

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

### **REGULAR MEETING**

**September 8, 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, September 8, 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. Randall Duncan, Director, Emergency Management Service; Mr. Don Brace, County Clerk; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Jim Weber, Deputy Director, Public Works; Mr. Joe L. Norton, Bond Counselm Gilmore & Bell P.C.; Ms. Annette Graham, Director, Department on Aging; Mr. Tom Pletcher, Clinical Manager, Comprehensive Community Care; Ms. Adrienne Byrne-Lutz, Health Clinic Program Manager, Health Department; Mr. Ted Jobst, Director, Integrated Family Health, Health Department; Ms. Susan Wilson, Program Manager, Healthy Babies Program, Health Department; Ms. Pamela Martin, Director, Clinical Services, Health Department; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Dr. Lawrence H. Davis DDS, Member, Sedgwick County Advisory Board of Health.  
Mr. William Brattan, Clerk, Valley Center Township.  
Ms. Jane Stephenson, 9614 W. 31<sup>st</sup> Street S., Wichita.  
Mr. Gale Ward, 301 N. Main, Wichita.  
Ms. Cecile Kellenberger, 7211 Bainbridge, Wichita.  
Mr. Jim Singletary, Mayor, City of Goddard.  
Ms. Brenda Lorenz, Sedgwick County Farm Bureau Association.  
Ms. Ruth Holliday, 330 N. Rock Road, Wichita.  
Mr. Hans Kraus, Chair, Rural Water District #1.

### **INVOCATION**

The Invocation was led by Reverend Sherdeill Breathett, Sr. of St. Mark United Methodist Church, Wichita.

### **FLAG SALUTE**

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**ROLL CALL**

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

**CONSIDERATION OF MINUTES:** Regular Meeting, August 4, 2004  
Regular Meeting, August 11, 2004

The Clerk reported that all Commissioners were present at the Regular Meetings of August 4<sup>th</sup> and August 11<sup>th</sup>, 2004.

**Chairman Winters** said, “Commissioners, you’ve had an opportunity to review the Minutes. What’s the will of the Board?”

**MOTION**

Commissioner Sciortino moved to approve the Minutes of the Regular Meetings of August 4<sup>th</sup> and August 11<sup>th</sup>, 2004.

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, “Next item.”

**PROCLAMATION**

**A. PROCLAMATION DECLARING SEPTEMBER 2004 AS “NATIONAL PREPAREDNESS MONTH.”**

**Chairman Winters** said, “Commissioners, I have a proclamation for your consideration.

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**PROCLAMATION**

**WHEREAS**, preparing for the full spectrum of disasters- from natural to man-made to Homeland Security- is important for successful citizen response which continues to be a priority of Sedgwick County Government; and

**WHEREAS**, the threats of these disasters continue to be a national problem, and Sedgwick County will continue to experience local emergencies as a result of severe weather or other tragic incidents; and

**WHEREAS**, Sedgwick County places a high importance on not only providing professional and effective emergency responders but also in having prepared citizens.

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim the month of September 2004 as

**‘NATIONAL PREPAREDNESS MONTH’**

in Sedgwick County and urge all residents to take the following steps. Get a disaster supply kit together; make a plan with your family and; be informed about what may happen in our community. Don't be afraid- be ready!

Dated September 8<sup>th</sup>, 2004.

Commissioners, that's the proclamation. What's the will of the Board?"

**MOTION**

Commissioner Unruh moved to Adopt the Proclamation and authorize the Chairman to sign.

Commissioner Norton 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, “And here to accept the proclamation is Randy Duncan. Randy, welcome.”

**Mr. Randall Duncan**, Director, Emergency Management Services, greeted the Commissioners and said, “And first, I’d like to say thank you for your very considerate and deliberate action this morning in endorsing this proclamation. I think it underscores the importance of a number of different events. In particular, one of historic significance and one current event. The event of historic significance is of course we’re coming up on the third anniversary of the World Trade Center incident September 11<sup>th</sup>.

The current event of course is the disaster response to Hurricane Frances in Florida. And these remind us that we still continue to be subject to a variety of disasters and we need to be ready to respond, as you all have helped the citizens of Sedgwick County know and understand, for any type of event.

It’s also my pleasure this morning to give you a little bit of a brief update. You may recall, in our Community Emergency Response Team training, our CERT team training, we have graduated a little over 150 citizens here in Sedgwick County. I’m also pleased to inform you as of today, several of those citizens are in the process of going to Florida to assist with disaster response in response to a call across the nation from Federal Emergency Management Agency for qualified and trained CERT personnel to assist in the Florida area.

So at this point in time, we’ve recruited approximately 900 volunteers from across the entire nation to full 2,000 needed personnel slots and of those, at this point in time, we have two folks from Sedgwick County that are in the paperwork process. So I just wanted to bring you up to date and let you know that the spirit of Sedgwick County will also be in Florida, helping the Hurricane victims.”

**Chairman Winters** said, “All right, Randy. Thank you very much. We appreciate all the work that you and your folks do in Sedgwick County, particularly as you work with citizens, as they volunteer on a number of these issues that you’ve just described. We do appreciate your work. Commissioner Norton, did you have a comment?”

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**Commissioner Norton** said, “Well, I was going to, just a comment about how important emergency preparedness is. I mean, we talk about that certainly every March and April, getting ready for tornado season, but you know emergencies happen all the time in our community, everything from train derailments to other issues that we need to deal with and it’s certainly nice to know that we do have an emergency system that takes care of that, but that we’ve also engaged citizens in that first responder kind of atmosphere.

CERT training certainly does that, along with Ready to Respond, to get the average citizen ready to help out. You know, in times of emergency, there is just not enough of government folks to do it all. The first responders are usually just the average citizen that are at ground zero that start the process. And it is certainly a good message to send that we’re trying to be prepared and emergency preparedness is important in our community. That’s all I had, Mr. Chair.”

**Chairman Winters** said, “All right, thank you. Thank you, Randy. We appreciate your being here. Before we move on to the next item, I would like to acknowledge that I see that Mayor Jim Singletary from Goddard is in the audience today and Mayor, we certainly want to acknowledge your presence and welcome you to our commission meeting. All right, Madam Clerk call the next item.”

### **APPOINTMENTS**

#### **B. APPOINTMENTS.**

##### **1. RESIGNATION OF KATHY DITTMER FROM THE SEDGWICK COUNTY ADVISORY BOARD OF HEALTH.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “Commissioners, you’ve received this resignation and I recommend that you accept it.”

**Chairman Winters** said, “Commissioners, what’s the will of the Board?”

#### **MOTION**

Commissioner McGinn moved to accept the resignation.

Commissioner Sciortino seconded the Motion.

**Chairman Winters** said, “I have a Motion and a Second. Any other discussion? Yes there is. Commissioner McGinn.”

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**Commissioner McGinn** said, "I just want to make a comment, say thank you to Kathy Dittmer. She has served on this board for many years, first under the City of Wichita and then under the County Commission and has been past president. I think she was very diligent and her heart was in improving the health of our community and just want to thank her for all her years of service. And I wish we had . . . I mean, we do have a lot of people who do serve on these boards and that's the kind of dedication that we need. Thank you."

**Chairman Winters** said, "All right, thank you. Commissioners, we have a Motion to accept Kathy Dittmer's resignation. Is there any other discussion? Seeing none, Madam 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, "Next item."

**2. RESOLUTION APPOINTING LAWRENCE DAVIS, DDS  
(COMMISSIONER MCGINN'S APPOINTMENT) TO THE SEDGWICK  
COUNTY ADVISORY BOARD OF HEALTH.**

**Mr. Euson** said, "Commissioners, this resolution will fill the vacancy just created and the appointment will expire in August of 2007 and I recommend you adopt the resolution."

**Chairman Winters** said, "Thank you. Commissioners, is there discussion?"

**MOTION**

Commissioner McGinn moved to adopt the Resolution.

Commissioner Norton seconded the Motion.

**Chairman Winters** said, "We have a Motion and a Second to appoint Lawrence Davis to this position. Is there any other discussion? Commissioner McGinn."

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**Commissioner McGinn** said, “Just a quick comment about Dr. Davis. He has been a volunteer with the Sedgwick County Health Department for many years and we have a lot of dentists in our community that do volunteer work there and I think that the dental community needs to be commended for their work on prevention, on trying to keep people from having to come and sit in their offices at a later time. So, I just want to say thank you to him and the work that he’s going to be facing here, with our Health Department, making decisions for a healthy community.”

**Chairman Winters** said, “All right thank you. We have a Motion. Any other discussion? Seeing none other, Madam 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, “Is Lawrence Davis here today? Yes, if you would please come forward, County Clerk Don Brace will swear you in. If you would just come to the podium.”

**Mr. Don Brace**, County Clerk, said, “Good morning, Lawrence. Please raise your right hand.

*I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of Sedgwick County Advisory Board of Health, so help me God.”*

**Dr. Lawrence H. Davis DDS**, Member, Sedgwick County Advisory Board of Health, said, “I do.”

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

**Chairman Winters** said, “Lawrence, thank you very much. If you’d like to make a couple of comments, you’re certainly welcome.”

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**Dr. Davis** said, "I would like to say just one thing. Thank you Commissioner McGinn, for appointing me and I am very happy to do this. I'm a little nervous this morning. It kind of caught me off guard, but I would like to thank the Commission so much for the support you give us in our little dental clinic there in the Sedgwick County Health Department. There are about 30 dentists that are really dedicated providing services to indigent children and we've been doing this for 30 or 40 years, I think. I've been doing it for over 20, but it's through your support, your funding two wonderful people that work there in the clinic are terrific and I'd just like to thank you for continuing to support us. Thank you, sir."

**Chairman Winters** said, "All right, well thank you and thank you for agreeing to be on the board. We do appreciate it and we take the input from the advisory boards very, very seriously. So thank you very much for your help."

**Dr. Davis** said, "My pleasure."

**Chairman Winters** said, "All right, thank you. Next item."

**3. RESOLUTION APPOINTING WILLIAM JAMES GRATTAN, JR. (COMMISSIONER MCGINN'S APPOINTMENT) AS CLERK OF VALLEY CENTER TOWNSHIP.**

**Mr. Euson** said, "Commissioners, statutes authorize board of county commissioners to fill vacancies on township boards. This vacancy was created when the elected clerk, whose name is Dwayne Snyder, moved out of the township and therefore the office became vacant. We recommend that you adopt this resolution, which will fill that vacancy for the term to expire in January, 2007."

**Chairman Winters** said, "All right, Commissioners, you've heard the report. What's the will of the Board on this proposal?"

**MOTION**

Commissioner McGinn moved to adopt the Resolution.

Commissioner Norton seconded the Motion.

**Chairman Winters** said, "I have a Motion and a second. Is there any discussion? Commissioner McGinn."

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**Commissioner McGinn** said, “Yeah, Mr. Grattan is in the audience. I didn’t know if Mr. Brace knew that or not, but thank you for being here today. And I do want to just share that this is not somebody that doesn’t have experience being on township boards. Mr. Grattan I think has been on . . . I want to say maybe 15, 20 years actually. So he brings a great deal of experience to this township board and I’m certainly glad that he’s been willing to come back on the board.”

**Chairman Winters** said, “All right, very good. We have a Motion. Any other discussion? Madam 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, “Mr. Grattan, if you’d come forward to the podium, County Clerk Don Brace will swear you in.”

**Mr. Brace** said, “Hi, Bill. 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 Valley Center Township Clerk, so help me God.”*

**Mr. William James Grattan**, Clerk, Valley Center Township, said, “I do.”

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

**Chairman Winters** said, “Bill, thank you very much for agreeing to be on the township board. If you’d like to make a comment or two, you’re certainly welcome.”

**Mr. Grattan** said, “I’d just like to thank commissioners for appointing me to the board. It’s nice to be back on the team again.”

**Chairman Winters** said, “All right, very good. Well, if there’s anything we can do to help you, please call us.”

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**Mr. Grattan** said, "We always do. Appreciate it."

**Commissioner McGinn** said, "I know."

**Chairman Winters** said, "Thank you very much. Madam Clerk, next item."

**DEFERRED ITEM**

**C. PETITION NO. 8 FOR ANNEXATION OF TERRITORY TO RURAL WATER DISTRICT NO. 1, SEDGWICK COUNTY, KANSAS.**

**POWERPOINT AND OVERHEAD PRESENTATION**

**Mr. Robert W. Parnacott**, Assistant County Counselor, County Counselor's Office, greeted the Commissioners and said, "This is a deferred item. Kristi, could I get a little bit of assistance over here on the ELMO please. I need to get you up the map in just a second. This was before you a couple of weeks ago. It's a petition for attachment of some territory to Rural Water District #1. The hatched areas that you can see, there are four total parcels involved. The public hearing was held two weeks ago and then you closed the public hearing, but there were remaining questions to the two parcels to the northwest and I'm going to switch maps now and show you in a little more detail those parcels to the north.

These are the two northwest parcels and the coloring shading is the parcels to the south in the purple have asked that they not be served by Rural Water District #1 now and they would ask to be excluded and Rural Water District #1 has consented to excluding them from their request.

The parcels you see in yellow have consented to being annexed or attached to Rural Water District #1 and Rural Water District #1 would like to have those included in the attachment. And finally, the very northern-most parcel, that person was provided notice, provided the opportunity to either consent or object and has done neither. And rural water district would like to go ahead and attach that to their parcel as well."

**Commissioner McGinn** said, "Bob, do you have a map that shows the current lines?"

**Mr. Parnacott** said, "No, we did not have access in our system, apparently, to something for that purpose. My understanding is that Rural Water District #2 does have a line that runs up Oliver and that terminates somewhere in the neighborhood of probably right in here. It does not go all the way up to this parcel here. It terminates I think right about there.

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And then Rural Water District #1, I understand, has a line that runs up on the northern edge.”

**Commissioner McGinn** said, “On 117<sup>th</sup>?”

**Mr. Parnacott** said, “That’s my understanding.”

**Commissioner Unruh** said, “It’s on 109<sup>th</sup> I think, Bob.”

**Mr. Parnacott** said, “Is that 109<sup>th</sup> there?”

**Commissioner Unruh** said, “I think the line runs across 109<sup>th</sup>.”

**Mr. Parnacott** said, “I’m sorry. Here’s 109<sup>th</sup> then, okay, too far north. In any event then, so that’s the current status of the request for the attachment for the parcels you saw earlier that are in Commissioner Unruh’s district to the south. And then, as far as these northernmost, northwest parcels, they would like to attach the ones in yellow and then the last parcel to the north. If there are any questions, I can answer them. If not, what this board is required to do at this point is to make a finding on two issues; whether the proper notice was given and I think we showed you two weeks ago that notice had been given to everybody that was required by statute, so proper notice has been given; and that the petition statements are true and that you would approve the attachment, subject to the exclusion of those parcels identified in purple.”

**Chairman Winters** said, “All right. We have several questions. We’ll begin with Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you. On the graphic you’re showing that’s here, the very top parcel there that is not yellow but that is going to be included in this annexation, we have had no response.”

**Mr. Parnacott** said, “That’s correct.”

**Commissioner Unruh** said, “All right, thank you.”

**Chairman Winters** said, “All right. Commissioner McGinn.”

**Commissioner McGinn** said, “Okay, my question was on that. No response from any of those individuals?”

**Mr. Parnacott** said, “No response from whomever owns this tract here.”

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

**Mr. Parnacott** said, "Either for or against."

**Commissioner McGinn** said, "But everyone else in the yellow has been fully engaged in this process."

**Mr. Parnacott** said, "They have and they have affirmatively consented to annexation or attachment to the district. They are asking to be served by Rural Water District #1."

**Commissioner McGinn** said, "Okay. I guess it would have been nice to see all of the lines, because my concern is . . . and I hope that the water districts are talking to one another, is how to we most efficiently serve people out there. And you know, you may have a good well right now and you're not thinking about the future if the well goes dry. And I sure wouldn't want somebody to have to go pay for half a mile line when there's . . . an eighth of a mile away is another district, but now they've got annexed into the other water district. Is that something that could happen in this situation, without me seeing the lines?"

**Mr. Parnacott** said, "Well, there's certainly not much restrictions on the attachments of these parcels. They don't necessarily have to be adjacent to the rural water district property. It's not like annexations, where you might have identified small city growth areas so one district has this area identified and one district has this area. These are consent annexations generally, but they can be the kind of annexation we have here, which is as long as you have 51% or more of the area being attached, the board can make those findings."

**Chairman Winters** said, "I think though that that question, to me, has been partially answered, because that was the comment that those folks that are in the purple indicated, the reason that they were not anxious to be annexed and it looks like they have been excluded from the annexation. Is that correct?"

**Mr. Parnacott** said, "That's correct."

**Chairman Winters** said, "And everybody else, evidently, believes that they're in a closer proximity."

**Commissioner McGinn** said, "And that's fine and I wasn't here last week, so I was trying to understand. What my concern is, a lot of times when people have well water, they think they have well water forever. And I hate to see that . . ."

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**Chairman Winters** said, "Well if I remember the comments from the two or three people that spoke in semi-opposition, it was because they felt that they were closer to another district and they have been eliminated now from this plan."

**Commissioner McGinn** said, "So this water district though is coming around actually another water district, it appears to me, on the first map that Bob had."

**Commissioner Unruh** said, "No. I don't think it's coming around it. It's just going on the top of it and the people in the purple will not be in a water district until they ask for it. I mean, that line has crossed the road to the west."

**Commissioner Sciortino** said, "Yeah, they're not in Water District #1."

**Commissioner McGinn** said, "Right, I understand that but Water District #1 is outside their door."

**Chairman Winters** said, "Kristi, we need the ones clear at the top. Well, let's take the other commissioners' questions and comments and then we'll come back, if we need to do that. Commissioner Norton."

**Commissioner Norton** said, "That parcel at the top that was indicated in white, we said we made every effort, was that a certified letter that goes to them or was it just a letter?"

**Mr. Parnacott** said, "They were provided notice and I believe the attorney also contacted them to see if they would consent."

**Commissioner Norton** said, "And they declined either way."

**Mr. Parnacott** said, "I don't think there was a response."

**Commissioner Norton** said, "We know we've gotten hold of the landowners? I guess my question is, it seems rather nebulous right now as to whether they've really been contacted and responded. A certified letter would say it got to the right person and you know that, you can prove it."

**Mr. Parnacott** said, "However, the statute doesn't require that level of service. There are some statutes sometimes that require you provide that level of service. In this case, again, the appropriate notice was given."

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**Commissioner Norton** said, "Okay. I just want to be sure that we don't vote on this and then that landowner comes back to us and says you allowed me to be taken in and I really didn't want to and I wasn't given due notice."

**Mr. Parnacott** said, "Well, they received direct notice and then of course there was the publication in the newspaper of the public hearing date, so they certainly had the opportunity to come speak at the public hearing."

**Commissioner Norton** said, "And the direct notice was?"

**Mr. Parnacott** said, "Was a letter, was a notice."

**Commissioner Norton** said, "Okay. Certified letter?"

**Mr. Parnacott** said, "So it did go by certified . . .? Then maybe I'm correct."

**Commissioner McGinn** said, "Is it certified?"

**Commissioner Norton** said, "Just mailed."

**Commissioner McGinn** said, "Well, I think Commissioner Norton raises a good point. I mean, that's why we wouldn't have all the people up in Sunnydale all excited, because they got the same notices and . . ."

**Chairman Winters** said, "But that's why, two weeks ago, at the public hearing we had all the people that were opposed were here. I mean, those people came and we have changed this configuration to suit their wishes of the people that were not satisfied."

**Commissioner Norton** said, "Okay. Just they asked to add that one parcel to the north on and I want to be sure that they got due notification. Maybe it will never come to anything, but it looks like it could. I thought the folks in the purple on the south side were in another water district?"

**Chairman Winters** said, "No, they said it was very close."

**Commissioner Norton** said, "They were close but they were not actually accessed by the . . ."

**Commissioner Sciortino** said, "They're not in any water district."

**Commissioner Norton** said, "That's all I had, Mr. Chair."

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

**Commissioner Unruh** said, "Thank you. Now, the people on the south have a waterline across the road and so it makes sense for them, when they're ready to be annexed, to go to that Water District #2. And in speaking to the president of Water District #2 last week, he said they don't annex until people make a request. And I know that Hans Kraus here, president of Water District #1, has assured me that in talking to these folks that are now under consideration, that they are agreeable to this annexation.

And this is not any kind of an island move. I mean, it's directly adjacent and the line is right up to the edge of this property now. I mean, it seems like reasonable, logical expansion by people who are in agreement to be annexed and it seems like we should be willing to move forward on it."

**Chairman Winters** said, "Okay, thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "Not to belabor too long this notification thing, but that was my concern was that we send out a letter. Legally, I don't know what recourse that parcel owner up north would have if he didn't receive the letter. I don't know how you'd prove it, but didn't you say that the attorney for the water district also contacted him?"

**Mr. Parnacott** said, "That was my understanding, there were some attempts to contact these people and get the details on the consents, get the signed consents."

**Commissioner Sciortino** said, "But you're not certain, at this particular time, whether contact was actually made? There was just an attempt by a phone call or by an additional letter or do you know the method of attempt?"

**Mr. Parnacott** said, "I don't. We were not directly involved in that. The petition is prepared by the rural water district. The consents are obtained by the rural water district. They file the petition with the board and then the board is required to hold the hearing and make their findings."

**Commissioner Sciortino** said, "Then let me just ask you the qualifying question. The county has . . . or they have complied with the law in their methods of attempts to contact, so we can't be accused of doing anything wrong or improper and they've done everything proper, according to the statute?"

**Mr. Parnacott** said, "Yes. Once they filed the petition with the Clerk, then the Clerk is the one that published the notice, mailed out the notices, apparently by certified mail. We have done everything . . ."

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**Ms. Lisa Davis**, Deputy County Clerk, said, "I don't know that."

**Mr. Parnacott** said, "I'm sorry."

**Mr. David Spears**, Director, Public Works, said, "The Clerk says she doesn't know that it was sent out by certified mail."

**Commissioner Sciortino** said, "Is it required to be sent out by certified mail?"

**Mr. Parnacott** said, "Let me check my file real quick and see what we've got on that. We've got a certificate of mailing I believe that was prepared by the Clerk."

**Commissioner Sciortino** said, "Bob, I don't think that you need to belabor it. I've just seen an affidavit signed by the Clerk attesting to the fact that they've mailed it. So maybe that's the only . . ."

**Mr. Parnacott** said, "That's what I'm looking for, if you've got that."

**Commissioner Sciortino** said, "I have every confidence that the Clerk, the County Clerk has done what's required by law, so I'm okay. It seems strange that there was no comment. Okay, that's all I had."

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

**Commissioner McGinn** said, "Just a couple of comments for the record, before we move forward. Would Hans Kraus come up please. Yes, would you come to the podium please. Hi, thank you for being here today and I know you've worked on this a long time. I just want to make sure, for the record, that you've had discussions with groundwater management #2 [sic]. Everybody understands, they've been engaged, before we move forward."

**Mr. Hans Kraus**, President, Rural Water District #1, said, "Yes, they have."

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

**Chairman Winters** said, "Rural Water District #2."

**Commissioner McGinn** said, "Rural Water District #2, I'm sorry."

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**Chairman Winters** said, "You've got groundwater on your mind."

**Commissioner McGinn** said, "Yeah, Rural Water District #2. All right, thank you. And you haven't heard any objections or anything from them."

**Mr. Kraus** said, "None whatsoever."

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

**Chairman Winters** said, "Okay. Anything else?"

**Commissioner McGinn** said, "Just, the only other reason that I think that's important that we had some of this discussion today is because I have in the past received phone calls from people when their wells go dry and they're in a situation where they have to pay to have that pipe come to their house, half-mile, mile and we're talking hundreds of thousands of dollars. You know, it's not just putting the line out there in your front yard like you would in the city. So I think it's important that we're very careful, as we move forward on where these different rural water districts go and make sure they're working together. So, thank you."

**Mr. Parnacott** said, "One more comment, if I could. Because these parcels lay in the Bel Aire fringe area, you'll need a super-majority vote to attach those properties."

**Chairman Winters** said, "All right. But we have not heard anything from Bel Aire as to any of their opposition to this."

**Mr. Parnacott** said, "That's correct."

**Commissioner McGinn** said, "And you've talked to them?"

**Commissioner Unruh** said, "I haven't talked to them specifically about this issue. We've talked about other water issues, not specifically about this, but they've had ample opportunity to raise objections, in my visits out to Bel Aire."

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

**Chairman Winters** said, "All right. And Bob . . . Do you have other questions?"

**Commissioner Unruh** said, "No, I was ready to make a motion."

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**Chairman Winters** said, “Well I just wanted to make sure, Bob, that we did hold the public hearing two weeks ago. We did receive all the public comment at that time. We deferred it. At this time, there is no reason to open the public hearing again, as we have again had the public hearing part of this process. Right?”

**Mr. Parnacott** said, “That’s correct.”

**Chairman Winters** said, “Okay.”

**MOTION**

Commissioner Unruh moved to find that proper notice has been given and that the statements made in the petition are true, subject to the exclusion from the attachment of the parcels identified by the staff.

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, “Thank you, Bob. And at this point, then this annexation moves forward.”

**Mr. Parnacott** said, “We’ll prepare an order that states all these findings that have been made and put it on next week’s consent agenda for you to approve.”

**Chairman Winters** said, “All right, thank you very much Bob. And thank you for you folks who were here for this item. Madam Clerk, call the next item.”

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### NEW BUSINESS

#### **D. REPORT AND RECOMMENDATIONS REGARDING PRAIRIE SUNSET TRAIL.**

**Mr. Parnacott** said, "I unfortunately don't have a graphic for you, but I could scare one up if you really would like it, but I think you're familiar with this. This was first in front of you about a year ago. This is a Rails to Trails proposal . . . sorry, let me get this closed . . . for about an eight-mile stretch of railroad track that runs between 295<sup>th</sup> I believe and 167<sup>th</sup>, just a little bit east of Goddard . . . I'm sorry, just a little bit east of Garden Plain and then on through Goddard. It's directly south of Kellogg, pretty much parallel with Kellogg.

A year ago, this was brought to you and this board has some, actually some fairly limited responsibilities on this matter. The Prairie Travelers Incorporated is the trail operator. They have obtained rights to the right-of-way to develop a hiking and biking trail. They are a non-profit organization. Under that statute, they have some statutory duties I'll get into in a second, but one of the things that the board has to do is negotiate with Prairie Travelers on a couple of items involving first the amount of liability insurance that should be maintained for the property and the board considered that last year and set it at \$1,000,000 and Prairie Travelers has been agreeable to that. There is a minor issue on the insurance that I'll mention in a few minutes.

The other item and the more important item is the escrow amount. There is supposed to be a negotiated amount of escrow money set aside to cover some of the statutory responsibilities that Prairie Travelers has in this matter. That's not something you can unilaterally set. We already negotiated. A recommendation was made a year ago for that amount to be tentatively set at \$10,000, subject to some initial . . . some additional investigation into fencing issues and continue to negotiate with Prairie Travelers. It was recognized at that time that that amount might go up or down, depending on what circumstances arise over the last year.

And the final thing that the board is really required to do is to set a recording schedule, and that is something you do unilaterally do. You can require that Prairie Travelers report back to you on a quarterly basis, and that is the recommendation I'll make later.

The investigation . . . let me back up for a second. The escrow amount covers really five different items. It covers control of noxious weeds, control of litter, control of mowing to prevent a fire hazard from happening, fencing issues, Prairie Travelers has some responsibilities regarding fencing along the trail and then signage that is required by statute.

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Again, the responsible parties, Prairie Travelers Incorporated, they are a non-profit organization and they do have title of the eight miles. We've had a number of interested parties that we've been in contact with, we've provided notice to. A lot of them came and spoke a year ago to you. Farm Bureau has been involved, the local Farm Bureau. Most of the adjacent land owners we've been in contact with and talked to them in detail sometimes and of course Prairie Travelers and I believe representatives of Prairie Travelers are here to speak, after I get done making my remarks.

The key statutory responsibility we want to address, in terms of Prairie Travelers, is that they are to maintain the trail and that duty to maintain the trail started with them receiving the deed. And they received the deed for the first four mile stretch I think somewhere around December of '02, January of '03 and I believe they received the second four-mile stretch by deed in July of '03. So at that point, they had responsibilities to maintain the trail, in terms of noxious weed control, maintaining a safe trail, providing proper signage, keeping it mowed so it doesn't present a fire hazard and then there are some fencing, specific fencing requirements that they were required to do. They are required to maintain . . . maintain and repair existing fencing along the trail. In some cases, they might require to install new fencing for a landowner who has fencing on three sides of their property but did not have fencing on the trail side. And finally, in a situation where a landowner had fencing on less than three sides of the non-trail access and wants fencing along the trail, he can request it, he or she can request it but then it's a 50/50 shared cost.

So that's . . . the primary responsibility of course of Prairie Travelers is to maintain the trail in a good neighbor type of fashion. They are to negotiate the escrow account with us, amount, and come to a reasonable figure and we're going to make a recommendation for that in a second. They have to post a proper liability insurance and as I noted earlier, that was set at \$1,000,000 last year and they did provide us a policy initially. After reviewing the policy with our risk manager, it was determined that that policy was not sufficient, in that it excluded from the coverage property damage and bodily injury, and that is the exact kind of liability insurance we believe the statute contemplates. And we've asked a couple of times now for Prairie Travelers to provide us the proper insurance form and we have not seen that yet. They've indicated they're going to get it to us, but we have not seen that yet.

They are also required to submit a preliminary project plan, which they did, and a final project plan. They have, in the last few days and provided to you as supplemental backup, submitted another project plan, which I assume is intended to be the final project plan. And what the final project plan triggers is that's the point where they can start developing the trail under the statute.

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Again, I noted earlier that you can unilaterally set the reporting requirement and they do have to come back and report to you on the status of the trail and the development. Then there is a statutory responsibility, supposedly, to complete the development of the trail within two years of a certain date that runs a little . . . about the time they took the deed, probably. And they are shooting to try to meet that date. There's really no indication in the statute what happens if they fail to meet that two-year period, and again because they took title in two different segments, then we're looking at two different dates frankly in terms of the two years.

We've been working with them for about a year now. We've been meeting with them, corresponding with them. We've been out, we've done a full inspection of the trail, the whole eight miles. We've had periodic inspections by Joe Brunk, both for noxious weed concerns and for general concerns. We've noticed, over the year, that the deficiencies that we've seen are control of noxious weeds and then we've been trying to get them to work on that and they are doing probably better than they were, but I don't think they're where they need to be.

There has also been some reports of overgrown weeds, that they're not keeping it properly mowed. We took a phone call just the other day from an adjacent landowner who raised that issue. One of the other things that has been a problem I think that was recently noted was access to the trail is supposed to be limited to non-motorized traffic. They have a proposal to put in what they're calling bollards, which would be a way to limit motorized traffic but allow emergency vehicles if necessary. I don't believe those are installed yet and we've had a report in the last few days that there was a car accessing right-of-way around the 279<sup>th</sup> Street area and that is also the area that one person had called in about the weed problems.

I'll try to wrap up my remarks and let you turn it over to Prairie Travelers and anybody from the public that wants to talk, but the issues that were remaining, in terms of other concerns and I guess I should back up and say that there are some things that Prairie Travelers has to do under the statute and there are some things that they have to negotiate with you and one of the other things that the statute says is that you, as a board, can make recommendations. You can make recommendations about parking issues. There was a recommendation about maybe there needed to be restroom facilities provided, safety concerns, there were a number of concerns raised by you as a board and by the public and you have made recommendations to them and we have made recommendations to them.

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The statute does not require them to follow those recommendations. They have to consider them and they are free to accept them or reject them as they are. In their final project plan, they have indicated that they've got parking provided. There is western access. Before, there wasn't . . . there was a question about whether they had actual access on the west end of the trail, because their trail ended short of the right-of-way in Garden Plain. They now have said they've got a path agreement that allows them to access the west end of the trail and that also is next to some parking that's provided in the Garden Plain City Park. So they've indicated there's parking on the west end from there. There's parking in Goddard, along a street and in some park areas I think, to allow some parking. So they have addressed the parking issue and have submitted what they believe is sufficient parking concerns. I don't believe, in their final report, they addressed any restroom concerns. I think they've told us in the past in correspondence, that they believe there is sufficient public restrooms in the area that would be accessible that they could use for those purposes.

Their project plan also goes into some detail about what they plan to do about the bridges, which was one of the concerns about how they were going to control or deal with the fact the bridges were railroad bridges with ties and spaces between the ties, rather than a solid, flat surface. They are going to correct that, I think, and make a nice flat surface to ride across and walk across and they're going to address some of the steep drop offs with railings and other methods and maybe they can speak a little bit more to that in a minute.

Anyway, we've look at all the detail of the statute and all the information that we can gather about fencing and signage and we've come to the conclusion that we originally, I think, told you in our backup materials \$24,000. Just this morning, I was handed a new estimate from our noxious weeds person that the original estimate was \$1,200 for noxious weed control. He now believes \$3,100 would be what would be required for the county, if the county had to go in and take care of the noxious weeds, that's labor and materials. So that would bump up our estimated escrow account to \$26,000 and that's what we're recommending as a total and we've got a breakdown in your materials that talks about what's for signage and what's for weeds and what's for mowing and what's for that, and that's all based on what it would cost the county.

We are at great odds with Prairie Travelers at this point. They have countered with a proposal for \$1,720 and that is based on they believe that no fencing costs should be included in the escrow and I've got . . . the statute I can show you on the screen, clearly says that fencing is part of the escrow account.

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And again, I think maybe they're looking at their cost for doing things, which would not be our cost. They're using a lot of volunteer labor I think. We would have to pay our people to go out and pick up the trash, go fix the fences, do whatever. So we feel very comfortable and want to make a recommendation that, in terms of negotiating, I don't know if this is a negotiating tactic, but that's really our final offer I think, is that we believe \$26,000 is the appropriate amount.

As for the reporting schedule, which is the only other thing that you're required to do, we believe a quarterly reporting schedule is sufficient. I don't think they necessarily have to come and report to you in person. They could do that in writing and we could just let you know that it's been done.

But having said all that, I can stand for any questions or we can let some other people speak at this point."

**Chairman Winters** said, "Okay. Bob, questions for clarification, Commissioners, if we could just stick with clarification for a moment. You said 26. In my backup it says 24."

**Mr. Parnacott** said, "Twenty-four and the difference is that we originally had 1,200 set aside for what we felt was noxious weed expenses, and now we've been told by our noxious weeds expert that it's more like 3,100 so there's about another 2,000 that's probably necessary for noxious weeds, so that increases it to 26."

**Chairman Winters** said, "So your recommendation is at 26."

**Mr. Parnacott** said, "That's correct."

**Chairman Winters** said, "And the other thing, you indicated that as we made . . . as the commissioner would make recommendation to Prairie Travelers about such things as parking, restrooms, that they could accept that but they don't need to adhere to those. What about the escrow agreement? Are they statutorily required then to meet the escrow agreement for the negotiated amount?"

**Mr. Parnacott** said, "Statute says that they are to negotiate with us, and although it doesn't say 'in good faith' and use the terms like 'reasonable', I think that's always implied in this kind of a situation. We think we've been reasonable and frankly, we think the \$1,720 estimate is unreasonable, but certainly Prairie Travelers can come up and try to defend that amount."

**Chairman Winters** said, "Commissioners, if we have a point of clarifying. All right, I'm not sure. You had your light on and off."

**Commissioner Sciortino** said, "Let me go."

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

**Commissioner Sciortino** said, "What's the remedy if we don't negotiate, they don't do what we think they have to do on the escrow account? What happens? What's the remedy?"

**Mr. Parnacott** said, "Well, we can make one more stab at trying to work it out, but we think we're past that point, I think. Certainly there are alternatives, such as mediation or arbitration that you could probably try to set up that and get everybody to agree that we're going to give this to an impartial third party and let that party decide for us and abide by that recommendation.

There is a distinction to be made between mediation and arbitration, but you get to the same result I think eventually, hopefully."

**Commissioner Sciortino** said, "Can you force them into mediation and/or arbitration, if you're at an impasse, or do they have to agree to go to it?"

**Mr. Parnacott** said, "I think they would have to agree to that."

**Commissioner Sciortino** said, "Okay. They don't agree to it. We're at impasse. What happens?"

**Mr. Parnacott** said, "I think the probably ultimate result, and this is a result that we certainly would like to avoid, because it's costly for everybody involved, is litigation. I mean, you would have to go to the district court, file a lawsuit and enjoin them. Probably you would start by saying you can't open this trail until you've posted the escrow account because the escrow account is intended to do a lot of things."

**Commissioner Sciortino** said, "I understand what the escrow account is intended to do."

**Mr. Parnacott** said, "So I think, at that point, you would be placing it in the hand of the judge and you would have to have a judge ultimately determine what is an appropriate escrow account amount."

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

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

**Commissioner McGinn** said, "Just a clarification. You may have said this. What's the definition of 'properly mowed'?"

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**Mr. Parnacott** said, "Of what?"

**Commissioner McGinn** said, "Properly mowed. You said that they have to do the mowing. What is that definition?"

**Mr. Parnacott** said, "Oh, that is just to maintain the property in a way that does not create a fire hazard. So, what that means . . .?"

**Commissioner McGinn** said, "Well, you'd have to mow the whole thing then, with the exception of this year. I mean, in any other August, the whole thing would go up in flames. I mean, I guess what I was looking for in an answer was you know, so many feet away from the trail or by the access points, that kind of thing."

**Mr. Parnacott** said, "Well, I mean there's no specificity in the statute. The language in the statute is that they are to maintain the trail in a way that does not create a fire hazard and we've interpreted that to mean mowing the weeds and keeping the brush down so that there's not a fire hazard from that. But in terms of details and specifics, I think it's just what an expert or what a reasonable person would determine is appropriate to meet that standard."

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

**Chairman Winters** said, "All right, thank you. Commissioners, I think what I'd like to do, if you're agreeable, is give Prairie Travelers an opportunity to share their views on Bob's comments and staff's recommendation. And then, I know we did take public comment on this a year ago, but I feel if there is anyone else in the audience that has a burning desire to communicate with the commission, that we need to give them the opportunity to do that.

So if there's someone here from Prairie Travelers who would like to address the commission, this would be the time. Please come forward, ma'am. If you would please come to the podium and please give you name and address for the record, please."

**Ms. Cecile Kellenbarger**, Treasurer, Prairie Travelers, Inc., greeted the Commissioners and said, "Okay, first of all I'll just say a couple of things and then you can ask some questions and then if you have other people to speak, that would be okay.

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I think you received a package that I put out for everybody. Our true intent is to really put out a trail, an eight-mile trail that can be enjoyed and that's what we're really wanting to do. As far as . . . I'm not going to go over what you've already received, because you've read that hopefully. But just let you know, I did get a notice back from WATCO, which is the railroad company on the west end of Garden Plain and they are sending us a notice, so that we can have approval to go through their property to access the trail, so we'll have that. The man said that he's sorry he didn't get it earlier, but they have agreed.

Also we do believe that we're getting a little bit of a response now from the neighbors and everything and in Goddard, so . . . and we have been out there. We have picked up 24 loads of trash in that eight miles. I mean, some of that trash was probably there for years, but we have cleaned up a lot and it may not look like that, but when we got in there in the early spring, before everything grew over and it greened up, you could pick up a lot.

As for our estimation of the 1,720, previously, I think the first time we came out here, it was 10,000 and we were probably agreeable to that until we figured out we don't think that we believe the fencing is something we should be able to negotiate with each, individual person and I believe by the . . . there's a land act that pretty much reads exactly what this says and it's negotiated by each, individual neighbor and we have a man that goes around and has talked with neighbors and we have given an estimate on certain fencing, how much it would actually be, but we plan to get that done, probably at a different rate than if we hired it done, because we have volunteers to do it.

We haven't heard the 26,000. That's the first thing I've seen that, for as escrow, today. And we have been mowing the area in Goddard. We have not been mowing much of the area along the other eight miles, seven miles. As far as the possible restrooms, if you look in our package, we have a plan to go through and do a transportation enhancement project, hopefully with Goddard. We're meeting with their planning commission next week, to get this proposal out. It has to be in for the 2006/ 2007 money, 80/20 match, went through Goddard. Goddard would have to apply for that.

We're looking at a long term lease for that, for that section, and so that they could apply for it and pretty much be a park in Goddard. We did present this to their city commission and they requested us to go to the planning board, so we're working on doing that.

As far as fencing, I know that's an issue and we identified priorities as first fencing is if people have farm animals consistently on property and truthfully, we've checked that and that has been a control issue, that most of the farmers that have animals are pretty much taking care of that themselves, because they have a good reason to.

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Next, second, our priority would be residences close to adjoining property or trail. And third will be existing fences adjoining trail, extending on both sides, the same property perpendicular to trail. I believe we sent the county an estimate on a few, with about eight different groups, landowners and how much. I know one of them may not have agreed, but that was our cost, because we were probably going to put it up ourselves, without labor, not paying a labor charge.

See if there's anything else. I've met with Joe Brunk and we have sprayed two to three times. We've bought . . . we were spraying with something that apparently was just killing it but wasn't killing the root on some of our noxious weeds. And so we've gone and bought the preferred spray and are spraying that again. So we've sprayed two to three times already in the last year, but this has been a big year for weeds.

I see we're, obviously . . . we have 120 members in Prairie Travelers now, which is about double what we had a year ago and we are having regular, monthly work days, second Saturday of the month and then some other work days. And if someone has called because we have had a vehicle out there, we have a vehicle that we put in a . . . well, a truck for our spraying and we have that loaded in there and we pull it along the trail and we can spray out of the truck, so we can have a 25-gallon sprayer. We were spraying with little hand-held sprayers and that was taking a lot of time.

So, go ahead and have some questions or . . . but anyway, what we'd like to do is ask for someone to negotiate with, because obviously we're too far away. We came up last year, probably going to agree to the 10,000, but going up to 26,000, that's going to blow our budget to go start building fence and start putting rock down. This is a volunteer group and most of the work is done by volunteer labor."

**Chairman Winters** said, "All right, Cecile, thank you very much. Commissioners, what I believe I'd like to do is just have Cecile take a seat there. I don't see any burning questions right now. Let's see if there's anybody else wants to visit and then we'll come back with perhaps some questions in just a moment, so don't go far away, Cecile.

All right, is there anybody else here that has a wish to address the Board of County Commissioners today? I know that we took public comment a year or so ago, so it may be that if you've expressed that . . . Yes ma'am, please come forward. If you would give your name and address for the record and we're going to limit your remarks to five minutes."

**Ms. Jane Stephenson**, 9614 W. 31<sup>st</sup> Street S., Wichita, greeted the Commissioners and said, "I represent the Leo P. Seidl estate. That's on 183<sup>rd</sup>, going east, to 167<sup>th</sup>. We own a quarter-mile section there. My address is 9614 West 31<sup>st</sup> Street South.

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We didn't get into . . . we weren't informed right away, so we didn't know about the year ago, so within this year, we have had issues. One is fire and vehicle entrance. We had a fire on that trail two year's ago and they access the fire department through our wheat field. Thank heavens it was stubble, it wasn't a crop, we had just cut it. But the fire vehicle access was through our property to get to the trail and I wanted to know if that would still be in the future that is it the landowner's responsibility to allow access for fire? We don't want our crops to burn, so we would allow it, but if there's planted crops, that's what I'm concerned with.

And crime on the trail, we've had several issues where four-wheelers dodged the police to get through there and they go through the trail and the police vehicles can't seem to follow as readily, what to do about that.

And damage to property, we've had to increase our liability too, and it's \$42 a year, which is not a whole lot. However, that's how much you have to increase it. Now it's 105 where it was 78. And if you have a \$279,000 home along that trail, like my brother Bob does, and a fire is coming toward it, how do you control that? Do they have enough insurance liability to cover things like that? And those are my issues from when we just found out.

And when they sent out the information, they did not send a phone number to contact at all and the only contact we got was through the city . . . or through the county, when they sent us the notice of this hearing here. And my position is, if you're a responsible group going into this, be responsible and have a return address . . . return phone number so we can contact you for this simple information. Thank you."

**Chairman Winters** said, "Ma'am, could you give your name one more time."

**Ms. Stephenson** said, "Jane Stephenson."

**Chairman Winters** said, "Okay, thank you very much, Ms. Stephenson. Is there anyone else in the audience. Yes sir, please come forward. Please give your name and address for the record."

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**Mr. Dale Ward**, Attorney, Hinkle Elkouri Law Firm, greeted the Commissioners and said, "I represent Don and Janet Yoder. Their address is 1842 South Club Lane Circle, Goddard Kansas. I'm here and you've talked to the Yoders, or some of you have, many times. I know Rob [sic] Parnacott and I have met with the Yoders and he has been very ... a great assistance to us in getting information to us about the various laws and requirements that the developer of the trails group will be responsible to fulfill, including and I looked at some of the laws last night, the federal law that was the enacting legislation for this program requires that the government or the private organization that's going to develop the trail. One, be responsible for the management of the right-of-way and that's all it says is 'the management'. Two, assume all legal liability with respect to the right-of-way, and three, pay all taxes that are assessed against the right-of-way.

I mean, those are the three requirements, before the permits are to be given. I assume that these people, this developer, has pledged to satisfied those requirements. The state law goes one step further and talks about management of the right-of-way. It talks about the responsible party, responsible person being responsible for the safety, for the weeds, for the litter, for the signage, for the fencing and for law enforcement along the trail. I mean, that's what the statute specifically calls out.

The catch-22 that I see is, you've got these laws that permit this, but what you have in terms of developer is a brand new corporation with probably minimal assets. So how do they financially meet their responsibilities or financially meet the burden that they have in order to develop the trail. I don't know the answer to that. I haven't seen a balance sheet. I don't know if the County Commissioners have looked at or seen a corporate balance sheet or a corporate financial statement, but I'm guessing it's going to be difficult for them to do and if I'm wrong, that's great. My hope is that they have the resources to meet their obligations.

A couple of controls that you do have is liability insurance, with respect to legal liability and Bob just said they had a policy but it doesn't insure against property damage or bodily injury. I guess I'm going to suggest that's not really a liability insurance policy. I've never seen a general liability policy that doesn't cover property damage or bodily injury. So, I don't know exactly what they have, but obviously they don't have comprehensive, general liability insurance. One million dollars, I understand that was arrived at, that level, based on some input from your risk management department, with the understanding that the bridges and other areas that have been identified as safety problems, will have guard rails or safety rails or something attached to them. I'm guessing, as of this morning, what I've been told, none of that has been done. I would suggest maybe a higher limit than \$1,000,000 until such time those things have been accomplished, and then you can back it down to \$1,000,000 or \$2,000,000 or whatever.

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But they've had the property now two years, or almost two years, in three months it will be two years, and they really haven't done anything except plan and pledge. My concern is that that insurance is the only protection we have for legal liability.

Secondly, the escrow amount, that's probably the only second . . . that's the second control you have on them being able to satisfy some of their responsibilities. I haven't seen Bob's numbers. I'm sure that the county went into a lot of effort to put together a good number. My concern would be to deviate from that number would . . . I mean, if your staff was saying it takes at least \$26,000 a year, I would be hesitant to do anything other than \$26,000 a year more. I mean, it just doesn't seem like, if you don't get some escrow in order to make sure the responsibilities are satisfied, they're not going to get satisfied. And I understand they can use the escrow to satisfy the responsibilities. Hopefully, it's a revolving escrow and they will build it back up.

But you have certain controls that you are approving, limited liability insurance and escrow and I think it would be prudent to make sure that you are approving those at a level that will not only protect the county, but will protect the adjacent landowners.

Finally, my client had plans to build an extended airstrip across the right-of-way, onto . . . he owns land on each side of the abandoned railroad track. It's my understanding we've talked to at least a representative about re-routing the trail across my property's land [sic], you know we'll engineer the route so that we can extend the runway and that's been met with deaf ears or not cooperation. There's not requirement that they have to, but it's kind of frustrating that we aren't going to be able to use the property that we purchased for the reason we purchased it, i.e. to extend our runway in order to allow this trail and hopefully they'll come up with the resources and it will be successful, but a little cooperation on the re-routing would be greatly appreciated."

**Chairman Winters** said, "All right, thank you sir. Is there anyone else in the audience who would like to address the commission? Yes, please come forward."

**Mayor Jim Singletary**, City of Goddard, greeted the Commissioners and said, "I would like to just remind this commission of a couple of things that involve the Rails to Trails. When we conducted extensive town meetings, not only in Garden Plain but in Goddard, we asked the people that lived along the trail and those that were interested in developing the trail what their opinion would be to have a trail through their properties and our council voted no, as far as Goddard participating in a Rails to Trails program. When it was first presented to us, it was the idea that the trails would be adjacent to some trails that were supposedly already a part of the Rails to Trails act in Wichita and that we would be a joining link.

As it became clear that there was opposition, and we decided not to pursue our involvement in the Rails to Trails, one of the questions I asked one of the proponents was if, when I found out that they

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were interested in pursuing the trail as a different corporation, I asked them about the funding and they said, 'We're primarily an advisory group, we're not necessarily in the funding and building portion of it'. And to then find out that they feel that they're able to meet the obligations of developing a trail within what I thought were statutory limits of two years, is pretty inconceivable, unless they have some fund raising and they have some resources that, thus far, have not come forward.

We, as a council, we have a portion of the trails in the City of Goddard and prior to the abandonment of that trail through Goddard, we mowed the area bounded on the north and south with our city equipment, just to keep the grass down. And we have tried to help and maintain that agreement, simply because we were doing it when it was an active railroad track. But my personal opinion is that the recommendations for the escrow account is very reasonable. I think that the statutory limits need to be looked at, because quite frankly, we don't like the idea of this going on indefinitely. We thought it was a two-year period for development and if they meet those obligations in two years, then as a city we will be willing to work with them on any future development: a park or restrooms or things like that.

But it's our position that, because we had done extensive investigation and had invited people into our meetings to discuss the Rails to Trails. We wholeheartedly voted it down, and we have tried to be cooperative, but at least lend minimum assistance, because we feel like it's against the wish of our constituency. Thank you."

**Chairman Winters** said, "All right. Jim, I just have one question. Thanks for being here today, Mayor. We appreciate you coming. We've received from Prairie Travelers a proposal just this week and in it includes a rendering that was developed by Rice Foster Associations that details kind of a park-like setting through Goddard. Did the City of Goddard have this, create this or is this something from Prairie Travelers? Do you know?"

**Mr. Singletary** said, "What we have, we have a portion of our planning commission and some volunteers in the city that were enlisted to help develop a parks and esthetic look to the community, not just with the trails, but with several things and we had some people that, on a voluntary basis, helped I guess do the drawings. And after it was completed, they brought some of those pictures and their format to the council.

And we actually had one of our planning commission members disappointed and upset. She thought she had used a lot of her time, under a deceptive purpose, that we were not going to accept that proposal. We told her that her participation was good and that the plan itself was not bad, but

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that our council could not take action on anything that was done, simply because we did not have the properties. But she was doing it, in light of a larger project.”

**Chairman Winters** said, “Okay. All right, so that helps me understand that. Thank you very much, Mayor. Are there any questions for the mayor? I don’t see any. Thank you very much, Mayor. Is there anyone else in the audience? We’ve got two, we’ve got one coming from the back.”

**Ms. Brenda Lorenz**, Farm Bureau Association, greeted the Commissioners and said, “I only have a couple of things to say. The things that concern me are the soliciting of funds and the volunteers that they’re soliciting. How are these major funding issues to be handled, if there’s not funds available at all times? How experienced are they at putting up fences for ag producers? I know that they’ve had, in the paper there has been articles written, in our local paper, soliciting new members for the organization and for funds. So I just . . . it concerns me that this isn’t something that’s already in hand and that they’ll be relying on volunteers and funds, you know, bringing into their organization to handle the issues that we have. So, that’s all I have.”

**Chairman Winters** said, “All right, thank you very much, Brenda. Is there anyone else? Yes ma’am, please come forward.”

**Ms. Ruth Holliday**, Secretary, Prairie Travelers, Incorporated, greeted the Commissioners and said, “I’m here to respond to a few issues that were brought up today. Jim Singletary had just spoken about the park area that we had suggested for the town of Goddard. What we did on that is we wanted to bring in people from Goddard themselves, because this would be their park. So we invited one representative from the city council, one representative from the planning commission, one representative from the Lions’ Club, one representative from the school board and two from Prairie Travelers and two from the Rice Foster and Associates and they met four times and they came up with what I think is a wonderful opportunity for Goddard to create a park in the City of Goddard and then we will, you know, take it back to the planning board, where they can take off with that, but that was all done Pro Bono and that’s the beauty of Prairie Travelers, is that so much of this is volunteer effort.

As far as articles in the paper asking for money, we’ve never done that. Paul Rhodes from Goddard Centinel, or from Cheney Sentinel, which is also part of Goddard, he’s written some articles but we’ve never requested any funding. We have a wonderful group of volunteers from all facets of life that are very talented, and funding has not been a problem.

We do wish that instead of \$26,000, which we’ve never heard of till this morning, that we could use the money, instead of sitting in an escrow, to actually go to the trail. We have actually bush-hogged the trail. We’ve actually graded the trail. If you walk the trail today, other than a mile and a half of sunflowers, it’s a clear trail. We’ve sprayed the trail. We have actually been working on the

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bridges as well, so there's quite a bit of process going. There's cables up at each intersections, so the cars that have been on the trail are actually cars that have been working for spraying the trail. When we finish, we put the cables back up.

As far as when the trail opens, we will have bollards in the center, where no . . . any emergency personnel will not have to go on the land. The emergency personnel would have the combination to be able to drop a bollard down, so that the vehicles could go on the trail. They'd be more than welcome for any emergency, being in a field or wherever, to use the trail.

We want this to be a trail for the adjacent landowners, for the people in Goddard and Garden Plain. Our goal is to be able to have it a pathway on into the City of Wichita and Wichita continues to continue the path on in.

Any other questions?"

**Chairman Winters** said, "No ma'am, I don't see any."

**Ms. Holliday** said, "Thank you."

**Chairman Winters** said, "Is there anyone else here who would like to address the commissioners? Is there anyone else? All right, thank you all very much. We'll close the public comment portion. Commissioners, you have other questions? I guess, Cecile, I have a question of you at this time, if you'd come forward. You visited about the voluntary or individual fencing. I think, at least from my aspect, the fencing issue seems to be the biggest issue and why I believe the escrow amount is the size that it is, is because we just don't have a handle on what that is. Is there a way that you have begun individual negotiations with neighbors and is there some way that in some point in the future that you could give this commission assurance that every fencing area and issue has been addressed satisfactorily to the neighbors? Because again, I think that's what our issue in having this escrow amount so high is that if neighbors are not pleased with the fencing, that that money can be used to fix the fencing. If the fencing is fixed and to the satisfaction of every neighbor, then I think we're talking about a different number, at least I am."

**Ms. Kellenbarger** said, "Okay, that's a good question. I did send a letter out here one time to Bob that has about eight of them and the prices on what they were, and these are ones that our fence man, Bill Vanderwahl, worked out for us with these people. Some of them, we actually have a written statement from them that it's acceptable, and some of them we have that they'll wait till they see what's going on before they determine what kind of fencing they want."

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And if I need to give everybody my phone number, that's fine, but I'm not home till late at night, and I'm happy to do that. I'd be happy to send out a letter to all the neighbors letting them know that, as far as our contacts and everything, if that's an issue, which sounds like it may be. The reason we haven't been sending out a phone number is because, at one point in time, I was getting a person calling me and I had to not do that. That person has quit doing that, which is fine, so that may not be an issue anymore. So a lot of the fencing, we do have . . . also have a man that he's just going to do our fencing and he's training volunteers to do the fencing. He has done fencing for years on a farm, on his own farm and knows how to do good fencing.

I don't know if our plans says, but the fencing we do plan to do meets the highway requirement, so we're not doing substandard fencing."

**Chairman Winters** said, "All right. Well, I think I understand that, but I think I am going to have to support the staff's recommended escrow amount. I guess I really have two issues here. I guess three parts of the comment. One is, as Mr. Parnacott indicated earlier in his presentation, the Board of County Commissioners really does have limited authority in what we can do, but there are a couple of aspects that we can control, the escrow amount being one. And until I see some other kind of plan or proposal about the fencing issue, I think I'm going to have to take the staff's recommended action of \$26,000.

Mr. Don Yoder's property was mentioned and I know there's not much we could do about that, but I wish there was some way that Prairie Travelers would consider bypassing his property to the south, since he does have a project that could take up that full mile, from the south of Kellogg. And since he owns the property, I wish there was some way you could make arrangements to go around Mr. Yoder's property."

**Ms. Kellenbarger** said, "Can I interject on that?"

**Chairman Winters** said, "Yes."

**Ms. Kellenbarger** said, "Mr. Vanderwahl, who is our negotiator, has talked with I believe Mr. Yoder. I'm not sure if he talked with you, sir, but Mr. Yoder was going to bring us a plan of a possible tunnel under, so that we could tunnel under the area and help do the dirt work on that, and we were going to work with him on that. We have not seen a presentation on that from Mr. Yoder yet."

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**Chairman Winters** said, "Well, I'd hope you'd keep an open mind about that."

**Mr. Kellenbarger** said, "Yeah, we're trying to work that. We do not really want to get back out on the roads, like was directed."

**Chairman Winters** said, "All right, Cecile, thank you very much for your comments. Commissioner Sciortino."

**Commissioner Sciortino** said, "Bob, I have a question of you. The attorney that as representing that one family, it brought up the idea that the present liability insurance that they've agreed to didn't cover bodily and property injuries and I noticed that in our backup you've requested that they provide that. Do we have the authority to mandate that that type of liability coverage is provided for?"

**Mr. Parnacott** said, "That is a statutory duty of theirs, once the amount has been agreed to, they do have a statutory duty to provide that to us, so we would be able to enforce that duty I believe."

**Commissioner Sciortino** said, "So, I have to assume that they are going to comply with that requirement and have a \$1,000,000 liability insurance policy that includes bodily damage and property damage."

**Mr. Parnacott** said, "They have indicated they are going to. We're just not seeing it yet."

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

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

**Commissioner McGinn** said, "Bob, have you looked into the landowner's insurance, when activities change around their areas their rates go up? Has anybody looked into that?"

**Mr. Parnacott** said, "We have certainly addressed several landowners' concerns who raised issues about what their liability is with this trail going through and there's a specific statute that says they are not to be held responsible for injuries for people who are using the trail that leave the trail and go onto their property, unless there is a willful and wanton situation. If you put bear traps along your edge of the fencing, you know, that's going to be willful and wanton and somebody is going to get injured and they're going to be liable for that. But just in terms of general operations, then the

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legislature has provided immunity from liability for adjacent landowners for activities arising out of the trail use. So frankly, I can't imagine why an insurance company would have to raise the premium with that statute in place."

**Commissioner McGinn** said, "So what if you had a cow/ calf herd and you had a small calf out there. Is that going to be considered an attractive nuisance?"

**Commissioner Sciortino** said, "Unattractive."

**Commissioner McGinn** said, "Or unattractive."

**Commissioner Unruh** said, "It's attractive."

**Mr. Parnacott** said, "No, we've had some discussion. Actually, I haven't had to look at the issue of a calf being an attractive nuisance, somebody leaving the trail to go pet the nice little calf."

**Commissioner McGinn** said, "Until momma comes up."

**Mr. Parnacott** said, "But we've addressed things like farm ponds and under Kansas law, farm ponds are not by themselves attractive nuisances. If you have a diving board set up or you have something else added to the pond that creates more of an attraction, then there is an issue. But again, the immunity from liability covers that. It says the landowners are not going to be liable for people who leave the trail, who are using the trail and leave the trail and get injured on that adjacent property owner's land."

**Commissioner McGinn** said, "I like that visual to the diving board to a pond. Thank you."

**Chairman Winters** said, "All right. Commissioners, are there other questions? Commissioner Unruh."

**Commissioner Unruh** said, "Bob, our responsibility in this whole issue is essentially to set the escrow amount. Is that correct? I mean, after a negotiation and considering the different elements, that's all our responsibility. Is that correct?"

**Mr. Parnacott** said, "Yeah, I mean we're supposed to negotiate the amount and frankly we've just come to the point where we've reached an impasse, it appears. I mean we've come with what we think is the appropriate figure and they think they've got an appropriate figure."

**Commissioner Unruh** said, "But do we have responsibility for enforcement of violations of any of these terms, not getting a fence up or . . . I mean, I guess I'm going back to Commissioner

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Sciortino's earlier question and that is what happens if somebody doesn't stand up to this negotiated agreement? What is our responsibility or authority in that instance? I mean, do we shut them down or do we just go mow the ditch and take it from the escrow and then when the escrow gets to a certain low point, then what happens? Do we shut them down if they don't backfill it?"

**Mr. Parnacott** said, "Certainly, if we had the escrow in place, that would be the solution is we would do the work and draw down the escrow. However, without having the escrow in place, we don't have the option of doing that. We'd have to be spending taxpayers' dollars from the general community on this stretch, and I don't think that's quite appropriate."

**Commissioner Unruh** said, "Okay, but should the escrow then get drawn down and not refilled, then do we have responsibility and authority to shut the trail down? I mean, what are the penalties for non-compliance?"

**Mr. Parnacott** said, "I think an appropriate response would be to prevent them from operating or opening the trail until the escrow gets replaced, sure, because that is necessary."

**Chairman Winters** said, "Could I interject here?"

**Commissioner Unruh** said, "Yes."

**Chairman Winters** said, "But Bob, in your recommendation of \$26,000, what portion of that relates to fencing issues?"

**Mr. Parnacott** said, "Actually about \$17,000. If they had . . . and again, the respons . . ."

**Chairman Winters** said, "But the question would be, if the fencing issue was resolved, this escrow could be a different number. And so . . ."

**Mr. Parnacott** said, "I think the fencing escrow or the total escrow account would drop down to about \$7,500, 8,000 somewhere around in there if they got all the existing fencing needs corrected, which they are under responsibility to do that."

**Chairman Winters** said, "And so, as we're sitting here and our responsibility is to negotiate with them the escrow amount, it would appear that we're pretty firm on 26,000. Our negotiated position is that if the fencing issues are resolved, then we would have something else to talk about, but until that's resolved, I don't know what other position I'm hearing the commissioners take."

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**Commissioner Unruh** said, “Okay, well should that negotiated . . . a negotiation not come to agreement on the 26,000, then this trail by our authority cannot be opened, and does it have a two-year lifespan to get it going, like it was suggested earlier?”

**Mr. Parnacott** said, “Well, the statute provides they are to complete development of the trail within two years of a specified date and that date fell a little prior to them receiving the deed, so we’re looking at fast approaching the two-year term termination date . . . or termination of development for the first four-mile stretch and then they’ve got a little extra time for the other. But the statute doesn’t really specify a penalty for not getting it done in two years, so I’m not sure how enforceable that is. But certainly, if they . . . if we’re unable to get the escrow account in place that needs to be there, I think the appropriate choice is to enjoin them from operating and opening the trail to the public until that gets fixed, because that’s a necessary part of it.”

**Commissioner Unruh** said, “That answers my question. Thank you, that’s all I had.”

**Chairman Winters** said, “Thank you. Commissioner Norton.”

**Commissioner Norton** said, “How many of the 120 members live on the trail or are in Garden Plain or Goddard?”

**Mr. Parnacott** said, “I can’t answer that.”

**Chairman Winters** said, “Cecile, do you have any idea, even a guess-timate?”

**Ms. Kellenbarger** said, “I don’t know that . . .”

**Chairman Winters** said, “Would you please come up to the podium.”

**Ms. Kellenbarger** said, “Prairie Travelers does more than just this one trail, so these aren’t all people in the Goddard area, because a lot of people are in Wichita. I do have some Goddard people, probably eight, but then I don’t know, some of them are not really an address. It might be west Wichita.”

**Commissioner Norton** said, “Okay.”

**Chairman Winters** said, “Thank you.”

**Ms. Kellenbarger** said, “But 26,000, today is the first day we heard that.”

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**Chairman Winters** said, "Okay, we've heard you say that."

**Ms. Kellenbarger** said, "Okay."

**Commissioner Norton** said, "I guess I have a little concern, I mean these are just concerns. One of them is about the bridges. I don't know how you can open the whole thing when you've got railroad bridges still open. I mean, that's an accident waiting to happen."

**Mr. Parnacott** said, "They are planning to fix that before the trail opens."

**Commissioner Norton** said, "Okay, I understand that, but I have a vision of the movie 'Stand By Me' when the two boys are running on the thing trying to not fall through."

The other thing is a business plan for all eight miles. Is there such a thing? I mean, is there a succinct business plan that explains exactly what's going to happen on all eight miles? I mean, I see this as almost an operating business with a board and I think we'd be remiss with not having a business plan that describes where the money comes from and how all the infrastructure is built and whose going to maintain the equipment and how this business functions on those eight miles, not only today but the next ten years or whatever.

I have a concern with volunteers. I love volunteers. I do a lot of it myself, but I've got to tell you, I've built Habitat For Humanity houses and it scares me that they'll fall in because of what I did on them. You know, volunteers have great hearts and great intents, but it doesn't always put together the finest product. I want to be sure that they meet fence standards and who is going to inspect them to make sure they're safe and aren't going to blow over in a wind. I have an issue with us saying, 'Well, we're not going to put a fence up until this gets going'. I'd hate to think that somebody said, 'Okay, I'm going to put up a concrete fence on three sides and now you've got to build a concrete fence, because that's what's going to match and where does the money come from to build that. Maybe that's a worst-case scenario, but I could see that happening and there needs to be funds available to build that, if that's the standard. And as I understand, the standard is set by the homeowner, not by Prairie Travelers. Is that correct, Bob?"

**Mr. Parnacott** said, "The fencing, they have a duty to maintain and repair the fencing that's in place, whatever the type of fencing that's there right now. In those situations where there's a 50/50 shared cost, the homeowner does get to request what kind of fencing they want, but again they have the share, the 50/50 cost of that, so they're buying into that then."

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**Commissioner Norton** said, "Okay. I'd be interested in who owns the equipment for mowing and is it going to always be available? Right now, a volunteer with Prairie Travelers owns the equipment, but what if they get at odds with Prairie Travelers, say 'I'm done, I'm not using my equipment anymore'. Who has the bush-hog that's going to take care of that? I mean, we had a pretty wet season, weeds grew pretty exponential this year and you have to have big equipment to knock it down. And it scares me that they don't have an encumbered piece of equipment for that business model, that business plan that says it's always going to be available. A volunteer's piece of equipment doesn't work. I mean, it has to be dedicated.

And then finally, the board of direct . . . I mean, do they have a board of directors? Is there somebody that's going to be responsible for whatever happens here? And then finally fundraising, I've got to tell you, most projects like this, 'No bucks, no Buck Rogers'. It's a line from 'The Right Stuff'. I mean, if you don't have money, you're not going to get these projects done. It doesn't matter the heart or the volunteerism. You've got to have money to make these big projects worthwhile.

I guess the final thing I had was when I heard, 'The people of Goddard are going to love this, because we're going to build them a park'. Well, I think the people of Goddard have already spoken and they don't want to get encumbered in this too much. I think you need to engage them. I know living in Haysville, I'd have a hard time if somebody that predominately lives other places comes in and tells me, 'We're going to fix the Cowskin Creek for you, because we think it's the right thing'. I think folks in Haysville need to determine that in their own city. So I mean, that's a pretty parochial attitude but I think that's very important in this instance.

I think we should stick with the \$26,000. I think there are a lot of question marks here of how some of this infrastructure is going to get built, and volunteerism is great, but I don't think it's going to get all of this done without leaving us with a lot of questions a year down the road. That's all, Mr. Chair."

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

**Commissioner Sciortino** said, "Thank you. I agree that we need to have an equitable amount in the escrow to cover all the unknowns. Now if I understood it right though, even if we took out the \$17,500 for the fences, we're still a heck of a way from where they said they want \$1,750 and it would be \$8,500. Is that correct?"

**Mr. Parnacott** said, "Thereabouts, yes. Yeah, we're still far apart."

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**Commissioner Sciortino** said, “We’re still far apart. Maybe I’ll ask the young lady that made the first presentation.”

**Chairman Winters** said, “Cecile? Yes, please come back.”

**Commissioner Sciortino** said, “This idea about the fences, if . . . We would be willing to drop that down, as you negotiate with these people, I can see where we could wack \$17,500 off of the escrow, as you show us that these concerns about the fences have been addressed. Would that be something that would be acceptable to you?”

**Ms. Kellenbarger** said, “That’s a good start. I think what you don’t . . . what I see that I don’t believe you’re reading into our proposal is that when money is taken out of the escrow, it’s refilled. And it says we have a 90 day time to refill that escrow. We’re not saying it sits there and dies. We don’t refill it. I think if you read our direction, it says that we would do that.”

**Commissioner Sciortino** said, “Would refill the escrow if it was taken from.”

**Ms. Kellenbarger** said, “If you had taken something down on our escrow, then we have a certain timeframe that we’re supposed to refill it. It doesn’t just stay there.”

**Commissioner Sciortino** said, “No, I understand. But I’m saying that if we start off with \$26,000 and that’s going to have to be what it is and you draw it down, it has to go back up, etcetera. But if you could come to us at a later date and show us that you have taken care of all the fences, I think this board would give serious consideration to lowering the escrow minimums to \$8,500, if that would be acceptable to you.”

**Ms. Kellenbarger** said, “Well, the problem is then I don’t have that \$10,000 to build the fences with right now. You’ve taken my money that I’m going to build the fences with and I have to have that money up front to buy equipment and that kind of thing to build the fences with. I don’t want to get in an argument about that, but that’s my reasoning for not wanting to put up so much escrow, is because then I’ve got \$26,000 sitting there and it’s taken us a year to get back here. If it takes me another year, I’ve got \$26,000 sitting there that I can’t access.”

**Chairman Winters** said, “But I think what Commissioner Sciortino is saying though, that if you had some kind of documentation from all of the landowners or the majority of the landowners that their fencing problems were solved, then we would not require a \$26,000 escrow amount.”

**Ms. Kellenbarger** said, “Okay, I understand that.”

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**Chairman Winters** said, “We would ask for something else and I think that we get to the other parts of it and some of them become pretty minimal, but that is the one that I think that we’re really stumped on right now. So I guess the only suggestion I have, Commissioners, is from what I hear is to say that right now we, at this meeting, confirm the \$26,000 but ask Mr. Parnacott to keep negotiating with Prairie Travelers and keep encouraging them to negotiate with the landowners to figure out what the actual fencing cost is, and if we get some kind of indication later, then we change it. But I don’t know how we can take anything but staff recommendation today. But I think I would like to instruct Mr. Parnacott and others with the county to keep negotiating on the issue.”

**Commissioner Unruh** said, “Well, we can establish this benchmark today.”

**Chairman Winters** said, “Yes.”

**Ms. Kellenbarger** said, “I just want to say one other thing on your asking about the bridges. We already have the plan, if you read in our plan, that the bridges will have the standard requirement for the railings and they are being built now. And the bridges, if you look at our plan, is a very good plan. It meets requirement, weight requirement restrictions, and is actually better than just planking. The concrete will work a lot better, long-term.”

**Chairman Winters** said, “All right, thank you very much. Commissioner McGinn.”

**Commissioner McGinn** said, “Thank you. Well first off, I want to go back and reiterate I think what you tried to share at the beginning. Rails to Trails is a federal legislation that happened in the 1980s and there’s nothing we can do about it. It has been tested and tried in the courts. So whether we want to allow it to happen or not is not in our hands today. The only thing in our hands today has to do with some of these requirements about liability and escrow insurance and basically just being a good neighbor.

You know, I’ve listened to Cecile for some time on her plan and ideas and I think that they have . . . they mean well and they want to provide a nice venue to our county and I wish them well. But at the same time, they’ve taken on a big task. You know, if you went and put something like this down through the City of Wichita, there’s going to be requirements along the way. There’s going to be concerns about liability, because you’re going by other people’s businesses and homes.

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Well, this same thing is happening out in the country. You know, they're just on larger lots, but there's businesses along there, whether it's cattle, livestock, grain. There's people's homes and so to me, it is a big responsibility and it is a big task. We need to make sure, you need to make sure you have a business plan in place. You know, the financial statements share that you can take on this task.

So, when I look at our staff's recommendation, and by the way they've worked on this a long time and have tried to negotiate, I think that they've come up with the things that we're responsible, as a county, to make sure are in place. And so I am willing to move forward today. I think staff's recommendations are very appropriate. If you don't have the kind of money to make it happen, then maybe you shouldn't be in the business.

And I think about that is any business you get in, you've got to have that monetary capital to get started, or the ability to borrow, to do what you want to do, whether you're opening a restaurant, a store, anything, you have to have those things in place and I don't think that this is any different.

And so, with that Mr. Chairman, unless Commissioner Sciortino wanted to make the motion, I am supporting staff's recommendation, and for Bob Parnacott to continue to work with the Prairie Travelers on some of these other little things that maybe need tweaked.

I do have two questions though that I forgot to ask at the very beginning, and that has to do with . . . one had to do with the parking. If I understand, parking is mostly there in the Garden Plain area."

**Mr. Parnacott** said, "And some in Goddard."

**Commissioner McGinn** said, "Okay, and then the restrooms are in both cities? Is that how they've . . . restrooms are in both cities or just one location? One location."

**Chairman Winters** said, "Again, this is something that we really . . . I mean, we can make recommendations, but we don't have any control over."

**Commissioner McGinn** said, "Right, but that was in this list of our backup materials."

**Ms. Kellenbarger** said, "Excuse me, Carolyn. The restrooms that are open right now, as public restrooms, is the park in Garden Plain has public restrooms open during the summer and spring and fall timeframe and they are public restrooms. I don't know that there's a public restroom in Goddard, other than you could go down the street to a public business, like a restaurant. But our plan is to put something in there, but it's not there."

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**Commissioner McGinn** said, "Okay, all right. Well my only point, for the record, is this is eight-mile trail and I know businesses don't like you just using the restroom. You need to buy something while you're there. And so just something that needs to be thought about, as we continue to move forward and so, anyway with that, I am going to support staff's recommendations today."

**Chairman Winters** said, "Okay. Are you prepared to make a Motion?"

**Commissioner McGinn** said, "Unless Commissioner Sciortino was going to."

**Commissioner Sciortino** said, "Go ahead."

**MOTION**

Commissioner McGinn moved to receive and file the project from Prairie Travelers and accept staff recommendations for a minimum escrow amount of \$26,000, and a quarterly reporting schedule.

Commissioner Sciortino seconded the Motion.

**Chairman Winters** said, "We have a Motion and a second. Commissioner McGinn."

**Commissioner McGinn** said, "Question of clarification for Bob Parnacott. On the liability insurance, we have discussed that, but it's my understanding that that liability insurance will include the bodily and property injuries."

**Mr. Parnacott** said, "Yes, we will make sure that the right coverage is there."

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

**Chairman Winters** said, "All right. Commissioners, are there any other comments? Seeing none, Madam Clerk call the vote."

**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                      Aye

**Chairman Winters** said, “Thank you, Bob and thank you all who were here for this item on our agenda today. Madam Clerk, call the next item.”

**E. RESOLUTION DETERMINING THE SUFFICIENCY OF PETITION FOR SUBMITTING A QUESTION TO THE VOTERS OF EAGLE TOWNSHIP WHETHER THE COUNTY SHOULD TAKE OVER MAINTENANCE OF TOWNSHIP ROADS.**

**Mr. Parnacott** said, “Under K.S.A. 68-560, there’s a provision in the road statutes that allow citizens of a township, if they are unhappy with road maintenance, to . . .”

**Chairman Winters** said, “Bob, I think we’re going to take just a short, five-minute recess.”

**Mr. Parnacott** said, “Okay.”

**The County Commission went into recess at 10:50 a.m. and returned from recess at 11:01 a.m.**

**Chairman Winters** said, “All right, I’ll call back to order the Regular Meeting of September 8<sup>th</sup>. Madam Clerk, recall Item E again and we’ll start over.”

**E. RESOLUTION DETERMINING THE SUFFICIENCY OF PETITION FOR SUBMITTING A QUESTION TO THE VOTERS OF EAGLE TOWNSHIP WHETHER THE COUNTY SHOULD TAKE OVER MAINTENANCE OF TOWNSHIP ROADS.**

**Mr. Parnacott** said, “Under the road statutes, K.S.A. 68-560, upon submission of a petition signed by at least 10% of the qualified electors of a township that’s provided to you, you’re required to submit a question to the voters of Eagle Township, in this case Eagle Township, as to whether the county should take over the maintenance of the township roads.

That petition was submitted on August 31<sup>st</sup>, 2004. It’s required to be submitted 60 days prior to the general election, so it met that date. It does have sufficient signatures and the petition forms meets the statutory requirements.

So we’re recommending that you approve the resolution and sign the resolution calling for the

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question to be put on the ballot.”

**Chairman Winters** said, “All right, thank you Bob. A couple of questions. One, since our election commissioner believes that this is a valid petition, we really don’t, as Commissioners, have any choice except to put it on the ballot. Is that correct?”

**Mr. Parnacott** said, “That’s correct.”

**Chairman Winters** said, “So we’re just moving forward, based on the petition. It’s my understanding that the original petitioners were just wanting to do a portion of Eagle Township, but it’s our understanding that it’s either the entire township or nothing. Is that correct?”

**Mr. Parnacott** said, “Right. They had asked to have the roads south of the Arkansas River taken over, but the way we read the statute . . . and we just can’t do it the way the statute works to take over part of the roads.”

**Chairman Winters** said, “Okay, and will there be any special notice given to the residents of Eagle Township, or how will they be aware that it’s going to be on the ballot?”

**Mr. Parnacott** said, “No other special notice, besides what would typically be with an election, and I’m not very familiar with that, so I can’t really answer that question.”

**Chairman Winters** said, “So I guess the best way would be to get a news story in the Mt. Hope Clarion or some paper that covers that area.”

**Mr. Parnacott** said, “That certainly would be an appropriate method.”

**Chairman Winters** said, “Okay, thank you. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you. If the vote is successful and they vote to have us take over the maintenance of those roads, is that through a special assessment? Because right now they’re being taxed by the township for maintenance of roads, is that something that we just start . . . they still have to pay the same amount of taxes to Eagle Township and we just do it as part of doing it or how does that work?”

**Mr. Parnacott** said, “The statute contemplates a procedure where their road equipment is turned over to the county to be held by the county. It’s still owned by the township and the county can only use that equipment to maintain Eagle Township roads. They can’t use it anywhere else in the county. All the monies that are currently in the road funds, any special funds or regular funds for roads maintenance in Eagle Township are turned over to the county. Those funds are placed in a

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special county fund that can only be spent on Eagle Township roads and then the township continues to certify and determine how much taxes are needed to be levied for road maintenance every year and those funds again come to the county to be placed in that special fund, and then the county is not obligated to spend any more money on Eagle Township maintenance than what is put in those funds and it's available for them to use that equipment."

**Commissioner Sciortino** said, "So is that just because Eagle Township doesn't have the people to runs the machines?"

**Mr. Parnacott** said, "I don't know what the specific complaint is, other than they don't feel that they're being appropriately maintained south of the Arkansas River."

**Commissioner Sciortino** said, "Okay, but we can only use the equipment that they have and we can only do whatever work is required up to the amount of money that's in the fund to do the work."

**Mr. Parnacott** said, "That's how the statute reads."

**Commissioner Sciortino** said, "Okay. What I'm hoping for, and this isn't a township in my district but I just anticipate something like this happening to one, is that the people aren't going to vote for it with the misguided concept that the county is going to take over it and boy the roads are going to be graded every week and ditches are going to be cleaned, etcetera, etcetera and so forth. Because then they're going to be calling us, or bugging our Public Works people to do things that we're not going to be able to do. I don't know how to get that message out. Maybe again in that news article that you're talking about. Okay, thanks."

**Chairman Winters** said, "Commissioners, are there any other comments? If not, you've heard Bob's report. What's the will of the Board?"

### **MOTION**

Commissioner Unruh moved to adopt the Resolution.

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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, “Thank you, Bob. Next item.”

**F. RESOLUTION CREATING A ROAD IMPROVEMENT BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (ELK RIDGE ADDITION).**

**POWERPOINT PRESENTATION**

**Mr. Joe L. Norton**, Gilmore & Bell, P.C., Bond Counsel, greeted the Commissioners and said, “For your consideration today, the county has received a petition, signed by 100% of the owners of property, for a proposed road improvement district in the county. The area to be designated as this road improvement district is located near the intersection of 183<sup>rd</sup> Street West and Maple.

The petition requests that the improvement be made in four phases. On the screen before you is a map depicting phase one, which is outlined in red. That’s a general drainage improvement to be accessed against the property in red. And then phases two, three and four are the actual construction of the streets and associated drainage to fulfill the requirements of the proposed plat, and this is a suburban standard road that has been requested.

Public Works has put together the estimate of costs for each of the phases. The total project cost line: the 175,952, 293,812, 211,007 and 304,496 are the appropriate total costs for each of those phases. The principle cost per lots then are shown two lines below that. The method of assessment proposed is equally per lots, and when divided by those numbers of lots, that associates the

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principle cost per lot and if assessed over 15 years at 6% that would be the amount set forth at the bottom of each of those four columns.

Jim Weber of Public Works is here to address any questions you may have about the project and I'll try to answer any questions you have from a legal standpoint. Otherwise, I think staff recommendation is to adopt the resolution and create the improvement district."

**Chairman Winters** said, "All right, thank you very much. Are there any questions of Joe? This is not a formal hearing, but we would take comments from anybody in the audience who would be here wanting to speak to this? Is there anyone here intending today to speak to this item? All right, seeing no one, Commissioners, I think a pretty straightforward deal located north and east of Goddard, Kansas."

**MOTION**

Chairman Winters moved to adopt the Resolution.

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, "Thank you, Joe. Next item."

**DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING**

**G. AGREEMENT WITH JAYHAWK AREA AGENCY ON AGING FOR USE OF CUSTOM SOFTWARE BY CENTRAL PLAINS AREA AGENCY ON AGING.**

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**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, “Central Plains Area Agency on Aging is required by the Kansas Department on Aging to maintain and enter data into the Kansas Aging Management Information System. This is information that’s required for billing, for our Medicaid program, the Senior Care Act and under the Older American’s Act, parts of those programs.

What we bring before you today is an agreement, a license agreement with the Jayhawk Area Agency on Aging, one of the other 11 area agencies on aging in the State of Kansas. And they had worked with a software development company to develop a software program specifically for an area agency on aging to help them to maintain and gather information required that’s not just required for billing, but it’s also the mileage, the other data entry part, the plan of care, the uniform assessment instrument. So it’s gathering all the other data that currently, at this point, we’re tracking in many different ways, primarily manually.

So we have worked with them, for them to basically allow us to utilize this custom software program in our own Area Agency on Aging to help us and we believe that it will help us to better track the billable hours and to pull all that information together and make our systems more efficient and more effective and ultimately to improve the services we deliver to the clients in our community. So what we would recommend that you approve and authorize the Chair to sign this license agreement with the Jayhawk Area Agency on Aging.”

### **MOTION**

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

Commissioner Norton seconded the Motion.

**Chairman Winters** said, “We have a Motion and a second. Annette, just out of curiosity, where is the Jayhawk area located?”

**Ms. Graham** said, “That’s in Topeka, it’s a tri-county . . . a two-county.”

**Chairman Winters** said, “Are there any other questions or comments? If not, Madam Clerk call the vote.”

### **VOTE**

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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, Annette. Next item.”

**H. DIVISION OF HUMAN SERVICES – COMCARE.**

**1. AMENDMENT TO CONTRACT WITH JOB READINESS TRAINING, INC. TO PROVIDE PSYCHOSOCIAL SERVICES FOR YOUTH.**

**Mr. Tom Pletcher**, Clinical Director, Comprehensive Community Care (COMCARE), greeted the Commissioners and said, “For Marilyn Cook, who was called to a meeting in Topeka for this afternoon.

The first item before you is the second amendment to the contract with Job Readiness Training for the fiscal year 2004. The amendment increases the cap on the contract by \$95,000. We amended the contract close to the end of the state fiscal year, when we saw that JRT had increased the number of children served by 48% from the previous year, but we estimated low for the month of June. When we got the final billing, we find that we needed to adjust the final amount. We are recommending that you approve the amendment and authorize the Chairman to sign.”

**Chairman Winters** said, “All right, Commissioners, questions or comments? What’s the will of the Board?”

**MOTION**

Commissioner Norton moved to approve the Amendment to Contract and authorize the Chairman to sign.

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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
Chairman Thomas Winters	Aye

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

**2. CONTRACT WITH SUMNER MENTAL HEALTH CENTER TO PROVIDE MENTAL HEALTH SERVICES TO YOUTH WITH HEALTHWAVE INSURANCE.**

**Mr. Pletcher** said, "This is a renewal of the contract with Sumner Community Mental Health Center in Wellington for them to provide mental health services through the Healthwave contract. We have had this agreement since 1999. COMCARE operates as the local managed care organization for Butler and Sumner Counties.

We receive a capitated rate authorized for children and adolescents to be seen and distribute the money when we receive it. We would recommend that you approve the contract and authorize the Chairman to sign."

**Chairman Winters** said, "So Tom, and this is an extension of what we're already doing. Is that correct?"

**Mr. Pletcher** said, "Yes, this is a continuation of an earlier agreement."

**Chairman Winters** said, "All right, thank you. Commissioners, questions or comments?"

**MOTION**

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

Commissioner McGinn seconded the Motion.

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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

**Commissioner McGinn left the meeting room at 11:15 a.m.**

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

**3. ADJUSTMENTS TO THE COMCARE STAFFING TABLE.**

- **INCLUDE 1 SENIOR SOCIAL WORKER POSITION, B322; AND 1 CASE MANAGER POSITION, B216; INMATE ASSISTANCE.**
- **INCLUDE 4 SENIOR SOCIAL WORKER POSITIONS, B322; AND 10 CASE MANAGER POSITIONS, B216; CAMPUS CONNECTIONS.**

**Mr. Pletcher** said, "This next item involves two parts, the first one is the addition of a Masters level clinician and one case manager for the Adult Detention Facility. We are recommending that two positions be added to facilitate the transition of inmates with serious and persistent mental illness from the jail to the community corrections residential program.

We find that three out of every ten inmates being released to that program has a severe and persistent mental illness diagnosis and without such support, end up not being connected to necessary services and consequently staying longer than necessary at the residential facility.

Funding for these positions will come from revenues generated by COMCARE medical staff. I'd be happy to answer any questions about these two positions."

**Chairman Winters** said, "All right. Commissioners, I think we all have had a briefing on this earlier in the week, or last week. Is there any questions or comments of Tom at this time? We also have Debbie Donaldson in the audience, if anybody has questions? Seeing no questions, what's the will of the Board?"

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**MOTION**

Commissioner Unruh moved to approve the adjustments to the COMCARE Staffing Table.

Commissioner Norton seconded the Motion.

**Chairman Winters** said, "Well, maybe I messed up. Maybe we should have taken both of those at the same time."

**Commissioner Unruh** said, "Probably."

**Chairman Winters** said, "Would you withdraw that motion?"

**Commissioner Unruh** said, "I will withdraw that Motion."

**Chairman Winters** said, "Will you withdraw that second?"

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

**Chairman Winters** said, "Okay. Let's go ahead and hear the second part, Tom."

**Mr. Pletcher** said, "Sure, that's fine. Excuse me. The second portion of this involves adding four clinicians and ten case managers to the COMCARE staffing table for the Campus Connections program, which involves the delivery of mental health services within the school systems in Sedgwick County.

COMCARE and Family Consultation staff have mutually made recommendations to restructure the school-based mental health program, Campus Connections, in a manner that's more efficient and one that will allow more rapid expansion into additional schools. As a result of this new structure, COMCARE will use the money that was given in the past to subsidize Family Consultation's therapist to hire four Masters level staff who will do intakes in the schools, supervise case managers there and participate in child study team discussions and make necessary referrals.

This will allow the Family Consultation Services therapist to focus exclusively on providing therapy. Additional case managers will be needed, as service demands and caseloads increase and they will be hired only after a full caseload is identified. Case management services are reimbursed at a rate that would allow for the program to be self-funded through Medicaid revenues that are generated. I'd be happy to answer any questions that you might have on this program."

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**Chairman Winters** said, "All right, Commissioners, I think we've probably been briefed on this in more detail earlier. Are there questions or comments?"

### MOTION

Commissioner Unruh moved to approve the adjustments to the COMCARE Staffing Table.

Commissioner Norton seconded the Motion.

**Chairman Winters** said, "We have a Motion and a second. Commissioner Norton."

**Commissioner Norton** said, "One of the things I talked about as we were briefed on this is there continues to be . . . I hear sometimes grumblings out in the community when things have been outsourced or out in other providers and we take it back in-house. Why do we do that? And you know, I think we did a lot of processing on this. We worked with Family Consultation and it just looked like the best course of action was for us to provide a lot of this service through COMCARE.

We have the ability to do it. It will be cost efficient, but it does take some jobs that were kind of out in the private community and put them back in the fold of COMCARE and that's sometimes a little bit . . . raises some flags to those that are providers out there. So I want to be sure it's on the record that we looked at that and it made sense to do this and that we're doing it in the light of day and not kind of behind the scenes, that we have asked those questions as we went through the process. Thank you."

**Chairman Winters** said, "Okay. But I think we still will be utilizing Family Consultation Service in part of this, so I . . ."

**Commissioner Norton** said, "Absolutely, it's a partnership now, as it was before, but we're just taking more of the case management in-house, than letting them contract it out, as I understand. Is that correct?"

**Mr. Pletcher** said, "Yes, that's correct. They will be focusing on the therapy and we will be providing doing the intakes. That's the major division."

**Chairman Winters** said, "All right, thank you. I lost track. We have a Motion, don't we? We have a Motion and a Second. Is there other discussion? Seeing none, Madam Clerk call the vote."

### VOTE

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

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

### **I. DIO – HEALTH DEPARTMENT**

#### **1. PRESENTATION REGARDING THE HEALTHY BABIES PROGRAM.**

##### **POWERPOINT PRESENTATION**

**Mr. Ted Jobst**, Director, Integrated Family Health, Health Department, greeted the Commissioners and said, "A few months ago, Chairman Winters requested that the Healthy Babies program provide the commission with an overview of the program and an update on what we are doing with Healthy Babies and I'm here this morning to provide that update to you."

The Healthy Babies program is under the auspices of the Integrated Family Health Division of the Health Department and is comprised of approximately ten registered nurses, five community liaison staff and two Spanish interpreters. We believe that every baby in Sedgwick County deserves a healthy start and a healthy family and with that in mind, we have a mission to reduce the fetal and infant mortality rates in Sedgwick County.

The infant mortality rate in the United States is approximately seven deaths per 1,000 live births. It is slightly higher in Kansas, higher yet in Sedgwick County, and in the three zip codes served by our Healthy Start Initiative, which is our federally funded program in zip codes 08, 14 and 19 it is higher yet at about 15 infant deaths.

In contrast to this, there have been no infant deaths among the clients enrolled in the Healthy Start program over the past three and a half years. This chart also shows what I was also mentioning a few moments ago with those statistics."

**Commissioner Sciortino** said, "Could you go back to that chart, because I can't . . . what does that show you?"

**Mr. Jobst** said, "Well, what that shows is that if you look at enrolled clients, as I mentioned before, at the very bottom, the enrolled clients, there are no infant deaths. As you move on up, the deaths in

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blue there are the United States, the deaths are about, as I mentioned before, about seven per 1,000, in Kansas slightly higher, in Sedgwick County and the part illustrated in green, with Healthy Start, that's the challenge we face with Healthy Babies to deal with those statistics in trying to bring down infant mortality and also low birth weight. And so those two, in green and orange, are the work that we have here to do in Sedgwick County."

**Commissioner Sciortino** said, "Okay, so . . . go ahead, Bill."

**Mr. Buchanan** said, "Sorry. Ted, the Healthy Start . . . so that chart in 2002 indicates that there's 14 deaths per thousand?"

**Mr. Jobst** said, "Yes."

**Mr. Buchanan** said, "Of those people who are registered in our Healthy Start program."

**Mr. Jobst** said, "No, this is generally, this is a population."

**Mr. Buchanan** said, "So those are people that could be eligible for our Healthy Start program."

**Mr. Jobst** said, "Yes."

**Commissioner Norton** said, "And that's just in three zip codes?"

**Mr. Jobst** said, "The highest death rate of 15 is in those three zip codes, that's correct."

**Commissioner Sciortino** said, "What's the difference between Health Start and Sedgwick County?"

**Mr. Jobst** said, "Well, the difference is this. That the reason we have mentioned it that way and it's really you could say Healthy Start Initiative. The federally funded Healthy Start Initiative that I will mention more about in a few minutes, focuses on three zip codes that have the highest infant mortality rate in Sedgwick County, so that the rate in Sedgwick County is about ten deaths per thousand, whereas in this particular three zip code area it's higher yet, about 15, and so we have a project that focuses just on that . . ."

**Commissioner Sciortino** said, "I got that. Enrolled clients, do they come out of those same three zip codes?"

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**Mr. Jobst** said, “Yes, enrolled clients come out of those zip codes, and what we are really saying is the clients that we are able to impact show the fact that . . . you know, show the influence of that and that is there have been no infant deaths among those clients that we are serving.”

**Commissioner Sciortino** said, “All right. Now the enrolled clients though are part of the total Healthy Start babies in those zip codes also when you start factoring in 15 deaths per child. Those people that are enrolled . . . children that are enrolled in Healthy Start are part of that statistic also, are they not?”

**Mr. Jobst** said, “That’s right.”

**Commissioner Sciortino** said, “And how many clients . . . children are enrolled?”

**Mr. Jobst** said, “Well, I can give you . . . I was going to mention that at the end of the presentation, but currently, in January through June, we saw 759 clients, and provided 2,798 visits between January and June of this year to those clients.”

**Commissioner Sciortino** said, “Okay. And how many . . . what is the universe that we could be serving if they would enroll?”

**Mr. Jobst** said, “Well, if you’re looking at approximately 40 . . . If I’m answering the question correctly, 40 to 50 patients per nurse, and approximately that same number per community liaison, per staff member, it would be . . .”

**Commissioner Sciortino** said, “No.”

**Chairman Winters** said, “In those three zip codes, how many . . . what’s the population then, the potential?”

**Commissioner Sciortino** said, “What’s the total potential population in those three zip codes of infants? We have seven hundred and some-odd infants that we’re serving. How many total infants are in the three zip codes?”

**Mr. Jobst** said, “I don’t have that statistic. I don’t have that.”

**Commissioner Sciortino** said, “I’m trying to figure out how much of an impact are we making. Are we serving 50% or 1% or what is it? Is there a way to get that number?”

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**Commissioner Norton** said, "You could figure it by 15 per 1,000, so it's 15,000. You could get 15 per 1,000 so if you've got 15 . . ."

**Mr. Buchanan** said, "We'll have to go back to the census data."

**Commissioner Norton** said, "But if you knew the total though, it's 15 per 1,000."

**Commissioner Sciortino** said, "You don't have to do that right now, but if you could just give us . . . I'm trying to get my hands around how much of a real impact are we making with enrolled clients."

**Mr. Jobst** said, "Well let me step aside, Commissioner Sciortino and Susan Wilson, Director of that program, might be able to answer that more directly."

**Ms. Susan Wilson**, Director, Healthy Babies Program, greeted the Commissioners and said, "In 2002, we had 877 live births in our three targeted zip codes. In that same area, we had 14.82 as our infant mortality rate, which is double the national average. We saw about 200 clients from those targeted areas and the Healthy Start area. And for the clients that we saw, we had no infant mortalities."

**Commissioner Sciortino** said, "So we're serving about 25% of the population?"

**Ms. Wilson** said, "Right."

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

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

**Commissioner Unruh** said, "Well, just in the discussion, I just wanted to make a point, that what the chart illustrates and the numbers illustrate is the incredible effectiveness of the program. I mean, the Healthy Start Initiative, where we have impacted it, we have been extremely successful and productive. So I mean, we're pointing out the success of the program."

**Mr. Jobst** said, "Right, that's correct."

**Commissioner Sciortino** said, "What . . . this is very interesting to me, but my point is, what does it take to get enrolled? I mean, how do we . . . I mean, it seems to me . . ."

**Chairman Winters** said, "Let's listen to the whole rest of his presentation and then save that question."

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

**Chairman Winters** said, "Maybe he's going to tell us about that. Okay, good discussion, but Ted, proceed."

**Mr. Jobst** said, "Thank you. The priorities for the program are to decrease the incidents of premature birth. We are trying to do this not only for health reasons, but also for the cost to the medical system. The average cost of a hospital stay for a newborn is about \$1,300. It escalates dramatically when you look at the cost to treat a premature infant, which could be as much as \$75,000 and 25% of those premature babies will live with long-term health problems which also will have to be paid for, in one way or another, through our medical care system.

We are also trying to reduce, as I mentioned a moment ago, the number of low birth-weight births. This is a factor in 65% of infant deaths and low birth-weight babies are at a higher risk for serious long-term health problems.

We are trying to increase the percentage of women who receive early prenatal care. Women who see a health care provider early in their pregnancy and regularly during their pregnancy have healthier babies, they are less likely to deliver prematurely and are less likely to have other serious problems related to their pregnancy.

The priorities of our program also focus on increasing the percentage of moms who breastfeed. This is the healthiest food source for a child and breastfed babies are less likely to experience a number of complications such as: ear and respiratory infections, urinary tract infections, oral health problems, diabetes, intestinal disease, obesity, breast cancer, and deaths from Sudden Infant Death Syndrome.

The services provided by the Healthy Babies program include case management, which are services that are provided by registered nurses to women who are at high-risk for medical complications. Emphasis is placed especially on our teen and first-time moms. We also offer family support services, which are services provided by our five community liaison staff to women at low-risk for medical complications. The community liaison staff also assists the nurses of high-risk clients when needed.

Our home visitation occurs on a weekly, bi-weekly and monthly visitation schedule and is based on client need. Our goal is to try to serve our clients through the child's second birthday."

**Commissioner Sciortino** said, "Are we still going after just first-time pregnancies?"

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**Mr. Jobst** said, “No. We serve mothers who are pregnant a second and third and fourth time, depending on whether they meet the criteria for our services, but first-time, we are focusing on that as much as possible, because those are usually the moms least skilled and least familiar with the process of delivering a baby and taking care of a baby.”

**Commissioner Sciortino** said, “But also, more maybe energized to want to take . . . because this is a new experience for them and they may be more willing to embrace the program too. At least that’s what the old program emphasized.”

**Mr. Jobst** said, “That’s also possible, yes sir.

Services provided for the program for all clients include the education and appropriate screening and referrals on a number of different topics and areas, including: nutrition, preparation of the mother for labor and delivery, breastfeeding, basic baby care, parenting and childhood development skills. We focus on helping them deal with issues such as smoking and depression, domestic violence and substance abuse. We screen for lead poisoning. We work with them on issues of self-esteem and we’re working with them, in addition to that, through for instance our community liaison staff, towards finishing their education, obtaining employment and also budgeting their resources.

Since becoming a part of Sedgwick County, the Health Department has seen a much greater . . . we’ve made a much greater effort, but we’ve had much more success in collaborating with community resources. We have found that the work that we have done with community providers has increased dramatically and the referrals to and from a number of community partners has increased over the past two and half years. These include such programs as COMCARE- the Pregnancy Crisis Center, U.S.D. 259- the Center for Health and Wellness, Kansas Children’s Service League, Catholic Charities, Connecting Point, Rainbows, both hospitals- Wesley and Via Christi, March of Dimes, SRS and the State Kids for Kansas. We also do a lot of collaboration within the department with our WIC program, our behavioral health center program and the maternal and infant clinic.

Community collaboration, as I mentioned earlier, has increased since we’ve become a part of the Sedgwick County family and we actively participate in a number of organizations, including the Healthy Start Consortium, the Sedgwick County Early Childhood Coordinating Council, Wichita CARES, which is the Knight Foundation funded program, the United Way, the Male Focus Coalition, State of Kansas Prenatal Council and CityMatch.

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Our funding comes primarily from grants, 74% of our funding comes from grants through a federal source, which is the Healthy Start Initiative. That's the program that focuses on those three zip codes we were mentioning before, through the Kansas Department of Health and Environment, through our MCH block grants, through SRS, through the Knight Foundation and also grants with COMCARE that will end in 2005.

The balance of our funding comes from local sources and fee for service reimbursement from Medicaid and HealthWave. We charge no fees to our clients, and so there is no barrier for service there as a result of that.

The Healthy Start Initiative, which is our federally funded project, again that serves those three zip codes that has the high infant mortality rate, that initiative is in its second four-year grant cycle, which will end in June of '05. Our current grant application is due in December of this year and it will be a very competitive for the third four-year funding cycle. Of the 150 agencies expected to apply for funding, we have been informed that the human resources and services administration will only be funding approximately 70 of those programs.

Our funding request will be capped at our current annual amount of \$550,000, which currently provides for eight full-time positions, plus contractuels and commodities.

The future of Healthy Babies, which is in the near future and within the next year, we're currently going through a HRSA federal performance review, which is a quality assurance process that helps us focus on the most affective goals to accomplish the priorities and services that we are offering. We are going . . . we are part of a PPOR project, which is Prenatal Periods of Risk, it's a statewide project and the Sedgwick County Health Department is one of the lead agencies in that initiative. We're identifying both geographically and in terms of resources, what we can do to impact infant mortality and low birth weight.

We're involved in active marketing, ongoing to increase community awareness of our program and we are, as I mentioned a moment ago, collaborating increasingly with community partners to assure quality and unduplicated care.

As I mentioned a moment ago, in response to Chairman Sciortino's [sic] question, we've accomplished 759 . . . or we've served 759 clients in the past year and over 2,700 client visits in January . . . from January through June of this year in '04. If there are any questions, I'd be glad to address those at this time."

**Chairman Winters** said, "All right, Ted could you introduce the other folks with you who are here who are from the Healthy Babies?"

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**Mr. Jobst** said, "Okay. Well, Susan Wilson."

**Chairman Winters** said, "And tell us what they do."

**Mr. Jobst** said, "Susan Wilson is the program manager of Healthy Babies and so she oversees all the nurses and the community liaison staff of the Healthy Babies program."

**Commissioner Sciortino** said, "Is there anyone else here from that?"

**Mr. Jobst** said, "Also here is Adrienne Byrne-Lutz, who is the director of our behavioral health center and that . . . there are a couple of other items on your agenda this morning that address the behavioral health center, and so Adrienne is here also."

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

**Commissioner Sciortino** said, "Well, let me see if I remembered the question. We're serving about 25% of the population that we could be serving, if I understood that right. In those three zip codes there are about 800 babies or clients that meet our criteria and presently we're serving about 25% of them. What are we doing to increase that percentage? How do we get the message out? I mean, to me . . . I do firmly agree, if we can get 100% of the first-time pregnancies, those ladies are more energized, this is a new experience and maybe they're going to want to get with the program and after the first pregnancy, they've been there, done that and maybe they don't get as energized, but how do we get that percentage number up high? Because I think you've impressed this board over zero mortality rate. How do we get the percentage up higher?"

**Mr. Jobst** said, "Well, our outreach continues to be affective, in terms of bringing in the clients to the program. I mean, it's a variety of ways in which a client can enter the program. They hear about the program often through word of mouth, through other agencies in town that refer them to us. We try to put out the word about our program through the kinds of fairs and community events that are occurring in the community, where we have a presence there and are trying to bring more knowledge to the community that way, as far as what we provide.

So our outreach continues to be a primary concern to us. We realize that we could be doing more and we've talked about this just even recently, when we went to the qualify assurance process with the HRSA team last week, looking at other things we can do, outreach through churches, outreach through smaller community groups that we haven't been able to reach or impact yet. So this process is an ongoing one for us.

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It also though . . . we have a resource limit. I mean, we're looking at reaching a place where if we want to continue to do a larger amount or a higher number of services, we'd have to increase staff to do that."

**Commissioner Sciortino** said, "Okay. Let me throw just a real crazy idea out to you. But I know that when we apply for federal monies, there's always strings attached to it. You have to do certain things. Would it be heresy to say 'Okay, before you can qualify for this social program or this social program, you have to enroll in Healthy Start?'"

**Mr. Jobst** said, "Well, I mean . . ."

**Commissioner Sciortino** said, "It's almost punitive in nature, but if we're talking about saving lives, is that something we've even thought about?"

**Mr. Jobst** said, "Well, there are certain requirements like that in some of the programs we have now, for instance. Like WIC, there are certain requirements in order to participate in WIC you have to have that child immunized and up to date with immunizations. And so there are various kinds of initial hurdles . . . Hurdles is the wrong word. Initial things that need to be accomplished for them to receive services."

**Chairman Winters** said, "Can I interject a question? Ted, you're growing this program is not because you can't get references or you can't get clients. Your process in not enlarging this 20% to 50% is you don't have the staff to do that."

**Mr. Jobst** said, "That's pretty much it. It's not that your comment, Chairman Sciortino [sic] is not appropriate, because we are trying to do more outreach and we know that there's greater ways, there's more effective ways that we can use to reach the community and we're doing that as we go along. But it is a capacity issue also, if we had the staff, we would be working with . . ."

**Commissioner Sciortino** said, "So are we at maximum capacity, based on the staff that we have now?"

**Mr. Jobst** said, "Yes, we are close to that."

**Commissioner Sciortino** said, "Well, then that's the answer as to why we're not growing it."

**Chairman Winters** said, "But you know, but the thing that makes me think about, are there other community partners that we ought to have involved in this deal and the two that come to mind are the Kansas Health Foundation and our major hospitals. I mean, if we get someone, a baby that has some kind of premature birth weight and somebody is paying that bill in the thousands of dollars for

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that intensive care, would they maybe consider sharing in part of expense for part of a couple of people and it looks like even the Kansas Health Foundation. I mean, these statistics of going from 14, almost 15 to zero because of the work that these Healthy Baby folks are doing, that's pretty significant and I think that's something again that we need to have continued discussion about and maybe instead of just again us coming forward with all the funds, maybe there are some community partners that would like to hear this kind of presentation and talk to the people, actually the front line people that are working with the Healthy Start Initiative."

**Commissioner Sciortino** said, "I agree, because I've never seen . . . this is one of the shining examples of a real effective program and I encourage you to really think out of the box. I mean, if it's a fact that we need more money so that we can hire more people, encourage you to start thinking like what the Chairman has indicated. Let's get some partners to put their money where their mouths are. If they really believe that this is a real savings, then take some of the potential savings and give it to us up front, where we can save them the money in the back door. This is a terrific . . . 14 deaths to zero deaths, I'm very impressed by it. Thank you."

**Chairman Winters** said, "All right, commissioners are there other questions or comments for Ted or any of the others? Ted, good presentation. Thank you all for being here. Is there a motion to receive and file?"

### MOTION

Commissioner Sciortino moved to receive and file.

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	Absent
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

### 2. AGREEMENT WITH FRIENDS UNIVERSITY FOR HEALTH DEPARTMENT TO PROVIDE CLINICAL EXPERIENCE AND EDUCATION TO STUDENTS OF THE FRIENDS FAMILY THERAPY PROGRAM.

**Mr. Jobst** said, "Commissioners, this is an agreement with Friends to allow us to work with them to provide a practicum experience for one of the staff members with behavioral health. There's no liability to the county here. Friends University ascertains that the student will maintain professional liability coverage and all this does is allow that we have that type of agreement to be able to allow this to proceed with the Friends University Family Therapy program."

#### MOTION

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

Commissioner Norton seconded the Motion.

**Chairman Winters** said, "Thanks. Mr. Euson, I do notice that on the backup I have, it has not been checked off on by the Legal, but I assume Legal . . . the contract on my page 76? I assume that your staff has reviewed this. Somebody has checked off on that front page?"

**Mr. Euson** said, "Bob Parnacott checked off on the agenda page and I will have to find out, because I don't know the answer."

**Chairman Winters** said, "All right. We'll go ahead and pass this agreement and we'll listen for your response to that. We have a Motion and a Second to approve this agreement with Friends University. Bob, do you remember if you reviewed that contract with Friends University?"

**Commissioner Sciortino** said, "You didn't sign it."

**Mr. Parnacott** said, "Yes, sir I do and I don't know how that signature didn't get on there, but I did work with them on this contract and it's our standard type of practicum arrangement."

**Chairman Winters** said, "Okay, very good, thank you. Any other questions or comments? Seeing none, Madam Clerk call the vote."

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**VOTE**

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

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

- 3. AGREEMENT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) FOR HEALTH DEPARTMENT TO SERVE AS REGIONAL COORDINATOR IN SOUTH CENTRAL KANSAS FOR THE KANSAS BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.**

**Ms. Pamela Martin**, Director, Clinical Services, Health Department, greeted the Commissioners and said, "The Sedgwick County Health Department has served as the regional coordinator for the Kansas Breast and Cervical Initiative Early Detection Works program since 1998. This program provides services to 19 counties in south central Kansas.

The program provides breast and cervical cancer screenings, as well as limited diagnostic follow-up testing to income eligible women in Kansas. The program is designed to reduce breast and cervical cancer morbidity and mortality through early detection. Our recommended action is to approve this contract and authorize the Chairman to sign the contract and any related documents."

**Chairman Winters** said, "Commissioners, questions or comments of Pam? If not, what's the will of the Board?"

**MOTION**

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

Commissioner Unruh seconded the Motion.

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

**VOTE**

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

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

**4. AGREEMENT WITH KANSAS UNIVERSITY SCHOOL OF MEDICINE- WICHITA TO CONTINUE PROVIDING A PEDIATRICIAN TO DIRECT THE COMPREHENSIVE PRIMARY CARE CLINIC AT THE TEEN HEALTH CENTER.**

**Ms. Martin** said, "This partnership with the Kansas University School of Medicine- Wichita began in 1989 with the establishment of the Teen Health Center. Kansas University School of Medicine- Wichita provides a qualified pediatrician to direct comprehensive primary care services. Sedgwick County Health Department serves as a clinical rotation site for residences in the adolescent medicine and community medicine program, both of which are under the supervision of pediatric faculty. Our recommended action is to approve this agreement and authorize the Chairman to sign."

**Chairman Winters** said, "Commissioners, you've heard this report. Questions, comments? Commissioner Norton."

**Commissioner Norton** said, "Am I correct to say that we decided to close the Teen Health Center next year?"

**Ms. Martin** said, "It is currently closed, but we are still offering the adolescent health services at the main health department and also at our Evergreen location."

**Commissioner Norton** said, "Okay, and this agreement, regardless of whether it's closed or not, this program will still go on."

**Ms. Martin** said, "Right."

**Commissioner Norton** said, "Okay. That's all I had."

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**Chairman Winters** said, “Good. Do I have a Motion.”

**MOTION**

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

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	Absent
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Next item.”

**5. AGREEMENT WITH KDHE FOR HEALTH DEPARTMENT TO CONDUCT A BLOOD LEAD TESTING PROGRAM IN SEDGWICK COUNTY.**

**Ms. Martin** said, “This is an agreement between the Sedgwick County Health Department, collaborating with Kansas Department of Health and Environment to facilitate blood lead screening and case management on children from six months of age in Sedgwick County. This program is designed to prevent the spread of childhood diseases related to blood lead poisoning. Our recommended action is to approve this contract and authorize the chairman to sign the contract and any related documents.”

**Chairman Winters** said, “Commissioners, questions or comments?”

**MOTION**

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

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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	Absent
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you very much, Pam. Next item.”

**6. PROPOSAL FOR USE OF SPECIAL LIQUOR TAX PROGRAM FUNDS.**

**Mr. Jobst** said, “This is a renewal grant application for the Behavior Health Center for funds of \$117,616 to provide salaries for 2.25 staff and also for testing, U.A. testing , U.A. testing for clients served by the center. The City of Wichita provides liquor tax funds that are allocated to agencies who provide substance abuse and prevention services and this is a request, a renewal grant application for funding from that source. I’ll be glad to answer any questions if you have them.”

**Chairman Winters** said, “All right, Ted. Are there questions or comments?”

**MOTION**

Commissioner Unruh moved to approve the Proposal, and authorize the Chairman to sign any related documents.

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	Absent
Commissioner Ben Sciortino	Aye

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Chairman Thomas Winters                      Aye

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

**J. PUBLIC WORKS.**

**1. RESOLUTION RECLASSIFYING CERTAIN ROADS FROM THE ATTICA, ILLINOIS, KECHI, AND PARK TOWNSHIP ROAD SYSTEMS TO THE SEDGWICK COUNTY HIGHWAY SYSTEM, SPECIFICALLY:**

- **61<sup>ST</sup> STREET NORTH FROM TYLER ROAD TO RIDGE ROAD (604-21)**
- **69<sup>TH</sup> STREET NORTH FROM SENECA TO BROADWAY (602-26)**
- **45<sup>TH</sup> STREET NORTH FROM MAIZE ROAD TO TYLER ROAD (608-20)**
- **23<sup>RD</sup> STREET SOUTH FROM 119<sup>TH</sup> STREET WEST TO 183<sup>RD</sup> STREET WEST (624-15, 16, 17, 18)**
- **151<sup>ST</sup> STREET WEST FROM 21<sup>ST</sup> STREET NORTH TO 29<sup>TH</sup> STREET NORTH (801-M)**

**Mr. Spears** said, "Item J-1 is a resolution that reclassifies roads from the township system to the county road system. Those roads are; from Park Township, 61<sup>st</sup> Street North from Tyler Road to Ridge Road and 45<sup>th</sup> Street North from Maize Road to Tyler Road, from Kechi Township, 69<sup>th</sup> Street North from Seneca to Broadway, from Illinois Township, 23<sup>rd</sup> Street South from 119<sup>th</sup> Street West to 167<sup>th</sup> Street West, from Attica Township, 151<sup>st</sup> Street West, from 21<sup>st</sup> Street North to 29<sup>th</sup> Street North and 23<sup>rd</sup> Street South from 167<sup>th</sup> Street West to 183<sup>rd</sup> Street West. The reason for the change is that we have, or soon will have, a cold mix on these roads and we are better equipped to maintain that than the townships and I'd recommend that you adopt the resolution."

**Chairman Winters** said, "Thank you. Commissioners, discussion? Comments? Is there a Motion?"

**MOTION**

Commissioner Sciortino moved to adopt the Resolution.

Commissioner Norton seconded the Motion.

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

**VOTE**

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

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

**2. AGREEMENT WITH BAUGHMAN COMPANY P.A. FOR DESIGN OF STREET IMPROVEMENTS IN REDMOND ESTATES ADDITION – PHASE 1. DISTRICT #3.**

**Mr. Jim Weber**, P.E., Deputy Director, greeted the Commissioners and said, "In Item J-2, we are requesting your approval of an agreement with Baughman and Company for engineering design services and construction staking on phase one of the Redmond Estates Addition street project. The cost of this work will not exceed \$17,690. All costs of the project are to be paid by the benefited property owners through special assessments. We request your approval of the recommended action."

**Chairman Winters** said, "All right. Commissioners, questions or comments of Jim? Seeing none, what's the will of the Board?"

**MOTION**

Chairman Winters moved to approve the Agreement and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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Chairman Thomas Winters                      Aye

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

**K.      REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF SEPTEMBER 2, 2004.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The referenced meeting results in one item for consideration.

**1)      RE-ROOF NOXIOUS WEEDS BUILDING- FACILITY PROJECT SERVICES  
         FUNDING: CAPITAL IMPROVEMENT PROJECT**

The item is the re-roof of the noxious weeds building for Facility Project Services and the recommendation is the low bid from Vincent Roofing in the amount of \$29,383.

Be happy to answer questions and recommend approval."

**Chairman Winters** said, "All right, Commissioners, questions or comments about the bid board?"

**MOTION**

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

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	Absent
Commissioner Ben Sciortino	Aye

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Chairman Thomas Winters                      Aye

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

**CONSENT AGENDA**

**L.      CONSENT AGENDA.**

- 1.      Two Easements for Right-of-Way and one Temporary Construction Easement for Sedgwick County Project No. 618-15-1017, bridge on Central between 167<sup>th</sup> and 183<sup>rd</sup> Streets West. CIP# B-411. District #3.**
- 2.      One Easement for Right-of-Way and one Temporary Construction Easement for Sedgwick County Project 618-15-3348, bridge on Central between 167<sup>th</sup> & 183<sup>rd</sup> Streets West. CIP# B-412. District #3.**
- 3.      Resolution stating the Board of County Commissioners' findings regarding City of Mulvane's request for an island annexation at approximately 111<sup>th</sup> Street South and Webb Road.**
- 4.      Agreement with K-254 Corridor Study Coalition for a cooperative K-254 Corridor study.**
- 5.      Plat.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2003 and prior years have been paid for the following plat:

Eck 9<sup>th</sup> Addition

- 6.      Order dated September 1, 2004 to correct tax roll for change of assessment.**
- 7.      General Bills Check Register(s) for the week of September 1 – 7, 2004.**

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

**MOTION**

Commissioner Sciortino moved to approve the consent agenda as presented.

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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	Absent
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "That concludes the regular business of this meeting. I don't believe we need an executive session today, no Fire District. Is there any community discussion? Commissioner Sciortino."

### **M. OTHER**

**Commissioner Sciortino** said, "Well, yes. If you notice this little fellow here, he has been given to me by the staff of The Daily Reporter in Derby. They ran a story, our EMS Department gives out little stuffed animals to children that they go out on trips for and there used to be a church in town that would donate these animals and they were stopping their program, so I put out a request that if anybody would like to give stuffed animal and give it five minutes of fame on TV, this little fellow's name is Fred, because I just named him Fred, and it was by the Daily Reporter and after this meeting it will be given to EMS so they can take it out and give it to a child. And we've been getting some pretty good response from the public, so Tom Pollan is talking about building an entire bear cage and I've contacted a veterinary clinic and I'm also talking to the zoo about veterinary assistance because we have to make sure that they have all the proper inoculations and what have you. But I hope it catches on and we get a lot of stuffed animals to make up for the ones that we need. So little Fred will be going to a child that definitely needs a little perking up. So, that's it."

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

**Commissioner Sciortino** said, "Thank you, Daily Reporter staff."

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

**Commissioner Unruh** said, "Thank you. I just wanted to emphasize again what Kristi said in her

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opening comments that Zoobilee is this weekend, so all . . . you can bring Fred. So all you citizens who do not yet have a ticket, well I think there's some left, so let's buy them up and support the zoo.

The zoo has been receiving great support from citizens of Sedgwick County and others. Our August attendance as 96,222, which is the fourth largest month in the history of the zoo. And you can say that's due to the gorillas, you can say that's due to great weather, you can say it's just great community support, but anyway the zoo is doing well and we need to keep supporting it.

And then secondly, I'd like to say that I think probably several of us will be at the Sedgwick County Association of Cities meeting this Saturday to discuss . . . continue discussions about boundary issues and the comprehensive plan. It's an issue that's county-wide and we all need to get together and be very cooperative folks in this process. So, wanted to mention that and that's all I had."

**Chairman Winters** said, "All right, commissioner. Commissioner Norton."

**Commissioner Norton** said, "Well, I'll speak on this but I think Commissioner Unruh may have more information. We're starting the next phase of our visioneering meetings. I know he attended on Tuesday. I'll be attending Friday morning in Haysville, but those are ramping up and there will be one in every segment of the county every week for four weeks, beginning this Tuesday and moving through the whole month of September and we'll be trying to decide what the issues are that we'll move forward on in visioneering. So the meeting I'm going to is 7 to 10 on Friday in Haysville at the United Methodist Church, and Commissioner Unruh, you may want to comment on exactly the meeting you went to and kind of what happened."

**Commissioner Unruh** said, "Well thank you. I'm glad you brought it up. We had a great meeting. I don't know that it starts at 7 though, does it? Ours was scheduled to start at 8 and we got the word we would be there at 7:30. I showed up just before 7:30 and there was already a ton of people for this 8:00 start. But anyway, very well attended and a lot of continuing great ideas and trying to work our way through the process.

I think it's a healthy process and I'm anticipating that we're going to end up with a good product when we get to the end, but this is another one of those things it just takes work and a stick to it until you get to the end of it. But good meeting to kick it off last Tuesday morning. Looking forward to getting back there again next Tuesday."

**Commissioner Norton** said, "The final thing I had, and Commissioner Sciortino or Chairman Winters may want to talk about it, but we had the kickoff for the 'Vote Yea' for the downtown arena and somebody may want to comment on that."

## **Regular Meeting, September 8, 2004**

**Chairman Winters** said, “All right, thanks. We did have . . . it was a press conference Tuesday of this week. A lot of people showed up. There seemed to be a lot of excitement and enthusiasm. Again, Sedgwick County and City of Wichita are involved in education process still. There are a group that are out there supporting an arena and their raising money to exhibit that support, so you continue to hear a lot about the arena for the next 56 days or however long it is until the election, at which time the voters will decide on what they want to have happen with the downtown arena.”

**Commissioner Sciortino** said, “And you know, on that too, you know you and I attended . . . well, we all attended a lot of these open house meetings and what have you and I am convinced that the more people learn about the program, they learn about what’s in it for me. More importantly, I think learn about the secondary benefits. Even though they may not avail themselves directly of the events, but how it could benefit them or people that they know in a secondary manner, the more they start liking it. And I think it’s going to be incumbent on those that are leading this advocacy program to get that message out, because if more people can figure out how they individually could benefit directly or indirectly, they’ll be more inclined to maybe vote for it. But as the Chairman just said, the ultimate person that’s going to decide are the voters and one way or the other, there will be a state of the art sports and entertainment venue here in Sedgwick County.”

**Chairman Winters** said, “All right, well the one last thing I’d say, Kristi mentioned it earlier, there will be Clearwater Fall Festival this coming Saturday, so I would encourage everybody to participate. You’re busy that day. All right, is there anything else to come before this board? Mr. Euson? Mr. Manager? All right, this meeting is adjourned.”

## **N. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 12:00 p.m.

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

**Regular Meeting, September 8, 2004**

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

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

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

\_\_\_\_\_  
**CAROLYN McGINN**, Commissioner  
Fourth District

\_\_\_\_\_  
**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

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