

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 8, 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, April 8, 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 Karl Peterjohn; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Jim Weber, Deputy Director, Public Works; Ms. Kristi Zukovich, Director, Communications; Ms. Iris Baker, Director, Purchasing Department; Mr. John Schlegel, Planning Director, Metropolitan Area Planning Department; Mr. Scott Knebel, Principal Planner, Advanced Plans Division, Metropolitan Area Planning Department; Mr. Sherdeill Breathett, Economic Development; Ms. Sonja Armbruster, Community Health Assessment Coordinator, Health Department; Ms. Annette Graham, Director, Department on Aging; Mr. Pete Giroux, Principal Budget Analyst, Budget Department; Ms. Katie Asbury, Deputy County Clerk; and, Ms. Angela Lovelace, Deputy County Clerk.

GUESTS

Mr. Max Hutson, Wichita State University student
Ms. Rachel Strickland, Friends University student
Ms. Ashley Myers, Newman University student
Ms. McKenzie Strother, North High School student
Mr. Dave Trabert, President, Flint Hills Center for Public Policy
Mr. Larry Mong, 943 S. Topeka
Ms. Vicki Churchman, 1357 S. Broadway
Mr. Dale Churchman, 1357 S. Broadway
Ms. Donna Wright, Vice President, Mid-American Minority Business Development Council

INVOCATION

Led by Pastor Kurtis Haynes, Westview Baptist Church, Wichita

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Norton was absent.
Chairman Parks said, "Next item."

Regular Meeting, April 8th, 2009

PROCLAMATIONS

A. PROCLAMATION DECLARING APRIL 6, 2009 NATIONAL STUDENT ATHLETE DAY.

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

PROCLAMATION

WHEREAS, National Student Athlete Day honors student athletes and the network of parents, coaches and school systems that make it possible for young people to strike a balance between academic and athletic achievement and who use sports as a vehicle for positive social change; and

WHEREAS, student athletes continually inspire and move us with their incredible strength and courage to overcome obstacles to use sport as a means to deliver positive social messages and to truly make a difference in the world by just being themselves; and

WHEREAS, the National Consortium for Academics in Sports is proud to present the special day with the NCAA, the National Federation of State High School Associations and Northeastern University Center for the Study of Sport and Society, and whereas, Wichita State University, Newman University, and Friends University student athletes contribute to the fabric of the community through community service and entertainment; and

WHEREAS, Wichita area high school and middle school student athletes use lessons learned in competitive athletics and apply them in the classroom and in real life situation to excel.

NOW, THEREFORE, BE IT RESOLVED that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim April 6th, 2009, as

‘National Student Athlete Day’

and urges everyone to join Wichita State University and thank student athletes in our community for all they do to enrich our community and inspire us.

“And it is dated April 8th, by the Chairman Kelly Parks.”

Chairman Parks said, “Thank you, Kristi, and I do want to say a personal note to the athletes that are with us today. Thank you for providing positive role models to our students, not only locally as

Regular Meeting, April 8th, 2009

the Proclamation says, but statewide and nationally. There are programs that are certainly out there at Wichita State that have received national attention and we look forward to many more. And if you want to say a few words at this time, please come to the podium.”

Ms. Zukovich said, “Commissioners, we do have a number of these young student athletes, and they have, as I am told, selected a representative from each one of their schools to come up and accept the Proclamation and to give you their name and their school and their sport so if they’d come forward and at the end we’ll have all of the other students and the representatives from the schools that are with them as well.”

Mr. Max Hutson, Wichita State University student, greeted the Commissioners and said, “I am from the Wichita State University baseball team, I am a fifth year senior, and thank you.”

Chairman Parks said, “Did you say baseball?”

Mr. Hutson said, “Yes, sir.”

Chairman Parks said, “Okay, you’re going to go out and beat Oklahoma today, right?”

Mr. Hutson said, “Yes, sir.”

Chairman Parks said, “Okay, stay focused the rest of the day.”

Ms. Rachel Strickland, Friends University student, greeted the Commissioners and said, “I am a senior from Friends University and I participate in volleyball and track.”

Chairman Parks said, “Thank you.”

Ms. Ashley Myers, Newman University student, greeted the Commissioners and said, “I am with Newman University, I am a sophomore, and I play volleyball.”

Ms. McKenzie Strother, North High School student, greeted the Commissioners and said, “I am a sophomore from Wichita North High and I swim. Thanks.”

Ms. Zukovich said, “Commissioners, we would ask that all of the student athletes please rise and also their representatives so that you can see that they are all here with us today.”

Chairman Parks said, “I would like to acknowledge those that I didn’t acknowledge earlier, I didn’t realize that you were represented here today, so thank you from Friends, Newman, and high schools, and the other colleges here. Thank you.”

Regular Meeting, April 8th, 2009

MOTION

Commissioner Welshimer moved to accept the Proclamation.

Commissioner Unruh seconded the motion.

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

VOTE

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

PRESENTATIONS

B. PRESENTATION REGARDING PROPERTY TAX REFORM PROPOSAL KNOWN AS “PROPOSITION K”.

POWERPOINT PRESENTATION

Dave Trabert, President, Flint Hills Center for Public Policy, greeted the Commissioners and said, “Flint Hills Center for Public Policy is an independent Kansas based think-tank that provides research and initiates reform in fiscal policy, education, and health care. Last year we commissioned a study by Dr. Art Hall who runs the Center for Applied Economics at the University of Kansas. We asked Dr. Hall to develop a new property tax system for Kansas by looking at reforms around the country and coming back with basically a best practices. What are some of the things that have proven to be very successful in other states and what are some of the things maybe we should avoid that maybe seemed like good ideas at the beginning, but turned out otherwise over the long haul?”

“That is what I would like to talk to you about today, but first, let me start by thanking you for your interest in property tax reform, and for giving me this opportunity to speak with you about Proposition K. I’d also like to thank Chairman Parks and Commissioner Peterjohn for submitting written testimony to the tax committee hearings earlier this year, both of whom acknowledged that

Regular Meeting, April 8th, 2009

Proposition K is a good starting point to address some of the serious problems with the current property tax system.

“House Bill 2150, which is also known as Proposition K, would replace the appraisal system on real estate. Now that has predictably led some people to believe that Proposition K is simply an indictment of the current method of assigning values. To be certain we, and probably many Kansans, believe that there are some serious problems with the mass appraisal system, but that is really just a symptom of the overall of a much greater problem. A recent survey, if I can get this power point up here for you, a recent survey conducted by Channel 12 here in Wichita earlier this year showed that most Kansans believe that the State should find a new way to figure the property tax. The question was, ‘Do you think that they should?’ And the answer was 77 percent said yes, 16 percent said no, and only seven percent said they weren’t sure.

“The need for property tax reform, as we’ve heard it from taxpayers, and I’ve done probably close to 40 of these types of presentations around the state for a variety of groups and at public forums, the number one thing that we hear from taxpayers is that there is no justification for the high tax increases that they have incurred over the last few years. The second issue is the stealth nature of appraisals verses transparency. Taxpayers would much prefer to have, if their taxes are going to go up, they would rather have it be by some affirmative action taken by elected officials rather than primarily driven by increases in appraised values. The third element that we hear a lot about is inability to pay. Basically a lot of people were telling us the appraisals on their property have gone up much faster than their income has. For example, the adjusted gross income in Sedgwick County has only gone up 32 percent, of course the IRS data is only available through 2006, but from 1997 to 2006 only 32 percent over nine years.

“Existing appraised values on residential property in Sedgwick County is up 66 percent over the last 11 years. There is a tremendous difference there and that’s what a lot of people, especially people of lower incomes and lower home values are telling us they feel like they are being taxed out of their homes. The final element that we hear a lot about is that they have little confidence in the appeals process. Not everyone, some people are very satisfied, they’ve tried it, most people tell us, those who have tried it, say they have little confidence in the overall process.

“Let me give you a few statistics here on the first issue, the increase in property taxes over a period of time. Over the last 11 years taxes on all property, this is state wide; taxes on all property are up 92 percent. Residential taxes are up 130 percent. Now this, in both cases, includes new construction, in just a moment I’ll show you the difference between new and existing, but there really is hard to justify a reason for those types of large increases. It’s not been driven by a much greater demand for services based on population change because population is only up eight percent

Regular Meeting, April 8th, 2009

over the last 11 years in Kansas. It's not been inflation driven; that's only up 31 percent over the last 11 years, and yet we have a 92 percent property tax increase. Now those are state numbers. In Sedgwick County we have a ten percent population increase, the same inflation which is the 'all urban consumers for Midwest cities' but in Sedgwick County total property taxes are up 107 percent. When we talk about taxes, to be clear, it is not just what the County collects and uses, it's for all taxes in the County. It's for cities, schools, townships, anybody collecting property taxes and these numbers are all provided by the Department of Revenue.

"Now, let me give you a few other examples, we just showed you Sedgwick County. Sedgwick County is not alone. Butler County taxes are up 153 percent over the last 11 years with an even smaller population change. Reno County, 69 percent versus a one percent change in population. Harvey County, in Sumner County even, a large tax increase with a declining population. This also gets to what people are saying about how they feel like they are being taxed out of their homes. This is demonstrating an increase in the tax burden. Tax is growing much faster than the taxpaying base.

"There are two moving parts in the rate system. The first moving part is the rate, and the rates have gone up nominally, 12 percent statewide over the last 11 years, 14 percent in Sedgwick County. The appraised values, as you can see, are the driving factor. It's up 70 percent on all property. On existing residential up 69 percent, 42 percent for new constructions so the majority of the increase is on residential, as with commercial and industrial, although there it is pretty evenly split, 58 percent versus 60. Now in Sedgwick County, fairly close to state averages, 66 percent increase for existing on residential, 38 percent on new, 60 and 62 on commercial industrial property. So you can see that the tax increases, when you look at the two moving part, they are overwhelmingly driven by appraised values, and that's why Proposition K is focused on replacing the appraisal system on real estate, because that's the driving factor.

"While we're not saying that it's not driven by an imprecision in the mass appraisal system, it certainly is a major factor. There's a high margin of error. Confidence interval is plus or minus ten percent. We saw it in the poll; in fact a lot of you that run for office know that when you do polling you're looking for margins of error of plus or minus three to five percent. The State allows a confidence interval of a ten percent margin of error plus or minus. Perhaps even more indicative is, over the last three years the Court of Tax Appeals has granted 47 percent, statewide, 47 percent of appeals that have gone after the local appraisers have seen an appeal, and then the local board have

Regular Meeting, April 8th, 2009

denied it, goes to the Court of Tax Appeals and roughly half, which is a pretty high rejection rate on appeals.

“The change in median sale price is something that is often used to talk about market value, but the truth is the change in median sale price is really nothing more than reflective of the mix of houses that have been sold or commercial properties that have been sold. Basically, if you sell, if this year you sell more higher-priced homes than last year, and less lower-priced homes, you will see an increase in the median sale price. That doesn’t mean that the market values went up, it just means that the mix of properties sold changed. Anybody in the real estate business, in fact that’s one of the things they’re saying right now, because the people who are first time home buyers are having a much more difficult time getting financing, they are selling fewer lower priced homes. Therefore the mix of homes that is being sold is changing and it’s driving a change in the median price, but that’s really a mix in the prices of the homes sold. The Appraiser, a couple of weeks ago, when Mr. Borchard did his presentation used the OFHEO (Office of Federal Housing Enterprise Oversight) Wichita Price Index to show that there was slight growth in median sale prices, which is true, I mean the index is absolutely right. Looking at that index though over 11 years, for the Wichita area, it says that the home prices went up 45 percent. Existing residential appraisals in Sedgwick County are up 66 percent. Again, pointing to some of the, perhaps, what people perceive as serious problems with the mass appraisal system.

“Let me start with what Proposition K doesn’t do, because I think this is very important for government. It places no limit on the amount of revenues that governments can raise, nor does it place any limit on the mill rates that governments charge. In no way does it place any limit on government autonomy. What it is, is a simple plan for replacing the appraisal system on real estate, and it applies to all classes of real estate except agriculture which has its own set of rules under the Constitution. It has three basic elements. It starts with a base line value which would be equal to the appraised value as of January 1 next year. Then there is also an appeals process that is very similar to the current process. The fixed formula, once a base line is established, the baseline values would increase two percent per year.

“Properties would never revalue for tax purposes, unless, of course, there was a substantial improvement. If there was a room added on or a wing added on to a building, there’s rules for revaluing that, but otherwise, even if a property is sold, they would never revalue. In the case of a sale, a new owner would simply inherit the annually adjusted baseline value. And the third element is for new construction where you would use an average square foot value standard to apply so that basically, what it does is look at relatively adjacent properties and whatever the average square foot basis is for taxes on those properties would be applied to the new construction going in. That does two things, it ensures that you have properties of, at least on a square foot basis; they’re paying the same taxes, which is one of the things that you don’t have, for example, under Proposition 13,

Regular Meeting, April 8th, 2009

where they revalue on sale, which causes there to be tremendous disparities in adjacent properties based on when one was sold. The other thing this does is prevent there being a disincentive for new construction going forward. There are two policy principles that are driving Proposition K. The first is that Kansas should not be a place where the theoretical increases in the paper value of assets are automatically transferred to the government by taxation. The second principle is that we all have a fixed and proportional stake in funding government services.

“Proposition K is, when we say fixed and proportional, it’s the share of taxes that everyone is paying as of January 1 next year would be fixed in time. We would adopt the January 1, 2010, values, and so a house, for example, at \$400,000 value would be paying five times the tax of an \$80,000 valued house. Those values, that five to one ratio is adopted, it is increased two percent, everything increased two percent a year so that five to one ratio never changes. So it’s fixed in time but it’s also proportional to the value of property. Very quickly, taxpayer benefits of Proposition K stops the appraisal driven tax increases, it improves transparency and accountability, government is not restricted in its ability to raise money, but it’s done more transparently, mostly the mill rate, it should lower local government spending. Appraiser’s offices cost local governments about \$40 million across the State. Certainly there would still be a record keeping function under Proposition K but not the mass appraisal system which drives most of the costs in appraisers’ offices. So a significant portion of that \$40 million should be savings local government. And all of these things create a much more stable business climate to improve economic development potential.

“And this is the last slide. Government benefits, maintains local autonomy, there’s no limit on the revenues or rates, provides a predictable revenue stream. Government would get two percent plus whatever comes on for new construction, which would be somewhere between two and three percent a year, and it prevents a loss. Now, the final thing is, there has been a lot of opposition to Proposition K, and there should be a lot of discussion, but we haven’t seen many people address the fundamental question of whether change is needed.

“The question should be ‘Do you believe that the current system, either A - overall treats taxpayers fairly, generates the right amount of tax and should not be changed, or B - needs some change. Now, if it’s B, we want to work with those people at Flint Hills, and a lot of other proponents of Proposition K, we want to work to create a better system. If the answer is A, then I’d say 77 percent of Kansans would like to know why the answer is A. And that concludes my presentation. I would be happy to stand for questions.”

Chairman Parks said, “Thank you. I did want to put a little asterisk on your comment when I sent you a private letter on that. I did have reservations on this, so I think we’re going to open it up for questions, and I would like to ask a question that I’ve asked you before on this also. We had a little

Regular Meeting, April 8th, 2009

survey last week with our County Commissioners about whose taxes or appraisals went up. I unfortunately was a winner again, but, or fortunately, I guess it pays to have a house in west Valley, but anyway, the general consensus was some stayed the same and some of them went down. How would the this two percent increase have affected those people that stayed the same or went down, would this have been an opportunity for governments to add another two percent on top of those during varying market conditions?"

Mr. Trabert said, "It would. But that would be an isolated-there's two answers to that. First of all, yes, it would. It would have changed, if it had been in place, it would have assessed a higher appraisal increase than otherwise would have taken place for those 72 percent in Sedgwick County who had no increase. But that is an isolated-that's one year. If you look over time, and in fact, going back over the last 25 years, statewide, I don't have the data specifically for 25 years for Sedgwick County, but statewide, appraised values in total have never gone down. Even in recessionary times. The last recession we had, appraised values on existing construction went up close to five percent a year. So over time Proposition K would still be better. That said, two percent was only selected to give government a hedge against inflation. There's nothing magic about two, other than to give government a hedge against inflation, so from a policy standpoint, this could easily be changed to zero percent, which would then take care of not only the current situation, but perhaps make it an even better situation for taxpayers going forward."

Chairman Parks said, "I certainly personally couldn't support the way that the bill went before the legislature this year, but I think it is a good dialogue, a good discussion point, and I think we need to look at doing something different as 77 percent of the citizens say that they did."

Commissioner Welshimer said, "Well, I've taken a look at your legislation. I agree, property taxes have gotten out of hand and a lot of people can't afford that, particularly elderly folks, who have their houses paid off, and then at the end of the year they have to squeeze out an ever increasing property tax bill on a income that has not increased. And so that's an ongoing problem. I'm also a licensed appraiser, county type appraiser, you know, certified, whatever you call that, so I've looked into the formula, and I have also been following it from its inception 25years ago, and at that time the object was to satisfy a court ruling that said 'You're not fair and equal.' Fair and equal had to be absolutely whittled down to absolutely fair and equal and it was quite a challenge for the legislature and quite a challenge for the appraisal people that got involved in creating this system.

"The appeal process is supposed to help - anything that they missed is supposed to help put it back

Regular Meeting, April 8th, 2009

together, so it is kind of a freedom, a democratic thing that this appeals process is going to be something that does go on and on and on. There are many factors that affect an appraisal, but one of them that I am not sure you have covered here, is outside influences or the economic influence to a property's value. What the neighbor across the street does, let the property go down, that's going to cause you not to get as much for the house you sell. And that doesn't seem to me to find a way in here. The mark was determined to the one particular thing that could identify fair and equal. So, if you look at the market, you see how much the sales are and so on, the Appraiser is only a data collector of the market, and all of that data comes in, everybody got computerized, hundreds and hundreds of millions of dollars spent by the State to give the public fair and equal taxation. So if you disregard the market and its power to determine what is fair and equal, and you disregard what people are paying for the properties and how these properties are being valued under the current system, you get over – and we lose fair and equal. We lose that.

“Right now we have a system where the Appraiser brings in the values, computerize them, they figure them out and they've gone up about five percent every year. The problem is the Commissioners have the authority to tax that, or not. And the 'or not' was looked at as that might be the rule, the mill levy would roll back, we couldn't affect each and every property that way, but the Commissioners just wouldn't take that much more money, raise that much more for the budget. And with this it looks like right now, a choice of Commissioners and the Appraiser really has no role in how much the taxes are going to be; that's up to the Commissioners. But if we turn this all over and ignore that, take that all away and put that on the shoulders of the Appraiser who isn't elected, I mean, I don't think we're going to get away from fair and equal and be back in court.”

Mr. Trabert said, “Those are very good observations. I would be happy to address them individually. Probably not in the same order, but let me start with the comment you made about the Commissioners having final authority on what taxes are really going to be. Many people have expressed to us, in fact, I would say that if over time mill rates had been adjusted downward each year to offset part of the increase so that the net result of the tax effect on population in general was perhaps an inflationary increase, I don't know that we would be here today talking about property tax reform. The biggest issue we hear from taxpayers is that 107 percent tax increase that has occurred over the last 11 years, or in the case of Butler County, 153 percent. That's what's really driving this issue.”

Commissioner Welshimer said “I understand that.”

Regular Meeting, April 8th, 2009

Mr. Trabert said, “Now, as for the fair and equal, uniform and equal is required under the Constitution. This we believe, and in your packets you have one of the papers we released where had a constitutional lawyer look at not only the issues of uniform and equal, but also at the contentions raised by the Department of Revenue where they felt that this proposal could be unconstitutional. There is nothing in the Constitution that requires market value to be the means. Certainly the Kansas Supreme Court has said that the current system is constitutional, but they’ve also used language that basically said the current system or the system currently provided. They have allowed for the fact that there could be other means of uniform and equal. For example Proposition 13, which has been around since 1978, even the U.S. Supreme Court has looked at that, which is similar to, there’s some differences, but the basic principle of putting limits on assessment and not using market value, the U.S. Supreme Court has looked at that and said that does meet the test of uniform and equal.

“Again, it is not based on market value; it’s based on what they call invidious discrimination. Basically you can’t use the tax code to discriminate against one group of taxpayers over another. They have found that Proposition 13 meets that standard. It is uniform and equal. So looking at all the case law, and I would encourage you to take a look at that. It does meet – it’s different. But there’s 14 other states around the country that use assessment limits as a means of controlling property taxes. Neighboring states and large states; states like Oklahoma, Texas, California, New York, Florida, Georgia, and there have been not only no issues with people buying and selling real estate and getting fair market value, but also no issues with discrimination.”

Commissioner Welshimer said, “Okay.”

Chairman Parks said, “A little housekeeping thing here. When you are responding, Mr. Trabert, if you will try to keep it within a minute of your response on some of these. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Dave, thank you for coming down this morning. First a house-keeping question for you. Thank you compiling all this information and putting it together. Is this presentation that you’ve shown this morning to us, as well as the backup data along with study to the Commissioners separately, all available on the Flint Hills website?”

Mr. Trabert said, “Some of it is available on the Flint Hills website. All of it is available on www.propositionk.org.”

Commissioner Peterjohn said, “Okay. Mr. Chairman, with your indulgence, I’ve got several

Regular Meeting, April 8th, 2009

questions I would like to throw out. Dave, one of the issues that's come up, this Proposition K wouldn't affect the mill levy at all. When I looked rough some of the other proposals that are out there and Prop 13 is a good example, I've been an advocate of Proposition 2^{1/2} for Massachusetts, they've covered both the appraisal side and the mill levy either directly or in case of Massachusetts Proposition 2^{1/2} they just limit revenue and don't look at either the mill levy or the appraised value. Are you comfortable this would create certainty with Proposition K that addresses both sides of this issue, or, if we adopted Prop K, would we be likely to be looking at something to come back and say we need to look at the mill levy down the line if it was adopted?"

Mr. Trabert said, "I'd say that certainly having a limit on assessment and mill levy as Proposition 2^{1/2} would give even more certainty than Proposition K, although Proposition K provides a great deal more certainty than the current ad valorem system. Proposition K was designed - the reason that it doesn't have limits on mill rates or revenues, is that we tried to find a balance. Dr. Hall tried to find a balance that would provide a great deal of predictability and stability for taxpayers without handcuffing government. Now, there have been, as we've gone around, I mentioned we've done a lot of these presentations. There is tremendous push back from taxpayers to also one of the biggest criticisms of Proposition K has been it doesn't go far enough; that there should be some limits on mill rates so that they have absolute predictability and that it would be limited in mill rate and assessment."

Commissioner Peterjohn said, "Let me go back a little bit just on the data real quickly, because we are in an economic downturn and you said you had data going back 25 years. We've had at least two recessions that I can think of during that time; the one that started at the very end of 2000, and stretched into 2002, at least here in the local economy, and recession back in 1990. Do you have an idea in terms how much appraisals increased during those recessions compared to, say, the average during that 25year period?"

Mr. Trabert said, "It's difficult to say with absolute certainty. For one reason, the State didn't start tracking new construction separately until 1997, so all the information prior to '97 includes new and existing, so it's theoretically possible that new construction was of such level that it offset declines in existing construction. It doesn't seem, it's kind of counter intuitive, but it's certainly possible. I can tell you with absolute certainty statewide since 1997, even in recessionary times, that there has been not a great deal of difference in the overall increase on existing construction. It's varied, the range has been rather tight; it's probably been a low of – on existing, I believe that is in one of the

Regular Meeting, April 8th, 2009

packets, now that I remember, I believe that is in there, if you turn to the sheet that says *State*, and I didn't bring that one with me but it is in your packet, and you can look there at the average range, it's a very narrow window of maybe two or three points either way."

Commissioner Peterjohn said, "Mr. Chairman, if I could continue?"

Chairman Parks said, "Sure, if there is another question, I would just like the response limited to one minute."

Commissioner Peterjohn said, "Okay. You provided a lot of data concerning locally appraised property, but there is a large class of property the local appraiser has no involvement with, concerning utility property that also includes railroads. Do you have any idea in terms of how we are going to be looking for – how state appraisal versus local appraisal would be impacted by Prop K and any data you might happen to have on changes with the State appraisal going forward?"

Mr. Trabert said, "Actually there is an amendment that has been proposed to HB 2150 by many people, railroads and utilities and so forth. They have asked to be excluded from Proposition K; so that there would be no impact on state-assessed property going forward. We have no objection to that amendment."

Commissioner Peterjohn said, "One of the reasons I believe that property taxes in Kansas in general and local property taxes have gone up, and gone up I think faster than incomes have, is that taxpayers have smaller say in terms of mill levy increases compared to, say, I know Oklahoma requires voter approval for property tax increases, Missouri and Colorado do. Does Prop K have any impact on that, and would you agree with that assertion even if it doesn't have a direct tie to Proposition K?"

Mr. Trabert said, "There is nothing in Proposition K that would address that specifically, but from a philosophical standpoint, we would say in general taxpayers should have a say in any new increase, new tax, or an increase in taxation."

Commissioner Peterjohn said, "Okay. You said that you've made the comment that this would lower government spending. If you have a two percent increase, it might lower appraisal costs in that one area, but I think it would probably just lower the increase in the growth rate by local governments' spending. Would you disagree or agree with my evaluation?"

Regular Meeting, April 8th, 2009

Mr. Trabert said, “I would say that’s accurate. If I didn’t, what I should have said is that it should lower local government spending, obviously government’s in charge of spending, but I was only referring to the fact that there would be no need to spend as much money on the local Appraiser’s office, so that should result in lowering of the cost of running an Appraiser’s office. Certainly overall government spending would increase.”

Commissioner Peterjohn said, “Mr. Chairman, I’ve got a whole raft of other questions, but I am going to defer at a later time.”

Chairman Parks said, “Yes. I do think that we all agree that this dialogue needs to continue, but it may not be the venue this morning, and certainly there are handouts and website information. I do want acknowledge Commissioner Unruh just for a moment.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Thanks for your presentation today. I think this is the third time, perhaps, that I’ve heard you make the presentation and you refine and improve it each time. It’s a good presentation.”

Mr. Trabert said, “Thank you.”

Commissioner Unruh said, “I would want to say that I don’t like paying my property taxes very well either, and it seems like they continually increase, so I understand the basis of what you are talking about. I do appreciate the fact early on that you said this is not an indictment of our current Appraiser, I think that was something to those words, because I think in a previous time I asked you whether or not you agreed that under the current system and rules our Appraiser is doing a pretty good job of hitting the market in that he’s supposed to have our appraisals reflect the sales within ten percent one way or another, and we’ve been in compliance. Is that…”

Mr. Trabert said, “They have been in compliance, yes, they have. Now, there are some people who would say that the rules for compliance should be much tighter, and certainly if you compare the increase in appraised values, for example, 66 percent in Sedgwick County on existing residential, versus the 45 percent that OHFEO Wichita price index, which is the standard that the Appraiser’s Office uses to justify, or to indicate at, there was a slight increase last year, there is a significant gap between that standard and what’s actually taken place here.”

Commissioner Unruh said, “Well, the…”

Regular Meeting, April 8th, 2009

Mr. Trabert said, “Well, part of that, if I could, is that simply the mass appraisal system is, anyone will tell you that it is not an exact science. I mean in a lot of cases, Sedgwick County is one where there is enough activity that it is easier to try to get at and still, it’s a large county and each neighborhood is going to be different. Many rural counties there simply aren’t even enough transactions annually to make those educated judgments on what may have taken place in market value.”

Commissioner Unruh said, “Well, and I don’t disagree with what you are saying, each year we get a report back on how well we’ve complied with the state regulations, and the sales that are reported compared to the appraisals that we on those properties indicate that we are within that ten percent of the market, so it would imply, at least on average, that our appraisals system currently is hitting the market, or within the compliance standards, anyway.”

Mr. Trabert said, “That would. And the reason that I say that it is not an indictment of the appraisal system is that that’s not the real issue. The real issue from standpoint is the amount that taxes have gone up.”

Commissioner Unruh said, “Right. And I don’t disagree with that. As I said, I don’t enjoy paying my taxes, either. But I do think that this system would impose a transparency and accountability that, perhaps, we can avoid now with the increased revenue we get just due to growth in the market. So I think that’s a very positive part of Proposition K. I do think that, however this works out, we need to make sure that we’ve complied with that uniform and equal issues, and you have spoken to that, and the market has always been, in my opinion, a good measure and a good barometer of what is right; let the market work on those things. In spite of those comments, I think that comment, I think I agree with probably the 77 percent of Kansans who say ‘Can we do this different, and make this where it is fair and where elected officials are more accountable and the process is transparent?’ so I am supportive of all that. I appreciate you being here.”

Mr. Trabert said, “Thank you.”

Chairman Parks said “Just one question before I get back to Commissioner Peterjohn. Just very briefly, there’s nothing in Proposition K, that I can readily see anyway, that deals with people that are 66 years old or older having their primary residence property frozen for life as long as they are living in that primary residence like, per se, Mississippi would have. There’s nothing in there that

Regular Meeting, April 8th, 2009

would say anything like that?”

Mr. Trabert said, “No, there is nothing in there like that.”

Chairman Parks said, “Okay. Commissioner Peterjohn?”

Commissioner Peterjohn said, “Mr. Chairman, I think we’ve got a very good discussion going on. I appreciate Dave Trabert and Flint Hills Center coming down here. In fact, notice that www.propositionk.org and www.flinthills.org is the web site for people that want to follow up on this.”

MOTION

Commissioner Peterjohn moved to receive and file the report.

Commissioner Welshimer seconded the motion.

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

VOTE

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

PLANNING DEPARTMENT

C. DR2008-06; SOUTH CENTRAL NEIGHBORHOOD LAND USE PLAN. DISTRICTS 1, 4, AND 5.

Mr. John Schlegel, Planning Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “Scott Knebel has worked with several neighborhood groups in the south central area of Wichita in developing a plan for that neighborhood, and will present to you today an amendment to that plan.”

Regular Meeting, April 8th, 2009

Mr. Scott Knebel, Principal Planner, Advanced Plans Division, Metropolitan Area Planning Department, greeted the Commissioners and said, “The item that you have before you today is a proposed amendment to the Wichita/Sedgwick County Comprehensive Plan, a portion of that plan called the South Central Neighborhood Plan, which was adopted by this Board in May of 2006. That particular plan contains 36 initiatives for the revitalization of a neighborhood that’s immediately south of downtown, and east of the river, over to Washington, and three of the initiatives of this particular plan pertain to land use and zoning of this neighborhood. The neighborhood citizens that volunteered their time in developing the plan, and subsequent to its adoption in implementing that plan, requested last summer that the Planning Commission look into implementing these three land use and zoning initiatives contained in the plan, and in September, the Planning Commission voted to initiate that process, and over the next several months held several hearings or meetings to develop the land use plan that you have before you today that was adopted by that board in February of 2009, and then subsequently was adopted yesterday by the City Council.

POWER POINT PRESENTATION

“This particular plan, while the neighborhood and area that is contained in it is entirely within the city limits of the City of Wichita, it is proposed to be an amendment of the Joint Comprehensive Plan for Wichita and Sedgwick County and therefore as presented to you today for your adoption as well. This land use plan has two primary elements, it has a visual portrayal of land use and development policies for the neighborhood, and also verbally describes and provides greater detail of those policies, and as I had mentioned previously is proposed to be adopted as a Comprehensive Plan amendment. This particular plan would establish the future desired outcomes for land use and provide a generalized future guide for zoning in the neighborhood and is comprised of the three elements that are shown on your screen there. I’ll go through each of those in a little bit of detail.

“The first element is the land use categories, and that element describes the desired future land uses for the neighborhood. Overall, the plan is primarily a preservation plan, and in at the land use categories primarily reflect the existing land uses that are in the neighborhood and the plan itself attempts to preserve and protect those land uses from undesirable changes that tend to occur in older neighborhoods as they struggle with decline. There are some limited areas that are identified for future desired redevelopment, and they are noted on the map and there’s also land use categories

Regular Meeting, April 8th, 2009

in the descriptions for those redevelopment districts as well. This is the land use guide map that shows visually the land use categories and the locations in the neighborhood which in the future, the desired future land uses would be located. As you can see the yellow on this map is low density residential, that's the predominate land use, existing land use, this neighborhood is predominantly a single family neighborhood. There are areas of commerce, primarily along the major arterial streets, Broadway and Harry and Pawnee, as well as a major industrial area just immediately south of downtown in the northeast corner as well as along the railroad line that's located along Meade Street.

“The redevelopment districts are primarily located in the northwest corner immediately south of the Water Walk area, and then also at the major arterial intersections of Broadway and Harry and Broadway and Pawnee. The final component of this particular plan deals with locational [sic] guidelines, and this is kind of a different approach than we've taken with any of the other land use guidance materials that have been contained in the Comprehensive Plan up to this date, and that we've identified both the least desirable and the most desirable land uses, and have established two sets of policies that deal with each. In terms of the least desirable land uses, the policies are that those uses should be restricted to those areas that are presently permitted by the current zoning regulations, that we shouldn't take any actions to further restrict the zoning regulations in this neighborhood, but that any of the uses that are least desired in the neighborhood, they should be held to the standards that exist today.

“And then any flexibility in those standards in terms of changing the zoning or permitting conditional uses or adjusting the development standards, such as setbacks or screening requirements, those should be reserved for encouraging those uses that are most desired in the neighborhood. The plan also formally establishes what has been a longstanding but not formally established policy of addressing impacts of uses through conditions of approval for zoning changes and other forms of adjustments of development standards. Final statement in the land use locational [sic] guidelines is that the policies in this neighborhood are particularly designed to encourage preservation of historic resources. With that I'll conclude my remarks and answer any questions that you may have. The recommendation is that the South Central Neighborhood Land Use Plan be adopted as an amendment of the South Central Neighborhood Plan.”

Chairman Parks said, “Commissioner Unruh?”

Commissioner Unruh said, “Thank you, Mr. Chairman. Scott, first of all, I appreciate the presentation, it is understandable and you did a very good job putting this together for us. I also want to compliment and thank the citizens of the south central area who have been working on this for three years, and have stayed the course, and, you know, I think that through this whole process they have looked at a lot of options and they have had a lot of meetings and worked hard at it. The

Regular Meeting, April 8th, 2009

majority of this area is in Sedgwick County District 1, although two other districts are involved, and I think Commissioner Norton has had some meetings with you all in helping develop the plan. But what we have here is a product, I think, of good citizen participation and good government participation to help people decide what the preferred future is for this area of town and protect it from any development that is disapproved.

“So to me this looks like just a great win-win project and a good illustration of what good citizen involvement and government involvement should be to provide what the folks who live there want, so I am going to be very supportive, and I just want to be very complimentary to the citizens involved and to the Metropolitan Area Planning Department. That’s all I have, Mr. Chair.”

Chairman Parks said, “Thank you. Any other questions of Scott? Commissioner Welshimer?”

Commissioner Welshimer said, “Well, it looks like from this map, it’s a little bit difficult to read, but looks like there’s a corner of it that is in my district, District 5, south of Kellogg and east of Broadway. It would be east of the river.”

Mr. Knebel said, “There is a small portion of it in your district; that is correct. I don’t have the map in front of me that shows the boundaries to tell you exactly where.”

Commissioner Welshimer said, “Okay. I am not totally familiar with this. I haven’t had anyone come in and discuss it with me at all. But tell me, give me some idea what it changes for this area, just my area.”

Mr. Knebel said, “The primary change with this land use plan is that it provides more specific policy guidance in terms of future requests for rezoning than is provided today by the current policies.”

Commissioner Welshimer said, “Like from residential to commercial or...?”

Mr. Knebel said, “That’s correct.”

Commissioner Welshimer said, “So it is more rezoning legislation than anything else?”

Mr. Knebel said, “It does deal primarily with zoning policies, that’s correct.”

Commissioner Welshimer said, “Would it negate any current applications for rezoning that are currently being asked for?”

Regular Meeting, April 8th, 2009

Mr. Knebel said, “The proposal is to be adopted as a policy, so there are no regulatory changes that are proposed. So any proposal for rezoning would not be negated. There may be additional information that could be included in the decision making process regarding that.”

Commissioner Welshimer said, “Okay, thank you.”

Chairman Parks said, “Scott, can you tell me right off hand that small area that’s in District 4 there, Water down to Lincoln and then back over to Topeka and back north in my district, is there any multilevel structures that are there that would affect families, that they wouldn’t be able to live in that area now if that building was torn down, they couldn’t build a subsequent building back in that area?”

Mr. Knebel said, “Well, this goes really to the same issue. None of these, nothing that is presented today is regulatory, there is no legal weight to any of this, other than the fact that one of the nine factors that a governing body is required to consider when making a decision regarding the rezoning or zone change for property is its compliance with the adopted comprehensive plan. What we are providing here today would provide greater detail to that, but no regulatory changes are proposed.”

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

Commissioner Peterjohn said, “Scott, thank you for coming in. If you can bear with me a little bit, even though my district is not one of the ones that’s directly affected, I’m sure this is going to be a process that will ultimately impact all areas, at least in the City of Wichita and my district does encompass a significant part of the City of Wichita. If you can jump back to the slide that showed the map again, you went through that fairly quickly; this looks like a situation where my eyes aren’t quite calibrated. In the northwest corner, it says East Bank River Center. That stretches down to Lincoln?”

Mr. Knebel said, “That’s correct.”

Commissioner Peterjohn said, “And jumps back and forth. Is that part of what’s commonly also called a Water Walk project the City is involved in or is that, I’ve also heard it referred to as East Bank, so I want to understand if that’s connected to the project north of Kellogg, too?”

Mr. Knebel said, “Well, there is actually no project in place. What this particular land use guide map and land use category that’s termed East Bank River Center does is indicate from a policy standpoint the willingness on behalf of the governing bodies to consider such a project if it were to be proposed by the land owners in the future. It’s kind of a recognition of the fact that, you are correct, the Water Walk is an example of the type of redevelopment that could occur. But there is

Regular Meeting, April 8th, 2009

actually no redevelopment project that is proposed, it's just a recognition from a policy standpoint that if one were to be proposed, in a general sense, the governing bodies would be willing to consider the zoning changes and other processes that would be needed to facilitate that."

Commissioner Peterjohn said, "Okay Scott, well, help me out, as the new Commissioner here, when you say willingness of governing bodies, is the pre-eminent governing body the City of Wichita's Council, the Wichita Area Metropolitan Planning Commission, Sedgwick County, and in which order, and who really is the key decision maker? If you can clarify that for me, I'd appreciate it, because I think for the average citizen there is often confusion as far as the role of city and county on some things, and if you can clarify that, especially for the folks that happen to be watching it, I know it'd be helpful for me and I think it might be helpful for some of those folks too."

Mr. Knebel said, "Sure. Predominately, and exclusively if it were zoning regulation changes, the governing body would be Wichita if it's in the corporate limits of Wichita. The Metropolitan Area Planning Commission would also be involved. They are required to have a public hearing on any zoning change and they also, under the Unified Zoning Code, do have the ability to approve some land use changes such as conditional use permits as well. Because this is in Wichita, the Sedgwick County Commission, in terms of zoning changes, would not be involved unless the changes were changes to the zoning code itself; in which case that would require both the approval of the City of Wichita and Sedgwick County since they have a joint code."

Commissioner Peterjohn said, "I'd like to understand, when you used the phrase least and most desirable land uses, who would make the decision that something is the most desirable land use? Is that the City Council primarily?"

Mr. Knebel said, "In terms of interpreting the land use guide itself, or land use plan itself, that's correct. The final interpretation of that would be by the governing body. They would have some recommendations by the Planning staff and then also by the Planning Commission. The plan itself does identify types of uses that are least desirable and most desirable. Of course, those are not exclusive lists, so there could be uses that are similar to those. There would have to be some interpretation as to whether or not they were least desirable, most desirable or neither."

Commissioner Peterjohn said, "One thing, this area south of downtown, so it doesn't include most

Regular Meeting, April 8th, 2009

of the downtown TIF (Tax Increment Financing) districts that have been approved recently, but if you look at the history of the TIF districts, they go back to, I believe the first one was tied to the Gilbert and Mosley groundwater pollution, and Gilbert and Mosley are both in this district in the northeast corner as the... is that 'Gilbert and Mosley Groundwater Pollution District' part of a way of being able to understand that from looking at this land use map in any way, shape or form, or is there any part of the zoning classifications tied to that?"

Mr. Knebel said, "The intersection of Gilbert and Mosley is in this neighborhood and that is in the purple area kind of in the upper right-hand corner of this map and that's shown, it is presently an industrial area and is proposed to continue to be an industrial area of the city."

Commissioner Peterjohn said, "Okay, because one of the questions I've had for Mr. Schlegel was tied to questions understanding adjacent and adjoining as it relates to zoning issues. I'd like to just make sure that, for my understanding, as well as for citizens out there, in terms of zoning changes that may occur, that this is not locked in concrete. It can be changed, although I don't think it would be easily changed if it's got to go through some significant processes, but I want to understand in terms of how the rules with adjacent and adjoining might be impacted by changes in zoning or land use that might be tied to that. If you could clarify it, either you or John could, I'd sure appreciate it."

Mr. Knebel said, "Absolutely. The Land Use Plan itself is difficult to amend and it's not amended often. But that said, the Land Use Plan is a generalized guide and it is one of the nine factors that is considered when change in zoning classification is considered and it's conformance with that plan is one of those nine factors. So to the extent that a land use proposal is not 100 percent in conformance with this plan; that does not mean it can be approved. It can be. And you do not have to amend this plan in order to do so."

Commissioner Peterjohn said, "Mr. Chairman, thank you for the opportunity to ask those questions."

Chairman Parks said, "And I think this does require some dialog on this. I believe that settles some things for me also, about rules, changes and the conformance to certain things to affect my vote on this. One other question I had. There's a term in there under number six that says

Regular Meeting, April 8th, 2009

architecturally compatible, I was just wondering also who decides that; is this multi-governing bodies?"

Mr. Knebel said, "It would depend on the type of land use request. The ultimate decision, were it appealed to that level, would be with the City Council. But there could be multiple decision makers, but the final decision, were it to get that far, would be City Council."

Chairman Parks said, "Commissioner Unruh?"

Commissioner Unruh said, "Thank you, Mr. Chair. Scott, this was approved by the MAPC (Metropolitan Area Planning Commission) 12 to 0?"

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

Commissioner Unruh said, "One other comment, I think we have some folks here who represent South Central Redevelopment Neighborhood. I didn't say that right probably. But would you all, could I just get you to say your names so that Commissioners can know that you're the folks who live there, you're the ones who want to protect your neighborhood and have a say in determining its future?"

Chairman Parks said, "Sir, would you step to the podium? I was going to ask him to do that after we got done with the questions with Scott so, go ahead and step to the podium and anybody else that is going to speak, wants to speak, certainly step to the podium."

Mr. Larry Mong, 943 S. Topeka, greeted the Commissioners and said, "I live at 943 South Topeka. I just want to remind you all that this is the front door of the Arena and it should be protected and built upon with its architecture."

Chairman Parks said, "Okay. Thank you."

Ms. Vicki Churchman, 1357 S. Broadway, greeted the Commissioners and said, "I live at 1357 South Broadway. One of the things that, I get the feeling that you think we're trying to go backwards or not allow things that are there now. It was pointed out to us very clearly that this only means we don't want it to get worse. We don't want to take an area that is single family and let it be industrial, unless it determined that somehow that would really help our neighborhood. Then that becomes something that normally would be least desirable would be approved. If it would help our neighborhood, according to that architectural part that you were asking, a lot of the houses in

Regular Meeting, April 8th, 2009

this area are very, very old. Ours is an 1887 Victorian. It would be pretty awful to have something put in right next door that didn't comply as far as feel. We are trying to keep that, those good things in our neighborhood. Thank you for your attention."

Chairman Parks said, "While you're at the podium, if I could ask, and that's exactly why I asked that question. I had a family member that their house was damaged in a tornado, that was an 1800s house, and they determined that it was over 50 percent destroyed so their house was destroyed and they couldn't build the same house back to that standard, back on that lot that they wanted to rebuild their house like it was before. So that's exactly why I asked that question."

Ms. Churchman said, "At least you can sort of keep the feel. You may not be able to afford to replace, for instance, our 1887 house, we couldn't possibly afford to build with the wood that's in there. But at least you could not put in something that is completely different from the neighborhood. And again, it is just a request in it; it's not built in stone."

Chairman Parks said "I did in the spirit of property rights. Thank you."

Mr. Dale Churchman, 1357 S. Broadway, greeted the Commissioners and said, "I'm Vicki's husband. I live at the same location. When we moved down on South Broadway, our friends and our relatives, they kind of prayed for us. They thought we would be killed in our beds down there. There were problems. But for the last ten years we've worked very hard to try to change the image of the south part of Wichita and particularly South Broadway, and we've had notable successes down there. There's a ways to go, but this plan would help us move forward and make that the proud old neighborhood it used to be and deserves to be. Thank you."

Chairman Parks said, "Thank you. Seeing no other further discussion, anybody else in the audience that would like to speak to this? Okay. Seeing no further discussion, do I hear a motion?"

MOTION

Commissioner Welshimer moved to adopt the South Central Neighborhood Land Use Plan, February 2009, and an amendment to the South Central Neighborhood Plan, May 2006, and element of The Wichita-Sedgwick County Comprehensive Plan, approve the Resolution and authorize the Chairman to sign the Resolution.

Commissioner Unruh seconded the motion.

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

Regular Meeting, April 8th, 2009

VOTE

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

NEW BUSINESS

D. APPROVAL OF THE MID-AMERICAN MINORITY BUSINESS DEVELOPMENT COUNCIL AGREEMENT.

Mr. Sherdeill Breathett, Sedgwick County Economic Development, greeted the Commissioners and said, “The Mid American Minority Business Development Council (MABDC) is an organization we have partnered with for the past four years. They have done a commendable job in providing measurable goals and objective to look at on what they’re doing here in the local community. Under the agreement the MABDC will accomplish a number of objectives, including but not limited to provide three buyer supplier forms that result in measurable bidding opportunities for women and also for minority businesses. They also will increase the number of fulltime MBEs (Minority Business Enterprises) employees by 30 percent from their 2008 numbers as well. Again, this is a renewal contract and it’s already a part of the 2009 budget funding source allocation. We would recommend that you would approve the contract and authorize the Chairman to sign. We do have Donna Wright present with us, who is the President Director for the MABCD if you’d like to...”

Chairman Parks said, “Yeah, I was going to ask if Donna would like to step to the podium and say a few words.”

Ms. Donna Wright, Vice President, Mid-American Minority Business Development Council, greeted the Commissioners and said, “We really would like to thank you as the Sedgwick County Commissioners and also the Economic Development Division of Sedgwick County for your support over the last three years. We did celebrate three years back in March of this year; we’ve been in the City for three years, helping to improve and increase majority type companies do business with our minority companies that we call clients. In the past three years, we have increased our vendor pool from 15 to 75 viable and capable minority business owners that are now doing business with not only governmental agencies, but also with the corporate industry here in Wichita. Recently, we’ve seen about a 59 percent increase of minority business owners and women owned business owners

Regular Meeting, April 8th, 2009

that are coming in to our doors, seeking advice, seeking processes and procedures in starting their own businesses with the economic downturn and the layoffs that are happening in our surrounding area. This proves to us that our organization is very viable and we appreciate your partnership along with the other developmental type organizations here in the Wichita area.”

Chairman Parks said, “Thank you. Any questions of Ms. Wright or Mr. Breathett? Commissioner Unruh.”

Commissioner Unruh said. “Thank you, Mr. Chair. Good morning. I had a question. Part of our backup talks about fulltime minority business and certificated, can you distinguish that for me?”

Ms. Wright said, “There really there shouldn’t be a distinction [sic] between a fulltime and a certified. We, as an organization, are affiliated with the National Minority Supplier Development Council. It is located in New York City. There are 38 regional councils throughout the United States that do the same thing that we do in their areas. One of our core services is what we call certification of a minority business enterprise. This is a national certification that corporate entities and also some governmental agencies do request of their minority business owners. I think when Mr. Breathett said fulltime, these are companies that are, first of all, certified, they have the capacity and they are doing business with corporate America.”

Commissioner Unruh said, “Okay. Thank you.”

Chairman Parks said, “Any other questions? Seeing none, I would make a motion that we take the recommended action and authorize me to sign the document.”

MOTION

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

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent

Regular Meeting, April 8th, 2009

Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Ms. Wright said, “Again, thank you Commissioners.”

Chairman Parks said, “At this point, I would like to take a five minute break, kind of a scheduled break here. Thank you.”

The Board of County Commissioners recessed at 10:15 a.m. and returned at 10:23 a.m.

E. SEDGWICK COUNTY HEALTH DEPARTMENT COMMUNITY HEALTH ASSESSMENT UPDATE.

POWERPOINT PRESENTATION

Sonja Armbruster, Community Health Assessment Coordinator, Health Department, greeted the Commissioners and said, “I’m here celebrating ‘National Public Health Week’ before our Board of Health to share some of the activities that we’ve been doing to assess our community’s health over the last few months. Before you here is the diagram that illustrates the ten essential public health services which Commissioner Norton wrote about this week. You can see that the three core functions of public health are on the outside circle: assurance, assessment and policy development. And mostly what I’m here to talk to you about today is assessment. When we think about assessment, we look mostly at a couple of those primary ten essential services. Monitoring health status to identify your community’s needs and mobilizing our community partners to identify and resolve health issues. So if we study what community health assessment is, I think most people would just assume that it is the work of collecting and analyzing data.

“What I like about the definition is that it adds the rest of the job, which is to mobilize communities to develop priorities, to garner resources, to plan actions to improve public health. So assessment is not just looking at the data, but looking at a lot of different kinds of data and then engaging the population to help make improvements in our health overall. We just embarked on this assessment effort less than two years ago; a shift and a refocusing within our own Health Department to give this more attention and the frame that we selected to assess the community was a MAPP (Mobilizing Action for Planning and Partnerships). This diagram, I love this diagram, because it looks like you’re on the way to the mountain top, healthy community experience, and I’m sure that’s where we’d all like to go. What is frustrating about this diagram is it assumes everybody is waiting to get on the bus all at the same time and we’re all going on the path at the same time, we’re

Regular Meeting, April 8th, 2009

all going to get to the same place, and population health is a little messier than all getting on one bus. We work within a huge system and all of them have strategic issues and plans and goals, and together, we do get to the shiny, sunshiny life.

“What I like about this is the fact that it starts with assessment, and if you look at the lower right hand corner of the map, it shows the four assessments that we’re going to conduct. I’m going to tell you a little bit about three of those now. The first assessment conducted was the Community Themes and Strengths Assessment. The purpose was to answer three questions. What is important to our community, how is quality of life perceived and what assets do we have that can be used to improve community health? We looked around, and this is not something that has not been happening. We took a look at what has happened in the community to figure out the answers to these questions, and we have good answers. There’s a United Way survey that’s a comprehensive survey done every four years, I believe. They identify what’s important to our community and find important information. We have Visioneering surveys that have been done to describe what’s important to the community, lots of community surveys and we looked at the answers.

“We also thought about what assets do we have? You’re aware that we promote 211, which provides a lot of the information and assets we have in our community around health. What we didn’t know was how quality of life was perceived, so we looked for a tool to help us better understand that question. We decided to embark on a survey using the tools created by MAPP and editing them based on community based participatory research practices and you can see from the diagram or this table that we had a paper version and an online version; 358 copies of the survey were completed on paper and they were promoted to a variety of locations, like senior centers and community health clinics, a couple of health fairs where we collected several. We were fortunate that the media partners, we earned some media from The Wichita Eagle, it was on the front page during a couple of times the survey was up, which was very helpful in increasing traffic to completion of the survey, and we e-mailed it to everyone we knew, and every list that we could get them to provide, including Visioneering and lots of coalitions, and the result was almost 2500 surveys completed, and that was a significant number. We were pretty excited about that return. I have a slide set of the results that’s about 60 slides long and I’m not going to do that today but I am going to share just the highlights from that.

Regular Meeting, April 8th, 2009

“What we found was that overall, we have a very positive perception of the quality of life in our community, so that’s a good thing. Over 70 percent agreed that our overall quality of life is good; this is a good place to raise children, we have good economic opportunities. I will say that the survey was completed September 8th, so lots of the discussion about economic downturn had not yet begun. The community is safe. We have strong networks of social support and people have opportunities to contribute.

“The questions that had the highest percentage of disagreement were satisfaction with healthcare systems, a satisfaction with civic engagement and civic pride. So one thing that we were very interested in is about the healthy community piece because that’s part of the vision of the health department, that we would have a healthy community, and when asked a list of questions the respondent selected, regardless of age, race, gender, ethnicity, any of that, their top two answers to the question were low crime and good jobs; that those were the most important factors for having a healthy community. And when we asked about most important health problems, and there was a comprehensive list including heart disease, cancer, that sort of thing, the top three answers were mental health, child abuse, and domestic violence. On this question, it didn’t make a difference what your world view is. So these were the top three answers and the right population and in the survey overall. Within that within the African American community the highest, most selected answers for this question, most important health problems, was high blood pressure, diabetes and homicide. So demographics do matter, and on some questions, age mattered. The most important issue to people under age 19 was teen pregnancy. That wouldn’t rise to the top so much for people over 50, so in some issues those, where you sit and your age and all that, made a difference in how they responded to questions.

“The second assessment I want to talk a little bit about is the local public health system which we just conducted with our external partners on March 9th this year. This assessment tries to answer two questions; what are the components and activities, competencies and capacities of the local public health system and how are the essential services being provided to our community; those essential services being the ten on that dial that was on the second slide. This is a map of the public health system created by colleagues in a national organization. I’m showing it to you to stress the public health system is not a one-agency gig. It’s not just the Health Department by any means. Certainly every individual makes a difference but there are many, many partners, including elected officials, fire, mental health, neighborhood organizations, it’s a comprehensive list. We invited as many as possible from this comprehensive list. We looked at the list and tried to target individual people who would come and help us with this assessment. That day we spent all day with over 40 community partners answering 333 questions. We worked our way through this booklet of

Regular Meeting, April 8th, 2009

questions and answers and on this scale, either there was no activity happening, minimal activity, moderate, significant, which is 50 to 75 percent of the activity described within the question as being met, or optimal activity. One example question: 'Do community health professionals submit reportable disease information in a timely manner to the state or local public health system?' They ranged from that to 'does research happen in the community, do you have public information officers trained and ready to provide health information,' all of those kinds of questions.

"In brief, the findings from that assessment were that on 80 percent of the essential services, we scored a significant level of activity. Our highest scoring standards among the ten were: diagnose and investigate health problems, inform, empower and educate about health issues. Our lowest scoring standards were about evaluation; throughout the health system, how well we evaluate the efficacy of the programs that we have and throughout the health system, how well we evaluate, retain and recruit people into the workforce.

"So I promised three assessments, the third assessment that I want to talk about is the Community Health Status Assessment which asks 'What does our community health status look like, how healthy are the residents?' Just today we are presenting to you our 'Community Health Data Book.' Last year, this same week I came and presented our first ever data book and here is Volume 2, we're pretty excited. This has over 50 health indicators, and again I'm not going to talk about all 50 as much as I'm sure we'd all like to. I'm going to talk about just a few selected priority health issues.

"Before I do that, I wanted to talk about the social determinants of health, because they are important and there is a graphic describing the social determinants of health in the data book, but I want to talk about how health happens one person at a time. It's tied to their genetic predispositions and according to a significant body of research, they estimate that 30 percent of our health is genetic predisposition, based on age, sex, hereditary factors and it's one decision at a time. Behavior patterns matter most. Yet, they are only a portion, it's 40 percent within the context of each person's social circumstance, so that considers the fact that health is powerfully influenced by education, employment, income disparities, poverty, housing, crime and social cohesion. Health is determined by our environment, like a safe work site and safe home environments, and then, how, not only access to our healthcare, but the quality of the healthcare that we receive.

"One element that's in the data book that's not necessarily focused around data is just looking at age, and I wanted to bring it up. We decided to look at age since 1990 compared to the 2007 census information. I've heard about the baby boomers for years and years and the importance of the baby boom generation. If you look at those who are age 45 to 54, the youngest part of the boomer

Regular Meeting, April 8th, 2009

generation, the percent of increase of 1990 to 2007 in that age category was 85 percent increase. There are more than 30,000 more people in the 45 to 54 year old age range in our community than there were in that same age range 17 years ago. So what that means is we have 68,000 people going to continue moving forward into our aging programs. We know that that particular age range has a higher B.M.I. (Body Mass Index) than the B.M.I. of the population as a whole.

“There are health services and services for our County that we need to consider as our aging population gets older. I’m going to talk about three health issues. First, tobacco use and exposure continues to be the leading cause of preventable death. This information is on page 27 in the data book. We can see that we’ve had reductions. We have gone from 24 percent to 20 percent adults using tobacco in Sedgwick County. The data in the box is from the State of Kansas as a whole, but, likely reflective of our County, and that shows us that there are real differences when you look at income and education and the propensity for people to smoke.

“Health access, we have a new study that’s a small area health estimate study from 2005 from the census that is the standard study that folks are referring to now, and it shows that nearly 11 percent of the adults under age 65 in our community are uninsured. When we look at the State of Kansas as a whole, people age 18 to 65, we see again that education and income make a difference in people’s access to healthcare coverage.

“Low birth weight is the next issue I want to talk about. Sedgwick County, the percent of low birth weight babies in Sedgwick County has remained constant over time; even though when you look at national data you see increases in the low birth weight population. Why do we care about low birth weight babies? We know that low birth weight babies are a real risk for death. When you study infant death in our community the most common reason for infant death is low birth weight. So, there are lots of factors that impact low birth weight and it’s a marker that we measure carefully and look at regularly. You can see that there are real differences based on race and ethnicity, and the birth weights of babies with the white community only 6.9 percent low birth weight and that African American community at 15.8 percent.

“The last slide is ‘So what?’ What does it mean, why are we doing this, what are we engaged in this? This circular graphic here shows you the four assessments that we’re engaged in. We’ve completed three. The fourth one is the Forces of Change Assessment on the left and we will be engaging our community partners to figure out what are the forces of change. What’s going to be impacting our public health system in the next three to five to ten years down the road to start to plan? Once we have the results from all of the assessments, we will work with our community partners to understand our unique circumstances and we will move on to the identifying strategic

Regular Meeting, April 8th, 2009

issues and formulating goals and strategies.

“I wanted to celebrate ‘National Public Health Week’ with you by explaining a little bit about what’s happening in community assessment. I would be happy to answer any questions you have about the three assessments I’ve shared with you today. Thank you.”

Chairman Parks said, “Thank you. Are there any comments from the Commissioners? Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Sonja, good report, lot of information, and it looks like you folks have made a definite attempt to take the data and analyze it in such a way that it can be helpful as you plan for the future. I appreciate that. One thing that stuck out to me in the presentation is that the contribution to premature death, that particular pie chart, showed that about 70 percent of that we can manage by either understanding our own makeup, our genetic disposition where we can manage that, 40 percent of it’s from behavioral patterns. So throughout all this, it seems that a strong focus on encouraging folks to change that negative behavior is an important part of our community health.”

Ms. Armbruster said, “I would agree that most programs of the Health Department have some behavior change focused to them, and other activities that have happened to celebrate National Public Health Week include mailing out our business health and work site wellness kit to many businesses in town to share information about resources we have to help people move more and eat better. Schools nurses received education about oral health education services we can provide and information we can give, all of those kinds of behaviors have an impact.”

Commissioner Unruh said, “Well, it’s good information and we have to be continually reminded that we can do lot about our own health condition and I have to be reminded that I can’t sit, watch TV and eat chocolate all day, but any rate, I appreciate the efforts and we have, like you say, we need to continually tell folks, you can do something about it if you will take the advice that our professionals give us. So, anyway, thanks for your report.”

Ms. Armbruster said, “Thank you.”

Chairman Parks said, “I would like to tell Commissioner Unruh that the candy dish on my desk just contains dark chocolate, which is good for you.”

Commissioner Unruh said, “Well, mine has [inaudible].”

Regular Meeting, April 8th, 2009

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “I was going to say, Commissioner Unruh, I thought it was watch TV and eat potato chips, but, let me ask this question. There’s a tremendous amount of data in this data book and it’s a very impressive document. I remember coming across some data saying that the average age of the average person living in the United States was at age 47 in the year 1900. Obviously, we’ve made a huge amount of progress in terms of age at that point. Just glancing at this data book, I was curious if there was any information that the Health Department might have in terms of kind of where we stand now and how we might have stood, say ten or 20 years ago in terms, of if you just look at the average age for all men in the population or all women in the population because the chart that you had in here did indicate that we did have a higher - there’s an increase in number as the baby boomers age and even some of the Generation X people. I hate to say we’re getting older, my mom used to like to say ‘I’m not getting older I’m just more chronologically gifted,’ and so if you could, if there’s any indication in terms of how we stand overall in average age at death and how that compares with, say, the State or national averages, I’d sure be interested in knowing that information.”

Ms. Armbruster said, “Well, I can’t completely answer your question, but I can give you a couple of thoughts. The first, you mentioned there’s a lot of data in the data book, and I would be remiss if I didn’t mention that it couldn’t have happened without significant support from Ty Kane who’s here with me today and without the support of Cindy Burbach who did significant editing. Jenny McCausland in the Communications Office and Tony Guiliano and his wonderful design, we really appreciate that. Related to lengthening of our lives, at the turn of the century, in year 2000, there was a wonderful study reflecting on the top ten achievements of public health over the last 100 years back to the 1900 date you mentioned, and the top achievements included vaccinations to prevent vaccine preventable conditions.

“Recently I heard a physician telling a story about how he went out encouraging doctors to give the polio vaccine, and in my mind I can’t imagine a time when there wasn’t a polio vaccine, so many of the kinds of things that have extended life included things like controlling communicable disease and public health is still doing that kind of activity. The leading causes of death are now so significantly different, it’s not communicable disease, but chronic disease, like diabetes, heart disease, obesity, cancers, these are things that we can work to prevent, but it requires retooling. It’s a different focus on the diseases that are causing death in our community. As far as I am aware, life expectancy continues to lengthen. But I can get that exact data for you. I’d be happy to.”

Regular Meeting, April 8th, 2009

Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “Thank you. You said that the 2007 census figures were from where and I just want to clarify that for the audience and the people watching?”

Ms. Armbruster said, “The 2000 census...?”

Chairman Parks said, “The 2007 census numbers you had there.”

Ms. Armbruster said, “Right, the 2007 data is from the American Community Survey of the Census.”

Chairman Parks said, “Okay. Thank you.”

MOTION

Commissioner Unruh moved to receive and file the report.

Chairman Parks seconded the motion.

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

VOTE

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

- F. AGREEMENT WITH THE CITY OF WICHITA FOR SEDGWICK COUNTY TO PROVIDE, THROUGH THE DEPARTMENT ON AGING’S TRANSPORTATION PROGRAM, SPECIALIZED DEMAND RESPONSE TRANSPORTATION SERVICES TO THE GENERAL PUBLIC RESIDING IN: HAYSVILLE, MULVANE, DERBY, BEL AIRE, PARK CITY, KECHI, MAIZE, AND VALLEY CENTER.**

Ms. Annette Graham, Director of Department on Aging, greeted the Commissioners and said, “In

Regular Meeting, April 8th, 2009

1995, the Department on Aging began providing general rural transportation to these cities in addition to some other cities in the rural parts of Sedgwick County. This was under Federal Transit Administration (FTA) requirement that transportation be offered to the general public, and this was with federal transportation funding.

“Then based on the 2000 census in the year 2004, these services became under the purvey of the Wichita Transit Authority because these were now listed under Wichita newly urbanized areas based on the changes in the census data. So then it became the responsibility of the City to provide these services. At that point in time, the City in talking with us as the current provider of services to this population, and they would not be able to expand their service area to these parts of the rural community. So there was an agreement that we would provide that service, that funding would come down through the City of Wichita to us and we would provide the match money. Now, that is \$150,000 from the Federal Transportation Administration that comes to the City and then we provide \$30,000 of match money. That match is money that we are already putting into transportation programs. So it wasn’t additional funding out of the County budget, however, it was additional leverage so we were able to continue to receive the same amount of money we were receiving for the other rural transportation and this just expanded it and allowed us to continue to provide services and transportation to people that were living in these eight communities in the rural parts of Sedgwick County, and it enabled us to make sure that they continue to receive transportation services, the vital services.

“These are those necessity transportation rides that are provided to doctor’s offices, to work, to social service agencies, and for grocery shopping, essential services and these are general funds that are provided for general transportation services, for general public, however, the primary population that accesses this transportation are the elderly, disabled, and low-income. Now in 2008 we provided 8,554 rides with these funds. We served 150 people. There is a co-pay amount of three dollars per trip and the eligibility requirements are that they must live in the rural area and meet those requirements as established under the FTA requirements for rural, for this transportation. So, this does allow us, and like I said this started in 2004, and before you is the contract for the upcoming year, with the same amounts of \$30,000 match and \$150,000 for the transportation. I would request that you authorize, and authorize the Chair and sign the agreement and I’d be happy to answer any questions.”

Chairman Parks said, “Thank you Annette. I do have a question of the Manager. This is out of the 2009 budget, but it is binding. Is it binding us for anything for the 2010 budget?”

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “No.”

Chairman Parks said, “Thank you. The answer to that was ‘no’ if you didn’t hear that. Any other questions of Annette?”

Regular Meeting, April 8th, 2009

MOTION

Chairman Parks moved to approve the Agreement and authorize the Chair to sign.

Commissioner Welshimer seconded the motion.

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

VOTE

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

G. AMEND THE 2009 CAPITAL IMPROVEMENT PROGRAM TO INCREASE THE UTILITY RELOCATION/RIGHT OF WAY PHASE FOR R-267, RECONDITIONING OF 199TH STREET WEST FROM US-54 TO 21ST STREET NORTH.

Mr. Pete Giroux, Principal Budget Analyst, Budget Department, greeted the Commissioners and said, “This is R-267, and it proceeds again from U.S. 54 north on 199th Street to 21st Street. It’s a construction project, or the construction phase of the project, is in the 2009 Capital Improvement Program (CIP). The project upgrades it from a cold mix surface to rural standard. While Sedgwick County is responsible for the design, acquisition of the right-of-way and utility relocation, KDOT (Kansas Department of Transportation) will manage the construction phase of the project and provides approximately 80 percent of the construction funding, and this project was recently bid by KDOT quite successfully.

“As I indicated right-of way and utility relocation is the County responsibility and most of that was completed in 2008, but we have recently received an estimate from Westar for an additional utility relocation. The cost is estimated at \$178,810. Because the construction bid was competitive and came in well below the estimate; we’re going to have available funds within that phase of the project to help cover this requirement and we would propose to use those remaining funds as well as approximately \$18,000 from the Meridian project to cover the requirement. The CIP committee

Regular Meeting, April 8th, 2009

and staff reviewed it and recommend approval. Do you have any questions?”

Chairman Parks said, “Thank you. Do we have any questions of Mr. Giroux? Commissioner Peterjohn.”

Commissioner Peterjohn said, “Yes. Pete, can you walk me through, just so I’ve got a better comfort factor. Is the 80 percent the State’s picking up just on the construction itself and would not include the right-of-way and utility relocation costs or is it 80 percent of the entire cost of the entire project?”

Mr. Giroux said, “Well, it’s approximately 80 percent of the construction phase. It normally ends up being a little less than 80 percent because they include the construction engineering and as you may recall, some of the projects earlier in the year, they made some other adjustments that reduced it down to about 70 percent on one. It varies but it’s approximately 80 percent.”

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, “Commissioner Peterjohn, I might dovetail on that a little bit. Pete is exactly right. The 80 percent pays for the construction and also our inspectors inspect the job and we receive 80 percent of the funds of our in-house funds that we pay them from KDOT also.”

Commissioner Peterjohn said, “Okay.”

Mr. Spears said, “It is not paying for any right-of-way or any utility relocation.”

Commissioner Peterjohn said, “Thank you for clarifying that, both of you.”

Chairman Parks said, “Thank you. Seeing no further questions I’d entertain a motion to accept.”

MOTION

Commissioner Peterjohn moved to approve the Amendment to the CIP.

Chairman Parks seconded the motion.

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

Regular Meeting, April 8th, 2009

VOTE

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

H. PUBLIC WORKS

- 1. APPROVAL OF AN ESTIMATE FROM WESTAR ENERGY FOR RELOCATION OF LINES FOR SEDGWICK COUNTY PROJECT 795-N, O, P, Q; RECONDITION OF 199TH STREET WEST BETWEEN 21ST STREET NORTH & US-54. CIP# R-267. DISTRICT 3.**

Mr. Spears said, “This is an estimate from Westar Energy for relocation of electric power lines for the road improvement project on 199th Street West between 21st Street North and U.S. 54, designated as R-267. Sedgwick County will only be responsible for the portion of line located in the private easement as an estimated cost of \$178,810 and I recommend that you approve the estimate.”

MOTION

Commissioner Unruh moved to approve the estimate.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Regular Meeting, April 8th, 2009

2. APPROVAL OF AN AGREEMENT WITH THE CITY OF WICHITA TO COMPLETE A LEVEE CERTIFICATION FOR THE WICHITA-VALLEY CENTER FLOOD CONTROL PROJECT DESIGNATED AS D-23 IN THE CAPITAL IMPROVEMENT PROGRAM.

Mr. Spears said, “In Item H- 2 we request that you authorize the Chairman to sign an agreement with the City of Wichita for design, right-of-way acquisition and construction of repairs to the Wichita-Valley Center Flood Control Project. In 2007, Sedgwick County, Haysville, Park City, and the city of Wichita entered into an agreement with the Federal Emergency Management Agency (FEMA) that designated the levees and the Wichita-Valley Center Flood Control Project as provisionally accredited levees. This provisional status allowed the current floodplain maps to become effective and allowed the communities in Sedgwick County to remain in the flood insurance program.

“Under the terms of the Agreement, we had until February 2nd, 2009 to provide FEMA with certification that the levees meet current standards. FEMA was notified in February of 2008 and again in January of 2009 that the engineering study phase of the accreditation project would not be completed until the summer of 2009. Our deadline for certification passed on February 2nd and FEMA has indicated that they have begun the process of remapping the community as if the levees do not exist. The remapping process is expected to take 18 to 24 months. If the remapping is completed before the levees can be accredited, we can expect higher flood insurance premiums and the inclusion of large areas of the community in the floodplain area even though they are protected by the levee. The engineering consultant has identified some areas that they will not be able to certify without first completing repairs to the levee system. During preparation of the 2009 budget last summer, Public Works requested funding for design and construction based on an early estimate of \$8,000,000. The Board approved the expenditure of \$4,000,000 in the 2009 budget for this work.

“Currently, the City and the consulting engineer estimate that these repairs will cost \$10,100,000. The City is asking that we contribute a total of \$5,050,000 to the project. We are requesting that you enter into this agreement with the City and authorize the expenditure of the \$4,000,000 that is shown in the 2009 budget. Using the normal budget procedure, we will request that you add an additional \$1,050,000 to the 2010 budget to cover the remainder of our share of the project cost next year.

Regular Meeting, April 8th, 2009

“I just want to remind everyone in the community that properties that are already protected by the levees will continue to receive insurance credit for that protection until the maps are redrawn by FEMA. Our goal is to complete this repair work and the accreditation process before the maps can be redrawn. I recommend that you approve the Agreement and authorize the Chairman to sign.”

Chairman Parks said, “On the surface, if you just encapsulate what Director Spears just said here, it appears that we are late, but that actually we are being penalized for being first on the list. Would you agree with that Director?”

Mr. Spears said, “That’s the word we get, that we are the guinea pig in the entire nation. I did receive this magazine. It’s *Professional Engineering Magazine*. I wanted to show all of you this. This is going on across – it says ‘A Stark Reality’ and this shows a farmstead completely inundated with water and it says ‘For more than 100 years, little attention has been paid to levee safety. Now a panel of experts say urgent action is needed to avoid more catastrophes,’ so this is going on across the nation and we are the first one to go through this.”

Chairman Parks said, “And those companies, I’m sure, that certify the levees are inundated. I know there’s been some work in District 4, has been completed many months ago in fact.”

Mr. Spears said, “Well, so everybody doesn’t have a sense that this levee is bad, this levee has been here 50 years and we’ve not had breach of this levee yet. The levee’s in good shape. The Corps of Engineers comes through and inspects the entire levee every year, and they give a list of those things that need to be done to the City and they get those corrected each and every year, and of course, the County pays half of that budget.”

Chairman Parks said, “And if our maps don’t hit for 18 to 24 months we will be finished by then and be certified and the people will be safe and won’t have to pay the high insurance rates.”

Mr. Spears said, “We hope to get finished this year with this first phase of things that need to be done, and I also want to tell you that on April 28th, which is a Tuesday meeting that we have, our staff meetings in here, that Chris Carrier will be here to give you an update, the status report of where they are at.”

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

Commissioner Unruh said, “Thank you Mr. Chairman. David, the \$4,000,000 that we originally agreed on and then a \$10,000,000 estimate, is that just due to the fact that we were – didn’t have any good basis earlier on, is that...?”

Mr. Spears said, “Right, the consultant had not weighed in yet, now they have, and now that

Regular Meeting, April 8th, 2009

estimate is at \$10,100,000. We had originally made a best guess at \$8,000,000. Now I do want to say this, nobody really knows exactly what the cost will be after we have bid letting, see this, all these things will be let, could be more, could be less, and we'll find out then."

Commissioner Unruh said, "Well, thank you for that explanation. Another comment I want to make, similar to Commissioner Parks is that every now and then we will read a report about this that says we've missed the deadline, and although that might be technically accurate, the fact is, as it has been explained, we were first out of the starting blocks on this, and no one had an idea of how long it would take to evaluate and say what we had to do and the process has just taken longer than was allowed by the FEMA people, so we are underway. We think we'll still beat the end of the remapping, but it's urgent that we get on it now in spite of the fact, as you have said, from a local perspective, we do not see any sort of impending danger."

Mr. Spears said, "That's right, and we're confident that we can beat that deadline of when they are going to have the maps done because, as we all know, the federal government moves at glacier rate speed."

Commissioner Unruh said, "Thank you."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Well David, my concern is that the federal government may move at a glacial rate speed except when it comes to decertifying our levee and I find that rather ironic in light of the fact that just this, within the last few days, we've had a second flood within the decade up in Fargo, North Dakota where you've got the river out of its banks. Last year you had massive flooding in Iowa, and, of course the horrific situation a few years ago with Katrina down in New Orleans and the devastation in Galveston just a year ago. When it comes to flood levees and flood protection so it raises my question, why are we first in line and can you share any insight as to how we ended up in that dubious position?"

Mr. Spears said, "Now, that's a good question, and Mr. Weber is here to answer that."

Chairman Parks said, "There are no tar and feathers available today."

Mr. Jim Weber, Deputy Director of Public Works, greeted the Commissioners and said, "I think we are first in line, it's arbitrary and random. Our maps were coming up for publication in early

Regular Meeting, April 8th, 2009

2007 and that's when they decide to drop the hammer on whoever was in line first and created this. Now, the flip side of that is they did create the provisionally accredited levee system to try to help people but I don't know that it was real well thought out, and, to kind of dovetail on what Dave was saying, I think it took six to eight months to figure out what it is they actually wanted, what engineers were willing to do it, to have the engineers discuss with their attorneys what the liabilities were for doing it, and just kind of straighten the whole thing out. Now, new community – and we have a hundred miles of levee so it's a massive system. Again, I don't think we were targeted, it was just time to do it and who's first? Sedgwick County is on the list so that's the one we'll do."

Commissioner Peterjohn said, "Mr. Chairman, I've got a couple more questions to try and better understand this process. Because it was initially explained to me, and this was actually before my first meeting was a few days before I became a Commissioner that we split the cost 50/50 on, let's see, Wichita-Valley Center Flood Control Project, and I mean, I always want to call it the big ditch. I hope that doesn't cause any problems, but, for the big ditch, you mentioned other cities. Is the cost strictly 50/50 between Sedgwick County and the City of Wichita or is it 50/50 between all the cities involved, are the other cities that were mentioned earlier, like for instance Valley Center or Haysville contributing in some ways? Clarify that for me please."

Mr. Weber said, "It has always been 50/50 between the County and the City, and I think..."

Commissioner Peterjohn said, "Just as the City of Wichita."

Mr. Weber said, "City of Wichita, and I think if we look back historically, you go back, really the levee system opened up officially 50 years ago this summer. Construction, design and construction were started ten years from that, so if you roll back 60 years ago, Park City didn't exist, Valley Center was, these things were very small, rural communities. They've grown, they are in the urbanized area now. I don't think the budgeting formulas changed since then, but that's where the whole system started. That would not have been any really base to go with at that time. I mean, if you think about the population of the cities that existed at that time, in fact Haysville, I think, is just 50 years old so it may not have existed either when this whole system started up."

Commissioner Peterjohn said, "Let me ask a question that Dave Spears made the comment this is the first phase. I want to know how many more phases there are and if there's a terminal point in sight in terms of, so we'll have an idea in terms of exactly what we're facing here?"

Mr. Weber said, "I think the best way for me to describe this process to you is, it's not, but if you think about the design/ build model, we have a study going on, we have those engineers giving us estimate for what it's going to take. We're kicking off design but the whole study is not completed,

Regular Meeting, April 8th, 2009

and so we think they've identified the major repairs to be done, but we won't know until they make all the final hydraulic models because the last thing we want to get caught up on is the, 'just to give you the idea that we're safe, but we're required to have three foot of free board.' If they figure the 100 year flood elevation inside the levee we need three foot of levee above that. We wouldn't be able to certify a levee if we only had two and a half feet. We're still dry, we're not going to flood, but the standard might say 'you got to go back out and find more, put six inches of dirt on top of the levee.'

"Those kinds of areas won't be able to be identified until the final hydraulic models have been run. The things they've identified now are things that they know structurally won't meet the standards, they're working, but they're, just from reading the standards they know it. So they're trying to identify, as they go, what the hot spots are, they think they've got the biggest ones, but sometime later this summer we might come back to you and say here's a few other things that will have to be done. They have also identified sort of some-mid range and long-range things that flood control needs to look at. That's really not part of this project but while they're looking at this, they feel it's important to let the community know what they need to be looking at, and we were briefed on some of those things back in January. And those have significant price tags as well but I suspect those are things that will be budgeted in over time as they get prioritized and instead of seeing the big kind of bulges of the budget that need to be done, we have flood control incorporate that into their program over time."

Commissioner Peterjohn said, "I hope so. Thank you, Mr. Chairman."

Chairman Parks said, "I will be in anticipation for a future report if the cities did kick into this and I can't recall from my former job listening to that. I seem to think that some of the cities did kick in smaller amounts, but they did have some participation in this."

Mr. Weber said, "There were probably sometimes where you had the main original levee system. There have been some extensions; I'm thinking in Park City, for example, there was a levee extension that may have had local participation from them as far as the construction and getting it done. I don't want to say there was never participation, but in terms of the operating budget, it's always been 50/50 between the City of Wichita and Sedgwick County."

Chairman Parks said, "Thank you. Any other questions of Mr. Weber? If not, I'd entertain a motion."

MOTION

Commissioner Unruh moved to approve the estimate

Regular Meeting, April 8th, 2009

Commissioner Welshimer seconded the motion.

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

VOTE

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

I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON APRIL 2, 2009.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of April 2nd results in three items for consideration today.

1. SAP MAINTENANCE RENEWAL – ENTERPRISE RESOURCE PLANNING FUNDING – ENTERPRISE RESOURCE PLANNING DEPARTMENT

"First item, SAP maintenance renewal for the Enterprise Resource Planning Department and I'm going to make a small modification to this recommendation. The recommendation is to accept the quote from SAP Public Services Incorporated for first year cost of \$215,166.18 and establish contract pricing for three years for a total of three years, cost of \$693,867.89.

2. MODULAR FURNITURE & CHAIRS – FACILITIES DEPARTMENT FUNDING – NCAT FURNITURE FIXTURES & EQUIPMENT

"Item 2, modular furniture and chairs for the National Center for Aviation Training for Facilities Department. Recommendation is to accept the quote from John A Marshall in the amount of \$367,743.63,

3. ERGONOMIC CHAIR STANDARDS – ALL DEPARTMENTS FUNDING – ALL DEPARTMENTS

"And Item 3, ergonomic chair standards for all county departments. Recommendation is to accept low bids meeting specifications from Concept Seating for item 30. Humanscale, for items 1 and 3.

Regular Meeting, April 8th, 2009

Corporate Express, for items 56 through 58 and 60 through 66. The Siggins Co. for items 90, 91, 93, 100 and 101. T. E. Berry and Associates for items 73 through 84. Scott-Rice Office Interiors for items 8, 86, 88, 97, 104, and 106 through 122. Galaxie Business Equipment for items 18, 20, 26 and 28. Encompas for items 31 through 33 and 35 through 37. Contract Furnishings for items 40 through 43 and 46 through 50. Roberts Hutch-Line for items 5, 7 and 9; and Krueger International for items 123, 141 through 145, 154 and 155 and execute contracts with each vendor for an initial two year term with three one-year options to renew. I would be happy to answer any questions and recommend approval of these items.”

Chairman Parks said, “Any questions of Ms. Baker at this point? Seeing none, I would...”

Commissioner Unruh said, “I’d just make a comment, Mr. Chair. I want to just express appreciation for the Bid Board for slugging their way through this Bid Board item. That looks like a lot of work and consideration and I’m thankful that we can trust you all to do this and follow our guidelines without us up here having to do that type of an item, just a comment Mr. Chair.”

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

Commissioner Peterjohn said, “Iris, I second the comments of Commissioner Unruh in that regard, but I wanted to know how many chairs is the County planning to acquire under this purchase arrangement. I’m struggling in trying to sort out the number, or is it basically an authorization for a type of chairs and a certain number within that price range?”

Ms. Baker said, “It’s an authorization for the type of chair, and then you are establishing pricing for all of the chairs listed that you’re authorizing today. And in the process, the ergonomic process, Tammy Brandt can speak to that if you want to know the process, but basically when new employees come on board, or if ergonomic issues come up, these chairs that you authorize today will be the chairs from which folks have to choose from, and there’s demos, testing process, and so forth, and then whenever the chair is selected then a purchase is made. I can go back, do a little digging and look at the history over the last couple of years if you want to know approximate expenditures, but all of these types of contracts have many, many vendors tied to them.”

Commissioner Peterjohn said, “Iris, thank you.”

Chairman Parks said, “Seeing no other discussion I’d entertain a motion.”

MOTION

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

Regular Meeting, April 8th, 2009

Commissioner Welshimer seconded the motion.

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

VOTE

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

CONSENT AGENDA

J. CONSENT AGENDA

- 1. Resolution authorizing Project Manager's in Facilities, Project Services to sign closing documentation including deeds, for disposition of surplus real property.**
- 2. Request for waiver of personnel policy to hire a Forensic Scientist (Firearms Examiner) above minimum salary.**
- 3. Community Health Nurse II (CHN II) salary adjustment based on years of nursing experience for Darci Hiten.**
- 4. A resolution to authorize destruction of Health Department WIC Charts 2002 (DISP 2009-84).**
- 5. A resolution to authorize destruction of Emergency Medical Services Records (DISP 2009-85 PS-EMS 1975-2002).**
- 6. A resolution to authorize destruction of Elections records for the year 2003 (DISP 2009-80).**
- 7. Section 8 Housing Assistance Payment Contracts.**

<u>Contract</u>	<u>Rent</u>	<u>District</u>	<u>Landlord</u>
<u>Number</u>	<u>Subsidy</u>	<u>Number</u>	
V09011	\$238	2	Clearwater Senior Res.

Regular Meeting, April 8th, 2009

V09013	\$303	2	Hearth Hollow Apts.
V09012	\$550	5	William Favreau
V09014	\$404	2	Bridgewater Apt. Homes
V09015	\$279	5	SpringCreek Apts. Phase II
V09016	\$525	5	David L. Pickering
V09017	\$596	4	Country Park Residences
V09018	\$235	2	Chapel Ridge Apts.
V09019	\$352	5	Hearth Hollow Apts.
V09020	\$169	5	Hearth Hollow Apts.
V09023	\$613	3	Fieldstone Apartments
V100116R	\$305	4	Loren Majors

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V06012	\$229	\$212
V07028	\$289	\$278
V03027	\$304	\$193
V07020	\$494	\$494
V05002	\$274	\$282
V03010	\$650	\$649
V03029	\$279	\$294
V020012	\$468	\$301
V04018	\$ 89	\$106
V07029	\$452	\$430
V07019	\$299	\$292
V07033	\$237	\$247
V04004	\$614	\$450
V08019	\$290	\$277

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V01044	\$174	\$216
V01064	\$333	\$331
V07030	\$665	\$628
V020019	\$385	\$338
V07018	\$330	\$333

Regular Meeting, April 8th, 2009

V99022	\$210	\$200
V06018	\$171	\$166
V06013	\$325	\$298
V07021	\$300	\$317
V03028	\$297	\$354
V99021	\$111	\$88
V03017	\$306	\$337
V04010	\$249	\$225
V05011	\$302	\$297
V020029	\$339	\$337
V2029	\$250	\$241
V03013	\$248	\$247
V0701	\$470	\$455
V020021	\$188	\$179
V06015	\$219	\$208
V07025	\$316	\$491
V03024	\$210	\$244
V01041	\$474	\$462
V1048	\$368	\$368
V08005	\$353	\$317
V03019	\$263	\$262
V08017	\$414	\$439
V03019	\$238	\$240
V03020	\$344	\$377
V03021	\$269	\$298
V01042	\$339	\$337
V03022	\$257	\$274
V08031	\$560	\$423
V060050	\$427	\$328
V05045	\$ 79	\$215
V08079	\$499	\$323
V07033	\$373	\$237
V07101	\$350	\$159

<u>Contract</u>	<u>Old</u>	<u>New</u>
<u>Number</u>	<u>Amount</u>	<u>Amount</u>
V01044	\$291	\$174
V08030	\$ 98	\$254
V08028	\$186	\$218

Regular Meeting, April 8th, 2009

V08060	\$431	\$688
V08085	\$227	\$273
V08084	\$497	\$695
V94116	\$333	\$333
V05036	\$206	\$318
V07004	\$ 50	\$ 3
V08009	\$470	\$337
V020052	\$504	\$465
V020014	\$318	\$349
V08010	\$388	\$400
V08039	\$525	\$293
V08069	\$239	\$ 87
V08024	\$309	\$309
V08062	\$168	\$214
V07066	\$215	\$155
V07103	\$165	\$334
V08070	\$103	\$129
V95119	\$360	\$286
V08040	\$408	\$377
V08075	\$372	\$450

9. General Bill Check Register for the week of March 25, 2009 – March 31, 2009.

10. Order dated March 25, 2009 to correct tax roll for a change of assessment.

Mr. William Buchanan said, “You have the Consent Agenda before you and I would recommend you approve it. I want to remind you that the first item, Item 1, will also appear on your agenda for Fire District. We discovered that we needed to have it approved on this agenda, and we needed to approve it at the Fire District level, so once this meeting is recessed I will ask the Chair to call the meeting of the Fire District together and we can then pass this resolution again. So, I recommend you approve these items.”

Chairman Parks said, “So, Mr. Euson, do we have to not approve number one, then, or can we approve that previously to...”

Mr. Euson, County Counselor said, “I don’t think it hurts to go ahead and approve the Consent Agenda as it’s presented.”

Chairman Parks said, “Okay.”

Regular Meeting, April 8th, 2009

Mr. Euson said, "Including item number one."

Chairman Parks said, "Okay. Do we have any questions on the Consent Agenda?"

MOTION

Commissioner Welshimer moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Parks said, "Thank you. At this point we, Mr. Manager, do you have an announcement?"

Mr. Buchanan said, "Mr. Chairman, if it would please the Commission, I would request that you recess this meeting and open the meeting of the Fire District Number 1."

Chairman Parks said, "We're in recess for this meeting."

The Board of County Commissioners recessed into Fire District Number One Meeting at 11:12 a.m. and returned at 11:16 a.m.

Chairman Parks said, "We will take back up the meeting at hand for the Board of County Commissioners."

K. OTHER

Chairman Parks said, "We have 'other' comments, any 'other' comments from the Commissioners? Commissioner Unruh."

Regular Meeting, April 8th, 2009

Commissioner Unruh said, “Just two quick comments, reminding folks that Link 4 Life is April 18th at Sedgwick County Zoo, it’s a lot of fun, great community event. And secondly the Tiger Trek, our new exhibit at the zoo is going to be open May 22nd. There’s a preview for zoo members on I believe it’s May 16 and 17. So this is a good time, a good incentive for people to buy memberships at the Sedgwick County Zoo so they can be first to see the Tiger Trek. I would encourage everybody to join the zoo and get ready for that big event. That’s all I have, Mr. Chair.”

Chairman Parks said, “Thank you. I did have an item. I wanted to editorialize a little bit on the New York shooting. We need to have the families in thoughts and prayers on the government offices up there where they had the mass killing this week. Certainly, gets back to a controversial issue on some part but I think this is a case where well trained, licensed carry conceal could have made a difference here and neutralized the situation but that’s an editorial opinion, I guess, on that, and we need to think about that when we are making legislation. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Mr. Chairman, I have a couple of items to report and I second your comments and also add in the situation in Pittsburgh that occurred recently at about the same time too, but I wanted to give a quick report on the retreat that we had at the GWEDC (Greater Wichita Economic Development Coalition) Meeting and mention that three people from the County participated in that, Mr. Chairman yourself and the County Manager. We spent a good part of two days working with the folks from the City and also from the GWEDC Board who are working to try and strengthen our local economy, which we definitely need at this point in time and Ill have some more information at a later date.

“But I think it’s important to bring that out there. I also wanted to mention that I was glad to see that the City of Wichita has appointed two elected officials, Councilman Gray and Councilman Longwell to participate in the aviation and bird strike issue. We’re having a meeting Friday morning at the airport and it’s my editorial comment, I’m very disappointed that the FAA (Federal Aviation Administration) apparently is not going to be disclosing some of the bird strike information that’s been available in the past and I don’t think that’s going to make our task at either the city or county level any easier.

“My last comment would be for citizens out there with the appraisal notices. Everyone should have received the new valuation coming from the Sedgwick County Appraiser. My experience has been that if you have a concern or question, to contact the Appraisal Office. If you think the valuation is too high, the best time to take that up is, you’ve got basically until the end of April to file your appeal for that valuation and work it through the process. We had data earlier today indicating that

Regular Meeting, April 8th, 2009

47 percent of the appeals that end up going to the State’s Court of Tax Appeals have been successful. So I think it’s very important because valuation is a difficult task, value and property is subjective in many ways and the taxpayer out there, this is getting the valuation notice and potentially examining them closely, I think, is very important. So Mr. Chairman, those are the items I wanted to mention today.”

Chairman Parks said, “Thank you. I will not be in my Valley Center office, north remote office, Friday morning in reference to the vote canvas. It’s a very important one. There are quite a few close races in the County. I will be attending that vote canvass. Any other action or comment from the County Commission? Seeing none, entertain a motion to adjourn.”

MOTION

Commissioner Peterjohn moved to adjourn.

Chairman Parks seconded the motion.

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

VOTE

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

There being no other business to come before the Board, the Meeting was adjourned at 11:22 a.m.

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

KELLY PARKS, Chairman
Fourth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

_____, 2009