

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 6, 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 6, 2007 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Thomas G. Winters; Commissioner Tim R. Norton; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Don Brace, County Clerk; Ms. Jo Templin, Director, Human Resources; Ms. Lucille A Bitner, Office Specialist, Department on Aging; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. David Miller, Budget Director, Division of Finance; Ms. Marilyn Cook, Director, Comprehensive Community Care; Ms. Claudia Blackburn, Director, Health Department; Ms. Chris Morales, System Integration Coordinator, Department of Corrections; Mr. Ron Holt, Assistant County Manager; Mr. Ron Marsh, Executive Officer, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Charles H. Peaster, Sr., Member, Sedgwick County Nuisance Appeals Board.
Mr. Garry Winget, Member, Sedgwick County Solid Waste Management Committee.
Ms. Luella Sanders, United Way of the Plains.
Mr. Joe Williams, 2616 N. Walton Dr., Wichita, Ks.
Mr. Carl Hodges, 7217 S. Hillside, Wichita, Ks.
Ms. Trina Hodges, 7217 S. Hillside, Wichita, Ks.
Mr. Scott Knebel, MAPC.
Mr. Mike McKay, Civil Engineer, McConnell Air Force Base.
Mr. Jack Witson, City Administrator, City of Park City.

INVOCATION

The Invocation was led by Pastor Rick Cline of Central Church of Christ, Wichita.

FLAG SALUTE

ROLL CALL

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

Regular Meeting, June 6, 2007

CONSIDERATION OF MINUTES: Regular Meeting, May 9, 2007
Regular Meeting, May 16, 2007

The Clerk reported that all Commissioners were present at the Regular Meetings of May 9th and May 16th, 2007.

Chairman Unruh said, "Commissioners, you've had an opportunity to review the minutes of the May 9th and May 16th meetings. Are there any additions or corrections?"

MOTION

Commissioner Welshimer moved to approve the Minutes of the Regular Meetings of May 9th, 2007 and May 16th, 2007.

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, "Next item."

APPOINTMENTS

A. APPOINTMENTS.

- 1. RESOLUTION APPOINTING CHARLES H. PEASTER, SR. (COMMISSIONER PARKS' APPOINTMENT) TO THE SEDGWICK COUNTY NUISANCE APPEALS BOARD.**

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "Commissioners, we've prepared this resolution of appointment for a term to expire in June of 2010 and I recommend you adopt the resolution."

Chairman Unruh said, "Thank you. What's the will of the Board?"

Regular Meeting, June 6, 2007

MOTION

Commissioner Parks moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Chairman Unruh said, “And County Clerk Don Brace is here to swear in Mr. Peaster.”

Mr. Don Brace, County Clerk, said, “Please raise your right hand.

I do solemnly swear that I will support the constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Nuisance Appeals Board, so help me God.”

Mr. Charles H. Peaster, Sr., Member, Sedgwick County Nuisance Appeals Board, said, “I do.”

Mr. Brace said, “Congratulations.”

Mr. Peaster said, “I do have a little speech. I would like to take this opportunity to thank Commissioner Parks for having confidence in me to appointment to a board of hear and render a fair ruling on an appeal, should one arise. It also will allow me to return a service to the community I’ve lived in for over 45 years.

My family and I left Kansas for about two years, but we returned. After 25 years of working for a local company, I was prepared to retire and everybody was wanting to know where were we

Regular Meeting, June 6, 2007

moving too. I told them we'd done that once and we were staying in the Wichita area, our home. So thank you again for giving me a chance to return a service to a community that has given my family and me so much. Four of our five children and families live and work in this area. Thank you, Mr. Parks."

Chairman Unruh said, "Well thank you Mr. Peaster, we appreciate your willingness to serve and Mr. Parks wants to make a comment."

Commissioner Parks said, "Yes, I just wanted to . . . Charles left out that he was a firefighter for several years also, and served the community in that fashion, so I'm sure he'll do a good job in this one. Thank you."

Chairman Unruh said, "Thank you very much. Madam Clerk, next item."

2. RESOLUTION NOMINATING THOMAS A. PRYOR (COMMISSIONER PARKS' NOMINATION) TO THE WICHITA AIRPORT ADVISORY BOARD.

Mr. Euson said, "Commissioners, this nomination goes to the Wichita City Council and by terms of their code, these are two-year appointments to the Airport Advisory Board and we recommend you adopt the resolution."

MOTION

Commissioner Parks moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Chairman Unruh said, "And is Mr. Pryor . . .?"

Regular Meeting, June 6, 2007

Commissioner Parks said, "He doesn't get sworn in."

Chairman Unruh said, "Okay. Then we're ready to call the next item."

3. RESOLUTION NOMINATING ROBERT BEATTIE (COMMISSIONER'S WELSHIMER'S NOMINATION) TO THE WICHITA AIRPORT ADVISORY BOARD.

Mr. Euson said, "And commissioners, we've prepared this resolution that likewise is for a nomination for a term of two years and I recommend you adopt this resolution."

MOTION

Commissioner Welshimer moved to adopt the Resolution.

Commissioner Parks seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

4. RESOLUTION APPOINTING GARRY WINGET (COMMISSIONER WELSHIMER'S APPOINTMENT) TO THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE.

Mr. Euson said, "Commissioners, we've prepared this resolution of appointment and I would note a slight spelling change in the material that I handed out this morning in the resolution to correct what's in your agenda backup and I would recommend you adopt the new resolution."

MOTION

Regular Meeting, June 6, 2007

Commissioner Welshimer moved to adopt the Resolution.

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, "And County Clerk Don Brace will once again administer the oath."

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

I do solemnly swear that I will support the constitution of the United States, the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Solid Waste Management Committee, so help me God."

Mr. Garry Winget, Sedgwick County Solid Waste Management Committee, greeted the Commissioners and said, "I do."

Mr. Brace said, "Congratulations."

Mr. Winget said, "Members of the Commission, I must apologize, I started my work earlier this morning before I was sworn in, because I went on a mile walk in my neighborhood and I surveyed the solid waste at the curb and 40% of it could have been recycled. We're going to do better. Thank you."

Chairman Unruh said, "Very good. Well Mr. Winget, before you leave we have a comment from Commissioner Welshimer."

Commissioner Welshimer said, "Well I think you've let everyone know why I've appointed you to this board, but I can remember a time back many years ago when you appointed me to a board

Regular Meeting, June 6, 2007

and I appreciate you doing this very much. Thank you.”

Chairman Unruh said, “Thank you Mr. Winget, thanks for being here this morning. Madam Clerk, call the next item please.”

RETIREMENT

B. PRESENTATION OF RETIREMENT CLOCK TO LUCILLE A. BITNER.

- **Lucille A. Bitner, Office Specialist, Department on Aging, will retire July 1, 2007 after 8 years of service.**

Ms. Jo Templin, Director, Human Resources, greeted the Commissioners and said, “This agenda item recognizes and acknowledges the hard work of Lucille Bitner and the Department on Aging, who has contributed a lot to the seniors over the years and the transportation program and so we would just like to thank Lucille today as well as other employees and Annette Graham the department head out of the Department on Aging, she is here to support her.

Lucille will retire July 1, 2007 after eight years of serving (*microphone misfunction*).”

Chairman Unruh said, “Well Lucille, on behalf of the Board of County Commissioners we want to first of all congratulate you on the occasion of your retirement and we want to present you with a certificate commemorating this day and also this nice clock, a gift from the county that is a small token of our appreciation for your service and dedication and commitment to service not only to this government, but all the citizens of Sedgwick County. We hope that your time here has been well spent and rewarding and we appreciate it and hope that you also have a fruitful time on what you’re going to do next and we’d appreciate it if you’d like to say anything.”

Ms. Lucille A. Bitner, Office Specialist, Department on Aging, said, “Okay, I’ll do that. It has been a very lovely . . . well, it has actually been 17 years that I have been driving, because I started in 1990, before we had went to Sedgwick County as our brokerage and I’m going to miss each and every one of my clients out there, but I did come to Sedgwick County in 1998, when the brokerage started, but I was with Park City prior to that and I have got acquainted with quite a few people out there. And I really appreciate the Board of County Commissioners giving me the opportunity to do so and I would like to thank also Annette Graham and Valerhy Powers and Kandice Bonnesen and Bradley Gamber, our coordinator. Thank you very much and really appreciate it.”

Commissioner Winters said, “Thank you. Commissioners, we’ll wait just a moment for our Chairman to return to the bench.”

Regular Meeting, June 6, 2007

Chairman Unruh said, "I think before we call the next regular agenda item, we have a couple of off-agenda items to deal with, so we need a motion to take the off agenda item, I think first of all we should take the one relating to appointing Deputy Coroners."

MOTION

Commissioner Winters moved to consider an Off-Agenda item concerning Deputy Coroners.

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

APPOINTMENTS

1. **RESOLUTION APPOINTING ERIK MITCHELL, M.D., AS A DEPUTY DISTRICT CORONER.**
2. **RESOLUTION APPOINTING RON MORFORD, M.D., AS A DEPUTY DISTRICT CORONER.**

Mr. Euson said, "Commissioners, we've prepared resolutions which would appoint Erik Mitchell and Ron Morford as Deputy District Coroners for periods of two years each and this is necessary in order to allow continuity of the coroner's functions for the county and I would recommend that you adopt these resolutions."

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

Commissioner Winters said, "Thank you. Mr. Euson or Mr. Manager, my only question would be that we have checked on these folks and they are qualified and capable of serving as Deputy District

Regular Meeting, June 6, 2007

Coroners?”

Mr. William P. Buchanan, County Manager said, “Yes sir.”

Commissioner Winters said, “That’s the only question I had.”

Chairman Unruh said, “Okay. Is there any other comment or question? What’s the will of the Board?”

MOTION

Commissioner Winters moved to adopt the Resolutions.

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, “We now need another off agenda item.”

MOTION

Regular Meeting, June 6, 2007

Commissioner Winters moved to consider an off agenda item concerning a declaration of a local disaster.

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, “And Randy Duncan is here to give us some information.”

DECLARATION OF LOCAL DISASTER/ EMERGENCY WITHIN SEDGWICK COUNTY TO RECEIVE PARTIAL REIMBURSEMENT FOR DAMAGES RECEIVED AS A RESULT OF STORMS AND FLOODING DURING THE LATTER PART OF MAY, 2007.

Mr. Randall C. Duncan, Director, Emergency Management, greeted the commissioners and said, “You all are aware, recently there’ve been a series of severe weather events more or less starting with the occurrence of the Greensburg tornado at the beginning of May and ending up with some additional rains and floods in the area in the time period after that.

We still don’t have a very specific grasp on the exact dollar amount of damage, but because of the dollar amount of damage in nearby Reno County and other counties in this area, after consulting with our folks at the Division of Emergency Management, we recommended to you all that you take this action so that we could get ourselves in position, if we have sufficient levels of damage, to qualify for a declaration. Basically, this is the opening step in that series of actions and doesn’t really obligate us to anything at this point in time.

To give you a little more specific idea of what it takes to get a declaration, without going into painful detail, it takes about three and a half million dollars in damage to public property and 25 or

Regular Meeting, June 6, 2007

more homes or businesses with 40% or more uninsured loss to get aid to individuals who may have been damaged as a result of this series of incidents. I'd be happy to answer any additional questions that you might have regarding this."

Chairman Unruh said, "All right, this is going to be a couple of questions I think Randy, but my first question, is this declaration defined geographically? I haven't read all the information."

Mr. Duncan said, "Yes sir. The definition that we're using is the entire area within the barriers of Sedgwick County. That way, that allows us in case there's an area that we're not specifically aware of, that way we don't overlook it. I think we're concentrating primarily in the northwest portion of the county, but it's possible there may have been some damage in other areas as well."

Chairman Unruh said, "All right, so this is just, as you said, positions us to be in line for assistance as we deem it necessary."

Mr. Duncan said, "Yes sir."

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

Commissioner Winters said, "Thank you. Well, I'm certainly going to be very supportive of us taking this action and moving forward today. Monday morning, Commissioners Kelly Parks and myself met with a group of individuals in Bentley, folks from the Greeley Drainage District and the Eagle Drainage District and visited with them about their concerns and the levee damage that they sustained in their drainage districts and we believe it appears that it's significant. They had photographs of the flood damage on both the north side and the south side of the Arkansas River, north of Mount Hope and in that general area. And they were certainly concerned and I think they will be interested in the action that we're taking today."

I don't know all of the individuals that were there. Paul Taylor from our Public Works was there, and Randy I'm sure that you and Paul have been communicating, but Paul does have a number of contact numbers to contact those folks. I know that Bob Seiler was very involved, Greg Young was involved and Richard Basore is kind of carrying part of that ball, so we need to make sure that we're in contact with them to get all of the data they have. And again, one of the things we talked about at this Monday morning meeting and they suggested it but we were in that same line, was that we also need to look at the south side of Sedgwick County, particularly in that Mulvane area if there was damage there so we can include that.

So with that I'm going to be supportive and Randy, I appreciate you moving this along. Do you have any idea how long it will take to determine if we have an event here that we can get some

Regular Meeting, June 6, 2007

assistance with?”

Mr. Duncan said, “Well although I don’t know exactly when we can get to that determination, I think we’re going to begin starting the determination perhaps as early as next week, so I think we’re going to be moving fairly rapidly on this issue. There are other counties, for example Reno County and Saline County, that have received pretty extensive damage as a result of these storms as well, so I think the state is very interested in moving this entire process along.”

Commissioner Winters said, “And I should also mention David Spears, our county engineer, was at that meeting with us Monday morning, but I really appreciate the work that you’ve been doing and the work that Paul Taylor is doing and everybody else is doing. I appreciate that very much. Mr. Chairman that’s all I have right now.”

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

Commissioner Parks said, “Well I would like to thank Bob Seiler for contacting me last week and getting the ball rolling on this. I would like to add in a few things to what Commissioner Winters has said. The cities out there, I would like to encourage them to assess any damage that they may have and the township, the other factions of government that are out there, the townships, many of those roads were covered with water. If you can document that and there’s not only public but private damage that has gone on here too, so if you’re a private residence and no matter how minor, make sure and document and report that. Photograph, get estimates and finally I’d like to thank staff. They did a great job on a short notice to get out and do this and we’ve really been working hard on it the last three days. Thank you.”

Chairman Unruh said, “All right. Commissioner Norton.”

Commissioner Norton said, “Well mines more of a general comment. This is really one of the critical incidents that happen in your community every once in a while but it really reminds of us one of the things that I’ve been talking about since I’ve been a commissioner is that storm water management and flood plain management and drainage is also a critical infrastructure. It’s almost like roads and bridges today and we need to be thinking of it all the time. Obviously it pops into your mind when you have a levee breach or you have an extreme amount of water, but we have very flat county that does drain very well, even in the most minor of rain incidents.

So although this brings it all to focus and we’re looking at a lot of property damage, we need to be thinking of storm water management, flood plain management and drainage strategically, all the time, because it is so important to our community. That’s more of a philosophical kind of statement

Regular Meeting, June 6, 2007

as it is an individual statement, but I wanted to be sure that I went on the record with that.”

Chairman Unruh said, “All right thank you. Is there any other comment, commissioners?”

MOTION

Commissioner Winters moved to we approve the declaration of local disaster and emergency 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, Randy. Madam Clerk, call the next item.”

LETTER OF SUPPORT

C. LETTER OF SUPPORT REGARDING COMMUNITY COUNCIL ON HOMELESS ADVOCACY’S CONTINUUM OF CARE APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Ms. Luella Sanders, United Way of the Plains, greeted the Commissioners and said, “Thank for the opportunity for the item in particular and to share this information about this important community activity and resource.

The Department of Housing and Urban Development has issued a notice of funding availability or NOFA for the 2007 Continuum Care Homeless Assistance program. This NOFA is available for support of housing programs, for persons who are homeless. Eligible programs under the NOFA include supportive housing program, transitional housing and supportive services and

Regular Meeting, June 6, 2007

(unintelligible), Shelter Plus Care and Section 8 moderate rehabilitation single-room advocacy programs for persons who have needs.

The amount of funding available to the programs in the Wichita/ Sedgwick County area depends on the number of geographic areas nationwide who submit applications to HUD under this NOFA. HUD will make these calculations after all the applications have been submitted. However, preliminary calculation by HUD, referred to as pro rata need shares, indicate that Wichita/ Sedgwick County area may be eligible for approximately \$1,069,482 this year.

The grants submitted under this NOFA do require matching funds and those matching funds would be required by the projects included in the grant to come from the sponsoring agencies within the grant application.

The process has been that the Community Council on Homeless Advocacy's Continuum of Care Committee has been preparing this application for the Wichita/ Sedgwick County area. Part of the NOFA application requires a community process to prioritize projects that are included in the Community's application. A committee of community volunteers met earlier this week, on June 4th, to review and to rank the proposals that have been submitted for this application.

United Way of the Plains will consolidate those proposals into the one application and will submit that application on behalf of those sponsoring agencies. If HUD approves funding for any of the projects, the grant agreements will be between the agency and HUD. Sedgwick County will have no fiscal or other responsibility for project implementation or oversight, other than for the project that was included and has been submitted for COMCARE of Sedgwick County.

The 2007 application includes ten projects, nine of which are seeking renewal funding for projects that are currently in operation. Two of those ten projects would allow additional funds above that estimated pro-rata needs share to come to our community and those are . . . one is a new permanent housing project submitted by the City of Wichita Housing Authority that would add five new Shelter-Plus Care Certificates to this community.

HUD defines Shelter-Plus Care program as providing funding for rent assistance and it requires rentees to identify and provide local service matches for that rent assistance. This gives applications to communities flexibility in devising the appropriate housing and the support services to meet the needs of needs of homeless persons with disabilities in our community. COMCARE of Sedgwick County, Miracles Incorporated and Positive Directions are partnering with the City of

Regular Meeting, June 6, 2007

Wichita in this application to provide the service match for those Shelter-Plus Care dollars. Another Shelter-Plus Care project also administered by the City of Wichita Housing Authority is a renewal of the existing Shelter-Plus Care program. HUD allows this project to be included in the application too, without it having to come from that calculated pro-rata need share, so both of those will add to that \$1,069,482 amount that was initially mentioned.

The remaining eight projects reflect the preliminary HUD calculated pro-rata need and were ranked by the community. Five of those eight are for transitional housing projects. Transitional housing projects offer housing and associated services that are needed for up to two-year stay for that homeless person or family.

Those projects include one from Wichita Children's Home for their Bridges Transitional Housing, has 12 units that can serve up to 17 people, again for those two years for youth. Another project is COMCARE of Sedgwick County's Homeless Program has a dual diagnosis transitional housing program that serves persons who have a severe and persistent mental illness as well as a co-occurring substance abuse problem. That has 16 units and serves up to 20 people because of the additional potential family members. United Methodist Open Door has submitted a proposal for purchased transitional housing. That has 13 units and can serve up to 46 persons. United Methodist Open Door has a leased transitional housing project that has 10 units and serves up to 34 persons. And finally, of those transitional housing, Inter-Faith Ministries has a Safe Haven project that serves 20 people in a specialized form of transitional housing, specifically for persons who have a severe and persistent mental illness and again, they can stay up to two years.

Now two of the remaining projects are for permanent supportive housing. One of those is by Inter-Faith Ministries. It's the Villa Central project and it has eight units in that project. The second one is also from Inter-Faith Ministries and it would renew the funding for Villa North, that has 19 units and together, those seven are renewal projects that have housing related to them.

The final project renewal is through United Way of the Plains and its for the Homeless Management Information System, which is the computerized data collection software system in which homeless service providers can share information about persons that they are serving. It gives the community aggregate data about the service and housing needs of persons who are in our community experiencing homelessness.

All together, those ten proposals, if awarded by HUD, would total \$1,896,931 coming into this community. What the Continuum of Care Committee is asking of the commissioners is that you provide a letter of support for this 2007 continuum of care application to HUD. I would take any questions that you might have."

Chairman Unruh said, "Well, thank you for that presentation, Luella. You gave us a lot of

Regular Meeting, June 6, 2007

information. For me to kind of understand this now, if the application is approved, this will enhance and grow our ability to serve this population. If it's not approved, it doesn't compromise what we've already got in place or what we're already doing? Or is this the primary support for these programs?"

Ms. Sanders said, "It is funded, you are correct in saying that that will maintain those nine projects that are current and it would enhance the community's service providing the continuum of care with the one new one. However, if it is not funded it means that those nine that are currently in operations would no longer be funded by HUD and so it does have the potential to have a very negative impact on the community if it isn't funded."

Chairman Unruh said, "Okay, thank you. That clears that up for me. We have a comment from Commissioner Norton."

Commissioner Norton said, "Well obviously I'm going to be supportive of the letter or support, but Luella's presentation today just earmarks how critical this is to our community, but how many moving parts there are. As I sit on the Homeless Task Force and we're charged with trying to come up with an ultimate solution and I don't know if we'll come to that conclusion very quickly, there are a lot of moving parts that make it just maddening to try to say one program fits all that's going to solve chronic homelessness or homelessness in general."

Obviously housing, when you talk homelessness, housing is a big part of that, but employment is a big part of that, substance abuse and mental health issues and services are a part of that. Healthcare is a part of that. A lot of the things we're involved in right now all tie together to solving the homeless issue also, so I'm going to be supportive of this, but it is a very complicated subject and housing, although you would think is the only solution is putting people in housing, is not the only solution."

Chairman Unruh said, "All right, thank you. Well commissioners, are there any other comments or questions?"

MOTION

Commissioner Norton moved to approve the Letter of Support and authorize the Chairman to sign.

Commissioner Winters seconded the motion.

Regular Meeting, June 6, 2007

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, Luella. Madam Clerk, call the next item please."

CITIZEN INQUIRY

D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE ISSUE OF THE RE-VOTE OF THE ARENA.

Mr. Joe Williams, 2416 N. Walton Dr., Wichita, greeted the Commissioners and said, "I'm here to ask the Board of County Commissioners not to exercise the request from the Re-vote Arena group to place the arena question back onto the ballot. The reason is that the organizers of the re-vote group have deliberately misconstrued the facts about the downtown arena project in order to manipulate the public as to garner support for their cause.

For example, organizing members of the re-vote group have told the public, and this was on their website, that the downtown arena will cost \$250,000,000. They have also used various other figures, such as \$300,000,000 because they are adding the City of Wichita's arena development neighbor onto the cost of the downtown arena. And they also used other public figures, such as a quarter of a billion or they say a third of a billion dollars and this is all designed to sensationalize the cost of the downtown arena.

Another is the 13,500 seating capacity figure that they use. We all know and I have the fact from the arena page on the Sedgwick County website that the downtown arena will have 15,000 seats. They get the 13,500 figure from an article that was written in the Wichita Business Journal back two years ago in 2005, when the reporter was interviewing numerous people on the arena project and one said that the arena 'may have a seating configuration of 13,500 for hockey'. This was of course before the design of the site location occurred for the downtown arena, but this was the lowest reported number about seating of the downtown arena, and so they used that number as the

Regular Meeting, June 6, 2007

definitive number as the total seating capacity of the downtown arena, which is an inaccurate number.

There's too many other examples to list but they come to the public and they come here to say that you've broken promises and you lied about the downtown arena. Even using the figure of \$201,000,000 as the cost of the arena is inaccurate as well. The downtown arena will only cost \$178,000,000. The \$201,000,000 is just the projected revenue from the arena tax collection. This is not the cost of the downtown arena and since every dollar under the arena tax must be spent on it or the pavilions, the county made the adjustments accordingly. Even if the core costs have gone up, the downtown arena is still well within budget.

Sedgwick County has made the arena project as transparent and as publicly engaged as possible. You have been doing everything right, with citizen oversight committees and all other relevant detailed information. Before the arena vote in 2004, the preliminary budget and cost analysis was an honest and reasonable preliminary proposal to the public. There was no promises and we didn't vote specifically on how to place every dollar per to the line item budget. What we voted on was a one cent sales tax for 30 months to collect at least a minimum 184 and a half million dollars to fund a downtown arena and the pavilions. You either voted ya or nay to that and the yas have it.

The one thing to remember about the re-vote groups request is that the vast majority of the organizers and those who signed the petition voted against the downtown arena in 2004. Their concern isn't to hold the county to the preliminary budget or to scale down the arena. Their goal is a political motivation to stop the downtown arena from ever being built. Whatever the reasons, this is their agenda.

And about holding a public forum on this issue, while I'm all for the citizens to have an opportunity to address their grievances, I would suggest that if the county chooses to have one to wait until after the special election in August, because this revote business is a huge distraction from what I believe to be a more pressing issue for the citizens of Sedgwick County and that is the casino vote. With only two months remaining, we need to be as a community discussing and debating the casino issue and not having to be drowned out by a group dedicated to kill the downtown arena project.

And commissioners, I trust your judgment on this issue and I thank you for your time and I thank you for listening."

Chairman Unruh said, "Thank you very much, Mr. Williams. Consistent with the way we've had other comment regarding this arena issue, we will not engage Mr. Williams in any sort of dialogue but we appreciate your presentation. Commissioners, is there any other comment that anyone wants to make at this time? Commissioner Winters."

Regular Meeting, June 6, 2007

Commissioner Winters said, "I would just make . . . Mr. Chairman, one comment. I think the arena is on our agenda for discussion and presentation by Ron Holt later in the meeting, is that correct?"

Chairman Unruh said, "That is correct."

Commissioner Winters said, "I'll probably hold any comments until that time, if that's all right. We could talk about it right now. It doesn't matter to me."

Chairman Unruh said, "Well, I will ask for a motion to receive and file but excuse me, we have a comment from Commissioner Welshimer."

Commissioner Welshimer said, "Well I have a comment but I'll give you the motion."

MOTION

Commissioner Welshimer 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, "Commissioner Welshimer."

Commissioner Welshimer said, "Well, in line with the subject, that since Ron Holt is going to give us an update later in the meeting, I'd like to bring up the subject that we agreed we'd think over this week and that was to consider holding a public hearing to get more information out and see if we couldn't reduce the frustration that seems to be coming up on the arena.

And we talked about having this hearing for the public when the parking study is done and so during the week I think we've talked about it, one on one, here and there. I've talked to opponents and proponents and I have not found any public will to have the hearing and there just doesn't seem

Regular Meeting, June 6, 2007

to be any of the e-mails or anything else that I've received or they're not saying yes, they want the hearing. However, that opposition, one side and the other, is still very much there and I hope that somewhere along the line we can come up with something that is going to reduce that frustration and I think we will have to, just for now, give up the idea of having a public hearing because if the public doesn't want it, there's not much point in putting staff to work on it and so on.

I think the opposition to this just was unfortunately too late. Many things happened and we don't have the authority to put that on the ballot for the opponents, since this is authorized by state legislation so only the state can do it and I think we'd be . . . I don't think that it's the best thing that the legislators want to do is to try and undo something that has gone this far. So I think we've all come to the conclusion that we don't have the support for a public hearing unless some of you have another opinion."

Chairman Unruh said, "Well thank you for those comments, commissioner. I appreciate that. I would say in fairness that I did receive three telephone calls last night from individuals who said that they wanted to have this, but I responded with the same argument that Mr. Williams just presented, not quite as articulately as he did, he did a very good job, but those arguments that he just said I responded and told those folks that I would not be in favor of going ahead with another public hearing but I appreciate your sensitivity to the matter. We have a comment from Commissioner Winters."

Commissioner Winters said, "Right, thank you Mr. Chairman. Just very briefly and I agree with Commissioner Welshimer, I think the time has past. You know, as simply as possible, I have talked to people who I know and respect who wish the vote was no and wish we could have this re-vote and a re-hearing and I have people that I've talked to in respect to say we've cast the ballots and let's move forward. And if we had not had that vote, then I think I would be in a conflicting position, but based on what we have already done, in the summer of 2004, and had the vote, I'm going to continue to support those people who voted yes. So again, I appreciate your comments this morning, commissioner."

Chairman Unruh said, "All right thank you. I see no other requests to speak on this agenda item. We've had the vote so I think we're ready to move forward. Madam Clerk, call the next item please."

PLANNING DEPARTMENT

E. METROPOLITIAN AREA PLANNING DEPARTMENT (MAPD).

Regular Meeting, June 6, 2007

- 1. MAPD CASE NUMBER DR2005-21 - ESTABLISH THE AT/FP-O, ANTI-TERRORISM/FORCE PROTECTION OVERLAY DISTRICT, ON PROPERTIES GENERALLY LOCATED SOUTH OF PAWNEE, WEST OF WEBB, NORTH OF 60TH STREET SOUTH AND EAST OF OLIVER. DISTRICT #5.**

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “You’ll recall that back in November of 2006 this board accepted the recommendations of the Implementation Coordinating Committee that you had set up to review the McConnell Air Force Joint Land Use Study. And at that time, you directed staff to move forward with implementing the recommendations that came out of that committee. And one of those recommendations was the creation of an anti-terrorism force protection overlay district on properties adjacent to the base. And earlier this year you amended the zoning code to create that district within the zoning code.

The purpose of this district is to limit the height of these buildings around the base within a certain distance of the base perimeter so as to limit opportunities for anyone to spy on the base or even, in the worst case, to launch an attack on the base.

That recommendation to do that in the joint land use study, to create this district in the joint land use study led the base to commission a security audit by the U.S. Department of Homeland Security and the Kansas Division of Emergency Management. And that security audit, among other recommendations, came back with one that said that the base ought to ask the local jurisdictions to impose a height limitation on any new construction within a half mile of the base perimeter.

And what you have before you today is a proposal to impose that overlay district on properties surrounding the base and the bulk of the land area included in this new overlay district is within unincorporated Sedgwick County and the remainder of the properties that would be affected by this overlay district lie within the corporate limits of the City of Wichita. Wichita City Council reviewed this proposal yesterday and voted to approve, first reading, of an ordinance imposing this overlay district on those properties.

In addition, I want to mention that as part of that action, the city council also initiated a text amendment to the zoning code, which would change the name of this district from the Anti-

Regular Meeting, June 6, 2007

Terrorism Force Protection Overlay District to the Air Force Base Protection Overlay District and that will come back to you in about six or eight weeks for you to consider.

The staff proposal, which you see before you, originally was this bold black line around the base perimeter to create that as the overlay district. That was originally reviewed by the MAPC at its meeting . . . at a public hearing at its meeting on March 15th. And at that hearing, the planning commission heard from a number of affected property owners, who spoke in opposition to this district being imposed on their property. Most of their concerns were about the height limitation preventing them from doing what they would like to do with their property.

So at that meeting, the MAPC voted to defer any action and instructed staff to meet with the affected property owners to determine if a reduced boundary could be worked out with the property owners. And the staff met with two groups on March 30th. The first group was the aircraft manufacturers and the second group were other affected property owners in the area. And as a result this revised staff proposal came out of those meetings and what you see on this revised staff proposal is the elimination of the Cessna property on the north end and the Boeing and Spirit properties on the west side of the base and the reason for this was that these manufacturing concerns do provide 24-hour-a-day, seven day a week security for their property and they restrict access to the property and provide patrols on the property so it wasn't deemed necessary to have this type of overlay on their properties. We also pulled back the outline of the overlay district from the bold black line, which was the original proposal to the red line, which is the actual half-mile distance from the edge of the base property and so it eliminated a fair number of properties which previously had been included in the overlay district.

The other property owners, other than the manufacturers, still several of them still opposed this, some of them wanted monetary compensation if the overlay district is imposed. Others had specific proposals that they made for additional changes to the overlay district. The first one that I put up before you was a proposal not to include the residential enclave, which is part of the base, in the . . . not to use that to calculate the half-mile distance from the base perimeter, and so what would happen then is that in this area, the line would be pulled back to what I'm showing with the arrow, the bold pink line there, from this line further to the east.

The second proposal from property owners came from the folks that own this property down here. Their proposal was to pull the line back to here, which is a half-mile from 47th Street, rather than a

Regular Meeting, June 6, 2007

half-mile from the edge of the base property and their argument there is that this is the portion of the base that is secured by the Air Force. That's where the perimeter fence is located and where the Air Force patrols.

So we took all of this back to the planning commission, at its meeting on May 3rd. Again, they heard from the property owners affected. The manufacturers were okay with this new proposal. Some of the residential property owners were still not satisfied. At that meeting, the MAPC voted nine to four to recommend the revised staff proposal, as it's shown on the graphic in front of you.

We do have one written protest from the property owner to the south, however that only represents a little over two percent of the notification area. This has been heard . . . the proposal has also been heard by the Derby Planning Commission. They heard it first at their March 1st meeting, deferred any action on that in order to get additional information. They later heard it at their March 15th meeting and supported the original staff proposal, which was again, the area outlined in the bold.

So what you have before you today as a recommendation from the Metropolitan Area Planning Commission for inclusion of the properties shown within this red hatched area in the Anti-Terrorism Force Protection Overlay District."

Chairman Unruh said, "All right, thank you John. I have a couple of questions. You referenced earlier in your presentation about a text amendment and changed the name of the overlay?"

Mr. Schlegel said, "Well, what the city council would like is for the name of the district to be changed to the Air Force Base Protection Overlay District. Now that action will have to follow up after whatever action you might take today. We would recommend that you take the action that's recommended today and then we could come back with that name change later. I mean, you could not do that today because we did not advertise that and that has not been through the MAPC yet."

Chairman Unruh said, "Okay, well that was my question, whether we should proceed today if there was going to be a modification that we knew about, so go ahead, all right. The second question, neither of the property owner proposals were adopted, when back to . . .?"

Mr. Schlegel said, "That is correct."

Chairman Unruh said, "All right. Are there homes or building in this area now that are over 25 feet, or do we know that?"

Mr. Schlegel said, "There may be. We have not done a survey of all the homes, but they would not be affected by this. They would be grandfathered in, in essence and even if they were . . . the

Regular Meeting, June 6, 2007

existing home were over that 25 foot height limitation and the home were destroyed by fire or tornado or whatever, they could be built back to the original condition.”

Chairman Unruh said, “Okay. That was my . . . can they rebuild if something happens, alright, that’s my question. All right, thank you. We do have a couple of other questions. Commissioner Winters.”

Commissioner Winters said, “Thank you. I just have one question right now and that is it appears that in moving the black . . . former black line to now where this red line is, it took significant acreage out of what would have been in the restrictive zone and has been a benefit to some property owners that are in that area. Have the officials at McConnell Air Force Base agreed to this red line boundary, as opposed to that original black line?”

Mr. Schlegel said, “Yes, they’ve indicated that they are satisfied that this provides the security that was recommended by the security audit.”

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

Chairman Unruh said, “All right. Commissioner Welshimer.”

Commissioner Welshimer said, “I think one of the biggest . . . This is my district and so I’m concerned for residents there, that think that they’re being affected negatively with this. I think the biggest complaint I’ve heard is that 25 feet doesn’t even allow for a two-story building. And is there an explanation for that? I mean, why 25 feet? Why not 30 or . . . allow at least for a two-story building.”

Mr. Schlegel said, “Well, the 25 foot height limitation would provide for most two-story residences. Now part of the reason people say that is I think they misunderstand how that 25 feet is actually measured. It’s measured from where the ground meets the front elevation of the house up to the middle of the roof and there would be . . . and that allows plenty of height for the vast majority of homes. Now there may be homes that people want to build that would be affected by that but it’s . . . in our view, that would allow the vast majority of homes that are being constructed today.”

Commissioner Welshimer said, “You say the middle of the roof.”

Mr. Schlegel said, “Correct.”

Commissioner Welshimer said, “Explain to me where the middle of the roof is, in your mind, in this situation.”

Regular Meeting, June 6, 2007

Mr. Schlegel said, "Well you'd measure from the eave up to the . . ."

Commissioner Welshimer said, "The very top?"

Mr. Schlegel said, "To the very top and the height is measured to the middle of that distance."

Commissioner Welshimer said, "And the normal two-story home measures from where the building starts above ground."

Mr. Schlegel said, "Right, at the front elevation."

Commissioner Welshimer said, "What's the normal measurement of a two-story home, 20 feet, 25 feet?"

Mr. Schlegel said, "Twenty to twenty-five feet, yes. No what I think a lot of people are concerned about is where they build rearview homes, the rear elevation is slanted off to the rear so that you have a basement lookout and that's not where it's being measured from, so most of those types of homes will still be able to be constructed with this height limitation."

Commissioner Welshimer said, "So the McConnell people involved in this are signed off on changing these boundaries?"

Mr. Schlegel said, "Correct, they're satisfied that this meets their concerns."

Commissioner Welshimer said, "And we do have two-story homes in the area."

Mr. Schlegel said, "Correct."

Commissioner Welshimer said, "And we won't have a denial of building permits for two-story homes?"

Mr. Schlegel said, "Not if they meet the 25-foot height limitation. Now if somebody comes in with I guess what you'd call a 'McMansion' and wants to really push the limits on it, I think there may be . . . some of those homes may find that they don't meet that 25-foot height limitation, but the vast majority of homes that are being build, I think, would meet this limitation."

Commissioner Welshimer said, "Said, okay and this is important to keep McConnell here."

Regular Meeting, June 6, 2007

Mr. Schlegel said, "It is."

Commissioner Welshimer said, "Okay, thank you."

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

Commissioner Parks said, "I've been at the podium advocating property rights to this very group ten years ago and I know that there's somebody that's going to speak here, wants to speak and I think we should allow that."

However, I think this is a unique situation. I think we have property rights and we have those property rights as provided to us by the United States and if we didn't have a strong military and Air Force bases like McConnell, we wouldn't have those property rights, so I just wanted to say that to kind of qualify my vote later on in support of McConnell Air Force Base and our U.S. Air Force."

Chairman Unruh said, "Okay, I don't see any other requests right now to speak. This is not a public hearing, but we will allow different individuals to come up and speak on this type of an issue, recognizing it's not a public hearing. But before I ask for those who are in opposition to speak, we have a representative here from McConnell Air Force Base, and excuse me sir, I can't recall your name right now, but as a representative from the base, would you want to make a comment before we go forward? If you'd like to, would you please do that now, state your name and how you are connected to the base."

Mr. Mike McKay, Civil Engineer, McConnell Air Force Base, greeted the Commissioners and said, "I'm here today with Lieutenant Colonel Jeff Smith, our new director of staff and as Commissioner Welshimer mentioned, the issue of property values has come up quite recently, and it's been considered not only at the local level, but also at the congressional level, because McConnell has recently answered a congressional inquiry from Todd Tiaht, Congressman Todd Tiaht, regarding this situation and we explained to him when I similar overlay district was developed back in the early nineties to protect the accident potential zones, it had absolutely no adverse effect on property values. And that also that the joint land use study committee that helped come up with these recommendations had representatives not only from local governments and

Regular Meeting, June 6, 2007

industry and McConnell, but also had the executive director of the Wichita Area Builders Association and the Wichita Area Association of Realtors as two organizations with very vested interest in homeownership and property values.

I'd also like to take the opportunity today on behalf of McConnell to thank the Metro Planning Department, who have done an outstanding job preserving the military value and the current and future mission viability of McConnell Air Force Base and to thank you for your consideration in this regard as well. I can answer any specific questions you may have regarding the joint land use study."

Chairman Unruh said, "Well thank you. My only question or comment I wanted to hear was whether or not McConnell Air Force Base command sees this as necessary for the security of the base."

Mr. McKay said, "Not only does McConnell, but it was the Kansas Division of Emergency Management and Homeland Security that came up with this recommendation, after coming out and doing a vulnerability study at McConnell. Also, the overlay that I'd mentioned back in 1994, I believe it was, was the first of its kind for any military installation nationwide. Now almost all of them have a similar type of situation. And McConnell is also leading the way in the anti-terrorism force protection overlay district. We think that the boundaries are very reasonable and take into account all the recommendation made by KDEM and the homeland security and we have no problems with changing the name of it to the Air Force Base Protective Overlay, so there's no consideration in that regard as well."

Chairman Unruh said, "All right, thank you Mike. I don't see any other questions, so appreciate it. At this time, are there individuals here who would like to speak? If you'd want to step to the podium please and tell us your name and address and . . ."

Mr. Carl Hodges, 7217 S. Hillside, Wichita, Ks., greeted the Commissioners and said, "My property . . . the overlay takes in approximately . . . oh probably 25, 30 acres of my property. It would be a very easy task I believe to take that little section out. The overlay, like I said, takes in a corner of some of my . . . better end of my property, part of it is in the floodplain. And Mike and Scott have both, at previous meetings, said they wouldn't see a problem taking that out but obviously I haven't made the right contacts. They took out the northwest area, if you look up in there, you can see there is a housing area and all kinds of stuff there. And I believe that . . . like the City of Wichita couldn't come take me in, because I have more than 21 acres and I feel like this is my last chance to try to do this with just a discussion, just to take that little bitty corner out. I'm right there on Woodlawn and 55th. On your map, if you real close, you can kind of see the creek

Regular Meeting, June 6, 2007

running down out of my pond.

I spend a lot of time and money in this area. I'm putting in a five-acre pond, it's 40 feet deep, to support trout, walleye. I've worked my life savings on this and the building heights or just the general rule, they're going to take it in and then they're also going to take it in and then they're going to also zone an industrial. I don't wish my property to be zoned industrial and I don't want to be restricted or have to also run anything I do through the base property because in this area, if somebody did want to build something, the base will have to approve it. Say it was going to come up to 30 feet tall, well the barn I'm going to build will be 33 feet tall, so the base could deny that.

In other words, somebody in this area to me is not only going to have Metropolitan Planning to deal with, they're also going to have the county for the permit, Metropolitan Planning and now we have the Air Force base and I think that's a pretty simple request, to take out that small little corner that's in the very southeast edge of it and both Mike and Scott, through all these meetings, have both admitted and said they didn't think that would be a problem to move me out of it.

And of course when they redid the red line, it took most of my property out of it and I guess I just couldn't see why we couldn't move that little bit out. If they were back to their fence line, where they do patrol and they do have their own security on their own base, I wouldn't be in it at all, but since they moved out where they have their landing strip lights run, they use that property that they own, which is wide open. I help farm a place up by there. I'm out there in those fields all the time and nobody from McConnell comes and patrols that, even to see if something is going on. I've hunted that area back in there, there's a creek running through there. I've never ran into anybody. Nobody's ever came down and seen why my truck was parked down there. So that's an uncontrolled area and my request is to take the corner of my property out and do it as a discussion like this instead of further, future engagements into any kind of assessment of the issue."

Chairman Unruh said, "All right, thank you. Mr. Hodges, hang on just a minute. We have a question. I don't know who was first."

Commissioner Parks said, "I just wanted to know, when you're referred to Mike and Scott, who is that you're talking about?"

Mr. Hodges said, "Mike, that represents the base or the Air Force and then Scott that's our county planning, Mike McKay and Scott Knebel."

Chairman Unruh said, "Anything else, commissioner? All right. Commissioner Welshimer."

Commissioner Welshimer said, "Well you say you have 25 to 30 acres that you're concerned about in this situation. Your neighboring properties, are they in the same situation? Isn't this all

Regular Meeting, June 6, 2007

vacant ground in there, so that it's not only you, but your neighbors as well?"

Mr. Hodges said, "There on the north side of me there's two residents there that it pulled in that had attended meetings and thought the same thing that I did, that maybe that we were pulled out of it if we did the half mile from their fence line, the area that they patrol, we'd have been out of the area. Then they came back and said 'Well, they're using their unoccupied, open property to go from there for the fence line.'"

Commissioner Welshimer said, "But are you the only property owner that has this problem? I mean, are you one of several property owners that would like to have their acreage spared?"

Mr. Hodges said, "I think I'm the only one that's been to the meetings that has large acreage, like I said, that has 80 acres that's came up and fought that. A lot of it went out with their re-boundaries."

Commissioner Welshimer said, "Okay. So they did spare quite a bit of it but you're still 25 to 30 acres in it. Okay, thank you."

Chairman Unruh said, "All right, thank you. Another speaker please."

Ms. Trina Hodges, 7217 S. Hillside, Wichita, Ks., greeted the Commissioners and said, "Thank you for the opportunity to speak. My husband was very eloquent as far as the fact about why we are asking for this. My name is Trina Hodges, 7217 South Hillside in Wichita.

I'm not an anti-military person. I grew up in the Air Force. I know what it is to protect our homeland security. My father is retired Air Force. I have a son that was in the Air Force, one that was in the Navy that fought in both the Afghanistan and the Iraqi War. I know the price of freedom and I completely support the Air Force base. That's where I came from. I was born on a military base.

What we are asking here is the protection of our future. Carl and I have invested every dollar that we have in this little quarter section of ground. In all of the meetings that we had with Scott Knebel and Mike McKay, at no time did they say, 'you know, I understand your concern, but we're going to do it anyway'. Every meeting that we had with . . . regarding this, the assessment was made it is not unreasonable and we would not oppose having your farm excluded.

We've attended every meeting. In fact, if it wasn't for us, the half-mile boundary, I promise you the meeting that they had with the residents was going downhill fast. I understand the need for a protection overlay completely, but if you look at where 47th Street runs on the map and how far away from the actual Air Force base our property is, it would complete remove our property from

Regular Meeting, June 6, 2007

that, as well as two of the other residences and I know that they've been to . . . they stopped last meeting I guess. It just took the heart out of them, but I can't stop.

Somebody has got to see that excluding our property is not going to impact the future viability of the base or any further missions. Being able to put a 30-foot barn in a section of ground that we have set aside, we have the gates up for it. We're going to have a ten-horse, ten-stall horse barn up there and a place to work on our farm equipment. That is not in any way going to alter the base future. It's not going to pose a threat to anybody, because you can't even see the Air Force base fence from that top corner of our property.

As Carl said, our farm, our barn plans are 33 feet tall. That's going to prohibit us from doing that. We would have to absolutely remove a lot of our graze land property to put it in another location of our farm and that would prohibit us from even having the livestock, because we won't be able to grow what it is we need to grow.

You're my last hope in getting that little corner area excluded. It really . . . it poses no threat, but it does help us see the future that we had planned and thought was secure, up until these meetings started. We had made the recommendation that the border end at 47th Street. We made that recommendation based off the joint land use study that the base and the Metropolitan Area Planning was using to do this the own study quotes that it is assumed that the district would resemble a buffer area a certain distance extending away from the bases fence line. That's a quote from their own study, from the bases fence line and that's what we're asking you to do.

If you can remove our farm, that actually would go in line with what the study has recommended, instead of any far-reaching property that the base owns. It's not being used. It's vacant. It's not patrolled. It's fenced with a barbed wire that anybody could go over, under or around. I guess that's all I have to say. I'm just asking that you take a look at our plight if you would and make a recommendation."

Chairman Unruh said, "Thank you. I don't see any questions for you at this time. Is there anyone else who would like to speak on this issue?"

Commissioner Welshimer said, "Could we have a response to that?"

Chairman Unruh said, "Certainly. We will restrict our comments to the bench now and we still can ask anyone to . . ."

Commissioner Welshimer said, "John Schlegel."

Regular Meeting, June 6, 2007

Chairman Unruh said, "Mr. Schlegel, I think we have a comment for you, or a question for you from Commissioner Welshimer."

Commissioner Welshimer said, "I'd like to hear why this corner needs to be involved in the overlay? This 25 to 30 acres that is owned by the Hodges."

Mr. Schlegel said, "Well we took in the revised staff proposal, we took it a half-mile from the edge of the base property and that was our understanding of what the Air Force was looking for. If I go to the Hodges' proposal, you can see how that line pulls back to a half-mile from 47th Street and I guess I would have to ask the base representatives how they would feel about pulling that line back."

Commissioner Welshimer said, "I'd like to know that."

Mr. McKay said, "Yes ma'am, this was considered in a previous meeting. I'd like to let you know that the clear zone property is not just some vacant plot of land. It contains navigational aids and landing lights and was considered, in the study done by the Kansas Division of Emergency Management, when we considered the Hodges' proposal, the original black line there went further than half a mile. It was done out of expediency to not cut certain section of property down the middle, so when we drew the new red line, it's an actual one-half-mile arc around all the corners and that's what excluded most of their property."

The clear zone is in fact controlled area and it is fenced and it is patrolled and it has, as I mentioned earlier, the landing lights and navigational aids that are critical to the approach and departure of our aircraft. And specifically, when McConnell aircraft during north winds, go down south to Taxiway Alpha to the hammerhead and wait for approval to depart, they are in an area which is considered slightly vulnerable to any terrorist activity south of McConnell Air Force Base, including that property which was mentioned.

So the original KDEM and homeland security report mentions our fence line, which goes all the way down to the land included in our clear zone."

Commissioner Welshimer said, "Okay, well the testimony of Ms. Hodges' was that you can't see the base from this area, and so what you're saying that it's airplanes landing and taking off."

Mr. McKay said, "It's aircraft awaiting the departure approval and also I believe there's . . . there is a variance allowed in the code which states that if you can prove that there's a line-of-sight issue, you can add five feet onto the height of your building. So having discussed that with Metro Planning Department, we figured that would be the best way for individuals who have specific

Regular Meeting, June 6, 2007

property that can demonstrate the need to add an additional . . . what is it Scott, up to 30 feet? I'll defer that to Scott. He's better at the code than I."

Mr. Scott Knebel, Planning Staff, Metropolitan Area Planning Department, greeted the Commissioners and said, "The way the overlay district is written that you approved, it has several provisions in it. One is an adjustment, which Mr. McKay mentioned, to increase the height by up to five feet. That could be granted in any circumstance as long as the normal criteria for adjusting the zoning code are met. There's another provision in there that deals with line of sight to the base and any height that is normally permitted in the zoning district that the property is located in would be permitted, if there is not line of sight from that structure to the base."

Commissioner Welshimer said, "The Hodges' could make an application to the air force base to increase the height of their barn from 25 to 30?"

Mr. McKay said, "It actually would be an application to the Metropolitan Area Planning Department, which would be approved by the planning . . . could be approved by the planning director and it actually would allow a structure to be constructed to a height permitted by the zoning district, which their property in this particular location I believe is zoned single-family 20, which does not restrict height of barns. So if there is not line of sight to . . . at the 33 feet height, which I don't know if there is or not, but they could potentially have the ability to construct at that height."

Commissioner Welshimer said, "And they could . . ."

Mr. McKay said, "There is a pretty significant hedgerow along the south side of 47th Street that may provide that block from line of sight."

Commissioner Welshimer said, "They could make this application early on in the process."

Ms. McKay said, "That's correct."

Commissioner Welshimer said, "Okay, thank you."

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

Commissioner Parks said, "Well while . . ."

Mr. McKay said, "Excuse me, commissioner, the reason we wanted to go that way is that McConnell does not legislate land uses. Nobody makes an application to us on how to use their land and we don't want to give the impression that they have to ask our permission, so we figured going through the Metro Planning Department was the best way to do this."

Regular Meeting, June 6, 2007

Commissioner Welshimer said, “Well Metro Planning is going to have to have your permission though.”

Mr. McKay said, “Excuse me?”

Commissioner Welshimer said, “Metro Planning is going to have to have your permission.”

Mr. McKay said, “No they do not. We are nothing more than an interested landowner that is hoping for a favorable . . .”

Commissioner Welshimer said, “So if they applied to raise the height of this barn, . . .?”

Mr. McKay said, “They apply only to the Metro Planning Department, not to the Air Force.”

Commissioner Welshimer said, “But you could come in and say you don’t want them to.”

Mr. McKay said, “We have absolutely no authority to do so.”

Commissioner Welshimer said, “Okay, thank you.”

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

Commissioner Parks said, “Well while Mike and Scott were up there, I thought maybe I could address them too. Do you recall the conversations with Ms. Hodges and do you recall those in the same light that she did?”

Mr. McKay said, “Yes, sir. That was during the, I believe, March 30th meetings at the alternate conference room in city hall, while your tenth floor was being remodeled. And again, having discussed it with our judge advocate, they cautioned us that . . . meaning us in the Air Force, to not give the impression that anybody needs to ask our permission on any land use legislation. That all applications continue to go through the Metro Planning Department and that this variance, I believe it’s the five-foot variance, would best be handled in that regard.

Now realize that I’m one person at the McConnell. I don’t get to make all the decisions, so that when I speak with somebody, I can discuss it with them but I don’t get the final say. We have a wing commander and a judge advocate who has final say in most of our decisions.”

Regular Meeting, June 6, 2007

Commissioner Parks said, "Well, and I'd just like to say also thank you for that acknowledgement on your conversations with Hodges."

A lot of times we can do things, in coming from a kind of security background, you don't want to give the what-ifs in situations like this but there's a strategy and a tactical reason that this is being done. And just having said that, I'll just leave it at that and I think that the Air Force and Department of Defense have probably really looked at this and studied this program and practically and strategically have come up with these boundaries, so that's all I had to say."

Mr. McKay said, "That's correct, and it was a team sent out here by Todd Bunting, the adjutant general for the State of Kansas up in Topeka that did that assessment."

Chairman Unruh said, "All right, thank you. Another comment from Commissioner Norton."

Commissioner Norton said, "I guess I'm a little fuzzy as to exactly where the Hodges' property is. I don't know if that's been outlined. Would somebody . . . John, would you show me exactly the boundaries?"

Mr. Schlegel said, "Their property is located right down here."

Commissioner Winters said, "Can you go back to that other map? Not their proposal . . ."

Chairman Unruh said, "The recommended action."

Mr. Schlegel said, "You can see, here's their property and the overlay district clips this corner of their property."

Commissioner Norton said, "What is the northern boundary of their property?"

Mr. Schlegel said, "Right there. Move the mouse around until you get an arrow."

Ms. Hodges said, "See this boundary. It goes right there."

Commissioner Norton said, "So you have a horizontal, as opposed to a vertical piece of property that runs along 55th. Is that correct?"

Ms. Hodges said, "That's correct. We have . . . it runs 55th Street and then there's right here, Woodlawn, so this right here is, like I said this green area here is in a flood zone, so that really

Regular Meeting, June 6, 2007

impacts what can happen right there, but this area here is up high and would be where we would put our horsing facility and our barn for our equipment storage. So that's basically all we're asking, is that you guys just exclude this little clipped corner. It's not going to hurt anybody. We're not asking for a lot. They've actually done that to a museum over here that is even fenced. One of the MAP meetings, one of the members frequents this museum and mentioned the fact that he's been there at all times of the night and has never seen any security there. So if you can do an exclusion for there, I don't see how this small piece of ground is going to impact McConnell's security."

Chairman Unruh said, "All right, thank you. Commissioners, are there any other questions of Mr. Schlegel or any other comments? Commissioner Winters."

Commissioner Winters said, "Well thank you. I certainly understand the comments of this particular landowner, but when I weigh this in comparison with the meeting of McConnell Air Force Base and the national security of our country and the economic impact it has on Sedgwick County and Kansas and if experts have reviewed this from a security standpoint and in light of the security threats that we read about weekly, if not daily, I think there is no way I can do anything except support the establishment of this overlay."

Chairman Unruh said, "Thank you. John, can you tell me what was the vote at the MAPC on this?"

Mr. Schlegel said, "It was nine to four."

Chairman Unruh said, "Okay. And at the city council, for their . . .?"

Mr. Schlegel said, "It was unanimous, six-zero."

Chairman Unruh said, "Commissioners, are there any other questions? I believe we're ready for a motion, if there are no other comments. Commissioner Norton."

Commissioner Norton said, "Well I personally don't see the issue with taking out that little piece and squaring it off. I don't think, you know . . . it appears to me that there is plenty of buffer there and what little bit is going to be taken out of there for this piece of property is pretty insignificant. Now maybe I'm looking at it totally wrong. In fact, I even have a concern that south of 55th, that little loop there, obviously nobody is here to protest that, but 55th Street becomes kind of natural barrier there. I'm sure there's way to use that as a buffer to extend that, but I don't even see why . . . other than that we put a compass down and drew a loop, that that even makes sense, to go pass 55th Street. Now maybe I don't understand the gravity, but on a couple of those little places like that. I mean, I'm not convinced that even up on the north side, where we say that Cessna provides security to that at all times, that's true. I don't know. It appears to me that that's where we have the

Regular Meeting, June 6, 2007

aviation tech center and you drive right into that property, pretty open, as I understand. That's gets you pretty close to the end of runways and everything, so maybe I just don't understand. And don't get me wrong, I'm all for protecting McConnell, for a lot of different reasons and I do understand that it's a different world out there, not only from exterior terrorism, but after the Murrah Building, from interior terrorism, so we have to be very cognizant that this is an important installation. They do high level security kinds of work. They are here for the defense of our nation and that we want to protect that in the manner that they think is prudent for their property and for their mission.

I do think though that those are really very, very, very insignificant, minor incidents that maybe we could resolve here today. Maybe that's not true. I'd like to hear more."

Chairman Unruh said, "All right, thank you. Well I just would make a comment that it seems that this has gone through quite a process to arrive at this point. That there's been a lot of input from McConnell Air Force Base and from their expertise, what they think is necessary for the protection of the base and then there's been some modification to that original proposal, to try to accommodate the citizens who were affected.

But having heard the recommendation from base representatives and from the MAPC, from the city council, it's been through all those steps and that in itself is on just a reason to be supportive of it, but it seems like this is what the people who have studied this issue have said this is what we need to adequately provide security for McConnell Air Force Base and so I, at this point, am going to be supportive of the recommendation. But that's . . . wanted to put my two cents in. We're at that time but still have more comments. Commissioner Parks."

Commissioner Parks said, "I guess I had one question for Ms. Hodges. Do you have your horses there now?"

Ms. Hodges said, "We have . . . we sold the last of our five horses. A year ago, we started investing in cattle and that horse stall is also going to house our cattle. We have 14 cows at this time."

Commissioner Parks said, "Okay, well I was going to ask if they were excitable with low flying aircraft."

Ms. Hodges said, "Actually they're just as docile as can be. And we're far enough away that the . . . we don't hardly hear plane one. If you've ever walled around in our ground, like I said, it's quite a bit away and excluding it just wouldn't be a big deal."

Regular Meeting, June 6, 2007

Commissioner Parks said, “So it’s a cattle operation now, not a horse . . .”

Ms. Hodges said, “It is simply, because the horses take a lot more time than cattle do. As soon as we get our place built out there, we will have . . . because my husband and I are doing the building ourselves, we will have more time and the kids are all ready for us to get the horses back. The cows stink and they just want to ride the horses.”

Commissioner Parks said, “Okay.”

Chairman Unruh said, “Is that all, commissioner?”

Commissioner Parks said, “That’s it.”

Chairman Unruh said, “Okay. Commissioner Welshimer.”

Commissioner Welshimer said, “Well both McConnell and the Hodges are my constituents and it’s a difficult decision for me. When I look at the map here and understand that the Hodges have ground in the flood zone, apparently quite a bit of your acreage is not usable, you can’t build on it. And so when you look at the size of the acreage, that’s really not the point. It’s how much of it can be used and I think if we have to vote on this today, I would prefer to see if we couldn’t work this out but if we do vote on this today, I’ll vote no.”

Chairman Unruh said, “All right, thank you. Any other comment or question? I guess the landowner can build anything they want on this within the code, as long it’s below 25 feet.”

Mr. Schlegel said, “Correct. They can build anything that’s allowed by the zoning.”

Chairman Unruh said, “I guess my point is that the land is still usable, it’s just modified from what they’ve got. Commissioners, I don’t see any other requests to speak. Commissioner Winters.”

Commissioner Winters said, “Well, I guess my comment is I’m not sure what other alternatives there are to vote today and you didn’t ask that question, if there’s no other alternative I’m prepared to make the motion that we move forward.”

MOTION

Commissioner Winters moved to establish the AT/FP-O, Anti-Terrorism/Force Protection Overlay District, on the properties recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC, and adopt the Resolution.

Regular Meeting, June 6, 2007

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	No
Chairman Unruh	Aye

Chairman Unruh said, "Next item please."

- 2. MAPD CASE NUMBER DER2006-00011 - RESOLUTION ADOPTING AN AMENDED ZONING AREA OF INFLUENCE MAP FOR THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE.**

POWERPOINT PRESENTATION

Mr. Schlegel said, "Back in 1985, when countywide zoning was first adopted by the county, the zoning area of influence boundaries around all but two of the cities within Sedgwick County were established and that was part of a compromise that was reached at that time, in order to get the county zoning passed. Then in 1995, that original map was modified at the request . . . or as a result of requests being made by some of the cities to modify their zoning area of influence boundaries. And at that time the commission modified the . . . expanded the zoning area of influence boundary around the City of Maize and declined to expand it for a number of other cities, but put in place at that time what is shown on this map as the informal notice areas.

And what these zoning area of influence boundaries mean, in terms of zoning actions, is that any zoning proposal that comes in for the unincorporated area inside those boundaries gets sent by the MAPD to the planning commission for that city for them to review and make a recommendation and that recommendation is then passed on to the Board of County Commissioners for your consideration. In the case where the city's planning commission would vote for denial, then it requires a unanimous vote by this board to overturn that recommendation.

Now due to changes in municipal boundaries, due to annexations by a number of cities, plus the adoption of this 2030 urban growth areas map by you in 2005, we've gone back and reviewed the

Regular Meeting, June 6, 2007

existing zoning area of influence boundaries and came up with a staff proposal for modifying some of those to make these boundaries more consistent with existing city boundaries and the growth area boundary map.

And we took the original staff proposal out to, through a series of meetings, with the cities that were affected by this. The first meeting was held February 11th, 2006. We took it to the Sedgwick County Association of Cities and showed the . . . distributed a map to the members that were present that day to start the process of getting feedback. And to those cities that were not at the SCAC meeting that day, then we sent copies of the map and a letter indicating that we would like to review the changes we were proposing.

And by August of 2006, we had received responses from a number of cities, so we went to the MAPC at public hearing with that staff proposal on August 17th. At that public hearing, a number of representatives from seven cities showed up to provide comments. In general, those cities expressed a desire for different boundaries than were being proposed by the staff and as a result, the MAPC referred the matter to their advanced plans committee to have further discussions with each of the cities.

The advanced plans committee then held two separate meetings, one of September 7th, 2006 and another one on September 21st to get testimony from the various cities about the staff's proposals to modify the zoning area of influence boundaries and so we received testimony from a number of cities at those two meetings.

A revised staff proposal and that testimony when back to the MAPC for a second meeting on this topic on April 5th of this year and they took action then to . . . a number of actions that day to recommend adjustments to these boundaries to you.

You've been supplied the map showing the MAPC recommendations for the boundary changes and we've gone over the maps with each of you, so I'm not going to go through all those. I have those in my presentation, if there are questions about any specific city's boundary changes.

And with that then you have a recommendation for you from the MAPC for boundary changes that's reflected in the maps that you have. And with that, I'll be glad to take any questions."

Chairman Unruh said, "All right, thank you John. We do have a couple of questions. Commissioner Parks."

Commissioner Parks said, "Well, I was just made briefly aware of some problems that one of the

Regular Meeting, June 6, 2007

cities in my district had last week at the mayors' meeting and was expanded when the staff here briefed me on this on Monday. Valley Center, I'll just give you a little bit of history, some of the staff there went back and looked at an '85 map, what they had had in the past. Of course at that time, Wichita was six miles away from Valley Center. They went clear down to 45th Street and back. I think they . . . some other staff felt that this was a starting point for negotiation and they weren't really serious about the large area that they had started out with.

And so having said that, I talked with Mr. Creech at Valley Center of Tuesday night and their consensus up there is that they're not satisfied with the boundaries and would like more discussion on that. Also I've had some discussions with Jack Witson, who happens to be here today and I don't know . . . this is not a public hearing, that he doesn't get a chance, but I would hope that the Chair would listen to him a little bit to give him a few minutes to air why they think that this is not equitable in their city also.

The City of Maize seems to be pretty well satisfied and the City of Wichita is not affected. Now I do have the City of Kechi, which has not contacted me. The north part of the City of Kechi is in my district and they have not contacted me in reference to any complaints on this."

Chairman Unruh said, "All right, we will perhaps here from Mr. Witson in a minute, but we have other questions right now. Commissioner Winters."

Commissioner Winters said, "John . . . and I know that I've had contact with the City of Goddard and would you just confirm with me, the City of Goddard's feelings now and comments and confirm that you have had discussion with them and what was that about?"

Mr. Schlegel said, "Yes, we have had discussions with them. They testified in force at the last MAPC public hearing on this matter and the MAPC agreed to leave their zoning area of influence boundaries the way they stand today."

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

Chairman Unruh said, "I don't see any other requests for commissioners to speak, so Mr. Witson, did you want to make a statement? All right, if you'd like to step to the podium."

Mr. Jack Witson, City Administrator, Park City, greeted the Commissioners and said, "A few years ago, the Board of County Commissioners were struggling with how to update the comprehensive plan. They were aware that several cities were having conflicts and really took a leadership role in putting together a small cities growth area, which now has been adopted.

Regular Meeting, June 6, 2007

I believe last year we were presented a map of the proposed area of zoning influence for the City of Park City, which matched the area of small cities growth for Park City. We looked at that map and felt that it was a reasonable boundary, because there is an association somewhat with where you're growing versus where you need to review and understand the zoning within that area of growth.

I went to, I believe, the August meeting of the MAPC and made my presentation that we were basically satisfied with our area of growth there. At that time, they sent everything to the advanced plans committee. My understanding, that when those we concluded, that Park City's boundaries were not changed out of the committee from Dale Miller. That was my understanding.

I got an e-mail from Dale stating that if we had anything else to submit in regard to our boundary, that they were going to have the final hearing on April the 5th. Having appeared before the MAPC and not aware of any problems with the map, we felt that it wasn't needed for us to appear before the Metropolitan Planning Commission. Obviously that was a mistake that we won't make again, but we felt that everything was in line and nobody indicated to us otherwise.

You know, as you're well aware, Park City is sandwiched between 3 other cities. We have a very small area of possibility of growth to begin with. We invested about \$3,000,000 in building three miles of water system, plus a million gallon water tank, which is being constructed up at 85th Street now, to service the area that was proposed in our plan. Basically it included this area right here to be serviced by that tank to provide services to the area. As you're well aware, in order to promote growth, you have to have the utilities into area and we have taken a very strong step that we believe that when you annex an area, you needed to be able to take care of that area and we have stepped forward to provide the utilities for an area.

Also over in this area here, this area here was included. These residents here and this landowner here have requested water to be serviced to their properties. That project will be let in September and we'll be running a water main along here and up to here on Hillside. Our intent is to come up here and loop 77th Street to strengthen our system. But these are plans that are already in effect, based on the small cities growth that was contained in your comprehensive plan. Basically, we feel that the area of small cities growth that was allocated in that comprehensive plan should be identical to our area of zoning influence.

It just makes sense that the two match and we're not asking . . . I know a lot of cities are asking for ten or fifteen miles of zoning areas of influence. We're not asking that. We're barely a half a mile outside of our city so we don't think we're being unreasonable and we feel like that from a planning sense that it should match to the small cities growth area boundary in our case and we request that

Regular Meeting, June 6, 2007

you would take that into consideration. And we also want to thank you for your leadership in getting that small cities boundary approved and passed into your comprehensive plan. Is there any questions?”

Chairman Unruh said, “Thank you, Jack. I don’t see any questions right now. Commissioners, is there any comment or question for Mr. Schlegel here or any further explanation?”

Commissioner Parks said, “I have kind of a unique situation here in that the Sunnydell area was annexed into Kechi and the people in Sunnydell have . . . they’re in the Valley Center School District, Valley Center phone number, Valley Center rural water, just a lot of things that we’re kind of in the mix, I would say, when that happened. And I just think that this may need to go back to Metropolitan Area Planning and take another look and I may be the only one that thinks that, because of the area but I do think that there should be some sit down negotiation with those three entities and see if there can be a common ground agreement struck with those.”

Chairman Unruh said, “All right, thank you. John, you said that you’d spoken with most of the communities.”

Mr. Schlegel said, “And we’ve provided numerous opportunities for them to provide testimony to the planning commission on what they were looking for.”

Chairman Unruh said, “Okay, thank you. Commissioner Winters.”

Commissioner Winters said, “Thank you and . . . you know, Commissioner Parks, I’ll certainly go along with if you have a suggestion and need us to take more time. John, I don’t know that we’re under an absolutely a time pressure crunch here in getting this done in the next two weeks or so. But the only thing I would add and again it’s certainly your district and I’m not trying to tell you what to do, but if we send it back to the MAPC, they’re going to look at it in the same eyes they had on when they look at it the first time. And over a year and a half ago, we attempted to have some meetings on Saturday mornings to bring people together to try to talk about these issues and I can pretty much assure you, there’s not agreement on where boundary lines should be. And I’m not sure I know how you come to a consensus in your district, because we have had all of those folks in the same room. How many Saturdays did we meet?”

Mr. Schlegel said, “Too many.”

Regular Meeting, June 6, 2007

Commissioner Winters said, "Yeah, a whole bunch of Saturday mornings we spent and they were productive in the fact that we got to know each other better and we got to see the perspective that everybody was coming from, but there were different ideas about how the world ought to look. So again, I'll take your suggestion and if you want us to defer it or send it back, I'd support that, but I'm not sure what the plan would look like to get the job done, get the task accomplished, but we could sure think about it, work on it."

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

Commissioner Parks said, "Well I think communication is the key to this and when it was started out, when those areas of influence were first . . . I'm assuming that 1985 was around the first time that some of those maps were drawn. Park City had only been a city for five years. Kechi was a very small entity in itself and the interstate was fairly new in this area. I mean it was something . . . anytime you have a high development area, whether it be residential or the corridor along 135 North, you're going to have these things and I think we need to just go back and give it one more shot, one more meeting, sit down with the three cities and just really try to hash this out and come to some conclusion and if that doesn't work I be ready to go back, proceed and vote on it."

Mr. Schlegel said, "Mr. Chairman, may I make a request of Commissioner Parks?"

Commissioner Parks said, "Sure."

Mr. Schlegel said, "That we enlist your good office in trying to establish those lines of communication because I'm afraid if we try to do it on our own, we're real easy to ignore. We may not be able to pull that meeting of the minds together. But I think if it comes from your office, it would have a better chance of getting representatives from each of those three jurisdictions at the same table."

Commissioner Parks said, "I will work on that and I don't think I'll have any problem getting them at the same table and in a peaceful manner. Thank you."

Chairman Unruh said, "All right, then it is appropriate I suppose that we take a motion to defer this for how long of time do you want, Commissioner Parks?"

Regular Meeting, June 6, 2007

Commissioner Winters said, "I'd say 30 days."

Commissioner Parks said, "Yeah, max, 30 days. If you can't get it done in that time, it won't be . . ."

Chairman Unruh said, "And during the interim time, you will convene a meeting with the cities and Mr. Schlegel will be there and see if we can come to some resolution. All right, then we need a motion to defer to 30-days."

MOTION

Commissioner Parks moved to defer 30 days and bring the item back with any significant changes that MAPC or Mr. Schlegel can arrive at.

Commissioner Winters seconded the motion.

Chairman Unruh said, "I have a motion and a second to defer Item E-2 for 30 days. Is there any further discussion? Commissioner Norton."

Commissioner Norton said, "I'll vote for the deferral and I didn't hear all the . . . I stepped out so I didn't hear all this, but I've been watching this for several years. And I wish you all the luck in the world, but if you just look at the map up there, actions speak louder than any words and that's the biggest hodge-podge of mess up there that I've ever seen in my life and I've made this same comment three years ago when we were trying to have civil discussions about logical growth in the north side. And if that's logical growth, then I don't know what illogical growth is, but lots of luck. I'll support you today but lots of luck in getting it straightened out."

Chairman Unruh said, "Commissioner Parks."

Commissioner Parks said, "Well, just in a quick retrospect of that also, some of the reason for that hodge-podge is the 21 acres and the annexation and some of the people . . . and the farmers do have a right to hold out on it if they don't want to develop that land, so that's why you see a lot of the donut areas in there is because there are 21 acres that people don't want to give up their farmland."

Chairman Unruh said, "All right, thank you. Well at our inter-municipal planning summit that's been referred to two or three times, there was great conversation and recognition that there are competing interests and the cities have a responsibility to their constituency to do what's right for their community, so therein lies the conflict, but I will be supportive of this deferral in hopes that we can find a satisfactory solution. Seeing no further comment, Madam Clerk would you please

Regular Meeting, June 6, 2007

call the vote.”

VOTE

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

Chairman Unruh said, “Thank you John. Madam Clerk, all the next item please.”

NEW BUSINESS

F. 2008 BUDGET UPDATE.

POWERPOINT PRESENTATION

Mr. David Miller, Budget Director, Division of Finance, greeted the Commissioners and said, “Over the past five months, staff and department heads and you have diligently worked through the 2008 budget process in order to reach the point that we will next week when we begin formal budget discussions with you beginning June 11th, which will carry forward through to June 19th. Those budget hearings will provide department heads, in addition to other elected and appointed officials, an opportunity to present to you and the county manager their budgetary requests for 2008, to receive from you feedback on those requests and for you to begin your budgetary considerations following the release of the manager’s recommended budget, which is scheduled for July 18th.”

As you well know commissioners, budget discussions have already been held on multiple occasions over the past four months from the financial planning retreat that was held on February 6th, to many additional discussions on financial planning, public safety, workforce development and community development discussions. The upcoming budget hearings on June 11th will lead to many more discussions, as the manager and you prioritize the public services that will be delivered with the public’s resources.

As part of the budget process, we use a long-term financial planning tool to evaluate the fiscal impacts of programming decisions that could be considered during the process. That financial plan suggests that the 2008 budget can be constructed to fund all current services and planned major projects that include the jail expansion and workforce development without any changes to the property tax rate in 2008. But that financial plan also shows us that those major projects have the

Regular Meeting, June 6, 2007

impact of returning the county, beginning in 2009, to a structural imbalance in which expenditures are growing faster than the revenues we receive. As a result of that financial outlook, the decisions you make on the 2008 budget will chart a path for a potential property tax increase in the future, potential reductions in current services that are delivered by the county, or potential changes in the pursuit of those major projects that have been considered by the BoCC.

Recognizing the possibility for future funding issues, departments were asked to prepare their 2008 budget request by evaluating their strategic plans in order to deliver the most efficient services possible and submit a budget within a target that included a 4% salary pool for wage adjustments, a 9% increase in the cost of health and life benefits funded by the county, and a half percent increase in other non-personnel operating costs.

All departments complied with those budget targets and as expected, because of the constrained targets that were allocated to departments, we also received numerous supplemental requests from departments that again you'll have an opportunity to hear about and discuss with department heads and staff during next week's budget hearings.

To close out commissioners, again the following budget reviews scheduled to begin next Monday. Following those, the county manager will prepare his recommended 2008 budget, which will be delivered to you on July 18th. In addition, some other key dates in the budget process include July 25th, in which the first public budget hearing will be held, followed by what we term the last up-day, or the setting of the maximum property tax levy that would fund the 2008 budget on August 1st. And then finally, the final public budget hearing, which would be held on August 15th and the adoption of the budget.

I'd be happy to stand for any questions, commissioners. If there are none, I'd recommend that you receive and file today's presentation. Thank you."

Chairman Unruh said, "Thank you, David. Once again, very comprehensive and clear report, appreciate that. I just . . . one definition for me. The last up-day, I understand what that means, but is that a date imposed upon us by the state or by some statute?"

Mr. Miller said, "The specific date is not imposed upon us. However, the statutorily required process requires us to adopt a maximum tax levy and upon that adoption, then we do a public notice. If on the adoption day, if you were to chose to adjust that maximum tax levy to a higher level, you would not be allowed to adopt the budget that day. Instead, we would again have to do a public notice, hold another hearing and then adopt the budget."

Chairman Unruh said, "Okay, thank you. I think I've got it. Thank you. Commissioners, any other comment or question? Commissioner Norton."

Regular Meeting, June 6, 2007

Commissioner Norton said, “Well thanks for the presentation Dave. I had a couple of things. We’ve been working on kind of pre-budget financial meetings since March and that’s very unusual. Generally we start the process when you indicated, in June, but because of this being a really . . . we see a tough five years, maybe not ’80 being as tough, but the next five years being relatively tough financially. We as a commission decided to start a little early, get into the budget numbers and particularly the financial situation earlier, so that we really understood the implications of the ’08 budget in the context of a much larger scenario.

The other part of it is that obviously we have two new commissioners who are not new to public service, but are new to county budgets and it just makes sense. I remember my first budget as a commissioner, there’s a lot of learning curve that you have to get real fast in about a month period and hopefully it’s been nice for them to have three months to look at all the line items, get into the budget, understand the finances.

We also came up yesterday and had what was considered ‘budget live’, where we had the ability to interactively change numbers and see how it changed the viewpoint of the financial situation over the next . . . not only on ’08, but all the way to 2012. And I have to applaud Troy Bruun and David Miller for working hard to come up with that ability for commissioners to do all the what-ifs without sitting with a piece of paper, trying to add it up in our heads. We could plug the numbers into the computer program, click a button, move the numbers around from year to year and see how our decisions, whatever they might be, would effect our financial responsibilities over the next four years. And I thought it was a great process, I hope we can use it more. I know Troy is going to go back and work on some tweaks that will allow us to do all kinds of movements of projects, movements of fund balances, movements of capital projects throughout the course of a four or five year period and see how that affects the mill levy and our financial stability.

We had a lot of debates in the last three months already on large capital projects and the impact of all the things we do on the mill levy and I feel like it’s going to be a tough year but we’re as well prepared to go into the actual budget time as maybe we’ve been since I’ve been on the commission and I think that’s a really good thing that we’ve brought to the table. I appreciate your report today, but this is a unusual year, where we’ve started relatively early trying to understand the budget and the financial implications.”

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

Commissioner Parks said, “Well I don’t want to rehash a bunch of the things that Commissioner Norton has said here, but you know a lot of times we give the public the venue of voting, the arena, casinos, other various things that get on the ballot and year end and year out, in my 33 years of public service, I’ve seen that very few people let us know what they want in terms, and I just wanted to let the people know through this venue that we have e-mail, we have a public hearing

Regular Meeting, June 6, 2007

coming up on July 25th, my constituents out there, please let us know what you want, what's important to you in the big ticket item. It's your tax money and we need to have the input from you. Thank you."

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

Commissioner Norton said, "No, I'm fine, thanks."

Chairman Unruh said, "Okay. Any other comment, commissioners? Well, what's the will of the Board?"

MOTION

Commissioner Welshimer 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, David. Next item please."

DIVISION OF HUMAN SERVICES

G. COMCARE.

- 1. AGREEMENT WITH COWLEY COUNTY MENTAL HEALTH AND COUNSELING CENTER (CMHC) FOR COMCARE TO PROVIDE EMPLOYEE ASSISTANCE PROGRAM SERVICES TO COWLEY CMHC EMPLOYEES AND THEIR IMMEDIATE FAMILIES.**

Ms. Marilyn Cook, Director, Comprehensive Community Care, greeted the Commissioners and said, "This is a renewal of an agreement that we've had for two years with Cowley County. The

Regular Meeting, June 6, 2007

agreement essentially allows COMCARE clinicians to provide an assessment of any Cowley County staff or a family member needing mental health services and in order . . . it would enable us to do this and protect the confidentiality of the community mental health center staff, who are needing these services.

The agreement simply indicates that the first appointment that they have are the assessment or what is sometimes called an EAP, would be as a professional courtesy to them. And then any further services that we determine they need, they would utilize their health insurance to seek those. COMCARE has a very similar arrangement with Prairie View and to my knowledge the agreement with Cowley County has never been utilized but it is a good thing to have in place in case they need it. We're recommending that you approve the contract."

MOTION

Commissioner Norton 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, "Next item."

2. CONTRACT WITH ARROWHEAD WEST, INC. TO PROVIDE RESIDENTIAL SERVICES.

Regular Meeting, June 6, 2007

Ms. Cook said, “Commissioners, in the late 1990s the eligibility for primary DD services changed and at that time we had 11 individuals who were dually diagnosed. They had a mental illness and they also had a DD diagnosis. And when that eligibility changed, those 11 individuals were no longer considered to be primarily DD clients and therefore they couldn’t participate in the day programs.

At that time, \$89,000 was transferred from the DD funding to the mental health funding for these individuals so that we would not disrupt the living situation that had been successful for these individuals up to that point. We now have eight of those 11 original individuals still living in these apartments at Arrowhead West and this money pays for the support services. Not the rent, but the support services that these individuals get from Arrowhead staff, things like making sure they’re taking the medications, getting them to appointments, helping them resolve whatever issues they have. They have roommates. Sometimes issues come up with those.

One such person is a dually diagnosed man who routinely, at the time in the 1990s, was wandering away from the day program and was calling his providers multiple times a day, showing up at the ER multiple times and initially the thought was that he needed to be institutionalized, but the Arrowhead West staff said, you know, with some support we want to keep him here, we think we could be successful. And here we are, ten years later, and this man, with support from COMCARE case management and the staff, support staff at Arrowhead West, has been able to remain in this apartment so we’re recommending that you approve the contract.”

MOTION

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

Commissioner Welshimer seconded the motion.

Commissioner Parks said, “This \$89,615 from the state. That’s what percentage of the budget for this?”

Ms. Cook said, “It doesn’t cover 100% of the services and they have an average daily rate of \$30.69 I think. That number hasn’t changed since 1990s, so Arrowhead West continues to absorb the cost that isn’t covered under this, so not 100% is the answer to your question.”

Commissioner Parks said, “Okay, thank you. Thank you, that’s all.”

Regular Meeting, June 6, 2007

Chairman Unruh said, "Thank you commissioner. Any other comment or question? Hearing none, Madam Clerk call the vote."

VOTE

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

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

HEALTH DEPARTMENT

H. HEALTH DEPARTMENT.

- 1. AMENDMENT TO AGREEMENT WITH KANSAS HEALTH POLICY AUTHORITY TO EXTEND THE HEALTHY FAMILY KANSAS PROGRAM SERVICES.**

Ms. Claudia Blackburn, Director, Health Department, greeted the Commissioners and said, "The agreement before you is between Sedgwick County and the Kansas Health Policy Authority for continuation of the Healthy Family Kansas program. This funding is for \$530,000 for one year, July 1st '07 through June 30th of '08. it represents about one-third of the Healthy Babies program funding.

Regular Meeting, June 6, 2007

The Healthy Babies program, as many of you know, is a prenatal and post-partum home visitation program. It is designed to improve birth outcomes, decrease low birth weight, decrease infant mortality for high risk families in Sedgwick County. And the services are delivered by Registered Nurses and community liaisons.

We have received this particular funding since 2002. This is a very, very successful program, one that I just love to talk about because this program in the five-year period ending 2005 has had zero infant deaths. They have many program goals that are very specific. They have increased the prenatal care initiation rate in the first trimester to 90% of our enrolled clients are getting into prenatal care early, 85% have initiated breastfeeding and our low birth weight rate has dropped from 8% to 6%, so we're very pleased with that.

This contract renewal provides us with funding for one additional Community Health Nurse II position and it supports seven additional positions. And before I'm done and I know it's close to lunch, but I just want to share quickly with you this wonderful story. I've been looking for an opportunity. We have a new nurse on board in this program and she was one of our patients and she's given me permission to say this. She was one of our patients. She was a teenagers who got pregnant and was enrolled in our program and she completed high school, she got married and then with the urging of the home visiting nurse, enrolled in college and completed the nursing program, four-year program and is now on the Healthy Babies staff. She's just passionate about this program and only 1% of teens complete college by the age of 30, so this is really a fabulous outcome and we're just very proud of her.

Adding this particular staff . . . adding a new staff position, which I mentioned and I'll be talking about in the next agenda item, will allow us to increase our caseload by 35 to 45 families. So anyways, with that I would recommend that you approve this continuation grant and I'd be happy to answer any questions."

Chairman Unruh said, "All right thank you, Claudia. We do have a couple of questions or comments. First Commissioner Winters."

Commissioner Winters said, "Thank you. Claudia, could you make just some comments about contact with these clients after their babies are born. And I know that back when we were really working on prevention very heavily, we learned about how much of a baby's brain develops in that first two, two and a half years of life. Can you comment about this program and any after birth contracts then."

Ms. Blackburn said, "Oh yes, we see people while they're pregnant, but then we follow them for six months at least and then depending on the circumstances, we're in there for up to two years and we visit really as much as is necessary to address all of their needs. This is really a service that

Regular Meeting, June 6, 2007

assures that they're hooked into lots of other community services as well, prenatal care, social services, educational programs where we educate them about raising children but also we educate them about how to complete their education."

Commissioner Winters said, "But I know that as we started out kind of modeling this after the OLDS model, O-L-D-S model, that some communities over now several generations have experienced remarkably healthier children and children that are less violent and less prone to be involved with law enforcement and all of it going back to that development of their bodies and their brains in early, early life."

Ms. Blackburn said, "Absolutely, and it also is very helpful in preventing child abuse and neglect."

Commissioner Winters said, "Well thank you, I obviously am going to be supportive of this."

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

Commissioner Norton said, "One of the key learnings that came out of Visioneering was that Wichita, Sedgwick County and maybe our region has relatively low birth weight rates as one of our problem areas. And you indicated that it's gone from 8 to 6%, which is good news but is that only for the population we're serving or is that a scan of kind of the region, Claudia?"

Ms. Blackburn said, "That is for the population we're serving. We have a long way to go to reduce the low birth weight rate and particularly in the African American population it's very high. I don't want to misquote statistics, but it's around 17% and so we really have got to continue to work on this."

Commissioner Norton said, "So I guess the bad news is we still think the rates pretty high. The good news is when we get to that population, we're making a difference and we're reducing it. It's much lower than the average and now we're lowering even what we're dealing with. This that correct?"

Ms. Blackburn said, "Correct."

Commissioner Norton said, "Give us just a couple or three things that add to low birth weight rates."

Regular Meeting, June 6, 2007

Ms. Blackburn said, “Well, smoking during pregnancy, drug use during pregnancy, not having prenatal care, which means that there may be medical conditions that are not being taken care of, such as high blood pressure.”

Commissioner Norton said, “And certainly this program identifies and works on all of those issues that you’ve just enumerated, is that correct?”

Ms. Blackburn said, “Absolutely, yes.”

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

Chairman Unruh said, “All right, thank you. Well first of all I’m glad you related the story to us. It’s a very encouraging story to see how effective our program actually is over a long term. But for a program like this that we can quantify the success of it, that it does have an impact on our society, that no new funding matches are required to go forward with this, it’s just easy to be supportive and I will be. I don’t see any other requests to speak, so commissioners, what’s the will of the Board?”

MOTION

Commissioner Welshimer moved to approve the Amendment to Agreement and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

Regular Meeting, June 6, 2007

Chairman Unruh

Aye

Chairman Unruh said, "Next item please."

- 2. ADJUSTMENT TO THE HEALTH DEPARTMENT STAFFING TABLE FOR A FULL-TIME COMMUNITY HEALTH NURSE II, B322, FUNDED BY THE KANSAS HEALTH POLICY AUTHORITY FOR THE PERIOD JULY 1, 2007 THROUGH JUNE 30, 2008.**

Ms. Blackburn said, "This agenda item is a request for a staffing table adjustment to add a full-time Community Health Nurse II to the Healthy Babies program from the funding that I just described, the Kansas Health Policy Authority funding, for the Healthy Family Kansas program. And as I said, this will allow us to increase our caseload 35 to 45 families, depending on the acuity of the families. I'd be happy to answer any questions and I do recommend approve of this staffing table adjustment."

MOTION

Commissioner Norton moved to approve the adjustment to the Health Department Staffing Table and the transfer of budget authority within the grant.

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 Claudia. Next item please."

DEPARTMENT OF CORRECTIONS

- I. SPONSORSHIP OF FAMILY SERVICES INSTITUTE, INC. APPLICATION FOR KANSAS JUVENILE JUSTICE AUTHORITY AND KANSAS ADVISORY GROUP ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION TITLE V GRANT**

Regular Meeting, June 6, 2007

FUNDS.

Ms. Chris Morales, Systems Integration Coordinator, greeted the Commissioners and said, “This morning I am here on behalf of Family Services Institute to request your sponsorship of their Title V funding application. Title V funding is a federally funded initiative that allows local communities to develop or enhance their delinquency prevention efforts. Recently, the Juvenile Justice Authority made us aware of this funding for the next fiscal year, which is federal fiscal year being October 1 and they told us that there was approximately \$60,000 available statewide.

The applicant for this program must be a local unit of government, but you can allow a sub-applicant, such as a non-profit organization and that’s the case with this application. In order to be considered for this funding we have to submit the total package application to the Juvenile Justice Authority before the end of this week.

What Family Services Institute is requesting is \$12,124 to provide a life skills training program to 30 youth age 10 to 16. Program participants will use a computer-based curriculum that includes components such as conflict resolution, building trust and respect and also teaching about appreciation for our community.

Overall, the programs intent is to decrease lack of commitment to school, academic failure and also anti-social behavior. We also believe that this program is going to coincide with our efforts to reduce disproportionate minority contact in the juvenile justice system, because they’re providing services in one of our DMC targeted zip codes, which is 67214. We know from Dr. Craig’s benchmark report that this particular zip code is one of the areas in Wichita showing the highest need for services.

There is a 50% match requirement and Family Services Institute has identified \$13,500 in cash and in-kind services which are allowable and well over the 50% requirement, so there is no financial obligation to the county. Team Justice, your juvenile corrections advisory board, did review this proposal and they feel that it aligns well with our local strategic plan and they are recommending to you that you sponsor it and authorize the Chairman to sign. Be happy to answer any questions you have. We also have Mr. James Holland in the audience. He’s with Family Services Institute and I’m sure he can answer any program specific questions, if you have them.”

Chairman Unruh said, “Thank you, Chris. Commissioners, are there any questions for Chris on

Regular Meeting, June 6, 2007

this agenda item?"

MOTION

Commissioner Norton moved to approve the Title V Grant Application sponsorship and authorize the Chairman to sign all necessary documents, including the Grant Award Agreement containing substantially the same terms and conditions as this application.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Chairman Unruh said, "Thank you, Chris. Next item please."

PRESENTATION

J. PRESENTATION REGARDING THE ARENA PROJECT.

POWERPOINT PRESENTATION

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, "Thank you for this opportunity to provide this update on the Sedgwick County arena project. Our goal from the beginning of this project and it has not changed is to build a modern, first-class sports and entertainment venue, an arena in downtown Wichita that seats 15,000 for basketball.

Commissioners, we're well on our way to meeting this goal. Today, I want to update you on the status of the project but before I talk about where we are, let me spend a few minutes talking about how we got to where we are. I should remind you commissioners, the proposition has never been 'will we have a new arena?' The proposition has always been where will the new arena be, the Kansas Coliseum or downtown Wichita and how will we pay for the new arena, public financing

Regular Meeting, June 6, 2007

with the debt paid from property taxes, that was the Kansas Coliseum project, or a sales tax with a pre-determined ending date, the downtown arena project.

So how did we get here? As you know, the county has owned and operated the Kansas Coliseum since 1978. From 1993 through 2002, there were numerous attempts by city and/ or business leaders to build a new arena in downtown Wichita. Throughout this timeframe, even following an ADA lawsuit against the Coliseum in 1996, county commissioners indicated that if a new arena in downtown Wichita happened, the county would be willing to support that effort by changing the mission of the Kansas Coliseum so as not to compete with the new arena.

As such, in 2002 when the decision was made to defer the downtown arena effort so that it would not be in competition with the USD 259 school bond public vote campaign, when that decision was made, it meant there was no plan and no money for a downtown arena. County commissioners decided they could no longer put off dealing with the capital improvement needs of the Kansas Coliseum.

So in August, 2002 the commission approved the hiring of an architect and engineering team to develop a plan for the renovation of the Kansas Coliseum. In 2003, the Board of County Commissioners approved a 55.3 million dollar renovation project for the entire Kansas Coliseum complex. The financing plan called for the sale of bonds by the Public Building Commission. The Public Building Commission would then lease the facility to Sedgwick County and the county leases payments to be made from property taxes would be used to pay off the bonds.

The plans for the renovation of the Kansas Coliseum complex were further developed during the later part of 2003 and in the early part of 2004. The project schedule called for going out for bids on the renovation project in July 2004. Following the mayoral and city council elections in the spring of 2004, city and business leaders again approached the county, asked for another last chance to do a downtown arena in place of the plan to renovate the Kansas Coliseum.

The argument at that time, and it was a convincing argument, was that an arena would go a long way in helping to revitalize downtown, to attract private investment to downtown and to grow the property tax base downtown. The county's response was 'we've been patient partners on the various other projects', going back to 1993 through 2002, so that the county could not wait any longer. We needed to move ahead with the Kansas Coliseum. Further though, the county commission stated, 'however, if the City of Wichita and business leaders could bring us a plan with financing to implement the plan by July', that is before the Kansas Coliseum project was let for bid, that the county would honor its previous pledge to change the mission of the Coliseum so as not to compete with the new downtown arena.

The plan that was developed by the City of Wichita and business leaders included various sources

Regular Meeting, June 6, 2007

to be used for financing the project, including a request to the county to contribute \$71,000,000 for the project. The county took the proposed plan and developed an alternate plan that was presented to the Board of County Commissioners on July the 14th, 2004 that included a key element, let the community decide. In the county's plan, roles for the county, the city and the business community were developed. Let me very quickly just go over what the role for Sedgwick County was to be.

Sedgwick County was to take the leadership on a downtown venue to accomplish several goals: to assure that our community has a world class venue; to allow citizens the opportunity to vote on whether a downtown venue was desirable, this was a linchpin to the overall county plan; to conduct a community engagement process; to share information about our plan and to hear from citizens. All the project costs were to be covered through a voter approved, countywide sales tax. The point was this elevates other entities, including the City of Wichita from taxing or imposing fees on citizens to cover their part of the project.

The plan also provided a simple, easy financing plan with another key part of the plan, a predetermined ending date for the tax rather than raising several different taxes on citizens. The county's plan was endorsed by the City of Wichita on July the 20th, 2004. Following that, it was endorsed by the Chamber of Commerce, the Wichita Downtown Development Corporation, the Wichita Convention and Visitors' Bureau, the Plumbers and Pipe Fitter's Labor Union, the Greater Wichita Area Sports Commission and various and many other business entities.

As a result of the support, the county launched the community engagement process to share information about the plan and to hear from citizens and we were to do that before September 1, 2004, so that the wording for the ballot question could be developed. So beginning July 14th, 2004 the county established and published on the county's website an opportunity for citizens to participate through an on-line public forum. Over the next three weeks we received about 116 entries. They were from all kinds . . . they had all kinds of creative ideas. Some were from people who supported the idea. Some were from people who did not support the downtown plan.

During August 2004, we had nine open house meetings. Over 800 citizens attended and participated and we had those meetings to gather input on the plan. On August the 25th, 2004 at your regular weekly board of county commission meeting you held a public hearing and you received additional public comment from those present. I believe there were 24 speakers, some were in support, some were in opposition. In the open house meetings we went to nine locations. They were all over the community. We gathered citizen input by asking them to complete a survey at the end of the meeting. We used a standard scale one to six for them to give their input and then make comments. The survey asked people if they supported the sales tax or not. If they did support the sales tax, what kind of sales tax rate and duration would they support. What was their ideas on the timeline for construction. What did they think about the future of the Britt Brown Arena as well

Regular Meeting, June 6, 2007

as the entire Kansas Coliseum complex and they also gave us input on seating capacity and parking.

The results were that there was support for using the sales tax to pay for the arena. The sales tax rate and duration that was most supported was 1% for 33 months. The timeline for construction feedback was that build as you go or pay as you build, pay as you go or pay as you build. It also . . . they gave us indications that we needed to revisit the mission of Britt Brown Arena, with a new arena coming on line, but they also gave us clear instructions about wanting to keep the pavilions in use.

Overwhelmingly, the seating capacity that was weighed in on was at least 15,000. We received a number of comments that it should be larger. Parking, there was a slight preference for close in parking versus the urban or dispersed parking model.

Commissioners, the issues that we are hearing now are the same as they were during the public engagement process in 2004. They were the same as we heard during the legislative discussions in 2005.

So, using this feedback from this extensive community engagement process, as well as having the best information we could get at the time about what the project would cost and the amount of funds a sales tax would generate over a predetermined timeframe. Summary was, we need a temporary tax and it was decided 1% for 30 months, that it would need to be approved by the voters and that the state legislature would need to approve it as well. And if either of those things did not happen, the county would go forward with our plans to renovate the Coliseum. Again, it was not whether or not we would have the arena, but it was just whether it will be at the Kansas Coliseum or at downtown.

Quick recap, July 14th 2004 the Board of County Commissioners approved the county's plan for going forward with the downtown arena. August 2004, as I mentioned, there were nine open house meetings all over the county. There was one traditional public hearing. There was an on-line public forum hearing. There were hundreds of presentations.

On September the 1st, 2004 the Board of County Commissioners approved the ballot question. September to November 2004 was the 'vote yeah' campaign and we had asked the business community to fund and to lead this campaign. On November the 2nd, 2004 with a 78% voter turnout, the proposition passed 52% to 48%, 88,921 folks voted in favor of the plan for a new arena downtown.

Another part of the public process on this project, following the November 2, 2004 vote approving the project, the legislative approval process was undertaken. This started in December '04 and ended in late March, culminating with the governors signature on the bill that was passed in April

Regular Meeting, June 6, 2007

of '05. December the 7, 2004 there was a Sedgwick County legislative forum, where the arena was discussed. There were opponents and proponents at that meeting. January 13th, 2005 bills requested in the senate tax and house tax committees on the arena. February 3rd, 2005 there was a hearing by the senate assessment and taxation committee. Again, there was testimony given by opponents as well as proponents of the proposition.

February the 5th was the first South Central Kansas legislative public forum for that legislative session. It was out at WSU. We had several speakers and several speakers against the arena to present at that public forum.

February 12th, a second South Central Kansas legislative public forum was held also at the WSU Metroplex. Again, a number of speakers both for and against. On February the 15th, 2005 the senate passed Senate Bill 58. On February 29th, 2005 there was a third South Central Kansas legislative public forum. That was held at the Extension Center. Again, there were a number of folks there who were in opposition to and a number of folks there who supported the arena project.

On March 10th, 2005 the Housing Taxation Committee hearing was held. Again, testimony by both opponents and proponents. On March 16th, 2005 Senate Bill 58 was passed out of committee with no amendments. On March 22nd, 2005 the house passed Senate Bill 58, 97 to 26, and on April the 4th, 2005 the governor signed Senate Bill 58.

Let's go back and look at the specific wording of the ballot question, which was a straightforward do you approve, yes or no question. You see the question there on the screen. The point is there were two aspects of the ballot question. First a 1% sales tax for 30 months, a prescribed amount for a predetermined timeframe. And second, that all the revenues must be used as specified, as you see there in A, B and C in what we'd call toward this arena project.

Further, Senate Bill 58 declared the result of the November 2nd, 2004 election as valid and reiterated that the revenue received from the sales tax by the county shall only be used as prescribed in the ballot question as we noted earlier.

Commissioners, from the very beginning of this project, the charge to staff by the Board of County Commissioners and the commitment by the Board of County Commissioners to the public is that county would have an open, transparent process throughout the development of the project. And we've heard time and time again and many have asked 'why is it taking so long?' The difference between the process for the development of the Sedgwick County arena in downtown Wichita and other downtown arena processes is and has been the involvement of stakeholders and the public. The process has been deliberate, it has been open and it has been transparent. Over the 27 months following the signing of Senate Bill 58 by the governor on April 4th, 2005 including today's presentation, we've made 26 appearances before the Board of County Commissioners at one of your

Regular Meeting, June 6, 2007

regular weekly meetings. None separate times in '05, 14 separate time on '06 and three separate times to date in '07.

In concert with the presentations at the regularly scheduled commission meetings, we've had various public meetings to get input from the various stakeholders, including the public, in such thing as site selection, operational needs of the arena. We've toured other arenas. We've had input on fan amenities. We've deal with, through a public process, the arena over the river proposal. We've had various reviews of exterior design and options and gave the public an opportunity to weigh in there, clear through the selection process dealing with the exterior design on May 24th, 2006.

Additionally, from February '06 to now we have had public and periodically . . . public input and periodically we've reported on interior design review, acquisition of property and relocation of businesses, naming rights, sponsorships and premium seating efforts. We've talked about the schematic design. We've talked about the design development. We've made presentations relative to the arena management contract proposal and we've had presentations relative to the construction documents phase of the project. We've involved the citizen design review advisory committee, which you appointed early on in this process. The arena steering team, which was set up early on in the process has been actively engaged throughout the process and the arena sales oversight . . . tax oversight committee has been involved throughout this process. This also does not include numerous presentations by a number of us who been involved in the project to various civic and community groups.

Also commissioners, in addition to the community engagement in public input on the project that the county has managed, the Visioneering Wichita process has been in full force as well. And during the Visioneering Wichita planning process, some 8,650 people participated in setting the priorities for our community and out of this process, priorities were identified to retail young people, we need a lively downtown. That downtown development is critical for business growth and cultural development and that downtown . . . the infrastructure foundation for downtown brings back, if it's done right, brings a vibrant community and it makes downtown a destination for residents, businesses and visitors. And last but not least, loud and clear throughout that process, it was presented to us, build a downtown arena.

The argument for a new arena in downtown Wichita put forth by the city and business leaders back in 2004 was to help revitalize downtown, attract private investment and grow the property tax base.

The slide speaks for itself. 2001, the tax value of downtown was \$54,000,000. There was a 15% increase 2004 to \$62,000,000 in June. 2007, 27% increase to 79,000,000. You see the assessed value of the improvement district, the WMD for downtown Wichita going from 88,000,000 in 2003 to 106,000,000 in 2008. And then you see the property purchases and the amounts they sold for since the arena project started. Looking at 2004, when the arena project was announced, there were

Regular Meeting, June 6, 2007

38 properties sold for 16.9 million dollars. In 2005, that soared to 106 properties, 68.1 million, followed on in 2006, 95 properties for 45,000,000.

This is just the beginning. The Arena Neighborhood Redevelopment Plan foresees additional investment forthcoming in and around the arena, including new apartments and condo, restaurants and night clubs, properties that will be paying significant tax revenues for many years to come.

Again commissioners, the proposition has never been will we have a new arena, but it has always been where will it be and how will we pay for it. The bottom line is we're doing what we said we would do in August 2004. We started with a conceptual plan to build a modern, first-class sports and entertainment venue, an arena, in downtown Wichita that seats 15,000 for basketball. Using a very deliberate, a very open and transparent process we engaged the public in the development of that conceptual plan by including them in site selection, determining operational needs of the arena, gathering input on fan amenities to be included, the exterior design, development and selection, the interior design review, schematic design, design development and the development of the construction documents. We're doing what we said we would do. We're collecting a 1% sales tax for 30 months. The tax started in July 2005, the tax will end on December 31, 2007.

We're doing what we said we would do. What you told us, what you blessed and what we said we would do. That the sales tax revenue will only be used on the arena project, as it was stated in the December 2006 presentation to you, that we will keep the overall cost of the project within the revenues brought in by the 30-month tax. The current projections of that tax that we presented in December, it was \$201,024,000 and by the way, through May 141,636,000 has been collected, compared to what was projected through May, 137,875,000.

We are in the process of meeting with the architectural and engineering team on construction costs, again, and we're also in the process of meeting with SMG, that we working with on a management contract regarding furniture, fixtures and equipment and what the pre-opening budget will be and in a couple of weeks, we should have an updated review of the budget for you.

We're in the process of . . . I might just mention to you, we're in the process of bringing the Citizen Design Review Advisory Committee together for a final meeting later this month and a review of the final arena plans.

The next steps beyond that are the sales tax ends December 31, 2007 as promised. Property demolition on the arena site will begin early to mid-July and be completed by late September. We're working on a parking and mobility study and we will have a public review of that plan, preliminary (*audio difficulties*) penalize the management contract for the arena and be back before you in a couple of weeks to (*audio difficulties*) to be approved by you to be in place very soon. Construction bids, the schedule calls to go out on July 23rd.

Regular Meeting, June 6, 2007

(audio difficulties)

Commissioner Norton said, “As I think back to many, many decisions that we’ve had to make, and there’s been plenty of them on this issue, I have been . . . made sure that I looked at all angles, every piece of information. That I took opposing views when I thought it was pertinent and sometimes went against the flow of what was the common thinking of the county commission.

When we talk about the original siting of the arena, I was not enamored by the site that we ultimately picked, but you what, that’s part of the process. We took a lot of public input. We listened to a lot of folks that had ideas, pro and con, including the arena over the river. And regardless of how I felt about it, I moved forward past that.

Then we came to the issue of eminent domain and how we gathered the properties and I have to tell you, I had some reservations about how we did that and I voted against it but that means that the project moved along and I moved along with it because I still believe the downtown arena is important to our community.

We talked about the increase in revenues and whether we should encumber that in the actual hard budget or not and I talked against and voted against that particular item. As we moved forward and talked about parking, and whether we should use a consultant, I brought up that I thought that was part of the original agreement with the architect and we postponed that and we debated it for three weeks before we made an ultimate decision. We had dialogue. We sought out citizens’ input. We tried to understand the implications of that particular issue and then we made decisions and you know what? We moved on.

We’ve created an oversight support group that have looked at the oversight of the finances of this issue, how the sales tax is spent from the very day one. I think that’s admirable. The county commissioners are looking at that too, but we’ve got citizens, average citizens that we’ve appointed to that, some very smart that come out of banking and accounting and some that are just great citizens that wanted to be a part of that, to look at how the money is being spent.

We have a citizens’ design group that’s going to do the same thing with what are the amenities and what does the inside of the interior look like and the outside and what do they want to see in that, not five county commissioners that may have pros or cons or biases one way or another, but citizens that have been appointed to help us through that process. All along the way, we’ve had debate and discussion and worry and have tried to make sure that we’ve advocated well for a project that the voters said they wanted. And I for one don’t believe that it’s time to back up on that. It is time to be sure that we build the best venue we possibly can. I welcome all of the proponents and opponents to give me feedback, to give me input.

Regular Meeting, June 6, 2007

I don't know that we need a public hearing, because I do public hearing every day. I do it at the grocery store. This weekend, I did it on the back of a trash truck, at a clean up day in Haysville with another citizen and we talked about the issues. There's plenty of venues for public hearing by public officials. We do it 365 days out of the year. I understand the proponents and the opponents, but we're moving forward for our community. The voters told us two years ago that it was important to them and that we should take this on.

I take very seriously that we are working hard to do what we said we would do. It is a fluid process. It's not an easy process, particularly when you have as many meetings and as many chances for people to look into it and give their input. The easy thing to do was just let five people here make the decisions and not ask for any input, because that keeps it from getting too watered down by listening to a lot of different people, but we've listened to a lot of people, plus and minus, on this issue and for me, I think we have worked hard and I certainly have to look at the budget, to look at the design, to look at the siting, to look at the parking, the ingress, the egress, the financials of it and make sure that whatever we did was what the public intended by the vote that we took two years ago. That's all I have, Mr. Chair."

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

Commissioner Welshimer said, "Well Ron, I appreciate your report and I too have been working with constituency as much as I can, actually from the very beginning of my service on this board. I haven't, however, stood on the back of any trash truck. But I have talked to almost every opponent that's testified here. I've had them come to my office, we've worked for hours and hours trying to find solutions, something that would satisfy them, something that might correct the situation, anything that would bring us together.

I don't know that we've solved every problem but I think we've solved some and so anyway, I appreciate having this report and I look forward to opening this discussion somewhat when our parking consultant's report comes back. Thank you."

Chairman Unruh said, "All right, thank you. Commissioners, I see no more requests to speak. We're ready for a motion to receive and file."

MOTION

Commissioner Winters moved to receive and file.

Commissioner Norton seconded the motion.

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

Regular Meeting, June 6, 2007

VOTE

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

Chairman Unruh said, "Next item please."

CONSENT AGENDA

K. CONSENT AGENDA.

- 1. Agreement with Saline County for access to the Sedgwick County Motor Tax Vehicle Estimator.**
- 2. Agreement with David Stark to provide clinical supervision to achieve licensure as a Licensed Specialist Clinical Social Worker (LSCSW).**
- 3. Amendment to the 2007 Capital Improvement Program to increase roof replacement for County buildings for 2006.**
- 4. VAC2007-00012 - Request to vacate a platted alley right-of-way; generally located north of 53rd Street North and east of Greenwich Road; specifically, northeast of Central and Maple Streets in Greenwich, Sedgwick County, Kansas. District #1.**
- 5. Assignment and Assumption with Recourse and Consent Agreement with Banc of America Public Capitol Corp.**
- 6. Section 8 Housing Assistance Payment Contracts.**

Contract	Rent	District
----------	------	----------

Regular Meeting, June 6, 2007

<u>Number</u>	<u>Subsidy</u>	<u>Number</u>	<u>Landlord</u>
V07015	\$284.00		Chris Schild
V07022	\$287.00	2	Village Green Apts.
V07028	\$293.00	5	Hearth Hollow Apts.
V07029	\$390.00	5	Springcreek Apts.
V07033	\$413.00	5	Springcreek Apts.
V07034	\$196.00		Walnut River Residences
V07035	\$524.00		SY Sunset Investments
V07036	\$287.00	2	Village Green Apts.
V07037	\$287.00		Linda Britton

7. The following Section 8 Housing Contracts are amended to reflect a revised monthly amount due to change in the income level of the participating client.

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V94034	\$349.00	\$316.00
V020030	\$263.00	\$284.00
V03050	\$155.00	\$140.00
V05019	\$251.00	\$237.00
V06032	\$635.00	\$635.00
V01083	\$307.00	\$290.00
V04032	\$177.00	\$178.00
V2038	\$281.00	\$284.00
V04039	\$282.00	\$250.00
V03037	\$179.00	\$145.00
V03046	\$332.00	\$306.00
V06033	\$270.00	\$290.00
V04024	\$409.00	\$392.00
V04025	\$235.00	\$213.00
V05027	\$224.00	\$193.00
V99036	\$241.00	\$264.00
V06030	\$321.00	\$296.00
V04033	\$317.00	\$286.00
V06029	\$117.00	\$122.00
V05031	\$262.00	\$169.00
V020035	\$200.00	\$182.00
V03043	\$79.00	\$233.00

Regular Meeting, June 6, 2007

V06027	\$485.00	\$485.00
V99035	\$186.00	\$152.00
V01098	\$350.00	\$360.00
V06031	\$203.00	\$195.00
V06028	\$329.00	\$299.00
V04037	\$601.00	\$405.00
V06025	\$339.00	\$254.00
V06046	\$414.00	\$610.00
V94012	\$225.00	\$695.00
V06057	\$205.00	\$123.00
V07019	\$305.00	\$287.00
V06066	\$0.00	\$102.00
V07030	\$226.00	\$535.00
V06047	\$397.00	\$441.00
V05098	\$352.00	\$315.00
V04024	\$392.00	\$408.00
V99021	\$210.00	\$79.00
V07017	\$445.00	\$135.00
V050103	\$237.00	\$226.00
V04078	\$340.00	\$391.00
V06019	\$585.00	\$284.00
V05051	\$615.00	\$615.00
V07032	\$213.00	\$657.00
V06037	\$472.00	\$429.00
V05104	\$384.00	\$0.00
V07009	\$191.00	\$416.00
V06049	\$314.00	\$595.00
V06003	\$366.00	\$357.00

8. **Order dated May 30, 2007 to correct tax roll for change of assessment.**

9. **General Bills Check Register(s) for the week of May 30 – June 5, 2007.**

Mr. Buchanan said, “You have the consent agenda before you and I would recommend you approve it and remind you that there’s only 208 more days until the sales tax goes away.”

Chairman Unruh said, “Commissioners, what’s the will of the board on the consent agenda?”

MOTION

Regular Meeting, June 6, 2007

Commissioner Norton moved to approve the Consent Agenda as presented.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Chairman Unruh said, "Well commissioners, we've come to the end of our regular agenda and before I adjourn, I just want to recognize that former commissioner Ben Sciortino is here keeping tabs on county business and during our meeting I might mention that we've had several members of the Downtown Development Corporation and the Sports Commission and the Arena Design Consortium and representatives here from the trade unions all here who are ostensibly in support of the arena moving forward so just wanted to mention that. So with those comments, I will adjourn the regular meeting of the Board of County Commissioners."

L. OTHER

M. ADJOURNMENT

Regular Meeting, June 6, 2007

There being no other business to come before the Board, the Meeting was adjourned at 12:10 p.m.

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

DAVID M. UNRUH, Chairman
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner,
Fifth District

Regular Meeting, June 6, 2007

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2007