

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

### **REGULAR MEETING**

**November 16, 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, November 16, 2005 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Ben Sciortino; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Commissioner Lucy Burtnett; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Jim Weber, Deputy Director, Public Works Department; Mr. Tom Pollan, Director, Emergency Medical Service (EMS); Ms. Claudia Blackburn, Director, Health Department; Mr. Brad Snapp, Director, Housing Department; Mr. Chris Morales, System Integration Coordinator, Department of Corrections; Mr. Mark Scroufe, Superintendent of Parks; Mr. John Nath, Director, Kansas Coliseum; Mr. David Spears, Director, Public Works Department; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

#### **GUESTS**

Mr. Gary Crammer, Sedgwick County Extension Officer.  
Mr. Gary Proffit, Downtown Kiwanis Club.  
Mr. Wayne Curr, Chairman, National Square Dance Convention Inc.

#### **INVOCATION**

The Invocation was led by Pastor Kermit Oppriecht of Eastminster Presbyterian Church, Wichita.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

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

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**PROCLAMATION**

**A. PROCLAMATION DECLARING NOVEMBER 18-24, 2005 AS “NATIONAL FARM CITY WEEK.”**

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

**PROCLAMATION**

**WHEREAS**, the prosperity and well-being of this community and area is dependent upon cooperation between two great elements of our society, farmers and urban people; and

**WHEREAS**, Wichita Kiwanis Club (Downtown) Farm City Week provides an unparalleled opportunity through recognition of ‘Farm City Week’ for farm and city residents to become reacquainted; and

**WHEREAS**, Kevin and Judy Jaax, from Clearwater, are being honored as the Kiwanis Club of Wichita (Downtown) Outstanding Farm Family in Sedgwick County for 2005; and

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 18-24, 2005 as

**‘National Farm City Week’**

in Sedgwick County, and encourage all citizens to participate in this worthwhile project to assure a successful Farm City Week in the County.

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

**MOTION**

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

Commissioner Winters seconded the motion.

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

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### **VOTE**

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

**Chairman Unruh** said, “And receiving the proclamation this morning is Gary Proffit. Thank you for being here.”

**Mr. Gary Proffit**, Member, Downtown Kiwanis Club, greeted the Commissioners and said, “On behalf of the Downtown Kiwanis Club, I would like to thank the County Commissioners for this recognition. As the proclamation indicates, the Downtown Kiwanis Club has observed the Farm City Week for approximately 35 years, since 1952. We do recognize a county farm family each year and the purpose of this, as again the proclamation indicates, is to recognize the contribution and the cooperation between urban citizens of our county and the rural citizens of our county.

This year, Kevin and Judy Jaax from Clearwater have been nominated for their contribution and they will be recognized at a luncheon this Friday, at a normal meeting of the Downtown Kiwanis Club at First United Methodist Church. And again, on behalf of the Wichita Kiwanis Club, I would very much like to thank you for this recognition.”

**Chairman Unruh** said, “Well, thank you very much for being here and we think it’s most appropriate that these sort of relationships be encouraged and enhanced and this is a great effort in that direction, so thank you for that. Commissioners do have a comment. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Well just a question. I assume these baskets are from somebody in your organization.”

**Commissioner Winters** said, “I think that’s the next part of this agenda item. Gary Crammer is here from Extension. Gary, if you’d step forward too and I think you had part to do with these baskets, is that correct Gary?”

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**Mr. Gary Crammer**, Sedgwick County Ag Extension Agent, greeted the Commissioners and said, “Yes. I did have a part in presentation of the baskets here and appreciate the proclamation on Farm City Week. Also with me here this morning is Dennis Rowe, who represents the local farmers in the area and also Farm Bureau Agricultural Association and Brad Williams, who represents the Agri-business Council of Wichita, a newly formed organization here in the county, and our purpose in presenting the baskets of produce is to highlight the activities of our local farmers and ranchers. As you go through those baskets, you’ll notice there are some processed items that are consumable. There are unprocessed items that are not consumable, but it is a representation of produce and commodities that are either produced or processed in Sedgwick County or south central Kansas.

If you notice, there’s everything ranging from pecans to cotton, cheese, honey. There are a couple of items in there that are processed from cornstarch, a biodegradable bag. Also a cup, coffee cup that is made from cornstarch and I’d just make a comment. I wouldn’t run that through the dishwasher. It handles everything else fairly well, but a dishwasher is kind of hard on it.

But we do want to recognize the cooperation between the urban and rural communities. We realize that although the farmers and ranchers are the ones out there producing the food, we rely heavily on the urban community, the truckers, the marketers, the retailers, the consumers, to make our food system successful, and we have a food system that is the envy of the world. And without cooperation between the urban and rural communities, it would not be successful.

So, as we gather next week, or most of us gather next week with family and friends to count our blessings, we hope that one of those blessings will be the abundance, the healthy and safe food supply that we have today and that we’ll remember that critical, cooperative connection that we have between the two communities.”

**Chairman Unruh** said, “All right, well thank you. We appreciate not only the effort that went into putting this today and the gifts themselves, but we appreciate what that . . . what it represents, so thank you for doing that. But we do have some more comments here. Commissioner Winters.”

**Commissioner Winters** said, “Well thank you. I had visited with Gary some time ago, out at the Extension Office, and he made some comments and highlighted some of this Urban Farm Week that’s happening and the Kiwanis have, for years, always recognized a farm family as being outstanding farm family in Sedgwick County and Gary suggested that he would like to come to the commission at some point in time, and I said, well certainly the Kiwanis are going to be recognizing their proclamation here at the first of November and so Gary just wanted to just again put in the emphasis about the Extension and their work with Farm Family, so we certainly appreciate the Kiwanis’ continued support of this program.

And not going to go into my long story, but we all know that Sedgwick County is very unique, one

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of the most populous counties in the State of Kansas population-wise, but also one of the largest farm-agriculture producers in the State of Kansas in many areas, so we do have that blend and I just certainly want to say thank you to the Kiwanis again for making their recognition of Kevin and Judy Jaax and thank you for Extension, for all of the work that you do.”

**Mr. Crammer** said, “We at the Extension thank you, Commissioners. We appreciate all your support.”

**Chairman Unruh** said, “We do have another comment. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Well, I think it’s important to emphasize agriculture, because I think a lot of city folks, they go to the grocery store and they just assume the food magically appears there and they buy it and the one concern I’ve heard, for many years about farm communities is that it used to be a man and his wife and four or five children could get 160 acres and provide a fairly decent living for themselves, but now if they’re farming 1,000 acres, if they want to really make it, the husband has got to have a job at an aircraft plant or the wife has got to be a teacher or something. Why is that? I mean, is food too cheap? What could be done to make agriculture a real profitable business where people will want to get into it and know that they can make a living just by being a farmer?”

**Mr. Crammer** said, “Well, that’s an extremely good question, and if I had the answer, I’d be sitting in Washington D.C. in the Secretary of Ag office, but one of the things that’s unique about the agriculture industry is that the farmers and ranchers produce commodities and sell that to people that they cannot dictate their price to. Their prices are dictated to them by the market. A farmer cannot go to the elevator with a truckload of grain and say, ‘I need \$3.65 for this’ and that’s basically what the issue is with the grain market.”

**Commissioner Sciortino** said, “I mean, do we have, if it’s supply and demand, is there just too much supply to meet the demand and is that what’s keeping the prices down?”

**Mr. Crammer** said, “No, I think our stocks right now are at some of the lowest levels in quite some time, but you’re right, we do have cheap food. We’ve got the cheapest food in the world, and which that’s fine, I mean that’s great that we can do that, but it is getting more difficult for the farmer and his family to make a living on the farm without an outside job. We find very few farmers who can support a father, mother and a son and a wife without additional income, unless they’ve planned way ahead to transfer the farm into the future generation’s estate.

But I don’t know exactly what the answer is on that. You know, the farm bill is one answer to

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helping farmers get through these times, particularly right now when fuel costs and fertilizer costs are just going through the roof. They're the highest that they've ever been in history, so I wish I knew that answer really. That would make it more profitable."

**Commissioner Sciortino** said, "Okay, well if I find out, I'll let you know, if you find out, let me know."

**Mr. Crammer** said, "I wish you would, because we would like to see the next generation of farmers come in and be successful."

**Chairman Unruh** said, "All right. We have another comment from Commissioner Norton."

**Commissioner Norton** said, "Well, it's interesting. I grew up in a farm family, 100 years of producing cotton in Arkansas, and as I look in this basket, the cotton here is more prominent than the wheat. I don't get this. There is bread down in here somewhere."

**Mr. Crammer** said, "There is, yes sir."

**Commissioner Norton** said, "I see Milo, I see cotton, I don't see the wheat coming up here, but it's interesting that we have diversified agriculture in Kansas. We have always been thought of as the Wheat State, but you know you see a lot more soybeans and cotton and other crops here."

Sedgwick County Commissioners have always had a pretty good interest in the rural part of Sedgwick County. We're very involved in the Extension Services and have built a beautiful building to house that. We meet annually and discuss issues with Farm Bureau, which talks about the farming community. We're very actively involved with townships and many of those folks are elected officials, but they're also farmers, because they live out in the rural roads and they take care of the roads and the drainage out there.

And then truthfully, we've been attached to rural issues through the state, with the Kansas Association of Counties, because many of our counterparts, although we're an urban/ rural mix area, predominately 80-90% of the counties are rural and Ag related. So I think we stay attached to those issues pretty close for commissioners that come out of an urban area and I think we have to be. Ag is still too important to this state and to this community for us not to at least connect with the experts and try to understand what they need and what is important to them, as we continue to make sure that Ag is very important to our economy here in Sedgwick County. That's all I have."

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

**Mr. Crammer** said, "We can see that through your support of Extension also."

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**Chairman Unruh** said, "Well thank you very much for being here and thank you for this nice little basket of goodies. It helps emphasize what you're involved in. Appreciate it and Mr. Proffit, we appreciate Kiwanis' involvement in emphasizing this urban and farm relationship, so thank you both for being here. Madam Clerk, call the next item."

### **PLANNING DEPARTMENT**

#### **B. METROPOLITAN AREA PLANNING DEPARTMENT.**

- 1. CASE NUMBER ZON2005-00038 – ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “LI” LIMITED INDUSTRIAL, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 15<sup>TH</sup> STREET SOUTH AND 375<sup>TH</sup> STREET WEST. DISTRICT #3.**

### **POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "In this first case that I have to present to you this morning, the applicant is seeking to rezone this 'U' shaped parcel, about a six and a third acres, that's around his existing Limited Industrial zoned property. He is seeking to expand an existing industrial use that's located on existing LI property.

The application area houses a single-family residence on the western portion of the 'U' shaped parcel and the site is located about a mile north of the city of Cheney and is within the Cheney zoning area of influence.

Going back to the aerial, you can see that the surrounding land uses are predominately agricultural, with a scattering of single-family homes and farmsteads just to the west, along 375<sup>th</sup> Street. The zoning is predominately Rural Residential in this area, with some Limited Commercial located just to the west and east of this site.

If you've reviewed the excerpts that were in your agenda backup from the Planning Commission, I want to point out to you that there's a mix of different cases. Those excerpts are in error and I want to apologize for that. I didn't . . . we didn't quite do the quality control on that report that we usually do.

The Cheney Planning Commission heard this request on October 3<sup>rd</sup> and recommended approval

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unanimously. The Metropolitan Area Planning Commission heard the request on October 6<sup>th</sup> and they also have recommended approval unanimously.

At the MAPC meeting, there was a neighboring property owner and his tenant that spoke. This is a tenant that lives on the other side of 375<sup>th</sup> Street from the application area. Their concerns were that . . . regarding increased traffic on 375<sup>th</sup> Street and also concerns about residential property values near this industrial area and with that, I'll be glad to take any questions."

**Chairman Unruh** said, "All right, thank you. Commissioner Winters has a question."

**Commissioner Winters** said, "John, did you have other pictures of that area in your presentation?"

**Mr. Schlegel** said, "Yes."

**Commissioner Winters** said, "Could you just run through those pictures for us."

**Mr. Schlegel** said, "This is looking southeast, from the intersection of 375<sup>th</sup> Street and 15<sup>th</sup> Street South, looking back at the existing industrial use. This is a shot of the portion of the site along 375<sup>th</sup> Street. Looking across the street, at a farm field, to the north, to the south. This is looking out along 15<sup>th</sup>, to the east, back to the west, so you can get a feel for the property and the surrounding agricultural uses."

**Commissioner Sciortino** said, "Where are the homes of the people that were protesting? Are they south of this building?"

**Mr. Schlegel** said, "Yeah, they're just to the southwest. You can see them on the aerial photo here. I don't know exactly which one of the houses is where the protestor . . . the tenant is."

**Commissioner Sciortino** said, "Yeah, but this was this man's activities is going to come off of that paved road, isn't it. They're not going to drive all the way up that dirt road to get to this place."

**Mr. Schlegel** said, "Well, some of the employees use 375<sup>th</sup> Street, coming up from the City of Cheney, driving up that dirt road, then, and that was the complaint was that they're not always respectful of speed limits and create dust."

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

**Commissioner Winters** said, "Thank you, and if someone has questions of John we can proceed,

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but Mr. Chairman, I would be interested to know if there's anybody here that would like to speak to this and then I do have some comments and thoughts I'd like to share."

**Chairman Unruh** said, "Okay. Is there a representative from the applicant here that wants to make a statement, or are there neighbors here? Anyone that lives near by wants to make a comment? I do not see anyone, so Commissioner Winters, if you have a comment."

**Commissioner Winters** said, "All right, thank you. Commissioners, I do have a couple of comments. I would begin probably by saying, you know, if we were looking at a fresh start business, we would probably think that some of these rural industrial areas are not the best thing that we need to do, but you know, this building . . . this business has been there for many years and it's one of those businesses that's started in someone's small shed and then grew and grew to the point now, it would really be a hardship for this small business person to pick up their business and move to another location.

I think we do have a benefit of 15<sup>th</sup> Street is old U.S. Highway 54, so it is a major highway, probably one of the best county roads in the entire county, because it was once a U.S. highway. So we do have that advantage. I realize that some folks think that almost every township road in the county should be paved, but as you know that would be very difficult for us to pave every road that people think need that.

In this case, I'm basing my thoughts on the fact that the staff has recommended approval. The Cheney Planning Commission recommended approval, 10 to 0. The MAPC also recommended that it be approved, 10 to 0 so I'm going to be supportive of this zone change.

The difficulty that I have is in visiting with folks about the platting of this process, evidently the applicant was in such a need to get this process going and moving, they went ahead and have done a major part of all of the platting. And one of the requirements of that platting is to limit the access onto this township road, 375<sup>th</sup>. Now if . . . and it's difficult to see on the map, but to the south end or the bottom of this property, there is an access point onto 375<sup>th</sup> that is probably a quarter of a mile south of 15<sup>th</sup> Street and I believe the applicant can live with closing that and I can see a reason to close that access.

But up at the very north end of this property, the applicant's parking lot for the business also has access, right where the cursor is that John is pointing to on the map, has access to 375<sup>th</sup>. And the way the plat has been developed is to close that access and not allow that access and I think, to me,

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what we have here is a small business person who is trying to add 10 or 15 people to his employment roster and we're going to do the right thing and close that access, but it's going to make a hardship on the business and what would be just a common sense way to get in and out of his business, that they've been doing for years and years, and in fact at one time, the employment at this business was much more than it is today, and it has been drastically reduced and now they're back up, trying to grow back.

So I applaud planners and our engineering department for saying, you know, if you're going to do this, you're going to need to pave 375<sup>th</sup>, the side street. But I just think that that would put a hardship on the applicant to do that, less than 100 yards of paving probably, and then would just not be the common sense way to look at that intersection right there. So, I'm not exactly sure how to do this, but we can take this in two parts. One suggestion was to send it back to the MAPC and let them re-look at this, but that would just delay this project for another 60 days and, in trying to move forward, I think we got the platting process ahead of the zoning process and our comments and so that has kind of confused that.

But I would like to approve this zoning issue and then, somehow ask that the platting process be re-looked at, reopened and if you agree with me, and maybe this needs to be a second motion, that the applicant be able to retain his access onto 375<sup>th</sup> Street, and not be required to pave 375<sup>th</sup>. But now that does not . . . that means still though closing the access at the far southerly end of the property and not allow that access.

So John, does that at all make sense or is that at all reasonable request from this commission, if the other commissioners would agree to that?"

**Mr. Schlegel** said, "Point of clarification, maybe I need to address this to Jim Weber, was the paving petition for 375<sup>th</sup> a part of the approval of the plat?"

**Mr. Jim Weber**, Deputy Director, Public Works Department, greeted the Commissioners and said, "The platting requirement was that the applicant either plat complete access control, which means no entrances on 375<sup>th</sup>, or if they want to use 375<sup>th</sup>, that they provide a petition or a guarantee to pave the road down to the last entrance that they're using."

**Mr. Schlegel** said, "So they already have that then as part of the approval and I would assume that, in getting that plat approval, that the applicant agreed to that, but if you want to change that then what I would recommend is that you express that in the form of a condition on this zoning approval and that would cause the applicant to take the plat back to the Planning Commission for a revision

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of the plat to reflect that condition of this zoning approval.”

**Commissioner Winters** said, “Well, would there be a way that we could pass a motion that, if at some time, staff decided to exercise that petition for paving, that that would have to come back before this commission, to exercise that platting petition? And again, I’m not sure that I have the details correct, but again, I think this is a small business person that is not completely familiar with the ways of doing business with zoning rules and subdivision regulations and paving requirements. His agent knew he was in a huge hurry and did not have a lot of money to spend on the paving, so I think his agent agreed to closing, in an attempt to speed things along, so I’m not faulting either the agent or the applicant. I think they just got to a place where they really . . . where the applicant didn’t intend to be.”

**Mr. Schlegel** said, “So your intent is that you want to allow him to continue to use the access he had, the more northern access that he already has, and not have to pave the portion of 375<sup>th</sup> up to the intersection with 15<sup>th</sup>. ”

**Commissioner Winters** said, “That’s correct, that’s what I would like to do and again, I’d hear responses from the other commissioners, if they have thoughts about that. Maybe they don’t agree with that. I mean, I may be talking to myself.”

**Chairman Unruh** said, “No, it sounds like a reasonable request, commissioner, and I can be supportive of it. The only . . . and it seems like a process that kind of got out of sync with the normal way we do things because of financial pressures or whatever. Am I to understand, the applicant agreed to this platting the way it was, but then as he understands the implications of it, now he says ‘Well, wait a minute, I didn’t really’. Is that what happened?”

**Mr. Schlegel** said, “That’s what it sounds like to me, yeah, change of heart.”

**Chairman Unruh** said, “Well, we have some other comments. Commissioner Norton.”

**Commissioner Norton** said, “John, put up the picture again that shows the corner that looks back into the property. Is this the township road, as it moves towards the right?”

**Mr. Schlegel** said, “Yes.”

**Commissioner Norton** said, “Okay, then as it moves towards the left, that will then entry up onto the paved highway?”

**Mr. Schlegel** said, “Correct.”

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**Commissioner Norton** said, “Okay. How far from the paved highway to that parking lot is that?”

**Mr. Schlegel** said, “Not far at all. This property immediately fronts the right-of-way for 15<sup>th</sup> Street.”

**Commissioner Norton** said, “See, it makes no sense to me. Now, if we were going to pave all the way to the south entryway, that makes sense, but if you’re only going to pave 40-50 yards, that doesn’t make any sense to me. You’re going to pave it, it’s going to empty off, people are going to get their speed up and empty off into gravel. That’s dangerous and then they’re going to turn into a gravel parking lot. That makes no sense at all, to pave that little stretch. It seems to me that we need to do some traffic counts and understand that we maybe, at some point, need to put that into the Cold Mix projects, if that’s really a thoroughfare that goes up there and there’s a lot of traffic, maybe there’s something different.

The other thing is, if you closed both of those, I don’t think it would change the traffic driving patterns of those people coming out of Cheney to go to that job. They’ll still probably come up 375<sup>th</sup>, turn onto the paved highway and go to the other parking lot and go down. You’re still going to have, I would think, the same number of people. I don’t think it would push them to move over to another thoroughfare, go up to the paving and then go down. They’ll probably still take their same traffic pattern, so I don’t know that it changes those folks driving down past the people that are protesting.”

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

**Commissioner Sciortino** said, “Well, I want to try to be supportive of this. You know, we have certain rules and regulations and there are certain people that just, ‘It’s black, it’s white’ that’s it, you don’t have to have any subjectivity in here. And this is a case where, to kind of further add on to what Commissioner Norton was saying, he said he doesn’t see the closing of that street stopping the traffic flow. Well, I could just as well say, ‘I don’t think paving 100 yards of that street is going to help the dust of anybody that’s in the south’.

The only, I guess, question I have is when do we . . . do we have the right to get involved? I want to make sure that we’re not doing anything that’s . . . I don’t mean against the law, but I mean, how do we get involved with dictating what the plat should be before the plat is done. I just want to make sure we’re not . . .”

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**Mr. Schlegel** said, “Well, I don’t think this is a matter of you dictating to the Planning Commission what the plat could say, but what you’re doing is expressing what your desire is, as a commission, regarding this particular land use and I think that would allow the applicant then to go back to the commission with that information and ask for a revision on the plat. It would also give direction to your staff, because these recommendations regarding access control and the paving petition are just standard staff conditions.”

**Commissioner Sciortino** said, “Have we done this in the past, where we’ve done something like this, circumvented or changed established procedure, platting? The only concern I have is just that will this open up a Pandora’s box, that anybody that might want something changed that has a legitimate reason, like I believe this person really has a legitimate reason, and I’m hoping we’ve done that in the past, that you know of.”

**Mr. Schlegel** said, “Not in my experience. You do this sort of thing very infrequently.”

**Commissioner Sciortino** said, “Well the only . . . like I say, and Tom and I talked about this briefly before the meeting and that was the concern that I expressed, if we do this what’s going to happen when somebody comes up that now has 10 yards more and says, ‘Wait a minute, you did this for this fellow, why don’t you?’ Have we circumvented what we were trying to accomplish when we established the regulations about having access on the . . . it has to be paved up to the next . . . that’s the concern I have. But this particular case, I think we need to look. Maybe the answer is, you look at these on a case and by case basis and if logic dictates that you make a modification, you make a modification. Maybe that’s the answer to my question, because I think this guy is justified . . . if you close that road, what does he have to do? Go back up on old 54 and come in another driveway?”

**Chairman Unruh** said, “That driveway is there, I think.”

**Commissioner Winters** said, “There is one driveway on 15<sup>th</sup> Street now.”

**Chairman Unruh** said, “Way to the east.”

**Mr. Schlegel** said, “You can see it right there, on the aerial photo.”

**Commissioner Sciortino** said, “And does that have access to his parking lot too?”

**Commissioner Winters** said, “Yes, it does.”

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**Mr. Schlegel** said, “Yeah, the aerial is small, but you can see it running just across the front of the building there.”

**Commissioner Sciortino** said, “Oh, well what’s the hardship with closing that other little driveway then?”

**Chairman Unruh** said, “The hardship is the people coming up the north/south street there then would have to go, turn on the paved highway, and then come around and come back into the parking lot, where they could not have to get onto that higher capacity road, and turn straight into the parking lot. That’s kind of the issue, I think.”

**Commissioner Winters** said, “But being a small business, he also has trucks that come in that east side driveway, pull in front of the building, offload their product and then drive it right on out of 375<sup>th</sup>, right back onto the highway, and they’re gone.”

**Chairman Unruh** said, “Well, if we were to approve or affirm Commissioner Winters’ suggestion here, then we approve the zoning, with the a recommendation that the platting be reconsidered and then the applicant then can come back, reinforced with our recommendation and ask for that reconsideration, because we do not have authority to just say ‘Change the plat’.”

**Mr. Schlegel** said, “Correct.”

**Commissioner Sciortino** said, “So do we have to send this then back to the Planning Commission with those recommendations?”

**Mr. Schlegel** said, “Well, what we would do is take that recommendation to the applicant. It would be up to the applicant then to seek a revision to his plat that he’s already had approved and then we would take that back to the Planning Commission.”

**Commissioner Sciortino** said, “But that’s still that 60 day delay that I think Commissioner Winters is trying to hope to . . .”

**Commissioner Winters** said, “Well, let me ask a question.”

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

**Commissioner Winters** said, “John, if we would approve the zone change, could the applicant proceed on? And I’m sure he’s got bank commitments, that kind of thing, anxious to get started here, could he proceed on with his building projects?”

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**Mr. Schlegel** said, “Well, he has a plat approval now, and he could proceed with his building project and probably pull building permits, based on that plat and then, in the meantime then, he can go back and get the plat revised, as far as the access out onto 375<sup>th</sup>.”

**Commissioner Winters** said, “All right, so it affect, this wouldn’t delay his project. I mean, he could go ahead and get started on his project and then just ask for this platting revision. And then our comments about the platting revision would be made available to those who are going to consider that revision.”

**Mr. Schlegel** said, “Yes, I think that would work for him.”

**Commissioner Winters** said, “And we’d make sure that we’re not going to activate any decision between now and the time we’ve got a chance to talk about this again. Is that correct, Jim?”

**Mr. Weber** said, “They have not yet submitted petitions, and I actually think that if you approve the zoning case today, the plat review by the Planning Commission wouldn’t require any kind of public notices or the kind of things that the zoning case does, so it could get back to the Planning Commission very quickly, to get handled probably before it even gets filed.”

**Commissioner Winters** said, “Okay.”

**Chairman Unruh** said, “All right, very good. One more comment. Commissioner Sciortino.”

**Commissioner Sciortino** said, “I want to make sure that we help this individual out. By us saying that we’re going to suggest that these plat revisions are done, are the revisions . . . does that guarantee that they’ll be done?”

**Mr. Schlegel** said, “No, you can’t guarantee it. The Planning Commission then will approve those revisions, but I think it sends a very strong signal, both to staff and the Planning Commission that this was the will of the board, and I think they would be very respectful of that.”

**Commissioner Sciortino** said, “And if they came back and didn’t make those changes that we requested, can we change it, right here at the bench?”

**Mr. Schlegel** said, “No, because typically what you get for plats is simply acceptance of easement.”

**Commissioner Sciortino** said, “Well I just think that the applicant needs to know that we’re strongly supportive, but we can’t guarantee, I guess.”

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**Commissioner Winters** said, “We . . . and not particularly regarding this case, but we do have plats on our agenda . . . plat approvals on our consent agenda regularly, so I would assume if we approve platting, we can disapprove one too.”

**Commissioner Sciortino** said, “Approve or disapprove, but we can’t modify. Is that . . . I thought we could do that.”

**Mr. Schlegel** said, “Typically, what you’re doing is accepting easements that are designated on that plat, when that appears on your consent agenda.”

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

**Commissioner Winters** said, “I’m ready to make a Motion, if others’ questions are answered.”

### **MOTION**

Commissioner Winters moved to approve the zone change, subject to all the conditions in the recommended action, but that we also recommend that the applicant resubmit for reconsideration of the platting of this property and that the MAPD and MAPC give consideration to the request of the applicant in that request for reconsideration.

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, “Next item please.”

2.     **CASE NUMBER CON2005-00038 – CONDITIONAL USE TO ALLOW OUTDOOR RECREATION (CRICKET SPORTS FIELD) IN “RR” RURAL RESIDENTIAL ZONING, GENERALLY LOCATED 1/3 MILE WEST OF 71<sup>ST</sup> STREET WEST (RIDGE) AND 1/4 MILE NORTH OF 79<sup>TH</sup> STREET SOUTH AT 7700 WEST DUIS DRIVE. DISTRICT #2.**

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### **POWERPOINT PRESENTATION**

**Mr. Schlegel** said, “In this particular case, the applicant is requesting this conditional use for outdoor recreation, in order to be able to develop a cricket field on a six-acre, rural residentially zoned parcel. Outdoor Recreation does require a conditional use in the ‘RR’ district. This unplatteed parcel is under the same ownership as the parcel immediately to the east, which is developed with a single-family residence and out buildings, as you can see on the aerial photo.

As you can see from the aerial photo, the surrounding land uses are either agricultural to the west, or large lot estate type residences to the east. The nearest residence is over 200 feet from the proposed cricket field. And what you see before you now is the layout of the cricket field. It’s a circular field, with a parking area, 30 by 50 building . . . an existing 30 by 50 building and a proposed 60 by 120 foot building. The buildings are proposed for equipment storage and for changing and restrooms and pavilion space. The intent of the applicant is to host cricket matches with visiting teams, some which will be from out of town. There is no spectator seating provided.

Metropolitan Area Planning Commission heard this request at its meeting on October 6<sup>th</sup> and voted unanimously to support it. The one neighbor was there to speak in support of the request and you have . . . so you have a recommendation, with the conditions that are listed in your backup report from the Planning Commission and with that, I’ll take any questions.”

**Chairman Unruh** said, “All right, thank you John. I’m not going to have any objection to approving this. I’m a little bit surprised that there’s that much demand for cricket, but evidently there is. So I wish this person well in their development. Commissioners, are there any other comment or question? And I would ask if there’s anyone here related to this request who wants to speak? I thought I knew most of the people out here. All right. Commissioner Norton.”

**Commissioner Norton** said, “This is in my district. I’ve had no protest, no calls. I think it’s pretty well buffered. I think the neighbors are all okay with it.”

### **MOTION**

Commissioner Norton moved to approve, subject to recommended conditions.

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.”

### **3. CASE NUMBER DR2005-03 – PROPOSED AMENDMENT TO THE WICHITA-SEDWICK COUNTY SUBDIVISION REGULATIONS.**

#### **POWERPOINT PRESENTATION**

**Mr. Schlegel** said, “I hope that you’ll recall that I brought before you last December a white paper outlining an urban fringe development policy, which you at that time, along with the Wichita City Council approved. At that time, we’d had very extensive discussions between county and city staff, as well as representatives from the Wichita Builders Association in putting that policy together.

What you have before you today, is an amendment to the subdivision regulations, which would implement that policy, which you and the City Council adopted last year. The proposed amendments deal with three principle areas, allowing central water supply systems in the urban fringe areas, as well as community sewer system, and then provides a method by which arterial . . . unpaved arterial streets can be paved.

And the intent of these subdivision regulations is to allow more flexible use of community water well systems and community sewer systems in subdivisions within the urban fringe area, and by that I mean the urban growth area of the cities, as designed on the map before you, which is the urban growth area map in the comprehensive plan.

And at the same time, while allowing for that flexibility, to allow to insure that these systems, since they’re developed within individual subdivisions, can be integrated into municipal systems, as those municipal systems are expanded outward from their current service areas. And although the standards by which those systems would be integrated into municipal systems are not spelled out in detail in the subdivision regulations, the intent is to allow for the developer to work with the city that would be providing those municipal services to the standards to which they will develop those community water systems and community sewer systems.

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Just to emphasize one of the key provisions that I know you as a board are concerned about, these amendments do provide a method by which unpaved arterial . . . currently unpaved arterial roads will be paved in the future. And while we can't assure that the cash flow from this method that's laid out in these amendments will always cover all the county's expense, it does create the ability for the county to cover its cost for that arterial paving.

This has been a long time in coming. I'm not going to go through all these regulations in a lot of detail. I'll let you ask the questions that you might have, but it has been a long time in coming. The county manager asked me to remind you of a trip that Commissioner Sciortino took, back as long ago as 1999, that probably started this whole dialogue and it's a complicated set of issues. One, in trying to address one issue, one thing led to another. A lot of things are connected here and it took a while just to negotiate out how we were going to handle this but I think now I can say with some confidence that we have an approach that will get us where I think you want us to go.

The Subdivision Committee of the MAPC reviewed these proposed amendments at its meeting of September 29<sup>th</sup>, and they have recommended approval. The Metropolitan Area Planning Commission held its public hearing on these amendments on October 20<sup>th</sup> and they have also recommended approval of the amendments as proposed. And with that, I'd be glad to take any questions you might have."

**Chairman Unruh** said, "Well thank you John. I don't know the exact number of years we've been working on this. Maybe Commissioner Sciortino knows, and he'd like to speak right now."

**Commissioner Sciortino** said, "Well I think it's been about six years, but I am glad that we can finally bring this to fruition, because this is a way of allowing development in the more rural areas, without being dependent upon a city extending sewer lines to them, in essence the cities having total dictation as to where developers can and can't go with how they extend infrastructure.

The systems that we saw back then, I assume through evolution, they've approved or what have you. The one key element that these alternative sewer systems have is a rather easy method of hooking into city sewer, once that infrastructure is moved out to them, which I think would be of benefit to the cities and eventually to the homeowners too. So, I'm going to be a little cautious about what we start, because I'm getting older now and I'm not sure if I'll be there for completion, but this is one I was able to survive the beginning and the end of.

I just had . . . maybe it's not appropriate, but perhaps maybe at some time, you could give me an

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update on how we're standing on that individual alternative sewer system program. Is that already implemented, where a person can have an alternative to a septic tank?"

**Mr. Schlegel** said, "That's my understanding. Now, I'm probably not the most familiar with that, but my understanding is that the county allows those types of systems now."

**Commissioner Sciortino** said, "Okay. Well anyway, it's a good alternative and even though community lagoons work well, and nobody can say they don't work, they're unsightly in my opinion and these are darn near transparent. You'd have to really look to know you have an alternative sewer system, so I'm going to be very supportive of this item. Thank you."

**Chairman Unruh** said, "All right, thank you. Well, this whole policy, we approved this thing as policy some months ago and now this is just being put into the subdivision regulations, so it's as though we've already discussed it and talked about its attributes, we chewed it up pretty good, through the years, and now we're ready to make it actual regulation. All right, thank you. Commissioners?"

**Commissioner Sciortino** said, "Wait a minute, I do have . . . excuse me, I'm sorry commissioner, one other question. I assume . . . like, I know the City of Wichita and the Sedgwick County have identical regs and what have you, but are we going to have to talk to some of the other cities within Sedgwick County to make sure that if there's some conflict with both our regs and their regs are overlapping and they don't mesh, are you going to be talking to maybe other cities to maybe try to get them to conform?"

**Mr. Schlegel** said, "There's no inherent conflict right now, because we're . . . these would apply wherever you have subdivision jurisdiction, so there are four cities that have extra territorial subdivision jurisdiction, and these regulations will not apply in those areas, so . . . but I think to address where you may be going with your question, I've had expressions of interest from other cities about what this would mean for them and to whatever extent they may want to follow up in implementing these regulations within their areas of subdivision jurisdiction, I'd be certainly glad to talk to them because I think it is a good approach and it would work for those cities, as well as the City of Wichita."

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

**Chairman Unruh** said, “Well commissioners, I see no more requests to speak, make comment. What’s the will of the Board?”

### **MOTION**

Commissioner Sciortino moved to approve the amendment to the Wichita-Sedgwick County Subdivision Regulations, as recommended by the MAPC; and adopt the Resolution 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, “Thank you, John. And Mr. Galyon, from the Wichita Area Builders Association, appreciate your presence here and your input into this process. Madam Clerk, call the next item.”

### **NEW BUSINESS**

#### **C. EMERGENCY MEDICAL SERVICE (EMS).**

##### **1. MEMORANDUM OF UNDERSTANDING WITH 22D MEDICAL GROUP (MCCONNELL AFB).**

**Mr. Tom Pollan**, Director, Emergency Medical Service, greeted the Commissioners and said, “To give you kind of a background of history of this MoU, if you recall in the Andover tornado, the

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hospital at the air base was destroyed and they rebuilt it with a clinic, versus a full hospital. In the early '90s they began to change their mission for the base itself, and they looked for us to provide ALS ambulance service.

So, in August of 1994, you signed a MoU with the airbase to provide ambulance service. They still have an ambulance there and they still have a fire service there and they provide a first response for the base and will transport, periodically, if a person is not injured severely but we provide the ALS. If we provide the service and we transport, if it's military personnel, we would charge the military. If it's a civilian, we charge them, their insurance that they have, so they have paying for the services that they are receiving.

But in the 1994 agreement, of course that was before 2000 . . . or 9-11, and the Towers incident with the terrorism, and their personnel began to look at their MoUs to discern whether they were meeting this new challenge that was there, with chemical weapons, biologicals, those types of things and they looked at all of their agreement, and in this inspection process, they were asked to update our agreement to identify those specific areas and make sure that we were in compliance, as we are. We've been planning for those prior to 9-11, but this brought it in . . . now will bring it into existence to meet their standards, so they're not asking for anything new, other than just to update the MoU and they're asking for us to do this in our process. They're not upset about any service or trying to change to increase responsibilities, or any responsibilities we'd have for it. So it's simply an update for them to move through their base inspection they'll be going through very shortly, so I recommend you approval, have the chairman sign."

**Chairman Unruh** said, "Thank you, Tom. I don't think there'd be any objection to this, administrative update in our relationship to the base and appropriate thing to do. Commissioners, is there any question?"

### **MOTION**

Commissioner Sciortino moved to approve the Memorandum of Understanding and authorize the Chairman to sign.

Commissioner Norton 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 Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

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

### **2. ADJUSTMENT TO THE EMS STAFFING TABLE TO REALLOCATE MICT POSITIONS FROM RANGE 20 TO RANGE 21, AND LIEUTENANT POSITIONS FROM RANGE 21 TO RANGE 22; AND TO ESTABLISH A NEW MANAGEMENT PAY STRUCTURE.**

**Mr. Pollan** said, "Before we begin, I would like to publicly say my thanks to Mr. Bob Lamkey, the Director of Public Safety, Jo Templin, Director of HR, Jane Morales of HR and Dave Miller with Finance for their efforts in putting all of this together. I'm presenting it this morning, but they put a tremendous amount of time and energy in this and I'd like to recognize them, irrespective of the outcome.

With that, last year we began to look at the issue of one of our particular captain's position, 1986 when we transferred, when the FLSA new rules were written, they moved from an hourly wage employee to a classified exempt salary employee and there was some real difficulties in that transition and it just kind of spiraled down from there, over different issues through the year and we begin to really take a strong look at it, because we felt like we were not offering a benefit or improvement in salaries for these individuals to take on the extra responsibility, therefore people weren't applying for the position very well.

So we looked at that, but HR said, 'Well, it's time to look at all of your certified personnel as well' so we started through that process and as you just heard with the zoning issues, it's complex and I'm not sure it relates to sewer necessarily, but it's very complex because you're looking at several different levels, how well are they doing internally, how well are they doing externally and are they meeting the match with the market, those types of things and what we found very quickly were that our titles don't necessarily match up from organizations to organizations to organizations so we had to go back to do some lengthy look at where are there actual responsibilities, duties and what do they provide.

In doing that, we found some miss-matches and that was in our MICT position and our lieutenants and our captains and division officer positions and when we looked at that, at our MICTs and

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Lieutenant, we were looking anywhere from 7.5% to 12% below range, the mid-level market level, so we felt like that needed to be addressed, but when you address the bottom, then all the sudden there are things again and we were focusing on our captains, these issues were compounding, not getting better.

So with that, we put together the proposal that we have in front of you and that would be to move MICT from range 20 to 21, lieutenants from range 21 to 22. Our captains would essentially move from range 23 to 25 and our division officers from 25 to 26, with the assistant director and director staying in the same range. What we did do in this is we adjusted up, and only used the top four or five, six steps of each of those ranges, so when a person is promoted from a lieutenant to a captain, they would not go to step three of that pay range, still there, still exists. They would move up to the bottom of what you see here being the minimum or the mid or the max, depending on where their pay is at, at that time.

We feel like this addresses a number of the issues that we had. It is sustainable for this year, about \$19,000, next year around 150, and we put a financial plan together to be able to fund that inside the adopted budget.

Again, we believe this meets a lot of those criteria. It was difficult because of the many facets of this part. I don't know that this has answered everything. It has been the number one item on our survey of things that our people have said we need to address for the last two years. Addressing this, I don't know that that will necessarily change, but it has been the number one item, and I believe we've taken action to do so, and would recommend that you take action to allow this range reallocation to occur."

**Chairman Unruh** said, "All right, thank you Tom. I know that there has been a thorough investigation and an analysis of the facts relative to this and I know that adjustments to our compensation structure, to make sure it's equitable and appropriate is a necessary thing to do and I appreciate also the folks that you mentioned, that have been involved in analyzing this and coming to us with a solution that . . . key words that you used, that we could fund within our approved budget, so appreciate the effort and it seems like this is an appropriate adjustment to make and I'm going to be supportive of it. Commissioner Sciortino."

**Commissioner Sciortino** said, "Well I also am going to be supportive. The only concern I had, and I talked to Tom about it, is why it needed to be done immediately, right now in November. Why couldn't it start at the fiscal year January, when we could have it in the budget? I was told it was being done because HR said it would be easier for them to implement it. Well, my concern is that

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we're not here to do things that maybe make it easier for staff, but actually what's the fiscally responsive thing to do, and I just thought that it would be more fiscally responsive, if these changes need to be made, that they're made at the beginning of the calendar year and I just thought that would be more appropriate.

It's not a lot of money, but it's just a mindset as to how these changes are to be made and tell employees 'We agree and it's going to start January 1<sup>st</sup>, I don't know that it's going to make them that much happier that yes we're going to start it retroactive November 1<sup>st</sup> as opposed to January 1<sup>st</sup>. I'm supportive of the concept and I'll support this one and I expressed my concerns to Tom and I just wanted to let you know what my concerns were about implementing it.

I wouldn't have done it in the business world. I would have just said, 'Okay, we'll get you started January 1<sup>st</sup>, as soon as the new budget commences'. That's all I have."

**Chairman Unruh** said, "All right, thank you for those comments. Commissioners, any other comment? Commissioner Winters."

**Commissioner Winters** said, "I'd just make one comment. In looking at the backup material, I see I think for everyone's information that it is appropriate to know that we looked at other services and what is happening in other communities, including Kansas City, Kansas; Johnson County, Kansas; St. Louis, Louisville and Denver, as well as fire departments here in Wichita and Sedgwick County so I'm also going to be supportive, it looks like we've done the background work. Thank you."

**Chairman Unruh** said, "Thank you, Commissioner. Any other comments? What's the will of the Board?"

### **MOTION**

Commissioner Burtnett moved to approve the adjustments to the EMS Staffing Table.

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

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Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you Tom. Madam Clerk, call the next item.”

### **D. DIV OF INFORMATION & OPERATIONS- HEALTH DEPARTMENT**

#### **1. PRESENTATION REGARDING PANDEMIC FLU PREPAREDNESS.**

##### **POWERPOINT PRESENTATION**

**Ms. Claudia Blackburn**, Director, Health Department, greeted the Commissioners and said, “Well, one of the most important public health issues that we face today is the threat of a global disease outbreak called a pandemic. No one in the world today is fully prepared for a pandemic, but we are better prepared today than we were yesterday and will be better prepared tomorrow than we are today. This morning’s presentation will be about 15 minutes, if I stay on target. It will provide a brief history on flu pandemics and an overview of the strategic principles that we as a community will follow, to prepare and respond to this possible flu pandemic.

History has taught us many lessons. We will continue to apply lessons learned from past flu pandemics, such as the 1918 pandemic, and other recent large public health disasters, such as Hurricane Katrina and also SARS. The world is very different today than it was in 1918. In 1918, it took people a long time to travel. Now we can get around the world in just a matter of a few hours, so in some ways, that makes us more vulnerable to disease.

That is why it is critical for us to be vigilant in our efforts to get informed and be prepared. That is the title of this presentation. Now I show you this slide of Camp Funston because it is actually believed that the 1918 flu pandemic originated at Camp Funston, which is now Fort Riley in Kansas. This was really interesting information. Of course it didn’t really start here, but that is where they could track it to. It came from another country no doubt, via a missionary, and was transmitted to a soldier who then took it with him overseas.

The flu pandemic of 1918 and 1919 was dubbed the Spanish Flu because the pandemic received greater press attention in Spain, because they weren’t part of World War I and they didn’t have war time censorship, as we did.

The 1918 flu pandemic is definitely the worst pandemic on record and it killed 650,000 people in the United States and at least 50,000,000 throughout the world. There were two other pandemics, the Asian Flu in 1957 killed 70,000 people in the United States and in 1968 the Hong Kong Flu

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killed 40,000. Now during a normal flu year, just from seasonal flu, we experience about 36,000 to 40,000 deaths, so really the Hong Kong Flu was not a major pandemic, but it did cause problems.

The kind of outbreak of bird flu in Asia and parts of Europe has experts concerned that the next flu pandemic may happen, so what is Sedgwick County's strategy to deal with this, to prepare for this. Well education and information, to you and our citizens, prevention efforts, preparedness, surveillance and detection or monitoring the community for disease and response.

So lets start out with the basics. It is necessary to educate the public about the differences between the regular flu, seasonal flu, annual flu and a pandemic flu, so what is flu? It's a virus. It's caused by a virus. It's a contagious disease of the lungs and it usually spreads by infected people when they cough or sneeze and there is a vaccine for the flu. Each year, influenza is a little different than it was the year before and the vaccine is adjusted to reflect the change and the scientists do their best to try to match the vaccine to what they think it's going to be in the virus.

Our goal is to educate the public on the difference between seasonal and pandemic flu and you have a very nice, colored handout in your packets that looks like this that kind of contrasts and compares the pandemic and annual flu and we have found that very helpful, in terms of understanding the differences. A pandemic, as we've discussed before, is a global outbreak of a disease and it will probably be the World Health Organization that actually says when we're having a pandemic. Pandemic flu then is again different from seasonal flu. It is a global outbreak caused by a new flu 'A' virus and because it's a new virus, there is no vaccine.

So why are we concerned about this? Well, in the past pandemic flu led to high levels of illness, death, social disruption and economic loss. Bird Flu, Avian Flu, the H5NI Virus that you've heard so much in the news is a disease of wild and domesticated birds and this type of flu can also infect people, animals and people. Since the 1990s, bird flu outbreaks have occurred in eastern Asia and more than 100 people have gotten Bird Flu and about half of them have died, so it's a very serious disease when people get it.

Scientists think that the Avian Flu might cause the next flu pandemic. It's very similar to the Spanish Flu, in terms of its genetic makeup. No one can predict when a flu pandemic will happen and currently there are no reports of bird flu in humans or animals in the United States, no bird flu in the United States. Avian flu vaccine is being developed by the National Institutes of Health and you need to just remember, it is still safe to eat chicken, poultry and eggs. With Thanksgiving coming up, that's a really important point to make. We have received phone calls at the Health Department asking us if it's okay to eat chicken. Yes, it is okay to eat chicken. We urge everyone to properly cook poultry and eggs. This is a good time for everybody to be reminded that you need

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to cook your turkey and your chicken to the right temperature so that it's fully cooked, and all the regular things that you can get such as Salmonella and Campylobacter are destroyed in the cooking process.

The World Health Organization describes six phases of a pandemic and these phases help outline our planning and help get us ready appropriately. Right now, the world is at the Pandemic Alert Phase 3, which means no or very limited human-to-human transmission, so that's where we are on a worldwide basis.

One important role that the Health Department plays, I always feel like I'm everybody's mother here, but is continuing to stress the message of basic hygiene and health. That is the most important thing we can do. In order to prevent disease, it's extremely important for us to educate the public to become aware of these healthy behaviors and diligently practice good hygiene. These types of hygiene strategies will help slow the spread of the disease, should it occur.

You know, again, stay healthy and we have the usual things up here: eat your vegetables, exercise, get adequate sleep, get immunized, brush your teeth and floss daily and don't smoke. People who smoke or who are exposed to second-hand smoke usually experience more severe symptoms with a respiratory illness.

For the past five years, the Metropolitan Area Medical Response System has collaborated with various stakeholders to prepare for a community response to a public health emergency. Yesterday, as a continuation of this process, the Sedgwick County Health Department convened the first Pandemic Influenza workgroup meeting and it was really interesting. The work group consists of various organizations, including the county, hospitals, physicians, pharmacists, McConnell Air Force Base, KU's School of Medicine, Wichita State University, U.S.D. 259 and other stakeholders. It's a good-sized group with a lot of expertise.

They will meet on a frequent basis. They have a number of issues that they will be looking at and they will be advising our staff, as we develop our plan, which we hope to have completed by the end of January.

So how will we prepare to respond? Well, the Sedgwick County Pandemic Flu Workgroup will address local efforts of surveillance, how we will continue to work for flu illness in the community, how we will work on strategic stockpiling of anti-viral drugs and vaccines, as they become available. They will, with us, review state and federal pandemic flu response plans, because we

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anticipate that those will be updated and we will update ours in conjunction with those and they will make recommendations to develop, implement and maintain our local flu response plan.

Last week, the Metropolitan Medical Response Team provided a mass-dispensing training to local veterinarians, so you need to know that we're also looking at the animal component of avian flu as a critical part of the response plan, even though that is not our main focus. The U.S. Department of Agriculture is actually the agency in charge of monitoring animal flu, but we certainly need to know what's going on with the animals, because it will affect what we do.

By preparing now, citizens can help protect themselves and their families later. The single best way to protect against the seasonal flu is . . .”

**Mr. Buchanan** said, “Get a flu shot.”

**Ms. Blackburn** said, “Every year get your flu shot and I would get it while there are still supplies available, because it's really going fast this year. It's been amazing.

The Sedgwick County Health Department is also proud to have a medical reserve corps program. We have a special grant for that and people that want to volunteer, whether you're professional or a layperson that's just interested, you can go to our web site to sign up and there will be a slide at the end of this presentation that has our web site address, so if you're interested in joining the medical reserve corps, then feel free to contact us.

Monitoring the community for disease is an important public health function. We do that every day, but in this particular disease, it entails aggressively monitoring what's going on in the world, what's going on in the U.S. news and the local news and it also involves utilizing existing surveillance tools, such as FirstWatch®, which is a program that we have that tells us what the level of flu-like illness is in the community.

So what will we do? The first case in the United States causes us to step up surveillance. We will be more vigilant, looking for flu and alert our health care partners. We will be in contact with the Kansas Department of Environment and inform the public of anything that they need to do or know.

If we have the first suspect case in Sedgwick County, or when we do, if we have a pandemic, this case would receive significant attention from the medical community. We would investigate and make sure that we contain spread from this first case. The exact response will vary, based on the new information that we hope to have then, as more research is done on this. It's expected that we would open the Emergency Operations Center at that time, so we would take the first case in Sedgwick County very seriously.

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Now a trigger is defined as the number of known cases that would cause action on our part, and one of the things that the Pandemic Influenza Workgroup is going to do is help us figure out what those triggers are going to be for, you know, when we start recommending social distancing to the public, where they, you know, we encourage them not to go out. We encourage them to stay home and avoid large groups. What will be the triggers to closing schools and for closing public events? What will be the triggers for wearing masks, if that is one of the recommendations? So those are things that we'll talk about. We'll kind of figure out what's going on in the rest of the world and what the recommendations are from the scientists.

An effective level of response will depend on existing partnerships. We have good partnerships and collaborative planning by government, business, public health officials, hospitals and community leaders. Our first line of defense though is educated citizens, educated and responsible citizens who know what to do and feel very comfortable doing it and they can care for themselves and their loved ones during such an event.

So in summary, Sedgwick County is working to plan and respond to the potential of pandemic flu. Plans are being made to maintain essential health care and community services if an outbreak should occur and we will provide credible, accurate and timely information to citizens.

I ask you to please remember the four words that make up the title of this morning's presentation. That is 'Get Informed and Be Prepared'. Individuals should stay informed about pandemic flu and prepare as they would for any emergency. Preparedness isn't about things that are already happening and rarely about things that are sure to happen. They're usually about things that might happen or might not happen. As we prepare for pandemic flu, we hope that it doesn't happen but we need to get better prepared now, in case it does.

I would also, at this time, acknowledge the staff that put so much work into this presentation to make sure that the facts are absolutely accurate, Monica Garcia and Cindy Burbach, Gloria Vermie, Sonya Armbruster all worked very hard and will continue to work very hard to make sure that you have the information that you need. Question?"

**Chairman Unruh** said, "Well Claudia, thank you very much for that presentation. That was informative and comprehensive and one of the ways is to combat this is having people informed, then you've done a good job of getting started on that at least, but we appreciate the effort that Sedgwick County is putting into making sure that we're alert to this potential hazard to this community and that we're taking steps necessary to respond to it and up on the screen right now it

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says 'For more information, go to our web site for fast facts' and the two fast facts sheets included in our material I think are very helpful and answer a lot of those frequently asked questions, so appreciate it.

We have several comments and I don't know who was first. Was that Commissioner Winters?"

**Commissioner Winters** said, "Thank you, Mr. Chairman. Claudia, just a couple of quick comments and one quick question. I think it was a very good presentation. We know that you are relatively new to our community but I think I certainly would want you to know that we're glad that you're here and we're going to appreciate your leadership in whole lots of areas and this is certainly one that is on a lot of people's minds so we appreciate your leadership.

Could you make a quick comment about the Pandemic Workgroup, and by that, is that good group? Are people working together? Is there cooperation or is it kind of all over the board? So, I guess I'd just like the community to know I think it's important that this is not something that the Health Department is working on alone, but that there is, I'll say, a good group. Could you make just a couple of comments about that work group?"

**Ms. Blackburn** said, "This is a very cohesive group and it's evident to me that these people have worked together for years on various issues, probably from SARS to emergency preparedness, so it's a very close group, people that are very intellectual, in terms of their approach to the problem, have a lot of experience and the workgroup is reviewing the literature and they take a different topic every month and talk about the topic and try to pose and answer the questions that we need answered to be able to make decisions.

We have people from K.U. Med School, from the different hospitals, from Wichita Clinic, there are special subcommittees, there's a pharmacy . . . I'm not going to get this right, but I think a pharmacy action subcommittee that is dealing with issues around anti-virals, so it's a very cohesive and well organized group. Gloria Vermie is the chair and it is very well organized. We all got our notebooks yesterday with our tabs and it's a good group."

**Commissioner Winters** said, "All right, thank you very much. Thank you, Mr. Chairman."

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

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**Commissioner Burtnett** said, “Claudia, yes this was a very good presentation. And I’m curious, your information says that these pandemic flus occur only three to four times a century, so there’s not a lot of research, probably, that can be done but in your first few slides it talks about, like in 1957 the Asian Flu killed ‘x’ amount of people. Is there a timeline from when it started and they found the first case and then when it ended? Was it a full year? Was it six months? Is it three months? Is there any kind of estimation, like once we find that this has arrived, how long it’s going to take for us to . . .?”

**Ms. Blackburn** said, “Probably a couple of years. This is something that comes in waves. You get a first wave and then a few months later you get another wave and so you can expect it to be prolonged a year or two.”

**Commissioner Burtnett** said, “But with better pharmaceuticals and so forth, do you think that will be able to be handled quicker?”

**Ms. Blackburn** said, “It depends on a lot of things. It depends on how virulent, how severe this virus is, how sick it makes people and whether or not we have any immunity to it. It just depends on a lot of things.”

**Commissioner Burtnett** said, “Yeah, because the other thing that kind of worries me is it says it will effect all age groups and your risk factors aren’t as confined as other flu types, and I’ve always prided myself on not getting the flu very often, but this kind of worries me because it will affect anyone.”

**Ms. Blackburn** said, “Well, that was one of the issues with the Spanish Flu. It did affect people that are generally not considered high risk and they don’t really know why, but you know, you look back historically, it was during World War I and I don’t know what the health status of the general population was then, probably not terrific, and we didn’t have antibiotics and we didn’t know as much about germ transmission.”

**Commissioner Burtnett** said, “Okay, that’s all I had.”

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

**Commissioner Sciortino** said, “Okay. I think this has been an excellent presentation and I think it’s another example how the county tries to be proactive in teaching you and to educate the public.

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But so that there . . . should we be using these hand sanitizers? Will that help us, because I'll be happy to do that, just to get myself flu-less or whatever, because sometimes I'm clueless."

**Ms. Blackburn** said, "If you can't . . . if you're not in a place where you can wash and you've been coughing and doing this instead of this, you know it takes a little training to cough into your elbow, but we are encouraging people to do that. Yes, I would encourage you to use the hand sanitizers."

**Commissioner Sciortino** said, "Okay, but again, try to make sure that people don't get overly panicked here, if I heard you right, there is to date been no case of people-to-people transmission of this bird flu. It's still in the birds right now, so to speak. Is that a correct statement?"

**Ms. Blackburn** said, "There has been some transmission. I don't want to give you a quote, because it changes constantly, around 126 human cases."

**Commissioner Sciortino** said, "Yeah, but there's no case of a human transmitting it."

**Ms. Blackburn** said, "Human to human, they don't think so."

**Commissioner Sciortino** said, "Okay, so right now it's still confined to the birds and the humans that have gotten it, have gotten in contact with the birds through a cut or whatever . . ."

**Ms. Blackburn** said, "Close contact with birds."

**Commissioner Sciortino** said, "But right now . . . but I guess the one question I have, I catch the flu, I go to the doctor, I've got a fever, I've got a cough. The doctor says go home, drink plenty of liquids, stay in bed or whatever. How do you find out that I've got the bird flu? I mean, how do they make that determination that the flu that I've got is a particular type of flu? Do they take blood from me or what do they do or how do they go about finding out?"

**Ms. Blackburn** said, "I'm not sure what the lab test is right now. It might be a nasal swab, it might be a blood test."

**Commissioner Sciortino** said, "Is that what the doctors are doing today, if somebody gets the flu, do they test it to see if it's . . .? Do we know? Do we have a procedure in place that we can determine, yes, this is the bird flu?"

**Ms. Blackburn** said, "I don't think in the United States that that is going on routinely, since we don't have any, they're not looking for it. But in countries where they do have it, I know there's got to be a test available, because they're diagnosing it. Exactly what the test is, I can't tell you. I can do some research and let you know."

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**Commissioner Sciortino** said, “Okay, well the point I’m trying to get to, probably we’re going to be notified that a pandemic is starting in another country other than the United States, so we’ll have some warning that it’s coming. It’s not going to start at McConnell Air Force Base. It will start probably in Asia, where most of the flus start. So there will be some warning and then I would assume is when we would start, maybe putting to place ‘Okay, now from this day forward, here’s the test you should do’, etcetera and so forth.”

**Ms. Blackburn** said, “Exactly, exactly.”

**Commissioner Sciortino** said, “So trying just to put it into some balance here. There’s no reason to panic. These are very good, preventative measures that we should be doing every year: encouraging to get the flu [sic], take normal precautions on sneezing and what have you, and don’t be overly concerned, but stay tuned, we’re going to notify you if you need to get to a higher level of concern. Is that kind of a good synopsis?”

**Ms. Blackburn** said, “Exactly, thank you.”

**Commissioner Sciortino** said, “Thank you.”

**Chairman Unruh** said, “Thank you. Well, Claudia, I don’t think you have to apologize for sounding like somebody’s mother. The instruction is get the flu shot, wash your hands and cough into your elbow.”

**Commissioner Sciortino** said, “Yeah, I couldn’t figure that out. How do you cough into an elbow? I can’t even reach my elbow.”

**Chairman Unruh** said, “You can if you try.”

**Ms. Blackburn** said, “It’s good rotator cuff damage prevention too.”

**Chairman Unruh** said, “All right commissioners, are there no other comments? What is the will of the Board?”

### **MOTION**

Commissioner Winters moved to receive and file.

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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 Claudia. Next item please.”

### **2. ADJUSTMENT TO THE HEALTH DEPARTMENT STAFFING TABLE TO INCLUDE A PART-TIME CASE MANAGER POSITION, B216.**

**Ms. Blackburn** said, “The Sedgwick County Health Department received \$20,000 from the Kansas Department of Health and Environment to improve access to prescription drugs for our clients. This money can be used only for personnel. We are requesting approval of a part-time case manager position, to assist clients with chronic conditions to access medications through pharmaceutical reimbursement programs. Also, to obtain samples from drug reps that we can give to our clients to manage the drug inventory that we have from a small grant from the Children’s . . . \$5,000 grant from the Children’s Miracle Network, which we’re very appreciative of. So, we are recommending this part-time case management position and recommend that you approve it.”

**Chairman Unruh** said, “All right, thank you. Commissioners, are there any questions on this item? What’s the will of the Board?”

### **MOTION**

Commissioner Burtnett moved to approve the adjustment to the Health Department

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Staffing Table.

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, Claudia. Next item please.”

**E. RESOLUTION AUTHORIZING AND PROVIDING FOR ESTABLISHMENT AND SUPPLEMENTING OF A QUALIFIED MORTGAGE CREDIT CERTIFICATE PROGRAM; AND APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF AN ELECTION NOT TO ISSUE \$5,000,000 OF QUALIFIED MORTGAGE BONDS.**

**Mr. Brad Snapp**, Director, Housing Department, greeted the Commissioners and said, “The resolution before you will allow us to continue our program, the Kansas Mortgage Savers Program, otherwise known as Mortgage Credit Certificate, for first-time homebuyers throughout the State of Kansas. This resource offers a federal tax credit, based on a percentage of the interest people pay throughout the year on their mortgage loan. Depending on their income, it could be either a 15% or a 20% credit, then they would be able to take off the rest of their interest as a tax deduction.

It's available to low and moderate income buyers across the State of Kansas, to first-time home buyers, meaning they've either never owned a home or at least they haven't in the last three years. It's a great resource for low and moderate buyers who have either saved enough money for a down payment and closing cost or have the money available from another source. It can be used with other first-time homebuyer programs, such as the Home Investment Partnership, the CDBG program or federal Home Loan Bank Program, just to name a few.

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Any mortgage lender can participate and we use \$5,000,000 from previous allocations from the Kansas Department of Commerce. Sedgwick County is the sole administrator of this program, whereas with our other mortgage revenue bond program, we're in partnership with Shawnee County. If homebuyers, lenders, or Realtors have any other questions, they can contact the Sedgwick County Housing Department and our number is 660-7270. If you have any questions, I'll be glad to try and answer them."

**Chairman Unruh** said, "Okay, thank you Brad. The folks that have the potential to qualify for this are all first-time homebuyers."

**Mr. Snapp** said, "Right."

**Chairman Unruh** said, "Are there any comment or questions, commissioners? What's the will of the Board?"

### **MOTION**

Commissioner Sciortino 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, Brad. Next item please."

## **DIVISION OF PUBLIC SAFETY- DEPARTMENT OF CORRECTIONS**

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**F. GRANT APPLICATION TO KANSAS JUVENILE JUSTICE AUTHORITY (JJA) FOR STATE FISCAL YEAR 2007 FUNDING.**

**Mr. Chris Morales**, Systems Integration Coordinator, Department of Corrections, greeted the Commissioners and said, “Today we are requesting your approval of our state fiscal year 2007 funding application for our prevention and intervention programs. In order to continue receiving this funding, we do need to submit a funding application to the State of Kansas Juvenile Justice Authority prior to December 1<sup>st</sup>.

As you will recall, the state several years ago started splitting our funding application into two components, so that is why we just have the prevention and intervention programs here today and then, in January, we will be back with a separate application and that will be for our state mandated court programs.

The anticipated prevention award is \$1,271,148 and this represents current level funding. In intervention, the anticipated award is \$279,638, and that again is current level funding. Team Justice is recommending to you that we continue to fund the programs that we currently fund. As you will see, there are five prevention programs and two intervention programs and then our administrative costs are split between both prevention and intervention funding.

We are asking that you approve this grant application and authorize the Chair to sign. I’ll be happy to take any questions you have.”

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

**Commissioner Winters** said, “Thank you. Chris, there really were not any significant changes in this from last year’s, is that correct?”

**Ms. Morales** said, “That is correct.”

**Commissioner Winters** said, “And my second question is the Sedgwick County Juvenile Corrections Advisory Board, known as Team Justice, they have reviewed all of this proposed grant application and these funding mechanisms. Is that correct?”

**Ms. Morales** said, “That is correct.”

**Commissioner Winters** said, “And they approved, they agreed with all of this information that we have.”

**Ms. Morales** said, “Yes, they have.”

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**Commissioner Winters** said, “All right, thank you. That’s the only questions I have.”

**Chairman Unruh** said, “Okay, thank you. Well a follow up to that, since these are continuing programs, ones that we’ve been investing in for some time, then we have to continually evaluate and grade these programs, to make sure that we’re getting what we’re paying for and we’re happy with that performance, I assume.”

**Ms. Morales** said, “Yes, Team Justice had the benefit of two very comprehensive reports from Dr. Delores Craig-Moreland, of Wichita State University, that being a benchmark report, that just really tells us the state of juvenile justice in Sedgwick County, as well as the state and also a very comprehensive evaluation of each program and they took all of those reports into consideration.”

**Chairman Unruh** said, “All right, thank you. Well commissioners, I see no more requests for questions or comments. What’s the will of the Board?”

### **MOTION**

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

Commissioner Norton seconded the motion.

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

### **VOTE**

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

**Chairman Unruh** said, “Thank you, Chris. Madam Clerk, call the next item.”

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**G. AGREEMENT WITH 57<sup>TH</sup> NATIONAL SQUARE DANCE CONVENTION, INC.  
FOR USE OF A PORTION OF LAKE AFTON PARK JUNE 23 – JUNE 29, 2008  
FOR A LARGE GROUP CAMPING EVENT.**

**Mr. Mark Scroufe**, Superintendent of Parks, greeted the Commissioners and said, “In June of 2008, the 57<sup>th</sup> National Square Dance Convention is going to be held in Wichita at Century II. The organizers of the group approached us, wanting to use portions of Lake Afton Park to house the camping portion of this event. The west side of the lake and the island area are the specific areas that they’re wanting to use. This is . . . they will also be using the shelters for registration and that sort of event.

We do have members, representatives from the 57<sup>th</sup> National Square Dance Convention in attendance today and at this time I’d entertain any questions about the event.”

**Chairman Unruh** said, “All right, thank you Mark. Well, you folks who are representing the convention, are there comments you want to make?”

**Mr. Wayne Curr**, greeted the Commissioners and said, “My wife and I are the Assistant General Chairmen for the 57<sup>th</sup> National Square Dance Convention. Mary Ann couldn’t be here today because of another commitment. Typically, the National Square Dance Convention brings between 8,000 and 10,000 people into the area. In 2004, the Kansas Square Dance Association and the Convention and Visitors’ Bureau of Wichita made a bid for this convention in 2008 and were successful in that bid.

With the Square Dance Convention, approximately 8 to 10% of the convention-goers come to the convention by RV, so we’ve looked at various areas around Wichita and Lake Afton is an ideal spot for us to park our RV people coming into the area, even though it’s 16 miles approximately from the convention center in Wichita where the convention will be held. That’s not an unusual distance for our participants to travel. Also, we offer shuttle services from the convention to the RV parking area.

Along with me today are George and Nancy Sloop. They are the Chairmen of the registration and housing, which has the responsibility for contracts with hotels and the contract for RV parking. I would entertain any questions that you might have.”

**Chairman Unruh** said, “How many RV units do you anticipate?”

**Mr. Curr** said, “We would expect somewhere between 200 and 500 units to come into the area.

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About 200 to 300 of those would be the units that would register with the convention and park at the Lake Afton area.”

**Chairman Unruh** said, “Okay. Well now, I just have a question about the convention. People who aren’t square dancers, I mean they can’t come out and just start square dancing, can they?”

**Mr. Curr** said, “You’ve got two years to learn. No, that’s correct. It is a closed event. Only people that are registered and have the proper identification will be admitted into the square dance halls. We do plan to have square dancing on Kennedy Plaza, which will be outdoors, where the public can view our activities and see how much fun we have, the exercise that we get with that.”

**Chairman Unruh** said, “Well I used to be a square dancer some time back. My wife and I, we went every week, and it is a great deal of fun and you do get some good exercise and you meet just absolutely great people. It was a lot of fun. Other things happened, but I could . . . no, I don’t know if I could . . . what do you call it, box the gnat or swat the flea and some of those . . . well, I used to know how to do all that.”

**Mr. Curr** said, “Box the gnat is still an active call. Swat the flea has kind of gone to the past. Alaman left, dosey-do and right-left grand are still there. We’d welcome you back.”

**Chairman Unruh** said, “Well, let’s see, chain through eight times and all that, you guys still do that stuff? Sure was a lot of fun. All right, but that’s all my comments, all my reminiscing. So, okay, well commissioners, do you have any questions or comment? What’s the will of the Board?”

### **MOTION**

Commissioner Winters moved to approve the Agreement 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

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Chairman Unruh

Aye

**Chairman Unruh** said, "Well thank you and good luck on your convention. Madam Clerk, call the next item please."

### **H. KANSAS COLISEUM MONTHLY REPORT.**

#### **POWERPOINT PRESENTATION**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, "The report today is on the operations at the Coliseum for October. October turned out to be a fairly decent month for us. We're actually tracking ahead of what we did last year at this time. We had almost 51,000 people through the doors. We had 14 events, 41 individual performances and our net revenues were nearly \$190,000.

Selected events, some of the highlights, Chisholm Trail Antique Gun Show, nearly 5,000 people in attendance. We had the Worldwide Paint Horse Congress with 4,000 people in attendance. Let's try this again, see, that looks better. Interesting thing, we've talked to the Congress about the possibility of using the Britt Brown Arena as part of their event next year, so that means they will be in all four of our facilities, expanding the event.

We had the Country Music Tour this year with Brad Paisley, Sarah Evans and Sugarland, had nearly 6,000 people in attendance at that. The Wheatland Poppin' Johnnies returned, 15,000 people for the antique tractor show. They have a great turnout every year and those guys just have an absolute ball.

Thunder Hockey started again, we had three games, almost 13,000 people in attendance over the three games. The Thunder is currently 8 and 2, they're undefeated at home and they're doing very well this year.

Next Tuesday, on November 22<sup>nd</sup>, we're going to be presenting our annual Christmas show with Manheim Steamroller. Manheim of course is getting to be a perennial favorite. This is the second time we've had the opportunity to present the show. We are partners with AEG in the event and it's pretty interesting. The show is Tuesday but they're coming in two days ahead of time and we're going to set everything up and go through tech rehearsals, where they'll set their general range of sound levels and go through and establish their lighting cues for the rest of the tour and we are the first stop on the Christmas tour. It's just a great time. It's a fun event.

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So coming up we've got Thunder play Bossier-Shreveport this Friday. They play Oklahoma City this Saturday. Manheim of course is Tuesday, as I just mentioned. The Turkey Classic Go Cart Races return on Thanksgiving weekend. Now that is an event that we created ourselves five years ago and we do very well with that. Last year, we had people I think from 14 states that enter and take part in the little races and then we have the U.S. Weapons Gun and Knife Show in Pavilion I November 26<sup>th</sup> and 27<sup>th</sup>.

That's the conclusion of this month's report. Be happy to entertain any questions, if you have them."

**Chairman Unruh** said, "All right, thank you John. The attendance numbers for the Thunder Hockey, are they a little stronger than they have been?"

**Mr. Nath** said, "A little bit stronger. They're tracking about what they did last year, but keep in mind, last year was a major improvement over the year before, so we're pretty encouraged."

**Chairman Unruh** said, "All right, very good. Well, 8 and 0, everybody ought to go watch them. Well Commissioners, any questions of John? What's the will of the Board?"

### **MOTION**

Commissioner Sciortino moved to receive and file.

Commissioner Burtnett seconded the motion.

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

### **VOTE**

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

**Chairman Unruh** said, "Thank you, John. Next item please."

### **I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF NOVEMBER 10, 2005.**

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**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of November 10<sup>th</sup> results in five items for consideration today.

**1) VECTOR CONTROL CHEMICALS FOR MOSQUITO CONTROL- HEALTH DEPARTMENT  
FUNDING: HEALTH DEPARTMENT (DISEASE SURVEILLANCE)**

First item, vector control chemicals for mosquito control for the Health Department. Recommendation is to accept the bid from Univar in the amount of \$14,806 for a one year purchase only.

**2) UNIFORMS- JUVENILE DETENTION FACILITY  
FUNDING: JDF START-UP**

Item two, uniforms for the juvenile detention facility and the recommendation is to accept the low, complete bid meeting specifications of Baysinger Police Supply to establish contract pricing and execute a contract for one year, with two one-year options to renew.

**3) CAREER DEVELOPMENT COURSES- HUMAN RESOURCES  
FUNDING: HUMAN RESOURCES**

Item three, career development courses for Human Resources. The recommendation is to accept proposals from Audrey Curtis Hanes for item one, Kennedy & Coe for items two and eleven, NCCJ for items three and eight, Jim Maddox for items four, five, ten and twelve, Austin Peters for items six and nine and Muthos, LLC for item four, execute contracts for two years with the option to renew for one additional year at an estimated annual cost of \$50,000.

**4) FOUR WHEEL DRIVE ARTICULATED LOADER- PUBLIC WORKS  
FUNDING: VEHICLE ACQUISITION**

Item four is a four wheel drive articulated loader for Public Works. The recommendation is to accept the low proposal meeting requirements of Murphy Tractor & Equipment in the amount of \$234,850.

**5) MEDIA EQUIPMENT- DISTRICT ATTORNEY**

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**FUNDING: CAPITAL IMPROVEMENT PROJECT**

And item five, media equipment for the District Attorney. The recommendation is to accept the low bid meeting specifications from Smith Audio Visual, option two, in the amount of \$22,648.

Be happy to answer any questions and I recommend approval.”

**Chairman Unruh** said, “All right, thank you Iris. We have a question from Commissioner Sciortino.”

**Commissioner Sciortino** said, “Iris, on item four, it seemed like that Daewoo piece of equipment was substantially lower and you said ‘didn’t meet requirements’. Could you explain that a little bit more, because that is a fairly substantial amount of money difference between the two items. What were the requirements that they didn’t meet and what have you?”

**Ms. Baker** said, “The main requirement that wasn’t met was demo. Part of the requirements in the proposal process is that the equipment be made available for Public Works and Fleet for demonstrations, to see how it works, how it’s used, any problems with it and this equipment wasn’t available. The vendor couldn’t supply the equipment for demo.”

**Commissioner Sciortino** said, “But I mean, could the individual supply the equipment now?”

**Ms. Baker** said, “Well, even if he supplies it now, there were other issues, other requirements that weren’t met in what he proposed. The biggest key is the locking differential for four-wheel drive and then your techie folks, Marvin is here, he can speak to the importance of that, if it helps.”

**Commissioner Sciortino** said, “The only thing is, you know, I knew at one time we were going on should a tractor be green or should it be red, and we got into a big thing on Caterpillar Tractors or hats or whatever for grading and I just want to make sure that we’re not doing something because we like this particular brand over this brand, or it makes the morale of the operator so much better, those type of things when it comes to dollars and cents that the county is spending.”

**Ms. Baker** said, “This has to do with functionality of equipment.”

**Commissioner Sciortino** said, “Okay, that’s all I have, thank you.”

**Chairman Unruh** said, “Okay. Commissioner Norton.”

**Commissioner Norton** said, “On item three, two of the bids were won by Kennedy and Coe. My

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wife works for that company and is actually in the development and training area, although she doesn't treat any of these. If we could separate that somehow, or let me abstain from number three totally, I would appreciate that."

**Chairman Unruh** said, "All right, thank you commissioner. To move forward on this, then how do we accomplish that? Let you just pull that one item? All right."

### **MOTION**

Commissioner Winters moved to approve the recommendations of the Board of Bids and Contracts, except item three.

Chairman Unruh 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

### **MOTION**

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

Chairman Unruh seconded the motion.

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

### **VOTE**

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

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**Chairman Unruh** said, "Thank you, Iris. Madam Clerk, call the next item."

### **CONSENT AGENDA**

#### **J. CONSENT AGENDA.**

- 1. Performance Evaluation for Richard A. Euson.**
- 2. Order dated November 9, 2005 to correct tax roll for change of assessment.**
- 3. General Bills Check Register(s) for the week of November 9 – 15, 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 Norton moved to approve the consent agenda as presented.

Commissioner Burtnett seconded the motion.

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

#### **VOTE**

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

**Chairman Unruh** said, "Commissioners, we will have a Fire District meeting, so at this point I will recess the Regular Meeting of the Board of County Commissioners."

**The Board of County Commissioners recessed into the Fire District meeting at 11:04 a.m. and returned at 11:15 a.m.**

**Chairman Unruh** said, "And Commissioners, we've completed our agenda for our regular meeting but we do need an Executive meeting. However, before we go to that, are there any items of community interest that you'd like to mention? Commissioner Sciortino."

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### **K. OTHER**

**Commissioner Sciortino** said, “Just real briefly, we all went to ‘Calamity at Cowtown’ and it was highly successful. Jan sent me an e-mail. The preliminary . . . she doesn’t have the financials, but it looks like it’s going to be very much more successful, financially, than it was last year. They sold out all the tables right at the end. That was good. And those bidding at that silent auction, everything I bid on I lost and people were actually, in my opinion, bidding more than what the retail value was just to . . . well, maybe not everybody, but to really help it and I think that automobile was very much appreciated that Mr. Schofield donated, so it looks like it was a very successful event. We’re going to have the grand opening of the visitors’ center. Right now, the interest in renting out the facility is higher than what we had anticipated, so that’s additional revenue, so things are looking up a little bit at Cowtown and we’ll see what happens with the consultant’s report and move forward.”

**Commissioner Norton** said, “How was the food?”

**Commissioner Sciortino** said, “The food, the quality was only surpassed by the quantity. I mean, they were lopping off hunks of that beef. I mean, they weren’t those thin slices where you can see through it. It was delicious. The entertainment was great and weather. The only thing I saw that I think they could speed things up was in the drink category. If they had limited it to maybe just beer, wine they could have moved the line, but if you wanted a customized cocktail, they made it for you.

Other thing, real briefly, is I did attend the fifth anniversary of the New Day, New Life . . . gosh, Carol is going to kill me.”

**Chairman Unruh** said, “New Day Christian Church.”

**Commissioner Sciortino** said, “The New Day Christian Church. It was tremendous. It turns out I knew a couple of the people of the congregation. They were very friendly. They served southern tea, which was already sweetened, cornbread was something to die for, it was real moist. The greens were great. The ham, the chicken, everything was fine and I was real happy that I was invited and I rode my bike over there and then after I did my little calorie counter, I had to figure out 112 mile ride back home just to balance out the amount of food I . . . and the homemade peach pie was to die for. It was really, really nice, so anytime you need me to help you out and fill in on some of these church things, just let me know. I’ll go to any length.”

**Chairman Unruh** said, “Okay, it’s always good food. All right, thank you commissioner. Commissioner Winters.”

## **Regular Meeting, November 16, 2005**

**Commissioner Winters** said, “Thank you, Mr. Chairman. Several of us are going to participate in the Kansas Association of Counties annual meeting, starts this Sunday and will be Monday and Tuesday and I appreciate all your work in attending that, commissioners. I think it’s going to be a very excellent program. County officials and commissioners from all over the state will gather in Topeka for a couple of days. It does make for a very short week next week. We’ll be back in our offices on Wednesday for our meeting Wednesday, and then holiday weekend begins Thursday, so next week is going to be a busy week for the commissioners, with several of us being out of town the first part of the week, but I look forward to that Association of Counties . . . Kansas Association of Counties meeting. It’s always informational and a learning experience to visit with other commissioners, so look forward to that.”

**Chairman Unruh** said, “Thank you. Well I just want to let everyone know that a Giant Anteater was born last Saturday out at the Zoo and so the Zoo continues to expand and grow.”

**Commissioner Norton** said, “Is a Giant Anteater giant when they’re born?”

**Chairman Unruh** said, “I don’t think they’re giant when they’re born.”

**Mr. David C. Spears**, Director, Public Works Department, said, “What is his name?”

**Chairman Unruh** said, “I don’t think he’s named yet, but the way we do things at the zoo, if you’d like to make a substantial donation, David, you can name it.”

**Commissioner Sciortino** said, “And a real substantial donation, you can have it.”

**Chairman Unruh** said, “Well, things are going well out at the Zoo and the Cargill Learning Center is coming along very well. Hope to open the facility early next year and by all reports and trying to evaluate what it’s going to look like, it looks like it’s going to be just an outstanding facility for the Sedgwick County Zoo.

I mentioned already in our meeting that I did attend the Wichita Committee of 100 last night, their banquet just for the folks that participate in that effort to get together and talk about their activities. But for those of you that don’t know, the Wichita Committee of 100 is a large group of folks, not just 100, who pool financial resources so that they can support members of EMS and law enforcement and fire protection and support their families, in the case of a death or serious illness, so they do, in a very quiet and unassuming way, they do a very good work for our community and our county. Well, that’s all I had, I see no more lights, so Commissioner I think we’re ready for a Motion to go into Executive Session.”

### **MOTION**

## **Regular Meeting, November 16, 2005**

Commissioner Sciortino moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and legal advise and that the board of County Commissioners return to this room from Executive Session no sooner than 11:32 am.

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, “We are in Executive Session.”

**The Board of County Commissioners recessed into Executive Session at 11:22 a.m. and returned at 11:36 a.m.**

**Chairman Unruh** said, “I would like to call back to order the regular meeting of the Board of County Commissioners and state that while we were in executive session, no binding action was taken. And Mr. Rich Euson would like to make a presentation.”

**Mr. Euson** said, “Thank you. Commissioners, in our closed session, we discussed a Worker’s Compensation case involving a former Corrections employees by the name of John Riddle and it’s our recommendation at this time that you agree to settle his case in the amount of \$20,000, which will close out all issues relating to review and modification of the Worker’s Compensation award, and any future medical payments. That’s our recommendation.”

**Chairman Unruh** said, “All right. Well Mr. Euson, the initiation towards this recommendation, I mean the momentum for this was started by the gentleman in question, right? He’s asked for us to . . .”

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**Mr. Euson** said, “That is my understanding, yes.”

**Chairman Unruh** said, “All right, thank you. Commissioners, are there any questions?”

### **MOTION**

Commissioner Sciortino moved to approve the settlement.

Chairman 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. Commissioners, is there anything else to come before the Board of County Commissioners? Seeing none, we are adjourned.”

### **L. ADJOURNMENT**

**Regular Meeting, November 16, 2005**

There being no other business to come before the Board, the Meeting was adjourned at 11:38 a.m.

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

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**DAVID M. UNRUH**, Chairman,  
First District

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**BEN SCIORTINO**, Chair Pro Tem  
Fifth District

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

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**THOMAS G. WINTERS**, Commissioner  
Third District

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**LUCY BURTNELL**, Commissioner  
Fourth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

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