

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 9, 2005

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, February 9, 2005 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Commissioner Lucy Burtnett; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Don Brace, County Clerk; Mr. John Nath, Director, Kansas Coliseum; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Ms. Annette Graham, Director, Department on Aging; Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections; Mr. Marty Hughes, Revenue Manager, Division of Finance; Ms. Pamela Martin, Director, Clinical Services, Health Department; Mr. Bill Gale, Election Commissioner; 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

Mr. Richard A. Powell, Member, Sheriff's Civil Service Board.

Mr. Emil Bergquist, Mayor, City of Park City.

Mr. I.D. Creech, City Administrator, City of Valley Center.

Mr. Bob Robinson, Mayor, City of Valley Center.

Mr. Jack Witson, Director of Economic Development, City of Park City.

Ms. Debbie Burton, 9420 N. Braodway, Valley Center, Ks.

Mr. Howard Moon, 506 E. 93rd Street N., Valley Center, Ks.

Ms. Elizabeth Kupfersmith, 9506 N. Broadway, Valley Center, Ks.

Mr. Brian Kupfersmith, 9506 N. Broadway, Valley Center, Ks.

Mr. Frank Seitz, Derby Recreation Commission.

INVOCATION

The Invocation was observed by a moment of silence.

FLAG SALUTE

ROLL CALL

Regular Meeting, February 9, 2005

The Clerk reported, after calling roll, that Commissioner Sciortino was absent.

CONSIDERATION OF MINUTES: Regular Meeting, January 26, 2005

The Clerk reported that all Commissioners were present at the Regular Meeting of January 26, 2005.

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

MOTION

Commissioner Winters moved to approve the Meeting of the Regular Meeting of January 26, 2005.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, “Next item.”

PROCLAMATION

A. **PROCLAMATION DECLARING FEBRUARY 2005 AS “BLACK HISTORY MONTH.”**

Chairman Unruh said, “Commissioners, I have a proclamation to read for your consideration.

PROCLAMATION

Regular Meeting, February 9, 2005

WHEREAS, African Americans have played major roles in some of the most daring moments in the history of our nation, and we recognize and honor their achievements each year by celebrating Black History Month; and

WHEREAS, for generations, Americans of African descent have fortified our society by overcoming obstacles and, reflecting a proud legacy of courage and dedication; and

WHEREAS, we are fortunate in Sedgwick County to showcase the rich history, culture and heritage of African Americans through the Kansas African American Museum and the restoration of the Ark Valley Lodge; and

WHEREAS, Sedgwick County recognizes the accomplishments of many African Americans from Kansas who have inspired the world such as Gordon Parks, Eva Jesse, Hattie McDaniel, Langston Hughes, and Aaron Douglas; and

WHEREAS, in Sedgwick County we participate in numerous events throughout the year that celebrate African American History, such as Martin Luther King, Jr. Celebrations, Juneteenth and Wichita Black Arts Festival; and

WHEREAS, Black History Month helps remind us that we all have a role in promoting equality and fairness for all Americans.

NOW THEREFORE BE IT RESOLVED, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim February 2005 as

'Black History Month'

in Sedgwick County and encourage all employees and citizens to learn more about the history and culture of African Americans, because this history belongs to all of us.

Commissioners, what is the will of the Board?"

MOTION

Commissioner Norton moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Burtnett seconded the motion.

Regular Meeting, February 9, 2005

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, “And I think Kristi Zukovich is here to accept the proclamation on behalf of Mr. Eric Keys.”

Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, “That’s correct Commissioner. Eric Keys with the Kansas African American Museum was to have been here this morning and was not able to be here, but we will make sure that he gets the proclamation and understand the Kansas African American Museum is a close neighbor here to the county and we encourage folks to come by and visit and learn more, especially during Black History Month.”

Chairman Unruh said, “Okay, thank you Kristi. Well, I think it is appropriate that we celebrate this month as Black History Month. We have a broad and diverse community and we need to be cognizant of all the different elements that go to make us the rich culture that we are. Madam Clerk, would you call the next item please. Excuse me, Madam Clerk, Commissioner Norton wanted to make a comment and I overlooked that. Commissioner Norton.”

Commissioner Norton said, “Thank you, Chairman. Well, I just wanted to comment that, you know, over the year we do a lot of proclamation and one of the things that has struck me, many of our proclamations really do have to do with the rich diversity and culture that we have in our community and Black History Month is just another one that we celebrate in our county that enriches the lives of everyone because of the great . . . really tapestry of people that we have that have gotten here for a lot of different reasons and the Black community is one of them but we celebrate so many different diverse things through proclamations and I just wanted to comment that this is one of them that I think we have supported very well over the years, but it is just one of the many that we do to enrich the lives of the people in our community.”

Chairman Unruh said, “Okay, thank you Commissioner. Madam Clerk, now call the next item please.”

Regular Meeting, February 9, 2005

APPOINTMENT

B. SHERIFF'S CIVIL SERVICE BOARD.

1. RESIGNATION OF RONALD WALN, PH.D. FROM APPOINTMENT TO THE SHERIFF'S CIVIL SERVICE BOARD.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "Commissioners, Dr. Waln has tendered his resignation and I ask that you accept it."

Chairman Unruh said, "I would just like to make a comment, as we consider this, that Dr. Waln was my appointee and did a very good service to our community in this position. He's just been overcome with his business responsibilities and can't continue, but just want to express appreciation to Dr. Waln and his service."

MOTION

Commissioner Winters moved to Accept the resignation.

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, "Next item."

Regular Meeting, February 9, 2005

2. RESOLUTION APPOINTING RICHARD A. POWELL (CHAIRMAN UNRUH'S APPOINTMENT) TO THE SHERIFF'S CIVIL SERVICE BOARD.

Mr. Euson said, "Commissioners, this resolution will fill the un-expired term in the vacancy just created and this term will expire in January of 2007 and I recommend you adopt the resolution."

MOTION

Chairman Unruh moved to adopt the Resolution.

Commissioner Winters seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, "And Mr. Powell is in the room today and will be sworn in by our Clerk, Don Brace."

Mr. Don Brace, County Clerk, greeted the Commissioners and said, "Raise your right hand please.

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 the office of Sheriff's Civil Service Board, so help me God. "

Mr. Richard A. Powell, Member, Sheriff's Civil Service Board, said, "I do."

Mr. Brace said, "Congratulations."

Regular Meeting, February 9, 2005

Mr. Powell said, "Thank you, sir."

Chairman Unruh said, "Mr. Powell, would you like to make a comment?"

Mr. Powell said, "I would just thank you for the opportunity to serve the county, Mr. Commissioner, members of the Board."

Chairman Unruh said, "Okay, thank you Richard. Richard came highly recommended. Appreciate your willingness to serve in this very important position. Thanks for being here today. Commissioners, right now if you would allow, I would like to take an off agenda item."

MOTION

Chairman Unruh moved to consider an off agenda item.

Commissioner Winters seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

OFF AGENDA ITEM

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Mr. Chairman, Diane, if you would come up . . . last evening there was an incident that occurred at a 9-1-1 facility and it was irresponsibly reported that the system was down by KFDI and Channel 12 and it was just not particularly good journalism that we would be proud of. I thought I would take an opportunity to explain to you and the public what occurred and what risks were, if any, were in play for citizens and so I've asked Diane to come and give us a little briefing on what occurred last evening."

Chairman Unruh said, "Well, Diane, thank you for being here with us. Appreciate your being here and reporting on what happened."

Regular Meeting, February 9, 2005

Mr. Diane Gage, Director, Emergency Communications, greeted the Commissioners and said, “Yesterday, oh between 5:30, six o’clock-ish, we had some radio problems. We’re in the process of upgrading our 800 megahertz system, and during that time we ended up with both our current system coming up online and the backup system coming up online and the dispatchers were having trouble communicating, so we went to doing kind of our backup procedures when this takes place.

The dispatchers utilize the mobile computer terminals that were in the officers’ cars, we utilize the pager system. We did some telephone contact and we realized most of the time we still had some car-to-car contact, so they got the police substations on the phone and helped use the officers in the police substation to help pass information on.

The gist of it, during the whole thing, is we kept the communication system running while our technicians took care of the problem and located the source of it and took care of it. We had no delays in emergency calls going out, and unless you happened to have a scanner last night, you probably didn’t even notice that there was a glitch in the system. So, as far as the public was concerned, 9-1-1 was up and running. We had no issues getting ambulances out, fire trucks out, taking care of law enforcement needs. We just had to get a little more creative and go to our backup systems, as far as taking care of the radio portion of it.”

Chairman Unruh said, “Okay. Well, thank you and I think all of our citizens ought to be encouraged to know that the integrity of our whole system was not violated in any way, but we were able to carry on a very important service, and especially during times when there’s a little bit of stress on the system because of the weather conditions, but the system worked and we had our backups in place and it all worked.”

Ms. Gage said, “Yes.”

Chairman Unruh said, “Okay. Commissioners, is there any other comment?”

Mr. Buchanan said, “Mr. Chairman, I think it is important to let the public know, and you, at no time were citizen’s calls to 9-1-1 that we didn’t answer, at no time were they restricted. At no time you couldn’t use that system. People call 9-1-1 and if the radios don’t work, there’s a backup system. If that backup system . . . there’s a third backup system. Calls are not dropped and emergency vehicles and emergency services go to where they’re supposed to go.”

Regular Meeting, February 9, 2005

Chairman Unruh said, "Well, thank you Mr. Manager and I think it is encouraging to our citizens to know that somebody answered the calls, somebody responded to the calls and we've got plenty of backup so that nobody has to worry about that response system. So, thank you very much Diane."

Ms. Gage said, "Thank you."

Chairman Unruh said, "Madam Clerk, would you call the next item please."

NEW BUSINESS

C. ISLAND ANNEXATION REQUEST FROM VALLEY CENTER.

POWERPOINT PRESENTATION

Mr. Robert W. Parnacott, Assistant County Counselor, County Counselor's Office, greeted the Commissioners and said, "This is an island annexation and let's wait for the map to finish loading. Island annexations are one of the opportunities cities have to grow and the particulars of an island annexation are that the property is not contiguous or adjacent to the city limits. It has to be completely within the county involved and then it has to have the consent of the landowner's involved.

On this map, you can see the cities of Park City and Valley Center and the red areas here are what we're talking about today. There's one there, a group there, another group there and then a group there. We do have another item in yellow that's an annexation that will before us in March, but we just wanted to add that to the map.

This dark purple area here has been some recent annexations by the City of Park City in January, and as you can tell, these are the recent annexations by Kechi that occurred late last year I believe, or maybe it was January. We provided notice of the island annexation request to both cities of Kechi and cities of Park City and I believe representatives of the City of Park City are here today to speak as well. The purpose of bringing this to you is that the statute requires you to make a finding that the proposed annexation will not hinder or prevent the proper growth and development of the area or of any other city and obviously there's some issues involved with Park City here and so we need to look at the evidence to be presented and you need to make the finding whether any or all of this annexation would hinder the proper growth and development of the area or the proper growth and development of Park City.

Regular Meeting, February 9, 2005

In your backup, you have the request that Valley Center has submitted, as well as a report. We've had a report prepared by the professional staff at MAPD and they've made a recommendation that the properties west of Broadway should be annexed and the properties east of Broadway should not be annexed. The director of that department is here to answer any questions about that report.

Park City submitted also their recent amendments to their comprehensive plan, so you have that as part of your backup. We have some handouts today. There will be a PowerPoint by Valley Center and then I believe a gentleman from the area has submitted another handout that I can answer any questions about if you want. However, at this point, since it's not really a public hearing, I think I should step back and let the cities make their presentations and I'll be available for any questions."

Chairman Unruh said, "Okay, thank you Bob. Are there any questions of Mr. Parnacott now? Perhaps . . . Mr. Schlegel is here in the room and perhaps he would make a comment at this time from the Metropolitan Area Planning Department's perspective about this issue."

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "We had submitted a report to you dated January 26th that outlines our findings and just our recommendations on these annexations and just very briefly going over those.

What we're recommending is that you should find that the proposed annexation by the City of Valley Center of those lands not adjoining the city and located west of Broadway would not hinder the properly planned growth and development of Park City or any other city.

Second, that you should note that the portion of the Broadway right-of-way from one-half mile north of 85th Street North to 93rd Street is not eligible to be annexed by Valley Center, since Park City has already annexed that portion of right-of-way on January 25th.

And then finally, that you should find that the proposed annexation by the City of Valley Center of those lands and road segments not adjoining the city and located east of Broadway would hinder the properly planned growth and development of Park City."

Chairman Unruh said, "Okay, thank you John. Before you leave, the map that we're seeing up here is correct, as far as what's already been annexed by Park City. Is that correct?"

Mr. Schlegel said, "To the best of my knowledge, that is correct."

Chairman Unruh said, "Okay, thank you. Are there any other questions of Mr. Schlegel? Okay, thank you John. I know that this is not a public hearing, but we want to give the communities an opportunity to speak, both from their elected representatives and from the citizens and in order to do

Regular Meeting, February 9, 2005

this in a logical fashion, perhaps we should have the mayor or planning director of Valley Center speak first, whoever you've decided."

Mr. Bob Robinson, Mayor, City of Valley Center, greeted the Commissioners and said, "I'm glad to be here again. Maybe if I do this a few more times, I'll feel a little more comfortable coming before you. But here again to ask for an island annexation and quite frankly, we wish we weren't having to come to you for island annexations, but as you note, this is basically an agricultural area. Many of the parcels are larger than 21 acres and we're unable to provide or get connectivity or we would not have to do island annexations.

But as the case Sunnydale, people have come to us in this area and asked us for annexation. Valley Center, unfortunately has three large agricultural pieces of property directly east of the property. One of them is owned by an elderly lady in a prime development area but the people do not need the money at this point, they don't want to pay the capital gains tax, so they don't want to sell the property until such time as she dies, so that area is blocked off.

We also have a tree farm just north of that. That person has no use for city services, we don't plan to annex it. To the north of that is a farmer, he's 66 years old. I don't know how much longer he plans to farm, but at some point that will all be developed, and then we will have a compact area where we will have connectivity and not have to ask for island annexation.

I want to go back to the Sunnydale. As you know, we came before you and asked that you permit us to annex Sunnydale. I believe it was Commissioner Norton who made the comment that what we have in the north part of county is a mess. Well, since then we have an even bigger mess. Can I walk over to the map? What we have now is a city that extends from I believe it's 53rd and Rock Road up to 119th and I-135."

Chairman Unruh said, "Mayor, could you . . . in order to get your voice recorded, we need to have you stay there as much as possible."

Mr. Robinson said, "The City of Kechi, as Commissioner Norton said, it's a mess. City of Kechi now extends approximately 16 miles, the same distance it is from Tyler Road to Greenwich Road. Two thousand people live in that city, approximately 2,000. You have another city that extends from 43rd Street up to 100 . . . I'm not sure where Park City extends, but again, a long, linear city. What we have in Valley Center is a much more compact, much more I think good development area. I cannot believe that you think a city 16 miles, with 2,000 people is good planning.

Regular Meeting, February 9, 2005

Over the last year . . . let me go back to another thing . . . the Mayor of Park City sent you a letter recently accusing us of soliciting petitions for annexation. If he'll plead guilty to that charge, I will too. I think it's important that we develop this area in an orderly fashion and that's what we're trying to do.

Over the last year, the County Commission has sponsored a number of meetings of the small cities and I commend the commission for doing that. Most of you commissioners were at the meeting. I think one was at the Coliseum, one was over at the Hugh's Center, there was another one down here and I'm not sure where the other ones were. The goal of those meetings was to help communication and cooperation among the small cities, a good goal. The other thing and one of the other things was try to eliminate legal action by establishing boundaries, develop boundaries before disputes occur. I remember one of the commissioners, I don't remember which one it was, basically that was the comments, develop these boundaries before disputes.

Well, after one of those meetings, the Mayor of Sedgwick came to me and said, 'We need to get together and develop this boundary'. And I said, 'Keith, we already have an agreement with Park City and in the next few months we're going to find out whether that agreement is valid'. Well, today is the day we're going to find out if that agreement is valid.

I was the one who handed you out a copy of that agreement. I think you have it with you. That agreement, basically . . . I'm not very good at following the legal boundary, but if you look on the second page of the boundary you have a dotted line, it starts at about 61st Street, extends north to 69th Street, then along . . . I believe that's Seneca, over to 77th Street North . . . well, you can follow the dotted line. Commissioners, let me guarantee you that all the properties that we are asking to have annexed are on the Valley Center side of this line. We have an agreement.

Now there is some court action. There was some question about whether these agreements are valid. I think it's up to you to decide whether this agreement is valid and I think . . . I'll call Mr. DeHaven in the next couple of days, we'll decide whether or not we need an agreement. I'm asking you to uphold this agreement and permit us to annex the properties, which are on the west side of this line. Thank you."

Chairman Unruh said, "Okay, thank you. At this time, it would probably be appropriate to have maybe the mayor, the city manager of Park City to speak, to kind of give the other side of the issue."

Commissioner Winters said, "Is I.D. Creech . . . can he give a presentation? Don't we want to hear all of Valley Center?"

Regular Meeting, February 9, 2005

Chairman Unruh said, "Excuse me just a minute, Mayor Bergquist. Mayor Robinson, was your city manager prepared? Was he going to make a statement?"

Mr. Robinson said, "Yeah, I think so."

Mr. I.D. Creech, City Administrator, City of Valley Center, greeted the Commissioners and said, "I've been asked to prepare a response to the MAPD comments dated January 26th, alluded to by Mr. Schlegel, specifically on the properties on the east side of Broadway.

I'm going to skip through quite a bit of this, because my mayor hit on some of the points that we were going to do, for speed purposes. What I want to talk about, in response to the MAPD, is the comment that Park City is adjusting their long-term growth plan for the area due to recent annexation petitions that were recently annexed by Kechi and we would also certainly believe that the actions of property owners in the area known as Sunnydale would cause any city to adjust their plans for future growth. Valley Center certainly adjusted ours to include an area of over 120 properties that petitioned the city for annexation.

The unsuccessful attempt to validate the wishes of the property owners through annexation, led these same property owners to petition the City of Kechi for annexation. Petitions for these 19 parcels were in close proximity to those from Sunnydale and were in hand at the time of the last hearing, but were prohibited from presentation at the same hearing by court directive.

Notification was made to MAPD about Valley Center's proposed growth to the Sunnydale area, with no consideration at the last meeting and the same should be made here to Park City's proposed growth identified as a change to their growth plan.

With regard to the potable water mentioned by Mr. Schlegel in his report, the MAPD made mention of an existing water service to the proposed area of annexation, with the caveat that the Valley Center service plan does not state when or if mains would be extended. On the contrary, the Valley Center city standards, adopted February 6th, 1996 and updated in July, 2002 identify the manner, location and time that mains would be constructed in any area of the city, including newly annexed areas.

As to predetermination of location and timing, Valley Center believes that such will come as growth to the area occurs. We do not believe that water and sewer mains should be constructed without knowing where they would serve the best purpose for development and the most economical route for delivery. To do so without platting is superfluous planning. It should be sufficient at this time to know that the capacity is available and lines can be constructed as needed for proper property development.

Regular Meeting, February 9, 2005

With regard to sewer service, the same comments from water can be applied to sanitary sewer services and planning to place lines in certain locations and tracts without a property owner's approved development plan is again superfluous planning.

In response to Sedgwick County's wishes, Valley Center has indicated that we would include annexation plans for roadways where the city would have the properties on both sides of roadways within the city limits. Road maintenance for these areas will not suffer, under the city's management program.

As to roads in the area, the properties east of Broadway, abut Broadway, it is common knowledge that Park City has identified the construction of an airport east of these properties and therefore Valley Center does not anticipate the construction of any roadways for maintenance east of these properties. Properties that abut 93rd Street will see their roadway maintained in the same fashion as is currently served until such time as a petition for improvement or an increase in traffic dictates a change in roadway requirements.

The 101st Street properties will no doubt use Sedgwick County maintenance until such time as an agreement can be reached between the abutting cities for maintenance of the intervening roadway. As to new road construction on the property, the only tract in this request large enough to be divided in a manner needing additional roadway is owned by a religious organization and the property is used as a retreat. Should the property ever seek subdivision or other development, the location to service would be determined at that time.

With regard to their findings, we strongly dispute the findings of MAPD with regard to water and sewer capabilities and commitments. MAPD suggestion predetermines the use of the whole area without regard for property owners' desires for or against new development. Our plan to provide the services desired and needed is an appropriate plan for this area. Potable water is already in adequate supply from a reliable source. Waste water treatment is maintained by Sedgwick County approved systems. To suggest that property owners of the city need to assume the debt for extension of services at this time. Unknown development is inappropriate.

As to the areas growth, Valley Center is now presented in two requests to grow this area by consent petitions from over 140 property owners desiring the services and facilities of Valley Center. That plan was changed by a vote of the Sedgwick County Board of Commissioners and a second action by the property owners of the area. The City of Valley Center sees no reason to be penalized again due to the reaction of willing property owners and the City of Kechi. These actions should not affect what has always been the natural growth area of Valley Center, in order to provide another narrow strip of possible annexation connection for a neighboring city. We would be willing to answer any questions that you have at any time."

Regular Meeting, February 9, 2005

Chairman Unruh said, "Okay, thank you. Commissioner Winters."

Commissioner Winters said, "Mr. Creech, do you believe that this annexation will hinder the growth and development of Park City?"

Mr. Creech said, "Do I believe it? No."

Commissioner Winters said, "Okay, thank you."

Chairman Unruh said, "Okay. Any other questions, commissioners? Okay, thank you Mr. Creech. Now perhaps Mayor Bergquist, would you like to speak on behalf of Park City."

Mr. Emil Bergquist, Mayor, City of Park City, greeted the Commissioners and said, "In my ten years in government in Park City, and in attempting to be of service in the county of Sedgwick County and the Wichita metropolitan area, my first statement of intent for service was this, that when I campaigned and when I served my first two years was that a balanced growth of residential, commercial, service industry and industrial would be the best way to provide not only growth and vitality to Park City, but to the surrounding area and to all of Sedgwick County.

That has been my goal and that has been my vote each time there has been requested annexation by industry, a requested annexation by residential development areas, including up to this . . . nearly to this site and it will continue to be my goal.

When commercial ventures have foresight to provide for future vitality of our county, they're looking at potential market for their housing, potential use for their products and potential overall stability for our county. Their development of housing will only be in response to the potential for somebody to buy their houses.

There is about a half a square mile section, just north of 85th Street, that was just one such development. It was presented to us in about the year 2000 and it was during a time when we were at the end of another agreement with Valley Center. Valley Center came to us and said they want another agreement. We went together and we made an agreement from that time that would have been affective until 2005, May of 2005.

As you know, in the ensuing events of the past few months, and in the commission's consideration, in that same week, the district court made a ruling that in light of the events that have happened in this case, that he made that agreement that Mayor Robinson alluded to null and void. He's hanging onto it now, after Valley Center jumped it to try to go to annexing Sunnydale.

Regular Meeting, February 9, 2005

Now the rules are changing and I respectfully accept the allusion of guilty on the part of Mayor Robinson, but I will say that in 10 years of city government, I have never seen or been a part to going out and trying to get people to annex in that area or other areas. We've either annexed by unilateral annexation of consent or we've done it by unilateral annexation in the course of action, so we have not done that and I understand you may feel that way.

Also, I would like to say that we have developed services up to that point and I think we've alluded that to you before, and we are ready to provide service to people that ask for it and that's what grows our economy in Sedgwick County, and definitely for Park City as well. We have not done anything sporadic. We have been very careful to provide services as we grow, rather than to expect to maybe do something some day and to grow our city for the sake of a tax base.

We are quite solvent. We're not, as was alluded to by others, we are not in financial dire straits whatsoever and we are ready and able to provide services to the areas that we've annexed and we'd like to be able to grow in the future.

The area to the north is the only channel of growth that is left. If you take action to approve the west side of Broadway and not the area to the north. It will allow a channel for any future growth of Park City. If on the other hand, you chose to approve both of those, you've sealed us off and we appreciate your consideration of the matter. We will try to do our best to continue to provide good government and also good growth and I appreciate your time."

Chairman Unruh said, "Mayor Bergquist, I have two questions. One, as we see the map, the portion in the dark purple, Park City has already annexed."

Mr. Bergquist said, "Correct."

Chairman Unruh said, "All right. My second question is, from what you just said at the end of your comments, you do not have an objection to the annexation by Valley Center of those properties west of Broadway."

Mr. Bergquist said, "I'll clarify. I do have an objection, because I still don't believe that it's the best development. If you'll see that from the brown mass, there is a jump, as Mayor Robinson alluded to, the spacing. Well, there are residential areas that are spacing between the quarter-section of brown up by the first red section. And so we've got a hopscotch of island annexation, and that's great to project for future, but we have a contiguous growth pattern that has primarily been prompted by industrial growth and residential growth, and in most cases by request. At least 75% of the mass of what's been annexed in the last ten years has been by request and has been

Regular Meeting, February 9, 2005

proceeded in development. So, I do have an objection to it but it wouldn't impair us like the parcel to the north."

Chairman Unruh said, "Okay, I think I understand that. Just a minute. Commissioner Winters."

Commissioner Winters said, "And I'm sure you've answered this, Mayor, but in your opinion then, the granting of this entire island annexation, all of the parcels, would have a hindering affect of the future growth and development of Park City."

Mr. Bergquist said, "Yes, it would terminate it. It would terminate any expansion growth."

Commissioner Winters said, "Okay. Thank you very much."

Chairman Unruh said, "Well, then let me clarify. The granting of all of it that you say would hinder the growth of Park City, but the granting of that west of Broadway would not hinder the growth of Park City. Is that . . . you don't think it's good planning, but it won't hinder your growth."

Mr. Bergquist said, "It wouldn't stop it, that's correct."

Chairman Unruh said, "Okay, thank you. Mr. Witson, did you want to make a comment?"

OVERHEAD PRESENTATION

Mr. Jack Witson, Director, Economic Development, City of Park City, greeted the Commissioners and said, "And I may need some assistance, because I'm not in the 21st century with computers, so I brought the old fashioned overlays."

Chairman Unruh said, "Well, Kristi Zukovich can help you."

Mr. Witson said, "Okay, thank you very much. Well, I can scoot it around. Areas of influence, growth for Park City, I don't think it takes a genius to see what is happening here. We have Wichita bordering Park City on the south. We have Kechi running on our east and Valley Center on our west. Now Mayor Robinson noted that we're long and narrow, but when you're sandwiched in to a specific area, unfortunately you have to grow the way that you can grow."

And also, we prefer to grow by consent annexation and by development, and for whatever reason, that has set our pattern of growth. Certainly it's a lot better than this situation that we see right here. In the blue here are areas of flood plain. It takes an extraordinary amount of money to run

Regular Meeting, February 9, 2005

services through these areas because they're undevelopable and you don't have any participation by developers in extending those services.

So that basically kills this area for any kind of real development, and over here. So basically, we're kind of sandwiched in here in growth and I think the map shows the picture. If you have a city here and a city here, you're basically closed off over the long haul. I don't think there should be anybody's question as to that.

Here's a map of Valley Center, okay. Valley Center has unimpeded growth to the north up to Sedgwick, to the west and to the southwest. And we feel that this particular annexation here is just a steppingstone to do to us which Kechi did to the east. That's the reason why we would be opposed to that island annex to the west. That we feel that this is just a steppingstone, that once they connect these people in here, they're going to shut us off, but they have plenty of room to grow. Why are they concentrating over in this area. I think there is a hidden agenda in here.

Here's a larger blowup of the view. Currently, we have water and sewer here. There is a proposed development, and I want to use the word proposed development, because it hasn't gone through our planning commission and city council, as far as zoning is concerned. It is proposed to be an airport, which would be located adjacent to I-135. Whether or not that happens at this point is up to the planning commission and the city council to review and approve and that hasn't been done yet.

There has been some other developers also interested in this property if the airport situation doesn't happen, but we would be extending services up to 101st Street, and in doing so it would be coming along here and certainly if you allow this annexation here, there would be a tendency to have a duplication of services, and that is not good for Park City and it is not good for Valley Center to have duplications and have water lines on each side of the road.

Also, one of the things from a planning standpoint, and I think MAPD would agree, whoever thought of matching cities up on an arterial road is out of their mind, because somebody has got to take and be responsible for that road, and when you only have one side of the road, it puts an extra burden on you for a tax base standpoint to maintain the road, but we have taken on that responsibility and annexed all the roads adjacent to our city and it's not fair for Sedgwick County to end up maintaining roads for cities.

One of the things I think sometimes tends to drive these issues is growth, people are scared of growth, and you know, especially the Valley Center school district runs from basically half a mile north of 69th Street North to the county line and a lot of our development that we have done up in this area really benefits not only Park City, but Valley Center and those residents up in that area.

Regular Meeting, February 9, 2005

If you take into account Hays Company, Optima Bus, Wild West World, they're going to generate close to a million dollars to the benefit of those living up in that area, as far as the taxes that these companies will be producing for the Valley Center school district. Instead of trying to cut off and kill Park City, Valley Center really needs from an economic development standpoint, latch on to what we're doing, for their own benefit. I mean, that's how we're developing. We're latching onto Wichita and using their assets to help drive our growth. Valley Center needs to be working with us and using our assets to help them grow.

And so, by stopping our growth, not only are they hurting themselves, but they're also hurting the residents of Sedgwick County, because these businesses and growth that we're producing are going to generate thousands and thousands of dollars for the county's budget as well, and so by cutting us off when we're in the position to provide the necessary utilities for growth is really killing the goose that laid the golden egg, as far as I'm concerned.

But I'll close here and basically you can see what has happened. Here again, we really commend the county commission of doing some forethought in trying to solve this problem a year ago. As far as I know, we were the only, the only city out of the 21 that made any attempt whatsoever to get with our neighbors and work out agreements. We worked out one with Wichita. We thought we had one, after having several meetings with Kechi and they basically . . . You know, after having thought we had an agreement, turn around the next day and said, 'Now, we're going to get anything and everything we can'.

You know, from a planning perspective, these cities really got to understand, you know you've got to do growth in the proper manner, because it will hurt you in the end. It will also hurt the residents that which you annex, so land grabbing isn't proper planning.

And also, back in 2000, the agreement that Mayor Robinson alluded to, Mayor Truman at the time and city administrator Finkbinder, we sat down, got out our maps, looked how the land drained, looked how to provide services and we came up with the draft of that particular agreement, although it didn't quite work right, but they felt that they had to be next to the interstate, that that was their saving grace, as far as economics was concerned, so we went ahead and agreed to allow them to draw the line here and up to there.

Regular Meeting, February 9, 2005

But when Valley Center elected to try to annex Sunnydale, that broke that agreement. They went to court, they fouled up on that agreement. We wanted them to hold up to the agreement, but they went to court and had that agreement thrown out. So, Mayor Robinson is now trying to tell you, ‘Well, we have this agreement and Park City is now annexing in it’. It wasn’t us that destroyed the agreement. I want that fully understood. It was Valley Center that did that. They’re the ones that broke that agreement and consequently now, Park City is in the position that our options are very narrow. Do we want to continue up in a mish-mash way? No, we don’t. Well, unfortunately our neighbors are trying to force us into that.

Also, we’re trying to work with Chisholm Creek Utility Authority to help Valley Center out. They have a capacity problem in their sewer plant and I’m not bringing that up for you to deny this, I’m just trying to show a point that even though we have these differences here, we do want to work with Valley Center and help them out any way that we can, because that’s what neighbors do for each other, and we just don’t understand why they continually, continually try to do this to us.

They can say no. I mean, we had this property owner here that had control of this land, willing to annex that whole quarter section into Park City and we said definitely not. Okay, a city can say no, even though the property owners want something, you’ve got to look not only after your own citizens, but also the people in the area and how are they going to develop their property in the future. So, I’ll shut up and thank you for your time and consideration. Is there any questions? I’ll be glad to answer them for you.”

Chairman Unruh said, “I will have a similar question here, one more. You consider the property on the east side of Broadway will hinder the growth of your city and the property on the west side, you consider that also will hinder the growth of your city? I mean, what . . . do you have an objection to the west side also, I guess, of Broadway?”

Mr. Witson said, “Well, the only reason why we would have trouble with the west side, is because of what has happened to us over here. We’re seeing a similar pattern starting to happen over here that we did over here, and I’m . . . we’re . . . what we see is that this is going to be a steppingstone to get up here to close us off. That’s why we’re concerned about this. If you allow this, that puts them that much closer to come up here and close this off and you wouldn’t have any say over it and neither would Park City and that’s why we’re concerned with this section here. No, it will not hinder our growth now, but if the pattern exists, like we started to see over here, that is probably what’s going to happen to us and that’s why we’re objectionable to this.

Regular Meeting, February 9, 2005

They do not need this area for growth. They've got all the way up to the county line north. They've got to the west, to the south, and there's no reason at this point, if it's not going to be developed, for them to have that. If they were going to put in housing or some kind of industry or something like that, yes maybe we could see that, but that's not what's going to happen here."

Chairman Unruh said, "Okay, I appreciate what you're saying and understand. I mean, could it be said that Park City also wants to see us deny this application, so that you all then can start going west of Broadway."

Ms. Witson said, "We could, you know, like the person that owns this land here had requested us to annex it. We didn't do it for several reasons, but yeah, if this happens, then yeah, that just cuts down even more area for us to grow. Certainly, that does. You know, we could continue growing up, but then we're going to continue this little, narrow strip situation. It would be nice if we could have ability to expand out but this here is a deal-killer for us. This isn't so much."

Chairman Unruh said, "I understand. I was just thinking that the complaint kind of goes both ways. Okay. Commissioner Burtnett."

Commissioner Burtnett said, "Mr. Witson, looking at the little 'L' shaped blue part that Valley Center wants to annex on the east side of Broadway. You own that little tiny strip right up there to the north. Do you feel like that little 'L' shaped property is going to hinder your growth, and just not talking about services, but just hindering you growth, that little 'L' shape?"

Mr. Witson said, "Well."

Commissioner Burtnett said, "Since you're already on the east side and now you're to the north and you can move north with that."

Mr. Witson said, "I think what's bad about that is it's going to cause duplication of services. That's what makes that bad."

Commissioner Burtnett said, "Another issue, right. But just for the hindering of growth, I was just curious how you felt about that."

Regular Meeting, February 9, 2005

Mr. Witson said, "Well, if it makes it difficult to get sewer and water and services to an area, yes, that will hinder our growth, even though it doesn't block annexation, it does hinder us in the cost that it will cost us more money to develop property north of there. And you know, we're going to be running water and sewer right next to these people. They don't have to pay for it, okay, whereas if Valley Center had to bring a line up there, I'm sure Valley Center is going to make them be part of a benefit district and pay thousands of dollars for services, if they ever needed it. We're going to be running it right by their door and it's not going to cost them a dime, other than if they wanted to hook on, the hook on cost. So, you know, I think this here is a reaction I think more so from these people from the possibility of this land being developed as an airport, more so than really wanting to pay city taxes. I think this parcel and that up there is a reaction to the fact that a developer wants to put in an airport and I think it's get even time is what I have a tendency to believe and somebody is helping them to do that, in our opinion."

Chairman Unruh said, "Okay. Commissioners, are there any other questions of Mr. Witson. Thank you, sir. Well, I was hopeful at this time that we could maybe move this towards a parcelling out these parcels and maybe take an approval of one portion of it or another, if there was general agreement, but I don't sense that right now. So I think that . . . this is not a public hearing, but we want to be able to give citizens who are directly affected an opportunity to speak. Are there citizens here who would like to speak? Okay, it looks like there's about three or four that held up their hand. If you all . . . we'd like to give you an opportunity to speak, but we'd like you, if possible, to contain you comments to somewhere around a three minute period, is that possible to do that? If you'd do that, that would be fine and if you just want to step to the microphone and state your name and address, we'd like to hear your comments."

Mr. Howard Moon, 506 E. 93rd Street N., Valley Center, Ks., greeted the Commissioners and said, "I'm part of the requested island annexation to Valley Center. I guess I have some troubling thoughts. For the last year or so, and I don't intend this to be funny, but I don't know what the hormone situation is for annexation, but if I knew what to do to slow down the thought that racing to the end of some unknown point is the answer to growth. I wish I knew what to do to slow that down, but I'm always concerned about what's going to happen to land that's going to be annexed. And since I am in a position to be right beside the proposed airport, hopefully it's an airport and not . . . we don't know what else. I think that's the concern that I have, is not that I want to be in any city in particular, because I did buy five acres, I did develop something from nothing. I'm really happy to be out there. I'm looking at what I have.

Regular Meeting, February 9, 2005

You know, airport growth is probably good for the economy, but you know, if it's not the airport and it's zoned commercial, all the area is proposed to be zoned commercial. I'm obviously interested in my own property value and there's a high anxiety amongst all of us who are out in that area, as to what is actually going to happen, but there is so much interest in getting as much, as fast as possible. You know, Park City has done some great things with development. I guess I question the need to go five or six or seven miles away from the center of their activity to people who are out there, wanting to be out there in the county enjoying that and then suddenly we have annexation coming in, not knowing really what is going to happen in that area and what our property values are going to become.

I would prefer to go to Valley Center. We have Valley Center address, we have phone number, we have schools, our kids have gone there, I am on the east side of Broadway, just barely. I know that we won't impede, our particular property will not impede Park City's growth pattern but I understand they want everything cleaned out and cleared out for whatever growth direction they want to go.

We're just not real happy, number one, with the length and the distance in which annexation has been taking place so that hormonal thing is just causing everybody . . . we're caught in the middle of it. We're helpless, in terms of what we can do about annexation as homeowners. We're counting on county commission at this point, look and say, 'Enough is enough' or set some restrictions on annexation that protects those already there, who have rural residential properties. Otherwise, we have no other protection. We're at the mercy of whatever the councils do on three sides of us, practically at this point. So, we prefer to be Valley Center. We prefer to be county. We like county atmosphere. We like what we have, so that's our number one but we would support and hope that we get approval of the island annexation to Valley Center. Thank you for your time."

Chairman Unruh said, "Thank you, Mr. Moon. You want to step right up and give us your name and address please."

Ms. Elizabeth Kupfersmith, 9506 N. Broadway, Valley Center, Ks., greeted the Commissioners and said, "My property is basically the little 'L' that Commissioner Burtnett pointed out. I am on the east side of Broadway. On here it's red, on the map she pointed out to it was blue. I am on the east side of Broadway, north of 93rd and my property abuts up against Broadway.

Regular Meeting, February 9, 2005

The main thing I want to point out . . . well, a couple of things. Number one, I want to address what Mr. Witson said, and that was that Valley Center has a hidden agenda. Valley Center did not come to me and ask me. I went to Valley Center. I requested to be in the City of Valley Center, on the issues that I will address in a little bit. And you talked about long-term, that we have a long-term agenda against you. You have in your long term planning that my property will be zoned light commercial. My property will be . . . I looked at the planning deal on this . . . that you guys passed in December that said we will be light commercial in the future. We don't want to be light commercial. We want to be residential, but what this map does not show very clearly is that on the east side of Broadway, on the north end of that red strip, there is a portion, 144 feet that Commissioner Burtnett pointed out, that is already Park City. In allowing that section of property to go to Valley Center, we will not impede their growth. They cannot . . . it looks like you all are going to go west of Broadway anyway. Our little bitty section of property is not going to impede their growth. They can't do anything with us anyway. We are floodplain pastureland. We are not commercial, we are not industrial, we are not even residential. We run our cattle on that pasture out there.

It is in no way going to impede them in growing north because they already have the property north of us, they have all the property east of us. We do not want anything to do with Park City. We live in Valley Center. Our community is Valley Center. We go to Valley Center schools. We requested this annexation a long time ago, back when the Sunnydale fiasco was going on, we were not approached by Valley Center. We went to Valley Center and said, 'Would you please annex us, we do not want to get into this same kind of mess' and they said, 'Well, you know, we're going to have to wait until all this other stuff is taken care of'.

I realize that if I go to Valley Center, my taxes are going to increase. I have absolutely no problem with that. Valley Center is a good community. They listen to their people. I will have Valley Center fire if I go into Valley Center, which is an awesome thing, in my opinion. We've had need for fire departments before. Valley Center has been there before the county.

And I also might add that if I stay in county, it's fine, but if I get accept into Park City, I will pay more for the exact same fire protection that I have now in the county, because if I go into Park City, they have no fire. I will be going into Sedgwick County Fire Department and I will be paying more money, because the taxes are more there for that.

Regular Meeting, February 9, 2005

I also know that the City of Park City is having some water problems, if you talk to anyone that lives at Saddlebrook, at 85th and Broadway, which is south of us, in the purple area, they have some . . . I may be wrong on that . . . yeah, it's in maybe the pink area there, they're having significant water pressure problems. He talks about bringing water up to us in that area. Number one, I don't need water. I have rural residential water and I also have sewer that is fine and dandy. I don't need to hook onto anything, but they're talking about hooking us onto their city water. Well, I don't want their city water, for the main reason is they don't have any pressure, and to increase the pressure, they're going to have to rebuild their infrastructure. I don't want to have to be responsible for that.

The infrastructure now may be fine, but what are they going to do when they bring in the airport, the casino, the wild west world, where they're giving tax abatements to all these people. They have no tax base to draw on from them.”

Chairman Unruh said, “Did you hear the buzzer?”

Ms. Kupfersmith said, “I heard the buzzer. Thank you for your time. I appreciate your guys listening to us.”

Chairman Unruh said, “All right, thank you very much, Ms. Kuppersmith. Another person want to speak.”

Mr. Brian Kupfersmith, 9506 N. Broadway, Valley Center, Ks., greeted the Commissioners and said, “I’m her husband. I few of the things that concern me, you know we’re rural property and you know, Park City is very heavy industry. You know, what’s going to happen when they annex us? You know, they’re kind of known to play by their own set of rules. Are they going to force us out, you know, we’ve seen that happen with the airport. You know, we recently went through a zoning hearing at the airport and there’s a whole roomful of people having concerns, you know, that didn’t want this airport to go in, and they basically just kind of blew everybody off. You know, we’re going to do what we want to do, you know there’s no restrictions. They get our property and they’re going to do the same thing. You know, we’re done. You know we’ve worked a long time to be able to get what we’ve got, you know, to be out in the country and have livestock and everything and I don’t want to see our land being turned into industrial property, which is going to happen. I can see the writing on the walls already. So, that’s about all I’ve got to say.”

Chairman Unruh said, “Okay, thank you very much for your comments. Any other citizens wants to speak?”

Regular Meeting, February 9, 2005

Ms. Debbie Burton, 9420 N. Broadway, Valley Center, Ks., greeted the Commissioners and said, "In the property that's east of Broadway, the little 'L' shaped. And first of all, we're currently county residents and we prefer to stay that way. However, with Park City's recent annexations they completed, we felt we had to take action into our own hands to protect ourselves.

So, we approached Valley Center. Valley Center did not approach us. There is no hidden agenda on Valley Center's part. We went to them because we wanted to be able to be part of the community that gave us a voice, that cared about their citizens and concerns and didn't try to shove industrial and commercial and everything else down their throat and ruin their property values.

And one of the biggest reasons we wanted to take this action was we don't want our tax dollars to support a predatory city, which is Park City. They aggressively annex property to increase their tax base so that residential and agricultural owners can support the city's development, as they continue to give long-term tax abatements to developers and new businesses. They have no development plan and no concern for adjourning property owners. They approve all zoning and annexation proposals, irregardless of what it does to the surrounding community and I would give the airport and Saddlebrook communities as an example. They approve Saddlebrook and within a few years, they were putting an airport right next to it. It doesn't make a lot of sense and doesn't seem like very good planning.

And I also have a lot of concerns with the city government itself and the way it's run. There's a lot of things that the city planner and the governing body say in public and then they go ahead, in their own meetings, and do something totally opposite.

And I could go on quite a while about why we don't want to be a part of Park City or the potential to be annexed by them, but I realize that the main question that commissioners have to answer is will the annexation of our property prohibit Park City's growth and for my particular property and everyone that's on the east side of Broadway, they're in the little 'L' shape, the answer is no. They bought all that behind us though and clear up to 101st Street, as well as that little strip north of the Koppersmith's property. That does not impede their growth.

They talk about duplication of services also and I would give examples that we shouldn't be crossing Broadway, well I would give an example of 81 Speedway. They cross Broadway and they have that and Valley Center property is right behind that, so there's a little duplication there and that was okay, because that was Park City.

Just in closing, I just want to say that this action of my property and that in the 'L' shape will not impede Park City's growth and I appreciate your consideration."

Regular Meeting, February 9, 2005

Chairman Unruh said, “Thank you, Debbie. Are there other citizens who want to speak? Commissioners, do you have any comment or question right now?”

Commissioner Winters said, “Well, I have a question of clarification from maybe Bob Parnacott. Bob, what . . . if a piece of property is island annexed into a city and let’s just say that large red one on the west side of Broadway, can the city then expand off of that island annexation?”

Mr. Parnacott said, “No, they can’t use an island annexation to annex adjacent properties to the island until they become completely contiguous.”

Commissioner Winters said, “If the people consent to the annexation, can it be annexed onto an island?”

Mr. Parnacott said, “No, it would be . . . and that’s really what we’ve got here, because this is an island annexation, this brown one right here, five years ago and even though this property is adjacent to that, they still need to come to you. So, if for instance, this property here, if they wanted to be annexed into Valley Center, that would be another island annexation at this time that they would have to come back to you and get approved. Valley Center would have to fill in all this intervening territory before they could start unilaterally annexing off of it.”

Commissioner Winters said, “All right, thank you. That was my question. Thanks.”

Chairman Unruh said, “Okay. Commissioner Burtnett.”

Commissioner Burtnett said, “Okay, first off, thank you very much, Valley Center and Park City for doing this to me when I’ve only been here four weeks. Most of the people in the audience do know me and I do understand the dynamics of what’s going on with this. When I first looked at the map and was studying this, and Lord knows I studied this a lot, it was so easy to just look at the staff recommendation and have Broadway be the dividing line and anything west be Valley Center, anything east be Park City.

Until, thank goodness I got a call last night from one of the residents and this is where communication comes in handy for me, which is one of my biggies. On the ‘L’ shaped annexation east of Broadway and north of 93rd, I have to say that I do not believe that will hinder Park City’s growth, because they already are on the north end of that, the south end of it and the east side of it. So, for that particular issue, it would have been so nice to make the nice, clean line of Broadway, but I would have to say that I have no problem in thinking that those particular plats would be okay in this annexation.”

Regular Meeting, February 9, 2005

Chairman Unruh said, “Okay, is that it?”

Commissioner Burtnett said, “That’s it.”

Chairman Unruh said, “Okay, thank you. Well, Commissioners, we’re ready for more discussion from the bench at this point to resolve this issue. I think everyone, citizens as well as representatives from the two communities have spoken. Is there comment?”

Commissioner Winters said, “Trey, I think we need to leave that on. We need to keep looking at that.”

Chairman Unruh said, “Commissioner Winters.”

Commissioner Winters said, “Well, I’m a little bit still unknowing here. I . . . you know one of the things that . . . thinking about where people live and what cities they want to be associated with, you know, is what we got into that with the folks with the . . . what was the name of the place across on the east side . . . Sunnydale folks wanting to be associated with Valley Center, but part of what influences me is where you’re located on the map and as much as we’d like to live closer to Colorado, we don’t. We’re where we are. Your property is where it is and if you’re right next door to a city that is growing and expanding, well that’s where you are. And you know, I don’t think even if some of this property is annexed into Park City eventually, Park City is not going to commandeer and take their property.

If you don’t want your property to be commercial, then keep it, don’t sell it and it will remain whatever you want it to remain. But where you are on the map is influencing me and you know, Mr. Robinson, mayor from Valley Center, somehow to me was alluding that part of this mess is Sedgwick County’s fault and it’s not Sedgwick County’s fault. We don’t think that it’s good planning. We don’t think that Kechi looks anything like a good plan. So every time we’ve been asked, we’re willing to put a line on a map. We’re willing to say ‘No, this is not good planning, we’re not going to approve it’.

Regular Meeting, February 9, 2005

And that's why I'm leaning towards being willing to put a line on a map and say 'Look, you know I don't know that Broadway is the best place to have the line on the map, but it clearly looks like you all can't decide where the line on the map should be'. So if somebody asks me where I think the line should be, I think it should be on Broadway and I think those on the west side of Broadway should continue in Valley Center's growth pattern and those east of Broadway, and you say, 'Well, just what about that 'L' shape?' Well, let's just go 200 feet east of Broadway. Well, let's go a quarter of a mile east of Broadway. Well, let's get over to the interstate. I mean, you've got to put a line on a map and I think if left up to this commissioner, I'm willing to put a line on a map and say, 'You know, it needs to be Broadway, it needs to be Broadway'."

Chairman Unruh said, "Thank you. Commissioner Burtnett."

Commissioner Burtnett said, "I would have to agree that I don't mind putting a line on the map, but because I have not been here for the history of the rest of the stuff that has happened, when I look at this particular issue, I don't think it impedes Park City's growth. From this point on, I have no problem saying Broadway is the dividing line, but in this particular issue, I can concur with the annexation, just for this particular issue. And from this point on, I would say Broadway is it. So, to a certain extent I agree with you and I understand where you're coming from. And please realize this is my first one."

Commissioner Winters said, "Could I just ask the commissioner a question? How about this property clear up here to the north then, north of 101st."

Commissioner Burtnett said, "No, I'm just talking about that 'L' shape right there. The one north of 101st I do not think should be annexed by Valley Center."

Commissioner Winters said, "Okay, so you're just talking about the one north of 93rd Street."

Commissioner Burtnett said, "Where Park City is already to the north of that property, east of that property and south of that property. That's not impeding their growth. It's what the citizens want and I think would be a great compromise."

Commissioner Winters said, "Okay, thank you."

Chairman Unruh said, "Well, it seems to me that I'm trying to understanding if there's a consensus here, and Commissioner Norton hasn't spoken yet."

Commissioner Norton said, "Do you want me to flip my light on."

Regular Meeting, February 9, 2005

Chairman Unruh said, “Flip your light on, we need to hear from you, but the island parcel that’s above 101st Street, it seems that the mood of this commission, the consensus would be is that that is not going to be approved. The whole sticking point seems to be this strip just east of Broadway, in spite of the fact that west of Broadway, Park City folks have indicated that they’re objecting to that also. But it seems like, somewhere along the line, we’re going to have to make a decision that resembles good planning. I don’t know that, in this situation, we can come up with a solution that resembles good planning activity looking into the future.

And you know I would say, echoing Commissioner Winters’ comments, that the Sunnydale annexation by the City of Kechi was not under consideration by us, so we’re not going to take responsibility for that. And the other side of that coin is, it wasn’t actually . . . I mean, that was a very aggressive effort by those citizens to be included in Kechi. Kechi . . . it was an obvious case where they were not out after that, but it was . . . they had strong requests from those people, and it was because of other city governments. I understand, but I guess the point I’m trying to make is that even though they’re strong requests by citizens’ groups, I’m not sure that always leads us into good planning decisions, because the Sunnydale is an example of a response to strong citizen requests, demand, desire.

I am inclined, at this point, to accept the recommendation of the Metropolitan Area Planning Department and make Broadway the dividing line, but not yet ready to make a Motion until we hear from Commissioner Norton.”

Commissioner Norton said, “Well, I don’t know if I have anything pertinent to add to anything of this. I tell you, I felt like that the first time somebody threw me a Rubix Cube. You know what, all the spots were mixed up, they weren’t where they were supposed to be, and I finally figured out, the only way I could solve it is peal off some of the colors and put them back to where they needed to be. And if it were up to me, I’d wipe the slate clean of all of it, and go to district court and say, ‘You know what Sunnydale, this is stupid, you don’t belong up there, it doesn’t make good sense’ and we’re going to de-annex and figure this whole thing out, but I know we’re not going to do that. That’s not going to be the ultimate solution.

As far as I’m concerned, I’d love to abstain today and let it go to district court and let the courts decide. I mean, we’ve taken due diligence over the last two years trying to bring people together to talk about what is good planning. We’ve been an instrument of that for two years and it saddens me that, at the end of the day, this is what we’ve ended up with. We’re created this problem, people not talking, people having hidden agendas, whatever it is.

Regular Meeting, February 9, 2005

I remember back in the day when Oakville and Valleyview and Prospect Park were being annexed into the City of Wichita and they came to me, as Mayor of Haysville, and wanted to be annexed into Haysville and I went to two town hall meetings, and you know what I told them? Can't supply you services, it's four miles away, I'm not going to do it, I won't even consider it. At some point, somebody has got to say, you know what, we're not going to do that, that doesn't make sense for government, people that are elected, people who are supposed to be pretty intelligent, to make these kind of decisions.

It is maddening to me that at this point in time, as elected officials, we have to make this kind of decision, when other elected officials, people of good will, people that live in the area, pay taxes, can't come up with any better conclusion than this. This is pretty sad.

I don't know how I feel about it. I want the citizens to have their way. I want for two separate governments to have their way, but I raised five kids. Does anybody know what that dynamic is? Yeah, I don't think there is a good solution to this. You know, I'm going to have to vote up or down one way, and I'll listen to what the folks on the north side believe should happen, because I sure don't have a good solution to it. I'm ready to peel the spots off the Rubix Cube and start over."

Chairman Unruh said, "Well, unfortunately we're not able to do that and so we're going to have to make a decision, but I agree with you. This is not something we want to deal with. I don't think it can be described as good planning. I understand the dynamics. I understand the history and it's just evolved itself to the point where a decision is going to have to be made and we get to be the ones who make it, like it or not, and we're about to the point we're going to have to do that. Commissioner Burtnett."

Commissioner Burtnett said, "I just wanted to tell everyone, I don't want to be redundant, but I will stick to how I feel, that it's not impeding the growth of Park City with the little 'L' shape. I have this feeling that that's not how it's going to go on the board today, but I am for Broadway being the dividing line from this point on and with the 101st Street North, I definitely am not in favor of that, east of Broadway, north of 101st, but I would be in favor of the other 'L' shaped annexation."

Chairman Unruh said, "Well Commissioners, I don't see any lights on. We're at the point we need to make a Motion and unless there's other comment, I will make a Motion."

MOTION

Regular Meeting, February 9, 2005

Chairman Unruh moved that the Board find that the proposed annexation of tracts 1 through 7 inclusive will not hinder or prevent the proper growth and development of the area, or of any other city.

Commissioner Winters said, “Can you just explain what that means.”

Chairman Unruh said, “Okay. That means that we’re asking for approval of the annexation request west of Broadway and we are not including approval for those tracts of land east of Broadway. And if I understand correctly, unless they have an affirmative motion, then that will fail for lack of action for those properties east of Broadway.”

Mr. Parnacott said, “So therefore, this would be, in essence, a concurrence with the MAPD recommendation.”

Commissioner Winters seconded the motion.

Chairman Unruh said, “Commissioner Winters.”

Commissioner Winters said, “All right, so again, what this Motion does is allows those island annexations take place west of Broadway and not east of Broadway.”

Chairman Unruh said, “That is correct. And in order to comply with Commissioner Burtnett’s idea on what’s appropriate, then take a new Motion that would include tracts 8 to 13. But right now we have a Motion and a second and I won’t repeat it, or would you like . . .?”

Commissioner Winters said, “The only thing I would repeat then is that this does then follow the findings of the MAPD, the staff of Metropolitan Area Planning Department, and in their examination of this entire process of whether there would be a hindering of development of the area or any city, their recommendation, that is any annexation east of Broadway would hinder the development in the area or that of Park City and so we’re concurring with their findings. Is that correct?”

Chairman Unruh said, “That’s correct. Their findings are that . . . this Motion as we have it, I think the MAPD agrees that this would not hinder properly planned growth and development of the area and would not hinder the properly planned growth and development of Park City are the two technical findings, as I understand it. Commissioner Burtnett.”

Commissioner Burtnett said, “Okay, so you are saying that you are wanting to approve only

Regular Meeting, February 9, 2005

those areas west of Broadway and not those areas east. Am I hearing that correct?"

Chairman Unruh said, "That is correct."

Commissioner Burtnett said, "Okay."

Chairman Unruh said, "And if that Motion finds approval and you want to make another Motion about the other tracts, you can do that. That's correct, Mr. Euson? All right. Well, we have a Motion and a second. Is there any other discussion? Madam Clerk, call the vote."

VOTE

Commissioner Norton	No
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, "So that Motion carries. All right. Thank you. Now, Commissioner Burtnett, if you would like to make another Motion."

MOTION

Commissioner Burtnett moved to that the commission approve all the areas east of Broadway, except those north and east of Broadway of 101st Street.

Commissioner Burtnett said, "Which I think would be tracts 8 through 13. Is that correct?"

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

Commissioner Burtnett said, "Okay, so we would approve tracts 8 through 13."

Chairman Unruh said, "And that's all the Motion needs to say, what we're approving. We don't have to talk about what we're not approving. That's the Motion. Is there a second? The Motion dies for lack of . . ."

Commissioner Norton seconded the motion.

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

Regular Meeting, February 9, 2005

VOTE

Commissioner Norton	No
Commissioner Winters	No
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	No

Chairman Unruh said, “So that Motion fails. Okay, I would want to say thank you to all your folks who came here and expressed their opinion. I realize not everyone is leaving happy, but this is the way government works. Thank you all very much, and Bob, thank you. Madam Clerk, call the next item please.”

D. AGREEMENT WITH PAPA JOHN’S WICHITA FOR ADVERTISING RIGHTS AT KANSAS COLISEUM.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, “The agreement before you is our standard marketing agreement for partnerships with local businesses. We’ve just concluded a five-year term with Papa John’s Wichita. This is a new three-year agreement with two one-year options. The three years will probably get us to where we see what our next future is going to be and the two option years helps us transition through that, should we either have to extend a construction schedule or transition down to a new facility. We recommend approval.”

Chairman Unruh said, “Okay. I have one question. Does this . . . any construction costs associated with the advertising or signs, it’s all covered in the agreement?”

Mr. Nath said, “It’s covered by the agreement. If there are any costs associated with the sponsorship, it’s assumed by the client.”

Chairman Unruh said, “Okay. Well, commissioners, is there any comment? Or what’s the will of the Board?”

MOTION

Regular Meeting, February 9, 2005

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

Commissioner Winters seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, “Next item. Thank you, John.”

DIVISION OF HUMAN SERVICES - COMCARE

E. AGREEMENTS (TWO) FOR COMCARE TO PROVIDE AFTER HOURS MENTAL HEALTH EMERGENCY SERVICES.

1. HORIZONS MENTAL HEALTH CENTER

2. SOUTH CENTRAL MENTAL HEALTH COUNSELING CENTER

Ms. Marilyn Cook, Director, Comprehensive Community Care, greeted the Commissioners and said, “Chairman Unruh, I would like to request that you consider both of these items at the same time as the condition of these agreements are identical.”

Chairman Unruh said, “Okay. Is there any problem with that, Mr. Euson?”

Mr. Euson said, “No, sir.”

Chairman Unruh said, “Okay. We’ll be glad to do that.”

Ms. Cook said, “Okay. Both of these agreements are renewals. The agreements involve

Regular Meeting, February 9, 2005

COMCARE's crisis staff handling the after-hours calls for Horizons Community Health Center in Hutchinson, Kansas and the South Central Mental Health Center in Butler County. The agreement involves phone or face-to-face crisis intervention services that we provide, but I will say that the vast majority of our interventions are on the phone.

And the agreement also provides for an opportunity for our crisis staff to consult with professionals in those centers, as well as law enforcement or others who are involved in these crisis cases when those situations present themselves.

Horizons Community Mental Health Center covers five counties and the South Central Mental Health Center covers one, which would be Butler County. Our crisis staff took a monthly average of 129 calls a month on the Horizons' line and an average of 34 calls a month on the Butler line. We've had a nice working relationship with these community mental health centers and it's been a win/ win situation for both of us. We're recommending that you approve these agreements."

Chairman Unruh said, "Okay, thank you. And these were just continuations of existing, positive relationships."

Ms. Cook said, "Right."

Chairman Unruh said, "Just a question. What is the total call volume on our crisis intervention line, including all of our clients and all of our partners, or do you know that number?"

Ms. Cook said, "I don't have the number in my head. We did just do the 2004 year in review report and it's been higher than ever. I want to say 42,000 calls, is in my head, and if that's wrong I'll let you know.

I do know that for the month of January, we had the . . . whatever that number was and I don't want to quote you a number that isn't correct . . . it was the highest number of calls that we have ever taken in a month. So that call volume does continue to grow."

Chairman Unruh said, "Okay. Well, it seems to me like the 42,000 number is a number that I've heard before and it almost seems too big to be believable, both on the mechanical side, how do we handle it, and on the needs side, that we have citizens in our community who are in such a situation they feel they need to call a crisis intervention line.

So I guess I'd say we're proud to say we're able to handle that, mechanically, and proud to be able

Regular Meeting, February 9, 2005

to provide that service to our citizens. Is there any other questions, Commissioners? If not, what's the will of the Board?"

MOTION

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

Commissioner Burtnett seconded the motion.

Chairman Unruh said, "We have a Motion and a Second. Any discussion?"

Mr. Euson said, "Mr. Chairman, for clarification, that's Items E-1 and E-2?"

Chairman Unruh said, "E-1 and E-2, that's correct. Thank you. Okay, Madam Clerk call the vote."

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, "Thank you, Marilyn. Next item."

F. DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING.

1. AGREEMENTS (15) TO PROVIDE IN-HOME ASSISTANCE TO ELDERLY PERSONS AT RISK FOR NURSING HOME PLACEMENT.

- **KATHRYN COIT**
- **CINDY CRANGLE**
- **JANICE ELMORE**
- **MAE FIELDS**
- **MELISSA HOGAN**
- **VALORIE HOWARD-WINDHOLT**
- **JOANNE HUBBARD**

Regular Meeting, February 9, 2005

- **LISA R. JOLLIFF**
- **JODY LUJAN**
- **JULIE OLIVAS**
- **LISA PARKER**
- **PAMELA S. PETRIK**
- **CYNTHIA ROWLETTE**
- **POLLY SEXTON**
- **MICHELLE SHAHEEN**

Ms. Annette Graham, Director, Department on Aging, greeted the Commissioners and said, “What I bring before you today are 15 contracts for targeted case management. 2005 begins our ninth year as a provider of the Medicaid home and community based services for frail elderly waiver program. This is a program for individuals ages 65 and older who are appropriate for a nursing home placement, who need in-home services and who are eligible for Medicaid.

This provides in-home services to help them remain in the community and as independent as possible. The services are available under this program in Butler, Harvey and Sedgwick County through the Area Agency on Aging and these items have already been approved within the fiscal year 2005 budget that the Board of County Commissioners approved last year.

These are 15 contracts with providers that provide the case management, targeted case management under this program is an integral part of the service. These individuals that are case managers go out and do the initial assessment of these clients to determine their functional eligibility for the program. They work with them to identify the formal resources they need to maximize the informal resources they have in place, and then to set up a plan of care that, with Medicaid funding, will provide for that level of care for services in their home.

So we do a program where we have both contracted case managers and in-home . . . I mean, staff case managers. We have ten case managers on staff and then we contract with 15 at this point, and they only do the HCBSFE program, where our other case managers do that, plus the Senior Care Act and Older Americans Act case management program.

These contracts, and you have the list of people who that is with, they have certain requirements they have to meet. They have very identified services that are delivered under this program. Quality assurance is provided by both the department and the Kansas Department on Aging. So, I'd be happy to answer any questions.”

Chairman Unruh said, “The age threshold for this is 65?”

Ms. Graham said, “For the Medicaid program, yes it is, 65.”

Regular Meeting, February 9, 2005

Chairman Unruh said, “Okay. And folks who think they might have a need for these services who aren’t currently receiving them, they can call our Department on Aging and find out the procedure to see if they’re qualified?”

Ms. Graham said, “Yes, they can call 660-7298 to have an intake done or to ask just questions about that program.”

Chairman Unruh said, “And the obvious benefit, in financial anyway, is that it’s just a whole lot less expensive care to do in-home than to do in a nursing home.”

Ms. Graham said, “Yes, it is a lot cheaper, in addition to just the quality of life and 90% of seniors indicate they want to remain in their homes as long as possible, so it’s a great program.”

Chairman Unruh said, “Well, nobody wants to take what seems to be a final step, so anything we can do to help improve the quality of life and we’re being financially responsible at the same time. It seems like it’s the right thing to do and we should be approving of this.”

MOTION

Chairman Unruh moved to approve the Agreements and authorize the Chairman to sign.

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, “Next item.”

2. SIGNATURE AUTHORITY TO SIGN APPLICATIONS, REPORTS, PLANS

Regular Meeting, February 9, 2005

**AND OTHER DOCUMENTS FOR SUBMISSION TO KANSAS
DEPARTMENT ON AGING.**

Ms. Graham said, “The Kansas Department on Aging requires that every area agency on aging in the State of Kansas must submit documentation of who in that organization’s governing body is authorized to sign the official documents on behalf of the organization.

This is a notarized affidavit of the chairperson of the governing board, which identifies the individuals by their names and their titles who have been authorized by the governing board to sign documents on behalf of the organization. So this authorizes the Chair of the Board of County Commissioners, as the governing board, as the chair of the governing board to sign off on the documentations, such as the area plan, certain kind of requests and contracts, and then gives authority to myself, as the executive director, and a couple of my management staff, to sign off on the monthly budget reports and certain other reports and document reports that go in. So, I would request that you sign that.”

Chairman Unruh said, “Thank you. I think that one comment that I would want to make, this is kind of a boiler-plate type activity for the commission, you know standard operating procedure, but I think it’s important to have this publicly, for our folks to know that a lot of the stuff we do is not haphazard but it’s deliberate, has checks and balances, different people have to sign it and approve it. And just as a matter, giving confidence to our citizens, that we’re doing things decently and in order and trying to be good stewards of this whole business of government. So, I’m approving of this, but Commissioners?”

MOTION

Commissioner Winters moved to approve the Signature Authority and authorize the Chairman to sign.

Commissioner Burtnett seconded the motion.

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

VOTE

Regular Meeting, February 9, 2005

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, Annette. Next item.”

DIVISION OF HUMAN SERVICES – DEPARTMENT OF CORRECTIONS

G. GRANT APPLICATION TO KANSAS JUVENILE JUSTICE AUTHORITY FOR UNEXPENDED FEDERAL FISCAL YEAR 2002 FUNDS.

Ms. Chris Morales, Systems Integration Coordinator, greeted the Commissioners and said, “In December, the Kansas Juvenile Justice Authority announced to us the statewide availability of \$76,997. These are in federal unexpended juvenile accountability block grant funds. Local units of government are allowed to apply for this funding to supplement existing Juvenile Justice programs. There is a 10% required cash match, which we’ll make available in our department budget. This is a five-month award period, which begins March 1st and ends July 31st of this year.

At their January meeting, Team Justice reviewed six proposals for inclusions in this grant application, and they found that they were facing a situation that there was more need than there was resources available, so they voted to include all six items in the grant application.

The request includes funding for staff retention within the Sedgwick County Department of Corrections juvenile field services division and also some one-time equipment replacement purchases for the District Attorney’s Office, Juvenile Division Program and also for Juvenile Field Services division.

By including all six of the proposals in priority order, the Juvenile Justice Authority will have a menu of choices available that they will assess individually, as to approval or denial. We are requesting that you approve this application and authorize the Chairman to sign, so that we can submit our request by the February 11th deadline. I’ll be happy to answer any questions you have.”

Chairman Unruh said, “Chris, were we planning on this sort of a windfall in our whole planning process, or is this just an addition that we are able to expand our services? I mean, how do we anticipate this?”

Ms. Morales said, “It’s an additional opportunity that we get, as federal funds are available statewide. They are really one-time purchase funds, because of the short time grant award period.

Regular Meeting, February 9, 2005

It is not intended to expand or create new programs.”

Chairman Unruh said, “Okay, thank you. Commissioners? Commissioner Winters.”

Commissioner Winters said, “Chris, will we be competing with all other districts in the state, or do we think we have a pretty good opportunity here?”

Ms. Morales said, “We will be competing with all districts, judicial districts across Kansas.”

Commissioner Winters said, “Okay.”

Chairman Unruh said, “Any other discussion, Commissioners? What’s the will of the Board?”

MOTION

Commissioner Winters moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, Chris. Next item please.”

H. GRANT APPLICATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, COMMUNITY PLANNING AND DEVELOPMENT, FOR AN

Regular Meeting, February 9, 2005

ECONOMIC DEVELOPMENT INITIATIVE GRANT IN THE AMOUNT OF \$232,479 FOR PARTIAL FUNDING OF CONSTRUCTION OF THE OAKLAWN COMMUNITY RESOURCE CENTER.

Mr. Marty Hughes, Revenue Manager, Division of Finance, greeted the Commissioners and said, “The Oaklawn community has long been in need of a multipurpose community center for social, educational and recreational use by the citizens of the Oaklawn and Sunview area.

USD 260, the Derby School District, has made available the Carlton School gymnasium and adjacent land in Oaklawn for this project. Congressman Todd Tiahart has secured an economic development initiative grant in the amount of \$232,479 to partially fund this project. Paperwork regarding this EDI grant has been received and is completed. It is now ready for your signature and to be submitted to HUD for appropriate action. Standard environmental review requirements for this grant may be addressed by the Sedgwick County Environmental Resources Department. This will be a pass-through grant to the Derby Recreation Commission. They will be responsible for the Oaklawn Community Resource Center and the completion of this project.

There is no matching requirements on this grant and I recommend that you approve the application and authorize the Chairman to sign. And I’d like to also say that if you have any specific questions about the project, Frank Seitz and Misty Buckner from the Derby Recreation Commission are here in the audience to possibly answer your questions.”

Chairman Unruh said, “Okay. Commissioners, do you have any questions? Commissioner Winters.”

Commissioner Winters said, “Well, I think if Frank is here and he’s waited all morning, we want to hear from him. Come and give us an update on Derby Recreation Commission and Oaklawn. And I’m sure, if Commissioner Sciortino was here, he would have asked that same question.”

Mr. Frank Seitz, Derby Recreation Commission, greeted the Commissioners and said, “We’re real excited about this project and after listening to the previous conversation, I will tell you that government agencies can work together. We’ve got a lot of partners in this project. We’ve identified up to actually eight funding sources, and within those funding sources, some subsets when we get into the tax credit program we’re working on and donations.

We have met and we need to keep you informed and the district informed, as well as our other partners, how this project is going and we’ve met with our staff and the school district staff on the

Regular Meeting, February 9, 2005

project as it proceeds. We want to make sure we keep everybody in the loop.

We are at the point right now where we have a joint facilities committee made up of USD 260, elected officials, Derby Recreation Commission appointed officials and staff. And in fact, just last evening, took their recommendation to our board for the hiring of an architect for this project. We will wait until next Monday before doing that, because we want to now go to the Derby School Board and make sure that they approve of the firm that we're hiring and the contract.

We've met with your staff and worked with a number of your staff people and it's not only great working with them and getting to know a lot of them, keeping you all in the loop and making sure that you're aware of what's going on. We set a tentative timeline. It's a little ambitious we think, of finishing the facility by next February and we're going to stay on that track as long as we can and appreciate your help. Other questions?"

Chairman Unruh said, "Thank you for being here, Frank. The school gymnasium that was mentioned as part of it, will that still be a school gym, or is that just going to be incorporated solely for this community center?"

Mr. Seitz said, "It would be incorporated for this, but there will be other organizations such as the Boys and Girls Club, which is on the campus, that will be using the facility also. There is not a school that is at that campus site right now that is in operation. There is a school building there. The gymnasium sits apart from it and in fact, has just had a new floor installed in it."

We are using that gymnasium now, in conjunction with an office that we opened with the Sheriff's Department right now. So we're actually using that part right now. The project that we're talking about would be on the opposite side of the building, where we'll be doing some demolition and building a larger activity area."

Chairman Unruh said, "Okay, thank you. Well, this is a good example of different governmental agencies working together and for community benefit. Commissioners, what's the will of the Board?"

MOTION

Commissioner Winters moved to Approve the Grant Application and authorize the

Regular Meeting, February 9, 2005

Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, Marty. Thank you for being here, Frank. Madam Clerk, call the next item please.”

DIVISION OF INFORMATION & OPERATIONS – HEALTH DEPARTMENT

I. APPLICATION TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) FOR FUNDING OF COMPUTER PURCHASES FOR THE HEALTH DEPARTMENT’S IMMUNIZATION PROGRAM.

Ms. Pamela Martin, Director, Clinical Services, greeted the Commissioners and said, “The KDHE Kansas Immunization Program has initiated a statewide, web-based immunization registry focused to increase the accessibility of information to healthcare providers. In an effort to support the 2005 pilot testing project, the private and public vaccines for children’s providers within the state have been offered the opportunity to seek funding from the Kansas Immunization Program for the purchases of computers, printers and software necessary to assist with the provision of the immunization services.

This funding for the Health Department will further increase the access to necessary computers by the clerical and nursing staff within our program. Our recommended action is to approve the application and authorize submission to KDHE.”

Chairman Unruh said, “Okay, thank you Pam. Commissioners, are there any questions? What’s the will of the Board?”

Regular Meeting, February 9, 2005

MOTION

Commissioner Winters moved to approve the Application and authorize submission to KDHE.

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, "Thank you, Pam. Next item."

J. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF FEBRUARY 3, 2005.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of February 3rd resulted in two items for consideration today.

1) CHANGE ORDER FOR ADA ACCESS & SCREEN WALL REPAIR FUNDING: CAPITAL IMPROVEMENT PROJECT

The first item is a change order for ADA access and screen wall repair at the Munger Building and the recommendation is to accept the change order with Descon in the amount of \$2,000.

2) TRANSPORT & DELIVERY OF VOTING MACHINES- ELECTION COMMISSION FUNDING: ELECTION COMMISSION

Regular Meeting, February 9, 2005

The second item, transport and delivery of voting machines for the Election Commission and the recommendation is to accept the low proposal from Get a Move On for \$39 per stop and establish contract pricing for 16 months, with three one-year options to renew. Be happy to answer any questions and I'd recommend approval of these items today.”

Chairman Unruh said, “Okay, we have some questions. Commissioner Winters.”

Commissioner Winters said, “Iris, on the transport of the voting machines, is this a new vendor or have we used this vendor in the past?”

Ms. Baker said, “We have used this vendor before. This is formerly Two Guys and a Truck. They changed their name a couple of years ago.”

Commissioner Winters said, “Thank you. That's all I have.”

Chairman Unruh said, “Okay. Commissioner Norton.”

Commissioner Norton said, “I'm surprised that, on the change order at \$2,000, that would even come before us. Is that continuing to be policy?”

Ms. Baker said, “According to Charter 57, change orders within 10% or a maximum of \$75,000 are handled through a process. Anything in excess comes back through bid board and commission. In this particular case, under the note, this is the fourth change order. The cumulative total is 14,600. It exceeds the 10% level, so that's why it's here. So, it's a process issue. That's why you're seeing it.”

Commissioner Norton said, “I thought we . . . obviously, when we did some of the changes we did with limitations of the county manager and some of these things, that was not included somehow in that change. Okay. It seems like it should have been, because \$2,000, you would think somebody would just make that decision and move on, in the middle of the project, if you're digging something out and you find something where you have to change it and it's that little bit of money. Just move on and not take it through a whole process.”

Chairman Unruh said, “Well, thank you Commissioner but let it be known that we do things by the numbers and we're doing it right. I noticed that Election Commissioner Bill Gale is here, just to answer questions I supposed about the voting machine moving. All right.”

Regular Meeting, February 9, 2005

Commissioner Norton said, “You’re not one of the Two Guys, are you?”

Chairman Unruh said, “How many voting machines . . . I guess I could do the math or whatever, but how many voting machines are we picking up and moving?”

Ms. Baker said, “Mr. Gale can answer that question.”

Mr. Bill Gale, Election Commissioner, greeted the Commissioners and said, “We have 850 voting machines currently, and it will vary how many are delivered into how many stops from election to election. This coming primary, this spring in three weeks we’ll be delivering to 94 stops, a total of about 200 machines.”

Chairman Unruh said, “Okay, thank you. Commissioners, what’s the will of the Board?”

MOTION

Commissioner Winters 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 Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, Iris. Next item please.”

CONSENT AGENDA

K. CONSENT AGENDA.

Regular Meeting, February 9, 2005

1. **Resolution consenting to annexation by the City of Valley Center of a part of the Wichita-Valley Center Flood Control Project.**
2. **Resolution approving issuance of a State issued license for retail sales of alcoholic liquor in the original package to Crossroads Liquor, 26320 West Highway K-42, Viola, Kansas. Viola Township.**
3. **Bankruptcy settlement request of Wherehouse Entertainment, Inc., to be submitted to Kansas State Board of Tax Appeals.**
4. **Bankruptcy settlement request of Kmart Corporation, to be submitted to Kansas State Board of Tax Appeals.**
5. **Case Number VAC2004-00061 – request to vacate a portion of platted street right-of-way and platted setbacks, generally located midway between 159th Street East and 143rd Street East, north of 13th Street North, more specifically located south of the Sport of Kings Road – Sport of Kings Court intersection, all on Sport of Kings Court. District #1.**
6. **Order dated February 2, 2005 to correct tax roll for change of assessment.**
7. **General Bills Check Register(s) for the week of February 2 – 8, 2005.**

Mr. Buchanan said, “You have the consent agenda before you and I would recommend you approve it.”

Chairman Unruh said, “Commissioner Norton.”

Commissioner Norton said, “Explain item one. I don’t understand how you annex part of the Valley Center control project. I thought that was Corp of Engineers.”

Commissioner Winters said, “I have an explanation, because I asked that question and Bob Parnacott was in the room and this is part of the Valley . . . not the main flood control way, but one of the feeder canals on the east side of Valley Center and each time Valley Center does anything to . . . that takes a property legal description, they have to describe that as not being in their city, inside the floodway that goes through their city.

And so their request was to just annex that thin waterway into their city, so as they describe their city limits, going to the east of town, they don’t have to do all of the gymnastics of cutting that out. And that was again passed by City of Wichita and I believe David Spear’s Office, I’m not sure, about whether that would have any adverse affect on the floodway. Valley Center has said they will

Regular Meeting, February 9, 2005

keep all the standards and conditions that apply to the floodway today. So I think it was really just to make it so that they can describe the boundaries of their city limits in a much easier way.”

Commissioner Norton said, “Okay. It just seemed funny that we would be annexing that and maybe at some point in time, it might change their ability to do something with that.”

Commissioner Winters said, “No, they already have . . . a great deal of their city is on the east side of that . . . They’re on both sides of the canal.”

Commissioner Norton said, “All right.”

Chairman Unruh said, “Okay. Any other questions or discussion? We’re ready for a Motion.”

MOTION

Commissioner Winters moved to approve the consent agenda as presented.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Absent
Chairman Unruh	Aye

L. OTHER

Chairman Unruh said, “Well Commissioners, we’re ready for other at this point, where we want to talk about community issues. We don’t need an Executive Session and we don’t have a Fire District meeting, so are there items of community interest that you’d like to talk about. I would, can you imagine that?”

Well, I just want to say that at the zoo, next Tuesday, there’s going to be a groundbreaking ceremony for the Cargill Learning Center. We’re very proud of our community partners and Cargill and Excel for stepping up and helping make that possible. This new center will really enhance the

Regular Meeting, February 9, 2005

zoo's ability to get involved in educational activities. It's going to be a very nice facility and anyone that wants to be out there at 3:15 on Tuesday afternoon, I believe Mr. Ron Holt will be out there to represent the county, since we all are going to be in Topeka that day for county day.

That's item one. Number two, I just want to let you all know that there is a graduating class this weekend. Our Fire District #1 has got five firemen who are graduating and they're having that graduation exercise at 7:00 out at Station #37, at 4300 block on North Woodlawn, if anyone wants to go by and attend those services.

And then secondly, I want to say that we've got . . . one of our extension agents got some national publicity in that we signed up more seniors than anyone else in this . . . I forget the name of this program for a drug card. I probably have it in here, but we signed up . . . we're number two in the nation. Janelle Smith is a lady that worked very hard on it. It's called Senior Health Insurance Counseling for Kansas program and we ranked second in the nation for the number of seniors who signed up and I think that's worthy of comment that our Extension C enter is busy at work and we're busy serving our citizens. And I've run out of my list. Commissioner Norton."

Commissioner Norton said, "Just one thing. This Saturday, in Sedgwick, we're having a Small Cities Association meeting and I think the Director of KDOT is going to be there, Deb Miller is a guest speaker, so I'm sure some of us will attend that and participate. Once again, that's a chance for small cities to visit and talk about their issues and resolve those issues in a cordial manner."

Chairman Unruh said, "Let's hope so, have good discussion anyway."

Commissioner Norton said, "That's my challenge."

Chairman Unruh said, "Okay. Well, Commissioners, if there's not anything else. Is there any more, Mr. Manager? Mr. Euson? If not, we are adjourned."

M. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:56 a.m.

BOARD OF COUNTY COMMISSIONERS OF

Regular Meeting, February 9, 2005

SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, Chairman,
First District

BEN SCIORTINO, Chair Pro Tem
Fifth District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

LUCY BURTNELL, Commissioner
Fourth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2005