

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 5, 2003

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 10:00 A.M., on Wednesday, February 5, 2003 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Tim Norton; with the following present: Chair Pro Tem Thomas G. Winters; Commissioner David M. Unruh; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Pam Martin, Director of Clinical Services, Health Department; Mr. Randy Duncan, Director, Emergency Management Department; Mr. Bill Farney, Director of Administrative Services, Health Department; Mr. John Nath, Director, Kansas Coliseum; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

INVOCATION

The Invocation was led by Chairman Norton.

Chairman Norton said, "For the seven astronauts of the Shuttle Columbia, Commander Rich Husband, William McCool, Michael Anderson, David Brown, Kalpana Chawla, Laurel Clark and Ilan Ramon the Israeli astronaut, they were aware of the dangers but they did their jobs brilliantly. We mourn their loss as a nation together. Our hearts go out to their families whose loss is so great. These professionals served our nation, daring and brave. We remember these brave souls, much as President Reagan remembered those who perished in the Challenger disaster. We will never forget them, nor the last time we saw them as they prepared for the journey and waved goodbye and slipped the surly bounds of earth to touch the face of God. Amen."

FLAG SALUTE

ROLL CALL

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

Chairman Norton said, "Next item."

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CONSIDERATION OF MINUTES: Special Meeting, December 27, 2002
Special Meeting, January 3, 2003
Regular Meeting, January 8, 2003

The Clerk reported that Commissioner Gwin was absent at the Special Meeting of December 27th, 2002 and the Special Meeting of January 3rd, 2003 and all Commissioners were present at the Regular Meeting of January 8th, 2003.

Chairman Norton said, “The will of the Board?”

Commissioner Winters said, “Was Commissioner Unruh here for the 8th meeting?”

Commissioner Sciortino said, “No, he wasn’t here for any of these meetings.”

Commissioner Winters said, “Okay. So we can take them all at once then.”

MOTION

Commissioner McGinn moved to approve the Minutes of the Special Meetings of December 27th, 2002 and January 3, 2003 and the Regular Meeting of January 8th, 2003.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Abstain
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “Clerk, call the next item.”

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DONATIONS

A. DONATIONS OF TIME BY 33 DENTISTS, VALUED AT MORE THAN \$100,000 FOR 2002, TO THE SEDGWICK COUNTY HEALTH DEPARTMENT CHILDREN'S DENTAL PROGRAM.

DONORS:

DR. SAM AMIRANI	DR. CRAIG LASHLEY
DR. ROBERT BEAVER	DR. KAREN LENNON
DR. JOHN BRAMMER	DR. CHRISTOPHER MAR
DR. PRESTON BRAMMER	DR. DAVID MENDOZA
DR. BRUCE BRITTAIN	DR. GILBERT OMIDO
DR. GENE BROWN	DR. RON NEUGENT
DR. BRYAN BAILEY	DR. WENDY REYNOLDS
DR. CRAIG CARTER	DR. STEPHANIE ROBERTSON
DR. RUSSELL COAD	DR. STEVEN ROHR
DR. LARRY DAVIS	DR. CHARLOTTE TURNER-WILLIAMS
DR. MARGARET DETMER	DR. STEVEN TWIETMEYER
DR. MARVIN EDGINGTON	DR. BECKY TWIETMEYER
DR. MAC FOLEY	DR. TONY WAKIM
DR. T. J. FOLEY	DR. LINDA WINTER
DR. JOHN GAGNON	DR. BILL WATSON
DR. JEROME LAHAM	DR. JON WOODRUFF
DR. ANDRE KANDY	

Ms. Pamela Martin, Director, Clinical Services, Health Department, greeted the Commissioners and said, "I am here because February is the National Children's Dental Health Month and what a perfect time to acknowledge our 33 volunteer dentists. They donate their time in the dental clinic seeing patients and providing services. If we had to pay the dentists for their time it would amount to over \$100,000 just for the year 2002.

The patients seen in the Sedgwick County Health Department Children's Dental Program are cared for entirely by our volunteer dentists. They offer time in our program on-site and they see patients in their offices to supply needed services for children from the ages of 5 through 15 years of age. Eligibility for our program at the Sedgwick County Health Department, they must be between the ages of 5 and 15 years of age. Also, they cannot be eligible for any type of private insurance or medical card or Healthwave.

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Also, we receive a lot of referrals from our USD 259 school nurses and they must also be eligible for the reduced lunches at their school.

As far as our recommended action, we are acknowledging the donation of time by our 33 dentists and we are authorizing the Chairman to sign the letters of recognition and appreciation.”

Chairman Norton said, “Any comments from the bench?”

MOTION

Commissioner McGinn moved to authorize the Chairman to sign letters of appreciation.

Commissioner Sciortino seconded the Motion.

Chairman Norton said, “I have a motion and a second. Any discussion?”

Commissioner Sciortino said, “I’d like to just, maybe from the bench, acknowledge our appreciation of these professionals because they’re giving this work pro bono and it’s just a tremendous thing that they decide that they will use their talents that they studied so hard to acquire, to help the less fortunate and I just would like to acknowledge, here from the bench, how much we appreciate it.”

Chairman Norton said, “Commissioner McGinn.”

Commissioner McGinn said, “Thank you. I recognize a lot of these names on here. This is a great group of dentists that do . . . are very proud of the contribution that they make and I certainly want to reiterate what Commissioner Sciortino said and we appreciate the contributions that they make to our community.”

Chairman Norton said, “Well certainly I think we’re proud of that. I think we also understand that dental health so effects people’s primary health. I mean, I think there’s more and more evidence that good dental health also makes for good health in other ways. So I think it’s very important to get young people to understand that taking care of their teeth and their mouth is just as important as some of the other things that they do for good health and these dentists really help us do that for many underserved. So, I think we’re very proud that they help us out. We have a motion and a second, call the question.”

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VOTE

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, "Thank you, Pam."

Ms. Martin said, "I'd like to thank you, on behalf of the volunteer dentists. Also, if I could have 30 seconds just to invite you all to our 'molar drama' that we're having at the Wichita Arts Association at 9112 East Central. We will be seeing over 4,800 second graders, teachers and parents during this week. There is a show in the morning, at 10, and one at 1:30 and we would like to have you come out."

Commissioner McGinn said, "You call it a molar drama?"

Ms. Martin said, "The theme is the Fluoride Fandango. It's a space thing."

Commissioner Sciortino said, "What's the date on that?"

Ms. Martin said, "It's all week this week. So the last day is Friday, from 10 in the morning is the first show and then 1:30 in the afternoon is the second show. And I did bring some participant bags that they receive at the 'molar drama' to share with you this morning. So we'd like to see you out."

Commissioner Sciortino said, "Are we going to have that captain, that lady that was the actress, she was the captain space pilot or whatever? Is she going to be there again?"

Ms. Martin said, "Yes."

Chairman Norton said, "I think I saw a picture of Ben with a big molar last year too. It was taller than he was. That's a big tooth."

Ms. Martin said, "So please come out. Thank you."

Chairman Norton said, "Thank you very much, Pam. Clerk call the next item."

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AWARDS

B. PRESENTATION OF AWARDS TO DEANN KONKEL, MITIGATION PLAN COORDINATOR, EMERGENCY MANAGEMENT.

- 1. KANSAS CERTIFIED EMERGENCY MANAGER CREDENTIAL.**
- 2. PROFESSIONAL DEVELOPMENT CERTIFICATE.**

Mr. Randy Duncan, Director, Emergency Management Department, greeted the Commissioners and said, “One of the very positive things we get to do is acknowledge when our staff meets their professional responsibility in terms of training issues and this is a very special moment for me and I hope for you as well. One of the things that we’re required to do as emergency management staff within the State of Kansas is to become certified within a period of two years after our hiring by our hiring authority and this really marks a benchmark, if you will, within our emergency management career. So I’m very pleased today to be able to present to DeAnn Konkell our Kansas Certified Emergency Manager Credential from the Kansas Emergency Management Association. And this is, as I say, a high-water mark for our career in emergency management. It marks that we’ve met certain minimums in terms of education, training, experience and involvement with all four phases of emergency management and DeAnn has met those responsibilities and has earned designation as a Kansas Certified Emergency Manager. So I hope you’ll join me in congratulating her for that.

But in addition to that, and in keeping with the overachievement in Emergency Management, I have a second award that I’d like to present to DeAnn today that also is a mark of another high-water point in an emergency management career. At the federal level of government, there’s special recognition extended upon completion of extended and advanced training in emergency management referred to as the Professional Development certificate. And in addition, we have DeAnn’s professional development certificate to award to her today. This particular certificate is viewed as being such an important part of the emergency management program and educational experience that the certificate itself is signed by the governor and the adjective general recognizing her accomplishments within the field. So again, please join me in congratulating DeAnn for receiving her professional development series award.”

Commissioner Sciortino said, “Come on, say something.”

Chairman Norton said, “We’re ready to respond.”

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Ms. DeAnn Konkol, Project Impact Coordinator, Emergency Management, said, "I want to thank you for giving me the opportunity to work for Sedgwick County in Emergency Management. I thoroughly enjoy my job and the duties that I do for the county through Emergency Management. Thank you."

Commissioner McGinn said, "We're glad you're here."

Chairman Norton said, "Commissioner Sciortino."

Commissioner Sciortino said, "Well DeAnn, you're very deserving. I've been out to some of the events that we've been talking . . . but I really want to direct this comment to Randy. I think your philosophy of complimenting your employees instead of compensating them we really do appreciate. So just keep up the good work."

Mr. Duncan said, "I think that's thank you, sir."

Chairman Norton said, "Before I let DeAnn go, I know that not only has she done her professional studies here but she's been on the ground level of crisis and understands emergency management from being in the bowels of a crisis and understanding what has to be done. And I think that's very important that you not only bring to Sedgwick County good book learning, but on the ground experience and we appreciate that too. So thank you very much, DeAnn."

I see no other comments from the bench, so thank you very much, Randy. Next item."

NEW BUSINESS

C. GRANT AWARD OF \$39,000 FROM KANSAS DIVISION OF EMERGENCY MANAGEMENT, TO BE USED FOR VEHICLE ACQUISITION, COMMUNICATIONS EQUIPMENT AND PERSONAL PROTECTIVE GEAR.

Mr. Duncan said, "This particular item of business is again another positive item to bring before you. We wish to have you consider accepting a \$39,000 grant from the Kansas Division of Emergency Management. This grant is federal funding passed through the State of Kansas to us in conjunction with an audit that's performed on an annual basis of what our program consists of and the state then makes recommendations on how we can improve our program and fortunately, in this particular issue, they also fund those recommendations as well."

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So I'll be happy to answer any questions that you might have, but we hope that you will accept consideration and receive the award and allow it to be used for the identified purposes."

Chairman Norton said, "Well, I see no comments from the bench. Do I have a motion?"

MOTION

Commissioner Winters moved to accept the grant award and establish related budget authority.

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, "Randy before you leave there, kind of tell us what the communication equipment is, the personal protective gear, what are the purposes?"

Mr. Duncan said, "Sure, I'd be happy to. What we're talking about, in terms of communication equipment, are some additional devices that will help us in a number of different areas. One of the devices we're taking a look at acquiring will help us in our regional hazardous materials response. Without going into a great deal of technical difficulty or detail, it's a black box that allows us to take our radio system and make it talk to other radio systems that it normally couldn't talk to otherwise.

Personal protective equipment, just very basic things like fire boots, bunker gear for our fire reserve folks, hard hats, goggles for our emergency services team and that sort of thing."

Chairman Norton said, "Okay. And the vehicle acquisition, is there something there that we're going to buy too?"

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Mr. Duncan said, "Yes. I think . . . I hope you'll be proud of us on this particular issue. We're finding a way to recycle and reuse. The vehicle that we're intending to acquire is not a new one but rather one that will be coming from another existing use within the county, coming off a front line emergency response type use and while that vehicle no longer is suitable for that, it's certainly suitable for the purposes that we will use it for, so we'll be able to get some extended life out of it. Plus, we have the state pick up the cost of acquisition and operation for it."

Chairman Norton said, "We've really seen the money though?"

Mr. Duncan said, "Yes, sir. We have the check actually in hand."

Chairman Norton said, "That's a good thing."

Commissioner Sciortino said, "Randy, could I ask . . ."

Mr. Duncan said, "And we'll be also deleting one of the vehicles out of our reserve fleet. It will be a replacement, as opposed to an addition."

Chairman Norton said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you. Randy, walk me through that again. What kind of vehicle? What is it?"

Mr. Duncan said, "We're looking specifically at one of the medical supervisor's Suburbans that's coming off of Emergency Medical Services."

Commissioner Sciortino said, "Okay, so we have the vehicle, the county owns the vehicle."

Mr. Duncan said, "Yes, sir."

Commissioner Sciortino said, "And the state is going to pay us to take the vehicle and switch it?"

Mr. Duncan said, "Yes, sir. In essence, what we'll have to do sir is we'll have to make up the trade difference that the Emergency Medical Services folks would get if they were to trade the vehicle in, and so that's in essence the purchase cost to us for the vehicle."

Commissioner Sciortino said, "Okay, thanks."

Chairman Norton said, "Thank you very much. Appreciate it. Clerk, call the next item."

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D. AGREEMENT WITH DEVELOPMENT SYSTEMS, INC. FOR SEDGWICK COUNTY HEALTH DEPARTMENT TO PROVIDE DATA COORDINATION.

Mr. Bill Farney, Director of Administrative Services, Health Department, greeted the Commissioners and said, "I'm filling in for Cindy Burbach, who is unable to make it this morning.

We are requesting your approval for an agreement with Development Systems Incorporated. This agreement requires that we submit to DSI monthly summary reports from our general clinic regarding gonorrhea and cymatia. These reports include testing results for these diseases and the demographic data of the clients. Names of the clients are not used and there's no way that any of the data could be tied to any individual client and it is HIPPA compliant.

These reports typically take our laboratory staff about four hours each month to prepare and submit and in return we receive \$4,000 for this fiscal year. In the past, as many as half a dozen Kansas counties have participated in this program, which is coordinated by KDHE, the Kansas Department of Health and Environment, but this year presumably due to the revenue shortage there are only two counties that have been granted an award, that is Sedgwick County and Wyandotte County.

We request your approval of this agreement."

Chairman Norton said, "No lights, no discussion, questions, anything from the bench? I would entertain a motion."

MOTION

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

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, "Thank you very much, Bill. Next item."

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E. AGREEMENTS (THREE) WITH CITY OF PARK CITY, KANSAS FOR ADVERTISING RIGHTS AT KANSAS COLISEUM.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, "This will be our second three-year term working with Park City as an advertiser and a sponsor. Park City is taking advantage of several of the opportunities we have, namely the sponsorship of the customer service booth, some placement on the end zone scoreboards and some gate entry locations to kind of solidify and enhance their image as a community. We would recommend approval and willing to answer any questions if you have any."

Chairman Norton said, "I see no questions. What is the will of the Board?"

MOTION

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

Commissioner Winters seconded the Motion.

Chairman Norton said, "I have a motion and a second. Any other discussion?"

Commissioner Sciortino said, "I just have one, because I thought there was a little . . . It says here that they're going to pay \$10,000, \$10,500 in cash each year of the three-year agreement, but then in the agreement it says they're going to pay \$3,000 per year."

Mr. Nath said, "Well, their total involvement is roughly \$17,500 a year. There are three agreements, Commissioners. That handles the three areas we just talked about. It's \$3,500 a year for the gate entry sign, there's \$10,500 I believe for the customer service booth and then there's the scoreboard."

Commissioner Sciortino said, "Okay, but this agreement that we're approving is only for \$3,000."

Mr. Nath said, "I think that you only have one copy of one of the documents there. There's actually three agreements."

Commissioner Sciortino said, "I'm sorry, okay. I stand corrected. Thank you."

Chairman Norton said, "Okay. We have a motion and a second. Clerk, call the roll."

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VOTE

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “Thank you, John. Clerk, call the next item.”

F. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH WITTEWER ENTERPRISES, LLC FOR SEDGWICK COUNTY PROJECT – 95TH STREET SOUTH AND BROADWAY DRAINAGE IMPROVEMENTS. CIP# D-4. DISTRICT #2.

Mr. David Spears, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, “Item F is a modification of plans and construction, request number one and final, for the drainage improvement project at 95th Street South and Broadway designated as D-4 in the Capital Improvement Program. This project has been completed and is ready to be ‘finalized out’. There will be a net decrease of \$750 due to variations in plan quantities from actual field measurements. I recommend that you approve the modification and authorize the Chairman to sign.”

Chairman Norton said, “This is a project that’s been long overdue in that area. Did we ever get any state money to do part of that project down there, Dave? Or did we end up just having to do our portion of it to finish it up.”

Mr. Spears said, “The part that we did we did with all our money.”

Chairman Norton said, “Right, and the state portion, the original design has never come through to do their portion of Highway 81. Is that correct?”

Mr. Spears said, “Right and we will still be visiting with them about that in the future.”

Chairman Norton said, “Okay. Good project. Thanks, I appreciate it.”

MOTION

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Chairman Norton moved to approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “Thanks, Dave. Please call the next item.”

CONSENT AGENDA

G. CONSENT AGENDA.

1. Right-of-Way Agreements.

- a. Four Easements for Right-of-Way and three Temporary Construction Easements for Sedgwick County Project 616-17-110; 13th Street between 135th and 151st Streets West. CIP# B-223. District #3.
- b. Temporary Construction Easement for Sedgwick County Greenhaven Drainage Project. CIP# D-2. District #5.

2. Resolutions (three) formalizing findings made by the Board of County Commissioners January 22 and January 29, 2003.

- a. Service extension plan for annexation effective August 29, 1997
- b. Peck Improvement District
- c. Service extension plan for annexation effective November 28, 1997

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- 3. Agreement with Triplett, Woolf and Garretson, LLC providing on-line access to Sedgwick County's electronic data.**
- 4. Order dated January 29, 2003 to correct tax roll for change of assessment.**
- 5. General Bills Check Register(s) for the week of January 29 – February 4, 2003.**

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You have the Consent Agenda before you and I would recommend you approve it."

MOTION

Commissioner Sciortino moved to approve the Consent Agenda as presented.

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, "Is there any other items to come before the Commission today?"

Commissioner Winters said, "Mr. Chairman, we do need to have an Executive Session, but I had a couple of comments real quickly."

Chairman Norton said, "Okay."

H. OTHER

Commissioner Winters said, "One, I did go out to Viola Saturday evening and the Viola Lions

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Club served almost 1,200 people between 3 and 6:30 or 7:00 at their annual Lions Club fundraising sausage supper.”

Chairman Norton said, “So their population swelled that day.”

Commissioner Winters said, “Quite a little bit.”

Commissioner Sciortino said, “So did some of the people that came and ate all that.”

Commissioner Winters said, “You can see quite a few people at Viola on their Groundhog Day Sausage Supper, so that was a good event.

Then just remind folks that next week is county day in Topeka and county officials from all around the state will gather in Topeka on Tuesday to spend time trying to connect with state legislators and hearing various presentations about the activities going on in Topeka. So, next week will end up being a busy week.”

Chairman Norton said, “Yes, it will. Any other ‘others’ here? I have one. Several of us went to Topeka yesterday and walked the Capitol a little bit and also went to the KCCI, which is the Kansas Chamber of Commerce and Industry annual meeting last night and got to hear the governor speak. It was a good chance to connect with other county commissioners, other electeds, the legislature and many of the businessmen around the state. And it was a good networking kind of day. Commissioner Unruh, Commissioner McGinn and myself went, so we were representing Sedgwick County at Topeka yesterday, and as Tom said, we’ll be going back next week to do some of the same kinds of things. Anything else? Okay. Tom, I’ll entertain a motion.”

MOTION

Commissioner Winters moved that the Board of County Commissioners recess into

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Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney/ client relationship relating to legal advice and personnel matters of non-elected personnel and preliminary discussions relating to the acquisition of real property for public purposes and that the Board of County Commissioners return from Executive Session no sooner than 10:40 a.m.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

Chairman Norton said, “We’re in Executive Session.”

The Board of Sedgwick County Commissioners recessed into Executive Session at 10:25 a.m. and returned at 11:19 a.m.

Commissioner McGinn did not return from Executive Session.

Chairman Norton said, “We’re now back from Executive Session. According to state statute, we took no binding action in our Executive Session today. Anything else before us, Mr. Manager? Rich Euson, anything else before us? We’re now adjourned.”

I. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:20 a.m.

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

TIM NORTON, Chairman
Second District

THOMAS G. WINTERS, Chair Pro Tem
Third District

DAVID M. UNRUH, Commissioner
First District

CAROLYN McGINN, Commissioner
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2003