

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

### **REGULAR MEETING**

**July 14, 2004**

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, July 14, 2004 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem David M. Unruh; Commissioner Tim R. Norton; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Mr. Brent Shelton, Chief Deputy County Clerk; Mr. Chris Chronis, Chief Financial Officer; Ms. Kristi Zukovich, Director, Communications; Mr. Trey Cocking, Management Intern, County Manager's Office; Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections; Mr. John Nath, Director, Kansas Coliseum; and, Ms. Bethany Carpenetti, Deputy County Clerk.

#### **GUESTS**

Mr. Ferenc Sipos, Trustee, Attica Township.  
Mr. Ruben Eckels, Middle School coordinator, TRIO program, Wichita State University.  
Mr. Larry Ramos, Director, Trio Programs, Wichita State University.

#### **INVOCATION**

The Invocation was led by Kim Dickerson of Aldersgate United Methodist Church, Wichita.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES:** Regular Meeting, June 30, 2004

The Clerk reported that all Commissioners were present at the Regular Meeting of June 30<sup>th</sup>, 2004.

**Chairman Winters** said, "Commissioner's you've had an opportunity to review the minutes of that meeting. What's the will of the Board?"

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**MOTION**

Commissioner Unruh moved to approve the Minutes of the Regular Meeting of June 30, 2004.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**APPOINTMENT**

**A. RESOLUTION APPOINTING FERENC SIPOS (CHAIRMAN WINTER'S APPOINTMENT) AS TRUSTEE OF ATTICA TOWNSHIP.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "Commissioners we've prepared this resolution of appointment to fill this vacancy and I recommend that you adopt it."

**Chairman Winters** said, "All right."

**MOTION**

Commissioner Sciortino moved to adopt the resolution.

Commissioner Unruh seconded the Motion.

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

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**VOTE**

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

**Chairman Winters** said, “Ferenc, if you would come forward to the podium, Deputy Clerk Brent Shelton will swear you into office. Well, around to the other side.”

**Mr. Brent Shelton**, Chief Deputy County Clerk, said, “Please raise your right hand.

*I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Trustee of Attica Township, so help me God.*

**Mr. Ferenc Sipos** said, “I do.”

**Mr. Shelton** said, “Congratulations.”

**Chairman Winters** said, “Ferenc, I just wanted to make a couple of remarks. This position has been held for several years by Pyas Selinkie, and Pyas had stepped in to fill a vacancy and just did an excellent job for several years, and because of health reasons Pyas has needed to resign. And so this is an election year and Ferenc was the only candidate that filed for this position in the election and so we all thought it was appropriate that we go ahead and appoint him and get him on the job. And he will officially be on the ballot, on the November ballot and will be elected, but Ferenc has worked with the township out there on several projects for some time and we really appreciate your willingness to serve on this board, Ferenc.”

**Mr. Sipos** said, “Thank you.”

**Chairman Winters** said, “All right, thank you. Before we proceed onto the next item, Commissioner McGinn would you like to introduce some of the folks that are our visitors here today?”

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**Commissioner McGinn** said, “Yes, and Ruben if you wouldn’t mind coming up to the podium, I don’t mean to put you on the spot, but I know since you are a wonderful pastor in our community, it’s not a problem for you to have to stand up there and speak. But today we have a youth group here, summer youth group, and they are here visiting and learning about County Government and I just wanted to have Ruben share a few things about the group.”

**Mr. Ruben Eckels**, Middle School Coordinator, TRIO program, Wichita State University, greeted the Commissioners and said, “This is the Middle school portion of our Trio Programs at Wichita State University, Education, Talent Search and Project Discovery. We do also have my Director here, Larry Ramos, if he would come on up just to stand here and he can actually kind of fill in the void where I don’t.

This is the eighth graders of our middle school portion. We had our sixth and seventh graders here last month. And so, we have 25, actually 50 kids that come through our summer program. We have tutoring in language arts, math, computer skills, career goals and we are always trying to hook up our kids with people in the community to show them where their education can take them. And so, making it practical application for them, not only do many of our kids ask what does math do for me, what will English do for me? And so we want to let them see what their academic skills can take them and so we brought them up there the last couple months to meet county Commissioners, we’re taking them to Paragon and flight inspection companies, just different places.”

**Mr. Larry Ramos**, Director, TRIO Programs, Wichita State University, greeted the Commissioners and said, “The TRIO Programs here at Wichita State began in 1967 and there are seven programs at Wichita State, there are some of the most TRIO Programs in the whole country and so we’re very proud of our talent search programs.”

**Commissioner McGinn** said, “Well great. And I just want to say thank you for all that you do to volunteer your time and thank you to all of the students that are here for giving some of your summer time to learn about your local government and about leadership in our community because you are our next leaders. So again, thank you very much.”

**Chairman Winters** said, “We have a comment, Commissioner Sciortino.”

**Commissioner Sciortino** said, “Yeah, and I want to echo what the reverend has said, education is very, very important and if you drop out of school you might windup being a politician like us, so you really want to aspire to a higher office than that. But no, seriously we’re happy to have you and your right and reverend your on the right track because if we can get to young people and give them a change in direction, they can be the leaders that were going to need to take care of those of us if and when we ever get old, or if you all get old as me. Thanks a lot for coming.”

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**Chairman Winters** said, "All right. Thank you both."

**Mr. Ruben** said, "These are great young people, so I want to thank you."

**Chairman Winters** said, "All right. Well, we're glad you're here this morning. All right. Madam Clerk, we'll proceed with regular agenda if you'll call the next item."

### **PUBLIC HEARING**

#### **B. PUBLIC HEARING TO ACCEPT RECOMMENDATIONS FROM THE LOCAL LAW ENFORCEMENT BLOCK GRANT ADVISORY BOARD, AND COMMENTS FROM THE PUBLIC, REGARDING ALLOCATION OF GRANT FUNDING; AND SUBMISSION OF AN ASSOCIATED GRANT APPLICATION TO BUREAU OF JUSTICE ASSISTANCE.**

**Mr. Trey Cocking**, Management Intern, County Manager's Office, greeted the Commissioners and said, "Today I'm presenting the Local Law Enforcement block grant. The committee met on July 1<sup>st</sup> to hear the recommendation to receive the proposals from the five law enforcement groups that are eligible under this grant. Those groups are Courthouse Security, Department of Corrections, District Attorney's office, Regional Forensic Science Center and the Sheriff's office. The total in requests this year were \$300,023, and this year there are only \$94,623 available, so the committee had to make some hard decisions and I will show you those recommendations. Four of the five agencies received recommendations for funding, the Department of Corrections did not because their request was for personnel and because the grant is very unstable from year to year it was thought it would not be the best mechanism to fund personnel.

The members of the advisory board were Commissioner Sciortino, Undersheriff John Green, the Chief Administrative Attorney from the District Attorney's office, Ann Swegle, the Court Administrator, Ellen House, Debbie McKenna from USD 259, she runs the Drug Free School Program, and Randy Wells from Big Brothers and Big Sisters.

Recommended items for each of the following groups from Courthouse Security, upgrade to their closed circuit TV equipment and automated external defibrillator for \$7,500. Recommended items for the DA's office is some enhancement of software that's going to help them out for trial use at \$5,987. Recommended items for the Forensic Science Center is an alternative light source, computer and photograph software a thermal cycler, an autopsy cart at \$30,925. And Recommended items for the Sheriff's Department were four tactical suits, six entry suits for high risk warrants, civil service software and nine new radios at \$50,181, and at this time I'd recommend that you guys opened up a public hearing."

**Chairman Winters** said, "All right. Are there any questions from Commissioners before we open

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the public hearing? I don't guess I see any. At this time we will open the public hearing. If there's anyone here in the room that would like to comment on any of these recommended proposals we would be glad to hear from them. Is there anyone here who is here to comment on item number B on our agenda? Anyone here wish to comment? Seeing no one, we'll close the public meeting and take action on the recommendation. Trey, do you have anything else to add?"

**Mr. Cocking** said, "Not at this time, sir."

**Chairman Winters** said, "And I can assume that the group that got together, Commissioner Sciortino you were on that group and the group is in agreement."

**Commissioner Sciortino** said, "We were in agreement. I do just want to tell all of you that I thought the entire group worked together to be able to figure out how to best use the amount of limited funds and there was a lot of concessions back and forth. There was no real pride of ownership. I need to have this and I don't care what the other party wants, etcetera and I was very happy to be part of the group. So, I'm ready to make a motion."

**Chairman Winters** said, "We have a question. Commissioner Norton."

**Commissioner Norton** said, "Were the leaders of each area, did you weigh in with them, like the Sheriff and the District Attorney."

**Commissioner Sciortino** said, "Yes."

**Commissioner Norton** said, "And they felt pretty comfortable with the recommendations."

**Commissioner Sciortino** said, "Well I didn't have . . . actually, the Undersheriff was there and the Assistant District Attorney was there."

**Commissioner Norton** said, "But good representation from those groups."

**Commissioner Sciortino** said, "Oh yeah, there were key people from each one of those groups there. Yes."

**Commissioner Norton** said, "Okay, that's all I needed."

**Chairman Winters** said, "All right, Commissioners, we're ready for a motion."

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**MOTION**

Commissioner Sciortino moved to direct staff to submit an online grant application to Bureau of Justice Assistance for this grant.

Commissioner Norton seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Good job, Trey. Thank you very much for your work. Next item.”

**NEW BUSINESS**

**C. DOWNTOWN ARENA PROPOSAL.**

**Commissioner Sciortino** said, “It’s nice to see you standing, Mr. Buchanan.”

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, “I can stand, I just can’t move very fast. We have been talking about a downtown arena for this community for lots of years. We are on schedule to proceed with the reconstruction of the Brit Brown arena, of the two pavilions and the show arena at the Coliseum site. We have been approached and we have said continually that if there is a different plan or another plan for a downtown arena that you would be willing to listen to that alternative. Today we are going . . . we have had a meeting with the business community and City and County staff have met on two different occasions regarding a proposal that they have presented and I need to say at this point that those meetings were helpful and collegial and it was just a good fun trying to solve problems with colleagues who you have a great deal of respect for and we appreciate all the help that Cathy Holman and her staff provide and the staff of the city provided.

This afternoon we’re going to the business community to talk to them about an alternate . . . an

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alternative. I thought it was important that we discuss this in public. That before we go to that meeting and talk to them about our plan, is that you have a chance to review it, to poke at it, to change it, to alter it and at some point endorse it. So that when we go the meeting there is a clear understanding that it does have the full faith of the Board of County Commissioners, the elected officials, the policy makers behind this proposal. There doesn't have to be a guess about where the votes would be supported. The public will certainly know that. This proposal . . . We spent a lot of time putting it together and I want to thank: Ron Holt for his assistance and Chris Chronis, Andy Schlapp, who helped with the interns, who guided them to gather a lot of the information, Rich Euson and Mike Pepoon who gave us all the legal advise and maybe even more than we asked for and Tony Guilliano who really did a mass of work, Kristi Zukovich in her usual wonderful way, held us all accountable and responsible to get this done in a timely fashion.

We don't have a Powerpoint and what we do have is you have the brochures in front of you, the plan in front of you, and those . . . I think Kristi has some for people here and what I would like to do is to just use that as the format rather than a Powerpoint. Make sure David has one please. You see, at first the outline is really simple. We're going to talk about the history and I'm not going to spend a lot of time about the history, but I think it's important to understand the history, to know that the community has been talking about a downtown arena and how much stuff has been done. This is not one of those deals where we've done a lot of studies and they are just put on the shelf. Well, one study was used as a foundation for others and therefore these studies are the foundation of what's in here. We learned a lot from other communities and I want to briefly talk about that and then certainly the roles and venues.

On page one, the top of the page, the numbers. The Kansas Coliseum, in 1977, people were talking about it and then clearly in 1978 it was opened. Seats 10,000 for basketball, it cost \$10 million. We've had an ADA issue and necessary currently we need to replace the roof and building equipment and needed changes and designs for those improvements.

On page two is a brief overview of the 1993. Vote, it was an 18,000 to 20,000. Arena, it was 20 acres bounded by Kellogg on the south, Waterman on the North, Topeka on the West, railroad tracks on the east, St. Francis on the east, it's the same relative same location as the one that's proposed now. It was a City of Wichita issue. The tenants would have been the things that were at the Coliseum, plus it was hoped that WSU basketball would move there. And we know that WSU has taken care of their own needs in a different sort of way. Cost was \$61 million. It was going to be funded from a half-cent sales tax that would expire in 36 months and it was defeated.

'96 and '98 is when we began on page 3, where we began the lawsuits about the ADA issues. I'm not going to go into them except to say that we have settled that suit. You can see under A through

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F seating, restrooms, outside walls, ticket, drinking fountains that does not meet the ADA requirements, as the public entities must make preexisting facilities accessible to the disabled. We think perhaps there is more work that needs to be done, but we have solved that particular suit. That doesn't mean that we don't need to comply with the law, however.

Page four, is 1998 KPMG study. I would remind the Commissioners that you took a very strong position in making sure that this happened. We were a financial contributor, we asked for the study to be done. We helped get partners to do this study. The KPMG study, marketing plan was the construction of a 16,000 seat arena, 24 luxury boxes. Again, tenants would be those who are pretty much from the Coliseum. Britt Brown arena, including the hockey and WSU men's basketball. Clear back in '98, we were still thinking that was possible and the total cost of that project was \$89,000. That called for about 5,400 parking spaces within a quarter mile."

**Chairman Winters** said, "It was \$89 million."

**Mr. Buchanan** said, "What did I say?"

**Chairman Winters** said, "Thousand."

**Mr. Buchanan** said, "\$89 million, thank you, thank you. Page five, in 1998 was the beginning of the Greater Wichita Area Sports Commission, was formed and began immediately studying a new arena. In 2002, the proposed Dynaplex was placed on the public agenda. This was a \$145 million project. It would seat 16,000 for basketball. Again, suites were about 2,400 suites and this was going to be paid for by half-cent sales tax in the City of Wichita for 13 years and that never got to the voters. There was a considerable downturn in the economy and there was no political will at that point to proceed with that process.

At the same time, page six, we hired Harrow Sports Adventures, who came in and restudied, reexamined that. Again, came up with 15,000 seats. You can see, they are all pretty much around that number again. Harrow, while he was here for a couple months, estimated total cost of the project from \$125-140 million and called again for a HSV study for 2,500 to 3,000 parking spaces. You see that the number, \$10 million for a renovation of the Kansas Coliseum, was placed in there and that happens to be one of the urban myths that we're going to try to dispel on the next page.

On page seven is the options that were before you for the Kansas Coliseum. I would call your attention to column A, and under Britt Brown Arena is \$21 million, \$21,300,000 that only satisfied fan amenities. It does take care of the roof. It does take care of the air conditioning. It does take

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care of the ice floor, but it satisfies the fan amenities. In terms of restrooms for ADA, lower concession stands for ADA, fountains which are lowered and when I say restrooms, I'm not taking about more, but almost less stalls because the stalls have to be wider and what you end up with is fewer stools, which is not a good thing. Doesn't provide a wider concourse, doesn't do any of those other things. So that's the minimum renovation for the Britt Brown arena.

I'd also point you to Item E, which is the one that we didn't choose but it's the foundation for both City numbers and County numbers, the \$71,200,000 number, was to demolish the Britt Brown Arena and build a brand new facility on that site. And those figures were developed last year and I'll show you how we've changed those and modified those, a year and a half ago. Other communities..."

**Commissioner Sciortino** said, "Bill, can I just maybe for the public, item D was the one, that's our plan that's currently in place going forward. Is that correct?"

**Mr. Buchanan** said, "That is. Item D is our current plan."

**Commissioner Sciortino** said, "Okay."

**Mr. Buchanan** said, "It's important to examine some of the other facilities around the country that we are compared to and I want to use that also as a basis for what some of the trends that we're seeing. The Altell arena was 18,000 seat. It is the home of the University of Arkansas, Little Rock Trojans and basketball team. And in addition, it cost \$80 million total budget, \$20 million came from the state of Arkansas. There was a sales ballot on the question but it was termed as a river project, so it was all part of a larger project. And on Page 9, the Ford Center in Oklahoma City, the naming rights are for Ford Motor dealers in the area. It is both an arena and a convention center. It holds 20,000 seats, party suites and club seating. It was approved because of a temporary . . . again voted on by the public, a temporary one cent sales tax, approved by the voters in '93 and lasted six years.

Page 10, is Quest arena in Nebraska, again part of a convention center and arena center downtown, two major tenants are Nebraska, Omaha Mavrick Hockey team and the Creighton men's basketball team, both of which have great fan support and almost every game sells out. So, with those kind of attendance, those kinds of people buying tickets for 14,700 hockey and 15,500 for basketball it provides a pretty good financial foundation. Again, voters in Omaha, Nebraska voted positively for a general obligation bond to pay for that.

Southgate arena in Augusta, Georgia is one that is being contemplated and will be voted on in the . . . 21<sup>st</sup> of September and again will be a sales tax referendum and is a smaller SMA and is a smaller sized arena.

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The last one is Wells Fargo arena and that vote again from Des Moines on page 12 is a 15,000 seat arena tied to a convention center and it's being paid for from a county owned casino and horse track. So the county, that's county Polk County, receives my last information, was about \$168,000 annually from those to ventures, and that would be a nice way to pay for that.

The learning from these was that they've all been of various sizes, but I think one of the common threads clearly was in every case in these communities the ones that people always compare us to haven't been approved facilities and that is certainly a common thread that can not be ignored.

Page 13 is what I'm suggesting and recommending as our role. First, the county's prepared to insure that this community has a world class entertainment venue. That shouldn't go unnoticed. It will either be at the Coliseum site or downtown, but this community's going to end up with a world class entertainment center venue and the County will assure that that occurs.

The plan allows the citizens an opportunity to vote on whether the venue is desirable and whether they are willing to pay for it. Sedgwick County will conduct a community engagement process, beginning soon and share information. And the plan with citizens, not only through some of our own processes, but we certainly want to attend and listen to what's being said at the visionary process and through other community engagement activities. Sedgwick County will... all costs of the project will be covered through a voter approved deal with a county wide sales tax. This alleviates any entity, including the City of Wichita, from taxing or imposing fees on citizens. The citizens of Wichita are citizens of Sedgwick County and therefore it doesn't seem, in this case, fair or equitable to tax them twice for the same project; once as a county resident and once as a city resident. The plan is a very simple, easy to understand, with a predetermined ending date for the tax. We will determine what that date is, rather than raise several different taxes and I'll show you that in more detail in a moment.

Previously, we were asked to contribute \$71,000,000 and the problem with part of that is that I thought that number was low, because it certainly did not include any operating costs, any operating deficits. There will be a deficit. Now, lets just understand that this is not going to make money. That we're going to have to support it and there's a way to do that. The other thing that we know, from visiting and learning from other communities is that is the case. The county only has available to it very limited financing resources. Property taxes is one of them, \$71,000,000, if that's the low number is 1.8 mills, and I think it is the low number I'm suggesting to do that.

In that plan would have been a two or three mill increase for 20 years and I know that that's not politically acceptable. The county will own and operate the facility. It makes sense that we are accountable for citizens.

We are asking the City of Wichita for some things that are pretty important. One that we requested

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the city approves the county's plan for ownership, operation and governance in a downtown venue. It is their municipality and we would like them to recognize this plan and approve the plan. It doesn't appear to me to be appropriate for county governments to enter municipalities and impose their will upon them and we would want them to take an active role in supporting and I think this is critical, they actively support and advocating the need for a world-class venue downtown.

We would ask that under the second bullet on page 14, that the city actively assist in lobbying the legislature and I'll get to that process. We will ask for a vote in November of this year and we would then go to the legislature in the spring and say to the legislature, 'We have an affirmative vote by the public, will you give us the authority to raise the sales tax?' Now, this precedent has occurred in two other counties, two different times, for two different projects. We think it's an appropriate way to do it. We think it is the way that makes sense and I personally believe this will be an easier sell with the legislature if you go to them with an affirmative vote of the public, rather than go to them and say 'Give us the opportunity'. And what we've heard from the legislature in the past is 'Well, we don't want to hear from bureaucrats and we don't want to hear from elected officials, we want to hear from citizens'. Well, I think we need to give them an opportunity to hear from citizens and do it in that manner.

So we would ask, when that occurs, for the City of Wichita and it's leadership to assist us in lobbying the legislature. Sedgwick County is asking the City of Wichita's cooperation, assistance with fast track approval of permits and other requirements. We've done that together on similar projects and I would suggest that it certainly can be done here and there will be no other financial assistance required of the City of Wichita for land, site costs, parking, street improvements or other fiscal or financial support.

For the business community, they have, in the previous proposals, there was a suggestion that some \$24,000,000 be contributed by the business community. Some of that needs to be shifted through the operating funds, such things a suite sales, and pouring rights. Some contributions needs to be reduced. The cost to the taxpayers towards the naming rights. But we've asked the business community to take an active role. As you know, local governments cannot advocate for these kinds of issues. We can spend taxpayers' dollars or we can spend money contributed to us to educate people about the wisdom of this, but we can't ask them to vote yes. In a political campaign there are clearly two components of doing a campaign. One is the advocacy role. Clearly, you need to go ask someone 'Will you support this?'

And the other's education, but those two things need to be combined and meshed in a very thoughtful ways in a whole campaign strategy. So, we think it's appropriate for the business community to raise the funds, hire an agency or hire whomever they need to hire to run that campaign and we think that's critical to this effort. We'd ask the business community for advice to the Board of County Commissioners in developing the wording of the ballot question. The ballot question could be one cent sales tax for two years and nine months, but would it be more saleable to

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the public if it were a half a cent for five years or would more people likely vote for it if it were a quarter cent for 10 or 12 years. So we want advice about what that question should sound like that would gain the most support for the voters. And then we would ask to cover costs related to election if there is any, and in some cases there may be, because it might need a special ballot. But that's to be determined and if there's a special cost we would expect the business community to fund that.

The venue options are on page 16. We are recommending that a new downtown arena would be a multipurpose center. Again, right out of the city's proposal it would be a 15,000 seat arena, 24 suites. We are recommending it would be in the area that they have suggested. We are recommending holding construction until all the funds are collected. This, I think, is a hook that I think may be appealing to voters in Kansas. That we are not going to spend the money until we get it all. Not spend . . . not going to start construction until we get all the money and then the sales tax would go away, and construction would begin. Now, we could do a faster track, which would not do that, which would cause the construction to be a couple years earlier. The tenants would be the same people that are currently using the Britt Brown arena: Stealth Football, Thunder Hockey, family shows, circus, ice, those issues.

Cost is around \$141,500,000. Three weeks ago, when we heard the city and the business community's proposal, we all agreed, 'Let's not poke at the numbers'. These are still estimates and we were not going to spend a lot of time nitpicking whether it was for \$141,517,000 or \$518,000, but that's our estimate. There are approximately 8,000 parking spaces within three blocks. We've had a couple conversations and I want to thank Ed Wolverton for making himself available to help educate us about that and to review that. The project option includes a 3,200 stall parking garage. We would ask some advise from the business community about that. We understand the need for a downtown arena to have scattered parking. We think, in terms of urban planning and in terms of downtown development, that makes a great deal of sense. We also know that parking . . . that to capture parking and to capture the revenue from parking can help offset the deficits that are going to be created at the downtown arena. We think a 3,200 car parking garage may offset the deficits in a range of \$250,000 to \$400,000 annually and we think that's worth consideration. A parking garage will raise the cost of the project. The last paragraph, the county would use the revenue from tickets from parking, from advertising, from suite sales, from concessions, promotions to offset the venue operating expenses and will cover any downtown venue operating deficits.

On page 117 [sic 17], is a comparison of the numbers between the two plans and I think it's important to note the similarities. Again, the hard construction costs and the design development costs that are proposed by the city and the county plan, by the county plan and by the city plan are \$88,000,000. We've just come up with \$88,000,000 two different ways. Our \$77,000,000 was based on the \$71,200,000 of tearing down the Britt Brown arena and rebuilding it there. Well, we're not going to tear down the Britt Brown arena, so we took a \$1.2 million out of that so it was \$70,000,000. We added 10%, because of the cost of steel and other construction costs, inflation

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that has increased since the time these numbers were developed.

Land acquisition are both at \$20,000,000. Site costs, we've added \$5,000,000 and in our discussion, our helpful discussions with the city we think there may be some environmental issues. It's an older part of town. We know that there are some businesses that have been in there for a long time or were in there. We think there might be some site work about environmental issues that we just need to consider, at this point, whether that's the right number. That's the one we were estimating. Parking and infrastructure, we added \$7,000,000 for contingency and the Kansas Coliseum Pavilion upgrades and design cost. We are including the upgrades for the pavilions and the show arena and the design costs that we've incurred for those and rather than the city's number, and that's the difference in the two numbers, I would ask you to look at the asterisks at the bottom of the page and the parking garage is the third one. This would allow for 3,200 spaces in additional infrastructure to accommodate traffic and we think that's close to \$40,000,000. Yes, that sounds like a lot of money for a few parking spaces but the average cost per parking space for buildings is around \$11,000 to \$12,000 per space. And we also know that if we are funneling traffic specifically into a parking garage that we would have to spend more for widening streets and some of the infrastructure, so we've taken that into account to.

On page 18 is a review of the funding alternatives presented in each plan. Construction will use the special sales tax under the city and business plan. It was the county property tax, naming rights, which I think are probably appropriate. We don't know what they are. I would tell you that we've hired a consultant to define and determine what the market will bear for this area for the Britt Brown and that information can be used down here. We think suite rentals clearly are costs that should be put on the side of the book of operating rather than construction and donations. We think those donations should go to the campaign and we leave the business community . . . Well, if they wanted to contribute \$10,000,000 to a campaign, I guess we could do one for that. That was the suggested number for donations.

The design and development and soft costs, again for the special sales tax, city's plan was a county property tax. Land acquisition, STAR bonds diverted for 20 years and current receipts and ticket sales charge. We've had some conversations about STAR bonds. A stand alone STAR bond for the arena probably won't work. There has been a suggestion though that we could tie that to the River Walk and use STAR bonds and that would be part of the River Walk and get reimbursed that way. We need to examine that. But in our financing plan, we didn't have any borrowed money. We were going to ask the voters to pay for it, pay as you go, collect the money and pay the bill and walk away. And so whether we even want to think about STAR bonds is a matter for consideration and

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I'm not recommending it at this point.

Ticket surcharge won't work for a couple reasons. One is that certain shows just won't allow us to do that. Ringling Brothers Circus, Disney on Ice, some of the others just won't allow that to occur and again if there's a surcharge we believe that surcharge needs to go for the... if there's a way to add some addition to the tickets, it needs to go to the operating deficits of the facility. Car rental site cost, parking infrastructure was suggested by a car rental tax for 20 years. When discussing this with the city, we didn't have assurance that the votes were there or that they had polled the elected officials to approve that. So, I'm not so sure that that's...I'd rather take that off the table. The transportation development district bonds was kind of a unique way to raise about \$2,000,000 but that's an additional sales tax for people using the arena itself and it's a voluntary one and if there's a way to do that, again, I think it may be appropriate. Rather than that, for offsetting construction was the real worry is the operating deficit. Contingency and Coliseum renovations again were recommended to be sales tax rather than county property tax.

If all that fails, then we're back to plan A, which is on page 19. The Kansas Coliseum, Britt Brown arena which we are prepared to...we've talked a lot about that and therefore I'm not going to spend a lot of time reviewing that. On page 20, we see the timetable of activities. Today is the 14<sup>th</sup>. I'm reviewing that with you. We hope to review this this afternoon with the business community, hear their ideas and suggestions and hope to gain their support for advocacy, educating and planning. Through the 21<sup>st</sup> and 31<sup>st</sup>, Sedgwick County plans to be out amongst the citizens talking about the plan, educating them, answering their questions and doing what we can to make sure we address their issues, citizens' issues on some of the issues that I've talked to you about. August 3<sup>rd</sup>, we would hope that the City Council, at their regular meeting, would approve Sedgwick County's plan for ownership, operation. August through September 1<sup>st</sup>, the business community would provide advice in the ballot wording approval of the campaign, coordinated and ready to implement. September 1<sup>st</sup>, that is a fast timetable, but we think that, if there is a political will to do this, that there should be no reason that we can't join and get this done. Sedgwick County would approve the ballot question on September 1<sup>st</sup>.

Sixty days is required if the ballot, if the question goes on the ballot on November 2<sup>nd</sup>. This is cutting it short. It gives us about 61 days, depending upon how you count the days, but it needs to be adopted that day. September through November would be community approval, election of the citizens in downtown venue questions and legislature approval in '05.

Commissioners, that's the plan that I would like to present today with Commissioners Winters and Sciortino to the business community and I would recommend you approve . . . support it and approve it."

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**Chairman Winters** said, “Thank you very much Bill. What might just recap about what we need to do now. We do not intend on taking public comment on this plan today. What we need to do as you all know the Board of County Commissioners cannot meet privately to talk about issues like this. The only place we really have an opportunity as a group of five members to visit about issues like this in detail is in a public meeting and that’s our intention today to have a conversation among the Commissioners in giving direction of how Sedgwick County wants to proceed. In discussions, principally with the City of Wichita, about a downtown arena and those others in the community who are actively supporting the downtown arena proposals. So, we just need to get some direction from the Board of Commissioners that this is the ideas of a plan. I don’t believe that we are setting anything in firm concrete, but we think it’s important that we have a unified voice from Sedgwick County, as we move forward in our discussions with principally the City of Wichita in talking about this venue, and then more importantly with those others in the community who are supportive. Now, for the public this certainly doesn’t mean that since we’re not taking public comment today that that’s the end of the matter. The public dialogue is just going to begin with this meeting and we intend to communicate with the public in several different manners over the next several weeks on this issue. Mr. Manager, did you have an additional comment?”

**Mr. Buchanan** said, “Yes I did, it was about the public comment and we will take public comments at several different times and we will announce those but this afternoon...people can watch this presentation on our website and this afternoon the plan that’s adopted by the Commission will be on our website and people can comment electronically today. That’s at [www.sedgwickcounty.org](http://www.sedgwickcounty.org).”

**Chairman Winters** said, “Right, and at any time you can tune into that website and see a library video of today’s meeting if you want to review the presentation or if you want to view it for the first time, you can go to the website and see this whole presentation anytime you choose. Commissioners, I think we’re ready to have some discussion and Commissioner McGinn, we’ll begin with you.”

**Commissioner McGinn** said, “Well, I have a question of clarification before we start our discussion.”

**Chairman Winters** said, “Okay, that’s fine.”

**Commissioner McGinn** said, “On page 17, Bill, I need to fully understand if the vote of the people is that we would move forward with a downtown arena. I’m trying to understand exactly what upgrades we would make to the Coliseum itself. I see here we’re talking about the pavilion upgrades but when we look at, and I know we’ll have to examine different venues as well, but I don’t think downtown arena wants agriculture or monster trucks and so we’ll still need a place to do that kind of thing, and so I don’t see any dollars in here to decide what were going to do there.”

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**Mr. Buchanan** said, “We believe that the...well first of all...when this is approved by the public and when this is approved by the legislature...when it is approved by the public we would proceed with the pavilions and the show arena to get those going and they need to be addressed. We would put on hold the Britt Brown arena until the completion of the downtown arena and then redefine that mission. As we’re designing the downtown arena, we may decide that dirt events are appropriate that some of those activities or all of those activities or none of those activities are appropriate for downtown and then we would decide what to do with the Britt Brown arena and I think that can be done...well I know that can be done.”

**Commissioner McGinn** said, “Well, I guess I’m going to need more discussion on that because I don’t think were going to want all these tractor trailers and livestock trailers and all those kinds of things downtown. So, I still believe that those events will need to be at the Kansas Coliseum. So, I’m still wondering about how were going to decide the dollars that should be included for some upgrades and maybe I’m just jumping ahead.”

**Mr. Buchanan** said, “Commissioner McGinn, a lot of those livestock activities do take place in the pavilions, so that’s why I think it’s appropriate for us to fix those and move on with that immediately.”

**Commissioner McGinn** said, “Okay. All right, thank you.”

**Chairman Winters** said, “All right, thank you. Commissioners are there other comments? Maybe I would assume by your silence that everyone thinks this is a pretty good plan.”

**Commissioner McGinn** said, “Were just digesting.”

**Chairman Winters** said, “Commissioner Unruh.”

**Commissioner Unruh** said, “Well, I think we can assume this is a pretty good plan. I’d like to thank the staff for their ground work that they’ve done in bringing a plan that seems to be fairly comprehensive and detailed in a short amount of time, so that good work and I compliment you for that.

I’d also like to just make the comment. I think that it’s appropriate and I’m proud of the fact that we’re doing this public discussion and that we’re going to have Board approval before our plan is presented. It’s a good way for us to have solidarity on this issue and I’m approving of the process that we’re involved in. I would say that I’m going to be approving of this proposal, vote in favor of

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it. I think that it assumes a reasonably sized arena, should it go forward. I've had some comment from folks who think that is ought to be at least 18 or 20,000 seats, we need to plan for the future. Who knows, 15 years from now, whether a 15,000 seat arena is going to be big enough. However, in just looking at attendance figures at the Kansas Coliseum and looking at the attendance figures for other athletic events and entertainment events around our community, it seems like 15,000 is a very appropriate number. So, that's one big issue for me is how big do we built it if we're going to build it and I think this is a good size.

Secondly, I'd be favorable toward this because I think the funding plan is so much more simplified and understandable, not only for our citizens but also for our Commissioners. We don't need anything too complicated and I think it also gives our community a sense that since it's understandable and easy, in a way they can keep score on this and there's less potential for manipulation, as opinions change over the life of this. We know that this would be a tax dedicated for a certain thing for a certain length of time. That just engenders confidence among our folks.

And then thirdly, about the plan, I'm approving of it because it goes to the voters and asks for their approval before we go ahead. I think it's obvious there's some divided opinion in our community. So ultimately, the folks that are going to be paying for this, our voters and our taxpayers, need to have the final say. Just to highlight that, in 1998 this KPMG market study that's included on our report, it's conclusions were Wichita market is growing slowly. It makes it risky for some events, a conclusion is that current events hosted at the Kansas Coliseum and Levitt Arena are not constrained by capacity. Both the Kansas Coliseum and Levitt Arena will need renovations, whether or not a new arena is built. And current users of Kansas Coliseum are satisfied with the facility and find no need for a new larger facility. So, those were conclusions drawn by experts that we've hired to make a study of the issue. So, if we took that as a final word, well we wouldn't be having this conversation today. And then just a few years later Harrow Sport Ventures, part of their conclusion was the Kansas Coliseum does not meet the needs of Wichita for quality sports and entertainment facility.

So that just illustrates the fact that we have somewhat of a divided house and if we're going to proceed with this, I take a great deal of confidence and comfort in the fact that the folks that are ultimately going to decide this are the taxpayers of Sedgwick County. So, I think that's a good part of our plan. I do think that we need not gloss over the fact and we have not glossed over the fact that these operations, arenas, venues, whatever the correct terminology is are operating losers. They do not cover their operating expense, now in our plan we've provided for that but I think that as we talk about it. We need to be fully aware that there is a black hole. We don't know how wide it is or how deep it is and so in my way of thinking, coming from a concentrated, small business background, those sort of things are disconcerting. You know, you have a question about them. All that being said, that's my analysis of the proposal. I think it's a good proposal. I think we should

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do as it's been proposed and I will be in favor of it. And that's all I have."

**Chairman Winters** said, "All right, thank you, Commissioner Unruh. I guess the only comment and I would agree with most everything you said. I think, when you talk about facilities like this being operating losers, I think all of us would like to see them at a break even or a profit, but you have to look at, I think, the whole larger picture of what's involved because you take some convention centers and attractions to a community in themselves may not be the operating revenue generator that we wish, but when you take into aspect of what they do in the community by drawing those people into your community, sometimes that tourist dollar is the best dollar you can try to attach. So, I agree with you that the operating revenues probably will not pay all of the bills, but I think this plan has a contingency that, through this sales tax, we can generate some revenue and not keep the sales tax on, but I think it should be a relatively short period of time, but generate some funds there that can assist with that deficit. But again, you look at some convention centers and I think some of them are not profitable, but they still are a big plus to drawing people to your community. Commissioner Unruh."

**Commissioner Unruh** said, "Well, thank you and I appreciate your expansion of that particular point, and that's absolutely true. And I believe that a downtown arena will help precipitate other investment and other economic activity that will be helpful and be beneficial to the whole economy of our county. So, I appreciate your bringing that up, so thank you."

**Chairman Winters** said, "While I don't see any other lights I'd make a couple of comments, I guess. Again, Commissioners, we're viewing this as a real solid starting point. I don't believe this is in our minds, this is going to be chiseled in stone. We have said in the past, if someone develops a different plan we will continue the discussion and the dialogue. Commissioner Norton, you have a comment."

**Commissioner Norton** said, "Well, and you kind of led me into the first comment and that is that someone else will bring a plan forward and I think we're voting today on our plan, which we've been pushed into and not particularly someone else's plan. I think that should be put on record that we've said all along, for over a year and a half, that if somebody else brought a very provocative workable plan, we would move forward on it. Now we've seen a plan and it wasn't workable. It had a lot of flaws in it and now we're having to deal with solving our own problem and working a plan ourselves and that really puts us in a bind. Considering we still have care, custody and control of the Coliseum and still have to figure out what to do with it, whether it's tear it down, or remodel it or put some money into it. So you know, I find just the idea that we're looking at somebody's plan is not true, this that we're looking at today is our plan. It's not anybody else's. It's Sedgwick County trying to solve this dilemma, this problem, that we have county wide.

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It washes over me that we need to be sure we step back and realize that the downtown arena is not going to be the salvation of downtown. It's part of it maybe, but you know there are other things that have led to the problems that we have in downtown. Policies, attitudes and vision that should have been taken maybe 20, 30 years ago and I don't know that were going to correct it just by coming up with a downtown arena. Now having said that, the proposal looks okay to me, and really because there's a sunset provision and it goes to a vote of the people and as I listen around the community and I have a lot of people weighing in by e-mail and phone call and just catching me wherever, out in the community, I think it's an uphill battle right now in this community to sell a downtown arena. It has a lot of legs to it, there is a good provocative reason why a downtown arena would work, but I think that the people are going to have to weigh in on that. I would like to know a one-cent sales tax for three years raises how much money, Mr. Manager? Do you know that number?"

**Mr. Buchanan** said, "Two hundred and fifteen million dollars."

**Commissioner Norton** said, "That's a lot of money. You raise it pretty fast with a sunset provision on a sales tax and I think that's one of the things I find so provocative about this proposal is that people get tired of having taxes put on them and they never seem to go away and this would give us that opportunity to not even start the project until the money is raised. Do we have any anticipation of how much money that would save in interest and bonded indebtedness if you do it that way?"

**Mr. Buchanan** said, "Yes we do. Chris? I'm going to call the Chief Financial Officer."

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, "If we were to bond the entire project at roughly \$140 million the interest on those bonds over 20 years would be approximately \$120 million, perhaps. We're talking about roughly doubling the total size of the project if we're to finance it with debt, as opposed to doing a cash transaction."

**Commissioner Norton** said, "Well, I think those numbers speak for themselves. If somehow you can put it on a sales tax for a short period of time and pay cash for it at the end of the day before you start the project your going to save the taxpayer a heck of a lot of money over along period of time.

One of the things that concerns me is that we're moving along on vision, we're having meetings, starting August 2<sup>nd</sup> and moving through August and September, that should clearly define what the City/County business community chamber and the community at large wants our community to be in 20 to 30 years and trying to move this forward. And saying that downtown arena is automatically part of that flies in the face of why were doing visionering. So, I want to be sure that,

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as we have these talks out in the community, that that doesn't just get taken off the table. That it continues to be part of the dialogue that the community talks about because it is that important.

Finally, I'd like to get into some conversation as to if the downtown arena moves forward and the vote is positive, which hopefully it will be what is the dialogue about tearing down the Britt Brown arena as opposed to redefining it, because I'm fearful that the old Coliseum, the Britt Brown arena we'd be putting a lot of money into a facility that might not have a lot of functionality other than the pavilions and the outbuildings. So, I'd like to hear a little bit about that before we move forward."

**Chairman Winters** said, "Mr. Manager, go ahead."

**Mr. Buchan** said, "From a staff perspective, we've examined that we've arm wrestled the issue. We have divergent opinions and we concluded that the best thing that we can do is to see how the design goes, how the downtown arena's going to function before we make that decision, because I think you can make a good case either way for either tearing it down or redefining it in some fashion and I don't think, to do that in a vacuum, to do that without carefully thinking through the process of what kind of functions and what kind of activities want to happen downtown, to make that decision now is premature."

**Commissioner Norton** said, "Just want to be sure it's in the mix and we're having some conversation about it because I think that's ultimately going to be something that's on our plate down the road. That's all I have, Mr. Chair."

**Chairman Winters** said, "All right, thank you. Just one sentence response. I do agree that we do need to consider that. I think rational people though, I think we can come to a conclusion. I would just hate to see us get the real question confused by what might happen to the Coliseum. I think we need to just focus with the real question of the citizens and educating them and informing about the downtown arena. Let's vote on that. Let's try not to confuse the issue and then we'll deal with all the other things once that happens. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I guess, Bill, I need to compliment you."

**Mr. Buchanan** said, "Oh, good, I'll stand up."

**Commissioner Sciortino** said, "Well, I know that you and staff put in Herculean efforts into getting this response ready in the timeframe that we had committed to. And I sat in on a couple of those meetings and I think you all have done a Herculean job on this. The center core issue for me was that's got me in favor of this is allowing the people to tell us is this what they want. I am

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always reticent to deny the public the chance to express their opinion and I think if we're going to get ready to spend \$130- \$140,000,000, however way you put it, if it's STAR bonds over here and TIFs over here and TGYs or whatever, or sales tax or whatever, it's coming from the citizens of Sedgwick County. It's not coming from the Commissioners or the City Council people. It's coming from the citizens and I always look for ways that they can express their voice and tell us what they think.

What I'm really getting excited about is two things. One, a couple of meetings ago you and I were in attendance when we were talking to the business community and the Mayor was there. And I have to admit I had a suspicion that maybe there was something else on the agenda. That maybe it was the real issue was not the downtown arena, but who ran it, who owned it or power or control. And we were told pointblank that that was not the issue. That what was really important for the ongoing synergy increase of the downtown development was the venue and that helped a lot to hear that and the concept that we've come up with.

I think what derailed the Dynaplex concept was that all this other stuff that was coming out there was something about car dealers. There was something about senior centers. There was this and that and what have you. I mean, it was in the press every day and the people were focusing on how confusing the financing was and not focusing on what they needed to know, selling the sizzle or the excitement behind the project, because it's not going to be a moneymaker for a while. I mean, if it was a no-brainer moneymaker, we wouldn't have to be talking about it. A couple of entrepreneurs would have figured it out and they'd build it themselves and they'd take their profit and go home.

But there is a lot more coming because of it. Number one, I'm convinced that all of the businesses in the downtown area are going to profit. Well, that helps Wichita a lot. That means Wichita is going to have more money to maybe provide additional services for the citizens, of which a lot of people outside of Wichita do come into Wichita and avail themselves of these things. I think that there's something that is called pride. You know, people are going to be able to look at this downtown, 'Hey, we've got whatever the name is arena, look at that, look how beautiful it is'. I think we're going to be able to attract more WIBC type conventions which brings a lot of money and that's what real economic impact is money coming in from outside of Sedgwick County not trading dollars within Sedgwick County. There's no real impact there but I think we have a good

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chance to attract more people from outside of Wichita if we can get this project sold.

The simplicity of the financing goes along with the KISS principle keeping it short and simple when we try and figure out what it is we want to ask the public so they don't have to focus a lot of time figuring out what's the financing plan, it's x percent of sales tax for x number of months or years or whatever it is, it's going to be real simple, now we can spend all our energy exciting them and getting them energized about how great this is going to be I personally like this kind of hook that you're proposing, but that's not a break point with me, if the business community doesn't like it we'll acquiesce to what, we'll listen to what they have to say, but as a voter and I've not been too excited or I'm neutral, the concept of saying look, when we collect all of the money necessary for the project the sales tax goes off and then the first shovel of dirt is turned. I kind of think that's unique a little bit and I think the public...that might be another reason while they may say, 'okay, I'll give those guys a shot' type thing, because we can't go too far ahead and figure out.

I don't want to belabor what are we going to do with the Coliseum. Are we going to keep it or tear it down, etcetera? Right now, my focus is on how can we get the public to say yes, because if we can't do that none of this other stuff is ready. I'm not expert enough, that's why I think we're going to have to lean on the business community. Maybe they're going to have to hire outside professionals, but somebody has to help us figure out how to get the public to say yes.

I also agree with you, if I've heard it once, I've heard it a thousand times from those . . . I was going to say idiots but I won't . . . to those individuals up in the state legislature often times when we go up there and we've got a platform they tell us 'We don't want to listen to you, you're an elected official, we want to know what the people want'. Well, I think if we go up with a mandate from the people that has already said from the people that the Sedgwick County Commissioners shall...I don't know what the word is going to be, this is just coming...shall petition the state legislature for a, you know, sales tax and we say 'Hey, here's what the people have said, now are you going to do what your constituents have told us they want you to do' it could very possibly give them the justification, even the most ultra, ultra conservative ones, they're going to have to...if they don't say yes, they're going to have to say 'I don't care what the people say, were not going to do it'.

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Well, that might be a tough position for them to be in and I want to put them in that tough position, so they're going to have a tough reason to turn us down, because I want this to succeed and like I say, I like that hook about collect the money, but that's not a break point with me, but letting the people tell us what they want is very key to me and I'm excited about this project. I haven't said I'm going to support it, so maybe I'll just say it, know I'm going to support this plan that we are putting forth."

**Chairman Winters** said, "All right thank you. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you, Mr. Chairman. I think the most important thing in this plan for me is the fact that everyone in Sedgwick County will have the opportunity to vote on this plan, as we look at moving forward to the future of our community. Bill, I still have another question for you before I move forward. We had talked about will the business community help make that decision whether it's a half cent, a whole cent, whether we save the money up front before we turn dirt."

**Mr. Buchanan** said, "What our expectation is, Commissioner, is to ask their advice I think the decision clearly remains with you, but to hear from them to get their suggestions of what they think would be the most saleable, yes."

**Commissioner McGinn** said, "Okay, thank you, I just wanted clarification on this. Again I think the number one priority for me is that people have the opportunity to vote on this. The other thing is the fact that we're looking at sales tax, because those are dollars that can come from outside people, visiting our community to help us pay for that. It's more of a user type of a fee and so those people who don't use this facility and are just trying to pay their property taxes and make ends meet. They aren't totally a part of that, locked into a part of that total payment plan and so I think that that is a little bit palpable to people."

As the rest of the Commissioners, I've taken many phone calls and read many e-mails about this issue and two issues seem to continue to surface, actually three. One is, the fact that property taxes are being used to pay for an amenity in a particular city, but the other two have surfaced for many years when we have talks about downtown arena. It has to do with parking and I think the Manager has listened to all of us about that and come up with a fairly decent proposal that addresses that issue. And then the other has to do with ingress and egress. There are many people that feel like Kellogg is already overcrowded. Their concern is how people are going to get in and out of these events and it does look like we've factored that in as well in this plan.

The Kansas Coliseum, I believe has served us very well for 25 years. It's a facility that the county already owns and I think the county has done a pretty good job trying to manage it and it may end up, if the people so decide, that the people don't want a downtown arena, that we're going to

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continue to move forward, we're not putting pencils down, we have a plan in place. We've waited many, many years to decide whether we do upgrades on the Coliseum and as we've had those public discussions, we've asked people to say if you have a better plan please come forward and let us know if you have a plan to do a downtown arena and how to finance it. And as Commissioner Norton shared, that now we saw a plan it didn't seem to be palpable by the constituents who have been calling us, and so here we're forced into a position of presenting a plan to the people as well of how we address this issue.

There were a few things I guess I didn't totally agree with in this proposal. I still continue to feel like if a particular city wants a downtown arena they should acquire and assemble that land. But I think I'm in the minority on that. And I am also, one thing I think too that needs to be said because we received e-mails about this as well and that is this whole idea of having a NCAA tournament. I think all of us sitting here at the bench would love to have a NCAA regional. The fact and reality is that they don't come around very often and you don't build facilities on the hope that you're going to get a NCAA regional every 15 years. So, we need to be practical as we look at seating capacities for our community and how many people are going to feel that and so even though we want to make sure we think big and want to plan for the future. I don't think we want to go so far that we end up having a facility that's over half empty most of the time.

So I guess just to wrap this up as far as my concerns and things that I think are important...before I do that I wanted to address one other thing. You talked about the future of Britt Brown and I know we don't want to get into that discussion but I think it's important to share this. There's been discussions, as to whether we change the venue or whether we tear it down, but I think the other thing that needs to be noted. There are other communities out there that may be interested in purchasing the Coliseum as well, and working with us in that respect, but I know that discussion needs to probably come later.

Again, I would not be supporting a plan like this if the people, the citizens of Sedgwick County, did not have the opportunity to vote. I think it's so important, we've had this discussion for seven or so years and I think people demand that right and so that's one key for me. As Commissioner Unruh so noted, arenas are really not revenue generators but that's not to say that they can't be the entity that provides a venue to attract tourism to our community and to other cultural attractions that we have in our community as well. I think it's important that if we use this sales tax that it is sunseted. I personally like the idea the fact that maybe we just save the money up front. We know how many years it's going to take to raise the money and we don't start construction until after that money is saved, to also prevent any kind of interest costs we may have. So those are my comments and I've said it several times and I'll say it again but this is only a responsible plan if the citizens of Sedgwick County have the opportunity to vote on it. Thank You."

**Chairman Winters** said, "Mr. Manager, did you have a comment?"

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**Mr. Buchanan** said, "I was just going to wrap up."

**Chairman Winters** said, "No, we're not ready to wrap up. Well, if you want to wrap up, what are you going to say in the end? Okay, Commissioner Unruh has a question for you."

**Commissioner Unruh** said, "For you, Bill. The plan that we have before us assumes that a certain timeline, three years of collecting taxes approximately..."

**Mr. Buchanan** said, "Less."

**Commissioner Sciortino** said, "Well..."

**Commissioner Unruh** said, "Two or three years of building the arena, should it prevail should it find approval, so that's a five or six year timeline. We're assuming then that this Coliseum, we can limp it along for that long, and we've got heating and air conditioning problems, roof problems, all that."

**Mr. Buchanan** said, "We've looked at it. We think that that's...if the voters approve it and the legislature approve it, we'll make it work until the arena's finished."

**Commissioner Unruh** said, "Okay, well it just goes along with the whole idea of waiting until five or six years before we decide what to do, so that's why the question. Secondly, I just wanted to respond to a comment from Commissioner Norton about how this fits in with our visioning effort. Visioning is a really high profile, important community-wide effort for the whole of Sedgwick County, for a whole region and I would just want to say that I don't think that what we're doing here in any way works at cross purposes to that. I mean, I think what this does, especially if we have a referendum the first of November, it will help define that vision and can be either included or not included on the basis of that vote.

So I think we're working in concert with the visioning effort, rather than at cross purposes to it and just wouldn't want to do anything or leave an impression that we are not sensitive to that visioning effort. And I'm not criticizing my Commissioner or anything. I just want to get that said. Secondly, I think that this is a regional attraction and we are kind of the regional

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governmental entity, so I think it's appropriate we take a lead in trying to solve this issue. Comments have been made about we were forced to make this decision and that's maybe so, but on the other hand now we've taken a lead to help define the options. And I'm happy that we've come forth with a program that does not include property taxes and that does include a referendum by our voters. That's all I have, thank you."

**Chairman Winters** said, "All right, thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "I got to say something. I'm probably addressing this more to the media than to the public, but sometimes we make unexamined comments here and I want to make sure, you know, it's been said a sales tax one percent for three years, okay that's just an example. I'd surely hope that front page isn't 'Sedgwick County assumes \$212,000 project or what have you...million, yeah. We don't know yet what percentage of the sales tax we're going to ask them or for how long that's going to be something that we're going to be discussing with the business community, etcetera. But the concept is it will be clearly defined 'x' percentage for 'x' number of months or years and that's yet to be decided. But I want you to hone in on the concept that we're thinking that we go to the public with a simple message, 'Here's how much it's going to cost, here's the amount of sales tax needed, here's the sunset time', it goes off the first shovel of dirt goes into the ground type thing. But it isn't set in stone one percent three years. That's what I wanted to clarify."

**Chairman Winters** said, "Commissioner McGinn."

**Commissioner McGinn** said, "Just another thing that I think needs to be clarified to the citizens and that is that if this vote is positive, outcome in November, we will make whatever immediate changes we need to do or alterations to the Coliseum to continue on until that time that it changes its venue. But I think the other think that is very important is that if this does not pass we have not had the architects put their pencils down yet on drawings. They are continuing each and every day to work on the plans on the Coliseum. If it does not pass in November, we are still on schedule to turn dirt in January. Is that correct, Mr. Manager?"

**Mr. Buchanan** said, "Absolutely."

**Commissioner Sciortino** said, "Our plan is still in place."

**Commissioner McGinn** said, "Right. There's been a lot of people that think that because of this

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discussion that we've put things on hold and we have not. We are moving down the road. We've said all along that if something else should come up before we turn dirt, we will listen and we will examine that, but if the voters say no, we are ready to go with the upgrades on the Coliseum."

**Commissioner Sciortino** said, "And our drop dead date is still December 30<sup>th</sup>."

**Mr. Buchanan** said, "I think that's an important point, Commissioner McGinn. We've been patient partners. We've waited patiently. We've put plans on hold for the whole KPMG, the Dynaplex study. We absolutely stopped what we were doing, thought that through, Harrow deal and knowing that we had an issue, that we absolutely had an issue, that we absolutely needed to address it as a community, so we have been patient partners. From the beginning of this new process with the appointment of the task force. Coliseum task force, with the hiring of the architect and proceeding with the plan we have said all along that we are in a timetable and we are in a drop dead date and if someone else has a plan or an idea, we need to hear it before the end of the year. And we're still on that plan."

**Commissioner McGinn** said, "Well, thank you because I have had some constituents think once it was like the past and we've stopped, and we have not stopped. We are moving forward. Thank you."

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

**Commissioner Norton** said, "Well, I want to respond a little bit to Dave's comment on visioneering. I think where I'm going with that is if you look at the other communities that we continue to try to model our selves after, that have done visoneering and had big projects, that built arenas, you understand that Pulaski County that built the Alltel arena with the sunset provision that was sold as a river project and the arena was only part of the whole big vision, it wasn't just that and my concern is that we're going to go down this road of downtown arena, maybe get the vote and that's all the people have the stomach for and the other 20 things that come out of visioneering that would have to go to a vote to get some public money fall away, because are you going to have a referendum every three months when you come up with a new idea? I don't think so.

And it scares me that you got 20 other things that may even be better than the downtown arena, that come up through visioneering and every person says is great that now has already had a referendum. So, do we have another one in April or another one in November, of the next year to

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add more tax burden either property tax or sales tax. When you look holistically, Jacksonville had 12 components to their vision and they voted it in \$2,000,000,000. Pulaski had a river project and it sold downtown arena, but five other things. Tulsa had four parts that they voted on, arena was one of them, but there was three other parts that had certain kinds of taxes involved and all of them passed, but it all was done at one time, as one big vision that carried the future of the community. And once again, the downtown arena is important to a lot of people but it is only a piece of that vision and I would hate to think that we got off on that, had the referendum, and it took the wind out of the sails for doing the other things that come out of this visioning.

And I guess that's where I'm coming from, because if it's their vote and it passes, is there going to be stomach the next year when we've done all the visioning and come up with the next five great projects for anybody to go, 'Gee I'll take the chance of running up the flag pole again'. I'm just afraid we'll derail what those other things are, don't even know what they are, but that's not the way the people that were successful that we keep modeling themselves after did it. They did it as one big package, as opposed to an individual thing. Think that's where I was coming from there."

**Chairman Winters** said, "All right, and then I guess just a follow up question. You're still though going to be supportive of us moving forward with this plan on this particular day?"

**Commissioner Norton** said, "Yes."

**Chairman Winters** said, "Okay. Well one of the things I guess in kind of conclusion that I would say that again this is our best shot at a plan. If there's other plans out there, others can bring them forward. I think that I sense from the Commission, if the other plans are for Sedgwick County to do the majority of the financing and use property tax to do that, we're probably not interested in participating, they need to bring forward a plan that would not eliminate that, but if there is another solution to that, will continue to talk about that. But this is our best shot.

We've been asked to develop a plan and we've done that and I think, from the discussion today, I think it appears that we have a bit of consensus here that we're going to move forward. I think that I would just like everyone to know that at the end of the day we will have a world class venue in this county and whichever location it is, it still will be world class and we will now move forward with community response to this proposal that we've developed. Thank staff for all of the work that they've done on this. What's the recommended action that we need to take?"

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**Mr. Buchanan** said, “Recommended action sir is that you support and approve the plan.”

**MOTION**

Commissioner Sciortino moved to support and approve the plan.

Commissioner Unruh seconded the Motion.

**Chairman Winters** said, “Any other discussion? Commissioner Norton.”

**Commissioner Norton** said, “Well, just one last thing and that has to do with my comment that it’s going to be maybe three years and sunset and everything. I think it’s important that we start putting that into some kind of dialogue for the public to think about. That’s not the hard number but they need to start thinking about, do we have the stomach to go six years or does three years make more sense. And I think that’s very important and that’s going to be a big part of the dialogue, as this thing tries to be sold. If it’s going to stretch out for 15 years, I think people are going to go ‘I’m not so much for that’.”

**Chairman Winters** said, “I agree wholeheartedly and I think that first discussion after presentation of the plan to a group again this afternoon, I think part of that discussion will start today. If they are interested in proceeding on with our ideas and our plan, again if they’ve got different plans, then they’ll be moving forward with it. But if they want to center a conversation around our proposed plan, then that will be a very early on discussion because I think that’s very important.

But that’s what we want to ask advice of others for about that. But I agree with you, to me the shorter the better, but that’s just one person’s idea. Commissioners? Commissioner Sciortino, do you want to add anything to that? All right, anything else Commissioner Norton? Anything else? Alright we have a motion and a second, Madame Clerk call the vote.”

**VOTE**

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

**Chairman Winters** said, “Lets take about a ten minute recess. We’ll be back here at ten till

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eleven.”

**The Commission went into recess at 10:27 a.m. and returned at 11:52 a.m.**

**Chairman Winters** said, “All right, I’ll call this meeting of July 14<sup>th</sup> back to order. We really have a pretty short rest of the agenda. I think we’ll take the agenda, then we’ve got a couple of off agenda items. So, Madame Clerk, call the next item.”

### **DIVISION OF HUMAN SERVICES – DEPARTMENT OF CORRECTIONS**

#### **D. AGREEMENTS (THREE) TO PROVIDE SERVICES CONTAINED IN THE JUVENILE JUSTICE STRATEGIC PLAN.**

- 1. WICHITA ACTS – TRUANCY PREVENTION**
- 2. KANSAS LEGAL SERVICES, INC. – DETENTION ADVOCACY SERVICE**
- 3. WICHITA STATE UNIVERSITY – PROFESSIONAL EVALUATION SERVICES**

**Ms. Chris Morales**, Systems Integration Coordinator, Department of Corrections, greeted the Commissioners and said, “Several weeks ago, you approved seven of the ten contracts that will provide for the continuation of JJA funded services. Today I bring to you the three final contracts for those services for state fiscal year 2005. In the prevention area, we have one contract with Wichita Acts for the Community Truancy Immunization Project. We are requesting to use intervention funds for a contract with Kansas Legal Services for our Detention Advocacy Service Program and then we used both prevention and intervention/graduated sanctions funds for a contract with Wichita State University for professional evaluation services. Team Justice, your juvenile corrections advisory board, has approved these programs and we are asking you to approve these contracts and authorize the Chair to sign. Be happy to address any questions you might have.”

**Chairman Winters** said, “All right, thank you Chris. Commissioners, are there questions or comments?”

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**MOTION**

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

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, Chris. Next item."

**E. KANSAS COLISEUM MONTHLY REPORT.**

**POWERPOINT PRESENTATION**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, "Kristi is going to help me out here in a minute. Report today on activities at the Coliseum for June 2004. We had a fairly good month, which is traditionally a pretty slow month in our business. Start off, we had almost 18,000 people through the doors, 13 events, 31 performances and net revenues for the month between the Coliseum, Select-A-Seat activities were \$23,907. Highlights for the month were the annually recurring US Weapons Gun & Knife Show with 2,322 folks in attendance. We had our annual Wheat State Morgan Horse Show with 2,800 folks in attendance. We had a Perfect Circle concert with 2,939 in attendance. Mid American Flea Market, you know we do ten of those a year, 2,447 folks and then the sports zone we had one Stealth football game, 2,142 folks at the game.

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Coming up, Stealth plays Okalahoma City this Saturday. As you know, they are in the playoff hunt. There's two home games remaining, Oak City and the Stealth play Rio Grande Valley on July 31<sup>st</sup>. Incubus is in concert on July 25<sup>th</sup>. We again have the US Weapons Gun and Knife Show August 6<sup>th</sup> through the 8<sup>th</sup>. Freaknik Jam, which will be the third year in a row on August 13<sup>th</sup>. Hilary Duff in concert August 22<sup>nd</sup>. Rod Stewart in concert August 26<sup>th</sup> and Crosby, Stills and Nash in concert August 31<sup>st</sup>. August this year seems to be our concert month. If there's any questions, I'd be happy to answer them at this time."

**Chairman Winters** said, " All right, thank you. Commissioners, are there questions? Commissioner Norton."

**Commissioner Norton** said, " John, is Rod Stewart and Crosby, Stills and Nash sold out?"

**Mr. Nath** said, "Absolutely not, they're quite a bit far from it. There's plenty of good seats available for every show that we have now."

**Commissioner Norton** said, "There's still quite a few days in between for people to buy tickets. Do you anticipate those will sell out?"

**Mr. Nath** said, "No sir, I don't. I think the night of the show you'll be able to walk up and buy an excellent seat."

**Commissioner Sciortino** said, "That's depressing."

**Chairman Winters** said, "All right, anything else, Commissioner?"

**Commissioner Norton** said, "No."

**Chairman Winters** said, "All right, then Commissioners, any other questions or comments? Seeing none what's the will of the board then?"

#### **MOTION**

Commissioner Sciortino moved to receive and file the report.

Commissioner McGinn seconded the Motion.

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

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**VOTE**

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

**Chairman Winters** said, "Commissioners I see we have three off agenda agreements with the Coliseum. Since John is here, I move that we take three off agenda items concerning the Kansas Coliseum."

**MOTION**

Commissioner Winters moved to consider three off agenda items on the Kansas Coliseum.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**OFF AGENDA ITEM**

**CO-PROMOTION AGREEMENT WITH CONTEMPORARY PRODUCTIONS, INC. AND CLEAR CHANNEL BROADCASTING, INC. TO PROMOTE AND CONDUCT A CONCERT JULY 20, 2004 AT THE WEST BANK STAGE.**

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**Chairman Winters** said, “John, do you want to tell about these three items.”

**Mr. Nath** said, “The first item, Commissioners, is a co-promotion agreement. A three-way, there’s three partners involved in this and the idea of the idea of the agreement is to help us do more events. Looking outside the box, for us to do an event it doesn’t necessarily mean we have to do it at the Kansas Coliseum. In the past, we’ve presented both Sesame Street and Bear and the Big Blue House at Century II and we presented Bear and the Big Blue House in Salina at the Bicentennial Center. This agreement is between Clear Channel Touring, doing business as Contemporary Productions. Clear Channel Broadcasting, which is bringing the marketing campaign and the Kansas Coliseum, which is doing the local production, we secured the site which in this case is the West Bank Stage. We hope that this will be an ongoing venture for us. We would hope to do three, four, maybe even five concerts a year. This is the first one that took a lot of time for us to work out the agreement between all three parties. We do have that worked out and we request your approval.”

**Chairman Winters** said, “All right, thank you. Are there questions of John? If not, what’s the will of the board?”

**MOTION**

Commissioner McGinn moved to approve the agreement and authorize 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 Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Mr. Nath** said, “Commissioners if I may add just one little bit about this agreement, it’s for the Lyknyrd Skynyr concert next Tuesday at the West Bank Stage. Keep in mind, there is not any public dollars involved with this. Our participation is being funded by the promotions account set up by our concessionaire, Swanson Corporation.”

**Chairman Winters** said, “Okay, very good. What’s the next item on your off agenda.”

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**OFF AGENDA ITEM**

**TERMINATION OF AGREEMENT WITH WICHITA STEALTH LLC**

**Mr. Nath** said, "The off agenda item is relating to the Stealth. As you know, the league has taken over control of the team here in Wichita, due to some financial issues with David Key the owner. David Key has relinquished the entire control of the team and turned it back over to the league. So, the first item for your consideration is a letter from the Chairman canceling the current license agreement between Mr. Key doing business as Wichita Stealth LLC and the Kansas Coliseum, we have to cancel the license first before we can enter to a new license with Arena Football 2."

**Chairman Winters** said, "And then the third item then would be to enter into a new agreement is that, right?"

**Mr. Nath** said, "Enter into a new agreement with Arena Football 2, that's correct. And it's under the same terms and conditions. Arena Football will operate the team during the remainder of the regular season and should there be any playoff games, they would operate the team during the play offs. It would then be up to them to find a new owner, should the team continue here in Wichita."

**Chairman Winters** said, "Alright. Commissioner Sciortino."

**Commissioner Sciortino** said, "Well, that's what I wanted to try to clarify then. David Key no longer owns the Wichita Stealth."

**Mr. Nath** said, "No longer owns the Stealth, that's correct."

**Commissioner Sciortino** said, "Okay."

**Chairman Winters** said, "Is that it?"

**Commissioner Sciortino** said, "Yes."

**Chairman Winters** said, "John, do you think there will be...Do you have any idea of the prospect of continued local ownership and continued participation after this year?"

**Mr. Nath** said, "It's a great event. It's a lot of fun to watch and I sincerely hope so. I know that Mike McCoy, the general manager, is working very, very hard trying to put an ownership group together."

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**Chairman Winters** said, “Okay, thank you. All right Commissioners, we need to act of the second off agenda item with the Coliseum, the termination of the lease with the Wichita Stealth, LLC. What’s the will of the board?”

**MOTION**

Commissioner Sciortino moved to authorize you to sign a letter terminating the agreement.

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “And then John, one more time explain item Three then.”

**OFF AGENDA ITEM**

**AGREEMENT WITH AF2, LLC FOR USE OF KANSAS COLISEUM TO HOLD ARENA FOOTBALL 2 (WICHITA STEALTH) GAMES FOR THE REAMINDER OF THE 2004 SEASON.**

**Mr. Nath** said, “The third item is a new lease so we can operate for the rest of this current season and any playoffs. It would be between the Kansas Coliseum and the league, Arena Football 2, signed by the arena’s executive director.”

**Chairman Winters** said, “All right. Commissioners, questions or comments? If not, what’s the will of the board?”

**MOTION**

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Commissioner Sciortino moved to approve the agreement and authorize Chairman to sign same.

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much, John. All right, back to . . . Call the next regular item, Madame clerk."

**F. AGREEMENT WITH WICHITA INTERNATIONAL RACEWAY FOR PUBLIC WORKS TO CONSTRUCT TEMPORARY PAVING ON 61<sup>ST</sup> STREET NORTH BETWEEN RIDGE AND TYLER ROADS. DISTRICT #4.**

**Mr. David Spears**, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, "Item F is an agreement between Sedgwick County and Wichita International Raceway. Commissioner McGinn asked me to contact the raceway regarding the possibility of sharing in the cost of coal mixing 61<sup>st</sup> street north between Ridge road and Tyler road. I talked with Wayne Roberts, who agreed to pay \$2,500 for four years, which equals of course \$10,000 for their contribution to the paving project. We will do this work on our second phase of coal mix projects, late this summer. The agreement was prepared by Public Works and approved as to form by the County Counselor's office. I recommend that you approve the agreement and authorize the Chairman to sign."

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**Chairman Winters** said, "Thank you. Commissioner McGinn."

**Commissioner McGinn** said, "Commissioners, as you know, we have some highly traveled roads out in the county that current township systems are not suitable for keeping in place and so they continue to fall apart. International raceway has been located just west of Ridge Road on 61<sup>st</sup> street for many, many years and there are many neighbors in that area, but a very highly traveled area. This is an opportunity for us to enter into a public/private type of partnership. Many times, we put coal mix roads down and because of that deterioration of township roads, but this is where a situation where a business is actually going to benefit. And so, I did ask staff to approach the business and ask if they would share in the cost on this project. So, I think this is a very good project. That business has been around there for a long time, very popular venue for our community and I just think it's great that they helped step up, as a business partner, to help fund this project."

**Chairman Winters** said, "All right, thank you. Are there other questions or comments? Commissioner Norton."

**Commissioner Norton** said, "Are we all set on the funding? I know there was a problem. Wayne Roberts had got..."

**Commissioner McGinn** said, "There's no problem."

**Commissioner Norton** said, "Everything's gotten taken care of? Good."

**Commissioner McGinn** said, "Yes."

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

**Commissioner Norton** said, "I just knew that that was an issue at one point."

**Commissioner McGinn** said, "No."

**Commissioner Norton** said, "So we're all set there. Good, that's all I've got."

**Commissioner McGinn** said, "Ready to move forward."

**Chairman Winters** said, "Commissioners any questions from over here? We're ready for a motion."

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**MOTION**

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

Commissioner Norton seconded the Motion.

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

**VOTE**

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

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

**Chairman Winters** said, "Thank you David, next item."

**G. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF JULY 8, 2004.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of July 8<sup>th</sup> resulted in four items for consideration today.

**1) DISPOSABLE BAG VALVE MASKS - EMERGENCY MEDICAL SERVICES  
FUNDING: EMS OPERATIONS**

First item, disposal bag valve masks for Emergency Medical Services. Recommend the low bid from Tri-Anim for \$5,470 and establish contract pricing for one year with two one-year options to renew for an estimated annual cost of \$30,000.

**2) EXTRICATION COLLARS AND HEAD IMMOBILIZERS – EMERGENCY  
MEDICAL SERVICES  
FUNDING: EMS OPERATIONS**

The second item is extrication collars and head immobilizers for Emergency Medical Services. Recommend the low bid from Alliance Medical for a cost of \$6,222.50 and establish contract pricing for one year with two one-year options to renew for an estimated annual cost of \$25,000.

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**3) IV CATHETERS – EMERGENCY MEDICAL SERVICES**  
**FUNDING: EMS OPERATIONS**

Item three, IV catheters for Emergency Medical Services. Recommend the low bid from Emergency Medical Supply for \$7,920 and establish contract pricing for one year with two one-year options to renew for an estimated annual cost of \$35,000.

**4) INMATE TELEPHONE SERVICE – SHERIFF’S OFFICE**

Item four, inmate telephone service for the Sheriff’s office. Recommend the proposal from SBC for inmate telephone service based on a 54 percent commission rate, plus \$450,000 prepaid commission and execute a one-year contract with four one-year options to renew.

Would be happy to answer any questions and recommend approval of these items as presented.”

**Chairman Winters** said, “I have a question on the inmate telephone service. I guess maybe I should have had this discussion earlier. In the past, I’ve had some comments from folks about the amount that we charge to inmates and did we have a discussion this year to think about whether we were going to change that or leave that the same or how did we go through that?”

**Ms. Baker** said, “The Purchasing Department sat down with the Sheriff’s office and we discussed a strategy for issuing the proposal and when we did we left it open minded and let the vendors come back to us. Now, we did check out the national industry standard and we are below that. A lot of states regulate the amounts that are charged. The State of Kansas does not, but we’re below what most jurisdictions charge. So, with that premise, we went forward with this recommendation.”

**Chairman Winters** said, “Is this...pardon me.”

**Ms. Baker** said, “I can tell you that the net result between the current . . . what’s currently in place and what this proposal is is a cent and a half reduction to the local call over what we have today per minute. The intralada, which is actually the 620 area code exchange and the intralada intrastate, which is the rest of Kansas, are the same as what they’ve been in the past and then the long distance, which is the national, is a reduction of four cents a minute.”

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**Chairman Winters** said, "Well, see the only thing and again, I probably don't know enough about this to be even asking a question, but my question would be is there some way that we could have any negotiating flexibility with these companies to get us the same amount of money, but through the percentage, but somehow lower those rates that are charged to citizens? Is that even..."

**Commissioner McGinn** said, "The prisoners, you mean?"

**Chairman Winters** said, "No, this is the prisoners families who pay for the bill."

**Ms. Baker** said, "These are all collect calls that are made and it's whoever the recipient of the call is, is responsible for the fee."

**Chairman Winters** said, "And that's the people that I sometimes am concerned for, that their family member in jail calls and bango, they have a couple hundred dollar phone bill."

**Ms. Baker** said, "I can, I will share with you if it helps, the national average for local is 28.3 cents a minute and the long distance is \$1.085."

**Chairman Winters** said, "And what are we at then?"

**Ms. Baker** said, "What we're proposing is 20 cents, a little over 20 cents a minute for local and \$1.0475 for national long distance, so we're below that, in looking at that, the decision was made to go ahead and go forward."

**Chairman Winters** said, "Commissioner McGinn."

**Commissioner McGinn** said, "When the prisoner calls the family member does someone, an operator, advise them that this call is costing you this much."

**Ms. Baker** said, "Yes."

**Commissioner McGinn** said, "So the person that's receiving the call knows that it's a very expensive call."

**Ms. Baker** said, "Yes. The system is designed so that when an inmate makes a call, an operator automatically picks the phone up and it has a message that it is an inmate call, both local and national, and that's that's a standard rule. That's across the board, that way, in the entire country."

**Commissioner McGinn** said, "I just thought the notification is important."

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**Chairman Winters** said, “Yeah, but I think I’m going to vote against this. So, can we take a motion for the first three?”

**MOTION**

Commissioner Norton moved to approve items one, two and three.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**MOTION**

Commissioner Sciortino moved to approve the recommendations of board of bids and contracts as it relates to item four on bid board.

Commissioner Unruh seconded the Motion.

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

**VOTE**

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

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Chairman Thomas Winters                      Nay

**Chairman Winters** said, "Commissioners we have, well let's just go ahead and finish the consent agenda. Madame Clerk, call the next item."

**CONSENT AGENDA**

**H. CONSENT AGENDA.**

**1. Easements.**

- a. Five Easements for Right-of-Way and thirteen Temporary Construction Easements for Sedgwick County Project 634-E1/2 30, 31, 63<sup>rd</sup> Street South from Buckner to Rock Road. CIP# R-237. District #5.
- b. Three Temporary Construction Easements on the Sedgwick County Cowskin Creek Project. District #2.

**2. Order dated July 7, 2004 to correct tax roll for change of assessment.**

**3. Payroll Check Register of July 2, 2004.**

**4. General Bills Check Register(s) for the week of July 7 – 13, 2004.**

**Mr. Buchanan** said, "Commissioners, you have the consent agenda before you and I recommend you approve it."

**MOTION**

Commissioner Norton moved to receive and file the report.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye

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Commissioner Ben Sciortino      Aye  
Chairman Thomas Winters      Aye

**Chairman Winters** said, “Commissioners we need to take an off agenda item regarding partnership with City of Wichita regarding solid waste disposal.”

**MOTION**

Chairman Winters moved to take off agenda item.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**OFF AGENDA ITEM**

**PARTNERSHIP WITH CITY OF WICHTA CONCERNING SOLID WASTE DISPOSAL**

**Chairman Winters** said, “Mr. Manager.”

**Mr. Buchanan** said, “Commissioners on February 25<sup>th</sup>, you asked the staff to submit a request for proposal to the City on partnership on developing a landfill. We did that, and that proposal was submitted on the 27<sup>th</sup> of February. We met on the 28<sup>th</sup> with staff to discuss partnership on the landfill issue and again we met again on April 28<sup>th</sup>, rather than February 28<sup>th</sup>. We met on April 28<sup>th</sup> to meet regarding how to further discuss about partners. One of the stumbling blocks was that since we were a...submitted a proposal on the land at Furley to operate a landfill. The City’s legal staff was uncomfortable with us entering discussions or gathering information from them, as we continued to be a participant in the process and they requested that we . . . after trying to figure out some way to do that, they asked us on June 9<sup>th</sup> to withdraw our proposal.

It’s my advise and my recommendation to the Board of County Commissioners that we do that. If

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we're going to enter a partnership with the City, we need to gather as much information as we can and be free to do that. And they are certainly willing to allow us to do that. We don't intend to place them in an awkward position, although there may be other alternatives to this solution. The one that they have suggested would be acceptable to us and without a lot of risk. It does mean that we withdraw our proposal that the absolute risk is that they could then enter into an agreement and accept somebody else's proposal, but everyone fully understands that to develop a landfill within Sedgwick County you need to change the plan, the solid waste plan, to be changed needs, to be approved by the Board of County Commissioners. And so the likelihood of that happening, I think, is minimal. Therefore, I would recommend that we withdraw, that you authorize me to withdraw the proposed response to City's RFP F0014 [sic] purchase and development of 795 acres of land near Furley."

**Chairman Winters** said, "All right, thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "As I understand it Bill, in order for us to start figuring out can we do anything with the City of Wichita we need to see what those other proposals were. They feel that legally they can't show it to us while we still have an application or a proposal pending, but us withdrawing it or not withdrawing it doesn't increase or decrease, I don't think, the potential. They could always just because we have a proposal, they have two or three other ones, they could always pick somebody else's proposal, whether ours is on the table or not. So, if I think what you're asking here is that this allows us to proactively engage the City and seeing what kinds of arrangements we might be able to work out or land that citizens of Sedgwick County already purchased, so I don't see any real downside to doing it. So, I'd support this."

**Chairman Winters** said, "All right. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you. I just want to be clear that this action would not presuppose any sort of agreements as to location or any other plans or agreements. Just simply we're withdrawing and will start fresh from there."

**Chairman Winters** said, "Well, I don't know that that's exactly right. The Request For Proposal that people have responded to is the 700 acres at Furley, so that's what the discussion is going to be

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about. Those Requests For Proposals that remain are going to be discussed, is that correct?"

**Commissioner Unruh** said, "That's the way I understand it, but I mean my clarification or small point is that that does not mean that we have determined this particular site is going to be it."

**Chairman Winters** said, "That's absolutely correct."

**Commissioner Unruh** said, "I just wanted to make sure that's clear."

**Chairman Winters** said, "That's clear. Are there any other questions? Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. That's kind of what I was following up on. I'm not sure I understand this RFP process but I guess I'll learn each and every day as we move forward. So, we're going to pull this, just so that we can engage in conversations about what we might be able to partner with the City of Wichita on?"

**Commissioner Sciortino** said, "Right."

**Commissioner McGinn** said, "And..."

**Commissioner Sciortino** said, "Sounds kind of convoluted doesn't it?"

**Commissioner McGinn** said, "Yeah, but before we move forward we will have this full discussion as to whether or not this is the appropriate land and then also, as Commissioner Sciortino noted, that this land has already been purchased through user fees by everyone in Sedgwick County and so I can't see us getting into a discussion of a great deal of purchase price there. So, all right, thank you. I think I understand."

**Mr. Buchanan** said, "Commissioners, those comments are appropriate. Anytime we enter a partnership, you want to do your due diligence on the financing, you want to do your due diligence on the land, you want to make sure that the deal makes sense for each of the parties. And to do that, we need to gather as much information as we can. Adopting this allows us to begin that process."

**Commissioner McGinn** said, "And it's basically just because of their structure. We're pulling it just so we can have some discussion?"

**Mr. Buchanan** said, "Yes."

**Commissioner McGinn** said, "Okay, thank you."

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**Chairman Winters** said, "All right, thank you. Everybody clear? This is a motion to withdraw our proposal to the City's RFP proposal."

### MOTION

Commissioner Sciortino moved to take the recommended action.

Commissioner McGinn seconded the Motion.

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

### VOTE

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

**Chairman Winters** said, "All right that concludes the regular business of this meeting. I've been informed that we do not need to have an Executive committee meeting in the regular meeting. If anybody has any community business, this would be the time that we would take it up. Anybody have any community thoughts? Commissioner Unruh."

### **I. OTHER**

**Commissioner Unruh** said, "Well, I'd like to tell you about the zoo."

**Commissioner Sciortino** said, "Would it have to do with apes, gorillas?"

**Commissioner Unruh** said, "Well, I'll tell you we've had two of our gorillas at the Downing Gorilla exhibit. Here's a picture. Maybe we can get that up. Out in the exhibit, so far, they've all been inside getting acclimated and getting used to the handlers but they took them out one at a time and then yesterday they had two of them out at the same time and..."

**Commissioner Sciortino** said, "Damn, he's big."

## Regular Meeting, July 14, 2004

**Commissioner Unruh** said, "I think that one's Billy."

**Commissioner Sciortino** said, "Yeah, that's Billy. You can tell."

**Commissioner Unruh** said, "He's one of the Kansas City gorillas and anyway the Downing Gorilla Forest is going to be open officially on Friday the 23<sup>rd</sup> and we've got a first phase of the parking lot completed out there. Mr. Spears has been making sure that gets done and Windmill Road and Zoo Boulevard are all resurfaced. I mean, it's going to be easy to get to and you need to come see it. It's an outstanding exhibit. Six gorillas are there now and they are trying to get them all accustomed to being outside so, plan to be there."

And then secondly, after the zoo, I wanted to talk a little bit about the National Alliance for Mental Health. There's a fellow coming through town on Saturday. Mr. Bob Brandcamp, he's one of these guys walking across the United States from California to New York, he started in February and plans to be . . . I beg your pardon, I said New York. He's going to Washington D.C. Going to be there hopefully on September 10<sup>th</sup>, but he's coming through town on Saturday and I'm going to go down and greet him. He's just trying to raise awareness of mental health issues, so he's somewhat of a celebrity, I guess."

**Commissioner Sciortino** said, "Walking across the country."

**Commissioner Unruh** said, "Walking across the United States. So, we'll go down there and greet him on behalf of the Commission and our community. So, that's all I have."

**Chairman Winters** said, "Okay."

**Commissioner Sciortino** said, "How many average miles a day is he walking. Do you have any idea?"

**Commissioner Unruh** said, "I do not know that information."

**Commissioner Sciortino** said, "Okay."

**Chairman Winters** said, "All right. Well, the only thing I would share is the Sedgwick County Zoo . . . or Sedgwick County Fair concluded Saturday evening. Commissioner Norton and I were out there Thursday evening for the parade and for dinner and they had a great crowd. I meanm you would really be surprised how many people were out there. It was a good event this year. All right, Commissioners, if there's nothing else, the regular meeting is adjourned."

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**J. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:24 a.m.

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

\_\_\_\_\_  
**THOMAS G. WINTERS**, Chairman  
Third District

\_\_\_\_\_  
**DAVID M. UNRUH**, Chair Pro Tem  
First District

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

**Regular Meeting, July 14, 2004**

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**CAROLYN McGINN**, Commissioner  
Fourth District

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**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2004