

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 4, 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, February 4, 2009 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. William P. Buchanan, County Manager; Mr. Ron Holt, Assistant County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Jim Weber, Deputy Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; Mr. David Miller, Budget Director; Mr. John Schlegal, Planning Director; Mr. Ron Estes, County Treasurer; Ms. Iris Baker, Director, Purchasing Department and, Ms. Linda Leggett, Deputy County Clerk.

GUESTS

Ms. Cat Poland, Girl Scout Cookie Program
Mr. Jon Rolph, Visioneering
Kevin Rohner, LaFarge North America, Sugar Creek, MO
Mr. Greg Allison, Mid Kansas Engineering Consultant
Mr. Sam Hudson, Hudson Investments
Billy Miller, 4402 Gold, Wichita, KS
Tom Reed, 111 N. King, Maize, KS
Mr. Brent Shelton, Sedgwick County Nuisance Appeals Board
Mr. Benny Boman, Sedgwick County Nuisance Appeals Board
Mr. Bill Hancock, Sedgwick County Public Building Commission
Mr. Charles Stevens, Sedgwick County Public Building Commission
Mr. James Barfield, 2131 N. Edgemoor, Wichita, KS

INVOCATION

Moment of silence

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting January 14, 2009

Chairman Parks said, "You have all had a chance to read the minutes of the last meeting. Regular Meeting of January 14th."

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MOTION

Commissioner Welshimer moved to adopt the Minutes of January 14, 2009.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

PROCLAMATION

A. PROCLAMATION DECLARING FEBRUARY 2009 GIRL SCOUT COOKIE MONTH.

Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, I will read this in for the record.

PROCLAMATION

WHEREAS, Girl Scouts, the pre-eminent organization for girls in the United States and around the world, has been an active part of the Wichita-area community; and,

WHEREAS, there are more than 10,000 girls that belong to Girl Scout troops, from Daisies through Ambassador Girl Scouts, in 80 Kansas counties, including Sedgwick County; and,

WHEREAS, through the Girl Scout Cookie Program, girls learn about business, goal-setting, teamwork and money management, all of which help them become confident leaders who are confident in themselves and their abilities and who use their knowledge to effect change in their lives and in the lives of those around them; and

WHEREAS, through the support of generous donors and the annual Girl Scout Cookie Sale, the Girl Scout

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organization is able to offer quality programs on a year-round basis to girls in all racial, ethnic, cultural, religious and socioeconomic groups;

NOW, THEREFORE BE IT RESOLVED, that I, Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, Kansas, do hereby proclaim February of 2009 as

Girl Scout Cookie Month

in Sedgwick County, and encourage all citizens to support the Annual Girl Scout Cookie Sale and make an investment in the lives of girls.

Ms. Zukovich said, “We have Cat Poland to accept this Proclamation.”

MOTION

Commissioner Norton moved to adopt the Proclamation.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Ms. Cat Poland, Representative for Girl Scouts of Kansas, greeted the Commissioners and said, “On behalf of nearly 15,000 girls and adults we serve, we would like to thank the Sedgwick County Commission for proclaiming February as Girl Scout Cookie Month and in appreciation we have brought one box of each variety for you all to enjoy. I don’t know if it is enough for everybody to share, but we are selling through March 9th, so you can get your favorite girl scout cookie fix until then. Thank you.”

Chairman Parks said, “I certainly have not turned anyone down that’s come to my door. I have several neighborhood kids that are pleased about my orders for those. I will say if you

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order the fat free ones that come in the little bags, you will have enough for everybody because those are small cookies and we can share later on. I did want to thank you, and are there going to be any girls coming in today, are they all in school?"

Ms. Poland aid, "They are in school today. We weren't able to get any in today. We encourage them to go to school every day, so that's good. "

Chairman Parks said, "In the past they have come up and done the presentation to us."

Ms. Poland said, "Maybe next year we will be able to get some."

Commissioner Norton said, "I'm just glad this year that I don't have case after case after case in my garage. All my girl scouts have grown up. I'm very supportive of the girl scouts, and I know Cat knows that. I just participated in the Girl Scout Cookie Challenge kickoff, where we helped decorate a cake with girl scout cookies and Greg, 'the Hit Man' Williams was there, but I believe Stephanie Bergman won it this year."

Ms. Poland said, "Stephanie barely beat him out this year."

Commissioner Norton said, "And I finished dead last, I believe. You know those television personalities and radio personalities get it over politicians every time. I don't understand it. But it was a wonderful event, a huge amount of girls dedicated to selling cookies and raising money for a very good cause. The Girl Scouts and truthfully I tell this story every year, I was one of very few Girl Scout dads who went to Camp Wiedeman three years in a row. Only male there during tornadoes, floods, rains, spiders and everything else. But I'm very loyal to Girl Scouts and the work you do for young ladies around the world. I appreciate it."

Ms. Poland said, "We appreciate your support. Thank you."

Chairman Parks asked, "Do you want to make those presentations on camera at this time?"

Ms. Poland said, "Oh, the cookies, sure."

Chairman Parks said, "We will divide those up later and if anybody in the audience absolutely wants to have a girl scout cookie afterwards, I will share mine."

Commissioner Norton said, "You notice, Karl, it stopped before it got to us. Not a big deal, I mean, I am not making a big deal out of it, but it is interesting they didn't get this far. I will say thanks a lot."

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Chairman Parks said, "They do have fat free varieties. I certainly appreciate those. Myself, I need to work on that. Thank you. Next item."

APPOINTMENTS

B. SHERMAN TOWNSHIP

1. RESIGNATION FROM CORENE KETZNER AS TRUSTEE. RESOLUTION APPOINTING LARRY REICHENBERGER (COMMISSIONER PETERJOHN'S APPOINTMENT) TO THE SHERMAN TOWNSHIP AS A TRUSTEE

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "State statutes provide that you are allowed to fill vacancies in township offices. This resolution will fill the vacancy created by the resignation of Corene Ketzner. This is a four year appointment that will expire in January of 2013. I recommend you adopt the resolution"

MOTION

Commissioner Peterjohn moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, "I don't believe Corene is here today. So she will take her oath of office at a later date."

Commissioner Peterjohn asked, "Is this for both or just Mr. Reichenberger?"

Mr. Euson said, "Just Mr. Reichenberger. Staff indicated he would not be present. I don't know if

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he is.”

Commissioner Peterjohn asked, “Is Mr. Reichenberger present?”

Chairman Parks said, “We can get those sworn in at a later date. Next item.”

2. RESIGNATION FROM THEODORE ORTH AS TREASURER. RESOLUTION APPOINTING CORENE KETZNER (COMMISSIONER PETERJOHN’S APPOINTMENT) TO THE SHERMAN TOWNSHIP AS A TREASURER.

Mr. Euson said, “In this matter Mr. Orth was a write in candidate. He did not wish to serve. Miss Ketzner was willing to serve in this capacity as Treasurer. This again is a four year appointment. I recommend you adopt the resolution and would note the backup indicates she is not here. But you might want to inquire.”

Chairman Parks said, “Seeing she is not here at this time. Do I hear a Motion?”

MOTION

Commissioner Peterjohn moved to adopt the Resolution.

Commissioner Unruh seconded the Motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “Clerk call the next item please.”

C. NUISANCE APPEALS BOARD

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- 1. RESOLUTION REAPPOINTING BRENT SHELTON (COMMISSIONER UNRUH'S APPOINTMENT) TO THE SEDGWICK COUNTY NUISANCE APPEALS BOARD.**
- 2. RESOLUTION REAPPOINTING GLENN CRUM (COMMISSIONER NORTON'S APPOINTMENT) TO THE SEDGWICK COUNTY NUISANCE APPEALS BOARD.**
- 3. RESOLUTION APPOINTING BENNY BOMAN (COMMISSIONER PETERJOHN'S APPOINTMENT) TO THE SEDGWICK COUNTY NUISANCE APPEALS BOARD.**
- 4. RESOLUTION APPOINTING CLIFFORD HELMS (COMMISSIONER WELSHIMER'S APPOINTMENT) TO THE SEDGWICK COUNTY NUISANCE APPEALS BOARD.**

Mr. Euson said, "Commissioners, we have four Resolutions for the Nuisance Appeals Board and with your permission I would like to announce those together. You can take action on all four of those. First resolution would reappoint Brent Shelton to a position on the board. This is a five member board in which commissioners each have an appointment. This is Commissioner Unruh's appointment to this board. The second is resolution which would reappoint Glenn Crum to the board. That's Commissioner Norton's appointment. That is a reappointment. The third is Commissioner Peterjohn's to appoint Benny Boman to the board and then the fourth is a resolution appointing Clifford Helms to this board and that is Commissioner Welshimer's appointment. I would recommend you adopt all four resolutions."

MOTION

Commissioner Unruh moved to adopt the Resolutions.

Commissioner Norton seconded the Motion.

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

VOTE

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Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks asked, “Are these people present and can we swear them in all at once. Looks like there are a couple present, and we’ll do this simultaneously here.”

Mr. Kelly Arnold, County Clerk said, “Good morning. Raise your right hand please.

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

Chairman Parks said, “Congratulations. At this time I will give the appointees a chance to come to the podium and say a few words if they wish.

Mr. Brent Shelton said, “Thank you Commissioner Unruh and other Commissioners for this appointment. I am Brent Shelton. Been on this Board before and it is a reappointment and if we are called upon to serve we will do our best to weigh the right to the individual with the Community Health and Welfare. Thank you for the appointment.

Mr. Benny Boman said, “I appreciate the appointment. I’ll do everything I can to up hold the Constitution the United States and the State of Kansas. Thank you.”

Chairman Parks said, “Thank you. Clerk, next item.”

Commissioner Unruh said, “Thank you Mr. Chair. I just wanted to personally thank these two individuals for their willingness to serve and especially to Mr. Shelton who has been active in County government for a long time. A month ago he was administering the Oath of Office to different persons. Brent is active on this particular board and all our boards are important to us. We appreciate your willingness to be here today to receive the oath of office and your willingness to serve. Thank you.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “I would like to join in with Commissioner Unruh’s remarks and particularly as it relates directly to my appointment, Mr. Boman as well as to everyone who serves

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on this board and other county boards.”

Chairman Parks said, “Thank you. Any other comments. Please call the next item.”

D. PUBLIC BUILDING COMMISSION

- 1. RESOLUTION REAPPOINTING BILL HANCOCK (COMMISSIONER NORTON’S APPOINTMENT) TO THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION.**
- 2. RESOLUTION APPOINTING CHARLES STEVENS (COMMISSIONER PETERJOHN’S APPOINTMENT) TO THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION.**

Mr. Euson said, “Commissioners, again if we can take Items 1 and 2 under item D. Resolution D1 is a resolution which would reappoint Bill Hancock to this board. This is a four year appointment. This is Commissioner Norton’s appointment to the Public Building Commission.

Item D2 is the resolution appointing Charles Stevens to this board, also a four year appointment, Mr. Stevens is Commissioner Peterjohn’s appointment. I would recommend you adopt both resolutions.”

MOTION

Commissioner Norton moved to adopt the Resolutions.

Commissioner Peterjohn seconded the Motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks asked, “Are they present in the room. Please come forward.”

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Mr. Kelly Arnold, County Clerk said, "Good morning. Raise your right hand please.

"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Public Building Commission, so help me God."

Chairman Parks said, "Would you like to move to the podium to say a few words?"

Mr. Bill Hancock said, "Good morning Commissioners. It is nice to see you again. Commissioner Norton thank you for your appointment. It is a pleasure serving. Looking forward to going on with our projects and doing the best to help out in the County. Thanks again."

Mr. Charles Stevens said, "I just want to say thanks to the Commissioners, and just hope I can serve faithfully. Thank you."

Chairman Parks asked, "Commissioner Peterjohn did you have a comment?"

Commissioner Peterjohn, "I was just going to say hello to a former Commissioner and good to see him again, as well as thanking both him as well as my appointment to the Public Building Commission, and wish them well, and appreciate their support and helping Sedgwick County."

Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "Really, same comment. I appreciate their service, but for Bill, it's great to have an ex-Commissioner who understands the processes we go through and to help us through the Building Commission with some of the big projects that we've taken on. I appreciate your service, and staying attached. Many times, you know, once you've been a commissioner, been in the public eye, you don't want to have much to do with it anymore. We appreciate you continuing to serve Bill. Thank you."

Chairman Parks said, "Next item."

E. REGIONAL FORENSIC SCIENCE CENTER ADVISORY BOARD

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- 1. RESOLUTION REAPPOINTING CHIEF MIKE MCELROY AND RON MORFORD, M.D. (AT LARGE APPOINTMENT) TO THE SEDGWICK COUNTY REGIONAL FORENSIC SCIENCE CENTER ADVISORY BOARD.**

Mr. Euson said, "Commissioners these are two appointments to this 13 member board. They serve two year terms. I recommend you adopt the resolution."

MOTION

Commissioner Unruh moved to adopt the Resolution.

Commissioner Peterjohn seconded the Motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, "I don't see Chief McElroy and I don't believe the other ones are present either. We will take that up and the County Clerk will swear them in at a later date. Next item."

F. GRIEVANCE COMMITTEE

- 1. RESOLUTION APPOINTING ELECTED OFFICIAL KELLY ARNOLD AND ALTERNATE CLASSIFIED EMPLOYEE LT. BRIAN NICHOLAS (AT LARGE APPOINTMENT) TO THE SEDGWICK COUNTY GRIEVANCE COMMITTEE.**

Mr. Euson said, "Commissioners, this is a three member board. These two appointments will serve a term of two years each. I recommend you adopt the resolution."

MOTION

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Commissioner Unruh moved to adopt the Resolutions.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “I see one of the people there and I don’t know how he is going to swear himself in.”

Mr. Kelly Arnold said, “I will be taking the oath after the meeting.”

Chairman Parks asked, “And the other person is not present?”

Mr. Arnold said, “I believe so. Thank you.”

Chairman Parks said, “Thank you. Appreciate your service to that committee. Next item.”

PRESENTATION

G WICHITA METRO CHAMBER OF COMMERCE PRESENTATION OF VISIONEERING WICHITA.

Mr. Jon Rolph, Visioneering, greeted the Commissioners and said, “Good Morning, Chairman, and Commissioners. I’m here with Visioneering and its funny, the agenda says that Harvey Sorensen was going to be here. He is unable to be here today. He was the former Chairman, and we are going to kind of do a hand off here, but he’s out of town and also says I’m representing the Chamber of Commerce, when I’m here representing Visioneering, which one of the things that makes it so great is that its owned by citizens, and I come to you as one of the citizens that’s volunteering with Visioneering today. I’m here really to talk about three things.

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“First, I want to thank you guys for your participation over these last five years. You’ve done a great job, been a wonderful partner in this. Two, to just recap why we started this and where we’ve gone in the last five years, and three, to tell you where we’re going.

“First things first, thank you all very much for being such wonderful partners in this effort the last five years. It’s made an incredible difference in our community. I was just down in Waco, Texas Sunday and Monday and they tried to do a Visioneering effort down there in the last few years. As we talked to Henry Luke, Visioneering has been as successful or more successful in our region than any other region in the country. A lot of that is because of your leadership, and you’re willing to partner with people and to empower citizens to make this a great region to live in. Now, why did we start it? Basically what we came up with is what we call a ‘Case for Change’ and when we looked at the statistics in our area, what we realized is that we had a thing called brain drain going on. We were losing people, in particularly young people from our community who were going to other major metros rather than staying here, and also another thing that we had going on is that our per capita income was going down every year, I think for the prior 16 years before we launched this effort. So what we did is, we engaged the citizens to come up with a 20 year long range plan for our region. And as you all know, we had over 16,000 citizens participate in this. We have over 500 vision partners in our community that have adopted strategies in this document, including yourselves, who have adopted 45% of the strategies in the document. So thank you again, all very much for that.

“Currently we have 15 active alliances going on right now, working on the strategies and several spinoff groups. And what we’ve seen to date I mentioned per capita income, it has been going up for the first time in 21 years. We’ve had higher job growth recently, now, I guess until the recent economic situation that we’re all facing, but I think we can all agree we talked individually about this, that there’s probably not a more important time to make sure that we are focused on long range planning so we can be in the most positive posture when we come out of this time as a community.

“Also, downtown is developing. We have \$151 million privately invested in downtown and we expecting that to increase. Of the alliances that we have going, one of them that you all are aware of is Unified Legislative agenda. One example of the success that comes from that is the affordable air fares effort which has produced a five to one return and secured 25 million dollars over five years. Also, another important alliance that’s really got a lot done is the Minority Business Initiative. They’ve done three 12 week sessions that they’ve completed. It is minority owned small businesses that they’ve done these sessions through volunteer business experts. Its been very helpful. So now where are we going? Its been five years since we created this document. It’s a living document. We want to make sure it is always relevant and up to date. “On the five year mark, what we are going to go through is a process called review, revise, refocus. We are actually starting today, you all have received notices that we’re doing

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economic development of what we'll be starting today. But we will be doing, let me make sure I get this number right, 24 meetings over the next seven weeks to look at the benchmarks and the strategies and to also come into your areas and your districts. We are going to be doing public meetings to encourage the citizens to be dreaming again about where we want to be. And I want to invite you all to come participate in those meetings. I am going to hand out here the schedule just to make sure that you guys have it and to invite your constituents and your voters to participate in this effort, because it really is a citizen-led deal. And we need their ownership in where we want this community and this region to go.

“We will be giving you updates, active updates on our progress on our Visioneering website, which is Visioneeringinwichita.com. I will come back to you guys at a later date and just update you after we've gotten through all this to tell you where we've gotten through this process. But, again, you know, we are going to hold to the integrity of this process, which has always been very important to Visioneering, which is to be respectful of everyone's opinions, to be open, transparent, and inclusive. This is a community document owned by citizens, and we're going to keep trying to make this region the best it can be. Once again, let me go back to my first point. Thank you all very much. You've been great partners, and you all ought to be commended in doing this effort. Thank you very much for allowing me to be here today. If you have any questions, I would be happy to answer them.”

Chairman Parks ask “If someone wants to volunteer, who would they contact?”

Mr. Rolph said “Suzy Ahlstrand would probably be the right person. Is that right, Suzy? She can be reached at 265-7771. Is that correct?”

Chairman Parks said, “Very good. We have that for the record. I have a couple comments. Commissioner Norton.”

Commissioner Norton said, “I think Commissioner Unruh was first, so I'll let him kick it off.”

Commissioner Unruh said, “All right, thank you. Well, first of all, Jon, thanks for coming and giving us that update, and thanks for genuine expression of appreciation for our involvement. But we've been very pleased to be a partner with you. And appreciate your willingness to step up and become the new chair, and take that leadership, more of a high profile position in this Visioneering effort. Thank you for that.

“Also, want to thank Suzy and Diane for their hard work. The Chairman gets to stand up and talk, but Suzy and Diane have been doing a lot of work these last five years and I want to express appreciation for their hard work and efforts in keeping this organized. You know, this

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you can't affect a change in our community if you don't identify the problem and the issues, and then develop a strategy to attack it, and then be inclusive in involving people in making the change happen and Visioneering Wichita has done that. Although it has Wichita as part of its name, this is really a regional effort, and I know in the early times we struggled a little bit about how we appropriately name this, and indicate our inclusiveness, that this is a regional effort. At the same time give it an identifiable name, so that people can understand what we're talking about. Wichita is the core city and the main engine and driver in this, but despite that, this is regional, and there's been a real effort to try to include other communities and counties in our metro area. So I think there's been good efforts, successful efforts in that also, in light of our success with unified legislative agenda. So a lot of work has happened, a lot of people have been involved. Different commissioners at different times have had more involvement than others. We're kind of rotating that. But its been a good for us and very productive for our community. Appreciate all your efforts. That's all I have, Mr. Chair. Thank you."

Chairman Parks said, "Thank you. Now Commissioner Norton."

Commissioner Norton said, "Well, I always believe that if you don't know where you're going you will probably get there. That talks to, if you don't have a vision, if you don't understand where the community wants to go, you're going to find yourself someplace you don't want to be. The one thing great about Visioneering, it has pulled together a host of people from all walks of life, all parts of the community, with a lot of different competing agendas to try to focus on the best future for our community. And I know not everybody agrees with all the tenets of Visioneering, but the truth is it has brought a lot of people together in a lot of meetings to take on very important issues in our community. I mean, everything from health access to adult education, to economic development, to services provided by government, to general citizens' leadership, neighborhood blight, minority businesses, it just goes on and on, on those things that will bring prosperity to our community.

"And truthfully, I believe what Jon said is very true. In times of economic downturn and uncertainty, that is not the time to draw within yourselves and go, 'oh, me, poor me, wring my hands,' it is the time for all of us to come together and think about the best days of the future, and what does that look like, and how do we want to make decisions today that describe and define what the future is going to be. And that's hard. That's gut wrenching, because there is

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uncertainty. People are losing jobs, but now is the time to be thinking about five years from now, ten years from now, to make our community the best it can be. And I think Visioneering is a platform for doing that in our community. I wrote down you know, I like my alliterations and everything and I wrote down four E's. Educate, which is educate ourselves about our community and what is wrong, and what is right, and use that as the basis for all of our decisions. Engage the community and understand that citizens have great ideas, and they are going to be the power that generates change in our community. And then empower. Step aside and let citizens that are involved and understand the community and want better days for their kids and grandkids and future generations to be involved. And then finally, evaluate. I think that's what the group is doing right now. Five years later, were evaluating where we're at. Celebrating successes, and taking the things that hadn't been so good, tearing them apart, re-analyzing them and see if we still need to be going down that path or not. So I applaud the Visioneering group for continuing to plow ahead. I tell you, when you set out to do something over a 20 year span, with players that change and different thought processes in the community, that's hard. It takes a lot of people saying one more day we're going to have the conversation. Because it's easy to go, wow, I can't do anything about five years from now, I can only worry about today and I think that vision, you have to keep from being short-sighted to move your community along. So glad you're here, Jon, and, you know, I'm very proud that we have young people stepping up to be part of this Visioneering. Some of us are getting older and tired, and it is great to have our young people stepping up and saying we want to make a difference. We can be leaders in this community. We have a voice, and Jon, thanks for doing that."

Mr. Rolph said, "Thank you Commissioners. I appreciate your service to our community."

Chairman Parks said, "Thank you Jon. Seeing no other comments, next item please."

Mr. Euson said, "We need to receive and file."

Chairman Parks said, "Yes we do."

MOTION

Commissioner Welshimer moved to Receive and File.

Commissioner Peterjohn seconded the Motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

DEFERRED ITEM

H ALLOCATION AND INTERFUND TRANSFER OF UNEXPENDED 2008 BUDGET AUTHORITY.

Mr. David Miller, Budget Director, greeted the Commissioners and said, “Before you today is an item that was deferred by the Commission last week to set aside \$2,954,830. from the General Fund into the Capital Improvement fund to finance the construction of the Regional Forensic Science Center annex and the replacement of the control system and chiller. This project, as you know was approved as part of the 2006 Capital Improvement Plan, and was initially intended to be debt financed. It was outlined during the last bond issue, it is now intended to be funded with cash. The action requested of you today is to set aside that \$2,954,830 from the General Fund into the Capital Improvements Fund and the item will again come before you once bids are received for the project. I recommend you authorize the transfer, and I would be happy to stand for any questions.”

Chairman Parks asked, “Do you have any questions of David Miller at this time? Commissioner Peterjohn.”

Commissioner Peterjohn said, “David, for clarification purposes and to make sure the audience out there understands it, of this \$2,954,000., roughly \$400,000. is for chillers and the HVAC control system for not only this new annex but also for the existing building is that correct?”

Mr. Miller said, “Thats correct, sir.”

Commissioner Peterjohn said, “Okay. So the remainder ballpark, about 2.6 million, ballpark, would be for the 7500 square foot annex is that right?”

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Mr. Miller said, “Yes, sir.”

Commissioner Peterjohn said, “Thank you.”

Chairman Parks asked, “Any other questions of David?”

Commissioner Norton said, “I don’t have a question, Mr. Chair, but if I could sure. We’ve had discussions, several different times, either as individuals, I know we’ve talked with David, and Chris Chronis, and we had a discussion yesterday some at our staff meeting about this issue. I just want to be sure the public knows that if we don’t have a lot of discussion today, we’ve talked about this consistently since we postponed it last week to be sure we all understood the moving parts and that we have answered Commissioner Peterjohn’s questions that he had last week when we deferred this. That’s all I have.”

Chairman Parks said, “I was going to echo what Commissioner Norton just said, that this wasn’t taken lightly, and we have really studied this and looked at this to come to this decision on this. Having said that.....”

MOTION

Chairman Parks moved to approve the addendum and authorize the Chairman to sign.

Commissioner Welshimer seconded the Motion.

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Since I’m a little new to the process, I appreciate the fact that this may come back to us at a later date and I hope it will and I want to clarify my vote that’s upcoming on this issue, because I don’t have a problem with the need for this facility. My concern is strictly with the fact we’re looking at a price tag that’s in the neighborhood of around \$350 a square foot and if you factor in the heating and air conditioning portion it may even be a slight bit more.

“And in terms of the current situation on where we are today, my focus is not that we don’t need the annex, but it is like a lot of things where sometimes the price may be a little bit more than what you want to pay, and that’s a concern that I have at this point when we’re talking about a construction project in that ballpark price range of around \$350 per square foot at this point in time.”

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Chairman Parks asked, "Are there any other comments? Commissioner Unruh."

Commissioner Unruh said, "Mr. Chairman. I appreciate Commissioner Peterjohn's concern for the finances and for the impact it could have going forward in this particular environment that we're in. I would just say that this is a need that was identified about three years ago now, and the need for this has not declined at all and I think that in the design for it they've allowed for what their needs are without any additional..... I don't think..... there's a lot of frills in this I guess. I think the cost for this type of facility is higher than many per square footage costs that you have for other types of construction because of its technical and specific nature. But in talking about the cost per square foot and Commissioner Peterjohn said, well, if we maybe take out the chillers and stuff, it's a little less of a per square foot cost.

"What all is included, I mean, if we would just calculate the cost of facility itself, David, do you know Mr. Manager what are items that would not typically be considered construction costs if you are following my question?"

Mr. William Buchanan, County Manager greeted the Commissioners and said, "Commissioner Unruh, the industry standard and the standard we use would in this particular project would not count the chillers because it is an organization as Commissioner Peterjohn suggested [inaudible]. Number two you wouldn't include an owner's cost or architects, some furniture and fixtures, some of those things, and you wouldn't include the landscaping around the building or the parking lot, the additional parking lot. You wouldn't include that. So if you take those out of this building, it reduces the cost \$2.1 million. Which is around \$270 a square foot. And that's ballpark."

Commissioner Unruh said, "Well, thank you. I just wanted to kind of make sure we had a number that we could compare with other construction projects, you know on an apples to apples basis. So if we take out owner costs and those improvements that are for the whole building, well, it is still a big number, I understand that, cost per square foot, but I just want to know how that might boil down to the comparable number. Thank you for that response. That's all I have, Mr. Chair."

Chairman Parks said, "And further discussion on that, this is a public safety issue also, it is used by law enforcement, it is used for drug testing, it is used for autopsies and other things, and we certainly don't want to skimp on things that are going to go to court and may have an impact in the future. We have an accredited facility. I want to see it stay that way. That will be reflected in my vote. Thank you. Are there any other discussions, seeing none, call the vote."

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VOTE

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

PLANNING DEPARTMENT

- I. CON2008-00060 SEDGWICK COUNTY CONDITIONAL USE AMENDMENT TO CU-91 TO ENLARGE THE AREA PERMITTED TO BE EXCAVATED, AND TO ALLOW PRIVATE RECREATION ACTIVITIES; GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 37TH STREET NORTH AND WEST STREET. (DISTRICT 4).**

Mr. John Schlegel, Planning Department Director greeted the Commissioners and said, “In this case I will be presenting to you this morning, the applicant wants to amend two conditions that were placed on the original approval of the Conditional Use for this sand extraction case back in 1966. What they are requesting to amend is a condition which currently prohibits any recreational use of the property once the sand excavation operation ceases, and then they also are seeking to amend a condition which sets the setbacks for this property at 250 feet from each of the property lines.

SLIDE PRESENTATION

“I am showing you the aerial photo now. This is a little dated, this aerial is from 2006 the extent of the excavation area has moved quite a bit now toward the western boundary, but you can see around the edges of the excavation area, the 250 foot setback that currently is in place and that they are seeking to amend. And they indicate in their application they are doing this so that they can excavate this valuable resource, the sand that is there, and they also have indicated to staff that they have talked with people that have expressed interest in possibly using the lake once they are done with the excavation operation for recreational purposes.

“What they have proposed, then, was the removal of that prohibition on recreation use and then a condition that would set the new setbacks, if I can get the arrow going here, at 75 feet along the north and east property lines, and that’s set at that distance for purposes of protecting the roads along 37th Street and West Street, and then they had originally proposed to take the setback along the west and the south property lines down to 20 feet.

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“Staff was contacted before the Metropolitan Area Planning Commission (MAPC) heard this item by the owner of the property immediately to the west expressing his concern about the proposed 20 foot setback. They wound up contacting the applicant and prior to the Planning Commission meeting there seemed to have been an agreement between the property owner and the operator of the sand pit operation to set that new setback for that western property line at 50 feet. So staff recommendation at that time was to go with the 50 feet along that western property line. The applicant does want to keep the northeastern corner, which is currently of the property, which is currently zoned Limited Commercial in its present condition as a future commercial site. The item was heard by the MAPC at its meeting on December 4th. There were three neighboring property owners that spoke in opposition to the proposal at that meeting. If I can get the arrow going here, it was the property owner to the west, also the property owner over here just to the southwest of the sight, and then another property owner across 37th street just to the northwest of the site. All of their concerns were about the what they have seen in terms of erosion of the existing excavated lakes, that both from the property to the west and to the south of the application area, and the potential then for impacts that continued erosion on those lakes and this new lake that will be formed would have on their properties. And apparently from what we heard in the testimony of the property owner immediately to the west, the agreement for the 50 foot setback on the western property line did not hold because this property owner continued to speak in opposition to the application.

“The MAPC voted at that meeting by 6-4 vote to deny this application. That would have been final action by the MAPC, except that the applicant has appealed that decision, so you will be the final decision makers on this application as a result of that appeal. So the options that you have before you today would be to uphold the recommendation from the Planning Commission to deny their request, and to make findings in support of the denial, that can be done by a simple majority vote. You also have the option of sending it back to the MAPC for reconsideration, and third option would be to overrule the recommendation of the Planning Commission and approve this Conditional Use subject to the findings that the staff gave in its staff report. That, however, would require super majority vote of four in order to take that action. And with that, I will be glad to take any questions you might have.”

Chairman Parks said, “Before we get into any questions, Mr. Schlegel, I do want to give an opportunity for a couple of Commissioners to have some ex parte communications and declarations and me being one of them. This is certainly my district and I would like to state at this time that I’ve received several communications in regard to this case, including meetings in person, email, telephone, the one telephone conversation I did have with the person that’s now deceased, and I did visit the site with staff engineers and I do appreciate the efforts and interest of my constituents, but I should state for the record that I have not made any decision in this

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matter and do not intend to do so until I can hear all of the evidence in the case today. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. I would also like to make a similar declaration. I visited the site and also had a meeting in person and so I appreciate the efforts and interest of everyone in the county and including my constituents, but I want to state for the record that I have not made any decision in this matter, and do not intend to do so until I can hear all the evidence in this case today. Thank you.”

Chairman Parks asked, “Now are there any questions for Mr. Schlegel? Commissioner Norton.”

Commissioner Norton said, “John, you gave us a briefing on this earlier in the week and one of my concerns is as we talk about a lot of water on the west side, which came out of the airport and the bird strike, this is a lot of water, and it is in direct line for the airstrips, although it is just barely outside the five mile ring is that correct?”

Mr. Schlegel said, “That’s correct.”

Commissioner Norton said, “Okay. So any more expansion would just be more water along that path if you draw a line. The other thing is, there is an airport within 1,000 feet of this property, too. And all this water, is that not correct?”

Mr. Schlegel said, “That’s right. Riverside airstrip is just, you can see the airstrip on the aerial photo here.

Commissioner Norton said, “I dont know that that means anything to the process were going through right now, but it is certainly a discussion we’re having county wide about this and it is water, it is close to an airstrip, and it is lined up directly with the north part of the flight lines out of midcontinent. So whether it needs to be considered or thought about, I don’t know. But it is more water and we’re in the process of maybe allowing that to happen. That’s all I have, Mr. Chair.”

Chairman Parks said, “If I may speak to this at this time, I want to say that in my conversation I did have with one of my constituents over there, in fact, it was Mr. Sanders and he has since passed away, he wasn’t as concerned about the water as he was the live geese and ducks as he was the alignment of any water. Now, if this would have been to the south or north of his airport, he said he would have been more concerned, but he was more concerned, actually, with the erosion, so I thought I would throw that in since we’re talking a little bit about birds and water and things. I guess the alignment was more important to him as a pilot, and as owner of

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the airport than anything else. And that wasn't really his number one concern. So unfortunately, he's not going to be able to testify. Commissioner Peterjohn."

Commissioner Peterjohn said, "A question in clarification since I wasn't on the commission when the issue came up concerning the parcel of land south of Mid Continent Airport. We've got a number of incorporated municipalities in this county, and the Riverside Airport from looking at the map, appears to be outside any corporate limits. I was curious if there were any airports that were inside any of the municipalities in Sedgwick County where they have these sort of local zoning restriction in terms of development in and around the airports at this point in time. Do you know?"

Mr. Schlegel said, "Well, certainly both Jabara and Mid Continent in the City of Wichita, and there are zoning parties' patterns around those airports reflect a pattern of land uses that would be appropriate for an airport. And I don't know about any of the other cities."

Commissioner Peterjohn said, "I'm sorry, I should have clarified that I was talking about the non-Wichita municipalities here in Sedgwick Sounty."

Mr. Schlegel said, "I would have to do some research on that. I can't think of any offhand but that doesn't mean they don't exist."

Commissioner Peterjohn said, "Okay. Thank you."

Chairman Parks said, "If I can kind of speak to that before we go to the next question. The bird strike issue and the other things that we're talking about are in the process. We're working on some of those right now, and I think that's going to be quickly addressed in the month of February here. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. John, so I get my facts straight here, the current boundaries or setbacks for this operation are how many feet?"

Mr. Schlegel said, "Two hundred fifty feet from all property lines."

Commissioner Unruh said, "And that as that overhead shows us, is that 250 feet from the property line for that little strip of land going east and west on the south there?"

Mr. Schlegel said, "Thats correct. That's 250 feet."

Commissioner Unruh said, "And that little canal that connects the two pieces of lake there, I mean that's of no consequence in this discussion?"

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Mr. Schlegel said, "Not in terms of what they are requesting, no, I don't think it is of any consequence."

Commissioner Unruh said, "Okay. And the question on the table now is, or the proposal on the table is 75 feet on the north and east, and 50 on the west, 20 on the south correct."

Mr. Schlegel said, "Correct. That was the latest proposal."

Commissioner Unruh said, "Okay. Just wanted to get my signals straight. So thank you."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Seventy-five feet from the road is what they are asking for?"

Mr. Schlegel said, "Seventy-five feet from the edge of the right-of-way."

Commissioner Welshimer said, "Okay. Is that normal, common, or is that just a little more than what the average sand excavation process uses?"

Mr. Schlegel said, "Well, I would be hard pressed to tell you what is normal or typical. You can see just to the south of this application area that the excavation of those two lakes, the property immediately to the south and then the property to the southeast is closer than 250 feet. I don't really know, I couldn't tell you exactly what those dimensions are, but they are probably closer to the 75 feet that's being requested than the 250 that's required on this property. Now, you can see also then on the property immediately to the west, just south of 37th Street there was a... I think you can eyeball it from the aerial, but that was about a 250 foot setback there. That was left in place."

Commissioner Welshimer said, "It is pretty close to a road to bring that type of an operation. I have some concerns about that. But thank you."

Chairman Parks said, "And I do ask if the Commissioners, just ask questions of Mr. Schlegel at this time, because I am going to ask Jim Weber from our County Engineering Department to address some of those road issues later on. Commissioner Norton."

Commissioner Norton said, "John, has there been a standard for any of those excavations that are already there I mean, if you look at the one directly to the south, if they had any limitations of setbacks, it appears they didn't follow them unless it was 20 feet, because that's almost

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boundary line to boundary line. Do you have a history of what our expectations have been for some of these excavations and what limitations were put on them?"

Mr. Schlegel said, "Well, it is not uncommon to find for in Conditional Use as you go back and look through the history of Conditional Use approvals for these types of operations, to find that 250 feet was the setback requirement. Now I think what has happened over the years is that applicants have come in and asked for amendments to that requirement and I don't know if that's what happened with the lake immediately to the south, but I suspect that's what happened. They came in, had whatever Conditional Use for that property amended to allow the setbacks that are there now."

Commissioner Norton said, "Well, and I guess if you look to the property to the west, there is a little more buffer northwest and south, but on the east, it runs almost to the property line. Would that be a fair statement?"

Mr. Schlegel said, "It is a lot closer on that western boundary, although I don't know if that property owner is here today, but he may be and if he is, he can probably tell you. Okay. What exactly that dimension is."

Commissioner Norton said, "And I guess I don't need a lot of explanation other than if you..... we allow this and you get them pretty close together, that becomes a very narrow strip separating two properties and two pretty good sized bodies of water, I guess would be my concern. On the north, if you go to 75 foot, does that allow any residential or commercial construction along the strip of 37th Street, or is that pretty well eliminate any kind of building along the northern border of that piece of property?"

Mr. Schlegel said, "It would probably.... it might be possible to shoehorn certain types of residential development or even some commercial development on a parcel that narrow, but it would make it very challenging. It would be a unique type of configuration, not a typical type commercial configuration. It is really not very deep."

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

Chairman Parks said, "Okay. Seeing no other questions of Mr. Schlegel at this time, if you will stay around, John for a few minutes in case there are some questions that arise. At this time I would ask the applicant to come forward and state your name and address for the record and give us some information about this project."

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Mr. Greg Allison, MKEC Engineering Consultants greeted the Commissioners and said, “Good morning Commissioners. I represent the applicant. I think we have a slide presentation as well to clarify some issues that we think are of concern.

SLIDE PRESENTATION

“As you know, we’re appealing the Planning Commission’s decision. We feel like the Commissioners raised some good points and feel like we’ve listened to them and in fact that is partly along with the adjacent property owner is why we modified the westerly line to 50 feet. Again, you can see the, what we’re calling the Dolese pit is our application and the Richie pit is below and as Commissioner Norton pointed out there is very minimal setback along there. So what our intention is, we would like to go ahead and continue mining this operation prior to moving forward to the next pit that LaFarge actually owns. Some of the concerns we heard on it were, of course, erosion and I think Commissioner Welshimer brought up the concern on the roads and impact that potential erosion might have on the roads. Again, that’s why we feel like we can modify our application to some setback that may be more comfortable for the county and also adjacent property owners. We would also like as part of our original application, there was recreational uses that were requested. We had discussed this at the Planning Commission level that we would be willing to remove those, that part of the request of the application and not have any recreational uses within this area because LaFarge’s intent is really a commercial venture as far as mining sand and the recreation really isn’t an intended use. We understand that if a property owner, or a land owner or purchaser came along and bought it, that they would have to potentially come back before you guys to allow that kind of use. So we don’t want to get mired in that issue.

“I think let me go ahead and scroll through here a little bit. This, again, is the original setback request of 20 feet on the westerly edge, 20 feet on the southerly edge, and 75 on the easterly and north. What we would like to propose today since the Planning Commission had concern about it and neighbors have had concern, and also in meeting with others of you, where there’s concern, we would like to go ahead and modify even yet to make just 100 foot setback completely around the pit so that the concerns of those are addressed, and we feel like that 100 foot allows us to mine to an extent that’s worthwhile, and also address concerns of everybody around us without causing erosion with neighboring properties.

“I would also like to note that as part of this there really isn’t any major drainage ways that come through here. This isn’t a flood plain that FEMA (Federal Emergency Management Agency) would be concerned about or anything. So what really falls on this property is the extent of the rain that might cause some erosion along the banks. The other erosion potential is wind and that kind of thing. And I have some pictures that I’ll show you here shortly of what we intend to do to maintain it so that wind erosion and that kind of thing is not a concern.

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“So this next slide shows in yellow is our original request. The green would be the modified request of 100 feet. This right here is a picture of a similar pit that’s in the northwest area near Mystic Lakes. It is not Mystic Lakes pond, but Mystic Lakes is near Tyler and 53rd. This is just south of there and this vegetative grass line shore is what we would intend to maintain our banks with. And, again, at the Planning Commission level, that was one of the main concerns I think, of the Commissioners was how to maintain the edges. We feel like we have a good solution to that. In fact LaFarge’s mining operators are required with the state to maintain these edges in a vegetative state similar to this. This right here actually is the shoreline along north pond edge of the pond south of us and I’ll flip back a little bit just to give you a perspective. It is a picture right about in here if you see the arrow, which is right about where it says 20 foot setback there. So the intent of showing that is that’s along the north edge where we get a lot of wind erosion and it is also right next to where we’re at, and we feel like that edge has been maintained and I think it’s been in this state for about ten to 15 year period, is my understanding. So just kind of wanted to point out that there’s not any real big erosion trouble or concern there. This, again, is kind of a bigger, or further back picture of that same area, and then, again, this is another one up near Mystic Lakes as well and feel like they’ve maintained that edge fairly well with vegetative shoreline.

“Wanted to kind of show you this is a typical dredging diagram as far as how their operation works. They typically dredge down to about a four foot wall and then twenty feet out from the shoreline, and then go down another four feet, 20 feet out, four feet, 20 feet out. And that shows the progression of the depth of the pond, so at this point this would not be any deep excavation real close to the shoreline. So I feel like that is a plus as far as potential damage as far as undercutting the shoreline so that it would start to impede the adjacent property owners, which of course includes the county with the right-of-way. The typical depth of this pond will be about 30 to 40 feet, but as you can see, it’s going to be 30 to 40 feet depth would be probably anywhere from 80 to 100 feet out, or greater from the shoreline. So there shouldn’t be any great concern as far as undercutting or undermining the shoreline.

“As far as.... there was a question about residential development potential here, or commercial development and yes, with 100 feet of setback there would be just minimal amount of room to do any kind of development, but we understand that, and I think my client is here, he can address some of those issues because I know there’s property, or potential buyers for this property that have proposed uses. I dont think anything like that is really ironed out, but there is some potential. But I do want to kind of point out a development further south of us, which is this Emerald Bay area and you can see the peninsulas that have been created. Pointing that out, there are some additional intended mining operations by LaFarge in this area called the Carp property, which is right here, and there’s extensive amount of overburden of material that needs

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to be eliminated. Should a developer come and want to develop the Dolese pit that we're talking about today, there could be a way that if they want to create their own peninsulas and that kind of thing to do further development they have that potential to do that, because we do have to get rid of that. And that's been done before. Now, it is not to say they would create a big peninsula like you see in Emerald Bay, but it could be to an extent that they could widen it out to allow for some kind of development along those edges. So I think with that I have addressed what I think are the important issues. I do understand that Planning Commission had concern on the maintenance of the edges, and this really, through discussion, was their main issue and really feel like we can maintain that, and we're required to maintain that with the State as we have our mining permit. So be happy to answer any questions."

Chairman Parks asked, "Can you go back to the dredging photo again if you would, please. Now you are saying this is how you would do it on any project, or just this one, or can you go up, say you own the property next to it, and go down even deeper and then have a pretty deep drop-off there at other projects?"

Mr. Allison said, "From what I understand there are mining operations that they practice, and also I need to point out in the existing Conditional Use Permit, they are required to have a certain slope, which as this diagram will show, matches that slope, but with their mining operations, they cut a wall down of about four feet and move over 20 feet. Come down four feet, over 20 feet, and as that kind of seeks an equilibrium with the erosion that happens underwater, it comes to about what's called a five to one slope and those are what that five to one slope is, what is required within the existing Conditional Use. So I can only speak for what the clients told me as far as LaFarge and what other people do I can't answer that. But this is how they mine these lakes that they have over here."

Chairman Parks said, "Well, as with any Conditional Use, our Code Enforcement goes out and I don't know that we have scuba divers to go down there and check the depth. That's what I was just wondering about."

Mr. Allison said, "When I talked to the owner, Kevin Rohner, the representative for LaFarge can answer that. I think they are pretty consistent with it, because one, they've got to answer to the State and also answer to the existing Conditional Use that they have. So they want to comply with that as best they can."

Chairman Parks asked, "Greg, has the owner done an independent study away from your engineering firm for the soil stability in this area at all?"

Mr. Allison said, "He's shaking his head no, they have not."

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Chairman Parks said, "That's all the questions I have. It appears that, which one of you are first? Commissioner Peterjohn."

Commissioner Peterjohn said, "If we could go back to the second slide and Greg I appreciate that presentation you put together here which shows the northeast corner. I believe that northeast corner was zoned Light Commercial which is a little different from the rest. Is your plan, is the current plan..... would that remain the same under this Conditional Use and are you planning to leave it there or would you plan to mine it just like the rest of the property."

Mr. Allison said, "We would plan to leave it there and that was part of the original application is to leave that as commercial property there."

Commissioner Peterjohn asked, "So that's part of the original agreement that you had on that parcel?"

Mr. Allison said, "Yes."

Commissioner Peterjohn said, "Okay, because my concerns were similar to Commissioner Welshimers in terms of making sure that we had adequate protection for the county roads around the property. Thank you, Mr. Chairman. That's all I have."

Chairman Park said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Can you tell me on the setbacks that you are proposing now, is that from the property line or from the road center line?"

Mr. Allison said, "It would be from the property line."

Commissioner Unruh said, "Okay. Thank you. That's all I have."

Commissioner Norton asked, "How much shelf life is on this project I mean, if you look at the map John had for us, it was only about half water and half land. Now its three quarters water. How much shelf life is left on this project, if you kept your dredging operation going the rest of the summer and into the fall, how much longer do you anticipate this being a project?"

Mr. Allison said, "I think I better have Mr. Rohner address that. This photo is from June of '08, so it is fairly recent."

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Chairman Parks said, “Okay. I believe in my discussion with Mr. Schlegel this was in ‘06. Right?”

Mr. Kevin Rohner, LaFarge North America, greeted the Commissioners and said, “That is correct, Commissioner Norton, I am not sure I heard all your question, I was talking to the adjacent land owner. I have more to add on that.”

Commissioner Norton said, “Okay. How much shelf life is left on this project I mean, if you kept dredging through the summer and the fall, how much longer do you anticipate until you get to those boundaries, whatever they might be?”

Mr. Rohner said, ”The current boundaries, as it is set right now with the 250 foot, we’re essentially there. North, the east and the south sides have been completed and the west side is nearly complete, meaning weeks if not days. So were almost done with that. The 100 foot setback would give us approximately another year or a little bit more than that, depending on again the economy and how fast we sell it.”

Chairman Parks asked, “Are there any other questions? Seeing none at this point.....”

Mr. Rohner said, “Chairman Parks if I might add, Mr. Hudson is the property owner to the west of this property, and during this whole process, we have been in contact with him and have worked with him to try to come to an agreement and it is true that the Planning Commission, we still hadn’t reached quite full agreement. We had talked about 50 foot and that that might work for the both of us. Since that time, though, we have come to a final agreement, if you will, to address both erosion and then other concerns that Mr. Hudson has over the lifetime of this property, let’s just say. He has concerns of noise and other potential negative effects on his property.

“And our intent is to sell him a portion of that property, and that will do two things: number one, it will provide an area so that he can address any erosion or sloping and other concerns that he wants to on his property, but then also that gives him some more space to put up any berming or screening between the properties so that he can preserve his property in the state that he wants. I’m not speaking for him, but that is my understanding and that is what we have agreed to at this time.”

Chairman Parks said, “It is my understanding he did wish to address the Board here today. Thank you. At this time I would like to ask Jim Weber from our Engineering Department to

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come forward. I believe we need to kind of clear up some questions that some of the Commissioners had and this is an important part for us as a county also, because we do have a part of a County road to the north and a County road to the east of this property. And can you talk a little bit, Mr. Weber, a little bit about the engineering and the things that would impact the roadway since most of that is blacktop road there again.”

Mr. Jim Weber, Deputy Director Public Works greeted the Commissioners and said, “Our concerns would be that where the edge of the pit is going to be, that there be room for a stable slope to be developed up from the pit, and room sort of topside to maintain the slope in the pit, and that that be back far enough from the edge of the right-of-way that we wouldn’t have an issue with, you know, the erosion or drainage coming off the road creating a problem. In terms of maintaining the road, the 75 foot that’s proposed here, or the 100 foot, either one, based on I’m guessing the overburden is 8 to 10 feet, something in that range. So the five to one slope they are talking about would chew 50 feet up to get from the surface of the water to the natural grade of the ground. I don’t think that we have an issue with the 75 or the 100 foot from the road as far as maintaining the road is concerned, that should be adequate for that. The kind of issue that we’ve had in sand pit cases has been typical to require them to provide a redevelopment plan along with their drainage plans and everything else they are doing for the sand pit case to show that there is adequate room for some kind of meaningful development to occur on the property. Now, that’s next to the road or on the back or whatever. And of course this original case is an old one, maybe from the 60’s, so I am not quite sure that those plans were required back then, but they still have the 250 foot on there. So those I think are amendable over time, but all of these setbacks that they are suggesting would not, in our opinion, provide space for any meaningful development to occur, residential, commercial or whatever on the property. I suppose, unless they want to spend the money to haul dirt back in and restore the thing. I don’t know if I’ve answered your question or not, Mr. Chairman.”

Chairman Parks said, “I believe so, for the road base and now, if this would ever go to a four lane, this would still be the same, you would still have the same opinion on this?”

Mr. Weber said, “I think and it hasn’t been stated here, I am not sure what the right-of-way is right now, but if the right-of-way line was at the 60 foot line that’s required by the subdivision regulations and we had a setback beyond that, 60 foot is enough for us to build four or five lane facility in almost every place with 75 foot of right-of-way on the corner which they are not interfering with because it has other commercial zoning on it. So I guess I would want to clarify on the case that we would want to maybe set the setback from the section line or the center of the road as opposed to some kind of moving over to our right-of-way line. But that would be 60 plus whatever they say they want the setback to be.”

Chairman Parks said, “Okay. We can do the math on that. Commissioner Welshimer.”

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Commissioner Welshimer said, “So the setback that they’ve negotiated, the 100 feet from their property line, is from their property line is that correct? That would essentially eliminate concerns over road improvements. It wouldn’t allow for building any structures along that road?”

Mr. Weber said, “I think that’s correct because, again if we chew up 50 feet on this five to one slope, at 100 foot you have a 50 foot top, which is where you would be doing actual development and, well, I don’t know if you could find a viable development site in this town with a 50 foot depth unless it is some really odd thing. I don’t know, a Starbucks or something with a drive thru maybe.”

Commissioner Welshimer asked, “What’s needed to accomplish some type of improvements along that strip? Would they need the full 250 feet, or less than that?”

Mr. Weber said, “I think that’s why we asked them for a plan but, again thinking about the 50 feet for the slope and front setback that’s typically in the 25 or 30 foot range, so you’ve used up, say, 80 feet and then a typical lot depth might be 100, 120. That’s assuming that you’re going to allow them to access the section line road directly, which we are trying to discourage by having interior road systems. So if you force an interior road system as a frontage road on that, that’s another 50, you are at 250. If it’s kind of a limited number of entrances that they need, maybe you can get by at 200. Because you wouldn’t need to have that frontage road in there.”

Commissioner Welshimer said, “Okay. Thank you.”

Chairman Parks said, “Okay. Thank you. Are there any other people that would like to speak? Please step to the podium and give your name and address for the record.”

Mr. Sam Hudson greeted the Commissioners and said, “I own the lake at 5221 West 37th Street North. My initial opposition to LaFarge’s application was the erosion concern directly on the east side of my lake, which you can see borders LaFarge’s west side. That and the noise level. Mr. Rohner with LaFarge has met with me and I appreciate that. As a good neighbor he’s reached out and agreed to sell us 50 feet of property directly on the west side. This will allow us to slope the east side of our lake which you can see is only about 25 feet. “ I do not know what the original Conditional Use Permit was, but I believe it was Ritchie that dug that lake was. But its caused quite a problem with us on erosion. With the allowance of the 50 feet, that would certainly take away whatever opposition I have with them. And as a lake owner, and have owned the lake for a while, I’m developing it with my home now, we have experienced a lot of sloping, the five to one slopes as the engineer spoke to you about and that’s what we have

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done to control our erosion. I would hope that you would support them, of course if they go through with what they agreed with me. Thank you. Any questions from anyone?"

Chairman Parks said, "Well, certainly we're not from the legal standpoint, couldn't enforce any of that, could we, Mr. Euson on any verbal agreements that's been made at this late hour?"

Mr. Richard Euson, County Counselor greeted the Commissioners and said, "That really wouldn't be a part of this case, no."

Mr. Hudson said, "Okay. I can understand that."

Chairman Parks said, "I do have a question of you. On the noise level you said, was that for the dredging operation or was that for later for the recreational?"

Mr. Hudson said, "I was more concerned with the recreational use and what might follow. As you can see as the other Commissioners spoke about, it does not leave much room for development. You'll need the 150 feet, is what we have needed to do some land reclamation, even to start building our home as you have seen Mr. Parks, when you visited our area. And I'm okay with there not being development there with the Conejo CDK across the street. We have the dumb transfer station, there is a lot of trucks along with LaFarges trucks that utilize 96 and West Street. It is not a safe area during the day. But when we leave our home or our lake, we always travel to Hoover to the West. So I don't know how feasible and I am not an expert, but with the truck traffic you have from 6:00 A.M. To 5:00 A.M., it is not safe for a lot of residential people to be driving on 37th and West Street."

Chairman Parks said, "However, at the culmination of that, looking at the big picture, that's going to be some kind of a, at least we were told that a couple years ago, when we extended the C&D, some kind of a park or some kind of a green area up in there."

Mr. Hudson said, "I cannot speak for Mr. Cornejo, he has been a good neighbor. Most of you probably know him better than I do. But it is my belief their intentions are to expand, and that's strictly my belief. I'm sure they will look to expand to the east or west directly on the property that a neighbor of mine owns."

Chairman Parks said, "Okay. Thank you. any other questions? Thank you."

Mr. Hudson said, "Thank you."

Chairman Parks said, "Are there any other people that would like to speak go ahead and come to the podium, state your name, address for the record."

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Mr. Billy Miller greeted the Commissioners and said, "I grew up practically in that area there North of 3814 North West Street. That's a different kind of soil up there. It's sandy. And it's very easy to erode. I know the big trucks that come down the highway there, and they vibrate and shake the soil and not much there to hold it. So you need to have a setback there or pretty soon you are going to have the road in there. That's the conditions that I see. Even like down on the river here, it's been.... when it changes course as the river comes up, floods and such as that, very easy to change its course. I don't know what else to tell you. But the guy needs to have a good setback here."

Chairman Parks said, "Okay. Any questions of Mr. Miller? Thank you. Sir, come to the podium and state your name and address for the record."

Mr. Tom Reed greeted the Commissioners and said, "I have come up here because Uncle Tom, like he said, has recently passed and he is definitely a person that was bothered by the setbacks being changed. Like the last gentleman said, the soil out there, there is none. It's sand. We all know that when the big ditch was put in, you know it had perfect sides and we had to actually take and put rock in there to stabilize it in that area. Anybody that goes out there and looks can see that. I have a younger brother that actually, how do you say it, dredged sand pits and I was told by him that they would be sitting there dredging and all of a sudden thirty feet would fall off into the water. That actually happens quite often. You guys mentioned that it was the west side that came to an agreement. It was not. It was the actual north side. The west side is the airport and it is a very large piece and it involves most every member of my family and you know we really..... bird strike is an issue. You're playing with airplanes and we just had an airplane go into the river, was it they ditched and had everybody standing out on the wings. It was about twenty years ago one of our airplanes got hit by birds. We've already got the, what do you call that, the Trash Station there that's actually building; there's supposed to be a Federal Law that says that, you know you are supposed to be so far away from a runway. "Doesn't seem like that's actually being paid attention too. Now you guys are going to have the options to either allow him to dredge a little more and I have not heard one person discuss the 29th Street. Twenty Ninth street, if you look at the overall picture and I talked to one of the city council members for the City of Wichita about 29th Street. We have a really traffic problem on the west side of town, and 29th Street is definitely one of the options that's being looked at. So if we four lane that 29th Street and we allow that to go down, you know that much closer to 29th Street, we are going to create a problem. I recently just attended a D.O.T. (Department of Transportation) Seminar and they actually had a video that showed what kind of, you know compacting they have to do in order to make a street which I was totally surprised on how far that the load actually pushes out. As a kid out there, you know, we dug. We didn't have a sand pit or sandbox, so to speak, the whole airport was a sand pit or box. I mean, there is no soil. When we had to remove the gas tanks, you know, I dug down about thirty feet, we never found

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soil. You put water and sand together, it is going to move. No matter how you look at it, you cannot stabilize that sand by putting a little bit of topsoil on it and turning around and growing grass on it. It just doesn't happen. And I sure hope that you guys will think about this and, you know, you spoke earlier about how you wanted to look at the big picture and bringing the younger people in and all of that stuff, and considering the 29th Street, I really hope you look at that. Because, you know, there's a big issue there. I've actually been out there in the Maize area since 1974. I've watched the whole west side grow. It's amazing the load of traffic going down on Zoo Boulevard. The proposed site for the highway to come up 13th Street is just one part of the issue. We need to actually really consider what we're doing here. I mean, this is an issue that can affect my kid and her kid and honestly, if we can just look at the big picture and not be narrow minded, it is not always about money. It's always, you know, how can we make it better for the next generation and as we grow bigger and better out there towards the Maize area. We're going to have more loads on them roads and if you look at the big picture, 29th Street is going to be one of the answers. And I just hope that, you know, I understand LaFarge is actually pumped out, but they've also bought across the street. You know, they can move their operation across the street. They can move their operation across the street and go ahead and start digging there."

Chairman Parks asked, "Are you going to wrap this up?"

Mr. Reed said, "Yeah. I mean, I just wanted to just, you know, try and get everybody to look at the whole picture of how the soil is not stable out there. We proved that with the big ditch. You know, we're lining it with big boulders to try to stop that, and water does move sand and sand is what we've got out there. And thank you. I appreciate your listening."

Chairman Parks said, "I do have a question for you, if we can go back to the slide that had the picture of the airport on it. Can we do that? There. Now, you see the carp area down there, is that what you were talking about that LaFarge had?"

Mr. Reed said, "Correct."

Chairman Parks said, "This is what your uncle told me that the alignment was more important than a lot of things on this."

Mr. Reed said, "Exactly."

Chairman Parks said, "This would be a next project thing that we're looking on."

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Mr. Reed said, “Unfortunately for us, none of our little airplanes have the ditching ability like the big airliner did, okay. You completely surround us with water, and we have an engine go down, where do we put it down at. That is an issue without any doubt. It is your guys’ decision, you know. I appreciate it, your time and I really hope you think about the 29th Street. Thank you.”

Chairman Parks said, “Are there any other questions? Anybody else wish to testify in this matter? Seeing none, would... I’ll give you two minutes for rebuttal on something that had been said. Go ahead, Greg. Step to the podium.”

Mr. Allison said, “I just wanted to make sure it’s clear where our application area is in relation to the airport property. In the west side owner that we’ve negotiated with or talked to, this is 37th and this is West Street and our application area is right here and the adjacent owner that we’ve dealt with is right here. Again, he stated, I think he’s building his house right about here. He’s actually brought in material if I’m right, to help build, you know, build some space to build his house. So, again, that’s kind of what we’ve intended, that if a developer wants to come, he can do that. The airport property, then, is this right here, 29th Street would be down here, we are a half mile away from that. During the Planning Commission process or review, Mr. Sanders talked about erosion, and a lot of that was focused right along here. We actually don’t abut adjacent to his property. We are close to it, of course, but in fact this little triangle piece is owned by the Ritchie people down here. So we don’t even touch his property. Comes very close.”

Chairman Parks said, “It would be fair to say that your point to point touches there?”

Mr. Allison said, “Well, no, there’s a triangle, I lost the mouse here. This triangle piece here is not owned by us. It’s owned by the people that own this pit. There used to be a connection in between these two waterways, but it’s been filled in. So we really don’t come up to a point. We come very, very close, but we do not touch. So I just wanted to make sure it’s clear that this is our area and we really don’t have property that could erode the airport property or cause problems as far as erosion.”

Chairman Parks said, “What you said a little bit ago about that was..... on this if it would be developed the people would undoubtedly want to have boats or jet skies or something on that, wouldn’t you say?”

Mr. Allison said, “I would say that’s very accurate. And if they want to develop it with a house, I think they have room to expand, and we have LaFarge will have the extra material at some point to work with them on that. So.”

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Chairman Parks said, “Okay, thank you. Any other questions of Greg while he’s here? Okay any other discussion from the…… Mr. Schlegel, do you have any other discussion on this or anything you heard you might want to clarify?”

Mr. Schlgel said, “What I heard from the applicant was they are withdrawing their request to amend the prohibition on recreation uses. So that’s off the table. I also heard they are proposing a 100 foot setback from the whole perimeter from the adjacent property lines. [Inaudible] Okay. and that would take, then, those dimensions to 130 feet from the east and northern section lines. Oh, 160. Okay.”

Chairman Parks asked “Any other questions from the Commissioners about this project?”

Commissioner Welshimer said, “I am interested in [Inaudible].”

Chairman Parks said, “Okay. I think at this point for sake of discussion and putting something out there on the table I am going to make a motion, this is in my district, I have studied this and been out there several times.”

MOTION

Chairman Parks moved to approve the zone change, that the Board approve the Conditional Use request and adopt the findings of the Metropolitan Area Planning subject to the original condition contained in CU-91 and the following amendment conditions, that private recreational activities such as boating, fishing, skiing, et cetera, will be permitted in the area once the extraction activity has ceased operation, and that the final excavation shall be no closer than 160 feet from the south right-of-way line of 37th, 100 feet from the west right-of-way line of West Street, 100 feet from the west property line, and 100 feet from the south property line. In addition to that, I would also like to have the applicant produce an independent engineering study of the soil stability on the west side

Commissioner Welshimer seconded the Motion

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Chairman Parks said, "I have a Motion and a second. So now can we have some more discussion on this."

Commissioner Welshimer asked, "Mr. Schlegel, what would be the attitude of the Metropolitan Area Planning Commission taking into consideration these amendments?"

Mr. Schlegel said, "We would have to take.... if you were interested in knowing what they thought about the proposal on the table now, we would have to take it back to them."

Commissioner Welshimer said, "You would have to take it back?"

Mr. Schlegel said, "Right. I can't speak for them."

Commissioner Welshimer said, "Some of these amendments weren't proposed or discussed during your original discussion of this issue?"

Mr. Schlegel said, "No."

Commissioner Welshimer said, "Okay. Thank you."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Just a quick clarification. Is this a simple majority or do we need a super majority in this case, Mr. Schlegel?"

Mr. Schlegel said, "Well, in this case because the motion is to approve, you would have to have a super majority or four votes to approve."

Commissioner Peterjohn said, "Thank you."

Chairman Parks asked, "Any other discussion on this matter?"

Commissioner Unruh said, "One question. The motion that you proposed, Mr. Chairman, in all the conversation I've got a little bit confused here. As you read your motion, that is one that both the applicant and the.... and Mr. Hudson have kind of tentatively agreed to is that correct, is that right? Thank you. I wanted to be clear. We've had lots of conversation and I got a little confused. Thank you."

Chairman Parks said, "Okay. Seeing no other discussion, we'll call for a vote."

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Mr. Schlegel said, "Mr. Chairman, point of clarification on your motion. I wasn't sure about the findings. Did your motion include adoption of the findings in the staff report?"

Chairman Parks said, "Adopt the findings of the Metropolitan Area Planning Department was my motion."

Mr. Schlegel said, "Well, the reason I bring that up is because they did not adopt any findings as part of their action. The only findings that are on record are the ones that the staff provided in the staff report and the staff recommendation had been for approval so those staff findings would be..... would support the motion you've made."

Chairman Parks said, "Mr. Euson."

Mr. Euson said, "You said adopt the findings of the Metropolitan Area Planning Department. That would be the findings and staff report as I interpret it."

Mr. Schlegel said, "Beg your pardon. Thought he said Planning Commission."

Chairman Parks said, "No, Planning Department."

Mr. Schlegel said, "That clarifies it. Thank you."

Chairman Parks said, "Seeing no other discussion, call the vote."

Commissioner Norton said, "On the Motion, I thought you said you would allow recreation uses, did I hear that properly? I thought the discussion was that part of it is the land owner to the west was concerned about recreational uses, and they were taking that off the table. Did I miss that discussion? That's not what the motion said."

Chairman Parks said, "I put it back on."

Commissioner Unruh asked, "Mr. Chairman."

Chairman Parks said, "Yes."

Commissioner Unruh said, "Recreational use, so I understand it, are they in or out of this recommendation?"

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Chairman Parks said, "They are in."

Commissioner Unruh said, "Recreational uses are in the motion."

Commissioner Peterjohn said, "Mr. Chairman, was it contingent upon recreational uses were only after they finished the mining operation."

Chairman Parks said, "Yes. That was upon the completion of that. Looking at the long term, why I put that in there, the long term of that, and as Greg said in his statement that when you have a development out there, people are going to want to have boats and be able to fish in their backyard and things like that. I was looking at it as long term."

Mr. Allison said, "If I might add.

Chairman Parks said, "You have a minute to clarify."

Mr. Allison said, "The reason we had taken that off the table, there was a lot of confusion about recreational purposes and a commercial venture. There is no confusion, we're here to do a commercial venture only, not to have any recreational purposes. And with that, we thought it would be easier to take it off the table. Our intent, and we will not use it for recreational purposes. So just so you know, I just want to make sure it's clear.

Chairman Parks said, "Seeing no other questions I will call for the vote."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

The Board of County Commission recessed at 10:48 a.m. for five minutes and returned at 10:55 a.m.

Chairman Parks said, "Clerk, call the next item."

Chairman Parks said, "Mr. Spears is headed towards the podium from the hallway."

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Commissioner Norton said, “Mr. Chairman, if you don’t mind, why don’t we move on to the Bid Board?”

Chairman Parks said, “Let’s move to Item K.”

K. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON JANUARY 29, 2009.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of January 29th results in seven items for consideration.

- 1. ½ TON 4X4 CREW CAB PICKUPS – FLEET MANAGEMENT
FUNDING – VEHICLE ACQUISITION**

“Item One. This item is deferred to the next bid board meeting.

- 2. POLICE SEDANS – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

“Item two, police sedans for Fleet Management. this item also deferred until the next bid board meeting.

- 3. A&E SERVICES TO DESIGN AND CONSTRUCT the DISTRICT COURT
ADDITIONAL COURTROOM IN MAIN COURTHOUSE – FACILITIES
DEPARTMENT
FUNDING – ADD COURTROOM & CHAMBERS – MAIN
COURTHOUSE**

“Item three, Architectural and engineering services to design and construct District Court room, additional courtrooms in the main courthouse for Facilities Department. Recommendation is to accept the low proposal from WDM (Wilson Darnell Mann) Architects, in the amount of 45,000.

- 4. CHANGE ORDER #2 REAL AND PERSONAL PROPERTY TAXATION
SYSTEM PROJECT – TREASURER, COUNTY CLERK, APPRAISER,
REGISTER OF DEEDS AND DIVISION OF INFORMATION &
OPERATIONS (GIS)
FUNDING – TAX SOLUTION SYSTEM EQUIPMENT RESERVE**

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“Item four, Change Order#2 for real and property taxation system projects for the Treasurer, County Clerk, Appraiser, Register of Deeds and Division of Information and Operations (GIS). That recommendation is to accept the change order and amend the contract in the amount of \$319,926.25.

**5. CHANGE ORDER #9, ARENA DESIGN – FACILITIES DEPARTMENT
FUNDING – INTRUST BANK**

“Item five. Change Order #9 for arena design for Facilities Department. That recommendation is to accept the Change Order with WDM Architects in the amount of \$18,850.

**6. CHANGE ORDER #13, INSTRUST BANK ARENA – FACILITIES
DEPARTMENT
FUNDING – INTRUST BANK**

“Item six, Change Order #13 for Intrust Bank Arena for Facilities Department. That recommendation to accept the change order with Dondlinger/Hunt Joint Venture, in the amount of \$308,513.

**7. CHANGE ORDER #14, INTRUST BANK ARENA – FACILITIES
DEPARTMENT
FUNDING – ARENA SALES TAX**

“And item seven, Change Order #14 with Intrust Bank Arena for Facilities Department, that recommendation is to accept the change order and amend the contract with Dondlinger/Hunt in the amount of \$1,700,000. Be happy to answer any questions, and I recommend approval of these items.”

Chairman Parks asked “Are there any Commissioners who want to pull any of the items out at this time? Commissioner Norton.”

Commissioner Norton said, “I don’t know that I want to pull any out, but I do want to discuss a couple of them. Item number three, our contract there, we’re going to have to add some courtroom space because of new judges and that’s what this accommodates the architectural work on this is that correct?”

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

Commissioner Norton said, "We accepted the new judges were appropriated from the State level, and we have the onus on us to come up with space for them, so it's something we have to do."

Ms. Baker said, "Correct."

Commissioner Norton said, "Okay, On item number four, it is a huge amount of money, but that's the taxation project that we've been doing on personal property taxation, the Clerk, the Treasurer, the Register of Deeds, the Appraiser have all worked on that project. I noticed all of them are here today. I would like to be sure we have a consensus that this is the right way to go. It is a lot of money, but it does tie all those entities together. Ron, you are nodding your head. Maybe you could speak for the group, just to be sure that we let all of our partners and other elected offices weigh in on this and say that it is a good idea of what we're doing."

Mr. Ron Estes, Sedgwick County Treasurer greeted the Commissioners and said, "This change order is really just the next step of funds being released for this project. We... this has been a multi-year endeavor going through this process and we are at the point now with our software vendor where we had estimated effort that it would take to do some programming changes and make some interfaces to our County software applications, the SAP, and other systems in the County. So this is the next step in the process to get the Commission approval to officially spend those funds. I don't know that anybody else wants to add to that, they can add to it. This is an effort that's been going on for probably ten years in the first group of the consolidated effort between the Appraiser's Office, Register of Deeds, Clerk, County GIS and Treasurer's Office."

Commissioner Norton said, "Still a good project, allows you to talk back and forth and share information and this is just the next step....."

Mr. Estes said, "This is the next step in the process and just as an overview for the project itself, is it is going to allow us to do some things that we currently have to do on Excel spreadsheets, some things like offices not being able to communicate as many things together in

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one consolidated system. Some things are done in one office that may not be visible to other offices. So this is going to help improve our efficiency between the different offices.”

Commissioner Norton said, “And an add on to that, we brought Brent Shelton on board to coordinate and make sure that it continues to always do what we anticipated that was going to do for your office and all the other offices, is that correct?”

Mr. Estes said, “That’s correct. Help with the consolidated process between the different offices. One thing I do want to make sure I mention is that it won’t eliminate some of the stand alone, it won’t eliminate some of the systems currently in place or being implemented in some of the other offices. For example, the GIS Department is going to maintain their Graphic Information System and the Register of Deeds has a system that will continue to use their functions, but our design of this project is to help tie that information flow from one system to another.”

Chairman Norton said, “We are not reinventing new systems in some cases, but they have the ability to talk to each other and share the information.”

Mr. Estes said, “That’s correct.”

Commissioner Norton said, “Thanks Ron. I just thought it was important that our other elected officials have been intimately involved in this project because it is very important to the overall running of Sedgwick County. Thank you.

The last one is number seven, which is a change order. That is \$1.7 thousand dollars. That is a big number. It falls within the budget of the arena, I assume.”

Ms. Baker said, “Yes it does.

Commissioner Norton asked, “Explain this just a little more. This allows us to add on some new technology when it comes to seating, is that correct?”

Ms. Baker said, “Yes it does. The Chief Financial Officer, Chris Chronis will explain and help you visualize what you will be getting for this.”

Mr. Chris Chronis, Chief Financial Officer greeted the Commissioners and said, “The facility as you know was.... the design of the facility started about two years ago. At that time, the state of the art in arena design was to have seating that extended down to the limit of the hockey rink and a hockey facility which is what we’ve got and then for events that required more seating to

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extend out on to the floor to just unfold seats on to the floor of the arena all on the same level. Much as you see at Koch Arena for the Wichita State Basketball games where we have folding chairs on the floor of the basketball court. The difficulty with that is that it doesn't provide a good fan experience and in the two years since we began the design, there has been new technology developed that allows us to greatly enhance the customer experience of the customers who are sitting in those low seats as well as improve the operational efficiency for the setup and teardown of those temporary seats. So that we can reconfigure the arena as we need to, to set up for particular events.

“The total cost of this change order as you know, is 1.7 million and we think that's an amount that is well justified by the enhancement of fan experience and as I go through this presentation, I'll show you first what we have, that is what is in the base design and what is in the contract that has been awarded for construction and then what we propose to do differently that justifies the additional expense.

SLIDE PRESENTATION

The green seats on this slide extend down to what we call the dasher boards, the glass wall that separates the public from hockey fans. And those green seats in the original design are retractable. That is, they are fixed seating, but when we need a very large event floor, we have the ability to fold those back into a recessed area under the first row of seating behind the green seats. The yellow row down in front is actually in front of the dasher board and in the event of a concert or a basketball game, what we have designed is a facility that would have one row of seating on a riser, this yellow row, and then we would put folding chairs on the floor in front of that riser. So all of those folding chairs would be on the same level. And the difficulty is that if you're sitting in the very back row of the folding chairs, you're trying to look over the heads of five or ten people sitting in front of you to see the action on the floor. You're very close to the action, but nevertheless, it's very difficult for you to see the action because you're on the same level as five or ten rows of people in front of you.

“This chart illustrates what the actual floor seating would be. Here, you have the dasher board around the outer perimeter. You have one row of riser seating and then in front you have all of

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these seats that would be on the floor, on the same level. So you can see how difficult it would be for somebody back here to see over the heads of all these people in front of that customer to see what's going on, on the event floor. That would be true whether we were talking about a basketball game or whether we were talking about a concert. The retractable seating that we have designed is illustrated here.

“This is not a to scale illustration. It's simply an illustration to demonstrate how the retractable seating works. This is the dasher board, the glass wall that separates the public from the hockey. Here are the retractable seats that are extended during a hockey event. You can see that they extend on a fixed slope that goes down to floor level at the dasher board. When we don't need those seats, when we have an event that needs a large event floor, we fold them back into this recessed area under a row of existing seating.

“In front of the dasher board, we have the very low riser with a row of chairs on it and then we have additional rows of chairs in front of that all on the same level on the floor. What we want to do instead of that is replace everything that is in color here with what you saw previously. The black areas are the green that you saw before and they will remain the same. The red area here is a different kind of retractable seating that we want to do called a variable rise seating. I'll explain to you and show you in a minute exactly what the benefits are of variable rise seating. In front of that and in front of the dasher board, we would have a stackable riser. These are sections of riser that would have chairs mounted on them and they would be put in place and removed with a forklift and you would have the ability, because it's a riser system, to have some elevation so that the customers who are sitting on the floor of the facility in the back are able to see over the heads of the people in front of them. The light blue area is that stackable riser system. The yellow area also is a stackable riser system. The green area is our folding chairs that would be on the floor just as we have in the original design. But you can see, instead of having all of this area with folding chairs on the floor, we've limited it to just these three rows at either end. The purple area is an extension of the stackable riser system.

“Now, here I'm showing you an illustration, again, not to scale, but a demonstration of how the stackable riser system works. It has the ability for a hockey event to extend seats just as we do now, on this slope down to the dasher board, which exists right here and in front of the dasher

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board there's the hockey event and there's no seating going on there. When we have an event, a basketball game or a concert or some other event that allows us to extend seating on to the floor of the facility, the stackable riser system allows us to hydraulically change the slope of this seating, raise it up as you see here, and further to extend it out over the dasher board into the event floor. And so the stackable system, I'm sorry, the riser system instead of being limited to just this number of rows extending to the dasher board, would have this number of rows at a different slope that extend well out into the floor. In front of that, you would have this stackable riser system that I said would be put in and taken down with a forklift which is a very efficient way of operating. Then you would have a couple of rows of chairs on the floor in front of those. If you bought this seat for a basketball game, if you're in the facility that we've designed, you're going to be on the floor and you're going to be trying to look over the heads of all of these people in front of you to see what's going on. With the system that we want to purchase instead that wasn't available when we designed the building, you'll be up at this height and you'll be looking over the heads of those people. You'll have a much better fan experience.

“The total number of seating that we will get with this system that we want to replace, that we want to use as replacement is virtually the same as the number of seats that we have in the design now. We're looking at about 1100 seats in total in all of these sections. We have about the same number of seats in the design now, the difference is that with these seats, you can see with the seats that are in the design now, many of these people are struggling to look over the heads of people in front of them. What we gain with this system that we're proposing to acquire is the ability to change the seating configurations very quickly and efficiently as we move from a hockey event to a concert event or a basketball game. With the system that is in the base design, what we're going to build as it stands today, SMG, the operator we've hired to operate the facility for us, estimates that it will take six to eight clock hours each time they have to either install the seating or remove the seating. That's six clock hours, lots of people. Its lots of labor hours and lots of cost. With the variable rise system that we want to acquire, they estimate that the entire setup and takedown can be done in two clock hours each time. So were cutting the setup and takedown time greatly. That substantially enhances their operational efficiency and what's in it for us as a county is that we've got a contract with SMG that says they bear all of the risk of financial downside in this building. That is, if the facility operates at a loss, they bear that loss.

“But if they operate at a profit, we share in that profit. So to the extent that this new system helps them to be more profitable, we stand to gain in that profit. So we think that it's in our interest to help them gain considerable labor savings with this new system. The cost of the

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system is \$1.7 million. The benefits are sight- line enhancement, much improved fan experience and operational efficiency and one that isn't listed here is a competitive requirement that we think is going to come into play in the years to come. As I said, this system didn't exist two years ago when we designed this building. It now exists. It has been installed in the new Tulsa facility that just opened and in the new Kansas City facility that just opened. Oklahoma City, that opened its doors about two years ago doesn't have this facility. They're in the process of retrofitting to put it in. We think that in the years to come, because this now is the state of art, it is what the event promoters are going to want their fans to have. If they have a choice of coming to a facility that has this system or a nearby facility that doesn't have this system, they're going to go to the facility that has this system. So were going to be surrounded by facilities that have this system. We think it's going to be a competitive necessity that we put it in as well.

“The system is built to order. It takes a fair amount of time to construct it. We're told by the seating subcontractor that works for Dondlinger Hunt that if we were to have this new seating system installed by the time we open the doors about January the 1st of next year, they need to get their order to start work by March 1st of this year. To do that, if they get their work order by March 1st, then they will have the system constructed in order for us to begin installation on November 1st and that will be just about enough time for us to complete installation in the facility by the end of December and be ready to open the doors in early January as we plan to do.

“I need now to talk about the budget implications of all of this. As Commissioner Norton, I believe said, we have the ability to do this within the existing budget of the arena. As you know, this project is funded with a special purpose sales tax that was approved by the voters. That sales tax has generated \$206.5 million. That is one million dollars more than our final estimate of revenue that we were going to get. We currently have a total budget for the arena project of \$205.5 million. We've not yet budgeted that additional million dollars of revenue. Within the 205 and 1/2 million dollar budget, we have a variety of categories of activity each with their own budgets. I've put on the chart here, the ones that are most critical to this decision process.

“First land acquisition. Land acquisition has a budget of just under \$17 million. We have completed all land acquisition activities on this project now and we have just under \$600,000 dollars of that budget remaining. That is money that is available for any other required use in the project if we don't use it for the project, then it will, by default go into the operating and maintenance reserve, that's the residual of all of the sales tax once the building doors are open.

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The infrastructure budget pays for the street enhancements adjacent to the arena. You know that we entered into an infrastructure agreement with the City of Wichita several months ago. We knew at the time we did that that agreement and those street improvements were going to cost more than we had budgeted. We estimate that our infrastructure costs are going to be just at \$4,950,000 dollars compared to a budget of \$3,569,000 dollars. So we have a deficit in that account of a \$1,378,000 dollars.

“The construction budget is the budget that pays for the on-site facility and parking improvements. That budget was established at \$139,973,000 dollars. To date, we have awarded contracts for construction of the building and a variety of change orders totally \$137,631,000. We have \$2.3 million of the budget for construction alone remaining unallocated. If you add in this change order and the other change order, the other two change orders on your agenda today, that will use up \$2 million of this \$2.3 million. We know of no other change orders. That’s not to say there won’t be any, we know of no other change orders that will come in this project. We have no reason to think that there are going to be any overruns in the project based on our experience to date. We expect to end this project with these two change orders approved with \$300,000 left in the construction budget. We also have a contingency budget of \$3.4 million.

“As you know, as the project has evolved and gained more confidence in the cost estimates, that the size of that contingency budget has been reduced. It started out, I believe at 9 million. It has been reduced down to 3.5 million now. We will draw on that contingency budget to fund this overrun in infrastructure. Even with that, we will still have well over a million dollars left in the contingency budget.

“If Commissioner Parks is going to ask me about the pavilions because he always does, the pavilions have been completed at a total cost of about \$6 million. There are some additional enhancements to the pavilions at the Kansas Coliseum that are under consideration. If we decide to do those enhancements, they will cost a total of a million dollars. That million dollars, if we decide to do the enhancements also would come from this contingency and you can see there will be enough money to fund those improvements in the contingency even after allowing for the infrastructure overrun. So a long story to get to a final point, which is that we fully expect this project to come in on budget and on time even with this very large change order that we’re asking you to approve today. We think the change order is warranted because it’s going to greatly enhance the experience of our customers who are using that facility and because it’s going to enhance the operational efficiency of the facility, which is going to increase the odds that we receive some operating profit at the end of each year.

“With that, I’ll be happy to answer any questions that you have about it. If you don’t, then I’ll turn the podium back over to Iris.”

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Chairman Parks asked, "Any Commissioners have any questions of Mr. Chronis?"

Commissioner Welshimer said, "I do."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Isn't there a category for Maintenance and Capital Improvements?"

Mr. Chronis said "There's a category called O and M reserve (Operations and Maintenance). As I mentioned earlier, that is the, I hesitate to say excess revenue, but that's the revenue that will remain in our accounts after we opened the doors to the facility. We've always planned and we had the voters approve an amount of sales tax that contemplated having an O and M reserve to fund major activities, major capital expenses or operating losses in the facility after we opened the doors.

"As of today, we expect that O & M reserve to be between \$11 and \$12 million when we open the doors of the facility."

Commissioner Welshimer asked, "So you're counting the interest money on....."

Mr. Chronis said, "I am not counting the interest money."

Commissioner Welshimer said, "We're not getting \$11 million out of this available....."

Mr. Chronis said, "No. All I'm showing you here are four of multiple accounts that exist in the budget. I'm not showing you a budget that exists for architecture, for furniture fixtures and equipment. For management costs. Okay. There are a variety of other things in addition to what I'm showing you here."

Commissioner Welshimer said, "Question I have about the seating that is the matter of this change order. What assurances do we have of the safety of that? This is something new. I'm concerned that if one of these things would collapse, that would be a catastrophe."

Mr. Chronis said, "It would be. That's why we're sure it's not going to happen. The system is new. It has been installed as I said in at least two facilities in our region and is being installed in a third one. We've been satisfied that its safe and the operators of those facilities also have been assured and satisfied that it's safe. We don't anticipate any problems with it."

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Commissioner Welshimer said, “Face a new condition, but five years, ten years from now, it wouldn’t be the manufacturer’s problem. It would be ours. We would need the expertise to be sure that those are adequately....”

Mr. Chronis said, “What we’re talking about is a different and larger version of what is designed today. That is, the extendable seating, the retractable seating is in the design today. The variable rise seating that we’re talking about is a different form of the same thing. To the extent that it can collapse or that it might collapse, we’ve got that risk today. That doesn’t change. What we’re asking for with this change is something that improves the fan experience, but we don’t think that it increases the risk to the fans at all.”

Commissioner Welshimer said, “Thank you.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Chris, could we go back to change orders 9 and 13 and 5 and 6 on the bid board list and kind of walk through on that because my understanding was, was that Intrust was going to be the one actually, since it’s their sign and they’re operating with it and I’m trying to understand how this ties in with the Bid Board, if actually they’re involved in helping pay for this. If you could clarify it, for me I would be very appreciative. “

Chairman Parks said, “Commissioner Peterjohn if I could interrupt you for a moment, I would like to stay on number 7 for just a minute.”

Commissioner Peterjohn said, “Number seven, Im sorry. I’ll hold that back.”

Chairman Parks said, “I wanted to make a comment on number 7 and then make another statement and I think we have somebody that might want to speak to that. The positive thing about the seating is that there’s another 1,100 draw for the facility. You’d be able to see over the people’s heads and what not. Maybe the negative on this is the cost per seat. If you figure 30 year life of the building and 52 events a year, it’s pretty expensive seat. Now, in saying that, I have a constituent that has studied this, the seating in this facility for over three years. I respect his views on this and I would like to ask if at this time if you would like to add anything to the or have any questions of Mr. Chronis. I think it’s imperative that we allow someone to speak to this if they want to. James, would you like to step to the podium and if you have questions of Mr. Chronis, please direct them to him.

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Mr. James Barfield greeted the Commissioners and said, “Thank you very much, Mr. Chairman.. As you described, I have been following this arena since the vote in 2004. Good times, a \$1.7 million change is astronomical. In economic times such as what we face today, it could be devastating. We’re talking about \$1.7 million for seats in this arena. To the best of my knowledge, we don’t have at this date an anchor tenant. So I can’t see where we’re going to have the number of events that would justify this \$1.7 million change.

“We don’t have and we have not had over the last five years very many sell out events at the Kansas Coliseum. So unless someone can justify to me and someone can guarantee me that we’re going to have enough events that are going to require this seating change, this to me is a luxury. We’ve got to come to a conclusion. We have to determine and distinguish our needs and our wants. When we have an economy today where we’re asking all of our citizens to make adjustments in their lifestyle, to make changes in their lifestyle, to deal with this economy, we have to do the same thing. After all, we’re dealing with taxpayers money here.

“My first question is, I want to ask Mr.Chronis if he can tell me today approximately what percentage of events that will be booked into this downtown arena that would justify or require the additional seating that he’s referring to.”

Chairman Parks said, “That might be a question, I know I asked that of Ron Holt and would you want him to come to the podium now? Your five minutes won’t continue at this time.”

Mr. Barfield said, “Anybody can answer that question.”

Chairman Parks said, “Mr. Holt, could you elude to that, what you passed along to me in a staff meeting.”

Mr. Ron Holt, Assistant County Manager greeted the Commissioners and said, “If I understand the pardon me, the question or the issue is whether or not the number of events justify the seating. Let me just make sure you understand. We’ve always said that 80% of the events in this arena will be 8,000 or less attendees. So we’ve never talked about this event being or this arena being designed or built for week in and week out sold out events. SMG’s performance is based on those kinds of numbers and we believe they’re conservative especially related to what we’ve seen in other markets. I would also just reiterate what Mr. Chronis, I think indicated to you, is that we have a contract with SMG to operate this facility with them taking all of the downside risk and sharing, the County sharing in the upside risk once a certain threshold is reached. SMG is still very confident that that kind of agreement works for them. We’re very confident that the agreement works for us. I would go back and reiterate again, the focus here is on fan experience, it’s on operating efficiencies, and that no additional budget allocations would be required to make this enhancement possible for the fans we draw to the arena.”

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Chairman Parks said, "Okay. Any other questions about the topic of number of events? Mr. Barfield, if you would like to come back up and continue."

Mr. Barfield said "Okay. I guess my next question would be, if we had an event where there was 8,000 attendees, how would this change affect that event?"

Mr. Chronis said, "It would affect the event by improving the experience for many of those 8,000 fans. When we have events, people sit as close to the action as they can. So the first seats that sell are the ones down low. When we don't have a sellout, it's the seats at the top of the building that are sitting empty. Not the ones that are down low. So these seats will be occupied when we have facilities, when we have events that require that kind of a seating configuration. We know that.

"The question then is what kind of experience will the people sitting in those seats have. We think that it's much preferable for them to have an experience in which they can easily see what they've paid to see as opposed to having to struggle to look over the heads of the people in front of them to see what they paid to see. As I said earlier, we think that will be a competitive necessity in the coming years. That is, we think that if we don't have this facility we're going to lose events to nearby facilities in Kansas City, Tulsa, and Oklahoma City because they have this kind of seating and we don't."

Chairman Parks said, "Hopefully that answered your question. Do you have another one go ahead?"

Mr. Barfield said, "I do have. On December 2nd, I believe the City of Wichita voted to add a parking garage to that arena at cost to the taxpayers of ten million dollars. Again, like I say, in these economic times, we're asking citizens to make changes. It would appear to me that I think this money would be better utilized if we have excess money in the construction phase of this to take a part of that money toward the parking garage that the city voted to spend ten million dollars. I think certainly, on December 2nd, Mr. Chronis and anybody else associated with this arena knew at that time or could have foreseen that we would have excess money in the construction budget. So I don't understand why that was not applied or the city council was not made aware of that. So that perhaps instead of a ten million dollar vote, it could have been half million dollars. I would suggest if we have any excess money, because the original proposal for this arena did include parking expenses. I would suggest if we do have additional money that it be applied to that ten million dollars for parking that the city council voted on on December 2nd of 2008. Thank you."

Chairman Parks said, "Thank you Mr. Barfield."

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Mr. Chronis said, "The ten million dollars that the City approved on December 2nd was a line item in the authorized projects for the TIF (Tax Increment Financing) expansion that you considered also in December. That TIF District encompasses the area surrounding the arena and effects more than just the Intrust Bank Arena. That TIF District includes facilities that will not directly impact on Sedgwick County Arena. Therefore it would not be proper for us to use the special purpose sales tax that was approved only for the arena project on other improvements in downtown Wichita. Furthermore, the ten million dollars that the city approved was simply a line item. It was not a facility. It was parking improvements to be determined, location to be determined throughout that entire area. So at this point the city doesn't even know what it's going to do with that ten million dollars, let alone how much it's going to cost. What they know is that they've got a ceiling on the amount of TIF revenue that they can use to pay for it and that's ten million dollars.

"We have previously approved a parking interlocal agreement with the City of Wichita pertaining to parking that does affect the arena and in that agreement, we have committed to give the City of Wichita five million dollars from the arena sales tax to pay for the construction of designated parking facilities surrounding the arena and improvements in other designated facilities surrounding the arena and those facilities will be made available to Sedgwick County or to its operator, SMG, for use during arena events. We think that that enhancement, that agreement that we approved with Wichita fully addresses the need for parking to serve arena projects. The ten million dollars that the city approved as a part of their TIF project was something entirely different."

Chairman Parks said, "Thank you. Any other questions of Mr. Chronis? If not, from that particular question, I do have going back on the pavilions that you knew that I would ask about, your one million dollars that you said would set back for enhancing that, that was part of that almost three million that was pulled away from that project at the end of the construction. Is that correct?"

Mr. Chronis said, "Yes."

Chairman Parks said, "Then the one million dollars that you're talking about, does that include the 300,000 possibly for the parking lot improvements?"

Mr. Chronis said, "Yes."

Chairman Parks said, "Thank you. Commissioner Peterjohn was first on this. Go ahead."

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Commissioner Peterjohn said, “Yes. If I can ask a different question, Chris. On the parking side of it, when the city added that ten million into their plan for the TIF in the area, how did that, how would that impact the County’s property tax revenues?”

Mr. Chronis said, “The new property tax above the base year that established for that TIF District will be diverted from Sedgwick County and USD 259 and the City of Wichita to the TIF District for use on projects that are funded with TIF bonds. Approximately 30% of the revenue that will go into the TIF District will come from Sedgwick County. That TIF District, you weren’t on the Commission at the time, but I think you’ll recall that that TIF District was the first one that has been adopted in this jurisdiction in which the amount of diverted Tax Increment was capped at a percentage of the total tax increment. Up until now, all increased tax in a district goes to the TIF improvements. With this district the amount of diverted tax revenue is set at 70% of the increase. The remaining 30 percent will go to the governments that levy the taxes.

“So we’ll share as tax values in the downtown redevelopment neighborhood area increase, we will share in that increase with increased taxes. After the TIF projects are improved, we’ll receive all of the increased tax revenue from those from that district.”

Commissioner Peterjohn said, “Let me make sure I understand then. If they do ten million dollars in parking improvements and some is for parking facility, I assume, would these be public or private parking facilities that are part of that in terms of what was authorized with that earlier vote?”

Mr. Chronis said, “They would be public facilities.”

Commissioner Peterjohn said, “Thank you, Mr. Chronis.”

Chairman Parks said, “Yes and to clarify some things I know were getting off the seating that is being presented here, however, I think it all ties in with the availability in the budget and the contingency and all that and that’s why I’ve let this drift out into those other areas, because in the interest of transparency, I wanted to make sure that the people knew about that. Commissioner Unruh.”

Mr. Chronis said, “On that point, if I might. I think the critical thing for everybody to understand is that the arena sales tax was approved by the voters for very specific purposes. Those purposes that were identified in the call for the election back in 2004 when we had the election. That means that that revenue can only be used for the arena project and for improvements at the Kansas Coliseum for the pavilion. Cannot be used for other enhancements surrounding the arena, cannot be used for other enhancements at the Kansas Coliseum other

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than the pavilions. It is strictly limited to those purposes. That also is why I think Mr. Barfield's comment about the economic times is somewhat irrelevant. Certainly we want to be prudent with use of taxpayer's money and we think we are. But in this instance, the funding that we will be using for this additional seating or this improved seating, if you approve it, is funding that has to be used for the arena project. Cannot be used for anything else.

Chairman Parks said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Mr. Chronis, took some of the words out of my mouth. The fact that the funding has to be used on the arena and that we can't divert it for other uses. Also, the fact that this whole project was put to the voters, it was approved by 50 percent approval and our promise was that we were going to build a first class arena. And I think as we address ourselves to that purpose that addressing the competitive situation in order to make this thing competitive and first class is part of what we should do.

"Improved seating, a new technology that wasn't available when we started, I think that fact is somewhat relevant to the discussion that we have an opportunity to make it better, to increase fan experience, to reduce operating costs and stay within our budget is really kind of the question that we are faced with here. Do we want to make it better; make the operating better; do we want to have a first class arena; are we still in budget? Those are the questions that I'm dealing with as I try to wrestle with this issue. Mr. Chronis, this issue has the Sales Tax Oversight Committee looked at this?"

Mr. Chronis said, "Yes. They met coincidentally last Tuesday of last week. And they saw this same presentation and concluded that this was a worthwhile expenditure of the arena tax."

Commissioner Unruh said, "All right. I think that's an important fact to have on the table, that the committee that we appointed has looked at it and has been approving of it. The management company we have to manage the facility for us is in favor of this, is that correct?"

Mr. Chronis said, "Yes."

Commissioner Unruh said, "They want to enhance their ability to make this a profitable undertaking and if they're profitable to a certain level, then we benefit with that also. We're in budget, it's going to be a better fan experience. It makes our facility more competitive with others who are trying to just, to me, we've had approval from the Sales Tax Oversight Committee, it seems to me like we would go ahead with this. I would say regarding Mr. Barfield, that I appreciate folks who are consistent in their arguments. Mr. Barfield has been consistently opposed to the arena since its inception. Has spoken to us two or three times and has participated in activities outside our courthouse here in protest. So and I do appreciate

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consistency and so for that, I just straightforwardly disagree that we can stop the project, that we can change the project, that we can divert funds from what they were approved for. So I'm going to be in favor of this particular item and all the items on the Bid Board as presented to us today. Wanted to express my rationale so thank you Mr. Chairman."

Chairman Parks said, "My concerns were that I hope that between now and the next 360 days or so and in 20 years we don't need that \$1.7 million for something else. Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, that was the point I was going to make. I'm going to be supportive of the motion for the bid board for the revised seating with the concern.... we've got the money is encumbered for the arena project. That is a fundamental fact. I say that with the full knowledge in fact, back in 2004 I was a leading opponent of the downtown arena project. Now I want to do everything to make it work. "My only concern at this point is would it be better off to spend it on this additional seating and I'm going to go with the experts on this as opposed to saying if you have 1.7 million at \$20,000 apiece, that's a rough price per space for additional parking. But that would only get you an additional 85 seats at 1.7 million. That's the tradeoffs I'd be looking at. On this specific item, Mr. Chairman, I will be supportive."

Chairman Parks said, "Okay, are there any questions of Mr. Chronis on Number 7? Let's go on to the other numbers then. I believe Mr. Peterjohn, you had a question about one of the others...."

Commissioner Peterjohn said, "Yes Number 5 and Number 6. Chris, if you could walk through those items. The signage situation, please."

Mr. Chronis said, "The County has entered into a naming rights deal with Intrust Bank in which the county receives a significant amount of money. That amount is \$8.75 million over 25 years and in return for that, Intrust Bank gets to name the facility and they've chosen to name it the Intrust Bank Arena. In addition to that name, they get the right to place signs in certain locations on the building. They have the obligation to pay for those signs under the contract. We have budgeted and included in the approved construction contract a little bit under \$100,000 for the construction of exterior signage. The signage that Intrust Bank has decided that they want is going to cost a total of \$415,000. We need do a change order to the construction contract of \$308,000 dollars, the difference between what is in the contract today and the cost of the signs that Intrust Bank has decided they want. In addition, because of the..... because those signs have to be designed and some of the structural supports need to be redesigned in the facility, we have enhancements that to the architectural contract that we have to make, that's the

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second change order for WDM, Wilson, Darnell, Mann, a change order of \$18,850 to design the structural enhancements to the building and the sign itself. The total \$415,000 will be refunded to Sedgwick County by Intrust Bank. What we have included in the budget thus far and what we had planned on paying for with the arena tax is about \$100,000. So the County will have a net gain, if you will, of about \$100,000 with this transaction. The main source of increased cost is a very large LED sign that Intrust Bank wants to be visible from the top of the building to Kellogg. You can sort of see on this cover slide that I have here that we have planned all along to have a sign at ground level near the south entrance of the facility. On the backside of the building, on the north entrance, we also have a sign and Intrust Bank is paying for both of those. The third sign won't be visible from this view. It will be actually above this overhang on a fascia that is recessed above there and visible from Kellogg. That is the sign that is driving the cost upwards. And, again, Intrust Bank is responsible for the full cost of these improvements. "They have agreed to reimburse us the full construction and design costs and so this is a no cost proposition to the County. But the change order is necessary in that the work is being done by the County's contractor."

Chairman Parks asked, "And that will go back into a reimbursed item, back into the sales tax fund."

Mr. Chronis said, "Yes."

Chairman Parks said, "Thank you. Any other questions about that?"

Commissioner Welshimer said, "I have one. In our original agreement with Intrust Bank to where they purchased the naming rights, was there anything in the agreement at that time that there would be more signage than the two (inadudible)?"

Mr. Chronis said, "The agreement said they could have three signs. We have not contemplated that one. What we had contemplated and what they had originally discussed was having a flat sign painted on the ceiling, on the roof that would be visible from the sky as airplanes go overhead. As discussions have continued, they changed what they wanted."

Commissioner Welshimer said, "Okay, thank you."

Chairman Parks said, "Now is that available for bid then or some other naming rights?"

Mr. Chronis said, "No it's not. Not for 25 years."

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Chairman Parks said, “Just thought I would ask. Okay. Any other questions? Any other questions about the bid board?”

Commissioner Norton said, “If not, Mr. Chair, I move we.....”

Chairman Parks said, “We have another question about the bid board.”

Commissioner Peterjohn said, “Yes. I’d like to jump back to an earlier item. If the Treasurer could come back, I had a quick question for him. Basically it’s a two part.... will this change order change the completion date for the software upgrade and what’s the time schedule for having that completed?”

Mr. Estes said, “Let me start a little bit and the County’s Purchasing Charter 57 Ordinance that we operate under utilizes the term change order. This really isn’t a change order to a previous..... it’s not a change to a previous approved cost. It’s just actually we’re coming for official approval. So it’s kind of we’re doing the next step in the process. It’s not really a change, I just wanted to mention that as a starting point. So this actual purchasing of these programming work that the consultant is going to do is on our schedule. Right now what we’re looking at and we haven’t fixed an exact date, but we’re looking in the month of August as the date to go live. And the reason we haven’t fixed an exact date is because the day that we cut over, we won’t be on one day. Well have to go through several days of converting data from our current tax system over to this new system and format that data and make sure it moves over and I probably am a little bit of the stumbling block in saying, well lets think through what the right date is because we collect tax payments every day and so we want to make sure that that’s as smooth as possible that were able to record all the payments that they come in, making sure that they get recorded in one system or the other and captured as we go through that. So the dates that we’re looking at are in the month of August, mid to late August and we just haven’t finalized that around weekends in the schedules. I know that answered part of your question. I don’t know if it answered all of what you were wanting.”

Commissioner Peterjohn said, “I was trying to understand software upgrades and purchases and so on. Timing and processes can be tricky. I wanted to have an understanding since this is a significant purchase and it’s more than apparently what had been brought up before.”

Mr. Estes said, “Right. This is for the.... we’re continuing on our schedule that we had originally defined in the project in terms of looking at, going live this summer. As I say, we hadn’t fixed the exact conversion date. Also, from a cost standpoint, we continue and I don’t have that information and I don’t know if one of the things that we didn’t talk about yesterday in the Commission staff meeting was about the status that would have been able to communicate

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some of the cost in general on the project. But we continue to be at or below the overall scope of the project and the cost that we we're looking at on the project."

Commissioner Peterjohn said, "Thank you."

Chairman Parks asked, "Is that all the questions of Ron? I think we're back to the point. I wanted to just say one thing that on the.... from the bid board perspective, those people have followed, my constituents that follow my votes on things know in the judge's chambers and new courtrooms that were approved that the body as a whole approved back last year I'm certainly not going to hold any prejudice against the contractors or the people doing the work now, but I did vote against that original plan because I thought we could do better."

Mr. Chronis said, "Commissioner, if I might. In response to Commissioner Peterjohn's question, I think a part of the confusion about the change order on the tax system may have to do with an unclear understanding of how these kind of projects are developed and implemented. At the time for any major software system, at the time the software implementation vendor is hired, the client doesn't know entirely what work is going to be required of that vendor. Because one of the first steps that the vendor has to take is what's called a gap assessment. That is, they have to compare the new software with the old software. And with the other systems that that new software will need to communicate with to connect with. Those pieces of information aren't known until you go through the gap analysis. Once that gap analysis is completed, then you have a clear understanding of what sort of interfaces have to be developed and how complicated those interfaces are going to be and what sort of refinements to the canned package that you're purchasing have to be made to integrate thoroughly with your existing processes. We entered into an implementation contract with Manatron, the vendor that's the subject of this change order, knowing full well that once the gap analysis was completed, we would be coming back before you with change orders to refine the cost that we were paying Manatron because we would have more accurate information about the work that Manatron would be required to perform. Our alternative to doing it that way is to estimate based on not much more than guesswork on the frame to the project. What work is going to be required and what the cost of that work is going to be. That estimate always is going to be wrong because these projects are so complex. So what we're doing here is something we fully expected to do. It is normal operating procedure on these kind of projects. Those of you who have been on the Commission for a while will remember that with regard to the County's Enterprise Resource Planning System, we followed a similar procedure. We entered into an implementation contract based on the cost that we knew we were going to incur and then as we completed gap analysis and refined the project, we came back to add to those costs for the additional work that was required that couldn't have been estimated previously."

Chairman Parks said, "Thank you. Do I hear a motion for approval for the bid board?"

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MOTION

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

Commissioner Welshimer seconded the Motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “We will revert back to Mr. Spears item now.”

NEW BUSINESS

J. PUBLIC WORKS.

- 1. RESOLUTION RECLASSIFYING CERTAIN ROADS FROM THE OHIO, ATTICA, AND UNION TOWNSHIP ROAD SYSTEMS TO THE SEDGWICK COUNTY HIGHWAY SYSTEM. SPECIFICALLY, HOOVER ROAD BETWEEN 71ST STREET SOUTH AND 79TH STREET SOUTH (813-Y); AND, 29TH STREET NORTH BETWEEN 135TH STREET WEST AND 167TH STREET WEST (612-16, 17).**

Mr. David Spears, County Engineer, greeted the Commissioners and said, “Item J1 is a resolution reclassifying Hoover Road between 71st Street South and 79th Street South from the Ohio Township Road System to the Sedgwick County Highway System. Also 29th Street North between 135th Street West and a half mile West of 135th Street West from the Union Township System to the Sedgwick County Highway System. Also 29th Street North between a half mile West of 135th Street West and 167th Street West from the Attica Township Road System to the Sedgwick County Highway System. The reason for the change is we will construct cold mix

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asphalt on these roads, two of those miles this year and one next year. We have to prepare the sub base now. After the road..... after the cold mix is laid, we are better equipped to maintain the paved road than the township. I recommend you adopt the Resolution.”

Chairman Parks asked, “Any questions of Mr. Spears on this issue?”

MOTION

Commissioner Norton moved to adopt the Resolution.

Commissioner Peterjohn seconded the Motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “Thank you Mr. Spears. Next item please.”

CONSENT AGENDA

- L. CONSENT AGENDA.** Presented by William P. Buchanan, County Manager.
 - 1. Amendment to the agreement between Wichita State University (WSU) and Sedgwick County for professional consultation services.**
 - 2. A resolution to authorize destruction of Juvenile Field Services records (DISP 2008-75 PS-JFS 2003).**

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- 3. A resolution to authorize destruction of Treasurer Tax dailys, tax statements, and routine correspondence 2003-2005 (DISP 2009-76).**
- 4. A resolution to authorize destruction of Treasurer Tag Office motor vehicle records 2005 (DISP 2009-77).**
- 5. A resolution to authorize destruction of COMCARE records (DISP 2009-78 HS-COMCARE 1981-2002).**
- 6. Lease agreement with Co-Co Properties, L.L.C. for space to be used by the Appraiser's Office at 4035 E. Harry, Wichita, KS.**
- 7. One (1) Easement for Right of Way for Sedgwick County Project 634-27; Widening to 4-lanes on 63rd Street South from Hydraulic to Broadway. CIP# R-302. District 2.**
- 8. One (1) Temporary Construction Easement for Sedgwick County Project 634-10-2523; bridge on 63rd Street South between 247th & 263rd Streets West. District 3.**
- 9. One (1) Temporary Construction Easement, One (1) Easement for Right of Way and One (1) Permanent Drainage Easement for Sedgwick County Project 783-S-1530; bridge on 295th Street West between 23rd & 31st Streets South. CIP# B-435. District 3.**
- 10. General Bills Check Register for the week of January 21, 2009 – January 27, 2009.**
- 11. Payroll Check Register for the week of January 17, 2009.**
- 12. Order dated January 28, 2009 to correct tax roll for change of assessment.**

Mr. William Buchanan, "Commissioners, you have the Consent Agenda before you and I recommend you approve it."

MOTION

Commissioner Norton moved to approve the Consent Agenda.

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Commissioner Peterjohn seconded the Motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Commissioner Norton said, “I would like to call attention that we are destroying some records and that is just part of our policy that we do that from time to time. To clean out old records and we do have a Destruction of Record Policy for the County that this falls under.”

M. OTHER

Chairman Parks said, “A couple of things that I needed to announce under other. February 11th we will not be having a Commission Meeting. So if you tune in next week to that meeting, that won’t be on Channel 8. You’ll see Elmo or somebody else on that instead of us. I do have a quick plug. I’ve done research for the Swap Meet at the pavilion at the Kansas Coliseum complex. The Wichita A’s, that could be misleading to somebody, you don’t have to have a Model A to participate in this, but is the largest under a roof or actually under three roofs out there and we’ll be there during that time too, so that’s why I can say we, in 19 states, surrounding Kansas that is a two day event. So we have need to look at automotive related things or remotely related things, young and old, male and female, it’s a great place to go spend Friday or Saturday at that event. Didn’t see who was first, so I’ll go with Commissioner Welshimer.”

Commissioner Welshimer said, “I just have a couple of things. Number one, next week at our meeting we’re not having a meeting next week?”

Chairman Parks said “Right correct.”

Commissioner Welshimer said, “It would be the following week then. Peter Gustav from the WATC will be here to tell us about really interesting things that have been taking place at WATC that I’m anxious for all of us to know about.

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“Secondly, group of us went to Labette County to look at the Boot Camps there which is in the process of closing to see if we can use that facility. That includes a County Manager and the Sheriff and there are people from Justice Concepts and Commissioner Peterjohn and myself, some others. It was an interesting trip and now we’re waiting for an analysis of how that would work for us financially comparing the travel costs versus expenses we might have with trying to locate any other site opportunities here locally. That’s all I have.”

Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I just wanted to report my activities the last part of last week. I’ve already reported to the Commissioners, but I want the folks in the community to know I attended a Steering Committee Meeting of the National Association of Counties the subject matter of Justice and Public Safety specifically talking about the Second Chance Act and how that funding might be helpful as we try to control recidivism in our County. It was helpful and informative time. The primary thing that I would want our citizens to know is that our Ciminal Justice Coordinating Council and the activity of our Sheriff and District Court judges and so forth, we are really on the leading edge of our activities in trying to control our overcrowding population in the jail and nearly all of the recommendations and reports that I heard when I was at this council meeting, Sedgwick County is already involved in, has considered as implemented and so congratulations to our staff and the folks who are involved in that to keep us on the leading edge of programs that help keep Sedgwick County safe and keep control of the costs of taking care of those offenders in our County. So that’s all I had, Mr. Chairman.”

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

Commissioner Peterjohn said, “Mr. Chairman, I wanted to make sure that the viewers out there knew that since the Commission will not be meeting in these chambers next week, we will be having an activity that is open to the public concerning fiscal situation here in Sedgwick County and I wanted to make sure that they’re aware that we will be meeting and if you’ve got the additional details that can be provided, this would be a good opportunity to pass that along now.”

Chairman Parks said, “I was going to try to get that in under the wire on Channel 8 here this morning and on the streaming video that the Budget Summit 2010 will be held next week in the place of the County Commission Meeting and we will be providing details to that through the media outlets and media all of course have been invited and many will be there. This is going to

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be a trying budget year and we're trying to pack all the time we can in on working on that budget. Commissioner Norton."

Commissioner Norton said, "Well to ducktail on to that, that's a retreat that we've had for several years to kind of kick off the year to get us working on what we see for the year. It really talks to the budget and finances but it also talks to projects that we may want to move forward, thoughts that we have about where we connect to the community. It's a broader discussion. Although much of it is tied to finances and what we think we can do based on budgetary restraints and all of that. But it is a retreat that we've had for many years.

"At least since I've been here, to be sure that we kick off the year with all of us kind of on the same page trying to work on the issues together. Last night I had a drainage meeting with some folks from the south side. I had Jim Weber and Paul Taylor, Susan Erlenwein, Alan Black from the Appraiser's Office, Randy Duncan and Rich Euson all there with me and were talking about the drainage issues and groundwater problems on the south side that I've dealt with for a number of years. We got a project going along 103rd and Hillside that's moving along relatively well. We are now trying to put together some kind of a de-watering project for an area at 87th and Hydraulic. I'll bring more details to the Commission as that forms up. I don't know what it's going to look like and if there is any financial impact to the County. We're talking about a benefit district for that group of citizens so... but I wanted to continue to let you know that I'm working on that issue. That there will be a lot of moving parts as we try to form up a solution for that particular area of our County and that I may be coming to you to see what the County will participate in as far as engineering and other parts of it. Just wanted to give you a heads up. Finally, last Thursday and Friday, I was in a Kansas Public Health Leadership Institute for two days. I continue to work on that. It's four meetings a year. It takes us through all the nuances of public health, what's happened in the past, what's on our plate today and what the future with accreditation and everything looks like for public health. Obviously, it's something I'm very interested in as a County Commissioner and have been for a number of years. I continue to try to learn more about public health so I can maybe be a great resource to the rest of the Commissioners. I know not everybody has the time to put this much time into public health. I went for two days and was there with 40 other people from around the State that are talking about public health trying to figure it out. And tried to understand what we can deliver in these tough economic times. Just a little bit of an update. Thank you, Mr. Chair."

Commissioner Peterjohn said, "Mr. Chair, I move we adjourn. I have a Motion for adjournment.

Commissioner Unruh said, "We need to have Executive Session."

Commissioner Peterjohn said, "I'll withdraw my Motion.

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MOTION

Commissioner Unruh moved to recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 12:20 P.M.

Commissioner Norton seconded the motion.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

The County Commission recessed into Executive Session at 12:05 p.m. and returned from Executive Session at 12:35 p.m.

Chairman Parks said, "We are back in session we came out of Executive Session and no binding legal action was taken."

N. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 12:35 p.m.

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

KELLY PARKS, Chairman
Fourth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

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APPROVED:

_____, 2009