

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 6, 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, December 6, 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; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. John Nath, Director, Kansas Coliseum; Mr. Tom Pletcher, Clinical Director, Comprehensive Community Care; Ms. Valerhy Powers, Director of Transportation Brokerage, Department on Aging; Mr. Colin McKenney, Director, Community Developmental Disability Organization; Mr. Bob Lamkey, Director, Division of Public Safety; Ms. Terri Patterson, Juvenile Field Services Administrator, Department of Corrections; Mr. Pete Giroux, Senior Management Analyst, Budget Department; Mr. Chris Chronis, Chief Financial Officer; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Ms. Marla Flentje, Chair, Ad Hoc Task Force on Developmental Disabilities and Mental Illness.
Mr. Bob Kaplan, 430 N. Market, Wichita, Ks.
Ms. Pat Gallagher, Sunrise Rotary Club.
Mr. Dave McGilvray, Springsted and Company.

INVOCATION

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

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, November 15, 2006

The Clerk reported that all Commissioners were present at the regular meeting of November 15, 2006.

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Chairman Sciortino said, "Commissioners, you've had a chance to review the Minutes of the meeting of November 15th. What's your will?"

MOTION

Commissioner Burtnett moved to approve the Minutes of the regular meeting of November 15th, 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."

APPOINTMENT

A. APPOINTMENT.

1. RESIGNATION OF RON DAVIS FROM THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.

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

MOTION

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Chairman Sciortino moved to accept the resignation.

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, "Next item please."

2. RESOLUTION APPOINTING RUSSELL COAD, DDS (COMMISSIONER WINTERS' APPOINTMENT) TO THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.

Mr. Euson said, "Commissioners, this resolution will appoint Dr. Coad to a term that will expire in October of 2009 and I recommend that you adopt the resolution."

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Sciortino said, “Now as I understand, Dr. Coad could not be here with us, so he can get sworn at a later date. Next item please.”

PLANNING DEPARTMENT

B. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER ZON2006-00043 – ZONE CHANGE FROM “SF-20” SINGLE-FAMILY RESIDENTIAL TO “IP” INDUSTRIAL PARK, GENERALLY LOCATED SOUTH OF 31ST STREET SOUTH ON THE WEST SIDE OF 103RD STREET WEST (MAIZE ROAD). DISTRICT #2.**

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “In this first case, the applicant is seeking to have this IP, Industrial zone designated for this 66-acre unplatted site, which is adjacent to another 80-acre site just to the south that you recently rezoned at his request also to this same IP, Industrial Park, zoning.

The idea in doing this rezoning is that he would have a very large, contiguous tract that would be available. It would be a large scale, shovel-ready, industrial site that could be marketed in close proximity to the airport for industrial development.

You can see the current land use pattern in the area from the aerial photo that’s in front of you now. The parcel is used now for agricultural purposes. There are some large-lot residential parcels immediately adjacent to this, both on the east and west side of this parcel. Further to the south, you can see the Harvest Ridge subdivision that’s being developed on the west side of Maize Road. On the east side of Maize Road you can see the industrial area that’s being developed just west of the airport.

Going back to the zoning map, you can see the predominant zoning in the area is SF-20. As I mentioned before, the 80-acre parcel immediately to the south you recently rezoned to Industrial Park. On the east side of Maize Road, directly to the east of this parcel, it’s all been already

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rezoned for limited industrial purposes.

When this item was heard by the Metropolitan Area Planning Commission at its meeting on September 2nd, they voted unanimously to approve this request for industrial park zoning, subject to platting within one year and to protective overlay #183, which has the following two conditions: that there be a building setback of 100 feet on the north, east and west property lines and that's the provide a little bit of a buffer to the residential properties that border this parcel on those property lines, and that the following uses shall be prohibited: an auditorium or stadium; animal care limited in general; convenience store; restaurant or drive-through or in-car service; and with more than 2,000 square feet of gross floor area; also tattoo and body piercing and wireless communication facilities.

There were no neighbors in attendance at the MAPC meeting to protest this and the recommendation of the MAPC again is to approve the zone change to IP, subject to platting within one year and the provisions of protective overlay #183.”

Chairman Sciortino said, “Okay, thank you. Commissioners, any comments that you want to make to John before I ask if the public has any input? Okay. Is there anyone here in the audience that would like to speak for or against this item? Now would be your time to visit with us on it. Let's ask first of all, is there anybody that wants to speak against it? Okay. Anybody wants to speak for it?”

Mr. Bob Kaplan, 430 N. Market, Wichita, Ks., Agent for applicant, greeted the Commissioners and said, “I did not really intend to address this case and I don't know that it's necessary, but just so you know what occurred, Mr. Dugan and I have been working with Greater Wichita Economic Development on this site and Greater Wichita Economic Development is working with the State of Kansas Department of Commerce to market certain sites in the area and we did the original zoning, the 88 acres on the south, and it was accepted and the State of Kansas agreed to market that site and they're looking for sites of course and then they came back and said it was too small, they didn't accept anything under 100 acres, so that's why I came back and added the additional acreage to the north and that's basically what occurred here in terms of chronology.”

Chairman Sciortino said, “Okay, thank you. I don't see that anyone else wants to speak to us, so commissioners, what's the will of the board on this item? Commissioner Norton, you had something you wished . . .?”

Commissioner Norton said, “Well, I hadn't heard any protests or anything. It is in my district. Where will the access, now that we've lumped the two together, where will the access points be for entry into these two pieces of property? I assume they're going to be marketed as one big piece of property. Where will the access points be?”

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Mr. Schlegel said, "Well, they could either be off of 31st Street or Maize. That's an issue that would be resolved at the time they do the platting."

Commissioner Norton said, "Okay. Originally, there was some buffering on the lower 88 acres, along the Harvest whatever it is subdivision. Is there going to be some buffering for those large lots at the top?"

Mr. Schlegel said, "Right, the first condition of the protective overlay is for a building setback of 100 feet along the north, east and west property lines."

Commissioner Norton said, "Okay. And those property owners, even though they protested a little bit early on when this was first brought up, didn't advance that any at all during the process?"

Mr. Schlegel said, "Not during this item, no."

Commissioner Norton said, "Okay."

Mr. Schlegel said, "I think they're satisfied that the buffers will provide enough of a buffer for them."

Commissioner Norton said, "John, how much across Maize Road has developed in the purple area? Is that mostly empty lots right now or is some of that already developed?"

Mr. Schlegel said, "It's been platted but there has not been a lot of actual construction in that area."

Commissioner Norton said, "And it's platted as smaller industrial sites, as opposed to one big site. Is that right?"

Mr. Schlegel said, "Correct, right."

Commissioner Norton said, "Okay. I don't have any other questions. If there's not any protests and they're working on a major project for this area, it's probably a good project."

Chairman Sciortino said, "Thank you sir. Commissioner Winters."

Commissioner Winters said, "Well, thank you. I'm going to be supportive of this also. I think the applicant and his representative have done a pretty adequate job of addressing the concerns of the people in the area out there. I think they've really gone out of their way to try to satisfy any of those needs and when I just looked at this map and see to the north and see we have the same . . . or

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to the south, we have the same zoning. Across the road to the east, we have the slightly higher zoning and John, am I correct that in looking at the backup, this is an area where the Wichita Airport Authority Advisory Board does not want to see residential development, would prefer not to have homes in this type of area. Is that correct?"

Mr. Schlegel said, "That is correct."

Commissioner Winters said, "One question I did have and then of course with the MAPC voting unanimously, I think that's another strong endorsement. John, in talking about the platting, for just a moment, in a site like this where the future is a little bit . . . could go several different directions, and as someone pointed out at the industrial park directly to the east, it's made up into smaller lots, what's the . . . in this case, the applicant or the owner's responsibility for platting when in effect it may not be known exactly what that final configuration looks like. Do they need to go through the expense of platting and then realizing that they may have to, in a sense, replat again if the configuration is not exactly fits the project that is eventually would be proposed to be here?"

Mr. Schlegel said, "Their obligation with this, if you adopt that recommendation of the MAPC today, their obligations would be to plat within one year and of course then they would apply for extensions to that, and they could pursue a number of platting strategies there. Probably the best thing for them to do would be for them to plat both this parcel and the adjacent parcel to the south that they previously had zoned as one parcel. That indeed then would make it shovel-ready. They could pull building permits for a project very quickly then, because they would have a plat recorded.

They of course then, depending on what would be proposed for the site, could come back and revise the plat later. That would be some additional expense for them in doing that but it really is not a very . . . it's not, relative to what they could realize from the development of this parcel, that's relatively inexpensive and really would not take them that long. We would encourage the one-year platting requirement, simply so that the county or the city would get the dedications for 31st Street and Maize Road that are needed for any future improvements to those roads, and also any drainage and utility easements that are needed for the extension of services into this area."

Commissioner Winters said, "So the procedure is normally that along with granting a zone change, then the county or the city, whichever it may be then, needs to know as soon as possible where those right-of-ways are and the property owner then needs to, in return for the zone change, needs to show their comments about where certain accesses are going to be, as Commissioner

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Norton suggested, and so it's not something that we really can just out there for an undetermined amount of time."

Mr. Schlegel said, "Correct. That's the idea in having the one-year platting requirement, and it's not meant to place a huge burden on the applicant. It's simply that in exchange for this approval and this change in zoning, that they're then agreeing that they'll do certain minimal . . . meet certain minimal requirements within a certain time frame."

Commissioner Winters said, "Okay, thank you. I think that's all the questions I have and again, I'm going to be supportive of this also."

Chairman Sciortino said, "Okay. Well commissioners, any other questions? I don't see any lights on. I have no other questions. I'm going to support this. I think it's the right thing to do. So John, thank you. Commissioners, what's the will of the board on this item?"

MOTION

Commissioner Norton moved to approve the zone change to IP, subject to platting within one year and the provisions of Protective Overlay #183; adopt the findings of the Metropolitan Area Planning Commission (MAPC); direct staff to prepare an appropriate resolution after the plat has been approved; and authorize the Chairman to sign 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, "Thanks, John. Next item."

- 2. CASE NUMBER CUP2006-46 (ASSOCIATED WITH ZON2006-45) – CREATE DP-303 MONARCH LANDING COMMUNITY UNIT PLAN (CUP); ZONE CHANGE FROM “SF-20” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL, GENERALLY LOCATED ON THE**

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NORTHWEST CORNER OF 21ST STREET NORTH AND 159TH STREET EAST. DISTRICT #1.

POWERPOINT PRESENTATION

Mr. Schlegel said, “In this particular case, the applicant is seeking to create this commercial Community Unit Plan as part of the larger Monarch Landing project that’s being developed on that northwest corner of this intersection. This particular parcel is just a little over 16 acres in size and it will consist of three development parcels. You can see, on the site plan in front of you now, the two that are on the eastern most portion of this site, on the corner, those parcels two and three, would be a traditional commercial corner, at that intersection. They’re anticipating that they would use all the uses that are permitted within a limited commercial district, with a prohibition of certain uses: assisted living group residence, correctional placement residence, parks and recreation, recycling collections station, utilities, kennels, nightclubs, pawn shops, sexually oriented businesses, taverns, drinking establishments and wireless communication facilities.

The uses that would be allowed on the parcel to the west, parcel number one, would be those that are allowed in the NR, or Neighborhood Retail district and the site development, signage, landscaping and screening requirements of the CUP are tailored to make the commercial uses that would be developed on these parcels compatible with the residential development that you can see that’s platted to the north and west.

Looking at the zoning in the general vicinity, you can see that it’s Rural Residential and SF-20. There’s a great deal of development activity that’s occurring in this general area, on both sides of the county line. You probably have heard about some of the projects that are being proposed on the east side of the county line, in the city of Andover and there’s been a great deal of activity in this whole 21st Street Corridor. Presently, it’s predominantly agricultural and large-lot residential development, but that’s going to change very quickly.

When this item was heard by the Metropolitan Area Planning Commission meeting . . . when the planning commission heard this at their meeting of October 5th, they voted unanimously to recommend approval of the request, subject to revised staff recommendations. Those revised recommendations were negotiated with the applicant between the time that the staff made it’s original recommendation and staff report to the commission and we presented those revisions at that time, with the concurrence of the applicant.

There was one citizen at the public hearing who asked questions about the types of uses that were planned and how traffic congestion along 21st Street would be resolved. The City of Andover submitted a written letter to the MAPC. There are some differences between how the City of Andover handles things like access control zoning and signage regulations and we’ve pointed out to

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them those differences and how they'll be handled.

The issues of traffic access and improvement and who will have responsibility for 159th Street are issues that will have to be worked out at the time of platting. So the recommendation of the MAPC is to approve the zone change and the CUP subject to platting within one year and the recommended, revised recommended conditions. There are not protests on this request.”

Chairman Sciortino said, “Okay, thank you John. Any questions of John at this time? Did I see if anybody in the audience wants to visit? All right, is there anyone here in the audience that would like to speak to us on this item, either for or against? I see none, so I'll limit the comments to the bench. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. John, in working through this, it looks like a complicated process with 31 conditions that were imposed upon the development, so I realize a lot of work has gone into it, and Metropolitan Area Planning Department has approved and the commission has approved it. But would you state again how Andover, the City of Andover received this proposal I mean, there's no real objection there?”

Mr. Schlegel said, “No. I think their letter is attached in you agenda backup. I'm looking for it right now. They did raise some concerns, simply because the way they handle access management, signage and . . . what was their other issue? . . . and their zoning requirements are different than Sedgwick County's. As soon as I find the letter, I'll go into more detail on that.”

Commissioner Unruh said, “I just want to make sure that there's not a substantial objection or anything that's left undone, before we go forward on this.”

Mr. Schlegel said, “What I was looking for was an e-mail . . .”

Commissioner Burnett said, “It's page 31 of our backup.”

Mr. Schlegel said, “Yes, from the City of Andover. There is a list of their issues that they wanted to raise and their suggestions for how they might be handled in the review by the MAPC. We weren't able to handle all of those issues, simply because the regulations are different between the two jurisdictions. I think the MAPC did their best in trying to take into their concerns, but sign regulations, for example are just too different between the two jurisdictions and we can't apply the

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City of Andover's sign regulations to this project.”

Commissioner Unruh said, “All right. Well, thank you. I haven't heard any objections from anyone in that area and I know that development is going to occur rapidly out there. This is a prime location, prime corner for a commercial development. And it appears that we've done all the ground work and got all the parties into agreement going forward.”

Mr. Schlegel said, “Yeah, I think as best we could. I think there's substantial agreement on this item.”

Commissioner Unruh said, “All right, very good. Well, that's the only comment I had Mr. Chair and I'm going to be very supportive.”

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

Commissioner Norton said, “Is 159th Street all in Sedgwick County or a portion of it in Butler County.”

Mr. Schlegel said, “My understanding is the county line runs down the centerline of the road. Is that correct?”

Mr. David Spears, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, “That's right. It's the county line. 159th is the county line and it's township maintained, either Butler County, some townships in Butler County or some in Sedgwick.”

Commissioner Norton said, “So presently, 159th right there is not a paved road.”

Mr. Spears said, “It is to the south, because we just cold mixed it this year.”

Commissioner Norton said, “Right, but it is not . . .”

Mr. Spears said, “Not to the north.”

Commissioner Norton said, “Have we done traffic studies to understand what that's going to do with the traffic patterns? The area to the north of the red outlined area is platted in single-family homes, is it not?”

Mr. Schlegel said, “Yeah, you can see the plat that has been done for residential development just

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to the north of this parcel.”

Commissioner Norton said, “And that will spill out on . . . empty out onto 159th North, which is unpaved.”

Mr. Schlegel said, “Right. Now the issue of paving of 159th Street will have to be addressed at the time of platting.”

Commissioner Norton said, “As the other corner, the northeast corner develops, which is in Butler County, what provisions have been made on when we pave that for access points and everything? Has that been discussed with Butler County?”

Mr. Schlegel said, “Yes, there’s been an effort to try to coordinate those. Fortunately, it’s the same developer in both cases, so that coordination has been made easier by that. And there’s going to have to be some coordination between the county and ultimately the City of Wichita on the long-term maintenance of 159th Street, so there’s some issues there that still need to be resolved.

And I forgot to mention that this particular parcel will be a part of an island annexation that will come to you on December 20th. The property owner has petitioned to be annexed into the City of Wichita. Before that can go to the City Council for their consideration, it has to come to you and that’s scheduled right now to come to you on December 20th.”

Commissioner Norton said, “That’s all I have right now. I just think it’s going to be . . . we’re going to see this area again soon, on several different issues as that develops.”

Chairman Sciortino said, “Okay, all right. I see no other questions. So commissioners, what’s the will of the board on this item?”

MOTION

Commissioner Unruh moved to approve the zone change and CUP, subject to platting within one year and the recommended conditions; adopt the findings of the MAPC; direct staff to prepare an appropriate resolution after the plat has been approved; and authorize the

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Chairman to sign the resolution.

Commissioner Norton 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, "John, thank you. Next item please."

NEW BUSINESS

C. PRESENTATION OF THE FINAL REPORT OF THE AD HOC TASK FORCE ON DEVELOPMENTAL DISABILITIES AND MENTAL ILLNESS.

POWERPOINT PRESENTATION

Ms. Marla Flentje, Chair, Ad Hoc Task Force on Developmental Disabilities and Mental Illness, greeted the Commissioners and said, "We are pleased to be able to bring to you our final report. You convened this task force last spring and charged us very specifically to address what you correctly viewed as an immerging problem. You asked us to define the problem, the extent of it and to bring recommendations back to you and we are prepared to do that this morning.

Before I hit the highlights of our report, I do want to say just a couple of words about the task force itself and introduce to you the members of our task force that are here this morning. I don't know when I have ever been a part of a group that took its assignment with more seriousness and intelligence and dedication. We learned quickly on in this endeavor that there is no hard data, that there was literally no literature, very few answers to turn to. That we were indeed plowing new ground. We met 13 times, reviewed a lot of information, heard from a lot of members of the

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community who are listed at the end of our report and spend many hours wrestling with what the recommendations would be.

And the report that we bring to you this morning, I'm very proud to say, has the full consensus of our group. You created a very balanced group of folks who represented many interests and institutions and professions, as well as parents of persons with developmental disabilities. At this time I would like to identify the folks that are here this morning that were on our task force. First and foremost, being your chairman Commissioner Sciortino, we were very privileged to have you as part of the group and he was quite tenacious in trying to get his arms around this problem. We also have, and I'd ask you to stand if you would please, Sarah Robinson from the Wichita Children's Home, Greg Sullivan who is a parent and serves on your DD and Physical Disabilities Advisory Board, Tom Pletcher from COMCARE, Robert Burns from the Sedgwick County Sheriff's Office and . . . am I forgetting anybody? Oh Judy, Judy Stengel, who is a parent and also just recently retired from IRS.

We also need to thank you very much for the excellent staff you made available to the task force, without whose support we could never have done our work. It included Chad VonAhnen, I don't think he's in here, Tara Cunningham, Mandy Pankratz and most of all Colin McKenney, who kept us organized, did a great deal of research and spent hours drafting and drafting . . ."

Chairman Sciortino said, "And he also acted as referee, let's be real truthful."

Ms. Flentje said, "He did, he did. Let me quickly review for you what you charged us to do. You asked us to determine whether services are adequate for a specific population, that be people with developmental disabilities who also have mental illness or, absence a diagnosis, have extreme aggressive behaviors. You asked to determine to the extend it's a problem, what the consequences and risks are for others in the communities, if their services are not adequate and lastly, you asked us to offer policy recommendations to improve services and protect the safety of others.

We commend you for your foresight in appointing this task force. It is clear to us we are the first community in the State of Kansas to take this on. It also became clear to us that Sedgwick County is well ahead of state government in recognizing and beginning to address this problem. We are very grateful for your continuing leadership in protecting the interest and welfare of people with developmental disabilities and it's the finest example I can think of of public service. We understand that your time is very limited this morning, so my intent is just to hit a few of the highlights of our report. Our understanding is that we will come back to you early next year and

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discuss it more in depth in a workshop setting.

We first want to share the assumptions that guided our work and they are as follows. First, our community has an ongoing obligation to insure that all people with developmental disabilities have support that helps them to live as independently as possible and the fact that Sedgwick County funds the programs that it does and we have fine community agencies serving these individuals I think attests to our history of owning up to that responsibility. The second point is very important, all people with developmental disabilities have rights and responsibilities. Like all of us, people with disabilities have responsibilities to others in the community and the exercise of their rights can never be made at the expense of others. And third, effective services especially for this population are possible only with the leadership of state government working in partnership with counties and community agencies. The individuals we're talking about don't fit neatly into one single agency mission. Their needs are very complex and we want to make it clear that solutions require a lot of partnership and collaboration. Having said that however, we also believe that the state of Kansas first and counties second have significant responsibility for this problem.

Our key finding is this, and before I talk about it I want to put this in its proper context and that is this, that the vast majority of people in Sedgwick County who are being served in DD services receive excellent services that enable them to meaningfully contribute to the community. The same however cannot be said about this much smaller population of high-risk individuals. Our state and community are not meeting the needs of persons with developmental disabilities and mental illness or those who have extreme aggressive behaviors. As a result, they and others in the community, especially other people with developmental disabilities are at risk for significant and preventable harm.

We have learned that community DD services were never intended or created to serve people who also have serious mental illness. They are doing their best to do so, but they lack the tools, they lack the money, they lack the expertise to do so. We conclude that there is a gathering threat of physical harm to people in this community, especially others with developmental disabilities, and without addressing that threat, we think what is now a very quiet crisis could grow into a significant problem and likely will. And thirdly, we assert that the state and counties together can take measures to reduce or prevent harm to others.

We want to offer you three major points that we think really frame this problem and I'll go over these fairly quickly now with the understanding that we can discuss them in more detail later. The first point is this, a very small but growing group in the DD population have difficult to manage, extreme aggressive behavior. This is a fairly small population at this point, and while there is no hard data, we roughly estimate it to be about 100 persons in Sedgwick County but this number is expected to grow, as people in children's services tell us that they are seeing more and more of these children in their services.

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Their behaviors, left untreated and without very, very tight supervision, can cause life-threatening injury. Their behaviors include sexual aggression and predation. We heard many alarming examples of people who have been injured, primarily employees who work with these individuals and other persons with developmental disabilities. Very intensive levels of supervision are required and even with that, we conclude that others and the persons themselves are not always safe.

Our second point, community resources and expertise to meet the needs of this populations are lacking and we want to continue to make the point to you that family members on both sides of this issue are very concerned, very stressed and they deserve our help and our compassion. A word about the agencies, again we conclude that they are doing their very best but they do not have the resources to address this problem and specifically they are not given intervention tools, such as chemical and mechanical constraints and seclusion that other agencies are able to impose.

Mental health services, again, are hampered by lack of funds, lack of effective treatment models and in some cases by . . . what am I trying to say, qualifications that exclude people with developmental disabilities from services. In-patient psychiatric treatment, which is available to other people with mental illness, is effectively not available to this population through funding and other issues as well. Bob on our task force helped us to understand that the criminal justice system does not have the tools and facilities and training. It is rare to find a person who has, in this population, who has committed what we would all believe to be a criminal act. It is rare that they are arrested and prosecuted, for a variety of reasons.

And lastly, because these individuals are from Sedgwick County and it is assumed that you have the resources here, we have them, effectively for most people the state hospital resources are not available to them.

Our third point, community limitations in serving this population led to many actual and potential victims. Certainly the high risk individuals themselves often engage in self-injurious behavior. I think where our greatest concern lies, however, is with other people with developmental disabilities who are not aggressive. The highest of ironies is we place these individuals with aggressive behaviors, violent behaviors in a population that is least prepared to defend itself, most easily victimized and exploited.

We also would point out that our agencies that provide services are at great risk for insolvency and even bankruptcy. Lawyers have warned them that one lawsuit, because somebody has injured,

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could literally break the bank, simply because they cannot be insured against punitive damages.

Our recommendations fall into two categories, those areas where the county can assert leadership primarily to address the problem here at home. In some cases the cooperation and support of the state is needed. And secondly, actions that primarily need state government leadership, but those that we would hope that you would extend your influence to try and make happen.

I'm going to save most of the recommendations for state government initiative for later on, but I do want to hit a couple of highlights for those things that we think Sedgwick County can do and this is premised by the belief that we do have the capacity here, the capability in our community to serve many of these individuals if we put the right resources and expertise together.

We would like to see Sedgwick County take the initiative to create some specialized services to meet the needs of this population. That would include creation of an interdisciplinary crisis intervention team, that when trouble does arise, an agency or a family could call this team and they could come immediately to offer assistance and guidance. Second would be the creation of a new location for temporary placement of these individuals, many of whom function quite well a good part of the time, but on those occasions when they are exhibiting undesirable behaviors, they could be placed temporarily for stabilization to be then returned to their regular community program.

And the third we think is also needed and that is the creation of a specialized provider here in the community who simply served this population and we might add that that will probably require cooperation and approval from state government.

Secondly, we have recommendations that we believe are necessary to protect the safety of others with developmental disabilities and their direct care staff. That includes restricting placement in services along side other people with developmental disabilities of those that have a history of violence. We simply must not put these individuals in the same general environment, because we don't believe there's anything that can be done to make them safe.

And secondly, different from current policy, we believe there are rare instances in which agencies need the ability to refuse to serve someone if they believe they have a history of violence and they cannot protect them and others, and that could be worked out through your contractual arrangement with agencies.

Lastly, I guess this is next to last, for Sedgwick County every professional on our task force agreed that everyone needs to learn a lot more about this population and we think the county, COMCARE and the CDDO could take the initiative to provide a great deal more professional training for those who area engaged with these individuals.

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And lastly, we believe and I know the CDDO, Colin concurs that there are opportunities for stronger administrative oversight and coordination that the CDDO could take on. I do want to make a comment about one of our recommendations, action that is needed at state government, the state government level and we want to be clear. The things we're talking about require more resources and we clearly recognize that state government has a major responsibility in this area, both by virtue of their mission and also by the fact that they have benefited financially by de-institutionalization and moving people to the community. We ask that you assert your influence to see that more funds are available from state government to serve this population and funds need to be available in a very timely fashion.

We heard shocking instances of our agencies here that are using their own resources to serve this population. Sometimes their cost exceed by 100% what it . . . exceeds the reimbursements by 100%. And of course, doing so takes away from the quality of the services to the vast majority of other individuals. We don't think that Sedgwick County and certainly not our community agencies can handle this burden alone, without more help from state government.

I think with that, and I thank you for your excellent attention to this and we are aware that we gave you a little light reading to do this week. I will stop and on behalf of everyone in the task force, once again thank you for your leadership in this area and thank you for this opportunity that we had to serve the community in this way."

Chairman Sciortino said, "Thank you. Any questions or comments commissioners? Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Well Marla, I just want to thank you for the excellent work that you and your committee did. This is really quite clear analysis for those of us who are not real familiar with some of the issues that are faced and so that in itself is very helpful. But it appears that you're approached this with imagination and intelligence in trying to make recommendations that are doable. But in any way have you quantified at this point anyway, what is the amount of state support that it takes to make a program that will be helpful. I mean, if not enough, it just may be more hurtful . . . you know what I'm trying to say?"

Ms. Flentje said, "Yeah, and I'm going to defer to Colin on this, except I would let you know that we invited the division level leaders from SRS to meet with our task force and while they didn't put any numbers on it, and they said they didn't have any answers yet, they are aware that this problem

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is developing and express an interest in working with us on a pilot project basis, but no money was mentioned.”

Mr. Colin McKenney, Director, Community Developmental Disability Organization, greeted the Commissioners and said, “You’ve heard me talk a number of times previously about the need for enhanced funding for all persons with developmental disabilities to make sure that the services and supports provided in Sedgwick County and across the state meet their support needs. In the case of this very specific population, one tool that’s currently available to us on a limited basis is what we call extraordinary funding. When you can demonstrate that an individual requires a higher level of support which drives a much higher cost, there’s supposed to be a process in place that allows you to apply for specific costs for that individual. As the process is currently played out, you first have to demonstrate that you are incurring at least 50% greater cost than what you’re receiving through the reimbursement process and that’s test one. And so we are doing that for some individuals for some individuals in Sedgwick County right now, going through that assessment process and like the fact that it’s more individualized than it has been in previous years.

Unfortunately, the pool of funding made available for that purpose was not expanded when the new tool came on line so what could effectively happen is we identify, we’ve used the number perhaps as many as 100 people in Sedgwick County fall into this category, perhaps all 100 of those people would qualify for that funding, but be placed on yet a new waiting list which says when you get more money, they need a little bit more of it than anyone else does. And what I think the task force was trying to recommend is we need more timely access to funding than that. We’ve gone through the process, we’ve used the assessment tool, we’ve demonstrated that these individuals are very high cost to serve. Don’t tell us you know, wait and someday the money will be available. We need access to that now and through the partnership with the State of Kansas and the federal government, they’ve got the capability to make that happen if they prioritize this need, as you have through the creation of this task force.”

Chairman Sciortino said, “Anything else, Dave?”

Commissioner Unruh said, “Okay, that’s helpful to a certain degree. I mean, I appreciate this is kind of in the beginning stages of trying to help find a solution so that’s helpful.”

Ms. Flentje said, “Commissioner, we would very much like to urge that you make additional funding for development disability services, particularly in this area, on your short list of legislative priorities that you work on to try to influence it on the state level.”

Commissioner Unruh said, “Okay, thank you. That’s all I had Mr. Chair.”

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Chairman Sciortino said, “Okay. I don’t see any other lights. Let me just maybe make a comment or two. First, I was privileged to represent the board on this task force and I got a big education and I’m going to try to condense it just into what I always refer to as Kansas kitchen English of what the problem is. We have a person who is developmentally disabled and he’s being served, but then that individual starts expressing some severe mental health problems that come out as aggression or sexual predation or what have you that’s really a crisis. What do we do with that individual today at 4:30? All right, if he’s really getting violent, we call the Sheriff’s Department. The Sheriff’s Department comes and picks up the individual, puts them over to the hospital and oftentimes they look and say ‘well this is a dual diagnosed person and we’re not able to handle developmental disabled’, so sometimes the person sits in the waiting room until they quiet down and then they’re called and said ‘okay, he’s stable, bring him bad’ and it’s a hot potato that nobody seems to want to address.

Now the problem is magnified even further, and stop me if I . . .”

Ms. Flentje said, “You’re doing fine.”

Chairman Sciortino said, “This person has been given some pills or whatever to control his mental health problem, but you can’t force the person to take the pills. The person is an adult, physically or chronologically an adult. We would like to believe that all of the parents are very caring, loving parents like Marla and Greg that are sitting in the audience, but unfortunately that’s not the case and they don’t provide the support or assume the responsibility needed to make sure that this individuals takes his or her pills to quiet down the aggressive behavior, and like I say, at 4:30 in the afternoon you have somebody biting, scratching, kicking a bruised . . . what do you do with the person?”

Now the people that are providing our developmental disability services right now are required, under our contracts, to serve everyone. They can’t refuse service to everyone, but their people are not trained to handle this type of behavior and there has been some really . . . I mean, we saw some examples of some cases that are very severe and this is a crisis that . . . let me just ask Mr. Buchanan. Bill, where do we go here, now that we’ve got this report, and realize that we have a problem? What do we do from this day forward, or what do you all do?”

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “This is the part of the process that we now have identified the issues, we have some suggestions and recommendations on how to proceed. I have had a preliminary conversation with Colin and will task Charlene Stevens and Colin to come back to the Board of County Commissioners soon with a work plan of what steps we can take, whose responsible, what the costs might be and bring you

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back an action plan of how to start addressing these issues. The issue with the state is it will take some more . . . some careful thought about how we approach that and how we . . . who our partners might be to get us what we need done in Topeka and we'll ask Andy Schlapp to help us with that. So we will be back to you before the first of the year with some sort of an action plan."

Chairman Sciortino said, "Okay. All right, any other questions or comments of the presenter this morning? Marla, thank you very much. I know you have a vested interest in this and I want to thank you for the privilege of being a part of it. I learned an awful lot about a segment of our population that I think the general population doesn't even address and they're not there and let's just forget about, you know, but it's a real crisis that is starting right now and if we can figure out some way to get the state's attention because unfortunately the county just isn't this 'we'll take care of everything that the state doesn't take care of' but it's, right now a very sore spot but it hasn't erupted to being something . . . in other words, if we can address it right now and get something in place right now, I think we can avert it being a major pandemic type problem that we have, but anyway I want to thank everybody on the committee. I learned a awful lot and I was very honored to be a part of it, so thank you. Okay commissioners, what is the will of the Board on this item?"

MOTION

Commissioner Unruh moved to receive and file.

Commissioner Norton 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. Next item."

Mr. McKenney said, "Commissioners?"

Chairman Sciortino said, "Oh, I'm sorry. We do have something else that we want to do."

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Mr. McKenney said, "If I could impose just briefly, these task force members did serve over the last nine months, and these were not brief, let's get together for 30 minutes meetings. Marla cracked the whip and we met for hours at a time, into the evening, after they'd done their day's work already. I'd just like to invite those who are in attendance to come up real quickly. We've got a quick recognition for each of them. If you'd all just come up as a group.

Have a number of task force members I will mention just briefly here, since they were not able to attend: Bruce Brown, Lois Clendening, Carla Lehr, Ron Pasmore and Lucy Shifton. In attendance today again we have Robert Burns, Judy Stengel, Greg Sullivan, Tom Pletcher, Sarah Robinson and of course our task force chair Marla Flentje. Thank you."

Chairman Sciortino said, "Thank you, Colin. Next item please."

D. AGREEMENT WITH ORPHEUM PERFORMING ARTS CENTRE, LTD. FOR KANSAS COLISEUM TO PROVIDE COMPUTERIZED TICKETING SERVICES.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, "This agreement before you today is the same agreement that we have with the Cotillion as well as the Kansas State Fair in Hutchinson and it's an important agreement. By virtue of this agreement, it means now that Select-A-Seat now supplies umbrella coverage to all the major general entertainment facilities in our region.

The Orpheum gains the access to our distribution system, which includes the 21 outlets, the 24-hour a day access to Select-A-Seat.com as well as the phone center. They also gain the control over their own inventory through a management terminal that would be placed at their facility and they have the ability to grow into, if they should desire, the barcode scanning of the tickets, as well as the print at home technology. We gain another valuable client, as well as another 40,000 tickets to our inventory that we move each year. We recommend approval."

Chairman Sciortino said, "Any questions of John on this? It sounds like a no-brainer. What is the will of the board on this item please?"

MOTION

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

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Commissioner Norton 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, “John, thank you. Next item please.”

DIVISION OF HUMAN SERVICES- COMCARE

E. CONTRACT WITH THE REGIONAL PREVENTION CENTER FOR SUBSTANCE ABUSE PREVENTION EDUCATION AND INFORMATION, AND REFERRAL SERVICES.

Mr. Tom Pletcher, Clinical Director, Comprehensive Community Care, greeted the Commissioners and said, “The agreement before you is the renewal of a longstanding contract with the Regional Prevention Center. County liquor tax funds are used in this case to support their services directed towards substance abuse prevention, education, information and referral. For example, the Wichita’s Promise Youth Council has worked with others in this last quarter to establish a mentor program within USD 259, their after school program and will be mentors in that program.

Additionally, some other things that they’ve done include as part of the Hands-On Wichita project,

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members of that same youth council volunteered on September 30th at Jackson Elementary to remove weeds and do landscaping within the school's courtyard. They also have loaned almost 1,500 videos on alcohol, tobacco and other drugs last quarter and provided eleven and half thousand pieces of literature to folks on these topics.

I would like to introduce the Regional Prevention Center's Executive Director Danny Walters, who is present this morning, if you had any questions that he might be able to assist us with. We would recommend that you approve the contract and authorize the Chairman to sign."

Chairman Sciortino said, "Okay, thank you. Commissioners, any questions or comments? Seeing none, what's the will of the Board?"

MOTION

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

Commissioner Winters seconded the motion.

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

VOTE

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

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

F. DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING.

- 1. CONTRACTS (SEVEN) TO PROVIDE SPECIALIZED TRANSPORTATION FOR OLDER ADULTS WITH DISABILITIES AS VENDORS FOR THE TRANSPORTATION BROKERAGE.**

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- **ABC TAXI CAB**
- **AMERICAN CAB**
- **CEREBRAL PALSY RESEARCH FOUNDATION**
- **FIRST CLASS**
- **KANSAS ELKS TRAINING CENTER FOR THE HANDICAPPED**
- **THUNDER ENTERPRISES**
- **WISDOM TRAVELS**

Ms. Valerhy Powers, Director of Transportation Brokerage, Department on Aging, greeted the Commissioners and said, "What we have is seven agreements or contracts with providers for door-to-door specialized transportation. These are renewals. We've had them since 1998 and they are with American Cab, ABC Taxi, Cerebral Palsy Research Foundation, Thunder Enterprises, Wisdom Travels, First Class and KETCH, Kansas Elks Training Center for the Handicapped.

These rides are scheduled through a coordinating center at 1015 Stillwell and are provided 24 hours a day, seven days a week. This program serves over 2,000 individuals who utilize it to access medical, social services and work in order to remain independent.

And I'd like to tell you a little story about an individual this program has helped. Mr. J is a 48-year-old stroke survivor who uses the transportation brokerage and has no other affordable means of wheelchair assessable transportation. He lives in Wichita and has exceeded the wheelchair lift capacity for the city's specialized van services. Mr. J needs to go to frequent medical appointments to recover from his stroke and would have no other means, without the transportation brokerage. We ask that you approve these contracts."

Chairman Sciortino said, "Okay, thank you. Any questions or comments of the presenter? Commissioner Unruh."

Commissioner Unruh said, "Thank you. Are the number of clients or users, is it growing or is that staying pretty steady over the last several years?"

Ms. Powers said, "It has grown. In for example 2001 it was approximately . . . we provided 24,000 rides and this year it's going to be approximately 27,000, so over time it's gradually, incrementally increasing."

Commissioner Unruh said, "Okay. And that's just the number of rides, but the number of . . . some citizens might have two or three or four rides in a year's time, so some of those could be the same individuals."

Ms. Powers said, "Right. And there's some that take frequent rides. For example, if they go to dialysis, they'll go three times a week."

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Commissioner Unruh said, “Okay. All right, thank you. That was my only question.”

Chairman Sciortino said, “All right, thank you. I see there’s no other questions, so commissioners what’s the will of the board on this item?”

MOTION

Commissioner Winters moved to approve the Contracts 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
Chairman Sciortino	Aye

Chairman Sciortino said, “Next item please.”

2. CONTRACTS (ELEVEN) TO PROVIDE COMMUNITY SERVICES TO PERSONS WITH PHYSICAL DISABILITIES.

- **THE ARC OF SEDGWICK COUNTY – EPILEPSY EDUCATION**
- **CATHOLIC CHARITIES – ADULT DAY SERVICES**
- **CATHOLIC CHARITIES – FOSTER GRANDPARENTS**
- **CEREBRAL PALSY RESEARCH FOUNDATION (CPRF) – EMPLOYMENT**
- **CPRF – PERSONAL EMERGENCY EQUIPMENT**
- **CPRF – THERAPY**
- **INDEPENDENT LIVING RESOURCE CENTER (ILRC) – DISABILITY INFORMATION AND REFERRAL**
- **ILRC – FLEX AND HOME MODIFICATIONS**
- **RAINBOWS UNITED – VISION**

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- **ROCKO – RESPITE CARE**
- **SENIOR SERVICES, INC. OF WICHITA – NUTRITION**

Ms. Powers said, “These are 11 agreements to provide community services to persons with physical disabilities. These services promote accessibility, education, job training, work and health and safety for persons with disabilities. These contracts are with: Cerebral Palsy Research Foundation for employment, personal emergency equipment and therapy; with the Independent Living Resource Center for flex and home modifications and disability, information and referral service; Senior Services, Incorporated Wichita for a nutrition program; Rainbows United vision; Catholic Charities, adult day and foster grandparents programs; and the ARC of Sedgwick County to provide epilepsy Education; and Rocko to provide respite care.

The Physical and Developmental Disability Advisory Board reviewed these contracts and gave these recommendations for these allocations. An example of how one program has helped an individual, Ms. C through this program and the in-home support of her family, she is able to live in the community and avoid costly nursing home placement and this is the Adult Day program through Catholic Charities. Ms. C receives two meals and a snack daily, case management services, monitoring of her functional abilities and wellness monitoring. Ms. C enjoys exercises classes at the center and the many interesting guest speakers. She also received transportation for some community outings. And we ask that the commission approve these contracts and authorize the Chair to sign.”

Chairman Sciortino said, “Thank you. Commissioners, any questions or comments? Seeing none, what’s the will of the Board?”

MOTION

Commissioner Unruh moved to approve the Contracts 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

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Commissioner Burtnett	Aye
Chairman Sciortino	Aye

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

**DIVISION OF HUMAN SERVICES
COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION (CDDO)**

G. FUNDING FROM THE CDDO BUDGET IN THE AMOUNT OF \$10,000 FOR THE BOUNDLESS PLAYGROUND PROJECT.

Mr. McKenney said, “With this item, I’m requesting your authorization to utilize \$10,000 in funding from the Community Developmental Disability Organization budget to support the construction of the Sunrise Boundless Playscape at Sedgwick County Park. I know you are all familiar with this project, as you’ve previously taken action to provide space for the playscape within Sedgwick County Park.

The request before you this morning is to expand the support of Sedgwick County toward this project by utilizing developmental disability funding to support actual construction costs. As the local management entity for developmental disability services, one of our primary mandates is to look for and support opportunities to create more greater community inclusion for people with developmental disabilities. This project obviously does that, as it creates the playscape, which is highly accessible to children with disabilities.

You may be thinking of a number of families where one child has disabilities and other children in the family do not and in a typical playground area it might be possible for the children without disabilities to play and for the child who does have disabilities to kind of sit off to the side or be very limited in how they can participate. So obviously this is a good example of something that we can do within our community to try and create that greater sense of inclusion, more opportunities for people with disabilities.

The piece that you may not as quickly consider is all the other people who have disabilities who will benefit from this as well. There was a grandparent who shared his story with me of you know, I do like to go with the grandkids to the playground, but I don’t know if any of you have tried to navigate a sand playground in a wheelchair. It’s next to impossible to do, so he was very excited. His grandchildren do not have disabilities, but this creates an entirely new opportunity for him where he can go, know that he can keep an eye on the grandkids, he can be there in close proximity to them, navigate the boundless playscape and you know, even in a situation like that, this creates a wonderful new opportunity. That’s about all I want to say about the project. I think this creates a great opportunity for a representative of West Sedgwick County Sunrise Rotary to speak a little bit more about the project and give you an update so I’d like to introduce Pat Gallagher to just say a

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few words if she would.”

Ms. Pat Gallagher, Sunrise Rotary Club, greeted the Commissioners and said, “I have been here before and I’m delighted to be back again. Colin has done a very good job of giving you an overview of the project and I would like to tell you we’ve been at this project for three years now and it was the county’s donation of the land to us inside Sedgwick County Park that actually started our dream on the road to becoming a dream come true. Our project is a 1.2 million dollar project and when we came here approximately three years ago we were empty handed. At this point, we have raised just over a million dollars. We have about \$100,000 yet to go, so this \$10,000 contribution from the CDDO will go a long way toward getting us to our final goal.

And I think Colin did an excellent job of telling you it’s not just for the children. This is an entire family project. I know several months ago I had the opportunity to speak to an organization and there was a young woman there who was severely disabled. She had not been that way all of her life. She became disabled through an accident of some kind and she does not have children at this point, but she did tell me that she remembered playing on the playground when she was a child and she does hope, in the next few years, to have that opportunity to go to a playground with her children, so those are the things we don’t think about. I’ve learned a lot through this project, and as I say, it’s not just about the children, it’s about everybody and we just continue to appreciate your generous support of the project and we’re looking very, very forward to having it up and ready for play in the spring. Thank you.”

Chairman Sciortino said, “Commissioner Winters, you had a comment.”

Commissioner Winters said, “Well, just two quick things. One, Colin, thank you very much for explaining how this whole project of the boundless playground fits right in to the mission of the Sedgwick County Developmental Disability Organization, which you of course are very close to and I think there is a good fit. And it’s surprising . . . well, maybe not surprising but it’s heartwarming to see how many other organizations in the community believe that this boundless playground fits in their mission and what they need to be about, as we serve all the citizens.

And then just, Pat, to you and all the members of Sunrise Rotary, your club took on a huge project and you have done marvelous work with it and we’re really looking forward to that completion day, when the project is done and we’ll all see a great asset to the community, so thank you and your club.”

Ms. Gallagher said, “Your very welcome. It’s been our pleasure.”

Chairman Sciortino said, “Commissioner Burtnett.”

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Commissioner Burtnett said, “I just had a quick question to refresh my memory. I know we’ve had conversations about this boundless playground before, but how many are there in the U.S.? I know there’s very few of these and I think that’s a really big point to make.”

Ms. Gallagher said, “Well, the last official count that I had from the Boundless Organization, they were approximating 90. There are two states that are really pushing the initiative, Michigan through the Kellogg Foundation and the State of Florida, so those two states are leading the charge on the boundless playground construction. There is not another one in the State of Kansas. This will be the first.”

Commissioner Burtnett said, “Great. It’s a great project and I applaud you for all your work.”

Ms. Gallagher said, “Thank you.”

Chairman Sciortino said, “I don’t see that there’s any other questions or comments, so what’s the will of the Board on this item?”

MOTION

Commissioner Winters moved to approve the funding.

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 both very much. Next item please.”

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H. DIVISION OF PUBLIC SAFETY.

1. AGREEMENT WITH JAIME OEBERST, M.D. TO PROVIDE SERVICES AS DEPUTY MEDICAL EXAMINER/DEPUTY CORONER OF SEDGWICK COUNTY.

Mr. Bob Lamkey, Director, Division of Public Safety, greeted the Commissioners and said, “I stand before you today requesting approval of an agreement for services with Dr. Jaime Oeberst as our deputy coroner and deputy medical director. Dr. Oeberst current contract expires on January 9th. This agreement is for a two-year term with an automatic renewal for two additional years. The general terms and conditions are similar to her current contract. We’re providing some additional vacation in each of those increments. Her annual salary at the beginning of this period will be \$128,000. This is consistent with pay, benefits and terms accrued to peers with similar experience and similar duties in our general region, so I would ask that you approve the agreement and authorize the Chair to sign. If you have any questions, Dr. Oeberst is here today.”

Chairman Sciortino said, “Commissioners, any questions or comments? Seeing none, what’s the will of the board?”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Sciortino said, “I’m sorry Tom.”

Commissioner Winters said, “Well, I just would want to say, since Dr. Oeberst is here today, we

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certainly are very proud of the work of our Forensic Science Center. I was here at the very beginning of that project and we have come light years and we appreciate the efforts that all of the staff have made in that operation, so it's pretty routine for us to approve this agreement, but we certainly want you all to know that we appreciate your work a great deal. Thank you very much."

Chairman Sciortino said, "It's people like you that make Dr. Dudley look good. Thank you. Next item please."

DIVISION OF PUBLIC SAFETY- DEPT. OF CORRECTIONS

2. GRANT APPLICATION TO U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS' BUREAU OF JUSTICE ASSISTANCE FOR FUNDING OF A SEX OFFENDER MANAGEMENT PROGRAM.

Ms. Terri Patterson, Juvenile Field Services Administrator, Division of Public Safety, Department of Corrections, greeted the Commissioners and said, "Today I seek your approval to submit a grant application to the U.S. Department of Justice for funding to implement system improvements in the management of juvenile sex offenders in Sedgwick County.

Juvenile Field Services currently supervises 114 juvenile sex offenders in our intensive supervision and case management program. An average of 42 new cases are opened each year by law enforcement. In August of 2005, the department worked with local stakeholders and experts from the Center for Sex Offender Management in Washington D.C. to establish a multi-disciplinary team. The team received training and participated in planning to assess our current practices and needs.

This grant request is a result of that work and seeks to implement several recommended approaches to improve our local system. The specific process improvements will improve one formal assessment of the current handling of sex offenders via system mapping. Two, regular data collection gap analysis and reporting. Three, review and evaluation of information. Four, design and implementation of changes. When these activities have been completed, Sedgwick County will be better able to insure that the unique assessment, treatment and supervision needs of juvenile sex offenders are met.

This grant provides funding, ongoing technical assistance and a grant coordinator, one intensive supervision officer to reduce caseload sizes from 38 to 29 and a part-time surveillance officer to assist the intensive supervision officers.

The total amount requested includes in-kind support of \$108,649 from our staff and stakeholders

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and \$249,996 from the Justice Department for a total of \$358,645. If approved this grant will last 24 months beginning October 1st, 2007. I'd be happy to answer any questions."

Chairman Sciortino said, "We do have one at least. Commissioner Burtnett."

Commissioner Burtnett said, "Since this is a new grant, when would we know if we got the grant?"

Ms. Patterson said, "Probably October of 2007."

Commissioner Burtnett said, "Oh, okay. All right, thank you. That's all I had."

Chairman Sciortino said, "Okay. I see no other questions or comments. So commissioners, what's the will of the board on this item, H-2?"

MOTION

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

Commissioner 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

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Chairman Sciortino said, "Thank you so much. Next item."

I. AMENDMENT TO THE 2006 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE THE DESIGN PHASE OF CIP# B-444, BRIDGE OVER THE KANSAS TURNPIKE ON 143RD STREET EAST.

POWERPOINT PRESENTATION

Mr. Pete Giroux, Senior Management Analyst, Budget Department, greeted the Commissioners and said, "Public Works has requested a CIP amendment for the design phase of a project to replace a bridge on 143rd Street East that crosses over the Kansas Turnpike. This bridge is original to the turnpike, was constructed in approximately 1956 and as you probably noticed in the news, has required recent repairs and was recently posted for 25 tons a load.

Now here's the location of the bridge, just south of Central, there's, as illustrated earlier in the day, considerable growth in this area, as well as to the east and there of course is considerable traffic also from Kellogg up on 43rd [sic] . Here's a picture of the bridge, looking to the northeast.

Rather than KTA replacing the bridge deck, Public Works was interested in providing a longer term solution and they determined that perhaps a better solution would be replacing the existing two-lane bridge with a five-lane wide bridge that included a turn lane and that turn lane is needed, due to short distance at the north end of the bridge to the intersection and this picture illustrates that. It also illustrates the five-lane width on 143rd as well as on Central to a certain extent.

What allowed this CIP amendment to proceed was Public Works reaching an agreement with Kansas Turnpike Authority on cost sharing and we'll need to initiate the design and Mr. Spears advised me that the project has now been bumped back to 2009. But what we included in the CIP that you approve in August was 2008. Again, they're sharing equally in the design phase. For your information, here's what we had in the CIP and you'll note that the federal funding was going to provide the bulk of the construction costs.

Design cost is \$219,695 and our share will come from prior year monies that we'd placed in special highway so it's a good use of those funds. Kansas Turnpike Authority again will reimburse us for the design costs. CIP Committee recommends approval. Do you have any questions?"

Chairman Sciortino said, "Commissioner Unruh, you had a question or comment?"

Commissioner Unruh said, "Well, I'd just make a comment, Mr. Chairman and that is that this is

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really an important bridge in east Sedgwick County. It has been worked on for the last couple of years and been closed for a certain amount of time and there was some thought about just trying to replace it with a two-lane bridge. That's what it is now, but with the amount of traffic that it has out there and the amount of development that's occurring, a lot of people from Kellogg Street are using that mile of road now, so we really need a bridge that's designed with four-lanes wide to carry traffic and that turn lane so I'm going to be very support of it. I'm glad that we are able to jump through the hoops necessary to get this in our CIP and to get partners on board who are helpful.

I know that the City of Wichita will be one beneficiary of this, because I believe they have property on both sides of the road out there, but I'm just glad that we've got partner on board to go ahead and get it done. It's needed now, so I'd urge your support. That's all I had, Mr. Chair."

Chairman Sciortino said, "Okay, I don't see that there's any other questions or comments. So what's the will of the board on Item J-1?"

MOTION

Commissioner Unruh moved to approve the CIP amendment.

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 please. This goes right along with Item J-1 doesn't it?"

J. PUBLIC WORKS.

1. AGREEMENT WITH KANSAS TURNPIKE AUTHORITY FOR

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CONSTRUCTION OF A BRIDGE ON 143RD STREET EAST OVER THE KANSAS TURNPIKE. DISTRICT #1.

Mr. Spears said, “Yes, sir. Let me give you a brief description of the background information on this project. Last December, almost a year ago, the deck of the bridge over the Turnpike on 143rd Street East began crumbling and pieces of concrete began falling on the Turnpike. You might recall some articles in the newspaper about it and some excitement at that time and from that point, discussions ensued about a new bridge. Since a bridge can last fifty years, and by the way the one that’s there now is 50 years old, and 143rd Street will become a major arterial in that timeframe, it makes sense to design and construct a five-lane bridge at that location, four lanes and a turn lane.

This bridge is located inside the urban boundary and is eligible for urban funding. Staff has worked hard and has been successful in adding this project to the Transportation Improvement Plan and obtaining federal funds for construction in 2009.

The agreement before you today between Sedgwick County and the KTA has been approved by the KTA. Essentially, the bottom line is that federal funds will pay for 80% of the construction and the KTA and Sedgwick County will each pay one-half of the remaining project costs. In terms of dollars, the total dollars for the project and this includes our estimates for everything, right-of-way, utility relocation, construction, inspection and the whole nine yards, the total will be \$3,751,100. Federal funds will take care of \$2,760,00 of that. Then the KTA and Sedgwick County will be responsible for \$495,550 each. I recommend that you approve the agreement and authorize the Chairman to sign.”

Chairman Sciortino said, “Thank you. Any questions or comments of Dave?”

Commissioner Unruh said, “I don’t have any Mr. Chair.”

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

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

Chairman Sciortino said, “Next item please and just before we leave, Commissioner Winters did announce at the beginning of the meeting that he had a doctor’s appointment that he had to attend, so that’s why he’s leaving the meeting early, just to let you know that. Okay, next item.”

Commissioner Winters left the meeting room at 10:30.

2. AGREEMENT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A. FOR DESIGN OF A BRIDGE ON 143RD STREET EAST OVER THE KANSAS TURNPIKE. DISTRICT #1.

Mr. Spears said, “Item J-2 is a design contract between Professional Engineering Consultants and Sedgwick County for the bridge on 143rd Street East over the Turnpike. The total cost will be \$219,695 to be shared equally by Sedgwick County and the KTA. Sedgwick County will be the administrator of this project. I recommend that you approve the agreement and authorize the Chairman to sign.”

Chairman Sciortino said, “Thank you. Commissioners, any questions or comments on this item?”

MOTION

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

Commissioner Burtnett seconded the motion.

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

VOTE

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

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

K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF NOVEMBER 30, 2006.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of November 30th results in five items for consideration today.

1) CHANGE ORDER #4- A & E SERVICES FOR THE DOWNTOWN ARENA-FACILITY PROJECT SERVICES

The first item is change order number four for the architectural and engineering services for the downtown arena for Facility Project Services. The recommendation is to accept the change order with Wilson, Darnell Mann for a not to exceed cost of \$7,500.

**2) TIRES- FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

Item two is tires for Fleet Management. Recommendation is to accept the low complete bid for group one from Becker Tire of Wichita, low complete bid meeting requirements for groups two and three from Karl's Tire and the low bid for group four from Tire Center LLC to establish and execute contract pricing for two years, with three one-year options to renew.

**3) PETERBILT PARTS- FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

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Item three, Peterbilt parts for Fleet Management. Recommendation is the low bid from Kansas City Peterbilt Incorporated to execute a two-year contract, with three additional one-year options to renew.

**4) TRACTOR PARTS- FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT**

Item four, tractor parts for Fleet Management. Recommendation is to accept the low bid from S & H Farm Supply and execute a two year contract, with three additional one-year options to renew.

**5) KANSAS COLISEUM PAVILION IMPROVEMENTS- FACILITIES
DEPARTMENT
FUNDING: SPECIAL SALES TAX**

And item five, Kansas Coliseum pavilion improvements for Facilities Department. And the recommendation is to accept the low bid from Simpson and Associates for \$4,367,300.

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

Chairman Sciortino said, “Thank you, Iris. I don’t see that there’s any questions or comments. Oh excuse me, we do have one. Commissioner Norton.”

Commissioner Norton said, “On item number one, I know it’s small dollars, but I don’t understand the change order. I mean, it’s for watercolor renderings of the interior of the downtown arena for marketing purposes. I mean, that doesn’t make sense to me. If we’re already getting watercolors, why we can’t take them to a Kinko’s and run copies for marketing, instead of paying \$1,200 for watercolors, it doesn’t make sense to me.”

Ms. Stephanie Knebel, Project Manager, Facilities Department, greeted the Commissioners and said, “These specific watercolor renderings were requested and recommended by our group, the Superlative Group, that’s helping us with premium seat marketing and selling, selling those to the community. Their recommendation, plus knowing that the 3-D graphics that have been produced by Wilson, Darnell, Mann don’t adequately capture those spaces, led us to believe that the best way

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to market these premium suites and to provide the best kind of picture that we could create and then present to the community led us to believe that this was the best method to get that information out and distribute it publicly and for selling purposes.”

Chairman Sciortino said, “Did we look at any other alternative ways to get this out? You said it was the best. Was there good and better also presented?”

Ms. Knebel said, “Well, the other options that are out there is just a computer graphic 3-D that we’ve seen, but that didn’t portray the depth and dimension that we need to sell these high-dollar spaces to the public, and that was about the only other options. There were two options that we looked at.”

Chairman Sciortino said, “Okay.”

Commissioner Norton said, “I’ll probably vote for it, but it just seems like it’s extra expenditure that I don’t know that we need to layer into the cost of the arena, and it’s small change.”

Chairman Sciortino said, “Commissioner Burtnett.”

Commissioner Burtnett said, “On item number five, for the Kansas Coliseum pavilion improvements, is this number everything that was anticipated for all the improvements, or is this just the beginning of . . .?”

Ms. Knebel said, “Yeah, it’s all the improvements that we briefed you on. It’s the interior of Pavilion I and II, the connecting link and then the construction of the new show arena.”

Commissioner Burtnett said, “Okay, well it’s kind of nice to see this getting started. I’m sure there’s a lot of people excited. What is the estimated time for us to start on this?”

Ms. Knebel said, “Well as soon as sign contract documents with the contractor, we’ll be starting to produce shop drawings and ordering the long lead items for that. There was a time-certain for completion of this work and that will be the first of September next year.”

Commissioner Burtnett said, “Okay, thank you. That’s all I had.”

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

Commissioner Unruh said, “Thank you, Mr. Chairman. Well I had two comments. One I guess on what Commissioner Norton brought up and I guess I’d just say I just see that as an expense I wish we didn’t have to have, but it appears like it’s a business decision to achieve the best results.

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It's just part of the strategy to get where we want to be at the end and if the experts we've hired to help us market that say this is what we need, then I'm going to be supportive of that.

But my question then would be for Iris, about the tires. It says that we're currently using Michelin and Goodyear and now many of these that we're going to be replacing with a different brand. The information indicates that these meet the same specifications. However, we will monitor that because there's a difference between tires and then a lot of it depends on how people are using them, so I just wanted to make sure we're going to be watching and see the performance of the different brand."

Ms. Baker said, "Very carefully we will be monitoring that."

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

Chairman Sciortino said, "Okay Commissioners, I don't see that there's any other questions or comments. So what's the will of the Board on the report of bids and contracts?"

MOTION

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

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	Absent
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

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

L. DIVISION OF FINANCE.

- 1. RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$5,110,000 PRINCIPAL AMOUNT OF GENERAL**

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OBLIGATION BONDS, SERIES A, 2006.

2. RESOLUTION AUTHORIZING SEDGWICK COUNTY TO ENTER INTO A SUPPLEMENTAL BASE LEASE WITH THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION.

Mr. Buchanan said, "We're not prepared to bring this issue to you yet. People are upstairs calculating, received the bids, they're upstairs calculating. If necessary . . ."

Chairman Sciortino said, "Can we just defer this, because I know we also have an executive session. Maybe they'd be ready if we just recess and maybe they'll be ready then."

Mr. Buchanan said, "That would be my recommendation, to just move on and then come back."

Chairman Sciortino said, "Do we have to have a motion to defer?"

Mr. Euson said, "I think you can just go on to the next item."

Chairman Sciortino said, "Okay, next item please."

CONSENT AGENDA

M. CONSENT AGENDA.

- 1. Amendment #1 to Lease with Unified School District (USD) No. 259 for space used by the Health Department for its Women, Infants and Children (WIC) program located at 2820 South Roosevelt, Wichita.**
- 2. Amendment #1 to Lease with USD 259 for space used by the Health Department for its WIC program located at 1749 South Martinson, Wichita.**
- 3. Easements.**
 - a. Easement for Right-of-Way for Sedgwick County Project 640-25, 87th Street South between Broadway and Meridian. District #2.**
 - b. Easement for Right-of-Way for Sedgwick County Project 622-803, intersection of 135th Street West and US 54. CIP# R-313. District #3.**
- 4. Waiver of policy to hire a Purchasing Agent at step 8.**

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5. **Payroll Check Register of December 1, 2006.**
6. **General Bills Check Register(s) for the week of November 29 – December 5, 2006.**

Mr. Buchanan 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	Absent
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thank you. Commissioners, why don’t we take up ‘other’ right now, not knowing . . . or do you want to do that after we get back from Executive Session?”

Mr. Buchanan said, “Let me provide you some additional information I just received. They will be prepared by 11:15.”

Chairman Sciortino said, “Okay, so we might want to have a longer Executive Session, or a real long ‘other’ section.”

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Commissioner Burtnett said, "It will take more than 15 minutes."

Chairman Sciortino said, "Well, okay. Why don't we discuss 'other'. Is there anything else to come before 'other' right now? Commissioner Norton, nothing going on at Exploration Place?"

N. OTHER

Commissioner Norton said, "There's plenty going on, but I don't have a report."

Chairman Sciortino said, "Okay. How about the zoo?"

Commissioner Unruh said, "The zoo is a wonderful place. I don't have anything to report. I've been a sick puppy the last few days."

Chairman Sciortino said, "So have I, whatever is going around is going around. Okay, well, why don't we take up the executive session."

MOTION

Commissioner Burtnett moved to recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation, legal advice and preliminary discussions relating to the acquisition of real property for public purposes and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:55 a.m.

Commissioner Unruh said, "That would be right, but if we're not going to have the next agenda item until 11:15, should we make that 'not return until 11:15'? I mean, which will be better?"

Mr. Euson said, "Well, the session will probably take more than 15 minutes, but we're not sure. I depends on questions. You can always come back . . . but you have to come back to this room and when you do that, you can . . ."

Chairman Sciortino said, "We can recess until 11:15, so we'll just keep it to 10:55 and see what happens. Okay, that's the Motion. Is there a second?"

Commissioner Unruh seconded the motion.

VOTE

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

Chairman Sciortino said, “We are now recessed into Executive Session.”

The Board of Sedgwick County Commissioners recessed into Executive Session at 10:40 a.m. and returned at 11:20 a.m.

Chairman Sciortino said, “Okay, for the record we’re back from Executive Session and no binding action was taken while we were in Executive Session.

So now we’re returning back to the regular meeting and I think we want to refer back to Item L-1.”

L. DIVISION OF FINANCE.

- 1. RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$5,110,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES A, 2006.**

POWERPOINT PRESENTATION

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, “We’ve completed the sale of general obligation bonds. You’ll recall that we were requesting bids for \$5,110,000 of general obligation bonds and that was intended to pay for a road project, 13th Street widening on the east side of the county and that was a little over \$4,000,000 and in addition, we had roughly \$1,000,000 in the issue sizes for special assessment projects that you have previously approved.

The good news is that because of market conditions and very competitive bidding, we were able to reduce the issue size by approximately \$65,000. We received a total of seven bids for that transaction. One of those bids was withdrawn because the bidder made some errors in the way they submitted their bid. And that, as it was submitted, was the low bid and so it was our option to either require them to honor the bid or to allow them to withdraw and as it Harris Bank, which is a bank that we’ve done business with a number of times over the years, and they have been good to us, and so we allowed them to withdraw that bid.

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As a result, the successful bidder, the bidder we are recommending, is Stifel and Company and I think now we have a presentation here that magically appeared. And you can see here what those bids were. As I said, Harris Bank, which appears on this slide at the bottom, gave us a bid that had errors in it and we allowed them to withdraw that bid and that results in Stifel Nicolaus being the winning bidder at a true interest cost of 3.82%, which is very favorable to the market. You can see here the other bids that we received and the range of those bids was fairly tight, which is what you expect to see in a competitive marketplace.

Now I will go back and cover the rest of the presentation that I skipped over when I didn't have it in front of me. You know that we have received very favorable bond ratings in the past and those ratings were reaffirmed for this issue. You can see them on the slide here and I would like our financial advisory, Dave McGilvray from Springsted & Company to talk to you about what the rating analysts had to say about Sedgwick County because that very heavily influences the rates that we pay and the success that we have in our financing.”

POWERPOINT PRESENTATION

Mr. Dave McGilvray, Financial Advisor, Springsted & Company, greeted the commissioners and said, “The country has three rating from each of the three major rating agencies, Fitch, Moody’s and Standard and Poor’s. The Fitch rating is a triple-A, the highest approximately 70 local government nationally have triple-A rating among all the three agencies. Moody’s and a AA-1. Standard and Poor’s a AA+ and their coding system, the Moody’s rating and the Standard and Poor’s rating are the same, so one uses a 1, another uses a +, etcetera.

When we look at an entities credit rating, we look generally at four factors. Certainly the debt position, financial position, socio-economics and management and we have taken excerpts, using their words from each of the agencies and they were fairly consistent, though each agency sometimes has a little different flavoring for their comments. The Fitch, ‘county management practices are superior, due to long-term financial and capital planning’ and I want to come back to the word ‘planning’. Second, ‘strong economic information system, sound fund balance and debt affordability policies’. I’ll come back to ‘policies’ but in the last number of years, particularly because of state budget issues that often translate into local government issues, they spent a lot of time with the general fund and the money in the bank, the fund balance. ‘Low direct debt’, that’s

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your own debt levels, and 'continued development of the service sector' and when I talked about socio-economics, you know historically in this area it's been aircraft manufacturing and I think a lot of what's the decision with rating agencies is diversification of the tax base beyond aircraft manufacturing, though there are some good things that Chris and his staff mentioned in the rating processes of the rating agencies, relative to aircraft manufacturing in this last go around.

Moody's, much the same, 'fiscal policies, financial operations, diversify the tax base'. When it says 'overall debt burden, above average', that's when you include all the underlying entities, school districts, cities, etcetera so we talked about low direct debt, which is yours but higher overall, which includes the underlying entitie.

And then Standard and Poor's, here again I do want to note, in the second item on Standard and Poor's it talks about 'management practices are considered strong' and really that strong should be capitalized and in brackets, because Standard and Poor's just introduced nationally what's called financial management assessment, which is a rating of the financial management of the issuer, both in terms of the financial staff, the decision making and overall management and there are four categories and the highest category is strong, so the county received the highest category is strong, so the county received the highest possible rating from Standard and Poor's of financial management assessments. This is newly introduced and, you know, it's fairly significant. The other ratings, in case you here them elsewhere are good, standard and vulnerable. So not a lot of county boards like to heard vulnerable when it comes to financial management, but yours is strong, yours is the highest. I think you should all take pride in that. Do you want to take any questions on the rating?"

Chairman Sciortino said, "Yes."

Commissioner Unruh said, "The debt practices of the underlying entities influences our debt rating, or our bond ratings."

Mr. McGilvray said, "Yes. In one sense, you can boil down the rating to ultimately on a general obligation, it's a full faith and credit of property taxing authority, so it's the tax base, individual tax bills, etcetera, that asset versus a liability, which is the debt placed on them by counties, cities, school districts and other special entities."

Commissioner Unruh said, "All right. Well it just seems we can work very hard to do a good job with ours and we can still have some negative influence by other entities."

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Mr. McGilvray said, "Yes."

Commissioner Unruh said, "All right, thank you. That's all, clarification, thank you."

Chairman Sciortino said, "Any other questions?"

Mr. Chronis said, "Whenever we sell general obligation bonds, we show you this slide, which is intended to indicate in one sense the advantage of our high bond rating. What you see on this slide, on the blue line, is the index for general obligation bonds, 20-year general obligation bonds, across a time period dating back to a time period of 1996. And you can see that those rates typically have ranged somewhere from a high of a little over 6% to a low of a little over 4%. The red square, the little red dots below that line, consistently below that line, are the sale events for Sedgwick County general obligation bonds and you can see that because of our favorable rating, we have consistently been able to market our bonds, to sell our bonds for less than the industry norm at that point in time and that is proof again today. The index as of today or yesterday, the most recent report, is 4.04%. The bonds that we are proposing to sell today have a true interest cost of 3.82%, so once again we're below the market and we're very pleased with that result."

The formal action that is before you pertains to the adoption of a bond resolution, which sets the terms of the sale and authorizes the sale to the successful bidder. Joe Norton, our bond counsel from Gilmore and Bell is also in the audience and I'd like him to speak to the terms of the bond resolution and answer any questions you have about that document.

Mr. Joe Norton, Bond Counsel, Gilmore & Bell P.C., greeted the Commissioners and said, "Thanks, Chris. As Chris indicated earlier, the draft of the bond resolution that we've prepared and the county counselor approved that was in your packet will be modified to reflect today's sale. Typically we just insert the interest rates and the winning bidder and that's the end of it and we're down here early in the day."

One of the things that was a good structuring issue that happened in the bond sale documents is that we provided that the county had the ability to adjust the interest, the actual principal amount of the bonds based on the marketplace and the bids received, so we had allowed an amount for an

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underwriter's discount, in anticipation of giving flexibility. What happened was, in the market, that the underwriters that bid, bid substantially lower but on discount or compensation than we had estimated. And secondly, actually gave the county a premium in dollars, in order to enhance their bids. They only bid the favorable rates we talked about, they gave the county on top that, just to sweeten their bid.

And so as a result of that, we were able to lower the issue size by \$45,000, so 45,000 plus the associated interest rates over the next 20 years just went in your pocket today, as a result of the way the transaction was structured, so Chris and Dave, and everybody involved did a good job there. That's just dollar savings that you wouldn't have had otherwise and that was one of the primary reasons we were a little late getting down here today. We had to totally restructure the transaction and work with the underwriters on that. So basically, those are the changes that will be made to the resolution which you will consider today. The basic structure again is what Chris outlined. We have the normal redemption features and your typical document you have approved in the past, so I would stand for any questions you may have about the resolution and if not, I guess the recommended action is to adopt that resolution and award the bids to Stifel Nicolaus on the base of the presentation today."

Chairman Sciortino said, "Commissioners, any questions? I don't see any, so what's the will of the Board?"

MOTION

Commissioner Unruh moved to award the sale of Bonds to the best bidder, and adopt the Resolution.

Commissioner Burtnett seconded the motion.

Chairman Sciortino said, "We have a motion and a second. Any further comments?"

Commissioner Unruh said, "I would make a comment, Mr. Chairman. I just appreciate the outstanding work that was done and the fact that we got such an outstanding bid and the fact that we actually got some premium back is really good work, we appreciate that, to the benefit of

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Sedgwick County citizens and I won't make any flippant comments about great to have that extra money at Christmastime, because we don't use it that way, but this is all to the benefit of our citizens and we're proud of the work that you all have done."

Chairman Sciortino said, "Okay, we have a motion made and seconded. Clerk, call the roll."

VOTE

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

Chairman Sciortino said, "Next item."

2. RESOLUTION AUTHORIZING SEDGWICK COUNTY TO ENTER INTO A SUPPLEMENTAL BASE LEASE WITH THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION.

Mr. Chronis said, "Commissioners, the second bond sale that we conducted today again was one that you had previously taken action on. It pertains to the second phase of the juvenile detention complex and you'll recall that what we are financing in this bond issue is the construction of a new juvenile court building and a portion of the costs of the renovation of the existing juvenile court building to serve as office space for the staff of the District Attorney that works with juveniles.

We received four bids for those bonds and the successful bidder, low bidder was A.G. Edwards and Sons, which gave us a true interest cost on those bonds, and incidentally the amount of bonds that we're talking about is \$15,445,000 and the lowest interest rate proposed by . . . or true interest cost proposed by A.G. Edwards and Sons was 3.95%. The other three bids ranged from 4.015% to 4.075% and so once again there is a fairly tight spread among the bidders, which is what you expect to see in these kinds of transactions when they're sold competitively.

The actions that are before you pertain to leases that you will execute with the Public Building

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Commission, which is the issuer of these bonds. These leases obligate Sedgwick County to pay the Public Building Commission annual rents that will equal the debt service that the PBC must pay on these bonds. In just a little bit, the Public Building Commission is scheduled to meet and they will also adopt the leases, execute the leases and they will award the winning bid to the successful bidder.

We have in the audience Sarah Steele from Gilmore and Bell who has served as the counsel to the Public Building Commission on this transaction and I would ask her to come up and address any questions you might have about the lease. Again, there are two leases, a base lease and a supplemental lease and that is a technical issue that you probably don't want to talk about too much. I don't, but Sarah will be happy to answer any questions that you have about those lease transactions. If you had no questions, then I would recommend that you approve the leases as they've been presented to you."

Chairman Sciortino said, "Commissioners, do you have any questions of this young lady? I don't think we have any questions, so what's the will of the board on this item?"

MOTION

Commissioner Unruh moved to adopt the Resolution.

Commissioner Burnett seconded the motion.

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

VOTE

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

Chairman Sciortino said, "Thank you. Anything else, Chris? Okay. Is there anything else to come before this board at this time, Mr. Manager? Mr. Chronis? Mr. Euson? Meeting is

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adjourned.”

O. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:39 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:

Regular Meeting, December 6, 2006

Don Brace, County Clerk

APPROVED:

_____, 2006