

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

### **REGULAR MEETING**

**June 13, 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, June 13, 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; Fire Chief Gary Curmode, Fire District #1; Ms. Annette Graham, Director, Department on Aging; Dr. Timothy P. Rohrig, Director, Regional Forensic Science Center; Mr. Pete Giroux, Senior Management Analyst, Budget Department; Mr. John Nath, Director, Kansas Coliseum; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

#### **GUESTS**

Ms. Terry Cassidy, City of Wichita Manager's Office.  
Mr. Don Kirkland, Assistant Director, Wichita Water Department.

#### **INVOCATION**

The Invocation was observed by a moment of silence.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

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

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**PUBLIC HEARING**

- A. PUBLIC HEARING TO CONSIDER WHETHER THE CITY OF WICHITA HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR ANNEXATION NO. 01-15 AND 02-04, (21<sup>ST</sup> STREET NORTH, EAST AND WEST OF HOOVER ROAD).**

**POWERPOINT PRESENTATION**

**Mr. Robert W. Parnacott**, Assistant County Counselor, greeted the Commissioners and said, "This is one of our post annexation hearings we have on a fairly regular basis it seems like. It's to determine five years later whether a city has provided the services it said it would provide in a service plan it prepared in terms of the annexation.

As you can see from the map on the screen, we're dealing with some properties that are shaded in purple and I'm not quite sure what that other color, but I'll kind of move my arrow over it. It's those properties right there and there and then up here.

These are phases five and six of a six-phase annexation. We heard phases one and two back in December of '05 and phases three and four in September of '06. At that time, you made a finding that the city had provided services in connection with those annexations. We have sent out notices of the public hearing, did not receive any comments or calls from anybody although we didn't send out that many notices. We only had a total of 14 properties involved.

There is a service plan schedule at page 53 of your backup that lists services the city said they would provide. The city has provided a report at page 54 and several pages forward of their services that they have provided since they have annexed it, so based on everything I've seen so far, I think it's appropriate to make a finding that they have provided the services, but that might be subject to the public hearing and any comments you might receive. So at this point I would recommend, if you don't have any questions, to open the public hearing and receive any comments."

**Chairman Unruh** said, "All right, thank you Bob. Well before we open the public hearing, commissioners are there any questions that you have of Mr. Parnacott? Well, hearing none, at this time I will open this public hearing and ask if there's anyone who wants to make a comment relative to this annexation? Anyone want to speak? Well we have representatives from the City of Wichita, so Terry Cassidy, you might make a comment on behalf of the city."

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**Ms. Terry Cassidy**, City of Wichita Manager's Office, greeted the Commissioners and said, "As Mr. Parnacott mentioned, we did provide you a report of services that have been provided to this area over the past five years. We do believe that we're in compliance with the service plan and hope that you find in our favor today. There are a number of city staff members here with me this morning that would be happy to respond to specific questions about any of those services that have been provided."

**Chairman Unruh** said, "All right, thank you. Any questions? Commissioner Parks."

**Commissioner Parks** said, "Are there water mains and fire plugs in this area now?"

**Ms. Cassidy** said, "I'm going to ask Don Kirkland of the water department to speak to that issue. We've had quite a bit of activity that's occurred out there and I'd like for him just to give you that update."

**Mr. Don Kirkland**, Assistant Director, City Water Department, greeted the Commissioners and said, "In certain parts of this area, there are water mains and sewer mains available. In the other areas, we have had petitions that have been filed and they're in various stages of completion. In some cases, the projects themselves have been completed and the water mains are in. In other areas, the attempt to get petitions, the petitions were invalid in that they were unable to get enough signatures or enough property area in order to have a valid petition."

**Chairman Unruh** said, "All right, thank you. Commissioners, any other questions? Seeing none, then I guess at this point we will close the public hearing and restrict the comments to the bench and now commissioners, we're ready to ask questions or proceed. Commissioner Winters."

**Commissioner Winters** said, "Thank you, Mr. Chairman. I believe part of this area is in my district, those properties located south of 29<sup>th</sup> Street and I think there are some in Commissioner Parks' district also involved in this. But Bob, a question for you, I mean do you see anything in this agenda item that we have today that would lead us to believe that the city has not done what was intended?"

**Mr. Parnacott** said, "No, based on the report, based on my review of the service plan and the fact that we have not received an comments either by phone call or through testimony at the public hearing in opposition to that. I think the finding is appropriate that they have provided the services."

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**Commissioner Winters** said, “All right, thank you very much. I’m ready to make a motion. I would just make a comment though that I am appreciative that senior city staff does attend these meetings, because as you know some of them are rather routine. Some of them, we talk about stuff for a while, so again I appreciate all of you making the effort to be here.”

**MOTION**

Commissioner Winters moved to find that the city has extended services and provided for in the service plan.

Commissioner Norton 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, Bob. And Terry, once again thanks to you all for being here. Commissioners, at this point I think it’s appropriate that we have an off agenda item for another public hearing.”

**Commissioner Winters** said, “Mr. Chairman, is this in regard to the fire petition, the Fire District petition?”

**Chairman Unruh** said, “Yes sir.”

**MOTION**

Commissioner Winters moved to consider an off agenda item concerning a Fire District Petition for inclusion in the fire district.

Commissioner Parks 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, “So at this time, Karen Duranleau is here to talk to us about a petition to consider, well let me just read it: public hearing to consider a petition of Harold and Rosemary Simon, Trustees for Simon Joint Revocable Trust, for inclusion of property located at 6920 N. 135<sup>th</sup> Street West, Colwich, Kansas within the boundaries of Sedgwick County Fire District #1.”

**PUBLIC HEARING TO CONSIDER A PETITION OF HAROLD AND ROSEMARY SIMON, TRUSTEES FOR SIMON JOINT REVOCABLE TRUST, FOR INCLUSION OF PROPERTY LOCATED AT 6920 N. 135<sup>TH</sup> STREET WEST, COLWICH, KANSAS WITHIN THE BOUNDARIES OF SEDGWICK COUNTY FIRE DISTRICT #1.**

**Ms. Karen Duranleau**, Assistant County Counselor, greeted the Commissioners and said, “The item you have here today is a petition submitted by Harold and Rosemary Simon, as you said. This is for their request for inclusion in the fire district. This is an annual event that is brought to the commission every year. It’s based on the citizens, for the most part, the citizens of Sedgwick County that want to be included and take advantage of the great services we have in the fire district. So as you mentioned, it’s 6920 North 135<sup>th</sup> Street West, which is near K-96 and 135<sup>th</sup> Street. It’s a triangular parcel. That map is in the backup you have there, so if you want to look at the exact location.

The statute requires that a public hearing be held. It also requires that a finding by the county commission be made by a three-fourth majority if the alteration is to go forward. We have prepared a resolution which would provide for that, for allowing the boundaries to be altered in that manner. The notifications, the property notifications were made to MAPD, the city clerks of Colwich and Maize and the Union Township Trustee.

No opposition was found from those notifications. At this point, I would recommend that you open the public hearing, take any public comments, close the public hearing and adopt the resolution that was prepared and then the subsequent publication would finalize the matter and I will stand for any questions. Fire Chief Curmode is here also for any questions that you may have.”

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**Chairman Unruh** said, "All right thank you. And this is, even though it has to do with the Fire District, it's appropriate that we handle this at our county commission meeting?"

**Ms. Duranleau** said, "Yes, Mr. Chairman. The statute does clearly provide that the finding be made by the Board of County Commissioners and so therefore it is appropriate to be before this board and not the fire district."

**Chairman Unruh** said, "All right, thank you. I have a question from Commissioner Winters."

**Commissioner Winters** said, "Well thank you. I think you've hit on the subject for me. And would it be possible Karen that for the record, in case anybody looks back, exactly why we're having a public hearing as a off agenda item, it was published to be on this agenda, at this day and time. Is that correct?"

**Ms. Duranleau** said, "Yes commissioner."

**Commissioner Winters** said, "But it just failed to get on our agenda."

**Ms. Duranleau** said, "That's correct. There was a glitch in paperwork processing."

**Commissioner Winters** said, "But all the notices for the public hearing were proper and in order."

**Ms. Duranleau** said, "Yes."

**Commissioner Winters** said, "Okay. Thank you."

**Chairman Unruh** said, "All right, thank you. Commissioner Parks."

**Commissioner Parks** said, "Correct me if I'm wrong, Union Township does not have a fire contract with Sedgwick County?"

**Ms. Duranleau** said, "I'll defer to the Fire Chief Curmode if you will, commissioner."

**Fire Chief Gary Curmode**, Fire District #1, greeted the Commissioners and said, "In Union Township, no we do not have a contract with them, but we do have 83 different families that have contracted with us through petitioning into the fire district that wanted full-time service."

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**Commissioner Parks** said, "Is there any plan in the future to maybe, since you do have so many, to just have a township on-track?"

**Chief Curmode** said, "That would be a decision by I believe the township, Union Township Board. We've solicited them in the past several years to say that we're interested in providing services. They have not made a decision at this point to put it to a vote or anything else at this time."

**Commissioner Parks** said, "All right, thank you. Thank you, Chief. Are there any other questions? I'm not seeing any. At this point I will open the public hearing and we will accept public comment regarding including this piece of property within the Fire District #1. Anyone wants to speak to this issue? I see no one moving so I will close the public hearing and we will bring the conversation back to the bench. Commissioner Winters."

**Commissioner Winters** said, "I just have one question for Chief Curmode. Chief, you know of no reason why we should not include this property, do you?"

**Chief Curmode** said, "No. The family . . . there are several family members that have different plots in that area that were already in the fire district and I believe they approached us and asked to have the same type of protection."

**Commissioner Winters** said, "So it is your recommendation that we accept this property in the district."

**Chief Curmode** said, "Yes, it's my recommendation we accept this property into the fire district."

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

### **MOTION**

Commissioner Winters moved to adopt the resolution and instruct the County Clerk to publish the same according to law.

Commissioner Welshimer seconded the motion.

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

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**VOTE**

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

**Chairman Unruh** said, “All right, thank you and now we’ll return to our regular agenda and we’re ready to call Item B.”

**NEW BUSINESS**

**B. AUTHORIZATION FOR COUNTY MANAGER, CHIEF FINANCIAL OFFICER AND/OR DESIGNEES TO TAKE ACTIONS AS MAY BE NEEDED TO APPLY FOR FUNDING, ACCEPT FUNDING AWARDS, AND TAKE OTHER ACTIONS AS MAY BE REQUIRED TO IMPLEMENT THE KANSAS AFFORDABLE AIRFARES PROGRAM.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “The policies that are in place for us to operate, requires that we come to you when we apply for grants from federal, state or other agencies. Under that policy, we’re coming to you today asking for authorization to apply to REAP for the affordable airfares program.

You will recall that the state has allocated in their budgeting process \$5,000,000 to REAP for programs similar to the one that we’re applying for. We know that this program has been successful and we know the impacts of a low-cost airfare carrier in this area.

The Center for Economic and Business Research at W.S.U. in 2005 concluded that AirTran’s departure from Wichita would have a pronounced affect. The study shows that AirTran’s exit would reduce employment by about 3,800 people, the labor income by about \$128,000,000. It shows the state government would suffer a \$10,000,000 loss in revenues and the City of Wichita would suffer about 2.4 million dollars reduction in municipal revenue.

Clearly this program works. Airfares are lower. We know that when we compare it to other cities. The process is that we would apply for the money through REAP. We would be required to provide a match for those funds and that match would come from the City of Wichita and Sedgwick County. I would recommend that you approve this recommended action.

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I also would remind you that either next week or the following week, we will bring you another AirTran contract. We think we have reached an agreement. It's in the process of being written and we have no reason to believe that this would not be acceptable to either AirTran or to Sedgwick County."

**Chairman Unruh** said, "All right, thank you Mr. Manager. Commissioners, are there any questions or comments? Commissioner Norton."

**Commissioner Norton** said, "I don't know if it's a question but maybe Bill could comment on it. There's been several articles recently in the paper about air flights out of Wichita. They're starting to expand a little bit. I think AirTran is now going to Orlando. We're doing some other things and the air traffic has increased sizably. In fact, May was one of the better months in the last four or five years. I thought maybe you'd comment to that as to what that's doing to our air traffic."

**Mr. Buchanan** said, "First of all, AirTran has dropped the flight or will soon drop the flight from Wichita to Orlando on Saturday and that's a pure business reason on their part. Air traffic has . . . air passenger traffic has increased. There's a . . . it can be analyzed several different ways. One is that the increase in business in Sedgwick County and surrounding areas necessitates people flying. May is not a particularly high tourist month. It's June, July and August that are the tourists' months, so it's an indicator of the amount of business that's happening."

Secondly, because of low cost carriers, including AirTran, and now they're competitors, this is a competitive place from which to fly. It no longer pays people to drive to Oklahoma City, Tulsa or Kansas City and especially if you're a business person. Time is money. It's easier to fly out of here. So we're encouraged by the number of people flying and we're encouraged by this program and we're grateful for the state for all the help that they've provided us."

**Chairman Unruh** said, "All right, thank you. Well it seems to me that this is a program that has proven itself and we know what the down side is, as you've discussed in your remarks. It seems like it's a pretty much a foregone conclusion, we need to continue this as long as it presents these benefits and we're proving that it's working. So commissioners, any other comment? What's the will of the board? We're ready for a motion to take the recommended action I think."

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**MOTION**

Commissioner Welshimer moved to authorize the County Manager, Chief Financial Officer and/or designees to take actions as may be needed to implement the Kansas Affordable Airfares Program, including, but not limited to, the application for and acceptance of funding from REAP, establishment of accounting funds and accounts, creating of budgets, acceptance of funds, and issuance of payments to REAP, AirTran and other entities.

Commissioner Norton 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. Next item please."

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

**C. CONTRACTS (21) TO PROVIDE IN-HOME CARE TO OLDER ADULTS**

- **ADVANTAGE HOME CARE, INC.**
- **AFFORD-A-CARE, INC.**
- **ALL SAINTS HOME CARE, INC.**
- **ASSOCIATED HOMECARE**
- **CARE 2000 HOME CARE**
- **CATHOLIC CHARITIES ADULT DAY SERVICES**
- **COMMUNITY CARE CONNECTIONS**
- **DEPENDABLE ASSISTED LIVING**
- **HOME HEALTHCARE CONNECTION**
- **HOME HELPER**
- **LOVING HEARTS**
- **MERCY HOME CARE, LLC.**

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- MOUNT HOPE HOME HEALTH
- PROACTIVE HOME CARE
- PROGRESSIVE HOME HEALTH CARE
- RESOURCE CENTER INDEPENDENT LIVING
- RIGHT AT HOME (THERE'S NO PLACE LIKE HOME) HOME CARE
- SAINT RAPHAEL DIRECT CARE
- SAINT RAPHAEL HOME CARE
- SOUTHWIND HOME CARE
- WICHITA LIFELINE

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, "Every year, Central Plains Area Agency on Aging enters into contracts with local home health providers to provide services in the tri-county area, Butler, Harvey and Sedgwick County under the Senior Care Act program. This is a program that we provide through state funding from the Kansas Department on Aging and this is for residents aged sixty and older living in our community who are eligible for nursing home placement level of care but chose to remain in the home.

Before you, you have contracts with 21 local home health agency providers and personal emergency response providers to provide services. Every year we do the contract. The contract is on the state fiscal year, which is July 1<sup>st</sup>, 2007 through June 28<sup>th</sup> . . . I mean, the end of June, 2008. And we have a set rate with these providers who provide services. Our case manager does an assessment to determine functional eligibility, develop a plan of care and then monitor that to make sure that services are being provided. What you have before you is the contract with those providers and I would be happy to answer any questions."

**Chairman Unruh** said, "All right, we do have a question. Commissioner Norton."

**Commissioner Norton** said, "Well I know this is something that comes up every year, but there's a growing need. Have we added any new providers from last year in this list? Are some of these new?"

**Ms. Graham** said, "I think we do have one new provider. What we do every year at this time, we put out a letter to request any additional providers, so everybody has to re-contract every year, so we put out the letter to request providers if they're interested in providing these services and then they contact us and we have a meeting and then develop the contract."

**Commissioner Norton** said, "It seems to me that in the next few years, as the Baby Boom generation starts to fall into this category of maybe needing some of the services, that this program

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will expand considerably I would imagine.”

**Ms. Graham** said, “The potential certainly is there. That would depend on the funding available, because this is a . . . well, it is a state funded program. It is based on a sliding fee scale, so it does look at the individual’s income and liquid assets and then depending on that, they pay from zero to 100% of that co-pay amount and then we do put in match money that is approved in the Sedgwick County mill levy budget, so it has a component of match money from all three counties, program income from the client’s co-pay and the state dollars. And there was some increase for the 2008 program. The state did authorize an increase in funding, so there was a slight increase for our program with this.”

**Commissioner Norton** said, “Okay. That’s all I had, Mr. Chair.”

**Chairman Unruh** said, “All right, thank you. Any other comment or question? I see no request to speak, so what’s the will of the board?”

**MOTION**

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

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, “Thank you Annette. Next item please.”

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**D. ON-LINE SUBMISSION OF A GRANT APPLICATION TO THE NATIONAL INSTITUTE OF JUSTICE FOR A FORENSIC DNA BACKLOG REDUCTION PROGRAM.**

**Dr. Timothy P. Rohrig**, Director, Regional Forensic Science Center, greeted the Commissioners and said, “Before you this morning, you have a request to allow for an on-line application to the National Institute of Justice for some federal dollars that were awarded to the State of Kansas to increase the ability of our DNA laboratory to do work, efficiency and just handle our normal duties of the day.

The State was awarded \$262,053. I’ve been discussing this with the KBI, the State Police in Kansas and also the Johnson County Crime Lab and we came to an agreement that Sedgwick County would secure \$77,160 of this award. So the request is to allow the on-line submission to be made. There are no match dollars with this. It’s 100% federal pass-through money for the county and it’s to be used only for equipment to either replace or enhance what we have in the forensic laboratory. So the recommended action is to allow the on-line application, either by the Chairman or his designee. Once the award is made, to accept the grant and then to have the appropriate budget authority given to the Center.”

**Chairman Unruh** said, “All right, thank you Dr. Rohrig. We have a question from Commissioner Parks.”

**Commissioner Parks** said, “Do you provide these services for other counties besides Sedgwick County also?”

**Dr. Rohrig** said, “We do provide forensic services for other counties on a cost recovery basis, so if another county does need assistance within the state, they do on occasion do reach out to us. We provide that service, but it is on a fee for service, so we don’t spend local dollars supporting other counties.”

**Commissioner Parks** said, “And you just answered the second part of my question. Thank you.”

**Chairman Unruh** said, “All right. We have a question from Commissioner Winters.”

**Commissioner Winters** said, “Dr. Rohrig, how many labs are there in Kansas that can do quality work in DNA testing, such as we can do here?”

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**Dr. Rohrig** said, “We have our own and then Johnson County has their own DNA laboratory, which services just Johnson County. The Kansas Bureau of Investigation laboratory system, within their laboratory system, they have two sites that perform DNA testing, one in Topeka and one in Great Bend.”

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

**Chairman Unruh** said, “Are there any other questions, commissioners?”

**MOTION**

Commissioner Norton moved to approve the Grant Application and authorize the Chairman to submit the on-line Application; accept the Grant Award containing substantially the same terms and conditions as this application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner 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, Dr. Rohrig. Next item please.”

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**E. AMENDMENT TO THE 2007 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE REMODELING OF ADULT DETENTION SUPPLY AREA FOR DETENTION BUREAU STAFF.**

**POWERPOINT PRESENTATION**

**Mr. Pete Giroux**, Senior Management Analyst, Budget, greeted the Commissioners and said, “The Sheriff is requesting a CIP amendment to remodel a portion of adult detention supply for their staff. The project does two things. First, it realigns the staff consistent with their December 2006 reorganization and then second, it utilizes this available space to improve the work environment for a variety of people.

First it brings four population control specialists out of a very cramped area adjacent to the sally port on the first floor of the facility. It also gives our DIO support specialist a much improved and more effective work area. And then, it also brings the in-state transportation supervisor out of this building over to an area where it’s more appropriate. It also will enable us to bring the people that are out there on the road and give them an area where they can at least hang their hat, check the computer and access telephones. They don’t currently have that, but they’re assigned on the eighth floor, so that’s an improvement for them and it allows us to also bring the mortgage sales clerk into the administration area of the detention facility.

The estimate from Project Services is \$90,000 and the Sheriff has access to his asset forfeiture fund so he’s able to fund the project. The CIP Committee has recommended approval.”

**Chairman Unruh** said, “All right, thank you Pete. Are there any questions? This is a remodel and shuffling of work space is just to make us for efficient.”

**Mr. Giroux** said, “Yes sir, and it was available space that they weren’t fully utilizing, so it makes good sense.”

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

**MOTION**

Commissioner Parks moved to approve the Amendment to the CIP.

Commissioner Norton seconded the motion.

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

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**VOTE**

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

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

**F. KANSAS COLISEUM MONTHLY REPORT FOR MAY 2007.**

**POWERPOINT PRESENTATION**

**Mr. John W. Nath**, Director, Kansas Coliseum greeted the Commissioners and said, "Report today again is on the activities at the Coliseum during the month of May, almost 51,000 people through the doors, ten events, 13 individual performances, net revenues were in excess of \$176,000.

We'll start off with the Tool concert. Now according the Performance magazine, this is one of the top ten concert tours in the country today. We were able to bring that show to our area and to our facility through the efforts of our promotions fund. We were partners with Live Nation, as well as Mammoth Live out of Lawrence, Kansas. We have a long-term relationship with both of those entities.

We had several . . . actually we had seven graduations and almost \$34,000. USD 259, there were four of the schools, Friends University, Derby and Goddard. Martina McBride, what else can I say, what a great show. We had 7,400 folks through the doors for Martina and very well received. She puts on a great show, some of the things that you don't hear about after the fact. She's not much of a publicity seeker, however through the efforts of her publicist, as well as the Coliseum marketing department, we arranged for 300 tickets as well as transportation for residents of Greensburg to come to the show at no cost. Martina, it's a little known fact, Martina also has a program where she awards straight-A students and we contacted the local school districts and we had several 4.0 students get two tickets to the show, compliment of Martina McBride. Wichita Wild, two games, nearly 2,000 people in attendance. They haven't lost one yet, folks, they're still working hard.

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Come May 1<sup>st</sup>, we close the pavilions for renovation, long over due. Just like to give you a little bit of an update on what's going on. As you can see from this picture, we're looking over the roof of pavilion one from the north end of the Coliseum. About half of the new roof is in place at this point. Here's a little view from the inside that shows you some of the new painting on the overhead beams, as well as some of the new lighting system, and it gives you a little bit of a view. This is right where the new construction at this point, this was taken last Saturday, they've almost finished the roof at this point, but they're coming along quite well.

This is a view looking towards the southeast that shows you the structure that will hold up the new tunnel that goes between pavilion one, which is as you're looking at this picture, on the left and the arena building on the right, which will allow us to use those two buildings in conjunction with each other, which is a new feature. Should the Britt Brown Arena have its mission entirely changed, the Sport, Boat and Travel Show could be accommodated in the other three facilities without people having to go outside. This is another view, this is the south, the area between the arena building and pavilion one, looking north of that new framework for the tunnel structure.

Commissioners, this is a shot of the footings, as well as the center supports for the new outdoor practice or rehearsal arena for the equestrian shows. That is pavilion two that's on the right, right north of that, to the left would be the arena building. Now we'll have the ability to close that off and that could also be a display area should we have to, but the intent was to have a covered rehearsal or practice arena for the equestrian folks, so they don't have to slog around in the mud should we have inclement weather.

What we have going on right now, Hays Company opened their annual overstock sale yesterday. They had more people through the doors than they've every had. They had almost 4,500 people through the doors. They've never done that on the first day of their sale before. It runs again from seven to seven today as well as seven to seven tomorrow.

The Wild comes back Saturday, next Saturday and then the 30<sup>th</sup> again for three football games. Park City race is on the 23<sup>rd</sup>. We have Bow Wow in concert on June 28<sup>th</sup>. Park City races return July 7<sup>th</sup>. Wild football again on July 14<sup>th</sup>, which would be the last game of the season, Park City races the 21<sup>st</sup> and Hinder, Buck Cherry, Papa Roach in concert on July 26<sup>th</sup>. Commissioners, any questions? This concludes my report. I'd be happy to answer them at this time."

**Chairman Unruh** said, "Commissioners, are there any questions? I have a question on your remodel, John. What's the timeframe to accomplish that?"

**Mr. Nath** said, "We're supposed to be done September 1 and go through the punch list and we'll be ready for the Junior Livestock show the 14<sup>th</sup> of September."

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**Chairman Unruh** said, “All right, and the construction there will still allow us to utilize the Britt Brown Arena without any problem.”

**Mr. Nath** said, “Absolutely, yeah, no problem at all.”

**Chairman Unruh** said, “All right, very good. Well it looks like you’re well underway with that so it looks great. And the only other question is on the June 28<sup>th</sup> event, you’ll make sure that Commissioner Winters gets advanced notice of that?”

**Mr. Nath** said, “Not a problem.”

**Chairman Unruh** said, “All right, good. Commissioners, any other comment? What’s the will of the board?”

**MOTION**

Commissioner Winters moved to receive and file.

Commissioner Norton 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 John. Next item please.”

**G. AGREEMENT WITH KANSAS AND OKLAHOMA RAILROAD COMPANY AND**

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**THE SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS  
REGARDING CONSTRUCTION AND MAINTENANCE OF THE CROSSING AND  
SIGNALS AT 247<sup>TH</sup> STREET WEST AND THE K & O TRACKS SOUTH OF  
ANDALE. DISTRICT #3.**

**Mr. David Spears**, P.E., Director, County Engineer, Public Works, greeted the Commissioners and said, "Item G is a three-party agreement between K & O Railroad, Sedgwick County and the Secretary of Transportation for the State of Kansas regarding the construction and maintenance of the highway crossing signals at 247<sup>th</sup> Street West and the K & O tracks, just south of Andale. The project will consist of crossing signals, flashing lights, straight post type and gates in front of the existing canti-lever signals.

Sedgwick County will be responsible for the continued maintenance of the advance warning signs and pavement markings. The railroad crossings in the state are prioritized by KDOT and selected accordingly. The total cost of the project is \$189,801.89 and will be 100% federally funded. I recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Unruh** said, "All right, thank you David. We have a question I think first from Commissioner Winters."

**Commissioner Winters** said, "Well thank you. I think David answered my questions in his brief comments, but this is an opportunity for us to partner with KDOT and the federal government and make a pretty busy road a much safer intersection, much safer rail crossing just on the south edge of Andale, so I'm certainly going to be supportive of this. I see there's another question. That's all I have now."

**Chairman Unruh** said, "All right, thank you. Commissioner Parks."

**Commissioner Parks** said, "Is . . . kind of explain what the criteria is for KDOT to prioritize these? Was there another crossing closed down somewhere to be able to get this up on the priority list?"

**Mr. Spears** said, "Well, and I don't know how many there are in the State of Kansas, they're in the thousands, and they look at the number of trains that go through the crossing. They look at the number of cars that go through the crossing, they look at the number of accidents and they also look at the angle the crossing crosses the road, in other words if it's at a skewed angle instead of a 90%, it's a little harder for traffic to see back at a train coming, so that's a factor also, but those are the factors they take into consideration when they determine the list. And KDOT has that list and generally every year we get, I'd say two to three per year, it seems like."

**Commissioner Parks** said, "Thank you."

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**Chairman Unruh** said, "All right, thank you. Well David, I appreciate the fact that this is going to be funded for us. However, you said we have responsibility for maintenance. Is that a big issue?"

**Mr. Spears** said, "No, it's maintenance of the signs in front of the crossing, not the crossing itself. That's not our . . . it's just like the pavement markings, where you have the big white lines on the pavement, says 'Railroad Crossing Ahead' and then any approach signs going up to it. It's not a problem."

**Chairman Unruh** said, "Okay, all right, thank you. Any other questions, commissioners? What's the will of the Board?"

**MOTION**

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

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, "Thank you, David. Next item please."

**H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JUNE 7, 2007.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of June 7<sup>th</sup> results in four items for consideration today.

**1) SEWER PROJECT AT SEDGWICK COUNTY PARK- FACILITIES**

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**DEPARTMENT**  
**FUNDING: CIP**

The first item is sewer project at Sedgwick County Park for Facilities Department. The recommendation is to accept the low base bid from McCullough Excavation Incorporated in the amount of \$145,200.

**2) CHANGE ORDER #1, BACK DATA CONVERSION PHASE II- REGISTER OF DEEDS**  
**FUNDING: TECHNOLOGY ENHANCEMENT**

Item two is change order #1 for the back date conversion phase II for the Register of Deeds. Recommendation is to accept the change order with Computer Information Concepts Incorporated and amend the contract in the amount of \$56,030 and extend the completion date to February of 2008.

**3) CHANGE ORDER #2, PATIENT TRANSPORTATION SERVICES- COMCARE**  
**FUNDING: COMCARE/ SHERIFF'S OFFICE**

Item three is change order #2, patient transportation services for COMCARE. Recommendation is to accept the change order for the new rates and amend the contract for Apple Bus for an estimated annual cost of \$111,240.

**4) HISTORIC COURTHOUSE & MUNGER BUILDING RE-ROOF- FACILITIES DEPARTMENT**  
**FUNDING: CIP**

And item four, historic courthouse and Munger Building reroof for Facilities Department and the recommendation is to accept the low bid from Buckley Roofing for option two and alternate one for a total cost of \$389,071. Would be happy to answer questions, and I recommend approval of these item.”

**Chairman Unruh** said, “Okay, thank you Iris. Commissioners are there any questions? I have one on item one, what would be the criteria to move forward with the alternate bid item? If you add those two together, it kind of changes who is low, and just tell me about that process.”

**Ms. Baker** said, “Alternate number one was not selected because of budget constraints and we’re in

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the process of evaluating redesigning that particular sewer line and then rebidding that at a later day.”

**Chairman Unruh** said, “Okay, thank you. That is helpful. All right, any other questions commissioners?”

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “Thank you Iris. Commissioners, before we proceed to the consent agenda, we need to, I think, take another off agenda item for discussion regarding the Kansas Coliseum site to be used as a casino. We need a motion to discuss that off agenda item.”

**MOTION**

Commissioner Welshimer moved to consider an off agenda item.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “Mr. Buchanan, do you want to walk us through this.”

**Mr. Buchanan** said, “Commissioners, we’re asking for permission to develop an RFP and submit a request . . . excuse me, to develop a Request For Proposal and release that to receive information from potential casino developers at the Kansas Coliseum site, which would include the Britt Brown Arena.

We’re doing this, this is not normal procedure, usually projects are in our budget and approved by you and through that budget approval process, we then go and develop Request For Proposals. But in that this is unusual and we need to be flexible in how we respond as a community to this opportunity, we wanted to make sure that we were thorough and appropriate and thoughtful and hopefully we can engage the citizens and be responsive to your needs and we know we have to be timely and certainly open and transparent in this process. Charlene Stevens will lead our effort in this area and will received some assistance and great technical help from Iris Baker.

We think we know some of the conditions by . . . which we want to place on the request for proposal and we think we know some of the criteria that we’ll use. Certainly we want to lease the ground. Certainly Britt Brown needs to remain open until the downtown arena is completed. Britt Brown may be used by developers any way they chose, including rehabilitation or demolition. Britt Brown, if it’s to remain as it is, will not compete with the downtown arena. We know that the pavilions and the pavilion parking should not be in anyway infringed upon and finally we’re trying to determine how much flexibility we may have with Weidemann Park and as we continue to work through this process, we will submit to you, in our conversations with you, about some of the conditions for the request for proposal, we will submit that to who we think are potential . . . we know who casino owners are around the country. We will send it to all casino owners that we know from around the country and then we will do the proper advertising as we will and bid board will receive those, analyze those and have those for your consideration in a relatively short period of time.

So I’m asking today to authorize the county manager to prepare a request for proposal that will include the Kansas Coliseum site, including the Britt Brown Arena.”

**Chairman Unruh** said, “All right, thank you Bill. I’ll just make a few comments and others want to speak here. I appreciate the comments you made about wanting to be thorough and appropriate

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and timely, as we consider potential events in our community. . . . and I want to do things orderly and in a business fashion. However, I'm not so sure . . . I mean, I want to have some discussion in front of the commissioners we'll have about releasing this and when we might make a decision on this and the affect it might have on the community, given the impression that we're approving a vote, one way or another so I guess I'll just let . . . I guess it doesn't need a response from you right now, but let the other commissioners . . ."

**Mr. Buchanan** said, "I would like to make just a quick comment. I think good government and good governance is about planning for success and planning for failure and I think taking this approach at this stage is doing that."

**Chairman Unruh** said, "All right, thank you. Well, we have three other commissioners who want to speak and I don't know who was first. So I'll just start to my right with Commissioner Welshimer."

**Commissioner Welshimer** said, "Well Mr. Chairman, as a county commission we can't support one side or the other on the gaming vote and we all know that and we probably will not all vote the same way when we vote on August the 7<sup>th</sup>. But we do have a deteriorating Coliseum, Britt Brown Arena and we've got to find the best way to get the highest and best use, as well as the highest and best financial value from that asset."

And Senate Bill 66, the gaming bill that passed the legislature this session, has put everyone in a potential . . . everyone with a potential site for a destination casino, in a very competitive position and I think that we need to stand up to that competition in the best way we can without trying to effect the vote, yes or no.

So as County Manager said we've got casino developers, we've had some here in Wichita looking the situation over. They're looking for sites because they will need to have that site secured for their proposals that they'll prepare right after the vote happens, if the vote prevails in a manner that brings a casino to Sedgwick County. So I think it's a very good idea to draw up a request for proposal and keep it open. I did mention something about timing, and I think we should have that proposal soon, by our next meeting hopefully, and be able to put . . . do we have to approve the proposal when it's drawn up? We don't?"

**Mr. Buchanan** said, "Under this resolution ma'am, it would indicate that if this would pass, if your action today passes, then we would prepare a request for proposal and submit it like we normally do, release it when it's finish and we would finish that as quickly as we can."

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**Commissioner Welshimer** said, “But we would look it over before you . . .”

**Mr. Buchanan** said, “Absolutely. It will not be sent out as a public document without having the county commissioners look at it and have . . .”

**Commissioner Welshimer** said, “Okay. Well I would think that it might be a good idea that we put a time limit on there of something like 30 days, 35 days. Reason being that we can’t just . . . we would not be able to make a decision. We wouldn’t know where we were, we wouldn’t know if there were better opportunities out there if some of them delayed the time all the way through the 90 days after the election. So for our own ability to make decisions, I think we should have a 30-day time limit on at least people to let us know that they’re interested in giving us the proposals.”

**Chairman Unruh** said, “All right, thank you. Bill, a question I have relative to what Commissioner Welshimer said is that using our property for the highest and best use, does that . . . I mean, are limiting this to proposals from casino developers or are we saying anybody that has an idea for the use of the property, we want you to respond to this?”

**Mr. Buchanan** said, “It was . . . what I heard yesterday was that we would limit the request for proposal for casino use only and if we’re successful, if the developer would chose us and the state would chose that site, that would be one scenario. If the state developer and state do not chose that site, then we have an opportunity at a later date to do another Request For Proposal for best and highest use, which could include anything.”

**Chairman Unruh** said, “Yeah, okay thank you. That answers my question. Commissioner Norton.”

**Commissioner Norton** said, “Well we talked about this yesterday and it was obvious that this was a complicated issue. There were differing viewpoints of how we’re going to try to deal with this, but that there’s a clock ticking and part of that has to do with the August 7<sup>th</sup> vote. One thing that we talked about is that we wanted to be sure that our actions didn’t set the tone one way or another of us as a body to effect the vote one way or another. But that there is a prevailing attitude that maybe the Britt Brown Arena is a site that would be available if the gaming issue passes.

We know that there’s already been a vote that passed that says it could go to Sumner County in south central Kansas so now the vote on August 7<sup>th</sup> will dictate whether Sedgwick County is in the mix on that placement or not.

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One of the things that really struck me yesterday is . . . several things. We're starting to have conversations about gaming and whether it will pass or not pass and if it does pass, where the siting will be and we're having that among ourselves as county commissioners and the public is having that conversation, so that we need to start making our dialogue open and to the public, even though we had it in the staff meeting and that is an open, public meeting, there was no press there yesterday, there were no citizens there so the argument that that's open and transparent becomes weak at best. So we start talking about that we need to have these conversations at the bench, let people know kind of what we're thinking, that we don't want to particularly advocate one way or another for the vote, although individually a commissioner may have a strong opinion one way or another.

The second thing that started to affect me was that we're starting to be contracted by developers and we need to make sure that that's known to the public, that we're not having backdoor sessions and we're not trying to negotiate deals and do anything out of the public purview. And one thing about moving forward and developing an RFP and describing what this may look like and what the county would be involved in goes through the public. The RFP would be available to the public. The conversations would be open to the public. It will be put out to developers to look at, which would be public record and I think that starts that process of making sure that people know what the county commission is doing as far as gaming. We're not out advocating one way or the other, but we know the issue is before us. We're going to have to deal with it, and part of dealing with it is understanding maybe that the Britt Brown site, not the pavilions, not all the Coliseum site, but at least the Britt Brown Arena may be a facility, may be a site that is of interest to developers and interest to the community if the gaming issue ends up being in Sedgwick County.

We also talked a little bit about we've had unofficial talks, as Commissioner Winters reminded me, that we never made a decision at the bench but kind of an unofficial talk that we would wait a little while until the arena was closer to being opened, to make the decision of what was going to happen to the Britt Brown Arena. That was never official, but we certainly kind of talked about not making that decision now, waiting and putting it through the public filter later.

Things have changed with . . . I don't know that anybody anticipated that gaming was going to go through the legislature this year. We thought that it would come up, but I think it was a surprise to a lot of people that now we're moving fast forward, so the landscape has changed a little bit and that forces us to have that conversation about the Britt Brown Arena maybe a little earlier than we originally had talked about.

So I wanted to really at least give my viewpoint of what the conversations have been over the last week and certainly yesterday at the staff meeting, as we started to try to talk about that and I think we all came to the conclusion that an off agenda item today, at the bench, was better than all of the

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swirling around and people trying to guess what the county commission was doing. We needed to talk about it openly and honestly at the bench and I think that's what we're doing today. That's all I had."

**Chairman Unruh** said, "All right, thank you. Commissioner Parks."

**Commissioner Parks** said, "Well I don't want to rehash a lot of things that have already been said, but I do want to highlight a few of those things. The state law has in fact, indeed kind of forced our hand if you will on this and the timing is unusual for the RFP to be done this way but there are certain ways and that's why I think that this is a good venue, an open meeting, a public meeting to be discussing it this way.

We have to look out for the entire county, what's best for the entire county. If it's the best use for Britt Brown to be converted in some way to a casino site, we should do that for the betterment of the whole county. If SMG comes in and says . . . if we wait and SMG comes in and says we're supposed to recommend we bulldoze the Britt Brown Arena then we're stuck there with a \$1,000,000 demolition process and no revenue coming in. We have a potential here for some revenue and these cannot be tax abated. The state law says that and so there is a revenue source there for the county.

We can refuse any or all proposals that we get. You know, that's another options for us. We can look at all of them. We don't have to take the best one and I certainly think that that contract will be written that way.

I would have to say that in advocating one way or the other, we're all going to vote on this the same way, secret ballot. I tell you, the sentiment that I get from some of the arena vote things and the way that started, I think we'd better be correct this time and not take a side on it when we go into it and I think that's up to the people to be studied and do it open and transparent. Thank you."

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

**Commissioner Winters** said, "Thank you Mr. Chairman. In listening to the other commissioners, I think for me the timing is the issues that we're involved here, and in kind of using Commissioner Norton's terms, I'm not comfortable for us setting the tone for the election. I am comfortable with us beginning the preparation work, and I would think that would include the Request For Proposal

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because one of the timing issues in planning for a yes vote, if that should be the case, is 90 days timeframe to have something presented to the State of Kansas is very, very short.

If the vote would be yes, there's going to be a lot of work needed to either to be done in advance, or to be done immediately afterward. But I'm not comfortable selecting someone who is the successful responder to a request for proposal until after we know how the citizens are going to vote, I think and that's what I'm having a little bit of a struggle with, these last couple of days, of I clearly see the problem issue as it relates to timing, but I clearly think we should stand back and the citizens are certainly going to be engaged in a process of deciding whether the vote is going to be yes or the votes going to be no and I don't want to disturb that process that they're going to go through.

So I guess that's my perplexion is if we would put out a request for proposal, which I think I can support, the development of that, when would we act on that? When would there be response to that? And that I'm not sure."

**Chairman Unruh** said, "Is that . . . Commissioner Winters' question, Bill, is that something that would have a deadline in the RFP if we put out there, saying we're going to choose on a certain day? I mean, help me understand that."

**Mr. Buchanan** said, "There's at least a three-step process. One would be when do we receive the proposals. Second is, how much time is it going to take to analyze, assuming you're going to get more than one, how long does it take to analyze that. We think an analysis can occur . . . this is a top priority. If we drop everything and concentrate on this alone, we think we can do it in four or five days.

And then the third step would be when would the county commission approve that. It goes to the bid board and it happens every Thursday and I would recommend, although you don't have to, use the bid board process. That's a process that's open and it's a process that we've used in the pass and if we're trying to make sure the public understands this is an arms-length transaction, that we use that process. They can have a special meeting and we can have it at a Wednesday any . . . in August, before the election, or right after the election."

**Chairman Unruh** said, "Okay, excuse me . . ."

**Mr. Buchanan** said, "But if . . . your question I believe was in the RFP does it say when we make a decision and usually we always let bidders know when it will be expected to be on the bid . . . When we will require it to be presented to us and when it's likely to be heard by the bid board."

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**Chairman Unruh** said, "Okay, so part of our decision today is to tell you what that date might be."

**Mr. Buchanan** said, "Or we can have conversations about that this week."

**Chairman Unruh** said, "Okay. Well we . . . other commissioners want to speak and I think Commissioner Parks was first."

**Commissioner Parks** said, "Yes, I'd like to qualify my statement here by saying that it's . . . sometimes you can't do this when your acquisition of property and things come up, but one of the questions I've been asked by voters out there is we're going to get to vote whether to have a casino or not. Well there are two questions on the ballot also. You know so far at least two questions, one for the slots at the Greyhound Park and one for the destination casino.

They keep asking me where is this going to be located? We voted on something before that we didn't know exactly where it was going to be located, so I think that's one of the things that should promote us to move forward and move quickly on this, in that that is a possibility where that might be located. Thank you."

**Mr. Buchanan** said, "Commissioner, two things, first of all we are, in this proposal, I think we're going to write it in such a way that we're going to lease the property rather than sell it. So there will be no property acquisition. And secondly, I think although it may be cumbersome and messy, I think voters need to understand that the state gets to chose where the location is and so through our best efforts we may think the Kansas Coliseum site is wonderful and they may chose some other site in Sedgwick County that we're not aware of, or in some other county that we're not aware of."

**Commissioner Parks** said, "That's why I did qualify that by saying that that could be one of the locations. It could be down to . . . and there's going to be proposals out there for several. We know that. We know that there's a movement to have it on the river somewhere, down by Century II, so I think that right now is the time for us to move on that and to act on that to put our facility in the mix with that."

**Chairman Unruh** said, "Okay, thank you. Commissioner Winters I believe was next."

**Commissioner Winters** said, "Thank you. I wanted to just turn a corner and sit back and make a comment about the use of the Britt Brown facility. I meant to say this earlier and just neglected to do that. I certainly am going to be supportive of lots of alternatives with the Britt Brown Arena and about the only thing that I would not support for the Britt Brown Arena's future use would be to

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have some kind of a mission that is in direct competition with the new downtown arena. If that comes up, I'm not going to be supportive of using the Britt Brown Arena for events that are going to be in competition with the downtown arena. Other than that, as Commissioner Norton talked about, we hadn't made a complete decision and he is correct but I'm totally flexible on future uses, except as it would compete with the downtown arena. That's all I have."

**Chairman Unruh** said, "So you're suggesting that if the RFP is designed, that it would include language that says it cannot compete."

**Commissioner Winters** said, "Well, I'm looking at an arena-type facility that's doing basically what the Britt Brown Arena is doing now, doing what the new downtown arena is going to be doing. I don't think we need a 10,000 seat arena at the Coliseum and a 15,000 seat arena downtown. And as long as I'm part of the commission on Britt Brown, I don't want them to compete. Now I would not see the use that we're talking about today as being direct competition with an arena-type facility."

**Mr. Buchanan** said, "Mr. Chairman, let me . . . if it would be helpful, let me reiterate what I think are conditions in the RFP and that would be that we would lease the land, that Britt Brown will remain open until the downtown arena is complete. We have a contract with the Thunder that goes through '08. It's important that if they want to stay here, that we keep the Britt Brown Arena open for them for the '09 season. We do have some contracts already for '09, so I think that's imperative.

That Britt Brown could be used by the developer in any way they chose, including rehabilitation and demolition, so it's up to the developer to decide what to do with Britt Brown. That Britt Brown will not compete with the downtown arena. The pavilion and pavilion parking will not be infringed upon by the use of a casino at that site, and that we are still trying to determine how much flexibility we have with Weidemann Park."

**Chairman Unruh** said, "Okay, thank you. I think that's helpful. We have a question from Commissioner Welshimer."

**Commissioner Welshimer** said, "Well, back on the subject of when we would make a decision, we don't know that we're going to have any offers at all and we may have several. We may not find anyone who can agree to the terms that we've set out here, so I think we need to play it by ear for the next few weeks. I put a deadline on there to see, you know, telling developers when our

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deadline is to hear from them and if we don't hear from them, we may have to extend our deadline. And so I think we can determine when we're going to make the decision by what happens over the next few weeks and who shows an interest in that site.

So, I would like to make that a part of the motion, that we leave that open and make the motion."

### **MOTION**

Commissioner Welshimer moved to authorize the County Manager to prepare a Request For Proposal that will include the Kansas Coliseum site including the Britt Brown Arena, excluding the pavilions and pavilion parking.

Commissioner Parks seconded the motion.

**Chairman Unruh** said, "We have a second. All right, we will now open for further discussion, and Commissioner Winters."

**Commissioner Winters** said, "Do we have an idea then of when, if we would get answers to the Request For Proposal, when would we take an action on that? When would we select someone that we wanted to work with? And let me say, is that something that we could agree on at a later time, as you said, as we play it along here, have that as an open ended question? Because I think if our decision was to do that way before the election, I don't know whether I could support that or not. And yet, I realize that we can't wait till way after, because that's just too long, so I'm still questioning that."

**Chairman Unruh** said, "Well, in response to that, Commissioner Norton wants to talk, but before calling him I just want to say I would prefer that we make both the dates to receive the RFPs and the date we're going to make a choice publicly and before we put the RFP on the street, because I've got a strong opinion that I want . . . if it's approved and if the vote on gambling is approved and if we get responses to the RFP, I'm . . . I don't want to make that selection until after the vote. So I think that's consistent, sort of, with what you were saying but wanted to make my comment. Commissioner Norton."

**Commissioner Norton** said, "Well, my preference would be that it's okay to go ahead and move forward on the RFP to do all the due diligence on that, get it out into the public, let the public see what it is, let developers see what it is but that we postpone the decision until after August 7<sup>th</sup>, because the truth is just like Commissioner Welshimer said, we may not even get any proposals and if we do we may get very weak proposals, or third, it may not pass and it's a moot issue anyway.

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And if we can maybe set the date to deal with it as the first Wednesday after . . . not the one right after the election, but maybe the next Wednesday afterwards, that gives us plenty of time to look through the RFP, make sure it goes through the analysis of staff to give us recommendations and then we make that decision pretty quickly right after the vote, which still gives us plenty of time if we have a site to advocate for that with those that are going to make that decision in Topeka.

Now I don't know if that fits in with what Commissioner Welshimer was thinking, but I think that gives us a natural timeline and truthfully, I'm really for setting all of this out in the public where people get to hear what we're saying and not try to set dates by consensus, by the manager walking up and down the hall trying to figure out who wants to do it when. I'd rather do it at this body, at this table so that it is totally out there to the public so they know what we're doing."

**Chairman Unruh** said, "All right, very good. Commissioner Parks."

**Commissioner Parks** said, "And I would say to that in that we do it at an earlier time. That would give the voters more information before they go to the polls, but that's just what I would prefer to have. Thank you."

**Chairman Unruh** said, "All right, thank you."

**Commissioner Welshimer** said, "Mr. Chairman, I think we need to decide this issue before we . . . with a substitute motion, before we decide what my motion was for the county manager to prepare the request because I think we need to remain open. We may have a developer that is our only one and may want a decision from us prior to that vote. I mean, these developers are spending a lot of money offering a lot of money and we can't make decisions for them, so I . . . If we aren't going to leave that open, then I would myself, would vote to have the opportunity to make that decision prior to the election if it was critical to negotiations."

**Chairman Unruh** said, "All right, thank you. Well, my motive in all of this, I want us to be open and transparent, as has been verbalized two or three times. I do think we have to be strategic. I mean, that's our responsibility as commissioners, that we need to run our business here decently and in order, so we've got to look at what the future might present to us and as the manager said, we have to make decisions that prepares us either for what some might say success or others might say

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defeat, we've got to prepare for both ways, so I think we need to go ahead and have some work done on this so that we can handle either potentiality. I believe that the timing is driving that, because there's such a short time after the vote to win the folks in Topeka who make this decision will make their decision and that's what's driving the need for some sort of strategic planning. At the same time, I think we should not be in a position where it looks like we're making plans before that enabling decision is made and so I'm still wanting to make our . . . have language that says we make our selection after the vote.

Another comment I want to make, and perhaps the manager would be able to comment on this question; and that is what does this do, Bill do you think, in our relationships with the City of Wichita and the task force that's been established? And we have made very strong efforts to be good partners in our community with the government of the City of Wichita and with other community associations. How does this affect that?"

**Mr. Buchanan** said, "I'm not so sure that it has any negative affect at all. I think we've been very clear with each other up front that we have our own points of view about where we think a casino should go. I think we're still struggling to find criteria by which we think will be critical for any place in Sedgwick County. I think there's an appreciation that we each have our own self interest that will drive us. This does not preclude any revenue sharing. This process does not include any other way to garner support from either the City of Wichita or Park City for this proposal and it doesn't eliminate our ability to support a proposal someplace else."

**Chairman Unruh** said, "Okay, thank you. Well the whole issue that we're discussing, in some way, it seems has the flavor of pre-supposing that the arena . . . or the casino referendum would prevail, and I don't particularly like to be in that position, from our responsibilities as county commissioners, but on the other hand strategic planning I suppose requires that we at least take an initial step. So those are my comments and my position is I'd prefer to hold a decision on a preferred provider till after the August 7<sup>th</sup> election, as soon as possible if it prevails and I respect what Commissioner Welshimer is saying and I think there's good logic behind what you're saying, but that's my opinion. And you have a calendar on the screen, Mr. Manager and so you're going to make a comment I bet."

**Mr. Buchanan** said, "No, this is what August looks like. The election is here, commission we have, well have a meeting here. This is the budget meeting, this is the day that we'll adopt the budget."

**Chairman Unruh** said, "Okay. Well, if it prevails, we will have to . . . we'll have to make that decision as soon as possible after the August 7<sup>th</sup> date. Well Commissioners, we've kicked this

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around. We have been transparent, we have been open, we've done what we had intended to do, but we have a motion before us that simply asked the county manager to prepare a Request For Proposal that will include Coliseum site and the Britt Brown Arena with no dates."

**Commissioner Welshimer** said, "Oh, I did put dates in my motion, didn't I?"

**Commissioner Winters** said, "No."

**Commissioner Welshimer** said, "I said for the next meeting, which would be June 20 . . . to bring it back to us . . . yeah, have it done by the next meeting, June 20 and then put a 30-day time limit on it so that we ask for responses by July 20 or that Wednesday, what is . . . I think July 20 is a Wednesday and that the decision date be left open and decided later. We could say we'll make the decision on July 20<sup>th</sup>."

**Mr. Buchanan** said, "July 4<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup> and 25<sup>th</sup>."

**Chairman Unruh** said, "But your motion includes a return date or an RFP close date July 20, but it doesn't suggest a specific date for decision."

**Commissioner Welshimer** said, "No, it leaves that open and we can make that decision on our second Wednesday of July."

**Commissioner Parks** said, "And that's what I understood when I seconded that."

**Commissioner Welshimer** said, "Yes, that was my motion."

**Chairman Unruh** said, "Make that decision on the second Wednesday of July."

**Commissioner Welshimer** said, "Yes, on the closing date, or our first meeting after the closing date for proposals to come in, that's when we would decide when we want to chose a proposal, a developer."

**Chairman Unruh** said, "So, all right, what you just said is that then, according to the calendar we have the 4<sup>th</sup>, that would mean on the 25<sup>th</sup> we would make a decision on when we will chose them?"

**Commissioner Welshimer** said, "Yes."

**Chairman Unruh** said, "So you're not saying we'll chose them that day."

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**Commissioner Welshimer** said, “No. We’ll make the decision of when. We could do it that day if we have the votes.”

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

**Commissioner Winters** said, “Well, I’m just trying to decide if I’m confused or not. Because I thought when you made the original motion, that you asked the manager if we’d need to bring that motion back to . . . or if we’d need to bring the RFP back, and he said no, if you make this motion we’ll be able to craft it and have that. And so I’m just not sure I understand how we can know what the dates are unless we take some action today. And again, maybe since this is a fluid situation, we could again visit it, revisit it on the 25<sup>th</sup> of July and then take an action but I’m still just . . . I’m comfortable with doing the preparatory work. I’m just not comfortable with us saying that ‘listen folks, we’re just putting together the greatest deal you ever saw and we’re going to decide on the 25<sup>th</sup>’. That’s what I’m not comfortable with and I’m not sure how I feel about this motion.”

**Chairman Unruh** said, “Is there any other comment?”

**Commissioner Welshimer** said, “Well there is no date in my motion for making a decision on who we would chose.”

**Commissioner Winters** said, “Can I ask one more question then? Well Mr. Manager, would you then as you prepare it, have staff prepare this request for proposal, this will not include any decision making dates for the county commissioners to make a decision on those who respond until this commission acts on that again at a future date? Is that correct? I mean, if you put out this request for proposal that you and staff are going to develop, you’re not going to make any decisions about that or the commission won’t until we’ve talked about it again at a regular commission meeting.”

**Mr. Buchanan** said, “Maybe. Say it one more time. I’m sorry, commissioner, say it one more time.”

**Commissioner Winters** said, “Well today I’m not in favor of us selecting a professional . . . or preferred developer or selecting a company to work with until after the citizens vote on August the 7<sup>th</sup>. After August the 7<sup>th</sup>, and depending on what citizens say then, I would be in favor of moving on as rapidly as we can with the work that we’ve developed in June and July. And without us not having the dates specifically in today’s motion, I just want to . . . some assurance that we wouldn’t, once we put that request for proposal out there, that we’re not responding to it before August the 7<sup>th</sup>,

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or if we do, this commission has got to take an action to do that.”

**Mr. Buchanan** said, “We can try to accomplish that. Once we receive the Request For Proposals they’re not public documents and we would be doing an analysis of those until we would take it to the bid board at some point and the bid board, if you wanted to just make that decision on . . . after August 7<sup>th</sup>, we could take it to the bid board on a special meeting and deal with it on August 8<sup>th</sup> or August 15<sup>th</sup>, whatever you would prefer.

If the will of the commission is to not make a decision until after the election, then I would suggest that we give the developers as much time as they can to make a proposal and to receive the proposal some time later in the month of July.”

**Commissioner Winters** said, “Well if on a normal proposal process there’s a committee selected, may or may not include commissioners and I’d see no reason why you couldn’t move forward on that. You know, I’m not sure that we couldn’t really, under what I’m thinking about, make a decision on August the 8<sup>th</sup>, if the vote is an affirmative, we hear the reports on August the 8<sup>th</sup> and make a decision. Because I . . . I mean, I think the month of July is when the folks that want to put a process together are going to have to put it together. I just, again, would rather us not make the decision until after the election.”

**Chairman Unruh** said, “All right, thank you. And I think I’ve expressed the same sentiment, so that we could design the process and set the dates that would lead us to August the 8<sup>th</sup> and that would allow time for the developers to take their time with the proposal. Commissioner Parks.”

**Commissioner Parks** said, “Well I think this 35 days and July 20<sup>th</sup> is a good date. We’re going to need some time to study those also and I think that 20<sup>th</sup> date is a very responsible time period. That’s it.”

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

**Commissioner Norton** said, “Rich, explain to me the process we usually go through with the bid board and what we require as far as dating and timing on an RFP.”

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, “I may need to defer to Iris Baker on this, but my understanding of the normal procedure is that we invite bidders or proposers to submit bids by a particular date and I don’t know that it’s customary or usual to suggest to them when a decision is going to be made.

We do require them to hold their bids open, or their proposals open for a specific period of time, but

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it's usual just to provide a deadline for submission of bids. Does that help?"

**Commissioner Norton** said, "Well, and Iris is at the podium now, so I'd to hear from Iris. Walk us through that process of getting through the RFP, the dating and timing, the bid board and then what the gap usually is before it gets to the county commission?"

**Ms. Baker** said, "The gap is usually dependent upon how much time we think we need to evaluate, and if we have . . . with pre-established criteria, if we know exactly what we want, we could peg that time and we usually give ourselves a two-week window. In this case, if we're not sure, all we need to say is 'evaluation and award' in a window, between from here to here and it falls within the time that we have allotted for the bids, proposals to be valid. That's usually for six months, in reference to what Rich was speaking about. So if we're not sure, at this point, what date we want to award, we'll just say 'from the time we receive the RFPs until the middle of August', pick whatever date we want, and anywhere in that timeframe, we'll do our evaluation and when we get to the point of determining when we want to award it, as long as it's in that timeframe, we're okay."

If it's not within that timeframe, if something happens that we're not ready to make the recommendation, an award when we say we will, then generally purchasing goes back to the vendors and gives them an update as to what's going on and when the next anticipated schedule is. It's mostly a courtesy to the vendors."

**Commissioner Norton** said, "Rich, that description would meet all legal requirements we might have as a county commission on being fair and open in the bid process?"

**Mr. Euson** said, "Yes sir, I think it would."

**Commissioner Norton** said, "Okay. So we could in fact leave the actual granting date open until after we've opened the bids, talked to Iris, let it go through the bid board process and then set a date, so that gives us a little more time to think about what that date is, either pre-election or post-election, because I think that becomes the debate we're having among ourselves and I don't know that we're going to have to have that today, so we could set everything else, put a window that we would make the decision today and then be good with that, but not firm up the second date. Is that correct?"

**Mr. Euson** said, "Yes, and I think that's what Iris is saying, if I understand it correctly."

**Commissioner Norton** said, "Okay, with that I'm okay with it. The only thing I would . . . the only caveat is that when we're ready to make that other date, that we announce that and set it right here, not at a staff meeting, not through bid board or through Iris, but the commission comes back and says what that date is, so that it's not another one of those 'wow, what are the commissioners

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doing?', all the sudden they took the proposal and we didn't even know it was coming up. So it's another one of those thing, I want to be sure that we're . . . it's all being discussed right here. That's okay legally then?"

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

**Commissioner Norton** said, "I guess in that case, I would be okay with the motion and then that gives us a chance later, first of all, for us to have . . . continue to have discussions about when we think that date is, either post or pre. The truth is, having all this conversation today, out in the public and for the record, already leads the public to believe that the Britt Brown Arena is in play, that a developer could make a proposal and that that could be a proposed site so I think we've accomplished today what I thought was important, which is let the public know that there's a good possibility that the Britt Brown Arena will be one of the suggested site, could be the only one or it could be one of many. And I'd like to hear from Commissioner Winters and Unruh as to whether that kind of gets them where they need to be too."

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

**Commissioner Winters** said, "Thank you. Well I think I can agree with Commissioner Norton on that and be comfortable doing that. I guess what I just want to be clear about is that as we move forward to this election, that Sedgwick County is not setting the tone for the election. And just as in the arena vote, Sedgwick County did not take a position. Now individual commissioners did go out and either support or oppose the arena and I would expect that individual commissioners will go out and either support or oppose the election on August the 7<sup>th</sup>. But as a county, I just want to make sure that we don't set that tone or we're not the ones that set that. But in the description that Commissioner Norton just described, I think I can support this motion that Commissioner Welshimer has made."

**Chairman Unruh** said, "Okay, somebody is going to have to tell me that motion again so that I'm . . . and then, what the intent of that motion is. So the motion is direct the county manager to develop a request for proposal that would be ready for us to see . . ."

**Commissioner Welshimer** said, "By June 20, next week and have a deadline of July 20, 30 days for responses. And decision date left open or we could put a window. A window would be fine, a window of July 20 to August 15, I think was suggested."

**Commissioner Norton** said, "I like that because that gives you the chance to either go post or pre, depending on how we line up."

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**Commissioner Welshimer** said, “Okay, then I amend my motion to include that window.”

### **AMENDED MOTION**

Commissioner Welshimer moved to direct the county manager to develop a request for proposal that would be ready for us to see by June 20, next week and have a deadline of July 20, 30 days for responses with a window of July 20 to August 15 I think was suggested.

Commissioner Parks seconded the motion.

**Chairman Unruh** said, “Okay, thank you. Commissioner Parks, you wanted to make another comment.”

**Commissioner Parks** said, “Yes, out of just something that was said, I think we need to be careful and consult with our Legal staff about individually going out and campaigning one way or the other because I believe there’s some K.S.A. that actually governs that and I will be getting in contact with Rich Euson and Legal staff on that, to see how far in fact individuals can go on promoting the vote. Thank you.”

**Chairman Unruh** said, “All right, thank you. Well commissioners, is there any more you want to say on this issue right now, comments or questions? I think we understand what we’re doing now and it’s been good discussion, has been in the open, so Commissioner Norton.”

**Commissioner Norton** said, “Only that based on the things I wrote down and I want to discuss, I’m pretty pleased that we’ve had a very open discussion among the commissioners. Everybody has weighed in, one way or another. I think we’ve had good dialogue and I think that was the intent that came out of the staff meeting yesterday, that we were going to do it in the public venue and we were going to air this out so that both opponents and proponents and developers and anybody that may have had a stake in this get to hear first-hand what commissioners were thinking about and trying to understand on this very complicated issue, so I’m pretty pleased that we’ve hashed it out in public.”

**Chairman Unruh** said, “All right, well thank you. In light of the fact that I now understand the motion, I intend to be supportive and that as long as we have not determined a decision date, I’m okay with that. Any other discussion? Madam Clerk, call the vote.”

### **VOTE**

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

**Chairman Unruh** said, "All right. We are now ready for consent agenda I think."

**CONSENT AGENDA**

**I. CONSENT AGENDA.**

- 1. Resolution authorizing disposal by destruction of Election Office voter and elections records 1992-2002.**
- 2. Waiver of policy to hire a Center for Health Equity Director, B428, mid range.**
- 3. One Easement for Right-of-Way and one Temporary Construction Easement for Sedgwick County Project 805-J,K,L; recondition roadbed plus 6" bituminous surfacing on 119<sup>th</sup> Street West between 29<sup>th</sup> and 53<sup>rd</sup> Streets North. CIP# R-254. District #3.**
- 4. Order dated June 6, 2007 to correct tax roll for change of assessment.**
- 5. Payroll check register of June 1, 2007.**
- 6. General Bills Check Register(s) for the week of June 6 – June 12, 2007.**

**Mr. Buchanan** said, "Commissioners, you have the consent agenda before you and I would recommend that you approve it and remind you that there's only 201 days left on the sales tax."

**MOTION**

Commissioner Norton moved to approve the Consent Agenda as presented.

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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, “Well commissioners, we’ve come to the end of our agenda. No more off agenda items, no Fire District, so this is the appropriate time if there are ‘other’ items you wish to discuss. Commissioner Welshimer.”

**J. OTHER**

**Commissioner Welshimer** said, “Well, last week we came to . . . or I came to the conclusion, I think we all did, that we didn’t have enough support for a public hearing on the arena issue, but I would still . . . I would like to request from staff a financial statement on where we are on that arena, and I want to stay up with that and make sure that we are having appropriate funds and any cost increases and so forth, I’d just like to see an itemized statement that sets that out for us and I think we need to keep a very close eye on that arena.”

**Chairman Unruh** said, “All right.”

**Commissioner Welshimer** said, “So, all right, I’d like for staff to prepare that for us.”

**Chairman Unruh** said, “All right, I think they’d be happy to do that. And then, in conjunction with your comment commissioner, our citizens’ advisory committees are still active, both on the design committee and on the tax oversight committee, so there are several sets of eyes that are watching how we’re doing this to make sure we’re making appropriate progress and appropriate decisions.”

**Commissioner Welshimer** said, “Well I think there’s some worry about cost projections, considering the fact that gasoline has gone up so high, you know, I’d like to know what that’s done to the arena and any other factors that have come into construction costs and maybe reduction of

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sales . . . I don't know what sales tax, whether it's smaller or larger as a result of this recent . . .”

**Mr. Buchanan** said, “I do have the sales tax numbers for May.”

**Commissioner Welshimer** said, “Okay. We budgeted and projected \$137,875,000 and we've received \$141,000,636, which is about 3.8 million dollars more than what we projected.”

**Chairman Unruh** said, “And that was from . . .”

**Mr. Buchanan** said, “That will get us to the 2008.”

**Commissioner Parks** said, “The original projection?”

**Chairman Unruh** said, “Okay, that is from the original projection. Is that correct, Bill? From the original 184, is this from the revised?”

**Mr. Buchanan** said, “This is the revised one.”

**Chairman Unruh** said, “Okay, thank you.”

**Commissioner Welshimer** said, “Do we have any reason to believe that construction costs are going to be more than we have estimated?”

**Mr. Buchanan** said, “We've had a construction cost estimate recently that would indicate that we would bring it in budget. We won't know that officially . . . we'll take a look at that again, and we will not know that until we receive the bids in October.”

**Commissioner Welshimer** said, “We have no way of knowing whether we're . . . whether the cost is going to be increased until October?”

**Mr. Buchanan** said, “We have on staff part of the Arena Design Consortium, Turner Construction Company who has given us revised cost estimates in the past month or so. They would indicate, commissioner, that we can build this arena within the budget that's been provided and I don't have those numbers in the top of my head, but that . . . Turner will review that information again and we'll have that firm figure when we receive the bids in September/ October. Then we'll know exactly.”

**Commissioner Welshimer** said, “Okay, I would still like to see the revised cost estimate and the current . . . as current as we can be on what sales tax we have, because the budget may not be what we get and so I would like to see that. Thank you.”

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**Chairman Unruh** said, "All right, is that all, commissioner? Okay. Commissioner Norton."

**Commissioner Norton** said, "Well we had our Access to Healthcare Summit and I'd like to applaud Charlene Stevens, our Assistant County Manager, Chad VonAhnen and Claudia Blackburn for putting that together and helping me move that issue forward in our community. We had over 95 participants, many of them stayed the whole day, which I think was a great commitment. We had over 66 people that signed pledge cards that they will continue to help me continue to work on this and move forward to a solution. Commissioner Parks participated all day and hopefully maybe he'll have some insight that he'll share with us. Chairman Unruh was there half a day and opened up the summit and I was very pleased that we had good participation from a lot of very smart people that understand that issue, that know it's complicated but also know that we're going to have to use some innovative ways to solve it for our community."

Next week I will not be at the commission meeting because I will be at a NACo, National Association of Counties health summit. It'll be a panel participant with Ann Nelson and John Rossell on access to health and then I'll also be doing about a 45 minute report out on our health access summit, because out of the 20 to 25 counties that have been asked to participate, I think we . . . it's safe to say that Sedgwick County is leading the way on this issue around the nation and we're trying to move it forward with the local perspective, as opposed to a federal push-down perspective so I wanted to report that.

Two things that I kind of want to report to people in my district that have come up a lot lately. One of them is there's a railroad crossing on Hoover, at about 55<sup>th</sup> Street. It jars your teeth when you go over it, and David Spears understands it. His group is working with the railroad to try to understand what can be done. So much of that is guided by the railroad and not by Sedgwick County so wanted to let citizens know we're working on that. It is a problem . . . it appears to be problematic. I don't think it's to the point of being dangerous, but I think it certainly prevails on you to slow down and not hit that crossing so hard, but we're working on that.

And the second, I've had quite a few issues lately with the sandpit on Grove Avenue, with blowing sand and trucks not doing exactly what they're supposed to and that's all been reported and we're working on it and I think there's been some crews out there cleaning up the sand that's on the road, so just wanted to let people know kind of officially that we're working on those two issues pretty hard in my district. That's all I've got."

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

**Commissioner Parks** said, "Well apparently those railroad crews have been out with the railroad companies, because they're in my district also, so we're certainly . . . what is happened, they're

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improving the grade on the crossing to get more speed. Part of the corridor study, as we passed this last one, the corridor studies as we know it, if they close down so many crossings or they improve the crossing and can go faster, you get signalization at some of those crossings, so I'm working with some of the entities in my district also. That's where they build up the crossing, they improve the crossing and then the road doesn't necessarily meet it, so that's where that problem is in itself.

I did go to the health summit. I was going there with an attitude of is this something that we have for essential government services. We do have a health department that's essential to serve our citizens, and I came away very pleased with some of the examples that they had there, in that this can be done with very little cost back to the taxpayers and we can get partnership and provide that conduit for some alternative healthcare systems and not only that one, but there are some other health initiatives out there that I want to look at in the future.

I would like to say that tomorrow is Flag Day. Fly your American Flag proudly. We're in the greatest country in the world and we can sit here and discuss all these things in the open and that's just a great feeling for me and just get your flag out and fly it proudly. Thank you."

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

**Commissioner Winters** said, "Thank you. I certainly have no difficulty in again hearing additional information about the arena. I think Ron Holt did an excellent job last week of really laying out a good operation, but it reminded me of maybe we should have had, since we brought up the discussion again of the hearing on having a re-vote, if in our last discussion, in our timing for the casino, if somehow we need to schedule in a re-vote on the casino election. Will there be an opportunity to have a re-vote if the prevailing side . . . the non-prevailing side wishes for a re-vote, will we have hearings and talk about a re-vote?"

**Commissioner Welshimer** said, "Oh, I hope not."

**Commissioner Winters** said, "Well I hope we can not talk about having a re-vote on the downtown arena anymore and continue on, as elections are meant to be because I'm sure people want to have a re-vote and if we keep talking about it, we'll have to make that decision following the casino election."

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

**Commissioner Parks** said, "Well to answer that a little bit, I'd like to say that if there were significant changes in the . . . what we have promised or told the people, and that's what I think we're trying to avoid here, so I don't think there's significant changes at this time that I can see . . . we're planning to do this and planning to do it so there don't have to be significant changes out

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there. Thank you.”

**Chairman Unruh** said, “Commissioner, any more?”

**Commissioner Winters** said, “No.”

**Chairman Unruh** said, “All right, thank you. Well I would just say that several of us were at the Wichita Metro Chamber legislative dinner last night, an opportunity to continue to develop strong relationships with our legislators who partner with us in trying to accomplish good things for south central Kansas and it was a nice evening event.

And secondly, I want to let the public know that we are in the midst of our budget hearings, trying to make sure we make right decisions there and with this type of government and budget as large as we’re talking about and with long term decisions that we make, it’s imperative that we look at not only what we’re deciding on today, but how that effects us two or three years down the road and our budget staff has done a really good job in trying to help us evaluate that as we go forward, so that we do a good job and don’t end up some place that we don’t want to be, so we’re in the middle of doing that.

Monday, several of us will be at the Central Plains Quad-County Planning Forum, which is a consortium of four counties that talk about issues that we deal with together or that are unique to our different counties, but it’s a great way to continue to develop those relationships.

And on Tuesday, the Kansas Association of Local Health Departments is having a meeting here in town, their annual meeting and our Health Department has a host role in that, so we’ll have the opportunity to be involved there.

And then lastly, I’d just say that the remote collection site for Household Hazardous Waste was held out at Hawker Beechcraft last week and David Spears tells me that his folks counted 342 cars through, which is 50% increase over a year ago, so recycling is happening in many different ways. That’s one of them that’s happening here in Sedgwick County.

With that, commissioners, is there anything more to say or comment? Then we are adjourned.”

### **K. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 10:54 a.m.

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

**Regular Meeting, June 13, 2007**

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

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

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

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**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