

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 16, 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 16, 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. Jim Weber, Deputy Director, Public Works; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Mick McBride, Risk Manager, Risk Management; Ms. Jo Templin, Director, Human Resources; Ms. Annette Graham, Executive Director, Aging; Ms. Cindy Burbach, Division Director, Health Protection & Promotion, Health Department; Mr. Steve Claassen, Facilities Director, DIO; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Mr. Bryan Frye, Wichita Wagonmaster
Ms. Lucille Williams, Daughters of the American Revolution
Mr. Mike Shields, 8749 S. Ida St., Haysville, Kansas 67060
Mr. Talbert Showalter, 8341 S. Victoria, Haysville, Kansas 67060
Mr. Gary Chapman, 8326 S. Victoria, Haysville, Kansas 67060
Mr. Greg Krissek, Director of Government Affairs, ICM, Inc.
Mr. Steve Seabrook, Director of Business Development, POET Ethanol Products

INVOCATION

Led by Pastor Brad Riley, First Church of the Nazarene, Wichita

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES

Regular Meeting August 26, 2009
All Commissioners were present

Chairman Parks said, “You’ve all had the opportunity to read the minutes; what’s the will of the Board?”

MOTION

Commissioner Welshimer moved to accept the minutes as read for the regular meeting of August 26, 2009.

Commissioner Peterjohn 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 |

PROCLAMATION

A. PROCLAMATION DECLARING SEPTEMBER 26, 2009 AS WICHITA WAGONMASTERS DOWNTOWN CHILI COOK-OFF DAY.

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

PROCLAMATION

WHEREAS; September 26, 2009, marks the Wichita Wagonmasters Downtown Chili Cook-Off;
and

WHEREAS; this year will be the 26th year of bringing people together to share in the joy of chili;
and

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WHEREAS; dozens of teams lovingly prepare chili using secret ingredients from closely guarded recipes, some passed down from generation to generation and some made up just the night before; and

WHEREAS; people of all ages, creed and color line up to tantalize their taste-buds with some of the best chili Kansans have to offer; and

WHEREAS; thousands upon thousands of hungry chili lovers vote for the People's Choice Award, honoring the team with the best spirit, display and chili; and

WHEREAS; the 2009 Chili Potentate is Sedgwick County Commissioner Tim Norton, who will preside over the chili cook-off events and greet the chili lovers of our community.

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim September 26, 2009, as the

'Wichita Wagonmasters Downtown Chili Cook-Off Day'

and encourages all citizens to participate in this community event.

"And it is dated September 16, 2009, and signed by our Chairman, Kelly Parks."

Chairman Parks said, "Is the Chili Potentate in the room? I believe I see him back there, so if you will step forward."

Ms. Zukovich said, "And if we could have the other Wagonmasters as well."

MOTION

Commissioner Norton moved to adopt the proclamation.

Chairman Parks 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 |

Mr. Bryan Frye, Wichita Wagonmaster, greeted the Commissioners and said, “Well, we’re very honored to receive this proclamation. This is the sixth year that the Wichita Wagonmasters has put on this event, even though it’s been going on for 26. We’re thrilled that this year Commissioner Norton is our potentate, he is a fellow Wagonmaster, so he has double duty this year at the event. We will put him to work, you can rest assured. Again, thank you very much. We have a honorary apron for the Chairman Parks, and then also for the lady on the Commission, I do have a set of chili beads for you.”

Chairman Parks said, “So that will certainly go on my list of...”

Commissioner Welshimer said, “Fantastic.”

Chairman Parks said, “...things that I’ve accepted and file with the Ethics Board. Thank you.”

Commissioner Norton said, “Well, Mr. Chairman, obviously I’m very honored to be selected the Chili Potentate. You know, there’s some very wonderful events that happen for the quality of life in our community, and we support the River Festival and festivals all over the community, the Flight Festival, the small town festivals, and the Chili Cook-Off, held by the Wagonmasters, is another one of those signature events that add to the quality of life of our community. And I can guarantee I will serve and honor the Sedgwick County Commission and Sedgwick County as the Chili Potentate. I hope to have three of my granddaughters with me as my hot chili peppers handing out Tums and Pepto-Bismal, and my cards that I have printed up that have my personal recipe on it for chili. We hope that it will be a great event. It’s September 26th along Douglas in Old Town, it’s open to the public. You can purchase a tasting kit and get to taste all the great chilies that people have put together. And the Wagonmasters get there probably 4:00 or 5:00 in the morning with caldrons and cook chili, their special recipe, for everyone to be able to have a full bowl and to enjoy our great community.”

Commissioner Norton continued, “I urge people to come down to Wichita, which is everybody’s downtown. You know, I live in Haysville, we have others that live around our great community, but our metro area downtown is so special, we’ve made a great investment with the downtown arena.

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This is another event that draws people to our center core, brings us together as a community of Sedgwick County, and makes the quality of life that we enjoy here so special. So come and enjoy on September 26th, be a part of the Wagonmasters Chili Cook-Off and enjoy and I would invite everybody to come and be part of that. Thank you for indulging me today.”

Chairman Parks said, “And thank you. And are there more of these [aprons] that are for sale at that event?”

Mr. Frye said, “Yes, sir.”

Chairman Parks said, “Okay.”

Commissioner Norton said, “You had to check your guns at the door, didn’t you?”

Chairman Parks said, “We might have to take that issue up at a later date, for those that are licensed to carry concealed.”

B. PROCLAMATION DECLARING SEPTEMBER 17 – 23, 2009 AS “CONSTITUTION WEEK”.

Ms. Zukovich said, “Commissioners, I’ll read this in for the record:

PROCLAMATION

WHEREAS; the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS; September 17, 2009, marks the two hundred twenty-second anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS; it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS; Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as ‘Constitution Week.’

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim September 17- 23, 2009 as

‘Constitution Week’

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in Sedgwick County and asks our citizens to reaffirm the ideals of the Framers of the Constitution by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

“And it’s dated September 16, 2009, and it’s signed by our Chairman, Kelly Parks. Commissioners, we do have someone here to accept it, Lucille Williams to accept the proclamation.”

Chairman Parks said, “Let’s go ahead and get a motion and pass that.”

MOTION

Commissioner Peterjohn moved to adopt the proclamation.

Commissioner Welshimer seconded the motion.

Chairman Parks said, “And we have a couple of seconds.”

Ms. Lucille Williams, Daughters of the American Revolution, greeted the Commissioners and said, “On September 17, 1787, the Constitutional Convention, also known as the Philadelphia Convention, finished its work and 39 members signed the Constitution of the United States, thereby creating a new government. The success of the American colonists in the Revolutionary War culminated in the moment when these inspired men finished signing the document that created one of the strongest nations in the world, built on democracy, justice and the pursuit of happiness. This year we are celebrating the 222nd anniversary of our Constitution. The tradition of celebrating ‘Constitution Week’ was started many years ago by the Daughters of the American Revolution (DAR). In 1955, the DAR petitioned congress to designate September 17 to the 23 to the annual observance of ‘Constitution Week.’ The resolution was later adopted by the United States Congress and signed into Public Law 915 on August 2, 1956, by President Dwight D. Eisenhower. We Daughters appreciate all of those and thank them who continue to celebrate this important document. Thank you, Commissioners.”

Chairman Parks said, “And thank you for accepting that. I just wanted to say that every day that I come into work, I think about a lot of things that we do, a lot of laws that we pass, a lot of actions that we take, and nothing is more important to me than this document of constitutional rights for liberty and safeguarding our freedoms in the United States. So that’s why I’m probably going to vote in support of this. Commissioner Peterjohn.”

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Commissioner Peterjohn said, “Mr. Chairman, thank you. I wanted to second your comments, and also state for the record that the importance of the Constitution, along with what was adopted shortly thereafter, the Bill of Rights, has been a foundation for this country, and it was far from a perfect document, but we’ve had to work to improve it over time, and that has done so. We had to go through a bloody civil war as part of that process, but before I became an elected official, I had had the opportunity to participate in ‘Constitution Week’ related activities with discussions about this document in the past, and I hope that tradition continues, so I’m very proud to be able to vote today in support of this proclamation.”

Chairman Parks said, “And If I could add, I would like to challenge my fellow elected officials to take that attitude, also, whenever they take an action or take some kind of law into effect or policy to remember the Constitution and the freedoms that that ensures our citizens. Any other comments? Seeing none, call the vote.”

VOTE

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

PRESENTATION

C. PRESENTATION REGARDING ALTERNATIVE FUELS.

VISUAL PRESENTATION

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Chairman Parks said, “A little bit of background on this, I have been a proponent of alternative fuels for the county for some time and I had asked someone from ICM or the industry to come up and give us a short presentation on this item.”

Mr. Greg Krissek, Director of Government Affairs, ICM, Inc., greeted the Commissioners and said, “We appreciate the opportunity to be here. And other Commissioners, several of you, have been either at our complex or at some of our related facilities. Good to see you all again. Also with me is Mr. Steve Seabrook of POET Ethanol Products and Ms. Monique Garcia of ICM, although previously of county service, appreciate the opportunity to work with them, and may ask Mr. Seabrook to answer questions. In following the chili proclamation, I would hesitate, or at least dare to say, too, that in our industry, there’s at least one slogan about our industry, and I’m primarily going to talk about fuel ethanol today, but in the ethanol industry we do have a slogan that ‘we drink the best and we burn the rest.’ So, as we look at the temperature of the chilies, we might be able to also offer some assistance in that regard and would be happy to do that if the opportunity arises.

“Chairman Parks, your original invitation went through an organization called Growth Energy, and Growth Energy is a relatively new, less than a year old, national organization focused on advocating America’s ethanol production. It just happens to be that ICM and POET Ethanol Products are founding members of that organization, so obviously the geography, it made most sense and we thrived on the opportunity to talk about a subject near and dear to our hearts. That’s the background of Growth Energy and I really want to share a little about the modern ethanol industry, because in the last decade we have basically grown tenfold here in the United States to where this year, over 10 billion gallons of ethanol being blended into our gasoline pool, with a total gasoline pool about 137 billion gallons this year. That’s a tenfold growth. This decade, and next year, we will use at least 12 billion gallons of ethanol in the United States. Actually have capacity for even a little bit more than that and there still remains some plants under construction, although the economic downturn and the credit crunch has made that a little more challenging than it was a couple years ago.”

Mr. Krissek continued, “The map in front of you shows approximately 180 ethanol facilities, fuel ethanol facilities, across the country today. ICM happens to be involved in 102 of them at this point, and so ICM, we’re about 300 employees today in Colwich, are very involved in this industry. POET Ethanol Products’ corporate headquarters, Webb Road right near Jabara, they have a total work force of about 100 employees, and whether you realize it or not, they are the foremost and leading ethanol marketer in the country. They market more gallons of ethanol throughout the United States than any other organization in the United States. Sedgwick County, this area has several very

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important key parts of the current ethanol industry. Here's a map that shows the Kansas facilities, capacity in Kansas, and it depends on whether you are looking at what's permitted through KDHE (Kansas Department of Health and Environment) or what they are actually operating at, but about 400 million gallons of capacity is operating in Kansas today, either from corn or very important to us, grain sorghum, or milo, that's been a very important feedstock and they're basically interchangeable in an ethanol plant. Our agriculture benefits greatly from these additional markets for those gallons. Just as a quick comment, 2.8 gallons are produced from each bushel of grain that goes into a product, and then you still have a third of the bushel left as high protein animal feed. And with our animal feeding industry in the state, it is a great opportunity for Kansas as well.

"This map does show there are several, a couple, bio diesel plants, I'm not going to focus a whole lot on bio diesel today, but can certainly answer questions if you want me to. It, as an industry, is also growing, but has faced some challenges, in terms of its feedstock, which is typically soybeans in the United States, and if we want to get into that, we can. As we have grown, another fact that's probably not well known is today, if we look at our sources of gasoline across the country, and as you know our oil, we import about 60 percent of our oil needs for the United States. We also import a fair amount of finished gasoline into the country. Some of that is geography from refineries that are off shore and it just makes sense to go to some of the coastal markets with finished gasoline. But today fuel ethanol, and as we move into 2010, the only other source of liquid energy that we stand behind is Canada. We now, in a domestic homegrown, clean burning fuel, produce more than what we import from Saudi Arabia and more than what we do from Mexico and Venezuela. We think much of that has happened because of public policy, but there is also a component that's very market driven in this, as well, that I'll touch on, and we see that growth continuing as we move towards some additional amounts, which I will talk about in a second. That public policy today focuses on the 2007 Energy Bill that was approved by Congress, which created a renewable fuel standard, and the first generation renewable fuels will move today under law up to 15 billion gallons by about 2015. Then, an additional 4 billion gallons can come from other non-corn sources, such as sorghum, or as we move into things like switchgrasses, big bluestems, miscanthuses, agriculture residue, such as corn stover, that's the advanced and cellulosic bio fuels, which the target at 2022 is to be producing about 35 billion gallons of ethanol from these variety of sources." "And we'll be producing that, but we also have to know how we're going to be using that, and I'll touch on that a little bit later. Additionally, a bio diesel point here, there is an additional billion gallons in this schedule which is targeted to bio diesel, whether that be coming from soy bean oil or from animal wastes, recycled greases and things like that, but the vast majority, the 35 billion gallons, is ethanol which is used in gasoline engines. You know, through this growth we've gotten to the point where today approximately 75 percent of all gasoline in the United States has ethanol blended into it and the most common blend is going to be E10, I'll talk about that in a little bit. The numbers in Kansas, and probably in Sedgwick County, I would expect mirror that, to where 70 to 75 percent of all fuel is E10 today. There is an E85 alternative fuel for flex fuel vehicles, it has

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continued to be relatively small, less than one percent of all ethanol, is actually used at E85. But all vehicles in the United States today are guaranteed and warranted to run on E10. Much of the engine technology that has come along in compression and fuel injection have helped us use ethanol just seamlessly within the system.

“Everyone asks, ‘What about cellulosic ethanol?’ The next generation is basically non corn starch, and it’s coming to commercial viability. We do operate, as you well know, in a commodities business, and in a commodities business and market, it will be the low-cost producer that survives and flourishes. So far, cellulosic ethanol is not that low-cost commodity, either from the handling and production or the actual processing of it, but items like agricultural residues or corn cobs, corn stover or wheat straw, all are being investigated. ICM and POET, in this case, actually kind of compete with each other on what we’re pursuing. There are also energy crops, such as switchgrass and other grasses, big bluestem, wastes such as wood chips, et cetera. The goal is you can do this in the lab today, make it into ethanol, it’s just not yet commercially viable, but that continues to move forward. The U.S. (United States) Department of Energy has sponsored a significant amount of research projects, commercialization projects, in the last several years and they’re moving forward in the next several years, as well, to do that. There is, when you inventory bio mass in the country, over a billion tons available, which could be turned into, somewhere between 80 and 100 billion gallons of ethanol. So, again, we use 137 to 140 billion gallons of gasoline today with that conversions through time, you could see us go much well beyond the E10 level, and I am going to talk about that here in a little bit.”

Mr. Krissek continued, “While there is work on cellulose, the other parts of the industry are not standing still. When we look at corn production, yield projections from the companies, the major companies that work in varieties of corn have yields per acre going from, today we reached 161 estimate for this growing season, to where in 15 to 20 years, they expect it to be over 300 bushels per acre, utilizing the same inputs on the same land, so no additional land to do this. Now, we believe that will come, but if we look at what has been happening in history, on this slide, you see that it has been growing significantly. We have moved up the chain, easily doubling from the 80 bushels per acre, 30 to 40 years ago, to where this year it will be the 161 bushels per acre. So we have to rely on the scientists that are in this area to say that, again, this continued increase will proceed and that actually should provide even more opportunities for grain ethanol. This chart shows you that where the corn especially is divided between direct human food applications, which

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are relatively small, animal feed, which remains about 40 percent of the use of corn today, ethanol has grown to the 25, moving towards 30, percent of the corn. Again, remember that we give back a third of the product yet still as an animal feed product. And exports, while they bounce around a little bit, overall have not changed significantly much over time. We have some handouts we'll leave that have some additional description of this, but at the end of the day, we believe, this is an ICM opinion, that by 2015, we may have another 5 billion bushels of corn and corn equivalent that are available in the marketplace for all these uses.

“Now today, ethanol tends to be the one that is growing, the fastest in using those equivalents, and for those of you who are agriculture producers in the room, typically a carryover that was in excess of a billion bushels tended to weigh down prices. It would be our prognostication that if we suddenly have about a 5 billion excess of unused corn, that will have a significant ramification on where prices go, but we think there's a way to make that sustainable, both for ethanol and for animal feed, and for the farmer, if we can continue to grow the ethanol market because we have seen that value-added processing brings returns to plants who are mostly owned by communities and farmers that have invested. When I talk about additional corn ethanol, the question quickly comes out, ‘Well what about last year, and wasn't there impact on food prices?’ Well, it would be our belief that much of the run-up last year of commodities was related to the price of oil, some commodities speculation and not really the fundamentals of the use of that product.”

“But that said, if we take U.S. Department of Agriculture data and look at the food dollar and how it really divides up between the value stream, on the far left, the farm value of 19 cents of each dollar really going to the farmer, and I must say that most of the higher percentage or averages in that 19 cents is when you're dealing with fruits and vegetable growers, not commodity growers like corn or wheat or soybeans or sorghum. Our estimate is the corn value in Iowa State, or this was a Texas A&M study, is that three cents of that bushel of corn, today priced at \$3.50, actually comes back, of your food dollar, of the dollar we spent on food, three cents of it is going back for that bushel of corn in the commodity to the actual producer; very, very small. When you talk about food, food travels a significant amount of miles, average distance 1,500, and when you look at the actual costs; the energy costs to move the products around far exceed the actual commodity costs. Now, those move around, but we think this is pretty consistent, this year, \$3.50 bushels of corn and diesel at \$2.67 a gallon.

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“What about ethanol’s carbon footprint and impact on the environment? Well, when we talk about greenhouse gas reductions of ethanol, and that involves how it is processed at the plant, and we look at this slide, gasoline is the red line, and the lingo here, the measurement is grams per megajoule (g/MJ), that’s how we measure greenhouse gas impact. When we look at types of ethanol plants, you see the reductions. There are a few coal-fired ethanol plants, really less than seven or eight around the country of those 180. Most run on natural gas, but the plants which we would call this generation of plants, like what POET has built and what ICM has built since 2001, they are going to see almost a 53 percent reduction from the gasoline greenhouse gas in using the ethanol. And where we think things are going in the future, frankly, will be energy sources at the ethanol plant that are non-fossil based, such as we’re working on a gasifier. One of the POET’s plants uses a similar system in using agriculture residues or other alternative energy to actually run the plant and to take away the natural gas needed to run the plant. So, we believe you can get to the 67 percent below gasoline, and actually when we move to cellulosic ethanol, and combined with alternative energy sources, you are in the neighborhood of an 86 percent reduction in the greenhouse gas.

“And there are many models; EPA (Environmental Protection Agency) is going through this currently, we will be happy to provide information to anyone who wants to dig in to this a little bit further, but this is a real snapshot of where we think, if we just look at the processing of the ethanol. Now, there is an issue at the federal level, because in the energy bill, the ethanol industry is supposed to take into account, or EPA is supposed to take into account, if we have caused lands, especially in South America, to be converted from the rainforest, and that should impact our greenhouse gas footprint. Well first of all, I’m not sure we really control that. Second of all, this slide will show you in the time, the last ten years that we’ve been growing ethanol, the rate of Amazon deforestation has been dropping at almost the reverse rate, the inverse rate.”

Mr. Krissek continued, “So, again, I don’t think they’re related, but we are working through this issue with the EPA, you might hear about it, and we would be happy to talk with you about it. Water usage at ethanol plants; in the plant, it is approximately three gallons of water per gallon of ethanol that is produced, and about two of those gallons is because we are cooling equipment during the process. As we continue to reduce the amount of energy needed in the process, and that’s come down now today, you have plants operating anywhere from 20,000 to 30,000 BTUs (British thermal units) per gallon of ethanol, each gallon of ethanol is 77,000 BTUs, that as we reduce the energy needed, we also get to reduce the amount of water needed for cooling that equipment, so that continues to go down. I don’t think we all, as consumers, know how much water is used in anything we do during the day. We’re all going to become more informed as we go along, but these are some classic examples of where that fits in.

“Ethanol has been driven by public policy, understand that, but we also think it’s become a pretty good investment at the federal level, where if you look at 2008, there basically was about an investment of just under \$5 billion by the United States in what’s called VEETC (Volumetric

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Ethanol Excise Tax Credit), which is the 'Blender's' Tax Credit. But in the process, we have seen reduced farm payments, tax revenues generated from the ethanol industry, consumer savings on gasoline, which easily combine, and ethanol industry contribution to the domestic product that is easily five times that, ten times that in return. It seems like a pretty good investment from what we see. And let me talk about VEETC real quickly, the 'Blenders' Tax Credit does not go to the ethanol plant, it is shared in the chain with that entity which actually blends the ethanol and gasoline together and we actually think we see that flowing through, it's 45 cents a gallon of ethanol, 4.5 cents a gallon of blended E10, we see that getting to the consumer almost all across the country today. So that has been a real positive step that the consumer benefits in their gasoline price from those programs. We also think there are some hidden costs of oil as it relates to what we don't pay at the pump, but we do see other incentives and incentives are part of incentivizing business throughout all industries. We understand that, but we also pay to protect the shipping lanes and we also have an annual transfer of wealth for that imported oil, or the hidden costs of oil.

"Let me talk a little bit about performance of ethanol in today's vehicles, just to make sure that we all kind of operate from that knowledge base. You know, again, today, in 2009, there are going to be in excess of 1.5 trillion vehicle miles driven in the U.S. on E10 blends, and we just do not see performance problems in that. If I go back through this decade, there's probably three to four times that number of vehicle miles that have been driven on E10 blends. Because we've seen a move to fuel injection, detergents in gasoline, in virtually all gasoline, and just better engine technology to work with the E10, it has become a part of the recipe in our gasoline supply."

"Ethanol has a very high octane, so in the past you would have seen it in midgrade or in premium blends, maybe not so much as in regular unleaded, but because of pricing dynamics that have happened, especially since April of 2007, we have entered a time frame where ethanol, except for a very brief time period last year, early this year, ethanol is wholesale under the price of wholesale gasoline. Because of its octane in the past, it was always an additive, but since April, really since the hurricanes and then starting in April 2007, it is an extender of our gasoline supply. And with that extender, the way the marketplace has treated it, is to be lower cost. Will it always be lower cost? Don't know that it will be, but the way it's been developing over those last two years, the relationship it is under the price of wholesale gasoline, absent any discussion of the 'Blenders' Tax Credit. This is just purely on a supply and demand basis.

"Both of our companies were involved in an organization, the predecessor kind of to Growth Energy, named EPIC, which worked with the Indy racing car, starting in 2004, because we felt the biggest question mark was to show the performance of ethanol in engines. We worked with the Indy Racing League (IRL), and I believe this is now the third year that the Indy Racing League is running on 100 percent ethanol. They had been running on 100 percent methanol. These are the engines of tomorrow. This is where the automakers really go and the engine manufacturers go to

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show, where can we move our product into the future? Ethanol is seen as a very high quality fuel. We've seen great performance in the Indy league, and I think that's why you see it with superior performance throughout the United States in our regular cars.

"There is the opportunity for flexible fuel vehicles; I understand you do have some in the fleet. But I guess my first request would be that we certainly work with you to make sure that the county can use E10 whenever and wherever possible, because I think that is a very common fuel available today. Flexible fuel vehicles run on E85, there are approximately 25 to 30 models of flexible fuel vehicles. There have been some E85 stations here in the county, as you know; I think there may be four or five today. There are some challenges with consumer acceptance of E85, and working with each retailer to make sure the pricing dynamics of E85 are correct. And today I think there's about 2,000 stations across the United States that have E85, I think there's maybe 20 to 25 in Kansas. But we see a growing interest in a slightly different approach, still using flexible fuel vehicles, and several of you, I think Commissioner Parks and Commissioner Peterjohn, joined us when we opened the flex station in Colwich. ICM is very involved in that, with the concept that there are midlevel blends, E20 and E30, which are being tested by DOE (Department of Energy) and EPA that we think are going to have a role to play, even in legacy vehicles. But today, they would be very legal in flex fuel vehicles: E20, E30."

Mr. Krissek continued, "Not to confuse this, we also have a request in to EPA to move the E10 blend base to E15 and we think that will also be a positive, but in this specific opportunity, we're trying to give consumers more choices, frankly. We see consumers liking E20 and E30 slightly more than E85 when they've been using it, I'll show you some data here in just a second, but a real stimulus, we think to the economy too as we try to talk about, are we replacing foreign energy supplies? And please understand, we think domestic energy and ethanol could work very well together. We would like to work that hand in glove. We think that's a good partnership and obviously that's an important partnership in Kansas because of our oil background as well. But we took, for example, rough numbers for the Hutchinson area, and there is an ethanol plant just north of Hutchinson in Lyons, if all vehicles in Hutchinson were running on E30, they would utilize all of the product made in Lyons, the 55 million gallons. Transportation costs would go down, and we think the significant economic impact on that model would be tremendous, around especially middle America.

"So what did we do to see what we could test regarding E20 and E30? ICM got a dispensation, a research approval from EPA. Once we had our flex station in place, we had 40 vehicles, that were legacy vehicles not flex fuel vehicles, go through a testing phase of first running on regular unleaded, then E10, E20, and E30. And basically, I just highlight that, in terms of miles per gallon, our E10 results were 5.73 percent better gas mileage when we went to E10 over regular. Now, once

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we moved to E20 with our group, it was down to where it was just about even with the regular unleaded, and then we started to see a drop-off when we went to E30. And if, in the future, we are trying to think more miles per BTU rather than miles per gallon, which kind of fits more into miles of carbon per BTU. We actually, as we went into the E10, 20, and 30 saw tremendous impacts bettering of our efficiencies and our returns, in terms of miles per MMBTU (one thousand thousand British thermal units), as we move through this process. So that excites us. There is a program through the State of Kansas Department of Agriculture that allows blender pumps and we are working with that program. There are also several groups, ag [agriculture] and ethanol, promoting implementation of blender pumps. We would be happy to talk on that issue with whoever you want here in the county and the staff. We are familiar with some of the service companies here and I think your staff has coordinated with those here recently, in terms of understanding how ethanol works in tanks and conversions. We would be excited to help move that forward. I am pretty sure I've run out of time. I'm going to say thank you very much and happy to answer questions or I'll ask Mr. Seabrook to help me out, depending on what questions you might have. Thank you."

Chairman Parks said, "Well, I just wanted to say thank you for coming in and giving that presentation. One of the things that we have as a role of County Commissioners working with the city and working with our metro area for our air quality control and this would fit in with our air quality control and reduce that carbon that we're trying to avoid being named a designation for, of a better word a dirty county or a dirty city, and have to do certain other things. E10 is cheaper in some markets. There's very few of those around here, but I know as traveling across Kansas, I see certain stations that have E10 for the price of regular gas, and their regular gas is 10 cents higher. And I think that started by the State of Kansas when they gave their 10 cent reduction for E10 or there was a tax break back then and few people know, but we do pay state tax at our local level for our vehicles, so I think that this may be something that we would want to look at in the future for our vehicles, maybe be a leader, do some testing on this, and get some E10 in our normal day-to-day vehicles.

"We are buying some flex vehicles. I know there's at least one Commissioner that has a flex vehicle, and I believe he will be paying \$2.08 a gallon if he uses the E85 on that instead of the current price. That was the price last weekend at the Maize Kwik Shop that I observed. So certainly like to commend you on that, and ask the people out there to shop around and if you go by a station and see E10 cheaper than the other one, it might be good for the country and good for the local farmer to stop and get some gas there. By the way, if you are going to Hutchinson to the State Fair,

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Colwich is on the way for a lot of metro Wichita. That is a neat station, if nothing else, just for the learning ability to go by there and see what a flex station is. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Mr. Krissek, I appreciate your presentation, there were a couple of points that I had some questions on. One of your slides talked about and showed ICM process plants around the country, as well as what were described as ‘other.’ Could you give me a quick differentiation between when you say ‘other’ up there, what it means because I didn’t realize it was so heavily concentrated, particularly in the area, kind of like Des Moines, Iowa, and kind of radiates out from there, so I was curious if you could clarify that for me?”

Mr. Krissek said, “Let me try a couple points and then tell me if I don’t answer your question. Today, 95 percent of the ethanol is made with corn as the feedstock. So if you look at a map that shows the corn belt and the corn belt keeps getting bigger because of the varieties where traditionally that would be Iowa, Indiana, Illinois, Minnesota, eastern South Dakota, the varieties of corn are now much more; they’re drought tolerant, their ability to grow on the western corn belt, such as Kansas, Nebraska, on the eastern corn belt, such as in Ohio. We are focused on corn, we have been focused on corn because that’s where the industry has been; corn and milo, in terms of that. ICM also has a partner who constructs plants. Of those 102 plants, we constructed ourselves about 25 to 30 of them.”

Mr. Krissek continued, “Then our partner, based in Minnesota, who was very heavy in working in Iowa, would be the general contractor and we’d provide the design technology. Our founders have worked in the industry approximately 30 years and they managed plants and they invariably learned, as we all probably do, that when plants have problems, it’s usually 2:00 a.m. in the morning and we got to have easy access to make the repairs, to make the plant streamlined, to make it more efficient. So that was brought to the industry in about the year 2000, well adopted and accepted and that’s what led to our success in being able to implement it in so many locations around the country, because it also became, with a couple others, we’re not the only one in this space, it became the lenders, the bankers felt comfortable that the reliability of our plant is very high. We guarantee, we build for others and we guarantee that it will work, and our lender friends seem to like that concept, too.”

Commissioner Peterjohn said, “Well, one of the concerns I’ve heard expressed is since ethanol is shipped by tank car rather than by pipeline, and a lot of the fuels used around the country are shipped by pipeline, and that’s part of the reason why it’s more midwest centered than on either of the two coasts, I was curious if that was a problem that has any sort of a solution in the near term that you are aware of?”

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Mr. Krissek said, “First, let me mention, and it follows a little bit on what Commissioner Parks was saying, one of ethanol’s uses is because it is an oxygenate, and prior to the renewable fuel standard, the federal government also has a program for reformulated gasoline which is to be used in those areas that have air quality challenges. And today’s market place, I believe, about 4 billion gallons of our total market is in the rfg (reformulated gasoline) market to help move to those areas, basically urban areas. And so that leads itself to how do you transport the fuel? Ethanol has a proclivity for water and pipelines generally, oil products do not, so the biggest challenge has been in pipelines, if there is water present, the ethanol would mix with it and then that would be a challenge. What I think I’m going to do, if you don’t mind, I’m going to ask Mr. Seabrook, who comes from that industry, to maybe talk a little bit about where the pipeline projects are going regarding ethanol, because he has personal experience in that. Steve.”

Chairman Parks said, “Yeah, you have to get near the microphone and state your name for the record.”

Mr. Steve Seabrook, Director of Business Development, POET Ethanol Products, greeted the Commissioners and said, “I’m part of the Business Development group over at POET Ethanol Products, so...”

Chairman Parks said, “Thank you.”

Mr. Seabrook said, “...but to your question, as far as logistics, initially, say ten years ago, when the industry was in its infancy, that was a major issue on how you get product from the midwest to the destination locations. Today, it has become much less of an issue. For example, our company manages somewhere in the neighborhood of 2,500 railcars that we use to move the product from the midwest to the east and west coasts, so I would say, by and large, 90 percent of the United States now has developed infrastructure to the degree that they can bring ethanol in, in bulk, and service the needs of their particular areas without any problem. Now, the bigger issue is the cost, which is where the pipeline project, we actually partnered with a company based out of Tulsa, Magellan Pipeline Company, and so we’re in the process of going through some different activities and building a pipeline from the midwest into different parts of the U.S. today to begin to phase out the rail move and start to bring it in to a more of an efficient move to market. And that’s a project that’s been ongoing here for a couple of years now. We’re going through some design, originations for the pipelines, all the different locations it will originate at, where the destinations will be, and then, of course, the famous federal funding that’s always needed, or federal loan guarantees that are needed to take place, to build these pipe lines. That’s another process that we’re going through right now, which is not singular to ethanol, that is, historically, when you look at the development of petroleum pipelines, that’s been part of that process as well and we’re well underway in that regard.”

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Mr. Krissek said, “But it is feasible to pipeline?”

Mr. Seabrook said, “Oh absolutely. It’s pipelined today. There is pipeline today that exists between Tampa and Orlando, Florida that is owned by a company called Kinder Morgan, and they successfully pipe ethanol. The issue isn’t piping it, per say, it is mixing it with other products and exposing it to water, so if you have a singular line that is designated to ethanol, you can pipe it without any issues whatsoever and you’ll see that happen over time. Does that answer your question?”

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “Ethanol really got started back around 1991, 1992, was just getting on its feet. I was in another life in the legislature at the time, and it looked, it seemed to me, to be an industry that Kansas could flourish with, but it was very difficult to get anything through in the Kansas legislature at the time and I see from your map, with the little stars on it, that you have more industry in ethanol in the northern central states than in Kansas. So I guess my question is, could the state have done more to bring more of the ethanol industry to Kansas or is the northern states better in crops, I mean is there other reasons why this has happened?”

Mr. Krissek said, “Commissioner, I think the main reason that that developed was, in those states, they had traditionally very low priced grain because they did not have as many uses nearby. Such as in Kansas, we have a significant cattle feeding and animal feeding opportunity, so our grain prices traditionally were higher by several cents a bushel, more than several cents, 10 to 15 cents a bushel than say eastern South Dakota. So when the legislature put those types of programs in place that we do have, that was really kind of to help our plants have a chance at competing. We have seen that development in the northern states because, again, they just didn’t have as many nearby uses, or the nearby demand, and they were exporting the grain. Now, we have some grain movement and we export it from the state, but it’s quickly backfilled by other local grain for the feedlots. So I think for Kansas, we have had a pretty good package, because we also need to balance and recognize that our livestock industry is one of our edges in Kansas. Our plants provide wet distillers grains for the most part, not drying it, and we save energy costs because we have cattle nearby, so that was our edge as well. That was not available to those in the north. They needed to dry and move the distillers grains to other parts of the country, so you may or may not recall, I was with the Kansas Department of Agriculture for 11 years and very involved in those programs, and I think it was the right balance for Kansas. Could it have been more? Maybe, but it might have been before we were ready. We didn’t have really the technology until this decade, in my opinion, to do what we’ve done. So I think it’s been a good balance and we probably got a semi right sized industry for our state today with the other factors that we have in our agriculture.”

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Commissioner Welshimer said, “Good. That’s good news.”

Mr. Krissek said, “Yep.”

Mr. Seabrook said, “And Kansas has done very well. If I could throw in one thing, in a year where we’ve seen 20 percent of the industry shut down, the State of Kansas with the facilities that operate here today have done very, very well through one of the worst years that we’ll probably ever see and so I think the state should be very proud of the way that they’ve grown their business; they’re the right plants, the right size and the right locations. And milo has kind of become the crown jewel, if you will, in the last year with feedstocks or ethanol production, so the State of Kansas has done a really good job.”

Commissioner Welshimer said, “Thank you.”

Chairman Parks said, “And thank you, Greg. And we will be looking forward to any updates that you have or any announcements of expansion or any big news, please keep us in the loop on the email.”

Mr. Krissek said, “We will be happy to. Thank you for this opportunity.”

Chairman Parks said, “Thank you.”

MOTION

Chairman Parks moved to receive and file.

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 |

NEW BUSINESS

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D. AGREEMENT WITH GROUND WATER ASSOCIATES.

VISUAL PRESENTATION

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, “There are many different types of flooding issues, and I want to talk about one specific type today. Most people when they think of flooding think of surface water, such as rivers, and after an increased amount of rain they get into flooding situations that can affect infrastructures, such as roads and bridges, and also negatively affects homes and other facilities around the rivers that affect flooding. But what I want to talk today about is a special type of flooding due to groundwater and the water table rising up in areas and flooding people’s basements. Now this may cover a basement for a few inches, or it may cover it for one foot, or it may cover it for multiple feet, and we’ve had some basements in our county that have had four feet of water in the basement for one year. So we have basement flooding problems, and with those problems then, the residents have to face wall damage, drywall molding, floor damage, have to remove material, it takes a lot of time and it takes a lot of money to go through and correct this damage.”

Ms. Erlenwein continued, “The problem is, with groundwater flooding, it lasts a long time, so the people have to face this over days, weeks, months and even a year period before the groundwater level subsides. You can see from this photograph the marks on the wall of where the groundwater was, and especially in this photograph, you can see how high the water was in the basement, and the mold growing in the basement after the fact, which also causes health problems. So this is a very serious problem in our community. The location I’m talking about, you can see on this map outlined in red, south of Wichita near the interstate [I-35]. And to look at a close-up of that, outlined in this block in red, you have 81st Street South on the north, interstate on the west, 87th Street South on the south and Hydraulic on the east. Also, you’ll see there are neighborhoods around this area and I have heard that they are also receiving groundwater in their basements, but the core area we’re concentrating on right now is outlined in red. And this aerial photograph shows the homes in this area, and I’ve counted 146 homes in this red outlined area. There are also some empty lots in this area that could be developed in the future if this problem is ever resolved.

“The reason for the problem is because of additional rain soaking into the ground. As you can see from this diagram, rain soaks through the soil, this is very sandy soil in this area, and adds to the groundwater. The blue solid line at the top of the blue area is the water table. And water tables are not stagnant, they fluctuate over time, and the more rain you have, the higher the groundwater table will be, and in a period of drought, the groundwater table would lower. Also, groundwater does not just stay like a pool under an area, it’s water contained between the sand grains and it flows from high elevation to low elevation just like a river will flow, so you have groundwater moving under your property all throughout time.

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“One way to help lower the groundwater table is through pumping of water wells. As you can see, the normal water table above without pumping is just, in this diagram, a straight line. But from pumping, as in the lower part of this diagram, you can see what’s called a cone of depression forming, and that is where the water is being pulled down, much like using a straw in a glass of water, you’ll see a little cone at the base of the straw, and it lowers the water table. How much it lowers, it depends on the size of the well, and the size of the pump, and how much you’re pumping out of the ground. If you’d have these on a larger scale, they’re called dewatering wells and they are used in different places around the nation and in Kansas to help lower the water table in areas that are having groundwater flooding problems. Another diagram to show what’s happening in this area, currently, you can see the house on the left with four feet of water in the basement, and as I mentioned, some of the homeowners in this area do have four feet of water in their basement, and all of these homes have domestic water wells. Research has shown that the depth of the domestic water wells range from 26 to 40 feet down, with the average depth of 32 feet. What this says is that this groundwater table is four feet below the surface. That’s why you’re seeing it four feet in the basement area.”

“If dewatering wells would be installed in the area, and we estimate possibly three regional wells, it’s not like there’s one well per house, it can lower the water table beneath the basement area thus keeping the basement dry, and it would be similar to having like a sump pump with a trigger mechanism in the well so that when the water table reaches a certain height, it triggers on and the pump comes on. When the water table drops a couple of feet, the pump would then go off. So you’re not running the wells constantly. You’re only running the wells when it’s necessary, when the water table is rising, and then when it drops, the pump goes off, so that saves electricity, it saves water in the basements, but it also protects the private water wells in the area. They would never be in danger of being out of water. As you see from this diagram, we could turn the pumps on at nine feet below the surface of the ground and back off at 11 feet, thus not overextending the electricity used in the area but keeping the basements dry.

“Basement flooding has a lot of problems associated with it; interior destruction, as I showed earlier, of the flooring, of the drywall, personal property loss, anything that was in the basement that got wet has to be thrown away at that point, structural damage, there have been basements with cracks forming in them and wall integrity problems in these basements, increase in electricity bills, some of the residents are paying over \$800 a month in their electric bills keeping four to five sump pumps running 24 hours a day, seven days a week for a year’s period of time trying to keep that water level down. Some people have water in their basement constantly, even with that many sump pumps running. Because of this, the property values have lowered. Our Appraiser has been at neighborhood meetings down in this area, talked to the residents, and those who have worked with his office have lowered the property bills because of the lost value of not being able to use their basement. And that means less taxes coming into the county as well.

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“Solutions to the problem, well one is to help control surface water runoff with better drainage. When people are running these sump pumps and it goes back to the surface of the ground, it’s just soaking right back in and it’s a circular problem. They’re pumping the water they just recently pumped out, so we need to get the water out of the area and a very important factor is to lower the groundwater table through the dewatering wells. To help determine how to do this the best, we need to look at where do you place the wells, the size of the well, the size of the pump, the depth that the wells need to be and the overall management of these wells. I’ve had meetings with the Kansas Division of Water Resources, and the Kansas Water Office, and Kansas Geological Survey; they agree that this is a good mechanism to lower the water table. They’ve seen it used in other areas, one is the Cosmosphere up in Hutchinson that’s had this problem and they use a dewatering well. To do this, you need a licensed geohydrologist to work with the state, to develop the reports; it’s a very specialized, professional field. In talking to all of these agencies, they recommended Ground Water Associates as a company that they’ve worked with in the past who is knowledgeable on this area and who’s knowledgeable in Sedgwick County, not just of groundwater and dewatering wells.” **Ms. Erlenwein** continued, “Because of that, Sedgwick County entered into a contract with Ground Water Associates back in the spring of this year to start researching this problem, and the Commissioners approved that contract on the Consent Agenda in the spring, and they were to evaluate the historical water data, some water tests that were done in the past, they’ve met with the neighbors and collected a lot of material and data. The project has grown in scope because some of the historical water data and pump tests turned out to be inaccurate, they could not use those, they had to then develop computer water models on how the groundwater works in this area, so the problem has expanded in scope.

“Today before you is an extension agreement of that contract that exists with Ground Water Associates to continue the study and determine the exact placement of dewatering wells to best fit this area, the depth, the design, what we call screening, how much of the well has slits in it to allow the groundwater in, the pumping rates, the size of the pump, and finally, to submit all of this background material, which is required by the Division of Water Resources (DWR), they’ve made that very clear, they need a packet of material to substantiate any dewatering wells, to apply to them by the licensed geohydrologist, so it’s a very specific profession and it’s really needed in this area to help the citizens. This is step one in determining what do we do next. You need the study to determine future costs, how many wells, the size of the pump, all of that, to go down the road to say, ‘How do we do this? What’s the next step, the cost to the citizens in the area to proceed further?’ And the state has let us know that this would be a great pilot project to use in other areas as well. I’ve briefly covered that and I’d be happy to answer any questions that you might have.”

Chairman Parks said, “Commissioner Norton.”

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Commissioner Norton said, “Well, as you know, I’ve been working on this issue for several years and we do have some of the people from that area that they’ve, over the last couple of years, we formed some sub-committees of that group of 146 homes, instead of having huge town hall meetings, we’ve kind of gotten it down to a working group that has been very active. I think Mike has been part of this for a long time, I see several others, but we’ve moved this along. I think it’s important that we get this last phase done so we know the final thing that we’re working with. I think there’s a point where Sedgwick County will have to say, ‘How much are we going to participate in the rest of the program?’ But the citizen’s group is working hard to get their people together to understand how you form a groundwater district, how do you get everybody on board, how do you continue this over a long term to pay for the electricity, the maintenance, the change out of pumps, any expansion that might want to happen, but I really believe they need Sedgwick County to help them get to that point where we can all make a decision for that community.”

“You know, it’s a pretty large area. And as we’ve worked with DWR, this gives us a chance to understand, are there solutions to these kind of problems? I don’t think this will be the last time we’ll be talking about this particular issue. I mean, water with flooding, not only surface water but groundwater flooding, I think is going to be more prevalent in our community as we expand out into some of these areas that have always been rural, a lot of them are sandy soil, it’s different soil composition, and this gives us a chance to really understand that process and to build a relationship with DWR so that when we go to them on the next one, whenever that is, and I hope there’s none, because this has been a very complicated gut wrenching process, that we’re prepared to move forward on others if we have to. I’m obviously going to be very supportive of this. I know there was some questions yesterday at the staff meeting. I would invite Mike, or Gary, or Talbert, or anyone to come forward and visit for just a minute. I know a lot of times anecdotal information isn’t as important as hard facts, but they have lived it, breathed it, worried with it for quite a few years, so if anybody would like to hear from them, they are here today.”

Chairman Parks said, “Let’s see if we can get a motion and a second and then I will ask the people from the public to speak on that.”

MOTION

Commissioner Norton moved to approve the agreement.

Commissioner Welshimer seconded the motion.

Chairman Parks said, “Have a motion and a second. Now we can have some more discussion. I am sure there will be a lot more discussion, but we are moving on with that. Kind of where I’ve come from on this project was, you know, I wasn’t sold on it in the first place, but we did have

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some problems down there and it was obvious that something needed to happen. I do think we are in the middle, I know staff has used the term 'phase one,' but I really think we're in more of probably 'phase two' of this now, but I have a tendency to support this for maybe the last time saying, 'Hey, this is something that we are going to spend up to and not exceeding \$10,000 to study this, look at this and then turn this over to some kind of homeowners' group, or homeowners' association, or another funding mechanism for those homeowners to be able to pick this up and run with that.' I do appreciate staff's comment, Susan's comment, that she has studied this with DWR, they're recommending this. Although it does say in the backup that that was tentative and I would like to ask Susan a little bit just about that. When they said tentatively, did they have any reservations or did they have any..."

Ms. Erlenwein said, "Because of water well appropriations, when someone drills a water well, the state looks at how much water they will be pumping out and then they finally say okay, we are not going to allow any more wells in this area because all the water rights are given. And in fact, that's the case in this area even though we have a lot of water in the ground. They have agreed with us that this is such a health and safety issue for the homeowners that they will give permits in this area for the dewatering wells, and that's been an uphill battle with the Division of Water Resources. And through my conversations, Commissioner Norton's conversations with them, Public Works and Ground Water Associates, we've come to that agreement, that they will allow these permits to take place to put wells in, so that was a very important hurdle to get past."

Chairman Parks said, "I guess from my view, the up to that process, maybe a government function but something after this may not fit into the government process and may be more of a private issue. The Kansas Geological Survey and the Kansas Water Office have recommended that this study be done?"

Ms. Erlenwein said, "Yes, they have."

Chairman Parks said, "Okay. Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, thank you. Ms. Erlenwein, I'm very surprised by one part of your testimony. If you could clarify for me, and I would like to make a quick comment about anecdote because there's a Nobel Laureate economist who said that 'the singular word for data is anecdote,' so I think anecdotal information is just fine, there are limitations on it like anything else, but I look forward to hearing some of the public testimony. But what really surprised me in your presentation was I had been told that that water is not potable and I am very surprised to hear in your testimony that the people who live in that area have water wells that they are using for their own consumption. I want to double check and make sure I heard that correctly?"

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Ms. Erlenwein said, “Yes, they do have water wells at all of those homes, domestic water wells.”

Commissioner Peterjohn said, “Okay. Because if we’ve got the City of Wichita is basically taking water, service water, and then pumping it into the ground to recharge an underground aquifer, if I understand dewatering correctly, what we’re talking about doing is pulling water out of the ground, and when you say dewatering, we’re just going to pump it off into the river?”

Ms. Erlenwein said, “The discussions I have had with Division of Water Resources is that they would allow us to take this water, put it to surface drainage that we have that would take it to the Cowskin Creek and they would approve of that. Personally, I would like to see a better water customer use be developed in the future. The only problem with that is, remember, these wells are only pumping when the groundwater table is high and we’ve had plenty of rain recently to make it high and cause this problem for a long period of time. You would have to have a customer that this would only be a supplemental water use, not their main water use since you cannot rely on when the pumps would be producing water. Right now, the plan would be to take this and put it in the river. The situation you mentioned with the City of Wichita and their project along the Little Ark [Arkansas] River, they have to treat that water before it’s pumped back into the ground after they take it out of the river, so they have an extensive treatment program before it goes back into the ground per their agreement with the Environmental Protection Agency.”

Commissioner Peterjohn said, “Well, thank you. Mr. Chairman, I look forward to hearing some anecdotal information and I think I may have more questions...”

Chairman Parks said, “Okay.”

Commissioner Peterjohn said, “...but I wanted to definitely get that anecdote into the record.”

Chairman Parks said, “And if I may offer up some personal information on that. In my neighborhood, we have well water that we use for household water and at 32 foot it’s very good. Now, the people that have the 9 foot sand points do not use that water for their household, they use that for irrigation only and there’s a difference in the water quality at 9 foot and 32 foot also.”

Ms. Erlenwein said, “That’s correct, Commissioner.”

Chairman Parks said, “Thank you. Commissioner Unruh.”

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Commissioner Unruh said, “Thank you, Mr. Chairman. In relation to the last comment from Susan, this water that’s high is part of the water that’s deep, also?”

Ms. Erlenwein said, “The water that’s high is the most recent water that has come from the rain, that’s just soaked through the ground and adding to the top of the water table. The water that’s deeper has had more filtration through the natural sand in the ground. That’s why people can have domestic wells down at a 32 foot level receive fairly good water, I encourage them to have it tested to make sure of the quality of the water, but the water that is up high has been reacting with fertilizers from the ground, anything else from the surface ground, septic systems, and that I would not encourage anyone to drink that shallow.”

Commissioner Unruh said, “All right. Thank you. I just needed that clarification. Now, a question more about the issue at hand, we had phase one of this study that we approved in May, or whenever it was, and my understanding was it was going to get us the information that you’re talking about now, and so I had told Commissioner Norton at that time, ‘Well I’ll be supportive of getting this information.’ But now...”

Ms. Erlenwein said, “I can help clarify that for you. At that time, we had a report done by Summit Environmental, back in the late 1990’s, where some wells were drilled and testing occurred to determine the permeability of the soil in that area, some of this information that we’re looking at now, the size of the wells that we would need. When we discussed this with the Division of Water Resources, they said if that’s a good report, we could use that to help get the permits for these dewatering wells. After we hired Ground Water Associates and they looked at that report in-depth, they determined that that data could not be used, that the numbers in that test did not make sense per nature. The numbers were way too high, and we met with Division of Water Resources and they agreed that that data could not be used, it was not realistic. What we found out from talking to the neighbors is when those pump tests occurred, the water was dumped immediately back on the surface of the ground, not taken out of the area, so it was soaking back in, thus tainting the data. They were pumping the same water back which made it look like the ground had great permeability that it did not. So because we could not use that data which we planned to use in the future, basically had to throw that out, a lot more work had to be done by Ground Water Associates as far as computer modeling and looking at water well data in the area, thus the workload increased. And I agree with you, we were hoping this would all be done from the initial contract, but because the scope changed since we could not use that initial report, had to throw that out and reinvent the

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information, it expanded in scope and that caused us to basically divide this into two phases; the one that has been completed and then the next step up to \$10,000 to finish the job.”

Commissioner Unruh said, “But we don’t know after the first study, how many wells we need, where they need to be...”

Ms. Erlenwein said, “Right now, we’re projecting three wells. The exact location is yet to be determined. The size of the wells, the size of the pump, is what would be the next step and then filling out all the forms required by the state.”

Commissioner Unruh said, “I know that this could not be a very accurate or reliable number, but what’s a potential cost of this project?”

Ms. Erlenwein said, “Some research I have done looks like three water wells of this magnitude, we’re not talking irrigation wells, we’re talking larger wells than that, more like what a city would put in, three wells with the pumps would be approximately \$108,000 and that might be a high number.”

Commissioner Unruh said, “And then after that, though, there has to be a provision made to get the water out. How far does the water have to drain?”

Ms. Erlenwein said, “The county currently has a drainage system along 87th Street South, so it would be however long to get pipes from those wells from their final location to that area and then out. So that’d be the next step is once the locations are determined, then we just have to put piping from those to 87th Street South.”

Commissioner Unruh said, “So the water actually has to travel how far?”

Ms. Erlenwein said, “It could just be a matter of three blocks or...”

Commissioner Unruh said, “No, I mean to get to the Cowskin.”

Ms. Erlenwein said, “That system’s already in place. Commissioner Norton, do you recall that number?”

Commissioner Norton said, “We did that five, six years ago, the 87th Street piping. It gets a lot of water out of that area already and it gets over to the Cowskin right now. Cowskin, we’ve cleaned it out, so it easily handles that water and I think it will sufficiently handle anything else we put in that pipe. Truthfully, that first system was the first stage of developing this whole solution, and we

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originally thought that we could move all the water out of this area via surface water and ditches to get it into that 87th Street pipe. I think we have since decided that moving it as surface water, it percolates so fast that you might get some of the surface water out but you got to get the groundwater moved over into that pipe, so that's really where we've gone is to try to get the groundwater out and then still also take care of some surface water too."

Commissioner Unruh said, "Okay. Thank you. The distance from the area to the Cowskin Creek, is that a mile?"

Ms. Erlenwein said, "Maybe Mr. Weber knows the answer..."

Mr. Jim Weber, Deputy Director, Public Works, greeted the Commissioners and said, "I'm working on it right now."

Ms. Erlenwein said, "...I see him with a map."

Chairman Parks said, "If you want to step to the microphone, state your name and..."

Mr. Mike Shields, 8749 S. Ida St., Haysville, greeted the Commissioners and said, "The drainage pipe goes along 87 South and it actually enters the Cowskin Creek near the west ditch of the turnpike just south of 95th Street South, so it's approximately a two and a half mile journey for the water."

Commissioner Unruh said, "And that would all be a free-flow after you got it into the drainage ditch?"

Mr. Shields said, "Yes, it's gravity fed from our area down to the Cowskin Creek."

Mr. Weber said, "If I could just add to that. I think he's off by about a mile. I think it's about a mile and a half down to the Cowskin."

Commissioner Unruh said, "Susan, I really don't have any problem being in favor of getting rid of the surface water through the ditches and those sorts of things, it just seems to me; my problem with this project is that we're fighting against mother nature. We're trying to lower an underground river, and Mr. Norton told me he thought the area was expanding, and I get initially nervous about trying to start a project that seems like we're fighting against nature and it's an expanding problem and it's just like we're getting into the unknown."

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Ms. Erlenwein said, "As I mentioned earlier, this has worked in other areas, more local with certain buildings having flooding problems in Kansas City area or Hutchinson, where wells have been put nearby to lower the level. We had dewatering wells at the arena when the arena was being built to lower the water level during the construction part of it. But of course that was short term and then we turned it off. Part of the problem in this area arises from the fact that we had extensive irrigation in the past before development took place and the orchards were closed down, and that irrigation artificially lowered the water table by having those wells pumping. And the City of Derby had water wells also pumping constantly in that area which lowered the water table before the City of Wichita went into an agreement with Derby, now Derby receives all of their water from the City of Wichita and all of the Derby wells have been shut down. In the past two years, we had two of the Derby wells pumping and people near that area did see a decrease in the water and their basements went dry. So we have seen that occur, we've seen it in other areas and I think this is a good opportunity to see it help a community in our county."

Commissioner Unruh said, "I know engineers can make anything happen. They can build and do anything; it's just whether or not we're trying to pump out an underground river."

Ms. Erlenwein said, "And that's why the placement of the wells is so critical that you have some on the north end to get the water as it's coming into the area to help lower it down."

Commissioner Unruh said, "Do you know how many thousands of gallons we're talking about?"

Ms. Erlenwein said, "Early estimates could be 750 gallons a minute per well."

Commissioner Unruh said, "A minute?"

Ms. Erlenwein said, "A minute."

Commissioner Unruh said, "Wow. Okay, well, I don't think I have any more questions at this time. I am disappointed that the first study you did somehow didn't give us information that I was under the impression we were going to get."

Ms. Erlenwein said, "We were disappointed as well that that previous study was not usable, because that would have saved a lot of time and effort on the part of Ground Water Associates."

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Commissioner Unruh said, "One more question. Has the group of citizens down there, have they determined to develop an improvement district that they could take, if we're dealing with an issue of this nature, it would seem like we ought to be dealing with a constituted group of representatives rather than a few folks who are really concerned and passionate about this."

Ms. Erlenwein said, "I think some of the citizens here can help address that. They have had meetings discussing having some sort of a taxing entity created for their area to work on this, so you have a core group of citizens who have been working on this for some time. Commissioner Norton has held meetings with those citizen groups to help walk them through the procedures that need to take place."

Commissioner Unruh said, "Do we have indication that 146 homeowners there are going to be supportive of perhaps paying an additional mill levy to support the project?"

Ms. Erlenwein said, "I think, again, this is the cart and horse problem, we need to determine how much money we are talking about once we finish this study so that the committee can go to the citizens and say, this is the price tag we're looking at, divided by 146 homes, this is what your part of it would be. To help sell the idea, if you just have an unknown dollar amount, it's not as easy as if you have a concrete dollar amount saying this is what we're looking at."

Chairman Parks said "And I do plan on calling on those momentarily here. I do have some of the same concerns that Commissioner Unruh had about this project. It's just too bad that the cities that need the water across this country, we can't give them a free pipeline to this and say pump this water and you can have it for free or whatever, and maybe somebody around regionally will pick up on this and look at..."

Ms. Erlenwein said, "I understand a casino's going in..."

Chairman Parks said, "...maybe gaining access to those [inaudible]."

Ms. Erlenwein said, "...south of here, so maybe we can work a deal."

Chairman Parks said, "Pardon me?"

Ms. Erlenwein said, "I understand a casino's going in south of here, so maybe we can work a deal in the future."

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Chairman Parks said, “You never know what kind of pipe light and stimulus could happen with that and I would encourage all staff members with Sedgwick County to keep an open mind on that, if that’s the case. If there’s somebody, I know this is not a public hearing, but I’m always open to having people speak on issues, I think it’s dangerous if we don’t let people speak that want to, so I’m going to let anybody that wants to, come to the podium, state your name and address and give your philosophy on this project.”

Mr. Shields said, “As I stated before, Commissioners, my name is Mike Shields and my wife Carolyn and I live at 8749 S. Ida, which is in the southwest corner of that area that Susan described. We bought our home in 1996, so we have lived there 13 years. Over those 13 years, we have only had full use of our basement four of those 13 years, meaning we have not had full use of the basement nine of those years. We bought it in 1996 and we have had wet basement in ‘97, ‘98, ‘99 through 2000, and then again in 2007, we started this process again of having a wet basement. We currently aren’t in our basement. We had to move out of our basement last year. Along with Diane and Talbert Showalter, I created this committee back in 1997 to work with then Commissioner Bill Hancock on this issue. In the early part of this decade, Commissioner Norton worked with us to get that drainage pipe put in. That was completed in the spring of 2003. We believed for the last few years that that really helped the solution to this problem, but like I said, in 2007, we started pumping again.

“We started working with Commissioner Norton again in 2007 and through our discussions we have come to the definite conclusion that dewatering our area is the solution. We have seen it in the dry years, following a wet year when the water table is high, as soon as the farmers in the area turn on their irrigation pumps; the water table is dropped dramatically, so we know dewatering will work. We are prepared to form a groundwater benefit district and share in the cost of this solution. I wanted to reemphasize what Susan said a little while ago. When the City of Derby entered into a contract with the City of Wichita to provide potable water to the City of Derby, that drastically impacted the citizens at 103rd and Hillside area. They, for 30 years, the citizens living down there never had a problem with water in their basements, but once the City of Derby shut the wells off that are west of the river, west of Derby, those citizens ended up with a problem in their basements. So we know dewatering will work and I just want to ask that you continue support for this project down there. That’s all I’ve got to say at this time.”

Chairman Parks said, “I do have a question for you. Has there been any kind of petition passed for any kind of a group to be formed or any commitment from any of the people in that area to form a groundwater district, realizing that right up front there’s going to be about \$800 per household for some wells and things like that?”

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Mr. Shields said, "Like Susan pointed out, this is the cart before the horse type of thing. We have to move on with this project with Ground Water Associates to the get to the cost involved in this. We don't have firm enough costs to be able to go to our community and say this is your share of the cost, but we want to get to that point where we can discuss this with our community. Absolutely."

Chairman Parks said, "Do you have sump pumps in your basement?"

Mr. Shields said, "Yes, I do. I have two. When we first moved in, it had one pedestal pump and pedestal pumps don't work in our area down there, we have to use submersible pumps. I believe in 1997, I put in a second two inch pipe on another submersible pump, so I have two submersible pumps. There are people in our area that, the Waltons that live in the 8300 block of South Hydraulic, they had Ground Water Associates back in the 90's work with them and they had a larger dewatering well outside of their home that they have since had to shut off because it was drawing the sand underneath their basement, the foundation for their floor, it was drawing that sand underneath their basement. So there are homes that have far more pumps than my wife and I run."

Chairman Parks said, "Okay. But that just goes back out and is pumped within 50 or 75 foot of your house?"

Mr. Shields said, "I have mine pumped over 200 feet away from our house."

Chairman Parks said, "Okay. Thank you. Any other questions while he's up there?"

Commissioner Norton said, "Well, I might see if Talbert would want to come up. He's been involved in this for a while, and speak a little bit about the meetings we've had where they're going out into their community and visiting with people, one of the problems with this is if you put one of these wells down somewhere, within 600 feet, you got to get everybody to sign off on it. So they are working awfully hard with their community to talk to everybody and the only way they're going to make their final decision is if we give them some numbers of what this is going to cost and see where they participate and how much it will cost, but Talbert, you might want to talk about how you've engaged the community."

Mr. Talbert Showalter, 8341 S. Victoria, Haysville, greeted the Commissioners and said, "Much like Mike, we've gone through this for quite a few years. We have tried to work in a lot of different

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angles. A lot of community that is still there are the ones that are like us that were stupid enough not to sell our houses when we had a drought back in 2000. We like where we live, it's a beautiful area, plenty of land. The problem we have now is a lot of those folks have just moved; they've left. They can't handle what we're handling, and obviously, we're here today to ask you for that as well. So part of what we would like to do is, Susan gave us a map of where the proposed wells would go, we are going to have to go out and canvas our community and start talking to them individually. The key thing that I want to point out here is that is just a planning document and we want to make sure that everybody understands that we are not going to drain anybody dry. The wells are not going to be even close to being touched, so there's going to be plenty of water.

"Our community has, we're kind of split. We have a community that some people do not pump. Some people, I'd say 70 percent of everybody out there pumps in some way. But I think the community will support it. We won't know, like I said, the first question when I started talking to people was, 'How much is this going to cost me?' And we just don't know that right now. What we're here today is to ask for that planning to keep going forward so we can get some more numbers, so we can talk to our community and do this. Because we believe it's doable. I reiterate what Mike says, when that farmer turns his pumps on, my pumps stop within about two days. We talk about seconds, I mean, our sump pump, we can't lose electricity, we can't do any of that stuff, or you can't leave your house, we're prisoners of where we live. We're here just to ask for that help to continue this process so we can go down the road and then our community will buy in."

Commissioner Norton said, "The other thing you may want to talk to, Talbert, you have gotten information from our Legal department on how do you form a groundwater district..."

Mr. Showalter said, "Right."

Commissioner Norton said, "...what that looks like, what a board makeup would be..."

Mr. Showalter said, "Right."

Commissioner Norton said, "...you've shared that with a lot of people and certainly talked about it as a group."

Mr. Showalter said, "Right. We are wanting to do that. We know, and we're not here to just ask for a handout, we know that there's going to be some responsibility that goes back on us. We do not have any specials out there. We can speak for a lot of people. I would rather pay a special to get water out of my basement. We have talked about roads; we thought that might be a solution. We

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just don't think that's a solution anymore because we don't have the drainage that we need to do that. But yes, everybody in that community is going to support this because we can't live this way anymore. I appreciate your time. I hope we can go forward with this because this is, with the exception of filling in all of our basements and the property taxes going down, we just don't have any solutions. And we know this will work because I have seen it. I have seen it when that pump comes on; when the farmer turns it on, my pumps stop. Any more questions?"

Chairman Parks said, "Yeah, as a matter of information..."

Mr. Showalter said, "Sure."

Chairman Parks said, "...how far do you pump your sump away?"

Mr. Showalter said, "I pump it around 40 feet to my bar ditch, which is in the front yard, and it sits in there and just keeps recycling. That's really all our pumps do, our pumps just recycle the water and just keep us above. If they ever shut off, water goes everywhere. And I am just a small; I am actually one of the ones that doesn't have as near a problem as some of my neighbors do. I have lost the use of my basement. This was the fourth time I have taken my carpet out. I am never putting carpet back down there ever, unless this pump goes in. I think these pumps will do it. I mean, I've seen it."

Chairman Parks said, "Well, as Commissioner Unruh alluded to, you can have K-State engineers and Texas A&M construction, so..."

Mr. Showalter said, "Sure."

Chairman Parks said, "...and I'm going to ask Mr. Weber, if we're pumping this out to ditches and we're pumping this out to our system that goes to the Cowskin, is this going to go down back in the groundwater before it gets to the Cowskin or is this an enclosed structure for the mile and a half now and this is the...go ahead."

Mr. Weber said, "The existing piping is concrete pipe. I assume in the work that they are doing, they are going to plan on hard piping it..."

Mr. Showalter said, "Yes."

Mr. Weber said, "...from the wells to our existing pipe, I'm going to guess plastic..."

Mr. Showalter said, "Yes."

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Mr. Weber said, "...so that it doesn't get a chance to get back out on the ground and recycle into the groundwater table."

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

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

Commissioner Peterjohn said, "Yes, I appreciate your coming down and providing the testimony this morning. You said roughly 70 percent pump and the reason the 30 percent don't pump is they don't have basements?"

Mr. Showalter said, "No, they were smart enough, or lucky enough, to build their houses a little higher than everybody else."

Commissioner Peterjohn said, "They don't have a problem then?"

Mr. Showalter said, "Right. There's some split levels and some walkout basements that don't have any problems. My neighbor has a walkout and he is going to jump on board with this because he wants the community to get better. We have seen a deterioration in the last probably 12 years of people moving out because they can't handle it, and so we have seen a deterioration of our community in a way."

Commissioner Peterjohn said, "Let me ask you, your neighbors who are part of the 70 percent who do pump, are they in the same experience that you have that when the ag folks turn on their irrigation system, your problem goes away, do they have the same situation and their problem goes away too, or are they a little bit different like the 30 percent?"

Mr. Showalter said, "Well, with the exception of Kay Walton who lives on the corner, she's the lowest, I think out there, plat level. She continues to pump, but she has water in her basement, but when he turns the pump on, the water goes away in the basement. The pumps still run. My neighbor Gary Chapman has the same situation I do. Within about two days, we pretty much stop pumping when the irrigation wells, we're talking about not just one irrigation well, there's a few irrigation wells in that area that when it's hot, and they're on, we stop pumping."

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Commissioner Peterjohn said, “So, I mean, it’s a shame you can’t sell your water rights to them and have them pump all the time.”

Mr. Showalter said, “Well, we did back in the, I think ‘97 or ‘98, we actually tried to sell, or give, our water to Derby, and there was, I think the time when they were getting to do something with Cheney and all that was going on and it just didn’t happen. We would love for our water to be put to some use, but we really would love for it not to be in our homes.”

Commissioner Peterjohn said, “Well, let me ask you, you’re in agreement with Mr. Shields’ testimony that when Derby was pumping it, it wasn’t as bad a problem as what you have today?”

Mr. Showalter said, “Correct. Yes, we all agree with that. It’s a chain of events, if you will, that have exacerbated the problem. It’s made it even worse. Back in ‘97, or ‘95, when we first had our problem, we had 14 inch rain at one time, but it was over fairly quickly. But what happened is it just keeps putting more water in the table and it just keeps coming up. These wells would give us basically, to use an analogy that Susan used, a big sump pump to allow that area, if we do have these heavy rains, the soil can take that water. We’re actually trying to create a buffer. And I do agree with you, Commissioner Unruh, we would hate to have this thing put in and not work, but it just seems like, from what we have seen, it will work.”

Chairman Parks said, “The neighbors that you said that built, I’m going to say on a moat or on a hill and then...”

Mr. Showalter said, “Yes.”

Chairman Parks said, “...came in and put their basement down through that soil, what year was that? Has that been fairly recently?”

Mr. Showalter said, “No, there really hasn’t been any new construction out there because we have pretty much a reputation. As a matter of fact, there’s a vacant field, a vacant lot, two blocks or two houses from me that they’ve got everything in there, the culvert and everything, but they won’t build because there’s just too much water. So there hasn’t been very much new construction. The folks that don’t pump are fairly lucky. My neighbor who has a walkout didn’t build up because he knew the water situation; he just wanted a walkout basement. He was lucky. And all of us did not know of the water situation before we built out there or I probably would not have built, or I would have built the home up like they did.”

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Chairman Parks said, "However, I'll give you some warning that there are some parts of the county where they did build them up..."

Mr. Showalter said, "Sure."

Chairman Parks said, "...and the water has flowed up, just like Susan's visual aid that she used earlier, that water will follow the surface..."

Mr. Showalter said, "Yes."

Chairman Parks said, "...and I have known some people that did that and that's why I asked the time frame, because they put their house up and five years later, they..."

Mr. Showalter said, "Sure."

Chairman Parks said, "...had to start buying the sump pumps and things."

Mr. Showalter said, "Well there's an addition on the east side of Hydraulic, right across from us, that all have view out basements, you're talking about four feet in the ground, they have issues as well. You know, my house, mine's nine feet in the ground, so I have issues. But they are across the street and they're four feet in the ground and they have issues. So, we feel, as our committee feels, that if we pump this water and lower this table, not only will we benefit but also the 103rd folks that have the terrible situation with surface water that they'll benefit as well, because when those Derby pumps stop, things got really, really bad."

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

Commissioner Unruh said, "Thank you, Mr. Chair."

Chairman Parks said, "Do you have any further questions of him?"

Commissioner Unruh said, "Yeah. I mean, this is probably really a stupid question. It's not a smart aleck question, it might be stupid, but have any of you ever just thought of filling up your basement, fill it with concrete or something and put your utilities..."

Mr. Showalter said, "We've had a couple people that have done that. The problem with that is, is that you lower your values so much that you almost walk away from your home. That's actually, if this doesn't pass, that's my only option because peace of mind, I don't know what else to do. I have to get to a point where I have to live in that home. So that may be an issue that everybody has to

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face. It just seems like if we can go forward with this study and prove that it will work and we can actually recover the property values that we have. I don't know about you, but it will be hard for me to walk away of that \$60,000 or \$70,000 loss of equity. It's just tough."

Commissioner Unruh said, "I understand."

Mr. Showalter said, "I would love to sell my house right now but I don't think anybody is going to buy my house."

Commissioner Unruh said, "Okay. One other question, I don't know, maybe I need to ask Susan this one, but I mean if the Derby wells work so efficiently, why don't we just make a deal and turn those on?"

Ms. Erlenwein said, "The City of Derby has a contract with the City of Wichita to not use those wells because they're receiving all of their water from the City of Wichita. Also, you get into the Division of Water Resources and the permits for those wells and the appropriation of water, so you'd have to go through state agencies and look at their contract."

Commissioner Unruh said, "So we can't just turn those on and pump that into the river?"

Ms. Erlenwein said, "No, and also, those wells may help more of the 103rd Street South and Hillside area, but this is a bit further away, Hydraulic and 87th, so the placement of the wells may help some people, but I don't think it's going to help all of the people. The placement of the wells is what's important."

Commissioner Unruh said, "Okay. Thank you."

Chairman Parks said, "Okay. Is there anyone else in the audience that would like to speak? Looks like we have a couple, if you could step to the podium, state your name and address."

Mr. Gary Chapman, 8326 S. Victoria, Haysville, greeted the Commissioners and said, "I appreciate you listening to us today. This has been going on for close to 20 years for us. Basically, you are our hope. You know, this is bigger than our community. You say do we form a community effort and do we work this out among ourselves? This is bigger than us. This is a big issue and so that's why we're here today. We're going to need your help along the way. We want to take a part in this, but it is bigger than we can do. You mentioned something about fooling with mother nature and I do understand that. We had one of the meetings where a farmer got up and said the same thing and then he quoted about the big ditch and how well it worked and somebody said, you mean kind of like fooling mother nature. Sometimes you have to fool with mother nature if you are going to

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build in rural areas or you have to deal with mother nature any time you build and so we are in a situation where, when I built my house in '94, I guess I was naive or whatever, but had the house built. And I thought when I got the contract, or the permits, that people looked out for me and that this was an area that was already developed that I had no idea that there was water underneath my house that was going to cause me a problem. But in '95, we had an eight inch or ten inch rain overnight and I had a sump pump in my hole, like you're supposed to have, a pedestal pump, but it could not keep up with the amount of water that was coming into the hole and I had five inches of water in my basement. And that was my first experience with water in my basement and I've had somewhere around six other times that I have had the issue.

"We've all become very good at removing the water out of our sump pump to the ditch. I have three sump pumps in my hole. Fortunately, I have only had two that have come on at one time. But the amount of water that comes in the sump pump is unbelievable; we're probably talking somewhere around 70 to 80 gallons a minute coming into our hole and this could go on for like a two month period. You are actually a prisoner to your home. We have a generator in our garage and we have it hard wired to our house so as soon as the electricity goes out, we fly out of our bed and we go plug in our generator because you have about 20 seconds to get that on before it starts coming out of your hole when the water is coming in that much. It's an amazing problem. And when you drive through the neighborhood and you look at our homes, and you think, well this is a nice neighborhood. Our problem is like a cancer, you can't see it. But it has been going on for a long time, and we can sell our homes and we can move away, but the next person is still going to have that problem. So if we don't do anything with this neighborhood, basically the neighborhood is in shambles. My next option, like you said, if we can't fix this, I either move and give my problem to somebody else or I fill in my basement, which is very, very expensive. You don't just go put dirt in it, you have to have a company come in and do it and we're probably talking somewhere around \$15,000 to \$20,000 to fill up your basement and then you've lost 1,500 square feet of your home."

Mr. Chapman continued, "So it's not a very good investment. I guess, you know, we talked about quality of life. We're asking you to help us with our quality of life out there. I feel like we're a big enough area and I don't know if it matters how big we are, but we're a big enough area that we do a lot, our kids go to Derby schools and we shop in Derby, so we're not just a Haysville community, we're a Derby community too. There's a scripture that says 'hope deferred makes the heart sick' [Proverbs 13:12]. We have had hope deferred many times and I guess we're kind of on a point where we would ask, putting a face with our problem and ask that you would help us, in any way you can, and it may not be a profitable solution, you may not make money on us. This may cost you money, but you would give us the quality of life and help us out as part of the community. We would do what we can, but we are a small community and there's only so much we can do. It is bigger than us. We just ask for you to help us."

Chairman Parks said, "Okay. Commissioner Norton."

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Commissioner Norton said, ‘Well, I think, you know hopefully we’ll be close to calling the vote here pretty soon. I would urge everybody to let us finish this off so that we can get good information to this neighborhood. They’ve got some hard work ahead of them; making sure they touch everybody in their area. We talked about it at our last small meeting, Susan was there. They’ve got to talk with everybody in that community, give them figures; they’ve got to move forward on trying to incorporate the groundwater. I mean, the things we’re doing today is pretty infinitesimally small as to the challenge they’ve got as citizens in their neighborhood that care, that have mobilized, that want to do the right thing, but just need help. And I have to tell you; I’ve said several times, I know the worst thing for this neighborhood down there is that they have to ask government to help them at all. They’re pretty free thinking folks that would rather have their rural area and the government doesn’t need to be in their stuff. But this is one of those issues that’s so big that requires so many, has so many moving parts, that they have stepped up and said we just need some help getting this thing moving and this is part of it today. I would urge my colleagues to help me out with this and help this group of citizens that are pretty passionate about fixing their problem.’”

Chairman Parks said, “Is there anybody else that would, from the public that would like to speak on this issue? If not, Commissioner Peterjohn.”

Commissioner Peterjohn said, “Well, I was going to ask the gentleman, Mr. Chapman, I believe, if his experience was similar to Mr. Shields, in terms of the water problems that he’d faced and if it was same sort of, I don’t know if he’s lived in his home the same period of time?”

Mr. Chapman said, “Yes. We’ve lived in our home approximately the same time. We live across the street from each other, actually. And yes, we do see a difference when the irrigation pumps come on. It takes a while for the water table to go down, and we realize these pumps are not going to just automatically lower that table, it would take some pumping. But we do see a difference. That’s why we know that dewatering will work. You know, engineers can say a lot of things, but we live it and we see that when those pumps come on, that they do make a difference in our water table and our basements, I guess you could say our water level in our basements. That’s why we’re confident of this.”

Commissioner Peterjohn said, “Thank you. I’ve got a question for Mr. Weber then. From an engineering point of view, how much does it cost to operate those irrigation type pumps and if they’re already in place, is that something that can be utilized in some way or provide some sort of incentive to have that water pumped out that way, as opposed to reinventing the wheel?”

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Mr. Weber said, "I'm going to answer the question in kind of an indirect way. The most efficient way to do this is to have the right size pumps, at the right elevation, with the right instrumentation to tell them when to be on and when to not be on. Their goal, I think, is to only pump when they're in that zone that's causing the problem. One of the problems that we had with the Derby wells, when we were using those, is you don't know, and they're quite remote from even the 103rd and Bluff site, but you don't know exactly what benefit you're producing when you run the pumps. They're set to run, for example, these pumps wouldn't have to draw water from really deep elevations. Derby pumps, or the irrigators, are using deeper wells; you have higher horsepower motors, a lot more head that you're working against. And I think the best solution is going to come from having the wells really localized to where the problem is and having the right size wells. And then, to me, more critically, is knowing exactly, having the sensors, or piezometers, or whatever out, so you know exactly when these things need to come on and when they can go off. In that regard, I think the information that will be produced by a study like this is going to be helpful."

Commissioner Norton said, "Mr. Chair?"

Chairman Parks said, "Yes."

Commissioner Norton said, "You know, last year we got dispensation from DWR to run the Derby wells for two months. The problem is, we had an individual, Clem Dickerson, who's on our Storm Water [Management] Committee, that took a plumb line and had to go to people's water wells and run it down the stream down in there to figure out where the water levels are to figure out if it was lowering it in all these different areas. So there's no way to gauge all that, I mean, Jim's right. Those are water wells used for potable water, supposedly for Derby. Now the truth is, they can still sell that water out of those wells. But they can't use it for dewatering, it is not authorized for that, and DWR has explicitly said, you know, we're not going to allow those to be dewatering wells. Supposedly, if Derby, at some point, wants to try to sell some of that water, they could, but it's never going to be used as dewatering wells. So this other thing is the better solution, for that area anyway."

Chairman Parks said, "Okay. Seeing no further action, no further report on this, we do have a motion and a second. Commissioner Peterjohn."

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Commissioner Peterjohn said, “Yes. I’ve got a question. Ms. Erlenwein, you mentioned that there were some homes outside this area that might be interested in joining this district. Do we really have set boundaries here or is this sort of fluid at this point?”

Ms. Erlenwein said, “I think it’s fluid at this point. What I mentioned was the core area was what I had outlined in red and that we have heard that neighbors across the street from this, east of Hydraulic, have also reported basement flooding. So I think it would be important for them to also contact those people to see if they’re interested in joining this group.”

Commissioner Peterjohn said, “Well, Mr. Chairman, I have a lot of sympathy having fought issues with drainage, although I’ve been fortunate, I haven’t had to dewater and my sump pumps worked well from the Halloween flood to the present, which is roughly the time frame I’ve lived in my current home. But I am very concerned, in terms of if we’ve got a proposal in front of us and we are not exactly sure where the boundaries are, would this study be just limited to that specific area, and if we get into a pump placement, I’m concerned, in terms of if we proceeded with this project, if we may have other people? Because my understanding is that underwater area geologically covers a pretty good area around the Arkansas River basin.”

Ms. Erlenwein said, “The core area, and the neighbors that have been talked to already, is what was outlined. In talking with these neighbors and the committee, they had mentioned that other people east of this area have also experienced problems also. We can, in the computer modeling, show how large of an area is affected by these dewatering wells to see the reach of the cone of depression and what the size of the well is and the size of the pump and how far it would go, how many homes it will reach. That will help delineate a larger area if we need it.”

Commissioner Peterjohn said, “Okay. Because I am interested and I’m glad to hear the citizens’ comments and their interest and concern and where they want to go forward because I think having a benefit district is the correct way to go. And if there’s a commitment to pay the costs that are going to be involved and of course, obviously, having an idea, in terms of what those costs are going to be, is going to be important because it’s like anything else in life, prices make a difference and to have an understanding of what the costs might be over a period of time, because the figure of \$108,000, that’s just the cost of the pumps and doesn’t include, because we don’t know what the placement is, what the piping cost would be...”

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

Commissioner Peterjohn said, “...and we’re not sure how frequently they’re going to operate, what the electrical costs would be, but hopefully there should be some savings to the homeowners if they don’t have to run their sump pumps all the time, there might be a tradeoff there, in terms of some savings that they would see, correct?”

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Ms. Eerlenwein said, "That's correct. I was talking to one homeowner that said that when his sump pumps stopped working, his electric bill dropped by two thirds, so he saw a great advantage to not running the sump pumps and to not think an additional special on his property would be that much compared to what he's been paying with the electricity bill. He looked forward to paying less in a special than he's currently paying now to the electric company."

Commissioner Peterjohn said, "The question I guess I have, have we ever established any sort of a drainage district like this in the county previously?"

Ms. Eerlenwein said, "There have been drainage districts in the county, yes."

Commissioner Peterjohn said, "That would involve dewatering as opposed to just surface water?"

Ms. Eerlenwein said, "No, it's been surface water."

Commissioner Peterjohn said, "Just surface water previously."

Chairman Parks said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I mean, just to comment I guess, you're about ready to call the vote. I had pretty well made up my mind that I would not be supportive of this because of the fact that we have tried to be supportive and cooperative for a couple of months last year and that was \$20,000 or \$30,000 and the phase one of this investigation is another \$10,000, now we've got phase two is another \$10,000. You know, just from an instinctive reaction, it's like, where does this end and how are we going to solve this problem? It doesn't look to me like we have a very good picture of where the end of it is, as Commissioner Peterjohn referenced in his questions. I realize that in the Sedgwick County budget, \$10,000 probably is not a huge amount and we need to have some answers. I also realize 146 homes, \$10,000, that's \$70 a piece if they were going to fund that themselves, just on a per capita household or per household basis. And I realize they don't have the structure to do that now. So I will tell you that I just somehow instinctively do not like trying to pump an underground river out, but I will support this Agenda item at this time to get the information we need. But as I've told Commissioner Norton previously, I just don't like it and I am pretty much at the end of my rope. But I mean, this is pretty passionate, and how do you say no to folks? So anyway, I don't like the precedent but I will go forward with it. Those are my comments."

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Chairman Parks said, “A lot of those things I have the same concerns, however, what would be worse than to do that is to try to set up some kind of a pumping district and not know what your taxes are going to be. And I think that’s where we have a responsibility to them to let them know what the cost of this is going to be if they’re going to set up their district. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman, because I am in a situation with, I represent a district that has some serious water problems, but fortunately, to the best of my knowledge and from the comments I’ve had from constituents, they have been a surface drainage problem as opposed to the percolation problem that’s being described here. And I very much share the comments of Commissioner Unruh, and I am going to be, I wanted to get questions because I was concerned about the open ended aspect of this. The fact that I wasn’t sure, in terms of the boundaries, what sort of precedents we might be setting, if we’re really looking at the boundaries of this district being the right boundaries, because frankly, I could see people coming in and saying, ‘Wait a second, you’ve already stirred it off for this one area, what about other areas that are nearby?’ And if we are going to address this issue, I think we need to address it systematically and in a broader sense. Commissioner Unruh has persuaded me, in terms of the direction I am going to go with my vote on this, but I really am looking for a commitment for the folks in this area to be able to get there and I think it’s a reasonable question on their part to be able to know what sort of costs are likely to be involved for this.”

Commissioner Peterjohn continued, “But having said that, I don’t want to establish that we are going to be in an open ended area because trying to pump out a river is not a permanent solution in my mind, and for the homeowners out there where we’ve got these types of situations, we need to come up, as a community and as various levels of government, to be in a situation where if there is potable water in these areas, to get it into a good use. And I grant you that the water at the higher level here may have some problems that make it non-usable, but we’ve got a lot of places in our county where there is a need for potable water and to have an area where we need to work through this in a more systematic way, and so I am going to be pushing staff going forward to try and address this issue for the entire community so that there’s an understanding. What type of, how we can address this problem in a way that, I mean, I would love to be able to have, if they’ve got good water, get it over to the City of Wichita so we can reduce some costs, in terms of what they are having to go through taking surface water, treating it and then pumping it underground. Obviously, this hearing, if nothing else, has been established we’ve got potable water that’s available in Sedgwick County and that should be a valuable resource that could be better utilized.”

Ms. Erlenwein said, “I agree. We’ll look into that.”

Commissioner Peterjohn said, “Thank you.”

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Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well this is a study for \$10,000 that is going to the study to determine what type of wells and where they would be placed, that sort of thing."

Ms. Erlenwein said, "Correct."

Commissioner Welshimer said, "Then after that, the big expense comes and so I am having to agree with Commissioners Unruh and Peterjohn that that will be something we're going to have to face at that time. And I would certainly like to see more of an effort to organize that neighborhood and develop that water district because this could be putting us in a utilities situation that we're not really to do, and if we do that, we have other areas that are suffering under similar circumstances and would have to address those as well. So, for the most part, to get the study done and determine how those wells are going to help out, I'll vote in favor of this motion. One thing I would like to add about the potable water, in discussions with the people in Derby, when we were sometimes back we were talking about getting Derby water down to Mulvane and so on, Derby officials tell me that that water that they abandoned is not that good for drinking, that that's why they left and hooked up with the City of Wichita, so I don't know that, you know, this may be better water over in this area, but that was the situation there which raises a question."

Ms. Erlenwein said, "We'd have to do water testing to determine the hardness and other characteristics of the water."

Commissioner Welshimer said, "Okay."

Chairman Parks said, "Okay. I'm going to call for the vote."

VOTE

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

Ms. Erlenwein said, "Thank you."

Chairman Parks said, "Thank you."

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Commissioner Norton said, "Thank you."

Chairman Parks said, "And let me give a warning to staff and media that I am planning a break between E-2 and Item F, so if we can have next item called."

E. RISK MANAGEMENT.

1. AUTHORIZATION TO REGISTER AS A RESPONSIBLE REPORTING ENTITY (RRE) WITH THE CENTER FOR MEDICARE SERVICES (CMS) TO COMPLY WITH 42 U.S.C. 1395y(b)(8).

Mr. Mick McBride, Risk Manager, Risk Management, greeted the Commissioners and said, "Since its inception, it's been understood by everyone that the federal Medicare program is a secondary payer. This means that other collectible insurance must pay first and then if there's anything left over, or it's appropriate, it can be submitted to Medicare for determination of its payment. This procedure has been fairly efficient for health insurance programs over time. In my opinion, the procedure has not been very efficient for workers' compensation, for public liability issues and for auto liability issues."

Mr. McBride continued, "The Medicare, Medicaid and SCHIP (State Children's Health Insurance Program) Extension Act of 2007 changed the rules for us. Effective January 1 of 2010, an insurance company or a self-insured must begin to report claimed data to Medicare for Medicare eligible persons. This will allow Medicare to establish a database to use to determine if claims submitted to them should be paid somewhere else by a primary payer. The first step in this process requires an insurance company, or an employer with a self-insured plan, to register with Medicare as an RRE, that's called the responsible reporting entity. Sedgwick County currently is an RRE because we have a self-insured workers' compensation plan, we self-insure our public liability and we self-insure our auto liability. The item before you this morning authorizes the county to register with Medicare. Once that process is completed, we will have to determine some computer software needs and we will have to establish an online link with Medicare and we will have to be ready to start reporting to Medicare by January 1, 2010. With that, I would stand for any questions you might have and I recommend that you approve this item."

Chairman Parks said, "Good explanation in the backup and Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, Mr. McBride, I'd appreciate it if you would comment on my following statement because one of the questions I raised when we talked about this, and I think it's important for the public to know, this is in effect a major unfunded mandate by the federal government's Medicare program, not only on to Sedgwick County at this point but to all the other RREs (local and state governments) and then to the entire private sector, and to be very specific

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about it, if they're going to charge back on Medicare claims that existed during peoples' working lives. If we have someone who works for 40 years and they work for ten years for the county and then worked 30 years in the private sector for some other company or companies and they had both workers' comp claims for us and Sedgwick County as well as in the private sector, there's going to be a liability for those. And I am interested, in terms of how that liability will be pushed back to us when we've got a situation where we have a former employee who is now got a claim against Medicare and how that would be split between us who had ten years of his 40 year work life as opposed to the other 30 years that he had somewhere else?"

Mr. McBride said, "That's a really good question, Commissioner, and I don't believe there's an answer. I might try to answer it this way. My experience in working with a health plan is that at least once a year Medicare would run their database on the health insurance plan and anything for someone that's 65 years or older that was submitted to them, they just print it all off and send it to me, and say, here, you figure it out. Most of those had been properly paid, but still, we had to go through and figure out, and show some documentation back to Medicare, why we didn't owe them any money. With these new rules, it's going to be, we have to report, one of the things we have to report is body part, which body part caused the injury."

Mr. McBride continued, "Now, if it's a shoulder, so it's very possible you may have with another employer a shoulder injury, you come to work for Sedgwick County and you have a shoulder injury. The other employer reports a shoulder injury body part. We have to do the same thing if there's a re-injury. Once that happens, my guess is that Medicare, in their database for the Medicare eligible, will print out two pieces of paper, they will send it to the first employer, they will send it to us and make us work it out. That's my guess."

Commissioner Peterjohn said, "Okay. Because at that point then, if we don't work it out with that other party, what happens then? Any guess?"

Mr. McBride said, "Yes. Medicare has established some pretty significant penalties in the form of fines if they're not paid. They don't care who pays them, they just want paid. And if you don't pay them, I do believe it says, if my memory serves me, that you pay double."

Commissioner Peterjohn said, "Well, I bring this up in the question because this is not only an unfunded mandate on to the county, but I believe it will be an unfunded mandate on to all other forms of local government, so it's going to put pressure on taxes and it's going to be a new unanticipated cost. But, this is also an unfunded mandate on to the private sector and it's part of the effort because Medicare money has been misused by the federal government for years, just like Social Security money has, there's no lockbox. Now the people in Washington, and I think this is true regardless of party affiliation, this has been an outrageous behavior and it's a first step of some of the unintended consequences we're seeing as part of the ongoing challenge over healthcare, and

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healthcare costs and rising healthcare costs in an effort by the federal government to push it back on to anyone else. And I'm going to end up voting for this measure, but I'm not happy in doing so. Thank you, Mr. Chairman."

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

MOTION

Commissioner Welshimer moved to authorize registration with CMS.

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 |

Chairman Parks said, "Next item."

2. REVISION OF COUNTY POLICY "FLEET VEHICLE OPERATION AND USAGE".

Mr. McBride said, "In 1999, Sedgwick County adopted Resolution 225-1999 called Fleet Vehicle Operations and Usage. A review and revision of this policy was initiated earlier this year, as several of its provisions were restricting efficient operations in several of our county departments. Through this process, we had 19 elected offices and county departments participating in the process. A brief overview; the existing policy does not define 'driver,' nor does it establish responsibilities. The existing policy does not adequately outline a procedure for use of a personal vehicle by an employee while on county business. The revised policy has corrected these deficiencies. A new provision in the policy is we prohibit specifically the use of cell phones, earphones, ear plugs, headphones, computers or other devices, hands free or otherwise. The reason we did this is there's just a recent study, the National Safety Council recently estimated that there are, annually, this is

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every year, 636,000 accidents, that's crashes, 330,000 injuries and 2,600 fatalities caused by a distracted driver on a cell phone. The revised policy does allow Fire District Number One, the Sheriff's Department and EMS (Emergency Medical Services) to have internal department policy that takes precedence over three provisions in the revised policy. Those pertain to the use of cell phones, driving through high water and not having a non-county employee in the back of one of our units, i.e. EMS. The revised policy does establish responsibility for driving and drivers within this specific department. I recommend that you adopt the revised resolution and I will be glad to stand for any questions that you might have."

Chairman Parks said, "Are there any questions?"

MOTION

Chairman Parks moved to authorize the revised policy.

Commissioner Welshimer seconded the motion.

Chairman Parks said, "Motion and a second. Commissioner Norton."

Commissioner Norton said, "I guess the one question I would have is for us as elected officials and maybe some other elected officials, when are we considered off duty? I mean, I guess my question is at 10:00 at night when I'm out with my wife, I can't answer my cell phone because am I on duty 24 hours a day or am I off duty at any time?"

Mr. McBride said, "I would be glad to refer that to Jo Templin who I know is in the back of the room. But in my opinion, we have exempt employees who, by definition, are working 24/7. I may get a cell phone call at night, and I guess in those particular circumstances, you're going to have to make a personal determination as to what you're going to do in that particular situation."

Commissioner Norton said, "I'm hoping that it will never be a problem, but you know, as I read the policy, I'm going, okay, I'm pretty well on call, I take phone calls and a lot of times, you know, it's just family stuff, but other times it's somebody, a constituent, wanting to get to me and I take the call and then is the policy that I need to pull over immediately, tell them I'll call them back and pull over immediately? I think it's problematic for our lifestyle that we want to stay connected all the time yet we shouldn't use our cell phones."

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Chairman Parks said, "I will say that more and more insurance companies are subpoenaing those records when there's an accident occurred..."

Mr. McBride said, "Yeah, I know."

Chairman Parks said, "...to determine a time. And I think it's a pretty good policy not to do that. There's been a couple of times when I have done that and wish I had not later. Commissioner Unruh."

Commissioner Unruh said, "No, thank you."

Chairman Parks said, "Okay. Commissioner Welshimer."

Commissioner Welshimer said, "Well, it also, there are times when the office tries to reach us and say, well, the address has changed, or the meeting is called off, or something that would save you a trip, you know, 10 or 20 miles further on. But, if this has to be the rule, I guess we'll have to work with it. I have a little bit of a problem with them claiming that this is a distraction that solves all distractions because there's nothing in there about having the radio on, there's nothing in there about having a passenger that you talk to, isn't that correct?"

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

Commissioner Welshimer said, "So, you know, those things can be distractions as well. But I'll support the change."

Commissioner Norton said, "Yeah."

Chairman Parks said, "I think the problem may lie within using electronic devices for more texting than speaking because I know that some of the hands free devices are really great for the audio, but the person that's texting has to take their eye off the road and at 70 miles an hour, if you're typing out a sentence, you can really run into some things out there. Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, Mr. Chairman, as a non-texter, I have to confess that it's been very convenient to get a couple phone calls that I have received from the office about changes in meeting destinations and plans and times, so I would be very much interested in Ms. Templin's comment in response to Commissioner Norton's question because that would be a point I think that ought to be clarified as much as possible, although I am inclined to support this, but I want to

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understand where we are, in terms of our responsibilities and that for all the other elected officials too.”

Ms. Jo Templin, Director, Human Resources, greeted the Commissioners and said, “Commissioners, the question was, are we on call or are we working 24/7? I would just state that as a salaried employee, you might be on call, but you do have an established work schedule. That’s typically what we would fall back on is what is your established work schedule for the county. But certainly, salaried employees are accessible, sometimes on their free time, and I think what is established here is responsible behavior, not only personally, but as a representative of Sedgwick County. So I’m not sure that it gets into a work schedule issue but perhaps just responsible behavior as any citizen should display.”

Chairman Parks said, “Thank you for that impromptu response. That was very eloquent of you to come and give that not knowing that you are going to be asked that question. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chair. Just two comments, if we get a call, we can comply with this; just pull over to the side of the road. I mean, that’s a solution to it. So it’s not going to be burdensome to us, so I think I am going to be supportive of this. I would say that my boss is constituents who told me I’m on call 26 hours a day. Don’t know about the rest of y’all. That’s the world we live in. That’s all I had.”

Chairman Parks said, “Alright.”

Commissioner Norton said, “I don’t know if there’s an answer to that, but I just wanted to be sure I talked about that because we are, maybe my personal responsibility to using a cell phone at night is maybe different than if I think it’s using it for company business, and I want to be sure I know when county business is being taken care of and when it’s part of my personal life.”

Chairman Parks said, “Getting back to the reason we’re doing this is for safety and I think it’s a good idea to do that. I try to pull over when available and when there’s parking available and so coming from that business where I saw a lot of people crash into other people and objects is certainly something that I’m going to support. And saying that, let’s call the vote.”

VOTE

| | |
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| Commissioner Unruh | Aye |
| Commissioner Norton | Aye |
| Commissioner Peterjohn | Aye |

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Commissioner Welshimer Aye
Chairman Parks Aye

Mr. McBride said, “Thank you, Commissioners.”

Chairman Parks said, “We’re going to be in recess for about ten minutes, be promptly back here at 20 minutes till 12:00.”

The Board of County Commissioners recessed at 11:30 a.m. and returned at 11:43 a.m.

Chairman Parks said, “We’re back in session. Next item.”

F. RESOLUTION TO AMEND POLICY TO THE SEDGWICK COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL.

Ms. Templin said, “With the approval of the previous Agenda item to the Fleet Vehicle and Usage policy, it necessitates a slight change to the employment policy, personnel policy 4.300. This policy is revised to reflect the three levels of driving positions and the requirements and specifics about those positions. Sedgwick County Human Resources manages the pre-employment motor vehicle driver’s license checks, and based upon the new requirements in the Fleet Vehicle Usage policy, it will change slightly the processes that we use for those vehicle usage results. So with those revisions, we are just recommending your approval of the revisions and your backup details out those levels of driving positions and the requirements that go along with those. I would just recommend your adoption of the resolution for those revisions and would answer any questions you might have.”

MOTION

Commissioner Norton moved to adopt the resolution.

Chairman Parks seconded the motion.

Chairman Parks said, “Motion and a second, I do have just a little bit of discussion on that. I think it’s great that we check our driver’s MVRs (motor vehicle reports), I would encourage all people that aren’t affected by this, that are other elected officials, do the same. The state says we’re running between 17 and 20 percent of the drivers out there are suspended now, just an astronomical rate. We want to make sure that our drivers are not suspended or have any driving problems, especially driving our vehicles, so I am going to be supportive of this. Seeing no further discussion, call the vote.”

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VOTE

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

Ms. Templin said, “Thank you.”

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

G. APPROVAL OF ONE LETTER OF AGREEMENT FOR KANSAS DEPARTMENT ON AGING PEANE SPECIAL PROJECT GRANT.

Ms. Annette Graham, Executive Director, Department on Aging, greeted the Commissioners and said, “The purpose of this grant is to fund a statewide hoarding conference. The Wichita-Sedgwick County Hoarding Task Force is an ongoing interagency team of community partners whose mission is to coordinate all action related to hoarding cases in Sedgwick County. This is a grant for the Prevention of Elder Abuse, Neglect and Exploitation (PEANE). We receive this from Kansas Department on Aging, annually they give out funding across the state for this program, and this is federal funding through the Older Americans Act under Title V. The Central Plains Area Agency on Aging has developed the Sedgwick County Hoarding Task Force to address these issues of hoarding related to self-neglect. Compulsive hoarding is seen as both a mental health issue and a public health problem. Organizations already are serving individuals with this disorder in our community. We have implemented a successful strategy to cope with this issue. By bringing this team together, we can all talk about the problems and the cases that are identified and work to jointly come up with ways to address that issue. The task force really works hard to balance the rights of the individual and the safety of the community to develop strategies to deal with these cases and ensure consistency among the entities involved in these cases.

“This grant, as I said, is for a statewide conference. We have done two of these in the past and it has been very successful in bringing large numbers of people, I think the last one we had was two years ago and we had about 100 people from across the state, because this really is an issue that we’re seeing more and more in our communities and is very problematic, not just for the people involved but for the public agencies that deal with it and neighbors and landlords. So this is a very important conference, and as a result of this conference, we’re able to get funding back that we then put back into the Hoarding Task Force to pay for some services that are needed but are not available in our

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community. So I would be happy to answer any questions and request that you approve the letter of agreement and authorize the chairperson to sign.”

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

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Parks said, “There’s a motion and a second and we are going to have some discussion on this. I will say from my other previous job that I saw some cases of this and what’s compulsive hoarding to one person may not be to another, so there is kind of a human rights side of that and the people that were raised by Depression-era parents certainly may have more of a tendency to hoard things. I wanted that for the record. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Ms. Graham, I was interested, in terms of the folks who are viewed as having this problem, in terms of hoarding and self neglect, what percentage of them would have an underlying, I’m thinking of an obsessive-compulsive disorder (OCD) as an underlying problem, as opposed to having Depression-era family members who have maybe put them into that sort of a mindset?”

Ms. Graham said, “Well, there’s not really widespread agreement on that. There are differing views on that, but we do know nationally that there are some level of individuals who have this who have some mental health background issues, specifically obsessive-compulsive disorder and obsessive-compulsive personality disorders (OCPD), and then there’s also a segment of the population who genetically are predisposed to that or have learned that, and then there’s also some that really we see that this is a result of traumatic issues related to grief and loss. But, as I said, we really do work hard in the task force to balance individual rights versus community safety, because people do have a right to live how they want, but once it impinges on the safety of the community and the neighbors, then that’s really when it becomes very problematic and when organizations

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such as the Fire Department, the Health Department, law enforcement, and Code Enforcement and Animal Control get involved, then it really raises the bar of that issue to another level.”

Chairman Parks said, “Thank you. Any other discussion? Seeing none, call the vote.”

VOTE

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

Chairman Parks said, “Next item.”

Ms. Graham said, “Thank you.”

H. PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE AGREEMENT.

Ms. Cindy Burbach, Division Director, Health Protection and Promotion Division, Health Department, greeted the Commissioners and said, “I’m here to submit a grant renewal from KDHE, which is actually money that comes from the federal government through KDHE on public health emergency preparedness. It is money that we have received ever since 2002, with actually some response to 9/11, is where the money started from, to say that there are a lot of emergencies that are public health in nature and this is to help us plan and prepare and be better prepared as an entire community. We would recommend that you approve this ongoing grant and I would be glad to entertain any questions.”

MOTION

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

Commissioner Unruh seconded the motion.

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Chairman Parks said, "Motion and a second. Any further discussion? Looks like most of this is pass-through money."

Ms. Burbach said, "Yes."

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

VOTE

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

Ms. Burbach said, "Thank you very much."

Chairman Parks said, "Thank you."

I. ADDITION OF ONE GRANT FUNDED ENERGY COORDINATOR STAFF POSITION TO THE DIVISION OF INFORMATION AND OPERATIONS STAFFING TABLE.

Mr. Steve Claassen, Facilities Director, DIO, greeted the Commissioners and said, "On your June 17 meeting, you approved action allowing staff to apply for an energy efficiency conservation block grant from the federal government. This grant is funded through the Recovery and Reinvestment Act of 2009. We outlined, at that time, what that \$485,000 grant was for at that meeting. Just to review briefly, the application included a request of \$55,000 to pay for 10 hybrid vehicles, the incremental cost of the hybrid vehicles over conventionally powered vehicles, \$230,000 for energy saving project funds and \$200,000 for three years of funding for salary and benefits for an energy coordinator staff position. We did apply for that grant and received notice from the Department of Energy that our application has been approved in its entirety. Now that the grant has been approved, the action that I request of you is to provide your follow-up authorizations to add that energy coordinator position to our staffing table so that he or she can be hired. This person would be responsible to identify, develop and manage energy saving projects that will be funded through the grant, and that makes economic sense for us to implement, as well as develop a baseline energy monitoring plan of our facilities that will enable us to see where improvement projects can best be

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made. The county annually spends \$2.2 million on electricity, \$641,000 on natural gas, \$266,000 on water utilities, so dedicating a full-time person for this effort will be a good use of these project funds. I request your approval to add that position and if you have any questions, I can answer them for you.”

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

MOTION

Commissioner Unruh moved to approve the recommended addition to the staffing table.

Commissioner Welshimer seconded the motion.

Chairman Parks said, “There’s a motion and a second, discussion on this. Am I to believe that once the funding is gone, then this position will go away?”

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “Yes, sir.”

Chairman Parks said, “Not necessarily laid off but if there is attrition in the department they might be able to get that somewhere else. Thank you. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Mr. Chairman, you just asked my question. Thank you.”

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

VOTE

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

Mr. Claassen said, “Thank you.”

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

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J. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN STREETS TO THE TOWNSHIP SYSTEM. DISTRICT 3.

Mr. Weber said, “It’s a standard procedure that after a road is constructed within a platted residential subdivision, in accordance with the county road standards, that the road is then assigned to the township road system. In this particular case, 70th North and 70th North Court, located in the subdivision known as Imbler Estates Addition, will become the responsibility of Union Township. Union Township Board was informed that this resolution would be on the County Commission Agenda by letter dated August 6, 2009, and we recommend that you adopt the resolution.”

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

MOTION

Commissioner Peterjohn moved to adopt the resolution.

Chairman Parks seconded the motion.

Chairman Parks said, “And we do have some discussion. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Yes, Mr. Weber, can you give me an idea, in terms of how long a street this is and I’m just curious how often this happens, in terms of adding roads into the township system?”

Mr. Weber said, “The two together, that 70th Court is a pretty short cul-de-sac, there’s probably a little over a quarter of a mile total in all of this. It’s the final pieces, I think, of this particular subdivision. We see, I don’t know, half a dozen or eight of these probably a year, it kind of depends on the pace of development, which isn’t real fast right now. And they do tend to do phasing of these projects these days, so we’ll see; in this case, I think this is probably the third time we’ve been back with stuff in Imbler.”

Commissioner Peterjohn said, “Thank you.”

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Chairman Parks said, "I know this is not a public hearing or anything, but is anybody from Union Township in the audience today or anybody that would be in that affected area? Seeing none, call the vote."

VOTE

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

K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON SEPTEMBER 10, 2009.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, "The meeting of September 10 results in six items for consideration today. First item;

1. HOME INVESTMENT PARTNERSHIPS PROGRAM – HOUSING OFFICE FUNDING – HOUSING OFFICE

"Recommendation is to accept the low bid from New Windows for America in the amount of \$26,725. Item 2;

2. HOME INVESTMENT PARTNERSHIPS PROGRAM – HOUSING OFFICE FUNDING – HOUSING OFFICE

"Recommendation is the low bid from Arambula Construction in the amount of \$30,662. Item 3;

3. HOME INVESTMENT PARTNERSHIPS PROGRAM – HOUSING OFFICE FUNDING – HOUSING OFFICE

"Recommendation is low bid from New Windows for America in the amount of \$28,730. Item 4;

4. AMBULANCE DEPLOYMENT PLANNING and AUTOMATED ROUTING SYSTEM – EMERGENCY MEDICAL SERVICES FUNDING – EMS AVL ROUTING and SOFTWARE Eq RES

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“Recommendation is to accept the low proposal from Bradshaw Consulting Services, Inc. for a total five year cost of \$311,977. Item 5;

**5. PEST CONTROL SERVICES – VARIOUS DEPARTMENTS
FUNDING – VARIOUS DEPARTMENTS**

“That recommendation is to accept the overall low bid from Reliable Pest Management and establish contract pricing and execute a two year contract with two one-year options to renew for an estimated annual cost of \$15,551. And Item 6;

**6. DIGITAL MENU BOARD SOFTWARE FOR INTRUST BANK ARENA –
FACILITIES DEPARTMENT
FUNDING – ARENA SALES TAX**

“And that recommendation is to accept the proposal from DJC, LLC for a cost of \$97,383 and establish contract pricing for graphic design and a five year annual maintenance cost. Be happy to answer any questions and I recommend approval of these items.”

MOTION

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

Chairman Parks seconded the motion.

Chairman Parks said, “Further discussion, Commissioner Peterjohn.”

Commissioner Peterjohn said, “Yes, thank you, Mr. Chairman. Ms. Baker, on Item 6, I noticed that there was a variety of extended costs that were included as part of that overall bid. I was curious how that compared to what was budgeted for the downtown arena and if it was close to what was being projected for the downtown arena project for this category, for this product and the software that’s attached to it?”

Ms. Baker said, “The recommendation we’re making is under what had been budgeted.”

Commissioner Peterjohn said, “By a small or large margin?”

Ms. Baker said, “By a small amount.”

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Commissioner Peterjohn said, “A small amount?”

Ms. Baker said, “Yes, by about three percent.”

Commissioner Peterjohn said, “Okay. Thank you.”

Ms. Baker said, “The variation in the proposals, and I will add for the record, was really a result of the variation in which they viewed the project. The menu boards, not just the menus, but also will include various graphics and they could be advertising, they could be various product and the proposals all offered different ways to implement that part of the work, and it’s termed ‘graphic design and creation content.’ Most of them included it, some of them did not.”

Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “Any other items? Seeing none, call the vote.”

VOTE

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

Ms. Baker said, “Thank you.”

CONSENT AGENDA

L. CONSENT AGENDA.

- 1. Amend the 2009 Capital Improvement Program (CIP) to increase the budget for relocate Adult Probation.**
- 2. Waiver of policy to hire a SAP Security Administrator at midpoint of B429.**
- 3. General Bill Check Register of September 2, 2009 – September 8, 2009.**
- 4. Payroll Check Register for the week of August 29, 2009.**

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Mr. Buchanan said, "Commissioners, you have the Consent Agenda before you and I would recommend you approve it."

MOTION

Commissioner Unruh moved to approve the Consent Agenda.

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 |

M. OTHER

Chairman Parks said, "I had one item under 'other.' A friend of mine picked up a tabloid at the grocery store and it said something about, it headlines Coliseum ideas may be secret until vote. I want to assure my patrons, especially in that area out around the Coliseum area, that that will not be rushed through in any manner and they will have plenty of time to get in on the discussion on that issue. Commissioner Welshimer."

Commissioner Welshimer said, "Well, there's been a lot of publicity about our searching for a site for a work release center and I would just like to point out that we haven't made any decisions on that or have we actually discussed it much at all. And I think it would be prudent to analyze the site we have now and so I have done a little bit of research on what we have now to share with you on the record. We have a work release facility over on McLean at Harry, and it's owned by the City of Wichita, used to be a prison or jail for the City of Wichita until the county took over the responsibility for the detainees that were in there. And currently the county pays the city a dollar a year rent for that building. And that facility was built in 1960, and I'm not sure of the date after 1960 that we took that over. It's been nicknamed the 'pea farm.'"

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Commissioner Welshimer continued, “And I had some work done by the Appraiser. I got a color-coded map of the area to determine how built up that area was at the time that the ‘pea farm’ was built, just by appearance of the map, it looks like about 80 to 85 percent of the area was already built up in residential, and some industrial along the river bank. Since then, the rest of the area to the west of the ‘pea farm’ has been developed by residential, and homes seem to be selling normally in there. The average price of home value on the county’s records is \$60,950, and there was a home sold in 1992 not far from the facility with a sales price of \$149,900. The boundary being on McLean, it sits right there over the Arkansas River, and on the other side of the river to the east, there are medium priced homes of \$55,000 with one home in ‘02 of ‘06 selling for \$119,000. So the residential development on the east side of the river, which is further away from the work release center has a value range of 10.8 percent less than the value range of homes around the current facility.

“So what we have in there is not our, you know, most dangerous felons, and it has been, obviously, been a good neighbor for that area of town. It is just getting old and it’s small and it has some functional problems that would warrant us having a different, newer location, or building on to that, if the city wanted to tear that down, we could build up another one there. So I think that we should have some conversation with the city since the largest number of detainees in that facility are arrested by the Wichita Police Department. Mostly the people that are in there are on DUI (driving under the influence) and we’re required by the state to put these people into a situation where they can go to work, but then after that, they have to report in for a period of something like nine months, and so it’s just a matter that we, as a community, must address this issue and comply with what’s expected of us. So, I thought that was interesting information, will help us when we’re talking about how we want to replace this facility and that’s all I have.”

Chairman Parks said, “Well I Thank you for that and with your expertise in real estate, that certainly helps this Board. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. I have several announcements but I would like to begin by seconding the comments of Commissioner Welshimer concerning the city owned but the county operated work release facility at Harry Street and McLean Boulevard. I have had a number of people, and I’ve raised the question in the past myself, in terms of why that facility couldn’t be expanded and I am interested to find out that indeed it could be, although it is a city owned property and we would have to make arrangements with the city to do that and it could be expanded into one of two ways. It could be either expanded out, if additional city property was made available to use, or it could be built up into a multi-story facility. I don’t know whether that’s the right way to go or to put it somewhere else, but I think expanding work release is definitely going to be a significant tool that we should be looking at to solve the detention challenges that this community faces.”

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“Having said that, I’d like to talk about something a little bit more pleasant and that is we’ve got a number of community activities that are going to be going on in the next few weeks, and I would like to mention two of them because they’re both out in the third County Commission district. September 26th, Colwich Heritage Festival will be held that morning and about a week later Goddard’s Fall Festival will be held October 3rd. So there’s two great events for folks, and I like to say children of all ages, there will be plenty of activities out there that people can enjoy and I want to mention that too as people put together some of their fall plans as the weather gets a little bit milder, those are going to be two fun events that will be going on out in the western part of Sedgwick County.”

Chairman Parks said, “Since you said that, next week I am going to follow-up on the Valley Center and Sedgwick Fall Festivals, so you’ll want to make sure and tune in next week for all those details. Commissioner Welshimer.”

Commissioner Welshimer said, “Oh, I don’t have anything more.”

Chairman Parks said, “Okay.”

Commissioner Welshimer said, “Well I could say one thing. In addition to what I had said about the city’s facility that we have now, the city also zones that and I think they’re concerned about zoning for a new site, not wanting it in the City of Wichita, but they have kept that zone for this purpose for many years, many, many years. Thank you.”

Chairman Parks said, “Mr. Euson, would there be any problem with a short recess to address the Fire District item on the Agenda so we can let that staff member go before our Executive Session?”

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “That would be very appropriate.”

Chairman Parks said, “We’re in recess for the County Commissioner meeting.”

The Board of County Commissioners recessed into the meeting of the Fire District Number 1 at 12:08 p.m. and returned at 12:10 p.m.

Chairman Parks said, “And we are back in session with our regular Commission meeting, and I believe the next item coming up is going to be an Executive Session request.”

MOTION

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Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 25 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice, and that the Board of County Commissioners return to this room from Executive Session no sooner than 12:37 p.m.

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 |

Chairman Parks said, "We are adjourned to Executive Session."

Mr. Euson said, "Recessed."

Chairman Parks said, "We are recessed into Executive Session."

The Board of County Commissioners recessed into Executive Session at 12:11 p.m. and returned at 12:42 p.m.

Chairman Parks said, "We're back in session out of Executive Session, no binding action was taken. Seeing nothing more to come before this body, we are adjourned."

N. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:43 p.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:

October 7, 2009