

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

### **REGULAR MEETING**

**November 12, 2008**

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, November 12<sup>th</sup>, 2008 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Chair Pro Tem Tim R. Norton; Commissioner David M. Unruh; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Chris Chronis, Chief Financial Officer, Division of Finance; Sheena Lynch, HR Specialist, Division of Human Resources; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Ron Holt, Assistant County Manager; Mr. Steve Claassen, Facilities Director, Division of Information and Operations; Mr. Glen Wiltse, Director, Sedgwick County Department of Code Enforcement; Ms. Annette Graham, Director, Department on Aging; Ms. Jo Templin, Director, Human Resources; Mr. Pete Giroux, Principal Analyst, Division of Finance; Ms. Iris Baker, Purchasing Director, Division of Finance; Ms. Amanda Matthews, Communications Coordinator, Communications; Ms. Carol Cole, President, Kansas African American Museum; Mr. Robert Lamkey, Public Safety Director, Public Safety; and, Ms. Kristi Vermillion, Deputy County Clerk.

### **GUESTS**

Mr. Justin Thall, Youthville  
Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.  
Ms. Marsha Hills, Alzheimer's Association  
Mayor Dee Stuart, Mayor of Park City  
Mr. Kevin Brand, 11801 Albert Circle, Maize, KS 67101  
Mr. Richard LaMunyon, City of Maize

### **INVOCATION**

The Invocation was led by Pastor Mike Bingenheimer of Ascension Lutheran Church, Wichita

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES**

Regular Meeting October 8, 2008  
Regular Meeting October 15, 2008  
Regular Meeting October 22, 2008

### **MOTION**

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Commissioner Welshimer moved to accept the minutes as read.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Next item.”

**PROCLAMATION**

**A. PROCLAMATION DECLARING NOVEMBER 15<sup>th</sup>, 2008 AS DORIS KERR LARKINS DAY.**

**Chairman Winters** said, “Commissioners I have a proclamation for your consideration.

**WHEREAS**, the Kansas African American Museum was established in 1974 under the name of the “First National Black Historical Society;” and

**WHEREAS**, Doris Kerr Larkins led the initiative to establish the museum and save the church in which the museum was housed; and

**WHEREAS**, the Doris Kerr Larkins Heritage Luncheon is named in honor of the museum’s founder and recognizes community persons for their life-long commitment to the development of our community; and to celebrate the rich heritage and artistic excellence of people of African descent; and

**WHEREAS**, this year, the Doris Kerr Larkins Heritage Luncheon will be held on Saturday, November 15<sup>th</sup>, featuring guest speaker, Kimberly Burkhalter, Director of Equity & Accountability for the Wichita Public School system, who will address our theme *A Year of Change*; and

**WHEREAS**, this year, honorees include Mark Criner who will be presented the Doris Kerr Larkins

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Heritage Award; Wendell Smith who will receive the Torch Award, and Rachel Norwood who will be presented the Museum Service Award.

**NOW, THEREFORE IT BE RESOLVED**, that I, Thomas G. Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 15<sup>th</sup>, 2008 as

**‘DORIS KERR LARKINS DAY’**

in Sedgwick County and encourage all citizens to participate in the Doris Kerr Larkins Heritage Luncheon and to support The Kansas African American Museum. Dated November 12<sup>th</sup>, 2008. Commissioners, that is the proclamation, what is the will of the Board?”

**MOTION**

Commissioner Parks moved to adopt the proclamation.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “And here to accept the proclamation is Carol Cole, the President of the Kansas African American Museum.”

**Ms. Carol Cole**, President, Kansas African American Museum, greeted the Commissioners and said, “Good morning Commissioners. Thank you so very much. We appreciate all of the support that you lend the Kansas African American Museum. We are very excited about our program that will happen this Saturday. We have a wonderful speaker, who is local, who will be coming before us. She is the newly appointed Director of Equity and Accountability for USD 259 and we are very sure that she has much to share with us on our theme, A Year of Change. We have three wonderful people in our community that we will be recognizing at that time and we are sure that all of you would want to be a part of our program this Saturday and look forward to you joining us at that

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time.”

**Chairman Winters** said, “Alright, thank you Carol. And again if someone wants to secure a reservation or a ticket do they need to call in advance and how would they do that?”

**Ms. Cole** said, “Yes, they can contact the Kansas African American Museum by calling 262-7651 and speaking with our staff there. Tickets are \$40 and lunch is included.”

**Chairman Winters** said, “Alright, very good. Well, we wish you the best success for this weekend event and congratulations on your celebration.”

**Ms. Cole** said, “Thank you Commissioners.”

**Chairman Winters** said, “Alright, Madame Clerk would you call the next item?”

**B. PROCLAMATION DECLARING NOVEMBER 15, 2008 AS “NATIONAL ADOPTION DAY”.**

**Chairman Winters** said, “Commissioners, the next proclamation.

**WHEREAS**, Sedgwick County recognizes the importance of giving children permanent, safe and loving families through adoption; and

**WHEREAS**, more than 129,000 children in the United States’ foster care system are waiting to be adopted; and

**WHEREAS**, more than 850 children in Kansas are waiting for permanent families with more than 350 of those children from the Wichita area in Youthville’s care; and

**WHEREAS**, to help these children find permanent, nurturing families, the local courts of Wichita will open their doors on National Adoption Day, Saturday, November 15<sup>th</sup>, to finalize the adoptions of local children and join other organizations to celebrate all adoptions; and

**WHEREAS**, this effort, along with similar celebrations in all 50 states, will offer children the chance to live with stable and loving families and encourage other dedicated individuals to make a powerful difference in the lives of a child through adoption;

**NOW, THEREFORE BE IT RESOLVED** that I, Thomas G. Winters, Chairman of the Board of

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Sedgwick County Commissioners, do hereby proclaim November 15<sup>th</sup>, 2008 as

**‘NATIONAL ADOPTION DAY’**

and in so doing, urge all citizens of Sedgwick County to join in a national effort to raise awareness about the importance of adoption from foster care. Dated November 12<sup>th</sup>, 2008. Commissioners, that is the proclamation, what is the will of the Board?”

**MOTION**

Commissioner Unruh moved to adopt the proclamation.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “And to accept the proclamation, Justin Thall is here. Justin, welcome to our meeting.”

**Mr. Justin Thall**, Youthville, greeted the Commissioners and said, “First off, I wanted to say that Shelly Duncan, our CEO, intended to be here but last week we found out we had a JACO survey and so she had to be in meetings this morning. I would like to thank, it is an honor for Youthville to accept this proclamation and I would like to thank the judges of the Juvenile Court; Judge Burgess, Judge Flaigle, Judge Henderson and Judge Brooks, and that they have participated in this event for the last three years and it’s a very important and special event for our families and Sedgwick County. This year will be the biggest event that we will have. It is at Exploration Place and we will be finalizing 34 adoptions for kids in this County so that is definitely, you know, something that is very special for the families and the children in this County so I would like to thank you for that.”

**Chairman Winters** said, “Alright, well, Justin thank you very much for being here. We appreciate all the work that Youthville does in this area of the State. We know that is very valuable and we

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appreciate all of your work very much.”

**Mr. Thall** said, “Thank you.”

**Chairman Winters** said, “Thank you. Next item.”

**C. PROCLAMATION DECLARING NOVEMBER 2008 AS NATIONAL FAMILY CAREGIVER’S MONTH.**

**Chairman Winters** said, “Commissioners, the final proclamation for you this morning is

**WHEREAS**, providing care to an older loved one who is chronically ill or disabled can be a complex and difficult task---a task that is often unpredictable, emotionally tasking, and at odds with the caregivers home and work responsibilities. Already, family caregivers provide more than 80 percent of all homecare services. Without the love and support these individuals provide, these homecare services would have to be paid for with federal, state or county funds

**WHEREAS**, the American population is aging and “baby boomers” are getting closer to the age of 65. This “graying of America” is expected to increase the need for at-home family caregivers. As medical science continues to extend life through modern technology, the number of family caregivers will increase rapidly. So, the question is: who cares for the caregivers?

**WHEREAS**, caregivers need the support of friends, neighbors and the community. When a caregiver reaches out to the community the caregiver becomes stronger, as does the community. Support is received by reaching out.

**WHEREAS**, Sedgwick County Department on Aging, Central Plains Area Agency on Aging and other human service agencies encourage family caregivers to “speak up” this November for your rights and reach out to others.

**NOW, THEREFORE BE IT RESOLVED** that I, Thomas G. Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 2008 as

**‘NATIONAL FAMILY CAREGIVERS MONTH’**

in Sedgwick County and encourage all citizens to honor the family members, friends and neighbors who shoulder care giving responsibilities. Dated November 12<sup>th</sup>, 2008. Commissioners, that is the proclamation, what is the will of the Board?”

**MOTION**

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Commissioner Welshimer moved to adopt the proclamation.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “And to receive the proclamation is Marsha Hills. Is Marsha here this morning? Yes, please come forward to the podium. Welcome and we are glad you are here.”

**Ms. Marsha Hills**, Alzheimer’s Association, greeted the Commissioners and said, “Good morning Commissioners. On behalf of just one of the agencies that serves the caregiver population, I am from the Alzheimer’s Association, and serving over 5,000 constituents in a year’s period, offering programs and services, respite grant programs through which some of the Sedgwick County Commissioners support and through our 24 hour, 24/7 Helpline, we want to thank you for this award.”

**Chairman Winters** said, “Alright, thank you very much. This is often a field where so many volunteers and family members are making huge contributions and it goes unnoticed by many of us.”

**Ms. Hills** said, “Exactly.”

**Chairman Winters** said, “And so we appreciate your bringing again this year our attention to the responsibilities that caregivers provide.”

**Ms. Hills** said, “And it is about the caregivers. We find that many of the caregivers actually decline in health before the person that they are taken care of because of the awesome duty that they are obligated to take care of.”

**Chairman Winters** said, “Alright, well, we appreciate you and your organization recognizing those

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needs.”

**Ms. Hills** said, “Thank you so much.”

**Chairman Winters** said, “Thank you. Madame Clerk, would you call the next item?”

**CITIZEN INQUIRY**

**D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING TAXES IN SEDGWICK COUNTY.**

**Chairman Winters** said, “Mr. Manager and others I think we have been notified that Mr. Fulp will not be here. Is Mr. George Fulp in the room this morning? Alright, he is not present, please call the next item.”

**PRESENTATION**

**E. PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.**

**Ms. Sheena Lynch**, HR Specialist, Division of Human Resources, greeted the Commissioners and said, “We have several certificates to give out today so I will ask all the recipients to please join me on this side of the room. We are here today to reward these individuals for their hard work and dedication to Career Development. Each of these certificates has a number of required classes as well as elective hours. This is a lengthy process depending on the availability of classes and their schedules. I would like to thank the managers and supervisors for allowing them time away from work to continue their career development. The first certificate we will be giving out is the Diversity/Cultural Awareness Certificate and these recipients include: Khyra Anderson; Beth Cooper; Anabell Dellinger; Kevin Duncan; Ann Gutierrez; Scott Louthan; Lennel Mullins; Summer Peerson; Rona Rosenboom; Millie Sain-Taylor; and Regina Vitale.

Those receiving the Professional Development Certificate include: Khyra Anderson; Kevin Duncan; Scott Louthan; Summer Peerson; Justin Powell; Meredith Thompson; and John Valko.

Those receiving the Supervisory/Management Certificate include: Kevin Duncan; Scott Louthan; Glenda Martens; Summer Peerson; Meredith Thompson; and Jason Ybarra. Thank you.”

**Chairman Winters** said, “Alright, thank you. Alright, now before you leave just a couple of quick comments on behalf of the Commissioners and others with the County we want to tell you how much we appreciate your making the effort to go a step above and beyond what would probably be

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needed but your attention to career development is what makes Sedgwick County, I think, a very good institution and in doing that you help us do better as an organization and secondly, I want to say how much we appreciate your coming to the meeting today. Sometimes that is kind of an afterthought that you think well, how important is it that I go to the Wednesday morning meeting. Well, we think it is important. We know there are reasons that some could not be here and they are probably work related but it again gives the Commissioners an opportunity to see and connect more with you as folks who are working in this organization and we have a couple of other comments. Commissioner Norton?"

**Commissioner Norton** said, "Well, I am a big believer in continuing education and obviously you are too but I did want to send out kudos to three people I think that got the trifecta and that is Kevin, Scott and Summer, that went through all three programs today so I know that takes a lot of time. I think it is great that everybody here that was recognized worked hard to get through whatever training they went through but to get all three certificates today is really amazing and we really appreciate it."

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

**Commissioner Parks** said, "I just wanted to ask Sheena or somebody from HR, does this now, the completion of these, does this move them up on the matrix or does this get them a little closer to maybe some monetary rewards out of the process?"

**Ms. Lynch** said, "I can't give a direct answer to that but it gives them an opportunity to have a little bit more professional development within their job."

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

**Chairman Winters** said, "Alright, again, thank you all very much. We appreciate your extra efforts in furthering your career. Thank you. Madame Clerk, would you call the next item?"

### **F. PRESENTATION OF QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING SEPTEMBER 30, 2008.**

**Mr. Chris Chronis**, Chief Financial Officer, Division of Finance, greeted the Commissioners and said, "I am here to give you the report of the County's financial condition as of the end of the third quarter, which ended September 30<sup>th</sup>. We are a week or two later than we normally make this presentation. As you know, you didn't meet last week and the meeting before that was an abbreviated meeting because you had a very good event that you needed to get to quickly and so we delayed this a couple of weeks and that has actually turned out to be a good thing because it gives

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me a chance, as you will see at the end, to give you a somewhat more current update of conditions than I would have been able to just a couple of weeks ago.

### **POWERPOINT PRESENTATION**

This rather busy chart tracks the revenues and the expenditures of the County for each of the last three years and each bar is divided into segments. Each segment represents one quarter, so the blue bar at the top, the darker blue bar, represents the first quarter expenditures of the County and they were 19.5% of the annual budget. The second quarter expenditures, moving farther to the right, were 22% of the annual budget. The third quarter expenditures were almost 25% of the budget. The total expenditures through the end of the third quarter are just under \$250 million. The revenue through three quarters of the year is almost \$315 million. That pattern of revenue being much higher than expenditures at this point in time is normal, as you know we receive most of our property tax revenue in two installments, both of which have already passed and so we have received essentially all of the property tax revenue that we will collect this year. We will spend that down that property tax revenue as we move into the last portion of the year. Our expenditures through the first three quarters of the year are a little over 3%, 3.2% higher than expenditures were a year ago and we are looking here at only operating funds, not at capital funds so the arena tax and the arena expenditures are isolated out of this. This just includes operations, 3.2% higher. Our revenues are 4.9% higher than a year ago. So our revenues, through three quarters of the year, continue to be strong. They continue to be on or above what we anticipated for this year, through three quarters of the year, we had not seen very much impact from changes in economic conditions. As I'll explain to you towards the end of this presentation, we are now starting to see those impacts and I will go into a little bit more detail about that later.

Looking just at revenues, the major revenues of the County are shown on this chart and far and away the most significant revenue source that funds this government is ad valorem taxes, property taxes. You see here on the bottom of the chart, three rows representing ad valorem taxes, for the three, last three years, 2008, 2007 and 2006 and what we're showing are nine months of revenue. That is the revenue for each of those three years through September 30<sup>th</sup>. We had collected \$133.9 million of property taxes through nine months of this year. That is a 6.1% increase over the corresponding time a year ago. That increase in revenue is entirely consistent with the change in the tax base that occurred from one year to the next. That is you've maintained the property tax rate at the same level so the growth in revenue is solely a function of increased property values in the community.

The second largest source of revenue for us is charges for services, towards the top of this chart. We collected \$75.5 million of charges for services through three-quarter of the year that is a 4% increase over the prior year. And you see relatively similar percentage adjustments in each of the

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revenue sources with the exception of motor vehicle taxes, which is a relatively small source of revenue in this, on this chart, although it is a large one for the County as a whole, our motor vehicle taxes at \$13 million were nearly 10% higher than the same point a year ago.

Now, when we talk about, going a little bit too fast here, when we talk about property taxes, many times people confuse what we are talking about with what they see on their property tax bills. What they see on their property tax bill is the property tax levy of Sedgwick County and of a city if they live in the city and of a township, if they live in the township or the Fire District and of a school district. So what they see on their property tax bill for County taxes typically is about one-quarter of the total that appears on that bill. County taxes in 2008, the 2007 tax year, are just under \$125 million. The total tax levy in Sedgwick County from all governments is \$480 million so again Sedgwick County represents only about one-quarter of that total property tax levy and that is all we are talking about in this presentation. Now turning to individual revenue sources as opposed to the categories that I described earlier, the ad valorem taxes, again almost \$134 million, we have collected essentially all of the property tax revenue that we will collect for the year. We receive those largely in two installments, in January and June. The sales tax that you see here is the County local options sales tax that goes to the County's general fund and to the County's Road Construction Program. We had collected \$20.4 million, \$20.39 million through September 30<sup>th</sup> that is 78% of the annual budget, it's almost a 6% increase over sales taxes at the same point a year ago.

Medicaid fees at \$19.4 million are somewhat below where we had expected they would be when we adopted the budget for 2008. That is attributable to a couple of things. First, there is a new state plan governing Medicaid, which has reduced rates somewhat, and secondly, there has been a change in the way Medicaid is paid for Attendant Care services from for the community developmentally disabled folks. That funding no longer flows through Sedgwick County. It did a year ago and we had anticipated that when we adopted this budget. Investment income at \$12.69 million is substantially above the anticipated budget, as you see here. We've collected 185% of budget. More to the point, we have collected 5% more than we collected in interest income a year ago. That is a function of interest rates earlier this year, having risen from where they were in 2007 and more importantly, it's a function of the arena sales tax that is being invested until we spend it to pay arena construction bills and so our investment portfolio is artificially high right now, although as you'll see in just a few minutes, it is starting to decrease fairly rapidly as the arena goes up.

Finally, you see motor vehicle taxes here, again, they are collected on the same cycle as property taxes, so we are done for the year essentially and you see revenue from SRS, which is somewhat lower than it was last year. That is a function of a change in the way the health department is paid their grant revenue and a reduction in a contract by Comcare.

Turning now to expenditures. Far and away our largest single category of expenditure is personnel and through three-quarters of the year, we had spent almost \$125 million on County personnel. That

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is 4.6% more than we spent a year ago. That is a function of higher pension contribution rates, higher pay rates and increases in the number of employees that we have on the workforce. Contractual services are the second largest category of expenditure. In this County, we either deliver services with our own employees or we hire a local vendor to deliver those services on our behalf and so we spend an awful lot of money on contractual services, through three-quarters of the year, almost \$94 million, about the same amount as a year ago. Essentially no change there. We spend very little amounts of money in the grand scheme of things on commodities. We don't buy very much stuff and on capital outlay. We don't buy very many things, very many pieces of equipment. Our debt service budget is going down slightly. We spent \$18.2 million on debt service, through three-quarters of the year. That is 2.1% lower than we spent on debt service a year ago and the reason for the reduction is that we didn't sell bonds last year.

Looking at individual expenditures, again, I have already talked about personnel costs. On this chart they make up many of the lines, the individual lines, salary and wages, a function of higher pay for employees and more employees to pay. Salary and wages are \$89.3 million; health insurance is down 5% at \$16.2 million. That is not so much because of changes that we have made in 2008, it's because of a change we made in 2007 that caused our 2007 bill to be artificially high. You will recall that we changed vendors, we changed our employees' health plan at the start of 2007 and at the first of 2007 we had some runoff bills for the old vendor as well as the new bills, the current bills for the new vendor and so that is the reason for this decline. Grant awards are awards that we make to local agencies. They are down about 9% for the year to date. That is primarily because of that case management issue in CDDO that I mentioned earlier on the revenue side, it flows through on the expenditure side as well. Now those agencies are receiving money directly from the State for their Medicaid payments. Our bond principal is down. I have already explained that one. Retirement contributions are up 12% at \$6.9 million through three-quarters of the year. That, I think, is going to be a problem for us going forward. I will talk about that a little bit more as we get to the end of the presentation. But that is something that I think we need to be paying attention to. Our interest expense is related to debt service. I have already mentioned that. FICA is related to personnel. Fleet management charges are significantly higher than a year ago because of the spike in fuel costs earlier this year. Through nine months of the year we have spent 31% more on gasoline and 40% more on diesel than we spent a year ago because of that price spike. And finally, overtime costs are up 9% from over a year ago. Most of that is due to expenditures in the detention facility and in the 911 office and those expenditures are related to high turnover rates in each of those offices. Again I am going too fast.

Looking at some of our significant capital projects now. The Intrust Bank Arena, as you know, is well under way. We have committed \$173.5 million towards the \$205.5 million budget. We have spent \$81 million of that total commitment. We estimate that we are 46% completed with that project and we are well on track to complete the project in early 2010, in January 2010 as we have described and we expect that it will be within the budget that has been approved by the voters. The

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National Center for Aviation Training is an almost \$55 million project. We will sell bonds in early December to finance this project. You know that it is a three building complex. One building is under construction already, the two larger buildings are out to bid right now. We expect to receive those bids, I believe its next week and we'll ask you to award the bids at the end of this month and we will sell the bonds to finance the facility again in the first of December. The Juvenile Court and DA remodel was a \$14 million project financed with bonds that we sold late in 2006. That project is complete now. We have only spent \$11.4 million to date on that project. There are some remaining closeout expenditures but we expect we will come in under budget on that project. The Fire Station Relocation Plan is well under way. The implementation of that plan is well under way. It is an \$8.9 million project to construct four new fire stations; actually I believe a fifth fire station has been added to the plan now. We have spent a total of \$3.6 million on that project thus far. We are 30% through and we expect to be completed with that within about a year from now. The Forensic Science Center Project is a \$4.7 million expansion of the existing facility. It is in design right now. We expect to go to bid very soon and we will fund that project with cash, as you know from discussions that I have recently had with each of you. And finally, the 119<sup>th</sup> Street West reconstruction project is a \$3.8 million project that is nearly complete. We have spent \$3.4 million to date on that project and I am sure the folks on the west side of town are going to be very appreciative of Public Works activity there.

Turning now to the fund balances of the County. What you see on this chart are bars representing each major fund type of the County. The blue bar represents the absolute amount of fund balance; the red dot within the bar identifies the minimum target that we have established for unreserved fund balance within that group by County policy. The general fund is the one that we pay the most attention to. Through three-quarters of the year the unreserved fund balance of the general fund was \$87.1 million. At the end of 2007 it was \$61.3 million and so it has grown this year. We expected that to happen. We run through a cash flow cycle that is based on property tax collections and because we have received those taxes as of June and we are spending them down through the last half of the year, that fund balance will decline as we move into the last half of this year or into the last quarter of this year. Our target for general fund, unreserved fund balance is 20% of budgeted expenditures, which works out to just over \$34 million. We are well above that target and we expect to end the year above that target. The other one that I want to make special mention of is the very large blue bar in the middle of the page for enterprise funds. That includes the arena construction activity and the arena sales tax. We have collected all of that arena sales tax. It turned off as of December 31<sup>st</sup> of last year and it is sitting in the bank now or in investment accounts now until we write checks for construction activity. The fund balance as of the end of the third quarter was \$126.5 million, the minimum target, which is based more on operations then on construction activity is \$14.4 million. We are well above that but to put things in perspective, at the end of the second quarter, at June 30<sup>th</sup>, this unreserved fund balance was \$174.2 million, \$50 million higher than it was on September 30<sup>th</sup>. That is a function of us having collected all of the revenue and now we are drawing down the balances as we pay construction bills and in the third quarter of the year

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we paid about \$50 million of those construction bills. My finger is way too fast today. The investment portfolio at the end of the third quarter, September 30<sup>th</sup>, stood at \$342.7 million. This includes the County's idle cash balances and undistributed tax revenues that have been collected by the Treasurer but not remitted to the various governments in Sedgwick County, to whom they will be distributed on various statutorily provided dates. We are allowed to invest that revenue until those dates and use the interest from those investments to defray our cost of collections for those governments.

The portfolio, \$342 million, is comprised primarily of eight federal agency coupons; Fannie Mae's, Freddie Mae's, Jenny Mae's and the like and the percentage that you see here, 70%-70.5% represents almost \$242 million. That is about the same share of the investment portfolio that we normally have in that category, in that segment, and that is because those are relatively safe investments and they provide a relatively high yield for us. We have less amounts of money invested in CDs, money market accounts, the State's municipal investment pool, treasury bills and overnight repurchase agreements and those are all represented at the top part of this chart. This chart shows our investment performance over time and the size of our portfolio over time and this gives you an indication of the County's cash flow cycle also. We are showing two years of information by quarter on this chart. The green bars represent the size of the portfolio. The blue line represents the yield on County's investments, the red line represents the benchmark that we measure ourselves against and starting about a year and a quarter ago, about 15 months ago, that benchmark started dropping as interest rates started falling. The County is invested in relatively longer term securities and will hold those securities to maturity and so our yield on our investments has not dropped as fast as the marketplace. What you will see going forward is that these two lines will flip flop. Eventually, we will have to invest, as our current securities mature, we will have to invest at lower rates, at market rates, and as the market rises we will be in those relatively low yielding securities for a period of time and so you will see a mismatch between our performance and the benchmark. Right now we are ahead of the benchmark, going forward over the next year or so I am projecting that we will be under the benchmark for that reason. The other thing that you can see on this chart is the peaks in portfolio or in the cash flow in December of each year when we receive the first installment of property tax collections and in June of each year when we receive the second installment or May actually is when we receive it but June is the end of the quarter. You also can see, slightly, looking at September of '07 and September of '08 that our investment portfolio is starting to drop and that is because we are starting to spend increasing amounts of money on the arena construction activity and we are drawing down that fund balance. Well, that is interesting. Ok, I always end up with this slide where we are looking not so much at what happened in the last quarter but we are looking ahead. What are the items that are on our plate that are likely to have some impact on County finances going forward and most of the items that are listed on this slide we have talked about in previous presentations and in other meetings with you so I am not going to dwell on them, you are well familiar with all of them. I do want to spend a little bit of time at the bottom of this chart talking about economic conditions because that is where we are starting

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to see an increased impact of economic conditions on County finances. Through the third quarter of the year we hadn't seen that so much. We were starting at that point to see a decline in our revenues that are tied to building construction and real estate transfers. The revenues that are collected by the Register of Deeds were down, our building permits were down because of the effects of the economy but that hadn't flowed down to other kinds of revenue that the County collects. At the end of September the County's sales tax had been up nearly 6% and I showed you that information already. In October our sales tax plummeted and year to date through October the 30<sup>th</sup>, instead of being up 6% our sales tax is only up 4.5% so that one month made a pretty substantial impact on the annual collections as compared to a year ago. I am expecting that we are going to start to see that decline at increasing rates in the coming months. We have the effect of the Boeing strike, which caused Spirit to put most of its work force on three day weeks, they are still on three day weeks and will be at least into January we are told. We have the layoffs that have just been announced by Cessna and by Hawker Beechcraft. There have been other layoffs to smaller numbers by other suppliers of those companies in town and so we are starting to have the national economy effect us here in Sedgwick County. We are not as immune as we might have hoped to be and that is largely a function of the credit crunch. The aircraft companies all have record backlogs right now and they still do. That is what we thought was going to hold us at a good level, at least for another couple of years. I told you as recently as a couple of months ago, I believe, that I was expecting the downturn to hit us towards the end of 2010 into 2011, as those current orders got filled. Well, what we are seeing is because the purchasers of those orders have lost their ability to finance those planes, they are starting to cancel orders. The backlogs remain at record levels but we are starting to see cancellations and the aircraft companies are starting to plan for increased cancellations and that is going to flow through to all aspects of the local economy. We are starting to see reduced sales taxes that I think are a direct result of that. I am expecting that that rate of reduction in the growth of sales taxes, that is kind of an awkward sentence, but I am expecting that to increase as we go forward. I am expecting property tax values to decline but not until 2010. Our 2009 budget will be funded by property tax values as of January 1<sup>st</sup> of this year and so they were still strong and we expect a good increase in property tax value for the 2009 budget. But in 2010 the values as of January 1<sup>st</sup>, 2009 I am expecting that the good years will have been behind us and we will have to tighten our belts fairly considerably. What we will be talking about within the administration in the coming months as we prepare for the start of the 2010 budget cycle is how do we respond to that anticipated decline. Our balances are substantial, that is by design. It is for times like this that we want substantial balances and so we can use them to mitigate the effects of a downturn but we can't use them for very long to mitigate those effects because they are non-recurring revenue, they won't replace themselves once we have spent those fund balances. And so we will have to figure out exactly how we want to attack this problem in the 2010 budget and perhaps even in 2011. I am expecting based on everything that I have read that the national economy is going to be in a down mode, whether you call it recession or whatever you call it for at least all of 2009 and perhaps into early 2010. We lag that by six months to a year so we will be down through much of 2009 and probably well into 2010 and we need to be prepared for that. We

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are in good position right now to manage that problem. We are certainly not in crisis mode and I would hate for anybody to think that we are but nevertheless it is time for use to start paying attention to what we are doing and make sure that what we are doing is absolutely essential and start being a little bit more critical of discretionary activities that we incur costs on.

The quarterly financial report you have all received. It is this document. If anybody that is watching this would like a copy of it they can get a copy on the County's website at any one of the Finance division pages, they can download it or they can call my office and we would be glad to send people a copy if they would like it. The presentation was prepared as always by Troy Bruun. I just get to stand up here and take credit for it. The book, the quarterly financial report was prepared by Ann Smarsh and Sara Jantz and Ginger Radley in the Accounting Department and by David Miller and Chris Duncan and Jill Tinsley in the Budget office and I am very appreciative for all of their efforts. I will be happy to answer any questions that you have about this report. If not then I recommend that you receive and file."

**Chairman Winters** said, "Alright, Chris, thank you very much. Commissioner Welshimer?"

**Commissioner Welshimer** said, "I feel that 1% rollback for next year is slipping through my fingers. In addition to what you were telling us, what we have to look forward to, we had that list of capital improvements. There will be some things there that will carry over that we haven't started paying for yet, isn't that true?"

**Mr. Chronis** said, "Well, there certainly are capital improvements that we haven't started paying for. I am not sure any of those on that list would be in that category."

**Commissioner Welshimer** said, "And our investments will be at lower rates. We have to do something with the jail facility you know, either have a minimum security facility or something. We are running out of space here. We have a lot of things coming up as well as less money to do it with it sounds like to me."

**Mr. Chronis** said, "That is pretty accurate."

**Commissioner Welshimer** said, "Ok, thank you."

**Chairman Winters** said, "Alright, thank you Commissioner. Commissioner Parks?"

**Commissioner Parks** said, "When speaking about the interest off of the arena tax in part of the first of the year conversation you said something about construction. Now can you kind of explain where that money can go and what that money off the interest off that sales tax for the arena be used for?"

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**Mr. Chronis** said, “The interest off of the arena is in the County’s general fund and there is a state statute that requires us to put it there, as you know. Through 10 months of the year, of this year, we estimate that the interest on the arena tax is \$10.9 million. Our projection of the interest on arena tax through the period of time when we open the doors, essentially about a year from now, is that we will have about \$11.7 million of interest accumulated. That is a part of the general funds fund balance right now. By statute you have the ability to use revenues and fund balance in the general fund for any authorized purpose including construction projects or enterprise operations and so you have the ability legally to transfer any amount of money from the general fund to the arena fund if you choose to do that.”

**Commissioner Parks** said, “Or bond indebtedness or...”

**Mr. Chronis** said, “Anywhere, yes, that’s right.”

**Commissioner Parks** said, “On Chart 10, can you go back to Chart 10 please? Along that line I would like to see where we had that arena tax interest money, where is that in this portfolio here?”

**Mr. Chronis** said, “We invest our revenues in a pool. That is we don’t identify particular investments as being arena tax and other investments as being sales tax and other investments as being EMS revenues. All of the available cash goes into a pool, a consolidated pool, and is used to buy all of our securities and then we allocate the interest back to the sources on a pro-rata basis so I can’t tell you that the arena tax is invested in any one of these sources. What I would tell you is that because of the way we allocate interest, essentially it is invested in the same manner that you see this pie chart. This pie chart could represent the arena tax by itself.”

**Commissioner Parks** said, “I think that will satisfy some of my constituents that have asked about that. Thank you.”

**Chairman Winters** said, “Alright, thank you. Is that all Commissioner?”

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

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

**Commissioner Unruh** said, “Thank you Mr. Chairman. Chris, can you tell me, you may have said it in your presentation but what is the percentage of our total revenues that comes from sales tax?”

**Mr. Chronis** said, “I didn’t say it and I don’t know right off hand. The County’s local option sales

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tax will produce approximately \$25 million this year, in total. Our total County budget is, where's David, \$388 million? \$388 million, so \$25 million as a percentage of \$388, whatever that is. Now half of that \$25 million, as you know, goes to the County's general fund to defray property tax. The other half is transferred to pay for road construction projects and debt service on past road construction projects."

**Commissioner Unruh** said, "But it is that revenue source that you were talking about a decrease in the increase."

**Mr. Chronis** said, "Yes, that's right."

**Commissioner Unruh** said, "Ok, alright, thank you."

**Mr. Chronis** said, "It is a more volatile funding source than the property tax and so I suspect where you are heading with this is the discussion that some have had about using sales tax instead of property tax to fund the government and that certainly is an option that I think we should discuss but we need to recognize that there is higher volatility attached to the sales tax and there will be years when our absolute amount of revenue from sales tax goes down. That has not happened with property tax."

**Commissioner Unruh** said, "I understand and thank you for that comment. One other question on the yield on our investments, where we have been running significantly ahead of our benchmarks and you expect that then to be below benchmark...who establishes the benchmark? I mean where does that come from?"

**Mr. Chronis** said, "That is established in the policy that you have adopted. The benchmark is the one year T bill."

**Commissioner Unruh** said, "Ok, thank you. That is all I have Mr. Chair."

**Chairman Winters** said, "Alright, thank you. Commissioner Norton?"

**Commissioner Norton** said, "Chris, comment just a little bit about the economic conditions in the State and what that may do. You know we continue to hear a shortfall of \$400 to \$800 million next year in the State's budget. What does that look like for us? Because generally some of that runs downhill."

**Mr. Chronis** said, "We can expect that it will but I honestly can't speak intelligently about that. I don't know what drives the State's forecast. I know that a large portion of it has to do with income taxes and with the stock market, capital gains and so forth, and that funds the entire state budget."

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We receive a relatively small piece of that to fund our highway operation, to fund our social services. I would guess that as the legislature struggles with the State's budget next year one of the things that they are going to pay a lot of attention to is the amount of funding that they are providing for social services and so I would expect that we may find that our receipts from the State for those programs are going to be cut. Whether that will be a large cut or a small cut, I don't think anybody can guess at this point. I don't think, at this point, there is any reason to think that it would, in itself, cause major heartburn for us. I think we can accommodate those reductions. To the extent the State takes other approaches, that is instead of merely reducing the revenues that they are providing to us they shift cost burdens to us then we may suffer considerably more and it is hard to say where those areas might be but if I was balancing the State budget that would be the area that I would look to."

**Commissioner Norton** said, "Comment a little bit on Medicaid and Medicare reimbursements because that looks like that is a dicey situation from the Feds to the State and on down to us and some of our departments are heavily weighted with flow thru dollars."

**Mr. Chronis** said, "Well, there have been some changes in the reimbursement rates that have affected us and that has been going on for some period of time. There have been some changes in the way the contracts are administered and that has affected the numbers in our financial system but it hasn't affected the community. What I mean by that is that the State has chosen in some cases to fund local agencies directly, where they used to fund them through Sedgwick County and so the money flowed through our books and was part of our financial system. Now it is not but the community is still receiving the benefit of those funds. Going forward we have a new administration coming in at the National level. I suspect that that administration might be more supportive of social service funding than the past one was but they are entering into their own budget difficulties and they are going to have to make some hard choices also. It is a guessing game and your guess is as good as mine or anybody else's for that matter as to what the impact will be on us. It is one of the reasons that we maintain those substantial balances though so that we can run through those shortfalls if they hit us."

**Commissioner Norton** said, "Well, I think it is important to have those discussions earlier rather than later as we move into '09 and start figuring out the budget for '10 because there is going to be some shortfalls, there is going to be some changes in policies that will diminish some of that flow thru money and we need to be ready to think through that process as the Board of County Commissioners. That is all I have Mr. Chair."

**Chairman Winters** said, "Thank you. Commissioners, I see no other questions. Are we ready to receive and file this report?"

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**MOTION**

Commissioner Norton moved to receive and file the report.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Chris, thank you very much and thanks for all the Finance staff who worked on this. It is important and we appreciate your work as we try to understand more about the financial positions of Sedgwick County so it is very helpful to the Commissioners and we appreciate all your work. Madame Clerk, would you call the next item?”

**NEW BUSINESS**

**G. HEARING TO CONSIDER WHETHER THE CITY OF MAIZE HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR THE ANNEXATION ORDINANCE NOS. 601, 617, AND 622.**

**Mr. Robert W. Parnacott**, Assistant County Counselor, greeted the Commissioners and said, “I have got a map up on the screen for you. I will briefly kind of orient you I suppose. We have three different annexation ordinances that we are talking about. I am moving my hand cursor up here. 601 is a subdivision up here. It also includes some road right-of-way here and here. We have 617 are some residential parcels down here in this area and then we have these two little rectangular parcels over here that are south of 37<sup>th</sup> Street North that are also part of this hearing. We sent out approximately 20 notices, the purpose of this hearing, of course, is to consider five years after a unilateral annexation whether the city has provided the services they said they would provide under the service plan. We received two phone calls in response to those 20 notices. One of them was just a general kind of ‘I don’t understand what the hearing is about could you explain it.’ They had no complaints or concerns at all. We received a phone call yesterday that I returned early this morning. A gentleman that indicated he would be here to speak. He did have a minor concern. He

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wanted to make sure that he was not going to be forced to be hooked up to city water and city sewer if he didn't need to. I explained to him that that is generally not the practice of cities and there is certainly no intent shown by Maize in this case to do that but he may want to speak on that and Mr. LaMunyon is here, the City Administrator of the City of Maize and he can certainly speak to those questions. The service plan was a fairly typical service plan that we see. There were some committed street improvements. There was an intention to improve Albert Circle within five years. They prepared a report and submitted that to us. That is in your backup and Mr. LaMunyon has followed up with a phone call that indicates that improvement has been done. There were some other street improvements that were scheduled on a five to seven year basis so they are still within their window to get those done. Other than that I think the only other item that we might want to talk about is street lights. There is a request pending to have a street light installed, which is part of the service plan promises as well and I think Westar may be behind in schedule on getting that done but that is certainly in the pipeline to get that done. So unless you have any other questions for me at this point I would recommend that you open the public hearing and receive any testimony from any landowners and then see if Mr. LaMunyon would like to make comments as well."

**Chairman Winters** said, "Alright thank you. I see no questions of you at this time Bob but stand by. At this time I will open the public hearing and ask if there is any citizen or landowner in the meeting room who would like to address the Board of County Commissioners on this issue. Is there any citizen or landowner within this issue...yes, sir, please come forward. Come right up to the platform. Right up to the podium. Give us your name and address and then please make your comments."

**Mr. Kevin Brand**, 11801 Albert Circle, Maize, KS 67101, greeted the Commissioners and said, "Forgive me I am not familiar with what the municipality is allowed to do with respect to sewer and water but we just closed on a new house on Albert Circle a year ago so therefore my infrastructure is new and I would be concerned about a mandate being enforced on me to hook up to sewer in any short time period. I would like to know what historically is available as far as laws with respect to that and if I have to prepare myself to fight such a mandate then I will have to do that but in lieu of annual or bi-annual inspections, which I wouldn't have a problem with, I am just here to get more information about that type of thing."

**Chairman Winters** said, "Alright, thank you very much sir. Let me just ask a question. Do you live in a new house you said?"

**Mr. Brand** said, "Yes."

**Chairman Winters** said, "Brand new or a year old?"

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**Mr. Brand** said, "Right."

**Chairman Winters** said, "City water or well water?"

**Mr. Brand** said, "Well. I spent \$12,000 on a septic system that is the most advanced available out there."

**Chairman Winters** said, "Alternative system."

**Mr. Brand** said, "And the other thing I want to say is that I think I can reasonably speak for all of my colleagues on Albert Circle that if you want to consider a grandfather clause or whatever it might be I consider it to be unreasonable if it is considered to try and spend thousands of dollars and bring water and force water and sewer on us when our infrastructure is operating just fine without any health hazards or whatever it might be."

**Chairman Winters** said, "Alright, thank you sir. We have one question or we have a question from Commissioner Parks."

**Commissioner Parks** said, "I just wondered how large of a lot do you have. Is it acreage or is it by foot or?"

**Mr. Brand** said, "It's actually 2.8 acres."

**Commissioner Parks** said, "2.8 acres. Do you have a septic on that 2.8 acres and its new property?"

**Mr. Brand** said, "Right, and when we went through the construction process I worked directly with Tim Wagner with the County and they determined the tank size and the feet of lateral lines and everything and we actually went above what the minimal requirements would be but...you know...this I am standing here and not necessarily just for me personally but what my message to the government is before a mandate is made to force city and water on a subdivision such as the Holt Man Addition, I would hope that the government would look at all the cost benefit analysis, not from the government side but from the people side. It would not be cost effective from both sides to try and come in there, spend hundreds of thousands of dollars and enforce it on specials where the infrastructure of each individual property is operating fine."

**Commissioner Parks** said, "And I think that if City Manager LaMunyon is going to be speaking to this, he may have some answers for you on that."

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**Chairman Winters** said, “Anything else Commissioner?”

**Commissioner Parks** said, “No.”

**Chairman Winters** said, “Alright, thank you Mr. Brand. We appreciate your being here very much. Is there any other citizen or landowner here that would like to address the Commission? Any other citizen or landowner? Is there a representative from Maize who would like to address the Board of County Commissioners?”

**Mr. Richard LaMunyon**, City Administrator, City of Maize, greeted the Commissioners and said, “As Bob indicated earlier we did submit the service plans for the annexation hearing that you have before you today. I think we have complied with all of the mandates in terms of meeting the criteria. As far as Mr. Brand’s concern is the policy of the City of Maize is that we will not force or mandate on our citizens utilization or the hook up of sewer and water except under two criteria. Number one, if we have a health issue with the Health Department. If it can’t be resolved to the satisfaction of the Health Department then we would have to consider sewer. In his particular case there is sewer and water to the north of his addition and to the east of his addition that would be available should it become necessary. At this point I think everything in his particular subdivision is certainly well within compliance. There is no intent on a part of the city to mandate any kind of a forced hookup in his area or in anyone else’s area. In terms of the City’s annexation policy, like I said, over the last...since the time that this particular property was annexed, the City has annexed a little bit between 4.5 and 5 square miles and probably 96-97% of that has all been consent and through the annexation process of unilateral it is in the process of allying our borders or filling in holes if you will so that is the process that we are going through. If there are specific questions regarding any one of these ordinances I would be happy to address the Commission.”

**Chairman Winters** said, “Alright, we do have a couple of questions but again just to reemphasize the only way on a sewer that you would require a hookup to the sewer would be for some health reason directed by the Health Department.”

**Mr. LaMunyon** said, “That is correct. The only other way that we would entertain the possibility is if we had a majority petition from the affected area then we would go in and review that at that time. Other than that our policy is to leave it alone.”

**Chairman Winters** said, “Right. And most common sense would say that if there is relatively new septic systems it’s going to be sometime before they have a problem where they would benefit from being on a sewer system.”

**Mr. LaMunyon** said, “Yes, sir that is correct.”

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**Chairman Winters** said, "Alright, thank you. Commissioner Parks?"

**Commissioner Parks** said, "Just wanted to kind of interact here with Mr. Brand and the City. Have you worked with Westar and the streetlight problem out there?"

**Mr. LaMunyon** said, "Yes."

**Commissioner Parks** said, "I haven't heard from anybody except for Mr. Brand this morning is why I am kind of stymied at this but the...Mr. Brand do you think the people want the street lights? Or a street light?"

**Chairman Winters** said, "You need to come back to the podium. Come back to the podium sir."

**Mr. Brand** said, "It has been mentioned. Actually my wife brought that comment up and I think it would be nice. I haven't heard any comments from the other neighbors with respect to the light but I think in due time if we could get one that would be great and as far as road maintenance and any other services that the City of Maize has provided they have done an admirable job so I don't have any concerns there."

**Commissioner Parks** said, "Well I guess my question would be back to City Manager LaMunyon to ask him if...this is scheduled with Westar then?"

**Mr. LaMunyon** said, "Yes, I have requested a little over two months ago a street light at the intersection there at 119<sup>th</sup> and Albert Circle. The County has graciously gone in and just completed or is in the process of completing the 119<sup>th</sup> Street project, which has reduced significant hazards that we had with high school kids driving 119<sup>th</sup> and the intersection at 53<sup>rd</sup> and 119<sup>th</sup> so those improvements are all but done and we appreciate that and we were waiting at that point so that we could complete the overlay on Albert Circle which has been completed now and the request for a street light has been made and I think it has been about eight weeks ago and Westar is behind. This is not one of their priorities but it will get done. I think in my particular neighborhood five years ago, I think it took six months but we finally got them but it has been ordered. I think what we are trying to do is that all those intersections where they come out onto, for example, 119<sup>th</sup> we would like to have a streetlight there. I think it is a safety factor."

**Commissioner Parks** said, "I would agree. I drove that the other night. I think that would be a good place. That's it."

**Chairman Winters** said, "Thank you. Commissioner Welshimer?"

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**Commissioner Welshimer** said, “Well, what exactly is included in this service agreement, we have several streets here so let’s say to where Mr. Brand’s property is. The service agreement, what is there an only street light, is that the only service you are offering for the time being?”

**Chairman Winters** said, “It is on page 21 of the backup material.”

**Commissioner Welshimer** said, “Ok, well I am still asking.”

**Mr. LaMunyon** said, “Well, we immediately, once they were annexed obviously, the police service began immediately, code enforcement, Public Works services began and of course, our desire is to upgrade all dirt streets in the City of Maize to a hard surface and we are working our way through that. Albert Circle was put on that CIP list, I think, about four years ago and it took that long to get to that process. We also provide any other municipal services that might be available to them in the way of assisting them with any needs that they have within the community, putting in touch with, just as any municipality would, their particular neighborhood and this was before the new homes out there was brought in as a part of the plan to utilize that piece of property to get further to the west so we could get our cemetery inside the city limits. It is the intent of the Council to take over the cemetery operations so we needed to get that and that was part of the intent for that unilateral annexation.”

**Commissioner Welshimer** said, “When you pave the streets is that going to be the City doing that or is that going to put specials on those properties?”

**Mr. LaMunyon** said, “It has been completed and the City at Large paid for it.”

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

**Chairman Winters** said, “Alright, are there any other questions of Mr. LaMunyon? Thank you very much Richard.”

**Mr. LaMunyon** said, “Thank you.”

**Chairman Winters** said, “Again is there any other citizen or anyone else in this room who would like to address the Commission on this service plan as prepared by the City of Maize. Seeing no one we will close the public hearing. Commissioners, are there any of you that have other questions concerning this?”

### **MOTION**

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Chairman Winters moved that the City of Maize has extended the services as provided in the service plan.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you Bob.”

**Mr. Parnacott** said, “Thank you.”

**Chairman Winters** said, “Mr. Brand, Mr. LaMunyon, thank you both for being here. Next item.”

**H. NOTICE OF SATISFACTION OF OBLIGATIONS (EAGLES LODGE A/K/A DANCER’S BUILDING REAL ESTATE PURCHASE AGREEMENT DATED 4/25/2007).**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “As the agenda item notes this is a notice of satisfaction of obligations for the Eagles Lodge, also known as the Dancer’s building from a real estate purchase agreement dated 4/25/07. In acquiring property for the arena the County obtained title to a building at 200-202 S. Emporia from a willing seller. We did not use condemnation. This building, this property did not go through the condemnation process. It is called the Eagles Lodge. It is also known as the Dancer’s building. Another property owner in the area, his property was acquired and he was interested in staying downtown. This building, by the way, as well as the Ray Sells building were left in place because they were two buildings that were identified in the arena site that while they were not on the historic register they had significant relevance for being historic sites. So in April 2007 the County sold this property to Jerry White under a contract that required the buyer to perform certain obligations. Number one, to take diligent efforts to cause the property to be listed on the National Register of Historic Places. Number Two, to expend at least \$830,000 for design, materials and labor to renovate the building to high quality and high quality level of appearance and three, that completion of the renovations

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within 16 months of the date of closing of the real estate purchase agreement, those renovations must be completed.

Commissioners Unruh and Parks along with County Counselor Euson and I, about a month ago, went down and took a tour of the building. We were notified and are satisfied that these obligations have been taken care of and I would very quickly just like to show you some before and after pictures of this building.

### **PHOTO SLIDESHOW**

This is the Eagles Lodge (Dancer's Building) exterior view from the northwest and this was a before, this is a before picture. This is a before picture and it is also an exterior view from the west. I think the other one was from the northwest. This is an exterior view from the north. All of these are before exterior view pictures of this building. It is on the corner, the southeast corner of Emporia and William Street."

**Chairman Winters** said, "Ron can we make that go full screen somehow so we could get perhaps a little better view."

**Mr. Holt** said, "I think we can. I think the magic of technology, yes, can make that happen. This is an interior view of the ceiling of the building before, it is a before picture. This building, appearance wise, was in pretty terrible shape. This is an interior view of the second floor of the building. This is a before picture. Another before picture, although in this picture you see that there is a little scaffolding so work had already started. Again, another view of the ceiling, pretty dilapidated and torn apart view. Now we begin to take a look at the same exterior view from the northwest, this is a finished view of the building. This is an exterior view from the north, pretty much completed view. This is that first floor on the east end of the building. Again you can see this is kind of in the back end of the building, kind of a receiving area but has been refurbished. These are interior stairwells leading up to the second floor that have been refurbished. This is the second floor view that we were looking at a minute ago and you see that the difference in those views. Again, this is the sun shining through the windows there, just gives you a sense of the gleam that has been put on this building, both in the interior and exterior with the work that Mr. White has done. Again, another interior view of that second floor. This is the first floor again. He has refinished the flooring and the walls and the ceiling. Again, another interior view of the first floor. I think that about does it. Again, we went over and took a tour and as you can see from these pictures all of these requirements that were set on Mr. White, they have been completed. The County, however, does retain a right of first refusal, which expires April the 25<sup>th</sup>, 2017. The property remains subject to deed restrictions limiting the use of the property to an antique sales shop and/or personal residential purposes subject to modification of those deed restrictions, would have to come back to the Board of County Commissioners for approval and we have already

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indicated to him that certain uses are deemed incompatible with the operation of the Intrust Downtown Arena and would be prohibited. We would recommend Commissioners that you would approve and authorize the Chairman to sign this notice of satisfaction of obligations for Mr. White.”

**Chairman Winters** said, “Alright, thank you Ron. Commissioners are there any questions or comments on this item? Commissioner Unruh?”

**Commissioner Unruh** said, “Thank you Mr. Chairman. Well, just a comment. I am going to be supportive of this. The building is nicely done. It represents a considerable investment in downtown Wichita. I think it is an appropriate usage of the building, not just for the building but also for the area of downtown and I think it will be a nice attraction down there so I just want to compliment Mr. White for completing his end of this bargain and getting a piece of property back on the tax roll that is a substantial investment and that is all I have at this time.”

**Chairman Winters** said, “Thank you. Commissioner Parks?”

**Commissioner Parks** said, “I just wanted to reiterate the reason I am supporting this is that this was not a condemnation and it was a purchase from us from the area down there so I just wanted to reiterate Mr. Holt’s statement that it was not a condemnation so it is not the taking of one and giving to another. Thank you.”

**Chairman Winters** said, “Thank you.”

**MOTION**

Commissioner Unruh moved to approve and authorize the Chairman to sign this Notice of Satisfaction.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

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Chairman Winters

Aye

**Mr. Holt** said, "Thank you."

**Chairman Winters** said, "Thank you Ron. Next item."

**I. REAL ESTATE PURCHASE CONTRACT AT 411 S. WASHINGTON TO ACCOMMODATE THE WASHINGTON AND WATERMAN INTERSECTION IMPROVEMENT PROJECT.**

**Mr. Steve Claassen**, Facilities Director, Division of Information and Operations, greeted the Commissioners and said, "I am asking this morning for your consideration and approval of a purchase in the purchase of a narrow strip of property located at 411 S. Washington that is needed to make room for the addition of left turn lanes and intersection improvements at Waterman and Washington. You will recall from discussions of previous property purchases in this area that you have already approved that this work is a component of the Intrust Bank Arena project and will be important to providing better access to Kellogg, to and from the arena project. This will be the last property purchase required at this location for that intersection. The image that I have on your screen is a wide ariel view of the intersection project. Just to orient you a little bit, north is to the right-hand portion of the page, over here; Kellogg, I hope it shows up, it's just on the very far left-hand portion, runs east and west as you know. This is Washington Street and Waterman. The project parameters of this are shown in green. That is the actual street improvements and the lavender color there are the right-of-ways that are required for sidewalks.

This next picture is a zoomed in image showing the particular area that we are asking for your approval to purchase. It is right here, the very narrow strip along Washington just south of Lewis Street. It is for 1,656 square feet of property that varies in width from 2.5 feet wide to 21 feet wide. It is owned by Consolidated Electric, whose home office is in California and they are known locally here as American Electric. They own this portion that I am highlighting right in here. This is all owned by Consolidated or American Electric. We are very happy that their interest was to work together with us to find a solution that was agreeable to everyone. The acquisition allows for them to operate with really no change to their operation. They do give up one parking space, right here, possibly two depending on how they configure it. The terms of the purchase agreement also permit us or give us rights to a temporary construction easement that permits us to change the grades from the existing parking lots here and here and transition them back into the street grades, the new city street grades that will be there. The negotiated purchase price is \$6,841 plus closing costs. The funds are within the approved arena budget project and this again is the final property that is required at this location. I recommend that you approve this purchase agreement and authorize the Chairman or his designee to sign all the necessary documents. Do you have any questions?"

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**Chairman Winters** said, “Alright, thank you very much Steve. Commissioners, are there questions of Steve on his agenda item. Seeing none...”

**MOTION**

Commissioner Unruh moved to approve the purchase agreement and authorize Chairman or his designee to sign all necessary documents.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you Steve. Next item.”

**J. DEPARTMENT OF CODE ENFORCEMENT**

- 1. A RESOLUTION TO THE SEDGWICK COUNTY CODES AMENDING CHAPTER 6, ARTICLE II AND ADDING ARTICLE X, PROVIDING FOR THE PERMITTING PROCESS AND LICENSING OF CONTRACTORS ENGAGED IN THE BUSINESS OF MOVING CONVENTIONALLY-BUILT STRUCTURES; ESTABLISHING DUTIES AND RESPONSIBILITIES FOR CONTRACTORS ENGAGED IN STRUCTURE MOVING, AND ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH RESPONSIBILITIES.**

**Chairman Winters** said, “Commissioners, Glen Wiltse is here to present this item. Yesterday Commissioner Parks received a phone call from a citizen who had several questions. Before the meeting this morning Glen Wiltse and I met with this citizen and it was Glen’s suggestion that there is no real need for speed on this and that Glen suggested that he and the citizen and whoever else have a meeting to discuss the issues and Glen’s suggestion is we bring this back in two weeks so unless any of you have some kind of issue with this I would move that we defer this item for two

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weeks and ask Glen to meet with the citizen who has these questions.”

**MOTION**

Chairman Winters moved to defer this item for two weeks.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

- 2. A HEARING TO CONSIDER THE RESOLUTION AMENDING CHAPTER 6, ARTICLE III OF THE SEDGWICK COUNTY CODE AND ADOPTING THE NFPA 70 NATIONAL ELECTRICAL CODE, 2008 EDITION, INCLUDING ANNEXES C (CONDUIT AND TUBING FILL TABLES) AND G (ADMINISTRATION AND ENFORCEMENT), WITH CERTAIN PROVISIONS DECLARED TO BE OMITTED, CHANGED, OR ADDED TO; PROVIDING FOR PENALTIES AND PROSECUTIONS FOR VIOLATIONS THEREOF; AND REPEALING RESOLUTION NO. 26-00 AND ALL OTHER RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH.**

**Mr. Glen Wiltse**, Director, Sedgwick County Department of Code Enforcement, greeted the Commissioners and said, “This is an update of our electrical code. Every three years the codes are rewritten at a national level and this is just one of the rewrites. We have discussed and reviewed this with the Electrical Trade Boards, City of Wichita and there were other communities surrounding Wichita, I believe that, was involved in this. The Wichita Area Builders Association has been brought into this in, like I said, this is just an update and there are some changes but all of the Trade Associations agreed with changes and our amendments to the code and our recommendation would be that we adopt the code.”

**Chairman Winters** said, “Alright and Glen I believe you did make contact with all of the Commissioners again individually and kind of went over the review of this code change also.”

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**Mr. Wiltse** said, “That is correct.”

**Chairman Winters** said, “Alright, thank you. Commissioner Parks?”

**Commissioner Parks** said, “That is a rather large book and I know that there are certain things in there that I could have missed but within this code can a private citizen living in the primary residence or their residing still do wiring and fix their own problems without having a licensed contractor come?”

**Mr. Wiltse** said, “They are still allowed as the homeowner to do the majority of the electrical work. It still requires permits and inspections even if they are doing it on their own house. The one thing that if you are...they are allowed to build one new house every three years and there are still issues within that that they are not allowed to do like electric service, electric panel but the rest of the work they can do if they are doing a total rewire but they are also required to take a minimum open book examination so that we know there is some background and some knowledge in what they are doing in order for them to do that but just repairs there is not a test, it is just permits and inspections.”

**Commissioner Parks** said, “So a simple plug in if you are going to replace one of those or go from a regular plug in to a ground fault indicator or something like that the citizen wouldn’t have to take any test or anything?”

**Mr. Wiltse** said, “That is correct.”

**Commissioner Parks** said, “Ok, thank you.”

**Chairman Winters** said, “Alright, Glen I do believe we need a public hearing on this, is this correct?”

**Mr. Wiltse** said, “Yes.”

**Chairman Winters** said, “Alright, at this time I would open the public hearing regarding our Item J-2 on electrical codes. Is there anyone here in the meeting room who would like to address the Board of County Commissioners on this agenda item? The agenda item concerning electrical codes? Seeing no one we will close the public hearing. Commissioners are there other comments, questions? If not, what is the will of the Board?”

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**MOTION**

Commissioner Unruh moved to adopt the resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you Glen."

**Mr. Wiltse** said, "Thank you Commissioners."

**K. AGREEMENT WITH THE CITY OF CHENEY FOR THE DELIVERY OF USDA COMMODITIES.**

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, "This is the last of the 11, total of 11 contracts for the distribution of USDA donated commodities. This is with the City of Cheney. This is an income based program that allows for eligible consumers to receive food based products. There is no funding required for this. SRS does reimburse for mileage reimbursement for volunteers. I'd be happy to answer any questions and recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Winters** said, "Alright, this is, Annette, this is nothing different than any of our other regular commodities contracts?"

**Ms. Graham** said, "Correct."

**Chairman Winters** said, "Commissioners, you've heard that report, what is the will of the Board?"

**MOTION**

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

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you Annette. Next item.”

**L. RESOLUTION TO DELETE AND AMEND POLICIES TO THE SEDGWICK COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL.**

**Ms. Jo Templin**, Director, Human Resources, greeted the Commissioners and said, “The revisions to this group of policies focuses on the changes to our performance management system and our compensation policies as we implement the performance based pay system as well as recommendations to assist department managers in their ability to recruit and retain employees in a competitive environment for some jobs as well as technical changes to document compensation practices. Policy revisions reflect changes to the performance evaluation policy that incorporate the implementation procedures for our performance based merit system. Most departments have implemented the new system and starting this month, the remaining five departments in the County will begin the system using the new forms and procedures. This policy had considerable review and input from the department managers utilizing the new system in the last three years of implementation with our pilot departments. The compensation policy revisions addressed several technical changes to document compensation practices for range reallocations, promotions, transfers, acting in interim assignments, return of military duty, clarifies overtime procedures, compensatory time, callback time, under filling and double filling positions. The revisions request approval to grant employees who are at the maximum of their salary range, a merit award based on their performance evaluation score and resulting department pay tier merit awarded annually but not compounding the employees’ base salary. As well, revisions in order to provide department managers the ability to recruit hard to fill positions when a candidate has experience in education for that position, these recommendations include a County Manager approval for a 10% above minimum of the salary range. Currently, policy allows County Manager approval of 6% of the minimum. In our review, this recommendation of 10% is actually below what other jurisdictions

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allow their department managers to approve and out of the approximately 13 adjustments approved by the Commission this year, it would have only impacted an additional four for the Manager to approve other than what the Commission was already approving. This need is also a result of the conservative approach we have taken to adjust our total pay structure in that we do not adjust the total pay structure every year so our minimum salaries are held to that pay structure. These recommendations have been reviewed by the County Counselor's office, by the Manager, by Finance and had considerable input from our stakeholders. We've gone through each of the policy changes with each of you individually and I would just recommend your approval of these revisions."

**Chairman Winters** said, "Thank you very much Jo. Are there questions about these revisions? Commissioner Welshimer?"

**Commissioner Welshimer** said, "Well, I am going to support this. I don't have a question necessarily but a comment that every time we deal with this it is a unilateral type of negotiation and we have no employee organization or bargaining power for the employees to tell us if this is something they consider fair or not but under those circumstances I am going to go ahead and vote for this."

**Chairman Winters** said, "Thank you. Are there any other questions or comments? Commissioner Unruh?"

**Commissioner Unruh** said, "Thank you Mr. Chair. I am going to be supportive of this. It seems that it has gone through a very diligent process and it hasn't been capricious or whimsical of what we've been... what this proposition is and I would suggest also that we do this on a regular basis as we try to evaluate our processes and procedures so that we maintain some sort of consistency and fairness in all of our personnel policies so I will be supportive."

**Chairman Winters** said, "Alright, thank you. I see no other questions at this time. Commissioners, what is the will of the Board?"

**MOTION**

Commissioner Unruh moved to adopt the resolution.

Commissioner Welshimer seconded the motion.

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

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**VOTE**

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

**Chairman Winters** said, “Thank you Jo. Next item.”

**M. RESOLUTION CREATING ROAD IMPROVEMENT BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (VIA CHRISTI – WEST CAMPUS ADDITION).**

**Mr. Joe L. Norton**, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, “For your consideration this morning is a resolution, which would create a road improvement district for the proposed Via Christi West Campus Addition project. This is an area located north of 21<sup>st</sup> Street and east of 151<sup>st</sup> Street West, plat map of the subdivision. Proposed improvements are to be collected or done in phases. There is a general storm water drainage improvement with estimates on the screen before you. There’s also the construction of what’s called St. Theresa Road, which is the entrance to this medical complex. Improvements to 151<sup>st</sup> Street North on the west side of the proposed improvement. In addition to 151<sup>st</sup> North, to bring to the county road standards, the half mile line. Also, an improvement to 21<sup>st</sup> Street to provide for axel, diesel and left turn lanes getting into this complex. And then there’s a bridge over Dry Creek right north of 21st Street, which needs to be constructed to provide for entrance on St. Theresa. Jim Weber with the Public Works is here with me to address any questions you may have about the project. The proposed assessment is to 100% of the cost proposed to be assessed to this subdivision. Two lots within that subdivision, all owned by Via Christi, and intended to be so at this point in time. We would try to address any questions you may have prior to your consideration of the resolution.”

**Chairman Winters** said, “Alright, thank you very much, Joe. This does not require a public hearing, is that correct?”

**Mr. Norton** said, “That is correct.”

**Chairman Winters** said, “Alright, and again 100% is to be paid by Via Christi as they are the owners of this property?”

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**Mr. Norton** said, "Correct."

**Chairman Winters** said, "Commissioners, are there other questions? Commissioner Unruh?"

**Commissioner Unruh** said, "Thank you. I don't have a question but just a comment once again to publicly express appreciation to Via Christi for this investment in west Wichita. I think it improves quality of life for all of the citizens of Sedgwick County and this is just a mechanism for them to put a beautiful campus out there on the west side of Sedgwick County and I appreciate their willingness to continue to grow with us here in the County. That is all I have."

**Chairman Winters** said, "Alright, thank you very much."

**MOTION**

Chairman Winters moved to adopt the resolution.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you Joe. Next item."

**N. DIVISION OF FINANCE**

- 1. AMEND THE 2008 CAPITAL IMPROVEMENT PROGRAM TO INCREASE FUNDING FOR RIGHT OF WAY AND UTILITY RELOCATION PHASE OF CIP PROJECT R-267 199<sup>TH</sup> STREET FROM US-54 TO 21<sup>ST</sup> STREET NORTH.**

**Mr. Pete Giroux**, Principal Analyst, Division of Finance, greeted the Commissioners and said,

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“This morning I have two CIP amendments for your consideration. The first is from Public Works, the second is from COMCARE. 199<sup>th</sup> Street West from US-54 to 21<sup>st</sup> Street North is currently a coal mix road and it is about four miles in length. In the 2009 CIP there is a construction project to upgrade this to rural standard. In preparation for that construction phase Public Works has been working to acquire both right-of-way and relocate utilities. Both of these requirements now require additional funding. This phase of the project was budgeted this year for a total of \$300,000. With regard to the right-of-way, Public Works staff have worked successfully with landowners and reached tentative agreements to obtain all the right-of-way needed to accomplish the project. While the land value is relatively easy to estimate and agree on the improvements to the property, as Mr. Spears will tell you, such as landscaping, fences, septic and sprinkler systems are more difficult to estimate and they have contributed to most of this needed increase. With regard to the utility relocation, it was a different case. The Sedgwick County Rural Electric Cooperative has an extensive amount of line along this project. During the initial planning it appeared that most of the lines were in the public right-of-way and that would have required that the utility company relocate those utilities but the final drawings showed that much of the line is in fact located on private property immediately adjacent to the road improvements and as a result of State law if the property owner allows the land to be placed on private property for a period of two years or more the easement is established even though there were no documents recorded so we are now required to pay for the relocation of those lines to clear the new right-of-way at an estimated cost for the Rural Electric Cooperative of \$193,000. Public Works is still working with AT&T and Westar but these are much smaller amounts. So the revised project cost is now estimated at \$645,000. We need an additional \$345,000. Luckily, we were much more successful with right-of-way on the joint project with the City of Wichita on 21<sup>st</sup> Street East. The City has assumed construction, responsibility for construction of that project and have awarded the contract and we now have funds available in that right-of-way phase too that are available to transfer. The CIP committee has reviewed this in detail and recommends approval. Do you have any questions?”

**Chairman Winters** said, “Alright, thank you Pete. Question of David Spears, this is a road that several years ago was a township road and now this reconstruction process on 199<sup>th</sup> is a K.D.O.T. partially funded project, so this has been really going from a township road to a State funded project, am I correct on that?”

**Mr. David Spears**, Director, Public Works, greeted the Commissioners and said, “Yes, Commissioner Winters, that is correct. K.D.O.T. will fund approximately 75-80% of the project.”

**Chairman Winters** said, “So this has been in our Capital Improvement Project for some time?”

**Mr. Spears** said, “Several years.”

**Chairman Winters** said, “Thank you. Well, Commissioners I would certainly support this

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amendment to the CIP. Are there any questions of either David or Pete on this item?"

**MOTION**

Chairman Winters moved to approve the amendment to the CIP.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**2. AMEND THE 2008 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE REMODEL COMCARE ADMINISTRATION, 635 N. MAIN.**

**Mr. Giroux** said, "Commissioners, this second amendment is from COMCARE and proposes to remodel their Administrative building just up Main Street. A portion of the project will remodel the reception area on the east side of the building and an adjacent office and divide it into a much smaller reception area and three offices. That is necessitated partially by the fact that we have an additional position coming in the 2009 budget for our Homeless Plan Specialist. We had an additional person added to manage the liquor tax and COMCARE ended up putting them temporarily in a conference room and they would like to capture that small conference room back again. The project will also address HIPPA concerns with medical privacy as well as some ADA issues that are in the building and finally it will upgrade, although it has been very well maintained, it will update the interior to replace 15 year old carpet and the finishes in the facility. Cost estimate is \$182,000 and COMCARE has proposed to fund this from the grant funds. It is an appropriate use of those funds and they have sufficient funds to be able to support that request. Again, the CIP committee has reviewed it in detail and recommends approval. Do you have any questions?"

**Chairman Winters** said, "Alright, thank you. Are there any questions of Pete? And I see Marilyn Cook is in the room also, any questions? Commissioner Parks, I am sorry."

**Commissioner Parks** said, "Do we know if this grant fund was supported by the State or Federal grant process?"

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**Mr. Giroux** said, “Yes.”

**Commissioner Parks** said, “Both of those.”

**Mr. Giroux** said, “Yes.”

**Commissioner Parks** said, “And that is where the \$182,000 is going to be coming from?”

**Mr. Giroux** said, “The fund is helping.”

**Commissioner Parks** said, “Ok, thank you.”

**Chairman Winters** said, “Are there other questions?”

**MOTION**

Commissioner Welshimer moved to approve the resolution.

Chairman Winters seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you Pete.”

**Mr. Giroux** said, “Thank you.”

**Chairman Winters** said, “Next item.”

**O. RESOLUTION AUTHORIZING THE COUNTY COUNSELOR’S OFFICE TO FILE A DECLARATORY JUDGMENT ACTION AGAINST CITIES IN SEDGWICK**

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**COUNTY THAT HAVE FAILED TO PAY FOR COST OF MAINTENANCE OF PRISONERS COMMITTED TO THE SEDGWICK COUNTY SHERIFF.**

**Mr. Bob Lamkey**, Director, Public Safety, greeted the Commissioners and said, "I'm joined with Mr. Euson, your Counselor, in presenting this item. I've been asked to provide a bit of context to the question that is before you today. I've got a very brief agenda. We'll talk a little bit about the current situation. I'll provide a little bit of background. We'll review the fee and collections status of municipal housing fees and then Mr. Euson will take the stage to talk about the requested action.

In terms of background, excuse me, I need to go back one, the current situation is that you adopted a resolution in May of 2007 and you did that at that time to allow municipalities to plan for and look toward the 2008 budget. The fee was established to be effective January 1<sup>st</sup> and again, I would remind you that only inmates held by a single city on a municipal charge are what we're charging for so if they're held on a, by more than one city in a jail or by the District Court of the City jail, they're not paying the fees. It's only when that inmate will be adjudicated in a court in a single municipality that the charge is levied and we use the audited direct cost of the operations of the jail, which is \$2.09 this year. You made a decision back in 2007 not to charge the full rate but to charge direct cost. What occurs is not all cities are remitting or have remitted. About eight are in arrears. You sent demand letters to those cities in April of 2008 and that did not result in any change among those not remitting the fees and so we're at the point we're ready to ask the court to determine the rights of the parties. I would remind you, the County firmly believes that we have the legal authority to impose a fee and others certainly have a different opinion.

As a matter of background, the process of talking about housing fees in recent history started with the study by the Institute of Law and Public Policy that we commissioned to look at the jail and the jail population and you received that report in 2003. They asserted that the jail is a precious and costly utility, that a free jail invites inefficient use and they recommended imposing fees to have an incentive for the most rational use of the jail and that municipalities have ownership in that jail process. Essentially, to establish an appreciation for the cost of incarceration. You and your predecessors have engaged in significant discussions since 2004. The first significant discussion occurred at the CJCC meeting of August 12<sup>th</sup>, 2004, in which Mr. Unruh, then Commissioner McGinn, Mr. Marts, and the City Attorney Rebenstorf were present and we had a discussion about both booking fees and housing fees and what they were so that was the first significant discussion. Through 2005, you as Commissioners and your predecessors had a series of workshops and presentations, some by W.S.U, in this process. Beginning in October of 2005 through May of 2005, the Manager sent a series of letters to Mr. Cole then received some responses, expressing his concern and opportunity for housing fees and we proceeded down a process so that in the Fall of 2006, principally this body and then the new Commissioners explored the legal basis with our good friend Mr. Euson and Ed Randalls, who was with us at that time and determined that we did have legal basis for imposing housing fees. We examined what others do and I'll have a slide here in a

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little bit that determines particularly among large counties that housing fees are common in the norm in Kansas. We discussed the potential impacts. You're interested in what's the impact of this going to be on the cities and so we ran some sample data and presented it to you. We received input from the CJCC. You asked that the CJCC, in a special meeting in December '06, take up this issue and albeit the City of Wichita was not well represented in that meeting. All other members voted to support both the premise and the implementation of housing fees as a way to manage the jail population. You met with municipalities twice, once out at the zoo at your request. We presented the situation and issues. We broke into work groups to allow the cities and the folks that were there to think about it and respond and then I believe at Commissioner Welshimer's request and the folks at SKAK held a meeting and had further discussions with you as Commissioners at that point. In May you determined that you would implement housing fees with the resolution and so we moved forward with the resolution and implementation and I would remind you that the basis for this is really not about the money. It's really about making the user's accountable for the use of the jail. That that connection between use and cost needs to be shared so that it is fully appreciated by those that use it. I'll also remind that you this methodology of having the users share in the cost as a method for the best and highest use of the utility is very common in government and business.

### **SLIDESHOW PRESENTATION**

This is the results of the bills that have gone out. This covers the months of January through October. You can see the amount billed and the amount paid by the municipalities. This is the status. On the left are the cities that are paying and have been paying housing fees. On the right are the cities that are not. Three cities are not on the list and that's Andale, Viola and the City of Sedgwick and they have not incurred any housing fees during this period. The delinquent accounts as of November 4<sup>th</sup>, 2008, range from about \$437 dollars for Colwich to \$3 million for the City of Wichita. Just as a point of reference for you, these are the current fees charged by these counties with the exception of Harvey County. We were not able to connect with them. In the past you've seen fees from 2005. I would note that Shawnee County at \$73.44 a day actually charges \$3.06 an hour, plus a \$5.14 processing fee. That Ford County three years ago was not charging a housing fee when we inquired and are charging a housing fee today. So as you can see, the large counties in the State of Kansas are, with the exception of Wyandotte and Wyandotte, of course, is a consolidated government so they'd be charging themselves essentially. So the question to you and I'll turn it over to Mr. Euson right now and the action before you is to approve the resolution authorizing the County Counselors office to file a declaratory judgment action against cities in Sedgwick County that have failed to pay for the cost of maintenance of prisoners committed to the Sheriff. Rich?"

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "Commissioners, the resolution before you is a resolution that would authorize the filing of a declaratory judgment action in the District Court and State District Court. Under the code of civil procedure, courts, state courts, have the authority to declare the rights and the status and other legal relations between the

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parties and that's the purpose of this action. It's to determine the rights and the status and the legal relations between the County and the cities that are not paying the housing fees that have been imposed by County resolution. The resolution would simply ask or allow the County Counselor's office to proceed with the filing of this action. If you approve it, we would file the action against the following cities in State District Court and ask for declaratory relief against them and they are: Bel-Air, Goddard, Haysville, Park City and the City of Wichita. In accordance with previous discussions we have had with you, we will do this on an in-house basis with lawyers that are in the County Counselor's office. So I would be glad to answer any questions you may have and I'm certain Bob Lamkey would be glad to too and Chris Chronis is also here also.

**Chairman Winters** said, "Alright, thank you very much, Bob and Rich. Commissioners, we have had a request from the Mayor of Park City to address us and I intend to do that. Before we do that though is there any questions of clarification? Does anybody have anything you need to say right now or would like to say right now? If not, I would ask Dee Stuart if she would like to address the Commissioners and she has called and said she would like to so Dee you are certainly welcome. I should say Mayor Stuart to be proper."

**Mayor Dee Stuart**, Park City, greeted the Commissioners and said, "I appreciate the opportunity to address you this morning. With all due respect, I've come here to ask that you reconsider your decision to bill the cities in your County for the jail fees. I'm not an attorney and I don't want to address legal issues. I just assume that didn't ever happen. I'm here to ask you to reconsider on the basis of three points. One is that there has been some encouragement, if not pressure, on the leaders of the cities to pressure our judges and our police departments to stop using the jail so much and I have to tell you that I believe it would be unethical, if not actually illegal, for me to instruct our judge to go easy on law breakers or to instruct our police department to go easy on offenders and let them get away with breaking the law because we can't afford to pay the housing fees demanded by the County. The second point I'd like to make is that, laws are passed and enforced for a reason, to protect the public. The Legislature decides which laws are enforced by local enforcement, which are misdemeanors, and which laws are subject to County enforcement, felonies. These misdemeanors are just not traffic violations and the majority of the people arrested on these misdemeanors are released within hours. Municipal judges are as responsible for the public safety as the police branch of law enforcement. These judges sometimes have latitude in meeting out punishment. Fines, community service, probation. And I think that all the judges in Sedgwick County utilize those tools whenever possible. But some miscreants fail to take advantage of these less severe penalties. They don't pay the fines, they fail to perform the community service, they violate the terms of probation. The only way to get the attention of these scofflaws is incarceration.

Some punishments, as I'm sure you are aware, are mandated by the Legislature. Are you aware that the mandatory penalty for driving on a suspended license is five days? A third offense brings a mandatory 90 days. That's \$4,514.40 that must be paid by the arresting city and its taxpayers. Many

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offenders have no license because they couldn't get insurance. That means they can't pay the fines either. So when they drive because we don't have always public transportation for them to get to work, they drive without a license. A third charge of driving under the influence brings a year in jail, mandated by the Legislature. I don't think you want to lessen that penalty but it costs the City over \$18,000 to house that prisoner for a year in the Sedgwick County Jail. Other misdemeanor crimes include: disorderly conduct, trespass, petty theft, animal cruelty, passing bad checks, telephone harassment and on to lewd and lascivious behavior, providing liquor to minors, providing obscene material to minors and prostitution, really, prostitution. Do you want our police officers to give offenders a pass because the City can't afford to house prisoners? But the overreaching reason to accept the responsibility for housing the prisoners is fairness. City residents now pay taxes to have police departments to enforce the law within the city limits. All Sedgwick County taxpayers support the Sheriff's office, the jail and, and the Sheriff Officers who enforce the law in the unincorporated areas of the County so the residents of the cities pay for their own police and the County's. That's not free jail. Is it fair to the taxpayers who reside in cities to force them to take on a double burden? Aren't those city taxpayers paying for housing the County's prisoners now regardless of where those offenders live, regardless of where they're arrested? If only city residents were ever charged with misdemeanor offenses it might be fair for only cities to pay the jail fines. But people come into the cities from the County, from other cities, from other states. It seems to me, speaking for Park City, that if more money is needed for the jail, and it is about money, all taxpayers in the County should accept that responsibility.

This fee is a tax increase on city residents, since the cities will be forced to increase taxes to pay the fees. Could we not dedicate any tax increase to remediation programs rather than incarceration and reduce the jail population? I think that's always the goal and it seems to me that that should be a County wide goal. Thank you very much."

**Chairman Winters** said, "Alright, Dee, thank you very much. Mayor Stuart we appreciate your comments to the Commission. I do have a quick question for Bob Lamkey. You had a chart about larger counties and what larger counties are doing and if I've got the numbers correct I believe that every county with over 35,000 people population?"

**Mr. Lamkey** said, "Yeah, the last we counted those were counties that were over 30,000 people and the one that we found that was not charging was Wyandotte."

**Chairman Winters** said, "So every county that has over 30,000 population charges their cities for municipal prisoners in their jail except for Leavenworth County?"

**Mr. Lamkey** said, "That is our understanding."

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**Chairman Winters** said, “Ok, thank you. Commissioners, are there...”

**Mr. Lamkey** said, “Except for Wyandotte County.”

**Chairman Winters** said, “Except for Wyandotte County, right. Commissioner Parks?”

**Commissioner Parks** said, “I do believe I want to reiterate that we did give the cities over a year to adjust their budgets when we first started talking about this. I brought this up in a staff meeting and said before we do this we need to make sure that their budget year is well out into the, when we start charging and those tax adjustments certainly could have been made by those cities then. Another thing that I am looking at is a farmer from, that lives 10 miles from any city, why should that farmer being paying for jail keep for somebody that the City’s decided to have a seatbelt violation for a failure to appear on that? Statewide I think this is being done, I think it’s a good policy. Quite frankly I am going to repeat what I said back when we first looked at this, when I first went to Valley Center as the Chief of Police and subsequent City Managers that went there, when I looked at the budget before I was hired, I asked where is the line item for the jail keep. Well there is none. We were different. I think it is time that we get in step with the State and the rest of the counties in the State and do this. Another thing that I have been doing, I have been studying this all along; I just haven’t put that on the back burner. The last 30 days we have had in the Sedgwick County Jail and they were all OR’d out, let me put it...they weren’t kept for days at a time, but we have had an arrest for a headlamp being out, in fact the young lady was from Park City that was arrested on that and spent seven and a half hours in jail for having a headlamp out before the OR was facilitated. We had a seatbelt violation that resulted from an infraction but the seatbelt violation is a misdemeanor so they went to jail for failure to appear. He failed to appear on the seatbelt violation. That one was a better release, I mean a quicker release in three and a quarter hours but these are the kinds of things that I think really need to be brought to light and apparently haven’t been because these two items have been in the last 30 days from booking and the information that I have had from the Sheriff. That is all.”

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

**Commissioner Welshimer** said, “Well I’ve had a tremendous amount of study of this issue and it is just something that is very difficult to figure out what is the right thing to do. Back in the beginning when we first talked about charging the cities, I think we talked about that as an incentive, that they might look a little closer at other forms of handling situations as Commissioner Parks was talking about. Last year in ’07 we had 37,000 bookings into our jail. That is a good percentage of our population and the cost to build that new jail was estimated, I believe, at \$55,000, \$55 million back many years, several years ago. Couldn’t possibly be that cost now. It would more likely be \$70 million would be my estimate. That is a big tax increase and we don’t have a population that is ready for that or that is going to tolerate that and we have got to find some other

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ways to do things. We have hired consultants to come in. They are going to be working with us for another year, trying to pinpoint where it is that we can move things along and avoid bottlenecks. We get people in the jail and it takes too long to get them out. The big problem is that we are involved with too many different entities that are self sustained. We have the judges, we have the prosecutor, we have the Sheriff and the jail and we have got to make that work more smoothly and another big, big, big player in that formula is the cities. And somehow we have got to come to the table and work this problem out. I didn't support the fees for the cities in the beginning because I felt I needed more research and now I think we need to go ahead with that because the cities that are paying it, it's not fair to them for us not to settle this situation so I am going to be in favor of going ahead with filing the lawsuit."

**Chairman Winters** said, "Alright, thank you Commissioner. Commissioners, any other comments? What is the will with the Board? Commissioner Unruh?"

**Commissioner Unruh** said, "Thank you Mr. Chairman. I just wanted to make a comment that the discussion, part of what we are having today is a discussion that we had back in a year ago, whether or not to impose these fees and the arguments that we had then, for and against, are the same arguments that we have now. That discussion carried on since our first recommendation back in '03 that we were discussing this as a possibility and the County with advice of the Criminal Justice Coordinating Council implemented several alternatives to incarceration for offenders and we went through a whole process of redefining and honing our processes to make them more efficient so this is not just a reaction to an issue. We have gone through a very deliberate and steady process where we have tried to relieve the pressure on the jail from overcrowding but my analysis of the issue before us is that we have already decided to impose these fees and that was done a year ago and now our decision is whether or not we are going to enforce the decision of this Commission or get a judicial decision on whether or not it is appropriate for us to enforce them. I think we need to resolve the issue one way or another and this is a way that we can bring resolutions so I am going to be supporting of seeking this judicial declaration."

**Chairman Winters** said, "Thank you Commissioner. Commissioner Welshimer?"

**Commissioner Welshimer** said, "Well, I just want to thank Mayor Stuart for her presentation and I think she made some excellent points and some things that we definitely need to take a look at."

**Chairman Winters** said, "Commissioners...Commissioner Norton?"

**Commissioner Norton** said, "Well, I will not be supportive. I have been a no vote on this every time it has come up. I think we are just moving, cost shifting to the cities. We don't like it when the State does it to us and I don't know if I particularly like it moving that burden down to the cities. The idea that it is going to make a huge difference has never washed over me. I think all it

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will do is put pressures on the city to raise their taxes and maybe even force some of them to go back to municipal jails. I remember when I was a City Council member and a Mayor when we closed down our four cells in the City Building in Haysville because this all happened so we could move everybody to the Sedgwick County Jail and transport them and I can see a time when judges will say 'if I am only going to lock them up on their own recognizance for four hours we might as well do that in our city of origin and that is going to force cities to rebuild small jails and holding cells and I just think that is not a good way to solve this problem. I think we should have had many, many, many more meetings with the small cities then two. They were, in my feeling, they were very orchestrated, very patterned meetings that didn't really address the angst that small cities and even Wichita has with this issue and we did not do our due diligence in trying to figure this out for our community. It is our responsibility with the Sheriff, the judiciary, the legislature and the citizens to figure this out and I think this is not a way that I will support. I didn't support it then and I won't support it today.'

**Chairman Winters** said, "Alright, thank you. Well, I guess, my only comment would be is that I think we really had this thorough discussion over a year ago and I supported it then. I am going to continue to support it now. One of the things that I think it is city's responsibility is we have a number of cities with similar populations that have a wide disparity in the number of people that they send to use our facilities so I think cities do have some control over how they use the facility and I think that more of them will become much more judicious in how they do that. Commissioners, are there any other comments as we come to a conclusion on Item O, which is a resolution authorizing the County Counselor to move forward with this declaratory judgment? I see no other questions. Is there a motion?"

**MOTION**

Commissioner Unruh moved to approve the resolution.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Nay

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, "Thank you all very much. Next item."

**P. PUBLIC WORKS**

- 1. APPROVE OF AN ESTIMATE FROM REISS & GOODNESS ENGINEERS FOR RELOCATION OF A WATER LINE IN CONNECTION WITH SEDGWICK COUNTY PROJECT 795-N, O, P, Q; RECONDITION OF 199<sup>TH</sup> ST. WEST BETWEEN 21<sup>ST</sup> ST. NORTH & US-54. CIP# R-267. DISTRICT 3.**

**Mr. David C. Spears**, Director, P.E., Public Works, greeted the Commissioners and said, "Item P-1 is an estimate from Reiss and Goodness Engineers for relocation of rural water district #4 water line in connection with the road project on 199<sup>th</sup> Street West between 21<sup>st</sup> Street North and U.S. 54. That's designated as R-267 in the Capital Improvement Program. A portion of the line is in a public easement. Sedgwick County will only be responsible for the portion of line located in the private easement at an estimated cost of \$59,000 and I recommend that you approve the estimate."

**Chairman Winters** said, "Thank you David. Are there any questions on Item P-1?"

**MOTION**

Chairman Winters moved to approve the estimate.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

- 2. APPROVE OF AN ESTIMATE FOR THE SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSOCIATION, INC. FOR THE RELOCATION OF A LINE IN CONNECTION WITH SEDGWICK**

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**COUNTY PROJECT 795-N, O, P, Q; RECONDITION OF 199<sup>TH</sup> ST.  
WEST BETWEEN 21<sup>ST</sup> ST. NORTH & US-54. CIP# R-267. DISTRICT 3.**

**Mr. Spears** said, “Item P-2 is an estimate from the Sedgwick County Electric Cooperative Association for relocation of electric lines with respect to the same project as mentioned in the previous item. Once again Sedgwick County will be responsible for the portion of the line located inside of the private easement at an estimated cost of \$153,962. The number in your backup is \$193,241 but our survey folks have identified several areas that were in public easements therefore reducing our costs to the 153 number. I recommend that you approve the estimate.”

**Chairman Winters** said, “Thank you. Any questions on this one?”

**MOTION**

Chairman Winters moved to approve the estimate on Item P-2.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Mr. Spears** said, “Thank you.”

**Chairman Winters** said, “Thank you David. Next item.”

**Q. PURCHASING DEPARTMENT.**

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**1. RECONSIDERATION OF ITEM 2 OF THE MINUTES OF THE OCTOBER 23, 2008 MEETING OF THE BOARD OF BIDS AND CONTRACTS: ¾ TON, FOUR WHEEL DRIVE SUBURBAN'S – FLEET MANAGEMENT.**

**Ms. Iris Baker**, Purchasing Director, Division of Finance, greeted the Commissioners and said, "This item was deferred from the previous meeting and the recommendation is to accept the low bid from Fox Chevrolet, Option 2 in the amount of \$71,173.16. Asking for approval of this item."

**Chairman Winters** said, "Alright Commissioners?"

**MOTION**

Commissioner Parks moved to approve the recommendation of the Board of Bids and Contracts, make a finding that the surplus property is not longer required, and authorize disposition of the same.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**2. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON NOVEMBER 6, 2008.**

**Ms. Baker** said, "The meeting of November 6<sup>th</sup> results in nine items for consideration today. First Item:

**1. COMMUNITY E-WASTE COLLECTION EVENT--ENVIRONMENTAL**

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**RESOURCES**

**FUNDING—ENVIRONMENTAL RESOURCES**

The recommendation is to accept the proposal from IT Global Surplus, LLC at the cost of \$.08 a pound for E-Waste and execute a contract until completion of the event. Item Two:

**2. FUEL—FLEET MANAGEMENT & VARIOUS DEPARTMENTS  
FUNDING—VARIOUS DEPARTMENTS**

The recommendation is to accept the bid from Petroleum Traders Corporation at the pricing listed and establish contract pricing for one year with two one year options to renew. Item Three:

**3. CISCO EQUIPMENT AND MAINTENANCE—DIVISION OF INFORMATION & OPERATIONS  
FUNDING—DIVISION OF INFORMATION & OPERATIONS**

The recommendation is to accept the low bid from AT&T in the amount of \$28,066.72. Item Four:

**4. CISCO EQUIPMENT AND MAINTENANCE—COMCARE  
FUNDING—COMCARE INFORMATION TECHNOLOGY GRANT**

That recommendation is to accept the low bid from Alexander Open Systems in the amount of \$27,297.20. Item Five:

**5. TIRES—FLEET MANAGEMENT  
FUNDING—FLEET MANAGEMENT**

The recommendation is to accept bids from Tire Centers, LLC for Groups 1 and 3, Becker Tire for Groups 2, 4, and 5 and establish unit pricing for one year with two one year options to renew. Item Six:

**6. ROCK SALT—PUBLIC WORKS  
FUNDING—PUBLIC WORKS**

The recommendation is to accept the bid from Hutchinson Salt Company for delivered cost of \$43.00/ton and to execute a one year contract with two additional one year options to renew. Item Seven:

**7. ROAD IMPROVEMENTS—PUBLIC WORKS**

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**FUNDING-R318 SIGNALIZE W 21<sup>ST</sup> ST N & NORTH SHORE**

The recommendation is to accept the low bid from Cornejo & Sons, Inc. in the amount of \$357,590.05. Item Eight:

**8. ON-CALL PAINTING SERVICES—FACILITIES DEPARTMENT  
FUNDING—FACILITIES DEPARTMENT**

The recommendation is to accept the proposal from Aaron & Page Painting and execute contract pricing for two years with two one year options to renew. Item Nine:

**9. TRAFFIC ENFORCEMENT RADAR UNITS—SHERIFF'S OFFICE  
FUNDING—SHERIFF'S ROAD PATROL**

The recommendation is to accept the bid meeting specifications from Applied Concepts in the amount of \$10,287.00. I would be happy to answer any questions and I recommend approval of these items.”

**Chairman Winters** said, “Alright, thank you Iris. Commissioners, do you have any questions of Iris? Commissioner Parks?”

**Commissioner Parks** said, “On the last one there on the traffic enforcement units, I see where Custom, was it underbid, where they outside the spec on the specifications?”

**Ms. Baker** said, “Yes they did not meet the specification for voice verification.”

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

**Chairman Winters** said, “Ok, any other questions?”

**MOTION**

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

Commissioner Unruh seconded the motion.

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

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**VOTE**

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

**Ms. Baker** said, "Thank you."

**Chairman Winters** said, "Thank you Iris. Next item."

**CONSENT AGENDA**

**R. CONSENT AGENDA**

- 1. Archival donation from Ken Keen.**
- 2. VAC2008-00027 – Sedgwick County request to vacate a portion of a platted setback; generally located approximately ½ mile north of 47<sup>th</sup> Street South and west of K-15. The site is located within Sedgwick County and within the City of Wichita's three-mile ring subdivision jurisdiction. (District 5)**
- 3. CUP2006-46 (Associated with ZON2006-45) – Extension of time to complete platting requirement for a zone change from "SF-20" Single-family Residential to "LC" Limited Commercial. Generally located on the northwest corner of 21<sup>st</sup> Street North and 159<sup>th</sup> Street East. (District 1)**
- 4. CUP2004-60 (Associated with ZON2004-68) – Extension of time to complete platting requirement for a Commercial CUP and zone change from SF-20 Single-family Residential to LC Limited Commercial; generally located on the southeast corner of 31<sup>st</sup> Street South and Rock Road. (District 5)**
- 5. Authorization of a Service Agreement which will allow Allen County to use Sedgwick County's Motor Vehicle Tax Estimator.**

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- 6. Authorize five applications to the Kansas Department of Transportation for loans from the Transportation Revolving Fund to finance county road and bridge projects.**
- 7. Sheriff Department Range Reallocations.**
- 8. Approval of a Cereal Malt Beverage License for Quik Trip West, Inc. #392 by the County Clerk's Office.**
- 9. General Bills Check Register for the week of October 22, 2008 – October 28, 2008.**
- 10. General Bills Check Register for the week of October 29, 2008 - November 4, 2008.**
- 11. Payroll Check Register for October 31, 2008.**
- 12. Order dated October 29, 2008 to correct tax roll for change of assessment.**
- 13. Order dated November 5, 2008 to correct tax roll for change of assessment.**

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, “You have a consent agenda before you and I would recommend you approve it.”

**Chairman Winters** said, “Commissioners you have seen the Consent Agenda, what is the will of the Board?”

**MOTION**

Commissioner Norton moved to approve the Consent Agenda as presented.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Unruh

Aye

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

**Chairman Winters** said, “This brings us to the conclusion of the Regular Agenda. Commissioners we do need to have a Fire District and an Executive Session so I would suggest we recess, go into the Fire District, conclude and we will come back and do other. At this time I will recess the Regular Meeting of the Board of County Commissioners.”

**RECESS TO FIRE 11:22-11:24 a.m.**

**Chairman Winters** said, “I will call back to order the Board of County Commissioners Regular Meeting November 12<sup>th</sup>, 2008. Commissioners we do need to have an executive session but before we go into Executive Session is there any other business that we need to discuss? Commissioner Welshimer?”

**S. OTHER**

**Commissioner Welshimer** said, “Well just one thing, I think that we can be very happy that we made the right decision quite some time ago when we set aside the money for the new machines for the voting process for this election. I think it was used wisely and worked out well and I am just very happy about that. I haven’t had any complaints or notices that we had lines that were too long during the election night voting and so far it has just gone very well.”

**Chairman Winters** said, “I would agree and just to follow up I know that we had a number of citizens who thought it was not going to work and that we were not going to have results but I think particularly the option to vote in advance and the publication of voting advance and then the opportunity to vote a paper ballot if you got to a precinct that was full of people and to my knowledge I have heard no one complain about hours of waiting and not being able to vote so I think we had a very big election and it went very efficiently.”

**Commissioner Welshimer** said, “I think the Voter Coalition and the people who were in here warning us about this, I think they were a good initiative for us to get this lined out, both ourselves and the Election office and I think it took every person’s input there to make this a success.”

**Chairman Winters** said, “And I think we would all share in extending our appreciation to all of the workers in the Election Commission office, the Election Commissioner, all of the volunteers that were recruited to work on the election did a very good job so we would thank all of them but we would also like to thank, I think, Manager Bill Buchanan and Bob Lamkey because I can remember

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a day when the County did not participate as thoroughly as we could with the Election Commissioners office and I think we have started a mechanism now under Bob's leadership of really having a good team of County support for the Election Commissioner's office that may not have been there quite like that in the past so I would share in thanking and we would just good work to everybody that was involved in the election."

**Commissioner Welshimer** said, "Absolutely."

**Chairman Winters** said, "Commissioner Parks?"

**Commissioner Parks** said, "Well, I had some of the same comments but I did want to also thank whoever was responsible for the large VOTE HERE signs and I think that in the advance voting, people would go along the street and Commissioner Welshimer did suggest that we have a little different sign out there and I think those helped quite a bit. People would see that and say 'oh I can vote now, I don't have to wait three or four more days.' Also I would like to thank the Budget department. I know they were in here earlier and I almost brought that up then but I will bring it up now. In that these Budget books at the area libraries are being used. When I run into someone that is not proficient in computers or can't afford a computer or don't want to get on a computer I have been telling them to go to the libraries and I have been getting good response to that. So the second thing that I...Ms. Baker had the trade in on the radars and I just might throw this out to the cities also to show cooperation with our City police departments when they have the radars to trade in and they are only getting \$50 or \$150 out of them we might consider some kind of a first offer for refusal for the cities to buy those or something so I think that would show cooperation to our cities. Some of the smaller cities don't have the resources to do the \$5,000 or \$6,000 radars and if they can pick one up that is functioning for \$150 that would really help them out. Thank you."

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

**Commissioner Unruh** said, "Thank you Mr. Chairman. I just want to report that attended the Sedgwick County Association of Cities Meeting last Saturday morning and one item on the agenda led to some pretty spirited discussion and that was how to deal with municipal solid waste disposal and I think it was a good healthy discussion and several of the cities are moving towards contracting or franchising their collection which provides the benefits of curbside recycling and lower cost to constituents along with all the other economies and environmental advantages so I think the cities are moving towards trying to find a way to comply with Sedgwick County solid waste plan so I just wanted to report that to all the Commissioners."

**Chairman Winters** said, "Alright, thank you very much. Commissioners, we do need to have an Executive Session. Can we have that motion?"

**Regular Meeting, November 12<sup>th</sup>, 2008**

**MOTION**

Commissioner Norton moved that the Board of County Commissioners recess into Executive Session for 20 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 11:55 a.m.

Commissioner Parks seconded the motion.

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

**VOTE**

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

**Chairman Winters** said, “We are in recess or Executive Session for approximately 20 minutes.”

**RECESS TO EXECUTIVE SESSION FROM 11:31 a.m. to 12:06 p.m.**

**Chairman Winters** said, “Alright, we will call back the order of the Board of County Commissioners, November 12<sup>th</sup>, 2008. Let the record show that there was no binding action taken in Executive Session. Mr. Euson, do we have other business to consider?”

**Mr. Euson** said, “Yes, sir. Commissioners, while in Executive Session we discussed an automobile accident case involving a driver and a passenger and so at this time we would ask you to approve the settlement of that case in the amount of \$10,000 for Laycie Pelkey and \$15,000 for Lacy Flintall and that is the recommendation.”

**Chairman Winters** said, “Alright, we have a recommendation. Commissioners, what is the will of the Board?”

**MOTION**

**Regular Meeting, November 12<sup>th</sup>, 2008**

Commissioner Welshimer moved to approve settlement agreement.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Mr. Euson** said, "Thank you Commissioners."

**Chairman Winters** said, "Thank you. Mr. Euson do you have anything else?"

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

**Chairman Winters** said, "Mr. Buchanan?"

**Mr. Buchanan** said, "No, sir."

**Chairman Winters** said, "This meeting is adjourned."

**T. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 12:06 p.m.

**Regular Meeting, November 12<sup>th</sup>, 2008**

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

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

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

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

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**KELLY PARKS**, Commissioner  
Fourth District

**Regular Meeting, November 12<sup>th</sup>, 2008**

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**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2008