

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

### **REGULAR MEETING**

**July 11, 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, July 11, 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; Ms. Sheena Lynch, Human Resources; Mr. Anthony Swartzendruber, Management Intern; Captain Michael Oliver, Sheriff's Department; Mr. Ron Holt, Assistant County Manager; Mr. John Schlegel, Director, Metropolitan Area Planning Department ; Mr. Glen Wiltse, Director, Code Enforcement; Mr. David Spears, Director, Bureau of Public Works; Ms. Marilyn Cook, Director, Comprehensive Community Care; Mr. Larry Ternes, Youth Services Administrator, Department of Corrections; Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections; Ms. Pamela Martin, Clinical Services Director, Health Department; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Ms. Oletha Faust-Goudeau, State Representative.  
Ms. Betty Ladwig, Sedgwick County Voter's Coalition, Women's League of Voters.  
Mr. Mark Savoy, Surveyor, Agent for the Applicant.

### **INVOCATION**

The Invocation was led by Pastor Aaron Wallace of Asbury United Methodist Church, Wichita.

### **FLAG SALUTE**

### **ROLL CALL**

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

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

**Regular Meeting, July 11, 2007**

**CONSIDERATION OF MINUTES:**      Regular Meeting, May 23, 2007  
Regular Meeting, May 30, 2007  
Regular Meeting, June 6, 2007  
Regular Meeting, June 13, 2007

The Clerk reported that all Commissioners were present at the Regular meetings of May 23, 2007, May 30, 2007, June 6, 2007 and June 13, 2007.

**Chairman Unruh** said, “Commissioners, you’ve had the opportunity to review the minutes of those meetings. Are there any additions or corrections?”

**MOTION**

Commissioner Norton moved approve the Minutes of the Regular meetings of May 23, 2007; May 30, 2007; June 6, 2007 and June 13, 2007.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “Next item.”

**PROCLAMATION**

**Regular Meeting, July 11, 2007**

**A. PROCLAMATION DECLARING JULY 14, 2007 AS “PIATT PARK MEMORIAL DAY.”**

**Chairman Unruh** said, “Commissioners, I have a proclamation to read for your consideration.

**PROCLAMATION**

**WHEREAS**, the Sedgwick County community has joined in an effort to erect a memorial that will honor those lost at the site of the State of Kansas’ highest loss of life due to a single, non-natural disaster event; and

**WHEREAS**, on January 16, 1965, 30 residents and seven air force crew members lost their lives when a KC0135 tanker crashed into a north-central Wichita neighborhood; and

**WHEREAS**, the 15-feet-high and 22-feet-long granite monument will bear the names of those who perished in this accident at Piatt Memorial Park; and

**WHEREAS**, a federal community development block grant, community fund raising and private donation helped finance the project; and

**WHEREAS**, we recognize today the dedicated efforts of a local citizen’s group to raise funds and support for this memorial.

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim July 14, 2007 as

**‘Piatt Park Memorial Day’**

Commissioners, you’ve heard the proclamation. What is the will of the board?”

**MOTION**

**Regular Meeting, July 11, 2007**

Commissioner Norton moved adopt the Proclamation.

Commissioner Winters seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “And we have looks like several folks here to receive the proclamation.”

**Representative Oletha Faust-Goudeau**, State Representative, greeted the Commissioners and said, “Chairperson of the committee that spearheaded the efforts of fundraising for the monument and we are just delighted to be here today and thank you so much and the vice-chair, our coordinator, Dr. Carla Lee is with us or to my left here and Jamelle Moody with Commerce Bank. And most importantly, when I became state representative, I want to personally, publicly thank Mr. John Polson for bringing this issue to my attention and so after 42 years, there will finally be a monument that will stand in remembrance of those 30 people that lost their lives that day and I’d like to say thank you John Polson and thank you to the other commissioners.”

**Chairman Unruh** said, “Well, thank you very much. We truly respect the effort that’s been put into this to make this a reality. I think that it is definitely something that our community needs and the fact that it’s so well supported by a broad base of the community indicates an interest in it, but it’s a worthy case and we appreciate all of your efforts. We do have a couple of other commissioners who want to speak. I think Commissioner Parks was first.”

**Commissioner Parks** said, “Certainly in my district and I’d would like to say that it is a long overdue project and thank you for your hard work on the committee. I would like to urge everyone watching and other commissioners here also to participate in the activities and share in the giving to the fund for the memorial.”

**Chairman Unruh** said, “Thank you and Commissioner Winters.”

**Commissioner Winters** said, “Well thank you. Just a quick comment. I know that John Polson has kept us advised in the commission office and is the fund raising with the Buy a Brick

## **Regular Meeting, July 11, 2007**

opportunity still out there and can you tell folks, if they want to participate in the buying of a brick with a name or a comment on it, how they would go about doing that.”

**Ms. Janelle Moody**, supporter of Piatt Memorial, said, [www.PiattParkMonument.com](http://www.PiattParkMonument.com) and there’s downlinks for the donation forms, there’s downlinks for the videos of the events, there’s downlinks for the bricks and we will still have those available.”

**Commissioner Winters** said, “So it’s not too late to buy a brick.”

**Ms. Moody** said, “No, not into early fall.”

**Commissioner Winters** said, “Okay, very good. Well we appreciate that and hope people do take an opportunity to do that. Thank you, Mr. Chairman.”

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

**Commissioner Welshimer** said, “Well, nice to see you this morning representative, and appreciate all you’ve done on this issue and thank you.”

**Chairman Unruh** said, “Well thanks to you all and appreciate your efforts.”

**Ms. Faust-Goudeau** said, “Well I hope to see everybody out who can make it this Saturday at 10:00 right on the corner of 20<sup>th</sup> and Piatt. It’s going to be a really, really wonderful historical event and thank you again commissioners.”

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

## **AWARDS**

## Regular Meeting, July 11, 2007

### **B. PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.**

**Ms. Sheena Lynch**, Senior Project Assistant, Division of Human Resources, greeted the Commissioners and said, "If I could have all those receiving certificates please join me on this side of the room. We are here today to reward these individuals for their hard work and dedication to career development. Each of these certificates has a number of required classes, as well as a number of elective hours. This can be a lengthy process, depending on the availability of our classes as well as their schedules. I would like to thank you for your support of this program, as well as their managers and supervisors for allowing them time away from the office to pursue these certificates.

The first group of recipients receiving the Diversity/ Cultural Awareness Development certificate are Diane Becker from the Department of Corrections; Mary Gamble from Code Enforcement; Janne Graves from the Department of Corrections; Connie Hallacy from the Department of Corrections; Chris Morales from the Department of Corrections; and Carol Unruh from the Appraiser's Office.

Those receiving certificates for the Professional Development include Sharon Cadman from the Tag Office; Mary Gamble from Code Enforcement; Rosa Garcia from the Tag Office; Janne Graves from the Department of Corrections; and Chris Mba from the Sheriff's Office.

Those receiving certificates for the Supervisory/ Management are Daniel Sanchez from the Department of Corrections and Connie Hallacy from the Department of Corrections. Thank you for your support and congratulations to these individuals."

**Chairman Unruh** said, "Well we want to take a moment to recognize them. Well we just want to say from the commissioners that we appreciate the extra effort that you all put into this achievement. We respect what you've done. I know that you've got several required subjects you have to take and then you have some electives that you have to take and I know that it doesn't come easily, but it's dedication like this that makes Sedgwick County the high quality and high level of government that it is and we appreciate your efforts and your contribution to making Sedgwick County a good place to live. Thank you. Madam Clerk, call the next item please."

### **RECOGNITION**

**Regular Meeting, July 11, 2007**

**C. RECOGNITION OF THE 2007 NATIONAL ASSOCIATION OF COUNTIES ACHIEVEMENT AWARD TO THE SEDGWICK COUNTY SHERIFF'S OFFICE FOR ITS CAREER CRIMINAL UNIT PROGRAM.**

**Mr. Anthony Swartzendruber**, Management Intern, greeted the Commissioners and said, "Back in February of this year, this commission approved the submission of two applications to the National Association of County, or NACo, for their 2007 achievement awards. Each year NACo presents a number of awards to give counties national recognition for new and creative programs that have measurable results, are innovative, are consistent with acceptable governmental and financial management practices and promote general government accountability.

Another benefit of this awards program is that it has enabled NACo to build a storehouse of county success stories to be passed on to other counties. This year Sedgwick County has received two achievement awards. One was for the Sheriff's Office and one was for Fire District #1, which will be recognized under the fire agenda. The Sedgwick County Sheriff's Office has received a 2007 Achievement Award for their Career Criminal Unit program. This program focuses on taking criminals, whose livelihoods are derived from crime, off the streets. Today Captain Michael Oliver is here from the Sheriff's Office and he is going to briefly highlight the program and answer any questions that you may have."

**Captain Michael Oliver**, Sheriff's Department, greeted the Commissioners and said, "On behalf of Sheriff Steed, I do want to thank you for allowing us to come and talk. Earlier this year, as Mr. Swartzendruber pointed out, we entered the Career Criminal Unit program to the National Association of Counties. And basically the Career Criminal Unit was developed as a different approach to reducing crime in Sedgwick County. We started to focus on individuals who commit crime, and instead of totally reactive and just responding to calls after the crime is committed, these people derive their livelihood from actually committing crimes and we found that they're a disproportionate part of the population and they do a good deal of the crime in Sedgwick County.

In response to this, we created the Career Criminal Unit to focus on these individuals and who use guns and violence in commission of crimes against our community. We've charged cases in state district court, in federal court looking at enhancing sentencing guidelines for crimes involving guns and violent felons in the community. Another facet of Career Criminal program was the enhanced communications with our own department and with other agencies within Sedgwick County and surrounding counties. One of those things is an e-mail distribution program, where deputies out on the street that come across information on burglaries or identity thief crimes or some of those kinds of things can put an e-mail out and distribute it over a wide area.

And say a detective in Butler County or Sumner County or something can have access to that and those criminals don't know county lines they tend to cross into other jurisdictions. And

## **Regular Meeting, July 11, 2007**

communication with our department from the patrol deputies to investigations and also to the judicial folks who end up serving warrants out on these folks has just been remarkable.

The Career Criminal Unit was activated in January of 2004 and I don't want to bore you with a lot of statistics, but we've generated over 1,200 cases, we've draw gun charges on about 36 of those, 105 felony arrests, 16 misdemeanor arrests, assisted outside agencies over 120 times, disseminated intelligence to other agencies and other people over 400 times and recovered about \$560,000 in lost or stolen property and that's kind of what the program is.

The National Association of Counties sent a certificate for achievement award winner for this year and we're very pleased to accept that from the National Association of Counties."

**Chairman Unruh** said, "Well, thank you for that report and we are very proud of this unit and we want to also recognize it and congratulate the Sheriff's Department for the initiation and development of this program. And the statistics that you did give us indicate that you guys have been busy and are achieving positive results for our community, so you certainly have our congratulations and support. We do have another comment from Commissioner Norton."

**Commissioner Norton** said, "Well I don't know that we can underestimate the significance of this award, because you're talking about 3,300 counties around the nation and many of them are members and they submit their programs and for this criminal unit to get that kind of recognition at a national level is pretty significant.

And for me it's about that one number, 1,200 cases, that's pretty phenomenal amount in a very short period of time, so obviously somebody is doing some hard work, mining the community to find that many career criminals and identifying them and then putting cases out on the street to start eliminating them. I think that's wonderful. It sounds like the numbers are just going to continue to grow and hopefully start diminishing at some point, as we take those people off the streets."

**Captain Oliver** said, "That would be our goal is to get those numbers down, but the focusing on the individuals has proven to be a very worthwhile effort."

**Chairman Unruh** said, "Okay. Well, we certainly congratulate you and extend our congratulations to the sheriff and all those in the department for outstanding work. Thank you. Madam Clerk, next item please."

## **CITIZEN INQUIRY**

**Regular Meeting, July 11, 2007**

**D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING ELECTION PROCEDURES.**

**Ms. Betty Ladwig**, Sedgwick County Voter's Coalition, Women's League of Voters, greeted the Commissioners and said, "The League helped form the Voter's Coalition, comprised of 23 civic groups, in June of 2006 after being contacted by voters alarmed by the 70% reduction in polling sites made by the Sedgwick County Election Office. Our purpose in coming before you today is to request that you endorse a supplemental budgetary request for 2008 fiscal year to restore 20 polling sites throughout the county, for a total of 83 polling sites, to procure 150 additional touch screen voting machines, for a total of 695 machines. Our request was submitted to County Manager Buchanan and to all of you on June 22<sup>nd</sup>.

We strongly urge you to endorse this supplemental budgetary request and include it in the final budget proposal for fiscal year '08. We're urging you to approve this supplemental budget, in light of legislation pending in the United States Congress that if enacted into law will require states and municipalities where electronic voting machines are the primary voting system to have no more than 1,000 registered voters per polling site and no more than 200 voters per voting machine for a federal election. At present, Sedgwick County has an average ratio of 3,695 voters per site and 427 voters per machines and 32 sites have more than 4,000 assigned registered voters with 19 with more than 4,500.

We reviewed the proposed budget for the Election Office for the 2008 fiscal year, a budget request that fails to restore poll sites or add new stocks of voting equipment in advance of the 2008 presidential election. What voters experience on election day last November requires that poll sites be restored and more voting equipment be purchased.

Higher than anticipated turn out for the November 2006 general election in Sedgwick County provided the first real test of the capacity and limits of the Election Office's consolidation of county polling sites from 2,008 in '05 to 63 in '06 and reduction in polling machines from 820 in '05 to 545 in '06. Rather than creating greater efficiency and convenience for voters, fewer voting machines coupled with a dramatic increase in voters assigned to each polling site, resulted in long lines and lengthy delays for many voters at certain polling sites.

In addition to long lines, 36 coalition poll observers saw voters hindered by inadequate stocks of paper ballots and frequent machine problems. The most egregious delays documented on Election Day occurred at Metro East Baptist Church, with 5,351 assigned registered voters and only ten

## **Regular Meeting, July 11, 2007**

screens provided. On arriving at the site at 6:30 p.m. our observer estimated that there were over 100 people waiting to access voting machines. Many had to wait more than an hour. Others became discouraged and left without casting their ballots. Other examples of problems are in the coalition's report summary that you received on April 26<sup>th</sup>.

We thought you'd like to see how things stand at present in your district and you have before you and I underscored your district, the number of people and a sample of your district's ratio of voters to machines on Election Day. As you can see, there are some large numbers. We calculate, based on the time allotted to vote by law, that at some of these very large polling sites, with 500 registered voters per machines that it would take 41 hours for all eligible registered voters to cast their ballots on the touch screen machines.

Based on past years, voter participation patterns, more than 80% of registered voters in Sedgwick County will turn out for the 2008 presidential election. This means that more than 70,000 additional voters will show up at the polls over the turnout we saw for the 2006 general election. Consequently, given the current system's inability to efficiently, fairly and conveniently serve all voters at all sites during the 2006 general election, with only 51% voter turnout, this supplemental budget request we have submitted is a necessary, corrective measure to prevent voter disenfranchisement and to ensure voter access and to restore voter confidence.

We feel strongly that the right of American citizens to vote is the fundament right that defines our democracy. That strength is weakened when the electoral system fails to facilitate and encourage this right of citizen's participation. If the budget request we have made is not funded, the coalition feels that come November 2008, we will once again witness problems outlined earlier, only magnified.

The benefits of reopening 20 polling sites before the November 2008 presidential election will help preserve the constitutional rights of Sedgwick County voters. The Sedgwick County Voter Coalition urges you as our elected officials and representatives to ensure that every voter has an equal opportunity to vote in our communities. Do not risk an electoral meltdown in 2008. I also put . . . or Chad did, at each of your places, a voter's bill of rights and I'd like for you to take a minute to read that when you have time, because it really . . . it's a very worthwhile document and we believe strongly in those principles. Thank you very much."

**Chairman Unruh** said, "Ms. Ladwig, thank you for being here this morning. We obviously sense your passion for this issue and it's very well presented and commissioners will consider that request. But before you leave the podium, we have some folks who want to speak and I don't know who was first, so we'll start with Commissioner Norton I guess."

## Regular Meeting, July 11, 2007

**Commissioner Norton** said, “Okay, I don’t know that I have any questions because I understand what Betty is talking about and what the basis for it is. You know, voting is a core principle of our United States and it’s offered through the constitution and is part of a democracy so I don’t think any of us, and certainly not I, are going to debate that.

Consolidation in general is not a bad issue for government to take on. I think people want us to be efficient and understand the use of money and in elections that’s part of the process too. I think what is important though is that we right-size whatever we do and I know there was some critical decisions made through the Election Office and through the Secretary of State’s office and now it’s time to have that dialogue about right-sizing. We thought what we were doing before was maybe a little too much, that things had changed, there’s new voting equipment, we need to massage that. Certainly we didn’t make that decision, but the Secretary of State and the Election Office did with input that they got. And now it’s time to refocus and try to right-size whatever and I think adding 23 stations, which doesn’t take us back to where we were prior to it, is that effort to start looking at what is right-sizing. Many polling places did okay.”

**Ms. Ladwig** said, “That’s right and I emphasize that. We only sampled 36 sites.”

**Commissioner Norton** said, “Absolutely, and good for that part of it. Now we have to look at those that didn’t quite work out, that malfunctioned, had too much of a workload for whatever reason, so right-sizing now becomes the issue that we need to debate and discuss.

I think that we need to have a broader discussion maybe than just today, at a staff meeting, or through our budget deliberations, of what this looks like. And certainly we need to engage the Election Office. I value your input and your ability to get out in the community and advocate and observe and give us data, but I think Bill Gale in the Election Office has done that too and we as commissioners need to integrate all of that data and start trying to formulate what we need to do, through the budgetary process.

We also need to understand that just because we go and buy machines doesn’t mean we drive the decision to use them and open up more polling places. That goes through policy decisions through the Election Office so I think for us today to say ‘Oh yes, we’ll come up with a budget and buy those machines’ and then find out that maybe they only want to open ten more polling places is not probably going to make a good decision for us. So I think we need to spend some time

### **Regular Meeting, July 11, 2007**

understanding the budget implications, understanding what right-sizing is, take your information, meld it with Bill Gale's in the Election Office, and then start determining what is right for our community. I don't think this will be the last time we deal with this.

I think we're going to look at it, try to right-size it, go through the presidential election next year and go 'Wow, we fixed 50% of it but here's some more that didn't get fixed, we're going to have to work at it again'. I don't know that there's ever going to be an absolute perfect efficiency and use of citizens' money to make sure that voters have their rights, but taxpayers don't pay too much to have that right, so there's a balance there."

**Ms. Ladwig** said, "Commissioner Norton, I would just say that it would have been a wonderful thing if the commissioner had involved the public, and specifically the League of Woman Voters that's worked very hard for voter's right to vote. And we regret that and we would advise that a citizen advisory board be formed to do some input with him. This was strung on the public with very little warning and I don't think it was well thought out."

**Commissioner Norton** said, "That's all I have."

**Chairman Unruh** said, "Okay, thank you. Commissioner Welshimer."

**Commissioner Welshimer** said, "Betty, I have great respect for the League of Women Voters and I certainly appreciate your contribution to that group. I'm very grateful for this information that you've brought. I had not been aware of the problems in my 5<sup>th</sup> district. I vote down at Harry and Fabrique and we didn't have a problem there obviously, but I do remember back when just all of the sudden we consolidated all the precincts, you know just put a whole bunch of them together and slashed the numbers of voting places and then just stuck a few new machines in there. And so the result, we were waiting to see what that result was and you've captured that result and I appreciate it very much. So yes, I agree with Commissioner Norton, we need to talk about this and I know none of us want to have 60-70 people waiting for an hour in line. That's not a good thing."

**Ms. Ladwig** said, "Right and we don't want people to go home without voting."

**Commissioner Welshimer** said, "No, we certainly don't, certainly don't. Okay, thank you so much."

**Chairman Unruh** said, "We have a comment from Commissioner Parks."

**Commissioner Parks** said, "Well I would echo some of the things about rights and everything that the other two did but I'm going to put a little different twist on it. Thank you, by the way, for the breakdown. This was for Election Day, the one Election Day and I think this is where we need to

## Regular Meeting, July 11, 2007

expand some of our education things and I think Mr. Gale is doing that. You know, we're having trouble finding people to serve at these locations also, he's trying to do some innovative things to try to get the workers in and the number of hours that are worked and some other things around there. And there is a financial savings to cutting back the polling places.

But what I would try to say to the public is that Election Day, we have to get outside the box on that thought I think, in that we have absentee voting, we have advanced mail voting, we also have advanced electronic voting and those places that participated in that, those precincts that participated in the advanced electronic voting didn't have very long of a wait."

**Ms. Ladwig** said, "No, I think about 27% voted that way."

**Commissioner Parks** said, "I dissected that in kind of my district and it looks that the places that had the advanced voting didn't have the long lines so that goes back and I think that this process, as it goes along, will work better. And I personally don't know that we need to throw a bunch more money back into it at this point. Let's give it a chance to work. Thank you."

**Chairman Unruh** said, "Thank you commissioner. Commissioner Winters."

**Commissioner Winters** said, "Thank you very much. Well, I think Commissioner Norton said a lot of what I was going to say so I won't repeat that, but Betty you mentioned several times the budget supplement that your group had thought about. What was the dollar amount of that, that you think that the dollar amount to do those things that you believe are important?"

**Ms. Ladwig** said, "The section A called out . . . or had a breakdown of the restoration of the 20 polling sites and the total amount was \$121,000 . . . a total I think of \$509,000. Is that correct. I'm sorry, part A and part B totaled together is \$630,550 plus mileage for 20 supervising judges."

**Commissioner Winters** said, "Okay. Thank you very much, and again thank you for your comments today. I certainly appreciate them."

**Chairman Unruh** said, "All right, thank you. Betty, thank you very much. Commissioners, do we have a motion to receive and file?"

### MOTION

Commissioner Winters moved receive and file.

Commissioner Welshimer seconded the motion.

**Regular Meeting, July 11, 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, “Commissioner Norton, you wanted to make a comment?”

**Commissioner Norton** said, “Well certainly our action was to receive and file and make sure we recognize the data. I think it’s important that we do have this discussion at some point. I articulated that, but now it’s time to think about do we do it at a staff meeting, do we do it as part of the budget deliberations, how to we engage the League of Women Voters and the coalition and the Election Commissioner’s Office and this idea of deliberation on this too. So it’s not as easy as ‘receive and file’. Now the real work begins and I want to be sure that we articulate that to the group that came today that we didn’t just receive and file and forget it, that we’re going to move on with it at some point.”

**Chairman Unruh** said, “Okay, well that’s the point and I believe the manager will direct us through that process. All right, Madam Clerk we’re ready for the next item.”

**PRESENTATION**

**E. PRESENTATION REGARDING THE ARENA PROJECT UPDATE AND UPCOMING ARENA ACTIVITIES.**

## **Regular Meeting, July 11, 2007**

### **POWERPOINT PRESENTATION**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “Appreciate you indulging us in another update on the arena project. I would just indicate to you that the focus of today’s update is what’s coming up in the next 90 days or so. Some of the dates that I will share with you today may need to be adjusted as we go along, as we get more information. We’re really now getting into the details and as we get into the details and as we get into the details, small bits and pieces of information may change our dates by a day or so. And as I go through this presentation, or attempt to highlight where that may be the case. Again our goal is to build a model, first-class sports and entertainment venue in downtown Wichita that seats 15,000 for basketball.

Today I want to report on 11 items to review with you. On this page, the first six are shown here. We’ll go through very quickly all of these. Site acquisition and demolition from the arena site; site acquisition and demolition from the Washington Street properties; arena design; arena construction; pavilions renovation; the SMG contract and then the five others: naming rights, premium seating sales, the city’s Arena Neighborhood Redevelopment plan, the integrated comprehensive mobility parking plan for downtown, infrastructure improvements related to the city of Wichita, and sales tax receipts.

Getting right into the presentation, the site acquisition and demolition of the arena site, we acquired 22 properties in the arena site area. You will recall that one of those properties we re-sold, five of those properties were vacant lots and so we have 16 occupied properties. And all of those properties were completed as of June 11<sup>th</sup>, ’07. Of the 16 properties that had . . . needed to be vacated, they were . . . that was completed on all 16 of those properties, the last one on 7-2-07 so all of the properties we own and they have been vacated.

The next step then was asbestos and hazardous materials survey to determine in those 16 properties what hazardous materials or asbestos might be involved and needed to be removed. We’ve completed 15 of those surveys as of June 1. We have the sixteenth property in process right now to be completed on or before July the 20<sup>th</sup>.

Next comes asbestos and hazardous material abatement for those 16 properties. We’ve completed nine of those properties as of July the 10<sup>th</sup>. We have in progress six properties should be completed by July the 30<sup>th</sup> and we have one property to be bid yet that will be completed by August 14<sup>th</sup>.

From a demolition perspective, again the 16 properties, we’ve divided those into six groups. The current plan calls for all of the demolition to be completed by September the 25<sup>th</sup> of this year. The

## **Regular Meeting, July 11, 2007**

groups divide up as follows. Two properties with a start date of 7-16-07, that's next Tuesday. You will be hearing later today and if you approve the vendor, who will be doing that demolition, he will be staging on Monday and start demolition of Tuesday, but on the board of bids and contracts report, that vendor will be presented to you. Group two, there are six properties included in group two and the timeline calls for those properties to start demolition on those property by July 31. In group three there are two properties to be started by August 1. Group four, one property to be started by August 7<sup>th</sup>. Group five, four properties to be started by August 3<sup>rd</sup> and on group six, one property to be started by September the first. Again, the target date is for all of the demolition to be completed by September the 25<sup>th</sup>. That's site acquisition and demolition on the arena site.

Moving on to site acquisition and demolition on the Washington Street properties, there were eight properties there, six of those properties were full takes, that is we were taking all of the property. Two of those properties were partial takes, meaning we only needed to take a portion of their property, leaving the building and their operations intact. We have completed five property acquisitions of those eight, those were five full takes. We've completed those by May 1. We have three acquisitions that are in process to be completed by August the 17<sup>th</sup>. One is a full take and two are partial takes. Now I'll just give you a caveat on the August 17<sup>th</sup>, we are optimistic that we can acquire this last full take by voluntary action. However, there's a possibility that the work that's going on between both sides' attorneys right now, if that all falls through, we may end up with a condemnation process. We don't expect that to happen, but we just should be . . . we should be aware of that in case the discussions that are happening now don't come to fruition.

Of the six acquisitions that are full takes, buildings . . . the vacating of those buildings, four of those were completed as of May 1, one is in progress to be completed by 9-6-07, one of the properties required, we brought to you an MOU that that property owner would be moved by September the 6<sup>th</sup>, '07 and then the one property that is still in discussions, we will need to negotiate the moving date on that property once we acquire it.

Moving on to the asbestos and hazardous material survey, for those six properties that we are acquiring as full takes, four asbestos and hazardous material surveys of four properties has been completed as of May 1 and the other two properties to be determined. I might just mention to you here, you will remember that we talked to you about properties on this site being used in an emergency training exercise involving the Wichita Police Department, the Wichita Fire Department, the Sheriff's Office and the county fire department. That exercise is still scheduled for October 19 through 21 and so we will be working these properties in conjunction with that exercise

## **Regular Meeting, July 11, 2007**

so we're in no hurry but we'll want to coordinate what we do there in relationship to that exercise.

Asbestos abatement for these six properties, three are in progress and will be completed by August 1. The other three, we'll need to determine a date, again as we look at the exercise that will happen there in October. And then all six properties, we need to make a determination when they'll be demolished, again are working with the exercise to make sure that those properties don't get taken down to interfere with the exercise, but also to make sure that once that exercise is complete that we move promptly into getting those properties demolished.

Next is the arena design. We reported to you last week that last Thursday we were going to receive 100% construction drawing documents and we did. We are in the process of reviewing those construction documents and should have that completed by early next week.

Arena construction then, we anticipate filing the final plat for the arena site on July the 23<sup>rd</sup>. We are right now working on releasing the final construction documents for bidding on July the 23<sup>rd</sup>. We would have then a mandatory pre-bid meeting for general contractors on August the 3<sup>rd</sup>. The first addendum then would be issued on August the 10<sup>th</sup>. A follow-up informational meeting for general contractors, if we keep to this schedule will be August 21 and all of that's predicated again on releasing the final construction documents for bidding next week, week after next. We don't see any reason why we should not be able to do that, but we are going through the invitation for bid document, the instruction to bidders document, the bid forms, we're going through all of those almost word by word to make sure that for this project we have dotted all of our 'i's and crossed all of our 't's and if we run across again a detail there, it could move this date but we're not anticipating that to happen at this time.

The deadline then for questions from general contractors who might be interested in this project would be August the 27<sup>th</sup>. The final addendum then would be issued on August the 31<sup>st</sup>. Here's three dates that may move, the base bid would be due then September the 11<sup>th</sup>, the ultimate and unit price bid would be due September the 14<sup>th</sup>, we would open bids on September the 14<sup>th</sup>. Now the reason this date may move, that once we have that pre-bid meeting with contractors, based on the size of this project, if we get enough feedback and an indication that they need an additional week to bid, we would be open to considering giving them that additional week and that's why these dates may move by a week. Right now we don't anticipate that happening, but we do want to be

## Regular Meeting, July 11, 2007

flexible and be open to that happening.

You see a base bid due on September the 11<sup>th</sup> and then you see an alternate and unit price bid due three days later, and we would open bids three days . . . on that September 14<sup>th</sup> date, so whatever we get on the 11<sup>th</sup> as the base bid, we would receive them but we would not open them until September the 14<sup>th</sup>, giving contractors an opportunity for a couple of more days to provide additional information that would be required as a part of this bid process.

Again, if we stay on this schedule, again these dates may move just a bit based on what I mentioned a minute ago. We would be, with the recommendation of the Board of Bids and Contracts on September the 20<sup>th</sup>, we would be before you with you recommending a general contractor on September the 26<sup>th</sup>. Then we would have submission of contract documents no later than early November. Once we accept the . . . once you select the contractor, we then have to go through a process of going through a contract document, making sure that again all of the information is . . . the lawyers take a look at that, make sure the 'i's are dotted and 't's are crossed. We usually allow up to 30 days for that. We think we can move that much faster, but we want to not commit to a particular date now and that would mean then ground breaking would be late October, early November at the latest on this project. Again, these dates might move a day or two, depending on issues that would arise during the bid process from the general contractors needing more time.

Pavilion renovation, the weather has played a bit of havoc with the renovation project out there, but construction did start on May 1. Right now the time line is for construction to be completed by September the 3<sup>rd</sup>. We think we can meet that date, we're pretty sure we can meet that date. For sure, we have to be ready to reopen September the 20<sup>th</sup>. The Junior Livestock Show is that weekend following the 20<sup>th</sup> and they would need a few days to move in and we have a commitment to them that we'll be open, available and ready for them to move in and to have the Junior Livestock show I believe beginning the 21<sup>st</sup> through that weekend.

The SMG contract for arena operations and management, this has taken us a bit longer than we expected because we're looking at a contract that SMG would assume full risk for the financial operations of the arena and we are now focused on getting to you a contract by the July the 25<sup>th</sup> meeting date. Again we're going through details that may move that to the next week. We hope not to have that happen, but I just want to make sure that we have a chance to work out all the details before we bring you that contract. That contract would have in it not only the operations and management of the arena after it opens, but also would outline the pre-opening and services and tasks that would be initiated by SMG that would start right away, on August 1<sup>st</sup>, in fact even without a contract they've started some of those tasks already. And then included in that would be

## **Regular Meeting, July 11, 2007**

a grand opening celebration for the fall of 2009.

Naming rights and premium seating sales, we are . . . have been pressing Superlative who is working with us to do that. We talked to him this week, he tells me that it's his intent to have a naming rights sponsor to present to us on or before November the 1<sup>st</sup> and so we're going to work hard to keep that date, to press him with that date and that will be I think an exciting time for all of us to have a private partner who comes on board, who brings some dollars to the table as well to be our partner in this project.

We are looking at a change to the Superlative contract, because in the process it's been made very clear to market the premium seating, to do the sales, we probably need a sales office that has inventory, that has a model suite, that has a model loges box, that has premium seat that those folks wanting to purchase those would have a chance to touch, feel and see and so we're looking at bringing that change to you by August 1<sup>st</sup>, with a premium sales office to open no later than October 1<sup>st</sup>. And while a lot of ground work has been laid for sales of premium seating, it would start in earnest then once that office is open.

The city's Arena Neighborhood Redevelopment Plan, John Schlegel, the Planning Department will be making a presentation. Right now, it's scheduled for next week at the City Council workshop and that process continues to move on and we'll be watching and working very closely with the Planning Department and the others on the Arena Neighborhood Redevelopment Plan team to bring that plan to fruition through the City Council and then back to the County Commission once that plan is pretty much developed to be included as a part of the overall comprehensive plan.

The integrated comprehensive mobility parking plan for downtown, we're looking at a review of the parking study, contractors report with the BoCC by early October. Soon after that then, have that review with the City Council and then by no later than middle of November to have a parking study contractors report in a public meeting. We do have a combined city/ county team that's working on this plan. We've gotten input from downtown parking owners and operators. We have a lot of data that has been received that needs to be worked through that we're working with the contractor to make sure that they've understood what's been said and we understand how they've interpreted that data so that we do our due diligence, that you all would require and expect of us to make sure that with this plan that we not only get it done, but that we get it done right. Also, a major consideration in the impact on the parking and mobility plan is the city's Arena

## **Regular Meeting, July 11, 2007**

Neighborhood Redevelopment Plan and this would allow us time to make absolutely sure that we have reviewed and incorporated aspects of the arena neighborhood the city's Arena Neighborhood Redevelopment Plan as a part of this overall parking plan as well.

The City of Wichita has asked, since we're doing the site work and the preparation work for the site, they want to do some street and storm water improvement that are adjacent to the site. They've asked us if we would include those in our construction contract. We will get an interlocal agreement that will spell out what that means and while we will pay for it up front, what the reimbursement will be and it's for some work on Commerce Street, from English to William, a waterline in Emporia and William, a water line at Emporia and William Streets and a sanitary sewer connection at William and the loft alley there at our site. But we'll be back to you with an interlocal agreement that will spell out what those are and how the cost will be reimbursed before we implement that work.

Sales tax receipts through June, we had projected \$144,326,000 through June. The actual receipts have been \$148,366,000. The sales tax will end 12/31/07 and as of the end of July that was only 24 weeks.

So in summary, demolition of the arena site commences next week. The construction bid process July through September, the arena construction, late October through the fall of '09. The sales tax ends December 31, '07, less than 24 weeks, the arena opening fall of 2009. That's the end of my presentation today. I'd be happy to answer any questions that you might have."

**Chairman Unruh** said, "Thank you Ron. Once again, a lot of information. We do have some comments. Commissioner Parks."

**Commissioner Parks** said, "All six of your bids, separate bid-outs on the demolition has been let and closed now?"

**Mr. Holt** said, "Two have been let and closed. One will come with a recommendation today. The other bid was opened yesterday, so that means it will come with a recommendation next Wednesday. Three of the bid packages, two are due July the 17<sup>th</sup>. One is due July the 24<sup>th</sup> and the other bid package for the one building, 233 South St. Francis, was just let and I don't recall, I think it's the 30<sup>th</sup> or 31<sup>st</sup> when that is due back."

**Commissioner Parks** said, "I know I talked to you on a one-to-one basis on this, but some of the bidders that contacted me and I referred on to you about the salvage within and the copper wire that was in there, and it was just kind a general consensus that those had been stolen. Have police reports been made on those?"

### **Regular Meeting, July 11, 2007**

**Mr. Holt** said, “We’ve been actively involved in making reports there for those that we have been able to identify and determine. But you’re right, a lot of confiscating of materials has happened on that, of that type on the site as it has in other places around the city.

**Commissioner Parks** said, “Also, I know we’ve had dirt samples, but have we had any core samples, not only just dirt samples, but is there a time that after the demolition happens that we can get core samples or is that in part of the grand scheme of things?”

**Mr. Holt** said, “That would be a part of one of the first things that the contractors would do, as they start to develop the site work, so we would look at late October, early November that that would happen.”

**Commissioner Parks** said, “Okay. And then the change in the contract with Superlative, that will be brought back to us when?”

**Mr. Holt** said, “Right now, on or before August 1<sup>st</sup>. We’re working through the details about . . . and it’s all related to a sales office and so we’ll be bringing that back on or before August . . . the August 1<sup>st</sup> meeting.”

**Commissioner Parks** said, “Okay, thank you. That’s it.”

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

**Commissioner Welshimer** said, “Well, as I told you yesterday in staff meeting, I don’t think that the public should have to wait until November to find out what sort of parking solutions we’re coming up with. And I would suggest that we address that in a manner that we can come up with something to give the public out of this, I mean all this time we’ve been expecting this consultant report to come back and give us an idea of what we’re going to do and that obviously isn’t the case. Is that consultant report something that you’re satisfied with? Is that what you expected from that?”

**Mr. Holt** said, “Commissioners, just a couple of things. One is, we will work very hard to be ahead of those dates. I wanted, as we’ve looked at this report, wanted to be as realistic and make sure we’re, again, if we have an open and transparent process that that’s what we’re doing, but we will

## **Regular Meeting, July 11, 2007**

work very hard to come back to you before that October date, number one. Number two, there's a lot of data that we've collected, not only hard data about what the current situation is, the counts that they have made, how the arena fits in but also the data that we've selected and the input we've gotten from the owners and operators downtown. Once you start trying to synthesize, integrate all of that information it gets to be a bit mind-boggling. Now, if you talk to the contractor, they understand it very well. We want to make sure, as your stewards on this project, that we understand it so that when we present it to you, that it is information that you can make decisions about and that the public clearly understands why we're doing what we're doing with parking."

**Commissioner Welshimer** said, "Well that consultant report sounds to me like it's simply a function of data collection, and I think, you know we could have done data collection ourselves. We have a whole department that can do data collection and make telephone calls and contact people and the commission paid for that report. I want to take a look at it. You know, I don't want to wait till November. I want to take a look at it today."

**Mr. Holt** said, "We will . . ."

**Commissioner Welshimer** said, "After this meeting . . ."

**Mr. Holt** said, "Again, I'd be happy to have a further conversation with you about that."

**Commissioner Welshimer** said, "I want to take a look at it. Thank you."

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

**Commissioner Winters** said, "All right, thank you. Well I can appreciate the feeling that we need a rapid response to the parking issue but I just want to say that I've got full confidence in Ron Holt, who is this project manager and John Schlegel, who is another key individual in the neighborhood area and on the parking issue and what kind of solutions and plans and strategies we're going to have. And so I'm just anxious, Ron, for you and the others to get your arms around it and whenever that happens I'll be ready to look at it and if you think that's going to take two weeks or two months, I'd rather have you make sure that you understand what the parameters are and then you can share them with me. So again, I can feel the sensitivity for the need for speed, but again we're going to go through this process and the building is going to be on-schedule and open in 2009 and when we've got everything in the package that we can understand, then I think it's the time that we need to wade in and I just . . . if you tell us that that's not today, then I'm satisfied with that and I

### Regular Meeting, July 11, 2007

can wait until you get it in a form that you're comfortable with. So just my comment."

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

**Commissioner Norton** said, "Ron, are all the pavilions going to be done or just the one that's needed for the livestock show?"

**Mr. Holt** said, "No they're all tied together to be done by September the 3<sup>rd</sup>."

**Commissioner Norton** said, "So it's not just the one for the Junior Livestock Show to make sure we hit that target date, but it's all of it."

**Mr. Holt** said, "That's correct. And part of that has to do with the utilities and so forth connected there. They all end up being on one circuit, and so doing them all makes sense to have that done as a packaged deal, but they will all be done by September 3<sup>rd</sup>."

**Commissioner Norton** said, "Okay. In the bid documents for the arena, is there going to be language favoring local sourcing?"

**Mr. Holt** said, "We will be . . . one of the things I talked about a minute ago was the invitations to bid and instructions to bidders. We're working on that language now. In the county standard bid process for construction, the language is lowest, most responsible bidder. We are expanding that a bit, and we're in line with state statute and all, to expand that to lowest and best responsible bidder.

We're working on defining what best responsible is and we will be wanting to of course talk to you about that so that you understand what we're doing and that's the kind of details that we're working on now to have finalized so that we get . . . before July 23<sup>rd</sup> that we can let these bids. But yes, we would have criteria that would talk about lowest and best responsible and a part of that would say we can't guarantee local, but that we would . . . I forget the language, strongly encourage or . . . I don't recall the exact language, but it would reference local vendors."

**Commissioner Norton** said, "Well certainly there's been debate out in the community about contract management and we don't really have that as an option in our toolkit as counties because of certain legislation for the bid process. Is that correct Rich? Am I correct in saying that?"

## Regular Meeting, July 11, 2007

**Mr. Euson** said, “Yes, in terms . . . as far as management mean construction management, yes.”

**Commissioner Norton** said, “Okay. That’s not something that we have access to under current legislation in the bid process.”

**Mr. Euson** said, “Right. The current legislation requires us to do a design and then go out for bids based on that design.”

**Commissioner Norton** said, “Okay. But having said that, we can inject language in there that will describe what we think is the best process that we would like for our community, which will include as much local sourcing and contracting as we can possibly get. Is that fair to say?”

**Mr. Holt** said, “That’s correct but again, just short of making a guarantee, but yes, we’re working that diligently and trying to be as . . . pushed to the edge of that, as close to the edge of that envelope as we can.”

**Commissioner Norton** said, “Okay. In the Washington Street corridor that we’re working on, when you say take, does that mean it’s been condemned and we’re taking it?”

**Mr. Holt** said, “No, it just means that the request of them was for the whole property and all of those so far on Washington Street have been voluntary acquisitions, so we haven’t done any condemnation on Wash . . . haven’t had to do any condemnation on Washington Street and it’s our hope that we won’t have to, although there may be the one property where that might end up being the case.”

**Commissioner Norton** said, “Okay, and if we do a condemnation, then later, the ability to use that, to sell that and use it for economic development is off the table. Is that correct?”

**Mr. Holt** said, “I don’t think it’s off the table. I think we just have to do it in a fashion that’s very broad and open and public. I don’t know that for sure.”

**Commissioner Norton** said, “I’d like to have that checked on, because I’m not so sure that if you use it for a public good, that you can go back and use it for resale to somebody that’s going to develop it. You can’t take it and then give it to somebody else. And if that’s our intent, then I have a little struggle with that. If we’re going to use it for public good that’s one thing. If we did it with an arms length transaction, then we have the ability to do whatever we want with it. If we condemn it, that a whole different thing and I’d like to be sure we get a legal interpretation of that that we can talk about because if it’s condemnation . . . if we condemn it, then I have a little problem with us

## Regular Meeting, July 11, 2007

coming back later and if it's a very big piece of property and trying to sell it to somebody to put a business in which may be just like the one that we condemned, and I don't think that's right, so I'd like a little more information on that if we have to condemn over there.

The other part of it is that's not on the site of the public building that we're building. That's kind of off to the side. I want to be sure that we understand the implications of what we can do with the property that's left. I don't know that I know that. so maybe Rich, that's something you could kind of give us some guidance on.

There are a lot of implications on the SMG contract then . . . it ties to the budget and the money and the money set aside for contingency and subsidy and I think the public needs to know the dialogue we're having there because if we negotiate a contract where SMG bears all the burden of the revenue but also the downside loss, then that eliminates the county from worrying about having a lot of money in a pool for subsidy and everything. Is that correct or am I wrong there?"

**Mr. Holt** said, "That would be correct and that's the road that we're on in the discussions and the negotiations currently, that they would participate in a greater way in the upside and they would bear all of the down side."

**Commissioner Norton** said, "Okay. How soon again is that whole contract negotiation going? Where do we fit into that, because I think we've been kind of removed from that a little bit, which is okay, but that has such strong implications for the future of the arena, that somehow I want a little more information on that than just what we got today."

**Mr. Holt** said, "Absolutely, that would be our intent and that was one of the reasons I said in my presentation that we would hope to bring that contract to you by July the 25<sup>th</sup>, but we'll want to make sure that we not only have completed that but that but that the nuances of how that's different from what we were talking about, that you clearly understand that as we take it to the bid board and bring it to you on the 25<sup>th</sup>. So that may move a week as well, just because we need to . . . again, all of this is related to, I'm using the term crossing 't's and dot the 'i's but quite frankly on those contracts, that's pretty much what it comes down to."

**Commissioner Norton** said, "Well I think it needs . . . every little nook and cranny in the contract needs to be looked at and I don't know that I need to see all of that detail but I want to be sure that whatever the final product is, is that we've understood it at a deep level because that contract

## Regular Meeting, July 11, 2007

changes our philosophy a little bit about that we thought we had to put some money aside in case things didn't work out so well and if they're accepting the risk through a contract, that helps us through the process of rethinking what to do with that money and what . . . you know, I know Commissioner Parks is worried about is there going to be money for operation and maintenance and some other things down the line and if that money is available and we're not going to have risk here, we need to make some decisions on how that money is positioned and where we want to put it.

The final . . . well, not the final, Superlative Group, I'm still a little iffy about where we going with now adding on some more contract to them to now have an office to sell . . . it seems like that would have been something we knew that they were going to have to do to show the product, to sell it in the first place. I mean, we weren't going to sell anybody a wing and a prayer. We were going to have to eventually show them something concrete to be able to buy, whether it's the seating, the fabric, the look of the suite, the size, the furnishings, whatever and it seems like now to come back and do that is just another one of those add-ons that I never like."

**Mr. Holt** said, "Commissioner, while we have some suites in this community, but they're very limited and when Superlative, you'll remember the first part of their contract was to do an evaluation and in their evaluation process of premium seating sales and so forth, it became clear to them that the sales of these premium seats and the suites and the loge boxes was not going to work very well without having . . . because there's just not that kind of product in this market place, was not going to work very well like it does in other marketplaces where people are used to having options for suites and loge boxes and so forth.

And so last fall, when they finished their evaluation process, one of the things they said to us was we, to make the sales happen in a fashion that is in line with what you expect and what this community wants, we're going to have to take a look at having a sales office that has a model suite, that has a model loge box and that has a premium seat, so we've been talking to them six or eight months about doing that and we're now at the point where we're in agreement with them that that makes sense if we're going to have the kind of successful sellout of those that we want to have and would favor the operating revenue for the arena."

**Commissioner Norton** said, "Okay, well then I'm anxious to see what that extra is going to be. Parking plan and neighborhood plan, you know obviously I voiced yesterday at staff meeting my frustration with this lingering parking plan. We had Walker Consultants built into the original architectural group that was going to do this. We made the hard decision to go ahead and give them

### **Regular Meeting, July 11, 2007**

the next level of consulting and now it seems like I'm not hearing that they're going to tell us the solution. They're the experts and that's what experts should do is tell us the solution and we're having to go in and dig into the data and understand it and all that. I can't believe, as an expert, they can't come to us and tell us . . . We're smart folks, tell us in layman's terms what all of that data means. That's what they're getting paid for and for staff to have to look at it, spend time and package it to give to some commissioners, I'm almost insulted by that because you know what, I consider myself a pretty smart guy and I'll do my homework, and to make it linger that much longer, before we can describe to the public, who are adamant about knowing about parking unnerves me a little bit. It just does and I don't want it packaged for me. I'm ready to start looking at the numbers and information and help with the process. I think that's what we're charged with doing."

**Mr. Holt** said, "Our intent, commissioners, is to have them tell us the solution. And in a fashion that doesn't take you . . . it may take you ten questions, but it doesn't take you a thousand questions to get to that and that's what we're working through, and it's not . . . you used the term packaged, it's how the data is put together that leads one point to the next point to the next point, that supports what that solution recommendation might be. That's what we're working toward. It's an organization of the data that supports recommendations that we're saying to them, we want solid recommendations from you because that's what we paid you for and that's what we're working through together."

**Commissioner Norton** said, "I guess the final thing that concerns me is that without a neighborhood plan that is adopted and hardwired, I don't know how a parking plan can ever be described to us as a solution if we don't know what the downtown is going to end up looking like when it's all over with. I think there's too many unintended consequences for not having that nailed down completely, through the city council, through the county commission, through the public to say what we know is going to happen downtown and what we'll allow to happen downtown, because parking fits into all of that. And to come up with a solution on parking before we have the neighborhood plan nailed down and authorized by the city council just doesn't make sense to me."

**Mr. Holt** said, "Again, it's not the only reason, but one of the reasons we want to take more time is that John has a presentation to the city council. It was going to be yesterday. It's been moved to

## Regular Meeting, July 11, 2007

next week and right in the middle of the budget, it's just possible it could get moved again. We want to make sure that that neighborhood plan has been reviewed, vetted through the city council so that we . . . whatever we include as a part of the parking plan that comes from the neighborhood plan, that it is the best information we have and I think the neighborhood plan talks more about what would be allowed downtown, rather than having a hard, fast plan that says 'this will happen, and this will happen, and that will happen'. It's what will be allowed to happen downtown and where it will be allowed to happen. But we need that . . . I agree with you, we need that information, as final as possible, before we finalize a parking plan."

**Commissioner Norton** said, "Okay. At the end of the day, the buck on parking is going to stop with this commission. That's the way I believe the public looks at it. City council, planning commission, staff blah, blah . . . everybody else, it's going to boil down to this commission what the decisions we've made on the information we had, because it was attached to the arena. I really believe that and I just think it's an important issue and please keep charging ahead, making it happen and the quicker it gets to me, the better. That's all I have Mr. Chair."

**Chairman Unruh** said, "Thank you. Commissioner Winters, you've turned your light off."

**Commissioner Winters** said, "No, I'm done."

**Chairman Unruh** said, "Okay. Well Ron thanks for the report. I just want to make a brief comment. I won't be as detailed as some of the other comments, but I just want to restate the fact that from the beginning we said we were going to build a 15,000 seat arena for basketball. We were going to do it within the revenues produced. We were going to do it through a design, bid, build process, which is what's required of us by our state legislature. We cannot construction manager at risk, and so we have not changed plans, as was the headline on one of the local newspapers.

We're doing what we said we were going to do from the beginning and this, I think, will leverage the greatest value for our constituents and citizens of Sedgwick County by doing it this way and that's an opinion that's been voiced by a couple of major contractors in our community. So because there's a division of opinion doesn't mean that a contrary opinion is accurate. It just means it's another opinion, and this commission has moved forward with considerable unanimity on this commission to do what we're doing now. And so I would want to, in light of some of the questions and doubts and uncertainties, assure the citizens that we are on target and this is going to happen the way that we're planning it to happen.

And I realize that the parking issue is a high profile issue. I'm not exactly sure why it's such a high profile issue, but nevertheless it is and we need to pay attention to that. But when it's all said done, we're going to provide the parking that we think will adequately satisfy the needs of this project,

## **Regular Meeting, July 11, 2007**

that will as best as possible coordinate with the Arena Neighborhood Redevelopment project and I've got full confidence that that's what the various groups that you are working with are going to come up with. And I personally do not have a sense of urgency that we have to have it this week, next week or six weeks from now. I mean, this project is not going to be open for a while and I know the folks want to know, that I would prefer that we take our time, analyze the data and get it right. So I'm thinking that the people we have in charge are leading us in the right direction and decisions ultimately come back to this commission and I take that seriously and we're going to make those decisions as we go forward, in such a way I believe that we'll produced the desired product. Have a comment from Commissioner Welshimer."

**Commissioner Welshimer** said, "Well Mr. Chairman, with all respect I disagree all the way along the line. With all of it a disagree and I'm getting more and more disenchanted with our ability to follow through with this arena and so that's my comment."

**Chairman Unruh** said, "I heard what you said, commissioner. Commissioner Norton."

**Commissioner Norton** said, "Well I'm not going to use the word disenchanted because I'm not. I'm still an advocate for the downtown arenato be the best that it possibly can. The citizens voted on it and I hope that strong language and comments to push us to do the best is what my responsibility is. So no one should read into this that I'm anti-arena or anti-downtown or anti anything else, but I am pro maintaining my responsibility as a county commissioner to ask the tough questions to push us in the right direction if I have any kind of a gut feeling that it's not moving fast enough or in the direction I want it to, that I voice that in a public manner. And so I'm not particularly disenchanted with anything, but I have the obligation to at least the citizens I represent to ask the tough questions, to throw them on the table and where I have doubts that parts of what we're doing in not happening as fast or as efficiently as I would like it to that I'm obligated to say those things in public. That's all."

**Chairman Unruh** said, "All right, thank you. Any other comments, commissioners? Mr. Holt, thank you for that report. We need a motion to receive and file."

### **MOTION**

Commissioner Norton moved receive and file.

Commissioner Winters seconded the motion.

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

### **VOTE**

**Regular Meeting, July 11, 2007**

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

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

**PLANNING DEPARTMENT**

**F. PLANNING DEPARTMENT.**

- 1. MAPD CASE NUMBER ZON2007-00022 – SEDGWICK COUNTY ZONE CHANGE FROM "RR" RURAL RESIDENTIAL TO "MF-18," MULTI-FAMILY RESIDENTIAL. GENERALLY LOCATED AT THE NORTHWEST CORNER OF 99<sup>TH</sup> STREET EAST AND 71<sup>ST</sup> STREET SOUTH (7114 SOUTH 99<sup>TH</sup> STREET EAST). DISTRICT #5.**

**POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, MAPD, greeted the Commissioners and said, "In this first case that I'm presenting to you, the applicant is seeking to rezone this approximately 12 ½ acre site just to the east of the corporate limits of the City of Derby to MF-18 from its current RR, Rural Residential designation.

And I should mention up front that the MF-18 zoning district allows up to 18 dwelling units per acre, under the current RR zoning designation, they are allowed one single-family residence, although they could apply for a conditional use for an accessory apartment building.

The site currently has on it a single-family home and four other buildings. One of those buildings is this barn-like structure that has been converted into three additional apartment residences. We've been working with the county Code Enforcement people on this particular situation. They have no record of building permits or inspections having been pulled for the residential units in the barn. And the applicant has been unable to demonstrate that these residences, these additional residences in the barn were there before the adoption in 1985 of county-wide zoning.

So they've been determined to be that they are not legal, non-conforming uses for this zoning

## Regular Meeting, July 11, 2007

district and in addition to support that, this site did not appear on a list of non-conforming uses that was created in 1985 when county-wide zoning was being considered.

As I mentioned before, this site is about 950 feet east of the Derby city limits, along 71<sup>st</sup> Street. All of the surrounding properties you see on the zoning map are zoned RR, Rural Residential. And you can see the character of the land uses on the aerial photo. It's agricultural land and large-lot residential development.

Because it's so close to the Derby city limits, it is within their zoning area of influence and it was heard by the . . . this case was heard by the Derby Planning Commission at its meeting on May 17<sup>th</sup>.

Although there were no members of the public there to speak in opposition or in support of this, the Derby Planning Commission followed the recommendation of the MAPD staff and voted to deny the zone change request by a vote of five to two. That recommendation of denial by their planning commission will influence your vote today. It will require a unanimous vote to approve this, to override their recommendation of denial.

The case was heard by the Metropolitan Area Planning Commission on June 7<sup>th</sup>. Again, no one was there to speak regarding this case. The MAPC's recommendation approved that day is to approve the request, with a Protective Overlay #189, which will read this way: the protective overlay shall prohibit additional dwelling units beyond the existing dwelling unit, beyond the existing primary house and three apartments within the converted barn until the property is annexed by a municipality, platted and municipal utilities are present.

We . . . although no one spoke at the MAPC or Derby meetings, we have received two e-mails from property owners south of 71<sup>st</sup> Street in opposition to this request. So the recommendation of the MAPD before you today is for approval, subject to the protective overlay which would restrict the number of units to what already exists on the site. I'd be glad to take any questions."

**Chairman Unruh** said, "All right, thank you John. I have one question. The Derby planning commission action to deny the request was made prior to the MAPC's imposing a protective overlay."

**Mr. Schlegel** said, "Yes that's true. Although the idea of a protective overlay was discussed at the Derby Planning Commission meeting."

**Chairman Unruh** said, "Okay. And on this property now there are, beside the primary residence, there are four apartments?"

**Mr. Schlegel** said, "There are three apartments. Here's the primary residence in that photo and then there are three additional apartments in that structure."

## Regular Meeting, July 11, 2007

**Chairman Unruh** said, "All right, and only two are occupied. Is that correct?"

**Mr. Schlegel** said, "I don't know how many are vacant. I'm sorry."

**Chairman Unruh** said, "Okay, well in the backup it says two units currently in use and one was not, so I guess the question I would be asked then is does a protective overlay then say they could fill that third unit, or does it say only use two?"

**Mr. Schlegel** said, "No, they would be allowed to fill all three units."

**Chairman Unruh** said, "Okay, all right."

**Mr. Schlegel** said, "The protective overlay would be for the primary house and three apartments within the converted barn."

**Chairman Unruh** said, "Okay. I don't see any other questions, John, but we'll probably want to talk about this. I was going to ask for some citizen input, but we do have a question now from Commissioner Parks."

**Commissioner Parks** said, "Well I guess I don't have any of John, but I would like to question Glen Wiltse just a couple of times, later on maybe."

**Chairman Unruh** said, "Okay. We can do that. We will do that. This is not a public hearing but on zoning cases we do allow for public input and is there any comment wants to be made by the applicant? If you'd want to step up and give us your name and address please."

**Mr. Mark Savoy**, Agent for applicant, greeted the Commissioners and said, "The applicant is present if you have any questions of them. This is apparently kind of a confusing request. We do not want to build an 18-unit per acre multi-family project here. We're trying to save the project that's there right now. It's an original farmstead and an original barn. They're over 100 years old.

This property was purchased by the Seltzers in about 1988 and at the time of the purchase, they went to the county to see about putting an office in the barn and I believe it's accurate that they could do that and it didn't require any special use, special permits or anything, to put that office in there. Unfortunately, shortly after that the office kind of generated to an apartment and then shortly after that the remainder of the barn became two more apartments. There wasn't any use for the barn as a barn, no need to store supplies or animals or hay or anything in it, so this became a good, economical use of the barn. Not realizing that a permit was needed just because of the way it sort

## Regular Meeting, July 11, 2007

of degenerated if you will into becoming a tri-unit living complex.

About a year ago, one of the renters wanted their own mailbox, so they contacted the post office about getting a mailbox and that's when things started falling apart and we started finding out that apparently rules had been broken and building inspection became aware of it, or Code Enforcement, county Code Enforcement and cited the site you know to do something to remediate that situation.

We submitted a request for zoning a little over a year ago and MAPC didn't feel like that we should pursue that. They didn't feel like they could recommend MF-18 zoning on that site. It's out in the middle of the county, in their words you know. Well it's not really in the middle of the county, but it is close to Derby. Derby's long-range plans call for this area to be of a mixed-use area, if that helps.

At the Derby Planning Commission they do not do protective overlays. They don't understand the concept of protective overlays and so they were a little doubt . . . I mean, to them it was going to be a 200-unit apartment complex, just like MAPC's information puts out, as well as the two people that sent in e-mails, we've contacted them. They did not want a 200-unit apartment complex in that area. When they found out that it was just trying to save it to be just like it is right now existing today, they didn't have any problem with it. I doubt if they sent an e-mail to that effect, but we did contact those people and they do not have a problem with that property as it exists today.

That is our sole purpose in this zoning request. We just want the house and the barns that has been converted to three apartment complexes. We are in agreement with MAPC's . . . the planning commission, not planning staff of course, recommendation to approve this with the protective overlay, to limit this to those four units. And I'll let Glen address some of the things that the county has been doing with the property, but they have inspected the property. They've inspected all the wiring, all of those things and I believe everything is up to code. Our only one problem is the septic system that serves the apartments needs to be replace and the county has been pretty steadfast not to permit that, issue a permit for that activity, until the building is in compliance with zoning. So that's kind of where we're at on that, but we do need a unanimous vote because Derby recommended, it was a recommendation to MAPC to deny. Be glad to answer any questions you might have."

**Chairman Unruh** said, "All right, thank you. We have a comment now. Do want to ask this?"

### **Regular Meeting, July 11, 2007**

**Commissioner Welshimer** said, “What does the Derby Planning Commission . . . are they, I mean, since they denied this, were they wanting this barn torn down? I mean, what would be the result? I mean, what are they looking to gain if this is denied to you?”

**Mr. Savoy** said, “To be honest, this was a little confusing because the gentleman that made the recommendation to deny would have sworn that this barn had been converted prior to 1985, which would have been allowed. That three-year timeframe is real important, because prior to that there wasn’t a unified zoning code in the county.

I think their main concern was that they felt like in the future they would be inheriting some terrible problem. They’d be inheriting this 12 ½ acres that has a house and a barn on it, the barn having three units in it and it wouldn’t fit their zoning. Our problem with zoning is you jump from two-family dwelling to 18-unit per acre zoning, you know and that’s why we’re in agreement with that protective overlay that holds us at the four units. But I think part of it is not having that kind of zoning twist in their community, you know, that can restrict that to four units to feeling like when they annex . . . if they annex it in, that they’re going to inherit a problem.

Actually, when they annex property into Derby, this I assume could be revisited. Their property comes in as a residential zoning and then you’d have to go through the zoning process to get your light industrial or whatever the use is that he actually has.”

**Commissioner Welshimer** said, “Okay, okay, but they’re not asking that you tear it down. You’d just have to evict your tenants.”

**Mr. Savoy** said, “Yeah, they didn’t ask that it be torn down, but county Code Enforcement will not recognize it as an apartment building, so I guess you wouldn’t have to destroy it, but you wouldn’t be able to use it as living quarters.”

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

**Chairman Unruh** said, “Anything else, commissioner?”

**Commissioner Welshimer** said, “I just . . . you know, I’m looking for some gain to the City of Derby. I don’t see it. If it’s just 1,000 feet away from the Derby city limits and they continue to expand their boundaries further east, like they want to eventually go to 127<sup>th</sup> Street I believe, I don’t see that this is contrary to what their plans would be and I don’t see that it’s a detrimental impact on the area, so I’ll probably not . . . I will probably vote to approve it.”

**Chairman Unruh** said, “Okay. Commissioner Parks, did you have a question of this gentlemen?”

## Regular Meeting, July 11, 2007

**Commissioner Parks** said, "Well, mine was for Glen Wiltse."

**Chairman Unruh** said, "Can we ask and see if anyone before . . . I'll call on you next, but is there anyone else, citizens who wants to speak, either in favor or not in favor. Okay, then we'll just restrict the questions here to the bench and Commissioner Parks."

**Commissioner Parks** said, "Director Wiltse, has we had any . . . what kinds of complaints have you had with code enforcement, besides I guess the septic tank now that's kind of in limbo and I understand where both sides are at on this because you don't want to do something before the decision is made, but what other kind of code enforcement action have you had?"

**Mr. Wiltse** said, "The only other complaint we had, we had one neighbor bring up one time how there was an apartment in that, but that's virtually it. We did inspect the property. It's hard, of course to see everything when all the walls are covered and everything, but from all appearances it looks okay. The biggest issue is that waste water system, which can be corrected. The one thing about this property, it is relatively unique in the fact that it would be very difficult to add a lot of additional structures because there's quite a bit of floodplain on it, so you're not only going to have to go through the platting process, you're going to be dealing with flood studies and state permits and everything else. So its physical use now may be what it's going to remain, unless it's denied and then there's two other processes that you could go through, but it's going to end up pretty much in the same end result, but spend quite a bit of money just to get there, because you could plat it, split the property by platting, but you still go through the issues with floodplain.

You could do a accessory apartment, convert the barn back to just one apartment instead of three, but the end result is you've got two buildings that are there and functioning I guess at this time, so that's basically what we know about the property."

**Commissioner Parks** said, "Okay. I'd like to make a statement after. "

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

**Commissioner Norton** said, "John, what is the limitations on how this is appraised? Is it appraised as a commercial entity, or a residential entity? And you may not know that."

**Mr. Schlegel** said, "I don't. My guess would be that it would be appraised as a residential."

**Commissioner Norton** said, "And does somebody know in this room when it becomes a

### **Regular Meeting, July 11, 2007**

commercial enterprise and becomes commercial property as opposed to residential property? I mean, if you have one of your kids living there and it's an extension of your house, then it's like a cabana room or whatever, but when you start renting it out and now it's multi-family, does that become commercial property or just residential. Glen, you obviously know."

**Commissioner Welshimer** said, "It's multi-family."

**Commissioner Norton** said, "And it's still residential."

**Commissioner Welshimer** said, "Above four units it gets a little more complicated in multi-family but . . ."

**Commissioner Norton** said, "So four is the cutoff. That's kind of where I was going with this. Is three . . . I mean, you think of duplexes as multi-family residential, but does three or four and so four is the cutoff. Okay. That's all I have."

**Chairman Unruh** said, "Okay. Well commissioners, are there any other questions of John or Glen? We're ready then for comments. Commissioner Parks, you have . . . ?"

**Commissioner Parks** said, "Yes. No members of the public spoke against this at either one of the other meetings that were before ours here. Nobody spoke against it here at this meeting. Derby will undoubtedly be pretty aggressive in annexing this area and like the owner said, it could be revisited at that point and so I think that compels us to follow the MAPC, to allow this. I think the overlay was a good compromise, gives them some time to look at things. I just think that it goes back to fundamental property rights issues and following with all of the explanations. I think there might have been some differences in realizing what they . . . when they first came out and said up to 18 units, that probably scared some people, but if they just want to leave it like it is and you have an overlay there, I'm going to be in support of this and I think that this would really kind of leads us to do that because of no opponents to it and what our MAPC has done."

**Chairman Unruh** said, "Thank you. I would comment that there were a couple of letters in our backup, two neighbors, although they didn't appear, but did present protests. Does anyone else want to make a comment. Well just before we have a motion, I guess I would concur essentially

**Regular Meeting, July 11, 2007**

with what Commissioner Parks has said and I would be willing to approve the request of the overlay and accept the findings of the MAPC. In my way of thinking, the folks are in the house. If they're going to restrict it to the current use and situation until the time it's annexed by the city, I believe I can be supportive of the MAPC recommendation, but that's my comments. I don't see any other comments, so I think we're ready for a motion."

**MOTION**

Commissioner Welshimer moved approve the zone change to MF-18 and Protective Overlay #189; adopt the findings of the Metropolitan Area Planning Commission, and authorize the Chairman to sign 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, "All right, thank. Now Madam Clerk, please call the next item."

- 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, "You'll recall that I originally presented these recommendations from the MAPC for changes in the zoning area of influence boundaries to you on June 6<sup>th</sup> and at that time I presented a series of maps showing the recommendations that were being made by the MAPC for those new boundaries.

You'll recall at that meeting that Commissioner Parks requested that we hold meetings with city officials from Valley Center, Park City and Kechi to have some further discussions about where the boundaries should be drawn. We held the first of two meetings on June 18<sup>th</sup> involving the cities of

## **Regular Meeting, July 11, 2007**

Valley Center, Park City and Kechi. And then from that there was a subsequent meeting held on July 2<sup>nd</sup> among Park City, Kechi and Bel Aire.

The outcome of the second meeting, the July 2<sup>nd</sup> meeting, is illustrated on two maps that I'm going to show you now. This first map shows the agreement that came out of that meeting between Park City and the City of Kechi. The MAPC recommendation is illustrated on this graph where I'm pointing to the blue line. And the agreement that was struck at that July 2<sup>nd</sup> meeting is shown in this whatever that color is, reddish color. So Park City was able to persuade Kechi to include . . . to allow them to include this area up here and these parcels along Hillside and then Valley Center was able to get Park City to agree that the boundary in this area would be here."

**Commissioner Parks** said, "Kechi. You said Valley Center."

**Mr. Schlegel** said, "Oh I'm sorry, Kechi, yes thank you. And then an agreement was struck between Kechi and Bel Aire regarding one section of land over here on the east side of Kechi and north of Bel Aire, which the planning commission had recommended be part of the zoning area of influence of Bel Aire, but the two cities were able to agree that it should be included in the zoning area of influence for Kechi.

Valley Center at this time continues to want to have their zoning area of influence boundary to correspond to their school district boundary. You can see Valley Center here in the purple. Their school district boundaries are shown here in this yellow and black line around the . . . that extends out quite a ways from the city. The MAPC's recommendation continues to be what is shown in blue on this graphic, in the vicinity of Valley Center.

So staff's recommendation at this time, given the agreements that have been struck between Park City and Kechi and Kechi and Bel Aire is that you adopt the resolution, which includes the maps reflecting the boundaries recommended by the MAPC but amending the MAPC's recommendations to include the two maps that I've shown you today, which reflect agreements struck amongst those cities and that those be included in the adoption of the resolution, to modify the MAPC recommendation."

**Chairman Unruh** said, "All right, thank you John. We have a couple of commissioners that want to speak. I just want to say initially though that the meeting between Park City and Kechi and then Kechi and Bel Aire which Commissioner Parks and I attended hopefully to help facilitate the discussion a little bit, I just want to commend both the elected and the officials, the staff officials of those communities for their willingness to work together and a little bit of give and take, but it was a very I thought cordial meeting and progress was made between some kind of unusual city boundaries up there to try to accommodate different points of view.

## Regular Meeting, July 11, 2007

But you know, when we've had some conflict and disagreement with growth patterns up in that area, I thought it was great that these communities, Kechi and Park City first and then Kechi, Bel Aire secondly, could come to agreement and get along and say this is what we can live with, so it was a good meeting and I was proud of those communities for their willingness to come to that conclusion. That's all I had to say, but I believe we have a comment first from Commissioner Winters."

**Commissioner Winters** said, "Thank you. John, this is the second time this has been before us and we had some other discussion at that first meeting. Do you remember when that first meeting was that we . . . I mean, two or three weeks ago or four?"

**Mr. Schlegel** said, "The June 6<sup>th</sup> presentation to this board?"

**Commissioner Winters** said, "All right, well I just wanted to make sure and maybe you already said that, but in case anybody should look at the minutes of this meeting, they should also look at the discussion that took place on June 6<sup>th</sup>. And in that same vein, none of the other boundaries have changed and I know that a couple of cities had comments. I know Goddard had had some comments at one time, but those boundaries are now as had been agreed to and Goddard is agreeing to those boundaries. Is that correct?"

**Mr. Schlegel** said, "That's correct. They essentially . . . the MAPC is recommending essentially what Goddard asked for."

**Commissioner Winters** said, "Okay, thank you. That's all I had."

**Chairman Unruh** said, "Okay thank you. Commissioner Parks."

**Commissioner Parks** said, "Well I would like to thank Commissioner Unruh and the elected officials of Bel Aire, Park City and Kechi for attending this and giving some compromise and this is what I wanted to accomplish in the first place when there were some disagreements out there. I didn't want to just summarily go and pass these things before we sat down and it's good that we can arrive at decisions like this. That was in reference to the second meeting. In reference to the first meeting, there was very little compromise by Valley Center and I think it's unfair for them to expect although there were no elected officials at that meeting, it's kind of unusual for an area of influence to be in the City of Wichita, City of Park City, City of Kechi for the school district boundaries. You know the postal area is even larger than that, so somewhat arbitrary I think and there was no compromise there, so we can move on and I think there was no alternative brought up by Valley Center to compromise, so I think that we've done our due diligence in going out and trying to at least extend the leaf of peace for that and come back with your recommendation and I'm

**Regular Meeting, July 11, 2007**

ready to go ahead and pass and vote on this today.”

**Chairman Unruh** said, “All right, thank you commissioner. Any other comment or question? What’s the will of the board? We need a vote to adopt the resolution and authorize the chair to sign.”

**MOTION**

Chairman Unruh moved adopt the Resolution and authorize the Chairman to sign.

Commissioner Parks seconded the motion.

**Chairman Unruh** said, “Is there any discussion?”

**Mr. Schlegel** said, “Mr. Chairman, before you vote on that, just for the record, that would include . . . the adoption of the resolution then would include the two maps that were agreed to by the cities on the July 2<sup>nd</sup> meeting.”

**Chairman Unruh** said, “Yes sir, that was the intent of the motion and I think the second.”

**Commissioner Parks** said, “Yes.”

**Chairman Unruh** said, “Thank you, John. Any other comment or clarification? Madam Clerk then, 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. We have been at this for nearly two hours commissioners, and I am going to call a recess for seven minutes and ask us to reconvene at 11:05. So we’re going to be in recess now for seven minutes. Thank you.”

**The County Commission was recessed at 11:00 a.m. and returned from recess at 11:08 a.m.**

**Chairman Unruh** said, “We’re back from recess and ready to resume our agenda so Madam Clerk,

**Regular Meeting, July 11, 2007**

would you please call next item.”

**NEW BUSINESS**

- G. AGREEMENT BETWEEN AIR TRAN AIRWAYS INC. AND SEDGWICK COUNTY STATING THAT AIR TRAN AIRWAYS WILL OPERATE DAILY SCHEDULED ROUND TRIP JET SERVICE BETWEEN WICHITA (ICT) AND ATLANTA (ATL).**

**POWERPOINT PRESENTATION**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “You have before you approval for a contract with AirTran. The contract expired July 1<sup>st</sup>, 2007. This would be for July 1<sup>st</sup>, 2007 through June 30<sup>th</sup> of next year. The proposed contract is virtually identical to the past contract, but the method of computing the revenue guarantee has changed, so you will have a lower amount of guaranteed per flight and we’ll have an absolute lower total payments that may be claimed by AirTran and those are both good news.

Let me just review quickly for you what has occurred with this program. It was initiated by the City of Wichita in 2002. County funding support began in 2005. We assumed a contract, if you recall, last year in 2006 because of the issues around a lawsuit with Delta and the City of Wichita and we found a way that we could enter the contract that would help the City of Wichita eliminate that problem.

Only after the program had been in place for four years, and only after we knew that it was going to work and work well for the citizens of Kansas, did we approach the state legislature, and after that period, the state legislature began supporting this program in 2006. The 2007/ 2008 contract reduces the guaranteed and maximum total payment to AirTran. You’ll recall that several months ago, Chris Chronis and I, along with George Kolb and Alan Bell went to Atlanta to meet with AirTran officials where we worked out most of the details on this and Chris Chronis is the one who did the heavy lifting on these negotiations. Unfortunately, he can’t be here this morning.

The funding for the next year is state funds of 4.8 million dollars, Wichita funds are 810,000, Sedgwick County funds are 810,000 and it will maintain low fares to the east. AirTran revenue guarantee is six and a half million. Last year it was seven million.

You’ll see that in the top 25 markets that are served, what has occurred in 2000. . . between 2000 and 2006, there’s been a 32% growth in those markets. You’ll recall, out of the 25 markets, 14 are served by low fare carriers. One of those is not served by AirTran. So out of the top 25, 13 markets are served by AirTran.

## Regular Meeting, July 11, 2007

You can see that the total low fare air destinations have grown from almost a quarter of a million to almost a half a million people in six years. The total destinations without low fares has only grown by 3%, a very small growth.

The fare charges from Wichita, you'll see that again these top 25 markets has decreased about 16%, but those areas that are served by AirTran have reduced by 31%, so that a 31% for one-way fares and the average destinations without low fares have increased 3%, so it has had an effect on airfares.

You'll see again the average air fares to market served by AirTran and here's the numbers between 2001 and 2006, what those prices have done in those locations. You also see the probably Wichita fare without AirTran. Some of these numbers on the far . . . all those lines in blue are cities without low cost air carriers. Cedar Rapids to Atlanta, you can see is approaching 500, Cincinnati is about 500, Tulsa is a little above 500, Des Moines is way up and is almost 550, Norfolk, Albuquerque, Albany are all over \$500, Allentown, Pennsylvania is 450 and you can see with AirTran to Atlanta that we're just a hair above \$200.

Kansas travelers without AirTran, we have . . . there were studies that have been done indicated that there are \$270,600,000 more spent on airfares each year, so we're spending more on airfares and the state has benefited by the sales tax and the taxes on those tickets as well, 384,000 passengers to 13 markets are served, . . . would not be served and the average of \$72 increased fare based on the record markets not served by AirTran.

So without AirTran we'd be spending more that \$27,000,000 and we'd have a whole bunch of passengers traveling . . . going someplace else to travel. I thought those pieces of information were helpful. I'll be glad to answer any questions you have about the contract. Again, the contract calls for a subsidy of six and a half million dollar total payment to AirTran if . . . under the worst scenario."

**Chairman Unruh** said, "All right, thank you. We do have some questions. Commissioner Winters."

**Commissioner Winters** said, "Thank you very much. Probably more of a comment, but just for informational purposes, I'm sure that most of you know that in the legislation, that the Kansas Legislature passed the Regional Economic Area Partnership, or REAP is the administrator of these funds for really what is considered to be a state-wide program.

This past Monday morning, the full board of the REAP organization approved the Kansans for Affordable Airfares program funds to be distributed to Sedgwick County to be used for this AirTran

## Regular Meeting, July 11, 2007

project and at Mid-Continent Airport. This was the first year that there was another two communities had actually made requests for some of this funds. The REAP organization went through a very detailed analysis of both the programs and had an open public meeting and discussed both opinions with the applicants. The other applicant was Salina/ Topeka and then Sedgwick County.

One of the things that the REAP organization looked at very carefully was the legislation and what the requirements were in the regulation. And the three principle requirements in the state legislation was that there should be more flight opinions, as a result of using the state funds, there should be more flight opinions, there should be more competition and there should be more affordable airfares for Kansans.

Now the Topeka/ Salina, clearly in their presentation, said to us that affordable airfares, low-cost airlines had nothing to do with their request for funds. They were trying to replace service that had left. They had not recruited an airline which was committed to serve their routes and their application hinged on obtaining two other sources of federal funds. So as I'm sure that we all are going to hear comments, as we go particularly into the next legislative session, why did REAP do what they did and not include these other two airports, and the reason comes down to the REAP organization felt that their plan did not fulfill the more affordable airfares and they had a worthy cause, but believed that their plan was premature and was not ready and had not gone through this experience that the Wichita/ Sedgwick County plan had done. That was one reason.

The second reason was this \$27,000,000 in lower airfares between 2001 and 2006, \$27,000,000 and the projections are that if this Frontier happens to the west, which it appears that it is, there should be another \$17,000,000 a year in savings on that route and then the third item was as we look at investing state resources, the state is going to have . . . after even making their \$5,000,000 commitment, are going to have a plus-\$7,000,000 gain in revenues that the state will derive from AirTran being here, through employment taxes, sales taxes and other benefits that AirTran brings to the community.

So this has really developed into I think an excellent program, but if you hear comments from our legislators or others, I would certainly be glad to visit with them and talk to them in more detail about why the REAP organization took the action that it took. Thank you."

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

**Commissioner Parks** said, "Well I am familiar with REAP and followed the sub-cities throughout the past four years or so. My philosophy in general is not to subsidize private interest. However, the state has got on board with the City of Wichita, REAP and long term I think we're going to see

### **Regular Meeting, July 11, 2007**

some benefit, hopefully, out of the western tier of this also. With gasoline, as we all know, jumping some 25 cents over the last week or so, we're going to have to look at alternative modes of transportation. We're going to have to have a broader sense of alternative not only aircraft, but maybe this Northstar route or the Amtrack to the Dallas/ Fort Worth area and that might be something that might enter into play here too, but I think we need to serve our citizens well and on this particular subsidy, I'm going to be supportive of this, just because of the state and the way it's been handled in REAP and their action with that. Thank you."

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

**Commissioner Norton** said, "Well my comments are really anecdotal. In the last month, I've had three instances where I've had people from outside of our area say they've flown out of Wichita or into to Wichita and not into Oklahoma City, Kansas City or Tulsa because the fares into Wichita were lower.

In fact, I was in a wedding in Tulsa and the folks who were coming from the Atlanta area, and there was like 12 of them for this wedding, flew into Wichita and they had enough savings that they could pay for their hotel room stay completely in Tulsa and their rental car from the savings on the air flights and that's a pretty good testimony for what we're trying to accomplish here.

For years it was people driving to Tulsa and Oklahoma City and Kansas City to do those kinds of things and save that money and AirTran has offered us the chance to be able to be that destination now. And I've had three instances in the last month or six weeks that have talked of flying here as opposed to flying somewhere else and driving to that other location because it was cheaper. That's anecdotal. It's certainly not all the stories that are out there, but it is certainly something that leads me to believe that AirTran, our subsidies are working and it is making a difference to the flying public, not only of the people flying out of our community, but people flying into this region, that we're a pretty good alternative now. That's all I have."

**Chairman Unruh** said, "All right, thank you. Well, I'm going to be supportive of this also. I mean, the numbers are pretty hard to dispute, \$27,000,000 worth of savings. We have more flights and more passengers and more destinations, so not only is it a great investment for our citizens, but it's truly an economic development tool that helps retain some of our business partners in this community because they have that air transportation access here. But in light of the fact that I'm not typically a subsidy supporter either, as Commissioner Parks suggested, how were you able to . . . I mean, what was the rationale in negotiating a more favorable contract? I mean, is it because they're doing so well or do you have an easy response to that?"

**Regular Meeting, July 11, 2007**

**Mr. Buchanan** said, "Because Chris Chronis is a good negotiator."

**Chairman Unruh** said, "Well, all right. Well let's take him every time. All right, I can be satisfied with that."

**Mr. Buchanan** said, "It needs . . . and I say that for real, but it also was explaining this community's situation, explaining that there might be an interest to use some of those funds to go west. It was an understanding by AirTran that it was important for them to think about how they were dealing with this community in a different way and it was their willingness to do that."

**Chairman Unruh** said, "All right, good. Well, it sounds more like a partnership than a business deal, so that's good."

**Mr. Buchanan** said, "I must say, these negotiations were complete in March or early April and it took a while to just get the drafts out of their office, but there was no concern that they wouldn't come. There was no concern that they had to have an agreement to continue flying. They are good partners."

**Chairman Unruh** said, "Good, very good. Well commissioners, I see no more requests to speak. What's the will of the board?"

**MOTION**

Commissioner Winters moved Approve the Contract and authorize the Chairman to sign.

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. Next item please."

**Regular Meeting, July 11, 2007**

**H. APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR ELIGIBLE FUNDS UNDER THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM FOR FEDERAL GRANT YEAR 2007.**

**Mr. Marty Hughes**, Division of Finance, greeted the Commissioners and said, “Each year for the past 11 years the Bureau of Justice Assistance opens the application period for the State Criminal Alien Assistance program. This year, the on-line application period is open from June the 7<sup>th</sup> through July 18<sup>th</sup>.

States and units of general government that have authority over the correctional facilities or detain undocumented criminal aliens for a minimum of four days are eligible to apply for these State Criminal Alien Assistance program funds. Congress has appropriated \$850,000,000 for this program for fiscal year 2007. The Sheriff and Finance staff have been working with Maximus Incorporated staff to collect and analyze the data needed to be submitted to the Bureau of Justice Assistance through the on-line application process and with your approval of this item today, we should be ready to submit the application data by the end of this week.

We just received . . . just recently received notice of the award notification from last year for fiscal year 2006 State Criminal Alien Assistance application and the award was in the amount of \$69,253. And over the past 11 years, we have received about 1.5 million dollars from this program. So the Assistance County Counselor has reviewed the item and approved it to form and I recommend your approval of this application. I’d be glad to answer any questions you might have.”

**Chairman Unruh** said, “All right, thank you Marty. Is there any question or comment, commissioners? What’s the will of the board?”

**MOTION**

Commissioner Norton moved approve the Grant Application and authorize the Chairman or his designee to submit the electronic Application, and accept the Grant Award containing substantially the same terms and conditions as the Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Parks seconded the motion.

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

**Regular Meeting, July 11, 2007**

**VOTE**

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

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

**DIVISION OF HUMAN SERVICES- COMCARE**

**I. AGREEMENT WITH JOHNSON COUNTY MENTAL HEALTH CENTER FOR DEAF AND HARD OF HEARING SERVICES.**

**Ms. Marilyn Cook**, Director, Comprehensive Community Care, greeted the Commissioners and said, "The item you have before you this morning is a renewal of an agreement that we've had with Johnson County Community Mental Health Center for over 14 years.

The agreement partially funds the salary of a master level clinician who plans, coordinates and at times provides services to individuals who are deaf or hard of hearing. In 2006, COMCARE provided services to 28 deaf or hard of hearing individuals and there are 12 of them currently open, either . . . in COMCARE programs either receiving therapy, case management or crisis services or a combination of those. We are recommending that you approve this agreement."

**Chairman Unruh** said, "All right, thank you Marilyn. The agreement with Johnson County, are they the recipient of the funds and then we're just a sub-contractor to provide service here?"

**Ms. Cook** said, "Yes, it started out about 15 years ago. That way the state just gives them money and they pass a portion of that money on to us."

**Chairman Unruh** said, "It's not an issue that the state should just give it directly to us?"

**Ms. Cook** said, "I don't know why. It started that way, but it never did change. The amounts been the same, by the way too."

**Chairman Unruh** said, "Commissioners, what's the will of the board?"

**Regular Meeting, July 11, 2007**

**MOTION**

Commissioner Welshimer moved Approve the Agreement and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “Thank you, Marilyn. Next item please.”

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

**J. APPROVAL OF SIX (6) CONTRACTS FOR LEVEL 1 CLIENT ASSESSMENT REFERRAL EVALUATION (CARE) ASSESSORS.**

- **Gayle Cloud**
- **Kathryn Coit**
- **Cindy Crangle**
- **Wilma Loganbill**
- **Jody Lujan**
- **Aileen Vaughn**

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, “Today I bring in front of you six contracts for level I client assessment referral evaluations. Every year we contract with the Kansas Department on Aging to conduct care assessments for individuals seeking nursing home placement. This includes people of all ages and individuals with mental health issues and developmental . . . mental retardation and developmental disabilities. We then contract out with providers to do this and we have in front of you contracts with six individuals to do these assessments.

**Regular Meeting, July 11, 2007**

They are reimbursed a set rate of \$35 per assessment plus mileage expenses. And then what we do is we receive the referrals, we do the . . . assess those, make sure everything is there, make contact with the contractors, have them go out and then we review their . . . all the assessments to make sure they meet the criteria for KDOA and then coordinate getting that back up to KDOA. So we would recommend that you approve these contracts. Be happy to answer any questions.”

**Chairman Unruh** said, “All right, thank you. Commissioners, are there any questions or comments for Annette?”

**MOTION**

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

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. Next item please.”

**DEPARTMENT OF CORRECTIONS**

**K. DEPARTMENT OF CORRECTIONS.**

- 1. CONTRACT BETWEEN KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, WICHITA AREA OFFICE, AND SEDGWICK COUNTY DEPARTMENT OF CORRECTIONS FOR FUNDING FOR THE OPERATION OF PERMANENCY PLANNING AND COORDINATING COUNCIL.**

## Regular Meeting, July 11, 2007

**Mr. Larry Ternes**, Youth Services Administer, Department of Corrections, greeted the Commissioners and said, “This contract before with the Kansas Department of Social and Rehabilitation Services provides funding for one staff position to support the operation of the Permanency Planning and Coordinating Council. The original contract was established in May of 2000, between SRS and Sedgwick County to provide a program designed to accelerate permanency for youth in foster care and to promote ongoing improvement in the child-in-need-of- care system as it functions here in the 18<sup>th</sup> Judicial District.

The position funded by this contract serves and the Permanency Council coordinator. In this contract, SRS is responsible for the salary and benefits for the position and the county is responsible for the provision of office supplies and any other business-related expenses which amounts to about \$3,000. The maximum amount under this contract payable to the county from SRS is \$66,375. Today I’m asking that you approve this contract and authorize the Chair to sign and I’d be happy to answer any questions that you might have.”

**Chairman Unruh** said, “All right, thank you Larry. Commissioners, are there any questions or comments? Commissioner Parks.”

**Commissioner Parks** said, “Can you, just in a nutshell, give me one example of a success story on this?”

**Mr. Ternes** said, “Well, some of the things that . . . I supervise this position, commissioner, and some of the things that have been accomplished is a child in need of care calendar, which was published with Department of Administration funds from the state and it’s provided to every family that comes into contact with the child in need of care system here in Sedgwick County and it’s a very valuable tool. This position helped to draft that and went through many revisions and it’s been very, very well received by the stakeholders in the system, and most importantly by the families that get involved with the system.”

**Commissioner Parks** said, “This group that you’re working with on this, did this new state law with more advanced, quicker reporting have any impact on this program?”

**Mr. Ternes** said, “Not on the position itself, but I’m aware of what you’re referring to. Judge Burgess has had a conversation with me within the last month and has expressed his concern about the numbers that have been rising here in Sedgwick County, so it doesn’t directly affect this position. The position helps to monitor and track the numbers that are coming into the system though and provide that information back to the other stakeholders in the system.”

**Regular Meeting, July 11, 2007**

**Commissioner Parks** said, “Great.”

**MOTION**

Commissioner Parks moved approve the Contract 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
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you Larry. Next item please.”

**2. TITLE II GRANT APPLICATION TO THE KANSAS JUVENILE JUSTICE AUTHORITY FOR THE FUNDING OF DISPROPORTIONATE MINORITY CONTACT PROJECT.**

**Ms. Chris Morales**, Systems Integration Coordinator, greeted the Commissioners and said, “This morning I am here to ask for your approval on our Title II Disproportionate Minority Contract or DMC application for the federal fiscal year, which begins October 1<sup>st</sup>, 2007. For the past three years, Sedgwick County has served as a pilot site for DMC in trying to address the disproportionality in the juvenile justice system locally. Funds have been used for I’ll just name a few things; community mobilization activities, data analysis of various decision points in our local juvenile justice system, mandatory diversity training for all of the Sedgwick County Department of Corrections staff and also several targeted intervention programs.

For the next fiscal year, the DMC application process is open to the entire state, rather than just to the three pilot sites. The grant application that you have before you request \$82,000 to maintain our system focus on supportive interventions, training, research and to continue our data analysis. Team Justice approved this application on July 6<sup>th</sup> and we are asking that you also approve it and authorize the Chairman to sign. Happy to answer any questions you have.”

**Regular Meeting, July 11, 2007**

**Chairman Unruh** said, “All right, thank you. Commissioners, are there any questions or comments for Chris?”

**MOTION**

Commissioner Welshimer moved approve the Application and authorize the Chairman to sign all necessary documentation, including the Grant Award Agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the Grant Award documents are executed.

Commissioner 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 Chris. Next item please.”

**HEALTH DEPARTMENT**

**L. HEALTH DEPARTMENT.**

- 1. CONTRACT BETWEEN THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND THE SEDGWICK COUNTY HEALTH DEPARTMENT TO PROVIDE FUNDING NECESSARY TO MAINTAIN THE IMMUNIZATION PROJECT IN THE WOMEN, INFANT, AND CHILDREN CLINICS.**

**Regular Meeting, July 11, 2007**

**Ms. Pamela Martin**, Clinical Services Director, Health Department, greeted the Commissioners and said, “The WIC IP program was developed in 2002 by KDHE. The purpose of the program is to improve the immunization rates of infants and children that are enrolled in the WIC program. The grant provides funding for a registered nurse to follow up on WIC children who are behind on their immunizations and assessments of WIC immunization records to determine the percentage of children who are up to date on their immunizations.

This project has demonstrated gradual improvement in increasing immunization of children in the WIC program in Sedgwick County since its inception in 2002. Our proposed recommended action is to approve and authorize the Chair to sign this agreement.”

**Chairman Unruh** said, “All right, thank you Pamela. This is a . . . time period for this grant is six months. Is that what . . .?”

**Ms. Martin** said, “Initially, when it was first brought to you, it was trying to take it from . . . I think it was a calendar year . . . I’m trying to put it on a fiscal year, so now that is completed, so it will now be on a fiscal year from here on out.”

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

**Commissioner Parks** said, “As a former law enforcement officer, I’ve seen the WIC program work very well and I think it’s great.”

**MOTION**

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

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

**Regular Meeting, July 11, 2007**

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

2. **AMEND THE AID-TO-LOCAL AGREEMENT BETWEEN THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND THE SEDGWICK COUNTY HEALTH DEPARTMENT TO RECEIVE SUPPLEMENTAL FUNDING OF \$13,595 FOR THE MATERNAL AND CHILD HEALTH GRANT.**

**Ms. Martin** said, "The Health Department has applied for and received funding for the MCH grant for several decades. This MCH grant funding supports three programs within the department: our Healthy Babies, the M and I Clinic which is our Maternal and Infant Clinic, and our Children's Dental Clinic.

This type of supplemental funding from KDHE occurs occasionally and almost always near the end of the fiscal year, as they identify underspending from other grantees. Because of the timing and the fact that the supplemental is a one time occurrence rather than ongoing, the options regarding the expanding of these funds is fairly limited. Our proposed recommended action is to amend the aid-to-local agreement and authorize the Chairman to sign the amended agreement."

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

**MOTION**

Commissioner Welshimer moved amend the Aid-to-Local Agreement and authorize the Chairman to sign the amended document.

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

**Regular Meeting, July 11, 2007**

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

**3. AMEND THE EXISTING CONTRACT BETWEEN THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND THE SEDGWICK COUNTY HEALTH DEPARTMENT TO SUPPORT TUBERCULOSIS SERVICES TO THE INDIGENT POPULATION.**

**Ms. Martin** said, "Control of communicable diseases such as TB is a core public health function that is provided by the Sedgwick County Health Department. Over the last four years, the Sedgwick County Health Department has increased its intension and resources to help control TB through outreach, prevention, education and more intensive contact follow up.

The initial grant award amount was for \$13,000 with no match requirements. The is an additional award of 5,000 for a total of 18,000 awarded for the fiscal period July 1, 2006 through June 30<sup>th</sup> of '07. Our proposed recommended action is to amend the agreement and authorize the Chair to sign this agreement."

**Chairman Unruh** said, "All right, are there questions or comments, commissioners? What's the will of the Board?"

**MOTION**

Commissioner Welshimer moved amend the Contract 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
Chairman Unruh	Aye

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

**M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING**

**Regular Meeting, July 11, 2007**

**ON JUNE 28, 2007.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of June 28<sup>th</sup> results in two items for consideration.

**1) CHANGE ORDER #1, AUTOMATED INDEXING/ DOCUMENT SOFTWARE-REGISTER OF DEEDS**  
**FUNDING: TECHNOLOGY ENHANCEMENT**

First item is change order number one, automated indexing, document software for the Register of Deeds. Recommendation is to accept the change order with Computer Information Concepts Incorporated in the amount of \$35,465 and recurring annual maintenance cost in the amount of \$1,988.

**2) DATA STORAGE UPGRADE- ENTERPRISE RESOURCE PLANNING**  
**FUNDING: SAP UPGRADE**

And Item two is a data storage upgrade for the Enterprise Resource Planning Department. The recommendation is to accept the quote from XioTech in the amount of \$47,341.

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

**Chairman Unruh** said, “Commissioners, are there any questions about this part of the report of the Board of Bids and Contracts? I’ll say that correctly in a minute.”

**MOTION**

Commissioner Winters moved approve the recommendations of the Board of Bids and Contracts.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye

**Regular Meeting, July 11, 2007**

Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And commissioners, at this time I think we need to take an off agenda item of further bid board recommendations. Could I have a motion to that affect?”

**MOTION**

Commissioner Norton moved to consider an off agenda item.

Commissioner Winters seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “Now we’re ready. Iris, why don’t you speak and I’ll get off the hook here.”

**OFF AGENDA ITEM**

**Ms. Baker** said, “Thank you. Bid Board meeting of July the 9<sup>th</sup> results in two items for consideration.

- 1) **PROPERTY DEMOLITION, GROUP ONE at 337 S. ST. FRANCIS (including open lot to the north)- FACILITIES DEPARTMENT**  
**FUNDING: FACILITIES DEPARTMENT**

## Regular Meeting, July 11, 2007

The first item is property demolition, group one, which includes 302 South Emporia and 337 South St. Francis for Facilities Department. Recommendation is to accept the low bid from Scott Construction in the amount of \$39,375.50 and to establish unit price pricing.

### 2) **HARDWARE/ SOFTWARE MAINTENANCE RENEWAL- DIVISION OF INFORMATION & OPERATIONS** **FUNDING: DATA CENTER**

Item two, hardware/ software maintenance renewal for the Division of Information and Operations and recommendation is to accept the quote from Sun Microsystems for \$60,970.70.

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

**Chairman Unruh** said, “All right, thank you Iris. We do have a question. Commissioner Norton.”

**Commissioner Norton** said, “On item number one, there’s seven company, how many of those were local?”

**Ms. Baker** said, “I do not recall where Litco was from, but I believe the rest of them were local, Scott Construction is in Ottawa.”

**Commissioner Norton** said, “So how many of them were actual Sedgwick County . . . located in Sedgwick County.”

**Ms. Baker** said, “I know four are, I believe five are.”

**Commissioner Norton** said, “Okay. Scott Construction, obviously we took the low bid, but there’s quite a bit of discrepancy on a couple of the items. I mean they’re very low and that always is a flag to me that maybe they didn’t understand the bid document, they tried to undercut and they might not be able to deliver. I mean, there’s a lot of reasons but you can be a little skeptical. I hope that’s just a good, solid bid, we researched that. Can you talk about that a little bit?”

**Ms. Baker** said, “Yeah, we believe it is. We did have a interview with the firm and when through the entire bid process. They understand it. They spoke to us about their approach to the project, how they were going to do demolition, what they intended to salvage and we feel comfortable with the bid and his ability to do the work. We did check references.”

**Regular Meeting, July 11, 2007**

**Commissioner Norton** said, “They have a history of doing this kind of work? They have bonding capacity, all those things?”

**Ms. Baker** said, “They’ve been in business for many, many years. They’ve done government work as well as private sector work.”

**Commissioner Norton** said, “Okay, that’s all I had.”

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

**Commissioner Parks** said, “Along that line, was their bid . . . you said something about the salvage. Was their bid contingent upon something being there that was inspected at a certain time?”

**Ms. Baker** said, “No.”

**Commissioner Parks** said, “Okay.”

**Chairman Unruh** said, “All right, thank you. Any other questions, commissioners?”

**MOTION**

Commissioner Winters moved approve the recommendations of the Board of Bids and Contracts.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “Thank you, Iris. Next item please.”

**Regular Meeting, July 11, 2007**

**CONSENT AGENDA**

**N. CONSENT AGENDA.**

- 1. Waiver of policy to hire a Community Health Nurse (CHNII), B322, at 6.7% above the minimum pay for this position.**
- 2. Order dated June 27, 2007 to correct tax roll for change of assessment.**
- 3. Order dated July 4, 2007 to correct tax roll change of assessment.**
- 4. General Bills Check Register(s) for the week of June 19, 2007 – June 26, 2007.**

**Mr. Buchanan** said, “Commissioners, you have the consent agenda before you. I’d recommend you approve it and remind you that there’s only 173 days left until the sales tax expires.

**MOTION**

Commissioner Norton moved approve the Consent Agenda as presented.

Commissioner Winters seconded the motion.

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

**VOTE**

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

**Chairman Unruh** said, “Commissioners, we have come to the end of agenda for the regular meeting of the Board of County Commissioners so I will adjourn the regular meeting.”

**Regular Meeting, July 11, 2007**

**O. OTHER**

**P. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:44 a.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

---

**Regular Meeting, July 11, 2007**

**KELLY PARKS**, Commissioner  
Fourth District

---

**GWEN WELSHIMER**, Commissioner,  
Fifth District

ATTEST:

---

**Don Brace**, County Clerk

APPROVED:

---

, 2007