

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 20, 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, April 20, 2005 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Ben Sciortino; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Commissioner Lucy Burtnett; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Joe Brunk, Director, Household Hazardous Waste Program; Mr. Kolin Anglin, Supervisor, Household Hazardous Waste Program; Mr. Tim Kaufman, Director of Operations, Comprehensive Community Care (COMCARE); Mr. Robert W. Parnacott, Assistant County Counselor; Ms. Jo Sanders, Recycling Coordinator, Environmental Resources; Mr. John Nath, Director, Kansas Coliseum; Ms. Valerhy Harmon, Director of Transportation Brokerage, Department on Aging; Ms. Jennifer Magana, Assistant County Counselor; Ms. Terri Patterson, Juvenile Field Services Administrator, Department of Corrections; Mr. Marvin Duncan, Director, Fleet Management; Mr. Jim Weber, P.E., Deputy Director, Bureau of Public Works; 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. Bob Neier, Horticulture Agent, Sedgwick County Extension Service.

Ms. Sandee Francel, Master Gardener, Volunteer, Sedgwick County Extension Service.

Dr. Joe Pisciotte, Center for Urban Studies, Hugo Wall School of Urban and Public Affairs, Wichita State University.

INVOCATION

The Invocation was led by Reverend Mike Bradshaw of Haysville Christian Church.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, March 23, 2005

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The Clerk reported that all Commissioners were present at the Regular Meeting of March 23rd, 2005.

Chairman Unruh said, "Commissioners, you've had an opportunity to review the Minutes of the March 23rd meeting. Are there any additions or corrections?"

MOTION

Commissioner Burtnett moved to approve the Minutes of the Regular Meeting of March 23rd, 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	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Next item."

PROCLAMATIONS

A. PROCLAMATIONS.

1. PROCLAMATION DECLARING APRIL 20, 2005 AS "SHARON PEDROJA DAY."

Chairman Unruh said, "Commissioners, I have a proclamation for your consideration."

PROCLAMATION

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WHEREAS, the Worldwide Fraternity of Free and Accepted Masons has long championed the need and responsibility of a lifelong and ‘virtuous education’; and

WHEREAS, Albert Pike Lodge No. 303, in Wichita, Kansas, in continuing its dedication to the community and public schools, has set out to distinguish Wichita’s finest educators in the selection and promotion of the Albert Pike Lodge- Teacher of the Year Award; and

WHEREAS, the selection committee, comprised of men and women from various backgrounds and vocations have unanimously selected Mrs. Sharon Pedroja for her dedication in teaching students at Riverside Cultural Arts & History Magnet School, USD 259;

NOW THEREFORE BE IT RESOLVED, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 20, 2005 as

‘SHARON PEDROJA DAY’

in recognition of her service to this City, the Wichita Public School District, Riverside Cultural Arts & History Magnet School and the thousands of students and peer faculty that she has impacted through her dedication and fortitude in the discharge of her duties; in commendation of the qualities, capabilities and commitment that she brings to promote academic excellence, in building internally motivated confidence and teaching self reliance to her students and all those around her.

Commissioners, you’ve heard the proclamation. What’s the will of the Board?”

MOTION

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

Commissioner Sciortino seconded the motion.

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

VOTE

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Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you. Is there anyone here representing Ms. Pedroja or the Albert Pike Lodge?”

Commissioner Winters said, “Mr. Chairman, I’m confident there is not and I have agreed to personally deliver this proclamation Friday, and so I’ll be attending their event and I’ll hand-deliver this proclamation.”

Chairman Unruh said, “Okay, very good. Give Ms. Pedroja our congratulations and I know you’ll do a wonderful job.”

Commissioner Winters said, “Thank you very much.”

Chairman Unruh said, “Next item.”

2. PROCLAMATION DECLARING APRIL 23, 2005 AS “20TH ANNIVERSARY OF FARM SAFETY TRAINING.”

Chairman Unruh said, “Commissioners, a proclamation for your consideration.”

PROCLAMATION

WHEREAS, America’s agricultural industry plays an important role in our Nation’s economy; and

WHEREAS, farm families must always be aware of risks as they operate farm machinery, apply agriculture chemicals and fertilizers, work with large and often unpredictable livestock, and work in environments where the air can be contaminated with toxins that can affect their health; and

WHEREAS, Sedgwick County emergency professionals respond to farm accidents and need to know how the different types of equipment operate for rescues; and

WHEREAS, April 23 marks the 20th anniversary of a safety training partnership between Sedgwick County and the Sedgwick County Farm Bureau Agricultural Association; and

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WHEREAS, Farm Safety Training provides emergency responders the education and practice of dealing with the different types of equipment farmers use so they will be better prepared in the event of an accident.

NOW THEREFORE BE IT RESOLVED, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 23 as the

‘20th Anniversary of Farm Safety Training’

in Sedgwick County and the partnership between Sedgwick County emergency professionals and the Sedgwick County Farm Bureau Agricultural Association.

Commissioners, you’ve heard the proclamation. What’s the will of the Board?”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Unruh said, “And here to receive the proclamation is . . . is this Jim Youngers?”

Commissioner Winters said, “Lynn.”

Chairman Unruh said, “Lynn Buerki. I’m sorry, excuse me, I had some names here of folks that were going to be here and it’s good to meet you.”

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Mr. Lynn Buerki, Farm Safety Chairman, Sedgwick County Farm Bureau, greeted the Commissioners and said, "For your information, I would like to have Gayle pass out forms for you to look at. I'm Lynn Buerki, Farm Safety Chairman for Sedgwick County and we're on our 20th year. With your permission, we have selected the Sedgwick County EMS, Sedgwick County Sheriff Department, Sedgwick County Fire Department, and this division of Highway Patrol and EagleMed will come out also.

Saturday is a good day for us and we're trying to teach the people how to help us, if we make a mistake. They can cut cars . . . people out of cars a dime a dozen, and they do it every day, and we're blessed with a very, very good emergency people in this county, but they do know little about farm items, farm equipment, chemicals, rubber, cast iron, fertilizers, and so we have taken it upon ourselves to train them and teach them and show them what we have.

Saturday morning, we'll go to the Extension Office at 21st and Ridge, and we'll talk to the people, show them films. Also we have the four department heads up there in a panel. We'll also have a man who talks on cattle, where the trucks may upset or maybe an accident, and then they come to our farm, and then the afternoon we first of all feed them. It's a very good meal and you're all invited to come out, it's a very good meal. And then EagleMed lands and then we have an anhydrous talk and it's probably the best item we have. They need to know about anhydrous and we have it all over the area, the drug dealers use it, but we have it for the cheapest form of fertilizer.

We train the people to come out and see what happens and you're all invited to come out. I thank you for this proclamation and you should be congratulated as a commission that you're allowing us to do this."

Chairman Unruh said, "Well thank you Mr. Buerki, and if you want to hold on just a minute, Commissioner Winters has a comment."

Commissioner Winters said, "Thank you, Mr. Chairman. I certainly again want to extend, on behalf of the county, our appreciation for the work that Farm Bureau does in helping train both our safety workers and the public on safety issues involved in farming. Farming can sometimes be a dangerous occupation, because there are a lot of moving parts, implements, etcetera, and to know how to respond with heavy equipment in rescue efforts, that's very important, so we appreciate very much the active role that Farm Bureau has taken in this.

And you may have said, and I didn't catch it, but is this like year number 20, 22 or 23, something? I mean a long time."

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Mr. Buerki said, "Twentieth year."

Commissioner Winters said, "Twentieth year, all right, well we appreciate all the work that Farm Bureau does, so thank you very much Lynn."

Mr. Buerki said, "Thank you, as a commission meeting."

Chairman Unruh said, "We have another comment. Commissioner Norton would like to speak."

Commissioner Norton said, "Well, just a little follow up on what Commissioner Winters was saying. Sometimes we forget that, you know, even though we have the big Wichita community which is very urban, we have a huge farming and rural community in our county too. And as Chairman Unruh and I just found out, having spent a week talking about emergency preparedness and the different kinds of things that can happen in your community, we know that not only are we . . . are farmers at risk, on the farm because of equipment and implements and toxic kinds of chemicals, we are also at risk at any kind of bio-terrorism risk out in water supplies and everything and the more that our farmers and our emergency management folks can work together, the better equipped they're going to be able to deal with all the kinds of things that might happen in our community. So once again, I applaud you for being so connected and we really honor the Farm Bureau for being so proactive for farmers in our community. That's all I had."

Chairman Unruh said, "Okay, thank you. Well thank you Mr. Buerki, we appreciate your efforts towards farm safety."

Mr. Buerki said, "Thank you."

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

DONATION

B. DONATION BY THE VIVIAN HINKLE TRUST OF \$2,500, TO BE USED TO

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UPDATE THE PROGRAM VIDEO FOR COMCARE'S CENTER CITY HOMELESS PROGRAM.

Mr. Tim Kaufman, Director of Operations, Comprehensive Community Care, (COMCARE), greeted the Commissioners and said, "Center City, COMCARE's homeless program, received a \$2,500 donation from the Vivian Hinkle Trust Fund. Upon your acceptance, this money will be used to update the training and the orientation video that Center City had produced in 1997, so it's eight years old now and we've discovered that it would be less expensive to update this video than it would be to recreate it, but it's a video that's used to both train new staff and orient folks in the community to make them aware of the services that we provide through Center City.

So our recommendation would be that you accept the donation and authorize the Chairman to sign a letter of thanks."

Chairman Unruh said, "Okay, thank you Tim. Commissioners, is there any discussion?"

MOTION

Commissioner Sciortino moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

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	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Thank you, Tim. Next item please."

PRESENTATION

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C. PRESENTATION OF THE BOOK, *RECOMMENDED TREES FOR SOUTH CENTRAL KANSAS*, TO EACH OF THE COMMISSIONERS.

Mr. Bob Neier, Horticulture Agent, Sedgwick County Extension Service, greeted the Commissioners and said, “And Sandee Francel, extension master gardener is here with me today and Bev Dunning, County Extension Director.

For the past 11 years, an arboretum consisting of 257 trees has been planted and labeled at the county Extension Education Center at 21st and Ridge. This educational landscape was planted using varieties backed by decades of research by Kansas State University, showing disease resistant and strong trees that modify our climate, improve our property values, show disease . . . and improve the quality of life.

The arboretum is based on K-State’s and Kansas Forest Service’s publication which is stuffed in there, called ‘Preferred Trees for South Central Kansas’. Our trained volunteer master gardeners maintain this planting and teach from this publication, using that as a guide, and they saw potential to reach more people if expanding that publication into a book. That was Sandee’s idea.”

Ms. Sandee Francel, Master Gardener Volunteer; Sedgwick County Extension Service, greeted the Commissioners and said, “Thank you. As Bob said, I’m Sandee Francel. I’m retired from corporate life, and owner of an electronic design company, as well as being a master gardener.

In late summer of 2003, a group of horticulturalist and master gardeners met to discuss the potential of publishing a current book on trees for this area. The only book published specific to South Central Kansas was published in the early 1960s. It was in black and white and without pictures. The main concern of this group was up-front costs for publishing and not knowing quite how to go about it. I assured the group I could self-publish a book.

Fortunately, I did publish a cookbook for Botanica that fall and it taught me a lot of what I really needed to know to complete this project. We started in earnest in the summer of 2004, with the publication date of February, prior to the Wichita Garden Show, never expecting a once-in-a-century ice storm in January. Since we were self-publishing, we could even get current information about trees that did well in the storm, with some pictures. Talk about divine providence.

A number of horticulturalists and master gardeners contributed photos and input and you have the completed project in your hands. We had 8,000 copies printed at Mennonite Press in Newton, fully funded by master gardeners, and we’ve sold more than a 1,000 so far.

When there are proceeds, they will go toward future programs. In addition, we’ve distributed complimentary copies to all Sedgwick County libraries. We offered garden centers and gift shops

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at Botannica, Dillon Nature Center, Dick Arboretum of the Plains and Great Plains Nature Center the opportunity to purchase in quantity at wholesale prices and most are carrying the book for sale.

The book was well received at the garden show and the tree festival on April the 2nd and will be available again at Herb Day on May 7th and July 23rd at Tomato Day. Thank you for letting us make this presentation.”

Chairman Unruh said, “Well, thank you very much for being here. It’s a very handsome publication and I can see why it’s being successful so far. But besides the cultural improvement and the economic, environmental benefit, it might save me some money, keep me from planting the wrong tree.”

Ms. Francel said, “That was its intended purpose.”

Mr. Neier said, “That’s our intent and after that ice storm, we’ve done more than 20 classes out through the community on tree planting and pruning, with some emphasis on pruning for health of the trees. Also, and in this book it says, remove large trees under power lines and plant smaller trees in their place. That could save us a lot of future expenses. And to plant a diversity of strong species to reduce future damage from ice, wind and disease.”

Chairman Unruh said, “Okay. Well, very good. Well, we have some other comments. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Mr. Chairman. I didn’t notice the Cottonwood Tree. Is that something that we don’t recommend? It seems like it’s pretty prolific here in Kansas, but we don’t recommend it?”

Ms. Francel said, “The book was based on the recommended list of trees for south central Kansas, by the Kansas Forestry Department. And so the Cottonwood is not in that. It’s not as strong a tree and it has been taken off that list long ago.”

Commissioner Sciortino said, “Nobody has told the Cottonwood that.”

Mr. Neier said, “The Cottonless Cottonwood, the ones that are available grow quick, but they die of a young age from canker and bores. And so these are ones that people will have the least problem with. They can use it for framework in our landscapes.”

Commissioner Sciortino said, “I have to tell you why I’m thinking this. You’ve got the Linden Tree in here, and I’m a woodcarver and the Bass wood is a good carve, but also the cottonwood

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bark is a really neat item to use for carving and I just was asking questions about the Cottonwood, and I didn't see it in here. That's all."

Chairman Unruh said, "Okay. Well, we're all learning something from it. So, Commissioner Winters."

Commissioner Winters said, "Just two quick comments. This looks like an excellent publication and the picture of the Bradford Pear during the storm could have been taken in my backyard, because that's exactly what my Bradford Pear did after the ice storm.

I didn't see a cost on it, and if folks want to stop at the Extension or Herb Day . . .?"

Mr. Neier said, "They're \$7.00 plus tax and they're available through the Extension Center and most all garden centers in Sedgwick County."

Commissioner Winters said, "Okay, very good. It looks like an excellent project."

Chairman Unruh said, "Okay. Well, thank you all for being here. We appreciate the communication. Madam Clerk, call the next item please."

AWARDS

D. PRESENTATION OF MINI-MPA CERTIFICATES TO SEDGWICK COUNTY 2004-2005 GRADUATES.

- 1. WILLIAM BLACK, DIVISION DIRECTOR
APPRAISER'S OFFICE**
- 2. BILL FARNEY, ADMINISTRATIVE SERVICES DIRECTOR HEALTH
DEPARTMENT**
- 3. LORI DAVIS-LAMER, DIVISION DIRECTOR
APPRAISER'S OFFICE**
- 4. JAY MCLAURIAN, LIEUTENANT
SHERIFF'S OFFICE**
- 5. DIANA MANSOURI, SAFETY COORDINATOR
DIVISION OF FINANCE**

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- 6. CHRIS MORLAN, DIVISION DIRECTOR
APPRAISER'S OFFICE**
- 7. PENNY MUNDELL, ADMINISTRATIVE OFFICER
FLEET MANAGEMENT**
- 8. MARLA SUTTON, FACILITY MANAGER
DEPARTMENT OF CORRECTIONS**

Dr. Joe Pisciotte, Center for Urban Studies, Hugo Wall School of Urban and Public Affairs, Wichita State University, greeted the Commissioners and said, "I am the temporary director of the Hugo Walls School of Urban and Public Affairs at Wichita State University and it's always a pleasure to have a few moments to be on your very busy and very important agenda.

I'm here for a specific purpose this morning, and that's to make some presentations to eight very special Sedgwick County employees. But before we get to that, I want to say a word about the fact that this is part, this program is part of an ongoing relationship that Wichita State has with Sedgwick County. So much so that we may have to designate Sedgwick County as an informal downtown Wichita State University campus, because we have so many of our students who are employed here, we have interns here, we have employees coming back to the campus for continuing education. And of course you've got your very outstanding city manager as one of our adjunct professors and his classes are becoming very much in demand.

We think that our relationship that we have with Sedgwick County is one that's a model for the rest of the country, because of the continuing good relationship of how we support each other, and in on behalf of President Biggs and the faculty and staff and all the students, we certainly express our appreciation.

Now to the really important item that we're here. We offer Master of Public Administration degrees. As part of that, we have what's called a mini-Master of Public Administration program, and this is for persons who are in full-time local government service and this is a 48-hour program, over 16 weeks, in which your employees get up at the crack of dawn and they come to campus about 7:30 and they're there through the morning, and it's rather rigorous and it involves such things as public finance, and human resources management, and dealing with the public and planning and things of that nature.

And we have this morning eight employees who have finished that program and I have to tell you, they did very well. They were lively, they were there, they were effervescent and they were challenged and challenging. And Mr. Chairman, would you like to come down and help present

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these awards.

If I could call the names please and Chairman Unruh will make the presentation. The first person, employee, outstanding, William A. Black, Residential Division Director. Lori Davis-Lamer, Commercial Division Director, Bill Farney, Administrative Services Director. Jay McLaurian, Lieutenant. I might add that quite frequently he came from an all-night rotation. Diana Mansouri, Safety Coordinator. Chris Morlan, Division Director, GIS. Penny Mundell, Administrative Officer and Marla Sutton, Facility Manager.

Just a closing comment, I think this program and the support that you bring to it, speaks of your leadership and your concern about the well being of your employees and I can say honestly that the citizens of Sedgwick County are in good hands because of your leadership and your employees. Thank you very much.”

Chair Pro Tem Sciortino said, “Would you call the next item please.”

E. PRESENTATION OF “WORKS! ACHIEVEMENT AWARD” TO SEDGWICK COUNTY HOUSEHOLD HAZARDOUS WASTE (HHW) PROGRAM FOR OUTSTANDING COMMITMENT TO HHW MANAGEMENT IN KANSAS.

Mr. David Spears, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, “The Sedgwick County Household Hazardous Waste Facility received its first award from the Kansas Department of Health and Environment, that’s KDHE. The award was the ‘WORKS! Achievement Award’. It is given for outstanding commitment to household hazardous waste management in Kansas for 2004. The Sedgwick County HHW Department received the award for diverting the largest amount of hazardous waste from municipal solid waste landfills and transfer stations during the State of Kansas fiscal year 2004.

This is the award. It’s actually made from recycled bottle glass. Can everybody see it? And here today is Joe Brunk and Kolin Anglin and they’re going to tell you a little bit more about the award.”

Mr. Joe Brunk, Director, Household Hazardous Waste Program, greeted the Commissioners and said, “It seems like just the other day, but we’ve been in our new facility now for two and a half years. This facility is one of the best in the nation, and this layout allows us to do a lot of things the right way, but the real reason that we’re successful and won this award is our staff.

We’ve got a great group of people, and I’m very proud of the work that they do. I’d like to introduce them today, if they would stand up. On your right is Jennifer Ritter, Bob Abbott and Dave Cross and I might say that Dave was one of the original people in the city’s household hazardous waste program of 13 or 14 years ago, probably and of course behind me you know Kolin

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Anglin and he's the operation's supervisor and he's going to tell you a little more about why we won this award."

POWERPOINT PRESENTATION

Mr. Kolin Anglin, Supervisor, Household Hazardous Waste Program, greeted the Commissioners and said, "I put together a little presentation to show you a little bit about why we got the award this time. In fiscal year 2004, which is July 1st through June 31st, for the states fiscal year we managed over 1,000,000 pounds of material. Some of the key points, we had over 310,000 pounds of flammable liquids, over 44,000 pounds of antifreeze, 20,000 pounds of pesticides, over 174,000 pounds of used oil, 38,000 pounds of car batteries and we were able to put over 102,000 pounds of material through our swap and shop program. It has been tremendously successful, and we're very proud of that program.

As part of the swap and shop, over 44,000 pounds of it was paint that we recycled, latex paint. Residents of Sedgwick County, we estimated, saved over \$176,000 by using our swap and shop material, rather than having to go out and buy new products. And we, as a department, saved over \$45,000 through the swap and shop, by not having to pay for disposal costs and we could use that money to help pay for additional disposal, as we increase in participation.

Some of the numbers that they looked at, the state looked at in determining who would win the award, these are some of the numbers that stood out. Our customers increased from a little over 6,800 to over 12,000 customers in a two-year cycle. Our cost per pound dropped from 61 cents to 42 cents, and that's the total cost down to the last light bulb and everything and on a national average, the best programs in the country usually run about 50 to 54 cents a pound, total cost, and we're well below that. Our small business program increased tremendously, from 14 to 136 and we went from generating no revenue to over \$25,000 in fiscal year 2004.

That's all on the presentation. I would like to also mention that in this year, starting April 30th, we're going to start our first remote collection event. We're going to be at Derby, on April 30th, and then we'll be at each of the different districts over the next several weeks. We'll be in Valley Center, Goddard, Haysville, and then Raytheon is hosting an event in Commissioner Unruh's district and we're really excited about it. We're really expecting a good turnout and hopefully diverting quite a bit more waste from the waste stream. Thank you."

Chairman Unruh said, "Well, you know I think we ought to recognize the award and a successful program and our employees with a round of applause. We have some comments before you leave. Commissioner Sciortino."

Commissioner Sciortino said, "I wanted to mention a couple of things, one, I'm glad you talked

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about that outreach program where we're going out to the citizens and providing easier access, a way they can dispose of household hazardous waste. The amazing thing, I've had a few phone calls in the Derby area, and they're very excited and they just want to know how much it would cost, and they're just amazed when we say, 'it isn't going to cost anything', just bring your household hazardous waste to the location that we've indicated on the Saturday that we've mentioned and we'll dispose of it in an environmentally sane manner. And they just can't believe that that's what we're doing, and I hope it does prove . . . I just want hope this being the inaugural time, that it will just become an annual event, because it's very . . .

I think the easier you can make it for citizens to do the right thing, the more citizens will do the right thing. And I don't know of it being any easier than saying we're only going to be located two blocks from your house with a van with qualified people there, ready to assist you, so you are to be applauded for that.

The swap and shop, I've got to tell you, I've got a product necessitates using a lot of stains and a lot of polyurethane and you're the best bargain in town. I mean, I've gone there and found some Min-Wax polyurethane stain that I swear, somebody only took one spoonful out of it. It was a brand new can, and that was \$7.95 I saved right there and I pocketed more than just one, but I think I took five of them but I encourage everybody, if you've got any kind of little painting that you want to do around the house or you're wanting to use any polyurethane or stains or something, stop at our store first to see if we can give it to you for free and then . . . I don't know what camera to look at. I used to know which way to look on camera, I don't know if I look straight ahead, I guess I look straight ahead . . . and check it out because there's a lot of good material there that you can pick up for free and save yourself a few dollars. So, you're to be congratulated, Joe, you're doing a great job and naturally I would prefer complimenting you than compensating you, so I'm just really lauding you with compliments there."

Mr. Anglin said, "And we still have quite a large selection there for you, waiting. We get more in every day."

Commissioner Sciortino said, "Okay, I'll be there."

Chairman Unruh said, "Commissioner Winters."

Commissioner Winters said, "Well, thank you. I'm going to make a couple of comments, but I want to comment on Commissioner Sciortino and I'm certainly glad that you have found the swap and shop, because I remember when we first started talking about household hazardous waste facility, Commissioner Sciortino just couldn't get that swap and shop concept and thought that was going to be a . . ."

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Commissioner Sciortino said, "I admit it fully. I did not think it would work. I didn't think people would go down there and rummage around. But they've got it set up like it's a store and they've got their racks and the shelves."

Commissioner Winters said, "We're glad that you're a believer."

Commissioner Sciortino said, "I've come around, I'm a believer."

Commissioner Winters said, "Very good. Well, this is just a little bit . . . I guess a timely situation, that this is on the agenda today. Just two unsolicited comments, and happened just within the past month or so. One, my wife cleaned out the utility room and underneath the kitchen sink and stopped by your place on the way to work, or coming home, and just came back and said, gosh, just what a friendly bunch of people and so helpful.

And then, last weekend, I was at a social event, and Roger Eastwood who is the Vice President of Intrust Bank came up and cornered me and I thought, 'Oh no, what did we do wrong now' and he also talked about the great response and service that he had in stopping by your household hazardous place to drop off unwanted items and so, Mr. Manager, as we think about how we think about employees and getting positive responses, I can give you two citizens who had nothing but good things to say about your folks at your facility, so thank you all very much and keep up the good work."

Mr. Anglin said, "Thank you. We appreciate it."

Chairman Unruh said, "Okay, well we need to accept this award."

MOTION

Chairman Unruh moved to accept the award.

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	Aye

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Chairman Unruh

Aye

Chairman Unruh said, "Thank you all for the presentation. Thanks for the good work. Next item please."

CITIZEN INQUIRY

F. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE AIRTRAN SUBSIDY.

Mr. Buchanan said, "Commissioners, I would request that you defer this item. Mr. Weeks is unable to be here today."

MOTION

Commissioner Norton moved to defer indefinitely.

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	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Call the next item please."

NEW BUSINESS

G. RESOLUTION AUTHORIZING PRIVACY OFFICER TO SIGN BUSINESS ASSOCIATE AGREEMENT AMENDMENTS TO ADD REQUIRED LANGUAGE FOR COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT SECURITY RULE REQUIREMENTS.

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Mr. Robert W. Parnacott, Assistant County Counselor, County Counselor's Office, greeted the Commissioners and said, "This is something similar to what we did two year's ago, with the privacy rule. We had to update our business associate agreements to include some new language and we had to modify those agreements, and rather than have those run through the committee or the commission, we decided to have the privacy officer be authorized to sign just the modifications of those agreements to bring it into compliance with the privacy rule. We now have this year the security rule taking effect, we have to add just a little bit of language, you'll see an example of that on page 24 of your backup. It's a very simple modification. It just requires our business associates to assure us that they are going to take appropriate safeguards to protect the electronic protected health information that they handle on behalf of the county.

Again, we have about 60 of these contracts. Rather than have to run them through the process, we're going to recommend that you pass a resolution authorizing me to sign those contracts on your behalf, just for the modification. This resolution will only be in effect for a couple of months, to allow us to get all these modifications done and then, as we renew contracts, we'll roll that language into the new contracts, and then you'll see those as they come through in the normal course of business."

Chairman Unruh said, "Okay. Well, it looks like a very reasonable, legitimate thing to do, and I'd just as soon not to have to sign 60 of them, so I think this is a worthwhile administrative modification for us. So, is there any discussion, Commissioners?"

MOTION

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

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	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Thank you, Bob. Next item please."

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H. RESOLUTION REVISING THE PROCUREMENT OF PAPER AND PAPER PRODUCTS POLICY AND PROCEDURE.

Ms. Jo Sanders, Recycling Coordinator, Environmental Resources, greeted the Commissioners and said, "I'm also a member of the Waste Minimization Team and that's why I'm here before you today. I have a resolution updating our paper procurement policy and this is needed to keep our organization in line with current EPA standards.

The revisions are twofold. The first will be on attachment one to the resolution, and it adds Environmental Resources as a department to annually review our policy to make sure that we stay within the EPA guidelines. The second revision is table two, and this is a quite major revision and this is what necessitated this presentation this morning.

The RCRA has changed their terminology. The old standards that went along with our 1990 resolution talked about waste paper and waste paper was defined as 'post-consumer' as well as 'pre-consumer' grade. And post-consumer is what comes to us in our households and then we get back out into the recycling stream. Pre-consumer never gets to us. Pre-consumer might be from a paper mill, a waste product, something got cut off the end, it's still very, very excellent paper and it just now goes right back into the remanufacture process. That has become industry standard.

So EPA no longer looks at that pre-consumer paper. We are now focused on post-consumer, because this is what's going to make recycling work. Just putting paper out, your newspaper, in a drop-off box does not mean you recycle. You are not recycling until you buy a product made with recycled content and it's time to start addressing post-consumer content and making certain that we are closing that loop.

So that is what table one, the changes in table one talk about. We have three large paper contracts that this will affect. The toilet tissue and paper towel contracts are in line with current EPA standards.

However, our contract for office paper, what we put in our printers, what we put in our copy machines, does not specify post-consumer content. We need to bring that . . . if you adopt this resolution, we will need to change that contract, but that won't be necessary until that contract goes out for bid again. We wouldn't need to make any increased work for purchasing, but just to make sure that we are up to standard the next time we issue the bid.

So, unless there are any further questions or any questions, I'd be glad to answer them and if not, I request that we adopt this resolution."

Chairman Unruh said, "Okay, thank you Jo. The recycling products that we would be purchasing,

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they meet the quality standards that we need for our usage?”

Ms. Sanders said, “They do. We had one issue, and that had to do with the life expectancy of the paper. Some of our documents from the 60s are beginning to deteriorate. We investigated that issue and found that that was a ph problem. It had nothing to do with recycled content. That ph problem has been corrected among the mills. They’ve taken care of that problem, and so that was the one issue. We did investigate anything that was brought to our attention before we came to you, so we feel comfortable in following these guidelines.”

Chairman Unruh said, “Well, sometimes I think folks have the opinion that recycled products is a lower grade quality, and you’re telling me that’s not an issue . . . I mean, by my question, you probably can figure out that I sometimes think that. So I guess I have to re-think a little bit.”

Ms. Sanders said, “It is not. In fact, folks need to realize that when you’re buying paper, you probably are buying 30% post-recycled content. It really has become industry standard, so requesting us to follow these guidelines, it may not even change the paper that comes to us, but we as a government agency should probably be sure that that is the paper we’re buying, and not some that is below the post-consumer recommendation.”

Chairman Unruh said, “Okay, thank you. Well, we have other questions. Commissioner Burtnett.”

Commissioner Burtnett said, “Are the post-consumer papers a little more expensive? It used to be that the recycled papers usually tend to be a little more expensive. Is that still the case?”

Ms. Sanders said, “That has been the case in the past and the only way we’re going to know that, is to go out for bid and see what happens. There is provision in here for a 5% price difference to obtain that post-consumer content, but like I said before, standard has become pretty much 30% of post-consumer content, so it’s saturated the market, that’s what we’ll be getting. And I would not as, I would not ask us to spend more money for recycled content, because you know, in today’s economy, you know we have to pay attention to our bottom line. But the policy does provide for that 5%.”

Chairman Unruh said, “Is that all, Commissioner? Okay. Commissioner Norton.”

Commissioner Norton said, “Really that was my question, is there cost implications of this. You know, we buy a pretty big volume throughout the county and that could add up to some additional funding, and I think it really talks to what our values are going to be and which way we want to go with it, but I think we owe it to ourselves to be sure that we understand that there could be some

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cost implications along the way. That was my only question.”

Chairman Unruh said, “All right, thank you. Commissioner Sciortino.”

Commissioner Sciortino said, “Mr. Buchanan, this is just a question of you sir. You’ve looked at this and you feel that its appropriate for us to do this and apparently you’re not choking on the thought that it may be really so expensive it would hurt us to do it?”

Mr. Buchanan said, “I recommend it. Yes, sir.”

Chairman Unruh said, “All right, Commissioners, what’s the will of the Board?”

MOTION

Commissioner Winters moved to adopt the Resolution.

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	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you, Jo. Madam Clerk, call the next item please.”

I. AGREEMENT WITH CITY OF WICHITA, KANSAS FOR FUNDING OF AIRTRAN AIRWAYS, INC.

Mr. Buchanan said, “You have before you a revised transportation service agreement between Sedgwick County and the City of Wichita. That agreement was distributed to you last . . . late, last evening. Also, this morning you were distributed a copy of a letter to Mr. Arthur Burg from the U.S. Department . . . he is the attorney representing the City of Wichita, from the U.S. Department of Transportation, Federal Aviation Administration (FAA), from Charles Earhardt, manager of Airport Compliance Division, regarding the subsidies to AirTran.

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And finally, you have a transportation service agreement before you, which is the agreement between the City of Wichita and AirTran. As you recall, this item . . . we participated in the negotiation of this item and I was present in Atlanta for the discussions. The Sedgwick County agreement is contingent upon the City of Wichita agreement and it might be well advised to review what is in the City of Wichita agreement for just a quick refresher of what that agreement says. Why that is important is because, in our agreement with the City of Wichita, we continue to reference Appendix A. This is Appendix A and it's important for us to do it.

If you will, Mr. Chairman, on the transportation services agreement with the City of Wichita, section one talks about the two flights a day to Atlanta and one flight a week to Orlando. There's a separate section, section eight that talks about the increase in flights, but we'll get there when we get to section eight. Section two says that AirTran will operate the normal passenger in-flight services. Section three talks about efforts to maximize the seat sales and for them to do a promotion on jet service. Item four is AirTran will include jet service, that they're required to provide that. Section five agrees to periodic consult with the City of promotional efforts. Section six, with the city agreement with AirTran, we'll have a right to prior approval, AirTran will have a right to prior approval, which will not be unreasonably withheld in the use of their name or logo in some promotional issues.

Item seven is that AirTran will be responsible for all expenses related to the service provided therein, and talks about those operation costs. Item eight is an inducement to provide for AirTran to provide Boeing 717 and this lays out the costs per hour, the appropriate fuel adjustment and what those costs are between Wichita and Atlanta and Wichita and Orlando.

The second paragraph in section eight talks about then an addition, beginning June 7th, of a third flight to Atlanta and that would go from June 7th, '05 through the length of this contract. Item nine is a fuel cost formula, which was negotiated with AirTran the last contract, the City of Wichita used professional consultants to help determine those costs and it allows for adjustments, based on the fuel cost rise or lowering, cost in the hourly rate, it calls for an adjustment there.

Item ten, or section ten, costs again . . . it delineates the cost per hour and defines what an hour is and indicates that these are estimates because of weather and because of traffic control, it might take longer than 1.25 hours . . . 125 minutes, excuse me, 125 minutes to go from Wichita to Atlanta.

Paragraph eleven, the city agrees that with respect to any additional jet service, under this agreement, we'll have the right to establish the schedule, AirTran will have the right to establish that schedule and there is discussions with AirTran about additional jet service, but we'll have to see how this program works.

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Item twelve talks about how the calculations will be made for payment and it talks about at the end of each month AirTran will submit a block hour shortfall report. In that report, it will indicate how much the subsidy will be. I will call your attention to the last sentence in that paragraph: 'During any month, the aggregate ghost passenger revenue exceeds' and so that paragraph, that sentence talks about when they make more money, that we will be given credit in the next month or the next several months for that, for the money that they've made in excess of their expenses.

Item thirteen is a paragraph that indicates that there's 30 days clause to end the contract under very specific circumstances: bankruptcy, sale, failure to perform certain duties by AirTran. The fourteen is the real . . . not the real, is the other cancellation clause in the City contract and that calls for a 75-day written notice, cancellation by the City or by AirTran, to end this contract.

Item sixteen is a cash-basis law provision that all Kansas municipalities have in their contracts. Seventeen and eighteen are hold harmless and where the demands of notices would be done and its what we refer to as boiler plate and it's not to diminish the importance, but these are standard items in contracts.

Nineteen is agreement arising . . . talks about if there's a dispute and disagreements and the rest of . . . 20 through 24 are regular, what we would term boilerplate items in contracts. You can see that exhibit A, that under the transportation service agreement, that there are two sides to exhibit a, one effective between May 8th and then one effective June 7th. June 7th provides for three flights a day.

Commissioners, under the contract before you, with the City of Wichita that we've provided to you, gives us several 'whereas's. Jennifer Magana is here and so I'll be happy to go through this portion of it, but if there are questions of content, perhaps she is more appropriate to speak to it.

Paragraph one describes the services, and the City will fulfill its obligation, set forth in Appendix A, primary funding agreement. We acknowledge that it exists and that's the services that we want the city to provide.

The status of the City, the city and county agree that services rendered under this agreement are rendered by the city. Item three is the term, the term begins May 7th. Here, the termination is for 30 days that we can terminate, either the city or the county can terminate our relationship.

The compensation, again we will receive reports from the city, just as they have received the same reports from AirTran to the Chief Financial Officer and we will pay those. The second paragraph is section five specifically indicates the county's payment obligation hereunder is expressly contingent upon the city's full performance of its payment obligations. So we state here that we're subservient. The city would go first, we will go second in this process.

Funding purpose, this is again to fund the transportation of service agreement, we can see the cash

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basis law, monthly reports, the interest of public officials, again not to diminish these by referring those as to boilerplate, but in fact that's what they are and then we have sections on transfer and modifications, applicable law and equal opportunity.

Mr. Chairman and Commissioners, if there are questions, I'll be happy to answer them. Otherwise, I would recommend you approve this agreement between the City of Wichita and Sedgwick County known as the transportation service agreement."

Chairman Unruh said, "Okay, thank you Bill. The agreement between the City and AirTran is an enhanced agreement from previously, in that we have more flights and credits for their profitable months. I mean those are the major improvements that we've negotiated. Does that contract preclude any agreements with other airlines? I mean, should we find it necessary in the future, or desirable, to make agreements with other airlines, this doesn't prevent us from doing that."

Mr. Buchanan said, "No, nor does it obligate us. If the City of Wichita and there's any other agreement, this is specific to their agreement with AirTran."

Chairman Unruh said, "And then in our contract with the City, we have a 30-day cancellation clause and our investment in this venture is subsequent to the city's using its money."

Mr. Buchanan said, "Yes."

Chairman Unruh said, "Okay. Well, those are . . . I heard say that, I just needed to verify that. There are some comments, so let me start with Commissioner Winters."

Commissioner Winters said, "Thank you very much, Mr. Chairman. I would like to make a couple of comments, I think.

We had an opportunity to discuss this, just very briefly, yesterday at our staff meeting and I know that this is an extremely difficult issue for a number of us that are sitting at this bench. And we all wish that we did not have to find it necessary to make investments in companies such as this. But we also know, at the same time, as we observe the airline world, that airlines and airline ticket prices are not reacting the way normal economic sense would tell you that they need to react.

And I wasn't able to hear all of the comments yesterday at City Hall, but in just picking up some of the things that we know have happened, after VanGuard Airline left our community, we ended up with some of the highest air fares in the nation, and we had corporate headquarters, such as Rent-A-Center, Pizza Hut, Bright Boys left our community. And we know that there are headquarter type operations here currently that have made indications that high airlines are just not something that

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they can live with.

So after the city has invested in AirTran, there has been almost a 30% reduction in airfare prices and we have observed a 33% increase in passengers arriving and leaving Mid-Continent Airport. And now with that 33% increase in passengers, most of that has occurred on airlines other than AirTran, so we have gone from 1,000,000 to almost 1.4 million, and potentially this year could see a 1.8 million passengers, which again is lifting all the airlines that serve our area, but yet at a reasonable price.

We know that if we keep that AirTran, this will continue to position our community to be able to solicit headquarter operations for companies and it will, I think, much more benefit to allowing us to keep those operations that we have here.

Some estimate that since AirTran has arrived, the community has saved almost \$200,000,000 in reduced airfares and I think that's a significant figure and I think it has a significant impact on our economic development efforts here in Sedgwick County. So I think, to this point, I think the City of Wichita's investment has multiple returns over the years.

So I would hope today that we could have a discussion here and I'm going to be supportive of moving forward. I would like for us, as we know the city acted on this yesterday, I'd like for us to be able to demonstrate to the community, to AirTran, to the citizens of Wichita, those working on economic development, not only here in Sedgwick County, but in the region, knows that we are behind this effort.

But with saying that, I have read this letter from the FAA and I've got some serious concerns about whether this is going to work, and I'm not sure that taking on the FAA headstrong is the best avenue, and so I would just like to offer our help and support, or my help and support, if the city would consider establishing an authority, that's independent of the City Council, to operate the airport as it exists today. I know that it was operated that way for many years, up until 1999, when that change was made. And perhaps this is even a time to talk about a regional type of authority. I know that many of our surrounding counties and cities rely on this airport just as much as we do. And yet we really don't have a way to make sure that they're at the table when decisions such as this need to be made.

So again, I would like to ask the city to reconsider their efforts to formulate a reconstituted airport authority and again, I still would like for us to move forward today, so they clearly know that we're

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in this game and we believe this is hugely important. But I just want to make sure that Sedgwick County doesn't become entangled with the FAA in some kind of an issue that would not be beneficial for any of us. So, I'm going to be supportive, but I'm certainly interested to hear what other commissioners have to say."

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

Commissioner Sciortino said, "Thank you, Mr. Chairman. I have a couple of things, and I'd like to address this to Mr. Euson, our counsel. The understanding, I know Tom and I were in an initial meeting with some of the other stakeholders and we made it very clear, in non-legal terms, that number one, both of us really believe that the concept of what we were trying to work out was an economic development tool, and that's what got me onto this program. I think affordable airfare in this area, not just Wichita, not just Sedgwick County, but all of south central Kansas, could be a tremendous tool when trying to entice new businesses to come in, corporate headquarters, not just a substation of some other corporation, but actually a headquarter company here.

We've heard from Mr. Buchanan . . . and the point is that we said that our commitment would be after the City of Wichita fully expended its two and a half million dollars. Then and only then would our million dollars kick in. And your comfortable with the verbiage that's been drafted that it says now in legal terms what we said in Kansas Kitchen English."

Mr. Richard Euson, County Counselor, said, "Yes, I am."

Commissioner Sciortino said, "Okay. The second thing I have is, number one, I'm going to be supportive of our action here, but this contract that we have is with the City of Wichita, correct? So, if it's determined that the City of Wichita has done something improper or not proper, and they get in trouble with the FAA, we're not drawn into that.

They can't withhold any of our airport funds, because we don't have any airport funds. So we're just with the City of Wichita. I, running the risk of maybe making some of our friends across the street upset with us, I agree with Mr. Winters. This airport is regional in nature and it supports the economic development of all of south central Kansas, and that I mean Butler County, Sumner County, Cowley County, Reno County, etcetera, all of those citizens benefits by lower airfares.

And this concept of maybe an independent airport authority that has on its board more of a regional flavor might induce some of these other entities into supporting Wichita in any ongoing, long term plans that will be needed to keep a discount carrier here forever. If there's additional or ongoing subsidies or inducements that may have to occur, it shouldn't always be Wichita and Sedgwick County that funds it, if the benefit cascades beyond Sedgwick County. So, I think that's an interesting concept that you brought up Tom, and I'd be willing to sit down with our friends across the street and just visit the pros and cons of that concept, if indeed that would be all it would take to

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put to bed this concern that the FAA has. But I'm going to support what we're being asked to vote on today. Thank you."

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

Commissioner Burtnett said, "Yeah, I have a couple of comments and a couple of questions and let me preface this by saying I am supportive of all this, but I just have a lot of questions. First off, if we are . . . if our agreement with the City says that we're agreeing to everything as set forth in Appendix A. That means we are agreeing to what the City is doing with AirTran. So, to me, we do have some sort of legal liability for what their contract says, because we're agreeing to what they're agreeing to, but we're just making our contract with the City. Is that correct?"

I mean, I see it . . . I guess maybe I'm going to deep into this, but I see if we're signing off on something that says, 'The city will fulfill its obligations, as set forth in appendix A' and we are saying that 'we' are paying for services described in paragraph one, which talks about appendix A, then we are agreeing to what the City says, right, with AirTran?"

Mr. Euson said, "Well, we are agreeing to pay, under the same circumstances that the city pays, once the city's obligation is done. In other words, we have, for lack of a better word a contingent guarantee, in which we make payment after the city has fulfilled their obligations, but only after they've fulfilled them."

Commissioner Burtnett said, "Right, but we are still agreeing with what their commitment to AirTran is."

Mr. Euson said, "Yes."

Commissioner Burtnett said, "Okay. Then I appreciate getting this appendix A. Too bad I didn't have it yesterday. Then I could have read through it and that brings me to my next question. That it says 'Monthly report, the City shall furnish the County on a monthly basis copies of the reconciled block hour reports it receives from AirTran'. Will we, as commissioners, get this report? Are we going to get it 10 minutes before the meeting? I mean, I'd kind of like to have these reports before we're coming in front of the public."

Mr. Buchanan said, "It's our intention that we would receive those . . . as the City of Wichita gets those, that we would receive those, and so we can have a pretty early determination of what our obligations might be in the future, and certainly how well the new frequent flyer mile program that the Chamber of Commerce is establishing works."

The basis of this contract is that there's an independent agreement between the Chamber the

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Commerce and . . . or Fair Fares and AirTran to provide a frequent flyer mile program that is, in theory, will raise the amount of ticket purchases and flyers over the next several months, and so we will see those reports when the city gets them, yes.”

Commissioner Burnett said, “Okay, and then you’ll just forward them on to all of us.”

Mr. Buchanan said, “Yes.”

Commissioner Burnett said, “And then my final question is, regarding this FAA report, has our legal counsel had a chance to look at this and what would their comments be, if any?”

Mr. Buchanan said, “I just received that letter this morning.”

Commissioner Burnett said, “I know. That’s . . .”

Mr. Buchanan said, “And no . . . let me tell you what I do know about the letter from the FAA. The FAA does provide funds to airports around the country for improvements and other appurtenances in the running of an airport. The theory of the FAA is, when we give you our money, you cannot be favoring one airline over another airline in the facilities that we are helping pay for. The problem is, again, I’m very sure of my opinion, but that’s without legal training, so that makes it even better, but I’m sure the problem lies in the fact that Wichita airport is not separate from the City of Wichita in the FAA minds.

If there was an independent board at FAA or if the airport was owned by someone else or . . . there’s a whole bunch of other ‘ifs’ but if it was clear that it’s a separate operating entity, then this would not be an issue.

The FAA has said that, the FAA says this in the letter, the FAA has said it at other times. The problem is, from the FAA’s point of view, is that they believe that the City of Wichita and the airport are one organization and the city needs to then prove that that’s not the case.

So, the long way to answer the question, we don’t have a dog in that fight. We don’t get any money from the FAA, we don’t own the airport, we are not part of that deal.”

Commissioner Burnett said, “Okay.”

Mr. Buchanan said, “But the legal department needs to take a look at that too.”

Commissioner Burnett said, “Yeah.”

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Mr. Buchanan said, “The issue for the FAA is that the remedies, if the FAA continues to view this as a single entity, the remedies would be to withdraw funds for airport . . . whatever they give the airport and/or ask for the funds that they’ve already given them to be returned, just as if, when we get grants from the state or from HUD, Housing and Urban Development or the feds, if we’re in violation of that grant, the first thing they want to do is get their money back and that’s my best guess effort here.”

Commissioner Burnett said, “Okay. Well, the only other comment I have is by us having a 30-day out of this is the only reason I’m really supportive because if we see that the numbers are going down, and we want to get out of it, I think that’s a very good option for us. That’s it.”

Chairman Unruh said, “Okay, thank you. Commissioner Sciortino.”

Commissioner Sciortino said, “Just to follow up a little bit on what Commissioner Burnett just said, Rich. I think one of her concerns is, since we are referring to and referencing the agreement that the city is going to have with AirTran and that’s what contentious with the FAA, her concern was that by us referencing that, we could have shares in some of the liability that the FAA may determine would be appropriate with the City, but that’s not the case, is that correct? There’s no liability we incur if, for some reason, the FAA and the City are at loggerheads and there’s any punitive action taken, we don’t have to share in any portion of that liability. Is that correct?”

Mr. Euson said, “Well, yes that’s correct, as Bill has mentioned from the podium. We just don’t have a relationship with them and this is just a . . . this is merely a funding agreement that really has nothing to do with the relationship between the City and the FAA.”

Commissioner Sciortino said, “I took to heart what you said, I wanted to make sure I thought it . . . okay.”

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

Commissioner Norton said, “Well, you know I’ve had some pretty stringent questions about all of this and I was an early adopter, as we started thinking about this, because I think it’s important to have low airfares. It is an economic issue, but I think this is fraught with some peril for elected officials, as this goes on. How much has already been expended to AirTran over the last three years?”

Mr. Buchanan said, “I can only guess.”

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Commissioner Winters said, "I think it's \$7,000,000."

Chairman Unruh said, "That's reported in the paper this morning."

Commissioner Norton said, "Okay. I guess, first of all, it's maddening that we don't have people here that can answer those questions from the City. That's maddening to me right now."

Mr. Buchanan said, "I'll take responsibility for that, Commissioner. I never ex . . . I didn't invite them."

Commissioner Norton said, "Okay, well my first question didn't get answered. So, my second one, now we're at 3.5 million, a million from us, 2.5, over a three-year period. If we get caught in that, that becomes, what, over \$10,000,000. So we've gone from seven over three years to now \$10,000,000. I mean, this is starting to look like, to me, like a black hole which leads me to, you know, what is the strategic plan. I mean, I know this is kind of like a bandaid to get us through this year, make sure we don't lose the air service, and regroup. I guess, for me, I'm interested in where are we going with this for the next ten years. You know, we've been talking about low airfares since I came to this community in 1980 and it seems like we still don't have a firm strategic plan, other than right now throwing some money at a low-cost airfare and I think we need to be more strategic about that, and I would hope we would be included, which is the next thing.

I hear in the contracts all we do . . . we're just going to give money. We don't have a seat at the table. We're not included. We don't give input. Just give the money and I have a little problem with that. I think a million dollars is a pretty good chunk of money. That we should maybe be a little more included, have a little more input. Maybe should have been at the table, visiting about this at a workshop, if we're going to be one of the bigger players.

I guess my next question is where does our money come from? It's a million dollars. We're just going to come up with it. What pool of money does that come from?"

Mr. Buchanan said, "We have . . . depending upon which fiscal year it falls in, it could fall in this fiscal year, we have spending authority in various fund . . . in the general fund that would allow us to take money from either cash reserve or, as we proceed this year, as revenues increase and expenditures remain the same or go down, will provide us funds from various budgets that it could be taken from. So for the short term, which would be the most difficult . . . neither one will be difficult, but if it happens in this year, we have plenty of spending authority and plenty cash reserves to do this without damaging our future financial plans."

Commissioner Norton said, "Well, as Commissioner Sciortino said, this is an economic development issue. It's kind of what drew him to it. Did we not put some money aside for these

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kind of economic . . . we call this transportation. It could be incentives to a company, whatever we call it, if we call it economic development money, we have a pool of money and we've already spent part of that on something else."

Mr. Buchanan said, "We have . . . we've budgeted about 1.1 million dollars in 2005 for economic development issues. We have a commitment in excess of \$300,000 already, if all those programs fall in place. So, we have various choices within the budget from which to take those funds, if necessary."

Commissioner Norton said, "Okay. And I guess if we call this an economic development kind of thing, if we draw on it this year, maybe half of it, that gets us up to \$800,000, a million. I guess I just don't want to find that we're pulling money out of that fund and then we have to dip into a lot of other funds to make this money up. You know, a million dollars is a million dollars and I think the due diligence has to be there, to figure out where the money comes from.

I have grave worries about this FAA implications. I think we do get encumbered with it and it is something that we need to watch closely. It's not our fight, but I think once you're a participant at a million dollar level, it becomes something you need to watch real close. I don't think we can say, 'Oh, we're government and we just threw some money over in a pot and we're not encumbered by that'. I think we are. I think it's very important that we know that.

I do have some concerns that as we continue to work on this and we haven't solved the long-term strategic plan, you know the average citizen, the non-traveling public just doesn't get this. And I understand that businesses, some major businesses think this is a very important economic issue to them, and it is, I understand that, I came out of the business community.

But for many average citizens, just the non-traveling public that probably aren't going to buy an airplane ticket the rest of their lives, they have a little heartburn about this and I think we need to take that into consideration as we look towards this.

The final thing is, and I really believe what Commissioner Winters said, is that somewhere we need to revisit the structure of the Authority, how it works, our thoughts about regionalization. You know, we've talked about that on a lot of different levels when it comes to providing technical education, we're talking about more regional compacts and partnerships. Certainly, talking to other counties around us and other entities, that use that airport as their hub, I think it's very important as we look to a future to solve this.

So, I still have a lot of questions. I hate that we're down to the final hour and have to make that decision, because I certainly have some questions that I don't think are answered yet and it's going to make it hard for me to support it, even though I understand that clearly there's been huge savings,

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it has helped our business community but that it looks like we're getting into a self-fulfilling prophecy that we're never going to get out of, as long as we keep putting money into this pot. That's all I have, Mr. Chair."

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

Commissioner Sciortino said, "Well, I appreciate the concerns that Commissioner Norton has thrown up and some of those concerns are real and they need to be addressed, with the idea of where we're going from here.

I think it was Mr. Buchanan and myself attended a couple of . . . I don't know for sure Tom, if you were at that meeting or not, but we discussed this is a bandaid to get us past this year, but where are we going from here and I fully believe that some sort of government involvement in a low-discount carrier is probably going to have to be going on forever, in order for us to assure that we're going to have affordable airfare in this area. I don't think for a minute that all of the sudden, by what the Chamber is trying to do very diligently in helping AirTran increase their ticket sales, will all of the sudden that government can get out of that type of inducement.

I became a believer, and I'm pretty tight when it comes to spending government dollars, but I became a believer that this is a very key economic tool and if the county needs to participate on an ongoing basis to insure the fact that the good things that have happened already because of it, solely at the city's funding, that the benefits cascaded beyond the city limits of Wichita and that's why I thought it was appropriate for the County to get involved. I am also a firm believer that there are other counties around Sedgwick that also benefit and that's why I'm very intrigued by Commissioner Winters' idea of a regional airport authority.

But I don't think for a minute that this is going to be the end of it, but I do know what happens when a discount carrier leaves.

And the legacy carrier is just 'boom' and the tickets go up two or three hundred percent and all of the sudden it's causing us \$1,000 round trip to go to Chicago again, like it used to or Atlanta is \$900 round trip. There are, and I would probably say the majority of the citizens of Sedgwick County rarely, if ever, fly in an airplane, but those people are direct recipients of the benefit of a vibrant economic community, because of all of the services that that vibrancy allows us to afford them, just like the arena. People that don't attend . . . ever attend a concert are going to be direct benefit of the increased economic activity that's going to be generated because of us and the city being able to fund more adequately the social services they need. So I can argue that all of the citizens directly or indirectly have benefited over the last few years with this discount carrier. We are going to have meetings of I remember we had that meeting and I can't remember if for sure there was another Commissioner present while we had it or if it was you and I, but they assured us that we would be a player at the table when we started discussing long term strategy and as you

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know, Bill and some of our other people were down in Atlanta when they were talking to AirTran about this whole concept. So I think we will be directly involved and I am ready to support this proposal that is in front of us and anxious to sit down with the City and the other partners in talking about that long term strategy. Thank you.”

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

Commissioner Winters said, “Thank you very much. Commissioner Sciortino I certainly agree with your comments. The only thing I would add is, we are, I think, going to be viewed by airlines as a different community in moving the ridership from a million to a possible 1.8 million this year and if that could somehow be moved to the two million a year level than we are a different kind of airport community. I certainly want to agree with most everything you said. Thank you.

Chairman Unruh said, “Okay, thank you. I would just make a comment that I’m going to be supportive of this, but prefer a long term solution to this whole transportation problem, but at this particular point we don’t have a luxury of making a long term solution to the problem. The contract is coming up and we have to make a decision do we want to continue to try to keep a low cost carrier here, or we going to let it go away. I have been in a couple meetings as had Commissioner Sciortino where there has been a firm commitment that as we get through this particular crisis we are going to develop a long term strategy that will keep us from these sort of emergency type considerations. I’m convinced we will do that. In concept, I’m in favor of taking this action. We can call it economic development or we can call it support of our transportation infrastructure, but I think it needs to be done. I would agree with comments previously made that as we improve the general economy of our area it does benefit everyone.

The old saying when the tide comes in all the boats in the harbor rise and that’s exactly what this will do. If we have healthy large business partners, the small business people like myself also benefit. I use to work on cars for a living and if there is no business in town, no strong economy, I don’t get to line up front ends. So, it’s just a simple fact that if the economy is good it is good for everybody. I’m convinced that the detail we have worked out is good and appropriate and workable here for this particular agreement, but like the other Commissioners, I’m concerned about the FAA objection. I believe it is an important issue that we need to take some steps to resolve. I realize, as the Manager said, ‘we won’t have a dog in that fight at the first level,’ but it is important I think that if that issue somehow is not favorably then all we’re doing today is for naught. If the threat is real and it appears that it is real, I would strongly urge our colleagues across the street to try and work out that FAA issue. I’m also in agreement that long term, we can solve this short term issue. We need to explore the concept of original air park. That is also an issue that has to be initiated with our City Council folks. So anyway, I am supportive and all I’ve done is repeat what has already been said. We need to move on. We have a comment from Commissioner Norton, but may I call on the Manager first?”

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Commissioner Norton said, "Absolutely."

Mr. Buchanan said, "Commissioner, there are two issues that I want to talk about, but one of them has to do with the cities contract of the cities relationship with the FAA and I'm going to ask Jennifer Magana to do that please."

Ms. Jennifer Magana, Assistant County Counselor, said, "Just briefly, the city's contract did preclude a provision for termination of its contract with AirTran, if the FAA issues a final order finding a violation of economic discrimination."

Chairman Unruh said, "Okay. Thank you. That's helpful."

Mr. Buchanan said, "It's more information."

Chairman Unruh said, "Yea...more information. Helpful may not be the right word. Okay, Commissioner Norton."

Commissioner Norton said, "Well I think we can move on. Ultimately, I wanted to get my questions on the table. I'm going to be supportive of this today. I'm not going to be the roadblock, but I think there is still some sticking points as we talk through this over the last couple weeks and as we talked through yesterday in our staff meeting.

I think we are trying to be good partners, I think we want to do what's right for our community economically, but there are some sticking points that I think we understand at a pretty deep level, that we're not supportive of this on every point and every level that is going to come before us. I certainly won't be the roadblock today, but I wanted to be sure some of these thoughts and ideas that we've been mulling over for several weeks. Out in the public that we've talked about them and we tried to scrutinize every little nuance of this and we'll move forward today, I guess and I'll be supportive, but I still have some thoughts that just isn't all worked out."

Chairman Unruh said, "Well Commissioners, I see no more comments, what's the will of the Board?"

MOTION

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

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Commissioner Winters seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Mr. Buchanan said, “Thank you Mr. Chairman, thank you Commissioners. We need to be reminded that we have given the business community an opportunity to succeed. If they don’t buy the tickets and use AirTrans it is going to be a problem for this community. They have stepped up to the plate and said that they would and they have designed a program in theory should work, but it is there responsibility to use the aircraft. Thank you.”

Chairman Unruh said, “Okay. Thank you. That is what we’ve been talking about in various illustrations the third leg of the stool and we think we’ve got all the legs in place. Okay, madam clerk, next item.”

J. KANSAS COLISEUM. .

1. AGREEMENT WITH WICHITA FESTIVALS, INC. FOR USE OF PORTABLE BLEACHERS MAY 6 – 9, 2005.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, “This is our standard agreement for renting some of our equipment. We have a many year agreement with the River Fest where they rent some bleachers to handle some of the crowds at some of their activities. The terms are the same for everybody no matter what. The client pays in advance the rental fee, the client insures the equipment against damage and/or loss and the client picks up the equipment, transports it to the site and then returns them and we recommend approval.”

Chairman Unruh said, “Okay...Thank you John. Commissioners, any discussion?”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

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

2. AGREEMENT WITH PREFERRED HEALTH SYSTEMS FOR ADVERTISING RIGHTS.

Mr. Nath said, “Again, good morning Commissioners. This is our standard agreement again for advertising services and sponsorship services at the coliseum. We have just completed a three year agreement with Preferred Health. They participate in our A Level Program and this is just another renewal. It is another three-year term. We recommend approval.

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

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

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3. MONTHLY REPORT.

Mr. Nath said, “Again, good morning Commissioners. Report today on attendance for the month of March. We had a very good month. We had over 73,000 people through the doors. Twenty events, thirty-four individual performances. Our net revenues were in excess of \$260,000. We had some new events this month. We had the hometown addition of Ringling Brothers Barnum and Bailey which is a one-ring circus versus the standard three ring. They go by the red and the blue show for the big shows. This is the gold show and it was really very very good. We had a lot of excitement. We had nearly 12,000 people attend the three performances. We had the Chisholm Trail Antique Gun Show. Once again with 5500 people in attendance. The Midwestern Quarter Horse Show, which is another yearly annual event with 6,000 people in attendance again this year. We had the third installment of the Park City Texas Hold-em tournament. Had over 5,000 people for that Saturday and Sunday event. Spring Madness Go-Kart Races, this is an in-house created and produced event. We had our highest participation ever. We had over 816 entries. This year did very well with the event. It was a lot of fun. We had three concerts this month over the month of March. We started with Steven Curtis Chapman. A very good show, very well received. We had Slip Knot in concert, modern rock and we had John Mellencamp in concert. John Mellencamp attracted nearly 7200 people. It was a very very good show. We also had seven hockey games and over 22,000 people in attendance. Now that finished up the Thunders regular season and we also had two play-off games in the month of March.

Coming up, we got the Aviators. They start their season this Saturday. The inaugural game. Park City Blue Grass Festival, April 28th through the 30th. Motley Crue finishes out the month of April with a concert on the 30th. We have the Heartland Miniature Horse Show April 30th through May 1st. The Aviators Football returns again on May 21st and 28th then again in May we do a lot of graduations. If there are any questions, I’ll be happy to answer them at this time.

Chairman Unruh said, “Okay. Thank you, John. We do have some questions. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you. John, I know that this John Mellencamp Concert that was the test that they were going to do about reduced tickets and see if they could increase people coming to it. In the hopes I think, that the whole industry will start rethinking about lowering tickets prices for concerts. Were they pleased?”

Mr. Nath said, “They were very pleased. We think that....well we know there was an issue last year, especially with concert attendance with the price of tickets. Clear Channel Entertainment which is the biggest promoter in the country and actually in the world right now has taken some

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steps where they are reducing the cost of the amphitheater tickets this summer to a \$20.00 ticket. Sometimes even under that. They are doing some things where parking is also included in the ticket where actually the concession prices have actually been reduced to encourage people to come out to these events. We were very encouraged by this and obviously this is not going to pertain to some of the super stars. McCartney is going on and that is going to be a \$300 ticket. Neil Diamond is going out and is performing, it is Neil Diamond/Barbara Streisand which is going to be quite the package. You aren't going to get that for a \$20 ticket. It's just not going to happen. For the majority of the shows that are out there, the mid tier shows. I think you are going to see a roll back of ticket prices. We project in our discussion with the promoters for Mellencamp that should we of had a \$45 ticket, we probably would have had 4,000 people at the show rather than the 7200. So we were very pleased the way it worked out for us. You got a very nice payday, the promoter got a very nice payday and so did we."

Chairman Unruh said, "Anything else? The...John I have a question...the one ring circus was it attendance comparable to a three ring circus?"

Mr. Nath said, "Well, it was mid-week...it was a Tuesday and Wednesday. We were very encouraged by doing almost 12,000 people on a Tuesday and a Wednesday. It was a very good show."

Chairman Unruh said, "Okay, very good. Well, Comissioners any other discussion or questions? Could I have a motion please?"

MOTION

Commissioner Sciortino moved to receive and file.

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	Aye
Chairman Unruh	Aye

DEPARTMENT OF HUMAN SERVICES – COMCARE

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K. AGREEMENT WITH CITY OF WICHITA, KANSAS FOR THE TRANSPORTATION BROKERAGE TO PROVIDE SPECIALIZED TRANSPORTATION IN THE CITIES OF HAYSVILLE, MULVANE, DERBY, BEL AIRE, PARK CITY, KECHI, MAIZE AND VALLEY CENTER.

Ms. Valerhy Harmon, Director of Transportation Brokerage, Department on Aging, greeted the Commissioners and said, “This is a renewal of an agreement that we’ve had with the City of Wichita to provide the specialized transportation to these eight communities. It started in July of 2004. These communities were designated as urban. They use to be rural and after that time they became the responsibility of the City of Wichita to receive the Federal Transit Administration Funds and then the City of Wichita is passing down that funding to Sedgwick County to the brokerage to provide that service. I’d be happy to answer any questions you have.”

Chairman Unruh said, “All right. Thank you. How many folks take advantage of this? Do you have that sort of statistic?”

Ms. Harmon said, “No, but it’s about....it provided over 5,000 rides. I can get that number to you as far as individuals.”

Chairman Unruh said, “That is really the number I want, how many rides are there, not really how many individuals. Thank you. Are there any other questions of Valerhy?”

MOTION

Commissioner Norton 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	Aye
Chairman Unruh	Aye

L. DIVISION OF HUMAN SERVICES - COMCARE.

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1. CONTRACT WITH CITY OF WICHITA, KANSAS FOR COMCARE TO PROVIDE OUTPATIENT DRUG TREATMENT TO MUNICIPAL DRUG COURT CLIENTS.

Mr. Tim Kaufman, COMCARE said, “Good morning Commissioners. The agreement before you is with the City of Wichita to continue to provide outpatient drug treatment services to drug court clients. COMCARE’s Addiction Treatment Services Program has coordinated this program for six years. Program serves an average of 350 clients each year and approximately 80% successfully complete the program in any given year. It is part of this contract the city maintains a fund for indigent clients. This is a program that is fee for service and so participants must pay for the services they receive, but the city does guarantee funding for those consumers that are indigent. I’d be happy to answer any questions. We would recommend that you approve the agreement.”

Chairman Unruh said, “Okay. Thank you. I guess the thing that sticks out to me here is the number of clients who complete the program. I know folks that get in this sort of program and they have to want to improve their lives or this program doesn’t work very well. So, that’s a good sign that percentage is successful for completers.”

Mr. Kaufman said, “It is a very positive indicator of the program’s success.”

Chairman Unruh said, “All right. Commissioner Sciortino.”

Commissioner Sciortino said, “Just verification. The amount of money it says not to exceed \$50,000, is that \$50,000 a year?”

Mr. Kaufman said, “Yes sir.”

Commissioner Sciortino said, “And that’s only the amount of monies that the city might have to pay for indigent people. The hopes are is that we’ll be able to recover directly from the client that are participating in the program.”

Mr. Kaufman said, “Yes sir. That’s correct.”

Commissioner Sciortino said, “Understand. Thank you.”

Chairman Unruh said, “I see no other lights or for discussion or questions Commissioners, what’s the will of the Board?”

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MOTION

Commissioner Sciortino moved to approve the Contract 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	Aye
Chairman Unruh	Aye

2. CONTRACT RENEWAL WITH CITY OF WICHITA, KANSAS (CITY) FOR COMCARE'S ADDICTION TREATMENT SERVICES TO PROVIDE ADMINISTRATION SERVICES FOR CITY'S SPECIAL LIQUOR TAX PROGRAM.

Mr. Kaufman said, "Commissioners, this contract is a renewal with the City of Wichita for our Addiction Treatment Services Program to provide administrative oversight in contract monitoring for the 21 organizations that receive funding through city liquor tax dollars. Our staff monitor those contracts that provide technical assistance to treatment providers and they hold regular meeting of the coalition. We are paid about \$98,000 to manage 1.4 million in liquor tax dollars that go to treatment providers in the community. I'd be happy to answer any questions, we recommend your approval of the contract?"

Chairman Unruh said, "Any discussion Commissioners? What's the will of the Board?"

MOTION

Commissioner Burtnett moved to approve the Contract Renewal and authorize the

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Chairman to sign.

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	Aye
Chairman Unruh	Aye

DIVISION OF PUBLIC SAFETY – DEPARTMENT OF CORRECTIONS

M. GRANT APPLICATION TO KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL FOR THE FEDERAL EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT – FISCAL YEAR 2006, TO FUND TECHNOLOGY EQUIPMENT AND OVERTIME EXPENSES.

Ms. Terri Patterson, Juvenile Field Services Division of Sedgwick County Department of Corrections, greeted the Commissioners and said, “In March we became aware of an opportunity to apply for a Federal Edward Byrne Memorial Justice Assistance Grant. The amount of the grant funds that we seek permission to apply for is \$124,037 with the grant providing \$86,826 of that and requiring a 30% cash match of \$37,211 which is currently available in general funds. We were able to identify two areas of need that these funds could assist us with. Technology improvements and overtime for existing staff. First technology, we are seeking to replace 30 of our oldest computer stations which are no longer under warranty. In order to ensure compatibility with other computers on the network, the capability of running our required software programs and to continue to ensure that we can share information with other juvenile justice agencies and service providers throughout the State. Additionally, this would assist us in being able to continue to be in compliance with Juvenile Justice authority and federally mandated requirements which help bring in federal dollars to the community and state.

We are in need of overtime funds at this point because of our regular sources of funding are decreasing. Despite the growing numbers of juvenile field services clients, longer clients stay on conditional release and the increasing severity of offenses that our clients are committing, the number of staff has not been able to go with those increasing numbers. In this environment

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of tight money times it is not a good time to try to add positions to the staffing tables. So, we are seeking overtime in order to be able to make up those deficits. If awarded these funds for overtime, we would be able to continue to provide the quality supervision that we're accustomed to and to be able to meet our various performance measures. Clients who have gone through Juvenile Field Services Programs have a low recidivism rate and with the crimes of violence being even lower and we want to strive to keep these positive outcomes, but will need additional resources to do that. Both the Legal and Finance Departments have reviewed and signed off on this request and I would request you approve this grant application at this time. Thank you."

Chairman Unruh said, "Okay Terri. We do have questions, Commissioner Sciortino."

Commissioner Sciortino said, "I guess this question is for Mr. Buchanan. Our portion of the match it was presented to us that we would draw that down on the general fund, don't we on an ongoing basis when we set our budget, set aside at least mentally a certain number of dollars that are going to be used for this successful receipt of grants that might have to be matching and this is one of those. We've got that money in the budget to take care of it?"

Mr. Buchanan said, "Yes sir."

Chairman Unruh said, "That was the short answer. Thank you. That's all that's needed Bill. Any other discussion or questions Commissioners?"

MOTION

Commissioner Burtnett 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 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

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Commissioner Sciortino	Aye
Chairman Unruh	Aye

N. ADDITION OF ONE AMBULANCE TO FLEET INVENTORY.

Mr. Marvin Duncan, Director, Fleet Management, greeted the Commissioners and said, “Good morning Commissioners. The purpose of our request today is to add one ambulance to our fleet and we will use that ambulance to backfill EMS as we start the remount process of our old ambulances. What we proposed to do starting in January is we’ll bring in the old ambulance, take the box off and put it on a new chassis. We have a potential there to save up to a million dollars over the next four or five years by doing those remount jobs in our shop versus buying a new ambulance. Where you buy new chassis and a new box together. I’d be happy to entertain any questions you might have at this time.

Chairman Unruh said, “Any questions? It seems like appropriate management of resources. Any other comments or questions? What’s the will of the Board?”

MOTION

Commissioner Norton moved to approve the addition to the Fleet inventory.

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	Aye
Chairman Unruh	Aye

O. PUBLIC WORKS.

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1. RESOLUTION ESTABLISHING PARKING RESTRICTIONS ALONG THE 83RD STREET SOUTH RIGHT-OF-WAY FROM BLUFF TO THE WEST CITY LIMITS OF DERBY (639-29, 30), AND PROVIDING FOR ENFORCEMENT THEREOF.

Mr. Spears said, “This resolution will prohibit parking along 83rd Street South, between Bluff and the west city limits of Derby, along the east end of the Arkansas River Bridge. This resolution is a result of partnering between Public Works and the Sheriff’s Department’s Community Policing Division to address parking issues and trespassing by citizens that use the river for unapproved activities such as driving ATVs along the river.

We have previously restricted parking and access to the river on the old section of 83rd Street South, with signing and barricades, but this has not provided an adequate solution. Prohibiting parking back to the west to Bluff is being proposed as the west end of the zone, so that no parking does not begin ‘mid-block’. The resolution also states that the parking prohibitions are for the entire right-of-way, so that motorists cannot legally park off of the road and down in the ditch. I recommend that you adopt the resolution.”

Chairman Unruh asked, “Is there any comment or questions? Commissioner Norton.”

Commissioner Norton said, “Well this is in my district on the very far reaches. I mean it’s right on the river and we’ve had a tremendous problem down there, not only with people entering off where the barricades are and going down along the river banks, but with trash....after a weekend you’ll find piles of beer cans and other things. We’ve put up ‘No Dumping’ signs....we’ve tried that. We have limited some of that with barricades some of the access, but I think it’s now time to take more stringent measures. People just aren’t getting the idea that they are causing some grief down in that area. There is not a lot of citizens that live down, but the truth is, they are tearing up the area and we do need to get people out of there. One way to do that is to restrict parking along that area. I’ll be supportive of and everybody else will be.

MOTION

Commissioner Norton moved to adopt the Resolution.

Commissioner Burtnett seconded the motion.

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

VOTE

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Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

2. RESOLUTION DESIGNATING AND CLASSIFYING CERTAIN STREETS TO THE ILLINOIS TOWNSHIP SYSTEM. DISTRICT #3.

Mr. Spears said, "It is standard procedure that after a road is constructed within a platted residential subdivision, in accordance with county standards, that road is then assigned to the township road system. In this particular case, 34th Street South, 35th Street South, Rogers Lane and 34th Street South Court, located in the Redmond Estates- Phase I Addition, will become the responsibility of Illinois Township. The Illinois Township Board was informed that this resolution would be on the county commission agenda, by letter, dated March 9th. I recommend that you adopt the resolution."

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

3. AGREEMENT WITH JAYCAT, INC. FOR CONSTRUCTION OF A DRAINAGE STRUCTURE. DISTRICT #4.

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Mr. Jim Weber, P.E., Deputy Director, Bureau of Public Works, greeted the Commissioners and said, “In Item O-3, we are requesting your approval of an agreement with Carlson Products in the cost to construct a drainage structure near the intersection of 45th Street North and Tyler Road. This reinforced concrete box culvert will provide access across a channel that will divert drainage around the intersection of 45th and Tyler and alleviate an existing drainage problem in the area.

Sedgwick County will pay \$8,100 for one-third of the structure. Carlson will pay for the remaining two-thirds of the structure as well as the cost to construct the diversion channel in conjunction with their facility expansion project. The City of Maize will provide design review and inspection of the structure. We request your approval of the recommended action.”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

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

P. PURCHASING DEPARTMENT.

1. RECONSIDERATION OF ITEM 1 FROM THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF MARCH 31, 2005, STREET IMPROVEMENTS FOR GAITHER ADDITION – PUBLIC WORKS.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “Good morning Commissioners. The referenced item was deferred from the meeting of April 6th and that recommendation was to accept the low bid from Cornejo and Sons in the amount of \$50,053 subject to the approval of the revised petition by the Board of County Commissioners and for the record that revision was approved back on the meeting of April 6th. I would recommend approval of this

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item?”

Chairman Unruh asked, “Is there any discussion on this item?”

Commissioner Winters said, “I would not Mr. Chairman that there were three bids on this. So there were several bids.”

MOTION

Commissioner Winters moved to approve the recommendation of the Board of Bids and Contracts.

Commissioner Sciortino 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	Aye
Chairman Unruh	Aye

2. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF APRIL 14, 2005.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of April 14th resulted in ten items for consideration today.

**1) ASPHALT SURFACE REJUVENATION- PUBLIC WORKS
FUNDING: PUBLIC WORKS**

The first item Asphalt Surface Rejuvenation for Public Works. Recommend to accept the bid from

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Cutler Repaving in the amount of \$499,425.30.

**2) POLYMER MODIFIED ASPHALT RUBBER SEALCOAT- PUBLIC WORKS
FUNDING: PUBLIC WORKS**

Item two Polymer Modified Asphalt Rubber Seal Coat for Public Works. Recommend the bid from Wright Asphalt Products in the amount of \$320,000.

**3) CUSTODIAL SERVICES- CORRECTIONS
FUNDING: CORRECTIONS**

Item three Custodial Services for Corrections. Recommend the low proposal from Air Capital Building Maintenance and establish a contract for one year, with two one-year options to renew, for an estimated annual cost of \$9,600.75.

**4) FULL SIZED 4 x 4 SPORTS UTILITY VEHICLES- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION**

Item four full sized 4x4 Sports Utility Vehicles for Fleet Management. Recommend the low bid meeting specifications including manuals from Don Hattan Chevrolet for \$83,215.

**5) FULL SIZED ½ TON, 4-WHEEL DRIVE PICKUPS- FLEET MANAGEMENT
FUNDING: VEHICLE ACQUISITION**

Item five full sized ½ ton, 4-Wheel Drive Pickups for Fleet Management. Recommend the low bid from Jay Wolfe Chevrolet including manuals for a cost of \$32,829.

**6) COMPUTERS- DISTRICT COURT
FUNDING: COURT DRUG TESTING**

Item six computers for the District Court. Recommend the low bid from Gateway in the amount of \$51,560.

**7) WEED CHEMICALS- NOXIOUS WEEDS
FUNDING: NOXIOUS WEEDS**

Item seven weed chemicals for Noxious Weeds. Recommend the low bid on Items one and Items four from Farm Kan, LLC for a total of \$33,406.20. The low bid on Item five from Red River Specialties for \$14,592. Low bid on Item three and Item six from Carso Inc. for a total of \$10,950

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and the low bid on Item two from UAP Timberland for \$8,978.40. For a total of expenditure of \$67,926.60.

**8) TRANSPORTATION & DELIVERY SERVICES- FACILITY PROJECT SERVICES
FUNDING: FACILITY PROJECT SERVICES**

Item eight transportation and delivery services for Facility Project Services. Recommend a proposal from Thomas Transfer and Storage Co., Inc and establish contract pricing for one year with two one-year options to renew.

**9) ELECTRONIC REVENUE COLLECTION- SEDGWICK COUNTY
FUNDING: VARIOUS COUNTY DEPARTMENTS**

Item nine Electronic Revenue Collection for Sedgwick County. Recommend the low complete proposal from Bank of America for an initial cost of \$33,025 and execute a three-year contract with two one-year options to renew and establish transaction fees for an estimated annual cost of \$267,036.

**10) SYSTEMS FURNITURE- FACILITY PROJECT SERVICES
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item ten Systems Furniture for Facility Project Services. Recommend the expenditure with John A. Marshall in the amount of \$51,005.26. Would be happy to answer any questions and I recommend approval.”

Chairman Unruh said, “Okay. Thank you. We do have a question. Commissioner Sciortino.”

Commissioner Sciortino asked, “On Item four for the explorer was about \$5,000 less, but it did indicate here that we couldn’t accept that because they had a smaller wheel base than what was requested. What other vehicles other than the Chevy Tahoe could have been bid that had the same wheel base? Does Ford have a product, or Chrysler....anything?”

Ms. Baker said, “Expedition comes closest.”

Commissioner Sciortino said, “Okay. I guess I’m confused as to why they would make a bid on something that didn’t qualify? Why would they submit a bid on an Explorer that has a smaller

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wheel base than what was requested?”

Ms. Baker said, “Sometimes when vendors do that, they are hoping that we considered a irregularity and will consider that specification is minor and bid outside of that.”

Commissioner Sciortino said, “Okay. That’s all I have.”

Chairman Unruh said, “Commissioner Burtnett.”

Commissioner Burtnett said, “I just had a question on Item ten for the Health Department workstation furniture. Is that going to complete all the furniture that they need? Are they going to be able to take furniture from other places or is this.....?”

Ms. Baker said, “The furniture that they can move into this facility...they will move into the facility. A lot of the existing furniture is planned for other uses. They are factoring that in.”

Commissioner Burtnett said, “This should complete the furniture for Riverside?”

Ms. Baker said, “This is the workstation furniture. If there is any additional specific office equipment needed that would be a different bid process.”

MOTION

Commissioner Unruh 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	Aye
Chairman Unruh	Aye

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CONSENT AGENDA

Q. CONSENT AGENDA.

- 1. One Temporary Construction Easement for Sedgwick County Project 616-3 through 36, widening of 13th Street North between K-96 and 159th Street East. CIP# R-253. District #1.**
- 2. Metropolitan Area Planning Department Case Number CUP2001-00044 and ZON2001-00071 – extension of time to complete platting required for DP-257 Albert Farm Commercial Community Unit Plan, and a zone change from “SF-20” Single-Family Residential to “LC” Limited Commercial, “NR” Neighborhood Retail, “NO” Neighborhood Office, and “SF-5” Single-Family Residential, generally located on the southeast corner of Central and 151st Street West. District #3.**
- 3. Renewal Agreement for 2005 with Delta Dental Plan of Kansas to provide administrative services for a self-insured dental program, subsequent to renewal letter approved by the Board of County Commissioners September 15, 2004.**
- 4. Ratification and confirmation of the actions of the Sedgwick County Board of Canvassers at the meeting held April 8, 2005.**
- 5. Amendment to the 2005 Capital Improvement Program to include construction of an alternative sewer system at Fire Station 35.**
- 6. Orders dated April 6 and April 13, 2005 to correct tax roll for change of assessment.**
- 7. Payroll Check Register of April 8, 2005.**
- 8. General Bills Check Register(s) for the weeks of April 6 – 19, 2005**

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

MOTION

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Commissioner Sciortino moved to approve the consent agenda as presented.

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	Aye
Chairman Unruh	Aye

The Board County Commissioners recess into Fire District 11:07 am and returned at 11:10 am.

Chairman Unruh said, "I will call back to order the regular meeting of the Board of County Commissioner's. Before we go to Executive Session, is there any other comments or announcements? Commissioner Winters."

R. OTHER

Commissioner Winters said, "I just want to share with the Commissioners and others that several of us participated Monday in an Offender Re-entry seminar that the State of Kansas held and was well attended by both legislatures and local folks. I think that as we move forward it appears the State is becoming more and more interested in assisting local governments and I think we demonstrated our willingness to want to participate. Governor Sebelius was there for the luncheon and part of the meeting and addressed the group earlier in the day Senator Sam Brownback was there talking about Federal Legislation that is moving to Congress that would have funds available to assist with the Offender Re-entry issue. So I think it was a pretty positive meeting.

I would share also last week I attended a meeting of the Kansas Association of Counties (KAC) on sharing promising approaches at the KAC is going to work very diligently over the next year to find ways in which counties and local governments can work together and save money on a number of different projects....prescription drugs was certainly a beginning and we attempt to look for other ways to do that. It was good representation here in south central Kansas. Thank you."

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Chairman Unruh said, "Okay, very good. Thank you. Commissioner Norton."

Commissioner Norton said, "This week is visionary sessions going on and I know Monday they had one on the legislative agenda that I attended. I think yesterday they had one on health and some on education and today they are continuing with more visionary sessions. I would urge the public if they are interested to find out about visionary and sign up as a partner. Be involved in one of the sessions as we move that forward in our community. I think Henry Luke is back in town and is continuing to do sessions the rest of this week. There are more to do."

Finally, Chairman Unruh and I were in Anniston, Alabama with quite a few other Sedgwick County and City of Wichita folks and other providers in our community doing a bio-terrorism simulation and exercise and I have to tell you that it was pretty amazing to watch our Sedgwick County and Wichita folks in the community pull together to really do an awesome job with that simulation. Mr. Chair you may have some comments on that to. I have to applaud our Emergency Management Community and MMRS, Gloria Vermie and her group for pulling that together and getting the grant...I think they said that FEMA was sponsoring us at about a \$50,000 level to put that on. It was a wonderful exercise and pretty proud that our community as prepared as I think you can ever be for a bio-terrorism kind of event. That's all I have."

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

Commissioner Sciortino said, "Thank you. Just to remind the folks that our Public Works Department will be having a community meeting with all of the residence on 63rd Street between Rock and Butler County line. Just to inform them of the activity that we are going to be doing and maybe a brief little timeline so that there won't be any surprises, but they will be disrupted, as you know whenever you do any kind of road work and this is our way of just trying to keep the public informed and those affected intimately informed. I think it will be a good meeting, it will be from 7:00 to 9:00 pm. We are going to hold it at the Derby Police and Court building there are on South Baltimore, it is actually on K-15 but they call it Baltimore since it's inside the city limits of Derby."

Chairman Unruh said, "Okay. Thank you. Well, I would like to make a comment along with Commissioner Norton about our trip down to Anniston, Alabama for the integrated Emergency Management course. It was a profitable time and our folks responded at a very high level. Try to use the phase to try to convey how well they did, but this was definitely the A-team. Both our folks and city folks and hospital, Red Cross and all the different people who are working together in the process really did a good job. I've had some comments from some folks who say 'I don't know why you spend the time and energy to go do that, who is going to create an issue

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in Wichita, Kansas. Why would they come here?' There are natural disasters and there are man-made disasters and there are terrorist activities that work in our society today and it's way much better that we are prepared for it. These are turbulent times. Someone has used the phrase that we have entered monsoon season of history and that issue is not are we going to have turmoil, but how are we going to react and respond should those events occur. I would assure citizens of Sedgwick County that we have a first class response team who will minimize it and take the steps necessary to keep our people safe. It was a good time.

I also on a more happy note, I want to talk about the zoo. About an hour ago, almost an hour ago there was a public announcement that one of community partners, Cessna Aircraft made a substantial donation to help us go forward with a penguin exhibit. How about penguins in Sedgwick County? That's great, isn't it! I think we are going to hopefully have it open by 2007 and we'll start probably with ten animals, about two feet high little black and white birds. I think maybe the exhibit will be built so we can have as many as forty. We are going to have Spheniscus Humboldtii penguins. That's a Humboldt penguin, but anyway, I think it is going to be fun to watch and be another great attraction. We are really proud of our zoo, the way it is and it just keeps getting better. Hooray for the Sedgwick County Zoo. With my problem with S's I had a hard time with this. It is Spheniscus Humboldtii. I think they are in Chili and Peru, is where these penguins live in their natural habitat. They are going to be fun to watch so look forward to that."

Commissioner Sciortino asked, "So Cessna is going to re-teach them how to fly or something, or they can fly right now?"

Chairman Unruh said, "These animals fly through the water. Okay."

Commissioner Sciortino said, "Okay."

Chairman Unruh asked, "Is there any other, other? If not, I think we need to have an Executive Meeting."

MOTION

Commissioner Sciortino moved that the Board of County Commissioners recess into Executive Session for ten minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 11:27 am.

Commissioner Burnett seconded the motion.

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

VOTE

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

The Board of County Commissioners recessed into Executive Session at 11:17 am. and returned at 11:27 am.

Chairman Unruh said, “ I would like to call back to order the Board of County Commissioner meeting regular meeting of April 20, 2005 and report that while in executive session no binding action was taken. Mr. Euson, do you have an item for us?”

Mr. Richard Euson, County Counselor, said “Thank you. Commissioners, while in executive session we discussed three cases and two of those were Workers Compensation. One Workers Compensation case involving case of Tracey Hoy and it is recommended that we settle that case in the amount of \$19,720.80 and live it open for review and modification and leave open the medical payments. The other Workers Compensation case we discussed was involving Fred Simon and we are recommending you settle that case in the amount of \$65,380.63 leaving open the future medical payments.

The third case we discussed involved claim by an inmate involved by the name of Tommy Manns. We are recommending that you settle that case in the total amount of \$8,000 representing the cost of defense and with the stipulation that we cannot admit any liability. We can take all those in one motion unless you need further discussion involving anyone of them.

MOTION

Commissioner Winters moved to take the recommended action on the settlements as outlined by our County Counselor Rich Euson.

Commissioner Sciortino seconded the Motion.

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

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VOTE

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

Mr. Euson said, "Thank you Commissioners."

Chairman Unruh asked, "Is there anything else?"

S. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:30 a.m.

**BOARD OF COUNTY COMMISSIONERS OF
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 BURTNETT, Commissioner

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Fourth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2005