

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

### **REGULAR MEETING**

**January 24, 2007**

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, January 24, 2007 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Thomas G. Winters; Commissioner Tim R. Norton; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Don Brace, County Clerk; Ms. Valerie Powers, Area on Aging; Mr. John Schlegel, MAPD; Ms. Pamela Martin, Director, Clinical Services; Mr. Timothy Rohrig, Director, Forensic Science Laboratories, Regional Forensic Science Center; Mr. Ron Holt, Assistant County Manager; Mr. Gary Curmode, Fire Chief, Fire Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Evelyn Good, Deputy County Clerk.

#### **GUESTS:**

Pastor Cathy Northrup, First Presbyterian Church, Wichita  
Ms. Jessie Anderson, Senior, Derby High School  
Mr. Marcus McNeal, Sophomore, Heights High School  
Ms. Frances E. Kentling  
Ms. Sheryl C. Shoenebeck

#### **INVOCATION**

The Invocation was led by Pastor Cathy Northrup of First Presbyterian Church, Wichita.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES:**

Regular Meeting, January 3, 2007  
Regular Meeting, January 10, 2007

The Clerk reported that Commissioner Parks and Commissioner Welshimer were not in office and Chairman Unruh was absent at the Regular Meeting of January 3<sup>rd</sup>, 2007 and that all Commissioners were present at the Regular Meeting January 10<sup>th</sup>, 2007.

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**Chairman Unruh** said, “Commissioners, you had opportunity to review those minutes, but we should probably take the January 3<sup>rd</sup> meeting, take these separately, so do we have any additions or corrections?”

**MOTION**

Commissioner Winters moved to approve the minutes of the Regular Meeting of January 3, 2007.

Commissioner Norton seconded the motion.

**Commissioner Norton** said, “I know we had two people not seated yet, we had two people that had since departed, how do we get a quorum to....”

**Chairman Unruh** said, “I asked the Counselor about that earlier, Rich, would you respond?”

**Mr. Rich Euson**, County Counselor greeted the Commissioners and said, “Commissioner Norton, the abstentions will count, so even though you only have two persons at the meeting, you do have a quorum at this meeting. And so the abstentions will count, and if you approve the minutes by two of you that are here, it will be approved.”

**Commissioner Norton** said, “Okay. I already knew the answer, but I thought it would be important that if people thought there was only two people, how you do that. Thank you.”

**Chairman Unruh** said, “Alright, it’s all parliamentary legal. Madam clerk, please call the vote.”

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Abstain
Commissioner Welshimer	Abstain
Chairman Unruh	Abstain

**Chairman Unruh** said, “And now Commissioners, you’ve been able to review the January 10<sup>th</sup> meeting, so any addition or corrections to those minutes?”

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**MOTION**

Commissioner Welshimer moved to approve the Minutes of the Regular Meeting of January 10<sup>th</sup>, 2007.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "I think at this time, Commissioners, we should take an Off Agenda item."

**MOTION**

Commissioner Winters moved to take an Off Agenda item concerning appointments.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Mr. Euson, we have some appointments?"

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**Mr. Euson** said, “Yes sir. We first have appointments to the Sheriff’s Civil Service Board, and the first Resolution before you is a Resolution to appoint Frances Kentling to the Board. This will be for a term to end in January, 2010. And I recommend that you adopt the Resolution.”

**Chairman Unruh** said, “Thank you.”

**MOTION**

Chairman Unruh moved to adopt the Resolution.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And County Clerk, Don Brace, is here to swear in Ms. Kentling.”

**Mr. Don Brace**, County Clerk greeted the Commissioners and said, “We can do them both at one time if you desire, or we can do them separately. It’s up to you.”

**Chairman Unruh** said, “If that’s okay, well then, we will take the next appointment.”

**Mr. Euson** said, “Mr. Chairman, that is a Resolution to appoint Sheryl Schoenbeck to the Sheriff’s Civil Service Board for a term to end in January, 2009. These are staggered terms on that Board. And I recommend that you adopt that Resolution.”

**MOTION**

Commissioner Parks moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Alright, now, County Clerk, Don Brace, if you would...."

**Mr. Brace** said, "Please raise your right hand."

*"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, do faithfully discharge the office of Sedgwick County Sheriff's Civil Service Board so help me God."*

**Ms. Frances E. Kentling** and **Ms. Sheryl C. Schoenbeck** said, "I do."

**Mr. Brace** said, "Congratulations."

**Chairman Unruh** said, "If either of you would like to speak, we would be happy to hear your comments."

**Ms. Kentling** said, "As I told you earlier Chairman, I am very, very pleased to be asked to serve on this, I think it is important that we give back to our community. And I am grateful for this opportunity to do that. Thank you"

**Ms. Shoenbeck** said, "Likewise. I appreciate the opportunity to help however I can, thank you."

**Chairman Unruh** said, "Well we thank both of you very much for your willingness to serve. We know that this is a commitment of time and energy and you have to do a little bit of homework to get yourself prepared for this, but we appreciate your willingness to serve. Thank you very much. Alright Madam Clerk, we are ready to return to our regular agenda, would you please....."

**Mr. Euson** said, "Mr. Chairman....."

**Mr. Brace** said, "We've got two others."

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**Chairman Unruh** said, "I'm sorry. I beg your pardon. I should turn the page over and pay attention. More appointments, alright."

**Mr. Euson** said, "Yes, we do have appointments. And these are two separate Resolutions, which we can take at the same time. The first Resolution is a Resolution that would appoint Tad Mayhall and Bradley Hawthorne to the Sales Tax Oversight Committee, these are appointments recommended by Commissioner Welshimer. And the second Resolution will appoint Max Wedel to that same board and that is Commissioner Parks' appointment. And I recommend that we adopt both of these Resolutions."

**Chairman Unruh** said, "Alright, Commissioners, you've heard the recommendation. What's the will of the Board?"

**MOTION**

Commissioner Welshimer moved to adopt the Resolutions.

Commissioner Parks seconded the motion.

**Chairman Unruh** said "Alright, thank you. Is there any discussion on this? This motion then includes all three of these appointments?"

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

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Commissioner Norton has a comment here."

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**Commissioner Norton** said, "I don't know exactly who these appointments replace, but I'd like to make sure that we send some kind of acknowledgement to those that have already served and are being replaced that they got us off to a good start and we acknowledge that they worked on that committee and helped us through the first phase of it. I'm not even sure who the new appointments replaced, but I think we need to acknowledge that there were people that served on that committee for well over a year, just to get us started."

**Chairman Unruh** said, "Thank you Commissioner. And we will act on that recommendation and make an expression of gratitude, thank you. These individuals here, it's not a position that they need to be sworn in, is that correct?"

**Mr. Euson** said, "They should be sworn in at some time. If there are present, they can be sworn in before they actually take their seat on that board."

**Chairman Unruh** said, "Alright, but these individuals are not present here today?"

**Mr. Euson** said, "No."

**Chairman Unruh** said, "You'll follow up with that? Thank you. Now I believe we are ready to return to our regular agenda and Madam Clerk will you call the next item?"

### **PRESENTATION**

#### **A. PRESENTATION REGARDING WICHITA'S PROMISE YOUTH COUNCIL.**

**Ms. Jessie Anderson**, Senior, Derby High School, greeted the Commissioners and said, "Good morning. My name is Jessie Anderson and I am the Vice-President of Wichita's Promise Youth Council. Mostly during the presentation I will be referring to it at WPYC. I might say it a little fast because I am used to saying it a lot, but that's what I mean, Wichita's Promise Youth Council. That's Marcus McNeil, he is a general a member on the council this year. I am a senior at Derby High School and he is a sophomore at Heights High School. We're glad to be here today. We're just going to give you a little history of who we are, because I don't know if you guys even know who we are or what we do. So we are just going to go through pretty much who we are and what we do.

We were formed in 1997 from a group called America's Promise, which is a national organization. This went from a small group of teens in the Sedgwick County area and we pretty much work to get the youth voice of our county heard, to people such as yourselves.

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Our structure, we have a president and a vice-president and an executive committee of four people that chair committees and we are all completely youth led. We do have two sponsors, but we make our own decisions, do our own research and carry out all of our own projects.

We form our committees from our survey called “Action”, which stands for Adolescence Coming Together to Inform Others of our Needs, kind of long. We handed you out an Action packet, which was our last survey that we conducted last year. The first Action survey was held in 1998, it’s strictly a survey of Sedgwick County teens to know, because needs are different in every county, state and country. It’s conducted every three years and the first year we only surveyed 250 youth and throughout sixteen different organizations and since then, last year we actually surveyed 1,000 teens in our county and from 25 different organizations.

From the top five concerns from the Action packet, that is how we get our committees and Marcus is going to talk about our committees.”

**Mr. Marcus McNeal**, Sophomore, Heights High School, greeted the Commissioners and said, “In 2006 our top five concerns were:

1. Drugs
2. Teen Sex
3. Alcohol
4. Teen pregnancy
5. Suicide

From those concerns we formed DAPC, which stands for Drug Abuse Prevention Committee. And the DACP, they put on a program called “Junior Jump Start” every year, and they have done it since 1998. It is a daylong leadership retreat for middle-school kids that teaches them leadership skills, gets them prepared for high school and teaches them how to make smart decisions.

Our second, TSTP, which is our “Teen Sex, Teen Pregnancy” committee, it’s actually about to put out a magazine called “IT” and it teaches teens about sex and its impact on life and everything.

The next one is suicide-awareness, and it’s also called SA. We want to put on an art show to raise funds for later suicide-awareness events. It’s an art show and it’s going to have high school students in it, it’s going to be good.

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Our fourth committee, "Hands on Wichita", is formed because we felt we need to give back to the community. "Hands on Wichita" is the committee that does community service around Wichita. This year will be our third consecutive year of doing it and during "Hands on Wichita" we clean up parks and schools, well last year we cleaned up parks and schools. This year we're just focusing on schools in Wichita, USD 259 schools."

**Ms. Anderson** said, "Those concerns are actually on page 17, those top 21 concerns are on there, but we really focus on the top five. We want to let you know that we represent the whole community and the whole county. We have schools from the USD 259 district, such as Heights and Southeast, to just name a few. And we also represent Derby, Maize and Collegiate and other schools, not only in the USD 259 district.

We have several upcoming projects and we would really love your support. We have our "Suicide Awareness" art show, which is Friday, February 29<sup>th</sup> at 7:00 at the Riverside Park. And then our "IT" magazine is coming out May 5, 2007 and then "Hands on Wichita" is going to be April 21<sup>st</sup>, on a Saturday.

So we would really love you guys to come out and support us, like in person, but if you can't we would really like financial support because we are a non-profit organization. Thank you guys very much for your time, if you have any questions, I will be glad to answer them."

**Chairman Unruh** said, "Okay, thank you. Well we do have some comments and I don't know who was first here. I think Commissioner Parks."

**Commissioner Parks** said, "Thank you, I just wanted to ask if you also, kind of cooperate with Hope Street or have you done anything with them?"

**Ms. Anderson** said, "Since I've been on the council, in the past we've tried to do things together, but we have never actually...he's also on Hope Street."

**Commissioner Parks** said, "I know Heights is a little bit active in that too, so, in my district. I would ask that you e-mail us, go to the County website and e-mail us with those dates so that we can make sure to make those. And good job."

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

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**Commissioner Winters** said, “Well I just wanted to thank you both for coming and sharing with us today. I know that we’ve had other young people in the past, but I think it is so important that, we get often, as where we are in our position, bogged down with thinking about all the problems that we have with young people and so it’s really just so pleasing to see people like Jessie and Marcus, who are out leading the way. And I think you probably have a lot more influence with your peers than you will ever think you know about. And just keep up the good work because I think there are a lot of people involved in things like the Wichita’s Promise that are just doing excellent work, so I commend you. I think we all commend you for coming today and you are always welcome to come back for a visit with County Commissioners. Thank you.”

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

**Commissioner Norton** said, “Well I know that the Youth Promise works on so many other things that are not kind of negative, that you do so many other positive volunteer kinds of things. It’s interesting that you’ve picked, done a survey, and kind of picked five pretty negative things in our community and all those fall within the guidelines of things that we worry about all the time. Not only at the youth level, but certainly at the adult level, I mean if you talk about drugs and alcohol, so many of the people that are incarcerated in our adult detention center get there because they have some kind of drug , alcohol or abuse problem.

The idea that youth are focusing on that long before it gets to be a problem within the adult incarceration is really exciting for us, as we struggle with our jail getting too over-populated. We’ve often found out that getting upstream with prevention and talking about it and understanding it, is important for our community. Truthfully, it’s not important that adults lecture youth about it, but that youth understand it themselves and with their peers, talk about it, understand that it’s an issue, that it’s problematic that it hurts their peer group, and your trying to fix it. I really appreciate that because parents and adults telling young people how to run their lives don’t always work. Them figuring it out for themselves is much more powerful and I appreciate that. And then if you look at suicide, I mean we spend a lot of time talking about suicide-prevention and mental health and how we keep young people from taking that action and certainly adults too.

Great job, I really appreciate what you are doing. Those are pretty powerful, negative issues for young people to have to deal with and I’m certainly proud that you’re taking it on, you’re trying to get your peers involved in the discussion, that you understand that it hurts your own peer group and that you’re trying to fix it. Thank you.”

**Chairman Unruh** said, “Thank you. Commissioner Welshimer?”

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**Commissioner Welshimer** said, “Well, thank you for caring and doing this, I think it’s wonderful. I agree with everything the Commissioners have said and are very proud of you. Thank you.”

**Chairman Unruh** said, “Thank you. Well, I just want to echo what’s been said, I don’t know how to add much to it except that you two are great examples of what we want our young people to be and appreciate your willingness to take the initiative and become involved in these issues and trying to help your classmates and build our community into a better place. Thank you very much and I know it takes a lot of courage to come up here and talk to a bunch of folks like us, but you guys did a great job, thanks for coming.”

**Ms. Anderson** said, “Thank you very much.”

**Chairman Unruh** said, “Madam Clerk, please call the next item.”

### **NEW BUSINESS**

#### **B. PRESENTATION REGARDING GAMING**

##### **POWERPOINT PRESENTATION**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “A couple of weeks ago you suggested that we re-examine the issue of gaming and how Sedgwick County might enter into this issue again. I have prepared for you a written memorandum regarding the issues of gaming and some recommendations. And this power point will reiterate what is in that memorandum.

For a little background, in August, 2005, Representative Gilmore requested that Sedgwick County have a vote that requests that a destination casino be in Sedgwick County. And a couple of weeks after that, Representative Landwehr and Senator Wagle came before this body suggesting that it was not a local issue, that we didn’t have a say in this issue and they encourage us to only have a vote after the state legislature dealt with the issue. Their opinion was that it was a state legislature issue and not a local one.

In the meantime, we tried to take a look at what happened around the state on these advisory votes and see that there was a lot of activity in ’05 and ’06. And you can see the results of those non-binding referendum in those counties.

There are several gaming options for the State of Kansas and for local governments. The first

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one is having gaming on an Indian Reservation. That's not an option here, since there are no reservations within Sedgwick County. It's the most common, but there are not revenues for state or local governments usually under that arrangement.

Another gaming option is the Indian Compacts. This will be an agreement between the State and the Indian tribe to purchase land outside the reservation, so we could purchase land anywhere, and then the United States Department of Interior would have to approve that contract. We are having a difficult time finding any that they have recently approved, and as a matter of fact, the recent Secretary of the Interior, Gale Norton, indicated that that was highly unlikely to ever happen again. Although there are those folks in the community that would indicate that this is a possibility, we can find no evidence of the Department of Interior granting anything recently. The state and local governments would share in those revenues based on the negotiations between the Governor and the Indian Tribe involved.

To become state legalized, this would require constitutional amendment, this probably wouldn't happen because the constitution amendment requires two thirds of the vote from the state. However, under the Supreme Court and other courts of Kansas, have interpreted lottery to mean any state-owned and operated game that includes consideration prizes and chance. Which now means that by the vote, the majority of the Legislature giving authority to the lottery, gaming could occur at a local level. It would be state-owned casino and this would be the only state in the United States that owned its own casino.

Their slots machines attract, this again allows the lottery to contract with state license racetracks to operate slot machines on their properties, but again, that piece of legislation has not cleared both Houses of the State Legislature. Over the last ten years, it has either passed in the House or passed in the Senate, but never at the same time, and so that option remains open and the piece of legislation has been introduced again this year in the State Legislature.

There is another thing that's going around, there's a proposal that we received from Sumner County that is briefly referenced in the memo that I sent to you. The Sumner County proposal is that we would compact with several counties, neighboring counties, and decide where a destination casino would go, perhaps in Sumner County, perhaps here, perhaps other places. And that we would share in the revenues and under their proposal, the sharing of those revenues formula has quite been determined, but it's been suggested that the money be used for to assistance to non-profits and those people with addiction to gaming. It's a proposal that we certainly need to think about, and look at and I will talk about this later.

You've asked about the advisory vote, so that gives you a special, that gives you a background, some information about this. It is a non-binding referendum and I would suggest to you that

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there are those who would say a non-binding referendum is what it means, it is non-binding and that there is a special relationship in democracy between voting and action. People are voted into office or out of office, school bond issues are either approved or not, schools get built or they don't, arenas get built or they don't, so there is a connection between voting and action. To have a vote where there is no action guaranteed certainly would be suggested, may not be the best interest of anybody, including the process of democracy. Other counties have decided to proceed under that bane.

There are two options for you, during a normal election cycle and a special election, and I want to talk about both of those. During the election cycle we could have elections in 2008, we could have spring elections or the general fall elections, both of those options, that advisory vote could be done there. There are several issues and we will get into the cost in a moment, but there are several issues around having them at the spring elections, that the Election Commissioner has wanted you to be aware of.

If they are done at the same time, the Attorney General has ruled that you need a separate table, it can happen in the same place, but you need a separate table and separate workers and a separate ballot box. That, he says, will cause some difficulty in several locations, for instance, the Parks City Senior Center is just too small; the voting place at St. Mary's Convent, it could not work there, the room is just too small; same way with the Center for Health and Wellness on 21<sup>st</sup> Street, so that problem would have to be overcome.

And the second problem is, that by holding a special election, we would need to get about 250-300 more volunteers to work the polls. You have to have separate poll workers; you can't have the same poll worker for this election. As you know, we've had difficulties recruiting poll workers. These problems are not insurmountable but they are problems that need to be dealt with if it's held during an election cycle.

The other advisory vote, the way to do is a special election. A special election could be held at a special time. We would have to create polling places and use the poll workers, but it could be done. And have a special election just like a normal election or we could have a special election by mail ballot. The current thinking is that mail ballots certainly will have a higher turnout, if the issue is to get the highest turnout, that's probably the way that you could get most people voting on this issue as possible.

The cost of the advisory vote at the polling places is \$117,000, the details are in the memo to you and the mail ballot is about \$195,000. So there's some difference, but again, the advantage of the mail ballot is considerable, when you take into effect the return, rate of return on who is

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going to vote.

So there seems to me that there are several options before this Commission. One is to do nothing, and I really shouldn't say do nothing, it is really to stay the course we have proposed in our Legislation in our legislative packet that you had adopted some time ago that we would support a vote locally after the State makes a decision. In the event that the State approves expanded gaming, gambling in any form such as but not limited to casinos, Sedgwick County citizens deserve and should be afforded the opportunity to vote whether said expanded gaming is appropriate for Sedgwick County.

The Board of County Commissioners strongly supports allowing citizens to vote in a binding election on the question of whether or not expanded gambling should be allowed in Sedgwick County. Furthermore, any Legislation that is enacted for expanded gaming must, at a minimum, provide sufficient revenues to Sedgwick County to offset the increase social costs to our community. We would continue to use that kind of language.

You could commission a poll. This would gauge public opinion on expanded gaming. The poll could be done more quickly and certainly less expensive than an election and give you the same results as an election.

The option three is the advisory vote and choose one of those two options.

The fourth option is the regional, and these are not necessarily mutually exclusive, the fourth option is Regional Gaming Coalition. Speak to neighboring counties about regional strategies to enhance gaming in South Central Kansas.

It would be my recommendation that we would pursue this into the next week or so, this Regional Gaming Coalition to engage our neighbors. I know that Irene Hart has set up a meeting with some folks for even this Friday, some of our neighbor counties, to talk about this issue to see where their positions might be and gather information about that. And then for you to see how that goes in a week or ten days or maybe two weeks, is then to determine the appropriateness of an advisory vote, let that process proceed before we determine the appropriateness of the advisory vote.

So that is my recommendation and I would be happy to attempt to answer any questions that you may have."

**Chairman Unruh** said, "Well, thank you Mr. Manager. I'm sure that there will be some comments. Commissioner Parks?"

**Commissioner Parks** said, "Yes, we do have a new Attorney General and some of those

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opinions I've said in the gallery and listening to governing bodies before say "well, that's just their opinion" so I don't know how much we need to follow Attorney General's opinion on the logistics of the voting and I would submit to you that I think that some of those counties did have those on the regular ballot and didn't require any more workers.

I had a question, and if Mr. Euson could see if we could get an update on the Attorney General, if that's the will of the Board to see if that's still the Attorney General's opinion that we need to have all these separate voting issues, and that will get to something a little later.

The \$105,000 that Bill Gayle said that 18-months ago that it would take for mail-in is now \$195,000? Where did all the increase come from there, about a \$90,000 increase, almost double there?"

**Mr. Buchanan** said, "I have no idea why Bill Gayle would have said that then. I know that postage rates have not gone up. These numbers were produced by Bill Gayle and I am regurgitating them, that question needs to go to him."

**Commissioner Parks** said, "Back in the, when they were talking about Indian Gaming, that is what the \$105,000 figure was thrown out, and we can certainly do some research. I think maybe the postage was about to go up at that time so it may be that it was just two cents per envelope, out and return.

I just had those two questions and I think there is probably going to be some other discussion so I will defer that discussion to those people that know more about that."

**Chairman Unruh** said, "Well, I don't see anyone asking to speak yet, I guess I'll just make a comment about that \$105,000 number. The only possible way I can reconcile it, if that was just an estimate at that time of a in-house polling rather than a mail-in ballot, would be what I would guess. But, I don't remember that number Commissioner Parks. Commissioner Welshimer?"

**Commissioner Welshimer** said, "I have a question for Mr. Buchanan. Do we know the..."

**Mr. Buchanan** said, "If you would just allow me...we think we have an answer. Jeff Porter has done a lot of this research. Jeff has told me that reason the number is different than 18-months ago is the significant increase in registered voters. The amount of mail going out and the amount of mail coming in would, is driving that figure."

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**Commissioner Welshimer** said “Do we have any reports or information on the current Legislation in Topeka that, I understand that one of the major pieces of a Legislation on gaming puts a moratorium on Sedgwick County where we cannot ask for anything related to this for five years?”

**Mr. Buchanan** said, “It’s the same piece of Legislation that was introduced last year that identified three counties, Wyandotte is one, Cherokee and Crawford, I don’t think Cherokee or Crawford, either one of them had a vote referendum, identified as counties as recipients of a destination casino. In that Legislation it specifically says that allow slots may be allowed at the racetrack, there would be no destination casino for five years, here.”

**Commissioner Welshimer** said, “But do we know the status of that? Has it been heard in committee?”

**Mr. Buchanan** said, “I don’t know where it is right now. I do not believe it has been heard in committee yet.”

**Commissioner Welshimer** said, “Okay, can we keep track of that?”

**Mr. Buchanan** said, “Once that gets to committee level, we will be on that and let you know and certainly have an opportunity to go testify.”

**Commissioner Welshimer** said, “Okay, thank you.”

**Chairman Unruh** said, “Commissioner Norton?”

**Commissioner Norton** said, “I had the same question about the present Legislative language. What was being moved forward? I’ve tried to follow that, called Andy Schlapp this week and he indicated there isn’t much change in any of that yet, but we know that things can happen awfully fast at the Legislation and we may not know about, so I guess we need to urge ourselves to be

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sure we keep our ears to the ground and understand exactly how quickly that is moving. The truth is, if it goes nowhere this year we may have a little more time to put together what we want to do as far as a referendum and we could maybe do that in the fall, preparing for next year. If it looks like it is going to ramp up really fast this year, then we may have to think about other options.

I guess the thing that's maddening to me is that some of the language in the Legislation really pits northwest or northeast area against south central. And we know right now that we're competing, if we had a casino, there is a competition between northern Oklahoma, western Missouri for the dollars that are coming out of south central Kansas. If we don't think that we have folks that gamble in our area, just south of Ark City, there is plenty of it going on. For us not to at least be in the conversation for this region, whether is it Sedgwick County or another part of it, doesn't make sense, so that all of it focused on northeast, the northeast part of the state and not in other areas. So it's maddening to me that we're not having that conversation because it is going to be an economic revenue source at some point if it goes forward in the Legislation.

I don't know that we need to do anything quick today; I'd like more information, as Kelly said, on the AG's opinion on how we do referendums and can it be different than what's been described. I have a little bit of angst about \$195,000 for a mail-out ballot. Now if we can do something more prudent at the \$110,000-120,000 range that makes pretty good sense. A \$195,000, depending on the turn-out, this mail-backs, is a pretty good chunk to swallow."

**Mr. Buchanan** said, "The \$117,000, a lot of that is driven by extra staff, so if that opinion goes away or is altered, that cost drops significantly."

**Commissioner Norton** said, "That would be interesting to find that out. That's all I have."

**Chairman Unruh** said, "Just to pig-tail on one of your comments, I have, someone needs to explain to me, I don't understand what would be the rational of a Legislator, whoever sponsored that bill, to exclude the most populous area in the state if one of the objectives is to gain revenues to support education and state programs. I just don't understand that, somebody will have to help me. At any rate, Commissioner Winters?"

**Commissioner Winters** said, "Well I would, just briefly to say, if Legislation, as has currently been introduced that would restrict Sedgwick County, we are firmly opposed to that. I mean, according to our Legislative policy that we have adopted and we could staff our ourselves, vigorously lobby against anything because our current platform begins by saying "In the event

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the State approves expanded gambling in any form, not limited to casinos, Sedgwick County citizens deserve and should be afforded the opportunity to vote". So if there's any Legislation introduced that restricts Sedgwick County, we are formally in opposition to that. Am I interpreting that correctly?"

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

**Commissioner Winters** said, "Thank you, that's all I have."

**Chairman Unruh** said, "Commissioner Welshimer?"

**Commissioner Welshimer** said, "Well I might try to respond to the questions about why they would have that five-year moratorium in there. I would guess, from experience, that this moratorium will take this issue off the table for Legislatures that are anti-gaming in their regions and they would not, this would not be an issue for them in the next two campaigns. It might give them more incentive to vote for it considering the fact that it is out of the way for them."

On the AG opinion, it could take a few weeks to get an opinion. There may already be one that we could find, might check and see if there is an opinion that has been done that comes anywhere close to what it is that we're trying to discover.

The other thing that I would like to have is a map of Oklahoma and pinpoint where those casinos are currently and planned, if we could find that out."

**Mr. Buchanan** said, "Sure."

**Chairman Unruh** said, "Well I have a couple of questions, Bill. One of the options you had was an opinion poll, but we don't have an idea of what that would cost?"

**Mr. Buchanan** said, "\$20,000, \$25,000."

**Chairman Unruh** said, "Does it carry any weight?"

**Mr. Buchanan** said, "Someone else would have to determine that. The question it seems to me is, does a referendum carry any weight? And I don't know that. I think reasonable people could argue both sides of that issue."

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**Chairman Unruh** said, "So if a referendum carries no weight, we have two things carrying no weight, we might do the cheaper one. However, I have heard them say that if we do a non-binding referendum that the Legislature could construe that then, in hindsight, as binding as the will of this county, so that we might think well, no one is at risk, this is non-binding, but the fact of the matter is that can be used as something that expresses the will of these people and that makes this non-binding have more gravity. Is that true, can they construe that to be binding?"

**Mr. Buchanan** said, "As we know, with every election we've ever had, including your campaigns, and the arena campaigns, people can interpret the campaign issues all sorts of different ways."

**Chairman Unruh** said, "Okay, so non-binding could be interpreted as binding? Maybe? So the answer is maybe?"

**Mr. Euson** said, "I think the answer is yes. In the current house bill, 2055, there is language in there that says that if an election, if an advisory election was held prior to such and such a date, and it was done pursuant to Home World Authority, and it was done pursuant to a question that was in substantially, the form as set out in the bill, then it's approved. Then another binding election is not required, so yes they can do that."

**Chairman Unruh** said, "Okay, well I just had that suggested to me and so now it's verified. Another question, Bill, in the options you listed, some folks say that the mail ballot, although would get greater participation, there is also a greater opportunity for fraud in that election. Is that just talk, or is that a possible...or is that something we need to think about."

**Mr. Buchanan** said, "I have no reason to believe that's true."

**Chairman Unruh** said, "Okay. But we do believe it's true there would be greater participation?"

**Mr. Buchanan** said, "That's the current political thinking. When I talked to folks at WSU, when I talked to people that seem to understand elections, there response was that you were much more likely to get a higher turnout with a mail ballot than having an election. Now that may be true in a November presidential election, but we know that the spring elections are notoriously low turnouts. We know that special elections are notoriously low turnouts."

**Chairman Unruh** said, "Okay, thank you. One more question. Would you offer an opinion why there are no state owned gaming facilities. I mean, your slide said that Kansas would be the first to operate casino-style gaming in the United States. No other state does that. Do you want to offer an opinion?"

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**Mr. Buchanan** said, "No sir. I have not thought about it, and I don't know why that might be. I only know what I just recently heard, that the, I think it is the State of Minnesota, is trying to sell their lottery system to the private sector."

**Chairman Unruh** said, "Okay. Well I think that sort of information or discussion on that issue would be similar along the line. It's got to be part of our discussion. And that's, from my perspective, that's one of the reasons that I would like to have a firm plan before I would be approving wanting to vote, before I vote in favor of that, because I'm not sure I want state-owned expanding gaming. I mean it's a whole different deal if it's privately owned. But anyway, we are not at that point, so there is no need I guess to have that conversation right now. Commissioners, are there any other comments or questions for Mr. Buchanan at this time? Commissioner Welshimer?"

**Commissioner Welshimer** said, "I just want to thank you for the report. Good report, thank you."

**Mr. Buchanan** said, "We need a little clarification. What would you like us to do, or Rich to do about the Attorney General's opinion?"

**Chairman Unruh** said, "Well, Commissioner Parks, did you have a specific request?"

**Commissioner Parks** said, "Like I said, there is a new Attorney General and I don't know how old the other AG ruling was, it was made by another person. I guess if we need to make it in a motion, I can do that. We direct legal counsel to get an opinion on the logistics of a binding or non-binding referendum from the Attorney General to see if it needs to be separate."

**Chairman Unruh** said, "Okay, good. I think that's the way to get to the bottom of the answer. I didn't know there could be, you know, conflicting opinions, but I guess we will find out."

**Mr. Euson** said, "Is that that the directions of the Commission then?"

**Chairman Unruh** said, "Yes. Do we need.....?"

**Mr. Euson** said, "I will make that inquiry of the current Attorney General."

**Chairman Unruh** said, "Do we need to put that in the form of a motion?"

**Mr. Euson** said, "No, your direction is....."

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**Chairman Unruh** said, “Okay, alright. That would be the direction, to clarify that issue of the Attorney General’s opinion. Commissioner Norton?”

**Commissioner Norton** said, “I’d like a little information, Bill. One thing we didn’t talk about is the timing of some of these options we. Obviously, if we are looking at doing it during an election, how much time does Bill Gayle need to ramp up to getting that done? If we have certain windows of opportunity on one election or another, obviously we have plenty of time if we are going to do it in ’08 at the presidential election.

If we are going to do a mail ballot, how long does that take to ramp up, is that a month, two months, three months? Just some information on when we could do these and how much time it would take to get ready for it and are there windows, certain windows of opportunity. I’m not believing the Legislature is going to do anything with it this session. That’s just my opinion and we may be surprised and I’d like to know what our options are if we see something happening. I have a sense that sometime this year we’ll have the sense of that, we can really plan for some kind of referendum, and then it sends the message for the next several Legislative sessions when I think something really will happen. But I can be surprised. There is conversations right now that they are going to do something with that Senate bill and I think we need to know that based on protecting Sedgwick County and south central Kansas on this issue. Thank you.”

**Chairman Unruh** said, “Do you understand what he wants?”

**Mr. Buchanan** said, “Absolutely.”

**Chairman Unruh** said, “Commissioners, any other comment or question for the Manager? Thank you very much Bill. Oh, we need a motion to receive and file.”

**MOTION**

Commissioner Norton moved to Receive and File.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**HEALTH DEPARTMENT**

**C. AMENDMENT TO CONTRACT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT TO PROVIDE BREAST AND CERVICAL CANCER SCREENINGS REFERRAL FOR FOLLOW-UP TESTING TO INCOME-ELIGIBLE WOMEN THROUGH THE EARLY DETECTION WORKS PROGRAM.**

**Ms. Pamela Martin**, Director, Clinical Services, greeted the Commissioners and said, "The Sedgwick County Health Department has been a provider of the "Early Detection Works" program, also known as EDW, for eleven years. EDW program provides breast and cervical screening along with diagnostic testing for age and income eligible uninsured women. The target population includes women with a low literacy level, 40-60 years of age, less than 250% of poverty level with an emphasis on minority populations.

These services are paid by KDHE, directly to the Health Department. The diagnostic services are provided by sub-contractors who have an agreement with, and are paid directly by KDHE.

Enrollment process, as described in this amendment, has been changed by KDHE to better control statewide program spending of the Center for Disease Control grant to the State of Kansas.

I would like to share with you, two stories about the people that we see in our program. We have a lady in her early sixties, recently widowed and moved to Kansas to be with her family after the death of her husband. She was the guardian for her disabled adult daughter, who also had a five-year old child, which our patient was also the guardian of. Our patient was too young for Social Security and had difficulty finding decent employment at her age and qualified for

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our program. She did have a lump upon exam and was sent for the appropriate screening and breast cancer was diagnosed. Since she was screened through our program, she was eligible for and received a medical card. She had stated to staff that she doesn't know how she would have been able to afford this type of treatment if it wasn't for this program. And she was very grateful.

Also we recently had a doctor call from St. Francis ER, where he had a patient in the ER, with a breast lump along with some other problems. We were able to give the okay to enroll this young lady in our program and she was eventually diagnosed with breast cancer.

I bring this up to let you now that our community partnerships are so very important. Our proposed recommended action is to approve this amendment and authorize the Chairman to sign."

**Chairman Unruh** said, "Thank you, Pamela. This population you identified, we've identified both certain literacy levels and age group, income levels, it's a population that probably would not be able to avail themselves of this screening without this program?"

**Ms. Martin** said, "Right. It is beneficial."

**Chairman Unruh** said, "It is true that early detection works and many people, including my family give testimony to that and if we can provide that sort of health education and detection, well I think we need to it, I'm very supportive of this program. Commissioners, are there any other comments? What's the will of the Board?"

**MOTION**

Commissioner Welshimer moved to approve the amendment and authorize for the Chairman to sign.

Commissioner Winters seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye

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Commissioner Welshimer           Aye  
Chairman Unruh                    Aye

Chairman Unruh said, "Thank you Pamela, next item please."

**DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING**

**D. GRANT APPLICATION TO KANSAS DEPARTMENT OF TRANSPORTATION FOR FUNDING OF TRANSPORTATION BROKERAGE'S RURAL PROGRAM.**

**Ms. Valerie Powers**, Department on Aging, greeted the Commissioners and said, "This is a one year grant renewal that provides operating assistance for specialized transportation for rural Sedgwick County citizens residing in Andale, Bentley, Cheney, Clearwater, Colwich, Garden Plain, Goddard, Mount Hope, Peck, Sedgwick, Shulte and Viola. The renewal would also continue to fund a volunteer transportation program provided in Bentley, Mount Hope, Garden Plain and expand the program to Clearwater.

The first agreement with Kansas Department of Transportation, or KDOT, was initiated with Sedgwick County in 1995. Our department is requesting a total of \$189,070 from the Federal Transit Administration. Excuse me, total funding is \$189,070, from the FTA we are requesting \$94,535 and from KDOT \$37,814 making local match for the County, \$56,721. Match funding has been approved in the Mill Levy budget.

Without these funds, this program would cease and affordable transportation would unavailable to these communities. And I'll be happy to answer any questions."

**Chairman Unruh** said, "Thank you Valerie. Is this just specialized transportation? I mean we have other programs for just general pick-up and help people with transportation or is this...."

**Ms. Powers** said, "This is specialized."

**Chairman Unruh** said, "And so for folks with wheelchairs and that sort of thing?"

**Ms. Powers** said, "Right. It is wheelchair accessible, it is door-to-door."

**Chairman Unruh** said, "And is there something that I missed in some previous action that the communities in Sedgwick County not listed, do they have other capability or they just don't have a population that needs that or...."

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**Ms. Powers** said, "This is a grant that specifically funds rural and we have other grants that do fund other aspects or other components of the transportation brokerage. So this is just one funding source for the total program."

**Chairman Unruh** said, "Alright, thank you. We have a couple other questions. Commissioner Parks?"

**Commissioner Parks** said, "Maybe I missed something also. The grant is a 100% grant then? It's a 100%, no matching funds required by Sedgwick County?"

**Ms. Powers** said, "There is matching required. It is \$56,721, soft match."

**Commissioner Parks** said, "Okay. And this is a budgeted item I take it?"

**Ms. Powers** said, "Yes."

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

**Commissioner Norton** said, "Well, I think, kind of discussing what you were bringing up Chairman. Some of the outline areas, Haysville, Valley Center, Park City, several years were included in the rural and they have been pushed into the metro. They still get services, but it's not considered the rural transportation brokerage, they're part of the metro. That changed, I don't know how many years ago..."

**Ms. Powers** said, "About three years ago."

**Commissioner Norton** said, "About three years ago, so they're in a different kind of setting, they are considered part of the metro area, even though they are kind of rural, small town. Just thought I....."

**Chairman Unruh** said, "Okay, thank you. Any other comment or question? Commissioner Winters?"

**Commissioner Winters** said, "I just thought this is an example of where we take mill levy money and we get it leveraged. I mean we're taken \$56,000 of county mill levy and we wonder sometimes what we do with our taxes. Well, we've taken \$56,000 of property tax money and we're leveraging it to get \$134,000 from the Federal Government and the State Government to do this program."

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I mention that as we start thinking about our budget process, we just were handed a budget calendar yesterday. So the budget folks are in the mode of starting to think about budgets. And you think about where we can make sure that we are maximizing our budget dollars. Well, here is a case if in a sense we would decide that this is an area to cut, we're not just cutting \$56,000, we're actually cutting a \$190,000 of real money that is being spent. Probably really doesn't mean much, but I just appreciate that the Department of Aging is able to find opportunities like this where we can take our local money and really leverage it into something much more than it is just standing by itself.

Good job and I'm sure that we will be visiting more and Valerie, we need to pay attention to as our comprehensive transportation program comes to an end in 2009 and what the future is going to look like for public transit opportunities, so that is something in the future to stay attuned to. Thank you, that's all I had."

**Chairman Unruh** said, "Thank you, any other comment or question? Hearing none, what's the will of the Board?"

**MOTION**

Commissioner Norton moved to the recommended action.

Commissioner Winters seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

**E. PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT GRANT AWARD IN THE AMOUNT OF \$13,101, TO BE USED FOR COSTS ASSOCIATED WITH REQUIRED CONTINUING EDUCATION FOR SCIENTIFIC STAFF.**

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**Dr. Timothy Rohrig**, Director, Forensic Science Laboratories, Regional Forensic Science Center, greeted the Commissioners and said, “Before you, you have a request to accept a grant award in the amount of \$13,000 and some change. This is from the Paul Coverdale National Forensics Science Improvement Act. This act is federal money that is funneled down through the State; it is run through the State Criminal Justice Coordinating Council. It’s for the local and state crime laboratories within Kansas.

In order for us to access this money, there has to be a state plan. And to that end, every year the directors of the three crime laboratories within the State of Kansas; that is the KBI, Johnson County and Sedgwick County; we sit down with a representative from the Governor’s office and develop a plan on how to utilize the funds within the guidance of the Federal Government. The funds must be utilized to enhance services or technologies within the crime laboratories.

One of the major activities that our state-plan calls for is continuing education, which is required of our forensic scientists. To that end, our request, and it was approved by the Governor’s office, is for the \$13,101 to be used for the training of our forensic scientists. This money is total, a hundred percent pass through money, which is why there is no local match money for that. And I recommend that we accept the grant and establish the appropriate budget authority.”

**Chairman Unruh** said, “Thank you Dr. Rohrig. Commissioners, any questions?”

**MOTION**

Commissioner Norton moved to the recommended action.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

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

### **F. RECONSIDERATION OF ITEM 2.2 OF THE MINUTES OF THE BOARD OF BIDS AND CONTRACTS' MEETING OF JANUARY 11, 2007: CHANGE ORDER – ARCHITECTURAL & ENGINEERING SERVICES TO DESIGN AND CONSTRUCT THE DOWNTOWN ARENA – PARKING AND MOBILITY CONSULTING.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, "As noted, this is a reconsideration of item 2.2 of the minutes of Board of Bids and Contracts from its meeting of January, 11<sup>th</sup>. It's related to the change order, architectural engineering services to design and construct the Downtown arena, specifically an integrated and comprehensive parking and mobility study.

At last weeks meeting, this item, as I mentioned, was before you. You did not approve it because you wanted more information on the scope and cost of the additional work being done. And you questioned whether or not the work being proposed in this change order should have been in previous work done by Walker Parking as a part of the overall arena design consortium contract.

Since last meeting, we have reviewed in detail the following documents. We went back and went through the RFP that was released in the spring of '05 for architectural engineering services. There was an addendum 1 and an addendum 2 that followed that RFP. There was then an arena design consortium proposal that we received June 7, 2005. There were two sets of follow-up questions to that proposal, late June and early July '05. There were then discussions with the arena design consortium group about looking at the cost of their proposals and looking at the terms of their proposal and we have a letter from ABC outlining discussions, modifying the terms of their proposal for services and then we brought that proposal before the Board of Bids and Contracts in July '05 and resulted in a recommendation of the Bids and Boards contracts report coming before the Commissioner July 27, '05.

We have gone back and looked at all of those documents and it is clear to us, staff, that the RFP specifically asked for some studies, such as a traffic impact study, which was provided, but never a parking study, if you will, as such. Initial references in the RFP did require the ANE team to plan and site a new arena with associated parking garages and service parking along with other requirements. Also, the RFP did ask for evaluation for each site that we were, as a part of that RFP to investigate, based on site factors, one of which was a parking strategy.

The arena design consortium via Walker Parking, provided a parking needs analysis on October 20,

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2005, which analyzed existing service lots and the availability of parking structures in the core downtown. At that time we were calling the Blue Cloud area, the core Blue Cloud area, as it related to the arena. It was basically the core Downtown area. The area between the railroad tracks on the east and Main, to the west, Kellogg to the south and Douglas to the north.

The study concluded that no additional parking structures were required or necessary in that existing surface parking within walking distance, three to five blocks, was adequate. As a result of that, study, we looked at all those sites, evaluated them and the east site was selected based on those and other findings related to the site factors.

The currently proposed study takes up where the last study left off; now that a definitive site has been selected and developed for the arena, and also now that the Arena Neighborhood; Redevelopment team or at the final stages of their work. Key points included in the new parking study are that it does go beyond the core Downtown area, it does go beyond, we had identified in planning for the arena site, the Blue Cloud area, that was identified in the RFP, it goes beyond that to include basically all of Downtown. The new study will make use information from the previous study, but of course because the study area is greater, it will require a significant amount of additional information.

The new study all asks for a study of transit options that was not a part of the previous report. It includes development of a parking policy as it relates to the arena neighborhood, which is again, is in the final stages of being designed and approved for the City Council and your consideration. It does address such issues as parking control and management, it requires mobility issues to be addressed and it asks for workshops for various public bodies.

Staff is convinced that from an arena parking perspective, we need to fully understand all of the parking issues related to Downtown then, and only then, would we be able to give you a recommended parking solution for the arena that would be appropriate and adequate. So, as we look at this study, it is a wide area, it is for all of Downtown. But again, I would reiterate that being necessary for an arena perspective so we can decide, we can provide you with recommendations for solutions to parking as it relates to the arena but with a full understanding of all of the parking issues Downtown, so that we can have a definitive recommendation coming back to you.

Our timeline now would be that this study would take up to sixteen weeks to complete, which

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would include some public meetings and after that time we would be able put together a parking solution recommendation for the arena for your revue. And our timeline now would be this summer. That concludes the research and the study we have done for this. Staff would recommend that you accept the Change Order as presented and I would be happy to answer any questions that you might have.”

**Chairman Unruh** said, “Alright Ron, thank you for that summery. We do have questions. Commissioner Welshimer?”

**Commissioner Welshimer** said, “I’m not sure I am ready to vote on this this week. I see two issues. The first issue of course is the parking situation, which we need to clear up. I don’t think that it’s such a great urgency that we can’t put this off another week. The other issue is the consultant, using a consultant. And I would like to have two things. I would like to have a list for the last two years for consultant fees that we have paid, for whom and what for. The other thing would be any agreements that we have with the City of Wichita regarding the arena, any communication that says who is going to do what. These are things that I am not familiar with and I think these would help me make up my mind.”

**Mr. Hoyt** said, “May I clarify, Commissioner Welshimer, you said list of consultant for fees...”

**Commissioner Welshimer** said, “Everyone we’ve hired as a consultant over the last two years, County, Sedgwick County, any purpose.”

**Mr. Hoyt** said, “Well, that was my clarification.”

**Commissioner Welshimer** said, “Any purpose.”

**Chairman Unruh** said, “Thank you, anything else right now? Okay, Commissioner Parks?”

**Commissioner Parks** said, “I know that was an issue at my campaign and also in going along with the consultant issue, I did contact Dave Spears, County Engineer about this and about some County staff about possibly doing this study. I guess it is a specialized talent, in fact, it appears that there is no contract in the State of Kansas, this would be through a Denver office that Walker has. Just in saying that, I wanted to make sure that we didn’t have staff that could do these kind of things because I think we do rely on staff in greater numbers there.

The study grader , you just said, and that gets me back into, if it’s getting into Wichita’s area. You know in fact, John Schlegel had a study that he did on some parking down there and I’m not ready

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to change my vote at this time, I certainly think we need to press on to determine if there's a need for more study. If, I'm not ready to change my vote at this time, and if it's the will of the Board, I guess we could look at maybe delaying this for another week until we get some definitive information on changing my vote. And I don't know what information really that I am looking for, but maybe cooperation with the City of Wichita, if the study area is larger then maybe we need to enlist some of their staff or monies to do this. It's getting outside their purview of the Downtown arena. Thank you."

**Mr. Hoyt** said, "Thank you Commissioner Parks. I understand that issue and that question, I would just indicate again the study area is larger and what we're proposing is that the arena project study that wider area again so that we fully understand all of the parking issues for Downtown. And in that way then we can definitively address from the arena perspective, from the County perspective what the arena parking plan ought to be. As we understand all of the issues and if we have the study, if we, if you will, own the study, we have a better opportunity of giving you information and crafting, if you will, a definitive parking solution for the Downtown arena would just be my response."

**Chairman Unruh** said, "Okay, I guess I would make a comment. I don't know what information I could receive that would be anymore enlightening to me on this subject. Commissioner Norton called a meeting with Project Manager and the County Counselor and the Manager, which I had the privilege of sitting in on, and pretty near all my questions are answered.

As I think about this, part of the questions relative, specifically to this issue of do we want to hire a consultant or not is, was it included, was the scope of this study included in the original RFP and we've been clearly answered that it was not included. Was the work that we anticipated getting in the original contract with the Arena Design Consortium, was that work delivered to us? And the answer is yes, it has been delivered to us. So, I 'm satisfied that we don't have that contractual problem. So, it comes down to the question for me then, do we need this study to help us provide the facility and the parking and so forth that goes with it, that will be the best for our citizens? And I am convinced that we need that information from the whole area that will give us comprehensive information that will provide some integrated solutions with the other potentials downtown and to me it's just better to have this information so we can make a plan going forward.

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I'm ready to vote today and I'm ready to vote in the affirmative but I just wanted to make my comments. Commissioner Norton, you would like to speak?"

**Commissioner Norton** said, "I really kind of started this whole debate last week when I asked some questions and then we postponed. The truth is, I've done quite a bit of work on this. I've read the RFP from front to back. I've read the Bid documents, front to back. I looked into contracts and had meetings with our Counselor to understand the legal ramifications. So the truth is, I have really put a lot of skin in this game trying to figure this out.

The first thing that has been maddening to me, and I am disappointed about, and I have been for a while, is that we didn't have a total strategic plan for the Downtown that included parking and mobility and ingress and what development was going to look like and we've kind of done that by serendipity after we picked the site. And I always thought that if you were going to redevelop Downtown as a whole, that the arena was only a piece of that and you place that strategically where all those other things happen pretty smartly.

The truth is, there's a philosophical debate, as far as I am concerned, as to whether this consultant, Walker, is part of the scope that we originally set out to be. Are they part of the consortium? When we bid this, did we buy their services? And is parking, all of the parts of parking, any analysis we do, and any planning that we do, is already in there?

The analogy I'd use is that I'm buying a refrigerator and I looked inside and there was an icemaker, all the brochures had an icemaker, I thought I was getting an icemaker. And when it was delivered there is two ice trays in there, I didn't get the icemaker. Now that's the same way I feel about Walker Consultant. They had people pictured in the original proposal that were staff, part of the consortium. I thought when we bid this, we're buying their services too. To give us a comprehensive plan.

Now the truth is, it's every reasonable expectation that parking was huge. I mean we had those dialogues, every meeting I went to, people talked parking and mobility and ingress and egress was going to be critical. I never had the expectation that it was only going to be the arena site that was going to effecting parking. I always thought that it would emanate out further. In fact, when we went to the Ford Center, I think some people walked some seven, eight blocks to get to the Ford Center just to make a point that you can walk that far in a metro area. We've always known that it was going to expand.

The other thing that I don't think was reasonable is that when we did the original parking study they told us what parking was there, but I think a reasonable consultant would have said, here's what you got, but you know what, you're not going to have that after development starts, and after people

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gobble up some of the area and that parking is going to diminish, we think by 30% or 12% or whatever it might be. Because that's what happens. You can debate well; did we really think development was going to happen? I think we always, I think that's why the arena is being placed Downtown is to revitalize and redevelop Downtown and be an incubator. We always had that expectation. So, I don't know that I felt like we got the full consultant's impact from that first survey. I've always thought that we were built in.

Now, as I did due diligence, and I looked at this and tried to understand it, there was addendums from the RFP that brought us into a contract that maybe didn't describe that this kind of a parking scope was going to be part of what those consultants would give us. I understand that. But that was never articulated to me, I've gone on all along thinking that we had those guys in our camp, it was articulated to us that was part of the original scope of the contract and that we had the services of the best in the United States at telling us what to with the parking, what to build, what mobility would be, where you get ingress and egress in the parking garages and whether you even need a parking garage. To me that was part of the debate we should have as to whether it was part of the whole thing.

We had a staff meeting yesterday and I think we took probably 45-minutes with a really pretty sound discussion about all the nuances of contracts and RFP and what we feel about the City's participation and all of that. You have to know that I think parking is critical to the overall Downtown area and the arena's success. I think we've all known that, the public has articulated to me, certainly individually. But I think if you read the paper, if you read the opinion line, which I try not to do everyday, because it's disconcerting. If you try to get a pulse of our community, you understand that parking is really important. I don't diminish that. For me the debate was, is Walker part of the team and did we have a reasonable expectation that we were going to get their services as part of it, and not consider them later as an out to a side consultant?

Downtown revitalization is somewhat fluid right now. I know they're getting close to having proposal in something concrete, but even as we mover forward, it's not going to be a concrete proposal. I don't think there is any reasonable belief that that's going to just happen because it's now being drawn up in a nice package that free market is going to take a lot of it and free market could change how some of the development happens. Just because we have it in an articulated plan by some pretty smart people, unless somebody has some venture capital or wants to invest, some of those things aren't going to happen.

So to try to articulate, do a study and articulate parking, when we really don't know for sure how the Downtown is going to redevelop, could get us some pretty false numbers. I'm not ready to rush to get the Downtown parking study done tomorrow because I think it's an ongoing thing, as we get closer to the arena opening, to see exactly what the Downtown is going to end up looking like based

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on a lot of business people's decisions, developers decisions and other property owners Downtown. We may just be assuming one thing today and that's what the consultant will tell us and it is going ebb and flow and be fluid to be something totally different.

The truth is, I could probably, you know, I raised all these questions; I know that parking is critical. Now if my colleagues want to hold off for another week to get more information so we're really all together on this, I'm okay with that, I can vote for that today. If they have a change of heart and want to move forward on parking, I can change my vote today if I need to. I would rather us be sure that we all are together or at least as close as we can be on where we're going with this because the arena is a huge issue to our community. I don't think we need to be continuing to be at odds with each other over where we're going with this and one way to do that is to make sure that we got as good of information that we can and everybody is comfortable with where we are going with it. That's all I have."

**Chairman Unruh** said, "We have more comments. Commissioner Parks?"

**Commissioner Parks** said, "I'll try to be brief on this. If it's the Chair's wish, I didn't see him earlier, Mr. Schlegel in the audience, I didn't want to make any comments without possibly giving him some input on this from the study that he had commissioned back. John it was when, about two days before the NOMAR meeting that we had up at in Riverside and we talked a little bit about that. I don't know if you are prepared to share any information on that or not, it's up to the Chair....."

**Chairman Unruh** said, "This is fine, if John can help clarify this, that would be great."

**Mr. John Schlegel**, Metropolitan Area Planning Department, greeted the Commissioners and said, "I think what you are talking about is the Arena Neighborhood Redevelopment Plan. It's currently in the process of being developed. We are at the point with that where we have a pretty substantial draft in front of the City Council. We have reviewed that with them at three different workshops. They have put us out on the road, so to speak, talking with their District Advisory Boards. And we will finish up with that in early February. We have a public hearing on the plan, scheduled before the Metropolitan Area Planning Commission for February 15<sup>th</sup>.

We will probably go back to the City Council at one more workshop session with them on the plan just to report back to them on what we have from their District Advisory Boards as far as feedback on the plan and then also on what feedback get back from the Planning Commission when they hear it. I would anticipate that we'll do that with the City Council sometime in late February or March

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and then the plan would be ready for their formal adoption, probably I would say in April. But that depends on how they respond to the feedback that they are getting from the public and any additional work that they want us to do on the plan.”

**Commissioner Parks** said, “Am I correct in assuming that the Eagle, when they quoted you on the parking things, were correct on, you did mention some of the Downtown arena parking in that plan?”

**Mr. Schlegel** said, “One of the big, I can’t recall what the Eagle had me quoted as saying, the parking and mobility is a big part of what the plan is trying to address. Just a little history on that, I think that as this whole issue has unfolded with the arena site being selected and as the City has realized the need to address parking and overall mobility within the Downtown, that became a more and more significant issue as we developed, as we moved along in the development of this neighborhood plan.

We have tried to work very closely with County staff in developing these recommendations, trying to dovetail the way in which the City would deal with Downtown parking and mobility with the issues surrounding parking for the arena itself. So that we would in the end have an Arena Neighborhood Redevelopment Plan that would have a strategy that would help with the arena-parking situation.

I don’t know if I am answering your question.”

**Commissioner Parks** said, “I just had another thought. Parking and mobility study that you mentioned just then. Did your staff do that or who did that for you?”

**Mr. Schlegel** said, “The recommendations in that we’re developing for parking and mobility is part of this Arena Neighborhood Redevelopment Plan are a broad, overall strategy. What we had anticipated in working with the County staff in doing this study by Walker, that that would be a more detailed set of recommendations about how to handle parking and mobility downtown. I think our depth of understanding about Downtown parking and mobility issues only goes so far. We are not really experts in that. I’ve got a general grasp of how other cities handle Downtown parking and mobility, but we really don’t have the expertise that a group like Walker would have in coming up with more specific recommendations on how that should be handled.

So we were looking forward to seeing the study done and getting the recommendations as a way to move this along a little further. A key recommendation of this Arena Neighborhood Redevelopment Plan will be that the City take on a more active role in managing parking and mobility in it’s Downtown. Right now, I think there is general recognition that that effort is fairly

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fragmented and that there is nobody really in charge of handling Downtown parking and mobility. It needs to be better integrated. The plan calls for that, but I think that the City is going to need more guidance on how to do that and this study by Walker would help the City immensely in moving toward that more active role in handling, managing parking and mobility Downtown”

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

**Chairman Unruh** said, “John, thank you for your input. We have a couple of more questions Ron, but I had, on the suggestion that we defer this item, is there a time, are we against a deadline, I mean is it a two-week deferral, is that something that would be hurtful to the study?”

**Mr. Hoyt** said, “I don’t know how to answer that in a way that is definitive. I have an opinion that is related not only getting the Arena Neighborhood Plan done, but also giving us direction as we go forward with the rest of the planning, giving us direction as we go through the contract negotiations with SMG, which we plan to have done here pretty quickly. Because we will, we the County, will make parking solutions, SMG, a part of understanding and developing those parking solutions. So it would help us in those negotiations with them about having some understanding early on, in gauging them in this process. Could we delay and not impact the overall construction date of the project? Probably so, it does make decisions that we’re making as we go along here, much more, less defined.”

**Chairman Unruh** said, “That’s very clear. I understand what you’re saying. I have already stated I’m ready to move forward on it. If we are going to defer I just want the Commissioners to know that it had to be a two-week deferral because I won’t be here next week and I want to vote on the issue. So it would be a two-week delay. At any rate, as we are discussing, the next person asked to speak. Commissioner Winters?”

**Commissioner Winters** said, “Thank you Mr. Chairman. I did want to just follow up on that. I know that you are going to be gone next week, so any delay would need to be for two-weeks, not for one. I was supportive of this proposal last week to move forward, I still am this week and I’m still ready to vote this week if we can reach that conclusion. I think we need to make sure that we stay ahead of the development activity that has started to take place in the Downtown area. And to stay in step with the Neighborhood Redevelopment Task Force as they go about their work.

If we wait long enough, some possible option for either location for a possible garage or even space that we want to make sure is dedicated to the arena could be gone if things continue to move. I think our arena, our 15,000-seat arena, is what’s driving the issue in Downtown. It’s going to affect a wide traffic pattern and I think we need to step and out of the operation of the arena funds, come to conclusions and solutions for parking. I think they way you find solutions is you get information and if you have that information, you can make some bad decisions and hopefully by hiring some

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experts we could get good information. That is not going to be the final decision. There is still going to be decisions for us to make as far as parking strategies are concerned. I'm one that believes that we are going to need good information to make those decisions.

I would kind of leave it back to the three Commissioners who had a problem with doing this last week, I'm ready to move forward this week. If a delay will actually bring new information to the table, then I understand that and would understand it, but I think it's up to the three folks who still have issues and problems to decide whether we work on this today. I think we do have problem parking issues out there that need to be solved and I think this is a viable to solve them. But if we want to take another approach, I will understand that also."

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

**Commissioner Norton** said, "Ron, is helping us out with parking and articulating that to us and being part of the dialogue part of what SMGs' contract says they'll do? Or is that going to be an additional thing for them too?"

**Mr. Hoyt** said, "Parking certainly fits into how much parking that the arena controls, fits into the overall revenue opportunities for the operator of the arena. And so bringing some definition to that as we work with SMG would be helpful in this process."

**Commissioner Norton** said, "And that helpfulness is part of the scope of what they do for us since they're going to manage the arena?"

**Mr. Hoyt** said, "That SMG will do for us? Parking will be a part of their responsibility as the operations manager for the arena, yes sir."

**Commissioner Norton** said, "Okay."

**Chairman Unruh** said, "All right Commissioners, any other questions? I guess we are ready for a motion, one way or another. I would just want to reiterate my position that I think we've had discussion and response from staff on the key issues of question. I think we've had a comment today that indicates that this is a complex issue, that it has far reaching impact across the entire area, specifically to the arena, but also across the whole town. I think that we've heard testimony or evidence to the fact that this is a highly important issue to the citizens of our community, so it is incumbent upon us to want to do this right. I think that we can get information from this that we can't get in-house from non-experts in parking and mobility. So I guess I'm wondering what new information that would influence this vote. I think there is information that would be helpful to the Commissioners about the whole project, I just don't know it would influence this vote. I think that

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your response that there is a certain urgency, although not quantifiable, to this decision. I am hopeful that we will, before we are through our conversation, have a motion to go ahead and vote on that motion.. Commissioners, there is three lights here, can I get some help here? Alright, Commissioner Winters?”

**Commissioner Winters** said, “The only thing that I was going to say is that I am prepared to support this but I am not going to make a motion. I made the motion last week and it failed. So I would rather not make a motion again that fails on this, so I am going to remain silent as far as motions are concerned.”

**Chairman Unruh** said, “Alright, thank you. I think Commissioner Norton, you were next?”

**Commissioner Norton** said, “ I think out of this, the first thing is we have some issues with consultants. I think some people have articulated that, you know we get feedback that we just consult, consult, consult, and you know, it’s almost laughable sometimes that we say experts and consultants are people that live over 50-miles away from our own community and we are not smart enough to figure some of these things out ourselves without bringing somebody from the outside.

I think there is a clear message. Let’s be real prudent when we go out to find consultants because maybe we have experts in our own community.

The second part of it is, for me, is change orders. We negotiated this contract down from \$7.9 million to \$7.2 million. We pulled things out, we readdendumed, we looked at it, a lot of that didn’t come back to us. But now, through change orders, we are going to add money back into that, it may come out to \$7.9 million and we are going to do all the stuff that was originally pulled out And truthfully, I have a problem with change orders. There certainly places for that, error-corrects, things you didn’t think about. But truthfully, we were always thinking about parking. I can’t believe that there was a time that I wasn’t thinking about parking and I hope that everybody else in this community was. It was the biggest issue I heard with the arena, “what are you going to do about parking”? So, change orders are another issue that have kind of come out of this dialogue.

I certainly honor all of my colleagues on both sides. As I hear it, I’ve got two people ready to move forward, I’ve two people that are kind of saying I need more information, I’m not ready to do anything. That puts me in the position of being a swing-vote, I think is what you call it. And I got to tell you, for me, I don’t mind swallowing hard and saying it maybe time to more forward , I don’t

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need a lot more information because I've, let me tell you, I've analyzed a lot of darn information in the last week since we have postponed this. The truth is, my analogy about the refrigerator, I looked in, I thought there was an icemaker and there's not. The truth is, we are having this huge party and I need ice. We got to figure this out. And I can lament that I thought that the icemaker was included or not, but the truth is we need this study. We need to understand this, I hope that it gives us all the answers. I'm still a little skeptical that everything that we think is in concrete out there is still very fluid and they may give us some information that could be invalid at some point during this process.

I have to tell you, I won't make the motion, but if there is a motion and a second, I will support it today to move forward. I know there is going to be some people out there that go, "oh, why do you change your mind"? Well, I think if you work hard on public policy, and you do your due diligence, sometimes you do change your mind and you move on and live for another thing that is contentious and doesn't have all the easy answers. So, if we have to move forward today, I will do that and cast my vote to move forward on this. Although, you have to understand, I had some real emotion about whether this was included in the original scope, I articulated it to staff, we talked about it, we've analyzed it, we dialogued and I really don't change my opinion on some of that but we need to move forward on this."

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

**Commissioner Parks** said, "I've certainly been in the vocal minority in the past, and I was ready to go and pass this along. But Mr. Chair, you asked if there was new information out there and I think this meeting on February 15<sup>th</sup> with the Planning Commission and that Mr. Schlegel referred to, would be new information. He says it would help the City immensely. Now should we maybe go back and look at some percentages, maybe where the City of Wichita might be able to help defray some of the costs on this. Then I will leave it at that."

**Chairman Unruh** said, "Thank you Commissioner. Well, Commissioners, since I've stated my opinion clearly, I think we have heard everyone speak, I will make a motion."

### **MOTION**

Chairman Unruh moved to accept the change order.

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Commissioner Winters seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Nay
Commissioner Welshimer	Nay
Chairman Unruh	Aye

**Chairman Unruh** said, “Commissioners, thank you for a very honest, straight forward discussion on this issue and I know that other information that you all have requested will be forthcoming. Thank you for the discussion. Ron, thank you for your leadership. Madam Clerk, please call the next item.”

**CONSENT AGENDA**

**G. CONSENT AGENDA.**

- 1. Acceptance of the 2007 Juvenile Detention Facilities fund grant from the Kansas Juvenile Justice Authority.**
- 2. Annual Report for the Sedgwick County Foreign-Trade Zone Project for the 2005-2006 Federal Fiscal Year.**
- 3. Termination of Agreement with Wichita Canteen Company, Inc.**
- 4. Order dated January 17, 2007 to correct tax roll for change of assessment.**
- 5. General Bills Check Register(s) for the week of January 17 – 23, 2007.**

**Mr. Buchanan** said, “Commissioners, you have a consent agenda before you, but I would remind you that in 341 days, the sales tax goes away. And I would recommend that you approve the consent agenda.”

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**MOTION**

Commissioner Norton moved to approve the consent agenda as presented.

Commissioner Winters seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Let's see, Commissioners we have come to the end of our agenda and I think we have not an Executive Session today, but we do have a fire...."

**Mr. Euson** said, "No Executive Session, that is correct."

**Chairman Unruh** said, "Okay. Well that being the case, I will adjourn the regular meeting and the Board of County Commissioners, and call to order the meeting of the Board of County Commissioners sitting as a governing body of Fire District #1 in regular meeting, January 24, 2007."

**The County Commissioner recessed into the Fire District #1 Meeting at 10:50 a.m. and returned from recess at 10:52 a.m.**

**H. OTHER**

**Chairman Unruh** said, "Alright, we are at the end of this meeting Commissioners, and we are at "Other". Is there anything that anyone would like to add or comment on at this time? Commissioner Parks?"

**Commissioner Parks** said, "I just would like to congratulate one of my neighbors and constituents in the 4<sup>th</sup> District on the leadership that she has provided to Cowtown, that would be Jennifer Lee, and she is a great asset and a volunteer in our community and I'd like to publicly thank her for

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that.”

**Chairman Unruh** said, “Alright, very good, anything else Commissioners? Seeing nothing else, we will declare the meeting adjourned.”

**I. ADJOURNMENT**

There being no other business to come before the Board, the meeting was adjourned at 10:53 a.m.

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

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

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**THOMAS G. WINTERS**, Chair Pro Tem  
Third District

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**TIM R. NORTON**, Commissioner,

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Second District

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**KELLY PARKS**, Commissioner  
Fourth District

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**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

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, 2007