

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

May 20, 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 May 20, 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. Steve Cotter, EMS Director; Ms. Becky Tuttle, Health Department; Ms. Kristina Helmer, Wellness Educator, Health Department; Ms. Jennifer Sheeran, Work Site Wellness Educator, Health Department; Ms. Deborah Donaldson, Director, Human Services Division; Ms. Susan Erlenwein, Environmental Resources; Mr. To Fletcher, Clinical Director, COMCARE; Ms. Iris Baker, Director, Purchasing Department; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; Ms. Amanda Mathews, Communications Coordinator; and, Ms. Angela Lovelace, Deputy County Clerk.

GUESTS

Mr. Val Laetari, Appointee
Mr. Ron Smith, Environmental Compliance Manager, Universal Lubricants, LLC
Mr. Ben Huie, 10211 Rolling Hills Drive
Mr. John Todd, Private Citizen
Mr. Larry Rickard, 3241 E. Douglas Drive
Mr. Rod Stewart, 5501 Coe Drive
Mr. Bob Weeks, 2451 Regency Lakes Court
Mr. Lyndon Wells, Chairman, Greater Wichita Economic Development Coalition
Mr. Johnny Stevens, 8120 Killarney Court
Mr. Craig Gable, 150 E. 44th Street
Ms. Vicki Pratt Gerbino, President, Greater Wichita Economic Development Coalition
Mr. Charlie Stevens, 6 Linden
Miss Neangel Ann Gleason(sic), Community Hero Award Receptient
Ms. Tira Gleason (sic), Grandmother of Receptient

INVOCATION

The invocation was observed by a moment of silence.

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES

Regular Meeting for April 22, 2009

MOTION

Commissioner Welshimer moved to accept the minutes.

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, "Next item."

PROCLAMATIONS

A. PROCLAMATION DECLARING MAY 17 - 23, 2009 AS EMS WEEK.

Ms. Amanda Matthews, Communications Coordinator, greeted the Commissioners and said, "I'll read this for the record."

WHEREAS, Sedgwick County Emergency Services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the Sedgwick County community benefits from a comprehensive "24/7 Sedgwick County Response Team," which includes Sedgwick County EMS, with the primary focus on the health and safety of ALL Sedgwick County citizens; and

WHEREAS, the members of Sedgwick County EMS engage in thousands of hours of specialized

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training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designation Emergency Medical Services Week

NOW, THEREFORE BE IT RESOLVED, that I, Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 17-23, 2009, as

“EMERGENCY MEDICAL SERVICES WEEK”

And encourage the community to recognize 34 years of excellent emergency medical care provided by Sedgwick County EMS to all citizens of Sedgwick County.”

MOTION

Commissioner Norton moved to adopt the Proclamation.

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, “And we have someone here to receive the Proclamation?”

Ms. Matthews said, “We do, EMS (Emergency Medical Services) Director Steve Cotter.”

Mr. Steve Cotter, EMS Director, greeted the Commissioners and said, "It's my honor and privilege to come before you today in this time of great celebration in Emergency Medical Services both here in the community and around the nation. This is a time of reflection and of great anticipation of the future for our profession.”

“With that reflection comes a time of sadness that I want to also reflect for us, this week, as part of

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EMS week, at the end, members from around the EMS community from around the nation will be gathering at Roanoke, Virginia, to honor our fallen brethren; 91 brave Paramedics, EMTs, and Flight Nurses from this nation have died in the pursuit of excellence in EMS over the past year, and I would simply ask that we all keep those 91 persons and their families in our thoughts and prayers this week ,as we go along through EMS week. Locally this is a great time for us.

“We have unique qualities here in this organization and this system that set us apart with regard to what we do in, excellence in service for our patients. We have before you today, members of our organization who strive 50,000 times a year to provide excellence in service. But we recognize also, as part of our systems approach to patient care, that we could not do what we do without it starting from the moment that access is recognized by a patient and/or their family.

“And with that, I would like to present an award, and we have a special guest with us today, and I would like to present an award to a special guest of ours today who had, if I may tell the story, and if you would like to come up and join me, please. This young lady and her grandmother were at home alone last year when her grandmother experienced an illness and became unresponsive and could not access the 911 system herself, and this young lady before me, hi there, had enough forethought to seek help for her grandmother, and because of this young lady’s ability, and her understanding of EMS, and her understanding of how to gain access and gain help for her grandmother, her grandmother is here with us today, because of this. And with that, we would like to present from Sedgwick County EMS a Community Heroes award to Miss Neangel Ann Gleason (sic) for her efforts in saving her grandmother, Tira Gleason (sic), and I’d like to read this. ‘We recognize your immense courage and profound selflessness, you have proven to be a model citizen and we are proud to add your name to a select group of Community Heroes; from Sedgwick County EMS,’ and I would like to applaud you and thank you very much.”

Ms. Neangel Ann Gleason, Community Hero Award recipient, greeted the Commissioners and said, "Thank you."

Mr. Cotter said, "You're quite welcome."

Chairman Parks said, "Thank you, and I was going to ask her what number she calls when she needs help for emergency."

Mr. Cotter said, "What number do we call?"

Miss Gleason said, "911."

Mr. Cotter said, "911, yeah. In closing remarks, I am beyond belief, honored, and privileged to be

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a member of this organization, and I am humbled by the people; that the people do 50,000 times a year for the citizens of Sedgwick County. It is my honor to present to you the men and women of Sedgwick County EMS, and I would like to applaud them for everything they do. Please stand and be recognized.”

Chairman Parks said, “Thank you very much, Commissioner. I would like to say a few extra words on top of that. Of course, I worked with EMS in my other job for about 30 years, and before that I was an EMT before they had the MICT (Mobile Intensive Care Technician), and I realized that you can’t really do both jobs when you’re out there on the job. So I let that lapse. But the crew out here that I saw this morning when I came up, I did compliment them, and they look sharp in their dress uniforms, and we hope that we never have to look up and see them assisting us in the field, but that is necessary, and we realize that 91 people have lost their lives, so I would just say, be careful out there. Commissioner Norton.”

Commissioner Norton said, “Well, I think we know that public safety officials from all parts of Sedgwick County are so important to the public safety, and EMS delivers that every day, and as you say, over 50,000 times a year for the citizens of Sedgwick County.

“And you know, picking up a phone and talking to someone, finding a service that’s kind of nebulous is one thing; a service that shows up at your house and takes care of you in maybe the worst event in your life is very significant, and EMS does that every day.

“I’m also proud that Lisa Corr in our office, who is one of our Administrative Assistants, is also an EMS provider in the Clearwater area, and she’s wearing her uniform today. I don’t think she’s in the room with us right now, but I would like to recognize her because she understands that that a very important service that is provided to a community. I think she does it on maybe a part-time volunteer basis, but it is also an extreme amount of training where you’re at the epitome of the place in peoples’ lives where they’re struggling and have a life hardship, and we recognize that, that it’s important to our community, and EMS week is a great celebration. As you say, it’s sad, but it’s also uplifting that we have these kind of public servants in our community. Thanks, Steve, and all that do that really hard job in our community.”

Mr. Cotter said, “Thank you, sir. There are many volunteers that aren’t here today, and we want to make sure and remember those also, that they’re out in the field and there at their other job, and they may fill in on afterhours or weekends, so we really want to thank the volunteers that work for the EMS service as well, because the volunteer component of our service is extremely important to our mission to the citizens. Thank you.”

Chairman Parks said, “Next item.”

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B. PROCLAMATION DECLARING NATIONAL EMPLOYEE HEALTH AND FITNESS DAY aka WALK AT WORK.

Ms. Amanda Matthews said, "I'll read this for the record."

WHEREAS, more than 60% of Sedgwick County residents are overweight or obese, and preventable lifestyle-related illnesses account for 70 to 90 percent of all healthcare costs; and

WHEREAS, physical activity can help American live longer, healthier, active lives, as well as provide many other benefits, including:

- Building and maintaining healthy bones, muscles, and joints
- Controlling weight, building lean muscle, and reducing fat
- Reducing symptoms of anxiety and depression and fostering improvements in mood and feelings of well being and;

WHEREAS, employers across the nation are promoting "worksite wellness" activities to help employees take charge of their health, practice healthier behaviors, and reduce healthcare costs; and

WHEREAS, health and wellness are important to Sedgwick County and we encourage promoting healthy eating and physical activity at home, at work, and at school

NOW THEREFORE BE IT RESOLVED that I, Kelly Parks, Chairman of the Board of Sedgwick County Commissioners do hereby proclaim May 20, 2009, as

"NATIONAL EMPLOYEE HEALTH AND FITNESS DAY"

In Sedgwick County and encourage employees throughout the County to begin a habit of living a healthier lifestyle by participation in a brisk walk every day to get the daily recommendation of 30 minutes of physical activity.

MOTION

Commissioner moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

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

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VOTE

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

Chairman Parks said, “And we have someone here to accept this Proclamation.”

Ms. Matthews said, “We have two individuals, Christina Helmer and Jennifer Sheeran from the Health Department.”

Ms. Jennifer Sheeran, Health Department Work Site Wellness Educator, greeted the Commissioners and said, "I am the Worksite Wellness Educator with the Sedgwick County Health Department. Thank you for the opportunity to be here today and to tell you a little bit about Walk at Work.

“According to the 2007 behavior risk factor surveillance system data, 60.8% of Sedgwick County residents are either overweight or obese, and only 45.7% of the Sedgwick County residents get the recommended amount of physical activity. With this in mind, 2009 makes the 21st year for the ‘National Employee Health and Fitness Day.’ The purpose of this day is for employees to begin a habit living a healthier lifestyle by participating in a brisk walk over lunch or break to get the recommended daily 30 minute physical activity.

“The Sedgwick County Health Department is celebrating the day by sponsoring the ‘Fourth Annual Walk at Work’ and offering imbedded walks through the County. The Sedgwick County Health Department encourages walking such as people to reduce the risk of stroke and diabetes. We are encouraging supervisors to motivate employees to walk at work during a break or lunch hour. In addition, County health promotion staff members have actively recruited employers to join the walk or do their own. Last year, 48 employers participated in Walk at Work Day and we anticipate more work sites to do the same this year.”

Ms. Christina Helmer, Health Department Wellness Health Educator, greeted the Commissioners and said, "I'm just here to tell you about some of the County walks happening around with our

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County employees. At noon today we're going to meet outside the Courthouse and lead a one, two, and three mile walk, so please come and join us. At the main Health Department, they walked at 8:30 this morning and they're also going to be walking at noon, and the Regional Forensic [Science] Center is also joining them for those walks. The Public Works Office had a walk at 8:30 and they encouraged everyone at the Stillwell Complex to come join them, and they led, I think, a two mile walk.

"Also the Juvenile Field Services over on South Glendale, they have a walk today, they're doing two, one at 9:45 this morning and then another one at 2:45 this afternoon. The Department of Aging is also leading a walk today. So we have some great walks happening around the County and we encourage you guys to come down and join us at noon if you would like.

"We also would like people to register participation on our website, go to www.SedgwickCounty.org and were encouraging people throughout the County to register participation so we can get a good data collection of who walked today and how many miles or minutes were walked. There's an incentive for those who walk, prize drawings for those who register and also free pedometers that say 'Sedgwick County Walk at Work' for those who participate. So employees that don't have a lunch hour, or maybe have a different shift, we encourage them to find some time to go on a 15 or 30 minute or maybe an hour walk when they have the time and register participation. So thank you. I think most of you have buttons at your desk and so we encourage you to wear your buttons at your desk and promote 'Walk at Work.'"

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

Commissioner Norton said, "Hi, I'm Tim Norton. I am overweight. You know, I could be the poster child for what you're talking about. I walk a treadmill five, six days a week, I try to walk the stairs here at the County, because of something that says Take the Stairs that's posted. "I'm going to try to walk to WIBA (Wichita Independent Business Association) at noon because we have a luncheon we have to go to and it's in walkable [sic] range. I'm very supportive of what you're trying to do. I wish somebody had told me about this when I was about 12, you know."

Commissioner Norton continued, "We were all active, rode our bike, played sports, did things that were active and at some point in our lives, we became a little more sedentary and that's affected the

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United States in general and the population, and we need to continue to get that word out that to get moving and, you know, eat healthy, walk, get exercise as part of your daily regimen, and I applaud you for stepping up and saying that because there are those of us that need that encouragement, need that push, need that ability to say every day, you know, walk a little bit, eat a little less, and take care of our health. So walk at work is a good place to do that because we spend so much of our waking hours in a work environment, and we forget that sometimes we need to be taking care of ourselves as opposed to taking care of business and processes and constituents, so very important work, thank you for what you do.”

Ms. Helmer said, “Thank you.”

Chairman Parks said, “Thank you, and I’m in denial. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Well, I’m not in denial. I have met some excellent colleagues for the County when I’ve been hiking up and down on the stairs, although I’ll admit I’m much more prone to want to walk down the stairs than up, but I think this is an excellent idea. It would be nice if throughout the community we had the citizens, regardless of age, participating in an event like this because, not only Commissioner Norton is talking about starting at age 12, but as a parent with relatively young children, not only taking the kids out for a walk but getting them out there and having them run a little bit is not only a great opportunity for strengthening family bonds, but also it teaches us chronologically gifted folks a little humility, when your seven year old son beats you at a race, and we weren’t even walking. But thank you very much, and best wishes with your Proclamation this morning.”

Ms. Helmer said, “Thank you.”

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

APPOINTMENTS

C. ATTICA TOWNSHIP.

- 1. RESIGNATION OF GRETCHEN SHARP FROM THE ATTICA TOWNSHIP AS CLERK.**

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "I would ask that you accept this resignation at this time.”

MOTION

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Commissioner Peterjohn moved to accept the Resignation.

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

2. RESOLUTION APPOINTING VAL LAETARI (COMMISSIONER PETERJOHN'S APPOINTMENT) TO THE ATTICA TOWNSHIP AS CLERK.

Mr. Euson said, "Commissioners, this Resolution, if you approve it, will fill the vacancy you created and this appointment will expire in January 2011 and I recommend you adopt it."

MOTION

Commissioner Peterjohn moved to adopt the Resolution

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Parks said, "Is Val in the audience today?"

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Mr. Val Laeteri, Appointee, greeted the Commissioners and said, "Yes, I am."

Chairman Parks said, "Please step up and be sworn."

Mr. Kelly Arnold, County Clerk, greeted the Commissioners and said,

"I do solemnly swear that I will support the constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of Office of Attica Township Clerk, so help me God."

Mr. Laetari said, "I do."

Mr. Arnold said, "Congratulations."

Mr. Laetari said, "I was asked a couple months ago to fill in this position or whatever. Prior to this, I've had no involvement with any kind of government position or whatever, but I'm starting to learn the ropes from the last couple of meetings, and I appreciate the appointment. Thank you."

Chairman Parks said, "Well, we certainly appreciate volunteers that step up to do these things, and if you have any questions, I'm sure either Kelly Arnold or somebody with the staff of the County can help you with those things. Feel free to ask."

Mr. Laetari said, "All right."

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

D. ROCKFORD TOWNSHIP.

1. RESIGNATION OF ROBERT BALOG'S FROM THE ROCKFORD TOWNSHIP AS TRUSTEE.

Mr. Euson said, "Commissioners, Mr. Balog submitted his resignation because he's moving out of the township and I recommend that you accept it."

MOTION

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Commissioner Welshimer moved to accept the Resignation.

Commissioner Norton seconded the motion.

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

VOTE

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

2. RESOLUTION APPOINTING SCOTT MONTGOMERY (COMMISSIONER WELSHIMER'S APPOINTMENT) TO THE ROCKFORD TOWNSHIP AS TRUSTEE.

Mr. Euson said, "Commissioners, this Resolution will appoint to the vacancy just created and this appointment will expire in January of 2013 and I recommend you adopt this Resolution."

MOTION

Commissioner Welshimer moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

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

VOTE

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

E. SOLID WASTE MANAGEMENT COMMITTEE.

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1. RESOLUTION REAPPOINTING GIL HOOVER (COMMISSIONER PETERJOHN'S APPOINTMENT) TO THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE.

Mr. Euson said, "I would ask that you defer this item indefinitely."

MOTION

Commissioner Peterjohn moved to postpone the appointment indefinitely.

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, "Next item."

CITIZEN INQUIRY

F. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE ARK RIVER CORRIDOR ACCESS PLAN.

Mr. Ben Huie, 10211 Rolling Hills Drive, greeted the Commissioners and said, "I live in western Sedgwick County and I have since the 1980's. I'm here to step in support of the ARCAP (Arkansas River Corridor Access Plan) and to protest the 'star chamber' pseudo hearing of one month ago and the 'no real hearing' vote held that day."

"Let me begin by pointing out to you that the Ark River is public; not private; a designated navigable waterway. As such, it is owned by all Kansas' citizens, or as one of you might put it, to the citizens of the People's Republic of Kansas. The ARCAP was designated, was designed to

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improve access to this public waterway for law abiding taxpayers. It is not about seizing private land, eminent domain or anything else. All of these issues were addressed thoroughly in a series of public meetings held throughout Sedgwick, Sumner and Reno Counties, meetings to which each and every one of you were invited.

“The issues of crime and vandalism were high on our list of concerns as we developed ARCAP. It should be noted here that the access points were designed to discourage motor vehicle access to the River itself. Motor vehicles seem to be a primary factor in the vandalism claimed. In fact, it has been noted time and time again that the vandalism problem exists in the absence of law abiding citizens. ATVs (All Terrain Vehicles) have all the access they need already. Throughout the country, it has been found that increasing presence of law abiding citizens in public places deters crime. Paddlers are the enemy of criminal activity, so it is clear that the vandalism issue here is a red herring.

“One of your constituents revealed the real agenda, when he wrote concerning the Ark River, and I quote, ‘First, let there be no question that we hunt, whenever we want, period. We do not even recognize that the wildlife people even exist, nor would we allow them on our property if they did show up. Second, we dump where we want to, always have, always will. We don’t dredge, but would if we wanted to,’ end quote. So the agenda becomes very clear, to turn over our public river to the control of a handful of their constituents.

“This agenda is illustrated further by that person’s words, quote, ‘You sissy boys want access to the river, buy it. Quit trying to encourage the government to give you something you don’t have coming,’ end quote. I remind you all, the river is public property, no different than Riverside Park or any other public property. It is mandated by federal law that citizens have access to such navigable waterways and neither the landowners adjacent to the river nor the County Commission have the right to attempt to prevent us from navigating the river. More importantly, the County Commission does not have the right to turn over control of this public waterway to a small group of private interests.

“All we ask for is more access to get in and out of our river as per our plan. I’m not asking for another ‘star chamber’ pseudo hearing today. It was wrong a month ago, it would be wrong today.

I do, however, call upon this Commission to hold proper hearings on this issue, hold it in the evenings in order to encourage participation by working taxpayers. The Sedgwick County Zoo would be a good location.”

Mr. Huie continued, “Only can holding such hearings can the stain of corruption created by the action of the April 22 ‘star chamber’ action be removed from this Commission. I do have a written record.”

Chairman Parks said, “I have a question. You do own property on the River?”

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Mr. Huie said, “No, I do not. I own property in Sedgwick County.”

Chairman Parks said, “Okay. I do want to clarify something. You said something about it was a hearing. It was not a hearing...”

Mr. Huie said, “I think I said it was a pseudo hearing.”

Chairman Parks said, “...and this action, if you go back and read the minutes or go back and observe this on the streaming video, you will see that this was driven by economic things. We were having an employee that we pay over \$100,000 a year concentrating on developing some of this and economics drove this thing. This was just, I guess, the final straw that came up to this, and I do know that we have a few other comments here, and certainly the people that want to still go up and down the River can do it, but we’re just not going to put bathrooms, we’re not going to spend \$620,000, like other entities have, to put things in during these economic times. It just wouldn’t be prudent. Commissioner Welshimer.”

Commissioner Welshimer said, “Ben, you mentioned a series of public meetings. I remember back, sometime back, when this issue first came up, and there were several public meetings that I went to, mostly in the parks’ buildings. For the side of this issue that you’re on, I didn’t see anybody show up. All we’ve had show up at these meetings are the people who live on the River who are concerned about trespassing on their property. So if we did something to hold a hearing, as you would like, are you going to have people here from that side of the issue, because it’s been a repeat, repeat, repeat situation constantly; and that is just, you know, we’re not hearing the other side.”

Mr. Huie said, “I know the hearings I attended were actually the ones down in Sumner County, because we are looking at a 100 mile stretch, that stretches across three counties, and down there in Oxford we had people from the community, from the plan, a real good cross-section and we discussed the issues, especially the issue of crime has always been very, very high on the agenda, and one thing I like to say when that issue comes up, and it’s ironic the 911 term came up earlier this morning. Whenever I’m out and about, I carry this with me.”

“There’s a joke, it used to be you had to commit a felony to carry an electronic monitoring device, now we all have them. If I witness crime, I call 911, and it’s been observed time and time again, all over the Country, putting tax paying, law abiding people in the parks, and every everywhere else, tends to deter crime, not increase crime. The criminals are already out there. You’ve heard about that. What’s not out there is somebody calling 911 on them.”

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Commissioner Welshimer said, “Okay, well, and along that line, exactly what is it that the County can do, I mean, if we have, I think we have one place we might be able to create some accesses. I mean, I’m talking about Chairman’s district here, but up north, somewhere along Ridge Road.”

Mr. Huie said, “I believe there are two of them, actually, in the so called sphere of influence, City of Maize and the Maize Mayor.

Commissioner Welshimer said, “We’re not in charge of the City of Maize.”

Mr. Huie said, “No, I said what is called the sphere of influence, it’s in unincorporated Sedgwick County, but it’s near the City of Maize and the City was hoping to have that one developed. The cost is not necessarily as high as said because there were levels of development in the ARCAP that go from pretty primitive, which is really parking and a way to get to it quickly without trying to play the off-road game. What we don’t want is off-road vehicles.”

Commissioner Welshimer said, “What I’m getting at is, you’re talking to the County. The only land that we own, or we have within our public purview to do something with, is where we can do this? So I would like to see here something specific as to where exactly it is, and that it is actually County property, and what kind of a plan, what kind of a development, you would want to see there.”

Mr. Huie said, “I think this was all published in the ARCAP, and perhaps the ARCAP should be brought back to light and that could be a good starting point at a public hearing that we could discuss, from the ARCAP, that’s already been published, most of the sites were in the County, there were quite a few obviously down here in the City of Wichita, but that’s not relevant to today’s discussion.”

Commissioner Welshimer said, “ Well, there are a lot of different things going on with this issue, and so, you know, I would rather exclude from the conversation what Maize will do, what Derby is doing and so on, and look at what it is expected of us.”

Mr. Huie said, “I think that was well published in the ARCAP, and the sites, the only reason I brought up Maize is because its near Maize but it’s in the County, that’s a common situation in the small communities, we all know, oftentimes it’s a County issue but it’s in the periphery of an incorporated City, and that’s where the City and County....”

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Commissioner Welshimer said, "Well it needs to be part of the meeting, and to be brought up and explained to us and, you know, it's difficult to make a decision when were not told something specific."

Mr. Huie said, "All the more reason to have a public hearing on this rather than the kind of non-hearing that occurred a month ago."

Commissioner Welshimer said, "But you would have an appropriate number of people there from your side of the issue?"

Mr. Huie said, "I believe we would, and especially, of course, if it were held, that's why I recommend the evening, that's why I recommend the Zoo. Most of us are working taxpayers. In theory I should be at work right now. That's why I think evening hearings work so much better. That's why the ARCAP hearings were held in the evening."

Commissioner Welshimer said, "Okay."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Good morning, Ben. I take strong exception to just about everything that you said, and I thought you mischaracterized, in particular, some of the history because, I've only been a Commissioner since January, but I do remember reading news articles from last year where there were hearings that were held, and you have to realize that the action the Commission took at that time was just to not spend County funds to develop the Ark River Corridor from 53rd Street North to the Reno County line.

"Now, in theory, that leaves quite a bit of waterway that can still be worked on if you can convince the governmental body, whether it's the State, us here at the County, or at some other level, to spend money for that type of activity. So I take strong exception to, what I view as a total of irresponsible accusation of 'star chamber' type proceedings. I've been more than willing to debate you on a variety of public issues in the past, so I'm not sure why that seems to be the direction you wanted to take this morning."

"Were having a hearing today very similar to the one we had back in April in which you, I believe, mischaracterized in a discussion on this point. I guess the question I would have to throw out to you is, are you aware that the County has not done anything that would restrict spending on the Ark River Corridor in the Wichita City limits south to the Sumner County line?"

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Mr. Huie said, “Yes, I’m aware of that. I know we’re looking at the north area. I know another area has been suggested also be looked at the same way. I would note, however, that for example, the Kansas Department of Wildlife and Parks, to safely develop a site, it would likely be on County owned right-of-way and therefore we would need County cooperation. Directing County staff to not cooperate and I have not read the Minutes of the meeting because, of course, they have not been posted. However, based on the published reports of what happened at that meeting, and yes, this could be construed as a ‘star chamber’ meeting today if things were done, the real problem there was the vote taken upon that ‘not hearing’.”

Commissioner Peterjohn said, “Well, did you watch the streaming video from that meeting?”

Mr. Huie said, “I have not had time to actually sit and watch the entire video, no. I have looked for the Minutes.”

Commissioner Peterjohn said, “Mr. Chairman, thank you.”

Chairman Parks said, “We will make sure that you get a copy of those minutes and direct you to where you can get that on the streaming video. Do you have access to a computer?”

Mr. Huie said, “Oh, yes, I have internet access.”

Chairman Parks said, “Okay, very well. I do know that that particular item is on that one because I’ve gone back through and looked at it myself, and it is on streaming video, and we’ll make sure you get a copy of the verbatim part of the document then. Thank you.”

Mr. Huie said, “Thank you. Who do I give the written copy to, just to be sure on spellings and all that good stuff?”

Chairman Parks said, “The Clerk’s representative here. What is the will of the Board on this item?”

MOTION

Commissioner Welshimer moved to receive and file the comments.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Parks said, "Next item."

NEW BUSINESS

G. PUBLIC HEARING OF LAND PURCHASE AGREEMENT.

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "The item that we're here to discuss at this time is a continuation of an item that we discussed at your meeting last week, and what I propose to do is I've you an abbreviated version of the presentation that I gave last week, and then attempt to answer the questions that have surfaced in the past week from you and from citizens, and then following that, you are scheduled to have a public hearing and I know there are some people in the audience who would like to speak to you. So I would recommend that you take that action following this presentation.

"The County's proposal, once again, is to acquire land that is available in northeast Sedgwick County, currently within the limits of the City of Bel Aire, and use that land for the purpose of providing an industrial park that would serve large manufacturers of what is termed 'clean technology' products and composites, and as well research and development firms that serve those kinds of manufacturers. What you see on this map is kind of a high level view of the location of the proposed acquisition. The light green territory is the City of Bel Aire, the blue is the land that we are proposing to acquire. To the north, less than a mile, is a four lane divided highway, K-254, and to the south, about two miles, is divided four lane highway K-296."

"Between that site and K-296 is the Jabarra Airport which provides general aviation services for the businesses that would locate in this park, and even closer than that is NCAT, the National Center for Aviation Training, along Webb Road that would provide training services in advance manufacturing techniques to employees who are located at this park.

"Now, drilling down on the map to the specific area that we're talking about, again in the green here is the City of Bel Aire and on this map you can see the individual parcels that we are proposing to

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acquire. There are eight parcels in total, ranging in size from a little over 18 acres to a little under 156 acres. The total plot of land that we want to acquire is about 808 acres. It is divided diagonally by the Union Pacific railway, which is a very desirable future for an industrial park of this type. It is bounded on the west by Webb Road, on the east by Greenwich Road, although, as you can see, there's a 76 ½ acre tract on the east side of Greenwich. It is bounded on the south by 45th Street which is an unpaved County road, and the north street that divides the land is 53rd Street North, which also is an unpaved street. There are 200 and roughly 155 acre tracts north of 53rd Street, everything else is in this section south of 53rd, or east of Greenwich.

“Now, there were a series of questions that have surfaced in the past week, so what I've done is tried to divide those questions into logical groupings and what I propose to do is run through those questions as I've understood them and try and provide a response to each of them.

“First question, what will the County use the land for, or stated differently, will the County make this land available to any business that comes along? The answer to that is no, that is not our intent. What we are proposing is an industrial park that would serve, what we term in industrial or economic development jargon, home runs. Parks are businesses that require very large tracts of land, 500, 1,000, 1,500 acres, some of them require; typically more than 100 acres, never less than 100 acres, and they employ very large numbers of people, typically somewhere between 750 and 2,000 jobs per employer.

“We do not intend to break this land up into smaller segments that would serve the purposes of the kinds of industrial prospects that more often come along, or the kinds of expansion opportunities that more often come along. Those businesses very typically need attractive land that's on the order of 25 to 50 acres. They have anywhere from 100 to 300 jobs, and they are very desirable catches for a community. We want those kinds of businesses, but the point is in this community, in Sedgwick County, we have lots of tracts of land that serve those kinds of businesses that are suitable for those kinds of businesses.”

Mr. Chronis continued, “We do not have any tracts of land that are readily available right now for the very large businesses that we want to attract to this site. I think it would be a terrible waste to acquire this kind of a very specialized resource and then use it for businesses that have the opportunity to locate elsewhere in the community. Once this land is gone, for whatever it uses it, it can't be replaced, and it is a scarce resource and we need to preserve it for its intended uses.

“Now, I mentioned clean tech manufacturing, and that's a term that was fairly new to me, as recently as a month ago. Clean tech manufacturing is a term that has come along fairly recently to describe businesses that are manufacturing component parts, generally for alternative energy

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manufacturers. A clean tech manufacturer might produce solar cells, solar panels. It might produce components for wind turbines, for a wind farm. It might produce batteries for an electric car. In short, it is a business that is serving that alternative energy sector by providing components for the product that generate that kind of alternative energy. That is a rapidly growing industry in the nation, as you know; nationally we're focused, increasingly, on finding alternative sources of energy, and here in the central part of the nation we are particularly well suited by our geography to those kinds of businesses. We need to be able to have sites that can be made available to those manufacturers to attract them to this community, and if we were successful in doing so, I believe that it offers the real possibility that we can create a new sector of concentration in our local economy. It can help us to diversify away from a concentration on the aviation sector, which, of course, has been very valuable to us, and we value it very much, but it's a boom and bust industry, and we need to find ways in our economy to have other industries that have different business cycles than aviation so that during the bust in an aviation cycle, the community isn't in a world of hurt as we are right now.

“There have been questions about our ability to use this land, so I've grouped these into one category. First, a question was asked about how much land will be lost to that rail line that goes diagonally through the property. Secondly, there was a question about the presence of pipelines on this property, and whether or not those pipelines would inhibit our ability to use the property for industrial development. Third, there was a question about easements, how many easements exist on the property, how much of the land do they remove from development? And finally, there was a question about wetland and floodplain, how much of the land will be too wet to effectively develop? What I've done is ask our GIS (Geographic Information Systems) department to go back into the records and identify all of the existing easements that apply to this land, and you see those flagged on this map.”

“First, regarding the rail line, you see that it runs diagonally through here, and you see the black borders of the parcels that we are proposing to acquire on either side of that rail line. The rail company owns 100 feet of land running diagonally through that property. It does not intrude at all on the land, the 808 acres, that we are proposing to acquire. So the rail site, the rail line, will not take any of the land that we're proposing to acquire out of development. The pipeline or the presence of pipelines, there is running across the lower half of the land a pipeline from Conoco Phillips, an oil pipeline, and there is a 40 foot right-of-way for that pipeline.

“You can see on this map that that line runs on the southern boundary of part of the land that we're proposing to acquire, and divides the land that we're proposing to acquire only in this quarter section, just to the west of Greenwich road, and it runs on the southern boundary of the land that

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were acquiring east of Greenwich. So that pipeline, also we think, will not remove very much land at all from development opportunities, only the 40 feet in this section here, and these are already constructed or designed as two distinct parcels.

“Now, regarding easements, there is, of course, the easement for the pipeline that I just mentioned. Aside from that, you can see from all of the flags that the easements all run along Webb and Greenwich Road and there are easements in existence for the roads themselves, and for utilities that run along the road. There also is an easement along the north perimeter of the property for an electrical transmission line. There are no easements located within the body of the land that we’re proposing to acquire other than the one for the pipeline I’ve already mentioned, so we don’t believe any of these easements will have a significant impact on our ability to develop this land for an industrial prospect.

“Now, regarding wetland, what GIS has done here is insert onto the same map the existing 100 year floodplains that have been mapped for FEMA (Federal Emergency Management Agency) purposes, and you can see, and we talked about this last week, there are three fingers of floodplain that protrude into the property that we’re acquiring, two on the north section, and you can see they’re not very wide, either of them, and one very small one on the eastern side at Greenwich Road, at the half section line. We don’t believe any of these existing mapped floodplains will intrude on the development of the land. These two on the north section have the most potential for being a problem with development, but we think that the way the parcels are constructed, and the way the floodplains intrude onto those parcels, they will be easy to build around so we’re not concerned at all about the effect of those on development.”

Mr. Chronis continued, “Now, beyond just floodplain, what about wetlands? Well, we asked GIS to map, in response to a question from one of you, to provide a topographical map for the property topographical map for this property, and I realize that you’re not going to be able to see the topo [topography map] lines that are on this map, they are generally one foot gradations that are mapped, and to the east, the brown lines are two-foot gradations. The center of this property, roughly in this area, is the high point of all of this land.

“From that high point, the land slopes very gradually down in all four directions so there is drainage, if you will, going off of this property in all four directions and the amount of change in grade from the center point, from this high point, to the northwest and northeast perimeters is approximately 40 feet, 45 feet, and its less to the other perimeters so it’s essentially flat land but it has some grade in it that provides for water runoff. We don’t believe wetlands will be a problem in

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the future, and in fact, Bel Aire has told us wetland have not proven to be a problem in the past regarding this land.

“Now, there have been some questions raised about the fact that this land, as it sits right now, is located in the City of Bel Aire, and I want to address those questions. First, a question has been asked, wouldn’t the County have more control over the development of this land if it was de-annexed, that is, if we didn’t have to work with another local government, and I think the answer to that probably is yes in some ways, no in some ways, which will require some explanation.

“We have learned in the last week or ten days that this land is located inside the defined boundaries of Rural Water District Number One. It is also, as an annexed piece of land within the City of Bel Aire, within the permitted boundaries of the Chisholm Creek Utility Authority, and as long as it remains in Bel Aire, Chisholm Creek can serve the land. There may need to be some negotiations take place between Chisholm Creek and City of Bel Aire on one side and the Rural Water District on another side and whether those negotiations have to take place will be determined by the extent of federal funding, federal financing, that the Water District might have used to fund enhancements to their system that benefit this land.

“We don’t know at this point, the Water District lawyer we spoke to wasn’t able to tell us whether there were any of those federal funds currently applicable to this land. If they are, then what has to happen is that Bel Aire has to negotiate terms with Rural Water District Number One, to allow Chisholm Creek to provide service, and we have talked to the City of Bel Aire and they have confirmed that they understand that issue and they are prepared, and have been prepared as a part of their commitment to this transaction, to take whatever steps are necessary, make whatever payments might be necessary, to assure that Chisholm Creek will be able to serve this land.”

“Now, look at it from the other side. If the land is de-annexed, Chisholm Creek cannot provide water and sewer service, and we don’t believe that the Rural Water District has the capacity to serve the kind of industrial customers that we are wanting to attract to this property. So if it is de-annexed, then certainly the County would want have to go to the City when we would want to plot the land for a particular industrial prospect, which would be an advantage.

“On the other hand, if it was not in the City, we wouldn’t be able to site the presence of Chisholm Creek Utility Authority as the utility provider to that industry, and we know from experience that the larger the industry is, the less likely they are to want to deal with the Rural Water District because those districts by and large are not intended to serve large industries. They don’t have the capacity; they don’t have the resources, the financial resources to be able to do that very efficiently. So if an industry as a choice between going in a location that’s served by rural water and going at a

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location that's served by a municipal or an authority water system, they're going to go to the latter one every time. So we think that while in some respects the County would have more control if the land is de-annexed, on balance, we believe that it's prudent for the land to remain in the City of Bel Aire.

"Another question has been what would the City's role be in this partnership, and again, this gets to the level of control. What we have discussed with the City of Bel Aire, what they've agreed to is to sell us clear title to the land for a fixed price, which we've discussed, and they've agreed to extend water and sewer mains through the property so that industry prospects that locate on this land will have adjacent water and sewer mains for their development. They won't have to spend a lot of money on connecting their plants to the utility system.

"The City also will be required to construct a pumping station on the eastern section of this property because of that high point that I mentioned on the topo, in the middle of the property, gravity feed sewer doesn't flow from east to west, which is where the City's sewer treatment facilities are, so a pumping station will be necessary, and the City has committed to putting in that pumping station also. Once the City has done the infrastructure, and we have acquired the land, the only involvement that the City will have from that point forward is to take whatever actions we need taken to make this land fully usable for business.

"We will have to go through a platting process at the time that we locate a particular industry, and I'm suggesting, I have suggested, that we do that as businesses come rather than try and plat the land on the front end of the process, and the reason for that is that we know that however we might choose to plat the land now, industries are going to want something different. So, we are going to have to go through a re-platting process, and so it just makes sense to me to wait and do that at the time we know what the business is and what land they want and do the plat right the first time, rather than doing it now and have to redo it when the business comes."

Mr. Chronis continued, "The City, also, will be required to rezone the land. Right now, it is zoned agricultural, as you know; the City has said that their intent all along has been to use this land for industrial purposes and their intent, as long as it remains in City ownership, is to do those rezonings when industry redevelopment takes place. What they have told us they would do, and what we have asked them to do and what we will require them to do is complete that rezoning process prior to the closing of the sale of the land. So, those are the City's involvements in this transaction.

The City will not have involvement in, direct involvement in the solicitation of businesses, we will certainly consult with them, but it's our land and it's our decision. Nor will it have a great amount of involvement defining how the land is used. That is, we have decided, at this point, what our intentions are for this industrial park, we've made those very clear to everybody, and the City will not have the ability to force us to use the land differently than what we have decided here. The County's role in this, in that regard, is much the same as a private developer's role, and so the City

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won't exert any more authority over our decision making processes and our use of the land than they would exert over any other private developer.

“The final question that has been asked by some is whether or not this whole project is really just intended to be a bail out for the City of Bel Aire. It's common knowledge, and we've talked about it in last week's meeting and in briefings that we've done for you, that Bel Aire has acquired this, along with a much larger tract of land about ten years ago, intending to do a whole lot of development on that land; some residential, some commercial, some industrial. Bel Aire has had considerable difficulty, having acquired the land, financing the improvements that are necessary to make the land developable, and for that reason it has continued, much of it has continued to sit idle.

“What we are looking for in this exercise, in this project, is an industrial park that will serve the needs of Sedgwick County and its businesses and its citizens. There is a tangential benefit to the City of Bel Aire, in that, by acquiring the land from them we are relieving them of the financial burden that they have been bearing of carrying this land while unable to develop it, and so, to be sure, they will gain some benefit from this. That is typical in any land exchange, but both buyer and seller gain some benefit, and that will be true in this one as well, but, this is not, I think, properly characterized, a bail out of Bel Aire, and the assistance, the benefit that Bel Aire will achieve from this is not what is driving the deal, it's not what we discussed at the outset, it's not the reason the County wants to do the deal, the County wants to do the deal because it's a good deal for Sedgwick County and it's residents and its businesses.”

“Now, there have been a number of questions about whether or not, about if the County goes through with this transaction and creates this industrial park, we're creating unfair competition in the community. First, the question has been raised about whether or not Sedgwick County, by way of doing this in the City of Bel Aire, is favoring Bel Aire over the other 19 cities in Sedgwick County, and I think the correct answer to that is we're not favoring Bel Aire with this transaction any more than we're favoring Wichita with the location of Sedgwick County Park, a very large regional park, located inside the city limits of Wichita or surrounded by the City of Wichita. It just happens that the site that we have available in Sedgwick County, and really as we've discussed before, the only site that we know of in Sedgwick County that meets the criteria that we need to satisfy to attract these very large businesses is this 808 acres that we're talking about, located inside the City of Bel Aire. If it was located inside another city, or if it was located in the unincorporated area, we would be there. We are going where the opportunity is, not where the City is.”

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“Second question has been asked about whether or not the County will be competing with private developers, and I think my answer to that is if we were acquiring this industrial park for the purpose attracting any kind of industry that came along, and we were willing to subdivide it into 20 or 25 or 50 acre parcels and offer those parcels to any kind of business, then definitely we would be competing with private developers, and that would not be appropriate and I would not be recommending it.

“What we are proposing to do here, as I’ve said, is restrict the use of this land to the very large businesses that for whom there are no suitable sites in Sedgwick County. We have, as you know from discussions, we have seen over the past couple of years a fair number of very large industrial prospects come to Wichita along with lots of other communities around the country and say, ‘We want to build a new business. We want to employ 800 or a thousand or 1200 people.’

“We need a site to do that that meets these specific criteria. Has to be close to four lane highways, it has to have access to rail. It has to have utilities on the site. Other criteria that are specified; we do not have any sites in Sedgwick County that we have been able to identify for those kinds of prospects. That’s what this land is for. There are no private developers in Sedgwick County that have this kind of resource. If they did, I wouldn’t be standing here before you today.

“Finally, a question has been asked about whether or not our ability to offer this land free to an industrial prospect will put private developers out of business. No private developer is going to give land away, nor should they. In fact, it is not by any means a sure thing that Sedgwick County will be giving this land away.”

Mr. Chronis continued, “That is, I think, a misunderstanding that has arisen in the community, and, the five of you know this but for others in the audience, and for people who might be watching this on T.V., I want to explain how the County goes about determining what it’s going to offer to industrial prospects. We have an incentive policy that has been adopted by the five of you, or your predecessors, and by the City of Wichita.

“That policy says that we are prepared to offer incentives to new or expanding businesses in Sedgwick County that meet certain criteria provided the public return on that investment is 1.3 to 1. That is, for every dollar of public investment we make in that business or in the attraction of that business to our community, we want a return to Sedgwick County government of \$1.30. That criterion, that threshold, applies to every deal that we do, and that’s not a carved in stone ratio. You have the ability to waive the ratio and accept a deal that offers a lower return and there have been a few occasions in the past where that has happened. Not often, but the point is that you have to waive the policy to do that. In order for us to give land to a large industrial prospect, that land,

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having considerable value, is going to require that business to offer considerable returns to Sedgwick County. It's going to have to have a lot of jobs.

“Those are going to have to be high paying jobs in order to justify under that 1.31 criteria that we use to justify free land. To the extent that free land doesn't produce a 1.3 to 1 ratio that we need, the land won't be free. The business will have to pay for it. We will set the price of the land at the level that's necessary to produce that 1.3 to 1 benefit for the taxpayers of Sedgwick County.

“There have been a series of questions about other ways of doing this, other options. First, somebody asked shouldn't GWEDC, shouldn't the Greater Wichita Economic Development Coalition, shouldn't they be doing this, isn't that what they're there for? Well, in fact, that is not what they're there for. They're there as the marketing arm of Sedgwick County and City of Wichita to market our communities to industrial prospects. They do not have resources themselves to make available to those businesses. When a prospect becomes known to them, they send out solicitations to the local governments and, if it's one that can be met by private development, by the private developers in the community, first for sites, and then, once we've passed the site hurdle, to the government for incentives that might be offered to that business. The Economic Development Coalition is the middleman between local governments, private developers who have the resource that can be used for industrial development and the business that wants to undertake the industrial development. They do not have any resources themselves to offer. So no, they should not be doing this. That's not what they are created for.”

“Question has been asked about why we shouldn't rely on private developers to do this. My answer to that is that I would love to rely on private developers to do this. As you know from budget discussions with me, I'm not a big proponent of public involvement in this kind of activity. In this instance, it is absolutely necessary. There has been no private developer who has stepped up to the plate and willing to absorb the carrying costs that are necessary for a very large industrial park of this type with these attributes in this community. It doesn't exist. If a private developer had done it or if we thought that a private developer could do it, I would not be standing here. We would be working with that private developer.

“Why not do this somewhere else? This, again, gets back to the argument of other cities. Why Bel Aire? Why we're doing it here is because this is where the attributes are. Why we're not doing it somewhere else is because there is no place else in Sedgwick County that we've located that has these attributes.

“We've looked at an industrial park that exists, being developed by the City of Clearwater. That has a little over 118 acres I believe. It's served by rail, but it's only 118 acres and for the kinds of

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businesses that were talking about, it would serve at most, one of these businesses, but we have doubts about whether or not it would even be able to do that because of the utilities that serve that land. The capacity of those utility systems, we think, would not be capable of handling the high volume of employees that would be coming to work at that location, so we don't think that that's an ideal site.

“The City of Derby and a private developer have a large tract of land that they have made available and GWEDC has made available. It is not served by rail, and to get rail to that site, you have to get permission from the State to extend the spur across K-15 and then you have to extend that spur another mile across Oliver before you get to the industrial park. That is going to be a very expensive undertaking if it ever gets done at all. And there is considerable doubt that the State would give approval for another rail crossing across K- 15.

“We have looked at a site in unincorporated Sedgwick County in the southwest portion of the County, near the Oxy [Chemical] plant, and we have offered land in that vicinity to very large industrial prospects in the past. What we have found is that that land is under multiple owners, some of whom refuse to sell their land, some of whom won't even answer the phone to accept an offer to buy their land and some of whom have land that has considerable environmental hurdles attached to it. So that site would be very difficult to assemble if it could be assembled at all, and once assembled, we think that the problems caused by environmental considerations and wetlands, and part of it, would be far greater than what were facing at this site. We're not aware of any other property, large tracts of property, in Sedgwick County that might be used for this purpose.”

Mr. Chronis continued, “Some people have asked why we don't just do this one prospect at a time. That is, why buy 800 acres now when we don't know when businesses are going to come or how much land they're going to need well, what we are trying to do is create a resource that can be used to attract those businesses. If we go to a business and say we have the ability to acquire land for you, they'll listen to that. If our competitors go to that same business and say here's the land, we own it, come start building in 60 days, you know who they will pick. It's not going to be us. Furthermore, once you have done that for a business, one parcel at a time, you got to start all over for the next business, for the next parcel. What we want to do is attract a number of these kinds of businesses in one area so that we have a concentration of employment of a particular type within Sedgwick County and that concentration, we're convinced, will serve to attract suppliers and more businesses of that same type to this community.

“We will start to get a reputation as a business as a community that wants that kind of industry, and so instead of being at the bottom of the site selectors list as we are now, we'll be at the top of their lists.

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“Now, some have asked why we don’t get an option on the 800 acres and only close on parcels as they’re needed. Well, there are really two reasons why we think this is an undesirable solution. The first reason is much the same as what I said regarding the prior question. For us to go to an industrial prospect and say, we have an option on this land, we’ve got to jump through hurdles to close on the land, but we have the ability to do it, trust us, businesses will hear that and they’ll consider that, but if the next guy that they are looking at says here’s the land, we own it, they’re not going to come to Wichita. They’re not going to come to Sedgwick County. We think it’s important for us to be able to have complete control over that land and we think that, for this very large tract of land, the investment in infrastructure that will be necessary requires that we control the land at the very start, not that we make all that infrastructure investment on the hopes that someday we will want to acquire the individual parcels of land.

“A second reason why this is undesirable, we think, has to do with financing. The City of Bel Aire has this land financed now. They have considerable carrying charges on that financing. They would not be able to give us an option unless that option was priced at a level essentially the same as or very close to their carrying charges and that would be that would essentially make this an unviable deal. That would be too expensive for us to think about. We don’t think this is a very desirable solution.

“Finally, somebody asked why we don’t use the County money to pay for the infrastructure and leave the land in the City of Bel Aire and let them have the industrial park, and let them have the risks attached to that industrial park the reason for that goes back to the control question that we talked about early on. This is a regional resource that Sedgwick County needs to control.”

“If the County were to pay for the infrastructure but leave the park in the hands of the City, then there’s much less assurance that over the long-term that park will be used as we intend for it to be used. The City at any point might change their minds about what they want do with that land. So, we think that, all things considered, the appropriate way to proceed with this transaction is for the County to make the acquisition, to acquire all of the land at once, and for that land to be located in the City of Bel Aire so that it can be served by the Chisholm Creek Utility Authority.

“Now, there have been some questions also about what happens going forward, what’s going to be the future if the County makes this very expensive undertaking. First question was, what are the County’s carrying costs? I already said that Bel Aire has high carrying costs on the financing they’ve undertaken. For the County, this is a cash transaction.

“We have no carrying costs in the sense that we are paying interest for the duration that the land remains undeveloped. The County’s carrying costs, in effect, are the alternative of investing the money that we used to purchase the land. If instead of taking that \$6.5 million and using it to acquire 800 acres we put it in the financial markets and invested it as it is now, the return on those investments effectively constitutes the County’s carrying costs for this transaction. Right now the

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County's rate of return on investments, driven by the market is less than 2%. The amount of money that we lose in investment yield on a \$ 6.5 million investment is not a great amount of money.

"The County likely will incur some costs to maintain this property. Right now, it is leased to farmers; they have responsibility for maintaining it. We haven't decided whether or not to continue to have it farmed or whether we want to allow it to be idle, to sit idle; but in any event, there likely will be some kind of maintenance that's required to it. It's hard for any of us to conceive of maintenance activity on this land, as long as it's idle, being any kind of considerable cost. No more certainly than what were currently paying on any other idle land that the County has.

"What will the County's return on investment be? This is a question that's been asked. For a very large tract of land like this that is intended for multiple projects over a long period of time, there is no answer for this question. We cannot say today what the return on investment will be for this park 10, 15, 20 years from now. What we can say and what I've already said is that the return on investment for each and every business that we bring to this park will be at least \$1.30 for every dollar of public investment. That is the County's policy. That's what we adhere to and the only waivers to that policy would be those that the Board of Commissioners in the future would choose to grant in for a particular project. In aggregate, and once the land is fully developed, it's reasonable to say that the rate of return on the entire park would be at least 1.3 to 1, but it would be deceptive for me to stand here today and say, 1.3 to 1 is the rate of return."

Mr. Chronis continued, "It's going to take time, as you know, to attract these businesses and have them make the significant investment that they're going to have to make in this land to bring the jobs that were talking about, and so we will only receive returns once those developments actually take place.

"How long will it take to fill the park? I heard somebody say that one of the realtors in town was speculating that it might take 50 or more years to fill this park at the absorption rate that industry has used in the past ten years. That may very well be true. What I think is not relevant is the absorption rate of the past ten years. If we were doing this to attract in the next ten years what we've attracted in the last ten years, it would be a very bad decision indeed. We are not proposing to do with this land what we have done in the past.

"What we are trying to do is something that's different and that hasn't been done in this community, that we haven't been able to do in this community. So, the absorption rate for past industries really isn't relevant because that's not what we want to attract here. Having said that, it will take some number of years, probably some long number of years to fully occupy these 808 acres. The economic developers tell me that, in any given year, there may be as many as six or eight home run prospects, very large industrial prospects nationally, the kinds of businesses that we want to attract

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here. So we have in any given year, six or eight shots at bringing a business to this land, as long as we stick with what I have said we want to use this land for.

“In fact, we have fewer than that because some of those six or eight businesses aren’t going to be in the industry sectors that we want to attract. So, we’re going to have to be patient and wait for the businesses to have the need for this land. When they have that need, we have to have it available. That’s going to require that we sit on this land for some period of time. It could be five years, it could be ten, and it could be 20.

“In my mind, the return to the community of having multiple thousand or 1,500 employee businesses located on these 800 acres is well worth the wait. It is a good public investment. I know Commissioner Peterjohn probably cringed when I just used that word, but that is the word that applies here. We expect a return on this investment. We are we willing, we need to be willing to wait for that return to come because it is well worth the effort.

“Finally, there have been questions asked about how the County’s efforts at putting infrastructure in this property will affect the County’s CIP (Capital Improvement Plan). What projects in other districts will be affected if we divert money to do the two streets that we are talking about paving in this industrial park?”

“We’re in the process right now of building the new capital improvement program that you’ll be seeing with the recommended budget later this summer, but at this point, what I’ve been given by the Department of Public Works suggests that there are four projects either in the current CIP, or that had been proposed for the new CIP, that will be adjusted in order to free up money to do these two street improvements.

“Those four projects are a bridge at 2900 South 295th Street West, which was originally slated for reconstruction in 2010 and would need to be pushed back to 2011; erosion repair on a bridge at 111 South 151st Street West, that was slated to have erosion repair done in 2010, that would have to be pushed back to 2011; and two street improvements, 183rd Street West from 71st Street South to 95th Street South was slated to be designed in 2011 and constructed in 2012. I’m sorry, designed in 2011. I believe right-of-way acquisition in 2012 and then construction in 2013, all of those would be pushed back one year. Finally, 183rd Street West from 23rd Street South to 39th Street South which was slated to be designed in 2010 and constructed in 2011, and each of those tasks would be pushed back a year.

“Those, according to the information that I’ve been given by Public Works thus far, those are the only projects that would be affected by the need to find money to make the infrastructure improvements here. Now, what is the tradeoff? Well, in order to have good streets adjacent to this industrial park, and it really is necessary that we have those good streets, you have to figure out

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whether or not that's a higher priority than these streets and bridges out in the far rural corners of Sedgwick County, and if you believe that this location adjacent to this industrial park is a higher priority and certainly I do, then I think you will agree that these adjustments in the CIP are changes or modifications that are truly warranted and they would not cause any great hardship on any of our citizens.

"That concludes all of the questions that I've heard, that I'm sure we'll be getting more in the public hearing, but I think the appropriate thing for you to do at this point is to conduct that public hearing. Once the public hearing is concluded, what I have outlined on this chart are, I'm sorry, what I had outlined on that chart are what I see as the next steps.

"You have in your agenda packet the same agenda summary and contract that were discussed last week. I think in light of the additional time that we're taking and the discussions that we have had, it is appropriate for us to make some modifications to that land purchase contract. Specifically, to provide contingencies to assure that the zoning change to industrial is made prior to closing to assure that the City understands and will do whatever it takes to provide water and sewer services to this area and to make sure that the City has provided the funding and provided for the construction of the water and sewer mains and finally, to have the City do an update if one is necessary to Phase One Environmental Assessment done in 2005, about three, three and a half years ago."

Mr. Chronis continued, "Those contingencies, I think it's appropriate to incorporate into the body of the contract. Having done that, I think we eliminate the need to have a separate development agreement, because all that development agreement that we talked about last week accomplishes is these factors. It locks in the City and Sedgwick County to who pays for what in this transaction. The City paying for utilities and providing utilities and doing the rezoning, the County paying for the roads and the rail spur.

"So I think that it's appropriate do that. Once that is redrafted, then I think it would be appropriate and I certainly would recommend that we conclude the land purchase at the price that's listed in your agenda summary, which is flatly over \$6.5 million. We have asked the Greater Wichita Economic Development Coalition already to begin marketing this land to appropriate industries as opportunities arise and it would be appropriate as a next step for the County to begin to design and then construct the infrastructure for the County and the City to begin the design and construct the infrastructure improvements that are necessary to make this site fully shovel ready for industrial prospects.

"We have estimated the cost of water and sewer lines that would be borne by the City of Bel Aire at \$4.1 million. We have estimated the cost of the pavement of 45th and 53rd Street by the County at \$6.9 million. That, as you know, would come out of the sales tax road and bridge fund. We have estimated the cost of the rail switch that would be necessary for a large prospect to be \$900,000. We

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believe that all these numbers and I said this last week also, we believe that all of these numbers are high estimates.

“We think the actual cost for the infrastructure will be less than this; could be substantially less than this. We want to make sure that we have not improperly set expectations for what needs to happen at this land to make it shovel ready and because the designs haven’t been done, some of the surveys haven’t been completed yet, we want to make sure that we’re guessing too high rather than too low. With that, I’ll be happy to answer any questions you have them. If you have none, I would recommend that you move into the public hearing portion of this agenda item.”

Chairman Parks said, “Okay, we’re just going to have the questions for Chris, and I don’t want to get in to a bunch of testimony from the Commissioners just at this time until we hear from the public hearing. I just wanted to ask, just clarify one thing. The floodplain actually, the map that we got is good for this property the way I see it?”

Mr. Chronis said, “Yes.”

Chairman Parks said, “Because it drains it.”

Mr. Chronis said, “It’s very good. It’s a good site.”

Chairman Parks said, “It’s draining away from there and that’s certainly not of my concern, and the other question I had that I didn’t get up there and it came up during the presentation, who owns the mineral rights on this, the water and gas rights on this property?”

Mr. Chronis said, “That’s a question I have not asked. I don’t know.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Mr. Chairman, I’d like to defer my questions for Chris until after the public hearing.”

Chairman Parks said, “Okay. Thank you. Okay, at this time we’re going to open the public hearing on the matter of the land purchase agreement with City of Bel Aire. Please step to the podium and state your name, your address, who you represent and don’t everybody push and rush around up there now. Go ahead and step to the podium. Let’s get this hearing under way. You will five minutes apiece by the way.”

Mr. John Todd, Private Citizen, greeted the Commissioners and said, "I’m opposed to the County’s proposed outright purchase of the Bel Aire industrial park land that you are considering

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today. The City of Bel Aire tried its hand at speculative land development, risking taxpayer money, and if they aren't staring failure in the face, one needs to ask the question why are they selling their land? Did the City officials possess the technical expertise to do a successful industrial park land development project in the first place?

"I understand that this property has been listed for four or five years with the real estate broker. Why hasn't it sold during the four or five year period of time? Were there any offers on the property? Were there offers turned down? What were the offers? Are there any prospective buyers still waiting out there? Were the City Officials elected to do speculative land development with taxpayer money? Why would Bel Aire sell a financially successful development project, or, is the City of Bel Aire actually asking the Sedgwick County taxpayers for a funded land bailout? And now, why would Sedgwick County Commissioners want to place the taxpayers of Sedgwick County in the same speculative land development business?"

Mr. Todd continued, "The fact that no one in the private sector stepped up to purchase this investment opportunity should tell us something. Perhaps the private investor is not willing to speculate in an industrial land project in the current economic climate. Perhaps an 808 acre industrial park is too large for the current market conditions. Does anyone in Sedgwick County, any official, really understand the market absorption rates for investor land? Why should the Bel Aire location be the only property considered for purchase by Sedgwick County? Before you purchase this land from Bel Aire perhaps you should give consideration to the 19 other cities located in Sedgwick County and give them an opportunity for a location and perhaps you might find property that would be amenable to an option, so we don't risk all of our money at one time, and perhaps the terms would be more favorable, and we might even achieve a more competitive price.

"If you consider the outright purchase, has anyone asked the question what is the balance on the loan, on the underlying financing? Is Bel Aire current on their payments? Is the loan in default? As a cash buyer, I think part of your due diligence is to find these type of things out if the loan, perhaps, is questionable, in today's environment, there are all sorts of loss mitigation programs and perhaps Sedgwick County might be able to buy into that loan for 50 cents on the dollar.

"Why shouldn't these types of advantages be taken on behalf of the taxpayers? An option is a wonderful tool that's routinely used by experienced developers as a method of controlling land without the risk of an outright purchase. With an option to purchase, part of, you can spend minimal amount of money doing pre-engineering work, which would be fairly inexpensive, and this would substantially reduce the risk to the taxpayers. A one year option with option renewals gives the Greater Wichita Economic Development Coalition the land control it needs for the potential

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2,000 manufacturing jobs that they've been hinting about, or that's been hinted about in the local media. This move for an option shifts the pressure to the forum from the Sedgwick County officials from this County bench on to the backs of the Greater Wichita Economic Development Coalition where it belongs. I've been in sales for years. It's always been pressure on the salespeople to perform.

"We are told about shovel ready, I understand the option tool was used in the Target warehouse transaction in Topeka a few years back. They needed to use eminent domain as part of the land assembly. Target selected that site, and even with the fairly lengthy eminent domain process there, was this land shovel ready for Target? I think the answer to that was yes.

"What are the potential problems with Sedgwick County's involvement in the proposed land development project?"

Chairman Parks said "Can you wrap this up?"

Mr. Todd said, "Yes. The development of speculative industrial land really needs to be left to the private sector. However, with the tremendous political pressure applied on this County Commission by the Greater Wichita Economic Development Commission and the local news media, you may be forced to provide control over a large industrial site. You really should seriously consider other locations, and you need to seriously consider the use of an option. Thank you."

Mr. Larry Rickard, 6418 Beachy, greeted the Commissioners and said, "My primary goal here is as a taxpayer and a small business owner to be concerned about what this will translate to at a later date. In the interest of full disclosure, I think it's important that I point out that I do own real estate, approximately nine to ten acres of, half of it's shovel ready industrial, which people have just been killing me trying to buy it.

"The other points, I made a political donation and supported Commissioner Welshimer. I likewise, supported Commissioner Karl Peterjohn with signs and so forth, so I guess you would either call me a Republican-Democrat or a Democrat-Republican, which ever you choose. I further understand that public officials have a hard job and a lot of forces from different groups exerted or directed at you, and I appreciate that fact, but I would like to cover a couple of scenarios which you are all aware of but I think they bear repeating.

"Primary scenario currently for government operation is transfer of activities that were once private to government, and some of the folks call it socialism, but that government is the answer to our problems despite the history of government controlled economy such as Russia, Cuba, et cetera,

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failing, this scenario is frequently promulgated by politicians and government employees because in turn it serves to foster their interest and/or power and jobs.

“We hear the saying that the government private partnerships are best. The government role is to take over the private function despite the fact that most everyone accepts, and many of you probably do also, that government is proven to be one of the most inefficient providers of endeavors that go beyond the government realm of providing infrastructure, security and safety and things of that nature.

“We need to look no further regarding that and a couple examples in Sedgwick County, and in regard to that, for example, if we look at our presentations, for example, in the past on this topic, most everybody supports this is on the tax roll. Is that a fair statement? I find it would be very easy for most of the people that come down there to speak as taxpayers if we were drawing a taxpayer paid salary.”

Mr. Rickard continued, “I assume the Greater Wichita Economic Development Corporation (Coalition), is that not true, probably gets support, tax dollars? I hope that’s brought out in the answers from the Commission. The scenario of private enterprise and competition is the least popular and it seems to be declining as you well know in popularity, although it was predicated on the beliefs of our founding fathers and our Constitution, and one of their biggest concerns was government getting into private enterprise.

“Historically with all its flaws, private enterprise has a proven track record of being the most successful. Just look locally in contrast, some of the projects that we have done by a government in the past, and these can be contrasted with a number of them. The one that comes to mind is look at Steve Clark and Johnny Stephens project Waterfront compared to the sinkholes that we have throughout the County.

“Despite this, though, you are considering asking Sedgwick County taxpayers to take over and assume an already failed government project that ventured into private enterprise with the assumption that we can better develop, market, control than the private sector. Likewise, this effort is being financed by taxpayers, and I failed to mention that in one case my taxes were 400 percent on appraisal from one year to the next, and I’m assuming that my taxes will help pay for this private venture that I feel somebody should be given the opportunity to do on their own in the private enterprise, get off the public payroll and attempt this project.

“Most companies considering also locating here, as I have watched over 35 years, are always asking for tax abatements, do they not? That should provide ample evidence that we would be wise to work toward one, a lower tax base good for everybody, not the taxpayers the taxpayers as well as

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business because high taxes repel growth. If you can name a situation where somebody in didn't ask for tax abatements, I would be interested in here hearing it.

"Make government more efficient. If the citizens are asked to make cutbacks, what are we doing? Are we cutting salaries, are we furloughing anyone, are we paying bonuses for cost cuts and efficiency created by employees? The taxpayers deserve more bang for their buck is what I say. The vast majority of the support, as I previously noted for this project, comes from people that are on the tax payroll. Likewise, the lack of public input was complimented by lack of investigative reporting on the behalf of The [Wichita] Eagle. If you read the articles, they tended to support, a vast majority of the verbiage, was in support of this project."

Chairman Parks said, "Can you wrap this up?"

Mr. Rickard said, "Just one more minute if I may. I also was pleased to note that Commissioner Unruh has changed, I assume, his support for this project because I read in the paper that he's running for reelection, and that his three tenants are financial responsibility, protecting the County's bond rating, and property tax relief. Obviously, this project would not fit any one of those tenants that tenets that he's running which is a common political agenda used. Contrast this expressed running for office view with what actually happens in the real world.

"Finally, Sedgwick County taxpayers have a right and deserve to know such things as is the Greater Wichita Economic Development Corporation speakers and so forth that have been touted here, as well as our County finance person, I assume they are on the tax payrolls. What relationships exist between the elected officials or government employees, and what will be the consequences for government officials employees supporting getting into this? In the private enterprise we lose money and jobs, et cetera. Will any of those folks, or as far as we know, did the past Commissioners from Bel Aire have to cough up any money for making the mistake of this venture in the first place or for that matter, will any of you Commissioners later come back and say if this is a mistake, we will put money in? Thank you."

Chairman Parks said, "Okay. Next testimony, please."

Mr. Rod Stewart, 5501 Coe Drive, greeted the Commissioners and said, "It's been a long time since I appeared down here before this bench. I'm a lifelong resident of Wichita. By profession, I'm a commercial and investment real estate developer. If disclosure is appropriate, I have been involved in at least four of your campaigns in the past, so I'm an equal opportunity discriminator.

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“For 29 of my 39 years as a commercial real estate broker, I served in the vineyard of economic development for the city of Wichita, and I spent two years as the chairman of an organization called the Wichita Sedgwick County Economic Development Commission which was a predecessor to WI/SE (Wichita/Sedgwick County Partnership for Growth). Health has made me retire from that kind of public service, but I have long experience. I’d like you to think about one of the things that Finance Director Chronis said, you can’t guarantee when the land will be used. There are half a dozen of these prospects in the country every year.

“We’re the 67th largest metropolitan area. That means there are 66 others ahead of us. The State of Kansas is a poor place to compete for economic development. For economic development indices, if you will ask your very own GWEDC, they will tell you that the State of Kansas ranks in the bottom half of states in the United States for economic development incentives. We’re being asked to do something to give us a shot at the brass ring on the merry-go-round, and I applaud the thinking that has wanted to catapult us to that position over all of the obstacles that are against it. You would have a better return on your money if you put it on a crap table in Vegas.”

Mr. Stewart continued, “Fifty years from now this 808 acre park is going to be vacant land. Five or eight years from now, you will all be gone from the bench, all of the people sitting in the administrative positions in the County government are going to be scratching their heads and asking themselves, why did we do this? What was the goal? How come it hasn’t happened? Maybe we should reevaluate our criteria, and then it’s going to be parceled out in smaller pieces, because the brass ring, most likely isn’t going to happen.

“I have heard something new today. I heard about a new kind of company that makes renewable energy decisions, that makes green things happen. It’s been the avowed policy of the City of Wichita, and I presume Sedgwick County, to go after clean industries since the beginning of time.

“Who wants to go after polluting industry? We just spent three years of our lives trying to build a coal plant in western Kansas for crying out loud. Nobody wants dirty or polluting industry. So this is not new. This is a fact of life. We are going to be asked to spend \$6.5 million of the taxpayers’ money. Spend enough money to buy 50 or a hundred acres. Option the rest on what’s known as a rolling option so when you buy the first piece of property, in your contract, you create the conditions precedent to buying the next piece of property.

“You can do all of the engineering, you can do all of the drawings, you can do all of the zoning and land planning you wish, and be assured that the money to do that won’t be wasted because you have control of the property. That’s what an option does; it gives you de facto control of the property without the financial exposure of having your money at risk. Then, if you get this magnificent company that we are all searching for and they do come here, you can take down the next piece in the next size that whoever determines is appropriate.

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“Over the course of the next ten years, if you get one company to go out there, you will have scored a magnificent home run. The one company using 50 or 75 or a hundred acres is not going to justify the County’s expenditure. I want this County of ours and this city of ours to succeed as much as any human being alive, I’ve spent my life here, but I don’t want my governmental authorities to waste my taxpayers money on well conceived, well imagined boondoggles.

“Use an option. Control the property. Buy what you absolutely must to land this prospect that we’re talking about. Control the rest. Do the engineering. You can even get the bids that you need. Between the time that some architect gets his shot at designing the building, and the building gets built, any public improvements that would be necessary can be in place. In most cases, if there’s sufficient rail traffic, the railroads will put in their own spur. We will not have to pay for it.”

Chairman Parks said, “You need to wrap this up.”

Mr. Stewart said, “I thank you. I don’t want to say any more. I wish you all to make a good decision on the interest of our community and the taxpayers. Thanks.”

Chairman Parks said, “Thank you. Next, Mr. Weeks step to the podium please.”

Mr. Bob Weeks, 2451 Regency Lakes Court, greeted the Commissioners and said, "Thank you Commissioners and Mr. Chairman. As Sedgwick County considers whether to enter the industrial land development business there are many considerations that must be weighed before proceeding. My greatest concern is the land on the private sector in Wichita. Now, I realize it is the County’s intent to focus on large companies as tenants in this proposed industrial park. This is to correct an alleged market failure, in that the private sector is not providing the product the County believes should be provided, but as time goes on, the pressure to do something with the land will increase. Then the County will be competing directly with existing private sector land development. The government has many advantages that the private sector doesn’t.

“It has access to free capital. It can giveaway land to companies. It can forgive future taxes. It can offer free infrastructure. The effect of all this will be to drive the private sector out of the new industrial real estate market. It might seem with government having these advantages, why don’t we turn over all development to it?

“The answer to that is that government doesn’t have something that the private sector has, profits and losses. Is the profit and loss system that lets us know whether resources are being used efficiently and effectively. The profit and loss system drives the inefficient producers out of the market and tells us who are the effective producers. Government, being without the ability to calculate profit and loss, doesn’t know if it is being efficient. Mr. Chronis earlier mentioned the \$1.30 to \$1 ratio, and I’ve started to do research into this, and it seems to me the way the government creates a return is by collecting taxes, and that’s far different than what private sector

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has to do in order to be able to earn a profit. Not having the ability to tax, they have to earn through voluntary transaction their profits.

“So, government land development will also have the effect of harming existing development, too. As existing tenants see the parks heaped upon companies that locate in the government’s industrial park they’ll want the same concessions from their landlords too. If the County intends to proceed with this industrial park, I believe we need some way to minimize the harm to existing private sector development. We might, for example, limit the buildings in the new park to a certain minimum size. That size would be necessarily quite large.”

Mr. Weeks continued, “We could restrict tenants to companies from outside of our metropolitan area. We’ll also need to do something to help our existing industrial companies feel appreciated and not simply bearing the costs of other government economic development. An important and easy thing to do would be to limit the size of the proposed industrial park to something much smaller than 808 acres, so if the County decides we need to enter the land development business, please, let’s limit the harm to our existing private sector that’s in the same business. Thank you.”

Chairman Parks said, “Thank you. Next person, please. Mr. Stevens, do you want to make a statement from the podium?”

Mr. Johnny Stevens, 8120 Killarney Court, greeted the Commissioners and said, "I'd like to hear from the proponents first."

Chairman Parks said, “Okay, the next person that’s up. I want to close this hearing”

Mr. Lyndon Wells, Greater Wichita Economic Development Coalition Chairman, greeted the Commissioners and said, “I must say, based on some of the comments today, I didn’t realize the great power that has been placed upon the Greater Wichita Economic Development Coalition. With all due respect, this organization is formed in a public/private partnership between over a hundred private companies that have contributed dollars that provide the staffing costs for the marketing effort of the Greater Wichita Economic Development Coalition and is matched then with public funding, to slightly lesser degree, that is used for programming and for marketing the area, whether the City and the County. The City of Wichita and Sedgwick County both contribute to this enterprise, so, those of us that serve in the private sector on the Steering Council are volunteers. We all come from the private sector as opposed to coming from the public sector.

“We have responsibility for marketing a ten County region in the Greater Wichita Economic Development Coalition. We have found in our marketing efforts that oftentimes we are stricken

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from consideration by an industrial prospect because we don't have site availability. Its eliminating sites in their process, either through site selection companies, consultants, or, it is the company directly or the Department of Commerce or other types of enterprises that are helping select sites for individual businesses. Private developers have participated in this effort and we continue to market private developments to the extent that they fit the parameters of the request for information that we receive from the prospects. I would say the private developers have been the beneficiary of some of the government incentives that have been provided in the form of tax abatement, in the form of forgivable loans and some of the other incentives that have been provided by both the City and the County in these industrial prospects in the past."

"I think it's important to keep this in perspective. This is for the benefit of creating jobs. We simply want to be in the game. We are not interested in displacing the private sector in this enterprise. We simply are trying to make sure that those that would have the resources to be able to sustain a development like this would be able to do that, and we believe in this case Sedgwick County is best positioned to do that.

"The developer is interested in getting a return on their dollars initially and quickly. We believe that it's important that we have this resource available, and we believe that that is a function that government can fulfill, is to be able to provide that sustained effort without the need for the profit incentive. It's capacity building, if you will, as opposed to the profit motive that develops, that this site develops. So thank you."

Chairman Parks said, "Thank you."

Mr. Stevens said, "I'm a lifelong resident of Wichita, Kansas; a real estate developer. There's been plenty of discussion about the details of this deal, and I think that I don't need to go into all the reasons of why I'm necessarily against it, except that I will say this. I respectfully dispute almost every item Mr. Chronis had in his support of this project. Just to name a few, he said there's no other site available.

"That is totally impossible. We have rail all through this County. There is land everywhere with rail served to it. I personally own over 200 acres of industrial land in this County. I have never once had a person from the GWEDC, the Chamber of Commerce, the County, the City, or anybody else ever call me about a prospect in my 38 years in this City. So I don't know how or why we have decided that the government is the first and only solution to this problem. This is disturbing, and I can assure you that if you guys go up there and buy this 800 acres, you will destroy the industrial market in this town. You will totally weight all of the development to that direction at the expense of the rest of the County and we will have no chance at a prospect, because you're going to give away too much to go up there.

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“You know, he says that he’s going to limit the size. Is there something in writing as to what this size is going to be that you’re going to limit it to, because, as has been stated, at some point you’re going to have to sell land up there, or you have to give land away, because there is not enough development coming to Wichita, Kansas, to absorb 800 acres in this County. As far as the return on investment that he says is going to be \$1.30 for every \$1 invested; I always like to use the saying that if you torture the data long enough, it will tell you whatever you want. That’s exactly how he’ll get to that \$1.30.”

Mr. Stevens continued, “There are other private developers in this town that can help if you ask. Why there has not been a call to any other private developer that I know of, and I’ve talked to about all of them that I know, not one of them has had a call from the Chamber or the County in regards to a large user needing to come to this area. I guess I would propose that instead of thinking of the government as the first solution, let’s think of them as the last solution. Let’s sell our community based on its positives. We have so many positives going for us, and one of the best was just announced in the morning paper, where we have CiBOR (The Center of Innovation for Biomaterials in Orthopedic Research) now, that has \$21 million, we’re going to have a composite research facility here that’s unequalled anywhere in the country. We won’t have to give our land away. People are going to want to come here.”

“We have a great technical institute here in that aviation research facility. We absolutely have positives that we can sell this County on. If we enter the sweepstakes of giving stuff away, we’re going to be just like every other city, and I’m sorry, but this city has great work ethic, great family values. We have a lot of positives we can sell companies on. This aircraft industry is terrific. We just need to get out and work at it a little harder. You need to call upon us, as the private sector, to help. We’re here to help, we’re right behind you. Any time we have a big prospect we’re going to be right behind you to do whatever we can to help, it’s just that somebody has to pick up the phone and say help, and we’re there. Thank you.”

Chairman Parks said, “Thank you, next person.”

Mr. Craig Gable, 150 E. 44th Street, greeted the Commissioners and said, "I originally called the County Manager’s office and asked what size properties we were looking for, for this deal, and I was told they were ten acre properties and plus, and anyhow, I didn’t talk to the Manager himself. Anyhow, I’m kind of shooting from the hip here since all my research went the other direction. Anyhow, I disagree with Mr. Chronis that this is the only available site as the former speaker said. There are miles and miles of railroads, miles and miles of highway, and this is agricultural ground. It’s not zoned differently. The agricultural ground is available all over this County. I wonder about the cost; \$7,300 an acre for agricultural property seems a bit high.

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“Supply and absorption rate he talked about. When we’re competing with thousands of, or hundreds of cities, and places like Michigan are spending millions and millions and millions of dollars to tell everybody in the Country that come to Michigan because we’ve got it all and we’ll give it all to you, how many green jobs are we really going to get a hold of? It appears this is probably just going to end up one of two ways. It’s going to be some kind of cash cow, like we’re already seeing in certain projects in the local city and what not, that we get this bought and everybody that comes up some idea that cannot be financed at the bank and what not will be right here holding their hand out to you and what not.”

“If this does get broke down into ten acre sites or smaller than the huge sites they talked about or what not they’ll be here and asking for IRBs (Industrial Revenue Bonds) and free land and everything, and getting outside the tax thing. One of the Commissioners, when we were fighting the TIF (Tax Increment Financing) District and what not mentioned something that seems that no road can be built, no project started without County tax dollars getting involved.

“I’m reminded of a story that a friend of mine told me. At one time there was a company downtown here, a small oil company. They didn’t really have any interests here; they had pipelines in Oklahoma; they had partial interest in a refinery in Minnesota. The City Council decided they need this land to build a piece of property on, and so they told them they had to move, and they almost left town. That company was Koch Industries. Thank God they didn’t leave. Another friend of mine told me the story about one time a City Council decided they needed a trash dump. That dump was to be located at 29th and Rock Road. That would have been quite a place for a trash dump, now, when we look back on it.

“Sometimes private enterprise is a place for this to be taken care of. Mr. Stevens pointed out that there are other sites, and Mr. Stewart had an excellent idea. If we really do feel like we need top have a site or two, buy a hundred acres or so, option the rest, and drive on. Thank you for your time Commissioners.”

Chairman Parks said, “Thank you, next.”

Ms. Valerie Pratt Gerbino, Greater Wichita Economic Development Coalition President, greeted the Commissioners and said, "I do live in Sedgwick County, but I don't think I'm going to give my address. Anyway, I wanted to just raise a few issues here. I'm in the business of economic development and I've been in this business for just a little over a year here with the GWEDC but I've been doing this for 20 years.

“First point I’d like to make is that I’ve heard a lot of people talk about the fact that we have land, lots of land and that’s true, but land is not a site, and I think that that’s a very important distinction that people don’t understand.

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“When I get a request, when we get any sort of request that comes into the GWEDC that we have to respond to, we’re usually very lucky if we get two or three days to turn around that response. That response has to be turned around in an electronic format, and we have to all the questions answered. The site requests come in, they’re very specific about what they want, they’re very specific about what they’re looking for.”

Ms. Gerbino continued, “I believe it was Mr. Stevens who raised the issue that he has not gotten a call, nor do any of the developers that he knows have gotten any calls. That’s because we don’t call anybody. We send out email blasts to the commercial brokers, to the commercial realtors in this community.”

“We search LOIS (LocationOne Information System), we search LoopNet, and we look for listed sites. So the fact that somebody has been negotiating with a farmer who owns 600 acres on a rail land someplace is not a site, and if it isn’t listed, it isn’t a site. So we do indeed reach out to the community whenever we get a request for a particular piece of land. In the past year, we have taken requests for sites of at least 50 acres on rail, and they’re typically 100 to 150 acres, on rail, and we’ve gotten nine of those requests; very specific, very targeted requests.

“We have submitted the Bel Aire site. We have submitted the Clearwater site. That has happened. The very fact that those projects, those leaders on those projects, have not come back to us to say let’s take a longer look at that site, let’s take a deeper look at that site, let’s walk that site, let’s talk about it, tells you the story. It tells you that that site did not advance because it didn’t meet their criteria, and obviously other people, other communities had sites that did.

“Mr. Stewart raised the issue about us being the 67th largest metro area, he’s good on his facts, he understands what he’s talking about. But I respectfully want to submit to you that if we take the position that, well we’re just little old Kansas, we don’t give a lot of incentives, we don’t have a lot of sites, we’re a small metro market, why are we competing, well why are we in the business of economic development at all? We have to; we have to have the things to sell the people want to buy, or we aren’t in the game. It is a process of elimination.

“My job is to market the assets and resources of this community. As Mr. Stevens points out, we have many of them and they are great, but when the RFP (Request for Proposal) comes in, it doesn’t come in asking us about CiBOR, or NIAR (National Institute for Aviation Research) or NCAT or any of those things. It comes in asking, do you have this piece of land, is it ready, is it available, because we need to get shovels in the ground in 60 days, and what do you got? That’s what I have to respond to.

“I understand that there’s a lot of considerations in this particular piece of property. I’m not here to sway that one way or another. I truly am not. I’m here to tell you that my job is to sell the assets

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and resources to the community to the rest of the world to try to attract investment that creates jobs in the community. I will sell what is available. I will promote what we have. All I'm asking for is to make sure we have an inventory for me to sell. Thank you."

Chairman Parks said, "Thank you. Anybody else want to speak at the public hearing?"

Mr. Charlie Stevens, 6 Linden, greeted the Commissioners and said, "I had a couple of things to say. You know, Vickie said that her job is to sell, and I believe that, and I think she's selling this deal to you guys. The other thing she said is that these site things that come in are really specific. They have specific requirements. Why would the County tie all their eggs in one basket if some prospect came in and said we need to be in south Sedgwick County, or we need to be over here? Wouldn't we want to have some flexibility? Wouldn't the County be better off with land or money that they said, oh we can go over here now? Why would we tie everything in Bel Aire, one place, if these things are so specific, and they don't want to be up there for some reason, they want to be somewhere else. If all these people are coming in with these requests, and they're saying all these things, where are the deals going? Why has none of them been made here? If it's because, if she's shown this site before and it didn't sell, well maybe there is something wrong with this site. Maybe we need to look at that.

"The only other thing I wanted to say is that if the County does get in the land business and they start giving away land, don't think for a second that the taxpayers aren't going to show up for the tax protests and use those as land comps, when they come in and say, well, my land is worth nothing, so don't tax me anything on it because the County is giving away their land. That's all I have to say."

Chairman Parks said, "Anybody else want to speak to the open hearing? Anybody else want to speak to the open hearing? Seeing none, I'll close the public hearing. Public hearing is closed. We're back in session with the Item G. What is the will of the Board? This might be a good time to have some discussion, Commissioner Peterjohn."

Commissioner Peterjohn said, "I've got a number of questions, and I wanted to hear from the public to see what questions and issues were raised, in terms of the specifics, for Chris. One of the issues, Chris, that came up in our conversations, I asked about access to gas and gas resources on to the site. Do you have any information on that? That wasn't part of your presentation concerning natural gas availability."

Mr. Chronis said, "No, I don't. I'm sorry. I've neglected to do that."

Commissioner Peterjohn said, "In terms of the situation between Bel Aire and Sedgwick County, kind of, I viewed this as we need to get a number of the details worked out between Bel Aire and

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Sedgwick County, in terms of proceeding that might precede an actual contract, because obviously once the contract, if a contract is agreed to, there will be certain things, if we do not do a de-annexation where we would be responsible, but your testimony included, well, let me leave it with that question. Where do we stand in terms of an agreement outside the contract, in terms of the long running operating agreement between Bel Aire and Sedgwick County, presuming that we remain within the corporate limits of Bel Aire on this land purchase?"

Mr. Chronis said, "I think we have a complete understanding of who plays what role in the future development of this land."

Commissioner Peterjohn said, "Is it in writing?"

Mr. Chronis said, "No."

Commissioner Peterjohn said, "And, we are dependent then upon, its' an oral agreement with the elected and administrative officials up in Bel Aire, so we don't have anything if there's turnover up there, just like there's been turnover up here. That was one of the concerns raised. I think we need to document as much as we have. The question thrown out to me is if you actually begin to develop the property, the cost is a lot more than just the figures that we've talked about here in terms of the land purchase. You would be looking at 50 cents to maybe \$2 a square foot to develop the property itself, in terms of getting in specific streets into the sites, landscaping, telephone communication lines, natural gas or whatever utility services other than water and sewer that we've talked about. By my calculations, if you're looking at 808 acres, and there's a little less than 44,000 square feet, at 50 cents to \$2, you're looking at somewhere between \$9 million to \$35 million in cost that we don't have included at this point. Would that ballpark estimate be reasonable?"

Mr. Chronis said, "Honestly, I have no idea. I don't know where your cents per square foot number came from, but I think the more important point is that, is it has not been our plan nor intent to do any infrastructure development within this industrial park. What we're committed to do is provide site ready land, build ready land to the industrial prospects. They have to make that plan serve their purposes. They have to bring utilities to their building from the main lines we're putting in the infrastructure, or putting in the perimeter of the property. They have to put the interior streets in and build the interior parking and do all of that kind of activity that I think probably is what you're referring to with your 50 cents a square foot. It is not my plan to spend any money on the interior of this land."

Commissioner Peterjohn said, "Well, I had heard that the County has made expenditures in the past to try and promote economic development and tried to get some land, help make land more attractive, I think relocating Tyler road. Do you know anything about that and any of that history?"

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Mr. Chronis said, “No. That took place before I came to Sedgwick County. I don’t know about that. But I think more generally, there have been instances where the County agreed to do infrastructure improvements related to business development. Yes. That has been a part of the incentive package that we have offered in return for that 1.3 to 1 gain to the public sector, and where we have elected to do those infrastructure improvements, it’s been because we can get that kind of a return.”

Commissioner Peterjohn said, “Well, would it be fair to say that one of the reasons that we’ve got some disagreement here, and I want to express for the record a strong appreciation for everyone on both sides who came down to testify, to clarify this issue, because I think it’s very important for the public to have a better feeling and have a better understanding of the issues that are in front of us, but if we’re looking at a County, which would not be paying property taxes on this land, just like Bel Aire has not been paying property taxes, but folks who have property at this point currently are paying property taxes to the various local units where they are located, and so that is a significant difference between the properties that are being discussed today, isn’t that correct?”

Mr. Chronis said, “I suppose so. I’m not sure I understand.”

Commissioner Peterjohn said, “I’m trying to make the point if the County acquires Bel Aire’s property the carrying costs for industrial land would be different on the public side, because there wouldn’t be a property tax burden, then it is for the private side, because we have to pay property taxes if regardless of whether it’s being used or not.”

Mr. Chronis said, “Absolutely. The carrying costs of a variety of kinds are going to be different for us than for a private developer for any of the reasons I stated earlier in the presentation. Our carrying costs on this transaction as I see it are pretty low.”

Commissioner Peterjohn said, “Do you have any idea in terms of an inventory of industrial sites that we have, or history of absorption rates in the last two, five, or ten years that is available, that we have available - in terms of for the public and for everyone interested in this issue, Chris?”

Mr. Chronis said, “No. I don’t have that. We haven’t tracked these kind of businesses in the past two, or five, or ten years or ever, so there has been no absorption for these kinds of businesses. We haven’t had any sites to make available to them.”

Commissioner Peterjohn said, “Mr. Chairman, I may have some other thoughts but I don’t want to limit the rest of the Commission if they want to...”

Chairman Parks said, “Yes, it is my intent to recess about 11:30. I wanted to let the Commissioners know this so we can get to our other duty function that we have in the community,

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and then take it up afterwards, but, I did want to make a few, I guess, comments. I'd like to thank all those people here today to present these questions and bring these things to the forefront. I think every comment in this written document that comes out that has a question mark from the citizens from the open public hearing should have an answer, either from us or from the staff."

Chairman Parks continued, "Reality is, I think this contract is not ready to be passed on today; however, I would like to have had 400 acres worth of rail spur last week for GWEDC. Having served on that, I have a little different perspective on things and I see what other communities are doing. We can only think, during these times, what 2,000 jobs might do or might have done for us. We think about the \$4 diesel and how important that railroad spur is going to be into an industrial park. We only need to think of Kansas Speedway which is a noisy, air polluting kind of thing that the State of Kansas was searching for and the Kansas City area got that back some ten years ago.

"Look at the development around it now. We can only think of Siemens and their recent land in Hutchinson, and the two railroad spurs that they have, and even going back further over 50 years ago, what if Clyde Cessna would have chosen Enid, Oklahoma over Wichita, Kansas? I do think we need this kind of acreage, I do think that there are a lot of things, including a de-annexation, I really think Bel Aire and CCUA need to get together and come up with something beyond what has been presented here today by Mr. Chronis. I think there's probably another option out there, and I will work with staff if they want my opinions on that. Commissioner Unruh thank you,"

Commissioner Unruh said, "Mr. Chairman. I would want to echo the comments of others who have expressed appreciation for the testimony that was given today. It's been a very civil, open forum. Also, express my appreciation for Mr. Chronis and his presentation, which is very comprehensive, I thought. As you recall at last week's meeting, I was the vote that wanted to go ahead at that time. At that time, and this time, I don't sense that there's a sense of the Commission that we are prepared to make a decision today so, and I guess there are other Commissioners who want to talk, but it seems to me we should listen to a motion to defer this right now and get the questions about de-annexation and those issues answered to our satisfaction before we press forward with a vote at this time. That's' going to be my position at this time."

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

Commissioner Welshimer said, "Well, I would agree with that. I want to thank everyone who testified, too. I'm very grateful that we have people in our real estate industry who are as knowledgeable as they are, and some of you, I know that you spent many years studying this type of thing and very familiar with real estate in Wichita, so I value your opinion. Some things we need to clear up that would, that are concerns for me. I'd like to a little more verification on the price, and \$8,048 dollars an acre is what this contract has, and by the time we finish with what we're doing

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with what's listed here, we have \$17,556 dollars an acre. What is the County Appraiser's valuation on this as agriculture land, which is what it is we're talking about?"

Mr. Chronis said, "He is not in the room and I don't know the answer to that question."

Commissioner Welshimer said, "Okay, well we need an answer to that because we are in the business of valuing property. I'd like a little more information, and check out the possibility of what the railroad would do as far as the railroad spur is concerned, and I'm not convinced that an option wouldn't work since we have no need to plat now. We could go ahead, do roads, we could do whatever we want to do. We could have closing ready and we could close in a week on something like this. I don't see that that would prohibit us from dealing with the developer at all. The map that you put up, I'd like to have a copy of that."

Mr. Chronis said, "Okay."

Commissioner Welshimer said, "When we talked about annexation, I think we still need to look into that a little bit further. The de-annexation sounds to us right now, in the perfect world, it's not going to be a problem for us. You mentioned that we have the Sedgwick County Park for Wichita, we've also got an Arena for Wichita and we have had to deal with that situation with Wichita and we've ended up paving parking lots and putting in infrastructure and egress, ingress, and paving streets, and giving up our tax base through the TIF financing situation. We've put a lot more into that than what originally was intended, so I would not like to see that happen here. Anyway, those are the things that I would appreciate having. Thank you."

Commissioner Norton said, "Well, I hadn't flipped on my light yet but I might as well say something before we walk over to WIBA. First of all, I think the conversation has been productive. I think it's always important to try to go through the filter of the public to try to make these decisions. As I said last week, this is another one of those large decisions that is before us and our community, not unlike the Arena or NCAT or others that we've taken over the years that I have been here. I think it's important to have the dialog and the debate and the competing interest to come to the table to come up with to our conclusions."

"I've received quite a few calls, particularly from the real estate community, starting to bubble up with sites. I don't know if they're just land or if they're legitimate sites, but it does add to the conversation of how do we prepare our County for the ability to compete in today's economic environment. I think everybody is in lock step, that we want jobs, that we want economic vitality, and that if there's a place for elected officials to be involved because we are representing the community, that we should be. Now, whether that's putting together shovel ready property or not, it becomes that debate in our community, but I think we are thoroughly engaged in economic

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development endeavors, we have two appointees on the GWEDC and have since its inception, we're very involved in many other kinds of economic endeavors, so we'll continue, I'm sure, this conversation. Maybe there is other land out there, other sites, other possibilities, maybe there's not. Maybe private industry can step up and help us through that process. I hope they can. I still have a few concerns about the land cost a little bit, some because it is ag[ricultural] land now."

Commissioner Norton continued, "I found it problematic about the de-annexation; I know there's some pitfalls to that. I still believe that as long as there's another government entity involved in it, as Commissioner Peterjohn said, there are changes that come out there if we have to plat it, it then goes to the Planning Commission of Bel Aire for the platting. You know what, they're appointed by that City Council. If that City Council changes, they take the recommendation and they tell us that we they won't allow us to do a certain drainage plan or a certain platting or allow a certain industry in their community, and I find that problematic. I'd like to say that a handshake and a look in the eye of the elected officials there now will do it, but things change. We have to be prudent with our actions today. I'm ready to, at some point, put in our arsenal some type of property that is shovel ready. Whether that's held by private industry, the County, the City of Wichita or other small cities, I don't know that it matters to me, but it does matter that we compete, that we bring jobs to our community, because I think that's important. So I am willing to defer it and keep working on it.

In fact, I would volunteer if we need to analyze it more and have a couple of Commissioners put together some kind of a group to work on this and think through it in a different manner to do some negotiations, I'll be glad to help with that anyway I can Mr. Chair, and that's all I have."

Chairman Parks said, "Okay, so what is the will of the Board?"

Commissioner Peterjohn said, "I assumed we were going to recess and for our other engagement. If we're going to continue the discussion, Mr. Chairman, I'd like to jump in, because I agree with one of the sentiments that have been expressed on the substance of this issue, in terms of this community needs more jobs, needs diversified industrial base. Wichita has come on the map, and Sedgwick County as a whole, due to the aviation industry, but we need to expand beyond that. Mr. Chairman, you expressed some information about the Kansas Speedway for instance. I know a bit of the history approximate that and I think Commissioner Welshimer, when she was in the Legislature, even voted upon that at that time.

"A number of important questions have been raised and I believe that we need to get the information that we have. The folks at Finance did a good job of collecting a lot of detailed information that's important to get out to the public, and we continue this dialog. Your question concerning mineral and waters rights is an unanswered question that I think must be answered. Commissioner Welshimer's comments, she had some unanswered questions concerning options which I agree with. My personal preference would be that we need to resolve this issue and I would recommend, if we're going to proceed at this point, I'm willing to make a motion that we have a workshop on this issue in the near future and begin negotiations with Bel Aire to try and get around

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some of those issues if we are going to stay in Bel Aire, and get a resolution in terms of the de-annexation side of this. I think a workshop might be a good way to really get into the nitty-gritty of any loose ends that are available, and to do that in the near future.”

Chairman Parks said, “Does your motion include deferring this item for two weeks?”

Commissioner Peterjohn said, “I’d make it at least a month.”

Chairman Parks said, “Okay. I have a motion.”

Commissioner Welshimer said, “Second.”

Chairman Parks said, “We have a motion and a second. Any more discussion from, Mr. Manager, Legal, are there any problems with that? Are you fine with 30 days?”

Mr. Euson, County Counselor, said, “Yes, sir.”

Ms. Angela Lovelace, Deputy County Clerk said, “Mr. Chairman, could the Commissioner making the motion please restate the motion for the record?”

Chairman Parks said, “Please restate the motion.”

Commissioner Peterjohn said, “My motion was that we would hold a public workshop, work through the details on this issue, and defer this item for 30 days.”

Chairman Parks said, “We did have a motion and a second, and a clarification of the motion. Any other discussion?”

MOTION

Commissioner Peterjohn moved to hold a public workshop, work through the details on this issue, and defer this item for 30 days.

Commissioner Welshimer seconded the motion.

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

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VOTE

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

MOTION

Commissioner Welshimer moved to recess and return no later than 1:30.

Commissioner Welshimer seconded the motion.

VOTE

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

The Board of County Commissioners recessed at 11:35 a.m. and returned from recess at 1:33 p.m.

Chairman Parks said, "We are reconvened from recess."

Commissioner Peterjohn said, "Mr. Chairman, if I may, I've got two letters, one from the City of Goddard, and one from the City of Valley Center, and the Valley Center one I've received since lunch, concerning the topic we talked about in the industrial park proposal. I'd like, if there is no objection, to have these included in the record with the other material we had during the public hearing."

Chairman Parks said, "Those people from those jurisdictions weren't here, but what's the will of the Board?"

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MOTION

Commissioner Peterjohn moved include the comments from the City of Goddard and the City of Valley Center as part of the record for the public hearing, previous Item G.

Chairman Parks said, “For disclosure I do have a comment from Jack Whitson from the City of Park City also, but I don’t care to have it entered myself.”

Commissioner Peterjohn said, “I could take the time to read the full letters, or included them as part of the record. They both express that they raise some questions and have some concerns about the project. I met with the Mayor of Goddard yesterday, and their City Manager, and I was informed that their entire Council was unanimous in the concerns that they’ve got expressed in their letter. I think all of us up here on the bench have had a chance to see the letter from Goddard, I don’t know about the letter from Valley Center, I just printed it off before we came back.”

Commissioner Welshimer seconded the motion.

There was no further 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, “Okay, taking up where we left off.”

DONATION

H. CASH DONATION OF \$3,000.00 TO SEDGWICK COUNTY LINK FOR LIFE RUN.

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Ms. Deborah Donaldson, Human Services Division Director, greeted the Commissioners and said, “This is a cash donation, in terms of sponsorship for the ‘Link 4 Life,’ \$2,500 from Via Christi Regional Medical Center, and another \$500 from the Kansas Children’s Service League.”

Ms. Donaldson continued, “As you know these dollars are used to support the various activities of the suicide prevention task force, such as educating the community, physicians, educators, and others in the community, the bookmark activities that we do, and also some special programs for those families who have had a loved one who committed suicide.

“I also wanted to share with you today that we did do some surveying during the ‘Link 4 Life’ run, we’ve finally got some of those results back but a couple of things to let you know that they felt after the ‘Link 4 Life’ run that they thought that it was important to talk about suicide. They felt that, having attended the run and heard the different things that you shared with them during that process that it would be easier for them to talk about it, and we collected comments, and some of those that we heard were things like, it’s devastating, it’s preventable, and it affects everyone.

“I would like to ask you to accept the donation and authorize the Chairman to sign the letter of appreciation.”

MOTION

Commissioner Norton moved to accept the donation and authorize the chairman to sign letter of appreciation.

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, “Next item.”

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NEW BUSINESS - (Continued)

I. KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT PERMIT APPLICATION FOR MODIFICATION TO UNIVERSAL LUBRICANTS, LLC'S SOLID WASTE PROCESSING FACILITY PERMIT NO. 858.

Ms. Susan Erlenwein, Environmental Resources, greeted the Commissioners and said, "The Kansas Department of Health and Environment requires that any State Solid Waste Permit, or modification of an existing permit must conform to the local Solid Waste Management Plan. Universal Lubricants has a current solid waste permit and they are having a modification to their permit to accept waste oil combined with waste water to the facility. They'll separate that and recycle the waste oil at their facility on North Ohio. The Solid Waste Committee reviewed this at their last meeting on Monday, and at that meeting the Solid Waste Committee decided that it does conform to our local Solid Waste Plan, since our Solid Waste Plan incorporates waste minimization and recycling as main components of what we do with our waste products. Representative Ron Smith from Universal Lubricants is here to help answer any questions you might have about their process. I'd recommend that you'd find that it is in compliance with our Solid Waste Plan."

Chairman Parks said, "I'm certainly familiar with the company, and their history, and their good history, and I have no problem with modifying this. In fact having said that, for discussion, I will make a motion that we agree with the application that needs to be modified."

MOTION

Chairman Parks moved to find that the proposed permit application is consistent with the Sedgwick County Solid Waste Management Plan.

Commissioner Welshimer seconded the motion.

Chairman Parks said, "Anything further discussion? Anything you would like to say from Universal?"

Mr. Ron Smith, Environmental Compliance Manager, Universal Products, greeted the Commissioners and said, "We came to you in [20]07 to ask for our original permit, that was for a re-refinery for used oil, in six to eight weeks we should have that in production."

Chairman Parks said, "Thank you. Very good service to the community also. Seeing no other comments, call the vote."

There was no further 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

Ms. Erlenwein said, "Thank you. I'd also like to thank Mr. Smith for sitting through the entire morning and coming back for the rest of the meeting."

Chairman Parks said, "Yes, thank you."

Mr. Smith said, "You're welcome."

Chairman Parks said, "Next item."

J. GRANT APPLICATION TO UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTER FOR MENTAL HEALTH SERVICES ADMINISTRATION FOR PRIMARY AND BEHAVIORAL HEALTH CARE INTEGRATION

Mr. Tom Fletcher, Clinical Director, COMCARE, greeted the Commissioners and said, "I'm standing in for Marilyn Cook today. Research has shown that people with a serious mental illness are dying at approximately 25 years earlier than their age mates across the Country, and three out of five of those people are dying from preventable diseases such as diabetes, complications from liver and lung problems, cardiovascular disease, and other such disorders. The reasons are many, but many people attribute this to some of the side effects of medications that these individuals are on, and a lack of early detection and intervention for these physical problems."

"The need to address these physical issues, in an early manner, really is consistent with recommendations coming from work that we've seen in this community that have been designed to address barriers to health care access in the community, or the health care strategic alliance."

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“As an example, a client, that I’ll just refer to as Sarah came to the Mental Health Center one day accompanied by a friend who reported that she had been having trouble walking. The friend had originally thought that it was related to a medication change and Sarah’s recent drinking, but, while at the Center, a nurse removed Sarah’s shoes and socks and conducted an assessment, finding severe physical problems with her lower legs and feet. The nurse assisted Sarah in making an appointment with a local health provider, but Sarah wasn’t able to keep that appointment, I think in part due to the mental illness complications that were there.

“That resulted in her eventually having two emergency room complications before she finally got on treatment for this, and when that time developed further complications and an infections in both feet. We see that an earlier assessment and intervention might really have impacted those complications, the extra expense of the treatment in the emergency rooms, and improved her quality of life by giving her more quick access and recovery to that.

“The grant that we’re here to present for you, this is a competitive grant with the Substance Abuse and Mental Health Services Administration (SAMHSA). COMCARE will partner with the Hunter Health Clinic, a Federally Qualified Health Center, to coordinate and integrate primary health care and behavioral health services. While previous work across the Country has worked along the lines of putting a behavioral health specialist within primary care settings, this particular model goes, as a partnership model, goes the other direction and brings primary care into behavioral health setting.

“What they have seen in that first model, an earlier model, is that people have not accessed primary care at the same level when they have a serious mental illness, that that’s not been as successful as they would like, so this particular model hopes to correct that by bringing the medical care to a location that’s already known and familiar to the client.”

“Now, our target population for this work will be adults with a serious mental illness, seen in a variety of COMCARE locations, but predominately our Outpatient Services. We’ll particularly focus on those individuals who are uninsured and are not connected to a primary care provider, and it’s anticipated that we’ll serve about 600 people in that first year with approximately 900 being served over the course of the four year grant.

“Now, the partnership model that we’re describing has several important elements to it. One of them is regular screening that takes place and a tracking of those results. Things like body mass, blood pressure, blood lipids, those kinds of things so that we can track how the person is doing with

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that. Secondly, it involves having medical nurse practitioners located in that behavioral health setting. Thirdly, it has a primary care supervising physician who is able to provide that oversight.

Mr. Fletcher continued, “We have a nurse care manager who works with these clients to make sure that the care coordination from the physical health as well as the behavioral health issues are all being taken care of conjointly, and then, using evidence based practices to improve the health status of the population, including wellness programs for that.”

“Wellness programs are things that COMCARE has really implemented over the years in a variety of ways and this will help us formalize some of that with this particular population.

“Now, if this grant were to be successful, Hunter Health Clinic will provide the necessary primary care staff that can deliver the routine care, as well as provide consultation on more complex cases and refer the person to more specialized care when that’s appropriate. Now, on our end, a Program Coordinator /Nurse Care Manager will assist in screening and registering the clients, monitoring the health status of the consumers, coordinating that care between the primary care and behavioral health, and overseeing the program reporting and outcome measurements.

“We’ll have a case manager that will be working with the care manager to provide support to the client in accessing services, and we will also have part time Peer Support and Wellness staff that will be involved in this program.

“While the grant award may be up to \$500,000 per year for each of the four years, our proposal begins with a request of about \$421,337 for the first year, and then declining amounts over the course of the grant period, with a total of \$1,352,897 over the four years. Intervention costs per person over the 900 anticipated participants would be just over \$1,000 per person, and for this grant no County match is required for it.

“With this work we do hope to be able to support SAMHSA’s Pledge for Wellness, their 10 by 10 campaign, to prevent and reduce early mortality among individuals with mental illness by ten years over the next ten years, and COMCARE has signed this pledge to support this process. If you have any questions we would be happy to answer those. We would recommend that you approve the grant application and authorize the Chair to sign all necessary documents, including the grant award agreement, containing substantially the same terms and conditions of the application, and approve establishment of budget authority at the time the grant award documents are executed. If you have any questions I’d be happy to answer those.”

Chairman Parks said, “There are no caveats in there for these employees to stay there after the four year time period?”

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Mr. Fletcher said, “No, there are no requirements in terms of sustainability, though our experience has been, that with openings that we have had in other programs, if these positions are no longer supported by that grant, we’ve been able to take those people into existing positions.”

Chairman Parks said, “Thank you, Tom. Any other comments? What’s the will of the Board?”

MOTION

Commissioner Unruh moved to approve the grant application and authorize the Chair to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Norton seconded the motion.

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

VOTE

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

K. PUBLIC WORKS

- 1. APPROVAL OF THE “AUTHORITY TO AWARD CONTRACT COMMITMENT OF COUNTY FUNDS” WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY PROJECT 634-27; WIDENING TO 4-LANES ON 63RD STREET SOUTH FROM HYDRAULIC TO BROADWAY. CIP# R-302. DISTRICT 2.**

Mr. David Spears, Director of Public Works, greeted the Commissioners and said, "We request your approval of the Authority to Award Contract and Commitment of County Funds, Form 1309, for the Kansas Department of Transportation (KDOT). This will authorize KDOT to move forward with the road improvement project on 63rd Street South between Hydraulic and Broadway. This project is designated as R-302 in the Capital Improvement Program."

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Mr. Spears continued, “The low bidder was Cornejo and Sons at \$1,920,427.39. Sedgwick County’s matching local share is \$420,000 which will be paid out of local sales tax. I recommend that you approve the Form 1039 and authorize the Chairman to sign.”

Commissioner Welshimer left the meeting at 1:46 p.m.

MOTION

Commissioner Norton 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	Absent
Chairman Parks	Aye

Chairman Parks said, “Next item.”

2. APPROVAL OF AN ENCROACHMENT AGREEMENT FROM SOUTHERN STAR CENTRAL GAS PIPELINE ON SEDGWICK COUNTY PROJECT 811-J, N ½ K; ROAD WIDENING PROJECT ON RIDGE ROAD BETWEEN K-96 AND 53RD STREET NORTH. CIP# R-282. DISTRICT 4.

Mr. Spears said, “We are requesting your approval of an Encroachment Agreement with Southern Star Central Pipeline. Our project on Ridge Road between K-96 and 53rd Street North involves construction of a storm water pumping station. Sedgwick County purchased the pump station site in fee title. Southern Star has a pipeline crossing the property within a private easement. The encroachment agreement will allow construction of our driveway and other facilities within the private easement. There is no cost to this agreement and we request your approval of the recommended action.”

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MOTION

Chairman Parks moved to approve the agreement 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	Absent
Chairman Parks	Aye

Chairman Parks said, "Next item."

- 3. APPROVAL OF AN ESTIMATE FROM SOUTHERN STAR CENTRAL GAS PIPELINE FOR RELOCATION OF GAS PIPELINES ON SEDGWICK COUNTY PROJECT 811-J, N ½ K; ROAD WIDENING PROJECT ON RIDGE ROAD BETWEEN K-96 AND 53RD STREET NORTH. CIP# R-282. DISTRICT 4.**

Mr. Spears said, "Item K-3 is an estimate from Southern Star Central Gas Pipeline for relocation of gas pipelines on the Ridge Road project mentioned in the previous item designated as R-282 in the Capital Improvement Program. Sedgwick County will only be responsible for the portion of line located in the private easement at an estimated cost of \$13,166.48. I recommend that you approve the estimate and authorize the Chairman to sign."

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

MOTION

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

Commissioner Norton seconded the motion.

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Chairman Parks said, "Motion and a second, I do have just a little bit of discussion. This wasn't in on the initial find for that whole project up there; this was something that was added after?"

Mr. Spears said, "No sir, it was in the initial find, the reason for the hold up, we've been negotiation the previous item about the encroachment agreement, and that was also help up, since we were negotiating that the other part was held up, too. We've known it for the whole time."

Chairman Parks said, "Okay. Thank you very much. I just wanted to do that expense, and I didn't know about the cost sharing on that expense."

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

VOTE

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

Chairman Parks said, "Next item"

L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON MAY 14, 2009.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of May the 14th results in five items for consideration. Item 1:

- 1) **DOOR LOCK HARDWARE AND INSTALLATION FOR JUDGE RIDDEL'S BOYS RANCH – CORRECTIONS DEPARTMENT FUNDING – REPLACE HARDWARE ADD KEY CONTROL – JRBR**

Recommendation is to accept the low bid from Siggins in the amount of \$49,983. Item 2:

- 2) **TANDEM DUMP TRUCKS – FLEET MANAGEMENT FUNDING – FLEET MANAGEMENT**

Recommendation is to accept the low bid meeting specifications from Wichita Kenworth Incorporated, Option #3, in the amount of \$844,606.75. Item 3:

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**3) ANNUAL SUPPORT RENEWAL – REGISTRAR OF DEEDS
FUNDING – TECHNOLOGY ENHANCEMENT**

Recommendation is to accept the contract with Computer Information Concepts, Incorporated for an annual cost of \$29,660, and a total three year cost of \$88,980. Item 4:

**4) ON-CALL WARNING SIRENS AND RADIO REPAIR – EMERGENCY
MANAGEMENT
FUNDING – EMERGENCY MANAGEMENT**

Recommendation is to the low responsible bid from Phillip’s Southern Electric Company and establish contract pricing for one year with two one-year options to renew. Item 6:

**5) LEASE AGREEMENT FOR JUVENILE FIELD SERVICES AT HARRY
STREET MALL – FACILITIES DEPARTMENT AND DEPARTMENT OF
CORRECTIONS
FUNDING – DEPARTMENT OF CORRECTIONS**

The recommendation is to accept the offer from Co-Co Properties and execute a five year contract.

“I also need to add to this record that the Bid Board did vote on this item and for the record, Jennifer Dombaugh moved to accept the item recommendations, and Ron Estes seconded it, and it passes unanimously. I’d be happy to answer any questions, and recommend approval of these items.”

Commissioner Welshimer returned to the meeting at 1:51 p.m.

Chairman Parks said, “Do I hear a motion to approve?”

MOTION

Commissioner Welshimer moved to approve the recommendations of the Board of Bids and Contracts

Commissioner Unruh 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. Baker said, "Thank you."

CONSENT AGENDA

M. CONSENT AGENDA. Presented by William P. Buchanan, County Manager.

- 1. ZON2008-25 – Extension of time to complete platting requirement for a zone change from SF-20 Single Family Residential to LC Limited Commercial; generally located south of 21st Street North and West of 159th Street East (15621 East 21st Street North). District 1.**
- 2. VAC2005-00040 - Sedgwick County request to vacate a portion of platted complete access control; generally located southwest of 101st Street North & 103rd Street West, specifically located on the southwest corner of Mariah Street & 103rd Street West. District 4.**
- 3. Re-Establish Budget Authority in Facilities-Security Services Grant Fund for Upgrade of Security Cameras.**
- 4. Request to the State Juvenile Justice Authority (JJA) to approve program line item adjustments.**
- 5. Zoo Range Reallocations.**
- 6. Cereal Malt Beverage License Request for The Clearwater Golf Course LLC located at 14100 W. 95th Street South, Clearwater, Kansas 67026.**

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- 7. One (1) Easement for Right of Way and One (1) Temporary Construction Easement for the Drainage Project D-11 at 103rd St. from Hillside to Oliver.**
- 8. General Bill Check Register for the week of May 6, 2009 – May 12, 2009.**
- 9. Order dated May 6, 2009 to correct tax roll for a change of assessment.**

Mr. William Buchanan, County Manager, said, “Commissioners, you have the Consent Agenda before you and I’d recommend that you approve it.”

MOTION

Commissioner Norton moved to approve the Consent Agenda.

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, “At this time I’d entertain a motion for an Executive Session.”

MOTION

Commissioner Welshimer moved the Board of County Commissioners recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney client relationship relating to potential claims and/or litigation, and legal advice, and preliminary discussions relating to the acquisition of real property for public purposes, and the Board return to this room no sooner than 2:10 p.m.

Chairman Parks 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

The Board of County Commissioners recessed into Executive Session at 1:55 p.m. and returned at 2:17 p.m.

Chairman Parks said, “We’re back from Executive Session, we discussed potential litigation, and no binding action was taken. We need to move on to the Fire Agenda at this time.

The Board of County Commissioners recessed into the Fire District #1 Meeting at 2:17 p.m. and returned at 2:27 p.m.

Chairman Parks said, “Call the next item.”

N. OTHER

Chairman Parks said, “Mr. Manager, did you have any other comments from the other portion of the meeting that we need to go back to?”

Mr. Buchanan said, “No, sir.”

Commissioner Norton said, “We need to adjourn.”

Chairman Parks said, “Motion to adjourn?”

Commissioner Peterjohn said, “If we were to the other part of the other...”

Chairman Parks said, “We are to the other part of the other.”

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Commissioner Peterjohn said, “Well, for the record, I took my son out to the Slawson Tiger Trek last weekend as a Zoo member, and Mr. Reed was here in the audience earlier, and he has informed me that they had a tremendous outpouring both days, and it was about 45 minutes to go through the line, and get up and see the exhibit, and as it gets officially opened it’s going to be a tremendous asset, and we’ll have lions and tigers and bears at the Sedgwick County Zoo and everybody ought to get out there and enjoy it.”

Chairman Parks said, “And we do have an official ribbon cutting on Friday.”

Commissioner Unruh said “Saturday morning, 10:30.”

Chairman Parks said, “Seeing no further discussion, motion to adjourn?”

O. ADJOURNMENT

MOTION

Commissioner Peterjohn moved to adjourn.
Chairman Parks seconded the motion.

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

VOTE

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

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There being no other business to come before the Board, the Meeting was adjourned at 2:29 p.m.

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

KELLY PARKS, Chairman
Fourth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

June 17, 2009