

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

## **REGULAR MEETING**

**August 12, 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, August 12, 2009, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. William P. Buchanan, County Manager; Ms. Jennifer Magana, Deputy County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; Ms. Iris Baker, Director, Purchasing; Col. Michael Stover, Undersheriff, Sheriff's Office; Mr. Chris Chronis, CFO; Mr. Ron Holt, Assistant County Manager; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Kevin Myles, Director, Fleet Management; Mr. Sherdeill Breathett, Economic Development; and Ms. Katie Asbury, Deputy County Clerk.

### **GUESTS**

Mr. Jerry Winkler, parent of a military academy nominee  
Captain Randy Landen, Wichita Police Department, Sedgwick County Law Enforcement Memorial Board President  
Mr. Greg Sevier, Chairman, Arena Sales Tax Oversight Committee  
Mr. Brad Hart, Premier Processing, LLC  
Ms. Lisa Corr, Kansas Grown Farmers' Market

### **INVOCATION**

Observed by a moment of silence.

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES**

Regular Meeting July 15, 2009  
Regular Meeting July 22, 2009  
All Commissioners were present

**Chairman Parks** said, "You've all had a chance to read those minutes. What's the will of the Board?"

### **MOTION**

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Commissioner Welshimer moved to accept the Minutes as read for the Regular Meetings of July 15, 2009, and July 22, 2009.

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

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

**PROCLAMATION**

**A. PROCLAMATION DECLARING AUGUST 12, 2009 AS US MILITARY SERVICE ACADEMY DAY.**

**Ms. Kristi Zukovich**, Director, Communications, greeted the Commissioners and said, "I'll read this for the record.

**PROCLAMATION**

**WHEREAS;** young high school students are faced with many choices for advanced educational opportunities; and

**WHEREAS;** U.S. military academies provide young men and women the opportunity to develop intellectually and create the foundation for careers in the armed forces in service of our nation; and

**WHEREAS;** a nomination is a prerequisite for being considered for an appointment to a U.S. military academy; and

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**WHEREAS;** nominees must achieve high physical, academic and leadership standards of the academies, that challenge even the most accomplished individual to reach for a new level of success; and

**WHEREAS;** each year, a select group of outstanding young Kansans are nominated to attend the prestigious Army, Navy, Air Force and Merchant Marine military academies, with 17 Sedgwick County students nominated for classes starting in 2009; and

**WHEREAS;** all of these academy nominees, instilled with the core values of honor, courage and commitment, will be the future leaders of our fine country.

**NOW, THEREFORE, BE IT RESOLVED,** that I, Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim August 12, 2009, as

**‘U.S. Military Services Academy Day’**

in Sedgwick County, and encourage all Sedgwick County citizens to recognize the outstanding young people who have been nominated and those selected to attend our U.S. military academies and commend them for their future service to our country.

“And it’s dated August 12, 2009, and signed by the Chairman, Kelly Parks.”

**MOTION**

Chairman Parks moved to adopt the proclamation.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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**Chairman Parks** said, “And we do have some parents here. I’ll ask them to stand today. We appreciate your service and your service to the community and your children’s service to the country.”

**Ms. Zukovich** said, “Commissioner, if we would have Jerry Winkley, and he is here to accept the Proclamation.”

**Chairman Parks** said, “Yes, yes he is.”

**Mr. Jerry Winkley**, parent of a military academy nominee, greeted the Commissioners and said, “Thank you for recognizing these young people. I believe they make Sedgwick County and Kansas proud. The path they’ve chosen is a rigorous one, physically and academically. We’re very proud of them and excited to see the things that they will do for our country in years to come as well. And I appreciate each of these parents and what they mean to this community and of the young people that they have helped raise. Thank you very much.”

**Chairman Parks** said, “Thank you, Jerry. I know Mr. Seitz has a student, a son, at the Air Force Academy and I didn’t get to visit with the other people there and what academy is represented there? So we have three Air Force, good strong base with that and McConnell Air Force Base here and we appreciate them and we just appreciate all the hard work that your students have done there at the Academy. Any other comments?”

**Commissioner Welshimer** said, “Well, I have one.”

**Chairman Parks** said, “Okay. Go ahead.”

**Commissioner Welshimer** said, “I used to live near the Air Force Academy for a while in Black Forest, Colorado Springs, so I’m familiar with a lot of the activities there.”

**Chairman Parks** said, “There’s certainly going to be a lot of hard work. I know a couple of them are certainly first time out there and they get out in 105 degree heat on the tarmac and start running, they realize that that is some physical rigor, as well as academics, and we’re certainly proud of them and thank them for their service to the country. Thank you. Next item.”

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**B. PROCLAMATION DECLARING AUGUST 2009 AS KANSAS FARMERS' MARKET MONTH.**

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

**PROCLAMATION**

**WHEREAS;** farmers' markets nationwide provide opportunities for hundreds of thousands of producers to sell directly to millions of customers wanting fresh food. In turn, these customers support farmers, while tending to their own health, building their local communities and strengthening their regional economies; and

**WHEREAS;** more than 4,800 farmers' markets across the country offer consumers farm-fresh, affordable, convenient, and healthful products such as fruits, vegetables, cheeses, herbs, fish, flowers, baked goods, various meat products, and much more; and

**WHEREAS;** farmers' markets are crucial tools for sustainable urban and rural development initiatives. Locations of farmers' markets are deliberately being integrated into community development plans as an added-value asset for infrastructure support, investing in the belief that healthy, well run markets make for healthy, well run communities; and

**WHEREAS;** in our rural areas, farmers' markets preserve the local agriculture heritage and identity while providing jobs and community building initiatives. Farmers' markets are also a prime example of how local businesses can successfully stimulate local economies.

**NOW, THEREFORE, BE IT RESOLVED,** that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby recognize the month of August, 2009, as

**'Kansas Farmers' Market Month'**

as promoted by the Kansas Rural Center to further awareness of farmers' markets and of the contributions farmers make to daily life in Kansas and to encourage the people of Sedgwick County to know that when you buy a tomato, peach, ear of corn or fresh bread at the farmers' market, you are buying it because it probably looks good and tastes even better. But, you're also buying into your health, your community and your economy.

"And it's dated August 12, 2009. It's signed by the Chairman, Kelly Parks."

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**MOTION**

Chairman Parks moved to adopt the Proclamation.

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “And we do have...”

**Ms. Zukovich** said, “We do have Lisa Corr...”

**Chairman Parks** said, “...somebody in the audience to accept this?”

**Ms. Zukovich** said, “...and she is here to accept the Proclamation. As we all know, Lisa tells us many of the benefits of farmers’ markets.”

**Chairman Parks** said, “Lisa, I will say, when you step to the podium there, you have about 30 minutes if you need it.”

**Ms. Lisa Corr**, Kansas Grown Farmers’ Market, greeted the Commissioners and said, “Thank you, sir. I think I can do it in maybe 30 seconds. We want to thank you very much for recognizing ‘Kansas Farmers’ Market Month’ and a little bit of information about our market. I think several of you have been there and attended. I see a lot of our County people out there every Saturday. We’re located at 21st and Ridge Road Saturday mornings from seven to noon. Our market is approximately 25 years old and we have 130 members now in our market. We really appreciate being able to use the Extension Office area as our location. Bev Dunning and her staff are just so accommodating and so helpful to us. We can’t thank them enough for all that they do. And I did find out that the Kansas Grown Farmers’ Market was started by the Extension Service, as well as, I believe, the Home and Garden Show; so that’s just one more added thing that we can recognize the Extension Service as being such a valued benefit to our community.”

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**Ms. Corr** continued, “We have our Customer Appreciation Weekend this Saturday. We’d like to invite all of you out. Our grill guy, Tom Rodgers, will be there. He takes meat products, bread and fruits and vegetables from all of our vendors and grills those and they’re all free samples to our customers. So we’d like to invite you out this Saturday, and all the other Saturdays, we’re there until the last Saturday in October. But, again, thank you for recognizing all of the markets in Sedgwick County. I’m not sure, but I think we have eight markets now that participate in Sedgwick County. It’s a growing fact.”

**Chairman Parks** said, “Well, I thank you for that and certainly farmers are the backbone of this country and they always say, don’t complain about the farmers if you’re sitting down at the dinner table, so...”

**Ms. Corr** said, “That’s right, sir. I grew up that way.”

**Chairman Parks** said, “We are certainly appreciative of the farmers, and especially the farmers’ market, and what time did you say that started?”

**Ms. Corr** said, “From seven a.m. until noon.”

**Chairman Parks** said, “I probably won’t be there at seven, but I do plan on being there later in the morning.”

**Ms. Corr** said, “Sounds good.”

**Chairman Parks** said, “Any other comments?”

**Commissioner Welshimer** said, “Well, you need to be there early if you’re going to get the good stuff.”

**Chairman Parks** said, “Well, I realize that.”

**Ms. Corr** said, “She’s right.”

**Commissioner Welshimer** said, “Maybe before seven, I’ve learned that.”

**Chairman Parks** said, “Later in the fall there’s quite a run on certain things.”

**Ms. Corr** said, “Yes.”

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**Chairman Parks** said, "Seeing no further action."

**Ms. Corr** said, "Thank you again."

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

**Commissioner Welshimer** said, "Thank you, Lisa."

**APPOINTMENTS**

**C. PARK TOWNSHIP.**

**1. RESIGNATION OF HENRY BOCK, JR. (COMMISSIONER PARKS' APPOINTMENT) AS THE PARK TOWNSHIP CLERK.**

**Ms. Jennifer Magana**, Deputy County Counselor, greeted the Commissioners and said, "Item C-1 is the resignation of Henry Bock, Jr. as Park Township Clerk. Actually, no action is needed for this resignation, because what has happened is the position's actually been vacated through his moving away from Park Township. I recommend no action's needed and that you proceed to Item C-2."

**Chairman Parks** said, "So we're not going to address that because no action is necessary, so read the next item."

**2. RESOLUTION APPOINTING MIKE NIGG (COMMISSIONERS PARKS' APPOINTMENT) AS THE PARK TOWNSHIP CLERK.**

**Ms. Magana** said, "I recommend you adopt the Resolution appointing Mr. Nigg."

**MOTION**

Chairman Parks moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

**Chairman Parks** said, "We have a motion and a second. This is hopefully a long line of tragedies that we'll try to avert from filling these positions due to some unfortunate circumstances in Park Township, so hopefully we won't have to address this again. Seeing no other action, call the vote."

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**VOTE**

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

**D. RESOLUTION NOMINATING DWIGHT GREENLEE (COMMISSIONER PETERJOHN'S APPOINTMENT) TO THE WICHITA AIRPORT ADVISORY BOARD.**

**Ms. Magana** said, "Commissioners, this Resolution nominates Mr. Greenlee, the City actually makes the appointment, I would recommend you adopt this Resolution."

**MOTION**

Commissioner Peterjohn moved to adopt the resolution.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, "Is he here to take that?"

**Commissioner Peterjohn** said, "No."

**Chairman Parks** said, "He's not present, he'll get sworn later. Okay, thank you."

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**PRESENTATION**

**E. LAW ENFORCEMENT MEMORIAL OF SEDGWICK COUNTY, INC.**

**VISUAL PRESENTATION**

**Col. Michael Stover**, Undersheriff, Sheriff's Office, greeted the Commissioners and said, "I'm also extremely proud to serve on the Executive Board for the Law Enforcement Memorial of Sedgwick County. As you can see, I also have my backup officer, Captain Randy Landen, with the Wichita Police Department, who serves as our Memorial Board President. How did we get here today? Certainly, it's my great pleasure to be here and have an opportunity to discuss with you this morning and bring you up to date on this very important project of our memorial, which many of you know we've been working on for quite some time. We looked at the statistics for the last couple of decades and we saw that each year, on average, approximately 140 officers are killed in the line of duty in our country. Now, fortunately, in 2008, the number didn't reach near that average, but still, 41 officers were killed while protecting their respective communities across the country. The news is a little better here in Sedgwick County in that we haven't lost an officer since about 2000. However, in the last 139 years of law enforcement in our community, 28 officers from the Wichita Police Department, the Sedgwick County Sheriff's Office, the Clearwater Police Department and the Derby Police Department all paid the ultimate sacrifice while protecting and serving our local community.

"To that end, in about 2002, then Sedgwick County Sheriff Gary Steed and Wichita Police Chief Norman Williams, asked that a volunteer committee be formed and that committee be comprised of members of both agencies, as well as several non law enforcement representatives, to form such a committee to explore the possibility of building a memorial locally to honor those fallen heroes. So in January of 2002, we formed that committee. In March of '03, the committee incorporated as a 501(c)(3) or nonprofit entity. In August of 2003, the Wichita City Council approved to donate some land right there on City Hall property at the corner of Central and Main as our memorial site; July of 2005, we selected a local artist and worked to complete a memorial design; August of 2005, we began the arduous task of raising a little over a half a million dollars; 2008, while working with the artist, a clay sculpture was completed and the molding process began, and I'll discuss that sculpture a little bit later and give you a little more information about it; and then just last month, the bronze statue was completed and we took delivery. We're very hopeful that this fall we'll be able to break ground."

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**Col. Stover** continued, “On this slide here, what you’ll see is the artist’s conception of our memorial. That is a view at the intersection of Central and Main, as I mentioned before. That view is looking to the south and west and you see City Hall in the background and you can see that it pretty much takes up the corner right there of that intersection. A little better viewpoint that gives you an aerial view of the memorial and some elevation views. As you can see, in our memorial the center point creates a badge, or a shield, as we call it. This line here, which we’ll see in greater detail later, would be a black granite bench which would represent the black band that many of us officers wear to honor our fallen officers. You can also see a gathering area in the front. In the upper portion of the slide would represent Central and right along the right side of the slide would represent Main Street. So, again, as you can see, it takes up a lot of the corner and then ties in with the City Hall grounds. Another view looking from the ground at the back of the memorial, from say, City Hall, looking to the northeast, you see the back of our memorial. This view here would show an opposite view looking from the corner, towards City Hall; you see the front of the memorial. We have a little more zoomed in view for you to see here.

“Again, at the aerial portion here, we see where our bronze sculpture will sit as a centerpiece to the memorial. Again, the black bench and our memorial area. You see the black bench here as it would run along in between in the meditation area and these walls would then be where the individual officers’ memorial would be. Each individual officer will have a bronze plaque with their name, agency badge and the date of death, or what we refer to as the end of watch date. You also see a depiction of footwear at the bottom of each of the officers’ memorial. That would be a bronze set of footwear that would be indicative or representative of the era in which the officer served and in some cases, actual bronze castings were taken from the actual footwear that the officer wore. Again, we’re looking at a meditation area which is a place to go and reflect and honor our fallen officers.

“The bronze statue that I mentioned, that you see here, is the completed statue that we just took delivery of. You see the male lion, which obviously represents protection of the community or our serving officers. The female lion represents the protection of the fallen officers in which we memorialize. You also see there two flags, one is the national flag and the other is a state flag. Up close, when you’re looking at this sculpture, you can actually see the great detail in each flag. The flame atop the statue will feature a blue light representing the eternal vigilance of our community protectors and the serving officers that are still serving today. As I stated, we took delivery of that statue just this last month. Local artist Connie Ernatt, who helped us design the entire memorial, sculpted that entire statue from clay and other materials and then she had the painstaking task of cutting it into about 70 pieces so it could be cast into bronze and then it’s all put back together to form the incredible statue that you see there.”

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“As I stated, Commissioners, we started about four years ago with a daunting task of raising a little over a half a million dollars to build this memorial. We’re extremely close, and again, we’re gathering material, we’ve paid for the statue and we hope to break ground in conjunction with the City Hall perimeter project, but we’re not quite there yet. We’re still about \$50,000 short, and again, I appreciate this opportunity to help also get the word out because anyone can donate to the memorial and receive the tax deductible when they contribute there to the Wichita Community Foundation. So, with that, I will be happy to stand for any questions that you may have of me.”

**Chairman Parks** said, “Well, I’m going to make a motion, then we can have some discussion on that motion.”

### **MOTION**

Chairman Parks moved to donate \$10,000 from the County Commissioners contingency fund for the memorial construction.

Commissioner Peterjohn seconded the motion.

**Chairman Parks** said, “Have a motion and second. I felt it fitting when I talked with Randy about, Captain, sorry about that, I’ve known him for a long time, so I use the first name there. When I talked to the Captain about a month ago, since this memorial is going to bear our name, I think that it’s time that Sedgwick County steps up. It’s getting on towards the time of the end of the fundraising and we wanted to be able to put a tangible amount of money in for the construction of that. I do know that there’s some money going to be in the fund for any future upkeep and hopefully we’ll not have to put any more names on there, but that’s kind of a utopic [sic] thought, but the general consensus, I think amongst the Commissioners, is that this is the time to do this and that we certainly would like to open it up for any other questions or comments amongst the Commissioners. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Thank you, Mr. Chairman. I would second your comments and the question I would have of, in terms of the memorial and I hate to focus on it, you said that this memorializes 28 officers, is that correct?”

**Col. Stover** said, “Yes, sir, 28 officers from within Sedgwick County. Again, we’re talking about Wichita Police Officers, Sedgwick County Sheriff’s Deputies, one officer from the City of Derby and one officer from the City of Clearwater.”

**Commissioner Peterjohn** said, “Do you happen to have a breakdown between the County and the City officers?”

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**Col. Stover** said, “Yes, sir, there are 19 Wichita Police Officers in the memorial, seven Sheriff's Officers, and then as I mentioned, one each from Clearwater and Derby.”

**Commissioner Peterjohn** said, “Okay. Well, let me ask you, in terms of the 28, hopefully we won't have to add any more names, but you said there is additional space if that becomes necessary?”

**Col. Stover** said, “Yes, sir. I can show you that here, if the slide show cooperates with me, as you can see in this slide, the depiction of the individual memorial sites for each officer, the back wall that's also curved, would allow for future expansion, as history tells us, unfortunately, we probably will have to add. But that backed curve wall would then give us more options and then on the reverse side of the straight wall that you see, which would be the back of the memorial, as a last resort would give us the option for up to 56 names.”

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

**Chairman Parks** said, “And can you go back to the slide that shows us where to send the donations. Let's put that up on there again.”

**Col. Stover** said, “The Wichita Community Foundation has been a great partner with us in handling our funds, because as you know, Chairman Parks, cops aren't real good at asking people for money, so it's been hard for us to get the donations and so they're taking care of all of our money for the Board.”

**Chairman Parks** said, “I wanted to thank the private sector, also, for jumping in and doing a lot of, and the officers went out to the private sector and gathered this money. About the time this started, I know that there was also the State memorial and that was somewhat confusing and kind of a hard task for us locally here to ask for money for the Law Enforcement Memorial for Sedgwick County when the State was also doing their campaign at the same time. Of course, theirs is finished, and not to step on any toes there, because they do continually take donations for theirs also, however, this one in Sedgwick County could certainly benefit from some more private donations to make it secure. We want to make it 'attention to' the Law Enforcement Memorial through that if they send their donation in.”

**Col. Stover** said, “Yes, sir.”

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

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**Commissioner Welshimer** said, “Well, I am certainly going to send a contribution to the Community Foundation on behalf of this memorial...”

**Col. Stover** said, “Thank you.”

**Commissioner Welshimer** said, “...and I was just looking at the schedule there from the date you started until you got it, you’ve spent seven years getting this done, I’m sorry that...”

**Col. Stover** said, “Yes, ma’am.”

**Commissioner Welshimer** said, “...that was necessary. It just seems to me it should have been easier than that.”

**Col. Stover** said, “We had hoped so as well, but again, it was quite the learning experience and I think Captain Landen would agree with me that we’re ready to move on to the next step, which is our groundbreaking, we’re very hopeful that we’re going to start that in the fall.”

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

**Col. Stover** said, “Thank you.”

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

**Chairman Parks** said, “Any other comments? Seeing none, call the vote.”

**VOTE**

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

**Col. Stover** said, “Thank you.”

**Chairman Parks** said, “Thank you both of you for coming over today and if Randy, if you want to say anything additional to that.”

**Captain Randy Landen**, Wichita Police Department, Sedgwick County Law Enforcement Memorial Board President, greeted the Commissioners and said, “Thank you very much for your

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donation to the memorial. We've had the support of the Commission and the Council from the very start and we very much appreciate it. Thank you all."

**Chairman Parks** said, "You're welcome."

### NEW BUSINESS

#### **F. EIGHTH REPORT OF THE ARENA SALES TAX OVERSIGHT COMMITTEE.**

**Mr. Greg Sevier**, Chairman, Arena Sales Tax Oversight Committee, greeted the Commissioners and said, "As you know, the Commission formed our committee back in 2005 to review the revenues and expenditures of the Arena project. You have our report dated July 21, which is our last meeting. As you know, the original estimate of the project was \$184.5 million. Due to market conditions and changes, as you would expect in a project of this size, and over this extended period of time, it's been revised a couple of times. It was revised to \$201 million in 2006 and then to its current projection of \$205.5 million in 2007, where it stands now. As you know, the funds for the Arena project came from a sales tax that was instituted in '05 that ran through '07 and those sales tax dollars were collected by the State, remitted to the County and put in a special fund in Sedgwick County for the use of the Arena. That sales tax generated a little over \$206 million. If you do the math, there's about a million dollars more revenues than there is budget projections at this point. It's our understanding that the Commission does not revise that budget up to the revenues collected. That million dollar surplus will go into a Parking, Operations and Maintenance (O&M) reserve at that point."

"On the expenditure side, on page two of our report, you'll see that as of July 21, there's been \$144 million expended on the project. There's another \$38 million that was encumbered at July 21, which is monies that had been committed to the project for items that were completed, but the cash hadn't been dispersed yet. For a total of about \$180 million out of the \$205, so the project is getting very close. Good news is, all the categories are at or under budget. I think the project is going to come in, and although there's still work to be done, it appears it's going to come in under all categories, at/ or under the budget, so things are going very smoothly from our committee's standpoint. I want to thank Chris and his staff for all that they do to accommodate us. They provide us with all the reports, all the documentation, anything we've asked for, they've bent over backwards to get it to us. Our committee, in our committee meetings, we review expenditures, we review the documentation supporting the expenditures, we review controls to assure that the expenditures are proper and are properly accounted for and we have had no exceptions with any of these expenditures."

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“We even look at the change orders and we have some people that are very active on going back and looking at change orders and reviewing the change orders and making sure that the change orders were appropriate. I think the committee has been impressed on how few change orders there have been in a project of this size on a percentage basis. I think one would expect more change orders, so I think that speaks well to the planning and design that went on before the project was undertaken because the change orders have been very, very nominal for a project of this size. I’d be glad to answer any questions the Commission has, and as you all know, we meet regularly and you are all welcome to attend any of the meetings and several of you have and do, and certainly welcome to attend any meetings that we have.”

**Chairman Parks** said, “Okay. Are there any questions of the Commission? I did have one. It said in your backup here that the committee has been told additional tax revenue will be added to the Parking, Operations and Maintenance reserve fund. I just wondered if I could have staff, either someone from staff, or someone, tell me how the vehicle is to get it to that location. If Mr. Chronis would, if that was an action that was taken by one of the Commissions prior, or how that determination was made.”

**Mr. Chris Chronis**, Chief Financial Officer (CFO), greeted the Commissioners and said, “What we refer to as the O&M reserve is the default account into which any unspent money will fall once we open the doors on the building. The referendum that the voters approved provided for spending on the project, on the Arena, a lesser amount of spending on the Kansas Coliseum complex and then an Operations and Maintenance reserve. The amount of money that is left over, after we have completed all construction activity, becomes the O&M reserve. So, as it stands right now, we are estimating that the O&M reserve, after we have made allocations for parking, which you know about, will be approximately \$10 to \$11 million when we open the doors on the building, including this extra million dollars of revenue that has been collected over and above projections.”

**Chairman Parks** said, “So if there’s additional parking needs, let’s say, an overlay at the pavilions at the...”

**Mr. Chronis** said, “Yeah.”

**Chairman Parks** said, “...Kansas Coliseum complex up there, that that could be, some of that could be used for that?”

**Mr. Chronis** said, “Absolutely. We do whatever is required to complete the construction activities that are necessary at the two complexes and whatever is left after that becomes the O&M reserve.”

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

**Commissioner Peterjohn** said, "Well, I'm not sure if this is a question for Greg or for Chris, we had some discussions about the pavilions and the fact that \$6 million was spent of what had been anticipated a \$9 million expenditure. We have got an Agenda item a little further down here talking about parking and signage, where it looks like we've allocated \$5 million but spent \$3.1 million and if we do the signage that's projected here, we'll be up to near \$4 million, if we have other things come in below that, is it possible that we may have some other funds coming in that would make that reserve a little bit larger, possibly..."

**Mr. Chronis** said, "Yes."

**Commissioner Peterjohn** said, "...Chris?"

**Mr. Chronis** said, "Yes, that is entirely possible. The number that I cited is based on our current estimates of actual spending in each of those categories, as opposed to the current budget in each of those categories, so to the extent that we under spend a category, or we expect to under spend a category, I've taken that into account. But to the extent that what we actually end up doing is different than what we're currently projecting, the amount of that reserve will change also, so it could go up or down from where we're currently projecting."

**Commissioner Peterjohn** said, "So it's still pretty much a bit of a moving target..."

**Mr. Chronis** said, "Yeah."

**Commissioner Peterjohn** said, "...until we get everything tied up?"

**Mr. Chronis** said, "Yes."

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

**Chairman Parks** said, "Any other discussion? What's the will of the Board?"

**MOTION**

Commissioner Welshimer moved to receive and file.

Chairman Parks seconded the motion.

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

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**VOTE**

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

**G. APPROVAL OF AN AGREEMENT AUTHORIZING A FORGIVABLE LOAN TO PREMIER PROCESSING LLC OF WICHITA FOR ECONOMIC DEVELOPMENT INCENTIVES, AND AUTHORIZING THE INTRA-FUND TRANSFER OF BUDGET AUTHORITY.**

**Mr. Sherdeill Breathett**, Sedgwick County Economic Developer, greeted the Commissioners and said, “I would like to say really, in spite of the tough economy, that I’m excited that I can bring before you a company that is delighted to locate their expansion here in Sedgwick County. From the coast of California, Premier Processing, it’s a subsidiary of Roberts Tool, it’s a California machine company and through the combined efforts of GWEDC (Greater Wichita Economic Development Coalition), Sedgwick County, Kansas Department of Commerce, the City of Wichita, they are a processing house for machine parts, primarily in the aerospace sector. They have chosen Wichita to be that location for the expansion. The cost benefit analysis conducted showed a positive return on our investment and exceeds our minimum standard of 1.3. One hundred new jobs will be created with an average salary range of \$34,000. We have representatives Mr. Adam Lynch and Mr. Brad Hart here as well standing with me in attendance and we would just, at this time, open up for any questions that you might have for us.”

**Chairman Parks** said, “I believe the item number says approval of an agreement authorizing, but actually we’re going to be adopting the Resolution.”

**Mr. Breathett**, “The Resolution. That is correct.”

**Chairman Parks** said, “Okay.”

**Commissioner Peterjohn** said, “Mr. Chairman, would we want to proceed with a motion first...”

**Chairman Parks** said, “We do.”

**Commissioner Peterjohn** said, “...or open for discussion?”

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### MOTION

Chairman Parks moved to adopt the Resolution for the forgivable loan and authorize the Chairman to sign.

Commissioner Peterjohn seconded the motion.

**Chairman Parks** said, "Have a motion and second. Now we can have some further discussion. Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Yes, I very much appreciate you folks coming out today and I want to state for the record, as a person who one time lived in California, welcome to Kansas to Mr. Lynch and Mr. Hart, I believe? I had some just general questions. Was your company founded in California and how long have you been out there?"

**Mr. Brad Hart**, Premier Processing, LLC, greeted the Commissioners and said, "Roberts Tool Company since 1954 and it's been very successful. We compete with even some of the local machine shops. What we're really trying to do is make the whole industry a lot more competitive with the metal finishing, we're working with Cessna and some of the other primes and our partners are actually a lot of the local machine shops here that we have partnered with. We think this is a real game changer in the aerospace industry. Timing wise, things would have been more business a year ago, but talking to all the companies, this is the time to be more competitive. So we're prepared to do it even in these tough times."

**Commissioner Peterjohn** said, "Well, welcome to Wichita and Sedgwick County."

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

**Commissioner Peterjohn** said, "I mentioned this because it's been interesting, I've followed very closely the dialog in the Wichita Eagle the last couple of weeks with the comments from Mr. [Dave] Trabert and Mr. [Doug] Stanley concerning how we can best market our community and attract more firms from out of state. We're working very hard to create a very positive climate for not only bringing business in here like yourselves but also expanding our local business base and doing what we can to make the climate better, so all I can say is welcome to Kansas, gentlemen."

**Mr. Hart** said, "Thank you very much and I would say, you've done an excellent job, not just the County but the State and the local, California could learn a few things on how to work together to

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help business. I commend you on that. Thank you very much. We look forward to doing business here.”

**Chairman Parks** said, “Well thank you for your kind words and welcome to Sedgwick County...”

**Mr. Hart** said, “Thank you.”

**Chairman Parks** said, “...and if there’s further things that we can do to assist you in any way, feel free to contact us or our staff. Seeing no further discussion...”

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

**Chairman Parks** said, “...let’s call a vote.”

**VOTE**

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

**Mr. Breathett** said, “Thanks, Commissioners, appreciate it.”

**Chairman Parks** said, “Thank you.”

**Mr. Hart** said, “Thank you.”

**H. AMENDMENT TO CITY/COUNTY COORDINATION AGREEMENT, INTRUST BANK ARENA EVENT PARKING.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “On December 16, 2008, the County and the City entered into a coordination agreement outlining the desire of the County and the City to formally establish cooperative actions that address parking improvements that respond to the accessibility of users of the new Intrust Bank Arena. In that Agreement, the County agreed to reimburse the City up to \$5 million from the Arena sales tax funds for actual expenses associated with making these improvements. The final design for the construction of the new parking, or improvements to existing parking, has been completed and that design construction is estimated to cost \$3.1 million.”

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**Mr. Holt** continued, “On February 25, 2009, the County and the City entered into a coordination agreement outlining the desire of the County and the City to formally establish cooperative action, again, addressing way-finding improvements that respond to the accessibility of users of the new Arena. In that Agreement, the County agreed to reimburse the City the actual cost of constructing all of the way-finding improvements that would be identified for the Arena. And the final design for the construction of new way-finding signage for the Arena has been completed by the City. This report was presented to you on July 21 at a staff meeting. Gary Janzen from the City of Wichita presented the report.

“At that time, it was reported that it’s been determined the need for 103 signs. There are four demand message signs: three single face, one double face sign. These will be individually placed at four different parking lots. There are 66 vehicular way-finding signs that will be related to parking lots A, B, C and D. Those lots were identified and presented to you in that report by Gary Janzen. Sixteen pedestrian way-finding signs have been identified that will be in between the Arena and these lots giving pedestrians directions, and especially important at night after an event, back to the parking lot in which they have parked.

“There are 11 legend way-finding signs. These signs relate to the Arena neighborhood. So these are 11, again, what we call legend way-finding signs. It’s a new design that was presented to you; it’s a symbol that identifies the Arena neighborhood. Then there will be six freeway signs on I-135 and on east and west Kellogg, north and south 1-35, before you enter into downtown and on east and west Kellogg. The amount for these signs are not to exceed \$850,000. Again, the signs will be located generally within the same boundaries for the existing way-finding signs; that’s Kellogg, Seneca, I-135 and Central. The project will include, as I mentioned before, signs establishing a new Arena neighborhood district with specific directions to four designated parking areas.

“The highway signs are being coordinated, and will be approved, by the Kansas Department of Transportation (KDOT). Today, Commissioners, we are asking you to amend the County-City coordination agreement on Arena event parking to reimburse the City up to \$850,000 for the actual cost of constructing the Arena way-finding related signs as a part of, to be taken out of, the initial \$5 million that had been approved in the original Arena event parking coordination agreement. That’s the request, and I would, Commissioners, ask that you approve the Amendment, authorize the Chairman to sign and I’d be happy to answer any questions you might have.”

**Chairman Parks** said, “What is the will of the Board? Do we want to have a motion before we discuss or...apparently not. Commissioner Peterjohn.”

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**Commissioner Peterjohn** said, "Question. I've got some questions for Mr. Holt. Could you go through and give me an explanation, in terms of we've got a little over a hundred signs and with a budget of as much as \$850,000, that's a little over \$8,000 per sign. These are not only fairly expensive signs on average, but my understanding is that includes the installation and that's a significant part of that cost, am I correct in that?"

**Mr. Holt** said, "That's correct. That's the fabrication of the signs as well as the installation of the signs. Remember, almost all of these signs will be placed in already improved areas which means that you have to bore through concrete sidewalks to get to them or street easements, curbs. And also in Kansas, the depth of the sign post is an important aspect and some of these; they're significant signs in width, which means the depth of the post will be significant as well. I don't have the specific dimensions for that, but it does include not only fabrication, but also the installation of all of these signs as well."

**Commissioner Peterjohn** said, "And some of those signs also are electronic, so there's an extra cost on that as opposed to just a plain vanilla metal sign of some sort."

**Mr. Holt** said, "That's correct, Commissioner. Four of these signs have electronic message boards on them and one of those four is a double-sided electronic message board."

**Commissioner Peterjohn** said, "There's been a lot of concern in some recent articles and discussions about the availability of parking. I noticed a memo that next month Carl Walker Parking is doing presentations on September 21 and September 22. I believe the one on the 22nd is over at City Hall, could you kind of give me kind of a quick walk through, in terms of if there's any way that you could provide reassurance for the folks who say we don't have adequate parking in and around the Arena; why you think there is adequate parking and how these signs are going to help make that happen?"

**Mr. Holt** said, "Yes, Commissioner. Going back a bit, a group called Walker Parking in 2007, as a part of the Arena project development project, was engaged to look at parking for the Arena in downtown Wichita. And at that time, they looked at this core area of downtown, Washington to Seneca, Kellogg to Murdock, was their study area. They determined that within that study area, both private and public, there are over 32,000 parking spaces. During the day, eight to five, Monday through Friday, during the weekday, during the workday, about 52 percent of those parking spaces are utilized. During the evenings and weekends, of course, that number reduces dramatically. So we have in that broad core area, a number of parking spaces and a number of them certainly weeknights and weekends are vacant."

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**Mr. Holt** continued, “They further refined that study to look within a four block area, because in their experience, four blocks would be reasonable walking distances for events, even in northern cities, like sometimes the weather, we would look at Wichita as being that sometimes based on the weather, so within four blocks there’s over 9,000 private and public parking spaces within that four block area. What we did then, out of taking that information, we had an internal parking review group; we had two City Council members on that team, we had two County Commissioners on that team along with City and County staff; we spent several months taking a look at that study, refining those numbers and ended up with a goal, a two level goal. One level was to develop parking solutions for 80 percent of the event needs at the Arena. In looking at that information, and refining the data, it was determined that we would need 2,400 parking spaces within four blocks that would meet the needs of 80 percent of the events at the Arena. That means that you’re looking at attendance of 7,200 or less, three people per car, a 2,400 parking space. In looking at what’s available within that four block area, that City owned property and/or existing parking lots, we determined 1,800 of those, including the spaces that are being built on the Arena site, would be addressed in publicly owned parking and that we would need to work with private owners to develop that other 600 parking spaces.

“So we have been working on that information, working from that information, and that’s where we came to you with the Arena Event Parking Plan back in December, came to the Commission back in December with the Arena Event Parking [Plan] that the publicly owned land that the City owned, a couple of those lots, they were empty lots, and needed new parking added to them. A couple of those needed reconfiguration of the lots and added spaces. That’s where the up to \$5 million for whatever kind of accessibility improvements, including parking, would be needed to meet those needs. Those projects have been bid by the City and our contractor has been selected and hopefully here in a couple of weeks we’ll see construction start on lots, what we’re calling, what we’ve deemed lots B, C, and D. B Lot is the old Allis Hotel site at Broadway and Williams Street. There’s an existing lot there. It’s going to be expanded and reconfigured, that will be a Lot B designated for the Arena. The City owns vacant property at Emporia and Lewis. There will be a parking lot constructed there that will be deemed Arena parking Lot C. There is an existing parking City owns south of Waterman on Mead Street plus additional land there that’s owned by the City, Wichita Transit and the agreement includes taking that existing parking, taking part of the unimproved land there and expanding and reconfiguring that parking so that will be parking Lot D for the Arena.”

“Also, for Arena events, there are a number of part-time volunteer organizations who come to work for the Arena and concessions and that sort of thing, so the other parking that’s being constructed

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will be underneath Kellogg at St. Francis and a parking lot is being constructed there to meet those employee needs, so they're not coming early and parking in the prime parking spaces for patrons. Also, on the Arena site there's around 250 parking spaces on the Arena site itself. So those 1,800 parking spaces within that four block area have been pretty well-defined, documented and will be available. The construction on all of those will be done by mid to late November, certainly, by December.

“The second part of this whole solution is being done with SMG support through another team called Carl Walker Parking. SMG has engaged the services of Carl Walker, City, County staff, along with the Wichita Downtown Development Corporation is working with Carl walker then to refine the specifics of a parking plan, included in that will be a significant communications and public relations effort about parking in downtown. The idea is that that plan would be completed on or before October, middle of October, so that we could have it rolled out and begin communicating that plan by the first of November. Carl Walker has been in Wichita twice now. Back in July they came in and engaged stakeholders in meetings about what their perceptions were with downtown, again wanting to make sure we hadn't missed any of the issues. We did that back in 2007 when we had the other Walker group here, we engaged stakeholders, but they wanted to reconfirm those perceptions.

“They wanted to talk to stakeholders again, so we went through another series of stakeholder meetings with Carl Walker in July. They developed a list of perceptions and will be certainly addressing those concerns and needs, not only in the specifics of the parking plan, but certainly in the communications aspect of that plan. They were also then back in town last week. They had a ten item, what they call guiding principles, based on those perceptions, based on their experiences in other communities, they developed ten guiding principles that they brought back and talked with stakeholders about here is the principles we'll be using to develop the specifics of the parking plan. Stakeholders, again, were brought to the table, were given an opportunity, not only to review those principles, but to have input relative to those principles.”

**Mr. Holt** continued, “Carl Walker then will be back in town, you mentioned, September 21 and the 22, they will be back to Wichita. September 21 will be a community meeting, open house type meeting, where they will have a draft, what we're calling a parking and mobility management plan; the details and specifics of what it means when you're coming to an Arena event specifically. But

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how that fits into all of downtown, specific parts and pieces of a plan that the general public will be invited to the open house, will have an opportunity to review that plan, to have input to that plan. Their plans right now, also are the next day, September 22, to have a meeting and we are working on making that a joint City Council, County Commissioner meeting to review the specifics of that plan as well, so that they can move toward a final plan with the input from the elected, from the input from the open house, they can end up with a final plan on or before the middle of October that then will be available and ready to be communicated beginning November 1 at the latest.

“The other parts and pieces of the overall parking plan, includes what we’re talking about today, is the way-finding. The key component of the way-finding we are talking about today has to do with Arena events. It’s getting people off of the freeway and giving them more than one way into downtown. The idea is there are several ways into downtown; we want to make sure people understand those avenues, especially newcomers to town, so that’s the highway signage. We’ll also be doing a considerable amount of communication starting November 1 about what are the different ways into downtown, especially related to those four parking lots that I identified earlier. Once you get off of the freeways, or you’re coming into town on certain streets, then becomes the legend signs we talked about, the Arena neighborhood signs, giving people direction into the neighborhood from various kinds of ways. So what we’re doing with these way-finding signs is not only managing parking, but we’re also attempting to help with traffic inflow and egress. Once they get into the neighborhood, then becomes the parking lot specific signs, what we called the vehicular way-finding signs, which guides folks to the specific parking lot, if they’ve selected one that they’re going to park in, how they get there, where it’s located.

“These dynamic message signs then help people who haven’t thought about where they’re going to park to make sure they understand that parking is or is not available, because if the parking has all been called for, then people need to know before they drive into the parking lot that it’s full, or that there’s 10 spaces left or 100 spaces left. These dynamic message signs are able to provide that kind of information. The other piece of information it’s able to provide, after an event, if there’s road construction or an accident someplace, it’s able to give the people leaving those parking lots streets and roadways to avoid as they leave the area.”

“Then the last piece of the plan, which we’re still working on, but it’s a part of the Carl Walker review and we’ve had some discussions with you about it, we don’t have all of the fine details worked out but working on those, will be shuttle service, transit service. And for those folks who don’t want to get into the four blocks of the Arena and who want to park further away or certainly for large events, sell out events, where we’ll need remote park and ride locations outside of the downtown area, then another component of the overall plan is the transit plan. And we’re working

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very diligently with the Wichita Transit Authority and with the Carl Walker folks in trying to lay out what the parts and pieces of that plan are to be, and as we move towards this September date, we hope to have that plan pretty much identified and laid out as well, so that we have then a comprehensive parking and mobility management plan that includes a specific infrastructure, parking Lots A, B, C, D, the employee parking relative to people who want to park within four blocks of the Arena, the way-finding component of that plan to help people navigate into and out of the area for Arena events. The way-finding we're focused on, we're presenting to you today, is focused on Arena events, and a third piece of that plan would be the transportation; the shuttle, the transit piece. Then the umbrella fall of that is making sure that you communicate and help people understand what their parking options are and how to access those parking options in the most viable and feasible way."

**Commissioner Peterjohn** said, "Well, my last question would be, you mentioned the 250 spaces, I believe, right around the Arena itself..."

**Mr. Holt** said, "At the Arena site."

**Commissioner Peterjohn** said, "...at the Arena site. Have those been allocated between various users and if so, could you delineate that at all?"

**Mr. Holt** said, "All of the parking on the Arena site will be the people who are buying premium seating, it's been figured into those premium seating costs that they are paying for parking at the Arena site, plus we'll have about, I never can remember the number, I think it's either 24 or 27 handicap, physically disabled related parking spaces, on the Arena site. That's the other piece, we've been in constant communication with the Wichita/Sedgwick County Access Advisory Board to talk about handicap parking and how we ought to address that and we will be further addressing that need within that Lot D, which is just east of the railroad tracks, and they are very pleased with the kind of work we've done there and we'll be incorporating the specifics of that as a part of our overall parking plan."

**Chairman Parks** said, "Okay. Just a little bit of logistics. The lots that are going to have the 24 are going to be right immediately at the Arena though, they're not going to have to cross any railroad tracks with the disabled, correct?"

**Mr. Holt** said, "For those 24 spaces, 16 or 17 of those are right in front of the Arena on Waterman Street and the other 7 or 8, I can't remember the exact numbers, are on the north side of the Arena, in the parking area on the north side of the Arena, so south of William. That's right, they would not have to, once they depart their vehicles, cross the railroad track. As a matter of fact, the expanded need for disabled related parking in the Lot D, which is east of the railroad tracks, the railroad tracks there are elevated, so those folks would be able to get to the Arena, they would have to cross the

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street, they'd have to cross Waterman, but there have been provisions made by the City in building Waterman Street that addresses that need as well with signaling, as well as with the configuration of the curb cuts and so forth there."

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

**Commissioner Welshimer** said, "Twenty seven handicapped spots, I think I got an answer when I asked about that sometime back, we only had 12."

**Mr. Holt** said, "That's correct. In response to requests we had and discussions we had with Wichita/Sedgwick County Access Advisory Board, we expanded that number on site. We had 17, I believe, Commissioner, initially, that exceeded the number that was required, but in discussions with the Wichita/Sedgwick County Advisory Board, they made a compelling case that we should add additional spaces on site, and we've responded to them and done that."

**Commissioner Welshimer** said, "That's a good thing. I'm just curious, we're putting \$5 million into City property for their parking lots, one at St. Francis and Kellogg, and then the other two, those are not going to be free parking, are they?"

**Mr. Holt** said, "For Arena events, those would not be free parking. And I would just indicate to you what we're getting for the money we're putting in those parking lots are, if you will, control of those lots for Arena related events."

**Commissioner Welshimer** said, "So does the fee that's paid for parking there, is that going to go back into the maintenance fund?"

**Mr. Holt** said, "The parking lots, once they are constructed, they have to be maintained, and they have to be staffed during Arena events, so the fees are going to be based on what does it cost to maintain them, what does it cost to staff them, there is another piece we're trying to build into that fee structure, is external to the Arena; inside the Arena the event pays for security. Outside the Arena, there's public safety and security needs and we're looking at, working with Carl Walker, we're working on how we configure the fees for these parking areas that would cover those kind of costs as well. So public safety and security, staffing of the lots, as well as maintenance."

**Commissioner Welshimer** said, "Isn't that something new, too? Because I don't think we were looking at that there for a while."

**Mr. Holt** said, "As we have worked through the details of what it takes to make all of this work..."

**Commissioner Welshimer** said, "Okay."

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**Mr. Holt** said, "...these parts and pieces, the components of the plan, are becoming clear."

**Commissioner Welshimer** said, "You were talking about stakeholders, and the WDDC (Wichita Downtown Development Corporation) plan, up until now we haven't had, the stakeholders are the downtown property owners with business parking lots, right; Pretty much?"

**Mr. Holt** said, "The stakeholder groups were real estate folks and developers, especially those related to downtown. They were event operators, those related to downtown..."

**Commissioner Welshimer** said, "Okay."

**Mr. Holt** said, "...parking owners and operators, again, focused on downtown, and then the government, so elected..."

**Commissioner Welshimer** said, "Okay."

**Mr. Holt** said, "...and others within City/County government."

**Commissioner Welshimer** said, "Well I know we were short 600 parking spaces, and in one of these plans, the last plan, was that that would be privately owned lots, would fill that need. But none of them have come forward to offer that, not even the [Wichita] Eagle's parking lot; is that correct?"

**Mr. Holt** said, "We have had formal inquiry from four different private owners. We've had informal inquiry from two or three others. I am going to be involved in a meeting on this Friday or Monday where we are going to, and again, Carl Walker is helping us think about and develop what an agreement with these folks ought to look like, and we hope to have some draft information by the end of the week, first of next week. As soon as we get that, we will begin to have one-on-one discussions with these private owners about what their interests are, and how the City, really, it's the City as a part of our Arena event parking plan, it is the City that is going to be managing and controlling parking downtown and how the City might, and certainly SMG and the County will be at the table in these initial discussions, about how we might forge agreements with the private parking owners to address these 600 parking needs within four blocks of the Arena."

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

**Chairman Parks** said, "Now, using this \$850,000, that's not going to leave any other funds short?"

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**Mr. Holt** said, “No, sir, and I would just reiterate, it’s up to \$850,000, it is my hope that it’s going to be less than that, but I just keep raising that issue, it’s a part of the \$5 million that we have already addressed. We were very fortunate in the bidding of these parking lots that they came in well under, because we looked at that \$5 million without having any design or anything, we just identified and got best guesses. Then the design came in at \$3.1 [million], and we are even hoping the bids come in even a little less than that, this up to \$850,000 would be taken out of that same funding source.”

**Chairman Parks** said, “I know this is not new to staff, but what I’m about to say here, it was in the staff meeting, some of these large signs that are upwards of \$20,000 a piece along US-54, US-400 highway, the State has opted not to participate in this, is that correct?”

**Mr. Holt** said, “The signage that’s going to be on the highways are specifically related to exit ramps, directional signage. They do not, and will not, participate in those. Should Wichita Convention and Visitors Bureau then want to look at some kind of signage, those will be the green signs you see on the freeways. If the Wichita Convention and Visitors Bureau and the City of Wichita, they want to look at some of the brown signs, which are attraction related signage, I think the State does, they don’t pay for all of them, but I think they do participate in some of those signage costs, but they, at this point, haven’t been too interested in thinking that those were needed for the Arena.”

**Chairman Parks** said, “After our discussion and staff meeting the other day I did take the liberty to check and like Heartland Park has a large sign on I-335 that directs people off of the interstate system up there to US-75 south into Heartland Park and they did provide that sign, so I’m hoping that we can have the State participate in as much of this as possible and get that \$850,000 down a little bit. Anything from the Legal, on the Legal side of it, that you’re aware of that we’re going to be using Kansas or local sign companies to do this work?”

**Mr. Holt** said, “I’m almost certain, Commissioner, that that’s the case, I do know that the design of all this has been done by local folks. PEC (Professional Engineering Consultants) and, it just escaped me the actual graphic artist component of that, but those are all local folks. And if I’m not mistaken, I want to say it’s TriMark [Signworks], but I’ll be in error if I…”

**Chairman Parks** said, “Once we turn this money over to the City of Wichita, I would hope that they would try to seek out a Sedgwick County company, and if not, at least a Kansas company.”

**Mr. Holt** said, “Okay.”

**Chairman Parks** said, “That’s all I had. Any other comments? What’s the will of the Board?”

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**MOTION**

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

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Mr. Holt** said, "Thank you, Commissioners."

**I. DIVISION OF HUMAN SERVICES.**

**1. PROFESSIONAL SERVICES AGREEMENT WITH DR. DEBORAH BERGEN FOR CHILD PSYCHIATRY SERVICES.**

**Ms. Marilyn Cook**, Executive Director, COMCARE, greeted the Commissioners and said, "This is an agreement with Dr. Bergen, who is a board certified child psychiatrist. Dr. Bergen will provide approximately eight hours a week of psychiatric services to include medication evaluations and medication management reviews in COMCARE's children's program. Dr. Bergen will replace half of the hours recently vacated by another contracted psychiatrist who recently left our organization. We are recommending that you approve the Agreement and authorize the Chair to sign."

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

**MOTION**

Commissioner Peterjohn moved to approve the Agreement, authorize the necessary budget adjustment authority and for the Chairman to sign.

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Chairman Parks seconded the motion.

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

**VOTE**

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

**2. AGREEMENT FOR PARTICIPATING MENTAL HEALTH CENTER CONSOLIDATED CONTRACT WITH STATE OF KANSAS, DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES AND ADDENDUM.**

**Ms. Cook** said, “Commissioners, this is our agreement with SRS (Social and Rehabilitation Services) known as the Participating Mental Health Center Consolidated Contract. The Contract designates COMCARE as the local healthcare mental health authority for Sedgwick County and it spells out the array of services to be provided, and the expected outcomes of those services, which are woven into COMCARE's key performance indicators. The Agreement also includes an addendum for payments to Via Christi for emergency room and inpatient service to uninsured involuntary patients. The contract is the mechanism through which COMCARE receives federal block grant dollars, and a grant from the State known as the Family Center System of Care grant, which is actually tobacco settlement money. Due to the State revenue situation, this contract is a little over \$1.2 million less than the contract that we had with SRS last year. We are recommending you approve the contract and authorize the Chair to sign it.”

**Chairman Parks** said, “What’s the will of the Board on this item?”

**MOTION**

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

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Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

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

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

**J. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON AUGUST 6, 2009.**

**Ms. Iris Baker**, Director, Purchasing, greeted the Commissioners and said, "The meeting of August 6 results in four items for consideration. First item;

- 1. CHANGE ORDER #1 – A&E SERVICES TO DESIGN AND CONSTRUCT COURTROOM AUDIO/VISUAL/TECHNICAL UPGRADES AT MAIN COURTHOUSE – FACILITIES DEPARTMENT  
FUNDING – UPGRADE COURTROOM AUDIO VISUAL**

"That recommendation is to accept the change order and amend the contract with LawKingdon Architecture in the amount of \$9,450. Item two;

- 2. WHEEL EXCAVATOR – FLEET MANAGEMENT  
FUNDING – VEHICLE ACQUISITION**

"Recommendation is to accept the proposal meeting specifications from Foley Equipment in the amount of \$195,877. Item three;

- 3. POINT OF SALE SYSTEM (POS) FOR THE INTRUST BANK ARENA – FACILITIES DEPARTMENT  
FUNDING – ARENA SALES TAX**

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“Recommendation is to accept the proposal from MICROS Systems, Inc. for an implementation cost of \$264,521 and establish itemized hardware and license pricing for three years and fixed ongoing maintenance and support costs. Item four;

### 4. **AMENDMENT TO CONTRACT FOR COMMUNICATIONS SERVICES – ZOO FUNDING - ZOO**

“And that recommendation is to accept the change order and amend the contract with SBC to increase the monthly payment. I would be happy to answer any questions and I recommend approval of these items.”

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

### **MOTION**

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

Chairman Parks seconded the motion.

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

**Commissioner Peterjohn** said, “Yes, I noticed that we were in a situation where we have got Items 2 and 3, we did not pick the lowest bid, but there seemed to be factors concerning warranty and immediate availability on both Items 2 and 3 that would make these a better value for the County in the long run, could you get in to some detail on that, please, Iris?”

**Ms. Baker** said, “Sure. Item 2, the wheel excavator, the factors that went into the decision on that particular purchase has to do with specifications, in regard to the need and the use of the equipment, ongoing maintenance costs, operating costs, warranty and, in this case, availability because we are currently leasing a piece of equipment with Public Works to meet their needs. That was some major factors in making that recommendation. And then on Item 3, which is the point of sales (POS) system for Intrust Bank Arena, those factors in the final recommendation had to do with the types of equipment used, the software that’s put in place, how it’s used, the ease of the software, hardware

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maintenance costs, which is a big part of the project that adds a lot of value to that project, and in terms of warranty, how the product was warranted.

“For example, MICROS offers a four-year warranty, it’s on-site warranty, so they have contracted with local representation to be on-site and fix or replace any hardware that’s needed during the four-year term. The warranty that was offered by Radiant Systems is basically a limited warranty, wherein they will warrant the product for a year, but their process is that you have to ship it out to their facility, which is in Alabama, and they will fix or replace, but the warranty does not include any labor costs or the shipping costs. So there would be future costs if we considered that solution. So those were the primary factors that went into that recommendation.”

**Chairman Parks** said, “I do have a clarification on number three, if Mr. Holt could, I believe he has an answer to my question. On number 3, it says the point of sale system for the concession suites, food and beverages, we’re not going to be able to recoup that, but kind of tell us what the, or correct me if I’m wrong on that, the arrangement with Superlative and their initial contract with us on that?”

**Mr. Holt** said, “The Superlative contract is, of course, the naming rights, the premium seating, as well as other advertising related contracts. One of the key components that we’ve always stressed as a part of this project is that fan experience is going to be given a high level of attention as a part of operating the Arena, so that then transfers to SMG and their responsibility relative to running the arena. And we’ve been working very closely with SMG to make sure that the kind of service that they are going to be providing is supported by the equipment in this wonderful facility. And that’s where this point of sale equipment comes into play.”

**Chairman Parks** said, “So Superlative is not going to have anything to do with the concessions at this point?”

**Mr. Holt** said, “That’s right. It will be SMG. And of course now SMG, they have their own concessions folks as well as some of the concessions will be contracted out to some local folks.”

**Chairman Parks** said, “Well, I did receive some incorrect information [inaudible].”

**Mr. Holt** said, “Yeah. Thank you.”

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

**Commissioner Norton** said, “On Item 2, the last line says surplus will be sold in government deals. Because of the difficulty we’ve had this season with equipment being down and having to rent,

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would it not be prudent to keep that last piece of equipment as the backup, even though it's older, it still has functionality, we've spent money repairing it, would it not be good, because that excavator is such an important piece of equipment for all four yards to have one that we could move around, and in fact, have one where we have multiple things going on in districts, which I have right now, to have two excavators going because I've got three projects that are waiting on the one big project to be done and we're doing nothing on the smaller ones, so would that not be prudent?"

**Mr. Kevin Myles**, Director, Fleet Management, greeted the Commissioners and said, "In fact, I had a meeting with the guys from Public Works last week to talk about some changes in possible fleet policy with regards to Public Works and that's something that we'll factor in and we may have some more information for you next week on that."

**Chairman Parks** said, "So has that been put on hold then, the sale to government, Govdeals..."

**Mr. Myles** said, "Yes, we'll put that on hold until we have a chance to examine this a little bit further and bring something back to you for your consideration."

**Commissioner Norton** said, "Kevin, is that conversation going to be more broad on the replacement of all equipment on a certain time table, I know you and I have talked about that, I've analyzed all the data, and it appears to me that we need to get on some kind of a new time table that replaces it quicker..."

**Mr. Myles** said, "Absolutely."

**Commissioner Norton** said, "...one of the difficulties was, years ago, we replaced a lot of it all at the same time, which means it all wears out at the same time, so I know you understand that. Is that going to be part of the conversation we're going to have?"

**Mr. Myles** said, "Absolutely. That was the starting point of the conversation. We are in the process of developing some new time tables for replacement and we're going to do that not only with Public Works, but we're examining all of those policies, because they were put in place in 1997, so we just want to go back and look and see if they still meet the needs of the County and then we'll bring something back to you guys for your consideration."

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

**Chairman Parks** said, "And I have asked Kevin and the Manager to have that at a future staff meeting, also, so we can get some background on that. Commissioner Peterjohn."

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**Commissioner Peterjohn** said, "I just second Commissioner Norton's comments. If we've got projects that are waiting, the weather has made some difficulties, being a little bit wetter than usual; I think it's important to look at this. I was interested, in terms of whether the examination was tied more to the fact that, Kevin, that some of the equipment, and this may be a question for Public Works, if Mr. Spears wants to jump in or not, in terms of the number of years we have on the equipment or the number of hours of actual operation that the equipment has, it seems to be driving this issue more so as we go forward, or maybe something else?"

**Mr. David Spears**, Director, Public Works, greeted the Commissioners and said, "Like Mr. Myles said, we have met with them and we are working on a policy. In fact, I had it here this morning, looking at it before the meeting started, and part of what we're going to try to attempt to do is better pin down years, hours, miles in some cases, and get to where we have a routine replacement of equipment. Like we were talking a while ago, not everything at once, sort of get it spread out a little better and then also get this tied into the budget where it can be budgeted properly. We're working on it, and we look forward to it, and hopefully we can come up with something."

**Commissioner Peterjohn** said, "My comment, I don't have a problem if we buy a whole group of equipment all at once, if we've got sort of a equivalent of a depreciation schedule so we've set aside reserves for it, because there might be the advantage, you know if you buy two excavators at the same time you get a slightly better price break than if you buy one, but obviously you've got to have those reserves set aside and have that functional. I'm glad to see we're working on that, in terms of strengthening the County policy in that area."

**Mr. Spears** said, "Right. Buying two at one time is not a bad thing, but you weren't here years ago, we brought seven motor graders at one time."

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

**Mr. Myles** said, "And one thing that I did want to mention, Commissioners, because I know that, Commissioner Norton, you and I had a conversation about this and it was a part of our conversation with Public Works. When the policy was put in place in 1997, it was more of a blanket policy, so everything with an hour meter was treated the same, everything that accrued mileage was treated the same and some of these pieces of equipment need to be replaced on different schedules, and that's something that we're going to factor in to the new policy."

**Commissioner Norton** said, "That's all I have, Mr. Chair."

**Chairman Parks** said, "I think that's a great way to end this. We have a motion and a second."

**Commissioner Peterjohn** said, "On Item 1..."

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

**Commissioner Peterjohn** said, "...I was curious, I noticed the change order included ADA (Americans with Disabilities Act) design compliance modification schedule, if there's any additional information that you can provide since we've got, this is, I guess, a modification to a previous agreement, and I'm always nervous in these when we've got a, kind of how we got the request for this change, and we're looking at a 20 percent increase, or almost \$9,450."

**Ms. Baker** said, "Right. The initial project involves doing some audio/visual and technical upgrades to the courtrooms in order to get attorneys away from writing on chalkboards and so forth to take care of their business. This particular amendment will address some of the ADA compliance issues that came up in a transition plan that the County had put in place a couple of years ago and in that transition plan, that plan will require future construction work and design work and with staff working with the architects on this project, in order to meet all of the requirements for what is needed for the visual/audio upgrades, the construction is going to go a little deeper than just drilling holes in the walls and doing attachments, and when they started looking at how that was all going to fit together, it became real apparent that by addressing some of the transition plan now, rather than later, will save us money in the long term and it will keep the courts functioning for longer periods of time.

"So the decision was made to go ahead and add that portion of the design work to this project and take care of it now rather than in a year or year and a half from now, because once this work occurs, then you're going to have the courts down again, they are going to lose some time there from scheduling. Our costs are going to be greater because you are going to be repeating some of the construction costs in your remodel, you're going to be tearing out some things and then putting it back, that usually generates in repair issues, warranty issues, having to replace stuff that wasn't originally intended to replace. For example, the flooring; once you put it down, and then if you have to take it up in a year, year and a half, to do some other work then you run the risk of tearing stuff up, having to replace a good portion of it, rather than just putting down what you have taken up. So we're trying to address all of that now. That's what this change is about."

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

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

**Commissioner Norton** said, "Well, I think that's good, prudent use of our time. I see Lindsey Mahoney here today and she's our advocate for ADA kinds of things, and is integrated into every project we do so that we continue to tell the story that we're serious about ADA and upgrades. And

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if we can integrate them in along the way, instead of just making them standalone projects all the time, it really does make good sense, so I applaud you for taking that kind of action in listening to the voice of the ADA, which is Lindsey, advocating for what we need to do to continually improve our facilities, not standalone, but as part of our normal ability to upgrade facilities. So, I think it is a good way to do it. It does require some change orders now; eventually it won't require any change orders because it will just be part of our thought process on every facility improvement that we do, so..."

**Ms. Baker** said, "Correct."

**Commissioner Norton** said, "...good work. That's all I had, Mr. Chair."

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

**VOTE**

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

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

**CONSENT AGENDA**

**K. CONSENT AGENDA.**

- 1. Donation of desk to Bentley Senior Center.**
- 2. Approval of change order for adverse weather condition days for the National Center for Aviation Training project Phase I – Gateway Building.**
- 3. Order to correct tax roll for change of assessment on July 29, 2009.**
- 4. General Bill Check Register of July 29, 2009 – August 4, 2009.**
- 5. Plat.**

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Approved by Public Works. The County Treasurer has certified that taxes in 2008 and all prior years have been paid for the following plat:

**Blaney Addition**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "Commissioners, you have the Consent Agenda before you, and I would recommend you approve it."

**MOTION**

Chairman Parks moved to approve the Consent Agenda.

Commissioner Welshimer seconded the motion.

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

**Chairman Parks** said, "Have a motion and a second, Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Yeah, question for the Manager on Item 2, I notice the weather conditions have been a problem, or we've gone over the threshold on that, I was wondering if there was any additional information, in terms of how that is impacting the project at the National Center for Aviation Training (NCAT)?"

**Mr. Buchanan** said, "The impact is for the Gateway Building, the other buildings started later and so we don't know that we're going to have that kind of impact on the manufacturing and aviation part of it. They started digging in the spring, and it just rained and it was pretty big lakes out there and it caused us some problems, so I think the backup speaks for itself; rain delays, weather delays, caused it and this is one that's pretty easy to document."

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

**VOTE**

Commissioner Unruh	Absent
Commissioner Norton	Aye

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Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**L. OTHER**

**Chairman Parks** said, "Do we have any 'other' comments by the Commissioners? If not, I would like to say that I went out to the pavilions and attended the American Mini Horse Show. I was honored to present the grand awards that they presented to their miniature horses out there; didn't get stepped on, didn't get head bucked or anything like that, so it was a good day for me to put the ribbons around the horses. Can't always say that. During the lunch break, I did want to say also that I took some time and went over to the Britt Brown Arena and there was a gun show going on over there, and I noticed a lot of people carrying in long guns and pistols and other things that they were trading and selling and I, certainly, whoever gets this RFP (request for proposal) needs to realize, I think that is a very viable venue for this kind of an action, and it was air conditioned and it was very well attended, and I think that that's one of those things that we're going to have a tough time to get people that are carrying guns in, especially if they are walking six or eight blocks carrying their guns downtown into a venue in a downtown Arena. So just wanted to kind of throw that out that that was a very well attended event at the gun show at Britt Brown, also. 81 Speedway is having a full schedule this weekend, and like I always say, when they have a special event out there it is the nearest thing to NASCAR (National Association for Stock Car Auto Racing) in Sedgwick County that you can get. Seeing no further action, we do have a Fire Agenda, we will adjourn this meeting and go to the Fire Agenda."

**M. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 10:37 a.m.

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

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**KELLY PARKS, Chairman**

**Regular Meeting, August 12, 2009**

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:

September 2, 2009