines. One example is, for one of the US Dietary guidelines, is to lower your fat intake. So from now on, WIC only provides reduced fat milk to those over the age of two. We have added grains to the product and that goes along with increasing your fiber and that is 100 percent whole wheat bread, brown rice, or corn or wheat tortillas. We now offer fresh, frozen or canned vegetables and fruits. And then there are added incentives for exclusively breastfeeding women and their babies. The program now gives babies little jars of baby fruits and vegetables and also baby meats if the mother exclusively breast feeds. This is the last slide and it just shows you that the state, in Sedgwick County we work with 34 vendors and these vendors accept the WIC food checks and provide the groceries for the clients. In 2005, we had about \$8.4 million come into the community through these vendors, paid by the state WIC agency to these vendors, and in 2008, it was \$10.6 million coming into the community. Now, KDHE has also provided a new contract to us in the amount of \$1,873,593. This is an increase of \$63,560 from the previous federal fiscal year. State WIC has also assigned us a participating case load number of 16,298 and we are to stay within 98 and 103 percent of that participating case load number, or we have to report that we are above that to state WIC. There is no match required and I would recommend that you approve the agreement and authorize the Chair to sign. I would be glad to answer any questions.”

Chairman Parks said, “I noticed during the bulk of the backup here it says clients, and we don’t really have any thing that says they have to be a citizen, is that correct?”

Ms. Reichenberger said, “That’s correct.”

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Chairman Parks said, "Okay. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. I had several questions to clarify. On the pie chart, I believe it was your fourth slide, it mentioned that there was a little less than 20,000 participants, and with the eligibility being for a family of three, folks with an income of a little less than \$34,000 a year, I was curious if you had any idea what sort of penetration, because I think there are a lot of people who might be eligible who aren't participating in this program and I was curious if you had any idea on how many folks in Sedgwick County that might cover?"

Ms. Reichenberger said, "Well, we estimate that we're probably serving around 82 percent of those eligible in Sedgwick County."

Commissioner Peterjohn said, "Well, that is a follow-up question I had, because that pie chart mentioned children under five, infants, but the preceding chart said children that are overweight and I'm not sure what the definition of children is, I mean often it's children up to the age 18..."

Ms. Reichenberger said, "For WIC, it's under the age of five."

Commissioner Peterjohn said, "Under the age of five?"

Ms. Reichenberger said, "Yes."

Commissioner Peterjohn said, "Okay. I was very much interested, in terms of how they determined overweight for younger children, so any clarification you can provide on that, I would sure appreciate it."

Ms. Reichenberger said, "I can do that. When clients come in, we take their heights, weights and iron status in WIC and for a child overweight would be, we graph them on the pediatric graphs, and that would be any child over the 95th percentile in weight."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "Any further questions or comments? If there are none, call the vote."

Ms. Katie Asbury, Deputy County Clerk, greeted the Commissioners and said, "Mr. Chairman, we need a motion and a second."

Chairman Parks said, "Okay."

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MOTION

Commissioner Welshimer moved to approve the agreement and authorize chair to sign all necessary documents including a grant award agreement containing substantially the same terms and conditions as the application and approve establishment of budget authority at the time the grant award documents are executed.

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. Reichenberger said, "Thank you."

Chairman Parks said, "Thank you for your work on that."

H. PUBLIC WORKS.

- 1. APPROVAL OF AN APPLICATION WITH BOY SCOUT TROOP 692 FOR THE SEDGWICK COUNTY ADOPT A HIGHWAY PROGRAM ON ROCK ROAD FROM THE SOUTH DERBY CITY LIMITS TO THE MULVANE CITY LIMITS. DISTRICT 5.**

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "Item H-1 is an agreement with Boy Scout Troop 692 for the Sedgwick County Adopt-a-Highway program. They will be responsible for picking up litter along Rock Road from the south city limits in Derby to Mulvane. I recommend that you approve the agreement and authorize the Chairman to sign."

MOTION

Commissioner Norton moved to approve the application and authorize the Chairman to

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sign.

Chairman Parks seconded the motion.

Chairman Parks said, "That pretty much says it all, I think, there. Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, Mr. Spears, can you give me an idea, I am going to be very supportive of this motion as a former Boy Scout and I think it's great that they're willing to take this on. I was curious how many other Boy Scout troops and other groups are helping on County roadway? If you had an idea of the total aggregate that we are looking at that, that goes beyond this one specific example, I would appreciate any additional information you can provide."

Mr. Spears said, "I think there's around 20 groups altogether, not all Boy Scouts, all different types. McConnell Air Force Base does some, Lions Club at Valley Center does one and there's different groups around the county that help out on it."

Commissioner Peterjohn said, "Do they normally have a certain distance?"

Mr. Spears said, "Oh, yes, there's a certain distance that they do. It has to be a minimum of two miles and then we put litter signs, the triangle sign that can flip up or down, to notify the public, the drivers that somebody will be out there. We don't allow the Cub Scouts, you have to be over 11 to do it. You need one adult with every five people that are underage of 18. We have a lot of rules. There's a video they watch for safety before they do this, there's orange vests that they use that we loan them to do it with. We are pretty involved with it."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "And they do provide the bags and the video, after they watch, that is signed off on."

Mr. Spears said, "And we pick up the bags, they just set them to the side of the road and then Public Works comes and picks them up."

Chairman Parks said, "That's why they'll want to do that, preferably not on a weekend, on like a Sunday through, maybe a Sunday evening, through the next Thursday."

Commissioner Peterjohn said, "I was going to say, so any group wanting to, perhaps watching this program who have an interest in this, could just contact the Public Works department?"

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Mr. Spears said, "That's right. Ron Marsh is actually our coordinator for that: 383-7901."

Commissioner Peterjohn said, "383-7901, Ron Marsh. Okay."

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

Commissioner Peterjohn said, "Thank you."

Mr. Spears said, "You're welcome."

Chairman Parks said, "Thank you. Commissioner Welshimer."

Commissioner Welshimer said, "Well this is my district and I just want to thank Troop 692. I think this is a great thing for these scouts to do. I'm very proud of them."

Chairman Parks said, "Seeing no further comment or suggestions, call the vote."

VOTE

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

Mr. Spears said, "Thank you."

Chairman Parks said, "Next item."

- 2. RESOLUTION ESTABLISHING SPEED LIMITS FOR ALL COUNTY MAINTAINED HIGHWAYS AND PARTS OF HIGHWAYS WITHIN SEDGWICK COUNTY, KANSAS, AND PROVIDING FOR THE ENFORCEMENT THEREOF.**

Mr. Mark Borst, Engineer, Public Works, greeted the Commissioners and said, "This resolution before you lists the speed limits for all roads and highways designated on the Sedgwick County Highway System. The last update to this resolution was in 2006 and we're updating it now to reflect the significant changes to the county system due mainly to annexations and also to fringe development that is still within the unincorporated areas. Your backup does contain a list of changes to the roads still under county jurisdictions and if you look at the justification or the reason

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for most of those, you'll see that there are consistency issues with the City of Wichita, or the other cities, or we upgraded a road from a rural section with shoulders and ditches to urban, which means we have curb and gutter, which studies show that if you have a speed limit over 45, you start launching people toward the moon, so we try to keep the speed limits low on those. 63rd Street out east of Rock Road is a good example of that, which is still a rural road as far as development along it, but because we have planned for the future with the curb and gutter, we have to reduce the speed limit. It all comes down really to what driver expectancy is, based on what they're used to seeing for similar situations and so most of the time we can meet that."

"Connecting links in the small cities are not included in this resolution, even though we do maintenance on those connecting links, but the cities themselves have the police power to regulate traffic within their own corporate limits. And also school zones in the unincorporated areas, we work with the individual school districts on an annual basis to determine the appropriate times for those to be enforced, as some school districts do change their daily times of operations, the dates they start and let out each year. This county-wide resolution is a living document; we will make individual speed limit changes as necessary between complete revisions. I will answer any questions you might have on this particular resolution. I recommend you adopt it. Thank you."

MOTION

Chairman Parks moved to adopt the resolution.

Commissioner Peterjohn seconded the motion.

Chairman Parks said, "Have a motion and second, we do have some further discussion. Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, you mentioned county roads interacting with the city municipal highways in various ways, would you take a minute and talk about the speed limits on townships and any interaction, because as the Commissioner with more townships, 13, than the other Commissioners up here, I have had a number of questions, in terms of how county speed limits interact with the townships and I would appreciate any clarification you can provide for the record this morning?"

Mr. Borst said, "Okay. It's a good question. You have about half the townships, so you're legitimate in that one. Townships are not, and I am speaking as a lawyer without the certificate to say so, so Mr. Euson can correct me whenever I misspeak here, but townships are not given the authority to regulate traffic specifically within the state statutes. Therefore, they work through the county to get any changes they need. For the most part, they fall under the same statutory limits as

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we do, in that they are 55 miles an hour unless posted otherwise. You can go down to 20 at a minimum; you can go as high as 65 if everything is right. Very few township roads, if any, particularly in Sedgwick County, would fall within the ability to go above the 55. For the most part, an unincorporated road that doesn't have significant development along it, or other reasons that would create a situation where most drivers would feel the need to reduce speed, we'll leave it at 55."

Mr. Borst continued, "If a township wants us to look at one of those, we are more than happy to do that. We have them request through us. We will go out and look at it, make a recommendation to them. As soon as we can get any concurrence on that, we would bring a resolution before the Board if we are recommending something other than a statutory 55."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "Mark, when I saw this list, I said, 'Wow. That was a lot of work.' I know that, of all the Commissioners, I probably really appreciate the work that you do on this and I see a lot of hours of work and a lot of diligence and study. And those engineering studies are important, not only to do the right thing, but they are the law under MUTCD (Manual on Uniform Traffic Control Devices). And having attended some of those meetings with Mark some 30 years ago, I am proud to support this update in compliance with the state and federal law. Commissioner Peterjohn."

Commissioner Peterjohn said, "I thought of another question. Mr. Borst, if you could take a minute and discuss the fact that there are a number of these roads that we are approving speed limits here that are adjacent to municipality limits, and I am not going to name names specifically, but my understanding under state law is that when municipalities annex up to a street, they're normally supposed to include the street in their annexation. Do we have any jurisdictional problems, in terms of setting a speed limit in an area where cities should be annexing that street and where they basically have taken up to that boundary but have not included the street in their jurisdiction?"

Mr. Borst said, "Commissioner, we don't have any jurisdictional issues with it because until they actually annex the road, it's unincorporated. It's either going to be Sedgwick County highway or it's going to fall to the respective township that it falls within. I think the statute you're referring to on annexation suggests that they should do that, but they only have to after the particular county in question sends the particular city a letter telling them they need to annex that road that they have abutted at that point. And we do have a few situations where we have one city on one side of a road, we have another city on the other side of the road, where they're both adjacent, and in that case then, those two cities, upon receiving a letter, would have to work out how that's going to be

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annexed, whether one takes it all, they take pieces, parts of it, whatever. But that's beyond us having to send a letter to them saying you need to annex this particular road. It's still ours until they do."

Commissioner Peterjohn said, "My reason for my question was to make sure we had an appropriate jurisdiction in this matter."

Mr. Borst said, "Yes. We do."

Commissioner Peterjohn said, "Okay."

Chairman Parks said, "Okay. Seeing no further comments, call the vote."

VOTE

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

Mr. Borst said, "Thank you."

I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON SEPTEMBER 3, 2009.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, "The meeting of September 3 results in 6 items for consideration. First item;

1. FIRE/VOICE ALARM SYSTEM UPGRADE – FACILITIES DEPARTMENT FUNDING – MODERNIZE FIRE ALARM SYSTEM – HCH

"Recommendation is to accept the low bid from Shelley Electric, Inc. in the amount of \$154,690 and establish contract pricing on maintenance and repairs for three years. Item 2;

2. SURPLUS PROPERTY INTERNET AUCTION SERVICES – DIVISION OF FINANCE FUNDING – DIVISION OF FINANCE

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“Recommendation is to accept the proposal from Purple Wave, Inc. and establish contract pricing and execute a two year contract with three one-year options to renew. Item 3;

3. **CHANGE ORDER #2 – BOUNDLESS PLAYGROUND PARKING LOT DESIGN FOR SEDGWICK COUNTY PARK – FACILITIES DEPARTMENT FUNDING – BOUNDLESS PLAYGROUND PARKING**

“Recommendation is to accept the change order and amend the contract with WDM Architects in the amount of \$4,734. Item 4;

4. **JUMBO ROLL TOILET PAPER & JUMBO ROLL PAPER TOWELS – FACILITIES DEPARTMENT FUNDING – VARIOUS DEPARTMENTS**

“Recommendation is to accept low bids from Office Plus of Kansas/American Fun Food for the Jumbo Roll Toilet Paper and Southwest Paper for Jumbo Roll Paper Towels and establish contract pricing for one year with two one-year options to renew. Item 5;

5. **FOLDING TABLES and CARTS for INTRUST BANK ARENA – FACILITIES DEPARTMENT FUNDING – ARENA SALES TAX**

“Recommendation is to accept the low bid from Mity-Lite for an initial purchase in the amount of \$33,266.51 and establish contract pricing for one year. And Item 6;

6. **BASKETBALL SCORING TABLES for INTRUST BANK ARENA – FACILITIES DEPARTMENT FUNDING – ARENA SALES TAX**

“Recommendation is to accept the low responsive bid from Basketball Products International, LLC in the amount of \$13,175. I would be happy to answer any questions and I recommend approval of these items.”

MOTION

Chairman Parks moved to approve the recommendations of the Board of Bids and Contracts.

Commissioner Welshimer seconded the motion.

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Chairman Parks said, “Any further discussion? Commissioner Peterjohn.”

Commissioner Peterjohn said, “Yes, Ms. Baker, I was interested in the two items that were for the downtown arena and how that compared with what had been budgeted. If the bids came in, how they came in compared to what we had originally projected on those two items?”

Ms. Baker said, “Both of them are within budget.”

Commissioner Peterjohn said, “I’d appreciate, on Item 3, a little bit of a discussion since this is a change order and a significant increase from the original contract, almost 40 percent, I was interested if you could provide additional clarification? I realize the dollar amount is not that large at \$4,734, but I would appreciate some additional information, in terms of why that is necessary.”

Ms. Baker said, “Sure. This project is going to be a parking lot that is going to accommodate what is called a balance playground, and that’s equipment specifically designed for ADA (Americans with Disabilities Act), and throughout the design of the parking lot, there were unforeseen events that happened. There were some underground utility lines that appeared that were not known beforehand, so that resulted in a small change to the design and as they started looking at construction documents, and the costs associated for construction, the team went back and evaluated different options for design. This particular change order is related to appropriate slopes for drainage. And as they were looking at that, and looking at the amount of money that was going to be required for fill dirt; they decided to look at different options. They came up with a different plan and the engineering estimates for construction would be impacted by \$45,000 dollars. So a decision was made to make some changes to the design to change the plan for the drainage and then that will end up in, the net result of that, will be a significant decrease to construction costs.”

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

Chairman Parks said, “Just wanted to comment on the Purple Wave getting the auction. This will put us in line with City of Wichita, other cities; Derby, Valley Center and it is a local contact company, so I am pleased to see that we are doing work with local Kansas companies. So seeing no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye

Regular Meeting, September 9, 2009

Chairman Parks

Aye

Ms. Baker said, "Thank you."

CONSENT AGENDA

J. CONSENT AGENDA.

- 1. Range Reallocations.**
- 2. Quit Claim deed to transfer ownership of 401 S. Tyler from Sedgwick County to Sedgwick County Fire District #1.**
- 3. Amendment to the professional service agreement with Joan Hertlein, ARNP to provide inpatient psychiatric care.**
- 4. Resolution stating findings make by the BoCC at the post-annexation hearing held on August 26, 2009.**
- 5. Lease amendment for COMCARE's Community Support Service (CSS) located at Twin Lakes Shopping Center, 1911, 1929, and 1969 West 21st Street North, Wichita, KS.**
- 6. Eight (8) Temporary Construction Easements for the Sedgwick County road project R-626-34; paving of E. Calais Road. District 5.**
- 7. One (1) Right of Way Easement for the Sedgwick County project: Bluegrass Estates; southeast corner of 167th Street West and Pawnee. District 3.**
- 8. General Bill Check Register of August 26, 2009 – September 1, 2009.**
- 9. 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:

W & M Kramer 1st Addition

Regular Meeting, September 9, 2009

Mr. William P. 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.

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

K. OTHER

Chairman Parks said, “Well, aside from the big barbecue that we are having out at Wiedemann Park at the Kansas Coliseum with Park City, I guess Park City is a sponsor of that, there are several other things coming up and I will defer to Commissioner Unruh if he wants to say any more about Zoobilee.”

Commissioner Unruh said, “Well, I would just reinforce what Kristi said at the opening of the meeting that this is an annual event. The Zoo is closed on Saturday the 12th in preparation for a big party where many people take advantage of it year after year because it’s a lot of fun. But the proceeds help support the activities of the Zoo and so we encourage everyone, if it fits their schedule, to come out and have a good time and help support the Zoo. You will enjoy your evening.”

Chairman Parks said, “So, we do have a fire schedule coming up here in just a little bit, so I will adjourn, oh, Commissioner Peterjohn.”

Regular Meeting, September 9, 2009

Commissioner Peterjohn said, “Well, just a pat on the back. I appreciate the fact that all the news coverage I have been seeing, on the local news media, they have been properly talking about the problem we face with the H1N1 flu. I was very distressed though this morning, nationally, to see that Good Morning America kept referring to it as the ‘swine flu,’ and I know that this is a technical problem for those folks on the east coast, but at least I very much appreciate the fact that out here in the heartland, we are informing the people correctly and referring to this problem correctly.”

Chairman Parks said, “And I would second that. Thank you. Seeing no further action to come before this Board, we will adjourn this meeting and open the Meeting of Fire District Number One.”

L. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:26 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

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

September 23, 2009