

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

### **REGULAR MEETING**

**April 15, 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 15, 2009, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; Ms. Beverly Baalman, COMCARE; Mr. Ron Holt, Assistant County Manager; Mr. Mark Sroufe, Park Superintendent; Mr. Michael D. Pepoon, Assistant County Counselor; Mr. Thomas Pletcher, Clinical Director, COMCARE; Mr. Pete Giroux, Principal Analyst, Budget; Ms. Iris Baker, Director, Purchasing Department; Mr. Chris Chronis, CFO; Mr. Robert Lamkey, Director of Public Safety ; Ms. Diane Gage, Director, Emergency Communications; and, Ms. Katie Asbury, Deputy County Clerk.

#### **GUESTS**

Mr. George Fulp, 14420 Donegal Circle, Wichita  
Mr. Dave McClintock, Director of Technology, KPTS  
Mr. Patrick Hanrahan, President, United Way of the Plains  
Mr. Mark Stump, Director of Direct Services, United Way of the Plains

#### **INVOCATION**

Led by Reverend John Decker, retired United Methodist Pastor.

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES**

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**Chairman Parks** said, "Commissioners, you have all had a chance to review the minutes. What is the will of the Board?"

#### **MOTION**

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Commissioner Welshimer moved to accept the minutes as read.

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Next item.”

**PROCLAMATIONS**

**A. PROCLAMATION DECLARING APRIL 19 - 25, 2009 AS NATIONAL VOLUNTEER WEEK.**

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

**PROCLAMATION**

**WHEREAS**, National Volunteer Week is a 35-year tradition that recognizes and celebrates the tremendous efforts of volunteers across the country; and

**WHEREAS**, volunteer centers, nonprofits, businesses, government agencies, hospitals, faith based organizations, and schools utilize National Volunteer Week to highlight their own volunteers and support thousands of service projects in the community; and

**WHEREAS**, the United Way Volunteer Center promotes volunteerism by recruiting volunteers, coordinating group volunteer projects, organizing youth volunteer leadership opportunities,

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coordinating corporate employee volunteer activities, and training agency volunteer coordinators; and

**WHEREAS**, the United Way Volunteer Center has worked with 12,000 individuals in the most recent year to match them with volunteer opportunities at more than 200 local nonprofits in Sedgwick County – such as the Sedgwick County Zoo, children’s agencies, museums, food pantries, agencies for the elderly and many more.

**NOW, THEREFORE, BE IT RESOLVED**, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim April 19 – 25, 2009 as

**“National Volunteer Week”**

in Sedgwick County and encourages all citizens to join with organizations like United Way Volunteer Center to improve our community through volunteering your time and effort to a cause that is meaningful to you.

“And it is dated April 15, 2009 by the Chairman Kelly Parks.”

**MOTION**

Commissioner Norton moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “And we do have some people here to accept the awards, if you will come to the podium at this time.”

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**Ms. Zukovich** said, “Yes, Commissioners, we have Pat Hanrahan from United Way of the Plains, and Mark Stump from United Way of the Plains.”

**Mr. Patrick Hanrahan**, President of the United Way of the Plains, greeted the Commissioners and said, “On behalf of Mark Stump, our Director of Direct Services, and Becky Springer, Volunteer Coordinator, and myself, on behalf of the United Way, I would like to thank you for this recognition.

“Volunteerism is always important in our community, and I think given what’s going on in Wichita and Sedgwick County right now with the economy, volunteerism is going to be even more important. As you heard, we’re working with over 260 nonprofits in the Sedgwick County area. And referring people that want to volunteer and get involved on an ongoing basis. I think it is also going to be very important now for those who are laid off across the nation. I’ve read articles that volunteerism is an important aspect for those who are laid off. They can sharpen their skills; it also gives them a chance to help our nonprofits in a bad economy, and gives them some real purpose and motivation as they go through this layoff situation. So thank you for the recognition of this important work. We appreciate it.”

**Chairman Parks** said, “Pat, we’d certainly like to thank you for your accepting this and taking the time out of your day to come in and do this, and we do realize that time is of the essence here, and the logistics of your organization, as well as many other volunteer organizations, for ‘National Volunteer Week.’ Thank you.”

**Mr. Hanrahan** said, “Thank you.”

**Chairman Parks** said, “And I do have another comment. Commissioner Norton.”

**Commissioner Norton** said, “Well, nonprofits and volunteerism is so important to our mission as a County, because it complements and supplements the things that government can’t do, or probably shouldn’t be doing in a lot of cases to help our community and make sure that we are all working for the needs of the constituents that we have. Just a couple of three things that I wanted to hone in on.

“211 is the number you can call if you want to volunteer. You can also connect to services that you might need as an individual, but you can also connect to those services out there that need volunteers of any manner, and they’ll ask certain questions and get you to the kind of things that might interest you as far as volunteer work. So think of 211 when you think of volunteering. It is

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that one call that will get you connected to the community, the volunteer community, the nonprofit community, and those things that the United Way supports and does.

“The second thing is, is that we think of the United Way Campaign as a fall activity. It is September and October when we run our employee campaign. But I can tell you I am on the United Way Board, and we’re deep into the campaign right now; trying to figure out how it works for our community this year. It’s going to be a tough year, and I would challenge everybody that still has a job, that still has the ability to earn the kind of living that they always have, to step up this year and take care of our community as we have others that are struggling, that are in difficult times. I think that’s the mark of a great community. That when times are tough and that not everybody is getting a chance to realize the American dream that everybody else pitches in, in what manner they can to help out. And it may be a monetary gift, but it may be the gift of your time and talents through volunteerism.

“And then finally, last night the United Way had their annual dinner to recognize volunteerism, and I’ll call attention to just one person, but there were many that were honored. Brandy Mitchell of CapFed (Capitol Federal) was the Loaned Executive of the Year. It was inspiring to hear the kind of change it made in her life to be able to take some time from her job and volunteer to help the United Way Campaign, which was very successful last year. So we are hopeful that there will be a whole army of Brandy Mitchells that will step up from companies to help us do that again for our community. Thanks, Pat, for what you do for our community. I know it stretched you this year helping out in Greensburg and now trying to set up the out of work center that will be on Central Avenue. All of that comes at a price of time and talent and money for the United Way, but it is what is needed in our community, and we thank you for that.”

**Mr. Hanrahan** said, “Commissioner, thank you very much. And thank you again for the recognition. Let me add real quickly, we will be as a part of this volunteerism spirit, opening the United Way Laid-Off Workers Center around June the 1st, and Via Christi Senior Services has graciously volunteered their facilities so that all of the funds that we raise will be going for laid off workers. We thank them for that and thank you again.”

**Commissioner Unruh** said, “Thanks, Pat.”

**Chairman Parks** said, “Thank you. We have another proclamation.”

**B. PROCLAMATION DECLARING APRIL 12 – 18, 2009 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK.**

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

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**PROCLAMATION**

**WHEREAS**, when an emergency occurs, the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and

**WHEREAS**, Sedgwick County emergency telecommunicators, the unseen heroes of our local public safety agencies, are the first and most critical contact our citizens have with emergency services; and

**WHEREAS**, the safety of our police officers, firefighters and paramedics depends upon the quality and accuracy of information obtained from citizens who telephone Sedgwick County Emergency Communications; and

**WHEREAS**, Sedgwick County Emergency Telecommunicators are the single vital link for our police officers, firefighters and paramedics by monitoring their activities by radio, providing them information and ensuring their safety; and

**WHEREAS**, each Sedgwick County Emergency Telecommunicator has exhibited compassion, understanding and professionalism during the performance of their job in the past year; and

**WHEREAS**, Sedgwick County Emergency Telecommunicators provide these services to 26 local public safety agencies;

**NOW, THEREFORE, BE IT RESOLVED**, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim the week of April 12 – 18, 2009 as

**“National Public Safety Telecommunications Week”**

in Sedgwick County, in honor of the men and women whose diligence and professionalism keep our country and citizens safe.

“And it’s dated April 15, 2009 and signed by the Chairman Kelly Parks.”

**MOTION**

Chairman Parks moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “And we do have Ms. Gage here to accept the Proclamation.”

**Ms. Zukovich** said, “That’s correct. Diane Gage, Director of our Sedgwick County Emergency Communications.”

**Ms. Diane Gage**, Director of Sedgwick County Emergency Communications, greeted the Commissioners and said, “Thank you, Kristi. Thank you for the opportunity to come before you today to recognize the dispatchers. Your support for them over the past several years has been just phenomenal. We are working in a center that has given us the space and the aesthetics to really do a good job. We’ve made it through a lot of growing pains, moving, new computer system, and I think we’ve come out with a much better service than we ever had before and I appreciate your support with that.

“I did bring with me today some of the folks, actually there are people over there answering 911 calls, the bulk of the people here today are new to the department, they are just joining us and are in the middle of becoming 911 call takers. So you will be having them answer your phone call, if you have a bad enough circumstance where you have to call us. They will be answering our phone calls in the next few weeks as they finish up their training. And if you guys want to stand.”

**Chairman Parks** said, “Awesome.”

**Ms. Gage** said, “And then in the back row we’ve got a lot of our support staff and those folks.”

**Chairman Parks** said, “We would like to thank you for your service, and I would be remiss if I didn’t remember Haysville, Derby, and Valley Center also, they have telecommunicators at those locations also. Thank you for your service.”

**Ms. Gage** said, “Thank you.”

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**Chairman Parks** said, “Thank you. Seeing no other comments, move on to the next item. Before we do that, I have a little housekeeping thing I need to do here. For those of you that have a fixed agenda, I would like to move Item I to immediately after the Consent Agenda so the people that are waiting there for that will know that that has been moved.”

**MOTION**

Chairman Parks moved to take Agenda Item I after the Consent Agenda.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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

**APPOINTMENTS**

**C. RESOLUTION RE-APPOINTING BRUCE KOUBA TO THE SEDGWICK COUNTY COMMUNITY CORRECTIONS ADVISORY BOARD.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “We’ve prepared a resolution to reappoint Mr. Kouba to this position. This is a two-year appointment to this 12 member board, and I would recommend you adopt the Resolution.”

**MOTION**

Commissioner Unruh moved to adopt the Resolution.

Commissioner Norton seconded the motion.

**Chairman Parks** said, “Any further discussion?”

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**Commissioner Unruh** said, “Mr. Chair, if I might...”

**Chairman Parks** said, “Sure.”

**Commissioner Unruh** said, “...Mr. Chairman, just make a comment, thanking Mr. Kouba for his service to our community in the area of Community Corrections. He’s served in that capacity, I think, for many, many years, since before I became a Commissioner. But his experience and diligence is very valuable to Community Corrections and just want to express publicly our appreciation of that.”

**Chairman Parks** said, “I don’t see him here today, but we do thank him for his service. Thank you. Seeing no further comments, call the vote.”

**VOTE**

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

**Chairman Parks** said, “Next item.”

**CITIZEN INQUIRY**

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

**Chairman Parks** said, “Mr. Fulp, would you come to the podium, state your name and address, please.”

**Mr. George Fulp**, 14220 Donegal Circle, greeted the Commissioners and said, “Thank you, Mr. Chairman. Good to see you all again. Once again today’s subject is property taxes and the County Appraiser's Department. The facts and numbers presented today, Mr. Chairman, were obtained via public documents. I do request that today’s presentation and the handout which I will be providing shortly be entered into the record and made a permanent part of this meeting’s minutes and the County record.

“As we all know, the County Appraiser recently sent out to all property owners the 2009 tax year property valuation notices. And I watched and listened closely to the County Appraiser's report to

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this Commission on television. In spite of the fact that nationally property values decreased 15 percent, '07 versus '06, and just announced the first quarter this year as they do annually, another 19 percent, '08 versus '07, with little or no relief in sight, thousands of families in Sedgwick County have just received increases in their property valuations, which will lead to an increase in their property tax bill this year. K.S.A. 79-1476, which you know governs the appraisal process, lacks specificity as to how exactly the process is going to take place locally. It even allows those who have a direct financial, personal interest to be gained in governing and doing the evaluation process.

“But there is one theme, as you know, in this bill, that is clear to us all, and it was pointed out to you folks last week once again by the gentleman talking to you about Proposition K. It requires, it desires, it almost demands that there be fairness and that there be equality and equity. Well, do we have that equality and equity in this County? With that, Mr. Chairman, may I approach to give a handout and put a board up?”

**Chairman Parks** said, “Certainly.”

**Mr. Fulp** said, “I ask the camera person for you to please focus on the board because I look ten pounds heavier at home. This is more important than me anyway. Now let’s take a look at some of the data that we have. Let’s take former Chairman Winters, Commissioners Winters, the top line, as you will see it is only a ten-year period, 2000 through 2009. Couldn’t go back any further. Mr. Winter’s property value stayed the same ‘01, ‘02, ‘03. Went down in ‘07, and back up. So in essence only out of the ten-year period did he have five upward valuations of his property.

“Commissioner Unruh, 2000, 2001, 2002, 2003, 2004, 2005, that’s six straight years, no change in property valuation. And, again, there was no change in 2009. So that means seven out of the last ten years, Commissioner Unruh has had no change, upward change, in his property valuation. Commissioner Norton stayed the same for two years, 2000, 2001, it went up, then stayed the same again that year. It went up, it went up, you go to 2007, 2008, 2009, for the last three years, no change in property evaluation.

“So that is about five or six years out of the last ten Mr. Norton has had no change in his property valuation. That’s five, to be correct. County manager Mr. Buchanan, the same as Commissioner Norton, only five increases in valuation over the last five years. And our illustrious County Appraiser, no increase in valuation three years straight, 2000 through 2002, and again two years straight 2008 and 2009. So he has only had four evaluation increases over the last ten years.

“Now let’s take a look at an average citizen property valuation over the last ten-year period. And I consider myself an average citizen. My property valuation, using the Appraiser’s increase percentages, could have gone from \$280,600 in 2000, to \$403,000 this year had I not appealed. My wife and I bought our home in mid1996, as you can see, for \$268,700. At that time it was already

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appraised nine percent over market from what we actually paid for it. When 1997 came and we got our property evaluation for \$292,800, I naturally appealed. That appeal was easy because I took it in the actual purchase price of my home and they adjusted down to what we actually paid for it, which was the market value of the home. And because we are only dealing with a ten-year period, I can't show you what happened to my property in '98 and '99, but they did go up, only slightly.

“But during the ten-year periods, we're comparing to everyone else, we are at \$280,600. And it goes up in 2002, six percent. I appealed. Using direct comp data and from my neighborhood, surrounding neighborhood, not a mile and a half, not two miles away as done in a lot of cases and evaluations. Again, it was adjusted, and we found that through that data, I had been overpriced of market 9.9 percent by evaluation. In 2005, another increase comes, 8.1 percent. I appealed. Got absolutely nowhere. Although the Appraiser's Department used no direct comps in my neighborhood, in my development.”

**Chairman Parks** said, “Can you kind of wrap it up?”

**Mr. Fulp** said, “Yes, sir. About a couple minutes. Bottom line short is, if you take a look at the percentage columns, again I would state, from year 2000 to 2009, had I not appealed and not been successful to appeal, my property would have gone from \$280,600 in valuation, to this year, \$403,200. If I could sell my home for \$400,000, I'll kiss the buyer, a lot. It's not difficult to see how the County budget went from \$190 million to \$400 million in just ten years with only one small mill levy increase, and again one small mill levy decrease. That money had to come through this process, and we all know it. Although it is convenient for governing bodies to use K.S.A. 79-1476 as a shield, say it's state law, we can't really do anything, we follow the process.

“It is your responsibility; it is your obligation as our elected representatives to ensure that locally, the appraisal is fair and equitable and performed with clarity, consistency, and integrity. How many of the tens of thousands of people, in this County, who do not have or take the time to go through the appeal process. They just accept it. They trust their government or whatever. Too busy with their families. If this system was truly fair and equitable, then why was it reported to you last week that 47 percent of the few thousands of many thousands that do appeal, their appeals are approved if the system is working properly?”

**Chairman Parks** said, “You have about 30 seconds to finish this up, Mr. Fulp.”

**Mr. Fulp** said, “Fine. When you have a system where this body does not have the authority to change 79-1476, but this body can change the way it is implemented, it is administered and policed,

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to ensure the best possible and final fair and equal results. The question is, will you do it? Thank you.”

**Chairman Parks** said, “Okay, if you will remain at the podium. If there are any questions of Mr. Fulp at this time? Commissioner Welshimer.”

**Commissioner Welshimer** said, “Normally, I mean, in general, these values are figured by the computer. The sales are put into the computer and adjustments are made for different things. So if there is a problem here, I would like to know about it, and so I will be glad to look into this, and meet with you.”

**Mr. Fulp** said, “Thank you very much...”

**Commissioner Welshimer** said, “Okay.”

**Mr. Fulp** said, “I appreciate that.”

**Commissioner Welshimer** said, “Or just set an appointment or I will call you.”

**Mr. Fulp** said, “At your convenience, I will make myself available.”

**Commissioner Welshimer** said, “Thank you. Okay.”

**Mr. Fulp** said, “Thank you, [inaudible].”

**Chairman Parks** said, “And I have done that myself with four or five people already in my district also. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Yes, I would like to make a couple comments concerning Mr. Fulp and I think I will be able to have a question tied in at the end and maybe tie it in, because I was curious if you might give me a quick response in terms of if he’s going to make some more presentations concerning appraisals and property tax growth to other local bodies, like his school district, and are you in an incorporated area or are you out in the township, Mr. Fulp?”

**Mr. Fulp** said, “We are in the County, unincorporated area.”

**Commissioner Peterjohn** said, “Okay. But I was curious if you were going to be also talking to your other local officials, including your legislators, with this type of information?”

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**Mr. Fulp** said, "I have already talked to my State Senator representative, Mrs. Wagle, and she basically said 'there is nothing I can do, because the developer and real estate lobby is too heavy in Topeka to even approach anything near Proposition 13 or Prop K.'"

**Commissioner Peterjohn** said, "Okay, follow up question I would like to throw out to you is, a lot of people do appeal, and the end of the month would be the 30 day time period and the best period for folks if they have problems with their appraisal, and I am like yourself, Mr. Fulp, when I bought my house about a decade ago, I've had regular and significant appraisal increases, and I'm not sure why I was excluded from your list, but I have certainly appealed at every opportunity, and used the information that's available in the system and been able to get from the Appraiser the valuations for not only my property and the comparables, but also for the neighboring properties in my community as well as the actual sales in my neighborhood. Were you able to get that information from the Appraiser's Office, Mr. Fulp, without any difficulty?"

**Mr. Fulp** said, "Oh no problem getting information, the staff is very cooperative."

**Commissioner Peterjohn** said, "Okay. I have some other comments, Mr. Chairman, but I'll save them and those were my questions for Mr. Fulp."

**Chairman Parks** said, "Okay, I did have one comment for Mr. Fulp. I felt kind of left out, last year, my taxes went up 11.5 percent, and this year they went up 3.9, so, my name wasn't on the list."

**Mr. Fulp** said, "The list could be much longer. I was trying not to pick anyone or defame anyone [inaudible], it is to make a point. That we have a system that is subjective, it is subject to political influence, it is subject to bias. We don't consider whether your home next to mine or a mile away has been renovated and mine has not. You are going to sell yours, so you renovate it. The price goes up. Mine is being run down because I don't have the money to put in all the quartz tile or whatever. It is a very subjective system. And I used the data that I used because it is impactive."

**Chairman Parks** said, "Okay, well I wish you well with your meeting with Commissioner Welshimer, and I'm sure that she will provide some insight on some things that we couldn't delve into today."

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

**Chairman Parks** said, "Commissioner Peterjohn."

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**Commissioner Peterjohn** said, “Yes, I would also like to extend to Mr. Fulp the opportunity to visit with me, or I’ll sit in with Commissioner Welshimer when he meets with her, if that’s okay. I think it’s very important that the citizens out there know if they feel uncomfortable with the valuation they’ve received, to appeal it. And I think it would be important to add that when this question came up at our staff meeting a couple weeks ago about the appraisal increases, the five Commissioners all sat down and went through and we think the figures countywide, and I don’t see Mike out here to correct me, was the property valuations as of January 1st this year, which is the date as required by state law that those valuations be measured as, we had 13 percent increases in residential property, 15 percent decreases and the rest were unchanged, and we had a situation where we went around the room and the five Commissioners, three of us were unchanged, one Commissioner had a decrease, and one Commissioner had an increase.

So I don’t know if this year’s is as typical as any other year that’s out there, but this is something that this Commission and I believe that all my colleagues up here are looking at and concerned about, and I think the citizens also need to know out there that there are responsibilities. Commissioner Welshimer talked about the fact that there is a computerized system for the valuations, and because of that fact, this is the one time the taxpayers have the best opportunity to appeal those valuations, but they are operating under a system, like you pointed out, Mr. Fulp, under state law.

“For instance, I could not have an increase in my appraised value, because last year I appealed my valuation, I got a partial rollback, and because of K.S.A. 79-1460, my valuation couldn’t be legally increased this year because of that rollback under state law. And that’s administered, while the County Commission does hire the County Appraiser, the County Appraiser does report to the Secretary of the Property Valuation Division, which is a state function, that’s an appointment of the Governor. It is part of the Department of Revenue at the state level, so this is an area where you’ve got both local and state involvement. And I think it is important for the citizens out there to know that. And I appreciate Mr. Chairman, the opportunity to kind of expand and amplify upon the remarks of Mr.Fulp.”

### **MOTION**

Commissioner Welshimer moved to receive and file.

Chairman Parks seconded the motion.

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

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**VOTE**

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

**Chairman Parks** said, "Next item, please."

**PRESENTATIONS**

**E. PRESENTATION REGARDING LOCAL RECEPTION OF CHANNEL 8 PROGRAMMING.**

**Mr. Dave McClintock**, Director of Technology, KPTS Television, greeted the Commissioners and said, "Happy to visit with you a little bit this morning. I would like to just briefly review the transition, some things we've done and then talk about reception issues. Back in January 5th, we turned off our analog broadcast and we did that primarily to have time to remove that equipment and put new digital equipment in the building.

"We simply didn't have room for more equipment in that building, so at that time that left us on our temporary UHF (ultra high frequency) channel. On February 16th we then turned this new digital Channel 8 on. You may recall that we were supposed to be targeting February 17th across the country. In the meantime, Congress has changed that rule now to June. As a result, we asked to go ahead and make our transition since we'd already turned our analog off and prepared for that. And we did do that. Both times, January 5th and February 16th, viewers experienced some reception problems, different viewers for different reasons.

"We got a lot of calls, and I guess I'm pleased on one hand that it's not just a Wichita phenomenon. KAKE also advised us they had lots of calls for several days when they made their transition and from what I've read across the country, this is not something that's just happening here. This is a common occurrence across the entire country as we move from UHF channels to VHF (very high frequency) channels. Indoor antenna users are what I would call the primary losers in this move, at least for us. KPTS experiences the same difficulties today that we have from the day we went on the air, and that is relating to the height of our tower. Most of the stations in Wichita are just west of town, in the Colwich area, about ten to 15 miles from Wichita. Our tower is located just east of Hutchinson, 30 to 35 miles away, and it's the shortest tower in the market. Most of them are about a thousand feet, we are 780 feet.

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“The combination of the distance and the shorter tower make our signal weaker in the Wichita market, because we’re so much further away. After taking literally hundreds of calls for several weeks and emails, we, too, began to question do we have the signal strength out there and the coverage that we thought we had that was predicted? And so we spent about four days, actually, traveling the viewing area and making measurements. 16 of the counties that we serve are ones that we touched on, and I’m feeling much more comfortable today in finding that really reception is not a major issue, as it seemed to be from the phone calls. We only found about four or five locations that we stopped at that we had difficulty receiving the channel. Now, granted we only pinpointed a few places, and that’s not to say that there aren’t a lot of people that are having trouble for one reason or another, simply to confirm to us that there is good signal coverage in our viewing area. In fact, it is larger than it’s ever been.

“One of the things that we’ve done in this transition was request an increase in power from the FCC (Federal Communications Commission) and we were authorized that. So we are now broadcasting the maximum power they will authorize, you know, that does not interfere with other Channel 8s in the region. We believe we’ve done pretty much what we can do at this point in time to ensure that there’s a good coverage.

“It is not plug and play for everybody, as we all know, and the individuals that continue to have reception problems are going to have to be dealt with on an individualized basis to see what it is in particular with those situations that we’ll need some help. Trouble shooting is frankly more difficult in digital than it was with analog. If there was some signal problem you could usually see some indication in the picture, or hear something in the sound. With digital, if it’s not good enough to work, there’s just simply nothing there, and you really can’t tell why without some test equipment to look at that and see why.

“So for our suggestions to reception, they have been refined a little bit, but primarily the first thing I tell people is, if you are in the Wichita area or that distance from the tower, you really need an outside antenna to be reliable. We do know there are people using indoor antennas and being successful with that, but I think the percentage is fairly low, and probably more of those are people who are living in a high rise situation, where their antennas are higher above the ground. Height does help a lot. Since most of us have a TV that’s probably only about six feet above the ground, if you set the antenna on the TV, you don’t have very much height.

“Being inside the building also creates some losses. Most indoor antennas are a device that is bi-directional; it will receive from two different directions. That doesn’t help when there’s some kind of interfering signal behind the antenna, versus between the antenna and the transmission location, or beside it. Reflections of signal, all these things cause a loss of reception in digital, more so than

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they did in analog. And that's largely because many people became accustomed to just seeing kind of a noisy picture, or a little bit of ghosting or whatever. If they couldn't get it any better, they lived with it. But with digital, it doesn't live with it. It simply doesn't give you a picture if it's too bad.

“So outdoor antennas are designed to be directional, usually of a higher gain, so they are more sensitive and they work better. Even if that outdoor antenna is placed in an attic, it will be better than a typical indoor rabbit-ear style of antenna. All antennas do work better when they are higher above the ground, just as mine would work better if I could get it higher above the ground as well. Gets a stronger signal out. You pick up more of it, there's less attenuation, less interference from buildings, trees, and anything else that is out there in the way. Antennas, of course, need to be aimed in the proper direction. It's easy to say 'aim it toward the tower,' but there are actually a few occasions where there may be something shadowing the tower a little bit and aiming it a little bit different direction actually gets a better signal. So, again, it's not just so easy as put it up, plug it in and it will work. Sometimes there are situations that have to be resolved on an individual basis to find out why.

“Antenna preamplifiers are used by many people. We have found, and others across the country are also telling the same story, that many of them will amplify FM radio signals too much if they don't have what we call an 'FM trap' that will stop those signals from coming through the amplifier. That will simply cause a loss of reception, and I've experienced that in one situation that I went to myself, where they had a preamplifier on the antenna. By simply turning that trap on, everything started working. So there's a lot of caveats in this deal, and the average viewer that is still having trouble may not easily figure them out themselves, unfortunately.

“We also advise people to make sure the antenna connections are good. An older antenna is just fine if it's got good connections and it's physically in good condition and not beat up. If it's been damaged physically, it is not going to be as efficient, it may have to be replaced, depending on how badly it's beat up, but I've talked to several people that are using antennas from the 1970s, and I've got one at home at my house, I put up in '82 and they work just fine. There is no real need to have a special antenna or a digital TV antenna. An antenna is an antenna. As I said before, these antennas can be mounted in an attic, that will not perform quite as well, and oftentimes there is not as much room in an attic to actually position it correctly. But we do know of several people who contacted us that are using that method and it works fine, so it is a possibility.

“The other probably big thing is how many TVs you connect to that antenna. Actually, I need to go a little further, not just TVs, but if you are using recording devices, anything with a tuner in it that's using that antenna, that signal is split and divided between each one of those. So a single antenna connected to four devices, each device will have roughly a fourth of what it would have if it were

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plugged directly into that device. And so if the signal is a little bit weak, as ours is at this distance, trying to split it into too many devices will cause a loss of reception. Again, a preamplifier might fix that, or a distribution amplifier that overcomes that loss and trying to divide that between the different units.

“We handle a lot of calls and will continue to try to handle the calls that come to the station and talk through the particular situation. We frankly can’t go out and try to service these calls and make the repairs for people, but we will do our best to help them understand what the situation is and what they might do to make it better. Are there any questions that we can help with?”

**Chairman Parks** said, “Yes. On your survey...”

**Mr. McClintock** said, “Yes.”

**Chairman Parks** said, “...did you have a particular method that you used to go out and do those surveys, or if I have somebody in my district that would like to have you check their area or are you spot checking?”

**Mr. McClintock** said, “We can do some of that, certainly. We went to, I think, a dozen locations, roughly, in the Wichita Metro Area, between Derby, Haysville and Wichita, and only one place did we have difficulty getting the signal. Now, again, I know that’s not every place and there are places that there will still be trouble. We simply used a small outdoor antenna, it’s about three feet long, so it’s not a big device, cost maybe \$60, I think, and a Zenith converter box, a brand we happened to have with us, into an old TV. Then of course a piece of test equipment that we could actually analyze the signal and see what was out there, what might be interfering, if anything was. 20 feet above the ground, I mean, we weren’t doing anything extraordinary. Most antennas in homes are probably not much higher than that. And there’s a number of locations that honestly holding the antenna right here beside me worked just fine without even putting it up in the air.

“The other thing we did run in to, and I continue to, actually, even last week, a number of people have purchased the wrong antenna. They need to be sure that it is a UHF/VHF capable antenna. This market was all UHF up until February. But now, two of us have gone back to VHF, and Channel 12 will be doing that later now in June, I guess, is when they are going to make that move. So it’s going to be a mixed UHF/VHF market. It is unfortunate that a number of folks have been sold UHF only antennas. They may work reasonably well with Channel 10, for example, that’s so close into Wichita, but they don’t work with us. They may not work with Channel 12 when they get their switch made. But we can make some of those tests. I can’t commit to too much of that, because of the time commitment it takes to do that.”

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**Chairman Parks** said, “Sure. Commissioner Welshimer.”

**Commissioner Welshimer** said, “This became a concern to me about a month ago, one of my constituents, which would be in the area of, let’s say, south of Kellogg, to Harry and then Edgemore, Woodlawn, Rock Road.”

**Mr. McClintock** said, “Okay.”

**Commissioner Welshimer** said, “They got Channel 8 and watched this meeting before the change was made without any problem. And they have not been able to get reception since, and they have purchased a box. I know it sounds very complicated, but to me, I need to know how much of my district is not getting this meeting and, you know, could this be the whole area there that this is happening to, for people who are not signed up with cable, so, you know, I’m having a hard time finding an answer to that.”

**Mr. McClintock** said, “Sure. And it’s difficult to get an answer, honestly, because there’s so many variables out there. We have been to a location just south of Kellogg, north of Lincoln a little bit. It would have been near Edgemore, in that vicinity and the signal was there and it was receivable, but again, with an outdoor antenna. I don’t know what all your constituents are using. We have found there are far more of them using indoor antennas than we anticipated. That may be true across the country, but it certainly has been true of us in Wichita. And unfortunately, in one sense, the UHF that we were on for a while did penetrate better through homes, so a number of those folks who had us up until the 16th of February lost us then. It is really come down to antennas as much as anything and having a good, usable antenna. On VHF, which is a lower frequency than UHF, the efficiency of an indoor antenna drops significantly, and it just isn’t as good, if you don’t have a good strong signal and we certainly don’t have it in Wichita.”

**Commissioner Welshimer** said, “Okay. Thank you.”

**Mr. McClintock** said, “Okay, we’ll do our best to call back anybody who wants to call the station at 838-3090 and work through that with them and see if we can help them figure out what they need to do.”

**Chairman Parks** said, “Hopefully we can get the message out to those people who aren’t receiving it, because they wouldn’t have just heard that number...”

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**Mr. McClintock** said, "Yeah, that's true."

**Chairman Parks** said, "...through our media sources."

**Mr. McClintock** said, "We continue to get a few calls each week, it's certainly backed off a lot, but we probably take half a dozen emails and maybe that many phone calls each week yet some people have been very patient, waiting to see if we are done with our transition. We have been done for a long time."

**Chairman Parks** said, "Okay. Thank you. Any other questions or comments? Seeing none, Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I just want to express appreciation for your willingness to come here and discuss the issue that is important to a lot of people and to let us know what you've done on your side of the issue and in responding to this entire conversion to digital TV and how that's affected what you've done and what you can recommend to those folks who are not getting good reception. Thank you for that."

**Mr. McClintock** said, "Thank you, it's our pleasure to do that. We've tried to be as educational about this as possible to make it as easy as we could."

**Commissioner Unruh** said, "Right."

**Mr. McClintock** said, "And there's information certainly on our website as well, at [kpts.org](http://kpts.org)."

**Commissioner Unruh** said, "Alright, thank you."

**Mr. McClintock** said, "Alright, thank you."

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

**MOTION**

Commissioner Peterjohn moved to receive and file.

Chairman Parks seconded the motion.

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

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**VOTE**

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

**Chairman Parks** said, “Next item, please.”

**F. SUICIDE PREVENTION TASKFORCE ANNOUNCEMENT OF LINK 4 LIFE RUN.**

**Ms. Beverly Baalman**, Suicide Prevention Task Force and COMCARE, greeted the Commissioners and said, “This is Link 4 Life time. The run is scheduled for this Saturday, April 18, out at the wonderful Sedgwick County Zoo. This is an event that has grown beyond our belief over the last six years that we have hosted this event. Plus, this is an event that the community really has begun to look forward to every year. We start out the morning at 7:45, with a 5k run. It is an open 5k, so any age of an individual can run this and last year we had a 15 year old come through the finish line first. We also have special events for kids, ages three through the age of 18. And for those of us who do not want to run, there is a one-mile zoo tour walk that starts at 10:00. And you Commissioners know, as well as I do, because you are out there starting each one of these events every year since we’ve begun doing this run, that the fun does not end once you get through the finish line.

“There is a fantastic party going on underneath the pavilion. Music by Totally Legal, Papa John's, Terry and his staff have supported us over the last six years; they are out there at 7:45 handing out pizza slices. LaMar's Donuts out there, Starbucks is out there to wake us all up, and there are exhibitors, because this is an opportunity to come out for a great morning of fun, healthy activity, but of course our goal is to have folks leave with more information than they came in with about suicide and suicide prevention in our community.

“One more thing before I finish, if folks do still want to register for this event, they can go to First Gear at 111 North Mosley through Friday at 5:00 and register. They can also go to active.com, search for Link 4 Life and we take registrations even the day of the event starting at 7:00 in the morning, and last year we had over 400 people walk up that day and register. So we are looking for a very large number of folks in this year.”

**Chairman Parks** said, “Commissioner Unruh.”

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**Commissioner Unruh** said, "Thank you, Mr. Chair. Bev, I think it might be good to remind folks that we do run on time out there. Is that right?"

**Ms. Baalman** said, "You guys do crack the whip."

**Commissioner Unruh** said, "Well, we know some folks sometimes think there might be a little slack in the start time."

**Ms. Baalman** said, "There is no slack."

**Commissioner Unruh** said, "Alright."

**Ms. Baalman** said, "We do run on time and folks coming to the event need to be there 30 minutes before their timed event begins, just to get in place."

**Commissioner Unruh** said, "Okay. And is there any sort of guarantee about the weather?"

**Ms. Baalman** said, "Of course there is."

**Commissioner Unruh** said, "Oh okay."

**Ms. Baalman** said, "We run regardless of rain, sunshine, I think last year we had some snow flakes. So we go regardless."

**Commissioner Unruh** said, "Well, it's always a good time, and I just thought there's a couple of reminders that needed to be spoken here..."

**Ms. Baalman** said, "And thank you for that."

**Commissioner Unruh** said, "...about the time and weather, but we also want to remind folks that this has a serious purpose, and that's just to give greater exposure to the issue of suicide in our area especially, and how important it is that we are sensitive to that and responsive to it."

**Ms. Baalman** said, "Thank you, Commissioner."

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

**Chairman Parks** said, "Any other comments, seeing none, I would like to thank Bev and we anticipate seeing you out there."

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**Ms. Baalman** said, “See you out there.”

**Chairman Parks** said, “Bright and early, and there will be some whistle blowers out there, and we’ll have some announcements as we start the meeting, so I’d like to thank all those participants and the sponsors also. We touched on those a little bit, but without those, it wouldn’t make it as fun and as big an event. Any other action from the Board at this point?”

**MOTION**

Commissioner Unruh moved to accept and file the announcement.

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Next item, please.”

**NEW BUSINESS**

- G. APPROVE A RENTAL AGREEMENT TO RENT 12 BLEACHERS OWNED BY THE KANSAS COLISEUM TO WICHITA FESTIVALS, INC. FOR THE AMOUNT OF \$3,189.00.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “This item is being brought to you, just a quick note about what we’re doing. We’re generally not in the business of renting the bleachers at the Kansas Coliseum, however, from time to time we do get requests from community-based organizations and we do give those considerations, if those bleachers are not being used at the Coliseum on the date of the request, and so Wichita Festivals is a community-wide, community-based organization and therefore, we have worked with them in the past and we are asking you to give them consideration this year. This is not competing with any local business entity that they would be able to get these bleachers through that channel. So, I would ask that you

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approve the rental agreement and authorize the Chairman to sign. Be happy to answer any questions you might have.”

**Chairman Parks** said, “Okay. Are there any questions? Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Ron, can you tell us, will they pick up and return the bleachers or is that going to be the County's responsibility?”

**Mr. Holt** said, “No. Good question, Commissioner. They are responsible for picking up and returning the bleachers.”

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

**Chairman Parks** said, “And we’ll see that there is a damage clause in there in case there’s anything?”

**Mr. Holt** said, “Damage and liability related issues, yes.”

**Chairman Parks** said, “I think it looks like it’s covered. Any other discussion from the Commission?”

**MOTION**

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

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Next item, please.”

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**H. ADD TWO PT POSITIONS TO THE SEDGWICK COUNTY PARK STAFFING TABLE.**

**Mr. Mark Sroufe**, Park Superintendent, greeted the Commissioners and said, "I'm here to request two additions to the staffing table at Sedgwick County Park. These positions will replace the inmate labor program which we got out of in 2008, due to the cost. These positions will run through our busy months of the year, May, June, July and into August. They'll be used to maintain the park, do maintenance projects, that sort of thing. One little addition I'd like to add. Through our KPI, our Key Performance Indicator, 2008 was a banner year for Sedgwick County Park. We eclipsed the one million visitor number, which is just amazing for that park. These positions are needed help cover the extra duties created by those extra people that visit the park. I'd be happy to answer any questions if you have any and I'd hope that you would approve this request."

**Chairman Parks** said, "Just for the record, mark, that's \$8.19 per hour and it is a part-time employee and there wouldn't any full-time benefits?"

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

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

**Commissioner Unruh** said, "Thank you, Mr. Chair. Mark, I think many citizens are under the impression that when we utilize labor from a correctional facility, that that comes free of charge. That's not so."

**Mr. Sroufe** said, "No, it's not."

**Commissioner Unruh** said, "I guess that answers my questions, but we've been involved in some level of payment to those folks for several years in this program?"

**Mr. Sroufe** said, "Yes. That program is administered by the City of Wichita and most of those are administrative costs to the City of Wichita."

**Commissioner Unruh** said, "Okay. Alright. I'm in favor of taking action that will better utilize our resources and make us do a better job of service to the community. It is too bad that that particular way to participate in that is going to go away, but it's just a matter of economics. Thank you very much, that's all I had."

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**Chairman Parks** said, “And Assistant Manager, this is in the budget for the line item?”

**Mr. Holt** said, “This is not new money, it’s taking money that’s been spent in a different direction and spending it in a more efficient, and we believe effective manner. The big issue with the management of the inmate labor program is the amount of time and effort and the logistics it takes to make that program work. Not only did the direct costs go up, but that kind of time and effort for other employees of the park, away from the park picking up, delivering, managing, those employees just became almost impossible to control.”

**Chairman Parks** said, “I can imagine that HR (Human Resources) will be receiving quite a few inquiries on these couple of positions here, so having said that do I hear a motion to approve?”

**MOTION**

Commissioner Welshimer moved to approve the addition to the Sedgwick County Park staffing table.

Chairman Parks seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Thank you, Mark.”

**Mr. Sroufe** said, “Thank you.”

**Chairman Parks** said, “Next item.”

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**J. DIVISION OF HUMAN SERVICES**

**1. CONTRACT WITH THE CITY OF WICHITA FOR COMCARE TO PROVIDE DRUG TESTING SERVICES.**

**Mr. Tom Pletcher**, Clinical Director of COMCARE, greeted the Commissioners and said, “After bringing several extensions of our previous contract to you, I’m pleased to bring this Agreement between COMCARE and the City of Wichita’s Municipal Court and Probation for drug testing services. We’ve been providing these services to the Municipal Court and Probation and others for a number of years and have been very successful in the delivery of these services. In 2008, for example, our Addiction Treatment Services program conducted just over 10,500 UAs (Urine Analyses) overall, with about 2,340 of those coming from the City’s Municipal Court and Probation.

“A person assigned to this program is given a unique identifier, a code, and they are required to call a specific phone number on a daily basis. They reach a recorded message that then announces which code is supposed to appear that day for the UA test. It’s done on a random basis, but each person appears at least a couple times each month, or based on the frequency that’s been required for that particular individual.

“Staff members are trained in both the collection process and in chain of custody issues to comply with any of the court’s requirements that do apply. The UA screens for amphetamines and methamphetamines, cocaine, THC (tetrahydrocannabinol), PCP (phenylcyclohexylpiperidine), and opiates, though other drugs can be included in a standard screen if those are suspected. The individual pays \$20 for that standard test and will pay \$25 if a confirmation of a positive test is required. The client pays the appropriate fee prior to the collection process taking place and the cost did go up very slightly this year based on an increase in the amount that was being charged to us from the laboratory services, assuring that all of our costs are covered by the fees that are collected.

“This service is a very important part of holding individuals accountable, for their behavior, and assists the probation officer in knowing the activities of their supervisees. I would recommend that you approve the Agreement and authorize the necessary budget adjustment authority and authorize the Chairman to sign. I’d be happy to answer any questions that you might have.”

**Chairman Parks** said, “Are there any other questions of the Commission?”

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**MOTION**

Commissioner Welshimer moved to approve the Agreement, authorize the necessary budget adjustment authority, 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	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**Chairman Parks** said, “Thank you, Mr. Pletcher. We will be, I think, on some of these items looking to these kinds of items that will be at budget time, we’ll be looking at a lot of the contract things to make sure that the money, the flow in, flow out is good on that, so I have alerted the Manager's Office on that also. We’ll be looking at a lot of these contract things. Having said that, thank you.”

**Mr. Pletcher** said, “You bet.”

**Chairman Parks** said, “Call the next item.”

**2. AFFILIATION AGREEMENTS (2) BETWEEN WESLEY MEDICAL CENTER, WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION, UNIVERSITY OF KANSAS SCHOOL OF MEDICINE – WICHITA FOR A MEDICARE RESIDENCY PROGRAM AT COMCARE.**

**Mr. Pletcher** said, “This is an agreement between COMCARE and the agencies just mentioned to provide training in the area of child psychiatry for residents of the Pediatrics or the Internal Medicine Pediatrics Program from Wesley. A few times each month a resident will join Dr. Deann Jenkins, a child psychiatrist at our children’s program, when she is seeing clients. These observations last anywhere from a half day to a full day when they do occur.

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“The residents are able to see some of the typical problems addressed in this program and discuss these cases with Dr. Jenkins. The residents themselves do not provide any direct services to the clients, but this experience is seen as a valuable part of their training. The amounts reflected in this Agreement are determined by a complicated process, that cover the non-billable time that Dr. Jenkins spends in discussing the cases with the residents. I would recommend that you approve the Agreements and authorize the Chairman to sign and again, I would be happy to answer any questions that you have.”

**Chairman Parks** said, “Are there any questions of Mr. Pletcher at this time?”

**MOTION**

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

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Mr. Pletcher** said, “Thank you very much.”

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

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**K. DIVISION OF FINANCE**

**1. AMEND THE 2009 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE R312 47<sup>TH</sup> STREET CORRIDOR RIGHT OF WAY.**

**POWERPOINT PRESENTATION**

**Mr. Pete Giroux**, Principal Analyst for the Budget Department, greeted the Commissioners and said, “I have three CIP amendments this morning for your consideration, all are from Public Works and I would propose that you consider them for a single action while I complete my presentation. The good news is that all are principally funded by the American Recovery and Reinvestment Act of 2009 (ARRA). This is an overview of the three projects. The first is a State project that will fund reconstruction of 47th Street corridor and will make a contribution for the right-of-way. The second was approved yesterday as indicated for ARRA funding by the WAMPO Policy Body, that’s the Wichita Area Metropolitan Planning Organization. Of course, two of the Commissioners are members of that. The third project, a mill and overlay project 295<sup>th</sup> Street West, west of Andale, was named as a contingency project.

“Here’s a picture of the 47th Street corridor. We’ve had this in our CIP for the last three years. It’s a very large project. It would have been difficult to accomplish with the resources, even as a joint project with the resources we had available. Our proposed share for Sedgwick County is \$500,000. You can see that the State is making a substantial contribution to the project, and the State, in turn, had asked the City to take care of the right-of-way. The City came to us to ask, as we had planned originally, to share in that right-of-way funding. We proposed to fund this from, the budgeteers would say excess budget authority in the sales tax portion of R-281. Mr. Spears would say the savings that he achieved in that project.

“The second project, again, approved by the WAMPO policy body yesterday is a mill and overlay project running from the Wichita city line, just south of Pawnee at Oak Knolls down to the City of Derby city line which is a half mile north of the 63rd Street South. That’s consistent with Public Works’ preventative maintenance plan. The CIP amendment approval will allow Public Works to submit the 1302 (KDOT form), continue planning with KDOT (Kansas Department of Transportation) and move the project along in an expeditious manner. Cost of this project is estimated at \$2.3 million dollars. The County’s share as requested by WAMPO would be ten percent, we would propose to fund that from the same fund source.

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“The third project is, again, to the southwest of Andale on 295th Street West. This is currently a contingency in the funding. It runs from 21st North up to 61st Street. Again, it’s a mill and overlay. It is also consistent with our preventative maintenance program and same action. Submission of this will allow Public Works and KDOT to advance planning on the project. Here’s the wording of how this would get in the program. The Policy Body, again, would select the most appropriate project based on project readiness. Should it be selected, the County share would be ten percent or \$80,500. We would again propose to fund it from that same fund source. Net impact if all three continue, would be \$810,000 dollars. CIP committee and staff reviewed this and recommend approval. If you have any questions?”

**Chairman Parks** said, “I certainly think that the figures have spoken for themselves. I think it’s just a great deal that we’re getting here and it’s money that’s been saved or out of the contingencies and something from a sales tax, it’s not something that property tax is paying for. We did vote on this yesterday at WAMPO and since this is in Commissioner Norton’s district, if you would like to elaborate any on this?”

**Commissioner Norton** said, “Well that major part is that 47th Street, obviously, is something that we’ve worked on for quite a few years. That was originally built into the Haysville South Wichita Plan that I worked on over ten years ago when I was still mayor of Haysville, so it’s good to see that. It has always been a State project and it has been up and down as to whether the City and the County would participate with the ARRA moneys. It’s great that the State has stepped up and is taking the lion’s share of that really important project.

“It is a linking highway between 135 and Highway 81. So it has always been a State project. But this will clean up a really nasty area of a bridge that is faulty, ingress and egress off of 135 that has been poor or bad for years. In cleanup, the connecting highway of 47th Street over to 81 or Broadway. Great project. We had a different project in the ARRA moneys which was the 63rd Street extension, but that needed to move along. We already had money from the state encumbered. so that picked up the Rock Road project, which is a great project that will move that out of one funding source and into another. I think that was very positive. Then the 295, the contingency money there, if another project drops out, that will move forward and be on the list. So I think three good projects. It will access a lot of money for our area out of the stimulus money. I think that’s positive.”

### **MOTION**

Commissioner Norton moved to approve the Amendment to the CIP.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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

**Commissioner Peterjohn** said, "Do we need to take K-2, Mr. Chairman?"

**Chairman Parks** said, "Yes...go ahead."

**Commissioner Norton** said, "I think he's covered them all."

**Mr. Giroux** said, "I have covered all three."

**Commissioner Welshimer** said, "We did all three."

**Chairman Parks** said, "We did those in a fell swoop."

**Commissioner Peterjohn** said, "We did all three in one fell swoop? I thought Tim's motion was just for K-1?"

**Commissioner Norton** said, "It was. I think you wanted us to do the motions individually but you presented all of them at one time, is that correct?"

**Mr. Giroux** said, "Yes."

**2. AMEND THE 2009 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE**

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**R322, ROCK ROAD, OAK KNOLLS TO ONE-HALF MILE NORTH OF  
63<sup>RD</sup> STREET SOUTH.**

(Item K-2 discussed along with Item K-1)

**MOTION**

Commissioner Norton moved to approve the Amendment to the CIP.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

- 3. AMEND THE 2009 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE  
R323, 295<sup>TH</sup> STREET WEST, 21<sup>ST</sup> STREET NORTH TO 61<sup>ST</sup> STREET  
NORTH.**

(Item K-3 discussed along with Item K-1)

**MOTION**

Commissioner Norton moved to approve the Amendment to the CIP.

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Thank you, Pete. We did get through those items, so we can get on to Public Works and call that next item, please.”

**L. PUBLIC WORKS**

**1. APPROVAL OF THE FORCE ACCOUNT CONSTRUCTION ENGINEERING INSPECTION SERVICES AGREEMENT FOR SEDGWICK COUNTY PROJECT 634-27; WIDENING TO 4-LANES ON 63<sup>RD</sup> STREET SOUTH FROM HYDRAULIC TO BROADWAY. CIP # R-302. DISTRICT 2**

**Mr. David Spears**, Director of Public Works, greeted the Commissioners and said, “Item L-1 is a force account agreement with the Kansas Department of Transportation (KDOT) to reimburse Sedgwick County for engineering and inspection services performed during construction of the road widening project on 63rd Street South between Hydraulic and Broadway. The project is designated as R-302 in the Capital Improvement Program and will have 80 percent reimbursement. The maximum amount of federal funds the County can receive for the inspection is \$88,527.68. I recommend that you approve the Agreement and authorize the Chairman to sign.”

**Chairman Parks** said, “Having studied these documents, I’m ready to vote on it, if I see no further discussion.”

**MOTION**

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

Chairman Parks seconded the motion.

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

**VOTE**

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

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

**2. APPROVAL OF TWO REQUESTS TO THE KANSAS DEPARTMENT TO THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) FOR CONSTRUCTION PROJECTS TO BE FUNDED BY THE AMERICAN REVITALIZATION AND RECOVERY ACT OF 2009 (ARRA) FUNDS. DISTRICTS 3 AND 5.**

**Mr. Spears** said, "In item L-2, we are requesting your approval of two requests to KDOT for construction projects to be funded with stimulus funds. The first project is a mill and overlay project on Rock Road from Oak Knoll to a point one half mile north of 63rd Street South. This four lane facility carries an average of 18,000 vehicles per day and serves the front gate to McConnell Air Force Base. We estimate that the total project cost at \$2.3 million. The WAMPO Policy Body approved the use of ARRA funding for this project at their meeting yesterday in the amount of \$2,070,000. Any costs over ARRA funding will be borne by Sedgwick County. You acted on a CIP amendment earlier to provide the projected \$230,000 local share.

"The second project is a mill and overlay on 295th Street West between 21st Street North and 61st Street North. Yesterday the WAMPO Policy Body placed this project on a contingency list that will allow the use of ARRA funding for this project, if projects on the approved list fail to meet deadlines. The total project cost is estimated to be \$805,000 and ARRA funding on the contingency list was approved at \$724,500. Any costs over ARRA funding will be borne by Sedgwick County. You acted on a CIP amendment earlier today to provide the projected \$80,500 local share. We intend to start design work on this project, but it will not go forward to construction unless funding becomes available and the WAMPO Policy Body moves it from the contingency list to the active list. I request that you authorize the Chairman to sign the KDOT project request forms."

**Chairman Parks** said, "You have the item before you. Is there any other discussion before we have a motion on this?"

**MOTION**

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

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Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

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

**3. APPROVAL OF AN AGREEMENT WITH THE CITY OF WICHITA FOR THE ACQUISITION OF RIGHT OF WAY ALONG 47<sup>TH</sup> STREET SOUTH BETWEEN BROADWAY AND LULU (CIP PROJECT R-312). DISTRICT 2.**

**Mr. Spears** said, "In Item L-3 we are requesting your approval of an Agreement with the City of Wichita for acquisition of right-of-way in the 47th Street South corridor. KDOT has chosen to reconstruct 47th Street South from Broadway to Lulu along with the bridge and interchange at I-135 with stimulus funds. KDOT has asked the City of Wichita to acquire the right-of-way needed for the project. The County included this project in our CIP for the last several years. The intent has been to split the local matching cost required to fund the construction of the project. Now that the State has agreed to fund the entire construction cost, the City has asked that we split the right-of-way costs. Our share of the right-of-way costs will be capped at \$500,000 dollars. The City Council approved the Agreement at their meeting last week. You acted on an amendment to the CIP earlier today that provided the funding in 2009. We request that you approve the Agreement and authorize the Chairman to sign."

**MOTION**

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

Commissioner Welshimer seconded the motion.

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**Chairman Parks** said, “I do have just a little bit of discussion there. Do you recall if those plans included a noise wall that they got the additional right-of-way for ? A wall, kind of a barrier wall up there, and I know this is unfair to ask you at this point.”

**Mr. Spears** said, “I do not know if it includes a barrier wall. I don’t think the plans are completed. They’re working on those now. The right-of-way part of it, as far as how much right-of-way they want to obtain, the right-of-way plans are complete, but I don’t think the final construction plans are finished.”

**Chairman Parks** said, “So this could be something that a person in that area would need to contact the City of Wichita on in reference to the barrier wall then?”

**Mr. Spears** said, “That would be correct, if that were the case.”

**Chairman Parks** said, “Okay. I did have a contact about a year ago about this when this was first discussed. I passed some information along. I don’t know at what point it came out of a neighborhood association is where it was. Just wanted to make sure they contact the right people.”

**Mr. Spears** said, “You might recall, Commissioner, on Kellogg where the barrier walls and noise walls were, were residential areas. Usually your businesses aren’t too much in favor of that type of thing because then the people driving along the street can’t see the business, so most of that area is business related.”

**Chairman Parks** said, “Okay. Apparently, this doesn’t have any impact on this item, so I’ll go ahead and say call the vote.”

**VOTE**

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

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Chairman Parks

Aye

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

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

**M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON APRIL 9, 2009.**

**Ms. Iris Baker**, Purchasing Department, greeted the Commissioners and said, "The meeting of April the 9th results in two items for consideration today."

**1. FORD F-150 XL 4x4 SUPER CREW PICKUPS – FLEET MANAGEMENT FUNDING – FLEET MANAGEMENT**

"First item, Ford F-150 XL 4x4 crew cab pickups for Fleet Management; recommendation is to accept the low bid from Rusty Eck Ford in the amount of \$123,115 dollars."

**2. ONBASE/SAP INTEGRATION – DIVISION OF INFORMATION & OPERATIONS AND VARIOUS DEPARTMENTS FUNDING – POST SAP IMPLEMENTATIONS**

"Item 2, OnBase/SAP integration for the Division of Information Operations and various County departments and the recommendation is to accept the quote from Cutting Edge Solutions in the amount of \$52,600 dollars. Be happy to answer any questions and I recommend approval of these two items."

**Chairman Parks** said, "What's the desire of the Board?"

**MOTION**

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

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Ms. Bakers** said, “Thank you.”

**Chairman Parks** said, “Next item.”

**CONSENT AGENDA**

**N. CONSENT AGENDA**

- 1. General Bill Check Register for the week of April 1, 2009 – April 7, 2009.**
- 2. Payroll Check Register of March 28, 2009.**
- 4. Order dated February 11, 2009 to correct tax roll for a change of assessment.**
- 5. Order dated April 1, 2009 to correct tax roll for a change of assessment.**
- 6. Payment to Gossen and Livingston, LLC for services in revalidating and updating cost for Wichita-Sedgwick County Law Enforcement and Fire Training Facility Master Plans.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “The Consent Agenda has six items you will note there and I believe that there is a desire to discuss separate from the overall Consent Agenda, item number six. I would recommend you take whatever action to do items one through five and then take item six as a separate discussion.”

**MOTION**

Chairman Parks moved to approve items one through five on the Consent Agenda.

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Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Discussion on number six.”

**Mr. Holt** said, “Item six is a payment to Gossen Livingston for services and revalidating and updating costs for the Wichita/Sedgwick County Law Enforcement and Fire Training Facility master plans and I believe Mr. Chris Chronis, Chief Financial Officer, is here to provide you any insights and answer any questions you might have.”

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, “I’ll be happy to answer any questions that you have on this. Just as background, in 2003 the County and the City of Wichita jointly agreed to proceed with what has become called the Heartland Defense Training Facility and the project that is at that location is a consolidation of National Guard facilities in this area to a single location. We discussed with the federal government the possibility of the County and the City co-locating public safety training facilities in this complex as well. Those discussions have proved somewhat successful although they’ve been modified over the years as I think you’re aware.

“ The original plan called for the local governments to provide the land and the infrastructure for the facility, to make it usable by the federal government, and for the federal government to construct the National Guard training facilities and work facilities, and for the local governments to construct the training facilities that would serve local police and fire operations. The process has been undertaken as a planning process largely and the item that’s before you pertains to the payment for a portion of that master planning service.

“The transaction has taken place over the years with the City of Wichita serving as the partner in charge, if you will, of local expenditures. That is, they have entered into contracts with vendors and the County has agreed informally to reimburse the City for 50 percent of those costs and those reimbursements, the County’s share of those costs, have been borne in the County’s operating and

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capital budgets over the years. For some reason, and I don't think any of us clearly understand why that is, in the most recent contract adjustment for Gossen Livingston to do some additional planning activities, the City chose to change the way Gossen Livingston gets compensated; and instead of having Gossen Livingston contract solely with the City of Wichita and be paid solely by the City of Wichita and then the County reimburse the City for our half of those costs, the City wrote the contract with Gossen Livingston such that Gossen Livingston was to bill the City for 50 percent of its costs and bill the County for the other 50 percent of its costs. The problem with that from our perspective is that we don't have a contractual relationship with Gossen Livingston. We have the agreement with the City of Wichita.

“So the issue that's before you today seeks authority for us to make the payment directly to Gossen Livingston that we had planned on making and had budgeted to make to the City of Wichita pursuant to the agreements that have been in existence dating back to 2003. The amount of money that's at stake is slightly under \$40,000 dollars, exactly \$39,168 dollars. The County has budgeted \$40,000 dollars for that transaction. Again, what we are doing is seeking technical authorization for a change in the way the process is being handled by the City of Wichita.”

**Chairman Parks** said, “Since we don't have any backup on this, we do have a couple questions also. I will reserve mine until after Commissioner Peterjohn and Unruh.”

**Commissioner Peterjohn** said, “Thank you, Mr. Chairman. Chris, I appreciate the background information because as the Commissioner who initially pulled this off the Consent Agenda, I wanted to get a better feel in terms of what sort of total costs were involved and how the whole process was working and you provided some of the history that I very much appreciate. Is this an expenditure that we can expect to continue to go forward indefinitely, and at what level if we do?”

**Mr. Chronis** said, “The County has a series of activities that we are involved in at the site. This transaction pertains to planning for the site. We also have agreed and have budgeted \$1.7 million, I'm sorry \$.9 million to pay for our share of the infrastructure construction, and the design work for that infrastructure, that would occur at that site. As an additional activity, the County has, in its capital program, half of the design and construction costs of a law enforcement training facility that will be located on this property. That expenditure, that budget item, is several years out from now and we are going through the CIP review process at staff level now and you will be seeing more about that this summer when we present the proposed CIP to you. But that is in a budgetary sense, that's a separate transaction from this one that's before you today. We have three sets of activities, master planning, design and construction of infrastructure. Those are covered by a \$1.9 million appropriation that was made some time ago. And then design and construction of a law enforcement training facility that is in the CIP for, I believe, 2011 or 2012.”

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**Commissioner Peterjohn** said, “Thank you, Chris.”

**Chairman Parks** said, “Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chair. Chris, this is a little clarification of a process it seems to me. This is still all within our original concept of how we were going to accomplish this training center. The fact that we don’t have a separate contract with Gossen Livingston for this expense, do we need a contract going forward or is this the last one of this?”

**Mr. Chronis** said, “To the best of my knowledge, this is the last one. This covers the master planning services that they have provided.”

**Commissioner Unruh** said, “Alright.”

**Mr. Chronis** said, “I stand corrected.”

**Mr. Robert Lamkey**, Public Safety Director, greeted the Commissioners and said, “There is another phase as Chris talked about, and that’s the design phase. I will be coming to you next week with an item asking your consent for an expenditure of about \$166,000 dollars, which is our share of the cost for the design of the infrastructure. Gossen Livingston will be doing that service as well. They’ve been the principal architects hired through the City’s process of getting these kinds of services from the beginning of this process. So you will expect to see the answer, Mr. Peterjohn's question is that, I will be coming to you next week for consent to expend those funds as part of that process, and then subsequent to that, when we get ready to do the construction process, again, before any contracts are signed, the City has not signed a contract with Gossen and Livingston yet. “They need our consent for your authority to expend our share of the dollars for that portion of the project to move on. Then at some subsequent time, when we’re ready to do construction on the infrastructure, I will be coming to you again prior to any contracts being signed with your authorization to expend our share of those costs.

“We are capped. There’s currently \$1,911,000 dollars and some change in there designated for the design and construction of the infrastructure. Those dollars were set aside back at the end of 2002 as we were moving forward in this process. That’s kind of the background and history of where we are and that was our firm commitment. The infrastructure portion of this project cannot be borne by the federal government in these kinds of projects. So that was our commitment to get this project, along with Wichita, to get this project invested here in our community.”

**Commissioner Unruh** said, “Okay.”

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**Mr. Chronis** said, “So this transaction that’s before you is the last payment for the planning phase of the project. But this vendor, the same vendor, will have a subsequent contract. We expect them to have a subsequent contract for design work and that payment will be before you next week.”

**Commissioner Unruh** said, “Okay. Well, I appreciate that. As we go forward then, is our primary contractual relationship with the City of Wichita or are we going to be doing this individually?”

**Mr. Chronis** said, “Our expectation is that we’re going to be working through the City of Wichita and they are the partner in charge of this activity. They enter into the contractual relationships with the vendors using their procurement processes.”

**Commissioner Unruh** said, “Okay. Thank you. This seems more rational to me to do it that way. I would not want to go forward if we are each contracting with the same entity for the same types of work. We need to have one person in charge. That answered my question. Thank you.”

**Chairman Parks** said, “Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Yes, Chris. Just a follow up question. Since the City is going to be the primary person doing the contracting with the suppliers and the process, is the City procurement process similar to the way the County’s Bid Board operates?”

**Mr. Chronis** said, “Yes, it is. I don’t know if they have a Bid Board kind of an arrangement, but they have a similar competitive solicitation process that they go through for these kinds of services and for the construction activities that are associated with them.”

**Commissioner Peterjohn** said, “Okay. Thank you.”

**Chairman Parks** said, “I would ask Legal Department if they have any reservations on this since its dealing with contracts and the way we’re doing business here? Mr. Euson, I know I prompted you there.”

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “I did not review this and maybe if it’s possible to take a week, maybe I’ll take a week to look at it; because you’re all raising some questions that I can’t answer.”

**Chairman Parks** said, “And that was kind of what I was going to editorialize myself. Thank you, Mr. Euson. Something this major, I think we may need to take this off and as far as not taking any action then we would not be doing anything here that we would need to make a motion or anything to not have it on, but taking it off the other one, it’s my assumption that we would then not have to take up any action on this today then; and I would invite any other comments that I have from any

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of the other Board members. However, I think we need to look at this at least a week down the line. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you. Delaying this one week doesn’t create great problems?”

**Mr. Chronis** said, “No.”

**Commissioner Unruh** said, “Okay. Well, then I would be in agreement to delay it and let the Counselor look at the information.”

**Chairman Parks** said, “Some of this started in 2003. So there’s a plethora of information out there that, like I say, we didn’t really get a backup on this. I was going to discuss that. I think this would be a good time for me to editorialize a little bit and say that this is needed. We all, I think, can agree that it’s needed, but during these economic times, maybe we need to think outside the box how we’re funding some of this. Also, it behooves me to say that Derby, Haysville, Valley Center, Maize and Park City do send their officers to KLETC (Kansas Law Enforcement Training Center), so if we’re doing a 50/ 50 thing there, we should remember that the KLETC funds are a state organization, the police part of it and that there’s a docket fee for some of the construction on those buildings. Having said that, like I say, I just wanted to bring those items up. I’ll let Commissioner Peterjohn have the floor again.”

**Commissioner Peterjohn** said, “Chairman Parks, I was going to ask if it would be appropriate to make a motion to postpone this item for a week and do the checking or if we do nothing and that would occur automatically?”

**Chairman Parks** said, “I think if we do nothing there wouldn’t be any legal ramifications to that, would there?”

**Mr. Euson** said, “Either way. I think you can go either way. It might be appropriate to just defer it...”

**Chairman Parks** said, “Okay.”

**Mr. Euson** said, “...indefinitely and allow it to come back up on the agenda.”

**Chairman Parks** said, “This item is dead at this point then and we’re going to defer that to another item in the future. Do you have some more information, Assistant Manager Holt?”

**Mr. Holt** said, “I do not, Mr. Chairman.”

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**Chairman Parks** said, "Call the next item."

- I. A CHARTER RESOLUTION EXEMPTING SEDGWICK COUNTY, KANSAS, FROM THE PROVISINS OF K.S.A. 19-1930 (C) RELATING TO THE LEVY OF TAXES FOR THE COST OF MAINTAINING COUNTY PRISONERS AND IN LIEU OF CHARGING CITIES FOR THE COST OF MAINTENANCE OF CITY PRISONERS.**

**Mr. Euson** said, "You also have a motion for Executive Session before you and wondered if you might want to take that up before we pick up this item?"

**Chairman Parks** said, "Yes. I move that the Board of County Commissioners recess into Executive Session for 15 minutes for a consulting with legal counsel on matters privileged with the attorney/ client relationship pending claims and legal litigation and legal advice. And return to this room no sooner than 11:03 a.m."

**MOTION**

Chairman Parks moved to recess into Executive Session.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Recess to Executive Session at 10:42 a.m.**

**Returned at 11:06 a.m.**

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**Chairman Parks** said, “We’re back from Executive Session and no binding action was taken. Go ahead, Mr. Pepoon and give us an overview on this.”

**Mr. Michael D. Pepoon**, Assistant County Counselor, greeted the Commissioners and said, “Item I, which is a proposed Charter Resolution which would allow Sedgwick County to exempt itself from the provisions of K.S.A. 19-1930 (c). This is a provision in the statutes which provided that we would be allowed to charge up to \$1 million for the maintenance of prisoners in lieu of charging cities for the cost of taking care of the prisoners. Just by very brief history on this item, back in 1984 the legislature amended K.S.A. 19-1930, which was a statute which provided that the Sheriff would have to take all prisoners that were committed to him from the cities and in turn, the County was able to charge that cost back against the cities.

“In 1984, Sub Section C was added. And that allowed in Sedgwick County, and Sedgwick County only, to levy a tax of up to \$1 million. At that time, that \$1 million was not subject to the tax lid in place at the time. We could levy that tax in lieu of charging the City. The County had an option. Either charge the City for the maintenance of their prisoners or levy this special tax. In 1989, that tax lid went away; and in 1990, the Legislature deleted the language from that statute which referred to the tax lid which left only the language we have before you in this Charter Resolution today.

“This is a statutory provision that should have been probably amended or deleted years ago. It only applies to Sedgwick County and now with the tax lid no longer in effect, really doesn’t have any relevance or applicability to giving us a real choice or an option in this case. So I am asking that you adopt this Charter Resolution and as a Charter Resolution, it’s not effective until 60 days following the second publication. That’s when it would take effect. I am here ready to answer any questions you might have.”

**Chairman Parks** said, “Any questions from the County commission to Mr. Pepoon? Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Mike, just to help me have a little bit of an understanding on this, how many Charters Resolutions does Sedgwick County have in place right now and do any other Charter Resolutions have an impact concerning the operation of the jail?”

**Mr. Pepoon** said, “I’m not sure. Rich might be able to answer. I know we’re probably in the upper 50s or 60s in terms of that.”

**Mr. Euson** said, “I believe we are, I know we have Charter Resolution 61 and we may have Charter Resolution 62. We’re in the early 60s on the number of charters. I don’t know of any others that

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would affect the jail as such, except that we've chartered out of a specific, in 1977 we chartered out a specific fund levy limitation for the general fund which actually had some affect on the jail. But I'm not aware of any other ones."

**Commissioner Peterjohn** said, "Okay. That's the only question I have at this time, Mr. Chairman."

**Chairman Parks** said, "Had this been written any differently, it might have gone away when the tax lid did, but that wasn't tied to that, am I hearing that?"

**Mr. Pepoon** said, "Yes."

**Chairman Parks** said, "Okay. Very well. Seeing no other discussion, are we ready for a motion on this Charter Resolution?"

### MOTION

Commissioner Unruh moved to adopt and publish the Charter Resolution.

Chairman Parks seconded the motion.

**Chairman Parks** said, "Any further discussion? Commissioner Norton."

**Commissioner Norton** said, "Well, I think my colleagues know how I have dealt with this issue over the years that we have done it. I originally was against moving towards this billing the municipalities for the use of the jail. I thought we needed more negotiations, more sit downtime, more collaboration. We have moved forward and I think this starts to clean up some language that truthfully, I felt needed to be cleaned up several years ago too. I am going to be supportive of this today. I think it's a procedural issue that should have been taken care of a few years ago. I think we're cleaning that up today. I think we all believe that there will still be time for us to talk with the cities, the municipalities about this issue and move it forward in our community and come to some kind of resolution. But I will be supportive of this Resolution today."

**Chairman Parks** said, "Thank you. Seeing any further discussion, Commissioner Welshimer."

**Commissioner Welshimer** said, "Well, I am going to be supportive of this as well. Like Commissioner Norton, I'm looking forward to more communication with the City and I think this will help open that up, and at least clear up for the future, the confusion that we have over the fact of whether we use that mill levy or not which we don't seem to be able to discover. So I will be supportive."

**Regular Meeting, April 15<sup>th</sup>, 2009**

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

**Commissioner Peterjohn** said, “Yes. I will second the other Commissioners’ comments, but I want to add the point that since I am the newest Commissioner up here and there’s also new faces, a new face on the bench across the street with the City and there are also local elections with new faces joining city councils across Sedgwick County, I think it’s important for all of us who are on the new front to this, this is being brought to us as part of a lawsuit that was filed before I became a Commissioner and it’s one of the things that showed up in my inbox after January 11th. So I think it’s important to facilitate the communications and I want to let any city officials out there know that my door is always open to visit with my counterparts and try to facilitate communication and even negotiation if that might be helpful or get the appropriate parties involved and try and move this process forward. I strongly support the idea of eliminating language that really isn’t helpful from impacting us. I will also be supporting this motion today.”

**Chairman Parks** said, “Okay. Seeing no further discussion, let’s call the vote.”

**VOTE**

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

**Mr. Pepoon** said, “Thank you, Commissioners.”

**Chairman Parks** said, “That brings us to a Fire District meeting. We will recess the Board of County Commissioners meeting into a meeting of the Board of County Commissioners sitting as the governing body to Fire District Number One.”

**Recessed into Fire District Meeting at 11:13 a.m.**

**Returned at 11:34 a.m.**

**O. OTHER**

**Regular Meeting, April 15<sup>th</sup>, 2009**

**Chairman Parks** said, “Any other items that any of the Board would like to bring up at this time?”  
Seeing none, entertain a motion to adjourn.”

**MOTION**

Commissioner Peterjohn moved to adjourn.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**P. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:35 a.m.

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

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**KELLY PARKS**, Chairman  
Fourth District

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**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