

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

### **REGULAR MEETING**

**May 3, 2006**

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, May 3, 2006 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Ben Sciortino, with the following present: Chair Pro Tem Lucy Burtnett; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Fire Marshall Tim Millspaugh, Fire District #1; Mr. Pete Giroux, Senior Management Analyst, Budget Department; Ms. Sheena Lynch, Senior Project Assistant, Division of Human Resources; Sheriff Gary Steed; Mr. Mark Scroufe, Superintendent of Parks; Mr. Ron Holt, Assistant County Manager; Mr. Colin McKenney, Director, Community Developmental Disability Organization; Major Danny Bardezbain, Sheriff's Office; Mr. Jim Weber, Deputy Director, Bureau of Public Works; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

#### **GUESTS**

Mr. Connor Travis, son of proclamation recipient.

Mr. Bob Brewer, Midwest Director, SPEEA (Society of Professional Employees in Aerospace).

#### **INVOCATION**

The Invocation was led by Mr. Ashok Aurora of the Hindu Community.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES:** Regular Meeting, April 12, 2006

The Clerk reported that all Commissioners were present at the Regular Meeting of April 12, 2006.

**Chairman Sciortino** said, "Commissioners, I believe you've had a chance to look over the Minutes of the meeting of April 12<sup>th</sup>. What's your will?"

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**MOTION**

Commissioner Burtnett moved to approve the Minutes of the Regular Meeting of April 12, 2006.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

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

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING MAY 3, 2006 AS "TIM TRAVIS DAY."**

**Chairman Sciortino** said, "Thank you. Commissioners, we're going to deviate a little bit. Normally, I read these proclamations, but Vice Chair Burtnett is very close to this item and I'd like to have her read the proclamation for us, please. Commissioner."

**Commissioner Burtnett** said, "Thank you. Proclamation of Sedgwick County, Kansas."

**PROCLAMATION**

**WHEREAS**, citizens make choices about where they choose to live and the level of their involvement

**WHEREAS**, individuals make significant contributions to the quality of life of their communities, through small actions that others may never know of; and

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**WHEREAS**, when citizens are engaged in their communities, there is a greater sense of pride and connectedness, and others learn from their examples; and

**WHEREAS**, Tim Travis, a citizen who took it upon himself to demonstrate his civic responsibility and his respect for his community, when he removed racial and gang-motivated graffiti and repainted the bridge at 630 N. Meridian; and

**WHEREAS**, Mr. Travis' actions demonstrated respect for others, generosity and promoted a greater sense of community pride;

**NOW, THEREFORE BE IT RESOLVED**, that I, Vice Chair Lucy Burtnett, on behalf of the Chairman and the Board of Sedgwick County Commissioners, do hereby proclaim May 3, 2006 as

**'Tim Travis Day'**

in Sedgwick County, and dedicate the bridge at 6300 N. Meridian in his memory for acknowledging his community spirit and making a difference in the lives of many throughout our community.

And this morning I believe we have . . .”

**Chairman Sciortino** said, “First of all, we have to vote on it.”

**Commissioner Burtnett** said, “Oh I’m sorry.”

**Chairman Sciortino** said, “Commissioners, that’s the proclamation. What is the will of the Board?”

**MOTION**

Chairman Sciortino moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Burtnett seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, “And some one is here to accept the proclamation. We would like to have you say a few words, if you would like. If not, that’s fine too.”

**Mr. Connor Travis**, son of proclamation recipient, said, “No thanks.”

**Chairman Sciortino** said, “He would never make it as a politician.”

**Commissioner Burtnett** said, “I know, I know. I would like to add that at 3:30 this afternoon, we are going to do a bridge dedication, where the proclamation will be read and some friends and family members will have something to say, so if you’d like to show up and hopefully the rain will not slow us down any, so thank you.”

**Chairman Sciortino** said, “I want to jump in here too. Sometimes one person can make a difference and all it takes is the courage and instead of just sitting there saying, ‘Why doesn’t somebody else do something about it, why doesn’t the government do something about it?’ This man said ‘Hey, I can do something about it’ and I’m going to do something about it and I hope that this action that Mr. Travis did today will encourage and embolden other folks to come in and be part of the solution. Wherever you see a problem, think about it as an opportunity to excel. This is one fine American and I think this proclamation is worthy of his actions, so that’s all I wanted to say on it. All right, next item.”

**2. PROCLAMATION DECLARING MAY 7 – 13, 2006 AS  
“CORRECTIONAL OFFICERS WEEK.”**

**Chairman Sciortino** said, “Commissioners, I’d like to read this proclamation into the record. It states:

**PROCLAMATION**

**WHEREAS**, much is expected from the men and women who work in our county correctional facilities every day; and

**WHEREAS**, Correctional Officers are skilled professionals who must act as counselors,

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communicators, and experts at crisis intervention, and must preserve the safety of lives and property, maintaining their professional demeanor while often facing hostile, aggressive and intimidating behavior from inmates; and

**WHEREAS**, these officers must possess an intuitive sense to resolve conflicts and save lives, while also preserving the physical ability to restrain persons representing danger to themselves and others; and

**WHEREAS**, we could not operate the Sedgwick County Detention Facility, Community Corrections, Juvenile Detention or Residential Facilities without the hard work and sacrifices made each day by our corrections officers; and

**WHEREAS**, Sedgwick County, Kansas is pleased to join in celebrating Correctional Officers Week, and in urging all citizens to pay special tribute to these men and women who serve so faithfully, often with little thanks or recognition;

**NOW THEREFORE BE IT RESOLVED**, that I, Ben Sciortino, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 7-13, as

**‘Correctional Officers Week’**

in Sedgwick County and encourage all citizens to honor and show sincere appreciation for the correctional officers who make it possible to keep the detention and correctional facilities safe each day.

Commissioners, that’s the proclamation. What is your will?”

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, “And is someone here to accept the proclamation? Gary Steed, Sheriff of Sedgwick County, who I’m sure has a couple of words that he wants to say.”

**Sheriff Gary Steed**, greeted the Commissioners and said, “It’s quite an honor for me to represent the 300 or so men and women that serve in our Adult Detention Facility, serve in our community and it’s an honor for me to be here to represent them. They are an outstanding group of people. They are carefully selected, highly trained and professional and they do an outstanding job serving in the detention facility and seeing to the needs of more than 1,500 inmates that we have in our custody.

I have . . . I think they’re the best in the country and our community should be extremely proud of the work that they do. I’ve often referred to them as the ‘gatekeepers’ of the criminal justice system in our community and I can’t imagine a criminal justice system that doesn’t have the ability to incarcerate violators and place them in custody, in a facility like our detention facility. So thank you very much, on behalf of those detention deputies, for the proclamation. I’m awfully proud of myself, to be able to serve shoulder to shoulder with the individuals that work in our facility and thank you very much.”

**Chairman Sciortino** said, “Thank you, Gary. We have a couple of comments here. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you Mr. Chair. Well Sheriff, I just want to add my congratulations to you and your staff of detention officers. I think it is worthwhile to let everyone know that the facility that you manage and that these people maintain order and peace in a facility that has 1,068 beds when it was first built and your average daily population in fourth quarter last year was 1,515 and average daily population first quarter this year, I just got a report, shows 1,509. I know we’ve added some double-bunking to help relieve that problem, but those numbers just simply illustrate the fact that they are handling a lot of people, there’s a lot of turnover, there’s a lot of activity, there’s a lot of potential for things to go wrong, and you and your staff are doing a really great job of keeping incidents to a negligible number and we’re proud of the work that you do and for your staff.”

**Sheriff Steed** said, “All right, thank you.”

**Chairman Sciortino** said, “Sheriff, and I think that goes, what Commissioner Unruh has said, goes

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for all of us. We are very proud and these people don't get the limelight, but what they do keeps us all safer and keeps the inmates that we have to incarcerate safer, so we have another one from Commissioner Norton I believe has a comment."

**Commissioner Norton** said, "Well, I just wanted to reiterate what others have said, but I hold these folks in such high regard, because you know, working in a jail is an interesting concept. Everybody that's in there is a citizen of our community and many of them have just done really stupid things and many of them are in there for doing crimes against humanity. And to be able to deal with both ends of the spectrum and make sure that people's human rights are taken care of, yet they're also . . . the public safety is taken care of, has to be one of the worst jobs in the world, because those people really are fathers and sisters and brothers and cousins and uncles and live in our community and go back into our community and to deal with them with respect and a sense of customer service, because they are your customer, has to be maddening for the folks that work there and I hold them in such high regard, to be able to do that consistently, every day with a population that turns over constantly. It's not like you get to see them for long periods of time, because it's a constant turnover and pretty incredible, so pass my words onto your folks."

**Sheriff Steed** said, "I will, thank you."

**Chairman Sciortino** said, "Yes sir, Gary, thank you. Next item please."

### **3. PROCLAMATION DECLARING MAY 7 – 13, 2006 AS "ARSON AWARENESS WEEK."**

**Chairman Sciortino** said, "Commissioners, I have another proclamation I'd like to read into the record. It states:

#### **PROCLAMATION**

**WHEREAS**, this year's theme for Arson Awareness Week is 'Wildfire Arson- Preparedness and Prevention', and

**WHEREAS**, arson and other uncontrolled wild land fire pose a serious threat to lives, property and natural resources in our rural and suburban communities; and

**WHEREAS**, the damage associated with wild land arson, acreage and dollar losses is more than all other causes associated with wild land fires; and

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**WHEREAS**, the increased risk of wild land fires, associated with the rapid development of structures in the wild land- urban interface, makes it all that more important to develop arson and preparedness programs; and

**WHEREAS**, preventing, mitigating and preparing for wild land arson are important steps in protecting lives, minimizing property loss and providing firefighter safety; and

**WHEREAS**, to do all of these things requires an effort by property owners, fire service organizations and local business and government leaders;

**NOW THEREFORE BE IT RESOLVED**, that I, Ben Sciortino, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 7-13, as

**‘Arson Awareness Week’**

in Sedgwick County and encourage all residents to be alert and aware of safety precautions relating to wild land fires.

Commissioners, that’s the proclamation. What is your will please?”

**MOTION**

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

Commissioner Burtnett seconded the motion.

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

**VOTE**

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

**Fire Marshal Tim Millspaugh, Fire District #1**, greeted the Commissioners and said, “As you remember, we had quite a wildfire season this year, probably one of the worst I can remember in my 27 years, definitely one of the worst I’ve seen. A lot of these are arson, some of them we just don’t know what started them. When you’re talking 500,000, 600,000, 2,000 acres, where do you

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start looking for the cause of that fire, unless you have a witness, but we do know that a lot of them are incendiary in nature.

The United States Fire Administration determines what the subject is each year for Arson Awareness Week. They have picked wildfire arson this year. I would also like to throw in, for Arson Awareness Week, that over 50% of our incendiary fires in Sedgwick County and the nationwide average are started by juveniles. The problem is growing every day. We're trying to find ways to deal with the future of this and just something we want the public to be aware of and you all to be aware of, it's going on in our society, across the country and I thank you for accepting this proclamation."

**Chairman Sciortino** said, "Also, I want to say also they had a great new item on last night's news, where you were showing that pumper tanker that how fast you can dump water into that tank, if you're out somewhere where there isn't a fire hydrant close by, and I don't know that a lot of people realize the capabilities that we have to deal with fire, when it's in a remote location that doesn't have a fire hydrant close by or a ready supply of water and I think that was very impressive. I got to see them, how quickly they can . . . it's kind of one of those above-ground swimming pool things, but it unfolds very quickly. How many gallons does that pumper tanker hold?"

**Fire Marshal Millspaugh** said, "Our tankers hold 3,000 gallons of water."

**Chairman Sciortino** said, "And they can dump that how quickly?"

**Fire Marshal Millspaugh** said, "Less than two minutes."

**Chairman Sciortino** said, "Yeah, it's fantastic and then while they're fighting the fire, the tanker, if necessary, can go someplace and get additional water and bring it back to the scene. It's a great way to deal with fires in an area that are remote and that aren't readily accessible to a water supply. So anyway, it was a great item on TV I saw. You look very good on TV, too, I might add."

**Fire Marshal Millspaugh** said, "And so do you."

**Chairman Sciortino** said, "I was fishing for that one. Anything else on this item? All right, thank you very much. Next item please, Madam Clerk. Oh, excuse me, excuse me, I made a mistake. There are a couple of off agenda items that we would like to take. Commissioners, there are two off agenda items that the manager would like us to look at. One is a presentation to the Society of

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Professional Engineering Employees and Aerospace and another one is regarding the Sedgwick County Arena and I'd like to entertain a Motion to take these two off agenda items at this time please."

**MOTION**

Commissioner Norton moved to consider two off agenda items.

Commissioner Burtnett seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, "Thank you. Mr. Manager, did you want to start this one off?"

**Mr. William P. Buchanan**, County Manager, said, " I think there's some representatives from SPEEA over here. If they will come to the podium."

**Chairman Sciortino** said, "And that one young lady is a tremendous bicyclist, I know that, because I saw her at a bicycle place once."

**A. PRESENTATION BY SOCIETY OF PROFESSIONAL ENGINEERING EMPLOYEES IN AEROSPACE (SPEEA).**

**Mr. Bob Brewer**, Midwest Director, Society of Professional Engineering Employees in Aerospace, greeted the Commissioners and said, "Yes, I talked with her this morning and I hear you're from the same town in Washington, or have lived in the same town."

**Chairman Sciortino** said, "Yeah, we did. We go back . . . she's somebody I'll always look up to."

**Mr. Brewer** said, "What I'd like to talk to you a little bit about is the layoffs that are currently happening at Boeing, IDS Facility here in Wichita. They recently announced a potential 900 by the end of the year. Just a little background, most of these employees have been out there between 15

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to 20 years. Seven of them are . . . the average age is 48 years old.

This is going to be a total impact, just in base salaries alone, of over \$50,000,000 to the local economy here. And we've got to put some spotlight on this. We've been in conversation with Congressman Tiahrt, toured the facility two weeks ago with Senator Brownback and we're making them aware of the budget constraints that have been put on the federal budget, but have impacted our local community here.

You know, layoffs are very tough for people to go through. They also . . . you know, they only have a short period of benefits, so that puts another strain on them. Also our small business people here that support the IDS community are also going to be impacted. It's just a waterfall effect, from the local, from the employees, to their families, local, state budgets and everything are impacted.

What we're doing from SPEEA, and Mr. Chairman, you said it very well, it's easy to sit back and say 'Boy, I sure hope they give us some more work'. What we're doing right now, we're gearing up to go visit and lobby very heavily next week, in Washington D.C. with all of our elected officials out there. We believe it's very important and vital to our community.

Right now we have . . . after these 900 layoffs, this will be the lowest military presence in Wichita that we've had in several decades here. And what we're doing, we are taking and signing three postcards and these are addressed to Senator Brownback, Senator Roberts, and Representative Tiahrt and it says 'Keep our jobs at Boeing, Wichita IDS'.

*An experienced workforce is vital to the success of current and future aerospace programs, which are now before Congress for funding. Your support is needed to keep 3,000 jobs at the Boeing Company's Integrated Defense Systems facility in Wichita. Workers, their families, local communities and the state of Kansas benefit from the wages generated from federal programs like:*

- ❖ *B-52 Standoff Jammer*
- ❖ *KC- 135 tanker replacement*
- ❖ *Airborne Laser*
- ❖ *E4-B*

All of these had significant cuts by the appropriations committee and that's what's leading to the layoffs. We need to insure that we get some money back into the committee. We're going to put a huge crowd out there next week in front of people and what we would like to do is request that the commission sign these, as the leaders of the community and let them know that you support bringing work to Wichita and we'd be happy if you'd sign them now or we can come back later, but I'd like to give these to you. Thank you for your time."

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**Chairman Sciortino** said, "Are there any comments? Don't go away, because we're going to talk a little bit about . . . Okay, Commissioner Winters."

**Commissioner Winters** said, "Thank you, Mr. Chairman. You know, I think we need to think about this for a minute. I think we would want this to have as much effect as possible and maybe we'd want to consider some kind of . . . I don't know if a proclamation is correct, but something that would have Sedgwick County Commissioners attached to it. And as these are all programs that we want to see promoted, and so as you approach it from your perspective here, maybe we can join in the same words but try to put it in a county context, as a commissioner context. I don't know, that's just a first thought, because I just saw this this morning, so haven't thought about it, but certainly am not opposed to taking some kind of steps to let our congressional people know how important these particular programs are, because the more . . . Commissioner Unruh was out this last week, and I'd let him speak, talking about the KC-135 Tankers and that's an ancient fleet and could be more ancient by the time they take a move and it's just that I certainly don't think it's rational to have anybody but a fully United State company building the replacements. So I'd like to think about this a little bit, but certainly want to join in the process."

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. You know, the interesting fact that was brought to light at a visit from McConnell Air Force Base is that part of our whole defense system, the KC-135 are 50 years old and a remark was made that by the time the last one of those airplanes get to the mothball fleet, that person that pilots that airplane has not yet been born, so it takes a long time for these programs to get in place to get our fleet replaced. So a strong emphasis on our Air Force defense, I think, is important and that means we need to keep these programs going."

I would agree with Commissioner Winters, it would be good to have an official proclamation from this commission, but I also don't have an aversion to signing this, as a citizen, so we might want to put forth both of those.

But I would say, from the county's perspective, our governmental relations person is aware of this and has been in contact with our delegation and is providing information about how important we think this is to our community, not only from the selfish aspect of we need it for jobs and we need it for economic development, but we think these programs need to continue just for our national defense. So it's important and I'm willing to take both approaches to expressing our desires here. I think that's all I had, Mr. Chair."

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**Chairman Sciortino** said, "Commissioner Norton."

**Commissioner Norton** said, "Well Bob, I appreciate you being here and really admire that you guys are being proactive with this. I think the commission is, at least since I've been on here, has had a pretty good record of being supportive of the aviation industry. We take a little criticism sometimes because of some of the decisions we make, but we've tried to prop up aviation companies. We've worked on technical training that retrains and puts people back into the aviation companies. You know, it's about the business is doing good, and the workers, their boat is going up when the water goes up and when the water goes down, it hurts everybody. So it is a maddening process that we go through, but I'm really tickled and very supportive that you're taking a proactive stance. I think the commission has show, at least the years I've been here, that we understand that the aviation community, both the defense side and the light plane side is critical to our community and whatever we can do to make sure they grow and prosper and build infrastructure and the jobs that come with all that, I think we'll continue to be supportive, I'll be very supportive."

I think Commissioner Winters has a good idea that maybe we draft some kind of a stronger language from us, that comes from the Chair and that we all sign up for, that talks about how important aviation and the military side is to Wichita. You know, if you think back at the history of Wichita, certainly Clyde Cessna and Walter Beech and the light plane industries are important, but during the war years, when the defense industry needed planes on the military side, Wichita was the hub of that and it just seems like it's eroded for years since then and that's not part of our history and I think you're right to fight for it, to get those jobs back here and we'll be supportive of that, so thank you very much."

**Chairman Sciortino** said, "Bob, I think what you've heard is 'Hell yes'. We'll do whatever we can to help you and it may include signing this but then the sense that I'm getting is we may want to get staff to craft a very strongly worded, no hiding in any corners, no caveats, that we can make a proclamation or I don't know what form, but something that's very impactful. My sense is, it's going to be unanimous on this board and we'll get with you when we're crafting something and leave me a phone number or something, and show you ahead of time maybe something that we're getting ready to word so that you could be comfortable with it, but we're going to support you."

And I want to say something, just that's maybe not solely SPEEA related, but here in the last 18 months, organized labor has shown, at least to this commissioner, and I think to all of us, a willingness to join us in helping work on a problem that's collective. Like Commissioner Norton talks about a rising tide floats all boats. The other analogy is it doesn't make any sense for us to sit here laughing because your end of the canoe has a hole in it, because that boat's going to sink. And we really appreciate the proactive way that the building and trades came to us and said, 'we want to help you with the arena'. We're getting a lot of support for that Jabara thing and that really makes

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us feel pretty good and not because of that, but just because we're all community members, we're all part of this community and you're going to see this commission get behind you 100% and we'll do whatever we can and we'll get back with you on how impactful those words should be, but we're going to do something very positive on that."

**Mr. Brewer** said, "We really appreciate that. You know, Boeing has been here for 75 years. I first hired in at the company in 1973, so I've seen a lot of changes here and a lot of our friends, families, coworkers, children, grandchildren have come through that facility and you know, it's just really important for this community to still have that there for future generations. W.S.U. has great programs, engineering programs, test programs and it all ties together. Like everyone said, you know, it's all of us moving in the same direction. I think it's very important and I just want to thank each and every one of you for your support this morning."

**Chairman Sciortino** said, "We'll be behind you."

**Mr. Brewer** said, "Thank you."

**Chairman Sciortino** said, "All right, thank you. Next item please. You have this other off agenda item. You started working at Boeing when you were eight?"

**Mr. Brewer** said, "Thank you."

**Chairman Sciortino** said, "Well, my initials are B.S. It just comes out as we talk."

### **B. PRESENTATION REGARDING THE SEDGWICK COUNTY ARENA PROCESS.**

#### **POWERPOINT PRESENTATION**

**Mr. Buchanan** said, "I wanted to take this opportunity, a couple of days ago, to report on the downtown . . . Sedgwick County downtown arena process, and I think it's obviously timely, due to the recent editorial, we planned to do this several days ago and put this on as an off agenda item."

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I think we need to remind ourselves, in this whole process, that the goal has been, from the get-go, that we would build a modern, first-class, sports entertainment venue using a one-cent, one percentage sales tax that goes away after 30 months. That it is a world-class facility that is only restricted by the amount of money that we have to spend, and that's the reality in which we live.

This process has certainly . . . is in the spirit of Visioneering. We provide citizens an input in the development of our future. We provide an opportunity to facilitate communication and that certainly has occurred, so that reality and perceptions are aligned and we also do this to create a strategic plan that insure the quality of life and encourages our young people to live, learn and work and play in our community.

We are challenged by engaging the public in this process. I would remind the commission that we have, from the very beginning, engaged the public in this process. Not only in the vote, and not only engaging the public support for the campaign, but the governor signed the bill authorizing us to proceed on April 4<sup>th</sup> and on April 12<sup>th</sup>, eight days later, we began a series of public meetings asking the public about their ranking, about how they would rank what is important to them.

Several months later, on August 4<sup>th</sup>, 2005 we asked about other . . . we showed folks pictures of other arenas in our area and asked them again what was important, how would they rank those items. Those items, I would remind you, were ease of traffic flow, creation of distinct downtown neighborhood, visually appealing structures, economic impact, parking, mixed-use, street improvements, land acquisition and there are 15 or 20 other criteria that we asked questions about and that was in August of 2005.

In September 29<sup>th</sup>, in 2005, we identified four sites and again, asked the public through surveys and series of meetings about those four sites. In October 27<sup>th</sup> in '05 we had a further defining the neighborhood sites and the neighborhood redevelopment plan, starting to ask questions about what should be in and around the arenas.

At the beginning of this year, in January, 25<sup>th</sup>, we had asked citizens again, engaged out in the community, not just here, but out in the community, asking about whether one concourse or two concourses were important, about seat size and about amenities, what would be the amenities people would like, should there be a restaurant, should there be retail. What should be in this facility?

And February 13<sup>th</sup>, 2006 we began the arena neighborhood input process. What needs to be in and around the building? How could the city help do that? Which way should the traffic flow? Where

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should the curb cuts be? All those details and again, on March 6<sup>th</sup>, we had an arena neighborhood open house meeting, again inviting citizens to come talk about what should be in and around the arena and what needs to be included in the arena.

On March 9<sup>th</sup>, recently, we had options for the arena neighborhood design, what sort of options should there be, how many options should there be and on April 29<sup>th</sup> we showed the arena exterior designs open house, and you see the three designs there.

So I would suggest to you that, in fact, we have engaged citizens in ways that are interesting and unique and listened to what folks have said. I would challenge anyone, I would challenge anyone to find a community that has engaged the public in this sort of process the way Sedgwick County has done. It doesn't happen. It hasn't happened. You usually get one design and you usually get, after the design, 'We hate that'. We've chosen a different path and we've chosen a path to have three different designs, that are in front of you, the entrance for option A, the entrance for option B and the entrance for option C and what we are hearing, in this process, is that people think there's a 'wow' factor. Some people hate all three designs. Some people love A, some people love B, some people love C, but we are engaging in the process and to suggest that we are not listening or to suggest that this is, in any way, a flawed process I think is just faulty thinking.

It seems to me that during this process we understand that we're going to have all sorts of opinions that are expressed. I happen to be . . . we've had two of the meetings and I would remind you that there are some more meetings that are going to occur. Tonight, Wednesday night, tonight at 5:30 to 8 at the Derby Police Station, we'll have another road show, asking citizens again what they think, through the survey, and have staff there to explain these issues.

We have, tomorrow night at the Extension Center, 5:30 to 8 again, we will have staff there listening and engaging citizens. Saturday, May 6<sup>th</sup> at the food court and there will be some opportunity to enjoy some of that food perhaps and engage citizens and Monday at the River Fest, again next to the festival lunch, next to the tent that our folks are having.

You have been to those public hearings, public meetings, as have I. I've heard, in those public hearings, about Tasers, I've heard about police officers in the school, I've heard about the price of admission of Exploration Place. I've heard about how the zoo treats its customers. But we've also, in this process of engaging citizens, heard about what people like and don't like about this arena and we will analyze that data for you and when we're finished with this process, we will make that available to you.

So I thought it would be helpful to remind folks that in fact what makes the community go, as one

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of your proclamations talked about this morning, the one that Lucy read, is in the public being engaged in the community. Well, here's a way in which the public can be engaged in the community.

The managing editor, a couple of days ago, suggested . . . Teresa Johnson suggested that we strive to obtain a swagger in this community, that in fact she had found, as a newcomer, that it seemed to lack some of that, and I would suggest that this is the process that can help do it. We need to celebrate the fact that people have differences of opinion about whether this is a 'wow' factor or not a 'wow' factor, or whether A is the one or B is the one or C is the one and we need to celebrate the fact that we are, in fact, engaging in a process that stimulates conversation amongst citizens about their future. That's democracy at its best, folks and it doesn't get much better than that. When you're engaging citizens about their future, and elected officials listen.

I think we need to celebrate the designs, that in fact there are three designs from three different architects, some from this community and some from world renowned HOK, that does arena buildings. That we need to celebrate that there is a 'wow' factor in these and that we need to celebrate the fact that we're looking at the future as community. And so I would suggest to those who want to kick the dirt and say 'Ah shucks, ain't it awful' to show up at these meetings and engage us in those kinds of conversations, so that we can have an opportunity to explain what we're trying to do and so we can be sure that we hear from those who have opinions about the direction that we're headed. So thank you, Mr. Chairman, for this opportunity."

**Chairman Sciortino** said, "Thank you and we have some comments or questions, Mr. Buchanan. Commissioner Winters."

**Commissioner Winters** said, "Thank you very much. You know, I'm not aware, we've had several other communities in our kind of market size build arenas: Omaha, Kansas City is in the process, Tulsa is in the process, Oklahoma City has, Little Rock, Des Moines, Iowa and then there's much bigger markets that have new stadiums.

Are you, Mr. Manager, familiar with any of these communities that allowed citizens to weigh in on the design process of the exterior of the building?"

**Mr. Buchanan** said, "No."

**Commissioner Winters** said, "No and I'm not either and I think that's one of the places the news media, television, radio and the newspaper have missed the story and maybe they can go find some that have done that, and that will be very well, but that's not the normal process. The normal process is you hire an architect and half a dozen people go into a building and they roll out what the building is going to look like, so I'm pretty proud of our system and you know, I really wasn't going to say anything this morning, but the editorial in this morning's paper kind of pushed me over

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the edge and there have been three recent articles in The Eagle that I think have . . . two of them have clearly missed the mark and I'm not going to be here and try to defend Lucy Burtnett, because she is fully capable of doing that herself, but in yesterday's paper there was an article by Teresa Johnson, the managing editor, and I'll just quote just a little bit of what she said.

*You need to stand up straight, put a smile on your face, believe in yourself and others will believe in you. And when we talk to friends and associates from other cities, start spreading the word, Wichita is a pretty good place to live. A little fresh energy and self confidence wouldn't hurt us a bit.*

And you know, that's exactly what Commissioner Lucy Burtnett was attempting to do, in a private conversation with a young executive from Wichita and because of that conversation, of standing up for Wichita, she gets two negative print stories in the Wichita Eagle about her I don't know what, but to have these covered as news and reported in the paper twice in a negative way, I think somebody is just not getting the picture. And if Teresa Johnson wants to know why people don't have any swagger, well if you're an elected or public figure, if you develop any kind of swagger, their newspaper is there to write a negative article about you.

And I don't think that's right and fair and I guess I'm going to try to develop a little more swagger about the arena. I'm pretty proud of the plan that staff has put together to take the public into the middle of almost every decision making process we've been involved in. And you know, we hired three great local architectural firms. We hired one nationally recognized firm that builds arenas all around the world. And you know, are these the three best in the whole wide world, well maybe not.

But are these arenas that each and every one of them we could be proud of and build a system around, I think they exactly are.

So I'm going to say that we've got a pretty good team in place, from the Board of County Commissioners, which have done well on this project, to our staff, which have developed a tremendously good plan, and our architectural team, and we'll continue to hear negative responses and we'll take those and we'll listen to them and we'll try to evaluate them, but we're going to proceed on with making this event happen and make it a world-class entertainment facility. So, Mr. Chairman, I probably went overboard and out of bounds, but that's the way I'm feeling this morning. Thank you."

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

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**Commissioner Burnett** said, “Well, I want to thank Commissioner Winters for his support and I did want to say something today, when I found out this was going to be on an off agenda item. I have been, since I’ve been on the commission, going to all the meetings on the arena. I’ve missed maybe two or three. I went on the tours of the different towns, looking at different arenas. The architects have gone with us, they’ve listened to the people, they’ve listened to us and I’ve been very proud to be a part of the arena design and what’s going on.

I have been, as I’ve said, to most of the public meetings and most of the people have just been very supportive of this arena, even if they didn’t vote for it. They said, you know, ‘We know we’re getting it, so we’re going to be supportive of it’ and most people have been very active about telling their opinions of the designs and where it was going to be located and we’ve got along just fine. There’s been banter back and forth and that’s what we are here at the meetings to do, is listen to the public.

And I do have to admit that on rare occasions, I feel like I have to defend something and when someone does start, in my opinion, talking down Wichita I do have to defend myself. I’ve lived here for 22 years in Wichita, and all my life and Sedgwick County and I do think we have a great city here and a great county and I do think that our designs for the . . . I like all three of the designs, so I have no problem with which ever one we pick, I’m going to be absolutely fine with, and I think when you look at the future of downtown, that any of these designs will fit in 25 or 50 years from now, people aren’t going to say ‘Well what were they thinking 25 years ago, when they built this’. I think that the architects have just done a great job of listening to what the people wanted, adding the brick and the glass and this and that, and a little bit of icon looks and so forth, so I think it’s great debate to have these public hearings and listen to the people and I just want to reiterate that we really do listen, and it’s not that these five commissioners are the ones that are going to pick the design. We are listening to the people.

Those surveys that are being filled out, we go through them. We have staff that goes through them and tells us ‘These are the comments that were made’ and I do believe that all three designs could be tweaked to make some people a little more happy and it’s probably going to make some people not so happy, but I’ve been real pleased with the way things have gone and I will defend our city, if I have to and I appreciate the time to be able to say that, Mr. Chair.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chair. I just want to second the comments that have been made so far, but also just emphasize the fact that we were just asked for a plan to initiate a

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Sedgwick County arena in downtown Wichita. I think that we worked very hard in developing a plan that's workable, that made sense and throughout this, we thought the process has been totally transparent and I think that's . . . you know, I like that word because I think it clearly illustrates what we've been doing. We've been open throughout the process and we've invited input in every step of the way. And although not everyone has agreed with every decision, we have been open and transparent. And I think I need to emphasize, at this point, that there are those in our community who think that we had six or eight or ten designs and we got in a back room and we narrowed that down to three and that's what we're showing and then out of that, we're going to make a decision and that is absolutely not what . . . that isn't going to happen. We've had three designs from world-class designers for us to make a choice from and I, along with Commissioner Burnett, I would be happy with all three of them, and I'm willing to let the community speak and help make that decision.

I, you know, wouldn't be honest if I didn't have a favorite and I don't want to say what that is, A. But nevertheless, they are great designs and for different reasons, we each have our own favorite, but the designs all are great and I don't understand why . . . maybe it's because I'm just a small, hometown thinker or something, but I think they all have 'wow' factor. They do not look like a baseball field. You know, sometimes we've seen pictures where people are comparing it to a baseball stadium, which is essentially an open-roof, three or four story high deal. This is . . . these things are going to be 100-foot high and it definitely doesn't look like a reincarnation of the Cow Palace or something like that. I think these have 'wow' so I'm also going to be very happy with them and after I've made point A, I think that's all I want to say."

**Chairman Sciortino** said, "Gee, I wonder which one you're for. Well, I can't let this go by without putting in my two cents too. First of all, I think Teresa Johnson in this article, 'Wichita needs More Buzz and Swagger' really hit the nail on the head. I've lived here . . . well, this last time, since 1969 and I grew up in the area and then left and came back, and it seems like we get kind of a sick pride, if you want to talk about 'Oh yes, let me talk to you about the tornado we had last week', 'Oh yes, we're windier than Chicago' and oh, 'You know, when it rains, our streets flood really neat and you can put boats in' and we're always putting down our community. And I've heard all these negative 'What ifs'. Well what if the price of land goes so high, you run out of money. I, for one, am no longer going to focus on any of these negative 'What ifs'. I want to focus on the positive 'What ifs'.

For ten years, community leaders tried to figure out how to get a downtown arena in Wichita,

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Kansas. They came to us, at the end of those ten years, when we're getting ready to rehab that beautiful, wonderful 'wow' factor called the Coliseum, that looks like a square breadbox. Would we consider building our new arena in downtown Wichita. We said yes and within five months, we had a plan up, implemented and it got approved.

What if, because of what we did, the City of Wichita is going to be able to really do what they're hoping that our facility will accomplish, in revitalizing that whole neighborhood area and we get a tremendous economic uplift because of this? What if, and there are plans underway, that we do get now an NCAA . . . regional . . . not Region 1 . . . tournament here? What if all of the sudden we're put in the spotlight and we've got NCAA games here. What if because of the excitement that's being generated in revitalizing Wichita, a company says 'Hey, this is a place, I come from Montezuma, Montana, or I come from Phoenix or Boston or Princeton, houses are so much cheaper here, people are friendly, I'm going to move my company here, I like what I see is going on'. What kind of a impact would that have? What if, because of what's being generated, and I think the courage of these commissioners to say 'We're going to stick our neck out, we're not going to have any caveats, we're going to build the arena, we're going to build the Jabara Technical Campus, we're going to take a chance, because we believe in this community'. That's the positive 'What ifs' that I'm not going to back off.

There's no rearview mirror in my position. I think these three concepts . . . A, B, C . . . B, there's three of them, A, B or C and I think all three of them have some merit. I think they can be tweaked, but the 'wow' factor that everybody is talking about is not only going to be on the façade, it's going to be when we program the interior. When, for the ladies, there's going to be potty parody finally. You're going to have enough . . . about twice or three times as many stalls in the restrooms that you had at the Coliseum. We're going to have nice, comfortable seats that you can sit in, with sufficient armrests that you can be comfortable in. There's going to be . . . it's going to be much lighter. There's going to be many more concession stands, so you don't have to miss out on half of the game, because you're still in line to get your hotdog. That's where the real wow is going to come in, but understanding, we're going to give you the wow, but we only have so much wampum to do it with, because that tax goes off in 30 months, and at the end of 30 months you're going to have a sports and entertainment venue that you can point to with pride, for the next 20 or 30 years. That's

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my comment, and I knew Mr. Norton wouldn't let me close on a high.”

**Commissioner Norton** said, “There’s just a little corner of the soapbox left. I only have two quotes that I use a lot, but I think are appropriate here. Pogo said, ‘We’ve met the enemy and it is us’. You know, we either positive self-talk our community, or we trash it, and whichever it is, we’re our own worst enemy when it comes to that. And Robert Kennedy said, ‘Most people see things as they are, and ask why, and I see the possibilities and ask why not.’ And that’s what we should continue to ask our community is why not. Why can’t we get it done? Why can’t we move forward? Why can’t we have what other communities have? We have a jewel of the plains here but it is a great secret and we owe it to ourselves, as elected officials, as citizens to ask ‘why not.’”

**Chairman Sciortino** said, “Thank you, Commissioner. All right, Mr. Buchanan, anything else?”

**Mr. Buchanan** said, “That’s it.”

**Chairman Sciortino** said, “Thank you so much. Next item please.”

### **DEFERRED ITEM**

- B. AMENDMENT TO THE 2006 CAPITAL IMPROVEMENT PROGRAM TO INCREASE PROJECT B433, BRIDGE REPLACEMENT ON 45<sup>TH</sup> STREET NORTH BETWEEN HILLSIDE AND HYDRAULIC.**

### **POWERPOINT PRESENTATION**

**Mr. Pete Giroux**, Senior Management Analyst, Budget Department, greeted the Commissioners and said, “Last week, we presented a CIP amendment request from Public Works to increase the funding for B-433, which is a bridge replacement in 45<sup>th</sup> Street North, between Hillside and Hydraulic. That increase was necessitated in part by the need to add a third lane to the bridge to provide a deceleration and turn lane for a subdivision entrance that will be constructed

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approximately 125 feet from the west end of the bridge.

You asked if we might be able to recover those added costs, some of those added costs from the developer. Jim Weber, the Deputy Director of Public Works, has been diligently working the issues.”

**Mr. Jim Weber**, Deputy Director, Bureau of Public Works, greeted the Commissioners and said, “After this item was deferred, last Wednesday, I did make contact with the project developer and with the county’s bond counsel, to discuss placing special assessments on the Falcon Falls Addition, actually Falcon Falls 3<sup>rd</sup> Addition, for a portion of the costs of the construction of this bridge. The property owner told me that if the addition of bridge assessments wouldn’t push his total assessments above a marketable level, that he might be willing to go ahead and submit a petition.

After they reviewed their financial plan, I was told that the property owner would be willing to submit the petition to cover the cost overrun for the project, but due to the unusual circumstances, they’re requesting the following: a waiver of the county special assessment policy requirement to submit a letter of credit to guarantee payment of the specials, that Sedgwick County fund any reserve for administrative change orders for the project, that the county use if possible 20-year assessments to help hold the overall level of annual assessments at a marketable level.

A benefit district could be created under KSA 27-19181, as admitted by our Charter Resolution #53. Our bond counsel, Joe Norton, has told me that it would be necessary to create the district before we accept the bid on the project, and that the City Council, since this benefit district is inside the city limits, would have to consent to the creation of the district. The project has already been delayed three weeks. Adding a petition requirement would probably result in an additional delay of at least one more month.

If a contract is not awarded within 45 days of the bid opening, the contractor could withdraw his bid. We’ve contacted the contractor. We don’t know, at this point, if they’re willing to hold the bid or not, but they are checking with their material suppliers, to see if they’d be willing to hold the prices that they bid into the main contractor.

As it was presented to you last week, the entire cost overrun and a reserve of \$75,000 for administrative change orders will be funded from the sales tax. If you determine that you want the developer to participate in the project costs, we would prepare a petition in the amount of approximately \$143,000 and request that you authorize the use of \$75,000 from sales tax for possible change orders. I’d be happy to try to answer any questions that you might have.”

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

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**Commissioner Unruh** said, "This is . . . which ever one, the total amount of this addition, it was 200 . . .?"

**Mr. Weber** said, "\$218,400, somewhere in there."

**Commissioner Unruh** said, "Okay, and the developer is willing to petition for special assessments for 143 . . ."

**Mr. Weber** said, "143, which is . . . the bid was \$143,000 over the budgeted amount. We have added \$75,000 because of potential for change orders that we can do, administratively, so that we don't have to come back and get the budget adjusted to do a \$5,000 change order or whatever we need to do."

**Commissioner Unruh** said, "Okay. And with approval today, you're suggesting that we can go ahead and save the bid we have on it now, and still go through the process in order to get the special assessments for this development."

**Mr. Weber** said, "If the bridge contractor is willing to leave his bid in for the extra time?"

**Chairman Sciortino** said, "Have you talked to him?"

**Mr. Weber** said, "We have talked to him, but he's talking to all of his suppliers, everybody in this chain, to see if they're willing to hold concrete and steel prices and those are probably the primary things. They won't be able to lock into a contract with their material suppliers and subcontractors until they have a contract with us."

**Commissioner Unruh** said, "Okay. Well your . . . I mean, the implication is that if we don't . . . if they're not willing to lock in their prices, then we . . . and we want to go ahead with this assessment, we have to go to rebid and that is very likely going to result in a higher bid price."

**Mr. Weber** said, "It's possible. I don't know if I want to say it's very likely or not likely, but we do know that prices in general, this year, are going up."

**Commissioner Unruh** said, "Okay. Well, I don't know if there are other questions. I need to digest this just a second. That's all I had."

**Chairman Sciortino** said, "Okay, thank you. Jim, this was the item that we deferred last week, I believe. Is it not?"

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

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**Chairman Sciortino** said, "And basically, if I'm hearing you right, what you're saying is we've gotten some movement from the developer. He's willing to do what again?"

**Mr. Weber** said, "He's willing to submit a petition for the amount of the actual cost overrun, the difference between the bid price and the amount that we already have in the CIP. Because we don't typically do this on bridge projects, he's not . . . I guess he's not feeling as responsible as he would be if it was some kind of improvement inside the subdivision, so he's asking that he not be held to the standard, that he put up a letter of credit, guaranteeing the payment of specials, not because he thinks he won't pay them, but because that's an added expense for him and he's asking that we not try to assign any costs, if there are change orders on the project, that we not try to assign that back to him and that he'd like to have 20 year assessments. I think he'd accept 15, without too much trouble, but he's trying to get 20 year assessments with the city on this whole project. He'd like to do this in the same way."

**Chairman Sciortino** said, "And you think this is a satisfactory compromise that we're trying to work out, so we can save some taxpayers' dollars on this. Do you think that's reasonable?"

**Mr. Weber** said, "I think it's reasonable. I think where we're kind of torn is what is the risk of not going ahead with the project right now, both in time, in terms of holding the prices and in terms of getting the project done, so that for example United Warehouse will have improved access into their facility."

**Chairman Sciortino** said, "But if we accept his offer, there's not any delay then, right?"

**Mr. Weber** said, "There is a delay, because we'll have to have an item placed on the City Council agenda to consent to you creating the benefit district inside the city limits. We can turn a petition pretty quick, but we're going to have to get something on their agenda."

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

**Commissioner Unruh** said, "Thank you. If we go ahead and approve this CIP amendment today though, then does that lock the contract in and then we can still go ahead with the petition, or is there a conflict with that?"

**Mr. Weber** said, "The bond counsel's opinion is that we need to have the petition in and the project created before we enter into a contract with the contractor."

**Chairman Sciortino** said, "Okay, but the recommended action is to approve the CIP amendment."

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**Mr. Weber** said, "That was their action recommended last week, approve the CIP amendment and do the whole project out of sales tax."

**Chairman Sciortino** said, "Oh, okay, so they're just bringing that back."

**Commissioner Unruh** said, "Okay, well then if . . . can we get some assurance from the contractor that he'll hold the bid or is that not even possible at this point? I know you've talked to him."

**Mr. Weber** said, "We'll have to get back with them and see if they've gotten through their supply chain and see if they're . . . and I don't know that we can legally hold them to it. It's a matter of them making a verbal commitment that 'yeah, we'll not withdraw the bid', if you get all this done by . . . you know, pick a date, 30 days or now or whatever, but I don't have that today. They're talking about it."

**Commissioner Unruh** said, "Well, I guess what I'm trying to do is have my cake and eat it here. I want get approval to go ahead with this but I also want to leave that possibility open for that petition to be successful and maintain the integrity of the bid, as we have it. I mean, how do we accomplish that, or is that possible?"

**Mr. Weber** said, "I don't think you can have your cake and eat it too, today."

**Chairman Sciortino** said, "You want to keep pondering on it?"

**Commissioner Unruh** said, "Well, it seems to me like that this is legitimate assessment to the development, because it's an additional requirement to the construction, so we ought to try to accomplish that. I would think that we need to go have that conversation with the contractor and see if he'll hold the bid."

**Mr. Weber** said, "We can do that. I can come back in another week, I guess."

**Commissioner Winters** said, "But is there a reason we wouldn't just move forward then with the action today?"

**Commissioner Unruh** said, "Well, that's what I was trying to get at. Should we go ahead and approve the CIP amendment today, contingent upon you getting that agreement? Can we do that? Is that an acceptable procedure? I mean, if we approve it, it looks like we're approving the whole thing."

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**Mr. Weber** said, "Go ahead, Dave."

**Mr. David Spears**, P.E., Director, Bureau of Public Works, greeted the Commissioners and said, "Commissioners, may I say something? The contractor's dilemma is he may not know how much extra he wants to charge us, because he doesn't know how long this is going to . . . they say it's another month. Well, the supplier can't tell him now what his price increase is going to be until they actually know when that's going to happen. Prices on projects are increasing almost daily. We know it is on oil. Cement and steel are also going up, so he's probably not going to tell us today what he's going to charge us in a month."

**Chairman Sciortino** said, "Okay, but if he knows he's going to have this project, why doesn't he just make a commitment to buy the equipment today, and knowing he's going to use it in three or four weeks. What's wrong with that?"

**Mr. Spears** said, "Well, he's not going to buy the cement today. He can buy the steel."

**Chairman Sciortino** said, "Why can't he buy the cement today?"

**Mr. Spears** said, "Because you're not going to pour the cement today."

**Chairman Sciortino** said, "But cement is made out of this powdery stuff that's in bags, right? It's not in the mixing, because that cost is probably the same. It's the powdery stuff that's . . ."

**Mr. Spears** said, "They have it in bulk and then mix at the plant."

**Chairman Sciortino** said, "Okay, so why can't he, like you buy stock futures or whatever, why can't you just buy . . . ?"

**Mr. Spears** said, "It doesn't work that way. He'll pay for that cement and then he uses it, whatever the price it is then."

**Chairman Sciortino** said, "That's a business decision he makes or does he have the flexibility, if I go to the big concrete manufacturer in the sky and say 'I want to buy 1,000 bags of your concrete, and . . . but I don't want to pick it up for a week, you're going to say 'I'm sorry, I can't sell it to you'. You have to . . ."

**Mr. Spears** said, "Maybe not a week but a month might make a difference."

**Mr. Weber** said, "I personally think part of the issue is that if you're the contractor, you're looking at a process that involves, probably will go fine getting consent from the City of Wichita. Actually

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getting a petition from the property owner, he says he will, but I don't have it in hand, and then coming back and actually getting all this done. So he would have to speculate that 'Well, it's probably going to happen'. He's not going to lock up any commitments until he's got a signed contract in hand."

**Chairman Sciortino** said, "Commissioner Unruh, anything else right now?"

**Commissioner Unruh** said, "No, that's all I have right now."

**Chairman Sciortino** said, "All right. Commissioner Norton."

**Commissioner Norton** said, "Jim, go back to the last week and catch me up on this because I'm a little fuzzy, I think, on some of the points on this. We were going to replace a bridge. Because of this new development, we feel that we have to put in a turn lane, and we have to redo the bridge to accommodate the turn lane because the turn lane is going to be encumbered in the bridge and that's raised the cost of the project and is this in the city limits of Wichita or bordering on it?"

**Mr. Weber** said, "It borders on the city limits of Wichita. Wichita has annexed the property to the north. To the south of this, this is where 45<sup>th</sup> runs parallel with 254. I mean, it's right-of-way to right-of-way, so there's no one on the south side. I think that maybe I need to clarify a little bit, we're not doing a turn lane. But because of the way this development is coming in and the street connection is so close to the end of the bridge, that it's obvious at this point that that turn lane needs to be developed back on the bridge, so we're just saying a bridge is a 50-year investment. They're difficult. You can widen them, but it's difficult and expensive to widen it. It just makes sense to go ahead and put in the third lane now, so that when this development gets down here and gets ready to do that turn bay, it can all be worked out. We can get people off of the road, for example, again we talk about it a lot, but United Warehouse is going to be a big user a mile and a half to the west of here. They're coming off of 254 and headed over, so we needed, as a safety issue, slow moving traffic, it would be better if we get them off of the main road in a decent fashion, onto a turn bay, so that we can keep the main line moving.

This three-lane bridge is sufficient, probably for the next 50 years, because there's not going to be

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development on the south side of the road and it's just kind of a unique situation, so it's just . . . we started out with a two-lane bridge and it just became obvious in the design process that we really needed to look at the three-lane bridge. We put it in there. That added cost. Materials have gone up in price, we're over. I would tell you that I can't remember a time where we've ever assessed a development for a bridge on an arterial road. We have done bridge assessments inside of subdivisions. We've done at least two of those for brand-new bridges that were clearly needed because of the development, but to date we've not done one just to add a little extra width or whatever we need on a bridge itself.

The geography here is also a problem, because there's really no other place for this street connect to come in on 45<sup>th</sup> Street because we've got . . . you can kind of see on the map I think, you've got 254 running east to west, you've got 54 through that and the creek crosses the road and turns immediately back to the east, and runs parallel along the north side of the road, so their limited on the places they can come out there, so we're kind of . . . you know, we, as we put this together, we felt like this would probably be the right thing to do.

Developer is willing to participate with you, if that's what you want, but we're left in this kind of decision place, do we want to go ahead and lock down the contract that we have, and get this thing done, or kind of get everybody to stand off a little bit and see if we can get this worked out to get this extra funding into the project. And I don't know if that answered your question or if that helped you at all, but . . .”

**Commissioner Norton** said, “Well, I mean, I see it as a conundrum, as to where the taxpayers of the whole county pay for this project, of which the change, the third lane, is obviously precipitated by the development, which can only have an entry way because they picked a piece of property that's limited and who pays the burden of that? The general taxpayer, the developer, or through the people that are going to live in that area, that will have most benefit from it? That becomes the public policy decision and I guess we're going to have to make that, is whether the general public just pays for the whole project and it waters down, or individuals that have the most skin in the game, who live right there, are going to pay for more of it.

My immediate reaction last week was that developers should participate. That if he'd picked a different piece of property, that didn't have the creek going through it, and only had one entry way, we wouldn't be putting in the third lane probably and we would have cost overruns that we have to deal with. The other side of me says, you know, we do this all the time trying to accommodate other things around the county and, you know, folks on the south side might pay a little bit on this one, but there will be a time when it will reciprocate and people on the north side will pay for a

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little bit of something on the south side, so maybe we just move ahead and don't worry about it.

I thought differently last week, but more and more it's getting pretty complicated, particularly when we're stepping outside some of the boundaries of what we normally would have on a bridge. Just a topic for conversation."

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

**Commissioner Winters** said, "Thank you. Well, I'll follow Commissioner Unruh's lead here, but it would appear to me that if the developer wants to participate, we ought to move forward today, in trying to get, attempt to get, the mechanism where he can do that and then if the bid price changes or if something . . . we just deal with that when it happens and . . . but I'm going to be supportive of the project, but if we need to eliminate that and do the whole thing today, I'd certainly listen to Commissioner Unruh's suggestion.

But again, if the developer wants to participate, I don't think these terms that they've asked for are anything out of line, and I would certainly be supportive of moving forward with trying to get a mechanism, with the City and whomever else to let him participate."

**Chairman Sciortino** said, "So in essence, and I also want to side with . . . this is in Commissioner Unruh's district, but you're talking about approve the CIP, with that caveat of getting the . . ."

**Commissioner Winters** said, "Getting the developer to participate."

**Chairman Sciortino** said, "I like that, but I'll listen to what Mr. Unruh has to say."

**Commissioner Unruh** said, "Well, thank you. That particular suggestion is what I was driving at earlier, but my impression I get is that . . . I mean, it may not be workable, that we delay this another week, try to get the price locked in, while we get the development's participation. It seems like, and correct me if I'm wrong, but it seems like the risk we run is that they don't have to hold the bid and knowing what the next two bids were, to me it implies that we are very likely going to be facing an increase in the construction cost that exceeds the amount of help we get out of the folks that are going to live in that development. I mean, we're talking basically about \$140,000."

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

**Commissioner Unruh** said, "The second bid was \$50,000 higher and the third bid was \$200,000 higher, so if I'm the contractor, it's probably not likely that I'm going to expose myself to the risk of increased material. So that's one thing that's driving me to want to just go ahead and do this today.

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Secondly, we're talking about the willingness of the builder, the developer to participate. It's just through his willingness to go through the mechanism to get those people that are going to live there to pay, so it's not costing him any more, he's just saying 'Sure, I'll be agreeable'. The other thought that I had was the fact that on arterial roads, we never assessed a development for bridges on arterial roads. And so commissioners, I'm willing to yield to the majority of this commission, but I believe I'm at the point right now that I would be supportive of the recommended action, which just means approve the amendment and move forward with the project. I'm willing for more conversation before I make that motion."

**Chairman Sciortino** said, "Commissioner Burtnett."

**Commissioner Burtnett** said, "Okay, that was my question was if we wait, will the cost be more than what we're saving, and it sounds like that's what you're trying to get at is that this may just blow up in everybody's face, that the prices will be more. So if we just move on, at least we've got that bid locked in, but I guess there's really . . . there's no way to know if that's going to be the case."

**Mr. Weber** said, "So we try to be a little careful and not try to quantify that for you, because we don't really know."

**Commissioner Burtnett** said, "Right, so that's where I have a problem, is if it does end up where it takes them another two, three weeks to get this done and then it's another \$70,000 or more, then we've kind of defeated our purpose, so that's where I'm at."

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

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

**Commissioner Unruh** said, "If we defer one week, can you nail down some of these questions, if we defer one more week? That doesn't take us out of bounds. I mean, can we get definitive answers on the exact time frame and whether or not the contractor will wait? If the answer to that is no, that we can't get a definitive answer, then we need to go ahead and make a decision today."

**Mr. Weber** said, "Well I think that in one more week we can get a definitive answer from the contractor about whether they would hold their price with us. We could probably get a petition in hand. I'm not saying it would be ready to be on the agenda, but we could probably . . . could actually have a signed document in hand, if you're agreeable to the conditions that he's suggesting and we would have, I think, a clearer picture about whether it goes away or doesn't go away, the bid that is, not that I really want to come back here again, but I'm happy to do it."

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**Commissioner Unruh** said, "All right, but this one-week delay doesn't put us in any other kind of jeopardy?"

**Mr. Weber** said, "Well, I think the one week delay in fact would, if it was decided not to do the petition, we would still be within 45 days and I think we could still force the contractor to take the bid, if we make the decision next week."

**Commissioner Unruh** said, "Well, it seems to me that would be the wisest course of action, is if we don't have to make a decision today, we can get more information. Other than that, if we're not going to get anything that's more definitive, then I would go ahead and move forward with it right now. I see another commissioner wants to speak."

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

**Commissioner Winters** said, "I would just say, you know, based on the fact of this being an arterial road, that is a pretty important road and we need to build the bridge, it needs to be built. If you make a motion today to move forward, just amending the CIP and making it work, I would support that. We've got a reserve in the sales tax fund. This is one of the reasons why we want to keep a reserve in the sales tax fund, is so we can make decisions like this, and if we spend that reserve down, by doing a lot of other stuff, we won't be able to make decisions like this, so I support keeping that reserve as healthy as possible and we've got it, and if you make the motion today, I'll support it. If you want to wait until next week, I'd support that also."

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I think in order to move this on, we'll see what this commission wants to do. My instinctive response to the facts as we have them right now today, in light of what the general policy of this county commission is, is that we don't typically assess arterial bridges to developments."

### **MOTION**

Commissioner Unruh moved to approve the CIP amendment.

Commissioner Winters seconded the motion.

**Chairman Sciortino** said, "Any further comments, commissioners? Commissioner Norton."

**Commissioner Norton** said, "Well, I'm going to be supportive of this, because Commissioner

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Unruh wants to move forward. I think this gets into that policy debate that we have all the time, about what our general policy is and particularly when it comes to when we're butting up against another municipality, and there's annexations and new growth, what is our responsibility to do that for the municipality and that's what we're doing today. We're spending extra money. Granted it's an arterial, we're in charge of the bridge right now, but all this is being driven by a municipality that butts right up against it and we end up paying the cost and it is taxpayer money that we're dealing with, for the whole county, yet a municipality and a small area is getting the benefit from it and that's that policy decision, but you know, I really was an advocate for deferring and looking at this. We've hashed it over a lot. We've tried to understand all of it and I'm ready to move forward, commissioners, on this."

**Chairman Sciortino** said, "Okay. Well, I also will support it because this is in Commissioner Unruh's district. My concern is that we're setting a precedent here. We've never widened a bridge to accommodate a development before, that the benefit is going to go solely for that development and this is now saying, if it ever comes up again, it's never going to be a question, because we've already done it for somebody. I would have preferred, especially in light of one week we could have found out everything. But I'll support your motion, Commissioner Unruh, as it is in your district, but my only concern is now we have established policy and it's a precedent and we better be willing, from now on, if anybody ever comes to us and talks about a decel lane on a bridge or anything else that has to be done to a bridge to accommodate a development inside one of our incorporated cities, we just better say yes and that's it. Commissioner Winters."

**Commissioner Winters** said, "Yes, well just let the record show that I do not believe we're setting a policy or precedent, and I'll look at the circumstances of every individual project that comes before us and projects are different, so I don't think we're setting a precedent, but I will be supportive."

**Chairman Sciortino** said, "Any other comments or questions? Okay Clerk, call the roll."

### VOTE

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

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**Chairman Sciortino** said, "Next item please."

**APPOINTMENT**

**C. APPOINTMENT.**

- 1. RESIGNATION OF MONTY MUNYON FROM THE SEDGWICK COUNTY ADVISORY BOARD FOR ONSITE WASTEWATER SYSTEM INSTALLATION AND MAINTENANCE AND SANITARY SERVICE.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "Commissioners, I would at this time ask that you accept this resignation."

**MOTION**

Commissioner Burtnett moved to accept the resignation.

Commissioner Winters seconded the motion.

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

**VOTE**

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

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

- 2. RESOLUTION APPOINTING MIKE FREED (BOARD OF COUNTY COMMISSIONERS' APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY BOARD FOR ONSITE WASTEWATER SYSTEM INSTALLATION AND MAINTENANCE AND SANITARY SERVICE.**

**Mr. Euson** said, "Commissioners, we've prepared this resolution for a four-year appointment to

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this board and I would recommend that you adopt it.”

**MOTION**

Commissioner Burtnett moved to adopt the Resolution.

Commissioner Winters seconded the motion.

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

**VOTE**

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

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

**AWARDS**

**D. PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.**

**Diversity/Cultural Awareness**

Carla Hobbs, Sheriff’s Office

**Professional Development**

Steven Brant, Division of Information and Operations

Ben Breese, Treasurer’s Office

Monica Clemons, Tag Office

Margaret Combs, Department on Aging

Jan Hillard, Election Office

Carla Hobbs, Sheriff’s Office

Belinda Malnar, Election Office

**Supervisory/Management Development**

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Matt Deitchler, Department of Corrections  
Carla Hobbs, Sheriff's Office  
Cheryl Orme, Human Resources

**Ms. Sheena Lynch**, Senior Project Assistant, Division of Human Resources, greeted the Commissioners and said, "Can I have all those receiving certificates join me on this side of the room. Today we're here to reward these recipients for their hard work and dedication to their career development. Each certificate has required classes and electives and they have fulfilled these requirements. This can be a lengthy process that takes a year or longer, depending on the availability of the classes and their schedules. I would like to thank those that support this program, as well as their supervisors and managers for allowing them time away from the office.

We have one recipient of the Diversity/ Cultural Awareness Certificate and that is Carla Hobbs, from the Sheriff's Department.

Our next few recipients received the Professional Development Certificate. We have: Steven Brant from DIO; Ben Breese from the Tag Office; Monica Clemons from the Tag Office; Magaret Combs for the Department on Aging; Jan Hillard fro the Election Office; Carla Hobbs from the Sheriff's Department; and Belinda Malnar from the Election Office.

The next recipients received the Supervisory/ Management Development Certificate and they are: Matt Deitchler from the Department of Corrections; Carla Hobbs from the Sheriff's Department; and Cheryl Orme from the Department of Human Resources.

And I would also like to recognize Steven McDaniel from the Fire Department. He received his certificate in February but he was not recognized at the Board meeting. Thank you."

**Chairman Sciortino** said, "Thank you very much. Next item please, Madam Clerk."

### **NEW BUSINESS**

- E. AGREEMENT WITH KENNETH O. TAYLOR, AFFILIATE OF THE NATIONAL KARTING ALLIANCE, INC., FOR USE OF LAKE AFTON PARK MAY 6-7, 2006; SEPTEMBER 8-10, 2006; MAY 5-6, 2007; SEPTEMBER 8-9, 2007; MAY 3-4, 2008; AND SEPTEMBER 6-7, 2008 TO HOLD THE "LAKE AFTON ENDURO KART RACE."**

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**Mr. Mark Sroufe**, Superintendent of Parks, greeted the Commissioners and said, “We’re asking for approval of a five-year agreement with this organization. They hold go-cart races at Lake Afton. Annually, this has been a long-running relationship with this organization for 20-plus years. They use the west side of Lake Afton Park. We block that off. We allow access to the boat ramp for the public and of course the bait shop is still accessible.

The reason we’re going to a five-year agreement is it will allow the promoters of the event more time for planning their event each year. If you have any questions, I’d be happy to answer them at this time.”

**Chairman Sciortino** said, “I think we have one. Commissioner Winters.”

**Commissioner Winters** said, “Mark, do you have any idea what the crowd draw for this event, over the weekend is, or by day? I mean is it . . . a guesstimate will work.”

**Mr. Sroufe** said, “They really depend on participants, more than they do spectators. People are more than welcome to attend this but they will be asked to purchase a ‘pit pass’ which basically buys them the insurance to get them into the race. Participation publicly is very small, minimal. Like I say, they depend mostly on participants.”

**Commissioner Winters** said, “But carters, are there 25 carts, or 125?”

**Mr. Sroufe** said, “It varies. This race will be probably the 25 to 50 range and the race in September will be a national event, will probably have 100 to 125.”

**Commissioner Winters** said, “Okay, thanks very much. That’s all I had.”

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

**Commissioner Unruh** said, “Thank you. Mark, the backup indicates that although we’re contracting now for two days at two different times, but they can add one day to each event?”

**Mr. Sroufe** said, “That’s correct. The national event is not decided until the year, like in 2006, that was decided just recently, so we have to have the flexibility to go in and add that extra day. That national event is a three-day race versus a two-day race, which will be in May.”

**Commissioner Unruh** said, “Okay, but no longer than three days?”

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

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**Commissioner Unruh** said, “Okay, very good, that’s all I have Mr. Chair.”

**MOTION**

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

Commissioner Unruh seconded the motion.

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

**VOTE**

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

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

**DIVISION OF HUMAN SERVICES  
COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION**

**F. AMENDMENT TO CONTRACT WITH KANSAS, DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO PROVIDE DEVELOPMENTAL DISABILITY SERVICES.**

**Mr. Colin McKenney**, Director, Community Development Disability Organization, greeted the Commissioners and said, “For you consideration this morning, I have an amendment to our annual contract with the State of Kansas to provide developmental disability services. The most significant piece of this amendment is the allocation of an additional \$25,000 to us to fund community start-up costs. This is for individuals who are currently living in state hospitals or care facilities who will be returning to the community and probably don’t have any resources or possessions to allow them to start their new life in the community. These dollars come to us and we pay them out to any organization across the state that is receiving one of these individuals to help them with some of the costs of starting up a new home in the community.

The amendment also includes kind of a swap out of federal funds for state funds. We did not

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require the additional match. Within Sedgwick County, we already have enough match, and so they asked us to diminish our state general funds that we receive, substitute those for unmatchable federal funds and allow one of the other 27 CDDOs across the state to use those matchable funds. We didn't have an issue with that. They believed that we needed a contract amendment to formalize that agreement and that's why it's before you this morning.

Those are the two key pieces of this amendment. I'd be happy to answer any questions you may have. Otherwise, I would recommend your approval of this contract amendment."

**Chairman Sciortino** said, "Commissioners, any questions of Colin, other than what did you just say? No, any questions of Colin? I don't see that there are any."

**MOTION**

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

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, "Thanks, Colin. Next item please."

**G. ADJUSTMENT TO THE SHERIFF'S OFFICE STAFFING TABLE TO REALLOCATE TWO SHERIFF DEPUTY POSITIONS, B22, TO TWO PILOT POSITIONS, B24.**

**Major Danny Bardezbain**, Sheriff's Office, greeted the Commissioners and said, "Most of you are aware that the Sheriff's Department does have an aircraft we generally utilize to transport inmates, extradite inmates back to Sedgwick County. However, some of you have had the opportunity and other department heads to be flown to various functions, across the state and outside the state. The pilots that we utilize in that are two employees that have the rank of deputy and the Sheriff wants to

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recognize that these pilots have, on their own, obtained their certification to pay for their licenses and certifications. And want to recognize those special qualifications, he would like to increase their salaries and by doing that, to compensate them for their qualifications and training. Any questions?"

**Chairman Sciortino** said, "Commissioner Burtnett."

**Commissioner Burtnett** said, "Well, it's not really a question but I'm glad to see that they're highly qualified, because I'm going to be flying on that plane next week on a tour of a jail, so I'm more than happy to meet this pilot and say 'Hey, I'm glad you got your certification', so I'm going to be very supportive of this."

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

**Commissioner Winters** said, "And just to confirm, I read this first and thought it was adding two but it's not. It's just a reallocation, right?"

**Major Bardezbain** said, "Correct."

**Commissioner Winters** said, "Thank you. That's the only question I had."

**Chairman Sciortino** said, "I just have one real quickly. There's two individuals, right?"

**Major Bardezbain** said, "Yes, sir."

**Chairman Sciortino** said, "And when it's all settled down, how much additional annual salary will they get because of this additional skill?"

**Major Bardezbain** said, "Human Resources supplied me with, and I've supplied you with a copy of a budget impact. To be quite honest with you . . ."

**Chairman Sciortino** said, "If I did this, it looks like maybe 1,500, maybe \$1,600 dollars more a year. If I just take the 3,116 and divide it by two, that would be a full year's salary and that's about . . . would that be an accurate way of figuring how much more they're getting for this service they provide."

**Major Bardezbain** said, "Your interpretation of it is probably fairly accurate. That's the way I read it."

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

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**MOTION**

Commissioner Winters moved to approve the adjustment to the Sheriff's Office Staffing Table.

Commissioner Burtnett seconded the motion.

**Chairman Sciortino** said, "I have a motion and a second and I think it's a very efficient way to do it. I don't know that you could hire a pilot for a whole year, and just have them on retainer for \$1,500 and anytime we want to fly, you just have to do it. That's a very efficient way to do it. The motion has been made and seconded. No further comments. Clerk, call the roll."

**VOTE**

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

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

**H. PUBLIC WORKS.**

- 1. AGREEMENT WITH CITY OF WICHITA FOR SEDGWICK COUNTY PROJECT 614-E 1/2 34 THROUGH 36, WIDENING OF 21<sup>ST</sup> STREET NORTH BETWEEN K-96 AND 159<sup>TH</sup> STREET EAST. CIP# R-256. DISTRICT #1.**

**Mr. Spears** said, "In Item H-1, we are requesting your approval of an agreement with the City of Wichita for construction of the 21<sup>st</sup> Street North road project between K-96 and the Butler County line. The agreement will shift administrative responsibility for the project from Sedgwick County to the City of Wichita, along with 2.6 million dollars in federal funding that was earmarked to Sedgwick County for project construction.

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Under terms of the agreement, the city will pay for any design costs over the amount of our current design contract. We will be responsible for acquisition of right-of-way between 143<sup>rd</sup> Street East and the Butler County line and all other project costs will be borne by the city. The City of Wichita has already approved and signed the agreement. I recommend that you approve the agreement and authorize the Chairman to sign.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chair. I think this is a very beneficial agreement for the county and I’m glad we’re able to work in cooperation with the City of Wichita to accomplish what is a really important project in the northeast part of the county and the majority of that road, probably, is bounded on both sides now by City of Wichita annexations, so I think this is an appropriate way to go and they will continue taking our design. They’re going to build it to . . . essentially, to county specs and so we’re going to still have a good road. Right?”

**Mr. Spears** said, “It will be a great road, four-lane facility. The last mile is still in the county, and that’s why we would purchase the right-of-way there. The city is changing the plan some, although you could build it just the way it is, they’re going to change their plans to their specification, their standard. They are going to pay the consultant to do that. We won’t be . . . we will not bear any of that cost.”

**Commissioner Unruh** said, “Okay, very good.”

### MOTION

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

Chairman Sciortino seconded the motion.

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

### VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye

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Chairman Sciortino

Aye

**Chairman Sciortino** said, "Next item, David."

2. **AGREEMENT WITH CITY OF WICHITA, KANSAS FOR SEDGWICK COUNTY PROJECT 616-E ½ 34 THROUGH 36; WIDENING OF 13<sup>TH</sup> STREET NORTH BETWEEN K-96 AND 159<sup>TH</sup> STREET EAST. CIP# R-253. DISTRICT #1.**

**Mr. Spears** said, "By the way, on the last item, we're looking at 2008 for construction of that, and I think the city is still planning on 2008, which let's 13<sup>th</sup> Street, the next item we're going to talk about a little bit, it's going to take place this year and next year, in 2007. Then you'll have a nice road for the traffic to detour to, while we build 21<sup>st</sup> Street.

In Item H-2, we are requesting your approval of an agreement with the City of Wichita for construction of their water and sewer lines, with our paving project on 13<sup>th</sup> Street North between K-96 and the Butler County line. Under the terms of the agreement, we have included all necessary sewer and water relocation work within our construction contract. The city is also using this opportunity to construct some lines, within the corridor, that will be needed to provide services to other properties in the area in the future.

The city has made a separate arrangement with our engineering consultant to pay for design of these water and sewer lines and will reimburse the county for all costs to construct the lines. This arrangement will result in better coordination between utility work and construction of our paving contract, save time and eliminate future disruptions of the road for utility construction. In other words, we will have control.

The City of Wichita has already approved and signed the agreement and we have taken bids for the project. Based on these bids, the city's contribution toward the project is estimated to be approximately \$1,000,000, but the final cost will be based on actual quantities of work completed by the unit bid that was bid on the project. I recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Sciortino** said, "Thank you. Commissioners, any questions or comments? What's your will?"

**MOTION**

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

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Chairman Sciortino seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, "Next item. Thank you, David."

**I. AMENDMENT TO THE 2006 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCREASE PROJECT #R-253, WIDENING OF 13TH STREET NORTH FROM K-96 TO 159TH STREET EAST.**

**POWERPOINT PRESENTATION**

**Mr. Giroux** said, "This CIP amendment supports the agreement that Mr. Spears just described to you and he described it in detail, that the city will be paying for sewer extension relocations of existing lines, and the fact that this is the most efficient way to accomplish the project under a single contractor.

The existing budget is 6.6 million dollars for this project. To accommodate the agreement, we propose today a budget increase of 1.1 million dollars. In other words, we've added another million for contingency, so we don't have to come back and you see the City of Wichita's contribution on the fund source and again, they will reimburse the county for all costs for their work in the project. The CIP Committee recommends approval. Any questions?"

**Chairman Sciortino** said, "Any comments, commissioners? What's the will of the board on this item please?"

**MOTION**

Commissioner Unruh moved to approve the CIP amendment.

Commissioner Burtnett seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, “Thank you. Yes, Mr. Unruh.”

**Commissioner Unruh** said, “Mr. Chair, I just had a question of Mr. Spears, while we’re in the meeting. The 13<sup>th</sup> Street project is scheduled to begin on what day, and how long does it take? I think everyone is getting anxious about that and maybe we can get the official response here.”

**Mr. Spears** said, “Well, I can’t tell you the exact day but we’re going to start moving utilities here very shortly and we’re moving as fast as we can and we’ll begin . . . I’m going say no later than June, and until all of this year and probably most of next year. And like I say, after we have 13<sup>th</sup> completed, then the 21<sup>st</sup> Street project will be in 2008.”

**Commissioner Unruh** said, “Okay, thank you. So if I tell people we’re going to start early June and it’s 275 working days, I’m pretty close.”

**Mr. Spears** said, “You’re pretty close.”

**Chairman Sciortino** said, “And don’t forget, 275 days is what you said anyway. All right, thank you very much. Next item.”

**J. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF APRIL 27, 2006.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of the 27<sup>th</sup> results in six items for consideration today.

**1) ROAD IMPROVEMENTS- PUBLIC WORKS  
FUNDING: PUBLIC WORKS**

## **Regular Meeting, May 3, 2006**

The first item, road improvements for Public Works. The recommendation is to accept the bid from LaFarge North America, in the amount of \$7,487,958.51. And I'd like to say, for the record, that the bid received from Cornejo had a price extension error that makes the actual bid submission total \$7,548,361.50. The bid requirements stated that unit price governs. This is standard bid language and it's also industry best practice runs for public purchasing. The specific item, in Cornejo's bid shows a unit price of \$150 a unit and to extend that out, their actual cost \$85,500 and their submission showed it at \$855 so that difference no longer makes them low bid. There was also a technical error in Cornejo's bid in which a change to item costs weren't properly documented.

**2) 2006 LATEX MODIFIED SLURRY SEAL (R-175C)- PUBLIC WORKS**  
**FUNDING: PREVENTATIVE MAINTENANCE- SELECT RDS**

Item two, 2006 latex modified slurry seal for Public Works. Recommendation is the low bid of Beachner Construction Company Incorporated in the amount of \$584,876.48.

**3) CHANGE ORDER FOR A & E SERVICES FOR THE DOWNTOWN ARENA-  
FACILITIES DEPARTMENT**  
**FUNDING: SPECIAL SALES TAX**

Item three is a change order for the architectural and engineering services for the downtown arena for Facilities Department. Recommendation is to accept the change order with Wilson Darnell Mann for a cost of \$94,500.

**4) COMPUTER HARDWARE- ELECTION COMMISSION OFFICE**  
**FUNDING: ELECTION COMMISSIONER EQUIPMENT RESERVE**

Item four, computer hardware for the Election Commission Office. Recommendation is the low bid from PO Express Incorporated in the amount of \$33,461.12.

**5) REAL TIME PCR SYSTEM- FORENSIC SCIENCE CENTER**  
**FUNDING SOURCE: NIJ DNA CAPACITY ENHANCEMENT**

Item five, a real time PCR system for the Forensic Science Center. Recommendation is low bid, meeting specifications, from Applied Bio-Systems in the amount of \$43,161.

**6) RIOT HELMETS- SHERIFF'S OFFICE**

**Regular Meeting, May 3, 2006**

**FUNDING SOURCE: STATE ASSET FORFEITURE**

And item six, riot helmets for the Sheriff's Office and the recommendation is low bid, meeting specifications from Galls, Incorporated for an estimated initial purchase of \$8,000 and establish and execute contract pricing for one year, with two one-year options to renew.

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

**Chairman Sciortino** said, "Okay, we do have some comments, Iris. Commissioner Unruh."

**Commissioner Unruh** said, "Mr. Chairman, I think that light was left on from the . . ."

**Chairman Sciortino** said, "Sorry. Any comments on the . . . Iris, the only thing I want to say, even though on this parti . . . that one little item where you said technical error or a decimal point or something didn't get changed around and this unit pricing, I think, has really leveled the playing field, eliminated subjectivity, removed the good old boys illusion of hanky panky or what have you. In this particular case, you could argue it's costing the county 20 or \$25,000 more but I really believe that this concept of unit pricing rules is the only fair way and everybody knows you better make your bid properly, you'd better check it over and make sure your decimal points are in the right place and I think the taxpayers are going to appreciate the fact that we try to make this thing as fair and honest and removed from it any illusion of impropriety. Did you want to say something on that, David?"

**Mr. Spears** said, "Yes, please. I've probably had more conversations with Iris on the phone in the last week than I've had with her in the last two years about this and the Legal Department has looked at it. I also want to tell you that I have talked to KDOT about this and in fact the specific people who handle their bids up there, and I want to assure you that I am 100% certain that we are handling this the proper way."

**Chairman Sciortino** said, "I do too. All right, thank you. All right, any other comments, commissioners? If not, what is the will of the board on the report for bids and contracts this week?"

**MOTION**

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

Chairman Sciortino seconded the motion.

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**Chairman Sciortino** said, “Now, Commissioner Norton.”

**Commissioner Norton** said, “On item number three, it’s a change order for A & E services and did we put that out for bid or did we just do a change order and included that in the Consortium? It seems like we would want to bid that out, instead of just adding it, and if we did add it, why didn’t we have that in the contract in the first place?”

**Ms. Baker** said, “It’s something that we had been talking about for a while, but we didn’t have a definitive action, in terms of the best way to go with it, until recently. We did talk with several people. We did talk with the Consortium. We thought that they have that expertise already on their team, so we’ve just added that to the project, in part due to the essence of time.”

**Commissioner Norton** said, “It just seems like it’s another almost \$100,000 that doesn’t go into the building. I would hope that we would either bid it out, or we’d included it somewhere, along the way already, instead of having to make the change order that takes money out of the pot. So, just a comment. That’s all the questions.”

**Chairman Sciortino** said, “I see there’s no other questions, so Madam Clerk, call the roll please.”

**VOTE**

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

**Chairman Sciortino** said, “Next item. Thank you Iris, and good work too, by the way.”

**CONSENT AGENDA**

**K. CONSENT AGENDA.**

- 1. Four Easements for Right-of-Way for Sedgwick County Cold Mix Project R-175D on 87<sup>th</sup> Street South between Meridian and Broadway. District #2.**
- 2. Two Temporary Construction Easements for Sedgwick County Stream Maintenance Project B-646-24-1950 along 111<sup>th</sup> Street South between**

**Regular Meeting, May 3, 2006**

**Meridian and West Street. District #2.**

3. **One Temporary Construction Easement and one Easement for ~~Right of~~ Way for Sedgwick County Project 839-L-1859; bridge replacement on 143<sup>rd</sup> Street East between 29<sup>th</sup> and 37<sup>th</sup> Streets North. CIP# B-407. District #1.**
4. **Waiver of policy to hire a Senior Social Worker above step 3 at COMCARE's Community Support Services.**
5. **Agreement with Stewart Title providing on-line access to Sedgwick County's electronic data.**
6. **Order dated April 25, 2006 to correct tax roll for change of assessment.**
7. **General Bills Check Register(s) for the week of April 26 – May 2, 2006.**

**Chairman Sciortino** 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.

Chairman Sciortino seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, "I understand we have an Executive Session, but why don't we talk about other, if there's anything else that anyone else wants to bring up at this time, prior to going into it. Commissioner Unruh."

## Regular Meeting, May 3, 2006

### L. OTHER

**Commissioner Unruh** said, "Well, I just want to make a comment about Sedgwick County Zoo. Last April, we had record attendance out there and so I just want everybody to know that it is the place to go. We had 69,000 folks come through the gates at Sedgwick County Zoo and so I think that helps underscore the fact that they think it's a great place, it's being operated well, we've got great exhibits and so just encourage everybody to go out and visit what is truly one of the top zoos in the United States. And that's all I had, Mr. Chair."

**Chairman Sciortino** said, "Thank you. I just had one, not only other, but Mr. Buchanan if you could check for me, I remember two or three weeks ago we got a letter from Cowtown saying that within two weeks they wanted to have a meeting with us and I hadn't heard anything more about that, and I know we had a board meeting a week or so ago and it was interrupted by the tornado warnings and what have you and they were going to reschedule it but I hadn't heard if it was going to be rescheduled for this month or they were going to wait for next month, so maybe just find out what the status is on that, I'd appreciate it."

**Mr. Buchanan** said, "Yes, sir."

**Chairman Sciortino** said, "Commissioner Unruh, another light, or that was your light? I don't see that there's anything 'Other' so why don't we entertain this Executive Session."

### MOTION

Commissioner Burtnett moved to 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 advice and that the Board of County Commissioners return to this room from executive session no sooner than 11:02 a.m.

Chairman Unruh seconded the Motion.

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

### VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye

**Regular Meeting, May 3, 2006**

Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

**Chairman Sciortino** said, "We're now recessed into Executive Session."

**The Board of Sedgwick County Commissioners recessed into executive session at 10:54 a.m. and returned at 11:06 a.m.**

**Chairman Sciortino** said, "We're back from Executive Session. Let the record show that there was no binding action taken during Executive Session. If there is no further business, this meeting is adjourned."

**M. ADJOURNMENT**

**Regular Meeting, May 3, 2006**

There being no other business to come before the Board, the Meeting was adjourned at 11:07 a.m.

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

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

\_\_\_\_\_  
**LUCY BURTNETT**, Chair Pro Tem  
Fourth District

\_\_\_\_\_  
**DAVID M. UNRUH**, Commissioner,  
First District

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

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

ATTEST:

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

APPROVED:

\_\_\_\_\_, 2006