

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 17, 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, August 17, 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; Ms. Annette Graham, Director, Department on Aging; Ms. Kathy Sexton, Assistant County Manager; Ms. Pamela Martin, Director, Clinical Services, Health Department; Mr. Tom Pletcher, Clinical Director, Comprehensive Community Care (COMCARE); Mr. Glen Wiltse, Director, Code Enforcement; Mr. John Nath, Director, Kansas Coliseum; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Ms. Lucy Wells, Member, Sedgwick County Advisory Board on Aging.
Mr. Norman Moeder, General Manager, Corporate Express.
Mr. Rob Allison, Chairman, Exploration Place Board of Directors.
Mr. Dan Brooks, Wichita, Ks.
Ms. Brenda Landwehr, Kansas State Representative, District #91.

INVOCATION

The Invocation was led by Pastor Mark McMahon of West Side Christian Church, Wichita.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, July 20, 2005

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Regular Meeting, July 27, 2005

The Clerk reported the all Commissioners were present at the Regular Meeting of July 20th and July 27th, 2005.

Chairman Unruh said, “Commissioners, you’ve had an opportunity to review the Minutes of July 20th and 27th. Are there any additions or corrections?”

MOTION

Commissioner Sciortino moved to approve the Minutes of the Regular Meetings of July 20th and July 27th, 2005.

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, “Next item please.”

APPOINTMENT

A. APPOINTMENT.

1. RESIGNATION OF JO BROWN FROM THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “Commissioners, this resignation has been tendered to you, and I recommend you accept it.”

Chairman Unruh said, “Okay, thank you.”

MOTION

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Commissioner Burtnett moved to accept the resignation.

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, "Next item."

2. RESOLUTION APPOINTING LUCY WELLS (COMMISSIONER BURTNETT'S APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Mr. Euson said, "Commissioners, we've prepared a resolution of appointment to fill the vacancy just created and this is for the unexpired term, to end in January of 2007 and I recommend you adopt the resolution."

MOTION

Commissioner Burtnett moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

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

VOTE

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

Chairman Unruh said, “And Ms. Wells is here and Sedgwick County Clerk Don Brace will administer the oath of office.”

Mr. Don Brace, County Clerk, said, “Please raise your right hand.

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

Ms. Lucy Wells, Member, Sedgwick County Advisory Council on Aging, said, “I do.”

Mr. Brace said, “Congratulations.”

Chairman Unruh said, “Lucy, would you like to say something?”

Ms. Wells said, “I’d just thank you for this opportunity to serve on the Aging Board at this time.”

Chairman Unruh said, “Well, thank you and we appreciate your willingness to serve and we need citizen support to carry out the business of county government and appreciate your willingness. We do have a comment here from Commissioner Burtnett.”

Commissioner Burtnett said, “Well Lucy, I just wanted to thank you for taking time out of your very busy schedule to serve on this advisory council. I really do appreciate your time, so thank you.”

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

DONATION

B. DONATION OF 48 FANS, VALUED AT \$1,000, BY CORPORATE EXPRESS, TO BE USED BY SEDGWICK COUNTY DEPARTMENT ON AGING TO PROVIDE

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OLDER ADULTS RELIEF FROM THE HEAT.

Ms. Annette Graham, Director, Department on Aging, greeted the Commissioners and said, “I’m here today to express our appreciation to Corporate Express. Back in July, they donated 48 fans to the Sedgwick County Department on Aging, so that we could provide these to older adults in our community that were in need, and this was just in perfect time for the heat wave that was going on at that point in time.

As you know, many older adults have major health concerns, such as cardiovascular and pulmonary disease, that really impact them and make them more susceptible to heat-related problems in extreme heat conditions. So in recognition of this, Corporate Express donated these fans so that we could give them out to clients and individuals that we come in contact every day who might be suffering and be at greater risk, due to the heat in our community.

So this was really a great opportunity to recognize them, to recognize the great work and its commitment back to the community, so we wanted to bring them here today and Norman Moeder, the General Manager of Corporate Express, is here today to accept this recognition, so I’ll bring him up.”

Chairman Unruh said, “Well Mr. Moeder, we want to just express our appreciation for this generous donation. I know it brings great relief to those folks who were able to receive those fans, because we have had hot weather, so we appreciate your sensitivity and willingness to support our community, and would you like to say a word.”

Mr. Norman Moeder, General Manager, Corporate Express, greeted the Commissioners and said, “Yeah, just on behalf of our employees, each month we pick some activity to find a way to give back to this great community and I just want to thank you for the time out of your busy schedule today for the recognition. Thank you.”

Chairman Unruh said, “Well thank you. We do have some more comments, so hold on just a minute. Commissioner Sciortino.”

Commissioner Sciortino said, “Well, Mr. Moeder, just to kind of show our appreciation, why don’t you take a few seconds and tell us who Corporate Express is, what you do, how many employees you have, a little free advertisement for you.”

Mr. Moeder said, “Okay, Corporate Express, the division that we are is a printing company. We print pressure-sensitive labels. Our heritage is a small, family-owned company that eventually was sold. We are now owned by an international company out of the Berman Company, out of the Netherlands, although we still maintain an approximately 100-employee workforce that has grown

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here in Sedgwick County and that's where our growth and we've maintained, it's been a good opportunity for our employees to advance."

Commissioner Sciortino said, "Well, we really do appreciate any company that steps up and really provides that they want to be a good corporate citizen and be part of the community, so we want to be a part of that. I'll send you the bill for the advertisement later."

Mr. Moeder said, "All right, Ben."

Chairman Unruh said, "Commissioner Winters."

Commissioner Winters said, "Just one quick comment, again, to say thank you again on behalf of the commission. I'm not sure if your company has signed up as a Visioneering partner, but one of the things that Visioneering Wichita is attempting to do is to get organizations and companies such as yours, who are evidently making a commitment to this community to sign onto the Visioneering project and if you're not familiar with that, you could certainly contact Susie Alstrandt at the Chamber and get some more information, but this doesn't come with a huge commitment or an asked for funds or money, but again it coordinates efforts that businesses that you are attempting to do with a number of others, so if you've not considered being a Vision partner, it sounds to me like you've got the perfect kind of company that should consider that, so we'd hope you would at least think about that."

Mr. Moeder said, "Thank you for the recommendation. We'll look into that."

Commissioner Winters said, "All right, thank you."

Chairman Unruh said, "Okay, well once again, thank you. We need to have a Motion to accept this donation."

MOTION

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

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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 Mr. Moeder, thank you Annette. Madam Clerk, call the next item please.”

PRESENTATION

C. PRESENTATION REGARDING EXPLORATION PLACE FUNDING PROPOSAL.

POWERPOINT PRESENTATION

Mr. Rob Allison, Chairman, Exploration Place Board of Directors, greeted the Commissioners and said, “First of all, I want to thank Mr. Chairman and county commissioners for the opportunity to publicly present our request for funding, and our proposed transition plan.

You’re going to receive a formal packet, I believe after this presentation, and what I’m going to endeavor to do is kind of highlight some of the items on this proposal. So what I wanted to start out with is to give a little bit of the history of Exploration Place. The planning began in the early 1990s, with the focus on revitalizing downtown. There was a vision and I really want to highlight the word ‘vision’ to combine the children’s museum and the Omnisphere. We got three dynamic partners in this vision. First was the Sedgwick County leadership providing \$20,000,000 in construction of the building, for a signature building, a world-class building and I think everybody would agree with that.

The City of Wichita provided the site and rerouted McLean Boulevard and the community and business donors donated \$40,000,000 for this effort. In fact, there was one leadership gift of \$10,000,000 by an individual and since then, there have been other sizable commitments of leadership for Exploration Place.

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Exploration Place opened in April of 2000. It started very, very strongly, nearly 350,000 visitors in the first full year. The board expects that sort of a response by the community and obviously other people coming in outside the community. In that peak, being recognized, it really was due to this world-class building and actually all the new exhibits, everything was fresh, everything was new, so it was anticipated. But I want to make the commissioners aware that we also anticipated that we would need a reserve, an operating reserve when this first or second year the attendance started slowing down and it did and we have used those reserves, but one important point was that it still remains the number two attraction in Sedgwick County.

But the fact remains is that the friendly model has not worked as planned and that is regrettable. I think when you are taking a chance and you have a vision, things always don't work as planned and I think 9/11 had something to do with it. I think there are other components to it besides 9/11, but when that hit, I think all the museums, all the science museums and museums in general had a significant downturn and it really hasn't totally recovered and we don't see it recovering.

I think the consultant that you retained, Diane Frankel, she verified this difficult reality and she indicated that the best science museum models to rely on some public funding, and I think she signed, in her report, 142 of 185 are in that same circumstance.

What's happened recently? Well recently we have observed declining attendance, and really, you look at the first year and the second year, third year the attendance started to decline. The board initiated a strategic planning review in 2003 and in that review I think we learned a lot. We learned that we were going through our reserves. We learned that there was a need for a leadership change. It is not a start-up. This is a functioning venue that we need a change in leadership. Actions taken in June of 2004, right after that action was taken, we began a search. We met with some consultants to bring a president on. We think that that is probably the most dynamic position that is needed in this type of environment. That search slowed down dramatically, because it is very difficult to recruit talent when you're in the financial situation that you're in.

So we kind of backed off of that and we wanted to find a plan that would live up to the community's expectations. The financial difficulties, understanding the financial difficulties, we contacted city officials, we contacted county officials, kind of explaining how do we get in the budget. We began meeting with these officials in the fall of 2004 and explained to them that we realized that we just can't cut expenses. We are going to need some assistance. We wanted to get . . . wanted to make a proposal in March, which we did and in essence, that's the same proposal that

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we're delivering today. That's how we got to that point.

Since July, first of all, and I've done this before and I'm going to continue to do it, I want to thank the commissioners for the \$300,000 in funding. It was needed. Also, the retaining of a consultant. I think that consultant verifies a lot of things that we did know. I also believe that we learned some things, some best practices from her, so I think it was a good investment and I think it does give some credibility to this process.

The community response, it's been overwhelming since July. I think one of the things that we got, we got a lot of input from the community and we need a lot more. Some of the input is that they want the exhibits to change. They want to have a venue that will attract older audiences. They also are saying that we should market Exploration Place. It has a lot of things that people aren't aware of. They did highlight lower prices, although we think that the lower prices, that's always going to come up. We also believe that if you have value, that prices are acceptable.

All of these things cost money and you know, when you're short, we reduced the expenses by 40%, since the opening of Exploration Place. When you reduce expenses, marketing is one of the things that gets hurt, so it begins a spiral that you can't attract the attendance that you want to.

The other key part I think that was very interesting to us at Exploration Place is the business community response and we're going to receive a combination in the proposal of both the community leaders and individuals sending letters in that packet to the commissioners, kind of explaining their support. And those letters, I really want you to look at these. They're not standardized letters. While we asked for support, we got letters that we didn't ask for, and people just started sending them in, and I think you will really enjoy what they say.

But the business community, since July, we have been approached by Cox Communication, by Saturn Auto Dealership, by Jim Petty of the Petty racing family, Spirit Labs, T-Mobile, the Air Force One Simulator to do something with Exploration Place. So the more attention that we got since July, it just shows the kind of commitment that the community, the business, the individuals have for Exploration Place.

I think there's a best story, or there's two best stories. We have a pest-control service at Exploration Place, Bill Hawks. He asked us, he volunteered to lower his costs during our difficult times. We also had alternative sources. Our building maintenance vendor offered to lower the prices and the employees that are working for Exploration Place said that they didn't want any raise, if they can keep the cost down. So I mean, it really is a grassroots feeling about Exploration Place.

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The transition plan, we did highlight the consultants comment of increasing private sector support and then ongoing public sector support. I think we want to make it clear to the commission that, first of all, you showed tremendous leadership, and funding for us in our times of struggle. But I want you to understand that we don't look at Sedgwick County as the only solution. We don't want you to feel like you are the white knight trying to save us. We do feel that you are a significant part of the solution, but this is a partnership. We know we have to change, but the planning is together. It is the only way that it will work. It isn't just about money, so I think our partners continue to be the Exploration Place, the community and the input that they can give us, Sedgwick County and the City of Wichita.

In the short term, we are not going to close the doors September 1st. We do have a two-week hiatus that we always have at this time of the year. The doors will remain open. We are going to use endowment funds to make sure that they stay open until we really work through the needs that we have, and with our partners.

I think another important issue is leadership and I've highlighted this in other meetings. The key, besides funding, is finding the right person, the right leader for Exploration Place. The new president can be a significant part of that solution, but we don't just want a museum director. It doesn't work, the model doesn't work with a museum director. We need a leader with vision, with marketing skills that's committed to this community and obviously, the board is going to be very active in that environment.

When we began the budget process and we began explaining to the city officials what we needed, the big question was 'What do you need and come up with a number' and we did a lot of work on this. We brought in accountants. We wanted to come up with a number that was credible and we did submit this in March and so this is not a new number and it was a request for 2.8 million dollars. We believe that is the number and we believe that that's a combination of the partners. We have to come up with a way to run that kind of budget. It may be 2.5 but it certainly is in that realm of 2.5 to 2.8. That's what we need to make this a success. We need that to meet our community expectations. We need it to help the quality of entertainment venue and to continue with the revitalization that's going on in downtown, in our core. This is, your support is a helping hand, not a handout.

The opportunity for the future, your Exploration . . . you mentioned Visioneering. Exploration Place was an original partner of the visioneering effort. It is definitely a quality of life issue. We have created private sector partners. A number of them are here today. If you could all stand, that are here to support us, I would appreciate it, just to give an idea of the kind of support we have. Thank you.

Now the community support . . .”

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Commissioner Sciortino said, "I didn't see any checks come out of those pockets."

Mr. Allison said, "The community support, once again we continue to see the community come to our aid. I think that will only grow when we get a transitional financial plan that can take us into the future. Now our goal is to protect this community investment. There is nothing like this building. Now let's try to get the venue to match up to what the potential of the building.

In closing, thank you again, we can't thank you enough. Exploration Place, we believe, is so important to the community and on August 21st I would appreciate if you would find the time to visit Exploration Place. It's free and that's where we're getting a lot of input, from our community. That's all I have. If you have any questions, I'd be glad to answer them. Once again, you're going to get a full proposal."

Chairman Unruh said, "Okay, well thank you Rob. That was very comprehensive history and analysis of the current situation and we also are pleased to see so many of your board members and supporters here. That shows a solidarity and you're all unified in this effort, so we appreciate it. I think the commission, by their action, expressed our opinion, our attitude that this is a very important component in our community. We do want to be as helpful as we can. Two point eight is a breathtaking number."

Mr. Allison said, "It's a starting point."

Chairman Unruh said, "So, we have some other comments, so let me ask Commissioner Winters first."

Commissioner Winters said, "Well thank you very much. I'd just, Rob, want to say thank you to you and the board members who came this morning to make this presentation and I think you can tell by our past actions that we're certainly wanting to be a part of the solution here, if at all possible. I think you've said several things that intrigue me and I agree with. I think it is going to be important to find a new leadership with hand-ons, day-to-day that perhaps has some of that marketing resource of determining, as our Commissioner Norton often says, how to get the bodies

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in the door, how to get the value there that people really want to participate, so I think trying to find a venue to match the building, we have a great deal of pride in that building in this community, and we were only a part of that, but we feel like that we were a pretty significant part in the creation of that facility and there is certainly no better museum in the United States, building-wise, than that one.

And so, I look forward to working with you and the board, as we try to find these solutions. I don't think we've found them yet, but I'm sure willing to get into the process of rolling up the sleeves and trying to determine what that is, from our standpoint. Thank you."

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

Commissioner Sciortino said, "Thank you. The amount of money that you're asking, you asked the same amount of money from the City of Wichita?"

Mr. Allison said, "Yes, we did."

Commissioner Sciortino said, "How much did they commit to giving you?"

Mr. Allison said, "They have not committed to anything significant at this point. We don't have a final number, or any number."

Commissioner Sciortino said, "They didn't give you any number?"

Mr. Allison said, "Not that I'm aware of."

Commissioner Sciortino said, "Okay. And the outpouring of community support, did that come with any dollars and cents about committing to the ongoing operation of it?"

Mr. Allison said, "A plea has been made yet for that, but I feel confident that if we have a direction and we have the leadership and we have a stable financial plan, that three-year, four-year or five-year, I believe that that will, by what we're seeing right now, that will come."

Commissioner Sciortino said, "Do you have . . . I'm looking at, they were just handed to me, and the financial overview is pretty sparse, as far as finances are concerned. Do you have any detailed financial pages or papers that we could look at, itemizing where the money is going, for example, included in this new year's budget, how much money is being allocated to entice a new president, is there any monies in this budget for new exhibits and how much is that and how did you get to that

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number? I'm sure it wasn't just Kentucky windage. Do you have any more detail?"

Mr. Allison said, "We will have all the detail, we'll make that all available to you, not today but . . ."

Commissioner Sciortino said, "And exactly how much of the 2.8 million are you asking of us?"

Mr. Allison said, "I did want to relate that number was arrived at, that was a number that was what did we need for the long-term success, what number did we need. And that is a number that we came up with a number of people involved. We would like the full 2.8 but we're also realistic that that's going to be . . . that 2.8 is going to be a combination of funding, hopefully public funding, and out endowment fund . . . you know, the endowment fund is extremely important, but endowment funds are really needed in the future. So we feel that that endowment fund can be something that should be replenished, as we get this financial model going. But the 2.8 is really going to have to be a combination of those."

Commissioner Sciortino said, "Is it . . . I'm trying to get my hands around this. Is it 2.8 per year, ad infinitum?"

Mr. Allison said, "It is per year, yes."

Commissioner Sciortino said, "Okay, and you indicated you were spending the endowment fund. You're not spending the principal, you're just spending the interest on the endowment?"

Mr. Allison said, "No, we are going to have to go into the principal during this transition plan."

Commissioner Sciortino said, "And legally you can do that?"

Mr. Allison said, "We have talked to a major donor, and the donor has committed to allowing us to do that, to bridge this transition period."

Commissioner Sciortino said, "And could you, when you give us this financial information, in as much detail as possible, so our financial people can look at it, tell us how this 2.8 is going to be spent?"

Mr. Allison said, "Absolutely, we'll have all that detail."

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Commissioner Sciortino said, "I've always known, in my selling experience, I've got to ask for the business, and in order to ask for the business, I've got to be able to tell them what it is I want them to buy. You're going to have to come up with how much are you asking us for. I know you're throwing the 2.8 out, hoping somebody grabs it, but how much? Are you asking us to pay half and the city to pay half, or us a third, the city a third, the private sector a third? I think it would be beneficial for me anyway, to find out exactly what it is that you're specifically dollars and cents, you're thinking should be the county's portion of the public sector, understanding we're already giving you 1.1 million a year, that's what's costing the taxpayers now to pay off that \$20,000,000 commitment that we made, so I need to know how much, in addition to that 1.1 million you think is realistically the county's share."

Mr. Allison said, "We will have our financial scenarios for you."

Commissioner Sciortino said, "Okay, great, thank you. That's all I had."

Chairman Unruh said, "All right, thank you. Well there's a couple of things you said in your presentation, Rob, that was encouraging to me. One is that Sedgwick County is not the only solution."

Commissioner Sciortino said, "Unless we say we are. That will be the end of the problem."

Mr. Allison said, "If you would offer."

Chairman Unruh said, "He would be saying thank you, not that it's probably going to happen."

Commissioner Sciortino said, "No, he wouldn't accept the 2.8, because he wants the community and citizens . . ."

Mr. Allison said, "Well talk off-line on that."

Chairman Unruh said, "Well, anyway you're looking to the fact more partners are going to be included in this. Sedgwick County isn't the only solution, item one. The other thing that I'm pleased about is that you're committed not to let the building go dark during this transition time and that you will invest some of the endowment funds to keep it going. I think that's probably very important. Commissioner Norton has a comment."

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Commissioner Norton said, "Well, first of all I'm very support of Exploration Place. I always give the disclaimer that I wear two hats, I'm a county commissioner but I also sit on the Board, so that puts me kind of in a conundrum, as I try to make comments about how much I love Exploration Place, but how much due diligence I have to do on the other side, as a county commissioner.

Exploration Place is a public space, whether it's run by an independent, private board or not, it was created in the downtown area to be a signature place and a public space for our community. It does revolve around quality of life for children and people that want to explore intellectual things and the science community, and it is a space for everyone. You know, I hear from people, where the price is high for the average citizen, but the truth is it is a place for everyone. We'll eventually figure out what the price level is, the value level is, as we move forward.

I wrote down, I always write down little things that remind me to say something. I put down a dollar sign and 'Gulp' and that 2.8 million, you know that's hard for public officials to look at that number and go 'Yeah, we can just come up with that'. I'm sure we can. It's all about priorities for our community. I think that would be a hard pill for us to swallow all at one time, but I think we have shown so far that we're willing to be engaged in this really tough issue. We've stepped up and put in the \$300,000 to loop us along through July and August. We went out for a consultant. We're looking at uses for the building. We encumbered a million dollars for next year, just to hedge our bets a little bit, to be sure that we're doing the things that we are engaged in, as far as Exploration Place.

Truthfully, the challenge is going to be for change. If we keep doing what we've always done, we'll probably keep getting the same results. I think Einstein said that. I won't take credit for it, but I think our challenge is that we're going to have to continue to evolve Exploration Place. There was a grand vision. We took the Omnisphere and the Children's Museum and tried to forge it together, into a world-class building, and with all the best plans, some of it just didn't work out. It doesn't mean that the mission has to be thrown out completely, but there is going to have to be change.

I think our challenge will be this, that Sedgwick County has obviously stepped up. I don't know where the City of Wichita stands on this. I'm a little disconcerted that it is on the river, in the downtown revitalization area. It is important to that whole Waterwalk, downtown arena, Old Town, downtown redevelopment, raise the Pride of the Plains Indian, all of that falls together, and Exploration Place is a signature part of that, so I'm a little disconcerted that we don't have all the partners at the table, at a certain level right now.

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The challenge is going to be for the community to support it. It's great to have tourists come to town, we'd love to have that, but truthfully this is a public space for the citizens of Sedgwick County and the region, so we've got to make sure that they support it and feel like it is their public space. And then I would also challenge those folks that have the ability to help the endowment out and that's not going to be all your average, blue-collar workers. That's going to be the folks that have run businesses here for years, major corporations, folks who can step up. And truthfully, we're very blessed that in the beginning we had some people that did that, and I'd like to applaud that individual that stepped up and said, 'You know what, I put in some endowment, but you're limping along a little bit, I still love Exploration Place, and I'm going to free a little of that money up to get you through this tough time'. That's so important that we have those individuals. I'd love to be one of those individuals, but I'm not. They're out there and the challenge would be that this is important to Sedgwick County and Wichita and I would throw that challenge out.

And finally, I'm going to be very supportive of us trying to find that amount of money that enters us into the partnership to helping out Exploration Place through this tough time. That's all I've got."

Chairman Unruh said, "Okay, thank you commissioner. Well, I don't see any other lights on. Rob, we thank you for the presentation. I think what we will ask the Manager to do is to take the information that you'll provide, that Commissioner Sciortino specifically asked about, and come to us with a recommendation for our involvement. But at this time, I think we need a Motion to receive and file."

MOTION

Commissioner Sciortino moved to receive and file.

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

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Chairman Unruh said, “Rob, thank you very much and thanks to your board members who took the time to be here this morning, appreciate that. Before we call the next item, oftentimes folks who come for a presentation like this want to leave as soon as it’s over, so we’ll give you a few minutes. You’re welcome to stay if you’d like. If you have to get back to work, well you can take this opportunity to leave and I know we’ll have several legislators who will be here for the agenda item after this, so perhaps if you all want to leave, you may. You do not have to, but this is a good time and then we’ll ask the legislators to maybe enter the room. We’ll take about three or four minutes here.

There was a brief pause in the meeting proceedings while people exited and entered the meeting room 9:49 a.m till 9:52 a.m).

Okay, we have all the commissioners present, the Manager is present, so I think we will commence our meeting from that brief recess, and Madam Clerk, would you please call the next item.”

CITIZEN INQUIRIES

D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING, “THE NEW ARENA SHOULD BE DESIGNED TO SERVE AS THE KEYSTONE OF A COMPREHENSIVE DOWNTOWN TRANSPORTATION AND PARKING PLAN.”

Mr. Dan Brooks, Wichita, Ks., greeted the Commissioners and said, “I’m here as a private citizen of Wichita. I came down to originally take three minutes and 42 seconds of your time. I’m going to cut it down to two minutes here, and that’s the good news. I know that will generate universal applause.

I talked to the City Commission yesterday, told them that in terms of planning the new arena, that I was reasonably confident that they’d do a good job of planning the amenities. We’re very good at amenities. I said that I was confident we’d do a good job of managing the thing and that I think it’s going to be successful in its own terms a lot sooner than anybody thinks it is.

What I told them is that, in planning, I think by far the most important part of the planning process is that the City of Wichita use this as an opportunity to plan a comprehensive, downtown transportation plan. If they just think of it as solving a parking problem, we’re going to lose. We’re going to have the same thing we’ve got, and it’s going to take about 15 blocks of downtown just for parking, that’s if we do it on a Los Angeles model.

By way of visions, Madison Square Garden is a train station. By way of vision, the new dome that they built in Minnesota, in Minneapolis has no parking lot. I don’t know how they do that, but it

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would be interesting and shows that there's a lot of ways to deal with automobiles. I'm speaking to you about it, I think the thing that should make you not just cooperative, because I expect you'll be that, is passionate, is that downtown really won't work until there are ordinary people living down there. Now you say nine out of ten Wichitans would have no interest in doing that. If you solve the transportation problem, had a transport system, say nine out of ten Wichitans aren't interested. Okay, one-tenth of 300,000 people is 30,000. Say it's 19 out of 20 aren't interested. That's still 15,000. If 15,000 people lived downtown and you had a good transportation system, everything would work. Exploration Place would work, the museum district would work, the arena will certainly work.

In my city of dreams, if you're downtown walking on Douglas Avenue, this thing should fit right into Old Town. You come around the corner, it's like you're seeing this wonderful spaceship landing. If you come in from Kellogg, you see a wonderful, intuitively simple parking area where you'll go park your car and you're not worried from then on. Between shuttle buses and pedestrian moving walkways, essentially you abandon your car, you take the moving walkway down to Douglas, where between the University Line trolley buses, and the Museum Line trolley buses, there's a trolley bus going by about every 45 seconds. You don't need a car. It's a waste of time. Once you park, you're set.

Now that Museum Line, in listening to the Exploration people, they need that. That starts to solve . . . well, that will solve their problem. So, . . . and when you think about it also, to make you even more passionate about it, if you don't need to knock down half of downtown for parking, and you have people living down there, I rather expect we'll have a replication of what's happening at the Holiday Inn, where they've gone from paying, the last I talked to them, paying about \$6,000 a year in taxes to \$60,000 in taxes, and they're not done. I would love to sit on the city commission in 20 years that, as part of its tax base had 100 of the most valuable blocks in the State of Kansas downtown generating tax revenues. We would all feel like geniuses and of course you'd figure out a way to spend the money, I'm sure, but that's why I think you should be for it, passionately. I think it deserves a lot of attention in the planning stage and I thank you very much for your time."

Chairman Unruh said, "Thank you, Dan, appreciate you making the comments. Are there any questions or comments from Commissioners? Seeing none, could we have a Motion to receive and file?"

MOTION

Commissioner Sciortino moved to receive and file.

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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 Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Thank you. Before we call the next item, I just want to recognize that we have many of our legislative delegation in the meeting room today for this next agenda item: Senator Mike Petersen and Senator Phil Journey, Representative Jason Watkins, Representative Don Myers, Representative Kasha Kelley, we haven’t met yet, Representative Steve Brunk, Representative Steve Huebert. I saw Representative Mario Goico and Representative Landwehr. So, we want to thank you all for being in our meeting room today and I don’t think I missed anyone, but welcome to our meeting room. Please call the next item.”

E. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING A PROPOSED REFERENDUM ON EXPANDED GAMBLING IN SEDGWICK COUNTY.

Ms. Brenda Landwehr, Kansas State Representative, District 91, greeted the Commissioners and said, “Appreciate the opportunity to be here today and you’ll notice in the testimony we’ve provided to you, it’s in large print so I don’t have to wear my glasses to read that, and I’ve got far enough away from you, so that will help.

And what I will do today is I will read what I’ve prepared and then I also have an item that I will read from Senator Susan Wagle, who was not able to be here with us today.

Thank you for allowing me the opportunity to be here before you today. With me today are several of our colleagues, as you recognized, as we started, and there are others who would have liked to be here today, but because of other events and appointments, were not able to do so. I also will be sharing, as I said earlier, Senator Wagle’s comments.

And I understand that a request was made by two of our state representatives and we thought it would be a good idea to provide input from another perspective. I will be happy to answer questions and those questions I am not able to answer, I think some of my colleagues will be able to fill in.

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It is important to understand that the issue that we are debating in Topeka is not about private-run casinos, it's about state-owned and operated casinos, because that's what the state constitution allows. It does not allow for private-run casinos. I do not see the benefits of Sedgwick County spending precious taxpayers' dollars on a non-binding vote. Until the state makes a decision on casinos, there is nothing that a local unit of government could do at this time. I believe in the people having a right to vote. As a sponsor of the taxpayer bill of rights, that allows people to vote on tax increases, I would be a hypocrite if I did not truly believe in people having the right to be heard. In most of the gambling discussions in Topeka, it has been made clear that the people should have the right to be heard, just as they voted for liquor by the drink several years ago, after the state made the decision to allow it to voter approval.

It seems only appropriate that not only the county in which a gambling facility is located, but also the surrounding county should also have an opportunity to be heard. Studies show that 85% of the gamblers come within a 30 to 50 mile radius. Casinos absorb existing entertainment, restaurant and hotel business, and deplete dollars available to other retail businesses. Casinos have an impact on other jobs in the area, and eliminate those businesses, sales, employment and property tax contributions and that's why I have a strong opinion that the surrounding counties should also be heard. A Sedgwick County only referendum will not include the people of the surrounding counties and the referendum would then be an inaccurate indicator of the position of the area.

I know that the county has been working with the Wichita Visioning Task Force and this action would appear to be in opposition of the goal of trying to create a regional agenda for our communities. I could provide you with a lot of information the legislature has received and gone over, showing detailed statistical information, but we don't have that kind of time today, and if you're interested, I'd be happy to provide you with reading materials, which I'm sure you are short of, just as we are in the legislature.

Here's an example of a press release, and I just wanted to kind of give an idea, because I know that this is not an issue that you guys have had debate on, but for the last 11 years I have heard the debate. To give you an idea of what a press release would be like, looking in another arena, the headlines would be 'County Commissioner Jones Calls For State to Promote Cigarette Smoking to Increase Cigarette Tax Revenues, New Money to Fund Health Programs'. Would any policy leader put their name on a release with a headline like that? Why not?

People are smoking in record numbers, they're driving over the state border to buy their cigarettes, as they shouldn't, so why shouldn't we get a larger share of the revenues? Increased cigarette sales would mean more jobs, and we really need the funds to support our healthcare needs. The reality is,

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you wouldn't go near this press release, and neither would I, because it's absurd logic.

Yet we use the same kind of bizarre logic when we discuss expanding gambling to pay for state services. Even the most vocal casino supporters acknowledge that there are serious costs associated with casinos, whether it's higher social service costs, domestic violence, child abuse, suicide, homelessness and so on. But as you all know, the response from the pro-casino side is always 'The benefits outweigh the costs'. To push the analogy further, let's say you could prove definitely that the potential benefits from increased cigarette tax revenues to the state outweigh the added health care costs that promote cigarette sales. Would you support the state promoting cigarettes? Why doesn't that same logic apply with casinos?

Some of your constituents and mine are going to want answers to these questions. Why do I bring up this scenario? It is similar to the sales pitch for gambling. With expanding gambling, education will be funded. Is this argument logical? I say no.

During a legislative forum several months ago, where we had an auditorium filled with educators and parents of students, the question was asked by our delegation, how many of you would support gambling to fund education, and only a handful of people stood up in support. That sent a message to us that they don't want to gamble with a child's education.

Even the Governor of Nevada, in a state of the state here a couple of years ago, talked about the instability of gambling revenues, and even in the State of Nevada, they're seeing a decrease in those revenues, an increase in entertainment and hotel revenues.

If I recall correctly, education funding was promoted for the passage of the lottery and we still hear that today. We passed the lottery, it was supposed to go for education. Why isn't it? If you read the legislation, as it was proposed, it was never intended to be for education. What is this saying? Fool me once, shame on you, fool me twice, shame on me. Gambling is not the savior of the Kansas economy, nor is it for education. There are better ways to improve Kansas. Again, I'd like to thank you for the opportunity to let me speak here today, and after I read Senator Wagle's comments, then I'd be happy to stand for questions and as I said earlier, those that I can't answer, my colleagues will be able to fill in.

I'm usually up there where you are at. This is kind of different."

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Commissioner Sciortino said, "Well, you can change that."

Rep. Landwehr said, "I'm happy right where I'm at right now, thank you Commissioner Sciortino. Okay, Senator Susan Wagle, District 30:

I want to thank each commissioner for this opportunity to share my thoughts with you on the gambling issue. I also want to thank each of you for the cooperative relationship we have developed over the years. I think working together has helped this community on many economic development issues and many agency funding fronts. I, along with other elected senators and representatives, hope to continue this mutually supportive relationship in the future.

I am also sorry I cannot be here in person. My son is in a Texas hospital, where he received a stem-cell transplant that has required me to be in Texas for some time. We are hopeful that we will return in the next week or two.

And I can say that I spoke to the senator yesterday afternoon and actually this morning, and she's hoping to be home this weekend so her son can enroll in school next week in Kansas.

I have asked Representative Landwehr, Vice-Chairwoman of House Appropriations to read my statement to you, knowing her credibility and the dedication she has brought to her influential position.

I have served in the Kansas Legislature for over 15 years and each of those years, we have debated the expansion of gambling. Due to the fact that the Kansas Constitution prohibits casino gambling and due to the fact that case law involving the Kansas Lottery has determined that the people of Kansas approved state-owned gambling through the vote on the state lottery.

The Kansas Legislature has been plagued by special interests wanting to have a lucrative monopoly on casino-style gambling in Kansas. It is amazing to me that rarely have we discussed amending the state constitution to legalize casino gambling within a free market, competitive, business environment, as other businesses have grown in Kansas.

Instead, we have spent hours, days, and yes years, trying to decide who or which business interest goes into business with the state, under what condition, and walks away with the lion's share of the casino profits.

The other long debates we have engaged in involve the details of the casino question. For instance, how many casinos should we allow? What kind of support

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will we give local governments to deal with the crime and addictions inherent with the industry? How will we divide the profits? Where will they be located and what impact will the casino have on the local business economy?

I assert today that no proposal has passed for two reasons. For of all, the proposals are usually written for the special interests and do not give the state or local governments a portion of profits necessary to justify the drain on community businesses, or address the local consequences of legalized gambling.

Secondly, the intensity of those Kansans who oppose gambling far outweigh the intensity of those Kansans who support gambling. In fact, polls show that most Kansans who oppose gambling regularly vote in numbers, far exceeding proponents of gambling. In addition, they vote the gambling issue and they are far more likely to vote against an elected official who supports gambling, than one who does not. This is one very important aspect of polling data that is not reported when you see a gambling poll in the news.

This is especially true of the citizens of Sedgwick County. If you think the abortion issue has been a problem issue in our community, I can assure you, polls show that gambling far outweighs abortion in the intensity of the issue, and has a broader spectrum of the faith community and political activists involved in fighting the proposals.

When Governor Sebelius was first elected, she set up a gambling commission that went all over the state, taking testimony regarding the expansion of gambling in Kansas. In Sedgwick County, the commission met the strongest opposition, with opponents packing the auditorium and standing in lines outside, waiting to get into the hearing. They wore buttons stating 'No Casinos, Please'. I was surprised at the outpouring of oppositional sentiment in our community. Then again, I was not surprised. Having watched the heart of the movement to pass a constitutional amendment to define marriage as a relationship between one man and one woman born here in our community and radiating statewide.

You had been asked by two legislators, a minority of the Sedgwick County delegation, to put the question on a mail ballot. The reason you have been asked for a mail ballot is because supporter of gambling know the intensity of the opposition

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and know opponents will go to the polls to keep casino gambling from happening.

They also know casino supporters do not regularly go to the polls. Therefore, a mail-in ballot is necessary in order for the question to pass. Certainly, if you approve a special election mail-in ballot, you will be perceived as going the extra mile for the gambling industry, in order to manipulate a positive vote.

You have also been ask to deceive the voters of Sedgwick County by putting a question on the ballot that is not reflective of the debate in the statehouse. We are not debating in the statehouse whether or not to allow casino gambling. We have already signed compacts with Indian tribes to allow casino gambling in Kansas. Instead, we are debating whether or not Kansas will be the first state in the nation to pass state-owned gambling.

If your question would reflect the debate, you would find out what many of us already know. That is, most Kansans are opposed to the state owning casino gambling facilities. Kansans are inherently distrustful of government. They believe contracting for the facilities would most likely become a corrupt political operation, with casino operators trying to control the state election process in Kansas, in order to be awarded contracts for lucrative gambling facilities, with a monopoly on business.

When the county put the question of the downtown arena on the ballot, you clearly stated the location, the amount of tax that will be required and the length of time the tax will be enacted. You left no details and questions as to what your intentions were. I believe the specifics of the questions helped the people decide and helped those of us who are state-elected officials assist you in the legislature.

If you are going to put a gambling question on the ballot, you must approach the gambling issue with the same specifics. There are truly three questions currently before the legislature. One, should we pass an amendment to the Kansas Constitution, asking the people of Kansas if they want to legalize Class 3 gambling. This would allow open-market competition with competitive, numerous locations if passed by the people of Kansas.

Two, should we negotiate a compact with native Kansas Indian tribes

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allowing for off-reservation gambling, owned and operated by native Indians. This proposal would most likely result in a casino being located in Park City, and not Wichita.

Three, should we authorize state-owned casino gambling. This proposal would most likely result in a casino being located in downtown Wichita.

I would suggest to you that asking a general gambling question would not assist the state delegation in resolving the issue. We know, from polls we have seen, that if you ask Kansans if they would prefer to legalize gambling or have a tax increase, they would prefer to legalize gambling. We also know that Kansans are narrowly divided, with voter intensely clearly on the 'no' side if you ask the first two questions listed above.

We know that the third question, dealing with state-owned gambling, is a clear no by a majority of voters. Voters can perceive that a partnership between the state and casino and interests would lead to government corruption. They also do not believe that Kansas should be required to lose money at a casino in order to fund standard, government services.

So as you can see, the question of gambling is far more complex than what you had been requested to question on the ballot. In fact, I would suggest that you are being asked to be a political pawn in a high-stakes chess game. You have been asked to place a question on a ballot that can result in a close affirmation of casino gambling, especially if the ballot is mailed.

Then the passage of that question will be used to manipulate legislators into supporting a state-owned, gambling proposal. However, once Kansans are fully informed that Kansas would be the first state in the nation to go into the casino business, there will be a tremendous opposition to all of our actions, both at the county and the state level.

In short, placing a gambling question on a non-binding ballot is a waste of precious taxpayer dollars and is unnecessary at this time. State legislators do not need another poll to determine what the people of Sedgwick County think about gambling.

We regularly see polls and we are in communications with our constituents. We debate the issue every year and we work very hard at passing legislation and shaping public policy in the best interest of all Kansans. We are committed to strategies and government structures that grow our economy and bring vitality to

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south central Kansas.

The pressure is on the legislature, now more than ever, to pass a gambling proposal to help pay for the additional dollars that had been ordered by the court to fund K to 12 education. I assure you, we will again debate gambling in the 2006 legislature. If we come to a negotiated position that has the votes to pass the legislature, we elected officials of the state, and especially the Sedgwick County delegation, will require a vote of the people that is paid for by the state before any gaming proposal moves forward. Such a vote will reflect the true nature of the proposal in question and will accurately reflect the intension of the state.

We know this is too great of an issue to misrepresent to our voting constituencies for details of any casino gambling proposal that has a possibility of being enacted.

Again, I wish I was here to answer your specific questions and work with you in a partnership for a win/win situation for the people of Sedgwick County. I have . . .”

Susan has provided me with her cell number, if there's any of you that would like to contact her and discuss this further and she thanks you for this time to share her thoughts with you, as do I.”

Chairman Unruh said, “Thank you, Representative Landwehr. That's a mouthful.”

Rep. Landwehr said, “We have a tendency to do that in Topeka.”

Chairman Unruh said, “We appreciate your comments. I want to respond and I'm sure other commissioners would want to have a few comments, so stay close by. But I want to say first of all, it was never the intent of the Board of County Commissioners to take leadership on this particular issue. I think we've stated that in a variety of different forms, both publicly and privately. We know that this is a state legislative issue and as a matter of fact, when Representative Dillmore and Representative Novascone were here, I elicited that comment from Representative Dillmore, that no matter what we do on this referendum, this falls back to the authority and the responsibility of our state legislators, to which he responded, ‘That is correct’. So we were aware of that and have stated repeatedly we did not want to get out in front of it.

Part of the reasons is that there are, as has been alluded to in some of these comments, competing proposals out there on who does what, how does this finally end up. There's also competing views among the municipalities in our county as to where should the location be, and knowing that our leadership does not require to solve this issue, we were very careful to say ‘We're not getting out in

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front of this'. As a matter of fact, that was referred to in this editorial, when the editorial writer said Sedgwick County officials now have a chance to show that their scrupulous care to distance themselves from casino gambling is a thing of the past.

So that's probably pretty right. We've been very scrupulous in saying 'This is not our issue'. We consented to consider this issue, however, the issue of expanded gaming/ gambling, whichever word you want to chose, when obviously there was a suggestion to us, just from the general public, unspecified, undefined, but just general feeling that the public says 'Well, we'd like to on this'.

I know of one poll by Wichita Independent Business Association indicated a two to one vote in favor of it. Now, I will grant you that like myself, probably many of them are not totally educated in the intricacies of this question, but nevertheless, there was support for it from that area. There is support for it from the print media in general, as this article this morning indicated. And then we have support from . . . or a request from two of your colleagues, a republican and a democrat and a press release titled 'Sedgwick County Legislators Call for Gaming Referendum'. Well, we assumed that was a bipartisan action, there was a democrat and republican and there was a specific request and frankly, at that time . . . not only at that time, but in general, as you have stated you are, I am in favor of our citizens having an opportunity to express their opinion and referendums are not a bad thing.

So anyway, I think that that was what our thought was and our general posture, that perhaps we were open to this is just comes from the fact we thought it was a legitimate way to measure public opinion on this issue.

We then asked our manager to come back with some information that talked to us about time frame and about the cost of it, the mechanism for getting it done and asked to investigate potential partnerships in moving forward on this.

Now, after we've done that, we find that the majority of our delegation is now in front of us saying, 'We don't want you to go forward with this referendum, we'd like for you not to proceed' and you have reiterated quite plainly that this is your issue and this is your decision. That we can't have a definite authoritative say in it, so why are we going ahead with a referendum that is not much more than a glorified poll. I don't know if you said that or someone else said . . . there's been a lot of words said lately.

But along with the fact that I have had several comments from constituents that are overwhelmingly . . . which is consistent with some of the things you've said, that they're overwhelmingly opposed. I think I've had a total of 69 contacts, one way or the other, from different citizens in our county. And we are also finding out that the majority of the communities and municipalities in Sedgwick County are not able or unwilling or whatever reason to support this.

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I got a letter from the Mayor of the City of Wichita and one of his comments was is he said he doesn't believe that this would be a progressive action to take at this time, is a quote from his letter and when he said that they were not willing to participate financially in the cost of this.

So, we've got a lot of folks who are saying 'Don't do it', we're not getting much help in a partnership and we're getting what is not a unified voice, I guess you might say, from our delegation, as far as we've had some people say 'I want it', want you to do the referendum, and now we saying not.

So I would agree with you that being sensitive to the goals of Visioneering Wichita for this regional area is very important, and one of the high priorities of Visioneering Wichita is the unified legislative agenda. It seems pretty clear to me that this would not work towards forwarding the goal of a unified legislative agenda. And a request for . . . one of the high priorities of Visioneering Wichita is the unified legislative agenda. It seems pretty clear to me that this would not work towards forwarding the goal of a unified legislative agenda and it is important, as a county government, not just on this issue, but it's also important as we go forward and look at other issues that are very important to this area.

I know that this delegation was extremely helpful to us, as we move forward with the Sedgwick County arena in downtown Wichita and we know you were very important and helpful to us in moving ahead with the buy-down about district tuition, which is important. We have more work to do there. We know that we need your support, going forward on such really critical issues for the economic development of this area, with things like low-cost airfare and we think our state legislature can be helpful in that, and we think you can be helpful in helping us with developing technical education capability in this area. Those are critical concerns for this government and for this area for our economic health and well being and we know you all want to help us with that and we know that we need to do things that keep us unified and of one voice if we want to have this for our area.

So, I'm not preaching, I'm just trying to vent here and tell you what my thinking is and that it's important that we be unified and not fragmented and that we do the things that are going to be helpful and informative to our delegation and not things that are going to be counter to the majority of the delegation.

So, with those comments, I see a light on, someone else wants to talk, so Commissioner Winters, would you speak?"

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Commissioner Sciortino said, “Well, where do you stand on the issue? I heard a lot.”

Chairman Unruh said, “I hope that I was clear in saying that with this fragmented request from our legislature, who has final authority to make this decision and it’s going to be on your plate, I don’t think that we should move forward against your wishes and I was speaking favorably of this referendum earlier, because that’s a fundamental belief of mine, but right now, I would say that there’s no need for us to do things that you think are going to be counter-productive. So evidently was not clear, but you got it? All right, thank you sir. Commissioner Winters.”

Commissioner Winters said, “Thank you very much. Representative Landwehr, we appreciate your remarks and those from Senator Wagle. You know, it was my purpose back when we requested, on August 3rd, for the staff to take a look at a non-binding referendum, it was based on the request by two legislators who were here and two legislators who I respect. But since that request on August 3rd, I’ve had an opportunity to talk to almost a dozen representatives and senators from all across south central Kansas, and their message was pretty clear. They said, ‘Tom, we believe that the issue is for the state legislature to determine how gaming is going to work in Kansas’ and I agree with that. So regardless of where you stand on gaming, oppose it or support it, it’s a state legislative issue to me.

I’m going to be interested to hear what my other colleagues have to say and we’ve kind of got an issue here where our next agenda item is to receive a report about how a non-binding question on expanding gaming would work, but from what I’ve heard so far and what I believe that this is a state legislative issue, and again I want to hear from my colleagues, but I’m going to be hard pressed to support Sedgwick County moving forward with this referendum. I don’t believe that I support that. I’m going to continue to support our platform issue as it is now, which basically says if the legislature votes on this issue, if they develop something that says local counties or local areas will have a vote, then I’ll support what the legislature does, but right now I am not going to support us conducting a non-binding referendum.”

Chairman Unruh said, “Okay, thank you commissioner. Commissioner Burtnett.”

Commissioner Burtnett said, “Well Brenda, you know how short of time I’ve been on this bench and other than some annexations and sandpit issues, this is the hottest topic I’ve had to deal with. First off, I want to go through some of the things that were said in both of your letters that I can agree with you on, because I want to make sure that you know I can agree with.

Gambling is not the savior of the Kansas economy. I’ve said that from the beginning. Wanting

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expanded gambling to fund education, I've never been in favor of that and gambling is far more complex than what a lot of the people believe. I can agree with all of those statements.

As Commissioner Unruh said, there's a lot of words being tossed around, and this being like I said my first controversial issue, I'm finding out that there are some strong-arm tactics that can be used and that kind of worries me sometimes, but I'm dealing with that. I want you to know, I agree with you, that the people do deserve to vote on this and if Sedgwick County is given the opportunity, now or down the road, that all I'm really worried about is I believe whether or not we are for gambling or against it, I believe they do deserve to have that vote. I just want you to know that's where I'm standing on this."

Chairman Unruh said, "Okay, thank you. Well, consistent with Commissioner Burnett and Commissioner Winters' comment, our official platform of this commission is that in the event that the Kansas Legislature approves expanding gaming, Sedgwick County supports provisions in such legislation that would give local citizens the right to vote on whether or not there should be expanded gambling or gaming. Okay, Commissioner Sciortino."

Commissioner Sciortino said, "Thank you. I also heard from a few of you all. I would say that my e-mails were running maybe 70-30 against allowing the citizens of Sedgwick County to voice their opinion. That surprised me. I have not heard from one legislator, with the exception of Nile Dillmore and Todd Novascone, in support of allowing the voice of the citizens to be heard, and that surprised me. I assumed there was more than two people in our delegation that would like to see a referendum, but I certainly haven't heard from them, and if we decide not to do that, then shame on them for not lobbying us as diligently as you all have.

I have a difficult time, an extremely difficult time not letting the citizens vote, especially on highly controversial issues such as this is, so I was in 100% support of the marriage amendment. As you know, I was way out in front and highly supportive of the vote for the arena and I've been accused, by some of the people that have e-mailed me, that I pick and chose which items that I'm supportive of a vote, based on what I think the outcome of the vote would be, and I don't want to be labeled like that.

I have heard and I do agree with my colleague at the bench and what you have said, Ms. Landwehr, about the fact that this is a state issue, but I think . . . and by the way, I have to clarify things, I have not been lobbied, with the exception of Bob Knight coming to me once, of any gambling interest contacting me. I don't know if they've contacted any of my colleagues, pushing for this

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referendum. The only person I heard from was Bob Knight and the Park City thing and he was making some suggestions. He even offered to pay for it, and we turned him down, but just to let you know that we're not being motivated by gambling concerns at this time, at least.

I think the concern of the minority of people that have contacted me, wanting to have their voice heard, is the fear that the legislators may cut a deal, negotiate something, if indeed the amount of legislators vote for this state-owned thing, or whatever, against your wishes, that some deal is cut that okay, there's going to be four or five locations and Sedgwick County would be not even considered. I mean, and I think those supporters of again the few that have contacted me are concerned about is that Sedgwick County wouldn't even be allowed the option to have a destination casino opted in . . . wouldn't even be allowed to vote on that, because somehow the legislature would work out a situation that Sedgwick County was totally excluded from any expanded gambling at the legislative level, and their voice wouldn't be heard and they want to at least let you know that, hey, if you're going to do this, we want to be included in it.

Now I do take comfort, if I read it right, from what Senator Wagle said, if we come to a negotiated position that has the votes to pass the legislature, we elected officials of the state, and especially Sedgwick County delegation, will require a vote of the people. Are you saying that if this ever does come to pass, you will not exclude Sedgwick County and you will include Sedgwick County as one of the expanded destinations, to allow the people to vote? Because if that's your position, then I'm ready to throw this thing in the wastebasket, because I think that's what the supporters wanted."

Rep. Landwehr said, "Well Commissioner Sciortino, I don't want anyone to be misled that I would be supportive of seeing gambling expanded anywhere in the state because I've looked at the stats that show what it would cost us. I also look at the fact that people would have to lose, Kansans would have to lose \$670,000,000 in order for the state to receive \$148. What I can tell you is that in the proposals that have been presented to us, I've been up there now for 11 years, Senator Wagle has been up there for 13 years. We've always felt that it should be a vote of the people, just like the liquor by the drink was done by a county issue.

What I believe, if I had my druthers, it would be either one, no gambling or two, is that not only the county in which the casino was placed, but that surrounding counties would also have that opportunity, because of the 85% factor of individuals within a 30 to 50 mile radius that go to the casinos and it will have an impact on their communities."

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Commissioner Sciortino said, "Okay but I guess I was trying to get a little clearer commitment from you Brenda as to if, against your wishes and against your beliefs, which I respect, expanded gambling is . . . I don't know how you all do it, but discussed, it would not exclude Sedgwick County from being a destination place. Would that not be one of the things, a tradeoff?"

Rep. Landwehr said, "More than likely we wouldn't, but with the way that we get several bills every session on gambling and there are umpteen different versions and then by the time a committee gets done with it, we've also got umpteen new different versions. It would depend upon how the wording comes out with that."

Commissioner Sciortino said, "Okay."

Rep. Landwehr said, "I know that there has been a proposal, you know, for a couple of Indian tribes to have the opportunity to expand, with a moratorium then being put on any expanded gambling in other areas of the state, but again, that's just a proposal that's been out of there. It hasn't been able to make it out to the house floor. Until it does, we're going to continue Commissioner Sciortino our relationship with the county commissioners and our delegation to listen to what you would like to have and work with you."

Commissioner Sciortino said, "Well, I don't want any gambling at all, but I want . . . I'm having a hard time not having the people tell you what their druthers . . . I mean, I'm really conflicted on this, Brenda. I don't believe in gambling. I think gambling is a waste of time, effort and money. The few times that I've done it, I don't get that high if I win something and I really get upset if I lose some of my money. But I am having a conflict in not letting the people tell me what they think. I represent even some of the wackiest liberals and they're part of my constituent base too, and I represent them too, and I'm just having a big conflict not having them tell me, even though this is a glorified poll and that's all, that they want to be considered if expanded gambling is going to be approved, which I don't think it will, but if it does, they want to have Sedgwick County one of the places to consider.

Now if the vote goes the way my e-mails have been going, it's going to go down in flaming defeat anyway, but anyway that's a conflict that I've got and I don't know where I am at on it yet, but I will . . . I want to hear what the Manager has to say on his thing, but that's all I have to say. Thank you."

Rep. Landwehr said, "Well Commissioner Sciortino, I can assure you that I believe in the people having the opportunity to vote. I'd like to see people vote on tax increases and property tax caps, so I think we aligned on the same way, the people are important to be heard."

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Commissioner Sciortino said, “Good.”

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

Commissioner Norton said, “Well first of all, I’ll start out by saying I didn’t get any phone calls, and personally, I would have liked to have gotten some phone calls that everybody else got, because I think I’m a fair-minded, balanced, honest individual and it shouldn’t be about ‘R’s and ‘D’s. So you know, I would have liked to have heard from legislators that have a passion for this and have a willingness to weigh in with whatever my thoughts are, so I feel a little left out on this whole conversation, when we talk, you know, ‘Nine phone calls, twelve phone calls, I got phone calls’. I didn’t get one and I think I’ve worked pretty hard, in five years, to build a relationship with all the legislators, so just an idea.”

Commissioner Sciortino said, “In the future, would you please, all of you, when you want to bitch, call him.”

Commissioner Norton said, “Well, I mean, I hope the point is made that I’m an elected official here that has a vote and a thought and try to be balanced and try to understand what’s the best for our community and I certainly will put through the filter, my filter, everybody’s thoughts, as I’ve done on all kinds of issues, so just something.

I think this is a chicken or egg issue. Do we let the people have a referendum to send a message to you, or do you get that message through anecdotes and visiting with constituency and filter it back down, to let them vote secondary to that. And we’re trying to weigh that all out, as to which is a better way to do it. Let the citizens speak and give you some input to put into your filter and what you’ve got to deal with to come back with a decision, or make your decision and then put it through the filter of the people. I think it’s chicken or the egg.

I do think people are smart enough to make their own decision. Certainly I’ve heard from people in e-mails that, ‘Oh, don’t put it to a referendum, because people are cattle and they don’t understand and they don’t have enough information, and there will be a lot of money put out on both sides, and certainly the casino folks will have more money and that will sway everything’. Well, if we said that, then we would never have political ads or marketing for a presidential campaign, because people aren’t smart enough not to look at television and make a good decision. I don’t think that’s right. I think our way of government and way of electing people, regardless of all the marketing advertising, people are smart enough and if they’re not, then that unvalidates all of us sitting here, because they’re all not smart enough to elect the best people, and I hope to think that they are.

I don’t think a referendum particularly changes the legislators ability to act one way or another. You’ll take that information, put it through your filters, try to come to some conclusions, work

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partisan or bi-partisan, however that works, and then come to your best conclusion, regardless of what the referendum would say. That's what you're challenged with, so the referendum might mean something, it might not, depending on what you as legislators would want to do with that information and then ultimately you would be accountable to the public. That's the way the system works.

We were asked by two duly elected officials to consider a referendum and I think we've tried to do our due diligence. We challenged the manager to come up with good information to give us some guidance on what we thought we needed to do with this issue.

You know, gaming and gambling obviously has downsides, but so do a lot of other things in our lives and at some point, you're never going to control everything that might hurt someone. I mean, I've often said, if that's our attitude, you need to get all the Braum's moved along the river in Kansas City, because I'm a fat guy and I can't control my urges. But truthfully, you know, credit card debt ruins families. There are a lot of things in our lives that do that. We can't control everything.

Having said that, I'm pretty concerned about the price tag that has edged up on this referendum. I mean, we first thought it was going to be 80,000. Then it was 100 to 125. If it's a mail-in ballot now, it could be \$160,000. That price tag is giving me pause to think 'Boy, is that good use of money?' particularly if the legislators, you know, really don't want to go through that process right now.

The other thing I believe is that we, as a group, should be solid in our thoughts, our values, our beliefs, our willingness to engage in this process and I think right now, that solidarity is not there. I think we're all conflicted, and unless the five of us really believe, all of us believe it, that it's important, I don't want it to be a three-two vote one way or the other. I think we need to have a really combined, solid attitude, with all the information we can get from citizens and from legislators and anyone else that might want to weigh in on it and I don't think we have that.

And then finally, I'd like to hear officially from the south central delegation or the Sedgwick County delegation. I mean, we've heard from Representative Dillmore and Novascone, there's nine people here. Do you represent . . . I don't see the chairman here, so do you really represent . . . I heard the Chairman say, 'the majority'. Well, I don't know that I have seen the vote or know a

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majority or I don't see the chairman coming before us and saying 'Well, we've all gotten together and here's what we believe'. Both Democrats and Republicans and Independents and whoever is elected, here's what we believe you need to do.

I value everyone that came here today. I consider you duly elected, smart officials, I consider you friends, but at the end of the day, this is still 'Is this official?' I don't know if it is or not. You duly elect a chairman every year that I think is someone that represents you and speaks for you in a united voice, so I'd like to hear that.

Having said all of that, I probably am going to say to my colleagues that if there is some belief that we should not move forward today, regardless of whether I was ready to vote for a referendum or not, that I would probably acquiesce and say that maybe now is not the time. Certainly, I think there will be a time when citizens should have the ability to weigh in on this issue, because they are smart enough to understand the issue, and in due diligence, understand it and make the best decision for themselves and the State of Kansas. But maybe this is just not the time and this is not the place and we're not the people to push it forward. So, that's all I have Mr. Chair."

Chairman Unruh said, "Okay, thank you. Representative Landwehr, did you want to respond to anything we've said so far?"

Rep. Landwehr said, "Well, I think one thing, I'd like to respond to Commissioner Norton, and I apologize for not getting in contact with you. I can tell you, we were very, very surprised. Many of us were down in Dallas at a meeting that we had the opportunity to see the President and all the sudden we're catching e-mails that Representative Novascone and Representative Dillmore had appeared before you. The delegation has not taken a delegation position on this, because we do have division amongst it, so we allow each of us to cast our votes accordingly to our districts, so we were very, very shocked to see that.

I can tell you that the press release that we're handing out, and I believe that you may have gotten a copy of it, it has twenty legislators listed on it, and that's just because we were trying to scramble, as we all got back from being gone for a week, to contact legislators, contact county commissioners and try to put something together. We've been in contact with others that are actually in Seattle for a legislative meeting this week that would have liked to have been on there, but had not had the opportunity to see the press release. We don't sign them unless we've read them."

Commissioner Sciortino said, "So we show 19. There's another one that should be . . .?"

Rep. Landwehr said, "Yes, Representative Kasha Kelley had asked that her name be added to it and she's here today, so that's why you don't see it on there, but like I said, there were many others that would have liked that opportunity. And I appreciate your comments and I appreciate the fact that you're willing to respect our position, and I think that once we can clarify, because it is a very, very complicated issue. Otherwise, if it were simple, it would have already been done. As we deal

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with this issue up there, we will keep you posted as to what's happening. Feel free to give us a call, at any time and hopefully, should the issue get ever passed by the legislature, then it becomes your ballpark and we'll assist you accordingly."

Chairman Unruh said, "Okay, I don't see any other lights on. I would, I guess, just like to re-emphasize the fact that we're committed to regional cooperation for the economic benefit of this area and the fact that we have a document signed by 20 of our delegation that do not want to go forward, and is a pretty strong indication we shouldn't do this.

I do want to though agree with Commissioner Norton that I believe our citizens can't just be bought. I know that that words been used a lot. Perhaps I'm naïve, but . . . and I know in Senator Wagle's comments she used a few words like 'deceive' and 'manipulate' and 'misrepresent' and those are words that I know that she's not directing at us, but I'm sensitive to those and I'm just not so sure that . . . well, I have confidence in our electorate.

One other thing, there was a reference made to a proposal that a referendum might be financed by one of the proponents of a location and I just want to make a comment that that was . . . didn't get any traction, because it was too specific and the Commission thought if we're going to proceed with this, we need to have a more general referendum. So, I think that's all the comments I have, but Representative, do you want to respond?"

Rep. Landwehr said, "Well, just to kind of talk about the words 'deceive' etcetera that you talked about Senator Wagle using, is I will be happy to, when I get back to the house and I can e-mail it to you, an article that was done by a staffer of a senator our of the State of Massachusetts to a group of states that were dealing with gambling issues and one of the things they pointed out was two items that actually came out of the Harrah's handbook on what to do, how to do the targeted mark . . . I mean, it is a very, very highly skilled and toned process that they go through in getting people into the casinos and bringing them back on a regular basis.

So I think that's kind of where, once you've seen this article, you'll understand why those words are used and I can inundate you with the information we've received in Topeka, but I don't think you want to see 13 years of that information. So that's why she's used those strong words, because we've seen that it goes down to the color of the carpet, the lighting, the color of the chairs, the costumes that the waiters and waitresses wear, you know what it does on a subliminal message, so that's why. It was not directed at any of you at all, I can assure you of that."

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Chairman Unruh said, "I appreciate that, and sometimes naïveté is comforting, I guess. Do commissioners want to . . . because we've had plenty of discussion, I don't see any other lights and what do you want to do?"

MOTION

Commissioner Winters 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

Chairman Unruh said, "Thank you all for your participation on this. Madam Clerk, call the next item please."

NEW BUSINESS

- F. RESOLUTION REQUESTING THE SEDGWICK COUNTY ELECTION COMMISSIONER TO ALLOW AN ADVISORY, NON-BINDING QUESTION REGARDING EXPANDED GAMBLING IN SEDGWICK COUNTY TO BE SUBMITTED TO THE CITIZENS OF SEDGWICK COUNTY.**

POWERPOINT PRESENTATION

Ms. Kathy Sexton, Assistant County Manager, greeted the Commissioners and said, "I do have just about four slides for you this morning to give you some understanding of the research that has been done on this issue. The past couple of weeks, you specifically asked for information about cost, about timeline and process, and I think the official term used was 'Hoops to jump through' so we will cover that today.

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First of all, the process for an advisory election is simply that you, as the Board of County Commissioners, would pass a resolution. That resolution would request the Election Commissioner to proceed to have an election and you would need to tell him the wording of what you want on the ballot and he indicated to us, Election Commissioner Bill Gale indicated to us that he would need 60 to 90 days to put that together. You had specifically mentioned can we get this done by Thanksgiving or is it too late at this point, and he assured me that yes, we could get it done before Thanksgiving and in November of this year. There is also a question on the procedures by statute for mail ballot election, that you would submit a plan to the Secretary of State. That is an issue that we would want to do, regardless of whether it is advisory or not, just to ensure that all proper procedures are followed.

You also asked us to take a look at and request of our 20 cities within Sedgwick County what their thoughts would be on the matter. A letter was sent to those cities on August 5th, Friday, August 5th just a couple of days after your commission meeting asking for that. We sent letters to all the mayors of the 20 cities and copied their city managers, city administrator or city clerk, whatever form of government they have.

We followed up with phone calls on August 10th. As you can imagine, it was very difficult for these small cities, especially, to respond that quickly. Many of them only meet twice a month. It is summer, it is August. This slide shows you a summary of what we found. Essentially, the city of Wichita did have some indications at that time, various indications, but we did officially hear that we need to request after we take action to do an election or not, that we would request their financial participation at that time. Park City's indication, from their mayor, is that they would seriously consider financial participation, but their meeting, their council meeting is on Monday the 22nd.

We heard from Mulvane, Mount Hope, Bentley, Clearwater, mostly just by talking to their city administrators, so I want to stress that we do not have any official action from these cities, because as I said, they did not have meetings during this short week that we attempted to talk with them, but their administrators indicated they probably would not participate financially.

Valley Center simply indicated that their council had not yet met and then the other 13 cities, we tried to leave messages, phone messages and like I say, they have our letter. We don't really know if they were planning to take it up at their next council meeting or not. We haven't pushed the matter further, but as I said, the main thing is they had about a week to give us information, so . . .

The other piece that we would have to do is actually word the ballot question and this is the language on screen there that we came up with. We did talk internally with our attorneys and with various folks about how do you word this. There are a lot of different ways. We also looked at the

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ballot wording that was used in Crawford County and in Wyandotte County in their previous elections on the matter, but chose to go with this general, you might say general terminology of should there be casino gambling facilities located in Sedgwick County, a simple yes or no matter.

As far as how do you do the election, in consultation with our election commissioner, given the time frame and the question, the simplicity of the question, we devised two options. Essentially, one option is voting at the polls, what we all think about as going to the polls on election day, that would be accompanied by one week of advanced voting, so essentially you'd have ten locations set up for . . . sort of like voting centers that we've talked about a little bit this past few months in the budget process, ten locations that anybody in the county could go to any of these ten locations and advance vote on a Monday through Saturday, the week prior to the Tuesday actual election day at your polls, your precinct polls.

The estimate for this option is about \$125,000. That would cover costs of poll workers and other costs related to setting up and holding such an election. It is expected that such an election . . . these numbers are hard to predict but we're looking at probably 39 to 50% turnout for such an election. Thirty-nine is a very specific number, I'm sure you're wondering where that came from. Thirty-nine percent turnout was what this county got at the April, 2005 election. That was for the marriage amendment that's been referred to earlier in this meeting. That was an April election. Most people did not have other items to go to the election poll for. Most people were voting for an issue, and that got 39% and it was just a few months ago, so we felt that was pretty good.

The election commissioner also then hypothesized that perhaps this one could be higher, so that's why we gave the range of 50%. Obviously, no one is married to those numbers, because it's all a guessing game.

The second option would be a mail ballot election. On the mail ballot, we would have ballots, paper ballots mailed to all the 230,000 voters in this county. They would be mailed in October, to be due in early November and they would include not only the ballot, but also a return envelope, indicating these are due on this date and if they're not received by that date, then they would not be counted. As you can imagine, there's a lot of work involved in opening however many numbers we get, thousands of ballots and so that would involve a lot of time, but would not all have to be done that night. It's not like it's an election of people, with people standing around waiting, 'did I get in office or not', so we would have to take a little time to count, but such ballots would be due in November and we do estimate that cost to be about \$163,000.

Most of that cost is for the postage. We, even thought we would get some discounts with the postal service, because of the volume, we would be sending them first class mail and we would have return postage on all of the envelopes coming back. That number is based on a 58% turnout. So 58% of the 230,000 ballots would be returned. Again, that's an estimate, again a specific number, where did we get that number from, the last county-wide mail ballot election was in 1986 and that

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was a bond issue for the new Sedgwick County jail at that time. So that was 58% turnout. It was also 14 years ago, so we don't have a good . . . or any better, we don't have any better number by which to guess what the turnout would be, so obviously that number, 163,000, could be higher and it could be lower depending on the turnout.

Those are the facts that we have come up with, as far as the process is pretty simple, a resolution. The cities may still want to participate, but in this short time frame, we're not guaranteed of participation by the other cities and then here are the cost estimates, so I am available for any questions or any discussion on the matter."

Chairman Unruh said, "Thank you, Kathy. Commissioners, are there any questions about that information and data? Commissioner Norton."

Commissioner Norton said, "Not a question really, but I just want to thank staff for . . . I mean, this has been an arduous process to try to put together numbers and go through this to be sure we're doing our due diligence as we were required to, whether we move forward with this or whether we don't, I think it's important that we looked at all the numbers, we've tried to figure out how this works and what the turnout might be and what the cost ratio would be and whether it's a good expenditure of the people's money to move this forward, so I just wanted to thank staff for their hard work."

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

Commissioner Sciortino said, "I had nothing of Kathy. If someone has a question of Kathy, I'll wait. I was just going to make a comment on the item, but I have nothing of Kathy."

Chairman Unruh said, "I see no other lights, commissioner."

Commissioner Sciortino said, "Well, as I said earlier, first of all, I would appreciate all of you that took the time to call me and to express your feelings. For the most part, the conversations were very cordial and very clearly letting me know what your positions are, and I have to say, I'm very disappointed in the lack of response or lack of comments from people that have indicated to me that they were in support of this concept of letting the people's voice be heard.

I'm disappointed, earlier I had gotten some indications that the City of Wichita was very interested in helping us defray the costs and would be an equal partner in sharing the costs, and then we got a letter from the mayor indicating that that wasn't the case and then I immediately started getting e-mails from a couple of city council, notwithstanding what the mayor said, this isn't exactly what . .

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. so I'm totally confused as to what the City of Wichita's position is.

I'm rather upset, I would say, by the 13 cities that work with us on a multiplicity of projects and are asking us for help, not even to respond to our request. That upsets me. They could have shown us the courtesy of writing a letter and saying 'Heck no' or they should have responded. Just to leave us just hanging like that isn't right.

I want to make sure that I don't let my emotions override my intellect on this thing. I'm being given now some additional information that I hadn't had in the past, so I candidly, when the two representatives came before us a couple of weeks ago, I got the sense that our delegation wanted some help and wanted to get a good feel for what their constituents felt on this issue. With 20 of the 29 . . . what's our total delegation? You have to add the Democrats too Phil, so don't leave them out. I think there's 29, so 20 of the 29 are saying that they don't . . . I don't know what the other nine are, because I haven't heard from them, except for two. So that leaves a group that I haven't heard from, but I am getting the sense that this isn't something that our delegation feels would be beneficial for them. As a matter of fact, it may have a reverse effect, so I wanted to make sure that we don't do something based on that concept that it's the people's right to vote, which I firmly believe in.

That's a conflict I'm still weighing, back and forth, and I would hope at best all we would do today is receive and file. The county manager's counsel is very, very important to me. He's been on vacation. We haven't had a chance, except for one little brief 'Hello, how are you?' in the hallway, talk about this in depth, to really feel what the ramifications are on this and what it would accomplish, so I'm going to be supportive of maybe that we just receive and file this right now or give us a little time to ponder on it. That's all I have. Thank you."

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

Commissioner Winters said, "Thank you very much, Mr. Chairman. Well for the same reasons that I stated earlier, that I believe that this is a state issue, that the legislature should be the proper body to deal with this issue that they see fit. I'm not going to support us moving forward at this time. I think, again for point of discussion, I appreciate everything my colleagues have said. I would almost be prepared to say that we would not adopt the resolution, as opposed to . . . not move forward as opposed to receiving and filing the report."

Chairman Unruh said, "Thank you. Is there any more discussion on that particular point, the

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suggestion that we take a vote?”

Commissioner Winters said, “I’m prepared to make a Motion that we not adopt the resolution, that we not move forward. If somebody else has another, they can certainly forward that, but I’m prepared to make that Motion, when you’re ready.”

Chairman Unruh said, “Well, I think we are ready. I don’t see any other comment. Is that the Motion you’d like? Commissioner Norton.”

Commissioner Norton said, “Well personally, I would rather receive and file. Truthfully, I am for a referendum and letting the people have their voice on this, but I don’t want to be at odds with the fellow commissioners, as we try to move forward. I think solidarity is important and if it goes to a vote, I’ll probably vote in the positive, and I would just as soon not deal with that, and let the legislature deal with it and move forward with just a receive and file. Now is that dodging the issue? Maybe it is, but the truth is I think the five of us working close together and not having to split our allegiances is more important right now in our community than weighing in on this issue.”

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

Commissioner Burnett said, “Well, I’d have to agree with Commissioner Norton. When we originally asked for the information on August 5th, I thought that was what we were asking for, was information. I didn’t know it was going to be a resolution that we were going to have to vote on today. I would prefer to receive and file the information that we’ve received with this report, rather than passing or nixing a resolution.”

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

Commissioner Winters said, “Well my only reason for suggesting that was if for some reason, at a future date, somebody wanted to discuss this again, I would think we could do that, but I would just as soon that the issue come up again. I would hate for us to just receive and file this and then decide, ‘Well, in two weeks we’re going to take an action’ on what we had originally received and filed. I would prefer that we clearly indicate that, at least at this time, we’re not going to move forward with this issue, and if for some reason, we would reconsider it in the future time, we would bring it up and we would have the full discussion again. I’m just afraid that will leave some people thinking, ‘Well, what did they really say’ and for me, I’m ready to say pretty clearly that I think that this is a legislative issue. That’s my only thought.”

Chairman Unruh said, “Okay, well thank you. Well I just received a note from the Counselor

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indicating that probably our course of action would be either to vote on it, as you have suggested, or defer indefinitely would be the vote, rather than receive and file. And I would just as soon, I mean, we can bring this up whenever we want to and I think with this issue, on this date, let's go ahead and settle it, and so I would be in support of the suggestion that you made, Commissioner Winters."

Commissioner Winters said, "All right. If you'd like to see what that Motion is like."

MOTION

Commissioner Winters moved to not adopt the Resolution.

Chairman Unruh seconded the Motion.

Chairman Unruh said, "Is there any discussion? Seeing none, call the vote. Excuse me, excuse me, there is discussion. Pardon me, Madam Clerk. Commissioner Norton."

Commissioner Norton said, "Well, I mean, obviously this is a conundrum for me, because I really would like to hear the voice of the people. That's something that I firmly believe in on huge issues like this. Some of the biggest issues in our state have had the ability to do that, and certainly on issues local that are going to effect us, we've been pretty willing to do that.

I don't have a problem with voting for the referendum, putting it on a ballot. One of the difficulties I have is the price tag and that certainly has skewed what I'm thinking. I will tell you that today to make sure that we stay together on all this, that I will probably vote to not move forward with the ballot question."

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

Commissioner Burtnett said, "Can you tell me the difference between deferring indefinitely, is that the verbiage you just used?"

Chairman Unruh said, "That is the verbiage I used and I think Commissioner Winters wants to answer the question."

Commissioner Burtnett said, "That's fine."

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Commissioner Winters said, “Well the only thing I would say is that at any time, when three commissioners want to have an item on the agenda, we can get an item on the agenda and for me to just receive and file doesn’t tell me much about . . . doesn’t tell the public much about where we’re at. Is this going to come back in two weeks? Is it going to come back in 60 days? And I think at least making the motion to not adopt this resolution, at least for today, tells the public where we’re at.

And again, like always, if three commissioners want to get something back on the agenda and move something forward, that’s not a difficult thing to do. So to me, there is not much difference, except it gives a pretty clear indication of today’s action.”

Commissioner Burtnett said, “Well but to me, it’s saying that I don’t believe in a referendum, which I do believe in, maybe not at this time. So if I vote to not have this referendum, then that’s what people are going to think I feel, and that’s not how I feel, but just I didn’t think . . . I thought we were just getting information today.”

Commissioner Winters said, “Well I would agree with you. I didn’t expect there to be a referendum. I thought we asked for them to bring back a report. Well they brought back the report and the method for us to go forward, if we’d so chose to do that. So . . .”

Chairman Unruh said, “I think we’re all right, but the question is we have a recommended action, which is adopt the resolution and if the appropriate response lies between defer indefinitely or vote on it, my opinion is we should vote on it today and then when we’re ready to bring it up again, there is sufficient wisdom and initiative on this board to bring it up again if we want to, so I would say let’s deal with it today and if someone wants to bring it up again, then that will happen.”

Commissioner Burtnett said, “Well, if someone wants to bring it up again in two weeks, then it would have been easier to just defer it for indefinitely.”

Chairman Unruh said, “That’s right. That’s a correct statement. I think Commissioner Sciortino was next.”

Commissioner Sciortino said, “Well two things, first of all, let me get some clarification. Mr. Euson, does it take three members of this board to put an item on the agenda, or one member of this board that wants to put an item on the agenda for consideration?”

Mr. Rich Euson, County Counselor, said, “Actually, I think your agenda policy says that any one commissioner can put an item on the agenda.”

Commissioner Sciortino said, “Okay. The reason that I’m having a hard time, Tom, voting against

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the referendum at this time is I don't have enough information. I just got this report. I don't know that that's the referendum question that's going to be asked. I don't know if the City of Wichita, where they're at on it, whether they're for it or against it, because you get a letter from the mayor saying he's against it, you get immediate e-mail from a couple of city counselors saying 'not withstanding what the mayor said, this isn't our position', back and forth, and back and forth. I'm getting a clear understanding that this is a state issue. This is not something that we need to get out in front of, but my sense was that wasn't what this referendum was all about, is not getting out in front and trying to dictate to the legislators that are very qualified to make decisions for the good of all the citizens of our state, with their legislative actions.

I got a sense that this was just to let their respective legislators know what their feelings were about wanting Sedgwick County to be included in any discussions about expanded gambling. Right now, this conflict that I have between my personal belief in gambling as opposed to denying citizens the right to tell us. I'm having heartburn over the cost. I mean, it's doubled from where we were. I'm a little confused over the benefits or the negatives or the positives between mail-in and poll and that's something that I thought maybe Mr. Buchanan could explain to me, in depth.

I also know that there are things that this board needs to be united on, but I'm having a little hard time just shutting the door totally. I think defer indefinitely means it goes in the drawer and the drawer isn't opened up again, unless one of us wants to open up the drawer again. Voting no I think tells the citizens that we're not going to do it."

Commissioner Winters said, "Mr. Chairman, if I could, could I make a comment? I would withdraw that motion. I hear at least three commissioners have a question with that. I'd be willing to withdraw that, but just as long as I clearly state that I'm opposed to us having a referendum election. I believe it's a legislative issue, so if three commissioners are more comfortable with the receive and file, I'll withdraw my Motion and somebody can make that motion, but I think I can express myself just clearly enough saying I'm not going to support a referendum."

Chairman Unruh said, "Okay, I appreciate that, Commissioner. I don't know where Commissioner Norton was on this, whether . . . Commissioner, would you like to speak?"

Commissioner Norton said, "Well, actually I was going to offer a substitute motion that would say that we defer indefinitely."

Commissioner Winters said, "Well, I'll withdraw my Motion, if the second will withdraw the second."

Chairman Unruh said, "I'm the second, I'll withdraw the second."

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Commissioner Sciortino said, "Okay, I'll second the substitute Motion, but I do have a question of our legal counsel."

Commissioner Winters said, "He hasn't made one yet."

Commissioner Sciortino said, "I thought he just did."

Commissioner Norton said, "Well that was a substitute Motion, if you withdraw and we vote on the withdrawal, then it will become a motion."

Chairman Unruh said, "We don't have to vote on withdrawing it, do we? No."

Mr. Euson said, "You have not before."

Chairman Unruh said, "So the slate is clean right now."

Commissioner Sciortino said, "Now before you make your substitute motion, I'd like to ask a question of legal counsel if I could, Mr. Chairman."

Chairman Unruh said, "Sure, go right ahead."

Commissioner Sciortino said, "What's the difference between defer indefinitely and just receive and file?"

Mr. Euson said, "Commissioner, the note that I sent up to the bench was that I had some concerns about receiving and filing a blank resolution in the County Clerk's Office and I think it could be somewhat confusing, and so I recommended that perhaps it would be better to go ahead and defer indefinitely."

Chairman Unruh said, "That does have a degree of finality to it. I mean, we've made a positive action, I guess. And now, do we have a Motion to that effect please?"

MOTION

Commissioner Norton moved to defer indefinitely.

Chairman Sciortino seconded the Motion.

Commissioner Winters said, "And that Motion was to defer indefinitely?"

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Commissioner Norton said, "Yes."

Chairman Unruh said, "That is correct. There is discussion on that Motion. Commissioner Winters."

Commissioner Winters said, "I just want to, for all of your information, say that I think we've had very good discussion today. I think all of our things came out and from what I know now, I am not going to support us bringing forward a resolution to have a referendum, non-binding referendum. Thank you, but I will support this Motion."

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

Commissioner Sciortino said, "Thank you. I don't see a copy in our backup of the resolution that staff was asking us to approve. I see background, alternatives, policy considerations, but I don't see an actual resolution here."

Ms. Sexton said, "It's not in your backup?"

Commissioner Sciortino said, "No."

Chairman Unruh said, "Assistant County Manager Kathy Sexton will provide us one."

Commissioner Sciortino said, "Well that's further reason to defer, we just now saw it. Okay, that's all I have. Now I have a copy."

Chairman Unruh said, "Okay, I don't see any other lights. Is there any more discussion?"

Commissioner Winters said, "I guess a question for Mr. Euson then. This will not be forwarded to the Clerk's Office. This will just be in abeyance then."

Mr. Euson said, "That is correct, yes."

Commissioner Winters said, "Okay."

Chairman Unruh said, "Any other discussion? Seeing none, call the vote."

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye

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Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Thank you all. Appreciate your taking the effort to talk to us and bring this to our attention and I agree with Commissioner Winters, that this has been a healthy discussion."

Commissioner Norton said, "Mr. Chair, can we take a five minute break?"

Chairman Unruh said, "We can take a five-minute break. We can do that. I will declare a five-minute recess."

The County Commission Meeting was recessed at 10:49 a.m. and returned from recess at 10:54 a.m.

Chairman Unruh said, "I will call the meeting back to order. Madam Clerk, please call the next item."

G. RESOLUTION ESTABLISHING HOLIDAYS TO BE OBSERVED BY SEDGWICK COUNTY IN 2006.

Ms. Sexton said, "This resolution simply establishes 10 holidays for 2006 for the employees of Sedgwick County. They are the same ten holidays we are accustomed to having, and the schedule is listed there in your resolution and I'm available for any questions."

MOTION

Commissioner Norton moved to adopt the Resolution.

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

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

H. RESOLUTION PROVIDING FOR CONDEMNATION OF CERTAIN REAL PROPERTY.

POWERPOINT PRESENTATION

Mr. Euson said, "The resolution before you has to do with the project to widen 13th Street, between State Highway K-96 and the eastern Sedgwick County line. And we have been able . . . Public Works has been able to obtain most of the tracts along this alignment, but in the map before you, you will see that there are several tracts indicated in red where agreements have not been made for the purchase and it's appropriate at this time to ask you to approve a resolution to condemn them.

The condemnation resolution has five temporary construction easements, four drainage easements and ten permanent road right-of-way easements and I would ask you to adopt the resolution, with the understanding that we will continue to work with these property owners, up to and through the condemnation process to try to reach agreement as to the fair market value. I'll be glad to answer any questions."

Chairman Unruh said, "Thank you Mr. Euson. This is in my district and it has generated considerable interest in this project, but I think it's going to be entirely beneficial to the citizens of Sedgwick County and we need to proceed and do what is necessary to bring this project to completion.

But the reason that we are proceeding with the resolution now, in light of the fact that negotiations are still ongoing, we have the ability to come to agreement before we get into any kind of litigation, but we have to start this now to keep the . . . to meet the calendar requirements?"

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

Chairman Unruh said, "Okay. Commissioners, are there any questions?"

MOTION

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Commissioner Norton moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

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

VOTE

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

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

I. AGREEMENT WITH OAKLAWN IMPROVEMENT DISTRICT FOR CONTROLLED ACCESS TO CERTAIN ROADWAYS IN OAKLAWN SEPTEMBER 24, 2005 IN CONJUNCTION WITH THE OAKLAWN/SUNVIEW BLOCK PARTY PARADE.

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, "This is an annual request made by the Oaklawn Improvement District for their annual fall festival that they do in conjunction with the Oaklawn/ Sunview Block Party. You have in the agreement a number of street closing. These are the same street closings that we have seen presented each year. Arrangements will be made my parade officials with the Sedgwick County Sheriff's Reserve for traffic control on the affected roadways before the event takes place and I would move that you approve . . . or ask that you approve the agreement and authorize the Chair to sign."

MOTION

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

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Unruh said, "Thank you, Ron. Madam Clerk, next item."

J. DIVISION OF INFORMATION & OPERATIONS – HEALTH DEPT.

1. AGREEMENT WITH WICHITA STATE UNIVERSITY FOR THE HEALTH DEPARTMENT TO PROVIDE A CLINICAL ROTATION SITE FOR NURSING STUDENTS.

Ms. Pamela Martin, Director, Clinical Services, greeted the Commissioners and said, "Historically, Sedgwick County has provided a clinical rotation site for students of various health professions from local colleges and universities. This includes disciplines from nursing, physician assistant, medical assistant and social work. This partnership provides each student the opportunity to observe patients and nurses, as well as to learn procedures in a clinical setting. We strive to furnish clinical facilities, in an effort to provide the optimum learning experience for the student.

By continuing this partnership with the W.S.U. College of Health Professions School of Nursing, we are encouraging an interest in public health and providing a source of future medical professionals for the Sedgwick County Health Department. Our proposed recommended action is to approve this agreement and authorize the Chair to sign."

Chairman Unruh said, "Okay, thank you Pam. We have separate agreements with the other schools in the area to . . ."

Ms. Martin said, "They fall under the College of Health Professions."

Chairman Unruh said, "Other questions, Commissioners?"

MOTION

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

Commissioner Sciortino 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

Chairman Unruh said, "Next item please."

2. CONTRACT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT PROVIDING FUNDING OF ONE FULL-TIME NURSE POSITION DEDICATED TO CHILDHOOD LEAD POISONING PREVENTION.

Ms. Martin said, "The Sedgwick County Health Department collaborates with KDHE to facilitate blood lead screenings of children in Sedgwick County to prevent conditions resulting from blood lead poisoning. This grant allows the Sedgwick County Health Department staff to coordinate and perform blood lead screenings and case management for children with elevated blood levels.

Within the last year, 4,119 children from Sedgwick County were screened for blood lead. Of the 4,119 children screened, 83 were found to have elevated blood levels, with 27 confirmed cases who qualify for treatment and follow-up care. This grant funds a lead nurse case manager, who assures lead screening, diagnosis and effective treatment for children in Sedgwick County. Our proposed recommended action is to approve this contract and authorize the Chair to sign the contract and any related documents."

Chairman Unruh said, "Okay, thank you. Are there any questions, Commissioners, about this?"

MOTION

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

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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

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

DIVISION OF HUMAN SERVICES

K. DIVISION OF HUMAN SERVICES – COMCARE.

- 1. CONTRACT WITH UNITED METHODIST YOUTHVILLE TO PROVIDE INDIVIDUAL COMMUNITY SUPPORT, ATTENDANT CARE SERVICES AND PSYCHOSOCIAL GROUP TREATMENT FOR SERIOUSLY EMOTIONALLY DISTURBED YOUTH IN THE FOSTER CARE SYSTEM.**

Mr. Tom Pletcher, Clinical Director, Comprehensive Community Care (COMCARE), greeted the Commissioners and said, “We have several items to bring before you this morning, of which a number of them are renewals of previous agreements.

United Methodist Youthville has provided individual community support, attendant care and psychosocial group services since 2002 for youth with serious emotional disturbances who are in the foster care system. The goal of services is to reduce the need for psychiatric hospitalizations and unplanned placement disruptions, due to this mental illness or behavior.

The renewal of this contract allows Youthville to continue to provide these services, with authorizations from COMCARE, through the youth’s plan of care. We would recommend that you approve the contract and authorize the Chairman to sign.”

Chairman Unruh said, “Okay Tom, I don’t see any questions but I would just want to make the

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comment, I think that it's a very positive thing we can do for these folks who have this emotional disturbance issue. If we can take measures that keep them in community, and not disrupt their lives or have them hospitalized, or those sort of things, so I'm very supportive of this effort. Is there any other comment or question, Commissioners? What's the will of the Board?"

MOTION

Commissioner Burtnett moved to approve the Contract 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, "Next item."

2. AGREEMENT WITH THE MENTAL HEALTH CONSORTIUM TO PROVIDE UTILIZATION REVIEWS OF COMCARE CLIENT CHARTS.

Mr. Pletcher said, "This is a new agreement with the Mental Health Consortium to provide utilization review services for COMCARE that meet Medicaid and licensing requirements. Medicaid mandates the review of the initial plan. Then again, at 30 days and at 90 days of treatment, then every 90 days of treatment thereafter on 100% of their charts.

This is a systematic review of charts, to determine that the charts and documentation of services meets Medicaid requirements. Qualified mental health professionals will provide all of the services under this contract, with their reviews being required to meet all of the Medicaid standards.

Shifting this function to the Mental Health Consortium provides two primary benefits. First, it increases COMCARE QMHP direct service time, since they will no longer need to set aside time to conduct these reviews, and secondly, it provides more consistent and objective reviews, by having them done by specific people, outside of our internal agency. I would recommend that you approve

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the agreement and authorize the Chairman to sign. Be happy to answer any questions.”

Chairman Unruh said, “Commissioners, are there any questions at this time? What’s the will of the Board?”

MOTION

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

Commissioner Winters seconded the Motion.

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

VOTE

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

Chairman Unruh said, “Next item.”

Commissioner Sciortino left the meeting room at 11:36 a.m.

3. CONTRACT WITH BEHAVIORAL LINK, A DIVISION OF JOB READINESS TRAINING, TO PROVIDE PSYCHOSOCIAL SERVICES FOR SERIOUSLY EMOTIONALLY DISTURBED YOUTH.

Mr. Pletcher said, “The renewal of this contract will allow Behavioral Link to provide psychosocial services to adolescents with serious emotional disturbances. Only medically necessary services that have been authorized through the plan of care process are provided. These services provide help to provide support that allows youth to remain in their homes or home community, and avoid a more intensive level of service.

The contract will pay for only services that have been approved and delivered according to the plan of care process and Medicaid typically pays for these services. I would ask that you approve this contract and authorize the Chairman to sign. Be happy again to answer any questions that you

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might have.”

Chairman Unruh said, “Okay Tom, and how does this contract differ from the first one that we approved?”

Mr. Pletcher said, “This one is with Behavior Link, previously referred to as JRT, Job Readiness Training, in previous years. The first one was with United Methodist Youthville. This is with a different organization.”

Chairman Unruh said, “Okay. Some age group of youth?”

Mr. Pletcher said, “Yes. This one is primarily with adolescents, generally ages 15 and older. The first one, with Youthville, encompasses a much broader range of ages.”

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

MOTION

Commissioner Burtnett moved to approve the Contract 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	Absent
Chairman Unruh	Aye

Chairman Unruh said, “Next item.”

Commissioner Sciortino returned to the meeting room at 11:37 a.m.

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4. CONTRACT WITH WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION FOR COMCARE TO PROVIDE A PSYCHIATRIC RESIDENCY PROGRAM.

Mr. Pletcher said, “This contract with the Wichita Center for Graduate Medical Education provides for the placement of approximately five psychiatry residents in COMCARE programs. Collectively, they provide the equivalent of one full-time position to the agency. Residents have an opportunity to develop expertise in the interdisciplinary approach to client care in a community mental health center setting. Their duties include admitting patients, performing psychiatric assessment and diagnostic evaluations, performing physical exams, keeping documentation, reviewing laboratory and other service reports and meeting with inter-disciplinary team members. This arrangement allows clients to receive high quality services at a relatively low cost, while the residents gain valuable community-based experience. I would recommend that you approve this contract and authorize the Chairman to sign.”

MOTION

Commissioner Norton 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

Chairman Unruh said, “Tom, is that all for you?”

Mr. Pletcher said, “That’s all for me right now.”

Chairman Unruh said, “Okay. Well, thank you very much. Great job. Next item please.”

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L. DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING.

1. AGREEMENT WITH KANSAS DEPARTMENT ON AGING FOR CENTRAL PLAINS AREA AGENCY ON AGING TO PROVIDE COORDINATION OF THE KANSAS SENIOR PHARMACY ASSISTANCE PROGRAM IN SEDGWICK, HARVEY AND BUTLER COUNTIES.

Ms. Graham said, “What I bring before you today is a contract with the Kansas Department on Aging and the Central Plains Area Agency on Aging to provide coordination of the Kansas Senior Pharmacy Assistance program in Sedgwick, Butler and Harvey Counties. This contract covers the time period of September 1st, 2005 through June 30th, 2006.

This allows for our staff persons to assist over 1,000 potential eligible older adults to apply for up to 70% reimbursement for the allowed expenses for prescription drugs. This is a state-funded program. There are no other funds that the county has to come up with, no matching dollars. The individuals that are eligible, potentially eligible for this program receive a letter from the SRS and then they are notified to contact us to assist them in completing the application, we process those, make sure they have all the paperwork completed and that they have the required documentation that goes with it. Then that is sent up to KDOA, who then makes the determination about eligibility. So I would request that you approve, and authorize the Chair to sign this, and would be happy to answer any questions.”

MOTION

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

Commissioner Winters seconded the Motion.

Chairman Unruh said, “Okay, thank you. I would just make a comment that I’m really pleased that we can facilitate a program like this, to help so many people, with a 70% reimbursement of out-of-pocket expense. I mean, that’s a great thing to do because pharmacy expenses are high and they’re a real burden on a lot of family budgets. So, very approving. Seeing no other comments, please call the vote.”

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VOTE

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

Chairman Unruh said, "Next item."

2. AMENDMENT TO CONTRACT WITH CITY OF WICHITA, KANSAS PROVIDING ADDITIONAL FUNDING FOR THE TRANSPORTATION BROKERAGE TO PROVIDE SPECIALIZED TRANSPORTATION TO EIGHT NEWLY URBANIZED CITIES.

Ms. Graham said, "The existing contract was signed on April 20th of this year. The existing agreement was a renewal of an inter-local agreement that originated in July of 2004 for the Transportation Brokerage to provide specialized transportation to citizens residing in Haysville, Mulvane, Derby, Bel Aire, Park City, Kechi, Maize and Valley Center. These are the communities surrounding our area that were included in a newly urbanized area, based on the 2000 census.

The federal Section 5307 funding is passed from the Federal Transit Administration, through the Wichita Transit, to the Transportation Brokerage to assist them in providing transportation to this population. It tends to be the elderly and disabled persons primarily and the Transportation Brokerage then assists them in providing that transportation.

This is a \$25,000 additional funding based on some increased needs where we're seeing we're able to work with Wichita Transit and they did approve and authorize that, so would request that you approve and authorize the Chair to sign."

Chairman Unruh said, "All right, thank you. We have a comment from Commissioner Sciortino."

Commissioner Sciortino said, "Just a request for clarification. Annette, isn't the additional money going to be used to increase the services for Derby and Haysville? Is that how the funds are going to be used?"

Ms. Graham said, "I don't think they are specified to just those two communities but where there

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are increased needs and where we have that demand for the services, we will try to utilize those funds more heavily of course in those areas where those needs are.”

Commissioner Sciortino said, “Well, the reason I was questioning it, my background says, ‘Additional compensation shall be used to augment the services provided to the cities of Derby and Haysville, and immediate surroundings’. I took that to be the unincorporated area immediately surrounding Derby and Haysville. Is that not the case?”

Ms. Graham said, “Those are two areas, definitely, that we’re primarily seeing a larger demand, not that there’s not need in those other communities, but that’s where we’re getting more calls for transportation, so yes you’re right, Commissioner Sciortino.”

Commissioner Sciortino said, “Okay, so let me just make sure. It’s only if the need in Derby and Haysville is met, do the remaining additional funds go to the other cities. Is that right, or not?”

Ms. Graham said, “Yes. We will concentrate those funds in those . . . these additional dollars in those two areas.”

Commissioner Sciortino said, “Okay, thank you.”

Chairman Unruh said, “Are there any other questions, Commissioners? What’s the will of the Board?”

MOTION

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

Commissioner Sciortino 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

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

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M. ADJUSTMENT TO THE CODE ENFORCEMENT STAFFING TABLE TO INCLUDE A WATER QUALITY INSPECTOR, B220.

Mr. Glen Wiltse, Director, Code Enforcement, greeted the Commissioners and said, “This is a request to add an additional staff person who is funded through Kansas Department of Health and Environment, through our LEPP grant. We’ve received the funds at this time and the position would be responsible for inspections of water wells, wastewater systems and anything to do with those types of systems and I’m available for any comments or questions, I guess, at this time.”

Chairman Unruh said, “Okay, thank you Glen. Have we not been performing this function previously and now we have funding to do it or did this just relieve some pressure on the staff?”

Mr. Wiltse said, “This actually would allow us to do additional items. It will be part of the switch of duties from the past one. Some of these duties were performed by the City of Wichita Health Department and some of these duties will be coming over to our department.”

Chairman Unruh said, “Okay, thank you. Commissioners, any other questions?”

MOTION

Commissioner Sciortino moved to approve the adjustment to the Code Enforcement Staffing Table.

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, “Thank you, Glen. Next item please.”

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N. KANSAS COLISEUM MONTHLY REPORT.

POWERPOINT PRESENTATION

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, “My report today is on the operations of the Coliseum during the month of July, 2005. During the month of July, we had total attendance of 3,300 people from three events and five individual performances. Net revenues for the month, these are event-related revenues, were \$34,088, a very small, quite month, which it usually is in the summertime for arenas.

Highlights, we had the last game of the Aviators season. They had just a little bit over 1,000. They won the game. We are in discussions for them to return again next year. We had another Machinists’ Union meeting, as they settled their contracts and we had a little paintball tournament that has become very, very popular. This is like the seventh paintball tournament that we have held. We first started the issue about four years ago.

Being that it’s a very quiet month, and the timing is just perfect to talk to you just a little bit about the promotions fund that we started with the new concessions agreement we started with Swanson Corporation five years ago. That has turned out to be one of our most successful initiatives and since we have just dissolved that fund, and started a new fund with our new concessionaire, Sodexho, I’m going to visit a little bit on what that has meant to us. I mean, what was the promotion’s fund and what were the outcomes, why did you have this fund.

Well, we had the fund so we wanted to expand our event calendar. We wanted to be able to bring a wider variety of events. We wanted to generate more revenue. It’s exactly . . . this is a business, so what did we do? We had 66 events over the past five years that were directly attributable to this fund. Now these events wouldn’t have played without the fund, they would not have been here, attendance of almost 275,000 at those 66 events. Gross food and beverage sales, now this was very important to the concessionaire since they funded it, this is not tax dollars, this is private dollars, gross food and beverage sales of 1.1 million for those 66 events, \$110,000 of revenue directly to the Coliseum when we dissolved the fund, because our agreement was whatever is left in the fund itself, half goes to the concessionaire, half goes to the Coliseum when the contract terminates.

We generated \$114,000, in excess of \$114,000 in parking fees for those 66 events. We had some ancillary revenues that we definitely rely on, and we have almost \$637,000 in ticketing fees through Select-a-Seat, convenient charges for buying on the Internet, at the outlets or on the telephone.

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The total revenue was nearly 1.4 million dollars to the Coliseum over the five years. Now that is not the same amount of revenue every year, because we had a different event calendar every year, but this fund has been so successful, there are many other publicly operated facilities around the country that are now instituting it and duplicating it.

And what did we bring in, and I just picked out a little bit of the flavor of the different kind of events we brought in. We had . . . I was hoping it would come out a little better than that, Kristi. We had absolutely nothing. We had a blank screen. Okay, we'll go on to the next one. The first event I think was Amy Grant. We had the Amy Grant Christmas Show. The POCO Rodeo, this allows us to continue to bring the rodeo into this market every year. We are the sole promoter on this. We don't have a partner. Most of these other events, we are partners with one of the national promoters. Sesame Street, we're partners with Vee Corporation every year on that. Kenny Chesney, one of the hottest acts in country music today, we were co-promoters with Clear Channel when we brought them in. Manheim Steamroller, everybody remembers that great event, they're coming back again this November, but that was a wonderful show. We were partners on that show. Martina McBride's Christmas Show, excellent, excellent show, we sold that one out several years ago. Toby Keith, another one of the major superstars in country music.

Cher, now this was the second Cher concert. The first concert sold out. The promoter came back and said, 'You know, I would really like to do a second show, however are you willing to take the risk with us?' We said yes. This was our highest grossing show we ever did as a promoter. It worked out very well. The show would not have happened without the promotions fund.

Tim McGraw, another one of the hottest acts in country music. Alabama, the farewell tour. Larry the Cable Guy, 'We Got Her Done', we went ahead and we had a good show with that and that worked out very well for us, and John Mellencamp. As you know, we came in with a special little ticket on that. We took the risk with the promoter, and it worked out very well.

We're going to do it again with Sodexo, we have a new front. We're going to do it under the same terms and conditions as we have in the first five years. It's worked very well and it's helped us to extend . . . or increase our event calendar.

Coming up, we have Alison Krauss and Union Station tomorrow night and Veggie Tales- Rocking Tour Alive August 20th. Both of them are co-promotions, brought to you by the fund. Those shows would not have played and we would have a very, very bleak August if we didn't have the fund.

Valley Center is coming back again for their regional cross-country meet on September 6th and then we have the 10th anniversary of the Gaither Family Reunion Tour on September 3rd. That's a gospel tour and it's a great show, just people just absolutely love it. If there's any questions, Commissioners, I'd be happy to answer them at this point."

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Chairman Unruh said, “Okay Commissioners, are there any questions for John? Well, it looks like the promotion fund is successful and looking forward to a new, prosperous year, in spite of the fact that we a little bit in limbo, waiting for our new arena.”

Mr. Nath said, “Just a little bit. We’re going to get after it, we’re going to do whatever we can out there.”

Chairman Unruh said, “Okay. Well, thank you. I thought it was interesting to note that if you take the 66 events and the number of attendants and the number of concession sales, our folks spend a little bit of money at the Coliseum, don’t they.”

Mr. Nath said, “In fact, they do and it varies from event to event. For example, at a hockey game, we’re probably \$5.50 a head. For Sesame Street, it’s probably \$1.10.”

Chairman Unruh said, “Okay, very good. Good report. Commissioners, any questions or what’s the will of the Board?”

MOTION

Commissioner Winters moved to receive and file.

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

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

O. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF AUGUST 11, 2005.

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Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of August 11th resulted in eight items for consideration today.

- 1) **BRIDGE IMPROVEMENT, 55TH STREET SOUTH BETWEEN HILLSIDE AND K-15- PUBLIC WORKS**
FUNDING: SALES TAX

The first item, bridge improvement, 55th Street South, between Hillside and K-15 for Public Works. The recommendation is to accept the low bid from Dondlinger and Sons in the amount of \$551,040.50.

- 2) **ON-LINE LEGAL RESEARCH SERVICES- DISTRICT ATTORNEY**
FUNDING: DISTRICT ATTORNEY

Item two, on-line legal research services for the District Attorney's Office. Recommendation is to accept the quote of Lexis-Nexis and establish a three-year contract in the amount of \$56,076.

- 3) **IP PHONES- JUVENILE DETENTION FACILITY**
FUNDING: FACILITY PROJECT SERVICES

Item three, voice-over IP phones for the Juvenile Detention Facility. Recommendation is to accept the low bid from SBC in the amount of \$76,303.26.

- 4) **STANDARD ROLL TOILET PAPER AND PAPER TOWELS- VARIOUS DEPARTMENTS**
FUNDING: VARIOUS DEPARTMENTS

Item four, standard roll toilet paper and paper towels for various county departments. The recommendation is to accept the low bid meeting specifications of Southwest Paper for the Kimberly Clark #4460 toilet tissue and the Kimberly Clark #1970 paper towels and establish contract pricing for one year, with two additional one-year options to renew for an estimated annual cost of \$98,844.52.

- 5) **ON CALL LABORATORY SERVICES- HUMAN RESOURCES**
FUNDING: VARIOUS

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Item five, on-call laboratory services for Human Resources. Recommendation is to accept the low proposal from Association in Healthcare, LLC, option two, to establish and execute a contract for one year, with two one-year options to renew for an estimated annual cost of \$16,305.

- 6) **ROOF REPAIR FOR ADULT DETENTION FACILITY- FACILITY PROJECT SERVICES**
FUNDING: CAPITAL IMPROVEMENT PROJECT

Item six, roof repair for the Adult Detention Facility, Facility Project Services. Recommendation is to accept the low bid from Roof Mechanics for base bid option one, expansion joints work and additional work of options 1, 2, 3 and 6 for a total cost of \$61,175.

- 7) **JRBR INTERIOR/ EXTERIOR REHAB, WINDOW REPLACEMENT & ROOF WORK- FACILITY PROJECT SERVICES**
FUNDING: CAPITAL IMPROVEMENT PROJECT

Item seven, Judge Riddel Boys Ranch interior/ exterior rehab, window replacement and roof work for Facility Project Services. Recommendation is to accept the low bid from Van Asdale Construction in the amount of \$147,900.

- 8) **DIGITAL MAILING MACHINE- DIVISION OF INFORMATION & OPERATIONS**
FUNDING: DIVISION OF INFORMATION & OPERATIONS

And item eight, digital mailing machine for the Division of Information and Operations and the recommendation is to accept the quote of Pitney Bowes, for the initial purchase of \$59,056 and establish recurring costs of \$94 monthly and an annual cost of \$4,468.45 per year for the next three years.

Would be happy to answer any questions and I'd recommend approval of these items today."

Chairman Unruh said, "Okay, thank you Iris. Commissioners, is there any questions about the report of the Board of Bids and Contracts? What's the will of the Board?"

MOTION

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

Commissioner Norton seconded the Motion.

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

VOTE

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

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

CONSENT AGENDA

P. CONSENT AGENDA.

- 1. Temporary Construction Easement for Sedgwick County Project 821-BB, Cowskin Creek Drainage. District #2.**
- 2. Two Easements for Right-of-Way for Sedgwick County Project 803-Z; repair of sinkholes along 135th Street West between 79th and 87th Streets South. CIP# R-310. District #3.**
- 3. Performance evaluation for Carol S. Cole.**
- 4. Medicare Part A Federal Health Care Provider/Supplier Enrollment Application.**
- 5. Resolution temporarily suspending the Sedgwick County Zoological Society Inc.'s Cereal Malt Beverage License and repealing Sedgwick County Resolution 125-05, which was approved July 27, 2005.**
- 6. Metropolitan Area Planning Department Case Number VAC2005-00025 – request to vacate a portion of public street right-of-way, generally located on the north side of 55th Street South and west of the Wichita-Valley Center**

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Floodway. District #2.

7. **Notices of Hearing (two) to reschedule post annexation public hearings from September 28, 2005 to October 5, 2005 for annexation Nos. 99-31 and 00-11.**
8. **Notice of Hearing for October 19, 2005 post annexation public hearing for annexation by the City of Maize that became effective on publication of Ordinance No. 550.**
9. **Orders dated August 3 and August 10, 2005 to correct tax roll for change of assessment.**
10. **Plats.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2002 and prior years have been paid for the following plats:

Windridge Court Addition
Roberts and Morriss Addition

11. **Payroll Check Register of August 12, 2005.**
12. **General Bills Check Register(s) for the weeks of August 3 – 16, 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

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

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

Chairman Unruh said, "Commissioners, we need to adjourn to a Fire District meeting, but before we do that, is there any items of community interest that you would like to talk about before we adjourn this regular meeting? Commissioner Burtnett."

Q. OTHER

Commissioner Burtnett said, "Well I just wanted to mention that I went to the Park City Skateboard grand opening last Sunday in the rain. Poor guys, the kids were having a great time but they were slip-sliding all over that skateboard park, but it's a really nice facility and I'm just proud that Park City got something like that going. Just wanted to mention that."

Chairman Unruh said, "Very good. Commissioner Norton."

Commissioner Norton said, "I have several things. First of all, this Saturday, in Central Riverside Park is the . . . I don't know which annual it is, but it's the Walk as One, sponsored by NCCJ. The Sheriff's Department and Sedgwick County are both sponsors and are very active in it. I think we'll have several participants. If you have the time and would like to make a statement on racism and bigotry in our community, then this Walk as One is very profound and a great time, so join Sedgwick County and the presenting sponsor, Westar Energy, at that event."

On last week, I think because everybody was kind of out-of-pocket, I was asked to go to the 150th anniversary of the Kansas National Guard. They had a caravan that went from National Guard Unit to National Guard unit, and they were celebrating the 150th anniversary of the Kansas National Guard, not only what they do nationally to help support our military, but what they do locally, in times of disaster. And certainly I've had some close opportunities with the National Guard, over the years, with the tornado and have great reverence for what they do, not only to protect us in times of war, but in times of peace in our communities.

And we were presented with . . . well I'll present it to the chamber today, a picture. It's a reproduction of a painting. It's called the highest possible courage. I'll pass that to you. It's interesting that this depicts the first National Guard, Kansas National Guard medal of honor winner, Irwin Bleckley, and we have a street in Wichita named after . . . I think he was a aviator of some

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sort, but this depicts that and I would pass that on to you. That was a present from the Kansas National Guard for the County Commission to post in their offices. A really nice event that depicted the history of the National Guard, here locally, and I was glad to represent the county for that.

Monday, I had a chance to visit with the Cowtown consultants. I think all of us, eventually, will give them input on what we think needs to be done at Cowtown, but I did want to let the public know that we're having great discussions about the future of one of the quality of life venues in our community, which is Cowtown and where we want to go with that, how we want to build it up, how we want to make it better for not only tourists that come here to see the old west, but for our own citizens. Just a reminder that August 21st at Exploration Place, it's free all day. Last time Exploration Place did that, they had over 4,200 people come and give their input and enjoy the day and we would urge people to grab their children, their grandparents, their friends, people from out of town, and invite them to come and enjoy Exploration Place, find out that's there and give us input on that, as we try to figure out the future of Exploration Place that we kind of dealt with a little bit today.

And then finally, on Monday I went to the yearly report on Smart Start Kansas. I represented the county there. It was about a three-hour meeting, with all the providers that are linked to that network giving input and Smart Start so fits in with what we're thinking about getting to our population at a very young age and taking care of whatever difficulties they may have in start up, so they don't end up in our juvenile detention centers, so that they are functioning properly as citizens, that they're connected to community, that they get an education and that they're healthy, so pretty good report this year.

I was fortunate that I went, because I got to challenge them on some issues that we think about all the time. One of those was that our WIC program is not really connected with all of that, and when you talk about healthy babies and healthy kids and a smart start, our WIC program already accesses about 16,000 young women and children that are at risk already, and I urged them to somehow connect with that network, with our Health Department because we're a great database of where maybe problems are. So, that's just a few things. Thank you, Mr. Chair."

Chairman Unruh said, "Okay, thank you Commissioner, you've been busy and on behalf of the commissioners, I want to say thanks for representing us. It's a really attractive wall hanging. We'll find a place to display it.

Just had a couple of items. I wanted to say that Thursday night, at the last Zoo concert, Anthony Gomes is going to be out there. He's a gospel and blues and swing and country, he's a whole lot of things, I don't know all the styles of music, but he's supposed to be a good concert tomorrow night. Zoobilee is September 10th, so mark your calendar, support your zoo that way. Also, I'd say congratulations to Mark Reed. He just celebrated his 26th anniversary as director of Sedgwick

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County Zoo. He came for five years, and now 26 years have gone by. He promised that he would not work another 26, but we're going to keep him as long as we can. And then lastly, I just want to mention that Commissioners and some of our staff are going to be hosted by WIBA for lunch today to celebrate the opening of their new building over on Waco and Central. It's a beautiful new, very functional building.

That's all I had. Is there anything else for the regular meeting? Seeing nothing else, I will adjourn the regular meeting of the Board of County Commissioners."

R. ADJOURNMENT

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

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

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
Fourth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2005