

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

### **REGULAR MEETING**

**January 7<sup>th</sup>, 2009**

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, January 7<sup>th</sup>, 2009 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. John Schlegel, Planning Director, Metropolitan Area Planning Department; Mr. Pete Giroux, Principal Analyst, Division of Finance; Mr. Ron Holt, Assistant County Manager; Mr. Bob Lamkey, Director, Public Safety; Mr. Mark Masterson, Director, Department of Corrections; Ms. Iris Baker, Purchasing Director, Division of Finance; Mr. Don Brace, County Clerk; Dr. Timothy Rohrig, Director of Forensic Labs, Forensic Science Center; Ms. Kristi Zukovich, Director, Communications; and, Ms. Kristi Vermillion, Deputy County Clerk.

### **GUESTS**

Colonel Robert Hester, JROTC

Senator Carolyn McGinn

Mr. Bill Kehr, Attorney, 111 N. Baltimore, Derby, KS 67037

Mr. Mike Litlibridge, 13305 E. Bucktharn, Derby, KS 67037

Mr. Rodney Fowler, 13203 Dove Hill Drive, Derby, KS 67037

**Chairman Winters** said, “Thank you very much for the introduction and welcome to all of you who are in our meeting room. We certainly appreciate your attendance here and your attention to County business. I would just take a point of privilege and two quick things. Again, this is my last meeting as a County Commissioner so it will have an interest from that and then I would also like to recognize that my wife, Jeri, is in the audience and my son, Todd Winters, is in the audience so welcome to both of you. Todd came in unexpectedly so it is nice to have him here this morning. Alright at this time I will call to order the meeting of the Board of County Commissioner’s Regular Meeting January 7<sup>th</sup>, 1009. Madame Clerk, would you call the first item?”

### **INVOCATION**

The Invocation was led by Pastor Ron Thelander of Woodlands Lakes Community Church, Wichita.

### **FLAG SALUTE**

### **ROLL CALL**

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

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**Chairman Winters** said, “Now I am going to ask if we could just pause for a second because I am going to move from here down to there. Well, this is my last meeting and I have done this several times before so I am having a little difficulty understanding why I am so nervous this morning but this is a part of the meeting where we are going to hand out some awards to really three friends and three people making a difference in our community. Commissioners, the first one is concerning the retirement of County Clerk, Don Brace, and we need to take this as an off agenda item so I move that we take an off agenda item.”

### MOTION

Chairman Winters moved to take an off agenda item regarding the presentation of Retirement Clock for Don Brace.

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, “Don, if you would please join me. This agenda item will be recognizing the retirement of Don Brace after serving eight years as the County Clerk but I would like to take a few moments to just talk about Don as again I see his wife here today and friends from all around the Courthouse. I would like to talk about this unique individual and I really don’t know a lot about Don, although some but he does not talk about himself easily so it is sometimes kind of prying but here are some of the highlights as I know them. In 1959, Don was a starter on the University of Syracuse football team and in 1959 Syracuse played Texas in the Cotton Bowl for the National Championship. Don’s Syracuse team won that and Don regularly wears the National Championship football ring from his college career. After leaving college Don joined the United States Air Force and was a tanker pilot and I don’t know much about the actions that he was decorated for but I know that he took that tanker plane to where he was not supposed to be to rescue a group of fighter pilots who had run out of fuel. And so Don has served his country in the Vietnam War in an exemplary way, retired as a Colonel and a Commander of McConnell Air Force Base.

After that Don joined Sedgwick County team as Director of Operations and Maintenance where he

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was truly in a position of serving others for the career that he had as number two. Part of the stories could be that he was in charge of all of the facilities and buildings, rooms such as this, operating sound systems and picking out carpets. Don is colorblind and can't hear out of one ear but he did all of that very well for many years. Don retired from that position and as a citizen saw things that were happening in the County Clerk's office that he thought needed an adjustment so Don filed the papers to run for elected office and Don was successful and has served this County well as the County Clerk for eight years. And now Don is retiring from a successful career as an elected official. So Don, for, as I would calculate it, must be over 45 years of public service, both in the military and the United States Air Force; as a Sedgwick County appointed official and as a Sedgwick County elected official. During my County career I am proud to have gotten to know you, to work with you and to call you a friend and I want to thank you for your service again. Best wishes to you and Nancy for whatever you do in the future. We wish you the very best."

**Mr. Don Brace**, County Clerk, greeted the Commissioners and said, "Thank you Tom."

**Chairman Winters** said, "We have this clock from the citizens of Sedgwick County as a token of appreciation and if you would like to make a comment we would certainly be glad to have you do that."

**Mr. Brace** said, "Thank you. One thing, Tom, thanks for those kind words but remember you can go the opposite way of heaven for lying just as well as stealing. I do have a couple of prepared remarks and thank you for your time. It has been a privilege of mine to work with the good people of Sedgwick County and that represent the entire County. Thus far I have received from the Commissioners and everyone has been outstanding. I will miss the relationships that I have had with the County employees. Their professionalism and ethics have made me the person I am today and if you think I have done a good job it is because of them and I bask in their glory. I will also miss the friendships that I made with the County citizens and State citizens that I have met while I have been the County Clerk. Their friendship and guidance will be remembered for a long, long time. I also have been blessed throughout the years from the support of my family and as Tom mentioned my wife, Nancy, is here, who has been especially faithful. Thanks Tiger. And Tiger is her nickname. It was a difficult decision to retire, to leave the Clerk's office and the dedicated, loyal people that work there. They have kept me out of trouble many, many times, which I am sure you are all aware of. But I believe retirement at this time is the right decision for me and my family. Thanks to one and all. God bless and we will continue to keep you in our prayers and thoughts."

**Commissioner Norton** said, "Before Don gets away...Don, you at least need to say one thing about Syracuse. You know, every Christmas Don sends us, at least sends me, a Christmas card with a picture of the Syracuse football team and all the championship trophies and rings that he is proud that his alma mater has garnered over the years. I have noticed, Don, the last few years there

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haven't been any new rings on that...now I knew I would start him up a little bit."

**Mr. Brace** said, "Don't forget basketball you know."

**Commissioner Norton** said, "Well, Don, you are going to be very missed around the Courthouse and I appreciate the collegial attitude and the friendship that I have had with you and you will be very well missed."

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

**Commissioner Norton** said, "Commissioner Parks?"

**Commissioner Parks** said, "And Don I would like to thank you, give a special thanks from 304 citizens of Sedgwick County on the work that you did and the friendship and guidance that you gave them and the extra work you did on the West Valley Project even though it is unincorporated, those people still remember you and thank you for your hard work in that. Thanks."

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

**Commissioner Norton** said, "Commissioner Unruh?"

**Commissioner Unruh** said, "Thank you. Don, I just wanted to add my remarks to say that I really appreciated the opportunity to get to know you during my time here and your energy and your good humor and your willingness to work with the County Commissioner. You know you set a great example as your career has indicated. It has been distinguished and honored and we just want to add our congratulations and thanks to you."

**Commissioner Norton** said, "Mr. [sic Miss] Welshimer?"

**Commissioner Welshimer** said, "Well, you certainly will be missed. It won't be the same around here without you. I hope you will come back and visit us frequently."

**Mr. Brace** said, "Thank you very much."

**Commissioner Welshimer** said, "Thanks Tom."

**Mr. Brace** said, "Thank you Tom."

**Chairman Winters** said, "Ok, thank you Don. Madame Clerk, would you call the next item?"

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### PRESENTATION

#### A. PRESENTATION OF THE 2008 CHAIRMAN'S AWARD.

**Chairman Winters** said, "Commissioners, at this time we will take the opportunity to award the Chairman's Award and if I could ask Colonel Robert Hester to come forward and I would also like for School Board President Lynn Rogers and Interim Superintendent Martin Libhart to come and share this moment with us. Just a brief history of this award, this award was started back in 1988 by then Chairman of the Board of County Commissioners, Mark Schroeder, and Mark is in the audience today and Mark, welcome. It is good to have you here. One of the things that Mark thought about during that time frame was that Sedgwick County was not doing as much as we could to recognize really citizens who are making a difference in our community.

This award was first given to a group of citizens who worked on the Centennial Celebration for the Historic Courthouse across the street. There was a group of citizens who worked very hard on that project and Mark thought it would be significant enough to give them a special award so that was the recipient of the first award. Since then there have been awards given to groups such as Project Freedom, the Zoological Society, Dick and Bill DaVore Foundation, Community Policing groups and a whole host of others but today we are here to give this Chairman's award to Colonel Robert Hester. He has served his country as an active duty field artillery officer for 26 years before retiring in 1995 to begin a new call to serve through Junior ROTC. While in the service he received numerous awards. During his time with JROTC the program has expanded from three schools and 225 cadets to 19 schools and 2,400 cadets. This growth includes the implantation of a middle school leadership program modeled after JROTC. Colonel Hester has said he continues to be humbled by and proud of the many students whose lives he has touched over the years. Frequently, his students will contact or visit him to let him know what they are doing and how he has influenced them. Recently a former cadet from Curtis Middle School program graduated from the United States Air Force Academy and she asked Colonel Hester not only to attend her graduation but commission her as well. Colonel Hester has said stories like that make this the most rewarding job that he has had. He said he enjoys getting up every morning and going to work and he is glad to do what he is doing.

What got me first connected is Colonel Hester would ask the Board of County Commissioners to sign a proclamation in the area of Veteran's Day in conjunction with the Cadet Review that is held each year at Century II and the first time I attended that I was amazed at the response and the number of young people that participated in that program. After the program there is usually a lunch or some kind of presentation. I was not able to attend that this year but in flipping the channels on the television the other day, came onto the school district's channel and there it was and it was amazing to listen to all of the people, from the young people to the parents to teachers to

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principals talking about the effect that JROTC has on a number of students. You heard words like leadership, providing structure, guidance, molding and shaping, learning how to be Americans, learning how to be good citizens, life changing, emerging into outgoing young women and men, change in outlook, pride in the family, units working in the community, community service, creates respect, the Cadet Review and the impact that that has and helping students find their voice.

Colonel, today you are receiving this Chairman's Award for being a citizen who is making a difference in our community. We thank you for your dedicated military service and we thank you with the work that you do with the young people in our community. Now I know that you have brought a group of folks with you and, Colonel, if you would please come forward I would like for you to introduce some of these people and let us know who they are and then we will give you all a great round of applause but if you could introduce some of these folks, Colonel, and then we will ask you also to make a couple of remarks."

**Colonel Robert Hester**, JROTC, greeted the Commissioners and said, "Thank you Chair Winters. Would you please stand? I would just like to introduce some of the cadets and instructors who came here today. These are predominately our leadership: Desarai Craytor is from South High School, she is our Deputy Core Commander for the school district; Mike Seis is our Core Commander, he is at East High School on his way to the Air Force Academy and he is the top cadet here in Wichita; Cassie Raatz is from North High School. Cassie is our Core Command Sergeant Major and then standing behind them and helping them is Lieutenant Colonel Mike George, who is our Senior Instructor at East High School; Major Nick Yde, who is the Senior Instructor at North High School and First Sergeant Don Phillips, who has actually been here longer than me. He came here in 1994 but not older than me and the First Sergeant is at Northwest High School and then behind him is Callie Hobkirk and Mariah Green. Callie and Mariah are both cadets at Brooks Middle Magnet, our Marine Corp Magnet Program and Gunnery Sergeant, Henry Danis, is their lead instructor at Brooks Middle Magnet and who is not standing is my wife of 43 years who gives me my direction. Thank you."

**Chairman Winters** said, "Colonel, again, on behalf of the Board of County Commissioners and myself we want to thank you for this tremendous work that you do in our community. We have a special interest in making sure that young people start on a right track and I think so often we tend to think about all of the problems we have and we fail to recognize all of these fine young men and women all through our community. If you would like to make just a couple of remarks, before we get away I certainly want to thank Lynn Rogers and Mark Libhart for promoting an organization and an activity such as this. I thank you from our side of the road. It takes a lot of people in the community to make sure our kids get on the right track. So Colonel, if you would like to make a comment please."

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**Colonel Hester** said, “Thank you Chair Winters and I am very humbled to be here today and receiving this award. I feel like I am receiving this for all the cadets here in Wichita and the instructors. It is an honor to be associated with this organization. I feel like my mission here in Wichita is to provide some direction and to the schools and then to help them, taking as much workload off of them as I can so that they can do their jobs in mentoring the cadets here in Wichita. A person that I want to work for who is very successful told me that his success was based on surrounding himself with good people and I am certainly blessed here in Wichita to have such outstanding instructors as...we have the best instructors in Cadet Command. I am convinced of that. They are just phenomenal people, completely dedicated and then our cadets are just...they have made our cadets just top drawer cadets, outstanding in every way. It does make me very proud to get up every morning and come to work and be a part of this organization and a special thanks to Superintendent Libhart and President Rogers for their support and all the other leaders in Wichita Public Schools that supported Junior ROTC because obviously our success is predicated on support from the District leadership and we get outstanding support from the leadership so we thank you very much and again it is just an honor to be here and be with these cadets today. Thank you.”

**Chairman Winters** said, “Alright, Colonel, we have a token...let’s turn around here, make sure the cameras get you. The two parts of this are one when former Commissioner Mark Schroeder started this award, there is a permanent plaque in the Commissioners’ office and your name will be added to that permanent plaque that hangs on the wall in our office and then this is a token for you to remember today so congratulations again. Thank you for making a difference in this community.

Alright, Commissioners, we have one more presentation. Madame Clerk, would you call the next item?”

### **B. PRESENTATION OF AWARD TO SENATOR CAROLYN MCGINN FOR SERVICE AS CHAIR OF THE SOUTHCENTRAL KANSAS LEGISLATIVE DELGATION.**

**Chairman Winters** said, “Thank you. Senator McGinn, if you would join me. It is very important that we have a close working relationship with our legislative delegation. Each year the delegation selects a Chair to coordinate the activities and interactions between the legislators and our local government entities and citizens. In 2008, Senator Carolyn McGinn served as the Chair of the South Central Kansas Legislative Delegation. As a former County Commissioner from the Fourth District, Senator McGinn is acutely aware of the needs and challenges in Sedgwick County. She is also keenly aware of the critical lengths between what happens here in our community and region and what happens in the state. In 2008, our delegation, under Senator McGinn’s leadership helped promote some pretty significant initiatives that not only benefit our region but our strong economy that drives the State of Kansas. Items such as continued support for Kansas Affordable Airfares Program demonstrate how vital it is to our state’s economy and growth to maintain low airfares for

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citizens and business. The investment in the National Institute for Aviation Research and the National Center for Aviation Training are critical to building our state's strong aviation cluster. It is investing in a strong aviation workforce and investing in the future technologies. Support of the incentive package with our Greater Wichita Economic Development partners for the Cessna Aircraft Expansion Project, the Cessna Columbus, which again demonstrates an investment in growing jobs in our aviation cluster. Of course, our delegation works on numerous other initiatives and issues that help keep communities all over Kansas strong. We appreciate Senator McGinn and all that our State Legislators, Senators, and Representatives, who work on tough issues about corrections, aging, mental health, developmental disabilities, economic development, education, and transportation and we know that their job will be harder as they work to deal with the budget challenges this next season so on behalf of the Board of Sedgwick County Commissioners I would like to present this award in recognition, Senator, of your services to the citizens of Sedgwick County and South Central Kansas and the leadership roles you play and I hope that you know that you can call on us at any time. We can be of assistance with your work. So congratulations, Senator, and thank you for being here today. Would you like to make a remark? Ok very good."

**Senator Carolyn McGinn**, greeted the Commissioners and said, "Well thank you very much for this award and it is certainly an honor to have the opportunity to serve as Chair and it is certainly great to be back here in the Commission room. It has been a while since I have been here. I would just like to share just a few brief comments and that is the success that we have has to do with partnerships that we have with local units of government as well as our constituents. Together we gather information and we form partnerships and that is how we are able to be successful for our region and when our region is successful our State is successful and so I certainly commend all of you that work in local government and help us help you do your job as well.

I also would like to share that in years past we have often talked about how our delegation was fragmented on certain types of things. But I would like to share I think it is a new day, it's a new era. We have a very united South Central Kansas Delegation and group of individuals and professional legislators who work very hard together to move forward things that help our economy and that type of thing. Just last year we began, along with REAP, to start a summit, a South Central Kansas Summit, and we invite everybody across the state and once in a while we do get some people from northeast Kansas and western Kansas to attend those and the success of that has been things called aviation training, the Columbus line, understanding the need to continue those things in our area, affordable airfares and wigme and those types of things but it was an opportunity for us to get together and pick about three issues to really focus on to help us as legislators understand what is important to our region and what continues to make us successful. As everybody knows I think, unless you have been out of the country for some time, we will have a very difficult year and it probably won't be pretty but we have been through these kinds of things before and again with your help and the partnerships that we have we will be able to get through these tough times and I think make government even better.

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I would just like to finish making a couple of comments on a personal note. Having the opportunity to serve as a County Commissioner for six years I want to share that when Commissioner Winters walks out of here, I don't think there is any place that anybody can go in this area that won't see his fingerprints on things and I think of things such as aviation training. I can remember back kind of when I got this letter from John Morris, the Chair of County Commission, and I am going to Tom and I am saying 'hey what do you think about this?' and talked about how our business industry is manufacturing, is aviation and we need to help them meet their needs, they need a skilled workforce and so here we are about six years later and we are seeing this facility being built now and so those things don't come overnight. Those things come because somebody had a vision and that vision is what has made our community a better place to be in.

And then one final thought and that is we talk about leadership and there are lots of leadership styles and I know Commissioner Norton always taught us about those kinds of things but I just want to share with you today when I think of Tom Winters, I think about leadership is about helping other people get what they want, leadership is about helping other people be successful and so when I think about Commissioner Winters I think about that type of leadership style. He continued to help me and other Commissioners be successful and get what they want and I congratulate him for 16 years of service, public service, and thank him for all the things that he has brought to our community. Thank you very much."

**Chairman Winters** said, "Senator, this is the plaque, Senator Carolyn McGinn, in appreciation of service as South Central Kansas Legislative Delegation Chair 2008 from the Board of Sedgwick County Commissioners so congratulations and thank you for all of your hard work."

**Senator McGinn** said, "Well, thank you, thank you and best wishes to you."

**Chairman Winters** said, "Alright, thanks. Commissioners, I am going to move back up to the front and then we will continue."

**Commissioner Norton** said, "Ok."

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

### **PLANNING DEPARTMENT**

- C. CON2008-00056 SEDGWICK COUNTY CONDITIONAL USE FOR AN ACCESSORY APARTMENT; GENERALLY LOCATED ¼ MILE SOUTH OF 63<sup>RD</sup> STREET SOUTH, EAST OF 127<sup>TH</sup> STREET EAST. (DISTRICT 5).**

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### SLIDESHOW

**Mr. John Schlegel**, Planning Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “In this application for a conditional use for an accessory apartment that I will be presenting to you today. The site is located as you can see on the graphic in front of you, just southeast of the intersection of 63<sup>rd</sup> Street South and 127<sup>th</sup> Street East. This is an area just to the east of Derby. It is a five acre lot, currently zoned rural residential as you can see from the zoning map in front of you, the entire area around this application site. As I will show you in a few moments when I review some photos of this site and the surrounding neighborhood it currently has a two-story single family residence built on it with a large metal accessory structure. The applicant is proposing to convert a portion of that accessory structure into an accessory apartment for purposes of housing their elderly parents. The Unified Zoning Code requires that a conditional use approval by either the Planning Commission or in case of an appeal, as in this case, by the Board of County Commissioners for an accessory apartment. The site is part of the Prairie Ridge Estates, single family residential subdivision. You can see where this site fits within that subdivision. There is about 25 lots in that tract, ranging in size from five acres up to eight and a half acres in size. It is located, as I said before, in this eastern portion, southeastern portion of the County in an unincorporated area, which is characterized by this type of large tracts, single family residential development interspersed with farm land. You can see that pattern of development in the aerial photo that I just put up before you. What I would like to do is go through the photos so you get an idea of the character of the area. This is the application site. You can see the single family home on the left hand side and the metal accessory building off on the right hand side. This is the home just across the street from the application site. Another home, a couple of homes off to the east. This is a home with a similar type of accessory building off to the west. South view from the site...A subject matter that will come up during this...your review today is the matter of a set of private restrictive covenants that exist for the subdivision. One of those private restrictions would seem to restrict this use or would seem to prohibit this use from being allowed on this property and the applicant was aware of this restriction when they bought the property and that came out in the testimony that was given to the Planning Commissioner. However, I bring this up just simply to remind you that private covenants are a private contract arrangement between private individuals and as such is not within the jurisdiction of either the Planning Commission or this Board to enforce. The recourse of the property owners in this case in enforcing that private restrictive covenant would be through the Courts.

The Metropolitan Area Planning Commission did hear this item at their meeting on November 20<sup>th</sup> at which time a large contingent of property owners from that subdivision spoke in opposition to the request. Their main issues seem to be that it violated the private restrictive covenant. There was also testimony given by some of those in opposition that they were concerned about the precedent that this would set and that it might lead to the establishment of a rental property once the elderly parents did not use the accessory apartment anymore. Despite that testimony the MAPC did

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recommend approval by 6-2 vote at that meeting. They did add a conditional to their approval, which reads this way 'the conditional use for the accessory apartment will be allowed on the subject's site only as long as the applicant's one set of parents, as a couple or eventually the surviving member, inhabits the accessory apartment, after which the conditional use shall be null and void.' And the other conditions that were attached to that approval were pretty standard for this type of conditional use. During the subsequent two week protest period after the MAPC action, staff has received protest petitions from property owners representing over 90% of the protest area so that is a factor in how you vote today. It will require therefore four votes or three quarters super majority to approve this conditional use. By the same token a denial or overturning of the recommendation by the Planning Commission will also require a super majority or four votes and with that I would be glad to take any questions."

**Chairman Winters** said, "Alright, thank you John. Commissioner Welshimer, do you have a question or was this light left over from..."

**Commissioner Welshimer** said, "I think it is left over."

**Chairman Winters** said, "Ok, very good. Any questions for John at this time? Well, as we know the official hearing for this takes place before the Metropolitan Area Planning Commission but it has always been our custom to allow anybody to visit with the Board of County Commissioners about cases such as this so I would begin by asking if the applicant or a representative from the applicant is here and would like to address the Board of County Commissioners. If you would, please come forward. During the public comment part of our meeting we would like to try to limit the remarks to five minutes if we could do that please and if you would give your name and address for the record please."

**Mr. Bill Kehr**, Attorney, 111 N. Baltimore, Derby, KS, greeted the Commissioners and said, "I have the privilege of being exceptionally brief today. It is very seldom that I have ever been third on a meeting and thought that ended up being a good thing but many people, far more worth projects before me and they should be commended. Secondly, Mr. Fowler has asked me not to address you, which is a pretty rare day for an attorney to be hired not to address anybody and as such I will let him address you as he sees fit to tell you how this situation came about and at the end of all of it if you would like a rebuttal or any input from me I would be happy to do so."

**Chairman Winters** said, "Alright, thank you sir."

**Mr. Rodney Fowler**, 13203 Dove Hill Drive, Derby, KS 67037, greeted the Commissioners and said, "My wife, Ladone, and I are the applicants for this conditional use permit. As you just heard from Mr. Schlegel, our conditional use zoning application was approved by the Metropolitan Area Planning Commission on November 20<sup>th</sup> and approval of that zoning change was granted by the

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Metropolitan Area Planning Commission after they altered the zoning application to be an emergency, temporary, conditional use with the following restrictions; the residency and the additional existing building would be limited to my wife's elderly parents, Laddie and Leona Stierwalt, who are both currently 88 years old and in need of special healthcare assistance. Also, registration of this emergency conditional use permit must be filed annually with proper authorities in Sedgwick County. Also, when Mrs. Fowler's, my wife's parents, are no longer need of this facility to be cared for or have passed on the property will automatically revert back to the original zoning code of rural residential and of course any alterations that we make to the existing building must be per the Sedgwick County building codes and must pass all County inspections.

I would like to give you a little brief history of what went on and when we purchased the property and if you will bear with me I will get through this. Back in July of 2008, my wife and I started looking at properties that had the potential for living quarters to care for my wife's elderly parents. The property that we looked at at 13203 Dovehill Drive seemed to be the perfect fit. We were informed about the possible existence of a private restrictive covenant by the previous owner during preliminary real estate negotiations. I called the Sedgwick County Register of Deeds office to see if this covenant in fact was actually registered and valid. I was told by a County Clerk on the phone that the Prairie Ridge Estates covenant was not registered and valid so we proceeded on with negotiations. A few days prior to signing the final bid agreement on the property, which took place on the 31<sup>st</sup> of July. We were then given another copy of the covenant by our realtor that appeared to have official signatures and stamps. I immediately then called Bill Meeks, the Sedgwick County Register of Deeds, who then informed us that the County Clerk had made an error in informing previously and that this covenant was registered. Our realtor and the previous owner did not think that this existence of this covenant would present us any problems at this time and final closing for the property was set for August 27<sup>th</sup>. My wife and I decided to proceed in good faith and file a request for approval application though it may not have been necessary for altered land usage to accommodate my wife's parents on the property per item #13 of the Prairie Ridge Estates covenant. I then paid a visit to Mr. Litlibridge, the President of the Prairie Ridge Estates Architectural Control Committee, on August 3<sup>rd</sup>, 2008. He told me that I needed to write a letter addressed to all the Prairie Ridge Estates residents informing them of our intentions and that we would need 100% resident approval. Per item #14 of the Prairie Ridge Estates covenant official application approval only requires two of their three Board member votes. At the time of my August 3<sup>rd</sup> visit with Mr. Litlibridge..."

**Chairman Winters** said, "Mr. Fowler, that is five minutes but we want to make sure we get all of your information so if you could just kind of move along but that has been five minutes but we again...do you have a lot more or are you..."

**Mr. Fowler** said, "I've got quite a little bit more. I didn't know I was going to be restricted to five minutes."

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**Chairman Winters** said, “Yeah, we restrict it to five minutes. Is there a way you can look through there and hit some of your strong points?”

**Mr. Fowler** said, “The bottom line is when we made this application that wasn’t per what the covenant said. We were told...Mr. Litlibridge directed me to send a letter to everybody and that I needed to make a formal application so when he told me to forget the application after the residents didn’t approve by 100% I decided to file a formal application and per their covenant we were supposed to have an answer approved or disapproved within 30 days and I presented that to Mr. Litlibridge on the 17<sup>th</sup> of August and on the 23<sup>rd</sup> I received a registered letter at the house from Mr. Litlibridge and Mr. Tesser, two of the members of the Architectural Committee and my application was returned blank and they said because my application was in conflict with their covenant that they didn’t have to give me an approval or disapproval so therefore no action was required so that is the bottom line. We wanted to come out there to have a facility capable of being wheelchair accessible. The bathrooms and the bedrooms in our home are not wheelchair accessible. We have plans to make the two or three rooms that we want to remodel in this building wheelchair accessible and let me sum this up real quick...all my wife and I ever wanted to do is to be able to care for her elderly parents on our property in a manner that we choose that best fits their needs. Her parents want to feel like they have some independence and a little bit of privacy and they do not want to be a burden. My wife has been an RN for the past 34 years and the last 18 at Wesley Hospital in Wichita and as an experienced medical professional I really believe that my wife knows the best healthcare plan and needs for her own parents, Laddie and Leona Stierwalt.”

**Chairman Winters** said, “Alright, thank you very much sir. Is there anybody else that wants to speak in favor of this conditional use? Alright, is there anyone here who would like to address the Board of County Commissioners who is in opposition of this conditional use? Yes, please come forward. Please give your name and record, your name and address for the record.”

**Mr. Mike Litlibridge**, 13305 E. Buckthorn, Derby, KS 67037, greeted the Commissioners and said, “I am a resident of the neighborhood in question in here. Don’t have a whole lot to say this morning. I appreciate you guys hearing us today. I would like to recognize some of the other folks here that are in opposition this morning from the neighborhood, if you would like to stand. We have about 30% of the neighborhood here today. You have to remember our neighborhood is only 24 homes including Mr. Fowlers so you know it is not like a residence here in Wichita that has 250-300 homes so this is a large majority even to take off work to come see you guys this morning. From the MAPC meeting that we had in November we had 65% of the neighborhood take off and came to the meeting in opposition so it is not like I am up here trying to say that I don’t like this, it is our whole neighborhood that is in opposition of this and I know that the County doesn’t enforce covenants. We aren’t really asking you to enforce our covenants; we are just asking you not to ignore them. If you grant the temporary usage then we have to do a next step. You know, like Mr. Fowler said when he came out there, he knew the covenants were there, he knew that the

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neighborhood was against it. We went and asked all the neighbors, that is why we had 100%. A covenant isn't 'I can override it'; a covenant belongs to every homeowner out there so that is why we come up with the 100%. Everybody has to agree with that. As you can see on the map it says 90% is in opposition. The one white that is there, that is a couple that is living in Florida right now and I was unable to get their petition back in time to get it turned in so as far as we are concerned we have 100%. All of the blue homes that are outside of the red, now there is still the neighborhood, there is still folks that live in that area they are just outside of the 1000 foot boundary that you have presented so you know like I said, everything we have here is opposition. Kind of going by the golden rules that the MAPC has to opposition, you know it looks that we have 100% opposition. As a hardship, you know, Mr. Fowler knew that that was there when he moved in. To me he created the hardship when he moved in. A hardship would be if I was living in a place and something happened; that would create a hardship on me. Moving into a place, creating a hardship, that shouldn't be the authority to give them a temporary apartment. I am the character of the neighborhood. You know it is all single family homes today; we would like to keep it that way. A lot of us have spent a lot of time and money in our homes out there. It is not a personal front against Mr. Fowler at all. What we are looking at is what is going to happen down the road. He is spending a lot of money in his shed, he wants the temporary accessory. Let's say that he moves out and he is correct when something happens to the parents, it goes back to a single family home. But if he moves out he has already spent all this money on a shed. Somebody is going to buy that place and here we come again. We are back, it is a conditional use apartment, it could be a permanent this time so, you know, it's a temporary; the MAPC did make it a temporary. Unfortunately it is a shed. The only way it is enforceable is if somebody watches the shed 24 hours a day. One of the discussions at the MAPC was to...and it is kind of ironic, the discussion was that possibly they could move in a trailer, which would have a limited time frame so it could be moved out when the parents situation changed but they said at that meeting 'well your covenants don't allow a trailer so we don't want to look at that option' so it is kind of ironic that they looked at the covenants here and didn't look at the covenants here. Basically that is all I have got to say and I thank you for your time."

**Chairman Winters** said, "Alright, thank you sir. Is there anyone else who would like to address the Board of County Commissioners? Alright, well, we did take note of the number of people here that Mr. Litlibridge had stand and were here not in agreement with this. Is there anyone else who wants to speak? Yes sir, you haven't had five minutes so come on up."

**Mr. Kehr** said, "And I won't use my five minutes."

**Chairman Winters** said, "Ok, could you give your name and address..."

**Mr. Kehr** said, "My name is Bill Kehr and it is a bit of a rebuttal. Mr. Fowler had created a letter that he was reading from. I would request that that written letter be provided as a submission to the

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Commission, made a part of the record is possible through the County Counselor.”

**Chairman Winters** said, “Alright, Mr. Euson, do we have a problem with that?”

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “No, I don’t think we do. I would like to know if the opponents have a copy of that letter though.”

**Chairman Winters** said, “I am not sure if they...no I am sure they probably don’t. You don’t have a copy of the letter that he was, that Mr. Fowler was reading from today? He had a written text.”

**Mr. Litlibridge** said, “No.”

**Chairman Winters** said, “But I assume that if you give it to us it is public record and we will make it available to them.”

**Mr. Euson** said, “It is. I think it should be made available to them.”

**Chairman Winters** said, “Ok, we would be glad to take that and we would be glad to make it available.”

**Mr. Kehr** said, “Ok thank you. Mr. Fowler did get a little shook there but it bears noting that covenants aren’t within the jurisdiction of this body. If there is an issue regarding the covenants, it properly should be before the courts and whether or not it’s a valid or enforceable covenant is subject to all kinds of arguments, many of which may be favorable to Mr. Fowler. Whether or not he knew that such a thing existed or had a belief as to the process that he got approved would be something that would be before a court and not a body of this nature because there would not be the ability to determine the validity and veracity of the statements in something confined to five minutes and we are confined to land use issues and that land use issue has been ruled on by MAPC without any personal or make that they were impersonal in how they applied it. They don’t know the people in this division and they don’t know Mr. Fowler. They are looking at it straight from what they have the authority to do and he has met all the conditions throughout the agenda item that was provided by MAPC from top to bottom. I note that there is obviously some protest to this, however, in my dealings throughout the area of Derby and in subdivisions like this it is not uncommon for many people to have out buildings, some of which have finished rooms; maybe not living in them but finished rooms. Some of which have home occupations out in their buildings, many of which never come within the prevue of this body and so if that does exist at this site then it is possible we are getting somebody singled out while others are being ignored for very similar reasons or home occupations would be the most obvious common one. So I don’t want to get on a soap box and go through all that. I would request that the recommendation from the MAPC be

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followed. That Mr. Litlibridge [sic Mr. Fowler] be given this emergency, temporary, conditional use. He has 88 year old parents. He didn't step into this situation with the idea of creating a hardship for anybody and he doesn't believe caring for his 88 year old parents, whether it is in a building; in the house; in a nursing home, is a hardship of any type. He took that on understanding the risk and he will do so with or without this building and I would suggest that the recommendation should be followed. Thank you very much."

**Chairman Winters** said, "Alright, thank you sir. I would like Mr. Litlibridge to come back for a second. I just wonder if for our information if you could just take a head count of your different property owners that are here and how many...you indicated 30% but could you just tell us how many different property owners are here today?"

**Mr. Litlibridge** said, "Yeah, we have this couple here, the Thompsons, own a house. Annie and her husband own a house, Mark and Joann own a house, Jim Strong owns a house, we have two lots here and we have two homeowners here, each one of them owns a home and myself."

**Chairman Winters** said, "So seven, alright, thank you very much. That is all I needed. Thank you. Is there anyone else in the room that wishes to speak to the Commissioners?"

**Mr. Litlibridge** said, "Can I do a quick rebuttal?"

**Chairman Winters** said, "No, because we are not going to get back and forth into a debate today. Thank you. Is there anyone else who hasn't spoken that would like to speak? Alright, we will limit discussion to Commissioners and staff. John, I've got a question for you I guess and again it is talking a little bit about the recommendation that came from Metropolitan Area Planning Department and the MAPC. As you look at this issue the private covenants that are involved in this property were not part of your thought process?"

**Mr. Schlegel** said, "That is correct."

**Chairman Winters** said, "And those private covenants are something that if homeowners want to enter into it holds property owners there to a higher standard than the normal County code standards for development."

**Mr. Schlegel** said, "In this case I think that would be true, yes."

**Chairman Winters** said, "And so again, if those covenants are to be a part of the factor in determining this case that is really not a decision we can make."

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**Mr. Schlegel** said, "That is correct."

**Chairman Winters** said, "Alright, thank you. Commissioners, are there other questions or comments? Commissioner Parks?"

**Commissioner Parks** said, "Well, I just wanted to reiterate for the record of Mr. Euson that according to Golden, which correct me if I am wrong, was a Supreme Court decision on certain factors here. We cannot take any of this restrictive covenant material into making our decision. Is that correct?"

**Mr. Euson** said, "Yes that is correct. Really the private covenants are legally insignificant. The significance is in the Golden factors themselves."

**Commissioner Parks** said, "I have a very similar situation on the north side of my district where a five acre lot the MAPC and this Board similarly through a conditional use permit passed back several years ago and I can tell you it has taken two or three hours of my time a week along with our Code Enforcement...these things are not always clear cut and easy. I am going to tend to follow the Commissioner whose district this is in and a lot of times we do that and for those reasons I will yield to Commissioner Welshimer to tell us why...you know she is closer to the situation and take all those factors of Golden into account for this. Thank you."

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

**Commissioner Welshimer** said, "Well, we have...I know we don't get into the private covenants on many things, that is not our place but also I think there is a little problem with the real estate transaction that didn't quite clear up all the buyer's questions and now we are trying to change things. I have a question for John. What was the vote of the MAPC? Was it unanimous?"

**Mr. Schlegel** said, "No it was 6-2."

**Commissioner Welshimer** said, "6-2...but now this property, for our zoning purposes, is one house; one family per site, is that correct?"

**Mr. Schlegel** said, "Correct. This is a single...rural residential...it's a single family..."

**Commissioner Welshimer** said, "But this would make it sort of a duplex type zoning or a two family zoning temporarily?"

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**Mr. Schlegel** said, "Well it would allow...if you were to approve this conditional use it would allow the additional accessory apartment so there would be in essence to living units on this property."

**Commissioner Welshimer** said, "There are no other accessory apartments in this neighborhood?"

**Mr. Schlegel** said, "Not to my knowledge."

**Commissioner Welshimer** said, "So this would...allowing this change does change the character of the residential zoning?"

**Mr. Schlegel** said, "In that sense, correct."

**Commissioner Welshimer** said, "Well, five acres it is unfortunate we are so involved in subdividing and all of this that we can't do what we sometimes think we can do when we move out into the suburban area but that is just the way our zoning has evolved. I think the fact that it would change the character of the residential zoning and that we have 90% of the residents in opposition that I would have to oppose the passage of this request."

**Chairman Winters** said, "Alright, thank you. Are there other comments? Commissioner Unruh?"

**Commissioner Unruh** said, "Thank you Mr. Chairman. In light of the fact that we are not to consider the covenant issue and that is more of a civil issue or a contractual issue than a land use issue, it is difficult to get that out of my thinking but I think that we have to somehow not consider that. But since this is described as and defined as an emergency, temporary use it is a five acre plot of ground with a building use that already exists. Is the building already on the property?"

**Mr. Schlegel** said, "Correct."

**Commissioner Unruh** said, "We are not adding any more people to the property but do the in-laws currently reside in the home, is that correct?"

**Mr. Schlegel** said, "My understanding, yes, is they are currently residing in the basement of the home."

**Commissioner Unruh** said, "So we are not adding anymore folks or anymore traffic, anymore buildings, it is a pretty large piece of property at five acres, it is just a temporary use restricted just to this couple for as long as they need to use it. I personally have difficulty thinking that this is not reasonable and in my opinion does not change the character of the neighborhood and in light of the findings of the MAPC I think that I am going to be supportive of the request but I would be

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welcome to hear other comments.”

**Chairman Winters** said, “Thank you Commissioner. Well, I think I would agree that this meets the requirements of a conditional use for an accessory apartment according to County standards and procedures that we would go through and if the homeowner...the covenants didn’t exist there would be no question but that we would approve this conditional use so for me the covenants do not change the County standards for us to consider whether a conditional use is proper or not so I believe that the Metropolitan Area Planning Department staff and the MAPC Commission made a finding that is in accordance with our procedures and regulations so I am going to be supportive of taking the recommended action from the Metropolitan Area Planning Commission. Commissioner Parks?”

**Commissioner Parks** said, “One other question of the legal department here. Under rules of Golden are there any percentages that Mr. Kehr referred to, 90% and it is not 100% and then we heard the other side say they thought they had a 100%. Is that something that Golden addressed?”

**Mr. Euson** said, “One of the Golden factors is the support or opposition of the neighborhood and there is no percentage attached to that.”

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

**Chairman Winters** said, “Alright, Commissioners, are there other questions or comments? And John you could remind us again since...if any action that we take that goes contrary to what the Metropolitan Area Planning Commission takes four votes from us?”

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

**Chairman Winters** said, “And because there is significant protest petitions filed any action that would approve the Planning Commission’s recommendation would require four votes?”

**Mr. Schlegel** said, “Correct.”

**Chairman Winters** said, “What happens if we do not arrive at four votes?”

**Mr. Schlegel** said, “Then that would be defacto, a denial of the application since it did not get your approval. It would need...in order for them to move forward with this conditional use they need an approval for the conditional use from this Board.”

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

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**Commissioner Parks** said, “John, on the 21<sup>st</sup> of this month we are going through and revising some of the County code book or that is up for discussion in public hearing on that. Is this something that we could take a look at or maybe study a little bit more since I know that I have one in my...this may not be the time to discuss this but is this something that could be changed and refined a little bit?”

**Mr. Schlegel** said, “Yeah, the code text is completely...is meant to serve this Board and the Wichita City Council so if you want to make changes to the code we certainly can take a look at that.”

**Commissioner Parks** said, “And if that document was changed, could the Fowlers come back in a certain period of time and ask for something again then?”

**Mr. Schlegel** said, “Well, if they are denied today this conditional use then there is a waiting period of a year before they can reapply unless the code is significantly changed in some way that would allow them to come back sooner.”

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

**Chairman Winters** said, “Well, my response to part of that Commissioner Parks would be that one of the things where I am not sure that changing our codes would be a good thing to do because what we have established is a standard and that standard pretty much lets people do a lot of things with their individual property. We don't try to be restrictive and say what individuals can do. We believe the people can do with their property. Now if a group of homeowners wants to come together and build a higher standard for their neighborhood they can do that but then they are responsible for being in charge of that. They are responsible for enforcing that higher standard of which we would normally say ‘well there is a property rights, owner's rights here. They've got the ability to do some things but the people that bought in this neighborhood evidently have a higher standard and then it is now up to their homeowner's association or them as individuals to enforce that. It is not up to us in my opinion. Alright, Commissioners, are there any other questions or comments?”

### **MOTION**

Chairman Winters moved to approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission, adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution (Three-quarters majority vote required to overturn the protest petitions.)

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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	Nay
Commissioner Welshimer	Nay
Chairman Winters	Aye

**Chairman Winters** said, “Alright, John, then remind of us what has just happened.”

**Mr. Schlegel** said, “Well, in effect you have failed to approve this conditional use by the 3-2 vote. It required four votes to overcome the protest petitions.”

**Chairman Winters** said, “Alright, thank you very much. Commissioners, we are going to take about a five minute recess before we proceed with the rest of the meeting so we are in short recess.”

**RECESS: 10:13 a.m. to 10:20 a.m.**

**Chairman Winters** said, “If I could have your attention please we will call back to order the meeting of January 7<sup>th</sup>, 2009. Madame Clerk, call the next item.”

### NEW BUSINESS

**D. AMEND THE 2008 CAPITAL IMPROVEMENT PROGRAM (CIP) TO COMBINE AND INCREASE THE CONSTRUCT REGIONAL FORENSIC SCIENCE CENTER (RFSC) ANNEX, THE REPLACE RFSC CONTROL SYSTEM AND REPLACE RFSC CHILLER.**

**Mr. Pete Giroux**, Principal Analyst, Division of Finance, greeted the Commissioners and said, “I have one CIP amendment request for your consideration this morning. Based on the 90% construction documents the Director of Public Safety has requested that we increase the budget for the Regional Forensic Science Center Annex, the control system for the Regional Forensic Science Center and add a chiller to the project. There are three components; the first of these components is the annex. It was approved as part of the 2006 Capital Budget and as you are well aware it is needed to provide for the significant increases in demand for services from the Regional Forensic Science Center so most notably it increases space for secured evidence receipt and storage as well

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as a significant increase in the analytical space for the again, really significant increases for drug identification requirements. The second component is the control system and our Director of Facilities has suggested this is clearly the most complex system within all the County buildings. The current control system is obsolescent if not obsolete. It is incapable of fully integrating all the systems that are now operating within the building. As you may recall we added a preconditioning system about four or five years ago to attempt to reduce some of the humidity challenges for the air conditioning system. It is incapable of controlling that and it also has...cannot control the Phoenix control system. And finally it doesn't support remote monitoring by our Facilities staff and we have a great number of systems that we are now able to do that as well as correct system errors. The replacement system will be able to be upgraded. We will be able to monitor and control all the systems and again allow remote review and control. The third component is the addition of chillers, replacement of the existing chillers there to the project services after we'd approved the original two projects, requested that we add the chillers to the combined project due to their poor service record; increasing lack of reliability and the fact that they were the end of their normal service life. By replacing the chillers together with the control system they thought they would have the optimum opportunity to integrate all the systems and the increase to support both the Forensic Science Center and the Annex.

The original budget for the first two components was \$2,398,000. The current estimate based on the updated construction documents is \$2,954,000. This represents an increase of \$556,000. Of course, that reflects three years of inflation and the fact that the control system has expanded and the fact that we have added the chiller replacement. If you adjust the cost to reflect the addition of the chillers that reflects an inflation rate of about 5.5% for the basic project. Finance proposes to fund the project with cash. As you are aware the original plan was to issue Public Building Commission Bonds. That was changed in November of 2008 prior to our last bond sale and that use of cash is a planned reduction in our General Fund Balance. The CIP Committee and staff recommend approval of the project and change of scope. I have all the experts to my immediate right and if you have got any questions."

**Chairman Winters** said, "Alright, thank you Pete. Commissioners, are there questions? Commissioner Norton?"

**Commissioner Norton** said, "Mine will be of Bob. Bob, kind of walk us through what this expansion of the Forensic Science Center is just to remind us. We embarked on this several years ago because of the expanding nature of the mission and the quantities of things they had to deal with there so I wanted to be sure that we are reminded of what that project does."

**Mr. Bob Lamkey**, Director, Public Safety, greeted the Commissioners and said, "We...as you

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recall the Forensic Science Center was built in 1995. The pathology portion serves, of course, both Sedgwick County and about 55 other counties. The laboratory portion serves... about 90% serves Sedgwick County. What we have experienced in the growth of requirements for forensic science is a significant crowding of that facility in all aspects. Today we have scientists working out of areas that were formally storage areas. We have exceeded the capacity of our ability to securely store evidence that comes to us and so at this particular point we see the growth and requirements for science so we are essentially adding a laboratory space, an expanded vault space and some future expansion space to this process. I will also remark that a substantial portion of this cost for construction has to do with repairing the old HVAC system of the old building but the HVAC system and the environmental controls in the new facility, these kinds of laboratories have very demanding air exchange standards in this process.”

**Commissioner Norton** said, “This expansion really affects more the capacity and the usability of our lab and through toxicology and all of that for the services we provide to ourselves as opposed to the 40 or 50 counties that we service as coroner and medical examiners, is that correct?”

**Mr. Lamkey** said, “That is absolutely correct and I don’t remember the exact growth. Dr. Rohrig can certainly tell us that but the growth and demand for forensic laboratory services has grown exponentially, not only the number of requests but in the complexity and number of exhibits that we are asked to look at and so this will allow us to continue to provide those high quality services that we are committed to providing in a manner that allows our scientists to do their job with the appropriate amount of elbow room and equipment.”

**Commissioner Norton** said, “Well I wanted to be sure that we have gone down this path to expand and it hadn’t really been done because we are outsourcing some of our services, it is because that the services within our own county have grown and the need is so dramatic right now.”

**Mr. Lamkey** said, “That is absolutely correct.”

**Commissioner Norton** said, “That is all I have.”

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

**Commissioner Parks** said, “Kind of a dovetail on the back side of that but we do provide services for 30 some counties?”

**Mr. Lamkey** said, “We do but most of our laboratory services are provided for Sedgwick County folks but we do provide those, particularly toxicology as we do autopsies for other counties. We are truly a regional center.”

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**Commissioner Parks** said, "I talked with Public Safety Director Lamkey and he answered many of my questions and some of those questions that I wanted to ask publicly Commissioner Norton has asked. When I observed this on a draw in the cash reserves those questions have been satisfactorily answered by me and I see those as a need and in fact a need that the County would utilize for some 13 more years. It may be 13 years before the improvements will have to come back since that is the life of the chiller."

**Mr. Lamkey** said, "That's correct."

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

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

**Chairman Winters** said, "Alright, are there other questions or comments? Commissioner Welshimer?"

**Commissioner Welshimer** said, "Well, I am going to support this. I think that it is critical that we keep our forensics department up to date and in good working condition all parts there of so I am going to be supportive. Thank you."

**Chairman Winters** said, "Alright, thank you. Any other comments?"

**MOTION**

Commissioner Norton moved to approve the amendment to the CIP.

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

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

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**Chairman Winters** said, "Thank you Bob, thank you Pete. Next item."

**E. APPROVAL OF A SPONSOR AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND WICHITA FESTIVALS, INC. FOR PARTICIPATION IN THE 2009 WICHITA RIVER FESTIVAL.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, "The Wichita River Festival is... as we all know is nationally acclaimed and the largest special event in Kansas. Last year's event continued as it had in the past, brought outstanding results for our community. The nine day festival last year brought more than 310,000 festival goers to downtown Wichita. Many, many of those from outside of our area and region to enjoy musical entertainment, kids' activities, cultural events and great food. In each of the past three years, '06, '07, and '08 counties provided a \$15,000 sponsorship and this year '09 we're being asked and in the budgeting process, we did take a look at and adopt a \$20,000 Wichita River Festival General Sponsorship so Commissioners, I would ask that you approve the agreement, authorize the Chairman to sign and I would be happy to answer any questions that you might have."

**Chairman Winters** said, "Alright, thank you Ron. Are there questions of Ron?"

**MOTION**

Chairman Winters moved to approve the agreement and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

**Chairman Winters** said, "I would note that Janet Wright of Wichita Festivals is in the room so Janet, we appreciate your attendance today. Is there any other discussion on this motion? Seeing none, call the vote...oh we do have one. Commissioner Parks, you have your light on?"

**Commissioner Parks** said, "Yes. This is a 2009 agreement and there is nothing in this legal agreement that binds us for 2010 or makes any promises for future years is there?"

**Mr. Holt** said, "That is correct."

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

**Chairman Winters** said, "And Ron as you indicated when we had our budget discussion in June and July and approved the budget in August for 2009 this amount was in there."

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**Mr. Holt** said, “These funds were approved as a part of the adopted budget of 2009.”

**Chairman Winters** said, “Alright, thank you. Is there any other questions on the motion? Seeing none, call the vote.”

**VOTE**

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

**Chairman Winters** said, “Ron, thank you. Janet thanks for being here. Next item.”

**F. RECOGNITION OF AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS (ASCLD) REACCREDITATION FOR THE REGIONAL FORENSIC SCIENCE CENTER LABORATORIES.**

**Mr. Lamkey** said, “I am very pleased to be before you today to bring this item. On December 6<sup>th</sup> we received notification that the Forensic Science Center laboratory has received its five year reaccreditation from the American Association of Crime Lab Directors, which is the preeminent accrediting body for crime labs. The accreditation reflects the high quality and rigor of the science performed by our laboratory professionals. It also reflects past and continuing investment by you, the Board of County Commissioners, to ensure that the tools to do good work are in place. Like most accreditation processes ASCLD requires high standards of performance, strict documentation and fidelity in the work product. It requires internal and external reviews of work to benchmark standards and on a continuous basis. The accreditation process culminates in a multi day site visit to observe and validate organizational processes and performances. An annual post accreditation audit and report is required to be submitted to ASCLD to demonstrate the continued compliance and effort to maintain expected standards. This reaccreditation is the result of much hard work by Dr. Rohrig, the laboratory leadership team and the excellent team of scientists from the Forensic Science Center. Dr. Rohrig is here and I would like to give him a moment to introduce some of the great folks that work for you and I in this community to make this possible. This is the highest stamp of approval the lab can have and we are very grateful and pleased that we have achieved this.”

**Dr. Timothy Rohrig**, Director of Forensic Labs, Forensic Science Center, greeted the Commissioners and said, “I would like to take the chance to thank the Commissioners for giving us

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the tools to do a great job and as we heard earlier today a lot of people look good if they surround themselves with excellent people and some of the staff is here today that helped us get through this very long, extensive process. Robert Hanson, who is with us, Robert is one of our DNA scientists and also are Quality Insurance Compliance Manager. Mary Ayers, one of our drug chemists and Jennifer Miller, another drug chemist in the laboratory. We have several other players that participated in this process and it is really the whole technical support staff of the laboratory. The rest of the folks are either in court here somewhere testifying or back on the bench working on cases that are coming through the door every day but again, thank you for your support and I have a great team that helped us get through this process so thanks.”

**Chairman Winters** said, “Dr. Rohrig, thank you very much and thanks for bringing part of your team here today. I am going to make some remarks at the end of this meeting today but I wasn’t going to spend much time talking about the Forensic Science Center but, you know, as I have been thinking about comments and this center is a perfect example of...if you said, you know, let’s really...I don’t want to say cut back but if we say let’s hold tight on everything, let’s not move forward. Here is a case where citizens want the services that the Forensic Science Center gives us, whether they are involved in a court case or some kind of criminal behavior or activity, the court systems and law enforcement couldn’t function if your group of people weren’t here working so am very proud of the fact that I was here on the Board of County Commissioners when we decided to move out of the quan set hut and move into a modern facility and I think all of the people who have worked there, all the coroners, past and present, have helped bring us to a high standard and I certainly want to applaud you, Dr. Rohrig, and all the other folks that work over there. This is a facility that I don’t think our community would tolerate us not having available to have the best work that can be done at the center so thank you for your work. We have a couple of other comments. Commissioner Norton?”

**Commissioner Norton** said, “Well, we just voted on expanding and adding more facility there and I think it is very appropriate. When you look at the staff and the people that toil there daily for the citizens of Sedgwick County and know that we not only have this accreditation but we are dually accredited by national organizations and there is very few forensic science centers in the nation that are dual accredited and I think that speaks to why we invest and continue to try to be the best regional forensic science center that we can because we have upheld a very, very high standard in the last few years and we owe it all to the citizens of Sedgwick County to do that but we owe a great deal of thanks to the staff that delivers that every day, that toils at the bench and does the hard work so I certainly appreciate it and I am proud that we have an organization that can be accredited by national organizations on a lot of different tracks.”

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

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**Commissioner Parks** said, “Coming from a police background and having used this in Sedgwick County I, too, congratulate you and your staff for the work that you do. This is one of the many essential government services that I think that the people need and spending the money on this is good and the staff be improved here in the next few months as we get some more people on board and get the equipment that you need. The media has had some comments and what not in some of the things recently and some of those were valid and have been taken care of. Some of those need to have...we need to have check and balances in our system and some of those things I feel comfortable that our staff has taken care of a lot of those questions and needs and things that we may not have known that was going on so I would like to commend you for your improvements and your continued support of the community and the region.”

**Chairman Winters** said, “Alright, thank you. My only one little add on comment is that I visited with Dr. Rohrig and I know that some people get anxious for reports and work out of the center. If they are simple, they get them fast. Sometimes the reason things take longer is they are complicated. It is a complicated business these people work in and it is not easy and it is not simple and we realize that. So we appreciate quality and again this certification is another testimony to that quality so, Dr. Rohrig, thank you to you and all of your staff.”

**Dr. Rohrig** said, “Thank you.”

### MOTION

Chairman Winters moved to receive and file the report.

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 for being here.”

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**Dr. Rohrig** said, "Thank you sir."

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

**G. LEASE OF OFFICE SPACE AGREEMENT BETWEEN CO-CO PROPERTIES, L.L.C. AND SEDGWICK COUNTY FOR HOUSING OF SEDGWICK COUNTY DRUG COURT, PRETRIAL SERVICES, AND OFFENDER REGISTRATION PROGRAMS.**

**Mr. Mark Masterson**, Director, Department of Corrections, greeted the Commissioners and said, "As the Clerk stated I'm here this morning to ask your approval of this lease agreement with CO-CO Properties to house the new Drug Court Program, retrial services and the Sheriff's Department Offender Registration Unit.

The office space is located at the Wichita mall at 4035 East Harry. The space consists of approximately 13,700 square feet at the west end of the mall that is presently vacant but will be built out by the landlord according to plans tailored to serve each of these functions. The annual lease cost, including utilities, will be \$138,370 for the initial lease period of 60 months. This represents an annual cost... this represents a square footage cost of \$10.10. \$8.70 of which is for space and \$1.40 for utilities. That will be a level cost for the five year period. The terms include an option for five automatic one year extensions at an increased rent cost of \$152,207 per year. When fully operational, we expect to house 27 employees from these different departments, which includes the Department of Corrections, COMCARE and the Sheriff's office in this shared space and costs will be divided according to each of the three programs. Paula Downs and her staff from Facility Projects worked very hard locating and arranging tours of available properties, helping us evaluate and plan the office space. Our teams toured and assessed several locations and found the Harry Street Mall was the best overall fit. The floor plans fully meet our business needs. There's plenty of parking, adequate lighting, access to public transportation and it was the best price. The lease has been approved by the legal department and the funds are available to cover costs in the 2009 budget. I'll be happy to answer any questions."

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

**Commissioner Norton** said, "Mark, Judge Kisner was fully engaged in the process as he has moved the drug court through our psyche and through this process, he was engaged in this space and thinks that it is going to work pretty well?"

**Mr. Masterson** said, "Yes he does."

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**Commissioner Norton** said, “Ok, go back and talk a little bit about the history of what got us to putting in a drug court in the first place. It is about the lease and location and all that but it is also about we have gone through a pretty arduous process to decide that we even needed a drug court, is that correct?”

**Mr. Masterson** said, “Well, why a drug court? If you look at evidenced based practices and the confidence about correctional programs that work, there are none higher than adult drug courts. With our Criminal Justice Coordinating Council looking at the jail population and what we could do differently to not only address the current situations of offenders that come in contact with our system and end up in the jail but to get to the root causes and address them to stop that revolving door. That is what was behind the study group that was led by Judge Kisner over a year’s period of time to examine drug courts and what works and he brought back the results of that work, presented it very well and your support...that you supported it and so now we are in the operational phase. This has been...you know after it was approved the plan was to start in 2009 and we were asked if we could speed it up and so that is what we have been doing and the court actually began accepting referrals in November and is in operation today but at different sites.”

**Commissioner Norton** said, “Well, and just calling it drug court and saying there are 27 people going to work just at drug court is really a misnomer. It is a lot of wraparound services that the court is the center part of it and the judge but it is all those other things that really tie together to make this work, is that correct?”

**Mr. Masterson** said, “That is correct and just to be clear only nine of the 27 at this site are for drug court. Drug court hearings will be conducted in the Courthouse.”

**Commissioner Norton** said, “Alright that is all I have Mr. Chair.”

**Chairman Winters** said, “Alright, thank you. Are there other questions or comments?”

### **MOTION**

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

Commissioner Norton seconded the motion.

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

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**VOTE**

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

**Chairman Winters** said, “Thank you Mark and thanks to all the work the team did on selecting this location. Next item.”

**H. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ SPECIAL MEETING ON JANUARY 5, 2009.**

**Ms. Iris Baker**, Purchasing Director, Division of Finance, greeted the Commissioners and said, “The meeting of January 5<sup>th</sup> resulted in seven items for consideration. First Item:

**1. CORRUGATED STEEL PIPE-PUBLIC WORKS  
FUNDING –R264 IMPROVE DRAINAGE RIGHT OF WAY 2008**

The recommendation is to accept the low bid from J&J Drainage Products Company for an initial purchase of \$35,026.80 and establish contract pricing for one year with two one year options to renew. Item Two:

**2. PVI WATER HEATER FOR ADULT DETENTION FACILITY-FACILITIES  
DEPARTMENT  
FUNDING—ADULT DETENTION FACILITY MAINTENANCE**

The recommendation is to accept the low bid from PVI Midwest Sales in the amount of \$72,647.00. Item Three:

**3. MINI GRANT PROGRAM FOR EVIDENCE-BASED PROGRAMMING  
CORRECTIONS  
FUNDING-CORRECTIONS**

The recommendation is to accept proposals and execute service provider agreements with Episcopal Social Services for \$9,000; Kansas Children’s Service League for \$3,950.00; Kansas Legal Services for \$1,130.00; Office of District Attorney for \$4,695.00; United Methodist Youthville for \$3,570.00 and Youth for Christ for the amount of \$715.00. Item Four:

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**4. CARBON MONOXIDE/PULSE OXIMETER-FIRE DEPARTMENT  
FUNDING—FIRE DEPARTMENT**

The recommendation is to accept the bid from Masimo Corporation in the amount of \$30,000 and establish pricing for one year with two one year options to renew. Item Five:

**5. FIREWALL SECURITY MAINTENANCE—DIVISION OF INFORMATION AND  
OPERATIONS  
FUNDING—SYSTEMS AND SECURITY**

The recommendation is to accept the quote from Fishnet Security in the amount of \$37,548.48. Item Six:

**6. HARDWARE MAINTENANCE—DIVISION OF INFORMATION & OPERATIONS  
FUNDING—SYSTEMS AND SECURITY**

The recommendation is to accept the quote from Open Technologies in the amount of \$45,021.75. Item Seven:

**7. MAPPING & DATABASE ANNUAL MAINTENANCE RENEWAL—DIVISION OF  
INFORMATION & OPERATIONS  
FUNDING—GEOGRAPHIC INFORMATION SERVICES**

The recommendation is to accept the quote from ESRI in the amount of \$32,133.97. I would be happy to answer any questions and I recommend approval of these items.”

**Chairman Winters** said, “Alright, Iris, thank you very much. Commissioners, are there questions or comments on any of these items? If not, what is the will of the Board?”

**MOTION**

Commissioner Unruh moved to approve the recommendation of the Board of Bids and Contract

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	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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

**Ms. Baker** said, “Thank you.”

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

**CONSENT AGENDA**

**I. CONSENT AGENDA.**

- 1. Authorization of a Service Agreement which will allow Geary County to use Sedgwick County’s Motor Vehicle Tax Estimator.**
- 2. Consulting Services Agreement between Sedgwick County and Cessna Aircraft Company.**
- 3. Addendum Five to the Building Lease with the 434 North market Company Building, L.C., for the space used by the Appraiser’s Offices at 434 N. Market, Wichita, KS.**
- 4. Order dated December 24, 2008 to correct tax roll for change of assessment.**
- 5. General Bills Check Register for the week of December 18, 2008 – December 30, 2008.**
- 6. Payroll Check Register for December 26, 2008.**

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, “You have the Consent Agenda before you and I would recommend you approve it. I wanted to point out that on the Consent Agenda number two is consulting services between Sedgwick County and Cessna. This is similar to the contract that Sedgwick County has with Spirit. Spirit provides us

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an on-site Project Manager for the Intrust Arena. We are using Cessna's Project Management System for the construction of the National Center for Aviation Training and this contract provides for that person to be on our property and using their skills to help us with that project. If there are any questions I would be happy to answer them."

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

**Commissioner Norton** said, "Should we take that as a separate item or can we just..."

**Chairman Winters** said, "No I think we can just take it as a consent item. Bill just gave us a little more detailed explanation unless somebody wants it broken off we will just consider them all together. Is there a motion to approve the Consent Agenda?"

**MOTION**

Commissioner Norton moved to approve the Consent Agenda.

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, "That brings us to the end of our Regular Agenda item but we do need to have a Fire Agenda Item so we will recess this meeting and then come back to other part of the business agenda in just a bit. So at this time I will recess the Regular Meeting of January 7<sup>th</sup>."

**RECESS TO FIRE: 10:50 a.m. TO 11:00 a.m.**

**Commissioner Norton** said, "We will return to the Regular Meeting of the Sedgwick County Commission January 7<sup>th</sup> and I will turn back over to the Chair since he is back."

**Chairman Winters** said, "Alright this is the time of the meeting where we talk about other issues

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and Commissioners I do have some remarks that I would like to make but if any of you have other business, things in the community, whatever. Commissioner Norton?"

### J. OTHER

**Commissioner Norton** said, "Well you know you won't get out of here without other plaques and I'm going to do some presentations myself. This plaque, Tom, and I'm going to call you Tom today. I've called you Chair and Commissioner all these years and I'm going to call you Tom today. Tom, this is in recognition of your year as Chair in 2008 and I'm not going to take a lot of time on this because Tom, you've gotten probably four or five of these over the years so I hope this one is special. But the remark I have is that you know at the middle of the year when you found out you weren't going to come back this year, you continued to serve with great care for our Commission and the citizens. You've continued every day to try to lead us with the abilities that you've always had and I honor that. I think...you know, it could have been a time to check out mentally and physically and you know what, every day, your office next to me, you were in here talking about the issues, you were trying to solve problems, you were doing what you have done for 16 years and I got to tell you, as a citizen, I appreciate that. Thank you very much.

I am going to let you sit down because you are going to get to stand up again here in just a minute. Now as Chair Pro Tem I am very proud to give you your retirement plaque. It serves the purpose of recognizing your years of service, 16 years to the citizens of Sedgwick County. You have served us well in these chambers and along the halls of government but the truth is the citizens of Sedgwick County have been the great benefactors of your service and you can see by your friends that are already starting to gather here today, you have made a huge impact on our community. Now, the one thing that has washed over me as I have reflected on your 16 years and you're not being a part of our group anymore is the impact that you have had on Sedgwick County but the impact that you have had on our region and the State. Probably not too many people know how many tireless hours you have put into REAP, to be sure that not only Sedgwick County but the whole region has the best possible government and economics that we can have and then the tireless hours that you have put in at the KAC, which is the Kansas Association of Counties. You sat on numerous boards, you've Chaired committees, you have driven to Topeka to make testimony and I think that is what citizens should require of their elected official. To not only engage in what is good in our community but make a difference to the community at large and you have done that Tom. We are going to miss you. The amount of intellectual and organizational capital that leaves when you leave is incredible. I can't tell you how many dumpsters of files that are institutional files that Tom has kept. If you have ever wanted, every time I have ever wanted to know about something that happened in the past, Tom would wheel around in his chair and say 'let me get that file' and he had some note in there, something that guided him, some piece of paper that would tell you the history of why we got to the conclusions we did and we are going to miss that. But I wish you all the best. I am glad that Jeri and Todd are here today and I know Mark would have liked to be here. You

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have a great family, you will always be honored and be a great part of Sedgwick County and we appreciate that.”

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

**Commissioner Norton** said, “Now you can stand up again. I am sorry but you don’t get to speak yet. Is this where we cue the video? We have a video today to show.”

### **VIDEO PRESENTATION**

**Commissioner Norton** said, “Well, Tom, that was just a part of the things you have had your fingers in over 16 years and before we get to you. I know you want to make some remarks and we will ask the Manager to come forward because he wants to make some remarks.”

**Mr. Buchanan** said, “Thank you...thank you Commissioners and Commissioner Winters, on behalf of the staff, I want to thank you for your service. I want to thank you for your support and kindness to me and to the staff and it has been appreciated. Thinking about 16 years of service, your service here, I thought of one word and the word is success and Ralph Waldo Emerson said it best so I’m going to quote him. ‘Success. To laugh often and much. To win the respect of intelligent people and the affection of children. To earn the appreciation of honest critics and endure the betrayal of false friends. To appreciate beauty. To find the best in others. To leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition. To know even one life has breathed easier because you have lived. This is to have... this is to have succeeded.’ Commissioner Winters, you have succeeded.”

**Chairman Winters** said, “Well, thank you very much. Commissioner Parks?”

**Commissioner Parks** said, “Well, you’ve said that you weren’t ready for retirement and I want to tell the people and tell you out there that you’ll take a wealth of knowledge for business, government and agri-related things out there and I appreciate that all you have done for the Commission and where you go from here, wherever that is, they will be a better company or a better source of information for it. I would like to also thank you personally. In 1995, I don’t know if you remember, I was out behind the podium out there and I was trying to get a law changed and I was with a group of many other people. We were rural people, outside the cities, and you had a different twist on that and eventually that became a law and to this day, that law stays on the books and so we are appreciative of those outdoor storage of cars and with screening and the things that you really worked on with us and also personally, I would be remiss if I didn’t say something... repeating saying it about the Fire Department and the push and the vision that you had for that and that ISO rating. That saves me and saves our rural fire department...this rating saves a lot of people a lot of

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money. So I want to personally thank you also as well as professionally. Thank you.”

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

**Commissioner Unruh** said, “Well, thank you, Mr. Chairman. I just want to add my congratulations for your service to our community, a successful term of service, and also my thanks for the personal support; encouragement and mentoring that you’ve given to me during my term as a Commissioner. The fact that you have had four terms as a County Commissioner and you have been Chair five times, I think, speaks to the fact that you are very well respected and trusted in our community for your leadership and your leadership has been cooperative and collegial and consensus building, which means that you have a genuine concern and care for competing perspectives and that has caused you to be, I think, very effective and well liked. Along with your ability to kind of look forward from the issues that we’re facing and seeing what some of the consequences are and that’s also helped you be very effective and trusted by everyone. A lot of the organizations that you’ve been involved in and a lot of the accomplishments, the physical change in Sedgwick County has already been noted but just want you to know that from a personal perspective and I think from all the folks here who come to honor you, we thank you very much for your service.”

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

**Commissioner Welshimer** said, “Well, I have to go along with all that’s been said and that’s been a lot and I just want to add to that, that I think you’ve been a very skillful and very excellent Chairman and I appreciate the fact that you are very alert to everything that we do and that we need and that’s worked very well and I’ve appreciated working with you.”

**Chairman Winters** said, “Alright, well, thank you Commissioners for those kind words and Manager Buchanan, thank you for your comments. I would like to make just a couple of comments here. I want to begin by thanking my family; my wife, Jeri, is here this morning and our son, Todd, from Louisville, TX is here this morning so I appreciate all of the support from them. Our other son, Mark and his family live in Overland Park, KS. I don’t want this to sound at all braggadocios but, you know, as I started thinking about some of the things that I am most pleased with over the years, there are many. But I want to talk about just three of them real quickly that I have and then touch on some others.

About five years ago, the community started a visioning process and one of the things that we did is, through a coordinated effort, we talked to a lot of citizens. And the thing that came out just as strong as could be is people were concerned about jobs and what was happening and now I know we’re entering into a whole another transition about the economy but I’m sure that someday we will emerge on the other side. But the work that we have done in jobs and economic development, I

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think, is the centerpiece of that... is partners and partnerships. We couldn't do any organization or private sector alone. We have formulated the Greater Wichita Economic Development Coalition. We have partnered with the City of Wichita. We've partnered with aircraft and manufacturing industries. We partner with Wichita Area Technical College, we partner with Wichita State University and NIAR. We're in the middle of the National Center for Aviation Training. We're focused on this new industry of composites and what it's going to mean. We work closely and I have been on the Executive Committee of the Workforce Alliance of South Central Kansas. I've just finished two years of being Chair of the Regional Economic Area of Partnership, which is a great organization. And I see one of the real regional thinkers in the room, Mayor Mike Ledy from Winfield is here this morning and I appreciate the involvement that REAP is having in this area.

But, again, it's a multitude of organizations. And, again, I realize things are dynamic and changing, but if we want to talk about the success that we have had on the last five years in thinking about jobs and what our citizens wanted to do; there have been 7,200 jobs either created, expanded or retained and that is right on target for the goal that was set for Greater Wichita Economic Development Coalition; over \$90 million in new investment. And then we think about what's happening today and we know we are highly dependent and we know we're an aviation cluster but out of those over 7,000 jobs, 27% of them were in aerospace related manufacturing, 17% were in non-aerospace manufacturing, 56% were outside the manufacturing realm. So we continue to diversify. So again, right up there at the top of my list have been how we have been, I think, a positive partner in making sure that our citizens have a good place to have a job and work.

I want to talk for a just a moment about juvenile justice issues. This is one that probably a lot of folks don't have much contact with but back in 1996 the Kansas Department of Health and Environment called us up, I think I was Chairman then, said we're going to start fining you \$500 a day because you have too many juveniles in your Juvenile Detention Facility. So I started a process, along with the other Commissioners at that time, to figure a solution to that whole process. About the same time the State of Kansas changed the way it handles juvenile justice issue. They had previously been handled by SRS and a new division was created, the Juvenile Justice Authority, a cabinet level department in Topeka, to start working on juvenile issue reform issues. At that time Governor Graves called and asked if I would be the local convener for a planning team of people to start figuring out how local and state partnerships could work to help with these juvenile issues. We came out of our plan, a long lengthy community process, and directed our staff and community organizations to start focusing on family management problems, on academic failure at a very early age, commitments to school and early antisocial behavior and we started that process and in the work we opened a new Juvenile Correctional Facility in 2002 that went from a 33 bed facility to 108 bed facility. But some of the results of that work, since 2001, our out of placement our out of home placements; taking a child out of the home have decreased 29%. Since 2000 our juveniles that we send to a state correctional facility is down 45%. Our intakes and assessments that are handled through a group that tries to do that first analysis are down 36%. Our admissions to our Juvenile

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Detention Facility are down 12%. Now, we haven't won that game yet but I think we're in the right direction and I didn't do all that alone for sure but I think we are committed to continuing to work with the very youngest in our community.

The third item on my list is the Intrust Bank Arena. I think this has had a tremendous amount of people involved. No one worked on this project harder than Ben Sciortino and I. We did a lot of things. There was a lot of community workers out there working hard and helping us. But I think every chance I have I remind people that this project was voted on by the citizens of Sedgwick County. We did not move forward without that vote. We created a one percent sales tax for 30 months. We collected it for 30 months. We stopped the tax. We know what sunset means. The building is paid for and now we can see something that I think is going to change the skyline of the City of Wichita more than anything since I said in the paper yesterday, more than anything since Century II has been created. I think we've got a project that's going to have a huge positive impact. Now, those are the three that I'm going to kind of limit it to but as I looked at that video, then I kind of reminded about how much stuff has gone on and I do think that...and there is no official theory or academic backup of this but I think particularly counties have gone through several waves and I think now we are on a wave of new professionalism. But to get there, you look back at what was... what happened in the '40s and the '50s and the '60s and I think counties were doing good jobs, but we had our Public Works in a building that had been a lumberyard and could no longer be a lumberyard and there was a laundromat and could no longer be a laundromat and so now it's our Public Works building. We were in maintenance facilities that were built before World War II and so you start thinking about the work we've done to restore the Historic Courthouse, which again, I'm not taking all the credit for any of this. Mark Schroeder, former County commissioner is here; had a huge interest in the Historic Courthouse and making sure that it was preserved. We look at the Soldiers and Sailors Monument out in front of that building. We look at the Ark Valley Lodge and now a modern office building. We look at the Munger Building, used to be the jail for this County; is now a restored office facility. We look at the Public Works Building down on South Seneca. We look at the Fleet Maintenance Facility and the Stilwell yards. We look at the Household Hazardous Waste Operation, the Regional Forensic Science Center, which a community cannot be without because it's so important to our citizens; the Extension Service, the Public Safety Center, the Juvenile Detention Facility, the pay station downstairs, the new day reporting and drug court that we've acted on even this morning, the Exploration Place, which we are a huge part of; the new EMS stations and the new fire stations and if you missed the Fire District meeting right there, we're relocating fire stations that are going to save citizens and the smaller communities that are in the Fire District and in the rural communities \$3.2 million a year in saved insurance premiums for homeowners. So there are a lot of things. The picture I would have included is the Haysville Overpass too. You know, Bob Knight and I were the good cop bad cop on that deal, working together as partners to go to the State of Kansas and our Federal Delegation to get assistance to do this Rail Corridor Project. Bob and I worked on that as a real good team. He had a role, I had a role and we would get them from both sides. So, again that was a good project. So the last thing I guess,

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I would say is, you know, you could... 16 years is a great run. And probably could have done more if I hadn't have done anything and so I guess as I look back at all of these buildings and all these projects and all of this stuff, to me, it's been forward motion and it's been forward motion for the community and if we stay back and do nothing, we will have not as much as we hoped in the end. So it's been a great run, it's been a great ride. I appreciate the support and help of all of my friends who are in this room or watching on television and I appreciate... especially thank all of the County employees, who many of them are doing terrific work in this community and so with that, I'm going to say so long. I'm not moving away. I'm not going away. I think there are a lot of great things happening here and so I want to stay connected. Thank you all for being here very much. I've enjoyed this run a lot. Thanks. Thank you. Now we are going to have a reception just down the hall if you would like to stop by. Commissioners, is there any other business that needs to be done? Mr. Manager?"

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

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

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

**Chairman Winters** said, "Commissioners, this meeting is adjourned. Thank you."

**K. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:26 a.m.

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

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

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

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**KARL PETERJOHN**, Commissioner  
Third District

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**KELLY PARKS**, Commissioner  
Fourth District

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**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**Kelly Arnold**, County Clerk

APPROVED:

\_\_\_\_\_, 2009