

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

OCTOBER 31, 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, October 31, 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; Ms. Jennifer Magana, Assistant County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Mr. Steve Klassan, Facilities Director; Mr. John Schlegel, Director, MAPD; Mr. Chris Chronis, Chief Financial Officer; Ms. Jo Templin, Director, Human Resources; Mr. Ray Vail, Director of Finance, Department on Aging; Ms. Marilyn Cook, Director, COMCARE; Mr. Jim Weber, Public Works; Ms. Kristi Zukovich, Director, Communications; and, Ms. Evelyn Good, Deputy County Clerk.

GUESTS

Mr. Eugene Anderson, Vice Chairman, United Builders and Contractors.
Mr. King David Davis, Wichita
Mr. Joe Norton, Bond Counsel, Gilmore & Bell, P.C.
Mr. Prentice Lewis, United Builders and Contractors
Mr. Odell MaCurry, Greeley Drainage District

INVOCATION

The invocation was led by Mr. Mark Hoover of New Spring Church, Wichita.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES:

Regular Meeting, October 3, 2007

Regular Meeting, October 10, 2007

The Clerk reported that all Commissioners were present for the Regular Meeting of October 3, 2007 and that Commissioner Winters was absent for the Regular Meeting of October 10, 2007.

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Chairman Unruh said, “Commissioners, you’ve had the opportunity to review the minutes of both of these meetings, we probably should approve them one at a time. So are there any addition or corrections?”

MOTION

Commissioner Welshimer moved to approve the minutes of the Regular Meeting of October 3rd, 2007.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Unruh said, “And now are there any addition or corrections to the minutes of October 10th?”

MOTION

Commissioner Welshimer moved to approve the minutes of the Regular Meeting of October 10th, 2007.

Commissioner Parks seconded the motion.

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

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VOTE

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

PRESENTATION

A. PRESENTATION REGARDING CONSTRUCTION TRAINING FOR DISADVANTAGED YOUTH.

Mr. Eugene Anderson, Vice Chairman, United Builders and Contractors, greeted the Commissioners and said, “We are an association of African-American business owners seeking to enhance opportunities for 18 to 25-year old disadvantaged youth and young adults to acquire marketable skills in the construction industry.

Our appearance this morning is a follow up to our letter of July 11th of this year. In that letter, and again today, we ask that this governing body adopt a Resolution or Resolutions that require skilled training slots be made available for disadvantaged youth on all Sedgwick County tax-supported projects above a certain cost level.

Sedgwick County, like many other urban areas around the country, had undergone a significant transformation in the make-up of the local construction workforce. Today, African-American workers and craftsmen are almost extinct in the industry, having often been displaced by immigrants, some of whom may be in the country illegally.

Requiring training for socially and economically disadvantaged persons on tax-supported projects is not new. The U.S. Department of Transportation has, for decades, required it’s fund recipients to provide training of disadvantaged individuals on certain funded transportation projects. As a result, the Kansas Department of Transportation has required its contractors to provide training slots on designated construction projects for more than 30-years.

Because skilled training is a tried and proven method of developing a pool of skilled construction workers, we ask Sedgwick County to adopt the concept as a training initiative for local school drop-outs and other disadvantaged citizens who can benefit from skills training that will lead to well paying construction jobs.

We believe the construction concept presented today is consistent with the Visioneering Wichita

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Education Foundation strategy of skills training and life-long learning.

Training in carpentry, plumbing, electrical, heating, air condition and ventilation, construction equipment maintenance and operation, roofing and other construction occupations leads to well paying jobs in an industry that always needs skilled workers.

Members of our organization are among those businesses that continues seeking skilled construction workers. We cannot grow or prosper without a skilled work force.

We encourage this body to seriously consider adopting a Resolution or Resolutions that requires skills training on future construction projects. Such action should have little or no impact on the budget.

The City of Wichita, Sedgwick County and the State of Kansas are promoters of a New Communities Initiative that includes among its strategies:

- Providing employment opportunities for those needing or seeking jobs.
- Enhancing the learning environment across all age groups.

All of these initiatives are designed to support and enhance successful families and sustain communities. Requiring contractors to performing on your major projects to hire and train a number of disadvantaged youth and young adults is consistent with the community initiatives you are already supporting.

As a society, we can invest in our untapped human resources to help them develop the ability, skill and knowledge to become productive members of the community, pay their fair share for an enhanced quality of life or we can continue to build a new, or expand, our institutions of incarceration.

When you look at an investment in job skills training, and compare that to expenditures for prison or jail bed space, the answer should be obvious. According to the Kansas Department of Corrections, it costs taxpayers \$63.36 per day or \$22,763 annually to incarcerate one individual. That same individual, if held in the Sedgwick County jail, taxpayers will pay \$61.85 a day or \$22,575 per year, according to your Department of Finance. Therefore, it is more cost effective to help train our youth, help them gain marketable job skills then to put them in jail.

Thank you and if you have questions, I will do my best to respond. If not, I will call upon one of my colleagues to do so. Thank you.”

Chairman Unruh said, “Thank you sir. We do have a couple of questions. First of all,

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Commissioner Parks.”

Commissioner Parks said, “First I have one comment. KDOT does have a program for this that I’m aware of and I think it’s worth our staff and Workforce Development to look into that and pursue some action on that.

I had a question for Mr. Anderson. What are the numbers that we are looking for disadvantaged youth? Do you have any numbers for this 18 to 25 year-old group?”

Mr. Anderson said, “I think, probably, it would be presumptuous on the part of our organization to set a number there. We don’t, not that there are a lot of young people who can take advantage of this program, but to identify a specific number, I’d think probably, it’s probably untimely.”

Commissioner Parks said, “And some of those are now in the Cessna program? Is that what I’ve heard...?”

Mr. Anderson said, “I think I will let Mr. Lewis, if he would respond to that. With your permission of course.”

Mr. Prentice Lewis, United Builders and Contractors, greeted the Commissioners and said, “I’m working with United Builders and Contractors, previously I worked for the Urban League.

We are not aware of numbers of people who may be involved in any particular training program at this time. We’ve met with the Building Trade and we know that they are constantly seeking individuals to go into the trade.

The things that we observe, as we move through our community, is the large number of youth who appear to be unemployed. When I was with the Urban League, a large number of these people would come into the League seeking employment, they, for whatever reason, were not employed by construction firms or the aircraft industry or other places. And so, as Mr. Anderson said previously, if we don’t do something for them, they are going to end up being involved in the justice system in one manner or another.”

Commissioner Parks said, “Okay. Workforce Development, I guess, has a similar program to, or a similar template over there from KDOT and USDOT and some of those things, so I think they are aware of this.

Also, if one of the two of you could answer a question for me, the role of USD 259 in this, how do

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we get them involved and how do we intermesh that with this program?"

Mr. Anderson said, "Commissioner Parks, you are probably aware that we did approach USD 259, and about three weeks ago we made a presentation to them. I think, perhaps they certainly need to play a major role in this because many of the people that we're trying to reach are unfinished products of USD 259.

I was a little surprised when I learned a few weeks ago that they had decided to make some changes in the amount of money that they were putting into adult basic education that helps many of those individuals who are out there, who might not have good basic skills in math and reading, that that program has been, I guess, reduced, which certainly does not help the situation with the young people that we're trying to reach.

I think that it's going to have to be an effort on the part of USD 259, on the part of Sedgwick County, on the part of the City of Wichita as well as the State working with people in the community to make certain things happen that need to happen. I think if we don't do that, we see a trend that is not a good trend. And I think we have the ability and the knowledge in this community to develop some way of addressing some of those concerns with the a program such as this."

Commissioner Parks said, "I believe that you answered one of my questions there, had you approached the City of Wichita with this also?"

Mr. Anderson said, "We will be going on the 5th of next month. We will first go to the District Advisory Board to ask for their blessings and from there we will go to the City. But that is the approach that when we met with one of the members of the other City Council, suggested that we take that route and that we get other individuals, especially the District Advisory Board, aware and in involved in this support. So we plan to do that in the very near future."

Commissioner Parks said, "I know I would be happy to serve on any kind of a joint committee or any kind of a dialogue with the City of Wichita and USD 259 to pursue and take this forward."

Mr. Anderson said, "Thank you."

Commissioner Parks said, "Thank you for your presentation."

Chairman Unruh said, "Thank you Commissioner. Commissioner Welshimer? We have more questions sir."

Commissioner Welshimer said, "Sorry. I commend you for coming up with this and doing this,

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this is a wonderful idea. What kind of qualifications do you have for young people? I mean, is there going to be income threshold or no didn't graduate from high school, how are you going to qualify people?"

Mr. Anderson said, "Commissioner Welshimer, we talked a little bit about that with City Council Member, Lavonta Williams, she asked some of those same questions.

I think those are the mechanics that, probably, we would have to put in place and I don't think we have to reinvent the wheel to do that. I think there are some guidelines and criteria and some programs that are already out there existing that we can borrow from. So I don't feel I am in a position to answer that right now. I wish I could give you a better answer, but I cannot.

However, I did suggest to her, at that meeting, that as we identify these individuals, and whatever criteria we utilize to get them qualified to get them into a program, that they do it under contract. That they are not just coming in to waste time and money, that there is a reason for your being here and you have to perform in this manner in order for us to perform in this manner.

So, there are a lot mechanics I don't quite have worked out. Neither does Mr. Lewis because this is an approach to what we are looking at and we think it's something that we can accomplish and the mechanics, of course, will have to be worked out. I am not in a position to give you all of that right now."

Commissioner Welshimer said, "But young women and all ethnic groups would qualify?"

Mr. Anderson said, "Yes ma'am. When we say adults, we're talking about community wide. We're not identifying one group over another group."

Commissioner Welshimer said, "Thank you."

Chairman Unruh said, "Thank you Commissioner. Well, Mr. Anderson, Mr. Lewis, we appreciate your presentation today and I think that this is a concept that makes sense, to have disadvantaged individuals, unemployed individuals learn a building trade so they can be productive members of our society. But your suggestion about a Resolution now is something that we would take under advisement from our management people so we would just say that we appreciate your presentation today. We do have another comment here from Commissioner Norton."

Commissioner Norton said, "It's just some thoughts about, you know, we worked on, as WATC

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transferred from 259 over to Sedgwick County, the construction program that is embedded in that had languished for several years, had become just a shell of its former self and we're trying to look deep inside that program and reinvent it.

At one point there was a high of hundreds of people in that program and it's down to very few right now, so the technical authority is looking at that.

We've had visitations about what programs are going to move forward, we're concerned about automotive, we're concerned about construction management and construction building, so we're working on that. And I think that ties into what you're talking about because it's one thing to maybe put somebody at a site and say here's a job, but to really get them training to understand why they do what they do and not just make them a laborer for short term but to teach them more about that construction industry I think is very, a very important part of this. So we are working on that through WATC.

The second thing is, you're absolutely right, now we're working on adult basic education, which is typically not a County function. But that was also embedded in WATC and as it transferred from 259, and that mill levy went away, now we've taken that on. I'm very engaged in that, I've got a work group that's trying to bring together the major components, which is Goodwill and Can Sell and WATC and the Wichita Indo Chinese Center and other players, to try to figure out how do we deliver adult basic education, remedial programs, GED, testing and preparation and that's pretty complicated and there has to be a money stream to support it. So we are working on that too, Eugene.

And then finally, I think there's a place for the Workforce Center's and the Department of Labor monies to be channeled into these kind of programs because we, and some of the Department of Labor programs are looking for disadvantaged folks that have problems finding jobs in our community, to have work skills and to get them into programs that will create a job opportunity for them.

So, I think we are engaged in three components of exactly what you are talking about already. And will, I think, be supportive of what you're trying to do. But it may be embedded into some things that we are already trying to solve in our community."

Mr. Anderson said, "Well, I certainly appreciate that. I am sure our members do and if there is anyway our organization can assist you, that's why we are here."

Commissioner Norton said, "One of the places, I think, is we continue to dialogue at WATC on the construction training program that they deliver, we may need some focus from other entities to

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help us work on that. I know the Wichita Area Builders Association has been involved in for years, but we may need to bring other entities in to help us with that conversation, on how we get people fused into that program to build their ability to find a job and function in the community, in a place where, Wichita, I can't say is under a bubble, but our construction trades and building in this community is much different than the east coast and the west coast right now.

I mean you hear what the national picture is, there's a crisis on the east coast and west coast for building and construction and residential housing, and we don't particularly have that problem right now and this is a good time, while the ducks are flying, to train people and keep that industry really filling the pipeline. Hopefully we can be a part of that."

Mr. Anderson said, "Thank you."

Chairman Unruh said, "Thank you. Commissioners, could we have a motion to receive and file?"

MOTION

Commissioner Parks moved to receive and file.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item please."

CITIZEN INQUIRY

B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE RESPONSIBILITIES OF LEADERSHIP.

Mr. King David Davis, Wichita, greeted the Commissioners and said, "Before I start, I would like

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to mention, it is my hope that my learning experiences here in Wichita are experiences that we all can learn from. Thank you.

I come before you today, humbly, and with much gratitude concerning the responsibilities of leadership, in particular, those who hold positions of power, trust, entitlement and the political arena.

My name is King David Davis, one who is very much still a humble student of the said manner. I, having learned very little of what there is to be done, would so like to share with you some things I believe could be of value to all of us.

I have observed through my experiences in the political arena the concept of leadership responsibility is not always taken seriously. And more often than not, is treated as an optional feature and then traded out for obligations to the privileged few, the so called social elite, and behind the scenes political power brokers, while the rest of us are left holding the bag.

The way I see it, when those in an established position fail, refuse, or just cannot do what is required of them, the burden of responsibility is passed down to those of us who more often than not, do not want it, those of us who share in the sufferings, hardships and hopes of everyday people. Yes, those of us who see their tears, hears their cries and feel their pain.

When the establishment fails to accept those responsibilities, those failures to us, then begin burdens of honor we simply cannot walk away from, attributes of the honorable. Yet, when those of us who are willing to step up to the plate and do what is right for all the right reasons, there are those in the establishment leadership community who become extremely unhappy, annoyed and/or politically violent. And they are the first to stand in the way, penalized, and/or pursued with malice those of us who are willing to do the right things for all the right reasons. Especially is said action tend to bring to light their failures, shortcomings or outright wrongdoings.

Like I said, when it comes to leadership, I am a better student. I am the last person I would consider a leader by any source, especially by today's standards. I do not like to be in the spotlight. My basically personality is quiet and reclusive. I like to keep to myself, with my friends. I enjoy very much the privacy of my little world.

Yet, many times over the years, I've had to step into the spotlight, overcome my fears, sacrifice everything in hopes to end the suffering, the tears and silence the crying that we continue to live with and carry in our hearts until this day.

Because those who are in leadership, especially Wichita, have turned their backs to the everyday people. They're so concerned about pleasing the few; they no longer know how to serve the honorable needs of the many. The please of the individual is seen more of an irritant rather than an

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opportunity to serve humbly and honorably.

Maybe when it comes to responsibility of leadership, we all should listen in such a way that each word is weighed, measured and treasured. When we have citizens who are willing to do all they can to make a difference, we take those honorable features and make them part of our platform.

When citizens, together, separately, or individual, attempt to address some of our social ills, do we (inaudible) in confidence, reluctance or outright refusal? Maybe then, the least we can do is get out of their way.

In my sojourning, I have learned a great many things. One, sometimes a little bit can go a long way when that little bit is honorable. Two, if you want to be good, not for the basics, and forget about the fanfare. Three, in making a difference, it is not whether you can or cannot, but whether were you willing to give it all you've got while trusting God to make up the difference. Four, live what you believe, don't talk it, walk it.

Now last but not least. Has it not been said, if you spare your rod, you will spoil the child? Could it be, our own government child has become spoiled, arrogant, (inaudible)? It is not reasonable to think if those in political leadership are willing to punish the good for being honorable, is it not reasonable to believe, to conclude, and to realize that it equally prudent, just, and right for the honorable to punish the bad for behaving criminal? And if so, what leadership responsibilities befall the rest of us when those in power don't work, or just don't know how?

Maybe in the future, when it comes to political leadership, we take the option out of responsibility and replace it with the rod of accountability. Thank you."

Chairman Unruh said, "Thank you. Madam Clerk, please call the next item."

PUBLIC HEARING

- C. PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION REGARDING PROPOSED SPECIAL ASSESSMENTS FOR INTERNAL IMPROVEMENT PROJECTS IN SEDGWICK COUNTY.**

POWER POINT PRESENTATION

Mr. Joe Norton, Bond Counsel, Gilmore & Bell, P.C, greeted the Commissioners and said, "For

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your consideration this morning, the public hearing and Resolution on 2-capital improvement projects, that have recently been completed in the County. Both of these projects were initiated by petition of 100% of the owners of property that will be liable for assessment. Those projects are Eberly Farm Office Park street improvements and Hedgecreek Estates street and drainage improvements.

On October 10th, this Board approved The Statement of Final Costs prepared by Public Works and the Finance Department. On October 17th, set this date and time for a public hearing that any affected property owners may come and address the County Commission prior to your consideration of these assessments. That notice was published on October 19th and mailed to each affected property owners on the same date.

The Eberly Farm Office Park project is located southeast of the intersection of 21st Street North and 135th Street West. The plat map before you shows five tracks, commercial properties, affected by this improvement. The method of assessment is by petition is based on the approximate area size of that compared to the other projects.

On the screen before is the proposed assessment role, which lists the proposed assessments for the five tracks. You can see they range from 11,000 to 76,000, approximately, again, based on area size.

The second project is Hedgecreek Estates and that's located south and east of the intersection of 45th Street North and 247th Street West. There are 30 parcels within the benefit district. The two parcels outlined in green are not served by the street improvement and therefore not proposed to be assessed for the costs of the streets but would be assessed for the costs of the drainage improvements to the sub-division.

The proposed method of assessment, again, by the petition. The 28-lots, payable for the street improvements, each would get a share of about \$15,300 and all 30-lots would share in the costs of the drainage improvements of about \$7,300. So 28 of the lots have a total assessment of approximately \$22,666 and the two lots not affected by the street improvements would have a cost of about \$7,360.

Assuming adoption of the Resolution today, each of the property owners would receive a mailed notice indicating that the amount of assessment levied against their property, indicating they have 30-days in which to pay those amounts in cash into County and any amount not paid in would then be financed over a 15-year period by the County's G. O. Bond issue, issued later, probably in early

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2008.

So, I'd be happy to try to address any questions now, Jim Weber of Public Works is here also, he is familiar with the projects, or anytime during the public hearing."

Chairman Unruh said, "All right, Commissioners, are there any questions of Mr. Norton? Seeing none at this time, I will open the public hearing and ask if there is any comment from citizens or residents in the affected area. Anyone wishing to speak?"

Seeing none, I will close the public hearing and return the comments to the bench and once again, are there any comments or questions about this item?"

MOTION

Commissioner Winters moved to open the public hearing, accept public comment; and adopt the Resolution.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Mr. Norton said, "Thank you very much."

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

PLANNING DEPARTMENT

D. METROPOLITAN AREA PLANNING COMMISSION

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- 1. MAPD NUMBER CON2007-00032 – CONDITIONAL USE TO ALLOW RECREATION AND ENTERTAINMENT, OUTDOORS FOR A “FOREST OF DOOM;” GENERALLY LOCATED APPROXIMATELY ONE HALF MILE NORTH OF 53RD STREET NORTH AND WEST OF TYLER ROAD. DISTRICT #4.**

POWER POINT PRESENTATION

Mr. John Schlegel, Director, MAPD, greeted the Commissioners and said, “As you can see on this first case, the site is 12-unplatted acres, located along Tyler Road, north of 53rd Street North and the applicant is seeking, very appropriately today, a Conditional Use for a ‘Forest of Doom’.

You can see from the zoning map, the zoning classifications of the surrounding land is primarily a rural residential area with a SF-20 sub-division just immediately to the east of this property, across Tyler Road. To the west, the white area, is area that has been incorporated into the City of Maize, had been the site of a previous Conditional Use for a sand pit operation that you had reviewed and approved and has since been annexed by Maize.

On the aerial photo, you can see the site outlined in red, the boundaries of the City of Maize outlined in blue, the predominate land use in the area is agricultural, the sub-division I spoke of just a moment ago is shown in the aerial photo, Mystic Lakes, just off to the east, with the scattering of other home sites in the vicinity of this parcel.

What’s before you on the screen now is a site plane that was submitted by the applicant. Tyler Road is off here on the east side of the property. You can see the entrance that’s being shown into a parking area, set back from Tyler Road about 45-feet.

The parking area would be about 250-feet by 50-feet and would be a gravel parking lot. Since the Unified Zoning Code requires that parking lots be paved, part of your decision today is whether or not to allow them to have this Conditional Use with an unpaved parking lot.

The site plan also shows the location adjacent to the entrance to the site of a proposed 32-square foot sign, which exceeds the 8-square feet, which are allowed under the code. And that also would be part of your decision today in allowing this Conditional Use, is whether or not you would allow them to have the larger sign.

They’re proposing to operate this “Forest of Doom” 15 days per year within certain, limited hours of operation. They are currently in operation, have been operating. Earlier in the month they were operating from 6:00-11:00 p.m. and now, this week, they’ve been operating from 6:00 p.m. to midnight and tonight they will be open, they hope to be open until 1:00 a.m.

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This item was heard by the Metropolitan Area Planning Commission at its meeting on September 20th. They considered the application and are recommending, unanimously, to approve it subject to a list of stipulations, which are in your agenda backup.

There are 14 different stipulations that they are recommending. The key ones are that they are recommending that you allow for, that you waive the paving requirement and allow that the parking lot and driveways to remain unpaved subject to approval by the County Fire Department and the County Engineer.

They are also recommending that you allow the 32-square foot sign. That the sign be restricted to a one-month period prior to the first date the facility can be opened each year. And that it must be removed within two weeks of closing of the facility.

In addition, just worthy of mentioning, the additional stipulations would be restricting lighting to low intensity lighting and a prohibition on spot lights, strobe lights or flashing lights. There would also be a prohibition on outdoor sound amplification system and restrictions on the daylight, or the hours of operation to those that I mentioned earlier.

MAPC is recommending that you allow this Conditional Use for four years, including this year, through the year 2010.

Because this property is adjacent to the City of Maize, it was sent to the Maize Planning Commission for their review on September 6th and their recommendation of the Maize Planning Commission, although for approval differed from the MAPC's recommendation in two significant ways. One is that the Maize Planning Commission recommends a requirement be placed on approval of this Conditional Use, that there be 'No Parking' signs along the Tyler Road frontage. Also they would, the City of Maize Planning Commission recommends a two-year limit on this Conditional Use rather than four-years, as recommended by the MAPC.

There were a number of people that spoke at the Maize public hearing, or public meeting on this item. No one that was at the MAPC meeting, except for the applicant.

So what you have before you today is a recommendation for approval for both the Maize Planning Commission and the Metropolitan Area Planning Commission, although the recommendations differ slightly, Maize Planning Commission would add in the 'No Parking' signs along Tyler Road and they would restrict the Conditional Use to just this year and next year.

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And with that, I will be glad to take any questions.”

Chairman Unruh said, “All right, thank you John. We do have a question. Commissioner Welshimer?”

Commissioner Welshimer said, “MAPD didn’t require the ‘No Parking’ signs?”

Mr. Schlegel said, “No, that was not part of their recommendation.”

Commissioner Welshimer said, “And Maize wanted them. Why the difference?”

Mr. Schlegel said, “The difference is probably because people that spoke at the Maize Planning Commission meeting were concerned about people, patrons coming to this and just parking along Maize Road and creating a traffic hazard. That issue was not brought up at the MAPC meeting and they didn’t think it was important enough to place that stipulation on this approval.”

Commissioner Welshimer said, “Did MAPC go out and look the situation over?”

Mr. Schlegel said, “I don’t know if members of the Planning Commission went out to view this. Some of them have that habit of doing that, others do not.”

Commissioner Welshimer said, “Okay, thank you.”

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

Commissioner Parks said, “I in fact did go look at that, and if I may correct you John, that was Tyler Road, not Maize Road.”

Mr. Schlegel said, “Oh, did I say Maize? Okay, I meant Tyler.”

Commissioner Parks said, “And I think that part of the objection of that was, if they park on both sides of the road that just leaves one lane of traffic and actually the people that would be visiting there, if they do park on the road, would be letting the kids out in the roadway, so it would behoove them not to park in the roadway and to have the off-street parking. And I would certainly like to hear from anybody that’s here, pro or con, on this matter. If there is anybody in the audience that would like to speak on this.

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It is very close to Maize. This property does touch at a corner of Maize and I would anticipate that that's why Maize wanted a shorter time for that in case this is annexed by them in the near future. Because I do know they are pretty aggressively moving towards that."

Chairman Unruh said, "Is that all?"

Commissioner Parks said, "That's it."

Chairman Unruh said, "All right, thank you. John, one of the requirements is a parking lot attendant will have to be on duty and they have to have security and those sort of things. I'm reading that on part of the back up material."

Mr. Schlegel said, "Yes, that was, the MAPC stipulation number 10."

Chairman Unruh said, "Okay. And after tonight, this thing closes down, is that right?"

Mr. Schlegel said, "For this year, yes."

Chairman Unruh said, "Okay. All right, well Commissioners, any other comment or question? What's the will of the Board?"

Commissioner Welshimer said, "Mr. Chairman? We're going to approve the Metropolitan Area Planning Commission's version of this or...?"

Chairman Unruh said, "Yes, the motion would be to approve the recommendation and adopt the findings of the MAPC, if you want to take the recommended action."

MOTION

Commissioner Parks moved to approve the recommended action by the Maize Planning Commission, with the amendments.

Commissioner Welshimer seconded the motion.

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Chairman Unruh said, "Okay, we have a motion and a second to approve the recommendation of the Maize Planning Commission. Now is appropriate time for discussion, but I might ask the County Counselor, is that appropriate motion at this time? I mean there's nothing, since we're talking about a different Planning Commission's recommendation, that's appropriate for us to do that?"

Ms. Jennifer Magana, Assistant County Counselor, greeted the Commissioners and said, "Yes, you can reject or decline the recommendation of the MAPC and make a motion that you have to go with the different findings."

Chairman Unruh said, "All right, thank you. We have a comment from Commissioner Winters."

Commissioner Winters said, "I was just, my question was then, does this change the sign requirement or does that stay as it was with MAPC and does it, doesn't change the paving of the parking lot, is what this says is it's just, what your motion says is it's a two-year deal and somebody has to put 'No Parking' signs up?"

Commissioner Parks said, "And I think that wouldn't be really objectionable by the applicant, would it at this point, to get this approved? Those two items?"

Mr. Schlegel said, "I'm not clear on your question."

Commissioner Parks said, "Okay. That is what I want the motion to be is to have it as a two-year and that the parking signs, my understanding was that Maize wanted the parking signs?"

Mr. Schlegel said, "Correct, that is correct."

Commissioner Parks said, "And I think that, who would, I guess this is the time to discuss it, who would be responsible for putting up those signs? Would it be the township, the City of Maize, the County, the owner?"

Mr. Schlegel said, "My understanding was what the Maize Planning Commission was recommending is that the applicant be required to place those 'No Parking' signs along the road."

Commissioner Parks said, "And the applicant is here, correct?"

Mr. Schlegel said, "I don't know, the applicant, is the applicant here? No."

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Commissioner Parks said, "Okay."

Chairman Unruh said, "Anything else?"

Commissioner Parks said, "That's it."

Chairman Unruh said, "Okay. Commissioner Norton?"

Commissioner Norton said, "Well it seems to me that the applicant can be required to pay for the parking signs but I don't know that they have the jurisdiction to put a 'No Parking' sign on a County Road. Is that correct? Don't we control the signage and the flow of traffic in the parking on a County Road?"

Mr. David Spears, Director, Bureau of Public Works, greeted the Commissioners and said, "I think that's what the technical point of this is, that's why Maize couldn't actually ask for that."

Because it is a County or township road and only the Commission can designate 'No Parking' and if you do that, we would need to actually, to answer your question, the applicant could put the signs up but he would have to get a permit to do so and you would have to find out where the utilities were and this sort of thing to drill holes and that sort of thing. So he could do that and pay for the signs.

I would like to, what would be the limit of the 'No Parking'? Has anybody actually looked at that? We would have to have our traffic people look at that to see what, how far you want to go. We may need a Resolution by itself to say that, to actually say where do you want that 'No Parking'. But the Commission does have that authority to do 'No Parking' on County roads."

Commissioner Norton said, "Because there is a strip, excuse me, am I still...?"

Chairman Unruh said, "Yes, you still have the..."

Commissioner Norton said, "Okay. Because there is a strip of land there, that I think is 30-feet or 40-feet, where there's a pipeline running through it that becomes part of Maize, can we go back to that picture that shows that John?"

Mr. Schlegel said, "Which picture?"

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Commissioner Norton said, "Okay. The place it touches is that long strip and I think that's the water line that runs from Maize proper to their water fields, and that's why that little strip is there of annexed property with Sedgwick County on both sides. Does that now create on the backside the ability, obviously for Maize, to annex that?"

Mr. Schlegel said, "Yes. To annex this particular property, yes."

Commissioner Norton said, "And if they do, then they will control the access, what portion of the road, which is Tyler Road, on the east side?"

Mr. Schlegel said, "Well they would, state law says that their supposed accept that..."

Commissioner Norton said, "They would accept that at that point, is that correct? But right now it's under our jurisdiction?"

Mr. Schlegel said, "Correct."

Commissioner Norton said, "I think the, for me, the more appropriate motion would be that we accept the findings of the MAPC with the caveats that we would prefer a two-year and that the County would, with the applicant, decide on what the parking regulations should be. Because I think we're going to have to have a separate Resolution that describes that. I don't think we can give that, I don't think personally we want to give the ability for a private (inaudible) concern to decide what the traffic flow is, what the parking is on our County roads. We don't naturally do that now, I don't think."

Commissioner Parks said, "That's what I was ready to do there, why I lit my light there, if I could Mr. Chairman. I will withdraw my motion and prepare another statement to that affect then."

Chairman Unruh said, "All right, do we, will the second withdraw the second?"

Commissioner Welshimer said, "Withdrawn."

Chairman Unruh said, "Okay, we have a motion and a second that's withdrawn, so we have no motion on the table before us."

Commissioner Norton said, "The other thing I like about the MAPC is that there is a litany of discoveries and things that are required and I don't know what else the Maize require, because we

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don't have that in front of us.

Unless we want to postpone this and get Maize's recommendations so that we can review all of it, I would prefer not to say we're going to adopt, obviously we've withdrawn it, but I wouldn't want to adopt something I haven't looked at and it's not on the table. I do know what MAPC is describing and if we want to add those caveats, then I'm fully prepared to vote for it."

Chairman Unruh said, "Thank you. Well it seems to me that this is Halloween, and adding extra restrictions now might cause the applicant to not be open tonight. And as it sets right now, this person can continue.

I would be in favor of supporting the MAPC consideration. I would listen to your, a motion that restricts it to only two-years instead of four-years, if that was part of your thinking. I will wait to hear a motion, but my thought is that this fellow is planning on being in business tonight. That's my comment. Commissioner Parks, your light is still on."

MOTION

Commissioner Parks moved to approve the Conditional Use subject to the conditions recommended by the Metropolitan Area Planning Commission and adopt the findings of the MAPC with the exception that the Conditional Use would have a term to 2009.

Commissioner Welshimer seconded the motion.

Chairman Unruh said, "We have time for discussion. Commissioner Winters?"

Commissioner Winters said, "So then, all the other parts of the Metropolitan Planning Commission's restrictions apply?"

Chairman Unruh said, "That is the motion?"

Commissioner Parks said, "Yes, that's the motion."

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

Commissioner Parks said, "I do have a concern about, you know, the width of that road is, we have been calling it a County road, actually it's a township road, if I'm not mistaken, and I just hope that the proprietors of this property and the owners would encourage the off-street parking and that the people using this, like I say, it's a safety issue and maybe we can assist the township in doing a little bit of a study there for the commercial thing for the 30-days.

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Because, like I say, people will be getting out there. You have a 24-foot road, travel portion of the roadway there, you put two cars in it, you start opening doors, letting kids out into this, and especially at dark, it's kind of a safety concern for me. Thank you."

Chairman Unruh said, "Thank you. Any further discussion? Commissioner Norton?"

Commissioner Norton said, "Kind of dove tailing on what Commissioner Parks said, I think that, once we get through tonight, then we got a chance to direct David Spears to contact the township and the private entity to discuss what needs to happen for the next two-years of this.

I mean, we virtually got tonight and then it's done with, so I hope they would be prudent tonight with parking but after that we can describe that and maybe have a little time for David to bring back some recommendations to us of what really needs to happen on that road.

In fact, we may have some learning's tonight, if it's an overflow situation and then it becomes problematic, that may describe to us what we need to do. I would just assume that, leave the parking off until we, we have a year or close to a year to make some determinations of, do we want to instruct the township to put up 'No Parking' signs and everything.

Plus I think we have a standard parking sign that we would prefer to be used in the County as apposed to them putting up some kind of hand written sign or whatever. That's all I have."

Chairman Unruh said, "Thank you. Any further discussion? The motion before us then, as I understand it, if I might restate it, is that we approve the Conditional Use subject to the conditions recommended by the Metropolitan Area Planning Commission and adopt the findings of the MAPC with the exception that the Conditional Use would have a term to 2009?"

Mr. Schlegel said, "That's my understanding of that motion."

Commissioner Parks said, "That's correct."

Chairman Unruh said, "Any further discussion?"

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

VOTE

Commissioner Norton

Aye

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

2. RESOLUTION ESTABLISHING A STORM MANAGEMENT ADVISORY BOARD; PRESCRIBING THE NUMBER, QUALIFICATIONS AND MANNER OF APPOINTING ITS MEMBERS AND ESTABLISHING RESPONSIBILITIES.

POWER POINT PRESENTATION

Mr. Schlegel said, “You’ve heard a lot of what I’m going to present to you before, but I want to go back through this again in order to establish the context for what you are being asked to do today.

This started back in January of 2005 when a Flood Plain Management Task Force was formed by the Managers, the County and the City of Wichita, with the charge to evaluate current policy and practice of regulating development within flood plains and to make recommendations of any needed change in policy and practice to this Board and to the Wichita City Council.

That task force spent most of 2005 researching information regarding watersheds, flood zones and pest management practices of other communities that have had similar experiences with flooding. They surveyed each city in Sedgwick County to obtain information regarding their existing policies and willingness to adopt a broader countywide policy.

The task force then identified seven initiatives in an effort to reduce risks associated with flooding and those were contained in the report, the cover of which is up on the screen before you. Those seven initiatives are outlined on this slide that I’ve now put up there.

That report, with those recommendations, was accepted by the Wichita City Council and this Board in December of 2005 and both Managers, the City and County Managers, were directed by their respective Boards at that time to work together to move the recommendations of that report forward.

Initiative #4 of that report was to establish an organizing committee that could develop a governmental framework for storm water management within Sedgwick County.

So the County and City Managers move forward with creating that organizing committee in February 2006, making appointments and charging that group to move forward with this initiative

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#4.

That recommendation, or initiative included identifying options for funding storm water management activities within Sedgwick County. And one of the big tasks that the Organizing Committee undertook was to analyze the organizational structure of the Johnson County Storm Water Management Program and then also the Denver Urban Drainage and Flood Control District. As those entities served as models for, initially for the Task Force and later for the Organizing Committee in formulating their recommendations.

The report that the Organizing Committee came up with was called the Governance Framework for Storm Water Management Advisory Board. And this remains, to this date, in draft form. You have received copies of that and I've, going over, more in a workshop setting, I've gone over the recommendations of that report with you.

That provided an initial needs assessment for the County. And the recommended organizational structure that outlines roles and responsibilities imposes some potential financing options for future project implementation.

The needs assessment that was contained in their draft identified over \$200 million in potential projects and this was based on a survey of all the cities and the County needs that have been identified in various base and studies and capital improvement programs and also includes the needs that have been identified by the active drainage and watershed districts within the County. That needs assessment also identified that there is about a \$1.5 billion worth of property located within the 100-year flood zones within Sedgwick County.

So the next step of the Organizing Committee was to try to come up with an effective way to reduce risk countywide by coordinating and prioritizing storm water management projects. What they have come up with, in the form of a recommendation to you, is that you establish a Storm Water Management Advisory Board. And this Board would be a Board that you would appoint and give authority to, to look at and study and analyze storm water management issues within the County and for them to give back to you recommendations on how these issues should be handled in the future.

The Resolution that is before you would also grant the authority to the Storm Water Management Advisory Board to create their own Technical Advisory Committee, which would be composed of staff from the various cities and watershed and drainage districts and would include their consulting engineers to help them formulate their recommendations.

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And the Resolution would also provide for the directing of my department and David Spears' department to provide staff services to the Storm Water Management Advisory Board and the Technical Advisory Committee for the time being.

It's important that, I want to emphasize that you would, as the County Commission, retain final authority over all budget matters related to storm water management and over all plans and policies relating to storm water management. This is an advisory board that you would be creating. And you would have the authority, of course, to direct the Storm Water Management Advisory Board to review and study specific issues that might come up from time to time regarding storm water management.

What the Resolution calls for in establishing Storm Water Management Advisory Board is that each of you would have one appointee to this Board. Then each of the twenty cities within in the County would be able to nominate appointees, which ultimately then would have to be indorsed by you as a Board, and the same for the six active watershed and drainage districts within Sedgwick County. That could create a potential membership of 31, which is a lot, it's a pretty big Board, but we don't anticipate that every city and every drainage, or every district will wind up nominating someone to this Board, so the number will be somewhat less than 31.

Some of the key activities, and this is just the, the complete list of roles and responsibilities that this Storm Water Management Advisory Board are listed out in the Resolution, but to just quickly highlight some of the key activities that this Storm Water Management Advisory Board could undertake.

One would be the master planning for storm water management purposes of watersheds and basins within Sedgwick County. The setting of priorities for what projects should be done in order to implement those basin studies and to look at and ultimately, if possible, provide matched funding for implementing storm water management projects.

It would also work on setting standards for the construction of those facilities so that we have a common set of standards for building and maintaining those facilities that they would also develop standards for new urban development so that we have more consistency between jurisdictions and how jurisdictions regulate, from a storm water management point of view, new urban development..

And then finally, that they undertake more effort to create more public awareness about storm water management issues.

And of course, what the Resolution anticipates is that the, any of the entities that do choose to participate and have members on this Storm Water Management Advisory Board, would have,

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would inherit certain responsibilities, they would be agreeing to participate in any master planning or basin studies that would be undertaken, that if we were able to establish a local funding program that they would provide the local match for that and that they would design, build and maintain facilities, that that would not be a function of the County, it would be a function of the individual cities and drainage districts, and that they would adopt standards for, if they were developed by the Storm Water Management Advisory Board and approved by the County Commission, that they would adopt standards for a new urban development.

So the recommendation of staff is that you approve this Resolution today to create the Storm Water Management Advisory Board. And with that, I would be glad to take any questions.”

Chairman Unruh said, “All right, thank you John, we have a comment from Commissioner Winters.”

Commissioner Winters said, “Thank you Mr. Chairman. I am going to be supportive of establishing this advisory board and I guess that just a couple of thoughts I would share with the Commissioners and others, I was on the Committee that started back in January of 2005, as we started talking about this, and there were several sub committees that were at work at the same time. But it was a, really, a very well represented committee of all entities across Sedgwick County, City of Wichita participated, Bob Marts was on the committee for a long while along with myself, but the City, our Public Works was there. We had some representatives from smaller communities, we had representatives from business and industry, we had representatives from the agri-business community and the list goes on. I mean, it was a pretty good size Board.

The thing that probably struck me the most about it, and beginning to look at the assessments needs of what cities and counties, townships and others see, and to see a need of over \$200 million and potential work to be done, and then to think about individual entities, cities and counties, working on those projects in a vacuum really just didn’t make much sense.

Because, one of the of the things that I put down in my rules of order of, one of the things that I’ve learned as a County Commissioner, a drainage issue here solved is a drainage problem some place else, potentially. And, so it is a very complicated process and I really believe that this Advisory Board will give our technical experts a chance to work with cities, counties and townships in Sedgwick County and the drainage districts, that try to craft some long term solutions. It’s one of those things, if we, as Sedgwick County don’t do this, who is going to it? And I don’t know the answer to that because it would probably be nobody. I think we are the entity to shepherd this thing along.

Now, one of the things we have had discussion about is the financial implications and I can tell you that no solutions have been arrived at. But, as what this is to me is a first step in trying to

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coordinate all of our issues and putting a priority on projects that need to be happening in wherever they are in the County.

So John, I certainly want to thank you and your staff's work on this project , I know you all have worked long and hard in putting all of these meetings together, so, we certainly appreciate all the work that you have done and then all of the other folks on the Committee, many of them were very faithful attendees, I appreciate all of their work. Commissioners, I am sure that John would be glad to answer questions, but if I could help with any questions, I would be glad to do that also."

Chairman Unruh said, "All right, thank you. Commission Norton?"

Commissioner Norton said, "I'm going to be supportive. I think it was probably seven years ago that I said if you don't think you've storm water problems in your area, think again because you'll have them and so I've been working on drainage and storm water issues my whole time as a County Commissioner.

How does the Wichita/Valley Center Floodway figure into this John?"

Mr. Schlegel said, "That's part of a drainage district. Is that correct? And that drainage district, that would be under the jurisdiction of, I forget which drainage district, and they would be invited to the table. They would be invited to provide a nomination to have a seat at the table."

Commissioner Norton said, "I mean, because they have regulations and procedures and guidelines that maybe someone can advise them on but they've got their own rules of order and what they're charged with doing as entity of themselves, do they not?"

Mr. Schlegel said, "Is this, David help me out here. Is this a separate entity? I don't know."

Mr. Spears said, "Wichita/Valley Center Floodway is maintained by Wichita flood control people and the County funds half of that budget. I don't think it's a drainage district per se, we have drainage districts in the County and also they were at the table with us and so were the townships.

But I think what this is, more in tune with, is drainage problems in the County to solve and really the flood control is not a problem it's a solution. I don't know that it's involved that much in what we're trying to do. We have all these drainage problems in the County that we're trying to solve."

Commissioner Norton said, "Okay. Well, I guess one of my conclusions was, and Tom's right, if you move to solve one drainage issue you may create one somewhere else and you would hate to

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put burden on the Wichita/Valley Center Floodway by doing some other things. So I just to be sure they're connected.

What about the Cowskin Creek? I mean, that's been an issue. Are there drainage districts along it? I know there is one down south that we've determined that's not functioning anymore. How does that figure in to what we're trying to do? And will they take that on as maybe a project to start looking at, how we solve that from County line to County line?"

Mr. Schlegel said, "I will answer that question in two ways. One is that, I think there are drainage districts, active drainage districts within the Cowskin watershed and they certainly would be, and if they are active, would be invited to the table.

The other is, the City of Wichita has done at least one major Cowskin watershed study and they certainly, and part of the of needs assessment, that was done by the Organizing Committee, included the recommendations of that Cowskin study. So that's part of that \$200 million plus needs assessment was projects that were identified by that study."

Commissioner Norton said, "(Inaudible) grants, will they encumbered in this somehow?"

Mr. Schlegel said, "What kind of grants, I'm not familiar with that term?"

Commissioner Norton said, "(Inaudible) grants. Well, I think it has to do water and environmental runoffs and everything."

Mr. Schlegel said, "I don't know what that is."

Commissioner Norton said, "Okay, that's something that we'll need to kind of talk about and research.

State regulations, you know one of the things that I've gotten involved in and a concern, is agricultural land and what they have to do with there stern water runoffs and where it can go and what it becomes and how does the agriculture community, that's guided by State regulations, figure in to this discussion. Because unincorporated farm land creates a lot of storm water and it has to go somewhere."

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Mr. Schlegel said, “And where, there is an active watershed or drainage district in those agricultural areas, they would be part of this discussion. Where there isn’t an active district then it would have to be either a County representative or one of the City representatives that would have to represent those interests.”

Commissioner Norton said, “And one of the reasons that I talk about that is because as farm land becomes developable land the conversation changes. I mean, I have been at so wrapped around this on the south side, I notice some of the pitfalls that we are going to get into as we have those conversations about where storm water goes, where it comes from, who controls it, who has to fix it, and I want to be sure we talk about that because there are State regulations in many of the unincorporated areas that talk about runoff from farm fields and those kind of things. Will this group make policy recommendations to the County Commission, is that built into...?”

Mr. Schlegel said, “That is one of their prime responsibilities is to make recommendations to you on budget, plans and policies.”

Commissioner Norton said, “Okay. And then finally, because I’ve dealt with this a lot, how does ground water fit into this? Because storm water that gets into a fissure in the ground becomes ground water but it was created by storm water runoff. And I have a lot of those problems in certain areas down south and it is hard to determine whether that is really storm water or ground water and it causes huge problems economically and socially for people. No different than storm water going to the wrong place.”

Mr. Schlegel said, “Well this line of overlap, and I think that’s what you’re pointing out between those two issues, water quality issues start coming into play whenever you start talking about storm water management. I think the charge though of this group will be storm water management and maybe as a secondary responsibility they’d have to look at water quality issues in terms of how storm water management effects water quality.”

Commissioner Winters said, “Okay. Complicated issue. I’m glad we’re putting this group together, hopefully it’ll give us a group of very smart people that can give us some pretty good recommendations and advisement on some of these issues because they are very, very complicated. That’s all I have. I am going to be supportive and I look forward to hearing some of the recommendations.”

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

Commissioner Parks said, "I am going to be supportive of this. I think 31 is a large number, however I think incorporating all cities into this procedure is great because of the nipitus, the national burden that have been placed on those cities by the nipitus surface water, transportation thing and I just think that that's a good idea.

And another part of it that has been kind of brought up here today is the Valley Center/Wichita flood control, the annexations that the various cities have and what not. This is one thing that David Spears and I have talked with quiet a bit about and I think we need a little bit of follow up and a little more dialogue and maybe and a meeting between some of us on the responsibilities of the floodway.

If we can just get some information and maybe over lunch or something, I don't know if the other Commissioners are having a lot of talk in their areas about it but I know it's one issue that's kind of been, not a lot of numbers there but it's just a constant issue. And just today we had an issue about a bridge and whose responsibility, apparently one side's Valley Center's and the other side is flood control.

I think we need to have some meetings with some of those cities that are annexing the flood ways and see what, handle the responsibilities. That's kind of a sidebar on this issue. Thank you."

Chairman Unruh said, "Thank you Commissioner. I don't see any more requests to speak, I just think that this is a good example of how the County will work together with different communities and various stakeholders to bring those stakeholders to the table to arrive at solutions to what is a countywide problem. I am willing to be supportive of this and go forward. Commissioners, can we have a motion?"

MOTION

Commissioner Winters moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

VOTE

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

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

NEW BUSINESS

E. PRESENTATION OF THIRD QUARTER FINANCIAL RESULTS.

POWER POINT PRESENTATION

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "I am hear today to discuss with you the quarterly financial report that you all have received. This is for the 3rd quarter of the County's fiscal year, which ended September 30th of 2007.

We believe, as I know you do, it's critically important that we be held accountable to our constituents and to the taxpayers and to the people that have loaned us money for the County's financial condition and the quarterly financial reports is one way that we provide information to them.

In the document that you've received, you will find first a narrative section that describes our key revenues and expenditures and budget status through the first nine months of the year. You will find a section of budgetary account statements showing the budget status of each of the County's funds and departments.

There will be a similar set of statements for each capital project that you have authorized, identifying what the project is and how much money has been provided to fund that project, how much of that has been committed to date and what the status of the project is. And you will find a full set of, what we refer to as funds statements, a full set of financial statements that are prepared in accordance with generally accepted accounting principles.

I would wager to say that you will not find another governmental jurisdiction that has produced

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such an extensive set of documents this soon after the end of a calendar quarter and few governments, in fact, prepare these statements at all. Again, we think that it's very important to be held accountable for our performance and this is one of the key ways that we accomplish that.

The document itself was prepared principally by staff in the Accounting and Budget Departments, Sara Jantz, Randy Bailey, and Ann Smarsh in Accounting and Chris Duncan and David Miller in the Budget Department.

The presentation that I am going to over with you today was prepared principally by Troy Bruun, the Deputy Chief Financial Officer and I am truly appreciative for all of their efforts. As I've said before, many times, and as this proves once again I don't do any real work around here, it's all done by other people and I just take credit for it.

With that, I'm going to turn now to a summary of what is in that quarterly financial report. And I should have mentioned, by the way, that the quarterly financial report will be available on the County's website as soon as you receive the report. So later on today or tomorrow, it will available on the County's website at any one of the finance division pages on that site.

First I'd like to spend a little bit of time talking about our revenues and expenditures through the first nine months of the year. And there is a lot of information on this slide so I am going to take just a few minutes to walk you through it.

What you see here are three green bars representing three years of revenue history and three blue bars representing three years of expenditure history. Each of the bars shows nine months worth of information for each of those three years. Each of the bars is segmented into three sections and each section has a percentage number included in it.

What we are showing in each of those sections is the percent of annual budget that had been accomplished as of the end of each calendar quarter, through three quarters of the year. So in 2007, we have received right at 100% of our annual budgeted revenues. That is a little bit less than the percentage of annual budget that we had received in 2006, it's a little bit more than we had received at the end of 2005, at third quarter of 2005.

The other thing that you see looking at the green bar is that the percent in each of the segments are heavily frontloaded. That is, we receive our revenue in the front part of the fiscal year, so in the first quarter of 2007, we received 42% of our annual budgeted revenues. We received 34% in the second quarter, 24% in the third quarter. We will receive a very small percent of the annual budgeted revenues in the fourth quarter. That's because much of our revenue comes in the form of property taxes and related revenues that are paid by taxpayers in two installments and distributed to us in the months of January and June of each calendar year.

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Turning to expenditures. The blue bars, what you see is a much more even balance, a much more even quarterly distribution of budgetary activity. In the 2007 fiscal year, the first nine months of the year, we have spent about 42% of the annual budget. And you see that we spent that in roughly three equal installments. Our spending through the course of the year is fairly uniform from quarter to quarter. Our revenues that fund that spending are not uniform, they are heavily frontloaded.

Looking at the far right of the chart, you see a series of numbers. I said that what we're showing on this chart is percent of budget. But I've shown you the absolute numbers on the far right. At the end of the third quarter of 2007, we have received \$284.5 million, I'm sorry, we've spent \$284.5 million dollars of our annual budget, that's about 42%. Our annual budget, including capital projects is something a little bit north of \$665 million.

That is a much larger number than I am sure you were contemplating because you adopted a 300, and I believe it was, \$365 million budget. The reason that it is so much higher is that we have the entire Sedgwick County Arena Project in the budget and as you know, we have not spent most of that money yet. But that's not part of the operating budget, it's a part of the capital budget, which we are looking at here as well.

The total expenditures for the first three quarters of 2007 are about 7% more than the total expenditure for the first three quarters of 2006. In 2007 through September 30, we spent \$284.5 million. Through September 30, 2006, we spent \$265 million. Our revenues through the first nine months of 2007 total \$364.9 million. That is 10%, almost 11%, more than the amount of revenue that we had received a year ago at the same time.

Now I would like to spend a little bit of time talking about some of the key revenues. And we are looking here at some rollups, some categories of revenues. Far and away, our largest single source of revenue is Ad Valorem taxes and that includes motor vehicle taxes and delinquent taxes from prior years that get collected in the current year, so it's not just the current tax levy, but that's the biggest part of it.

Through nine months of the year, we have collected a total of \$131 million of property tax revenue, the Ad Valorem tax revenue. That is almost 14% more than we had collected through nine months of 2006, which is represented on this chart, by the green bar.

The reason for such large percentage increase is that funding the 2007 budget, we had a 2-mill increase, tax rate increase in addition to roughly a 6% increase in the property tax digest. The taxable value that is being assessed property taxes. So the some of those two, the increase in the tax base plus the increase in the tax rate, produce, narrowly, a 14% increase in total property tax revenue.

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The second largest source of revenue for us are charges for services. The second section of bars that you see on this chart. Charges for services include things like ambulance fees, Medicaid fees that are paid for services provided by COMCARE and the Aging Department and the ambulance services, and a variety of other charges for services. We have received a total of \$72.5 million of charges for services through nine months of the year. That is about 2% more than we had received at the same time last year.

The third largest source of revenue for us is the Arena tax, which is right in the middle of this chart. And through nine months of the year we had received \$63.5 million of the special purpose Arena sales tax. That tax, as you know, will expire in 61 days, December 31st of this year, that goes away.

We will continue to receive revenue from that source for two months of 2008. Taxpayers will stop paying it at cash registers on December 31st, but there is 60-day lag from the time it is paid at cash registers to the time the State returns that money to us. So we'll still receive a little bit of revenue in January and February but the tax will terminate in 61 days, on December the 31st. And that again, produced \$63.5 million through nine months of the year, right on our budgetary targets.

The only other noteworthy thing on this chart, I think, is investment revenue, which is at the very top of the chart. It is not, in relative to some of these other revenues, a major funding source for the County. But you see here that it is growing at a very high rate. In fact, through nine months of the year, we have received nearly \$13 million of investment proceeds of revenue on investments of idle cash balances. That is a 79% increase in that funding source over the same time a year ago.

That is a function of two things. First, it's a function of the Arena tax, where we have collected a significant amount of the tax revenue but haven't yet spent it, and so we're earning interest income on it. And secondly, it is a function of investment rates. And I have described this for you in previous presentations.

For several years, the rates of return on County investments were extremely low. At one point as low as about 1.5%. It has been growing slightly, and it had gotten up to the 3-4% range a year ago, but in the past year, we were able to mature to replace a lot of low yielding investments within investments that are at current market rates, which are about 5%. And so we are earning a much higher rate of return on our investments now than we were a year ago.

Looking at some of the individual revenues, again, Ad Valorem taxes at almost \$131.5 million, has essentially been collected for the year. We receive that money in a series of installments from the County Treasurer through the year, but the two largest installments are received by the County government in January and June and so we have received, essentially, all of that revenue that we'll

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see this year.

The Arena tax and the local sales and use tax, the one that goes into the general fund and fund some road projects, have been received right at the budgeted amounts. We have received about $\frac{3}{4}$ of the annual budget of each of those sources through nine months of the year.

Medicaid fees, I mentioned as a charge for services, it has been \$19 million through nine months of the year. And you see here that that is only 55%, 54.6% of the budgeted total amount of revenue that we expected from that source for this year.

When I did the second quarterly report for you, around August 1st, I told you that the reason that we were so far under budget was because the State had changed, or the State's provider had changed, it's processing system for Medicaid revenues and they were running behind in getting money to us.

That continues to be the case. That we also, in the last three months, have had a change in the State's Medicaid reimbursement rate for some key services that are provided by our partners. And those partners bill Medicaid through us. So we receive the Medicaid revenue on their behalf and return it to them. We now expect that we are going to fall substantially under budget for Medicaid revenue because of that change in reimbursement rate. We, similarly though, will fall significantly under budget on payments that we make to those partners because the services for which they are billing will be reimbursement, we'll receive less revenue from the State to pay them.

Investment income, I've already mentioned, it is substantially higher than where we were a year ago. It is also substantially higher than what we budgeted for this current year. And you see some of the other key revenues.

Turning now to expenditures. Most of our spending takes place either in personnel, we pay County employees to provide services, or by contractors, by local businesses and non-profit organizations that we pay to provide services on our behalf.

The personnel costs for Sedgwick County totaled right at \$119 million, through nine months of the year. That is about 4% more than what we spent a year ago at the time. Our contractual services, the payments to vendors, totaled right at \$94.5 million through nine months of the year, compared to about \$90 million a year ago. So again, about a 4% increase, year-to-year.

We spend much less in capital out-lay, which is capital projects and the purchase of equipment and vehicles and the like, in debt service and in commodities. We spend the least amount of money on commodities. As I've mentioned in previous presentations, the County doesn't buy very much stuff. In fact, through nine months of the year, we purchased less than \$10 million of things, of commodities, of office supplies and computers and business equipment and operating supplies. Altogether, less than \$10 million and you see that that's a consistent pattern over time. Each of the

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past three years we've spent about the same amount through nine months of the year.

Now, turning to individual expenditures. Salaries and wages is far and away the largest, single, expenditure that we incur. Through nine months of the year, right at \$85.5 million, 3.3% more than we spent a year ago on salaries and wages for all County employees through nine months of the year.

The health insurance payments that you are seeing here are the payments that we make to vendors. They have been reduced by 4% on a year-to-year basis. That is largely attributable to the transition that we made from a two-vendor system a year ago, to a one-vendor system today. We had some run-out expenditures for the second vendor that we dropped, that caused our expenditures to be relatively high a year ago.

Infrastructure construction is primarily road projects. Through nine months of this year we have spent 12% less money on road and bridge projects than we spent a year ago. That is because we have undertaken fewer projects this year than we did a year ago. About nine fewer projects, through nine months of the year.

Grant awards is, the reduction of about 10% is attributable primarily to one program in COMCARE, Children's Therapy Services, which has been significantly reduced in the amounts that we are paying vendors, who are actually providing less service in that area.

Land acquisition is significantly higher. That is an Arena related cost. And the \$9.3 million that you see here are the expenses that we've incurred for land acquisition only in the first nine months of 2007. That is not all of the Arena expenditure for land, there also were some expenditures in 2006.

You see here retirement contributions? The KPERS contributions have increase 14% on a year-to-year basis. That's a feature that we've described to you in prior presentations and in the budget cycle. We have what we think is a serious issue with KPERS and something that we are paying close attention to. As you know, it has been significantly under funded over the years, the State statutes provide for the Legislature to cap the amount that local governments pay into KPERS each as a percentage of salaries and that percentage has been set artificially low. Sooner or later, there's going to have to be some catch up provisions and so that number that, even though it increase 14%, if we were paying what our costs are, what the real costs are for pensions, it would be a much higher number than this.

This slide is intended to show you all the County departments, that as of the end of the third quarter, were projected to exceed their budget at the end of the calendar year. And in fact it does show all of

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those departments.

On the last quarterly presentation I had identified three departments, as I recall. Two were projected to exceed their budgets by less than \$10,000. The Sheriff's Department was projected to exceed the budget, something approaching, as I recall, \$700,000 or \$800,000. I told you that was because of inmate medical care and out-of-County prisoner costs. And I told you that we would rectify that in the third quarter of the year, we did do that. And so as it stands now, we're projecting that each County department will finish the year within its adopted budget.

Turning now to fund balances. You have adopted a policy that sets a minimum unreserved fund balance target for each of the Counties funds. And what you're seeing on this slide, in the form of these red dots, are where those minimum targets stand, the blue bars show where the fund stood, the unreserved fund balance stood at the end of the third quarter. As I've told you in previous presentations, the blue bars are subject to considerable fluctuation as we move through the year. We receive much of our revenue in the first half of the year, we spend that revenue in the last half of the year. So our fund balances start high and get drawn down as we move through the year.

In the general fund, our target for minimum fund balance is \$33 million. At the end of the third quarter, the actual unreserved general fund balance was right at \$75 million. It will drop down in the fourth quarter of the year because we will spend a considerable amount of money in the fourth quarter, but will receive no property tax funding to support that. So we'll draw down fund balances.

Special revenue funds, which is all of the grants that the County receives and the ambulance fund and various other special purpose funds, have a cumulative target of \$11.5 million. They had an actual unreserved fund balance at the end of the third quarter of \$50 million. Again, a function of the cash flow of the County. We've received the revenues earlier in the year. We spend them down as we move towards the end of the year.

The debt service fund balance is right on target. The target is about \$1 million. The unreserved fund balance is right at \$2 million.

Enterprise funds consist of the Arena and the Coliseum. And that fund balance is substantially higher than target right now because we've collected all of the special purpose Arena tax and we've not yet built that Arena. We'll use that cash over the next two years, we'll draw down this fund balance over the next two years to build that Arena.

And you see here the others. We are in good shape when we compare our actual fund balances to those policy targets.

Turning now to investments. At the end of nine months of the year, our investment portfolio stood at \$340 million. Two-thirds of our investments were in federal agency coupons. Another sixth was

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in treasury coupons. I think it is important to note that Sedgwick County is one of, I believe it's six jurisdictions in the State, that has a State approved investment policy. That feature allows us to invest in an array of securities that is more extensive than most governments in Kansas can invest in.

In fact, if we didn't have that approved State policy, we would not be able to invest in federal agency coupons. And yet, as you see here, they provide the dominant share of our investment portfolio. The reason for that is that they provide the greatest combination of security and yield for the Counties money. We get the best bang for the buck at the lowest risk by investing in these securities.

This chart identifies our investment portfolio at the end of each quarter going back several years. And you can get a much clearer sense of the County's cash flow by looking at this. In the months of December, when we have received property tax installments, but the Treasurer hasn't yet distributed those installments to local governments, our investment portfolio is extremely high. The rest of the year our investment portfolio is at a much lower level. But it has been rising over time because we have been collecting that Arena sales tax and not spending it.

At the end of the third quarter, once again, our portfolio stood at about \$340 million. Our yield on that portfolio, the red line, stood right at 5%, and it had been right at 5% for about a year, as I've described to you previously.

Now, what is going to happen looking forward? In the last quarter, you've read about the Fed's reduction of interest rates. That has affected the market that we invest in very dramatically. The end of last quarter, the bench mark that we compare ourselves to was right at 5%. Our investment rate was right on target, right at the benchmark. Now the benchmark is a little bit less than 4%, it has dropped 20% in three months, which is an extremely rapid drop in this kind of a market place.

We are continuing to receive 5% on our money because we have invested in securities before that reduction hit the market place. As those securities mature in the coming months, and in some case years, we will have to replace those relatively high yielding securities with market securities, at market rates at much lower yields. So you can expect to see that red line start to drop as we move into 2008. At that's a function of market conditions.

That concludes the summary of the information that is in the quarterly financial report. As I always do with these presentations, I would like to leave with a look to the future. What are some of the

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things that are on the horizon that are going to have some impact on our financial condition? And with each of these things, you've talked about them, you know about them, but we don't know yet exactly what the impact will be, so there are things that we pay a lot attention to in finance.

The jail expansion project, you spend a lot of time talking about, as it stands now, we are looking at the potential of about a \$55 million expansion for some 380-385 beds. That project is being designed. You've instructed us not to go to bid with that until you have reviewed updated costs estimates, that will happen shortly after the first of the year.

Inmate reduction programs are sort of the companion to jail expansion. Commissioner Welshimer, Commissioner Parks in particular, have suggested that we go back to the drawing board and consider additional efforts that might be undertaken to reduce the inmate population and thereby reduce the need for an expanded facility.

Those programs certainly will impose some costs on us, but they offer the potential of some considerable reduction in future costs. They will have a fiscal impact on Sedgwick County, so we are paying a lot of attention to that.

Work force development efforts, principally are the National Aviation Training center at Jabara Airport, that you spend a lot of time talking about. That is roughly a \$47 million project, according to current estimates. And it is under review right now and we're in the design phase of that project. There are other efforts that have been discussed in the community that might have some budgetary impact on Sedgwick County as well.

You just took action immediately prior to this presentation to create a Storm Water Advisory Board. You've received the report that led to the creation of that advisory board and you saw in that report that there has been some \$210 million of projects identified throughout Sedgwick County that represent storm water problems somewhere in the community.

One of the features of that report is a recommendation that the County provide a substantial share of the funding to support the completion of each of those projects, totaling \$210 million, to the extent that you undertake that recommendation and agree to provide that funding, that certainly will have an impact on Sedgwick County's finances going forward.

Levy certification is a program that you are aware of. A function of FEMA's difficulty in New Orleans after Katrina, we now have to certify that all of the levies in Sedgwick County meet acceptable standards before FEMA will allow flood insurance provisions to be extended to adjacent property owners. That certification process is ongoing but it is requiring us to take a pretty serious look at the condition of the levies principally associated with the Big Ditch.

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We budgeted \$.5 million in 2008 and we plan to budget another \$.5 million in 2009 just to do the assessments of those levies. The solutions to any problems that are identified by those assessments are additional fiscal implications, additional budgetary problems that we will have to undertake.

You have received a series of briefings from the Homeless Task Force. As I understand it, you are to receive their final report in January and we don't know yet what that report will say. We don't know yet what costs might be contemplated by that report, but it is likely that there will be some and it is likely that the community will be looking to Sedgwick County to provide at least some funding support to implement those recommendations.

Next week you are scheduled to hear from the Planning Director about a proposed change to the Comprehensive Plan pertaining to Downtown development. You've received some briefings on this as well. As I understand it, the City of Wichita is proposing in that Comprehensive Plan a series of public improvements that include an estimated, I believe it's \$30 some million of street improvements and \$75 million of parking improvements. There has been some discussion but I understand there is no recommendation in the Comprehensive Plan provisions that you will receive next week.

Some discussion of the City financing, that \$100+ million of improvements with tax increment financing to the extent that they do that that would have a significant budgetary impact on Sedgwick County because roughly a third of the tiff funding would be money otherwise would flow into the County's budget.

Gambling is an issue that we are considering as having future financial impacts. Not because we expect there to be a casino in Sedgwick County, which was where we were three months ago, but now because we know there will be a casino in Sumner County, somewhere. The State Legislation provides that Sedgwick County will receive 1% of the gross receipts coming from that casino. So sometime in the future, probably two years from now, when that casino is built, there will be a new revenue stream flowing to Sedgwick County.

There also will be some impacts on Sedgwick County, we believe, from social conditions that are influenced by the presence of that casino in our market area. We have no idea what those impacts will be. We have no idea whether the costs that will be added to Sedgwick County's budget will be less than or equal to the receipts that will be added to Sedgwick County's budget, but either way, there is going to be some financial impact on Sedgwick County from gambling in this region.

And finally, the KPERS contribution. I've mentioned to this you before. We are significantly under funded in the KPERS system. We continue to under fund the system with our rapidly rising contributions. If we were providing full funding, there would be a major financial impact on

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Sedgwick County. And it's only a matter of time before that happens. It is inevitable that it will happen. Whether it will happen before Bill retires, before I retire, before you leave the County Commission, I can't tell you. But it's something that we're paying a lot of attention to.

That concludes the presentation. If you have any questions, I will be happy to answer them. If you don't have any questions, then I would ask that you receive and file the report."

Chairman Unruh said, "Thank you Chris. Appreciate your report. That is thorough and we do appreciate the fact that it is timely, that you have produced it quickly after the close of the quarter. So we thank you and Troy and your staff for that extra effort. Commissioners, are there any other comment or question regarding this? Commissioner Norton?"

Commissioner Norton said, "I enjoyed the report, I've gone through the whole detail on the quarterly financial report. I did have a question about the Arena investment monies. You kind of just encumbered it in the bar graph there. Is that set aside? Has that gone into general fund or does that investment monies that come out of the Arena monies being invested over a period of time that we are not using it, is that plowed back into the Arena project or is that in the general fund?"

Mr. Chronis said, "It is in the general fund by State law. The State statutes provide that any investment that we make, the return on any investment that we make goes into the County's general fund, unless there is a specific statute directing us to do something else with that money.

With regard to sales taxes of any sort, the statutes make no provision for alternate distribution of investment income on sales taxes. And so all of the investment income from the Arena tax is flowing to the general fund. You, the County Commission, has previously asked us to monitor the amount of investment income that we are earning on the Arena tax. And we are doing that.

Effectively, it is a part of the fund balance in the general fund. You have the ability to do whatever you want with general fund revenues, to spend that money for any legally authorized purpose, including the Arena. So you could instruct us, if you chose, to transfer that money from the general fund to the Arena fund. At this point, the amount if sales tax that we're receiving from the Arena tax stands at, is projected to be \$205.5 million by the time the tax ends in 61 days, on December 31st.

That \$205.5 million is more than we expect to spend on the Arena. The difference between spending on the Arena and the revenue, as you know, flows to the O&M parking reserve that is set aside in the Arena accounts."

Commissioner Norton said, "Do you have any kind of a thumbnail idea of how much investment

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income monies has been generated?"

Mr. Chronis said, "From the Arena tax?"

Commissioner Norton said, "Yes."

Mr. Chronis said, "To date, from the life of the tax, the tax initiated in July of 2005, from the day the tax started to today, we have earned just under \$7.5 million of investment income on that tax revenue."

Commissioner Norton said, "And that sits in the general fund and it has not been made portable to the Arena project until we take action to do so?"

Mr. Chronis said, "That is correct."

Commissioner Norton said, "Okay. I just think that's an important thing to discuss because I know Commissioner Parks is worried about the O&M fund not being adequate to take care of parking and to have some operating reserves and yet here is some money that has to be, I think, in my mind, will eventually have to go back into, plowed into the Arena project, that we haven't even considered yet. And it's encouraging to see that it's generated \$7 million, by the end of the time we spend the money and that money is incubated some more, it could be \$10 million that we have extra to plow back into parking or O&M. Would that be a safe thing to say?"

Mr. Chronis said, "If three Commissioners make that decision, yes."

Commissioner Norton said, "No, what I mean, we will have extra money to put back..."

Mr. Chronis said, "Yes."

Commissioner Norton said, "Okay, that's all I have."

Chairman Unruh said, "Thank you. Commissioner Welshimer?"

Commissioner Welshimer said, "Do we have any figures, do we know how much property tax revenue we've lost in the Arena footprint, from tearing properties that used to pay taxes?"

Mr. Chronis said, "I don't know that number of the top of my head. I think I've seen it previously because I believe one of you asked the same question some time back. And I don't recall what the answer is, I will find out for you. My recollection is that it is a small number. As you know most of the property in that area was in very poor condition and it was deteriorating and so the tax base in

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that part of the business district has actually been declining for a number of years.”

Commissioner Welshimer said, “I’d still like to know because I think that amount has to be deducted from what we consider extra money from the interest.”

Mr. Chronis said, “I’ll provide you an answer.”

Commissioner Welshimer said, “Thank you.”

Chairman Unruh said, “All right. Thank you Commissioner. Are there any other comments or questions for Mr. Chronis? Seeing none, we need a motion to receive and file.”

MOTION

Commissioner Norton moved to receive and file.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Mr. Chronis said, “Thank you.”

Chairman Unruh said, “Thank you Chris and thank your staff for the report. Madam Clerk, next item.”

F. RESOLUTION ESTABLISHING HOLIDAYS TO BE OBSERVED BY SEDGWICK COUNTY IN 2008.

Ms. Jo Templin, Director, Human Resources, greeted the Commissioners and said, “This

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Resolution establishes the holidays to be observed by Sedgwick County in 2008. Sedgwick County will observe 10 holidays, which is keeping with past practice. This schedule matches the District Court schedule with the exception of Columbus Day, which we utilize as an in-service day. It also matches the Federal holiday schedule with the exception of Columbus Day, which we observe the day after Thanksgiving. We allow that extra day after Thanksgiving instead of the Columbus Day holiday. So I just ask that you adopt this Resolution and I'll be happy to answer questions if you have them."

Chairman Unruh said, "Thank you Jo. Commissioners, any question or comment on the holidays that we'll establish for 2008? Commissioner Winters?"

Commissioner Winters said, "I noticed that Veteran's Day is next year, 2008, is going to be on a Tuesday, is Veteran's Day not one of the holiday's that we shifted to Mondays back when Memorial Day and President's Day were, Martin Luther King, were all shifted to Monday?"

Ms. Templin said, "No it's not."

Commissioner Winters said, "Okay, thanks,"

Chairman Unruh said, "All right. So it will be Tuesday. Any other questions? What's the will of the Board?"

MOTION

Commissioner Norton moved to adopt the Resolution.

Commissioner Parks seconded the motion.

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

VOTE

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

Ms. Templin said, "Thank you."

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Chairman Unruh said, “Thank you Jo. Madam Clerk next item.”

DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING

G. AGREEMENTS WITH RURAL COMMUNITY GROUPS FOR DELIVER OF USDA COMMODITIES.

- **CITY OF GODDARD, KANSAS**
- **CITY OF VALLEY CENTER, KANSAS**

Mr. Ray Vail, Director of Finance, Department on Aging, greeted the Commissioners and said, “We are here today to present to you the two remaining commodities Contracts that were not presented to you on the 26th of September. These are for the Cities of Goddard and Valley Center. These Contracts allow for the distribution of the U.S.D. commodities in rural communities.

These contracts have been approved by Finance and Legal and I ask that you approve the Agreements and authorize the Chair to sign, and I can answer any questions.”

Chairman Unruh said, “Thank you. Are there any comment or questions? What’s the will of the Board?”

MOTION

Commissioner Parks moved to approve the Agreements 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, “Than you Ray. Next item please.”

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DIVISION OF HUMAN SERVICES – COMCARE

H. CONTRACT WITH VIA CHRISTI REGIONAL MEDICAL CENTER FOR COMCARE TO PROVIDE AN IN-PATIENT CORRINATOR.

Ms. Marilyn Cook, Director, COMCARE, greeted the Commissioners and said, “This is a Contract that has been in place for well over ten years with Via Christi. The Contract pays a salary and the benefits of a full-time, in-patient coordinator, who was a COMCARE staff member, who works at the Good Shepard Campus.

This individual, this Coordinator, helps with discharge planning for COMCARE patients that are in that unit, helps file involuntary commitment documents when that is needed, participates in case conferences and multi disciplinary team meetings with others at the hospital and ensures that when our patients are discharged that the paper work and the medication orders that they need follow them from the in-patient to the out-patient setting.

We’re recommending that you approve the Contract.”

Chairman Unruh said, “Thank you. Commissioners, are there any questions about this Contract?”

MOTION

Commissioner Norton moved to 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

Ms. Cook said, “Thank you.”

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

I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON OCTOBER 25, 2007.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of October 25th resulted in three items for consideration today. First item is Change Order #1:

**1. CHANGE ORDER #1 – PILLAR FOUNDATION AND ELEVATOR SHAFT REMOVAL AT 233 S. ST. FRANCIS FOR THE DOWNTOWN ARENA SITE – FACILITIES DEPARTMENT
FUNDING – ARENA SALES TAX**

Recommendation is to accept the Change-Order and modify the work plan with Bradburn Wrecking in the amount of \$15,000. Item #2:

**2. CUSTODIAL SERVICES FOR THE DIVISION OF INFORMATION AND OPERATIONS – FACILITIES DEPARTMENT
FUNDING – BUILDING MAINTENANCE**

Recommendation is to accept the proposal from SBM Site Services to establish contract pricing for an annual cost of approximately \$371,520.00 and execute a two-year Contract with a one-year option to renew for a not to exceed 3% increase. And item #3:

**3. DATA STORAGE UPGRADE – DIVISION OF INFORMATION & OPERATIONS
FUNDING – TECHNOLOGY ENHANCEMENT, GEOGRAPHICAL INFORMATION SERVICES AND E-RECORDING PROJECT**

Recommendation is to accept the quote from Xiotech in the amount of \$26,397. Would be happy to answer any questions and I recommend approval of these items."

Chairman Unruh said, "Thank you Iris. We do have a questions from Commissioner Winters."

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Commissioner Winters said, "Iris, I would like to have you, or someone perhaps, give us some additional information about item number 2, the custodial services for the Division of Information and Operations. I know that, well I guess I would just like to have somebody talk to me about the process we went through. I see we had a committee, I'd just like to hear from that committee what all happened."

Ms. Baker said, "Okay. The process, in regards to the process, standard RFP process, whereby we solicit proposals, once they are received, a committee, comprised of primarily stakeholders, and the Purchasing Department, and your stakeholders are your folks who are the most impacted by the work that's to be done, they've evaluated all the proposals and in the review of the proposals, they eliminated two that did not meet qualifications and requirements, And those happened to be M&G and MIT, they're very small companies, we just didn't feel that they could provide services for the scope of size that, of this project.

After that process, three vendors were short-listed and the short list is generated from, is based on qualifications that they offer, methodologies and approaches and costs. And that short list included Executive Management Services, GMI and SBM Site Services.

At that point in the process, interviews were scheduled with these firms, references are checked and verified and then through the interview process, additional questions regarding the project, regarding their philosophies, their business practices, are discussed and then from that point then the Committee evaluates the (inaudible), weighs the interviews along with the rest of the process and comes up with a recommendation. This particular case, they unanimously selected SBM."

Commissioner Winters said, "And so then, can you tell the Commission what costs differences we are looking at?"

Ms. Baker said, "Costs differences vs. the current Contract in place is approximately \$1,152.40 a month, which will generate, which equates to \$13,828 and some odd cents savings per year. So the recommendation being made is less, cost wise it is less than the current services in place."

Commissioner Winters said, "I did have an occasion to visit with the current contractor and I was a little bit confused, I don't know, maybe I have seen this on the RFP about the methodology used in calculating future cost increases, the current contractor believed that the way that they answered that may have had a negative influence on their bid, but can you tell me if that is correct or if that's

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not correct?”

Ms. Baker said, “I’d have to defer to the Committee, but in the discussions that I had with staff, I don’t recall there being any issues or confusion about what was presented in the way of...”

Mr. Steve Klassan, Facilities Director, greeted the Commissioners and said, “I participated in the group and I think that question was really asked so that we could handle in the future and out years. This Contract is fixed for two years for there’s potential for escalations the first two years. The third through fifth years there would be a potential for escalations and it was, we were just trying to identify how those costs would be included, but that really didn’t weigh on the Committee’s, in any way really, in the Committee’s selection of SBM.”

Commissioner Winters said, “So Steven, our conversation, it came down to the Committee’s decision based on costs?”

Mr. Klassan said, “Cost was a significant factor. There were other considerations, but we couldn’t disregard costs, costs certainly was a significant element.”

Commissioner Winters said, “Thank you. That’s all I have right now.”

Chairman Unruh said, “All right, thank you Commissioner. This company is, that you’re recommending, is not a local company?”

Ms. Baker said, “The Corporate Office is in California, it has a strong local presence, they employ over 300 folks in the Wichita area to service some of the larger companies in the area. So they have a Wichita site.”

Chairman Unruh said, “And part of our process would include doing reference checks to talk about the quality of their work and that sort of thing?”

Ms. Baker said, “Correct.”

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

Commissioner Parks said, “I would like a copy of the RFP on that issue and how are we insuring that I-9’s are being checked? Is that in the RFP or...?”

Ms. Baker said, “The particular company that we are recommending has a specific process in place, which is part of their background check. They do verification on I-9’s and it is a requirement of their employment and it is outlined in their proposal.”

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Commissioner Parks said, "Okay, thank you."

Chairman Unruh said, "Commissioners, any other question or comment? Commissioner Winters?"

Commissioner Winters said, "And I don't exactly know what I'm saying here except that I would say that I do know and have known the people who are currently doing our business for sometime. And I guess that I would say that I have confidence in the way that we do Bid Board selections because I suppose if I was sitting down there looking at which company to select I, you know, may look at past business practices and I guess I do appreciate the Bid Board being totally objective and I think, even though sometimes I don't always like the outcome, I guess I am certainly going to agree with the Bid Board."

Chairman Unruh said, "All right, thank you Commissioner. And you well said that, you know the current vendor, some of us are familiar with the operator and would, just want to do this thing professionally and I suppose that there are times that sometimes we need to expand our efforts a little bit, perhaps reach out to the folks that are current vendors and, I suppose, advise them of the way the bids going to go and just to be in communication with them. I don't know if that's part of the process or not, but something we might consider I guess."

Ms. Baker said, "We did share the discussion with the vendor."

Chairman Unruh said "Thank you. Commissioner Norton?"

Commissioner Norton said, "I know there is some angst because we have to make decisions sometimes based on costs, we also try to do as much bidding and work locally as we possibly can, but the truth is we are charged to take the lowest responsible bid. And that's our policy, that's our guideline from the State in many respects because we are a creation of the State and there's some funding and bidding practices that we have to follow and one of them is to take the lowest responsible bid.

And we can change that sometimes if we conclude that some of the bidders have not met requirements that would make them responsible or could not do the scope of work, but at the end of the day one of our challenges is to take the lowest responsible bid and we can't determine that someone cannot be responsible or cannot do the work then we can change that bid process and make different conclusions.

The truth is there is a pretty wide disparity and the costs that it would be charged to the taxpayers of our community and unless we can come up with some logical conclusion that that bid is not

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responsible, even though it's the lowest, then we're almost forced to make a decision based on the charge that is put before us as elected officials from the State government.

You know, if it was a few hundred dollars and we could see where the, maybe the hiring practices weren't good, then we would have to make a different conclusion."

Chairman Unruh said, "Thank you. Commissioners, are there any other questions or comments? Hearing none, what's the will of the Board?"

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

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

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

CONSENT AGENDA

J. CONSENT AGENDA.

- 1. One Easement for Right-of-Way for Sedgwick County Project 634-32, 33, 34, 35, 36; Widen 63rd Street South between Rock Road and the Butler County line. CIP# R-275. District #5.**

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2. **One Temporary Construction Easement, one Permanent Drainage Easement and, one Right-of-Way Easement for Sedgwick County Project 614-e 1/2 34, 35, 36; Widen 21st Street North between K-96 Bypass and 159th Street East. CIP# R-256. District #1.**
3. **MAPD Case Number CUP2006-38 (Associated with ZON2006-39)- Extension of time to complete platting requirement for a zone change from “SF-20” Single-family Residential to “LC” Limited Commercial. Generally located east of Ridge Road between K-96 and 45th Street North. District #4.**
4. **MAPD Case Number VAC2007-00027 – Request to vacate portions of platted floodway reserves and the platator’s text; Generally located between Meridian Avenue and West Street from 61st Street North to 69th Street North.**
5. **Pay adjustment for Accounting Director and Budget Director.**
6. **Cereal Malt Beverage License for Sedgwick County Zoological Society, Inc.**
7. **Termination Agreement terminating lease with Builders, Inc., for space located at 1530 S. Oliver, Suites 110, 111, 112, and 113, Wichita, Kansas, currently used by the Health Department.**
8. **Schedule post annexation Public hearing for November 28, 2007 (City of Park City).**
9. **Agreement with KSNW for Change of Control and Assignment to NVT Wichita, LLC for online computer access to County databases.**
10. **Section 8 Housing Assistance Payment Contracts.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V07064	\$270	4	Valley View Apts.

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V07065	\$254	Butler	Brookside Cottages
V07066	\$253	Butler Andover	Sunflower Apts. of
V07067	\$284	Butler	Savannah Park Apts.
V07068	\$278	Harvey	Southside Apts. Phase 1
V07070	\$370	Butler	Craig Waltman
V07071	\$231	5	Hearth Hollow Apts.
V07072	\$229	2	Main St. Place Res.
V07073	\$298	2	Village Green Apt Homes
V07074	\$261	5	Leroy/Beatrice Foss
V07076	\$453	5	Hearth Hollow Apts.
V07078	\$575	4	Arc Real Estate Hold.
V07081	\$295	2	Main St. Place Res.
V07082	\$640	2	Bridgeway Apt. Homes
V07084	\$211	Butler	Brookside Cottages
V07085	\$435	Butler	Andover Crossing Apts.
V07086	\$454	5	William Favreau
V03046R	\$306	5	Springcreek Apts.

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V04073	\$207	\$263
V20118	\$252	\$251
V20127	\$357	\$360
V06064	\$400	\$400
V05086	\$201	\$203
V99066	\$321	\$293
V010162	\$315	\$287
V04075	\$230	\$220
V06066	\$102	\$147
V06065	\$267	\$266
V05085	\$210	\$198

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V99076	\$374	\$294
V06060	\$290	\$287
V04068	\$213	\$183
V99073	\$290	\$287
V03085	\$270	\$271
V06053	\$328	\$270
V06062	\$150	\$160
V05063	\$215	\$223
V04069	\$264	\$224
V05076	\$243	\$242
V20122	\$190	\$160
V06055	\$500	\$500
V98004	\$372	\$366
V05057	\$300	\$226
V05077	\$137	\$137
V06042	\$270	\$532
V04078	\$384	\$425
V2075	\$425	\$311
V03096	\$283	\$282
V05059	\$144	\$129
V94101	\$205	\$195
V05066	\$485	\$447
V020068	\$291	\$295
V05058	\$270	\$450
V95119	\$360	\$360
V05061	\$129	\$90
V04064	\$298	\$287
V05036	\$82	\$235
V07022	\$212	\$287
V06035	\$274	\$145
V05101	\$350	\$261
V05004	\$453	\$732
V07049	\$595	\$567
V06019	\$284	\$187
V05051	\$640	\$481
V07032	\$475	\$207
V020051	\$136	\$196
V06023	\$404	\$282
V04067	\$474	\$253
V04037	\$309	\$364

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V04037	\$405	\$309
V06003	\$189	\$255
V06003	\$357	\$189

12. **Payroll Check Register for October 19, 2007.**
13. **Order dated October 17, 2007 to correct tax roll for change of assessment.**
14. **Order dated October 24, 2007 to correct tax roll for change of assessment.**
15. **General Bills Check Register(s) for the week of October 17 – October 23, 2007.**
16. **General Bills Check Register(s) for the week of October 24 – October 30, 2007.**

Mr. William P. Buchanan, County Manager greeted the Commissioners and said, “Commissioners you have the Consent Agenda before you and I would recommend that you approve it.”

Chairman Unruh said, “Thank you, we do have a question from Commissioner Parks.”

Commissioner Parks said, “I don’t know if we need to pull it to discuss it but I would like to discuss number 4 a little bit. Just to have a comment on that.”

Chairman Unruh said, “Okay, Commissioner, it’s up to you whether or not we pull it or not. If you just want to talk about it...”

Commissioner Parks said, “I would just like to talk about it, I don’t think it’s going to be necessary to pull it, in fact it would probably hurt the situation more than it would help to pull it.

I have some ex parte information on this, I will tell you that I went to a Planning Commission meeting last night in Valley Center. The gist of that was that the procedure, you know it was on our Agenda today, it was on Valley Center’s Planning Commission last night. It went to MAPD first before it went to Valley Center and I believe that somebody in Legal had mentioned that that wasn’t really a procedure that needed to happen. But in the future I just would...”

Commissioner Winters said, “Let’s just pull it off of this Consent and have it as an Agenda item next week.”

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Commissioner Parks said, “Well, I think they’re wanting to get some progress on it, but I just wanted to say that as far a procedure goes, I think we’re going to be okay, but I don’t think anybody will challenge it in any event.

So the Chairman of the Planning Commission just wanted me to pass that along that in future times that they would do that. They did approve it last night by the way. So, I am going to be in favor of the Consent Agenda.”

Chairman Unruh said “Okay, so this item has found approval through all the steps?”

Commissioner Parks said, “Yes, but it just was getting pretty close in that realm of passing or not. If we would have had this today and Valley Center Planning Commission hadn’t had an extra special meeting, and they reason they did that is because they had, they didn’t have a quorum for the last one, but the procedure in the first place was that it didn’t go to Valley Center before it went to MAPD and there isn’t going to be any legal issue over that, or that it’s going to be contested, I’m sure.”

Chairman Unruh said, “Thank you. Any other comment? What’s the will of the Board regarding the Consent Agenda?”

MOTION

Commissioner Welshimer moved to approve the Consent Agenda as presented.

Commissioner Winters seconded the motion.

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

VOTE

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

Chairman Unruh said, “We’re at the end of our Regular Agenda for Regular Board Meeting, but Commissioners, we need to have a Fire Meeting, so I will recess the Regular of Board of County

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Commissioners and call to order the Board of County Commissioner sitting as a governing body of Fire District #1 in Regular Meeting, October 31, 2007.”

The County Commission recessed into the Fire District #1 Meeting at 11:20 a.m. and returned from recess at 11:24 a.m.

Chairman Unruh said, “I call back to order the Regular Meeting of the Board of County Commissioners. We are needing a motion to go into Executive Session, but before that this is an appropriate time for “Other” comments. Commissioner Parks?”

K. OTHER

Commissioner Parks said, “I just wanted to make sure that community leaders, citizens and everyone that is listening to keep their calendar open for November 17th, later afternoon, African-American Museum is going to have a ceremony at the River and there is going to be a major announcement and I be at will future meetings, I’ll expand on that as I can. Thank you.”

Chairman Unruh said, “Thank you. Commissioner Winters?”

Commissioner Winters said, “Thank you, Mr. Chairman. Just very briefly, I wanted to mention, I was in Washington DC for two days last week, traveling there with State Representative Melody Miller, District Court Judge Jim Burgess and our Corrections Director Mark Masterson and myself. The John T and Katharine T McArthur Foundation had become very interested in juvenile justice reforms and a year ago they selected four states to participate in some intensive work with their foundation, Illinois, Louisiana, Pennsylvania and Washington.

They have asked Kansas, Wisconsin and North Carolina to join that group. And the official and formal announcement will be coming in December and we’ll have much more to talk about. But I think we can look forward to, really, some innovative things in juvenile justice and one of the reasons we were selected is because as juvenile justice reform happened in Kansas beginning in 1998, we have been a very important intrical part of that and they have observed that work and so, again, more to come on this issue in December.”

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

Commissioner Welshimer said, “I just had one thing to bring up. November 15th, Cox Cable is going to discontinue some of their old type of programming where you would get a certain

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block of stations and then you would have HBO and so on, and that type of programming would, had on Channel 8, live, for our County Commission meeting. And that's going to be gone. They are going to transfer that over to their digital type programming, which does not have our meeting.

A lot of people will lose the live presentation of it, but they can watch it at 7:00 in the, 6:00 in the evening on Channel 7."

Chairman Unruh said, "I appreciate hearing about that. I wasn't aware of that. I don't know if our Communications Department knows anything about that, but we need to, I would suppose, modify what we're doing in some way to keep us live."

Ms. Kristi Zukovich, Director, Communications, said, "We will check into that. I will have a conversation with Scott Schneider and find out what is occurring and this is the time of year that we begin to renew our contract with KPTS and so we will explore what those options are and I will get back with you. We had not been aware of that either."

Chairman Unruh said, "Thank you Kristi."

Commissioner Welshimer said, "Then I am going to be visiting the different departments in the Court House today with treats. Halloween treats."

Chairman Unruh said, "Does that include the County Commission Office?"

Commissioner Welshimer said, "You get one first."

Chairman Unruh said, "Thank you."

Commissioner Welshimer said, "Even if you are fuddy-duddies."

Chairman Unruh said, "I am that. Commissioner Norton?"

Commissioner Norton said, "I hadn't been called a fuddy-duddy in a while. I wanted to comment on Exploration Place. We still have great exhibits there. They've added a couple of new ones, one for kids and one called "Monkey King" in which it explores, I'm not even sure exactly what the exhibit is, but I would encourage you to stop by the DiVinci exhibit is still there, the Race exhibit is still there. Wonderful thing to do with the family, so I encourage people to stop by Exploration Place.

I generally comment on parking at this time for the Arena. That's about all I'm going to do this

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week. We haven't met, I think we're meeting later this afternoon to discuss Arena parking. We didn't get the meeting in before our Regular Commissioner meeting, but I will report next week as to where we're going.

We've had some pretty good beginning discussions with the City and we're working to expand that now to decide where we go next. The dialogue has not stopped, we're still taking that issue very seriously.

The last thing I have, I got an e-mail, somebody has asked me to just remind folks that if they are making out their Christmas lists, you can send a Christmas card to a recovering American soldier at the Walter Reed Army Medical Center at 8900 Georgia Avenue, NW, Washington DC, 20307. And I think that's an admiral cause that maybe could be brought up today. There is information out, but as we go into the holiday season, let's remember those folks that are overseas and putting their lives on the line for our American freedoms and you can contact them and make them part of your Christmas by sending them a Christmas card. That's all I have today."

Chairman Unruh said, "Thank you. I don't see anything else and we're ready for a motion to Executive Session, and if we get in and out of that, I can make my presentation at Southeast Optimist Club at noon.

Commissioner Winters said, "We have 20 minutes, is there any way that we can do that in 15 do you think? We'll try for 15?"

MOTION

Commissioner Winters moved to recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 11:45 a.m.

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

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Commissioner Welshimer Aye
Chairman Unruh Aye

Chairman Unruh said, "We are in recess."

The Board of Sedgwick County Commissioners recessed into Executive Session at 11:30 a.m. and returned 11:54 a.m.

Chairman Unruh said, "We are back from Executive Session, so we'll call back to order the Board of County Commissioners and their Regular Meeting and declare for the record that while we were in Executive Session, no binding action was taken. And at this time, Commissioners, is there anything else to come before the Board? Mr. Buchanan? Ms. Magana? All right then, we are adjourned."

L. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:55 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

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KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner,
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

, 2007