

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

November 18, 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, November 18, 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. Rich Euson, County Counselor; Ms. Becky Tuttle, Project Manager, Health Department; Ms. Joan Flynn, Senior Case Manager, Department on Aging; Ms. Jo Templin, Director, Human Resources; Ms. Irene Hart, Director, Community Development; Mr. Ron Holt, Assistant County Manager; Mr. Chris Chronis, CFO; Mr. Pete Giroux, Principal Budget Analyst, Division of Finance; Mr. Marty Hughes, Revenue Manager, Division of Finance; Mr. Tim Kaufman, Deputy Director of Human Services; Mr. Ray Vail, Director of Finance and Support Services, Department of Aging; Mr. Kevin Myles, Director, Fleet Management; Ms. Charlene Stevens, Assistant County Manager; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Angela Lovelace, Deputy County Clerk.

GUESTS

Mr. Ken Springer, Downtown Wichita Kiwanis Club
Ms. Kristie MacMeeken, United Methodist Youthville
Mr. Allan Allford, Chief Executive Officer, Via Christi Health Partners
Mr. J.T. Klaus, Triplett, Woolf, and Garretson
Mr. Tom Shelton, Manager, DEA Entertainment Group, LLC
Ms. C.J. Cross, Marketing Director, DEA Entertainment Group, LLC

INVOCATION

Observed by a moment of silence.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES

Regular Meeting October 21, 2009
All Commissioners Present

Chairman Parks said, "I believe you've all had a chance to review the minutes of October 21st. What's the will of the Board?"

MOTION

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Commissioner Welshimer moved to accept the minutes as read.

Chairman Parks 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

CONSIDERATION OF MINUTES

Regular Meeting October 28, 2009
All Commissioners Present

Chairman Parks said, “You’ve all had a chance to read the minutes of October 28th. What’s the will of the Board?”

MOTION

Commissioner Welshimer moved to accept the minutes as read.

Chairman Parks 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

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A. PROCLAMATION DECLARING NOVEMBER 19, 2009 AS “GREAT AMERICAN SMOKE-OUT”.

Ms. Kristi Zucovich, Director, Communications, greeted the Commissioners and said, “Commissioners, I’ll read this for the record.

PROCLAMATION

WHEREAS; the U.S. Surgeon General has stated smoking remains the single most preventable cause of premature death in our society; and

WHEREAS; the American Cancer Society’s Great American Smoke-Out has been recognized for thirty-four years as a day for individuals to give up tobacco products for 24 hours; and

WHEREAS; a significant number of those who gave up tobacco products for the day were able to give up the addiction entirely; and

WHEREAS; this demonstration of success suggests that the Great American Smoke-Out has potential for improving the health of the residents of Sedgwick County; and

WHEREAS; the Kansas Tobacco Quitline is a free resource for tobacco users who are ready to quit provides free one-on-one coaching;

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim November 19 as the

‘2009 Annual Great American Smoke-Out’

in Sedgwick County, Kansas, and in so doing urge all tobacco users in Sedgwick County to demonstrate to themselves and to their families and friends that they can quit for the day.

MOTION

Commissioner Unruh moved to adopt the Proclamation.

Commissioner Norton seconded the motion.

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

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VOTE

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

Chairman Parks said, “Accepting the proclamation will be?”

Ms. Zukovich said, “Becky Tuttle is here from the Health Department. We’ll ask her to give us a few words.”

Ms. Becky Tuttle, Project Manager, Health Department, greeted the Commissioners and said, “First of all, thank you for the support for the Great American Smokeout. We’re excited about tomorrow. It’s an excellent opportunity for the residents to think about their health, and think about giving up tobacco for the day. As mentioned, for 34 years millions of tobacco users have participated in the American Cancer Society’s Great American Smokeout, and tomorrow signifies the day in which individuals can give up cigarettes, and also smokeless tobacco, and all tobacco products for 24 hours, and hope that they can quit permanently. According to the Surgeon General, tobacco use is the most preventable cause of death and disease in the United States, and an estimated 45 million Americans currently smoke.”

Ms. Tuttle continued, “That’s 19.8 percent of the population, including 17.9 percent of Kansas residents, and 20 percent of Sedgwick County residents who still smoke cigarettes. Smoking harms nearly every organ in the body, and half of all long-term smokers will die prematurely from their disease. Smokers can drop off their cigarettes tomorrow morning at any Wichita Metro YMCA between 6:00 a.m. and 9:00 a.m., and in exchange the participants will receive a free Quit Kit which has great information on how to quit using tobacco, including calling the Kansas Tobacco Quitline. And in addition, anyone who gives their pack of cigarettes, besides getting the great Quit Kit will get a Jimmy Johns turkey sandwich while supplies last. So, kind of the motto is, ‘Go cold turkey, get cold turkey,’ so we’re excited. To help tobacco users break their addiction, the Kansas Tobacco Quitline as we mentioned, 1-800-QUITNOW, is a free resource to assist in attempts to quit smoking and chewing tobacco. The Quitline is available 24 hours a day, seven days a week, in 144 languages, and there are trained counselors who can provide and create a plan to help people quit. Last year in Sedgwick County 144 residents called the Quitline, and we’re happy to say that already 179 have called this year with still some of the year remaining. We would encourage all tobacco users to use this free resource on the Great American Smokeout, and any time of the year in their quest to become tobacco free. Thank you.”

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Chairman Parks said, “Just a moment. Commissioner Norton.”

Commissioner Norton said, “Becky, I applaud you for being here today, and the efforts of the Health Department. Having been a cigar smoker for many, many years, two years ago in October I put them down and haven’t had one since. I know how hard that is because it becomes a habit that’s physiologically grounded, and I know that’s hard to do. But we know more and more, that we find out that tobacco use is not good for your health. Being overweight and not having exercise is not good for your health. We should challenge our community to continue to think about those because of the rising health costs, and the loss of life to families and friends and neighbors that comes from sedentary lives, tobacco use, and those other chronic diseases that plague our community. So I applaud you for continuing to push that through the Health Department, because it is good for our community. Thanks.”

Ms. Tuttle said, “Thank you.”

Chairman Parks said, “I’m not going to point fingers this morning because I occasionally overeat, and when I do smoke a cigar, rarely, I don’t inhale.”

Ms. Tuttle said, “Thank you very much. Have a good day”.

Commissioner Welshimer said, “I move we adopt the proclamation. Have we done that?”

Chairman Parks said, “We’ve done that. Next item.”

B. PROCLAMATION DECLARING NOVEMBER 2009 AS NATIONAL FAMILY CAREGIVERS MONTH.

Ms. Zucovich said, “Commissioners, I’ll read this in for the record.

PROCLAMATION

WHEREAS; family caregivers throughout the City of Wichita provide care for the chronically ill, disabled or senior adults on a daily basis; and

WHEREAS; the 44 million family caregivers in our nation is increasing at an alarming rate and it is recognized that family caregivers are the backbone of our health care system by providing long-term care to loved ones and often are unrecognized; and

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WHEREAS; in recognition of National Family Caregivers Month, we highlight the important role of families and communities in ensuring the continued success of in-home services for all individuals requiring care; and

WHEREAS; Sedgwick County Department on Aging and Central Plains Area Agency on Aging acknowledge caregivers' generous support, celebrate their dedication and applaud their efforts in providing needed assistance within the community; and

WHEREAS; caregivers deserve our gratitude and respect;

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners does hereby proclaim November 2009 as

'National Family Caregiver Month''

MOTION

Chairman Parks moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

Chairman Parks said, "Motion and a second. We want to have a little bit of discussion before we vote on that."

Commissioner Welshimer said, "I'm going to support it, of course. I was a family caregiver for almost 17 years, and it got more difficult every week, every month, every year, and I certainly understand the importance of this, and what our constituents go through in providing this care for their family. Thank you."

Chairman Parks said, "Certainly, we realize those sacrifices. If we don't realize the sacrifices, this is what this proclamation is about. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. In terms of family caregivers, anything that we can do, even as modest as this proclamation today, is an important step. Anything we can do to strengthen the family, especially in these difficult economic times, is a positive, so I will be supporting this proclamation this morning."

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Chairman Parks said, "Seeing no further discussion, let's call the vote."

VOTE

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

Chairman Parks said, "And to receive this proclamation today?"

Ms. Zucovich said, "We have Joan Flynn this morning from the Department on Aging. We're glad she is here."

Ms. Joan Flynn, Senior Case Manager, Department on Aging, greeted the Commissioners and said, "I would just like to say thank you very much for recognizing family caregivers. I once was a family caregiver, and I couldn't have done it without the support of my coworkers and my supervisors. Being a working caregiver takes a lot of time and effort, and it is hard to do without support from everyone, so I want to thank Chairman Parks and all the Commissioners for proclaiming November as family caregivers support month. Thank you very much."

Chairman Parks said, "Thank you. Next item."

C. PROCLAMATION DECLARING NOVEMBER 20 – 27, 2009 AS FARM-CITY WEEK.

Ms. Zucovich said, "Commissioners, I'll read this in for the record."

PROCLAMATION

WHEREAS; the prosperity and well being of this community and area are dependent upon cooperation between the two great elements of our society: farmers and urban people; and

WHEREAS; the development of better mutual understanding of the divergence and complexities of their individual activities and needs will be of mutual benefit to all area citizens; and

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WHEREAS; *Wichita Area Farm-City Week* provides an unparalleled opportunity for farm and city people to become reacquainted and to recognize Michael Rauseh of Garden Plain, Kansas as the outstanding farm family of Sedgwick County for 2009;

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim November 20 – 27, 2009 as

‘Farm-City Week’

and call upon all citizens of this community to participate to the limit of their capabilities in the project and programs in conjunction with a successful *Farm-City Week* in the Wichita area.”

MOTION

Chairman Parks moved to adopt the Proclamation.

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, “And to accept the proclamation we have?”

Ms. Zucovich said, “We have Ken Springer who is here this morning. He’ll tell us a little bit more about Farm-City week.”

Mr. Ken Springer, Downtown Wichita Kiwanis Club, greeted the Commissioners and said, “The Downtown Wichita Kiwanis Club is a civic organization that’s been serving with their time, talent, and resources in the community of Wichita over 80 years. The Kiwanis club began in 1952 in

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cooperation with the agricultural services in the county to recognize a farm family, and through this has developed a legacy, and we appreciate the Commissioners support, recognizing the importance of agriculture in our community, and the bond that the city, as well as the county, has together. We look forward to giving this recognition to the family tomorrow at our normal Kiwanis meeting and we appreciate your support. Thank you.”

Chairman Parks said, “Thank you. I didn’t wear my overalls today because I’m Chairman, and I didn’t think that would be quite appropriate, but I look forward to seeing somebody representing the Kiwanis again next year.”

Mr. Springer said, “All right. Thank you.”

D. PROCLAMATION DECLARING NOVEMBER 21, 2009 AS NATIONAL ADOPTION DAY.

Ms. Zucovich said, “Commissioners, I’ll read this last proclamation for the record:

PROCLAMATION

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

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

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

WHEREAS; to help these children find permanent, nurturing families, the local courts of Wichita will open their doors on National Adoption Day, Saturday, November 21, to finalize the adoptions of local children and join other organizations to celebrate all adoptions; and

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

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim November 21, 2009 as

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‘National Adoption Day’

MOTION

Commissioner Peterjohn moved to adopt the Proclamation.

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, “To receive the proclamation?”

Ms. Zukovich said, “Commissioners, we have Kristi MacMeekan here to accept.”

Ms. Kristi MacMeekan, United Methodist Youthville, greeted the Commissioners and said, “I want to say thank you on behalf of Youthville for this proclamation. We are excited to say we’re finalizing 41 adoptions on Saturday, so we have 41 children beginning their life with their forever family, so we’re extremely excited about that and thank you.”

Chairman Parks said, “Very important part of our community and our society, so thank you, and thank all those adoptive parents. “

Ms. MacMeekan said, “Great. Thank you.”

PRESENTATION

E. PRESENTATION OF LEADERSHIP ACADEMY CERTIFICATES.

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Leadership Academy Participants

Marya Allen	Human Services	COMCARE
Brandi Baily	Finance	Accounting
Scott Bowen	Comm. Dev.	Code Enforcement
Sherdeill Breathett	Comm. Dev.	Eco. Dev.
Carl Cox	Public Safety	Fire
Bridgette Franklin	Public Safety	Corrections
Chris Harris	Public Safety	EMS
Teresa Hatfield	Human Services	Aging
Nikki Huntington	Finance	Budget
Kent Koehler	DIO	IT
Curtis Kirkpatrick	DIO	Health
Robert Lawrence	DIO	Project Services
Amanda Matthews	Communications	Communications
Jaime Oeberst	Public Safety	FSC
Kim Pennington	Public Safety	Emergency Communications
Rick Shellenbarger	Public Safety	Emergency Management
Dee Staudt	Human Services	COMCARE
Anthony Swartzendruber	Finance	Budget
Joe Thomas	Finance	Purchasing
Jill Tinsley	Finance	Budget

Mr. William Buchanan, County Manager, greeted the Commissioners and said, “It’s my pleasure to do this for the third year we’ve had the Leadership Academy; we’ve had 56 graduates all told. This year we have 20 participants who participated in sessions dealing with leadership; political, organizational, personal leadership. It’s part of a thoughtful process that we go through to develop employees, to give them an opportunity to learn, and it’s a thoughtful process as part of our succession planning because we understand, as Jim Collins has told us in Good to Great, that great organizations have thoughtful processes by how to promote, keep, retain and grow your own employees. That’s what we’re intending to do. So it’s with great pleasure I call these people up and give them their plaques: Marya Allen, Brandi Baily, Scott Bowen, Sherdeill Breathett, Carl Cox, Bridgette Franklin, Chris Harris, Teresa Hatfield, Nikki Huntington, Kent Koehler, Curtis Kirkpatrick, Robert Lawrence, Amanda Matthews, Kim Pennington, Rick Shellenbarger, Dee Staudt, Anthony Swartzendruber, Joe Thomas, and Jill Tinsley.”

“They deserve a round of applause. Sheena Lynch is the one who coordinates and does the program. We want to thank her publicly for all her hard work to make it happen, to make sure it’s organized and the logistics are done right, and the coffee is on time and the doughnuts are good.”

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Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "Congratulations to all that participated in the Leadership Academy and those that preceded that. There's been an ongoing debate whether leaders are born, or you can train people to be leaders. The information that I had a chance to look over for years is that leaders can learn from other mentors, from readings, and from application of experience from what they've learned. So you know, growing our own leaders, career pathing, succession planning is critical to delivering services, because we know that strong leadership, people empowered to make decisions and precipitate change in the organization, makes us better public servants. I happened to be re-reading a book by Robert Greenleaf talking about servant leadership. If you're in the public service sector, you understand what leadership is, and what it means to be a servant to the people. So I applaud you for the work you've done to learn your craft, and to step up to be the next great leaders in our community. You're good at it now, but that continuing education just makes you better. I applaud you for the time and the application to help make Sedgwick County even better at working for everyone. Thanks. That's all I had, Mr. Chair."

Chairman Parks said, "Having been through several of those in my some 35 years of public service, I would like to commend you for that, and look forward to another one, in some other field, or another ten years if you're around, go to another leadership, because things do change, and it does evolve, and it's a great thing to keep updated, and I'd like to congratulate all of you on your completion of that. Thank you very much."

NEW BUSINESS

F. A RESOLUTION SUSPENDING CERTAIN PORTIONS OF PERSONNEL POLICIES 4.903 PERFORMANCE EVALUATION AND 4.2001 WAGE AND SALARY ADMINISTRATION OF THE SEDGWICK COUNTY PERSONNEL POLICY AND PROCEDURES MANUAL.

Chairman Parks said, "If we could pause for about 30 seconds to allow some of the, looks like we have dedicated employees wanting to get back to work here. Thank you."

Ms. Jo Templin, Director, Human Resources, greeted the Commissioners and said, "The resolution before you today was requested to provide clarity regarding Commissioners' expectations in the implementation of the January 1, 2010, general pay adjustment for eligible county employees. In the budget adoption for 2010, Commissioners froze employees' salaries who earn above \$75,000. The employees earning less than \$75,000 would not receive a differentiated merit based upon their

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evaluation score, but for those eligible, would receive a two percent general pay adjustment. The clarity sought today is regarding portions of the current Personnel Policy 4.903, Performance Evaluation that determines an employee's eligibility for the general pay adjustment. Current policy states that an employee must receive an overall nonsupervisory performance evaluation score of 16 or higher, and an overall supervisory evaluation score of 22 or higher, and regardless of the final evaluation score, a rating of 'does not meet expectations' on any factor will make the employee ineligible. The resolution covers suspending county policy for this portion of the current Personnel Policy, and would implement the two percent general pay adjustment regardless of the employee's performance rating or overall score. We seek your clarity of expectations for the implementation of the January 1, general pay adjustment, and I will answer any questions you might have."

MOTION

Chairman Parks moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "Well, as I remember as we talked through the budget season, regardless of what the percentage was, I have always been an advocate for maintaining our pay for performance standards that we have worked to develop for many years. I know it was hard at a two percent level to put a graduated system together much like we have in the last few years, but I feel we need to stick to our policies, in regard to, that reviews and performance guide how we reward individuals. And those that are at the marginal levels, or the unsatisfactory levels, should not be gauged at the same level of those that have performed at a particularly high level, and that we should maintain that. It seems like we are going down a path of every time we meet an obstacle, in budgeting or whatever, we're willing to suspend policies that we spend a long time developing, that are standardized, that are good for the organization. You know, we talk about career planning and succession; you want high performers to move up and guide the organization, and unfortunately, you want to identify people that need extra care, and extra supervision and mentoring to take care of the deficiencies they have in the workplace, because we need to make sure that all employees are at a satisfactory or above level to deliver the kind of services that our constituents demand."

"So I'm not really an advocate for suspending anything as far as personnel policy on a short term basis. I will probably not vote for this resolution today just based on that. It's not about raises or anything. It's about maintaining a policy that we have worked pretty hard to develop over the last few years, and making sure that we are consistent with the message that we have sent to our employees for the last four or five years about, you know, how we complete the review process, and how it attaches to pay raises. Those two issues are separate and equal. Much like appraised value

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for land and mill levy. They go together to form the tax base, but they are developed separately. I think that's the way this should be today. Reviews, and how you review people, is different than how you pay them. They link together, but they're not the same. That's all I have, Mr. Chair."

Chairman Parks said, "In response to that, I am going to support this for one year, and it's for many of the same reasons that you stated also, Commissioner Norton. The 77 employees that haven't met, or don't meet the criteria for this, it's not a carte blanche statement saying that we're going to do this forever. This is a one year only item for suspension of this policy. It's not a long-term thing. I would hope that if these employees had two or three years of failing to meet those criteria that they would no longer be employed. However, for the people that are in this, the 77 now that are out there and are struggling, I certainly wouldn't want those people to have any more of a downtrodden attitude, because we do have some changes in insurance and things that are going to make up some fractions of percentages of their wages, in that they will be out there actually losing money, and this is going to put another burden on those people that are under the \$75,000 category. I just think that this one time is appropriate. It is something that we can do to help those employees that are down there struggling, might be a morale booster, so I am going to support this. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I will not be supportive of the motion for essentially the same reasons that Commissioner Norton just verbalized. Ever since I've been a Commissioner, I have told my constituents I was going to try to approach county business in some sort of businesslike fashion. It appears to me that to establish a policy that rewards nonperforming employees is bad policy. On the other hand, we have worked hard to establish pay for performance. It's taken several years to accomplish that, and in that pay for performance category certain performance standards need to be met to merit a salary increase. In our budget discussions, the Board of County Commissioners decided that we would suspend pay for performance. My understanding of that was that we would suspend any differentiated merit increases, but that we would not suspend the requirement for our employees to meet certain performance standards. I think it's a bad policy to suspend HR (Human Resources) policies on a case by case, year by year basis."

Commissioner Unruh continued, "I think it's bad policy to reward folks who are not performing to minimum standards. It just does not seem rational to me. I realize that, as the Chairman said, that these are difficult times, and not getting a raise when you want one sometimes creates a hardship, but the fact of the matter is that our citizens, across the county, when they don't produce, generally are not rewarded with a pay increase, and I think that's bad policy for county government, so I will not be supporting the motion. That's all I have, Mr. Chair."

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Chairman Parks said, "Thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you Mr. Chairman. I have some questions and I am going to make a bit of a statement first, because I definitely thought, when we went into this year's budget cycle, that the idea of capping pay increases at this time, the county is the only governmental body locally, among the larger units of government, that is giving out pay raises this year. I thought it was particularly, considering the significant increases in unemployment and the problems in the private sector here, we need to lead by example, and we have talked about leadership. I appreciate the fact that all of my colleagues were supportive of the idea and voted to cap any pay increase for elected officials, as well as folks making over \$75,000 this year. I would like to ask the Manager a question, because when this originally came up, I don't remember or recall discussions in terms of the impact on suspending this, in terms of giving pay increases to folks, in I believe the number 77, who have not performed up to expectations. So, if they were under the existing system, and we did not pass this resolution, would these folks not receive any pay adjustment during the time frame that this suspension would occur, Mr. Manager?"

Mr. Buchanan said, "Let me clarify something first; 77 are the number of folks that did not meet the minimum qualifications last year, so those folks did not get a raise in 2009. We are assuming that number will be similar this year, but we don't know, because not all the evaluations have been turned in. Having said that, if this resolution is not adopted, then those people who receive a 'does not meet' on their evaluation, or do not accumulate enough points on their evaluation, will not receive the two percent salary increase."

Commissioner Peterjohn said, "Would that have any impact upon our action earlier this year to suspend the increases for anyone making \$75,000 and above?"

Mr. Buchanan said, "No."

Commissioner Peterjohn said, "I very much appreciate that clarification, because I am in agreement with Commissioner Unruh's comments, and Commissioner Norton's comments, in terms of trying to make our policy concerning pay and salary as professional as possible. We are looking, with a two percent pay increase, increasing the amount of spending by the county over \$2 million, and so this is not an insignificant act in terms of approving a pay increase as we go. I am not comfortable, in terms of suspending the policy at this point, but I wanted to make sure that we were

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not going to be in a position where we would revert and, and the cap over the \$75,000 would not be removed. Our economic situation is not good, and I remain concerned that the cup, or the glass, is more half empty than half full. I am concerned that this time next year we may have an even more challenging environment. I hope that is not the case. I am working to try and prevent that from what I can occur, and I believe my colleagues, both elected and staff here at the county are trying to do the same. But we do need to lead, and so I am not comfortable with proceeding with a suspension at this time, so I appreciate the staff clarification.”

Chairman Parks said, “I would have to say, in response to that, having worked in leadership roles, and doing evaluations for some 29 years, that if you have an instant where you have an employee that’s not meeting their goals, if you don’t give them a chance to set down and achieve goals, and you destroy their morale by giving them in fact a pay cut, that that is not a good situation. You have invested a lot in them in training, and the upheaval it gives your departments and what not, it just gives more of a morale slap in the face to those employees that are struggling with their things. And like I said, as we go on and look at the long-term, I am not for doing this every year, but I think this particular year, with the under \$75,000, that was a change that we made also, that we looked at.

“So changing one part, and then not giving those, the whole employee base, an opportunity to receive that underneath \$75,000 I think was somewhat misleading at the first part, and I have had some calls from some people. Some people that are employed, that see these employees, fellow workers, even a couple of people that are in supervisory positions that say, ‘Hey, we need to work with these,’ and this would be a morale problem if we didn’t give them a two percent raise. Thank you. Commissioner Welshimer.”

Commissioner Welshimer said, “Well, I don’t see the county as a corporation or a private business. I see it as a division of a democratic government, so that leaves me questioning the merit system, and I always have; that’s no secret to anybody. But what would have been the cost of the county to give a four percent raise to everyone over \$75,000, do you have that figure?”

Ms. Templin said, “I’ll ask David Miller, the Budget Director.”

Mr. David Miller, Budget Director, Division of Finance, greeted the Commissioners and said, “I’m recalling this number off the top of my head, but I believe it was \$368,000 for property tax supported funds only to allocate a salary increase of four percent above the \$75,000 cap.”

Commissioner Welshimer said, “Okay. So what is the cost of the two percent raise for 77 people?”

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Ms. Templin said, "We estimated that as \$54,000 for an average salary. Of course, we don't know yet, because we don't know who those people might be."

Commissioner Welshimer said, "So, management or supervisory level, or people over \$75,000 have made a significant sacrifice in showing respect for those who have either lost their jobs or not received raises this year, and I think they are to be commended for that. We didn't have anyone in the management level actually complaining to us about that, and most of the other elected officials threw their hat in the ring and said they'd be glad to do that. So I think this is something that we all felt was an important to do for the community, even though the county was not in a financial position in this budget year to be forced to do that. So I am going to support this resolution, and I think that we have done well under the circumstances, considering everything that we had to look at and determine. That's all I had. Thank you."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "I've got another question for staff. I noticed that in the resolution itself, it uses the figure of a range between two and six percent. I am interested in the history. Has it always been set at that level, or is that a number adjusted or changed in 4.2001 under Wage and Salary Administration?"

Mr. Buchanan said, "In the establishment of the pay for performance system, the Commission established a range of zero to six percent if we have a salary pool of four percent. So a department is given four percent of their salary, and they can distribute that by giving the high performers as much as six percent and some of the nonperformers no raise in any given year. So that's the range in which we had [inaudible]."

Commissioner Peterjohn said, "So it was actually zero to six percent, in terms of the range previously, so this would change it two to six?"

Mr. Buchanan said, "No. Just there's no salary pool this year."

Commissioner Peterjohn said, "Okay."

Mr. Buchanan said, "Everyone below \$75,000 who meets the minimum standards would receive a two percent salary increase."

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Commissioner Peterjohn said, "Thank you."

Ms. Templin said, "In the past the rule has always been that if someone fails their evaluation they would not receive a raise. For those who did receive a raise, the four percent pool was divided into pay tiers which could give anywhere between two and six percent."

Commissioner Peterjohn said, "Let me ask you, were there two different categories: this pay tier, and anything across the board? Because in January of this year, I believe the Commission received, and there was media attention on this, a 3.5 percent pay increase, and I believe we weren't alone in receiving that on the Commission."

Ms. Templin said, "The elected officials and appointed officials serving under the Commissioners received a general pay adjustment. It was not differentiated according to the policy. It was a general pay adjustment. So there are elected officials and appointeds who received a general pay adjustment, but for those department employees who were under performance based pay, they received the differentiated merits. For the departments who had not yet gone to the performance based pay system, they received a general pay adjustment. However, there were some rules applied so that employees who were failing, or who were on disciplinary probation, they did not receive the general pay adjustment."

Commissioner Peterjohn said. "Can you give me a ballpark idea out of the approximately 3,000 county fulltime employees, how many were in departments that were part of this pay adjustment, and how many were outside of it?"

Ms. Templin said, "At the beginning of 2009, there were only four departments not yet on performance based pay. So this would have been the year, January 1, 2010, where we would have fully implemented performance based pay across the county, except for the Fire District labor group."

Commissioner Peterjohn said, "Okay. Thank you very much."

Chairman Parks said, "Hopefully, the numbers will not bore out to be what they were last year and the 77 will be half of that or whatever, and we will have worked with those employees, and achieved their goals, and been able to get them a raise no matter what. I think we've belabored this long enough and I'm going to call for a vote."

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Ms. Angela Lovelace, Deputy County Clerk, greeted the Commissioners and said, “Commissioner Unruh.”

Commissioner Unruh said, “May I have a clarification? The motion is that we support, or may I hear the motion again please? I don’t want to make the wrong vote here. I think I’m voting no.”

Ms. Lovelace said, “The motion was made by Chairman Parks to adopt the resolution and seconded by Commissioner Welshimer.”

Commissioner Unruh said, “Okay, and the resolution would...”

Ms. Templin said, “Suspends county policy that would take away creating ineligibility based upon an evaluation score.”

Commissioner Unruh said, “Okay. Thank you. I appreciate the clarification, my vote is no.”

VOTE

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

Chairman Parks said, “The motion fails. Next item.”

G. RESOLUTION OF INTENT TO AUTHORIZE THE ISSUANCE OF NOT TO EXCEED \$10,500,000 PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR VIA CHRISTI PROPERTY SERVICES, INC.

Ms. Irene Hart, Director, Community Development, greeted the Commissioners and said, “Via

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Christi Property Services Inc. is a Kansas not for profit corporation. They are the real estate holding company for Via Christi Health Systems. Via Christi Health Systems is currently constructing a new acute care hospital facility located at the northeast corner of 151st Street West and 21st Street North within Sedgwick County, in the unincorporated area. Via Christi has requested the county indicate its intent to issue up to \$10.5 million in taxable industrial bonds to allow Via Christi to pay the cost of constructing a 60,000 square foot medical office building to be located adjacent to the new West Wichita hospital. The office building will house medical and administrative offices of the hospital, as well as independent medical offices providing medical services to the surrounding communities.

“Now, industrial revenue bonds, as you know, are issued by governments to finance improvements for qualified private businesses. They are secured solely by the revenues pledged by the benefiting businesses. Therefore, they’re not supported by any tax dollars. If the private business defaults on the debt repayment obligations, the bond holders have no recourse against the governments that issue. The first step in the issuance of an industrial revenue bond is the declaration of intent to issue the bonds by a governmental issuer, and that’s what’s before you today. Via Christi is requesting the county issue the industrial revenue bonds so that they can qualify for a sales tax exemption on the construction project itself. They are not requesting a property tax exemption on this project. They anticipate adding 62 new jobs within four years of the project being open. Today we have with Allan Allford who is the CEO (Chief Executive Office) of Via Christi Health Partners, we have J.T. Klaus from Triplett, Woolf, and Garretson who is Via Christi’s bond counsel, and Joe Norton from Gilmore and Bell who is the county’s bond counsel. I’m ready to answer any questions, but I believe Mr. Alford has a presentation for you.”

VISUAL PRESENTATION

Mr. Alan Alford, Chief Executive Officer, greeted the Commissioners and said, “Thank you, Irene. I won’t take much time. I want to describe the project and give an update to the construction and the progress on the hospital. The project that we’re talking about, the medical office building, is a compliment to the hospital project, and will actually benefit the hospital in a number of ways. I’d like to describe the project and field any questions you might have. The medical office building, we use an acronym, the M.O.B project is a 60,000 square foot building, three story building which will be connected to the new hospital.”

Mr. Allford continued, “It will actually be located on the southeast corner of the new hospital which is being constructed in Western Sedgwick County near 21st and 151st Street West. The property will be owned by Via Christi Property Services, which is a real estate division of Via Christi Regional Medical Center. We’re contracted with local architects, Howard and Helmer and local construction managers Simpson and Associates, to build and construct the project, and manage the project, which we anticipate opening in August of 2010, consistent with the opening of our new hospital. This is an artist rendering of the new hospital, which we are excited about

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providing local, close to home care for residents of Western Sedgwick County and West Wichita. In review, you may recall that the hospital will contain 68 private rooms, four labor and delivery suites, and four surgical suites, endoscopy suites, a full emergency department with ten exam rooms and two trauma rooms, a cath [catheterization] lab, and full service radiology department with multiple capabilities for diagnostic imaging. The medical office bidding is a compliment to that project, and the first step in the development of that west campus.

“It will be connected at the ground level to the hospital, so patients in the hospital and visitors to the medical office building will be able to move back and forth easily between the medical office building, the physicians who rent space in the medical office building, will easily be able to move back and forth between the hospital and the medical office building. We’re going to offer curbside parking, convenient drop-off for patients and their families. Dedicated physician and tenant parking will be available at the surface level. We’re going to have a conference center with full conferencing capabilities; audio visual capabilities. We’ll have catering capabilities for our tenants in the new medical office building, as well as citizens and other community groups who wish to use the medical office building conference facilities for their purposes. And in addition to that, we’ll have ancillary services, some outpatient services, resident in that medical office building offered by Via Christi. We’ll have lab services, we’ll offer durable medical equipment and physical and occupational therapy.

“We are currently targeting and have targeted some 23 or 24 physician groups which represent about 350-400 physicians in the Wichita community. Trying to determine whether or not there’s an interest. The image that you see is a current photo of the construction progress of the hospital, and you can see it’s coming along quite nicely. I’m happy to report that we’re slightly ahead of schedule and we are under budget. The medical office building will be located about where that Simpson and Associates construction trailer is located right now, which is on the southeast corner of the hospital. We have talked to primary care physicians, family docs [doctors], general and plastic surgeons. We’ve had conversations with cardiologists, pulmonology specialists, urologists, orthopedic surgeons, obstetrics and gynecological physicians, pain management, infectious disease and occupational and physical therapy providers. There’s virtually no specialty or subspecialty group which we’ve not had conversations with, and we’re excited about the prospect of having those groups in our medical office building in West Wichita.”

“The total project cost is \$10.5 million. The site work and other soft cost and fees totals about \$464,000. The building core and shell is almost \$6 million, \$5.9 million, and the improvements, as tenants move, in and we expect to spend this money over time during the construction phase of the project, totals \$4 million for a total cost of \$10.5 million. We at Via Christi are very excited about this complimentary development on the west campus. We think it’s going to serve West Sedgwick County very well. We appreciate the Commission’s support on this and your willingness to consider the financing. Thank you. Any questions?”

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MOTION

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

Commissioner Unruh seconded the motion.

Chairman Parks said, “We have a motion and second. Just a little bit of discussion. You said that there’s a catering capability there. Are you going to have an in-house cafe and gift shop or anything in there that would generate sales tax?”

Mr. Alford said, “Actually, Commissioner, those services are going to be offered in the hospital, and tenants and users of the medical office building will be able to access the dietary and nutrition components of the hospital and have that catered over to the medical office building. The gift shop, the retail component, will be located in the hospital proper.”

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

Commissioner Peterjohn said, “Yes, I am curious in terms of the tenant improvements, do you already have tenants lined up for this building?”

Mr. Alford said, “We have a portion of the building committed at this point? We’re still in the process of determining exactly who is going to be in it, and it is not fully leased at this point.”

Commissioner Peterjohn said, “Okay. Has Via Christi requested, or any of your predecessor organizations, requested IRB financing in the past?”

Mr. Alford said, “Yes, we have.”

Commissioner Peterjohn said, “Oh really? How recently, and how much?”

Mr. Alford said, “Counsel, can you help me with this?”

Mr. J. T. Klaus, Triplet, Wolfe, and Garretson, greeted the Commissioners and said, “Via Christi did request bond financing for the hospital, itself, proper through the City of Wichita, which the county considered and approved. That was in part a refunding. The total financing was \$155 million. Off the top of my head, the portion of the financing that was eligible and went to the new hospital was roughly about \$90 million, Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you very much.”

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Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Mr. Alford, I notice in the some of the backup that you’re not requesting any ad valorem property tax exemption, and that you’re actually reimbursing the county for some administrative expense, and we also are not at risk if there’s any sort of default on any of this? All those correct statements?”

Mr. Alford said, “That’s correct, Commissioner Unruh.”

Commissioner Unruh said, “Well, I will be supportive. I think this is a great asset to Sedgwick County community and appreciate your forward thinking in providing healthcare for the west side of the county.”

Commissioner Peterjohn said, “Mr. Chairman, you have a motion yet?”

Chairman Parks said, “Yes, we do. Motion and a second.”

Commissioner Peterjohn said, “Okay, because I was going to say...”

Chairman Parks said, “Are we ready to call the vote?”

Commissioner Peterjohn said, “...since this is in my district, I agree very much, I appreciate the comments of Commissioner Unruh in bringing up a couple other details that I think need to be on the record. Since it’s in my district, and I’m very supportive of this entire project, I will be supportive this morning.”

Chairman Parks said, “Thank you. So, having no further comments before us, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye

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Chairman Parks

Aye

Chairman Parks said, "Thank you."

Mr. Alford said, "Thank you, Commissioners."

H. DIVISION OF CULTURE, RECREATION & ENTERTAINMENT

1. INTRUST BANK ARENA COUNTY/CITY ARENA PARKING COORDINATION AGREEMENT.

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, "Commissioners, over the past couple of years, the county and the city have, on a number of occasions, have formally established cooperative actions that addressed parking and mobility improvements that respond to the accessibility of users of the arena, as well as with changes related to the future redevelopment in this portion of downtown Wichita. As such, one of the agreements the county and the city have previously adopted was in December 2008, and was a coordination agreement for arena event parking. That was the first step in the acquired cooperative actions. The major focus of that agreement was the allocation of up to \$5 million of Arena Sales Tax funds to reimburse the city for actual expenses associated with the acquisition, design, improvements to existing parking assets, and/or construction of new parking assets as follows: The State Office Building parking garage, which is owned by the city and is now for event arena related event parking deemed Lot A; the State Office Building surface parking lot owned by the city, that for arena event parking purposes has been designated as Lot B; construction of new parking south of Lewis and east of Emporia that is owned by the city, that property is owned by the city, and it is designated as Lot C; expansion of the surface parking lot that the city owns at the southwest corner of Waterman and Mead Streets, that has been designated as Lot D for arena parking; and also, construction of new parking under the Kellogg overpass, that will be used for employee parking; and then finally, in that December 8th agreement was the making provisions for the development of other additional parking assets that might become available for use for arena event parking."

Mr. Holt continued, "In consideration of this funding for the county, the city has agreed to manage and to operate these parking assets, and to give the county first right of refusal for use of these parking assets during evenings and weekends for events at the arena. Another component of the December 2008 agreement was that the county would agree to negotiate an agreement that would provide for the county to cover any shortfall between gross revenue proceeds and the city's actual expenses associated with operating and maintaining these four parking assets that have now been designated Lots A, B, C, and D. The county and the city arena coordination agreement that's before you today addresses this component of that 2008 agreement; the covering of the shortfall.

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“As you know, since last December, based on a downtown parking and mobility management plan that was developed by Carl Walker Incorporated, an integrated comprehensive parking plan has been developed for arena events, and the city has taken the lead in implementing and facilitating this parking plan. At your November 10th BOCC (Board of Sedgwick County Commissioners) staff meeting, you were presented with the established report status report on the arena parking as well as other city/county coordinated activities that have been done, or that are in process to support the downtown arena. The agreement that is before you today is effective upon execution and will continue, in effect, on a year to year basis from January 1 to December 31 of each year. That will continue unless either party provides written notice by at least September 30th of the intent to terminate the agreement as of the following December 31st. I mention that because it is an out; should this process not work, we would then have a formal opportunity to get out of the agreement. We don't believe that will need to be the case, but in fact, it's allowed for in the agreement. The agreement calls for the county to agree to cover any shortfall between gross revenue proceeds from the sale of the city's actual expenses associated with operating and maintaining Lots A, B, C and D for exclusive use during arena events up to, but not to exceed, an amount of \$225,000.

“Now, the way that dollar amount was determined, that is the projected cost of operating those four lots for arena events for one year, so the only way we would be subject to having to pay that shortfall, if those lots operated and there was no revenue generated. Again, we don't believe that's going to be the case but it's a stopgap measure that is in concert with the agreement that we adopted in December 2008, with a specific number attached to it. Further, the agreement calls for the parties to meet to review parking revenues and operating maintenance expenses on or about July 1 of each year, called the midyear review, for events occurring during the review period to determine if the annual gross revenues for that year are on track to cover annual operating and maintenance expenses. We have assurances from the city that the parking lots in question, as well as all other downtown parking that will be used for arena events, they will be managed by AMPCO Parking, and one aspect of that agreement is that there will be an accounting by AMPCO on a parking lot by parking lot basis, and on an event by event basis. So in that midyear review, we will know clearly where we are and what our options might be.”

“Again, we fully believe Commissioners, that this \$225,000 is a worst case scenario, absolute worst case scenario situation, and in fact, any significant funding needed to cover a shortfall would indicate that our parking plan is not working as designed. If the midyear review, mentioned above, indicates that the revenues for that year may not cover annual operating maintenance expenses for that year, therefore shortfall, the parties will negotiate a solution to enable the operation and maintenance of downtown parking assets related to arena events to be approximately revenue neutral, including but not limited to: A, re-pricing of the sale of spaces in the parking assets for the remainder of the year; B, contributions from the parties or other sources; C, any other potential revenue opportunities; and/or D, termination or renegotiation of this agreement. The parties will meet on or about April 1 of each year, that's deemed the annual review, to review projected parking

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revenues and operating maintenance expenses for the following year in anticipation of renewal of the agreement. The parties, of course, may meet at any other times during the year as necessary to address projected revenue and expense issues that may arise during the year. Finally, let me just say that we are well on our way to having the arena event in downtown parking plan fully developed, and I would expect that within a couple to three weeks, the public will be seeing a tremendous amount of communications helping patrons understand where the parking is, and how to access that parking for arena events. We're very, the work that the parking teams, city/county, Wichita Downtown Development Corporation have been involved in that as well, have been very productive we believe, and we have a plan ready to lay out. That's all that I have. I would be happy to answer any questions that you might have. Otherwise, I would ask that you approve the agreement and authorize the Chairman to sign."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well, the sales tax fund was, what remains in that sales tax fund, is supposed to be used in the future for capital improvements, and any emergency type operational needs, and we've gotten that down to, do we still have a balance of \$10 million?"

Mr. Holt said, "We're still projecting at least a \$10 million balance. We still have a couple of projects yet to be completed that may add to that balance, but I am not ready to promise that just yet, but yes, at least \$10 million, and all of the naming rights revenues would also, on an annual basis, would also go into that fund."

Commissioner Welshimer said, "That's what, it's less than \$1 million a year, isn't it?"

Mr. Holt said, "It's about \$750,000 to \$800,000 a year, I think. A round number."

Commissioner Welshimer said, "Well what I'm concerned about is that we don't let the downtown arena end up with the same fate as the Britt Brown Arena, and I'm concerned that \$10 million right now is not enough to avoid that type of fate for Intrust Bank Arena. And we've reduced that fund, constantly, by things that have been required by the city, where we might have expected them to want to participate financially themselves. We've paid for paving all the city streets, we've paid for the infrastructure around there, we've also paid to pave all of these parking lots that belong to the city, isn't that right?"

Mr. Holt said, "These particular parking lots which are, we have first right of refusal for use of arena events, the ones that I mentioned, yes, the Arena Sales Tax funds have been used to pave those. Again..."

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Commissioner Welshimer said, “And now this \$225,000 is a blank check for whether or not they make a profit, if they operate these parking lots. We’re going to guarantee them another \$225,000 against any losses they might have?”

Mr. Holt said, “I would respectfully, Commissioner, disagree that it’s a blank check. We will certainly, in these midyear reviews, if the revenues are not being generated that’s commensurate with the expenses, then we have some options. One of the options is to cancel, terminate, the agreement. This is the absolute worst case scenario and, again, if the parking plan, if those lots are not generating revenues, then our parking plan is not working, and we need to start over again. We believe that we’ve put the kind of thought and effort into making that plan work, that that is absolutely not going to be the case.”

Commissioner Welshimer said, “I think every time we address the arena, and the arena parking, we either have a change order, or we have something else that the city wants us to fund out of that ending balance, and I am just concerned that we’re not going to be able to totally maintain that. I would hate to see it have to be torn down, or sold off, or given to someone to figure out what to do with it in 20 years. So I don’t know, I feel like we should draw the line. I don’t think that it would behoove the city too much to pay this \$225, 000. The arena is going to bring business down there, and we’re doing this for the City of Wichita, and not the 19 other cities that we have. I am just not sure I can support the additional money.”

Mr. Holt said, “I understand. The only comment I would make is that we’re doing this to make sure that we have adequate and accessible parking for the arena event, but...”

Commissioner Welshimer said, “That’s the city’s interests also...”

Mr. Holt said, “...I understand your concern.”

Commissioner Welshimer said, “...to have that adequate parking, and it is their territory, so to speak.”

Chairman Parks said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chair. Mr. Peterjohn, I think you had your light on...”

Chairman Parks said, “That’s all right. Go ahead.”

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Commissioner Unruh said, "All right. Ron, I just had a question. The revenues from the parking, are they collected with each ticket? Is that..."

Mr. Holt said, "There will be an opportunity for patrons to buy parking, purchase parking, at the time they purchase their tickets. We're probably about three weeks away from that happening, but that's not the only way. Folks can buy parking at the night of the event at the parking entrance. AMPCO Parking, who is the city's parking operator, will be manning and managing each lot for arena events."

Commissioner Unruh said, "Okay. What kind of prompted my question is I have had a secondhand comment that some folks who bought tickets had a \$2.00 parking charge on it. Is that misinformation?"

Mr. Holt said, "That's some misinformation. I do believe, and we have talked about this before, and if my memory serves me correct, \$2.00 facility fee on each ticket, but that is not parking. That is a fee that relates to having the systems available for the ticketing system, and which is pretty standard in the industry. At the coliseum, that was 50 cents, and we moved it to \$1.00, you'll recall, a couple of years ago. At the new arena it's \$2.00."

Commissioner Unruh said, "Okay. Well, thank you. I appreciate that clarification, because I was a little confused, but I'm going to be supportive of the Agenda item. I consider us working to help solve the parking problem as part of the whole arena project. And I need to apologize for saying parking problem, because I have been the one saying I don't think we have much of a problem. We just need a system, and this is part of the system, I think, that will provide good parking for our citizens, and it looks to me like, if the annual fee for maintaining those lots is \$225,000, and that's our maximum exposure, over a year's time I would think that that would be more than adequately covered, so in my way of thinking, I don't see that as much exposure for us, and it's just one way that we can move forward on makings the parking system is in place."

Commissioner Unruh continued, "I appreciate the work that's been done by the city's parking leader, parking czar, whatever it's being called, and your efforts on it. I think we're getting close to a situation where all systems are going to be go, and they're going to be very agreeable and usable for our citizens, so I am going to be supportive. That's all I have, Mr. Chair."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Mr. Holt, I've got a number of questions I want to go through, but I'm going to preface it a little bit. I did have a history, in terms of the downtown arena, and had a number of concerns about parking, and about even whether we

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had sufficient anchor tenants. I want to see this project succeed as much as possible, although obviously, I was not on that side when we had this in front of the voters back in 2004. This specific agreement, Mr. Holt, talks about an amount not to exceed \$225,000. Is that per year, or over the life of the agreement, and if so, how long is the life of the agreement?"

Mr. Holt said, "That is per year, and the term on the agreement is year to year. January 1 through December 31 of each year."

Commissioner Peterjohn said, "Okay, because that was the way I read it, but I appreciate the clarification for the record. Those four spaces, A through D, as I recall, have approximately 1,400 spaces, is that correct?"

Mr. Holt said, "That's correct. Lots A, B, C and D, all total, amount to about 1,400 spaces."

Commissioner Peterjohn said, "So that means basically, under the worst case scenario, each parking space is going to need to generate about \$160 per year in revenue."

Mr. Holt said, "That would..."

Commissioner Peterjohn said, "Does that sound like about the right number?"

Mr. Holt said, "That sounds about right, yes sir."

Commissioner Peterjohn said, "Okay, because one of the concerns I had, from looking at this agreement, I noticed that on Lot C there was an exclusion for the city, the one at 500 E. Lewis, for 60 spaces, and also an exclusion for weekday usage, and I was concerned that, if we've got an agreement strictly for evenings and weekend usage, if that might prove to be a concern at all, from this agreement going forward."

Mr. Holt said, "All along, the reason we've crafted the agreement focusing on weekends and weeknights is because, during the course of the year, SMG tells us that if they have two or three events that are on a weekday, that will be an exception rather than the rule. Almost all of the arena events will be weeknight or weekend."

Commissioner Peterjohn said, "Okay, because one of the big problems I have, and I'm going to bring up, the Metropolitan Area Planning Department (MAPD) and [Metropolitan Area] Planning Commission (MAPC) is going to have a briefing shortly on the Downtown Revitalization Master Plan, and one of the concerns I had was when the presentations were made on who we might select and so on, one of the things that they pointed out was open areas, and some of those open areas

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include some of these parking spaces, that were potential areas for redevelopment and revitalization, and obviously the city and the Downtown Development Corporation are looking at projects, and I'm concerned, in terms of who actually has control over the long run, and this is one of the problems that you get into when you have the government public/private partnership model, and property rights are not delineated, and the control, I know this contract's an effort to delineate some of these things, but I'm concerned, in terms of, if the city could say as part of the downtown revitalization plan down the line, we may want to modify this agreement and walk away. Are they equally able to be able to modify this agreement?"

Mr. Holt said, "With notice and with discussion, that is correct. And we've also considered, all of these spaces are subject to downtown redevelopment; all of these lots. The prime one is Lot B, as you might suspect, which is at the southeast corner of Broadway and William Street. That's all been taken into consideration as we've developed the parking plan. If that lot becomes developable, we would then meet with the city and work out what options would be available to replace those parking spaces, and that would be done on a mutual agreed component of the agreement."

Commissioner Peterjohn said, "Okay, because, for the record, I continue to support, and I know I'm not alone in this, having more parking available. We had over 3,000 spaces at the supposedly inadequate Kansas Coliseum, and 1,400 is a lot less than 3,000, and obviously there's more spaces that are in and around and available and people are going to find, but I continue to have concerns on this, but the proposal before us today, I am concerned, in terms of the \$225,000 per year, and wanted to have that clarification, because that exposure, if they are bringing in \$100 per year, let's say, per parking space, what type of exposure we've got, and over how long a period of time, since this is a basically year-to-year agreement that both parties can walk away from..."

Mr. Holt said, "One other..."

Commissioner Peterjohn said, "...we need to enter this with our eyes wide open."

Mr. Holt said, "Absolutely, Commissioner. One other comment I would make on the developable property downtown, this was in 2008, as well, I believe, the Commission adopted a TIF (Tax Increment Financing) district in this same area that delineated the kind of projects that the funds from those TIF funds could be used for. One aspect of those funds was replacement parking should we need it for the parking that we're using for arena events."

Commissioner Peterjohn said, "Well, and I appreciate that point, because that did occur before I joined the Commission..."

Mr. Holt said, "Yes."

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Commissioner Peterjohn said, "...and I believe it was at 70 percent was the ratio that was agreed to, and..."

Mr. Holt said, "That's correct."

Commissioner Peterjohn said, "...I think it's another area where it's not entirely clear where the private sector may be going in this area, but I want to make sure that these pieces continue to work together, and I know it's sometimes a challenge. I know I have made an effort to try and communicate with my colleagues at the city level, with the City of Wichita across the street and with the other cities in my district, so this is an agreement that I wish we had more parking spaces here and I hope the lot sees the exclusion for 60 spaces can be resolved very quickly and promptly. Because if the arena is the success that I know groups, like I see Mr. Hanson from the Sports Commission here, they're intent to see that happen, we're going to need every one of those parking spaces, and more."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well we're going to need them, but the city is going to need them also. And I am just calculating some figures here, and I don't know if that was covered while I was probably not hearing everything said; \$225,000 dollars from us on these parking lots comes out, if we had three events a week, would be \$4.46 a parking spot that we're subsidizing the city for. And then we've paved the lot, we've done everything on the lot to make it accessible. So, you know, if we're working together on this, I'm seeing that it's us that's taking care of all that. What if they charge nothing? We're still going to pay them the \$225,000 because that's what it would reimburse them for them charging nothing, so are they, in this contract, are they required to charge a fee?"

Mr. Holt said, "They are, Commissioner. They haven't decided what that fee is going to be. The council has decided that that determination is an administrative decision for the City Manager and he is working on that. I think in a couple of weeks those fees will be announced. It is clearly understood by the arena operators, by the city, by those of us here at the county who have been working on this, by the Downtown Development Corporation, that there will be a tiered fee for parking within a four block area of the arena. And if you are right next to the arena, it's going to be one fee. If you're within one block of the arena, it's going to be a different fee, which will be less. If you're within two blocks, it's going to be a lesser fee. If you're in three blocks, it will be less and four blocks there will be a lesser fee. So there will be a tiered fee system for arena event parking and that's considered in this plan."

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Commissioner Welshimer said, “Well I think the \$225,000, if we pass it today would influence that, and since we don’t have that, I think we’ve got the cart before the horse.”

Mr. Holt said, “Well I think there’s a public commitment, Commissioner, from the city that there will be fees for arena event parking; it’s just how much is the final determination.”

Commissioner Welshimer said, “Okay. Thank you.”

Chairman Parks said, “I had a couple questions. You alluded a little bit to it, but I wanted you to get into a little bit more of the explanation of the liability for SMG in this ticket additional add-on that they’re going to have for their parking, and I don’t think I’ve been asleep during any of the presentations where you’ve said facility fee. This is a new term for me that Commissioner Unruh asked about earlier here, and you said it’s a facility fee, not a parking fee, on the ticket that SMG is going to be selling. So what liability does SMG incur in this process?”

Mr. Holt said, “From the parking perspective?”

Chairman Parks said, “Do they have any dog in this fight, if you will?”

Mr. Holt said, “Let me just clarify. We have a facility fee at the Kansas Coliseum currently. For years it was 50 cent up until, I believe it was 2007, Commission moved that to one dollar, and so facility fees at these kinds of venues is very standard. And the facility fee for the Intrust Bank Arena is going to be two dollars, as a part of establishing those fees back when we were starting to work with SMG on developing this agreement. The only parking that SMG will have control of will be the parking that’s on the arena site.”

Mr. Holt continued, “They will, however, have an agreement with the city that they would be willing, through the ticketing system, to sell parking. And that’s what’s being worked out. Commissioner Unruh asked if people could buy parking and my answer was, in about three weeks that will be available that you can pre-purchase your parking for arena events. That’s when the agreement between SMG and the city will be completed and SMG will be able to add that to their ticketing system.”

Chairman Parks said, “Well one good thing about this, it is a one year contract and it would behoove us about August of 2010 to be discussing this so it’s not kind of something that we have to vote on very quickly in September of 2010 to facilitate to next year.”

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Mr. Holt said, "Just a response to that, Commissioner. April 1 we will be reviewing where we are. June 1 we will be reviewing where we are and I will guarantee you that if we're not moving in the right direction by June 1, you will have a recommendation from us, from staff, about what the next steps ought to be."

Chairman Parks said, "Okay."

Mr. Holt said, "And I delineated those four options that we have. One of them is to terminate the agreement."

Chairman Parks said, "And just for the record, the number of parking places we're dealing with in this action?"

Mr. Holt said, "It's the 1,400 that relates to lots A, B, C and D."

Chairman Parks said, "And are any of those available for 70 foot rigs for horse events or any other things like that?"

Mr. Holt said, "None of those would be available for any, other than what you might call a personal transport vehicle. Those provisions for the horse trailers, for the buses that have to park outside of the service yard of the arena are being worked on by SMG."

Chairman Parks said, "Thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, Mr. Chairman, I just, for the record, I want to clarify, this also includes the space that's underneath, pretty much underneath Kellogg, that's intended like, I believe you mentioned employee parking too, correct?"

Mr. Holt said, "The space that's underneath Kellogg that's employee parking will be a nonpaid parking area, so it's just lots A, B, C and D that this refers to."

Commissioner Peterjohn said, "Okay. That's not covered under this in any way shape or form?"

Mr. Holt said, "Right. Employees that work at the facility will park there and there will be free parking for them. And what that allows is for them not to take up parking spaces where we need to have the payments made."

Commissioner Peterjohn said, "Thank you for the clarification."

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Chairman Parks said, “Okay. What’s the will of the Board?”

MOTION

Commissioner Unruh moved to approve the Agreement and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

VOTE

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

2. AGREEMENT BETWEEN SEDGWICK COUNTY AND MIDWEST ROCKFEST FOR THE USE OF A PORTION OF LAKE AFTON FOR THE PURPOSE OF HOSTING A MUSICAL FESTIVAL EVENT ON JULY 22, 23, AND 24, 2010.

Mr. Holt said, “I’m presenting this item because Mark Sroufe, the Park Superintendent, is serving on jury duty this week and could not be here. This agreement is between Sedgwick County and DEA Entertainment Group, LLC, we have representatives of the group here with us today should you have questions of them. It is to hold the Midwest Rockfest, which is a three day music festival at Lake Afton Park on July 22, 23, and 24, 2010.”

Mr. Holt continued, “The park will remain open to the general public, however, DEA Entertainment Group will have exclusive use to a specified area of the park for ten days beginning July 19 through July 28 for the purposes of setup, take down and conducting the event. The fees are as follows. A \$2000 deposit, payable at the time the agreement is executed. The deposit is nonrefundable but may be applied in full against the payments and/or penalties, if any, that would be due the county. A guaranteed flat fee of \$15,000 to be paid in two installments; first one on or before January 29, 2010, the second one on or before April 30, 2010. And third, a portion of the area designated for the event will be used for camping and there’s a five dollar per day, per campsite fee paid to the county. How do we cover in this agreement security, safety and following county code? The event organizers have worked with and will coordinate with the Sheriff’s Office for security, with EMS (Emergency Medical Services) for medical, with the Fire Department, Code

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Enforcement and the Health Department to make sure that the county's codes in those areas are adhered to.

"A couple of years ago, we had, with a different group, we held a similar music festival at Lake Afton Park and all the lessons learned from that festival have been applied in planning for this event. We believe that DEA Entertainment Group is an experienced promoter of this kind of festival. We believe they have the same kind of values in putting on this event that the county would adhere to, that is, to be public friendly, public safety oriented and having a fun experience for persons attending the event. I would ask Commissioners that you approve the agreement and authorize the Chairman to sign. And again, we do have representatives of DEA Entertainment Group here if you have any questions of them."

Chairman Parks said, "Just for the record, number five, security, has that been determined how much, beyond the state, the six officers out there that you're going to need or I'd just like to have them talk a little bit about the security on this."

Mr. Holt said, "They will have their own passive security. This is the specific requirement for the Sheriff's Office, but I'll let them introduce themselves and speak to that."

Chairman Parks said, "Thank you."

Ms. C.J. Cross, Marketing Director, DEA Entertainment Group, LLC, greeted the Commissioners and said, "DEA Entertainment Group is based out of Arkansas City, Kansas, and we are built of 11 investors. One of the main priorities during an event like this is security, so we would have a hired security company that would come in and do our gates and make sure the parking and everything is ran and there is no drinking in the parking lots, nothing like that. That's what our security purpose is for, and we have a security company that comes in, which is known as crowd control specialists. They will come in, but they work hand-in-hand with meetings, prior to the event, per what your Sheriff's Department and Sedgwick County or whatever the needs are."

"We work hand-in-hand as we have in our past events that we've had, we work hand-in-hand in emergency evacuations and so forth. All of those are put in place, and of course, we have the security per requirements of what the county requires us to have there and a lot of times we have more than that. So does that answer the question that you were wanting?"

Chairman Parks said, "And have you had the meeting with the Sheriff's Department previous to this, to formulate this plan?"

Ms. Cross said, "We have had meetings with the Sheriff's Department, the Fire Department, EMS and the head departments of each department. We have not brought our security team in until prior

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to the event and this was passed, then we would bring our security team in to meet with the Sheriff's Department here as well."

Chairman Parks said, "Okay. I had a question about insurance also. Mr. Euson, I see that they're going to be mailing the certificates of insurance to you. Have you had a chance to meet with them on this matter or is this a pretty routine thing when we have these kinds of events?"

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "It is very routine. I believe the provision says within two months prior to the event, so we have not received those yet."

Chairman Parks said, "And I guess this would be a question back for you all. Have you secured a insurance company or a rider on another one of your..."

Mr. Tom Shelton, Manager, DEA Entertainment Group, LLC, greeted the Commissioners and said, "I appreciate you guys seeing us today. Yes, we carry Daniel Boone Insurance. We do other festivals throughout the United States. It's a standard rider or requirement on insurance. What they have put on the contract for us to carry is lower than what we usually carry so the insurance policy that we will be sending up will be above and beyond the requirements of what the contract is warranted."

Chairman Parks said, "Thank you. That answers my question. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. You all have not put on a concert at Lake Afton before, is that right?"

Mr. Shelton said, "No, I have not. It was kind of ironic, we come up here and I say here's what we need to do, and I've been informed about past concerts that's been out there and persecuted throughout these meetings that we've had prior to coming and presenting this to you all today. No, we have not been out to Lake Afton; this organization has not done any concerts, or festivals, events at Lake Afton, no."

Commissioner Unruh said, "And how long have you all been in this business?"

Mr. Shelton said, "Myself, personally, I've been doing it for seven years. C.J., my Marketing Director, she's been doing it for 11 years. The organization was put together last year. We do events from Kicking Up Country up in Minnesota, Rock Gone Wild up in Iowa, Rocklahoma, I don't know if anyone has heard of that one and stuff. We've been involved with the Rocklahoma, with the people over there putting that on. I am also one of the prime owners of the Winfield Country Roundup down in Winfield, Kansas. The Midwest Rockfest was put on last year because there is no rock festivals in this area. Believe it or not, rock festivals are easier to put on than country festivals."

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We're working with Frisco. I am now personally working down in Frisco with Pizza Hut Park with the Hunt family on establishing events down there, and I also do events with the casinos down in Oklahoma."

Commissioner Unruh said, "Okay, well, thanks. I appreciate you have got experience. This is going to be a three day event?"

Mr. Shelton said, "Yes. What we're doing is two day, the third day is optional. Basically it's with the radio stations. The first year of it up here will be basically two day, because I'm not going to, you know, we always like to shoot for the moon and if you miss, you're among the stars, but the idea is to slow play it. Because with the economy and the fact and the way it is, I am not going to put any of my investors in harm's way of losing their shirts on an event. So basically, we're going to go in slow play with a two day event, come back if we have sponsorship or availability with the radio stations, take it on as a radio date, then that will be the third day, which would be on a Thursday."

Commissioner Unruh said, "So in just a two day time span, how many do you anticipate, I mean, how many folks are going to end up being out there?"

Mr. Shelton said, "We should be, off of last year's numbers and stuff, and the bands in which I have talked with right now and I'll be finalizing contracts with out in Vegas in two weeks, with the bands we're bringing in, we should be doing 8,000 a day. So we are going to do 16 [thousand] over two days. The Thursday night event, if we do a Thursday, it will not be all day event, it will start at like 5:00 or 5:30, somewhere of that nature, because it's just going to be, like I said, just a slow play into. With that night, being the way I have it in my mind to set up, we'll probably looking at attendance there that night of maybe 2,000 or 3,000 at the most. So, all in all, maybe 20 [thousand] if we hit on all cylinders."

Commissioner Unruh said, "Well, I live on the east side of the county. I won't be able to hear it from there, will I?"

Mr. Shelton said, "We'll try to keep it down, but it's not that bad. There's ways of deterring the sound and stuff."

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

Chairman Parks said, "I have a question, quick question for Mr. Holt. 8,000 people a day in inclement weather or whatever, this is not going to interfere or anything with the downtown arena, is it?"

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Mr. Shelton said, “No. Not as a part of the agreement, you mean? No, sir. No it will not.”

Chairman Parks said, “It’s not going to be in any competition?”

Mr. Holt said, “No.”

Chairman Parks said, “Okay. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Well, I appreciate my fellow Commissioners’ comments and questions, but I’m just going to jump in and move that we approve the agreement, get that on the table.

MOTION

Commissioner Peterjohn moved to approve the Agreement.

Commissioner Unruh seconded the motion.

Chairman Parks said, “Okay, there’s a motion and a second. Further discussion, Commissioner Welshimer.”

Commissioner Welshimer said, “I am going to support this. I think it sounds like a lot of fun for all of southeast Kansas, and it’s something new, something we haven’t done before. I think we’ll easily have your 8,000 people a day. Thank you.”

Mr. Shelton said, “Thank you.”

Chairman Parks said, “Commissioner Norton.”

Commissioner Norton said, “Well, I may be the only person here that participated in the precursors to this several years ago, and I know you weren’t a part of that, but they were relatively successful. One year it rained, torrential rain, and that really threw the group that was promoting it in a financial difficulty. There were some problems with some code kind of things, but I think Ron is right; lessons learned. I think our staff at the park learned a lot. I think Ron and the Entertainment Cultural group learned questions to ask. I think the Sheriff’s Department learned some things, so I think it will be wildly successful. It is another event that adds to the flavor of our community. Outdoor concerts are important to a lot of communities. If you’ve been to Sandstone and around Kansas City, if you’ve been to Red Rocks in Colorado. Those kind of outdoor events have an

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energy and a consumer group that has a great time and enjoys rock music, so I am going to be supportive. I hope it's wildly successful, and try to follow the rules. That's the big thing. Just make sure that you work with our people to be sure that people aren't in harm's way. That they're not breaking the rules of the park, and that anything that has to do with code that leads to safety is also very considered. Other than that, I think it will be wildly successful and I'm supportive."

Mr. Shelton said, "I'm here one time more to reassure you that doing these events and stuff, security and port-a-potties is what makes good events, and so I'm a promoter of those. Any event in which I have been involved with can always tell you, I'm over plentiful in all of these."

Chairman Parks said, "I'm still just a little bit concerned about that ratio of six officers that have police powers for 8,000 people, but I'm sure that..."

Mr. Shelton said, "I have a ratio which I put together. C.J., who talked to you earlier about the security and stuff; usually at an outdoor event, it's basically, when you look at the tickets, you kind of know where you're going to be. Then you look at the bands you're bringing in and you know where you're going to be. Last year I brought in a group, we did a show where we had, that night we had right at 6,000 people there. I had over 80 security people in shirts there, which the police force was like 'Wow.' Because, like I said, public safety is important, and you will be surprised and I can make you this promise, I'll be standing here next year getting chastised by you, that those issues will not arise in any agreements or any festivals in which we put on, because if a person doesn't feel safe, they're not coming back. You have to, when you put on a public event, safety is a main participant in that fact of having successful event. The second one is establishments, port-a-johns; because no one likes to be ticketed, and in outdoor events, it's one of those things. Those are the two things in which you try to take, really key in on, when you're putting the event together. The staffing of that, you will probably see anywhere between 80, which is 80, if we have 8,000 people there, what, that would be one per hundred? No, ten per hundred, I can't even figure this morning, but I'm sure with a pencil and scratch paper you can figure it out, but that's basically what I have available to me, and we've used different security outfits, which I can go on and keep rambling, because I talk a lot, but we will have adequate security to do this event."

"There is also language in that contract that says if we don't then we're in breach of that contract, and that is going to be also establish between working with the Sheriff's Department and that group, and there is also item 50 on that, we put in there, because I wanted a safe play for everybody involved that says, basically, the people that, Ron, Mark, Karen, everybody that's kind of put this plan in place will set together and go through arbitration to say, what do we need to do to fix this, and fix it immediately, so we put that item in place at 50 to make sure that everyone's best interests are taken care of."

Chairman Parks said, "Well, I'm kind of prejudiced because I was a police manager for 29 years, so that's where I come into it, and I think about the traffic and I think about other things that six

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officers are going to be out there doing, so, that have police power, and I hope it is a great success, and I am going to be supportive of this, but I just hope that there's a lot of preparation, in terms of security. Have a motion and second. Seeing no further discussion, call the vote."

VOTE

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

I. DIVISION OF FINANCE

1. RESOLUTION AMENDING RESOLUTION 218-07 AND GIVING THE SEDGWICK COUNTY MANAGER ADDITIONAL AUTHORITY TO APPROVE CONSTRUCTION CHANGE ORDER FOR THE INTRUST BANK ARENA.

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "In 2007 the Commission approved resolution 218-07 which gave the County Manager, or his designee, authority to approve change orders related to construction of the arena up to an aggregate value of \$2 million. That was a change to the normal procedures that are contained in Charter Resolution 57, which is the county's purchasing code. As you know, that code establishes procedures for approving change orders, and it gives staff limited authority to approve change orders. Because of the scale of the arena project, I think we all considered that, in the interest of making sure that project kept on schedule, it was important that we streamline the process for considering and approving change orders, and so for that reason, the resolution was approved by the Commission in 2007."

Mr. Chronis continued, "We now are within 52 days of the grand opening of the arena. It's been a long haul for all of us. Lots of people have worked very diligently to make sure that this project is going to come to fruition, as was committed to the voters back in 2004, and we are to the point, now, where the building has reached a point of substantial completion, which is a technicality, which means that the contractor has completed the building up to the point where the city has been able to issue a certificate of occupancy. That does not mean that the building is complete, however. We are now going through the process of finalization. The contractor is completing items on the punch list, that has been developed by our project managers and the architects. SMG, the operators of the facility, are in the process of moving their administrative staff into the building, and they are using this two month window to test the systems that are in the building, to make sure that

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everything will work on grand opening night as it is expected to. We are certain that coming out of that process of completing the punch list items, and doing the systems testing, there will be some additional change orders. We don't know what they are, we don't know how big they'll be; we won't know that until we come across those particular items. But, again, because of the proximity that we are with the grand opening date, we think that it's important that we maintain a procedure that allows us to approve necessary change orders in a streamlined fashion; the change orders that have been approved to date total just under \$1.9 million. Those that have been approved by the County Manager or his designees pursuant to the authority given in 2007.

“Of that \$1.9 million, \$1.3 million has been approved for construction change orders. That is less than one percent of the original construction contract price, so the staff has approved less than one percent of construction change orders for the contractor. In addition to that, under the authority given in 2007, the staff has approved \$580,000 of change orders for the architect, related to changes that the architect had to make, as a part of the construction activity. Those changes total the \$1.9 million that I explained to you, the authority that we have been given is \$2 million. There is about \$77,000 of additional changes that are in process now, and that we expect to have completed within the next several days. Once those are completed, we will have about \$35,000 dollars of remaining change order authority for the administration. If we do not amend the 2007 resolution to increase the administrative authority, then we will be required to bring every single change order back to the Commission for approval, and, as you know, there is roughly a ten day process, just administratively, getting items on your Agenda and before you, and so we think that having to go through that administrative process would potentially jeopardize our ability to have a successful grand opening. Therefore, the action that is before you is a resolution amending Resolution 218-07 to change the \$2 million of authority that you have previously given the manager or his designee, and increase it to \$2,250,000 of authority.”

“There are no other procedural changes that are being proposed, as we have been doing throughout the project, those change orders that are approved administratively go through a fairly extensive review process, they are signed off by the onsite project manager, by our in-house project manager, our facilities director, by somebody from the County Counselor's Office, by me from the Finance Division, and our overall project manager, Ron Holt, and if any one of those people declines to approve a change order, it doesn't get approved. After the change orders are approved, then the Commission is notified of those change orders, I believe the original resolution provides that notification is within seven days, and you've seen all of those change orders that we have previously approved. I'll be happy to answer any questions that you might have about this request. If you have none, I would recommend that you approve the resolution that's before you.”

MOTION

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Commissioner Welshimer moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

Chairman Parks said, “There’s a motion and second. I had a question about how the Tax Oversight Committee enters into this, and what their role is in this.”

Mr. Chronis said, “The Tax Oversight Committee is charged with the responsibility of assuring that the Arena Tax is accounted for and used as the voters intended when they approve the referendum back in 2004. They review transactions after the fact. Their practice has been to meet every three months, and now, as we’re approaching the end of the project, they will be meeting more frequently than that, but what they do in their meetings is review all of the expenditure activity that has taken place since the prior meeting, and we give them the opportunity to look at all of the documentation associated with any expenditure that we recorded during that period of time, so they will be seeing these change orders after the change orders have been approved, prior to their next meeting.”

Chairman Parks said, “However those items can be brought before us and challenged for that tax fund, then, correct?”

Mr. Chronis said, “Oh, sure.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Your question partially covered what I was interested in asking, but I wanted to go beyond that, in terms of has the Sales Tax Oversight Committee looked at the roughly \$6 million that’s been spent remodeling the pavilions yet?”

Mr. Chronis said, “Yes. Well, they’ve looked at those expenditures. They haven’t looked at the actual improvements, but those, for the most part, were completed before we started collecting the sales tax, so one of the very first expenditures of arena tax was a reimbursement to the county of bills that we had paid before we received the sales tax, and that was all as contemplated in the referendum. One of the very first things that the Sales Tax Oversight Committee did was review those reimbursements to determine whether or not they were appropriate.”

Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “Okay. Seeing no further discussion, call the vote.”

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VOTE

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

Chairman Parks said, “At this time, I’ve had a request from at least a couple of us to have about a five minute break. We’ll be in recess until 11:00.”

The Board of Sedgwick County Commissioners recessed at 10:56 a.m. and returned at 11:04 a.m.

- 2. AMEND THE 2009 CAPITAL IMPROVEMENT PROGRAM CIP TO INCLUDE THE DEMOLITION OF THE FRIENDLY GABLES BUILDING AND EXPANSION AND REPAIR OF SELECTED JUVENILE COMPLEX PARKING.**

VISUAL PERSENTATION

Mr. Pete Giroux, Principal Budget Analyst, Division of Finance, greeted the Commissioners and said, “I have one CIP (Capital Improvement Plan) amendment request for your consideration this morning. Facility Project Services has requested your approval for a project to demolish the Friendly Gables building and improve parking at the Juvenile Complex. The Friendly Gables

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building was constructed and opened in 1930 as a girls detention home. That use ended in 1972; it was ended by Judge Corrigan. Most recently it's been utilized by District Attorney Juvenile staff, but they vacated the building earlier in the year as they moved into the renovated building that was formerly occupied by the Juvenile Courts. Here's an overhead view of the facility. There is a little bit of a shadow behind it, but it sits generally east/west configuration, and you can see I-135 (Interstate 135) in the upper right hand corner of the picture."

"As part of the 2010 to 2014 CIP development, Project Services took a good look at the building and developed estimates for the reuse, and they found that nearly all the systems within the building, to include roof, heating and cooling, and plumbing would have to be replaced, and there would have to be a significant investment to make it both code compliant and energy efficient, so the bottom line, the cost to make it usable was very high, but the configuration of the building also made it very difficult to reuse because it had a number of very small rooms, and that would take a lot of work to adjust. They also found that after the Juvenile Complex has been reconfigured that there were no real good compatible uses for the facility in that area. As a result, over an extended period, the CIP Committee determined they weren't able to justify recommending renovation. The cost of the building, just to do the basic reconstruction, was as high as \$800,000. The requested project will demolish the building, add an estimated 12 parking stalls, and at the same time allow an integrated fix to repair the adjacent parking lot that's in poor condition, and we'd programmed for repair in 2011. Here's a little a closer overhead view. The parking lot runs sort of the northwest corner of the building, and the additional parking will probably fall in this general area after the building is removed, but they will make that determination as the project progresses. Estimated cost of the project is \$177,893, that includes about \$30,000 in asbestos removal, and our proposed fund source is available funds within the 2007 bond that was issued to support the Juvenile Court building and the other renovations for the District Attorney."

Mr. Giroux continued, "As I indicated earlier, the CIP Committee spent considerable amount of time on this, and recommends your approval. Do you have any questions?"

Chairman Parks said, "I have no questions. I am very familiar with this project in this area. I think having said that, I am going to move that we approve the amendment to the CIP."

MOTION

Chairman Parks moved to approve the Amendment to the CIP.

Commissioner Welshimer seconded the motion.

Chairman Parks said, "I have a motion and a second. Seeing no other discussion, oh, Commissioner Norton."

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Commissioner Norton said, “Well, I think as we went through this process, particularly looking at the Juvenile Justice footprint and talking to Facilities, as much as we may have liked to have reused this building, it is just not feasible, and I think the public needs to know, we realize that it was a facility that had been there for a while, it had been in the community, but as we talked to Steve Klaussen and staff, there is just no good use, that we wouldn’t be pouring a lot of money into a facility that is pretty cobbled together inside, and wouldn’t fit too many needs that we have in that footprint. We didn’t go over that a lot today, but there’s been a lot of staff time and Commissioner time to figure out if there was any use, and we just came to the final conclusion, at least I did, that there is just no better thing to do with that piece of property than to demolish it and reclaim that land.”

Mr. Giroux said, “Excuse me, if I could just add one thing. I failed to mention that the building is not on the Historic Register. Facilities staff did talk to the Historic Preservation Alliance to give them a heads up on what our intentions were.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “I appreciate the point on the Historic Register, and Commissioner Norton’s comments concerning the challenge that building faced, and the fact that it had interior load bearing walls that were going to make reconfiguration very difficult, so I am going to be going along and supporting this motion, Mr. Chairman.”

Chairman Parks said, “Seeing no further discussion, call the vote.”

VOTE

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

- 2. APPROVAL OF A GRANT AWARD FROM THE BUREAU OF JUSTICE ASSISTANCE FOR THE 2009 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) FOR FEDERAL GRANT YEAR 2009. SEDGWICK COUNTY WAS AWARDED \$113,829.00 THROUGH THIS GRANT PROGRAM.**

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Mr. Marty Hughes, Revenue Manager, Division of Finance, greeted the Commissioners and said, “For the past 14 years, Sedgwick County has participated in the State Criminal Alien Assistance Program (SCAAP) operated by the Department of Justice, Bureau of Justice Assistance. Under this program, states and units of general government that have authority over correctional facilities, or detain undocumented criminal aliens for a minimum of four days, are eligible to apply for these State Criminal Alien Assistance Program funds. Congress appropriated \$394 million for this program for fiscal year 2009. Sheriff and Finance Staff, working with Maximus Incorporated’s staff, collected and analyzed staffing, financial, and inmate data for the Adult Detention Facility needed to be submitted to the Bureau of Justice Assistance through this online application process that occurred last May. We were notified October 29th that we had been awarded \$113,829 under the 2009 State Criminal Alien Assistance Program. This is a sizeable increase over last year’s award of \$63,182. Over the past 14 years, Sedgwick County has received over \$1.7 million from this program. I would like to thank Major Glen Kurtz and his staff of the Adult Detention Facility for their assistance in providing the inmate data required for this grant program, and I recommend acceptance of this award, and authorize staff to draw down the funds from State Criminal Alien Assistance website. I would be happy to answer any questions about the program.”

Chairman Parks said, “What is the will of the Board?”

MOTION

Commissioner Unruh moved to authorize staff to accept the Grant Award and drawdown funding through the SCAAP website.

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

J. DIVISION OF HUMAN SERVICES

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1. RENEWAL OF THE MEMORANDUM OF UNDERSTANDING WITH MENTAL HEALTH ASSOCIATION TO PROVIDE MENTAL HEALTH SERVICES FOR THE MID-KANSAS SENIOR OUTREACH PROJECT.

Mr. Tim Kaufman, Deputy Director of Human Services, greeted the Commissioners and said, “This renewal of the Memorandum of Understanding with the Mental Health Association provides in-home therapy services to seniors that are identified through a nursing care manager at the Mental Health Association (MHA). This project is part of a three year grant that the Mental Health Association received through the Substance Abuse Mental Health Services Administration or SAMHSA, and COMCARE is a subcontractor to MHA. The goal of the program is to identify seniors who need to be connected with seniors who need to be connected with a variety of social services and to assist them in the process. If in-home therapy services are needed, clients may be assigned to the COMCARE clinician, and typically receive weekly services in their home up to 12 sessions at no cost to that senior. The Memorandum of Understanding provides sufficient funding for one fulltime clinician, including salary and benefits, and additional funding that is utilized to pay for a crisis staff person, who helps recruit and train community volunteers who are gatekeepers; people in business, letter carriers, meter readers, people who may encounter seniors and may need to make referrals. They are an excellent referral source for this program.

“This has been a successful partnership with COMCARE. The clinician has helped over 50 seniors this past year. An example is Adelle; she was in her sixties, and she was referred by a local clinic after her husband’s death. She reluctantly agreed to speak to the clinician after she was seen in the emergency room, depressed and experiencing hallucinations, and making suicidal threats. She was very depressed, she was tearful every day; she isolated herself in her apartment. The staff from this program sent a nurse to her home who identified a need for some in-home therapy sessions. The COMCARE clinician met with her weekly and eventually referred her to a number of different resources, including medication evaluation.”

“With the therapy, medication, and other community resources, Adelle no longer cries herself to sleep. She sleeps through the night for the first time in years, she leaves her home to do volunteer work, and she has plans for her future. The recommended action is for you to approve the agreement and authorize the Chairman to sign.”

MOTION

Chairman Parks moved to approve the Agreement and authorize the Chairman to sign the Memorandum of Understanding.

Commissioner Welshimer seconded the motion.

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

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VOTE

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

2. FY 2010 OLDER AMERICANS ACT TITLE III B VENDOR CONTRACTS.

Mr. Ray Vail, Director of Finance and Support Services, Department on Aging, greeted the Commissioners and said, "I'm here today to ask for your approval of the in-home service contracts which allow the Central Plains Area Agency on Aging (CPAAA) to provide services under [Title] III B of the Older Americans Act. You have previously approved the funding for these contracts when you approved the Fiscal Year 2010 Area Plan on June 17th. I ask that you approve these contracts and authorize the Chair to sign. I'll answer any questions."

MOTION

Commissioner Welshimer moved to approve the FY 2010 Older Americans Act Title III B vendor contracts and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. Would you comment briefly in terms of this program to, is there any local property taxes involved in funding this?"

Mr. Vail said, "No. this is CPAAA funding, under federal funding through state."

Commissioner Peterjohn said, "Okay. Because I noticed it was for including several counties besides Sedgwick, and wanted to make sure that no county tax or fee resources were being spent out of county."

Mr. Vail said, "Right. CPAAA is Butler, Harvey, and Sedgwick County."

Commissioner Peterjohn said, "Okay, thank you."

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Chairman Parks said, “That was my one question also, so seeing no further questions or comments, call the vote.”

VOTE

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

K. PROVIDE FUNDING FOR REPAIR OF HAIL DAMAGED VEHICLES.

Mr. Kevin Myles, Director, Fleet Management, greeted the Commissioners and said, “This Agenda item deals with the hail storm that hit the county on July 8th. During that hail, storm there were a total of 127 vehicles within Sedgwick County’s fleet that sustained damage, ranging from nominal damage up to severe. Of those vehicles that were damaged, there were a total of nine that were recently delivered to Sedgwick County that had not been decaled or delivered. They had been delivered to us from the vendor, but they had not been delivered to the user departments. So, in addition to those, we also had one vehicle, it was an EMS Suburban, that sustained damage to the roof area right at the point where the light bar connects to the roof skin. So what we did, as Fleet Management, we contacted three vendors to solicit bids for how much it would cost for the repairs of those vehicles.”

“We sent the vehicle to the lowest bidder, which was Auto Body Complex. However, upon review and clarification from our Chief Financial Officer, and since that damage was caused by a singular event, all being by that one hail storm, we have been asked to bring this Agenda item to the Commission for your approval. The total dollar amount of the damages repaired on those ten vehicles is \$59,796.23. We have also received word that this storm has been declared a FEMA (Federal Emergency Management Agency) event, and that the county would be eligible for reimbursement for all, if not, most of the damages. The total dollar amount that FEMA has offered, at this point, to reimburse the county is up to \$704,917. At this point, we still have not met that threshold, but certainly these damages would fall within that threshold for reimbursement.”

Chairman Parks said, “What is the will of the Board?”

MOTION

Commissioner Welshimer moved to approve the requests and authorize payment.

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Commissioner Peterjohn seconded the motion.

Chairman Parks said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you. Kevin, these repairs were put out for bid before the repairs were done?"

Mr. Myles said, "They were not put out for bid, but in accordance with, as we believed, in accordance with the informal bid process, we did solicit quotes from the vendors. Any damage that is going to be, or any invoice that's going to be below \$10,000 qualifies for the informal bid process, meaning that you have to solicit votes from three vendors. We followed that process, we believed. However, upon clarification from our Chief Financial Officer, we realized that we should have followed a different process and brought it before this body, and that's what we're doing today."

Commissioner Unruh said, "But there was a little competitive bidding process for the repair?"

Mr. Myles said, "We did solicit quotes from three vendors, yes."

Commissioner Unruh said, "That's all I wanted to know. Thank you."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Good morning, Mr. Myles. I wanted to ask you, in terms of how this would work. Is the county self insured, for all intents and purposes, for these types of damages? Because I was interested, in terms of if FEMA wasn't providing funding for it, how the county coverage would work, and what steps we might take in the future to try and prevent this from reoccurring."

Mr. Myles said, "Yes, the county is self-insured, and to your second question, I believe I understand where you are going. When you asked what we might do in order to keep this from reoccurring, this was a unique circumstance in that we had taken delivery of a very large number of vehicles all at once. We actually do have covered facilities there at our fleet parking lot. However, we had also, at the same time we took possession of the F150s and the Hybrids, we had also taken possession of 21 Impalas for the Sheriff's Department, so we had filled that building with those 21

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Impalas, and we had these additional vehicles that were out in the lot, but under ordinary circumstances, we would have been able to cover those vehicles as they'd come in for delivery.”

Commissioner Peterjohn said, “Okay, because, and you may not be the appropriate person, in terms of the self-insurance; I was just wondering, in terms of getting a little bit more information how that worked.”

Mr. Myles said, “Yes, we are self-insured, but I could certainly get whatever information you needed and present a report to you guys, perhaps in the next staff meeting.”

Commissioner Peterjohn said, “Okay, thank you.”

Chairman Parks said, “Seeing no further discussion, call the vote.”

VOTE

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

L. RECOMMENDATION REGARDING KANSAS COLISEUM COMPLEX.

Ms. Charlene Stevens, Assistant County Manager, greeted the Commissioners and said, “The recommendation before you today is regarding the Kansas Coliseum complex. I would like to kind of review where we’ve been with this project, and where we are today. Just to remind everybody that Sedgwick County issued a request for proposal or an RFP for the coliseum July 29th of 2009. The purpose of the RFP to gauge market interest, and discover potential uses for the site. The RFP was purposely broad in its scope. The RFP was sent to approximately 40 potential vendors, both regional and local. Three responses were received on August 25th. Those responses were from Hartman Arena, Heritage Development Group, and North American Management, Kansas, or NORAM. In September, an interview panel consisting of two County Commissioners, Commissioner Parks and Welshimer, the County Manager, two assistant County Managers, Chief Financial Officer, the County Counselor, Purchasing Director, as well as three county interns interviewed all three proposals. After those interviews, it was decided by the County Commission to have a public hearing on those, a public presentation on October 27th. On October 26th, Hartman

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Arena notified us that they had withdrawn, and so the public presentations were made by Heritage Development Group and NORAM. We also held an online public response, online public hearing. To date, we've received 32 responses, online, to that public hearing. We also received a petition with a number of signatures in support of the Heritage Development Group.

"Following the public presentations on October 27th, the County Commission referred the matter back to the original committee. The committee met one week ago, and it is the recommendation of the committee that the staff be authorized to enter into negotiations with NORAM to operate the pavilions and develop the Kansas Coliseum site. And I would also remind the Commission that we have, the county budget does contain an allocation for \$584,989 for pavilion operations in 2010, so we will continue to operate the county pavilions with county staff up until, and if, an agreement is reached with NORAM. With that I'm open to any questions."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well this means we haven't accepted NORAM's plan."

Ms. Stevens said, "It means we would begin to enter negotiations, and..."

Commissioner Welshimer said, "We've just talked to them what it is they might want to do on any type of basis?"

Ms. Stevens said, "We would enter into negotiations with NORAM based upon their submission, and we would bring back to the Commission an agreement that we would anticipate would minimize risk to the county, and maximize the benefit to the county. That would be the intent."

Commissioner Welshimer said, "So possibly we could also totally eliminate the county's risk in this type of negotiation if they would agree to something like that?"

Ms. Stevens said, "That would be our intent, to minimize the county's risk, yes, in negotiating with them."

Commissioner Welshimer said, "So we are not voting on anything other than to enter into negotiations?"

Ms. Stevens said, "Yes, you are authorizing, today, that we enter into negotiations. You are not accepting a final proposal at this time."

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Commissioner Welshimer said, “And we could also end up, if we approve this today, it could also result in no contract with them at all.”

Ms. Stevens said, “That’s also a potential outcome. If we cannot reach an agreement that is acceptable to the County Commission, we could come back and say there is no agreement.”

Commissioner Welshimer said, “Okay, thank you.”

Chairman Parks said, “Is that a motion?”

Commissioner Welshimer said, “I move we approve the recommendation.”

Chairman Parks said, “Okay, approve the recommendation to, let me...”

Commissioner Welshimer said, “To enter into negotiations, only.”

Chairman Parks said, “Okay. With NORAM.”

Commissioner Welshimer said, “With NORAM.”

Chairman Parks said, “Okay, and I’ll second that.”

MOTION

Commissioner Welshimer moved to approve the recommendation to enter into negotiations only, with NORAM.

Chairman Parks seconded the motion.

Chairman Parks said, “Any further discussion? Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I need to go through a little bit of history. I’m, I hate to say confused, but, I’m a little confused, is what I am right now. I guess, to rehearse the history in my mind a little bit, but last July we, because of the urgency of the situation, took an off agenda item that allowed the competing organization, Heritage, to try to solicit a contract for us, for the coliseum complex, for bringing in High School Rodeo or the Junior High Rodeo...”

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Ms. Stevens said, “Or other types of events. That was a separate Agenda item that was done, yes. Prior to, I believe that occurred prior to the issuing of the RFP.”

Commissioner Unruh said, “Okay. Along with that, we supported them, even to some advertising money or something. I was told we helped provide, bought a banner or something down there to help stimulate Sedgwick County’s interest?”

Ms. Stevens said, “Yes, I believe we did that, yes.”

Commissioner Unruh said, “Okay, and I just found out about that recently, so I’m just trying to figure out what we’re trying to promote, and what we’re not. After our public hearing we had an online forum that you...”

Ms. Stevens said, “We we had an online public hearing that we received 32 responses to that online public hearing.”

Commissioner Unruh said, “Have you tabulated whether...”

Ms. Stevens said, “A number of those, the majority of those, 26, were in favor of the Heritage Development Group, and the other six had no direct comment. They had a comment but they didn’t support one or the other. “

Commissioner Unruh said, “Okay, and we received, at least I’ve got a copy, I’m sure you did, too, of several...”

Ms. Stevens said, “Received a petition.”

Commissioner Unruh said, “And I don’t know how many names are on here.”

Ms. Stevens said, “Approximately 400 in support of the Heritage Development Group.”

Commissioner Unruh said, “Okay. Well, I’m sure there’s good reasoning that your committee went through, but, I mean, here we asked, got a lot of public input...”

Ms. Stevens said, “I think one of the concerns of the committee, when this was discussed, was that there was a concern that the Heritage Development Group did not have the experience to operate a venue of this type on a large scale, and there was the thought then that the proposal, or the potential to negotiate with NORAM, would give us a greater potential to lower the county’s risk.”

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Commissioner Unruh said, “Okay, and I appreciate that response, and the recommendation is, I’m sure, based on good rational analysis. I mean, I know that we’ve all had contact with representatives from that that group. They have great architect, and construction company as partners, and they can do what they want to do. I remain concerned about a more clear plan before I want to authorize contract negotiations. The NORAM proposal, as I understand it, is primarily for retail development, and for some ag (agricultural) animal use up there, and I’m concerned that it’s a pretty speculative thing. I know that the folks who are behind it think this is really going to work well, but it seems like it is based on the hope that we can get some large retailers in there in order to make this plan work, and I mean I don’t, the committee...”

Ms. Stevens said, “The committee looked at that. I mean, the committee looked at both proposals, and I think it would be fair to say that both proposals offer substantial risk to the county as they are currently presented. Both seek substantial investment, and it has the potential to put the county at risk. It is the intent to enter into negotiations to see if we can achieve an agreement that would minimize that risk. We feel that there’s potential to do that with North American Management, or NORAM. You are not voting on a final plan today, so that final plan would come back to you at a later date. What you’re voting on is to allow us to explore with North American Management if we can come to an agreement that would be acceptable to the county, and that would minimize the county’s risk and maintain the operations of the pavilions.”

Commissioner Unruh said, “Okay, and that could be done with Heritage, I mean, just as far as just doing a contract negotiation, but your recommendation is not.”

Ms. Stevens said, “Yeah, that could be done with them, but that’s not the recommendation of the committee at this time.”

Commissioner Unruh said, “Okay. Did you take into account anything that had to do with the potential development of the casino that seems to be part of this group’s business plan?”

Ms. Stevens said, “We did not. We based our recommendation on the, they were very clear in the public hearing that they could do this, and they were clear in the interview that they would do this development with or without the casino, so we did not take that into account.”

Commissioner Unruh said, “Okay, and...”

Ms. Stevens said, “They represented to us that this was a standalone development.”

Commissioner Unruh said, “Okay, and are the partners still intact with the NORAM group? I mean, there’s all sorts of comments that are made, but I thought one of their major partners had decided not to be involved, or do we know anything about that?”

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Ms. Stevens said, “We do not know anything about that. That’s information that I do not have.”

Commissioner Unruh said, “Okay. Well, because there’s so many unknowns about this, and because I am concerned about public financing that might be required, and I am concerned, still, about competition with Intrust Bank Arena, and I know that you’d have an opportunity to control that in negotiations, but I’m just not sure that we have clearly established where the Commission wants to go. We made a semi agreement for one group, then we went out for RFP. We had plenty of public input that supports one, but we recommend the other, and I personally prefer some sort of industrial development on that site if we are going to change the character of what we are doing. So I will not be supportive of the motion. I would be supportive of a motion for deferral so that we can clearly say what is our goal, and I think we have a better chance of achieving our goal if we know what it is, and so I’m not satisfied that we’ve done that, so I won’t be supporting the motion as it stands. That’s all I had, Mr. Chair.”

Chairman Parks said, “Okay. Commissioner Welshimer.”

Commissioner Welshimer said, “Well, I know we don’t know what our goal is, and so that’s the reason we need to discuss this further, in a manner that, setting a framework that we’re allowed to discuss it, and until we do that, we’ll never know what our goal is, because our goal depends on what someone else can do, and we don’t have any way of developing this site on our own, so that would be my reply to Commissioner Unruh. Also, entering into negotiations is a last attempt to keep from tearing down all the improvements at the coliseum site, which I think would be, ultimately what will happen if we don’t enter into some type of negotiations, and try and figure out what it is we can do with that site.”

Commissioner Welshimer continued, “We don’t have any say, or anything to do with if a casino goes in up there or not, that’s Wyandotte Indian land in trust there, and it is not for us to say, or for a vote, or anything else in this community as to what the Indian Nation can do with their rights to that land. So it may never happen. It could, but it might never happen, and what we have to be concerned with, I think, is the highest and best use of this asset. And it’s the only asset that has the potential to develop and pay for itself, and we have a group that has the strength, the financial strength, and everything else that we need to go in there and accomplish this, where if we went the industrial route, we have no one for that. And we need jobs in this community, we need revenue, we have a site that we can do that and expect to have that type of return. I think that we’re open to just about anything, and we are back at the beginning, and also there is nothing to prevent all three bids to still be involved to work together at some point if that would be decided among those three, and I think this is a good approach to continuing to try to get the best we can get from the residual value of the coliseum site, and I think it is important that we go ahead with it.”

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Chairman Parks said, “Thank you. I think I need to reply to Commissioner Unruh’s apparently, well, I’ll just say that we’re basing this upon risk and nothing else, but the risk in the plan, NORAM has been in contact with those rodeo groups, too, I made sure of that. I trusted, but I verified that, and they are not married to Heritage. They told me that in so many words. The petition that you referred to, I looked through those names, and it was woefully short of people in the north side of the district. They had, there was people from several states on there, there were people that, the one that I recognized that was north of 53rd, actually the first one I recognized, I think he has a warrant out for his arrest. The Sheriff may want to get that information off some of my documents. However, having said that, ten years from now, I don’t plan on being sitting at this table. Some of you may think it may be shorter time than that, and I see some chuckling going on, and go for it. Whatever you think. But ten years from now I do plan on living in the Valley Center area. I plan on shopping in my stores in the Valley Center area, and there’s not one time that I go into a grocery store, and walk from the front of that store to the back of that store, that somebody doesn’t say ‘Save Britt Brown. It is a piece of the community that’s been up there for a long time. You have to remember that Valley Center voted down the downtown arena five to one. Those people have been supporting me, and I’m going to support whichever proposal brings up the fact that they are going to do something with Britt Brown. It was built by the same people building the downtown arena. Dondlinger did a fine job on that building. It is hard pressed to find a crack in that concrete that is a structural crack in there. I’ve been out there, and the engineer just two years ago that looked it over said there’s nothing wrong with this. That’s documented. I know I’ve talked with NORAM about events that have been going on there, they want to keep those events. I think it’s a good plan to keep Britt Brown, and try to do something with it, and that’s why I’m going to be supportive of this move to enter into negotiations, that there is no final plan or no final decision, before it comes back to us. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. I very much appreciate getting a chance to hear the dialogue from the bench this morning, from my fellow Commissioners, also appreciate getting the petitions. I did note that among the folks who were supporting the Heritage proposal, there were quite a few of them who were in my part of the county, for the ones who did provide city addresses. But I want to go back to a more fundamental level, because we’ve had some discussions about what’s the goal, and I’m very much concerned about our economic climate, our competitiveness, and there is an interesting article I saw today in the news, and my focus has been that if this land doesn’t serve a governmental purpose, we need to get it back on the tax rolls, and get it on the tax rolls at as high a value as possible. We talked about the pavilions during our budget hearing, and I think there’s support for continuing the pavilions, and that was part of the vote in 2004.

“However, there is a lot of other property up there that is not part of the pavilions, not part of Britt Brown, and I appreciate Commissioner Unruh’s discussion and mention about the fact of industrial development, because we had some discussion about spending millions and millions of additional

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tax dollars, of perhaps having an industrial site available, and that is supposedly one of the deficiencies that was mentioned in the article in today's paper as one of the concerns we face going forward, and I think the idea that that property may be usable for that, or potentially portions of it from some other governmental purpose should not be taken off the table, and I agree very much with the comments of Ms. Stevens when she stated that there is substantial risk, and I see substantial risk with these proposals.

"I'm very much concerned about the fact that participation by county taxpayers, and whether, I know TIFs (Tax Increment Financing) are off the table, but STAR (Sales Tax and Revenue Bonds), or some other financing mechanism is a concern for me, and I think we need to really look back to fundamentals, because, not only do we need to grow the taxable assessed value, but we should look at some of the reasons why we may not have been able to do so in the past, because we have had this paradigm in the last few decades in this community that public/private partnerships seem to be the way to go. And unfortunately, all too often I'm concerned, that when it is the public/private partnership, there is a rare case where there is a profit, it goes to the private sector, and if it's in the public, there's losses, it lands in the lap of taxpayers. I would go back to the fact that if we look at our more successful businesses in our community; folks up here on the bench, we've got a certain skill set, but being in business and risking our own capital is not necessarily the best way; the government elites making decisions. I look at our healthcare debate in Washington. We need to rely on markets, and avoid what the Nobel Laureate Economist, Friedrich Hayek, warned against, in terms of "The Fatal Conceit..." So I think really, in terms of goals, we need to get back to the fundamental level of what we really want to do with this property, and I see substantial risk, and I'm not willing to support this, taking this step forward at this time."

Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "Well, bear with me, because I've got few bullet points I want to talk about. The first one is after we had the public hearings, I met with both groups personally, individually with one group, but Commissioner Peterjohn joined me with the second group as I asked the questions that I thought were pertinent after I did my homework, listened to a lot of people. I think both groups would say I asked a lot of deep, probing questions they may not have even expected were going to be asked. I took a lot of them from years and years of business sense that I bring to the table, having run big retail operations with a lot of payroll, and a lot of consumer thoughts involved. And I still have a lot of questions. As I have analyzed data and answers that I've received via e-mail and other ways, I am still not sure all my questions have been answered to the idea that I'm ready to move forward on either proposal. I think we have to understand, and know all of us do, or at least have worried about it, the long term residual effects of this decision on our community.

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“I understand Commissioner Parks’ passion about serving his district, and preserving something that many citizens have grown to love and use over the years. There are going to be unintended consequences that will bear after all this decision is made. Truth is there’s elements in both proposals I like. It is no mystery, and I’ve said it before, that several years ago as we were contemplating the arena, I talked about this being an equestrian center. Not just for rodeos, but for fine horse shows, walking horse shows, where we can make it not only a regional, but maybe even a national attraction because of the location. So there are elements of just the pure horse, equine, animal part of it that I really like. But I also look to the other side, and would like to see some kind of retail and development up there that will stimulate a retail shopping area, so both of those intrigue me, but I’m not ready to sign off on either one of them until I crunch much a few more numbers. I think we still have the difficulty that we haven’t cleaned up the property boundaries.

“We still have Wiedemann Park, and some land that has a spotted skunk on it that we have to preserve, that we have not swapped out, we haven’t taken care of, we need to make all of those judgments and get that taken care of before we start promoting this whole piece of property. The other part of it is that maybe we’ll determine at some point we want to put it to a market value and sell the property. Put it out there, list it, find a good appraisal on it that of what the market value would be if it’s offered along an interstate as a retail development property or an industrial property, and not take either one of these bids and let it be open to others that may have other ideas besides using the Britt Brown arena.”

“I am also concerned once we privatize this, particularly the pavilions, that the pavilions that the people have grown to love, that we subsidize are going to change. Because I tell you, when you put it in private hands, and they are not going to subsidize it, the fees will go up, the concessions will go up, the parking will go up, in fact, some of that is even built in to some of these proposals if you read deep, and then it doesn’t become the public use facilities that people have grown to love for flea markets, and gun shows, and horse and dog events, because now they are more expensive, they are going to be a private industry, as opposed to a publicly subsidized industry. I think about our zoo every day, and people say, well, ‘We hate subsidies, no subsidies.’ We put \$5.5 million in there. You know what? That’s what keeps it at public use where you have reasonable tickets to take your children and grandchildren. If we privatize the zoo, it becomes a SeaWorld and you’re paying \$39.99 every time you want to walk in, and extra for all the food and everything. So there is a reason we’ve subsidized the pavilions. People want them, and I’m afraid there is an unintended consequence if that moves over to either one of these. I think were obligated to find the highest and best use, and I don’t know if either one of these, I’m ready to say, is the highest and best use. The confusion came with me, as I talked to Commissioner Peterjohn, and he brings forth the idea that were looking for x number of acres for industrial property. He’s articulated that just now, so I want to rethink that. We are certainly getting pressure from other groups to find some, cobble together

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some piece of land somewhere, that has rail, that has interstate access that's large enough to attract some big industrial component, and we own the land, and it is right off the interstate, and maybe it fits that. Along the way I also liked the RV component of one of the proposals. I, for many years, have had people say to me, 'You are right between I-40 and I-70, you're along I-35, and there are a lot of people that travel looking for a huge area to use as an RV component; a place to have their vehicles serviced and to park, and to transition between I-40 and I-70, and that may be something that I look at very judiciously.

"In fact, I think I asked the question, could that be a standalone sale as we move forward and not have anything to do with either one of the proposals, because I like that idea. I'm concerned with the funding mechanisms, as is I think Commissioner Peterjohn and Commissioner Unruh, as we talked about STAR bonds and CIDs and TIFs, which I don't even think a TIF can apply to this piece of property, because counties aren't authorized to do that. I'm a little concerned, you know, we sweat blood over what was going to happen downtown and finally came to an agreement of a 70 percent kind of mix. I am not sure how that works out with STAR bonds, and what the county's risk becomes on that. All those questions, for me, need to be answered for me before I'm ready to move forward with either proposal, and so I'm not going to be probably supportive of moving forward today with the recommendation. Not to say that at some point that it might not fit what I think needs to be done, but I still have a lot of unanswered questions that I'm analyzing, and I am not ready to take either one of them off the table until I've got my questions answered. That's all I have right now, Mr. Chairman."

Chairman Parks said, "And a lot of those things you just talked about, we talked about in the committee, and I think those things that will go forward and be talked with, with NORAM had this been approved. Commissioner Welshimer."

Commissioner Welshimer said, "Well, from what I'm hearing from your decisions to put it off, or vote against it, or whatever, I think we have some kind of a misunderstanding. I think what the committee is offering us is no proposal to accept. None. So we've just eliminated the proposals. What we've done is we've chosen NORAM to negotiate with to see what else we can come up with, because NORAM has said that they can develop whatever it is we want. They have also stated, I believe they stated they could buy it, they could lease it, they could develop it as we want them to. They could create an industrial park if that's what we wanted them to do. So a 'no' vote would let the coliseum site sit with no decisions made, and we will be at an impasse for the next year or so. You know, it's costing us money. Next year's budget will probably have to put more in to keep the pavilions."

"All the committee decision was, was to renegotiate with NORAM, and from there, the object was to try to eliminate the risk to the county, which seemed to be a concern, Mr. Unruh. And so really, you know, we're obligated to do nothing. All it does is says we're going to look forward to what is

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it we can work out with them, which may not be anything. We don't know that. So I think we'll all play a role in what happens with it. We're opening the role for, it doesn't have to be my idea particularly, it doesn't have to be the Chairman's idea particularly, but you'll have that input. And we're just sort of backing up to the beginning, and opening the door. Nothing to say that if we do decide, all of us, that it is dirt events, horse shows and that sort of thing that happen up there, there is nothing to say that everyone involved in that can't be included. So, I mean, what we're looking at is, over the next months, weeks, whatever it takes, is to see, number one, what NORAM thinks they can do based on what it is we want. So the input of your ideas of what needs to be there, and we need that input to discuss; we can't do it if we don't accept this recommendation to enter into negotiations."

Ms. Stevens said, "That is correct, Commissioner. At this point we are not bringing you a plan, we are not bringing you terms of a contract. It is simply authorization to begin negotiations with NORAM to see if we can achieve a development agreement that would be acceptable to the county. We've minimized the county's risk, and retained the operations of the pavilions."

Commissioner Welshimer said, "And we're fortunate to have NORAM, because they are financially able to buy it, lease it, develop it, whatever it is we want them to do. In this economy, that's a difficult thing to find. So I think what we would be doing is eliminating our chance for getting the highest and best use, according to what it is we all want from that coliseum site, if we turn down this recommendation."

Chairman Parks said, "If we decide to do nothing today, that's going to put us in a real bind with some things, and there's probably not going to be a Junior High Rodeo there in 2012/13. The fine horse show events you talked about, Commissioner Norton, they have already said that they're going downtown. Be prepared to take your dog show to the new arena downtown. Be prepared to do that in 2011, or you can go to Hutchinson or whatever, I guess. I hate to see that, because it's the County Commission from 2004 to 2006 that kept quoting the terms, and I have those on some tapes, 'Bulldoze, bulldoze, bulldoze Britt Brown.' I'm going to tell you north end people, I tried. I'll give it to Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, I'm willing to throw out the idea of tabling this, or sending it back to the committee, because I really think that we are looking at a situation where, if the community challenge that we face is jobs, and I believe the challenge we face is jobs; it is the economy, and if people don't realize it now, believe me, I think within six months or a year, it is going to be more of a realization. I appreciate very much the work that's gone into the RFPs on both ends. I am not sure how some of the events, I think the Chairman is right, that we may have some events that were dependent upon us taking some fairly quick action, but I think that would be if we were negotiating with Heritage as opposed to NORAM. But, be that as it may, I would like to make sure that going forward, whether the site is used for, or can be used for other purposes gets fully explored, because we need to maximize its value for our community."

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“I think we can preserve the pavilions for the existing events out there. I think the idea they’re suddenly going to be closing as of January 1, 2011 is not reasonable. I don’t think we’ve taken a real look at trying to operate those, and operate those in a way that could not only reduce what we’re subsidize them, but put them in an operational break-even point of view. I think there’s more opportunities out there that have not been fully explored. But, as opposed to having this issue go down at this point as an agenda item, I was interested in exploring the possibility of delaying taking action today, if that’s a possibility, as opposed to proceeding with an up or down vote at this time, Mr. Chairman.”

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “You mentioned, Mr. Peterjohn, that you wanted to fully explore the situation. How are we going to do that? How would you want to explore it, other than through what’s been recommended by the committee?”

Commissioner Peterjohn said, “Well, I don’t think the committee was looking at anything other than looking at the specific RFPs, and...”

Commissioner Welshimer said, “No, no, that’s not true. The RFPs...”

Commissioner Peterjohn said, “Well did you...”

Chairman Parks said, “Let me dialogue here...”

Commissioner Peterjohn said, “...did the committee consider any other use, other than the proposals from NORAM and Heritage when they discussed, when they met?”

Commissioner Welshimer said, “The committee, the RFP was open to any ideas that anyone had. We pretty much put the idea out there that we, do something that will save the pavilion. Some of us wanted to save Britt Brown. I wanted to develop that frontage so that we had income coming in that I could use for tax rollbacks, so it got into what these proposals eventually were. Everyone who made the proposal tried to meet what they thought we wanted when we didn’t know for sure what we wanted, and so, but what we have discovered is that we need a professional developer who can work with us, and figure out what it is we want, and what we want to do. We are back to square one; we don’t have any proposal that we’re approving today.”

Chairman Parks said, “I would ask the manager to refresh us on who was on the committee, and tell you that if you have trust in Mr. Chronis as your Chief Financial Officer, he was excited about

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taking a negotiation to NORAM. I just want to ask Mr. Buchanan to read off the people on that committee.”

Mr. Buchanan said, “The members of the committee consisted of Chairman Parks and Commissioner Welshimer; Assistant Manager Charlene Stevens; Assistant Manager Ron Holt; Chief Financial Officer Chris Chronis; the County Counselor, Rich Euson; Purchasing Director Iris Baker; the three management interns; and myself.”

Chairman Parks said, “These are all professionals we have on staff also. Commissioner Unruh.”

Commissioner Unruh said, “First, I would like to say if I am ever in a negotiation, I want Mr. Chronis, and Ms. Baker, and those folks like that on my side of the table, I guarantee that. I’ve seen them work. They are as good as there is. That’s not the issue with me. If we decide to go that way, if that’s the will of the Board, I know we’ll have the best people at the table there. That’s not a problem. I still get back to the point of what my goal is, and I may be at with variance with my fellow Commissioners, but I would like to see a plan where we relocate Weidemann Park, and relocate the wildlife habitat, and continue running the pavilions as they are, and have the rest of that development open and ready for industrial development.”

Commissioner Unruh continued, “We have heard, repeatedly, that a development ready site is a high priority for industrial development. I think that would produce the highest and best use for that piece of ground in Sedgwick County. I would not be adverse, though, if somebody came up and wanted to offer us what is a fair appraised price for the property and wanted to develop it. I would, you know, that is a different question, and I would certainly look at that favorably, if that’s the way we go, but this is a partnership that requires a public/private partnership, and I am nervous about that. I am jealous about protecting any competition against the Intrust Bank Arena, and so I’m just reluctant to go forward until some of those things are more settled in my mind.

“As far as development along I-35, I-135, there is a lot of ground right across the highway that folks could buy and develop. The development potential for retail commercial exists along there, so that stays with us, is the only point I’m making, and I would rather defer this until we have a clear idea what our more focused goal is. That’s all I have, Mr. Chair.”

Chairman Parks said, “I’m going to, probably, may regret this, but I am not going to, I’m going to try to be politically as correct as I can here, Commissioner Unruh.”

Commissioner Unruh said, “Okay.”

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Chairman Parks said, “You said that you want to sell this, but then you turn around and say that you want to limit the use of it. Now, to me, that’s contradictory, but...”

Commissioner Unruh said, “Well, if I may respond I’m...”

Chairman Parks said, “Sure, dialogue.”

Commissioner Unruh said, “If somebody comes with cash money and offers me a fair price then it’s up to them. That’s a different deal, and it’s going to be on the tax rolls. If I’m a partner in it, I’ll need to have, I’m going to be very cautious about the speculative nature of partnerships that I’m in.”

Chairman Parks said, “And if they say we are going to offer you x amount of dollars for Britt Brown, and you say that you’re not going to have any events in it, put a deed restriction in it, or other restrictions on that sale, because of the downtown arena, you will vote that down.”

Commissioner Unruh said, “I would, if that was the scenario, I would check with our County Counselor and see if we couldn’t make some sort of covenant that restricts use that would compete with the Intrust Bank Arena.”

Chairman Parks said, “Yeah. That’s what I thought.”

Commissioner Unruh said, “However you do that, I’m sure that’s possible.”

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “Well, our RFP allowed for the development or the sale of the land, and so this recommendation can not only bring ideas for development, but it can bring an offer to purchase, and without approving this recommendation that the committee has made, we are saying we are not selling it. So I think you said that you would be willing to sell it, and that would be something you would vote for, but that is something we might work out. NORAM has stated in their testimony they could buy it. They have the financial ability to buy it. So how are we going to know? The stage is set, we don’t have to go out and put out another RFP to buy it, because it was in the original RFP, and we sent it out to how many people?”

Ms. Stevens said, “It went out to approximately 40 potential vendors.”

Commissioner Welshimer said, “Forty vendors, and we had one group interested, and they have said that they could purchase it. So let’s find out. We can’t find out if we don’t approve this resolution.”

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Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I am going to make an amendment that we take the proposed recommended action and refer it back to the committee, and have them look at the possibility of using this for either industrial purposes while preserving the pavilions for their existing, current function, and also explore an outright sale as opposed to any public/private partnership model, and I would like to try and keep this Board working together in terms of consensus. I liked the comment of Commissioner Norton, in terms of the possibility that the existing Weidemann Park area has potential on the RV said side, that might be part of the use, although I don't see any reason why somebody couldn't put it anywhere else along I-135, where there is commercial and appropriate zoning. But since we have our GWEDC, and we're funding that to the tune of \$300,000 a year, and the City of Wichita is also funding it with public tax funds, and they've recently come out and said that's a deficiency we have in this area, and we have 208 acres out there. I would I like to have all our options fully explored if we want to keep this as an existing public property, and what are the public uses there might be for it, as well as exploring the possibility of an outright sale not part of the pavilions. I don't know if that's a..."

Chairman Parks said, "No. We have a motion, and we have a second, and we can't..."

Commissioner Peterjohn said, "I can't amend it?"

Commissioner Welshimer said, "I'm not going to withdraw my motion."

Commissioner Peterjohn said, "I'm not asking you to withdraw it..."

Chairman Parks said, "I'm not going to withdraw my motion, well..."

Commissioner Peterjohn said, "I'm just asking to amend it."

Chairman Parks said, "...we can't do anything until we act on it. I'm about ready to call for a vote, so, Commissioner Welshimer."

Commissioner Welshimer said, "How many jobs has GWEDC brought to us this year, Commissioner? I think it was two hundred and something, wasn't it?"

Commissioner Peterjohn said, "There's, in terms of, it gets into the saved or expanded. I think of the NexTech example of, you can say that they saved 150, or added 85."

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Commissioner Welshimer said, “Does the GWEDC have a developer, or someone interested in the coliseum land?”

Commissioner Peterjohn said, “Well, I don’t think there’s been any discussion about the potential there, but, as opposed to looking at other land for an industrial park, we came very close, this Commission did, to considering an Agenda item earlier this year, so my discussion is we’ve already got a lot of money invested up there right now, and the deficiency we have is supposedly the shovel ready site of greater than 100 acres.”

Commissioner Welshimer said, “But we have a potential here for a buyer, or however else we want to work things out with them, and the potential for jobs up there. That potential is there, we have someone. On the industrial side, we don’t have anybody, so why not talk with them about what they can do? All we’re asking is talk with them.”

Commissioner Peterjohn said, “Well, I think for the public end, for a lot of the public, I think there’s more interest, and there will be more interest, and there will be more comments, perhaps even testimony before this Commission, with people who have ideas of where we ought to go and what we ought to do, but I think the reason I don’t feel comfortable is I’m not willing to go with a single company to negotiate with when we have the STAR bonds and CIDs (Community Improvement Districts) and the rest of the alphabet soup, of public/private partnerships on the table. That is not something that this Commissioner, anyway, is comfortable with.”

Commissioner Welshimer said, “Well those are off the table at the moment. Under this recommendation, there’s nothing on the table. I really hate to lose the only developer that has an interest in that land.”

Chairman Parks said, “Commissioner Norton.”

Commissioner Norton said, “Well, I’ve stated most of the reasons why I’m probably not going to be supportive today. I guess my final statement is just an analogy. I’ve always been taught ‘measure twice, cut once,’ and you know, we cut today, it’s down the road a little further than we want it to be right now, at least in my mind, so I’m wanting to measure a little more before I put my cut in.”

Chairman Parks said, “Well, I don’t think we’re cutting today, but I think we’re voting today. I’m going to call the vote.”

Ms. Lovelace said, “Mr. Chairman, the current motion on the floor is the substitute motion offered by Commissioner Peterjohn.”

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Commissioner Peterjohn said, “No, it didn’t get seconded.”

Chairman Parks said, “No, it didn’t get seconded, so that’s back to the original. It goes back to Commissioner Welshimer’s motion.”

VOTE

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

M. PUBLIC WORKS

- 1. RESOLUTION RECLASSIFYING CERTAIN ROADS FROM THE GYPSUM AND VALLEY CENTER TOWNSHIP ROAD SYSTEMS TO THE SEDGWICK COUNTY HIGHWAY SYSTEM. SPECIFICALLY, 143RD STREET EAST BETWEEN 55TH STREET SOUTH AND 63RD STREET SOUTH (839-W); AND , 85TH STREET NORTH BETWEEN RIDGE ROAD AND TYLER ROAD (598-21).**

Chairman Parks said, “Let’s give about 15 seconds here to clear the room. I don’t want anybody interrupting our meeting. It’s already interrupted with so much stuff.”

Commissioner Welshimer said, “I assume you’re going to find a buyer. It’s up to you now.”

Commissioner Unruh said, “I’m willing [inaudible].”

Commissioner Welshimer said, “Well, you just go right ahead.”

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Chairman Parks said, “You better put the, let’s not have secondary discussion here. Mr. Spears, go ahead with your project here. I’m ready to vote on this because it clues includes my district.”

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, “That’s right. Item M1 is it a resolution reclassifying 143rd Street East between 55th Street South and 63rd Street South from the Gypsum Township Road System to the Sedgwick County Highway System, and 55th Street North between Ridge Road and Tyler Road from the Valley Center Township Road System to the Sedgwick County Highway System. The reason for the change is that we will construct cold mix asphalt on these roads next year and we have to prepare the sub base now. From that point forward we are better equipped to maintain a paved road than the township. I recommend you adopt the resolution.”

MOTION

Chairman Parks moved to adopt the Resolution.

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

2. APPROVAL OF THE “AUTHORITY TO AWARD CONTRACT COMMITMENT OF COUNTY FUNDS” WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY PROJECT 831- S, T, U, V, ½ W; ROCK ROAD FROM OAK KNOLL TO ½ MILE NORTH OF 63RD STREET SOUTH. CIP# R-322. DISTRICT 5.

Mr. Spears said, “We request your approval of the authority to award contract and commitment of county funds, Form 1309, for the Kansas Department of Transportation (KDOT). This will authorize KDOT to move forward with the road improvement project on Rock Road between Oak

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Knoll to one half mile north of 63rd Street South, which is the Derby city limits. This project is designated as R322 in the capital improvement program. Since this is an ARRA (American Reinvestment and Recovery Act) project, we will receive 100 percent reimbursement for participating costs. The low bidder was Schilling Construction out of Manhattan, Kansas at \$1,305,476. Sedgwick County's matching local share is \$81,100, which will be paid out of local sales tax. I recommend that you approve the Form 1309, and authorize the Chairman to sign."

Chairman Parks said, "What is the will of the Board?"

MOTION

Commissioner Peterjohn moved to approve and authorize the Chairman to sign.

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

N. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON NOVEMBER 12, 2009.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, "The meeting of November 12th results in ten items for consideration today. Item 1;

**1. REMOVE AND INSTALL SNOW PLOW FRAMES AND BUILD CHIPPER BARS – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

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“Recommendation is to accept the bid from Truck Parts and Equipment, and establish contract pricing for one year. Item 2;

2. CHANGE ORDER # 2 AMBULANCES – FLEET MANAGEMENT FUNDING – VEHICLE AQUISITION

“Recommendation is to accept the change order with Conrad Fire Equipment, Inc. for a cost of \$17,748. Item 3;

3. FUME HOODS FOR FORENSIC SCIENCE CENTER – FACILITIES DEPARTMENT FUNDING –FACILITIES DEPARTMENT

“Recommendation is to accept the low responsive bid from Hicks Ashby in the amount or \$27,351. Item 4;

4. DESKTOP COMPUTERS – DISTRICT COURT FUNDING – COURT TRUSTEE IV-D

“Recommendation is to accept the quote from Dell in the amount of \$32,854.36. Item 5;

5. HOLMATRO RESCUE TOOLS – FIRE DISTRICT #1 FUNDING – FIRE DISTRICT # 1

“Recommendation is to accept low bid meeting specifications from Fireguard in the amount of \$28,669.45. Item 6;

6. RISKMASTER UPGRADE AND SUPPORT – RISK MANAGEMENT FUNDING – RISK MANAGEMENT

“Recommendation is to accept the quote from Computer Sciences Corporation in the amount of \$60,516.67. Item 7;

7. DESKTOP AND LAPTOP COMPUTERS – DIVISION OF FINANCE FUNDING – FINANCE

“Recommendation is to accept the quote from Dell in the amount of \$80,189.13. Item 8;

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**8. PRE-CAST RCB W/END SECTIONS – PUBLIC WORKS
FUNDING – R264 IMPROVE DRAINAGE RIGH OF WAY 2009**

“Recommendation is to accept the low bid from Wichita Concrete and Pipe in the amount of \$64,071.07. Item 9;

**9. TIMBER CAPS – PUBLIC WORKS
FUNDING – R264 IMPROVE DRAINAGE RIGHT OF WAY 2009**

“Recommendation is to accept the low bid meeting specifications from Bayou Forest Products in the amount of \$11,664. Item 10;

**10. TOOLS AND EQUIPMENT AND SUPPLIES FOR INTRUST BANK ARENA
FUNDING – ARENA SALES TAX**

“Recommendation is to accept the proposal from Grainger Industrial Supply for an initial purchase of \$12,929.23 and establish contract pricing for one year with two additional one year options to renew. I’d be happy to answer any questions and I recommend approval of these items.”

MOTION

Chairman Parks moved to approve the recommendations of the Board of Bids and Contracts with the exception of number 10.

Commissioner Peterjohn seconded the motion.

Chairman Parks said, “Seeing no further discussion on all the rest of those items, I’m going to give a little bit of time if you have discussion on any of the rest of the items with the exception of number 10. Seeing none of those, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye

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Chairman Parks

Aye

Chairman Parks said, "On number 10, Mr. Manager, are there reasons that SMG hasn't supplied some of these things in their agreement?"

Mr. Buchanan said, "Say it again."

Chairman Parks said, "SMG, is there any reason that SMG has not provided some of these things? I guess just, I have a problem with some of these things that were on here just in general."

Mr. Buchanan said, "The agreement is that we're going to provide a building, fully equipped, for them to manage, and these are the kinds of piece of equipment and tools that they would expect to be in place for any management company to run that building."

Chairman Parks said, "Okay, so that term fully equipped does appear in that contract somewhere then?"

Mr. Buchanan said, "I am not so sure those exact words are."

Chairman Parks said, "Okay."

Mr. Buchanan said, "But certainly the intent of the contract was to make sure the building had all the equipment necessary."

Chairman Parks said, "Okay. Well, I certainly voted against that original contract, and I will probably vote against this one. Commissioner Peterjohn."

Commissioner Peterjohn said, "I was going to ask, since these items look like durable good sort of items, how we're going to keep track of them, since they are going to be county property."

Mr. Buchanan said, "We have an inventory system, and they will fall into the same inventory system as the tools and equipment in our office and your office fall. So I'm sure once these items need to be replaced, SMG will then be required to, under their operating agreement, to replace any broken or items that need to be replaced."

Commissioner Peterjohn said, "I mean, it's just an awful lot of relatively small tools here that can easily disappear."

Mr. Buchanan said, "Yes, sir."

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Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "I think County Manager Buchanan just said it. We load it up and stock it and supply them the start up; replacement and any other using up of any of it will be an operating expense they'll take care of going forward."

Mr. Buchanan said, "Including repairs to the building, up to a certain dollar amount, yes."

Commissioner Norton said, "Right. Well, I mean, there's things in here that are durable goods, but there's also consumable goods. I notice there's like, a supply of duct tape that would be the starting amount in a tool kit, staples for the staple guns, some other things like that. That's just to make sure that they've got startup maintenance supplies, and going forward, that is part of operating, is that correct?"

Mr. Buchanan said, "Yes, sir."

Commissioner Norton said, "Okay. Do we have a motion?"

MOTION

Commissioner Norton moved to accept item number 10 of the Board of Bids and Contracts

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	No
Commissioner Welshimer	Aye
Chairman Parks	No

CONSENT AGENDA

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O. CONSENT AGENDA.

- 1. Waiver of policy to hire an Energy Coordinator at \$60,000.00.**
- 2. Amend the 2009 Capital Improvement Program (CIP) to increase the Right of Way and Utility Relocation Phase of R267, Reconditioning of 199th St. West from US54 to 21st Street North.**
- 3. Affiliation Agreement with Home Healthcare Connection.**
- 4. Agreement with Employee to provide clinical supervision to achieve licensure as a Licensed Specialist Clinical Social Worker (LSCSW).**
- 5. Amendment to agreement with City of Wichita to provide outpatient drug treatment for Drug Court clients.**
- 6. Agreement for EMS to participate in the CARES Registry.**
- 7. One (1) Grant of Easement for Sedgwick County Project 831-S; Rock Road Storm Sewer improvement at McConnell. CIP# R-309.**
- 8. Housing Department Section 8 Rental Assistance.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V09033	\$182	4	Valley Lodge Apts.
V09037	\$341	5	Olden, Tom
V09036	\$315	BU	Savannah Park Apts.
V09039	\$475	5	Ky, Victoria
V09040	\$243	4	Diefenbach, Dwight M.
V09041	\$219	BU	Grisham, James
V09042	\$332	HV	Southpark Apartments
V09043	\$560	4	Brookfield Apartments
V09044	\$314	5	Hearth Hollow Apts.
V09045	\$455	2	Tafoya, Robert
V09046	\$560	4	Brookfield Apartments
V09048	\$449	5	Tafoya, Robert
V09049	\$373	5	Favreau, William
V09051	\$371	4	Valley Lodge Apts.

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The following Section 8 contracts are up for annual recertification:

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V04073	\$317	\$312
V20118	\$261	\$137
V08079	\$323	\$245
V05086	\$197	\$190
V99066	\$526	\$515
V04075	\$222	\$219
V08076	\$421	\$367
V06065	\$271	\$255
V05085	\$235	\$217
V07092	\$675	\$546
V099076	\$303	\$403
V08066	\$245	\$238
V010156	\$246	\$243
V05076	\$392	\$302
V20122	\$178	\$164
V08074	\$130	\$ 35
<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V03096	\$298	\$290
V08082	\$176	\$257
V05059	\$129	\$129
V05059	\$129	\$ 50
V94101	\$210	\$199
V08077	\$457	\$141
V08073	\$850	\$835
V05096	\$226	\$255
V08058	\$222	\$ 86
V08026	\$148	\$280
V2009	\$254	\$312
V07048	\$570	\$545
V04062	\$223	\$108
V05036	\$335	\$244
V04097	\$600	\$600
V020052	\$528	\$434
V08010	\$609	\$328

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V09019	\$377	\$381
V08069	\$216	\$273
V08005	\$329	\$320
V08017	\$439	\$473
V05051	\$373	\$640
V08045	\$433	\$372

9. Order to correct tax roll for change of assessment on October 28, 2009.

10. General Bill Check Register of October 28, 2009 – November 3, 2009.

11. General Bill Check Register of November 4, 2009 – November 10, 2009.

12. Payroll Check Register for the week of October 24, 2009.

Mr. Buchanan said, “Commissioners, you have the Consent Agenda before you, and I would recommend you approve it.”

Commissioner Welshimer said, “So moved.”

Commissioner Unruh said, “Second.”

Chairman Parks said, “We have a motion and a second. Is there anything we need to discuss off the Consent Agenda? Commissioner Norton.

Commissioner Norton said, “Mr. Chairman, on item number three, it says an Affiliation Agreement with Home Healthcare Connection. I’ve served on their Advisory Committee for several years. I don’t know what the will of the Board is, we could take that off and do it separately, so I could abstain. I don’t know that I have any financial or fiduciary responsibilities, it is more of an advisory board on how they provide service to their customers, but I will be glad to, whatever the counsel thinks I should do.”

Chairman Parks said, “Well, I think ethically, I think you’ve already met that criteria because you publicly announced it, but I am going to refer to legal for any legal opinion on that.”

Mr. Euson said, “Commissioner, I don’t know enough about the group to give you an opinion. If they qualify as a 501 (c) Corporation under the conflict of interest laws, then you are probably okay, but it’s probably best to go ahead and separate that out and go ahead and abstain.”

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Commissioner Norton said, “Yeah. I think I’m pretty sure they are for profit, although they have some components that deal with kind of nonprofit agencies, but I think they supply home healthcare services to aged and disabled folks, and we have a lot of these affiliate agreements. I just happen to, because well, they have been a south side business for quite a few years, I’ve served on their advisory board.

Mr. Euson said, “I think it would be best to abstain.”

Commissioner Norton said, “It is not a fiduciary board, but it is an advisory committee. So if we could amend that to pull out number three.”

MOTION

Commissioner Peterjohn moved to approve the Consent Agenda, except for item number three.

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

MOTION

Commissioner Peterjohn moved to approve item number three of the Consent Agenda.

Commissioner Unruh seconded the motion.

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

VOTE

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

P. OTHER

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Sunday night I attended the 4-H awards at the Sedgwick County Extension Office at 21st and Ridge. We had over 500 people there, and all the different 4-H clubs in the county were there for their pins and their accomplishments and so on. It was a marvelous event. I know there were some awards made to the Derby and Mulvane 4-H clubs as well, and my own 4-H club from when I was in elementary and junior high school was Delano, and they took quite a few awards. I want to send them congratulations and it was handled very well, and the kids were very professional, and I think they were very pleased with their accomplishments. And then one other thing, we have two birthdays in our office today. Commissioner Unruh's another year older, Happy Birthday. And Carol Cole, our receptionist/office person has a birthday today, too."

Chairman Parks said, "Well, happy birthday to those two. And Commissioner Norton."

Commissioner Norton said, "Four of us went to Overland Park to participate in the Kansas Association of Counties (KAC) annual meeting, and we participated in several workshops and several other legislative sessions. I thought it was pretty interesting. All four of us participated in a workshop that had to do with criminal justice, and what Overland Park is doing to work on that. They have an advisory council that they've had for just about a year, so we're a few years ahead of them on that. But they are struggling with many of the same issues we are as far as jail overcrowding and services needed to be provided, and how do you get all the players together and not make it look like goldfish in a bowl. So I thought that was an interesting session, and I don't know that it solved anything, but it did, for me, I heard some things that reinforced what we're doing, and maybe stimulated me to think differently about how we've approached some things, so I thought that was a good session. And we had some other workshops that we split up and attended. I thought the legislative session was pretty good this year. There was some new legislation advanced. Some of it we took and analyzed and accepted, and some that looked like it was going to have some unintended consequences that hadn't been thought through, and we didn't keep it on the legislative platform for the counties. So I was pretty pleased that we had four people participating. The whole idea of budget restraints and where we're going in the next couple years with state mandates and funding strings drying up was a big topic among County Commissioners, and I think we participated in those conversations pretty well to try to analyze that, and understand what our

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responsibilities will be in the next three or four years as far as that issue is concerned. That's all I have Mr. Chair."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, I'm going to amplify a little bit Commissioner Norton's remarks, because this was my first Kansas Association of Counties meeting as a Commissioner, and the panels I heard, not only the Johnson County panel that Commissioner Norton referred to I think was very helpful and useful, in terms of the similar challenges they are facing, and the fact that they are receiving \$35 a day from the municipalities in Johnson County for folks who are charged with municipal offenses, that's a significant portion, I believe the figure they used was 20 percent of the folks in the Johnson County Jail, and so that generates a significant revenue stream in their county, or was a significant piece of information for this new Commissioner, and also the fact that property taxes are a major, major issue. The poll data, and it's sad that it hasn't been reported more broadly, property taxes are a big problem, and if we get to January 1 and we don't have an additional growth in the tax base, the challenges we are going to be facing are going to be very significant, and there were two panels, I only got to hear portions of one because the second panel that I attended on Monday was concerning the state's financial problems and difficulties. The state will soon be coming out with about a quarter of a billion dollars in what the governor is going to recommend in terms of financial rescissions, and I think that may have a significant impact on us in the short run."

"It is going to have a significant impacts for the citizens in Kansas in the longer run, and with the new revenue estimates in place, we are looking at a continuing challenging environment from the state level, and I think that's going to impact us here at the county level, and this is my notice to staff, the old boy scout motto, be prepared."

Chairman Parks said, "I will refrain from a lot of the other things that I was going to put under this from my comments today, but I do want to say from the KAC meeting, for the record, I would like to thank Commissioner Norton for serving on the legislative and other committees, he did a fine job for us up there, and wanted to commend him for that. With the CJCC (Criminal Justice Coordinating Council) meeting, like I said, we seemed to gravitate towards that. Looking around the room after I was seated, the others joined me, so it was something that's a big expense, and it is on our plate, too. I would like to say they have a .3 cent sales tax in Johnson County for public safety, as well as charging municipalities for municipal only. So not quite as much as we do, but they do have that .3 percent sales tax, so I thought I would bring that up, just for the record. We do have a Fire Agenda meeting, so if there's nothing else to be brought before this particular meeting..."

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Mr. Euson said, “Executive session, or even recess to Fire District and then come back...”

The Board of Sedgwick County Commissioners recessed into the meeting of Fire District Number One at 12:33 and returned at 12:35.

MOTION

Commissioner Welshimer moved that the Board of County Commissioners recess into executive session for 15 minutes to consider consultation with legal counsel in 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 12:52.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

The Board of Sedgwick County Commissioners recessed into executive session at 12:35 and returned at 12:55

Chairman Parks said, “Mr. Euson, I’d ask that you give a report on executive session.”

Mr. Euson said, “Thank you, Mr. Chairman. While in executive session, among other things, we talked about a case involving current litigation, involving a plaintiff by the name of Edward Joe Mills, Jr., and in that case it is our recommendation that we settle for the cash amount of \$85,000,

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dismissal of the law suit, and that we provide therapeutic services through COMCARE, and a physiological exam, and so that's our recommendation in that case."

MOTION

Commissioner Norton moved to accept the recommendation.

Chairman Parks 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

Q. ADJOURNMENT

There being no other business to come before the Board, the meeting was adjourned at 12:56 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

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KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

December 22, 2009