

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

### **REGULAR MEETING**

**June 17, 2009**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 a.m. on Wednesday, June 17, 2009, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; 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. Jo Templin, Director, Human Resources; Mr. Kenneth A. Wilson, Customer Support Manager, DIO; Mr. Stephen B. Maloney, Corrections Worker; Ms. Charlene Stevens, Assistant County Manager; Mr. Michael North, Assistant County Counselor; Mr. Jim Weber, Deputy Director, Public Works; Mr. Michael Pepoon, Assistant County Counselor; Col. Richard Powell, Chief Deputy, Sheriff's Office; Ms. Chris Morales, Project Manager, Corrections; Ms. Annette Graham, Executive Director, Department on Aging; Ms. Jill Tinsley, Senior Management Analyst, Finance; Ms. Sandy Ring, CDBG Administrator; SCKEDD; Ms. Iris Baker, Director, Purchasing; Mr. Tom Pletcher, Clinical Director, COMCARE ;Ms. Caroline Hosford, Environmental Training Specialist, Environmental Resources; Mr. David Miller, Budget Director, Finance; Mr. Richard Vogt, Chief Information Officer, DIO; Mr. Kevin Myles, Director, Fleet Management; Ms. Angela Lovelace, Deputy County Clerk; and Ms. Katie Asbury, Deputy County Clerk.

#### **GUESTS**

Mr. Alan Martin, Farrellgas Propane Company

#### **INVOCATION**

Observed by a moment of silence.

#### **FLAG SALUTE**

#### **ROLL CALL**

The Clerk reported, after calling roll, that Commissioner Welshimer was absent.

#### **CONSIDERATION OF MINUTES**

Regular Meeting May 20, 2009

## **Regular Meeting, June 17, 2009**

Regular Meeting May 27, 2009

**Chairman Parks** said, “You’ve all had a chance to look at the Minutes from May 20, what is the desire of the Board?”

### **MOTION**

Chairman Parks moved to approve the Minutes of the Regular Meeting of May 20, 2009.

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, “And you’ve also had an opportunity to review the Minutes of the Meeting on May 27, what’s the will of the Board?”

### **MOTION**

Commissioner Peterjohn moved to approve the Minutes of the Regular Meeting of May 27, 2009.

Commissioner Norton seconded the motion.

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

### **VOTE**

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

**Chairman Parks** said, “And I will relinquish my spot here to go with the presentation of the retirement.”

### **RETIREMENTS**

#### **A. PRESENTATION OF RETIREMENT CLOCKS.**

- **KENNETH A. WILSON, CUSTOMER SUPPORT MANAGER, DIVISION OF INFORMATION AND OPERATIONS WILL RETIRE JULY 1, 2009 AFTER 32 YEARS OF SERVICE.**
- **THOMAS P. SLICKER, FIRE LIEUTENANT, FIRE DISTRICT #1 WILL RETIRE JULY 1, 2009 AFTER 26 YEARS OF SERVICE.**
- **STEPHEN B. MALONEY, CORRECTIONS WORKER, CORRECTIONS WILL RETIRE JULY 1, 2009 AFTER 25 YEARS OF SERVICE.**

**Ms. Jo Templin**, Director of Human Resources, greeted the Commissioners and said, “As Kristi stated earlier, this Agenda item recognizes the long-term commitment to public service of several of our employees who will be retiring. And the first one is Ken Wilson, Kenneth A. Wilson. Would you come up please? Kenneth is the Customer Support Manager in the Division of Information and Operations (DIO) and Ken will retire July 1, 2009, after 32 years of service.”

**Chairman Parks** said, “Congratulations. Thirty-two years of service is a lot of years, and we certainly appreciate our long-term employees and this is just a very small memento of all those years work, and we want to, on behalf of the County Commissioners, let you know that we certainly appreciate your service.”

**Mr. Kenneth A. Wilson**, Customer Support Manager, DIO, greeted the Commissioners and said, “Thank you.”

**Chairman Parks** said, “Thank you very much. And as another token, you can set this on your wall or put this on your desk, or wherever you want it to be, to remind yourself that you did have 32 years of service here with us, and this is another token of appreciation.”

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**Mr. Wilson** said, “Thank you.”

**Chairman Parks** said, “And we’d like you to say a few words, if you’d like to.”

**Mr. Wilson** said, “I simply want to express my gratitude for almost 32 years, just a month short, and I was a baby when I started working here. I started right out of college for one year, and through the many opportunities I have found through the County, built a career here, and have very much enjoyed the challenges and the opportunities, and I thank you all and wish my friends and colleagues here well in the future. Thank you.”

**Commissioner Norton** said, “You can’t go one more month, Ken? To make sure that it’s 32, just one more month?”

**Mr. Wilson** said, “Not quite.”

**Commissioner Norton** said, “Okay.”

**Ms. Templin** said, “Our second retirement could not be here with us today, but Tom Slicker is a Fire Lieutenant in the Fire District, and he will retire July 1 after 26 years of service. We wish Tom Slicker well in his retirement. Our third retirement is Stephen B. Maloney. Stephen, would you come up, please. Stephen has been a Corrections Worker in the Corrections Department. He will retire July 1st, 2009, after 25 years of service.”

**Chairman Parks** said, “Stephen, we would like to thank you on behalf of the County Commissioners, and give you this small token of great appreciation for your years of service and use your time wisely in your retirement, whatever ventures you decide to take on in this retirement.”

**Mr. Stephen B. Maloney**, Corrections Worker, greeted the Commissioners and said, “Thank you.”

**Chairman Parks** said, “A lot of times we have, especially dear to my heart in Corrections, it is a dangerous situation, and we appreciate you putting yourself in those positions so everybody else can be safe.”

**Mr. Stephen B. Maloney**, “Well thank you, sir.”

**Chairman Parks** said, “Thank you.”

**Mr. Stephen B. Maloney**, “I’m not much for words, but it’s been a wonderful 25 years. Working in Corrections is not for everyone. In fact, when I did start, I said I’m not going to be here very long.

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Here I am 25 years later, and I enjoyed every minute of it and I want to just thank everybody for all your thoughts and prayers and support. So thank you."

**Commissioner Norton** said, "For a man of no words, you did pretty good there."

**Ms. Templin** said, "Thank you."

**Commissioner Norton** said, "Clerk, call the next item."

### **PRESENTATION**

#### **B. PRESENTATION OF SEDGWICK COUNTY CHECKBOOK.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "Commissioners, this morning we have discovered that we have a little glitch in this and would like to defer this item until we can have further discussions."

### **MOTION**

Commissioner Norton moved to defer Item B.

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."

### **NEW BUSINESS**

#### **C. APPLICATION FOR \$485,100 DIRECT ALLOCATION FROM ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) UNDER AMERICAN RECOVERY AND REINVESTMENT ACT (AARA).**

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**Mr. Buchanan** said, “Well Charlene...”

**Commissioner Norton** said, “We’re going too fast for everybody, I think.”

**Chairman Parks** said, “Yes, wasn’t anticipating the...”

**Mr. Buchanan** said, “You have been briefed about this Conservation Block Grant program and I know that there is an off agenda item, it has been suggested that someone would like to talk about this. This application allows us to get some stimulus money for Sedgwick County and submit the application. We would purchase ten hybrid vehicles, we would create an emergency sustainability office project manager, implement some funds for energy efficient retro fits, and the goal is, clearly, is to reduce the consumption of fuel by \$1,000 annually per hybrid vehicle and to reduce fossil fuel emissions. So I think the application and the grant allows us to meet those goals, and it is for \$485,000 from the Energy Efficient Conservation Block Grant (EECBG) under the American Recovery Reinvestment Act (ARRA), commonly known as the stimulus act. I would recommend you approve this, but Mr. Chairman, I know that we have had a phone call from someone who wanted to speak about this, and whether they are here or not, I am not sure.”

**Chairman Parks** said, “I believe they are. If we could get a motion and a second and have the discussion after that, that would be great to go ahead and do that.”

**Commissioner Norton** said, “Mr. Chairman, I will make that motion, that we approve the application, but we may also want to defer to Charlene for a minute, just to be sure that the Manager covered everything that she was wanting to cover, too. Because he pinch-hit pretty good.”

**Chairman Parks** said, “Certainly.”

**Commissioner Norton** said, “I don’t know that he really is the expert.”

### **MOTION**

Commissioner Norton moved to approve the application.

Chairman Parks seconded the motion.

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**Chairman Parks** said, “Please step to the podium, Ms. Stevens.”

**Ms. Charlene Stevens**, Assistant County Manager, greeted the Commissioners and said, “Thank you. I apologize. I’m sorry; I didn’t realize there was a change in the Agenda. The Manager is a perfect substitute, he pinch-hit very well, and he covered everything that I was going to cover on this.”

**Commissioner Norton** said, “Oh, suck up.”

**Ms. Stevens** said, “But I am happy to answer any questions that you may have about either the purchase of the hybrid vehicles, the creation of a project manager for energy efficiency, or the allocation that we would use, then, for retrofits of energy autos and such.”

**Chairman Parks** said, “In fact, I do have a question. This is stimulus money, and the purpose, I guess, behind the stimulus money was to put people to work. We’re not considering any foreign made vehicles with these hybrid vehicle purchases, are we?”

**Ms. Stevens** said, “We spec out the vehicles based on the standards for hybrids, and we don’t really require a specific model or make of vehicle. We just have a specification of sedan or SUV, those types of typical, of bid specifications, and then bidders respond, and then we make a recommendation to the Board of County Commission based on who most appropriately meets those bid specifications.”

**Chairman Parks** said, “Okay. Well, I just had a thought about that, and I certainly wouldn’t want to misuse the stimulus money in any way there by putting Japanese or Korean workers to work for something intended to put US (United States) workers back to work. Commissioner Norton.”

**Commissioner Norton** said, “How many hybrid vehicles do we have in the fleet right now, Charlene?”

**Ms. Stevens** said, “We currently have eight hybrid vehicles and two additional vehicles are on back order, so this would bring our hybrid vehicles to 20.”

**Commissioner Norton** said, “Twenty.”

**Ms. Stevens** said, “Yeah.”

**Commissioner Norton** said, “Okay. So this is...”

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**Ms. Stevens** said, “When we purchase these additional 10, so then we would have a total of 20 hybrid vehicles in our fleet.”

**Commissioner Norton** said, “And what has been the history of the vehicles we do have in our fleet now that are hybrid, do they actually save us some money, or are they just more fuel efficient, and I see Kevin Myles here...”

**Ms. Stevens** said, “Yes. I will have Kevin Myles, our Fleet Director, discuss that, he’s got some pretty good data on that. We’ve been pretty aggressive in our attempts to kind of replace fossil fuel vehicles with hybrid vehicles.”

**Commissioner Norton** said, “Okay.”

**Mr. Kevin Myles**, Director of Fleet Management, greeted the Commissioners and said, “We started purchasing hybrids two years ago so that we could do some real world tests and see, with the applications that we use them for, exactly what the difference in fuel burn would be. For the hybrid SUVs that we have, versus comparable sized SUVs in the fleet, most of the small SUVs in the fleet average about 14.7 miles per gallon. The hybrid SUVs in the fleet that we have average about 22 miles per hour gallon. The hybrid sedans that we have in the fleet, and we do have two Toyota Priuses that are over in the Corrections Department. However, Commissioner Parks, as you well know, Ford has now come out with a hybrid vehicle that averages 40 miles per gallon. But that one, the Toyota Priuses that we have, average 51 miles per gallon, which far exceeds anything else that we have in the fleet. The savings have been enormous.”

**Commissioner Norton** said, “Explain a little bit about the whole hybrid thing, because we’ve had a lot of talks about ethanol, using cars that can burn ethanol and everything, but we’ve almost leaped past that. Is that a safe statement?”

**Mr. Myles** said, “That would be a safe statement. The primary issue that we have with ethanol, while it does reduce some fossil fuel usage; it has a lower energy threshold than you have with gasoline. Actually, I believe the number is, it produces approximately 72 percent of the amount of energy that you would achieve with the regular gallon of gasoline. As a result, even though you reduce the amount of fossil fuels on a per gallon by per gallon basis, it requires more ethanol to travel the same distance, so because of the additional fuel that’s required, you actually don’t realize that fuel savings. With a gasoline-electric hybrid, you cut down the amount of fuel that you pump into the vehicle, period, thereby reducing both the fossil fuels and the emissions.”

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**Commissioner Norton** said, “Okay. Hybrid vehicles, though, are not good for long trip driving. They are more functional for short trips and a lot of the usages that we have as a County, is that correct?”

**Mr. Myles** said, “There is actually two different philosophies, in terms of design, on hybrid vehicles. Some are designed so that the gasoline engine runs and then it charges up the battery only when you brake or decelerate. Others are basically powered off of the battery and, you know, it runs on a different design philosophy. So the technology is evolving so that they become even more usable, even on those long trips. However, the initial hybrids that came out, the initial gas-electric hybrids, you’re correct, they were more designed for in-city driving. But the newer models, such as the Ford models and the Prius models, they average about the same miles per gallon on a long trip, on highway versus city. They are working out about the same.”

**Commissioner Norton** said, “Okay. That’s all I have, Mr. Chair. Thanks, Kevin.”

**Chairman Parks** said, “Along that line, I’m going to just kind of make a statement, while we’re talking about ethanol a little bit. I use ethanol, 10 percent, in my car, and the reason that I do that is to help our local Kansas corn farmer. I know, even though I’m getting maybe 3/10 of a mile to the gallon less on that, in my experience, I certainly feel good about every 10th tank full not subscribing to the notion of having that foreign oil shipped in from some of our less than allied people in the world. So just thought I would throw that in, and I don’t think we should throw out any other options with the total fleet plan, but I think this plan is a good one and we have a start here, but I don’t think we should throw out any other ideas that may be out there. I think we’ll hear some of those later on, too. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Thank you. Kevin, can you give me a quick rundown, in terms of the current vehicles and the proposed 10 that we would pick up today, how many of these are cars, how many of these are sedans, how many would be SUVs, how many would be pickup trucks out of what we have, and who are the manufacturers, in terms of the 10 vehicles we have? Obviously, I know we can’t reproposal a bid on the 10 we might purchase, but I am curious. I wanted a little bit of details on the fleet of what we are proposing and what we have.”

**Mr. Myles** said, “On the 10 that we currently have, eight are small SUVs, two are sedans. Of the small SUVs, they are Ford Escape hybrids and the Mercury Mariner hybrids. The two sedan hybrids

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that we have are Toyota Priuses. So that rounds out the fleet of what we have currently. Of the ten that we would purchase next year, we're looking at all sedans."

**Commissioner Peterjohn** said, "Okay."

**Mr. Myles** said, "So of that entire sedan fleet, there are a number of new American model hybrids that average 40 miles per gallon or better, so there's really no telling, you know, which bids will come in, but we have a number of U.S. manufacturers who are competitive in the hybrid market now."

**Commissioner Peterjohn** said, "Well let me ask you this; I feel a little funny, I'm used to asking about miles per gallon, but watts per mile, kilowatts per mile, do you have any sort of an estimate and what is has cost the County to charge up those batteries?"

**Mr. Myles** said, "Actually, the batteries are charged by the alternator, so there is no charge for us. These aren't plug-in hybrids..."

**Commissioner Peterjohn** said, "Okay."

**Mr. Myles** said, "...so we don't have any costs there. But in terms of, you know, the watts of electricity per mileage output, I don't have that figure."

**Commissioner Peterjohn** said, "Thank you."

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

**Commissioner Unruh** said, "Thank you, Mr. Chair. I want to move to the other category that this grant might support, and that's the Energy/Sustainability Office Project Manager, and that person will be, can you describe their activities?"

**Ms. Stevens** said, "Sure. That person would be located in the Facilities Department. It would be a Project Manager similar to Project Managers we have in Project Services and other Project Managers that we have in Facilities. The intent of the position is to give us an individual whose responsibility it would be to develop an energy master plan for the County and the number of buildings that we have. What the County spends on energy cost is not an insignificant amount. We spend about \$2.2 million on electric alone, about \$300,000 in natural gas and water as well in the buildings that are maintained by the County Facilities Department. We also don't necessarily have an individual right now whose task it is to kind of look at all of those water bills, natural gas bills, electric bills and monitor them for spikes and see what the usage pattern is and then develop a plan from that. So that's a part of what this individual would do."

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“We would also anticipate that this individual would be responsible for coordinating energy audits of our buildings, the ones that are maintained, again, by County Facilities and then some departments maintain their own facilities. As well as we may even begin to look at the number of leaseholds we have, and if there is a possibility of doing some energy audits, energy modifications on a leasehold, and that would be, of course, contingent on what the payback of that would be, but in many of our leases we also pay the utility costs, so if we can reduce that cost, there may be a payback to us over time. So we would anticipate that those are some of the things that this individual would do. And then also, if the plan involves, or the recommendations are, for instance, to install motion detectors in restrooms or other facilities or change out emergency lighting to LED (light emitting diode) lighting, and things like that, that this person would then be responsible for managing those projects as well.”

**Commissioner Unruh** said, “Okay. Well, thank you. And we can find people who possess this expertise? I mean, it is kind of a new area.”

**Ms. Stevens** said, “We believe we can find individuals with this expertise, yes.”

**Commissioner Unruh** said, “And we are not obligated to, after the grant expires, to continue that?”

**Ms. Stevens** said, “Absolutely not. If we do not believe this position is valuable to the County, we do not have to continue this position after the grant funding.”

**Commissioner Unruh** said, “Okay. Thank you. Well, I know we’ve got more discussion, so that’s all my remarks for now.”

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

**Commissioner Peterjohn** said, “Yes, Charlene, I don’t know if this would be a question for you or for Kevin, \$5,500 cost per vehicle, what’s our estimate, in terms of what the price would be for the 10 vehicles would be at this point? I mean, obviously I know they will be bid out, but we have...”

**Ms. Stevens** said, “Yeah, the \$5,500 is the difference between what would be a traditional kind of fossil fuel vehicle and the higher cost of the hybrid vehicle. But Kevin, do you know, on average, what a hybrid vehicle, what we have purchased before, their average price for a sedan?”

**Mr. Myles** said, “The prices that we’ve paid per sedan have been about \$23,000.”

**Commissioner Peterjohn** said, “Okay. And let me ask you, just from a maintenance point of view, how are the 10 that we’ve had for two years doing maintenance wise?”

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**Mr. Myles** said, “Maintenance wise, there’s also an additional savings, because the vehicles run on gas and electricity, so the gas engine does not run the entire time; there’s a reduced maintenance interval, and reduced oil servicing on those gas-electric hybrids. So they’ve actually been really great for us. We’ve seen reductions in fuel charges and we’ve also seen reductions in the maintenance.”

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

**Chairman Parks** said, “Thank you. Any other discussion from the Board? I’d like to ask the gentleman in the audience, or anybody else in the audience, that would like to come to the podium to comment on this. Sir, if you will step to the podium, say your name, who you represent, and you will have five minutes to give your rendition on what you think about our plan here.”

**Mr. Alan Martin**, Farrellgas Propane Company, greeted the Commissioners and said, “The plan is wonderful. I’m with the Farrellgas Propane Company, a publicly traded Fortune 600 company. We actually are home-based in Kansas. I am home-based in Rose Hill, and we have locations in Wichita, Andover, Benton, and Haysville as well, close by. We have followed this grant reasonably close, helping people see other options for alternative fuel vehicles. One of those options are the Priuses and the energy savings and the electrical. Those are wonderful options for sending a Commissioner or some other official to do official business, but it does not address what can happen for the fleet vehicles. Your guys out there with the F-250, three-quarter-ton diesel pickup trucks; this grant also offers non-matching dollars, 100 percent paid for out of this grant, for the entire vehicle on F-250s, F-150s. It addresses the ‘made in America’ issue.”

**Mr. Martin** continued, “The bucket trucks, they run on 8.1 liter propane GMC (General Motors Corporation) engines. So your GMC vehicles for bucket trucks, heavier utility street sweepers, those all can run on propane. The F-250s, F-150s, they can all run on propane. They all qualify under the EPA (Environmental Protection Agency) standard for an alternative motor vehicle. Propane is the number one alternative motor vehicle fuel in the world. Ninety percent of all of it is made right here in the U.S.A. by U.S. citizens that are working out there in refineries. El Dorado is one of our closest locations. It’s in a neighboring county. Propane comes right there. The other 10 percent of that propane use for the United States comes from our brothers in Canada and Mexico. Once again, we are keeping it even on the same continent. It’s been around for decades. The technology is decades old. State of Texas has adopted propane use in: schools, counties, cities, police, fire. There are studies out there that are over 20 years old. Denton, Texas runs 500 propane school buses, saving millions of dollars every year, reducing 81percent of all carbon footprint, so why not reduce your carbon footprint? You are running 109 octane fuel, so none of the police people or anybody using it for a get up and go vehicle, none of those are suffering on power

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efficiency. It's also a closed loop system. You take the County Sheriff's Department and you put them on their own fueling dispenser right there on site. The schools, down at the county yard where they fill up their pickup trucks every day, instead if you don't have fueling onsite, Farrellgas puts a fueling station right on site for the person.

"That's enough on propane. I know your time is limited, but I do want you to be aware that the grant money can offer alternative motor vehicles or energy savings; it is made for you to use it either way.

You guys have, at your disposal, to spend \$485,100. If you took your existing County heavy utility fleet, the guys that are using the most fuel every day, and you do a conversion kit on your existing vehicles, \$6,000 a conversion kit, they run on gas or they run on propane, plug straight into the computer, guy doesn't have to touch a switch. The only difference is now he's reducing his carbon footprint, he's increasing his usability functionality and saving the County lots and lots and lots of money. It is not an exploratory thing, it's been done for decades. I know the City of Wichita still has its propane infrastructure filling location still on site from back when they used to use it. The carburetion days, people didn't like it. It was hard to start in the mornings. Now that it's all fuel injected, the system is so easy to put on, and the system comes off that vehicle and goes to the next one, so it doesn't even go away when you get rid of the old truck. Those are the attributes that are available. I prepared a package for Kevin, or for his department, and for each one of you to review, just a short brief history on propane, a short brief history on these conversion kits for old, or brand new vehicles that are out in production right now."

"We currently have the F-250 propane truck, we picked it up in Michigan. There's currently a roadshow going all the way from Michigan to Kansas, it finalizes tomorrow in Kansas, lots of publicity, lots of press on this, lots of people getting involved because this isn't new technology, it is made in America, the fuel is made in America, it is on our continent for 100 percent. Foreign [inaudible] goes down, your greener footprint. I prepared a packet if you would like to take a look at it. If Kevin wants to contact me later, or his department, I am available anytime to help. We don't sell the retro kits, I am not here to sell that, I am here to take and make an opportunity to present, why not use propane. There is nothing speculative about it, and it's made in America and it will save you lots and lots of money."

**Chairman Parks** said, "Might have a few questions for you while you are there."

**Mr. Martin** said, "Okay."

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**Chairman Parks** said, “I do have one. At the fill stations now that you service in Wichita, can you kind of tell me how you fill those vehicles...”

**Mr. Martin** said, “Sure.”

**Chairman Parks** said, “...because I was a police officer in the days when we had the carbureted vehicles.”

**Mr. Martin** said, “Yes, sir.”

**Chairman Parks** said, “We had to glove up and...”

**Mr. Martin** said, “Yep.”

**Chairman Parks** said, “...have our awareness about us when we filled the vehicles to keep from getting burned and whatnot. Has that improved, that technology improved?”

**Mr. Martin** said, “Yes, sir, Commissioner. The technology has improved. What they have now is a 2,000 gallon tank, sits on skids so it can be moved, changed around locations as your needs change. It also comes, every Sheriff’s Department Officer would have a little gas card in his wallet, and all he does is swipe it, punch in his code, and he fills it like a regular vehicle now. It has a dispenser handle, and I think it’s right in my packet where it is pictured, it has a head unit, looks just like a gasoline station, it has got a handle on that head unit just like a gasoline station, with one change is that you have to turn, because it is a complete closed circuit, meaning gasoline that when you pull it out of the hose and some drips on the ground, right there is an environmental issue. This, it’s closed off; there’s not one drip ever. If propane ever did get loose, it goes on the ground, it’s 100 percent biodegradable. Doesn’t damage the water, it will not even kill a fish.

“So yes, now it is different to where all that you, the County, really does is put crash protection around it, hooks up the electrical, we have the appropriate inspections done and we set these up every day for people to fill themselves. The Topeka Unified School District just bought the first propane school bus in the state of Kansas, and they are taking delivery of that in August. What we’ll do is, we’ll come in, we’ll take whatever corner of the property they want, we’ll set up this 2,000

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gallon fuel tank on a skid. And as your needs get bigger and bigger and bigger, we go all the way up to 30,000 gallon tanks, above ground, below ground, but they are at about 10 percent of the cost of compressed natural gas. And a compressed natural gas bus or vehicle, you have to plug it in to the system and it takes all night to fill it.

“Now this new system, as you referenced, it will fill almost as fast as gasoline will fill in your vehicle, so the police officer that pulls up, he is in a hurry, you know, he swipes his card, you have complete control, nobody stealing your propane; people will steal your gas and diesel, but they’re not going to ever steal a drop of propane out of a squad car. That will never happen. They can plug in, screw on. It goes in their bumper and you just see one little tiny spot, or they can put a door next to their current gas door. So if you are on a long trip in a squad car, you run out of propane at 400 miles, just keep on trucking with gasoline, automatically switches over. Nothing to touch, nothing to do, as soon as the working pressure comes down below 250 psi (pounds per square inch), kicks straight over to gasoline, no buttons to push. That’s the neat thing that we have 70 squad cars being changed over right now in south Sioux City, Nebraska. We’ve also got Boone Pickens, just filled out this current for 70 squad cars in Greenville, North Carolina. That’s a current Google Blog that’s on right now about Boone Pickens making that change. Because it’s a fossil fuel derivative, comes off the production of gasoline, but it’s all made right here on our own soil and keeps our own people working, so Boone Pickens is big on that at the moment. Any other questions?”

**Chairman Parks** said, “I don’t believe so, it sounds like it has come light years since...”

**Mr. Martin** said, “It has. And fuel injection, fuel injection just made it so easy, because it literally, after your own mechanics are showed how to do one, your own mechanics do the installation past that. These are pretty simple systems and they come from one car to the next car, once you trade one in, but they are building new. There’s 500 taxi cabs in the city of Las Vegas right now, also, that are currently running on propane too.”

**Chairman Parks** said, “I’m glad to hear they improved that possibility of cross threading on that...”

**Mr. Martin** said, “Yes.”

**Chairman Parks** said, “...system. Commissioner Peterjohn, did you have a question on that? ”

**Commissioner Peterjohn** said, “No, it’s been answered.”

**Chairman Parks** said, “Okay, thank you.”

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**Mr. Martin** said, “Thanks, guys.”

**Chairman Parks** said, “Ms. Stevens, do you have any other comments at the podium?”

**Ms. Stevens** said, “No, I really do not. We appreciate the comments that were made, and we can certainly continue to monitor that technology, and approving this grant as it currently stands does not preclude us from doing that in the future. So at this point I would recommend, if you have no further questions, that you approve the application before you.”

**Chairman Parks** said, “Okay. I see no further questions, so I think we’re ready to call the vote.”

### **VOTE**

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

**Ms. Stevens** said, “Thank you.”

**Chairman Parks** said, “Thank you.”

### **D. A RESOLUTION PROVIDING FOR THE CONDEMNATION OF CERTAIN REAL PROPERTY.**

**Mr. Michael North**, Assistant County Counselor, greeted the Commissioners and said, “Here today, we are asking that the Commission approve a Resolution to institute legal proceedings for the condemnation of certain property. This is property located predominantly on 103rd Street South between Hillside and the Arkansas River. The legal basis for this is a matter that we visited with the Commission about a month ago to give, under the home rule powers that we adopted by Resolution a month ago, to allow the County to acquire property for condemnation purposes, through condemnation or purchase or acquisition of property for storm water and ground water management. The specific project that is involved here involves some storm water and ground water problems in the south part of the County. I am told by the Department of Public Works that about 40 to 42 properties are involved. These are properties that are frequently experiencing flooding in their basements during heavy rains, and part of the problem is that the ground water table has apparently risen over a period of years, because we are drawing less of the ground water out in that area of the County. This has caused the flooding in houses in areas, but there is also a

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safety concern because some of the public roadways, specifically in the intersections around 103rd and Hillside and near Bluff, on occasion, have experienced serious flooding, and they pose somewhat of a traffic safety hazard in that particular area.

“What Public Works is proposing here is an open ditch system that will run from 87th Street South on Bluff to 103rd Street South, and then from 103rd Street from Hillside on to connect with the Ark River. This is predominantly operated by a drainage system through gravity, but there will be some pumping mechanisms near the river. Jim Weber, from the Department of Public Works, is here, and I think he can give you more of the specific details about the engineering requirements of this better than I can. I believe this is a County solution that is required. I don’t think that having a drainage system or a ground water district or benefit district are really appropriate alternatives, I think we are looking at a solution at the County level and we would urge adoption of this Resolution.”

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

**Commissioner Peterjohn** said, “Mike, and this may be a better question for Jim, the total amount of surface area that would be the drainage area that would be affected by this, how large an area are we talking about, in terms of acres or square miles, or however it would be most appropriate to measure it?”

**Mr. North** said, “My recollection is, this is about eight to ten acres, but I think Jim would be in a better position in answering that question.”

**Commissioner Peterjohn** said, “And I think that’s the amount of condemned property, isn’t it?”

**Mr. North** said, “Yeah, that is. That’s the amount of property...”

**Commissioner Peterjohn** said, “I meant that I was trying to understand the total drainage basin that’s affected as opposed to, but that is a question that was on my list, we’re talking about somewhere between eight and ten acres being condemned?”

**Mr. North** said, “I think Jim can answer that question with a little more accuracy than I can.”

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

**Mr. Jim Weber**, Deputy Director of Public Works, greeted the Commissioners and said, “We know what the drainage basin is that potentially comes through this thing. I don’t have that ingrained in my brain. One of the things that we did look at was some information that we provided for you yesterday, was looking at the alignment of the ditch and looking at, as a practical matter, being able to grade the road ditches and things around there up to a half mile away from this ditch

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and get it to drain to this area. Using that sort of scenario, that would benefit about one and half square miles of property. The drainage basin, I believe, is actually bigger than that. If it could get there, it goes farther north, maybe clear up to 87th Street, which could be, you know, three or four square miles by the time we get done. But if you would like, I can get back to the office later today and I can get you what the actual drainage basin is for this whole thing.”

**Commissioner Peterjohn** said, “Well, one of the things that I found out, Jim, and Commissioner Norton has been trying to inform us on this, is Derby has a number of wells in that area. Do you have any idea how many of the Derby wells that are no longer operating are in that drainage basin area, or part of the Derby municipal water system that they shut down a couple years ago when they started purchasing water from Wichita?”

**Mr. Weber** said, “I don’t know the total number of wells, but I can tell you that a year ago when we were working to draw down the ground water table, that we were working with Derby to pump and operate two wells between 103rd and 95th Street North. I don’t know the total number of wells in the system that they had in that area, but these were the two wells closest to the ground water problem.”

**Commissioner Peterjohn** said, “How long did you have those running at that time and how much water did you pump and did it provide any appreciable relief for the people in the area?”

**Mr. Weber** said, “I will start with the last question first. The people in the area did report that they had relief when the pumps were on and apparently could tell the difference, literally, when the pumps were on one day and when they were not on another day. The amount of water pumped, I think we could probably get that information, I don’t know what it was. We pumped for weeks at a time, a couple of times down there, as I recall. That’s just the Derby wells. We also had, about a year ago, a surface water, if you will, pumping operation going where we pumped, there’s kind of a hole down there that holds water at 103rd and Hillside, and we were pumping over land, if you will, in two steps, clear over to the river to get that off the surface. And it appears that that actually, the surface ‘water,’ was probably the ground water table at that point in time, and actually had the pumps at Derby going at the same time as we had the pumps going on the surface, and there were weeks at a time that both of those operations were going.”

**Commissioner Peterjohn** said, “Well, let me ask you, in terms of when the Derby wells were operating and people had some relief, what happened to that water that was pumped out, do you happen to recall what it cost, any of the details of that effort?”

**Mr. Weber** said, “The way they are set up, Derby can still receive that water into their water treatment facility, but they are now using Wichita Water [Utilities] as their main water supply, probably their only water supply. They are able, by switching valves inside the facility, to literally

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dump that water then into the Arkansas River. Well first, I need to make a couple of corrections. Mike had indicated there are pumps involved in this, there are no pumps involved in this system; this is all gravity, all the way to the River. There is a flood gate system involved, because we're cutting through a ridge to get to the River and it is possible in a 100 year flood event, if we just cut through that and don't put the gates in, that you could back the flood plain, back up into this neighborhood and we are trying to avoid that. The other thing is, there is a maybe a little confusion because originally this project came out of some work that was done in the South Sedgwick County Drainage Study, which was done in the late '90s, final report was issued in about 2000. And initially the plan was to come from the river, let me do this, let me find this. All right, maybe I won't."

"The plan was to come from the River over to Bluff and then head north up to 87th Street. That was the area that at that time was reported to be the big problem area. This issue, which is another half mile to the west on 103rd Street, is something that really has popped up for us in about the last three years with the heavy rain cycle. There does appear to be a relationship with Derby no longer using their wells, and so back in early 2008, after working with the township and the neighborhood down there and Commissioner Norton, we revised the CIP (Capital Improvement Program) project that's been in the books for probably the last five or six years, making it into a two-phase project. Phase one now is to take the original alignment from the River over to Bluff, it was always in the project, and now extend that over another half mile to Hillside, to get to this really severe pocket of ground water problem. Phase two, if it is deemed necessary in the future, then would be to go from 103rd up to 87th Street along Bluff. So the east half of this project has been on the books for quite a while, the change is in what direction are we going to go from 103rd and Bluff."

**Commissioner Peterjohn** said, "Let me ask you, in terms of the condemnation though, the County is going to have to acquire, or have they already required and would it involve condemnation, a parcel that's at the northeast corner, I believe, of Hillside and 87th Street?"

**Mr. Weber** said, "No, all the condemnations here are along 103rd."

**Commissioner Peterjohn** said, "Okay."

**Mr. Weber** said, "Between Hillside and..."

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**Commissioner Peterjohn** said, “But there is part of the plan that’s connected with this condemnation would involve setting up some sort of a pond or retention basin near Hillside and...”

**Mr. Weber** said, “103rd and Hillside.”

**Commissioner Peterjohn** said, “I’m sorry, 103rd, I misspoke. Thank you for the correction, 103rd and Hillside. I’m sorry, I am creating the confusion, in terms of getting my 87th and 103rd confused, they’re only a mile away. But there is a parcel there at the northeast corner of that intersection, that is not part of this condemnation, or it is?”

**Mr. Weber** said, “It is part of the property that we need to acquire. We have managed to negotiate and acquire that parcel already, as well as there’s a parcel on the northwest corner that we have acquired through negotiation.”

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

**Mr. Weber** said, “We started with six properties that we needed to acquire, or easements that we needed to acquire, we have gotten two of them, we have four of them left to go.”

**Commissioner Peterjohn** said, “Do you have any idea what the assessed valuation, tax plus assessed valuation in that area, because a comment was made about trying to set up a drainage district and I was curious, in terms of having looked at that and why that is not feasible?”

**Mr. Weber** said, “Yesterday, I had sent out some kind of summary information that did not include the taxable value at that point in time. Last night and this morning, we have gone ahead, if we, again, look at that area that is within a half mile of the ditch, and look at properties with homes on them, the value of the improvements on, there are 42 homes within a half mile of the ditch, and their total valuation for just the improvements, because the land gets a little squirrelly, ag[riculture] land is so different from residential, so the value of the improvements is approximately \$4.5 million.”

**Commissioner Peterjohn** said, “Thank you. That’s all the questions I have, Mr. Chairman.”

**Chairman Parks** said, “Okay. Before I go on to Commissioner Unruh, while you are here, Jim, I wanted to kind of ask some of the questions that I have asked on this project all along. The cost for the County, though, is going to be transferred to the township and other entities for maybe mowing and the floodgates, the back flow preventers and things, that’s going to not be borne by the County in the future, this is just a one-time capital outlay project?”

**Mr. Weber** said, “I think that’s correct. When we started, the township officials last for decades sometimes, and Joanie Stork, who’s been down in Salem Township, literally since I’ve been here,

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was there when all this conversation started and she had always said that the township would be willing to maintain the ditch, they just don't have any way to get anything in. In fact, what they've said is, if we could point them in a direction, they would go dig something, but they don't have the capacity, really, to do what needs to be done. She's not the Trustee anymore, she's still on the Board; the Trustee, Clement Dickerson, I think, is still of a mind to say that the township's willing to take, it's basically, we're doing a project, it will have a concrete, flat bottom in it, it's mostly mowing to maintain this ditch."

"If there were some sediment that builds up on there, it's designed so you can get in with a Bobcat, scrape the thing off, not a big survey project to figure out what the grade needs to be or bring in fancy equipment. It will just be one set of gates on the thing, the maintenance of that should not be difficult. You'll be able to see it right from the road. That is mostly a matter of cranking the sluice gates up and down occasionally to make sure that they're not frozen, and on a flat gate, it's mostly you're looking for trash that's hung up in the gate. They have always indicated that they'd be willing to maintain the thing if the County could get the thing constructed."

**Chairman Parks** said, "Okay. I guess that comes back to, also, whose jurisdiction is it. We might have some 10th Circuit Court, or some decision, in the future on some urban annexation for Mulvane, one of the maps that I received had Mulvane in this area also."

**Mr. Weber** said, "Yeah, I guess the only thing I would say about that is, you know, the County has a long history of working well with our partners at the various cities, we are not anticipating, if it stayed in Mulvane for whatever reason, we're not anticipating any problem with Mulvane over that. If it doesn't stay in Mulvane, then maybe that cleans some jurisdictional issues, but we don't see that as a big issue. It's just on the map because it's a fact at the moment."

**Chairman Parks** said, "Okay. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. Jim, how long have we been working on the plans for this, this is not a recent suggestion or presentation to us, is it?"

**Mr. Weber** said, "No. We have had planned preparation underway for the original project, which came across to Bluff and went north. I don't remember the exact date, but I am going to say three or

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four years ago we started on that process. The revised plan, which is to come on over to Hillside on 103<sup>rd</sup>, is something I think we kicked off in early 2008."

**Commissioner Unruh** said, "All right. Well, I guess I just wanted to be reinforced in the understanding that this is not just the result of recent rains, but this has been under the planning, in one form or another, for several years. It's been in our CIP planning for that length of time."

**Mr. Weber** said, "That's a fair statement."

**Commissioner Unruh** said, "Okay. Another comment, just in response to some of Mr. Peterjohn's comments about the pumping, and I'm assuming, Commissioner, you were talking about that in terms of maybe an alternative to this plan, and in different discussions about trying to pump the ground water, I tried to express my opinion to Commissioner Norton and others that I just don't think that's, in my opinion from the information I have, it is not a good long-term solution, so although we used it once in kind of an emergency situation I wouldn't be in favor of going forward with that. It seems like this plan and this analysis is the best way to help alleviate the drainage problem that exists in that area of the County, and I'm convinced, as Mr. North said, that this probably falls under the County area of responsibility and should not be as a special assessment back to the township or to an improvement district.

"So I am going to be supportive of the recommendation that we adopt this Resolution, and I realize that, like my fellow Commissioners, I have a real reluctance to go into condemnation proceedings to achieve a project, but sometimes that's necessary, especially when it is for the public good, and I think that this is a case where we need to proceed with legal means to achieve the benefits of this project. So I am going to be willing to go forward, but I just wanted to make those comments. That's all."

**Chairman Parks** said, "Okay. I, too, don't like the condemnation of private property. My past history with this Commission is that, of course the Arena properties were already in the process when I came here, and a couple of them that have come up, Ridge Road and Meridian Road projects have come up, but those were worked out to satisfactory solution before we had to go to court, or before we had to condemn those, and I would like to commend the Public Works personnel for doing a good job there in that negotiation. Getting back to the private property and the condemnation and how this will benefit various areas, I am not looking as much at the water coming up in these people's basements as flooding the roadways. We all have, I don't know that Commissioner Unruh has as many as the rest of us, but we all have areas in our districts that do

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flood. If it's flooding the roadways, and this is what was presented to us earlier, this is a problem. For safety, I don't think we should be sending people over roadways that are covered or have to get personnel out to close these roads off and it certainly could be a safety issue for flooding roadways. So my, I guess you would say support for, doing this would be for the roadways and not for the private entities or the private houses that do have the water problems. I believe Commissioner Norton was next."

**Commissioner Norton** said, "Well, I think that's one of the dilemmas we have down here that we discovered that kind of while we were trying to get the storm water out of there, which unfortunately becomes the ground water, but as we started working on getting the storm water out, and by the way, we did this study back in 1999, I think was when it was finally published, maybe it was 2000."

**Mr. Weber** said, "It was January 2000, the final report, I think."

**Commissioner Norton** said, "Final Report. But Commissioner Hancock had worked on that for years before I got here, because a lot of this is not new problems. They manifest themselves as new problems, but it's all been tied in to three different basins that were studied on the south area drainage plan. It is a very large area, it runs along the Ark River, the Cowskin Basin, the Ninnescah Basin, and it is very complicated. Then we came to the realization, as we worked on the Bluff project, that there is flooding that becomes a safety issue, as the Chairman said. Last year, 103rd and Hillside, the confluence was under three foot of water. The ground water and the flood water, the storm water, the surface water, became one; they fused together, and we had the idea from a hydrologist that with any more recharge or rains, it could stay there as long as six months.

"We were going to have a multi-acre lake over the confluence of two township roads, and that's a safety issue. At three foot, with some ditches, you know, a car could have real difficulties if they drove in. And you don't have to listen to stories about a young lady that lost her life in El Dorado because she got swept into a ditch trying to drive through water before you start saying, well, this is really a safety issue. The other thing is it drained, a lot of the basins there, drained into this one kind of area, so to get the water out of there, you are going to have to move it somewhere, the Ark River is close. I think our engineers and some experts came to a pretty good conclusion that gravity would take over once you had a place for it to go. But otherwise, it was just going to sit in that bottom of the basin, and that this could be a solution for a large part since it is so downstream to all the water, it could be the beginning of a solution to a lot of the storm water problems, wouldn't you agree, Jim?"

**Mr. Weber** said, "Yeah."

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**Commissioner Norton** said, “That it’s not just for this one intersection, but a lot of water comes from a lot of places.”

**Mr. Weber** said, “It could be what I like to call the backbone of a larger system, in the future.”

**Commissioner Norton** said, “Yeah. So, I think that’s good. I understand that there’s competing interests, I mean I know that some of the farmers down there aren’t real enamored with this project, but the truth is, it is a unique situation. I don’t know that it’s going to be a benefit district that can take care of it. I think we all know that storm water runoff and drainage issues are getting more and more prevalent, and I guess we could have that debate that we’ll put a blind eye to it and never deal with them, don’t want to fix them, but I think we all know that they’re out there.”

**Commissioner Norton** continued, “And in some cases, it is a citizen problem which becomes our problem, and we’re going to have to work on them and try to understand them. Clement Dickerson, that was referenced here, is not only the township trustee but he’s my appointee to the Storm Water Management Group, so he understands this, I think he’s very committed to making sure that he does his part of it, once we get the project done, because he wants it to work down there. I mean, he’s got to maintain those roads that are under water and flood out and cost huge amounts of money to reconstruct every year as a township, so I think it’s a good partnership. The other thing is that we’ve had this in the CIP for multiple years, so I know it’s a lot of money, but it’s money that we’ve budgeted for and garnered through the CIP project. I like that way of doing business; that we plan on it, we put it in a CIP, we understand that it plods along, we engineer it, and then we build it, and this is not a kneejerk reaction, it’s a follow-up to a plan.

“Which leads me to, you know we do these basin drainage plans, or any other plans, studies, and then we put them on a shelf and don’t do anything with them. I think it’s important we pull those things off the shelf and if we can have the condition that we’re going to commission a study, and think it’s important, and they give us recommendations, and we say, ‘oh we don’t have the money,’ or ‘we don’t have the will,’ or ‘we don’t want to do it,’ we’re willing to spend the money for the study just to get people off our back, but we really don’t want to do any of the projects. I think that flies in the face of why we do those things, so the study said that would be a big part of the backbone of the whole system, is to get that water over to the Ark River. It just happened that we had to add a little to it, to get it away from 103rd and Hillside.

“Last year, when it flooded, we pumped, and I thank the Commission for helping with that, it cost about \$30,000 to rent the equipment, 14 million gallons, pumped out of just that intersection. That’s a lot of water, just in that one place, and that’s not all that went through there, but 14 million gallons we pumped out, that would have stayed there, an estimate four to six months. Obviously, I’m going to be supportive, I would hope that the other Commissioners would know that this is important to the south side, but it also starts to make us have that conversation about all the flooding and

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drainage and water issues that are starting to be prevalent around the County that we're going to either have to face up to them and try to put in the CIP some of the projects or ignore them completely. I'm ready to make a motion, if there's no more questions, I see Commissioner Peterjohn has something."

**Chairman Parks** said, "If you want to go ahead and make the motion, we can still have some more discussion."

**Commissioner Norton** said, "Okay."

### **MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

**Chairman Parks** said, "We have a motion and second, more discussion, Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Yes, I appreciate my colleagues' comments and the information from staff because this may be old for some folks who are in this room, but as the newest Commissioner, this is definitely and definitively new for me and one of the adventures I've had since becoming a Commissioner, is like Commissioner Norton and Commissioner Parks, I don't know how Commissioner Unruh has managed to avoid this so far, although he's had his own adventures, having water and flood-related problems, and the difficulties I've had have generally been between Maize Road and 151st Street out in my district in west Wichita and out into the unincorporated areas in western Sedgwick County with the recent rains. The concerns I have, obviously, are like Commissioner Parks, in terms of condemnation, because if we have to condemn the property, and when you start talking acres, that is not an insignificant amount. I'm glad to hear that in the past, there's been a sincere effort to try and negotiate an agreement with the property owners, because as a candidate, I ran very strongly in opposition to condemnation for economic development purposes, and the idea that the government could acquire property and then turn around and hand it off to a private development.

"Our Founding Fathers, when George Mason and the other Anti-Federalists, came out and said we cannot support the new Constitution, one of their reasons for not supporting that new Constitution was because there was no protection, there was no Bill of Rights. And that was one of the first items that the new Congress, after the Constitution was enacted, took up the Bill of Rights, and in the 5<sup>th</sup> Amendment, and it gets often overlooked, but the 5<sup>th</sup> Amendment does include a very important phrase relating to private condemnation of property, and that compensation will be provided and

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that this is, I think, important because this is a very significant power that we, as elected officials, have taken upon ourselves when we pass that Resolution to condemn for issues relating to water and flood problems.”

**Commissioner Peterjohn** continued, “Now, I think in this specific case, and coming back from the Constitution and talking about the Derby wells in particular, with the number of Derby wells that are in this drainage basin, that currently exist, I will acknowledge, from my statistics professor when I was in college, that correlation does not necessarily prove causation. I’ll work with the Clerk later to make sure that comes out in the Minutes correctly. But the fact that when Derby stopped pumping those wells, suddenly a water problem appeared, I think there’s a good case that can be made, and the comments anecdotally that have been told here, when those wells were pumped again, the people saw some relief in that area, that when Derby stopped pumping those wells, that brought the problem back out there. Commissioner Norton is absolutely correct about when we get an excessive amount of rain, like we’ve had the last few years, despite all the talk about droughts, Sedgwick County’s had more than average rain fall the last few years.

“These water problems do have a tendency to pop up, and if we have flooded out roadways, I agree with Commissioner Parks, maintaining the road system and avoiding costs that are incurred because those are out there, we’ve got problems on Illinois and Waco Townships that need to be addressed, where we’ve got water problems, and we’ve had drainage issues out along 21st Street, from 119th over to 151st Street. I am reluctantly, I understand the money’s in the CIP and we’ve got it planned and worked through that way, I am reluctantly going to support this Resolution, but I wanted to put some caveats in there so that trying to find the parameters and why I’m going to cast the vote the way I will.”

**Chairman Parks** said, “Thank you. Too bad during these times of western Kansas drought, and what not, that we can’t just have somebody come in and put a big pipeline in there and pipe it out to Horace or Tribune or somewhere that they need the water. Seeing one more discussion item.”

**Commissioner Norton** said, “Well, and I have to tell you, I have exhausted my relationships with DWR (Division of Water Resources) and Derby and Mulvane as we try to also find a way to pump those wells and use that water. We’ve had meeting after meeting, you know, DWR anecdotally wasn’t sure that that made any difference in people’s groundwater, but I think it obviously did. The problem didn’t spring up until the Derby well started, we’re not pumping. We’ll continue, I am going to continue to work on that. That’s not a dead issue. But the truth is, we’ve got to get the

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storm water and the runoff out of there too and then worry with the groundwater issue. But we've got a bigger issue because we've worked really hard down there to get the drainage right and you can work all the ditches you want, but the water doesn't go anywhere, you just move it up and along the ditches. You got to have a way to get it out of that whole area."

"You know, we started that, a project on 87th Street years ago, because we had the same problem. We had to put a pipe in that got a lot of the water out of 87th and Hydraulic over to the Cowskin Creek, because it just kept re-circulating. They could ditch it out of their area, but it just percolated right back down into the ground water and never went anywhere. We'll continue to work on that, I haven't stopped. The truth is, it is a huge drainage basin problem and we're going to have to continue to work on it, but I would appreciate the support. I appreciate that Commissioner Peterjohn, I know it is against a lot of the things that you hold very dear to your heart, but this is one of those projects where we exhausted, I think, every effort to work with the landowners to make sure that our right-of-way people negotiated in good faith. We have done that on a lot of other projects. The Meridian paving project, we ended up, we had some landowners that could have been very adversarial, but we worked with them and worked with them and worked with them and didn't have to condemn one piece of land on a pretty big project. I think I've got that attitude, that I'd never want to condemn land, take property, invade somebody's property rights, but for the good of the County, or the good of the people, sometimes that just is the only alternative."

**Chairman Parks** said, "I don't think that part of the negotiation is over at this point. This is just another step in that. I have been told by staff, members from Legal and Public Works, that they will continue to work to not have to do this condemnation process. Having said that, seeing no other comments, anything else from staff? Call the vote."

### **VOTE**

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

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

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

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**E. AN AGREEMENT BETWEEN SEDGWICK COUNTY AND THE UNITED STATES OF AMERICA, DEPARTMENT OF THE AIR FORCE, FOR THE HOUSING OF PRISONERS IN THE SEDGWICK COUNTY ADULT DETENTION FACILITY.**

**Mr. Michael Pepoon**, Assistant County Counselor, greeted the Commissioners and said, “As stated, there’s an Agreement before you today which would provide for housing of prisoners from McConnell Air Force Base in our Sedgwick County Adult Detention Facility. It’s an Agreement between McConnell and Sedgwick County, this is a recurring Agreement that we have had with McConnell and this Agreement to set to end in December of 2013, essentially almost a four year Agreement. The rate established in the Agreement is \$63.95 a day. With that, I’d just be happy to answer any questions and recommend that you approve the Agreement.”

**Chairman Parks** said, “I’m happy that you brought up the \$63.95 a day. This is considerably more than what we have asked our cities to pay for the misdemeanor only items and probably saying enough there, since this is in litigation, but apparently, the Air Force thinks this is a good deal and I know other federal agencies are paying \$65 dollars. I think this is a good deal for both our agencies.”

**MOTION**

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

Chairman Parks seconded the motion.

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

**Commissioner Peterjohn** “Mike, I was just curious, have we had a number of people detained in the Sedgwick County jail who are from McConnell?”

**Mr. Pepoon** said, “I have received some information from the Sheriff’s Department, but I see Colonel Powell and he can address that question.”

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**Col. Richard Powell**, Chief Deputy, Sheriff's Office, greeted the Commissioners and said, "We did a search of records for, I believe, the last 24 months. Within the last 12 months, we've had no prisoners from McConnell that we show on file. I think in the prior 12 months of that, we had one. Minimal impact on the overall population of the facility and typically the reason for this contract is for female federal prisoners, they don't have the capacity at McConnell Air Force Base, in their brig, to house female inmates. When we do see an inmate here, it typically is a female personnel from the military."

**Chairman Parks** said, "Thank you. Seeing no further discussion, call the vote."

### **VOTE**

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

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

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

### **F. DEPARTMENT OF CORRECTIONS.**

- 1. AGREEMENT WITH THE UNIVERSITY OF KANSAS SCHOOL OF MEDICINE-WICHITA MEDICAL PRACTICE ASSOCIATION FOR MEDICAL SERVICES PROVIDED TO JUVENILES IN DEPARTMENT OF CORRECTIONS RESIDENTIAL FACILITIES.**

**Chairman Parks** said, "We've been asked, did we work out the glitch on this before the meeting?"

**Mr. Buchanan** said, "We have not worked out the glitch..."

**Chairman Parks** said, "Okay."

**Mr. Buchanan** said, "...and we would recommend that you defer this item."

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**MOTION**

Commissioner Peterjohn moved to defer Item F-1 for three weeks or sooner.

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	Absent
Chairman Parks	Aye

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

**2. KANSAS JUVENILE JUSTICE AUTHORITY (JJA) SFY10 JUVENILE ACCOUNTABILITY BLOCK GRANT (JABG) AWARD.**

**Ms. Chris Morales**, Project Manager, Corrections, greeted the Commissioners and said, 'In March, the Corrections Department submitted a Juvenile Accountability Block Grant (JABG) to the State of Kansas Juvenile Justice Authority. This block grant is a federally funded initiative and the purpose of it; it is designed to assist local units of government to promote programs that will provide for a greater accountability within our juvenile justice system. We have now received an award letter from the State indicating that Sedgwick County will receive \$32,793 dollars for the upcoming fiscal year. There is a required 10 percent cash match that totals \$3,644 dollars and that has been planned for in our County budget. This will be the 11th year that Sedgwick County has received these federal funds, and with the match, the total is \$36,437 dollars. The plans for this grant is to provide continuation funding for a portion of the Diversion Manager position within the District Attorney's Office. The Diversion Manager supervises three juvenile diversion programs and is responsible for developing necessary services and resources to see that youth are more successful on diversion, which in turn, will help to reduce recidivism in our community. 'Team Justice' (Sedgwick County Juvenile Corrections Advisory Board) and the Sedgwick County Grants Coordinating Committee both approved this application prior to estimating it to the State. We

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request that you accept the grant award and authorize the Chairman or designee to sign the grant award documents.”

### **MOTION**

Commissioner Norton moved to accept grant award and authorize the Chairman or designee to sign all related documents.

Commissioner Unruh seconded the motion.

**Chairman Parks** said, “Have a motion and a second, are there any other questions? No caveats in this one that we need to know about that will have long-term monetary effects on Sedgwick County?”

**Ms. Morales** said, “No, sir.”

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

### **VOTE**

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

**Ms. Morales** said, “Thank you.”

**Chairman Parks** said, “Thank you.”

### **G. FY2010 SENIOR CARE ACT (SCA) IN-HOME CARE CONTRACTS.**

- **Afford-A-Care, Inc.**
- **All Saints Home Care, Inc.**
- **Associated Homecare**
- **Care 2000 Home Care**
- **Catholic Charities Adult Day Services**
- **Community Care Connections**

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- **Dependable Assisted Living, Inc.**
- **Home Helpers Senior Care**
- **Home Healthcare Connection**
- **Loving Hearts Home Care**
- **Mercy Home Care, LLC**
- **Mount Hope Home Health Services**
- **ProActive Home Care, Inc.**
- **Progressive Home Health & Hospice**
- **Right At Home**
- **Saint Raphael Direct Care**
- **Saint Raphael Home Care**
- **ResCare Homecare**
- **Wichita Lifeline**

**Ms. Annette Graham**, Executive Director, Department on Aging, greeted the Commissioners and said, “Central Plains Area Agency on Aging annually enters into a Senior Care Act In-Home Care Contract with local home health agencies to provide services to individuals age 60 and older in Kansas who have functional limitations. These are people that, because of their functional capacity and deterioration, are appropriate for nursing home placement but choose to remain in the community on this program. So these are people who have issues with activities of daily living. The Senior Care Act (SCA) program was established by the Kansas legislature to assist older Kansans to help them with self care, to help them remain independent and out of nursing homes. The Senior Care Act program provides in-home services, who contribute to the costs of these services based on a sliding fee scale, so we’re looking at their income and their liquid resources in determining what that sliding fee scale payment is.

“Participants enter the service through case management. There’s an assessment that’s done to determine functional eligibility and financial eligibility. The services that are provided include attendant care, and this is assistance with bathing, medication, dressing, personal appearance, feeding, transferring and toileting under the direction of a licensed professional; homemaker services, which include assistance with meals, shopping, managing money, light house work and laundry; respite care, temporary leave for primary caregivers; personal emergency response management installation and custom care items. These are things that are allowed under the contract with the Kansas Department on Aging to help them be able to maintain their independence. This is funded with state funds. As I said, the Senior Care Act program receives dollars. This year’s total for 2010, which starts July 1st, is \$1,030,575, which consists of \$66,827 matching funds, which is the required amount by the State. This match is composed of dollars from Butler, Harvey and Sedgwick County mill levy programs. This is based on usage, so for each county, what they use,

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they pay a matching fund depending on the amount for each client and their funding mechanisms, and depends on their sliding fee scale. That's how that match is configured."

"Based on last year's number, which is how we're estimating for this next year, Butler County is \$5,000; Harvey County is \$1,500 and Sedgwick County is \$60,327. Of course, out of those three counties, Sedgwick County has the greater number; approximately 80 percent of the older adults in the three County area reside within Sedgwick County. So this, as I said, will vary depending on the actual usage by that county and that's how that match is configured. You have a list of the Senior Care Act providers; we have 19 providers that we are contracting with this year. I would request that you would approve the Fiscal Year 2010 Senior Care Act and home care contracts and authorize the Chair to sign. We would be happy to answer any questions."

**Chairman Parks** said, "Okay. There are a couple of questions. You say Butler and Harvey County are participating in this, there are no other administrative costs that we incur for those counties, are there?"

**Ms. Graham** said, "No, there is not."

**Chairman Parks** said, "Okay. And I notice in the backup, the reasons for the discharge of the patient or discharge of the contract may be one of those is 'persons whereabouts unknown.' Who audits this and how do we know that those services are provided? I guess, who's the watchdog on this program?"

**Ms. Graham** said, "Kansas Department on Aging does a regular review of cases. So they come down to our office and pull case files, they let us know which files that they will need. We pull those in. We do have case managers that oversee these cases also, so they're keeping regular contact. We also do a monthly review when we do the billing, because all the billing comes in through us, so billing has to come through us and we have the funds and disperse it. We watch that at that point, Kansas Department on Aging, and then we also review case files internally."

**Chairman Parks** said, "We hear a lot about the State of Kansas and how they are trimming down their employees and what not, I just wanted to make sure that there was still somebody out there that did that function."

**Ms. Graham** said, "Yes, there is."

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

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### **MOTION**

Commissioner Norton moved to approve the FY2010 SCA In-Home Care Contracts and authorize the Chair to sign.

Chairman Parks seconded the motion.

**Commissioner Norton** said, “I just wanted to declare that under ‘Home Healthcare Connection,’ they are a down south entity and I sit on their Ethics Advisory Board, I have no fiduciary responsibility. It is really, kind of that checks and balances that you were talking about, to look over, not individual patient records but how they do their business, they have an ethical responsibility, as guided by the State. They have to have an advisory board and because I’m down south, they need an elected official, so I’m on their Ethics Advisory Board and just wanted to declare that.”

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

**Commissioner Peterjohn** said, “Thank you. Annette, can you tell me of these 19 agencies, are all of them operating in Sedgwick County?”

**Ms. Graham** said, “I’m pretty sure that all of them do. We do have some, a few of these, that also serve Butler and Harvey County that might have satellite offices, because under the contract with the State of Kansas, we’re required to ensure that services are available for those counties.”

**Commissioner Peterjohn** said, “Is this grant, for this year, about the same amount as it was last year?”

**Ms. Graham** said, “No, it did take a 17.4 percent reduction, so there is an overall reduction in that funding amount that will become effective July 1st.”

**Commissioner Peterjohn** said, “That’s pretty good sized, that’s probably a couple hundred thousand dollars?”

**Ms. Graham** said, “\$204,000, so yes, it was pretty substantial.”

**Commissioner Peterjohn** said, “Let me ask you this, do you know how many people participated in this program last year?”

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**Ms. Graham** said, “Last year we started at the fiscal year, July 1st, with 315 clients on the program.”

**Commissioner Peterjohn** said, “And was that pretty stable throughout the year, to the best of your knowledge?”

**Ms. Graham** said, “We had a waiting list the entire year, so it did decline, and then there was some changes in funding during last fiscal year, well the current fiscal year we’re in. We did not get as much money as we had anticipated. They usually give out some allocation moneys during the year and they had to cut back on that, so we did have reductions in services.”

**Commissioner Peterjohn** said, “I was curious because, to understand, I am very concerned, like I believe the point Commissioner Parks was trying to get to, concerning the out of County money, because if we’ve got 315 people who are participating in the program last year and I would assume roughly 90 percent, or that would be about 280 some, would be from Sedgwick County just to make sure, I hate to have a nickel of Sedgwick County tax money leave Sedgwick County.”

**Ms. Graham** said, “Yes.”

**Commissioner Peterjohn** said, “The point I’m trying to get to, in terms of having the money audited, this is an area where I have quite a bit of concern and wanted to have that assurance before we proceed here.”

**Ms. Graham** said, “Yes, we do review that on every single client and make sure that the contribution and their match money, because they pay match money directly to the providers, so they have to pay that, it’s figured into each client’s obligation, so that match is in there and their self pay amount is in there. It’s figured by client.”

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

**Ms. Graham** said, “You’re welcome.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chair. Well, I am going to be real supportive. It’s, I think, a very good leveraging of our local money to attract nearly a million dollars of funds to

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provide these services. It's sometimes not easy to understand the need and the value of this to some of our citizens until you have had a friend or relative who has had to avail themselves of some of these services. But the ability for older folks, whether it's just age or some other physical disability, to stay in their home and stay in community, rather than moving to some sort of group home, is a very huge benefit to that individual and to their families. It has to do with just their quality of life and their psychological and physical health. This is, I think, an important service that the County offers and from everything I can know and understand, we do a great job of administering it and it's one of those things where it would be great to have enough to take care of all the waiting list, but we don't have those resources. To provide the help for the folks that we can, I think, is a good thing to do. So I am going to be supportive."

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

**Commissioner Peterjohn** said, "Annette, second group of questions from some of my colleague's comments. If the State reduced their funding by 17 percent and you have a waiting list on this and you had 300 plus people who are beneficiaries last year, how many fewer people are you likely to be in a position to serve with this grant, as opposed to last year?"

**Ms. Graham** said, "Right now, we have, the last numbers I saw were 184 people are receiving the service. The service is funded; no new people are going to be added on this year. No new services under each plan and they are actually being reduced effective July 1st. So to be able to stay within budget and manage that for the whole year, we anticipate that number will go down over the year due to attrition, due to peoples' deaths and due to going into nursing homes."

**Commissioner Peterjohn** said, "Annette, let me ask you a question, that's a very disturbing number, because 184 is a lot less than a 17 percent reduction of 315 would be somewhere in the neighborhood of about 50 people less. This is a reduction of about 130 people."

**Ms. Graham** said, "Over the years, for any individual clients, during that year, their plan of care could fluctuate. In the years past, what we could do is, we could add and increase services. With this population, you tend to see a lot of increase in need for services over the years. So that's why it's really hard to look at those numbers and see that pure 17.4 percent reduction, because of the variability within the population receiving the services."

**Chairman Parks** said, "Guess it would depend on how intense those services are and I'm confident that our staff will bring us any problems that they might have in that realm."

**Ms. Graham** said, "Certainly, sir, we would."

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

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### **VOTE**

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

**Ms. Graham** said, “Thank you.”

### **H. ADOPTION OF RESOLUTION IMPOSING SOLID WASTE FEES FOR 2010.**

**Ms. Jill Tinsley**, Senior Management Analyst, Finance, greeted the Commissioners and said, “Before you today is a Resolution for the adoption of the solid waste fees that will support Sedgwick County’s solid waste efforts for 2010. About 11 years ago, the State took action to shift responsibility for solid waste planning from local municipalities to county jurisdictions. As part of that action, they provided authority for the implementation of a solid waste fee, as the funding source for a county’s solid waste efforts. Since 2000, the County has charged a solid waste fee, with the highest fee in a single year occurring in 2002 at \$5.48 for residential owners. The solid waste fee varies according to property class, with residential property owners paying a fixed amount per dwelling unit and the owners of commercial, industrial, agricultural and other property classes paying amounts based on the waste generation, characteristics of their business, based on separate features, as required by state law. This fee is imposed on the annual property tax bill and is collected by the County Treasurer with property tax payments.

“For 2010, the Resolution proposes a fee of \$4.73 for residential owners. For nonresidential owners, Tier 1 would be \$3.59, followed by Tier 2 at \$4.79, Tier 3 at \$5.99, Tier 4 at \$7.19, and Tier 5 at \$4.79 times the number of tenant spaces. The fee is estimated to generate approximately \$970,000 dollars and those fees, in combination with transfer station tonnage fees, construction and demolition landfill, license fees, merchandise sales and cash from prior years, will fund the County’s Household Hazardous Waste Facility, debris removal program, solid waste enforcement efforts, solid waste management efforts, solid waste minimization, which also includes the annual Christmas tree recycling program. Commissioners, I recommend you adopt the Resolution and I would be happy to stand for any questions.”

### **MOTION**

Commissioner Norton moved to adopt the Resolution.

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Chairman Parks seconded the motion.

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

**Commissioner Unruh** said, Thank you, Mr. Chair. I just want to make a comment that the range of these fees for residential range from \$5.48 of a high to \$3.06 as a low over the last ten years or so. Just to make the point that this is not an arbitrary calculation, it’s something that we do based on the needs of the community and the programs that we’ve initiated, in order to fund these activities. So, one-time fee and it’s been carefully analyzed to come to the right number and I’m going to be supportive.”

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

**Commissioner Peterjohn** said, “Jill, if we left the fees at the current level, where they’re at, how much money would it generate as opposed to the money that’s proposed with the fee hike before us today?”

**Ms. Tinsley** said, “David, do you know that?”

**Mr. David Miller**, Budget Director, Finance, greeted the Commissioners and said, “If the fee was left consistent, as it currently exists today, which is \$4.04 for residential properties and the base nonresidential, or commercial rate, at \$4.40, we would anticipate that it would essentially collect the same amount of revenue as we budgeted for in 2009. That would be about \$890,000 dollars. So the fee adjustment that we are recommending to the Commission generates an additional \$80,000 annually.”

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

**Chairman Parks** said, “For staff or, I know we don’t have anybody from Environmental here or anything, this is used for, oh we do have somebody from Environmental. This is also part of the fees that go to the ewaste and some of that, and if that program is going to be expanded or continued, I would like to have some dialog on that if I could.”

**Ms. Caroline Hosford**, Environmental Training Specialist, Environmental Resources, greeted the Commissioners and said, “Yes, you are correct that any additional funds could be used for special projects, such as ewaste collection or household hazardous waste remote collections, perhaps more frequently. In the past, there have been discussions about having another [Sedgwick County Waste] Tire Roundup. So there are a variety of projects that could be done with these funds.”

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**Chairman Parks** said, “And the tire roundup, this additional \$80,000 dollars could that fund the Tire Roundup?”

**Ms. Hosford** said, “That might be questionable. Based on the past response, that may not be enough for a really good sized Tire Roundup, although you could perhaps cut it down in scope.”

**Chairman Parks** said, “Okay. I see we have some more discussion. Commissioner Norton.”

**Commissioner Norton** said, “Well, this is really maybe a David or Jill, but in the past, when we started, we set the fee, we went a couple of years and we started building up a reserve, a little bit of carryover, that’s when we lowered the fee and used up some of the reserve to get us down. We didn’t want to use this as a revenue source, we wanted to use it as a service provider for just what we set in motion every year. As I remember, one year, we had enough carryover, that’s when we did the tire roundup because we had plenty of money in reserve to cover it. Is that correct?”

**Mr. Miller** said, “That’s correct, Commissioner. Something that’s been going on for the last couple of years, is back in 2006, the fund balance that we have collected through the solid waste fee reached to a million dollars. That is a very strong financial position to be in, but we recognized that there wasn’t really a reason to be retaining that much of a cash balance. So for 2006, 2007, and 2008, we held the solid waste fees relatively steady. In fact, there was no increase in the 2008 fees so that we could draw down that fund balance. But at this point, we’ve reached where we are projecting that we will retain a fund balance of about half a million dollars annually. We need to retain that amount of the fund balance for the storm debris removal contingency. At this point, there are no special ewaste events that are calculated within these fees. This essentially allows us to return back to a position where we’re collecting essentially the same level of revenues as we are expending, to maintain the same level of services as we have in the past.”

**Commissioner Norton** said, “One of the things I think we’re going to be faced with, is what you talked about, and that’s debris cleanup. I think we’re also, we’re looking now at some stream maintenance, which falls under David Spears, but if you look at it, it’s storm debris from ice storms that have broken off a lot of it and fallen into the stream banks and everything. So debris removal is going to be becoming an issue, and if we have another major ice storm this next year, we may have to really be involved using some of that money to take care of it. That’s all I have, Mr. Chair.”

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**Chairman Parks** said, “And I think that falls in line with some of those mitigation plans that we have and the ramifications of that flow down into the lenders, and that gets into a big quagmire of things with building permits, all the way from building permits to banks that won’t loan because of certain mitigation standards. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Well, I appreciate the opportunity to dialog and to discuss and question staff. My comments at this point are more directed on the issue and not so much questions for staff about where we’re coming from, because I appreciate the comments in terms of the history and how we got to where we are today. But if this is going to be showing up on people’s property tax bills, and there are a lot of people out there who are hurting, they’re hurting badly; homes are being foreclosed upon in this community. That is a tragedy. When we have a charge on a property tax bill and we discuss raising it, this point in time, even when we have reserves, I cannot in good conscience support an increase. Now, if we want to continue at the current levels, I will support that.

But raising this at this time, and I know it’s labeled as a fee, but when I went up to Topeka and testified in front of the Legislature, we had a lot of discussions about the difference between a fee and tax. If you don’t pay your property tax bills long enough, your home or property can end up on a tax sale. I really cannot support an increase at this point in time, especially when we’re sitting on reserves. I know there are some good programs that have been part of this. I want to clearly state for the record why I am going to be casting my vote on this proposal that’s before us this morning.”

**Chairman Parks** said, “That brings up a question that I have of David.”

**Mr. Miller** said, “Yes, Chair?”

**Chairman Parks** said, “This fund balance that has been drawn down, we need this increase to get the fund balance back up to that level?”

**Mr. Miller** said, “We need this increase in order to maintain the fund balance at essentially half a million dollars. In the Solid Waste Fund, what we have budgeted for is \$480,000 dollars for a storm debris removal contingency. If we did not retain the half million dollar fund balance, if there was a need to utilize that budget authority for the storm debris removal contingency, we would not have the cash available to possibly do it. If we set the rates at the same level as last year, essentially, what we would likely be looking at, at the end of 2010, would be a fund balance of about \$400,000 dollars. At some point, we would reach a situation which we would have to reverse that trend. We would no longer be able to continue to draw down the fund balance and we would have to set the

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fees at a level that allowed us to essentially break even or we would have to reduce the type of services that we currently provide.”

**Chairman Parks** said, “Okay. I know this mitigation contract that we have in the mitigation reports that we have, and have to file with the federal government, are very important. If any staff is present that would like to address that, that would be great also. Mr. Manager.”

**Mr. Buchanan** said, “Mr. Chairman, if it would please the Commission, I would want to remind us that in establishing the solid waste fee, we also indicated to all the cities in this County that a portion of the solid waste fee would be used for mitigation of storm debris disposal in their communities. Because we have an independent system of transfer station, there is a charge for industrial landfills; there is a charge for disposing of storm debris. Part of this fee has been set aside to make sure that if and when there’s a storm in this community, be it townships or cities or the County itself that needs to dispose of storm debris, that this fee would be used to offset their costs.”

**Chairman Parks** said, “Okay. Thank you for that explanation. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Yes. David, isn’t it true that the County does have a number of contingency funds that have significant resources in them for extraordinary circumstances, if they were to arise in this community?”

**Mr. Miller** said, “Yes, that’s correct.”

**Commissioner Peterjohn** said, “And money is fungible?”

**Mr. Miller** said, “Yes. Within the general fund there’s a budgeted contingency of roughly \$10 million dollars.”

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

**Chairman Parks** said, “But that would need to be over in that fee for any kind of document to go into FEMA (Federal Emergency Management Agency) or somewhere that says that we do have this money, this half a million dollars, set aside for the mitigation plan then?”

**Mr. Miller** said, “I can’t speak towards the Solid Waste Plan, however, if there was a storm and there was an opportunity to charge back to FEMA for those costs, it would not matter whether the debris removal costs were paid through the solid waste fund or if they were paid through the general fund. We would still be able to charge back to FEMA for that effort.”

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**Chairman Parks** said, “Okay. That does present an interesting point there. Seeing no further discussion, let’s call the vote on the increase on the solid waste fees.”

### **VOTE**

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

**Commissioner Peterjohn** said, “Mr. Chairman, is another motion in order, would it be available, I don’t see why it wouldn’t. I would move that we retain the 2009 levels for 2010 at that amount.”

**Chairman Parks** said, “And I’ll second that. We do have some discussion on that motion.”

**Commissioner Unruh** said, “Thank you, Mr. Chair. Does this take an affirmative motion for us to continue the fee? I mean, if there’s no motion at all, we can’t just continue, we have to have an affirmative?”

**Mr. Miller** said, “That’s correct, Commissioner. The fee has to be readopted every year by July 1st. If a Resolution was not adopted by the Commission, then there would be essentially no fee for 2010.”

**Commissioner Unruh** said, “Okay. Well that kind of puts us in a corner a little bit here. Because if I am not wanting to support the motion because I am in favor of the staff recommendation, but not voting yes on the motion leaves us without a fee, so it’s kind of a deal where I’m a little bit boxed in.”

**Commissioner Peterjohn** said, “Well Dave, we’re missing a Commissioner. Do we want to postpone this for a week?”

**Commissioner Unruh** said, “I would like do that if I thought it would gain my perspective on the thing. I don’t know if we can get there from here. My perspective is that this is a very good way to manage our resources and our responsibilities in such a way that we don’t have to impact mill levy moneys, that we can do this on a fee that’s specific to program and specific to service, it’s 69 cents. So, to me, it seems like an appropriate, logical way to match up costs with revenue and kind of keep it off the mill levy screen. I would still like to find a way to support the staff recommendation. I

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don't think we need to prolong our discussion, so much, as just to kind of find out where Commissioner Welshimer stands on the issue."

**Commissioner Peterjohn** said, "And break the tie."

**Commissioner Unruh** said, "Yeah. Are we in a time frame problem?"

**Mr. Miller** said, "No. as long as it is adopted prior to July 1<sup>st</sup>, we are fine."

**Commissioner Unruh** said, "Okay, so that gives us..."

**Mr. Buchanan** said, "One week."

**Commissioner Unruh** said, "...one week."

**Chairman Parks** said, "We do have a motion and a second. I guess if..."

**Commissioner Peterjohn** said, "Mr. Chairman, I'd be willing to withdraw my motion if you'll withdraw your second."

**Chairman Parks** said, "I'll withdraw my second also. I am, too, like Commissioner Peterjohn said, no matter how you look at it, it comes out on your property tax bill. We have kind of set some goals for ourselves to reduce, keep a line on the taxes, or reduce taxes. I know it's only 69 cents, but an average, but it's a philosophy thing, I guess, that I'm looking at, that it's perceived by many people as a tax increase. I know it goes for good things. I think we need to have a little bit of discussion with our staff between now and next week where some of this ten million might be able to be shifted over to support the necessary half a million dollars for this fund so we don't get in trouble with FEMA or get in a bind with that fund for future mitigation plan use."

**Mr. Buchanan** said, "Will do."

**Commissioner Unruh** said, "Okay."

**Chairman Parks** said, "Any comments from staff?"

**Mr. Buchanan** said, "We'll put it on next week's Agenda and we'll reserve some time Tuesday for discussion at the staff meeting."

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

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**Mr. Buchanan** said, “It might be appropriate for you to defer the item.”

### **MOTION**

Commissioner moved to defer Item H for 1 week and put it on next week’s Agenda.

Commissioner 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

### **I. PUBLIC HEARING FOR THE PURPOSE OF EVALUATING THE PERFORMANCE OF THE SEDGWICK COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT PROGRAM – PECK IMPROVEMENT DISTRICT – SEWER PROJECT, SMALL CITIES CDBG#06-PF-616.**

**Mr. Buchanan** said, “I’m not the pinch hitter, now I’m the utility infielder. This is a grant that we received, in conjunction with Sumner County, in 2002. It was for the, oh, you’re here.”

**Ms. Sandy Ring**, CDBG Administrator, SCKEDD, greeted the Commissioners and said, “Yes.”

**Mr. Buchanan** said, “Sorry.”

**Commissioner Peterjohn** said, “You did turn out to be the pinch hitter then.”

**Mr. Buchanan** said, “No, I just got removed for a pinch runner.”

**Ms. Ring** said, “You did so well the first time.”

**Commissioner Norton** said, “That was a double switch.”

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**Ms. Ring** said, “I’m with South Central Kansas Economic Development [District], also known as SCKEDD. We have been the grant administrator for the Sumner County/Sedgwick County/Peck Improvement District for the sewer improvements in that community. To give a little bit of history on this project, is back in ’97, they put together their minds and said we need to do some improvements for Peck Improvement District. There is raw sewage and there was septic systems that were backing up, the groundwater was not appropriate for those kind of systems. Back in ’97, they started putting some ideas together. They worked with various engineers and planners, in regards to what to do for the community. What ended up happening, after years and years of discussion and grant writing, not only from our office, but some other offices, we had the grand opportunity to be selected as a grant administrator in 2006, at the SCKEDD office. The reason why I’m bringing this in front of you today, is the fact that the grant number 06-PF-616, from the Kansas Department of Commerce, in conjunction with USDA rural development, that that project was still in the works, but the U.S. Department of Commerce, the small communities grant program, in essence, pulled the funds back.

“Due to lack of, first of all, lack of activity in the project from the aspect that the, there is a couple things. One, that the grant was originally going to be, or the project was originally going to be, slightly less than \$900,000. When it did go out to bid, it came out to be \$2.4 million. Obviously, there wasn’t enough funds to fund such a project. Again, we waited. There was a couple of different times that the bid was let out, in hopes that after the gas prices and some of the crisis that it went through, that maybe some of the bids would come in less. Yes, they did come in less, but they are still too high. To give you an example, they were hoping to have the price for the sewage system to be less than \$50 dollars per month for the individuals. For the grant itself, there’s going to be 77 hookups, and there is approximately, if I remember right, about 174 individuals that was going to receive benefits from that.”

**Ms. Ring** continued, “The project went too high. It could have been over a hundred dollars per individual per hookup per month. The Department of Commerce said I’m sorry we’re backing out. What I’m bringing before you today is actually a formalized closeout of such grants. It has to be accomplished within 90 days of their letter, which was dated late April of 2009. I’m presenting that to you because the fact that they were originally, back in 2004, Sedgwick County entered with Sumner County, an interlocal agreement stating that Sumner County is to handle the everyday transactions of such grant, the grant then entailed being with Sumner County and Peck Improvement and Department of Commerce, and Sedgwick County was no longer the active body for which the interaction was being taken. What we have here, though, is that since this is closing out, from the Department of Commerce, that we have to present it to Sedgwick County to also approve that closeout, as well as have a performance public hearing. That is what I’m bringing in front of you.”

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**Mr. Buchanan** said, “Mr. Chairman, it would be appropriate now if you would open the public hearing, take any comments, then close that public hearing, and at that point, authorize the closeout of this project.”

**Chairman Parks** said, “We are in a public hearing for SCKEDD. Anybody that’s in the audience that wants to approach the podium? Seeing none, I don’t like to open these hearing and close them within 30 seconds.”

**Ms. Ring** said, “That’s very typical, though.”

**Chairman Parks** said, “But it is, nobody is out there, so we’ll close the public hearing. We’ll have some discussion from the bench then. Commissioner Norton.”

**Commissioner Norton** said, “Sandy, I understand that even though the grant goes away, the problem still exists.”

**Ms. Ring** said, “The problem...”

**Commissioner Norton** said, “We still have people with failed septic systems, raw sewage going into the ditches, and in fact, I’ve got a call last night at the 11th hour, and I wish somebody had said something months ago, that now there is kind of a feeling that if you are going to have to replace a septic system at \$5,000 dollars, it may be cheaper for the individuals down there to pay their \$50 dollars extra a month and go in that manner. Is there any way to reconstruct or reapply for this grant for Peck because they still got the problem?”

**Ms. Ring** said, “I’m glad you asked. The reason being is, that as of last week, the Peck Improvement District, I don’t know who you received your phone call from, but Dennis Langlois, which is over the Peck Improvement District, also Garey Martin, he was going to be giving you a call yesterday, he said he will be giving you a call today, I was out in the hallway and he told me he had not talked to you yet.”

**Commissioner Norton** said, “Okay.”

**Ms. Ring** said, “So, he will be giving you a call shortly. There is something that’s coming up with Kansas Department of Commerce, where there is another round for water improvement sewer projects. Typically, there is a round in September, so it could be reapplied. I have spoke to the Kansas Department of Commerce, for which they said that the project is still eligible to be reapplied. That being said, there is also another project that is available through the stimulus

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program that the Department of Commerce can utilize, that this is a good candidate for that. And that is an application due June 24th. Now, that's next Wednesday."

**Commissioner Norton** said, "Does that go through the Department of Commerce or does that go straight to the feds?"

**Ms. Ring** said, "That goes to the Kansas Department of Commerce."

**Commissioner Norton** said, "So if I was to assist those individuals in Peck, the one thing I need to assist them with is getting organized to be able to apply for that grant, that stimulus money..."

**Ms. Ring** said, "That is correct."

**Commissioner Norton** said, "...as quickly as they can."

**Ms. Ring** said, "Yes. But we are in the works with, right now, is the engineer to get the plan, because he obviously, a \$2.4 million project does not, when it is higher like that, the community has indicated that it was pretty high, but it sounds like you got some other conversations."

**Commissioner Norton** said, "Well, and that's just from two people that may be willing to pay. That doesn't mean that all..."

**Ms. Ring** said, "77..."

**Commissioner Norton** said, "170, yeah."

**Ms. Ring** said, "Yeah, or 174 individuals."

**Commissioner Norton** said, "Yeah."

**Ms. Ring** said, "There is, the application can be submitted, and I can work diligently to get that submitted to Department of Commerce by June 24th and have it hand delivered on June 24th. What we would need do, though, is we would have to have, yet another public hearing next Wednesday. So, things that I have on my list is to go into the next conversation and ask if I could put it on the Agenda for next Wednesday, discussion and public hearing."

**Commissioner Norton** said, "I think that's appropriate, from my perspective, because the problem has not gone away. Even though the grant was there and the money was too much and it failed to qualify, I think we still need to solve the problem somehow for those folks because it's becoming a safety issue..."

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**Ms. Ring** said, “Most definitely.”

**Commissioner Norton** said, “...with failed septic systems. I mean, you just can't have that many of them going out and have it be a problem. I'm certainly okay with that. I don't know if that requires a motion or if we can just put it on the Agenda.”

**Mr. Buchanan** said, “I'll take care of it.”

**Commissioner Norton** said, “Okay.”

**Ms. Ring** said, “Okay. The things, though, I can say that we're very opposed if we did not have the existing environmental assessment cleared and the existing survey cleared, then we would not be able to do the June 24, because there is, this is, for the stimulus program, it is definitely set up for programs that can flip within 120 days, get construction under way. With that timeline, I do feel that we could be done, because it would go out for bid again.”

**Commissioner Norton** said, “Is it appropriate, Mr. Manager, to go ahead and make the motion to submit the grant closure and then we'll go through the process of resubmitting?”

**Mr. Buchanan** said, “Yes.”

### **MOTION**

Commissioner Norton moved to instruct staff to submit grant close out documents to the Kansas Department of Commerce (KDOC).

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

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Chairman Parks Aye

**Ms. Ring** said, "Thank you."

**Commissioner Norton** said, “Thank you, Sandy.”

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

**J. REPORT OF BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF JUNE 11, 2009.**

**Ms. Iris Baker**, Director of Purchasing, greeted the Commissioners and said, "Meeting of June the 11th results in seven items for consideration today. First Item;

## **1. AUTOMATED BRINE MAKER – PUBLIC WORKS FUNDING – PW SALT BRINE PRODUCTION STORAGE & APPLICATION**

“Recommendation is to accept the low proposal from Key Equipment & Supply Co. in the amount of \$67,835 dollars. Item 2;

## **2. TRAFFIC SIGN BLANKS – PUBLIC WORKS FUNDING – TRAFFIC OPERATIONS & MAINTENANCE**

“Recommendation is to accept the low overall bid from US Standard Sign in the amount of \$14,644 dollars and establish contract pricing for one year with two one-year options to renew. Item three;

**3. CISCO EQUIPMENT AND MAINTENANCE for INTRUST BANK ARENA –  
DIVISION OF INFORMATION AND OPERATIONS  
FUNDING – ARENA SALES TAX**

“Recommendation is to accept the low bid from Alexander Open Systems in the amount of \$924,269.52. Item 4;

**4. EMC AVAMAR INSTALLATION, TRAINING and SUPPORT – DIVISION OF INFORMATION AND OPERATIONS  
FUNDING – NETWORKING AND TELECOMMUNICATIONS**

"And I am going to recommend that this item be deferred for further review. Item 5;

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- 5. JUSTICE INFORMATION SHARING SOLUTION – VARIOUS  
DEPARTMENTS**  
**FUNDING – CRIMINAL JUSTICE INTERCHANGE SOFTWARE**  
**EQUIPMENT RESERVE**

“Recommendation is to accept the low responsive proposal from Metatomix, Inc. and establish contract pricing for five years. Item 6;

- 6. MEMBERSHIP RENEWAL – COMCARE  
FUNDING – COMCARE ADMINISTRATION**

“Recommendation is to accept the quote from the Association of Community Mental Health Centers of Kansas, Inc. in the amount of \$35,863.86. And item 7;

- 7. RENTAL OF EXCAVATOR – PUBLIC WORKS  
FUNDING – TRUCK CREW**

“Recommendation is to accept the quote from Murphy Tractor & Equipment Company for a monthly rate of \$4,000 dollars. Be happy to answer any questions and recommend approval of these items.”

**Chairman Parks** said, “Seeing many questions about this, I am going to try to do something, maybe kind of unique here. I’m going to make a motion that we take each one of these items individually for discussion.”

**MOTION**

Chairman Parks moved to take each item separately on the Board of Bids and Contracts.

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

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Commissioner Welshimer	Absent
Chairman Parks	Aye

### **Item 1:**

#### **MOTION**

Commissioner Norton moved to take the Board of Bids and Contracts recommendation on Item 1.

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	Absent
Chairman Parks	Aye

### **Item 2:**

#### **MOTION**

Commissioner Norton moved to take Item 2 of the Board of Bids and Contracts.

Chairman Parks seconded the motion.

**Chairman Parks** said, “In looking at this, David, is this something we’re doing around the Arena for, basically for the City of Wichita streets or what’s...”

**Mr. David Spears**, Director of Public Works, greeted the Commissioners and said, “No, no. This is our annual purchase of...”

**Chairman Parks** said, “Okay.”

**Mr. Spears** said, “...sign blanks that we use throughout the County.”

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**Chairman Parks** said, “These are all County projects, this is nothing to supplement anything, for any city?”

**Mr. Spears** said, “I don’t want to say for any city. There could be some small cities that we have connecting links through that there might be a sign for.”

**Chairman Parks** said, “Okay. And they meet all the standards of reflectivity and the...”

**Mr. Spears** said, “Commissioner, these are just the blanks. We put the sheeting on these. We just buy the aluminum. These are the aluminum blanks for the different sizes of signs.”

**Chairman Parks** said, “Okay. Thank you very much.”

**Mr. Spears** said, “You’re welcome.”

**Chairman Parks** said, “That explained that a little bit to me.”

**Commissioner Peterjohn** said, “Mr. Chairman, I have a question for David too. Could any of these blanks end up be being used for signs in and around the Arena?”

**Mr. Spears** said, “No. No one asked us to sign anything around the Arena.”

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

**Chairman Parks** said, “Okay. Seeing no further questions, call the vote on this one.”

### **VOTE**

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

### **Item 3:**

### **MOTION**

Commissioner Norton moved, for the purpose of discussion, accept the recommendation for

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the Board of Bids and Contracts on Item 3.

Commissioner Peterjohn seconded the motion.

**Chairman Parks** said, “A motion and a second on that. Discussion. Can you kind of explain some of the multilingual things that are going on with the phone system that...”

**Ms. Baker** said, “Cisco Equipment?”

**Chairman Parks** said, “Yes.”

**Ms. Baker** said, “Yeah. This is a project that entails all of the equipment, the telephone systems, the back end, the software that’s necessary for the equipment and maintenance, support of the equipment, and this will all go into the downtown Arena, the Intrust Bank Arena. Since this is a County owned facility, Cisco is the County standard so it’s being configured to meet the County standard.”

**Chairman Parks** said, “Can you kind of explain to me on number 24 of that bid, the exchange 2003 in English, French, German, Japanese?”

**Ms. Baker** said, “The multilingual?”

**Chairman Parks** said, “Yes, what is that?”

**Ms. Baker** said, “I can let the project manager, or Richard can address it, explain the need for it.”

**Mr. Richard Vogt**, Chief Information Officer, DIO, greeted the Commissioners and said, “I believe that in a lot of these titles, and there’s multiple things that are being purchased, that we’re just using the text from the company, from Cisco, this is what they titled it. I don’t think we have any anticipation of using any other language except English. It’s just the name of the product.”

**Chairman Parks** said, “Okay. Thank you. See a couple other questions on this item. Commissioner Norton.”

**Commissioner Norton** said, “No. I’m done.”

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

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**Commissioner Peterjohn** said, “Iris, this is all going to be paid for out of the sales tax funds and do you have any idea, I presume, and please correct me if I’m wrong, how does this bid compare to what we anticipated? Is this above or below?”

**Ms. Baker** said, “It is a little below the budget, in terms of what we projected, and as part of your backup, at Bid Board meeting, was also discussion on additional needs to make this project complete, if you will. For example, servers, UPS (uninterruptable power supply) system, which is a battery backup system, those items still need to be bid and bought as well. But at this point in time, we think we are all right with the budget, related to those items, as well.”

**Commissioner Peterjohn** said, “So this does not include any battery backup if there was a power outage?”

**Ms. Baker** said, “Correct.”

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

**Chairman Parks** said, “Does this include any of the, to put it in simple terms, ESPN (Entertainment and Sports Programming Network) or TBS (Turner Broadcasting System) or any of those systems that would try to hook up to the phone system or to the other systems...”

**Ms. Baker** said, “That data in cabling is part of construction in the Arena project.”

**Chairman Parks** said, “Okay. Just wanted to make sure that we had adequate functionality for those entities that would want to come in and do broadcasting from that location. Any other questions on number four?”

**Commissioner Unruh** said, “I think it was number three.”

**Chairman Parks** said, “Number three?”

**Commissioner Peterjohn** said, “Number three.”

**Commissioner Norton** said, “Yeah, it’s number three.”

**Commissioner Peterjohn** said, “You’re right.”

**Chairman Parks** said, “Number three. Excuse me, number three. Call the vote.”

### **VOTE**

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

### **Item 4:**

#### **MOTION**

Commissioner Norton moved to defer on Item 4 on the Board of Bids and Contracts.

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	Absent
Chairman Parks	Aye

### **Item 5:**

#### **MOTION**

Commissioner Norton moved to, for the purpose of discussion, accept the recommendation on Item 5 on the Board of Bids and Contracts.

Chairman Parks seconded the motion.

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

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**Commissioner Peterjohn** said, “Yes. I was interested in, if Iris, if you could kind of walk through here, because did we have the numbers, I am not convinced from just looking at the numbers that were provided to us as part of the backup, that we appear to have a bidder that had a lower bid than the one that’s recommended. I’d appreciate an explanation.”

**Ms. Baker** said, “We had one bidder that submitted, that was lower than the one recommended, and that particular bidder did not meet all the requirements of the bid. The major requirement not met was a bid bond, which we do require on projects that take a lot of time to evaluate. The bid bond protects the bid in making sure we get to a contract. He did not fulfill that portion of the work, so he wasn’t considered.”

**Commissioner Peterjohn** said, “I was concerned because we had, apparently there were five people that I guess we sent out proposals to. Three responded, but two declined to provide a bid bond, so we were down to a single source, in effect.”

**Ms. Baker** said, “Two, two. Well, yes.”

**Commissioner Peterjohn** said, “Two, two declined.”

**Ms. Baker** said, “Two declined to provide a bid bond. Of the five, two declined a bid period.”

**Commissioner Peterjohn** said, “And that was clearly called out in the RFP (request for proposal)?”

**Ms. Baker** said, “Yes. Yes, it was.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chair. Iris, didn’t we have a demonstration of this just a couple of weeks ago by potential users?”

**Ms. Baker** said, “Yes, and we actually had a couple of demonstrations, since at this point, we’re only looking at one source, we wanted to make sure that it fully met the needs and that it was going to do the job for us. So we actually had a couple of demos. We had one, ourselves internally, and then we also viewed the system as it was set up in another county.”

**Commissioner Unruh** said, “Okay. Well my understanding is, I didn’t get to see that demo, but everyone thought that this could be a real asset to us in the management of our criminal justice system, both from the folks across the street at the City of Wichita and our different units here.”

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**Ms. Baker** said, “Okay.”

**Commissioner Unruh** said, “The fact that it’s been demoed by users, rather than just the technical people, I think, is important as they see the value of it. I believe this is really important for us to move forward in managing our jail overcrowding population and so I’m going to be supportive of it.”

**Chairman Parks** said, “I see no one here from the Sheriff’s Office at this time, but maybe DO [DIO] can answer this question. Rich, is this going to be the magical one that does it, that brings it all together so when we have somebody come into the jail, that’s under the care of COMCARE, they will be readily identified when that name is put in the system?”

**Mr. Vogt** said, “They’re all magical until I start using them.”

**Chairman Parks** said, “I can see the cha-ching, cha-ching here that’s magical.”

**Mr. Vogt** said, “The nice thing about this particular bid was that it is capable of going beyond strictly criminal justice systems and can tap into, like a COMCARE system. The original phase one, kind of this first group, has just been with criminal justice entities. They do background checks and prepare for PSIs (pre-sentence investigative report) and those kinds of things. Yes, it has the functionality to tap into those other systems, whether those systems are criminal justice or not. It has that ability. Yes.”

**Chairman Parks** said, “Okay. I think that was one of the big things that we’ve been working towards from the first day I was here, so thank you. We have a motion and second on that. Any further discussion? Call the vote.”

### **VOTE**

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

### **Item 6:**

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### **MOTION**

Commissioner Norton moved to approve the recommendation for Item 6 on the Board of Bids and Contracts.

Commissioner Unruh seconded the motion.

**Chairman Parks** said, “Have a motion and a second on this. We do have a little discussion. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Iris, I was recently briefed on this and discovered that this was a sole source contract and has been historically, is that your understanding too, Iris?”

**Ms. Baker** said, “Yes.”

**Commissioner Peterjohn** said, “Do you have any idea, in terms of the backup papers says that this contract provides a variety of services for the County; education, networking and lobbying, is there any differentiation within the bid in terms it of how much is spent for each of those items; education, networking or lobbying?”

**Ms. Baker** said, “No. All of the reference is to the mental health side of the business, not countywide, just the mental health.”

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

**Ms. Baker** said, “So the organization is a collection of activities all yearlong for that division.”

**Commissioner Peterjohn** said, “That’s all I’ve got, Mr. Chairman.”

**Chairman Parks** said, “And this is a one year contract I see?”

**Ms. Baker** said, “It is one year, yes. This is an annual membership.”

**Chairman Parks** said, “I certainly hope that we’re getting our bang for the buck out of this with the lobbying and I will certainly be monitoring this next year to make sure that we do it. Have a motion and second. Any further discussion? Commissioner Peterjohn.”

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**Commissioner Peterjohn** said, “I agree with your sentiments, Mr. Chairman. Something I’ll be looking at closely. I am very much concerned where we end up with tax funds getting spent for certain activities and lobbying is at the top of my list.”

**Chairman Parks** said, “I would like to entertain the possibility of Tom Pletcher coming and giving some information on this.”

**Ms. Baker** said, “Okay.”

**Mr. Tom Pletcher**, Clinical Director, COMCARE, greeted the Commissioners and said, “This is, from the administration of COMCARE's perspective, really one of the strongest memberships and expenditures that operationally that we can do in a given year. This association speaks with a collective voice for all of the community mental health centers across the State of Kansas. This is the organization that then provides that advocacy and support in Topeka, in collaboration with the Kansas Association of Counties as well as with State SRS (Social and Rehabilitation Services) in the negotiation of contracts with them so that it is a collection as opposed to each center individually doing that.

“We fully respect your interest in knowing that we’re getting the bang for the buck with that. I think that, while this last legislative session was truly unique in many ways for many of us, this association was able to reinstate a five million dollar statewide reduction from a recommendation from the Governor’s budget that would have translated to roughly, just based on how things were apportioned, about \$700,000 dollars to COMCARE. So for this particular amount, I would say that this year we clearly got our money’s worth from this membership. I think that historically, we have seen that consistently on a year to year basis, but would be happy to assist you in any way in providing any information that you need along those lines.”

**Chairman Parks** said, “Does this go on a population basis?”

**Mr. Pletcher** said, “Yes, the fee is based on both budget and population and that is why COMCARE, reflecting Sedgwick County and Johnson County, are the two highest membership fees within the organization.”

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**Chairman Parks** said, “And I am taking it that those two organizations have like legislative issues?”

**Mr. Pletcher** said, “Well, we have some unique issues here, yes. There are, collectively, many similarities.”

**Chairman Parks** said, “Okay. Commissioner Norton.”

**Commissioner Norton** said, “Well, first of all, where it’s called lobbying here, I really see it as advocacy for services for our citizens; because if the money dries up, coming down to us for mental health, it’s an advocacy for individuals that need mental health services, so I see it in a little bit different manner other than all that call it lobbying. I also know that there is a lot of education that goes on for your mental health providers as far as making sure that the standards and the protocols and the disciplines within mental health is consistent throughout the state. We take great advantage of that, in that educational realm.”

**Mr. Pletcher** said, “Yes, sir. That is the case. This organization fully supports the development of standards of treatment for particular issues and makes sure that all of the centers have the availability to that information so that we can consistently deliver quality services across the State.”

**Commissioner Norton** said, “And then it has to do with networking, which I know that we have a strong influence around the State of making sure there are good evidence-based practices, that we partner with mental health associations in the smallest county and the largest county, so that that networking is very important to the continuation of mental health as an important issue in our State. Would that be?”

**Mr. Pletcher** said, “Yes, sir, that is very much the case.”

**Commissioner Norton** said, “Okay.”

**Chairman Parks** said, “And you do get some CEUs (Continuing Education) out of this membership, also?”

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**Mr. Pletcher** said, “Yes. There are both conferences and other trainings that are provided that do give the opportunity for staff to obtain CEUs.”

**Chairman Parks** said, “And are in fact required by the State well, that are unfunded mandates?”

**Mr. Pletcher** said, “Well, each discipline does have the requirement for training, yes.”

**Chairman Parks** said, “I editorialized there again. Seeing no further discussion, let’s call the vote.”

### **VOTE**

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

### **Item 7:**

#### **MOTION**

Commissioner Norton moved to accept the recommendation on Item 7 on the Board of Bids and Contracts.

Commissioner Unruh seconded the motion.

**Chairman Parks** said, “I have a motion and second. Discussion, maybe a little bit of explanation from Public Works on this.”

**Mr. Spears** said, “We had an excavator that a wheel broke off of it. It’s non-fixable, they can’t find parts, and we have to have an excavator. That’s why we’re going out for rental.”

**Chairman Parks** said, “Is this the one commonly called the Badger?”

**Mr. Spears** said, “The existing one was, that’s the...”

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**Chairman Parks** said, “Is that a brand name?”

**Mr. Spears** said, “Well, I think it’s a Caterpillar Badger it’s called, yes.”

**Chairman Parks** said, “So this one is going to be Hitachi?”

**Mr. Spears** said, “That’s right, out of John Deere.”

**Chairman Parks** said, “Okay.”

**Mr. Spears** said, “It was the low bid.”

**Chairman Parks** said, “And this was, was it low and best bid?”

**Mr. Spears** said, “It was \$4,000 dollars per month and I think that’s the lowest one.”

**Chairman Parks** said, “Okay.”

**Ms. Baker** said, “It’s low, we did evaluate it, and it’s very similar to the current equipment that Public Works has.”

**Chairman Parks** said, “I see. So we are renting this because we have another one that’s down, that’s actually in the capital outline we’re going to be buying one later this year, is that correct?”

**Ms. Baker** said, “Yes. We’ll be bidding one shortly.”

**Chairman Parks** said, “Okay. So this is not something that’s going to be a long-term thing then?”

**Mr. Spears** said, “Well...”

**Ms. Baker** said, “Correct. We anticipate using it until the other product comes in.”

**Mr. Spears** said, “...but then if we have five of them and another one breaks down, we still may need one. I mean, I wouldn’t say categorically that you wouldn’t need it for a long period of time. We would have to evaluate that.”

**Chairman Parks** said, “Okay. Certainly would encourage those bids to get in as soon as possible on that. I know we were talking about drainage a while ago, and this is one of those pieces of

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equipment that is crucial to get around those bridges to help clear some of the debris around those bridges. Commissioner Norton.”

**Commissioner Norton** said, “Well, in fact, a drainage ditch project down along Meridian, in my district, is one of these pieces of equipment that is now being maintained that stopped a project that will eliminate some major drainage projects in another area of my district, so I’m going to be very supportive. I guess the question would be, is there not a provision for an emergency purchase of a piece of equipment, if it’s that important?”

**Ms. Baker** said, “There is.”

**Commissioner Norton** said, “It seems like renting just doesn’t make sense if we know we need the piece of equipment, that it’s critical.”

**Ms. Baker** said, “In terms of acquisition, it has to be budgeted. There has to be funds available. At this point in time, there was one in the plan; we just hadn’t gone forward with it yet. This request was made to us, we looked at it, we got some quotes, we got one in and now we have been directed to move forward. So we will be moving forward with the bidding process on an excavator.”

**Chairman Parks** said, “I guess those time periods can run anywhere up to six months, from what I understand from Kevin, talking to him a little bit earlier on [inaudible].”

**Ms. Baker** said, “They can, and we’re adding some language to the bid document that says that part of the evaluation criteria is going to be on delivery time. Part of the impact would be the continuation of having to rent this piece of equipment.”

**Chairman Parks** said, “Okay. Maybe those CIPs we were looking at and studying now while we’re in the budget process, could include some kind of a schedule or some kind of a replacement for this particular type of vehicle that we’re dealing with here. It looks like that, I don’t want to defame the Public Works, but it looks like we have some junk here that we need to replace and maybe we need to accelerate some of that. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Yes. This question is for Dave Spears. Did we have this item budgeted at all for replacement or is this something, let me ask you, I guess, more generically for your entire department, do you have payment or set-asides for a depreciation or anything out of your budget that would set aside funds for these durable good items that will operate, obviously, for a number of years but eventually then have to be replaced?”

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**Mr. Spears** said, “We pay the Fleet Management approximately \$3.3 million dollars per year for our equipment and part of that money goes for set-aside for each of the pieces of equipment that we have. There should be a system to systematically replace this equipment on a routine basis. Apparently, that is not happening in all cases, so I believe my opinion is, but you need to talk to Fleet Management, my opinion is there is a flaw in this system.”

**Commissioner Peterjohn** said, “Well, let me ask, is the two, I guess they’re Caterpillar Badgers, how old are those pieces of equipment, Dave?”

**Mr. Spears** said, “It’s 15 or 16 years old.”

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

**Chairman Parks** said, “I think that bears another discussion, maybe at a staff meeting or something coming up pretty quickly, also, that we can address some of those issues with Fleet and see if we can just have them explain to us what their system is. I appreciate Dave being forthright on that and it’s my understanding that there’s about \$4.1 million in for capital outlay for equipment, \$3.3 of it is coming from Public Works, that’s where our big machines are from, the cranes and the badgers and big equipments is from that. Any further discussion? Seeing no further discussion, call the item.”

### **VOTE**

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

**Ms. Baker** said, “Thank you.”

### **CONSENT AGENDA**

#### **K. CONSENT AGENDA.**

- 1. Approve the revised Interlocal Agreement for the distribution of funds under the Recovery Act: Byrne Justice Assistance Grant (JAG) Award '09.**

## **Regular Meeting, June 17, 2009**

2. Consideration of a Memorandum Of Understanding that includes Sedgwick County and the Wichita Children's Home as the lead agency applying for U.S. Department of Justice grant funding.
3. General Bill Check Register for the week of June 3, 2009 – June 9, 2009.

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

### **MOTION**

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

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

### **VOTE**

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

### **L. OTHER**

**Chairman Parks** said, “I think we need to go ahead with our ‘other’ at this time, and then we will have a brief Executive Session. The only thing I had under ‘other,’ I wanted to be as brief as I could on that, we had a lot of discussion today, maybe more than is normal about things, but this is, we’re also in budget time, and we’re certainly trying to look at every savings that is out there and we’re not trying to micromanage, we’re trying to just make sure that these things are efficient and where we might have looked at \$160 or \$35,000 bid differently before, I think this Commission is taking on the task and looking at it and seeing that we absolutely have a need for it, instead of a want for it, and are serving the taxpayers to that fullest ability. Having said that, any other discussion? Commissioner Peterjohn.”

## **Regular Meeting, June 17, 2009**

**Commissioner Peterjohn** said, “Why thank you, Mr. Chairman. Just as a quick ‘other’ item, soon next month we’re going to have a dedication up at Sedgwick County Park for some new playground equipment, but let me tell you, by the time we hold that dedication, the kids are putting it to really good use right now, and if the weather doesn’t get too hot, I was, in fact, surprised, I took my kids out there and I was surprised at the number of kids who were out there, putting it to good use, and for the viewers and people watching this meeting later, I think it’s a tremendous community resource and the civic partnership of private notforprofit played a key role in. And we’re going to have a more formal dedication for that equipment, but it’s a great opportunity to go up to Sedgwick County Park and if you’ve got children of the right age, there’s some fun stuff up there for them.”

**Chairman Parks** said, “Okay. Any other items? Seeing none, do I hear a motion to go into Executive Session?”

**Commissioner Unruh** said, “Pardon me, may I make a suggestion?”

**Chairman Parks** said, “Yes.”

**Commissioner Unruh** said, “To recess to the Fire District before we do Executive Session.”

**Chairman Parks** said, “I did not have a Fire District in my packet. Had a little glitch there, I didn’t get a Fire District in my packet, so let’s do that, to get that out of the way because we do have some staff here and Chief would certainly be able to use his time better that way.”

**The Board of County Commissioners recessed into the Regular Meeting of Fire District #1 at 11:28 a.m. and returned at 11:34 a.m.**

**Chairman Parks** said, “We are adjourned from that one and back into the Regular Meeting of the Board of County Commission. Now, I guess we’re ready for the...”

### **MOTION**

Commissioner Norton moved that the Board of County Commissioners recess into the Executive Session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice and personnel matters of nonelected personnel and that the Board of County Commissioners return to this room from Executive Session no sooner than 11:55 a.m.

Commissioner Unruh seconded the motion.

## **Regular Meeting, June 17, 2009**

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

**The Board of County Commissioners recessed into Executive Session at 11:35 a.m. and returned at 11:55 a.m.**

**Chairman Parks** said, “We are out of Executive Session, discussed a matter of legal, no binding action was taken. Anything else to come before the Commission? Seeing none, is there a motion to adjourn?”

### **M. ADJOURNMENT**

#### **MOTION**

Commissioner Peterjohn moved to adjourn the meeting.

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	Absent
Chairman Parks	Aye

There being no other business to come before the Board, the Meeting was adjourned at 11:56 a.m.

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

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**KELLY PARKS**, Chairman  
Fourth District

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**DAVID M. UNRUH**, Commissioner  
First District

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**TIM R. NORTON**, Commissioner  
Second District

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**KARL PETERJOHN**, Commissioner  
Third District

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**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

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**Kelly B. Arnold**, County Clerk

APPROVED:

July 15, 2009