

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

### **REGULAR MEETING**

**February 17, 2010**

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, February 17, 2010, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Karl Peterjohn, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Kelly Parks; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Jim Weber, Deputy Director, Public Works; Ms. Jo Templin, Director, Human Resources; Chris Chronis, Chief Financial Officer; Mr. Ray Vail, Director, Finance & Support Services, Aging; Mr. Robert Parnacott, Assistant County Counselor; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

#### **GUESTS**

Mr. Greg Sevier, Chairman, Arena Sales Tax Oversight Committee  
Mr. Max Weddle, Member, Arena Sales Tax Oversight Committee  
Mr. John Stevens, Member, Arena Sales Tax Oversight Committee  
Mr. John Todd, Member, Arena Sales Tax Oversight Committee  
Mr. Charles Peaster, Member, Arena Sales Tax Oversight Committee  
Mr. Bradley Hawthorne, Member, Arena Sales Tax Oversight Committee

#### **INVOCATION**

Led by Pastor Rodger Thompson, NorthWest Christian Church

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **CONSIDERATION OF MINUTES**

Regular Meeting January 27, 2010  
All Commissioners were present

#### **CONSIDERATION OF MINUTES**

Regular Meeting February 3, 2010  
All Commissioners were present

#### **MOTION**

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Commissioner Welshimer moved to accept the Minutes as read for the Regular Meetings of January 27, 2010, and February 3, 2010.

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

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

**NEW BUSINESS**

**A. ADDENDUM NUMBER ONE FOR THE 2010 GROUP MEDICAL INSURANCE PLAN WITH PREFERRED PLUS OF KANSAS (PPK), PROVIDERS OF A HEALTH MAINTENANCE ORGANIZATION (HMO).**

**Ms. Jo Templin**, Director, Human Resources, greeted the Commissioners and said, "This is an amendment to the 2010 contract with Preferred Health Systems (PHS) and Sedgwick County and states the annual rate cap for 2011. This addendum changes the rate cap from 9 percent to 12 percent in the renewal for 2011. The change to the rate cap is a not to exceed 12 percent for 2011. This rate cap increase for 2011 was the result of a negotiated zero cost increase to use Wesley Hospital services in 2010. There is no cost with this addendum and no other change in the current contract with PHS. Kevin Nash, the Benefits Manager, has individually discussed this addendum with you, and I would recommend that you approve this addendum and authorize the Chairman to sign."

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

**Commissioner Norton** said, "I'll make a motion that we approve the addendum, and then I do have a couple of comments."

**Chairman Peterjohn** said, "Go ahead."

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**Commissioner Welshimer** said, "I'll second."

**Chairman Peterjohn** said, "Oh, a second."

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

**Chairman Peterjohn** said, "Sorry."

### MOTION

Commissioner Norton moved to approve the addendum.

Commissioner Welshimer seconded the motion.

**Commissioner Norton** said, "Every year we continue to have to fight the cost of health insurance, and I know the public understands that, both individually and in their businesses. We've spent a lot of time, staff has spent an inordinate amount of time worrying with that over the last few years. As much as we'd like to hold costs in line and flat, it seems like it continues to balloon and be a powerful driver of costs in our Sedgwick County community. I applaud staff for continuing to look at this, but it is part of that whole national debate that we're having about the rising cost of healthcare, and insurance and all of that. So, it is just symptomatic to what we're dealing with nationally right here within Sedgwick County. But I think Jo and Kevin have done a great job trying to figure out how to understand the issue as it affects Sedgwick County employees, which also will keep that debate going on among ourselves as Commissioners on how important that is to the community to continue to figure out how we affect healthcare in our community."

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

**Commissioner Norton** said, "Just a pretty broad statement, but I wanted to be sure that we talked about it a little bit. Thanks, Mr. Chair."

**Chairman Peterjohn** said, "I very much appreciate that, Commissioner Norton, and I'm going to jump in with my own comments, because I agree that one of the biggest cost drivers that we're facing here at Sedgwick County is the healthcare broadly defined expense, and that's over \$20

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million a year, it's over 20 percent of our costs for payroll, and that provides a big challenge. Now, the plus side of this decision that's before us today is the families of Sedgwick County employees, and the employees themselves, are going to have more options, in terms of where they can get medical care and coverage for 2010, but the challenge before us for 2011 remains. I, for one, as a Commissioner, really want to work with everyone on staff, as well as my fellow Commissioners, to try and figure out a way to try and improve health benefits and coverage at as reasonable a price as possible, because for a lot of folks who are Sedgwick County taxpayers, they are struggling to meet their health needs at this time, too, and it's important and incumbent upon us to try and make the system work in a way that will not only benefit our 3,000 employees, but is best for the 480,000 people who reside here in Sedgwick County. We've got a motion before us, seeing no further discussion, please call the vote."

**VOTE**

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

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

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

**B. FINAL REPORT OF THE ARENA SALES TAX OVERSIGHT COMMITTEE.**

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, "In the summer of 2005, the Commission established the Arena Sales Tax Oversight Committee by resolution for the specific purpose of reviewing Arena Sales Tax revenues and expenditures, and insuring the public that taxpayer dollars are being used properly in accordance with the purposes for which the Arena Sales Tax was authorized. That committee has met approximately every three months since that date when they were created. The resolution that authorized the committee provided that it would continue to exist until the 30th day following the date that the Sedgwick County arena is open to the public, and as you know, the first ticketed event for the arena was on January 9th, and so that 30 day period has expired."

**Commissioner Parks entered the meeting at 9:12 a.m.**

**Mr. Chronis** continued, "The committee has provided status reports to you approximately every six months since their original creation, their original report to you, in the spring of 2006, and they are

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here today to give you their final report. I can assure you, as the chief staff liaison with the committee, that they have been very diligent in doing what you ask them to do. They have asked lots of questions about our expenditures, they have challenged the appropriateness of the use of Arena Sales Tax when it appeared to them that it might have been used inappropriately, I believe that we have answered all of their questions forthrightly, and to best of our ability and satisfactorily to them, but Greg Sevier, who is the committee Chairman, is here to give you the final report, and perhaps he can tell you whether or not we've succeeded in giving them all the information they needed."

**Mr. Greg Sevier**, Chairman, Arena Sales Tax Oversight Committee, greeted the Commissioners and said, "I first report to you that, yes, they've provided us all the information we've requested. Chris and his staff have done an excellent job of meeting our requests, and providing us with reports and developing reports that we requested. We were able to find all the documentation we needed, and as Chris mentioned, we asked a lot of questions and always got them answered to our satisfaction. So we felt very good about our relationship with staff and what the county staff did for us. You have a copy of the report and I'll just bring up some highlights. On page 2, you'll see that the original project was at \$184.5 million. As you would expect in a project of this size that lasts over a number of years, that revisions would occur, and revisions did occur with the latest being in the late of 2007, that the project was revised to just over \$205 million.

"On the sales tax receipt side, the actual sales tax collection was just over \$206 million, so about a \$1.5 million in excess of what the last revision was for sales tax collections. I think it also should be noted that the voters were told it was going to cut off at December of 2007; it cut off at December of 2007. There were no sales tax collections for the arena project after 2007, as was promised to them. On the expenditure side, through February 3, the county spent \$189 million on the project, about \$183 million of that was spent on the arena itself, and \$6 million is authorized by the voters for the Sedgwick County pavilions. There has been some money that will continue to be spent on the project. We had a chance to review most of those expenditures, but there's still parking improvements that are going to be made, there's still some reimbursements to SMG, the management company, that need to be paid, so there's still going to be several million dollars worth of expenditures that are going to be incurred in this project."

"But I think what's interesting to note is that there will be an Operating and Maintenance reserve with these excess funds. And if you will look on page 3 of the report, you'll see an accounting for that Operation and Maintenance reserve, or what's referred to as the O&M reserve. The original project, last revision was \$205 million; \$187 million was spent on the arena, \$6 million on the pavilions, a million dollars that was collected in excess of what was budgeted for from sales tax

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revenues, and to date, there's been a half a million dollars of naming right fees collections. So at the date of our report, there's approximately \$13.8 million that will be available for an Operation and Maintenance reserve to support the arena and pavilions in the future.

“Another item that came to the committee's attention, on several different occasions, was whether the arena fund should be charged for indirect costs that the county incurred. As you would expect on this project, there was time incurred by county staff, by county counsel, by yourselves, on the project and the arena fund has not reimbursed the county for those expenditures. The County management took the position, and we agreed on with a vote on a couple of different occasions, that they shouldn't reimburse the county. Those were not costs that were incurred because of the arena, although they were costs that were incurred by staff in working on the arena project. But we felt it was important for transparency purposes in our final report to report to the voters, and to yourselves, how much indirect costs were incurred from 2005 through 2009. The county provided us with a number through their Cost Allocation Plan that \$1.6 million of indirect costs were incurred in the arena project through 2008. It's anticipated that once the audit for 2009 is conducted, that there will be approximately another \$900,000 of indirect costs incurred for 2009. So the total indirect cost incurred by the county for the arena project will be approximately \$2.5 million. Again, those are not being charged to, or will be paid out of, the arena funds, but we wanted to just provide that to the Commissioners as to what those amounts were.

“So, be glad to answer any questions you might have. I would like just to take a moment and recognize the people who have served on this committee, I'd like to go through the names of the people who were on the committee when it completed, and there are several of them here, I'll ask them to stand when I call their names, and then would like to name off the several that served and then, for various reasons, were reappointed throughout the process: Bruce Armstrong, John Clevenger, Bradley Hawthorne, Charlie Peaster, Dolan Pelley, Christina Ricke, John Stevens, John Todd, Max Weddle. Those are the current members, and several of those are here this morning. In addition, George Arnold, Richard Schodorf, Frank DeSocio, Jose Gutierrez, Mark Dennett, Tim Short and Tad Mayhall. Those are all the people who served on this committee, and I can tell you that they served diligently. Our meetings were attended regularly, and it's certainly been a privilege to be of service to the Commission and to the voters of Sedgwick County. I'd be glad to answer any questions you may have about our report.”

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

**Commissioner Parks** said, “On the indirect cost, on that last one, Greg, wasn't that a tie vote on whether to reimburse or not?”

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**Mr. Sevier** said, "I don't believe it was a tie vote. I think in both cases that the second vote was certainly closer than the first, but I don't recall it being a tie. Do you remember, Chris, what that vote was?"

**Mr. Chronis** said, "I don't."

**Mr. Sevier** said, "Was it a tie vote? Okay."

**Commissioner Parks** said, "Okay. Well I do plan on bringing that up at a later time, and with more discussion, I guess, in staff. And I know Commissioner Unruh challenged me to make a motion back six months ago, but I think now is the more appropriate time, or in the next couple weeks to do that. So I think there are others, those others that are in the crowd now, I would hope that the Chairman would allow them to speak if they want to after Mr. Sevier is finished. Thank you."

**Chairman Peterjohn** said, "Well as a matter of procedure I was hoping to give everyone who had served on the committee a chance to discuss their work, because the question I'd have for you, Greg, is we are very fortunate that the sales tax revenue came in substantially above what had been projected, because our costs were well above what that initial estimate had been, and it would have been a much more challenging situation, I believe, for not only the committee, but for everyone involved, if that extra money, sales tax revenue, had not appeared."

**Mr. Sevier** said, "I would agree with that."

**Chairman Peterjohn** said, "And I'd also, my recollection was that we had actually taken in about \$206.5 [million] rather than \$205.5 [million], could you clarify that for me, please?"

**Mr. Sevier** said, "You actually collected \$206.5 [million]. The last revision of what the project was, was \$205.5 [million], so the original estimate was \$184.5 [million]. It was revised on several occasions with the latest one being in the fall of 2007 to \$205.5 [million], and the Commission has made no more revisions to that project since that point. But the sales tax collections continued on into 2008 for 2007, and the actual collections were \$206 million. So it was actually \$1 million of sales tax revenue collected in excess of the latest revision, project revision."

**Chairman Peterjohn** said, "Well I very much appreciate that clarification. And I also appreciate the hard work, because I have attended some of the meetings for the [Arena] Sales Tax Oversight Committee, and this is a truly major and significant event. Sales tax, one cent, had originally been estimated to generate a little over \$80 million a year, and that is a huge amount of money when you think about the fact that one mill on the property tax generates a little bit over \$4 million. And so to spend over \$200 million by Sedgwick County is truly a very, very significant and large amount of

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spending. And to have a group of citizens with staff support from Finance, Mr. Chronis and his folks, and other county staff, Mr. Holt was very active in this, too, I think speaks well, not only for the particular people who are involved, but I think everyone who is involved in the process. And seeing no more questions up here from my fellow Commissioners, I'm going to ask the other folks to come up and at least state their names and get on TV a little bit, and so you can actually get a little bit of face time and appreciation for your hard work on this committee. Gentlemen, who's first?"

**Mr. Sevier** said, "I mean, you haven't been quiet in the meetings, so don't be quiet now."

**Mr. Max Weddle**, Member, Arena Sales Tax Oversight Committee, greeted the Commissioners and said, "I'm going to speak a little bit about, not only the finances, but there was another charge that was brought to us, that we were to monitor the progress, and we did that by reviewing the change orders. And in the process of reviewing those change orders, it became pretty apparent that the number and scope of those change orders was well below the industry standard. Now, the county got lucky in timing this thing, as far as the finances were concerned. There was a \$24 million swing up instead of down. If they had been two or three years off, it might have been down, and the challenge would have been, as you said, would have been a lot worse. But in this change order business, another thing became apparent, and that was that the team that was put together; the design team, the contractors, and a gentleman who deserves an awful lot of credit, his name is Larry Pasinka, he was the man on the street down there, on the floor, on the basement, whatever, that kept the thing glued together. And I'm an old guy that used to do that in the airplane business and I can tell you that this was amazing how well that construction went, how small the change orders were, and how smooth it went as far as coming into it. He was on under budget, under schedule, and that allowed the people to get in there and play with their new toy for about a month before the public got there. And in that respect, the county needs to bottle that lesson, and if they ever build anything else, number one on the list is Mr. Pasinka, if he's around, and number two is whatever the synergy was, and the processes that they had in place to control this, needs to be documented and repeated, because it worked very, very well. Thank you."

**Chairman Peterjohn** said, "Thank you. I see four other..."

**Mr. Sevier** said, "John?"

**Mr. John Stevens**, Member, Arena Sales Tax Oversight Committee, greeted the Commissioners and said, "It was really a pleasure to work on this committee. And I just have to say, Chris Chronis is absolutely an outstanding person, and I don't think we ever asked him a question he didn't get the answer to completely, or way over what we were looking for, and I just enjoyed working with him. I enjoyed working with Ron Holt, he answered our questions, and I also agree with what Max just

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said. It was quite a team. The project, as large as it was, was outstandingly done. And I think you have a project there to be proud of for years to come. I would say one more thing. We were looking at a gentleman who came up here from Oklahoma City to put in the ice skating rink, or the ice on the floor there, and he said he'd been in the business 17 years, and he'd never seen the outstanding technology that we have in this project. And that made you feel good, because we've done some things right there, and so we have a project to be proud of, and thank you for letting me participate in it."

**Chairman Peterjohn** said, "Thank you. As one of my appointees, Mr. Stevens, I very much appreciate your service."

**Mr. John Todd**, Member, Arena Sales Tax Oversight Committee, greeted the Commissioners and said, "My comments will be very brief. I think the thing that impresses me, I think it was an excellent process of citizen monitored transparency and accountability, and I think I compliment the Commission for setting it up this way. And Chris Chronis, I echo John Stevens' comments about Chris Chronis and his staff doing an excellent job of providing the numbers for us. Thank you."

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

**Mr. Charles Peaster**, Member, Arena Sales Tax Oversight Committee, greeted the Commissioners and said, "I attended many of these oversight committee meetings, not being a member of it, and I appreciate Commissioner Parks finally appointing me to that committee to where I actually...my questions that I asked previously, being a member of the committee, were answered when I sat in the room and I asked questions along with the people that were part of that. You've heard several comments by other members of that committee and by resolution we know it goes away effective February 8th. But my personal opinion is, that for transparency, I believe that you guys should set up a committee to oversee, actually two committees; one to oversee the pavilions and the other one to oversee the Intrust Bank Arena at least for another year, because according to the SMG contract, monthly you're supposed to be receiving a report on what events took place at the arena and the amount of money made for that. And there's several things in the contract that I believe should be monitored by the public. And with that, thank you for allowing me to serve on this committee."

**Chairman Peterjohn** said, "Mr. Peaster, as a constituent of mine in Eagle Township, thank you very much for your participation and your comments this morning. I think we've got one other member of the committee?"

**Mr. Weddle** said, "Mr. Chairman, I forgot something that I need to add a little levity to this. I was wandering around on the internet and I came across an Intrust Bank Arena tickets, maps, event seating chart, ticket brokers, and it has a whole list of all the events that are going to be there. Well being in fine print, I got my magnifying glass out, because it started saying Intrust Bank Arena,

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Park City, Kansas. I said, wait a minute. Did the committee miss something? So I kept looking and finally got to an address down here, and the address for the Intrust Bank Arena is, and I quote, 'Park City, Kansas,' that's the location, '1229 East 85th Street North, Park City, Kansas, 67147.' Now, 67147 is the zip code for Valley Center. So the question I'm going to pose as the last act of the committee members is, where is this bugger?"

**Chairman Peterjohn** said, "Well, in any large project there are always a few glitches, and it looks like, once again, Mr. Weddle, you found one."

**Commissioner Parks** said, "If I could comment to that while that's fresh on our minds. I think some of those are those renegade ticket companies out there that I, too, have went on there and found where it says Valley Center, also; Intrust Bank, Valley Center, so not to be confused to the public."

**Mr. Brad Hawthorne**, Member, Arena Sales Tax Oversight Committee, greeted the Commissioners and said, "And I very much appreciated the opportunity of serving on this committee. The transparency that we were shown was outstanding. All of our questions were answered in a timely and considerate manner, and I would like to thank you very much for the opportunity of serving the residents of Sedgwick County on this committee. Thank you."

**Chairman Peterjohn** said, "Well thank you for your service. Thank you all, and for the folks who aren't here this morning, I want to express my appreciation for those who served. This committee was in place long enough that we had a number of folks, like Mr. Peaster, weren't there at the beginning but were there at the end, and there were other folks who were there at the beginning and weren't there at the end, and we thank them all."

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

**Chairman Peterjohn** said, "Okay. Do we have a motion to receive and file?"

### MOTION

Commissioner Welshimer moved to receive and file.

Commissioner Parks seconded the motion.

**Chairman Peterjohn** said, "Motion and a second. Commissioner Welshimer."

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**Commissioner Welshimer** said, “Well, when I look out at the people who are here from the committee, I see not only an oversight committee, but I see an oversight over us, because they look into everything we do. And I’m very assured that had there had been any problem whatsoever, not going right for financing of that arena, you would have found it. You really would have found it. And so I think we had the best committee we could put together. It was absolutely great, and I’m delighted that you’re satisfied with everything that you looked over. And I would like to ask Kristi, if some of these gentlemen don’t have one of our brown county pins before they leave today, would you make sure that they get one. And we are just very pleased with your work and thank you very much.”

**Chairman Peterjohn** said, “Thank you, Commissioner Welshimer. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Well I just wanted to express my gratitude to the committee members also, and especially to Greg Sevier for his leadership of the committee. It’s been a long process, and I just appreciate your willingness to take that position, Greg. And to all the committee members, you were given a task to do, and it looks like you did it very diligently. Oftentimes I’ve been on committees where our activity was pretty perfunctory, and just kind of rubberstamped information that came by, but it’s quite obvious that you all took your jobs seriously, and that you did a great job for the citizens in making sure that we got all the money that was coming, and it was accounted for, and it was spent appropriately, so I think the citizens can take great comfort in knowing that this was done in such a diligent manner. So thank you all for your time, and the citizens of Sedgwick County and this Commission thank you.”

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

**Commissioner Norton** said, “Well this project was not for the faint of heart, because it lasted for a long time, it required a lot of scrutiny and it was a lot of money. So I appreciate all the hard work from the members. Greg, thanks for your leadership. I had two appointees that were on from the very first minute; that was Christina Ricke and Bruce Armstrong. They both come with a wealth of knowledge. Bruce had been the Mayor of Haysville, so he knew government financing, and bonding and how money should be spent, and Christina is a partner with Kennedy & Co., so has a great background in accounting, and numbers and audits. So I just wanted to be sure that they were acknowledged as my two appointees. I talked to both of them, and they couldn’t be here today because of their business, but I appreciate their hard work, and sticking in to the project for the whole time. That’s all I have, Mr. Chair.”

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

**VOTE**

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

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

**C. APPROVAL OF 1 (ONE) FY 2010 TARGETED CASE MANAGEMENT CONTRACT.**

**Chairman Peterjohn left the meeting at 9:35 a.m.**

**Mr. Ray Vail**, Director, Finance & Support Services, Aging, greeted the Commissioners and said, "I'm here today to present to you one targeted case management contract for providing services for Fiscal Year 2010 in accordance with the Kansas Department on Aging, SRS (Social and Rehabilitation Services) and Medicaid. These services allow clients that are at risk of nursing home placement to remain independent and live in their communities. You've already approved 13 identical contracts on January 20th. I ask that you approve this contract and authorize the Chair to sign. I'll answer any questions."

**MOTION**

Commissioner Norton moved to approve the 2010 contract for Targeted Case Management and authorize the Chairman to sign.

Commissioner Unruh 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 Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Absent

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

**Commissioner Welshimer** said, "Next item, please."

**D. RESOLUTION AUTHORIZING PRIVACY OFFICER TO SIGN BUSINESS ASSOCIATE AGREEMENT AMENDMENTS TO ADD REQUIRED LANGUAGE FOR COMPLIANCE WITH HIPAA CHANGES.**

**Mr. Robert Parnacott**, Assistant County Counselor, greeted the Commissioners and said, "I'm also the County Privacy Officer for HIPAA, the Health Insurance Portability [and Accountability] Act that governs how we protect our clients' medical information. Under the HIPAA, we have six departments that are covered by HIPAA and they have various vendor relationships that are known as business associates. Because we have to share our clients' PHI, Protected Health Information, with those vendors for them to perform some service for us, or for the client, HIPAA requires a business associate to have certain contractual provisions included in the contract. They update those every so often, and whenever the rules change, we have to update our contracts to reflect the rules. We have about 75 or so of these contracts."

"We have requested our associates to sign these contracts. We now need to have them executed on behalf of the county in order to save the Chairman some time. What we've done in the past when this has happened is to have a resolution adopted that would authorize the Privacy Officer to execute the contracts on behalf of the Chairman. These are just standard form business associate agreements and just have some updating regarding new regulations for HIPAA. If you have any questions, I would be more than happy to answer them."

**Commissioner Welshimer** said, "So it's not much of a controversy in this?"

**Mr. Parnacott** said, "No, no, it just imposes..."

**Commissioner Welshimer** said, "Something we just have to do."

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**Mr. Parnacott** said, “Yes.”

**Commissioner Welshimer** said, “Okay. Is there a motion?”

**Chairman Peterjohn** returned to the meeting at 9:38 a.m.

**MOTION**

Commissioner Unruh moved to approve the Resolution and authorize the Chair to sign.

Commissioner Norton seconded the motion.

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

**VOTE**

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

**Chairman Peterjohn** said, “Next item.”

**Commissioner Parks** said, “Mr. Chair, before Mr. Parnacott gets away, I did have a little discussion on that. Just wanted to clarify, I have a couple constituents that ask me occasionally, and we discussed this in a staff setting, Mr. Parnacott, about not the names, but the status of some of the people that are being served, if they are citizen or noncitizen, and can you kind of speak to, for the record, what you kind of told me about status being not protected but names being protected?”

**Mr. Parnacott** said, “Well, what we discussed was the important part of HIPAA is that it deals with identifiable individual information. That’s what’s protected. If you de-identify information, like aggregate, x number of patients were seen, that’s not HIPAA information because you can’t tell which patients were seen. So to the extent that you cannot individually identify a person, or learn a person’s medical information, then you’re okay. So, again, the status, as long as it’s an aggregate discussion, is fine under HIPAA.”

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**Commissioner Parks** said, “So an example of that would be, if we treated 150 mental patients, or illegal immigrants, or 2,000 TB (tuberculosis) shots to undocumented workers, that that could be part of the public record.”

**Mr. Parnacott** said, “My understanding, that would not be prevented from disclosure under HIPAA.”

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

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

### **E. PUBLIC WORKS**

- 1. APPROVAL OF AN ESTIMATE FROM SEDGWICK COUNTY ELECTRIC FOR RELOCATION OF ELECTRICAL LINES FOR SEDGWICK COUNTY PROJECT 803-s ½ Q THRU U: 135<sup>TH</sup> STREET WEST FROM US-54 TO K-42. CIP# R-303. DISTRICT 3.**

**Mr. Jim Weber**, Deputy Director, Public Works, greeted the Commissioners and said, “In Items E-1 and E-2, these are utility relocation estimates for our project on 135th Street West from US-54 to K-42, which is known as Project R-303 in our CIP (Capital Improvement Program). In both of these cases, utilities are located in private easements that existed prior to our acquisition of public right-of-way for the project. We are required to compensate the utilities for the actual relocation expenses. So Item E-1 is an estimate from a Sedgwick County electric cooperative, the relocation expense for the portion of their line that’s located in the private easement is estimated to be \$9,514.

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Any additional expenses related to lines that are in existing public right-of-way will be borne by the utility. I recommend that you approve the estimate.”

**MOTION**

Commissioner Parks moved to approve the estimate.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, “Okay. We have a motion and a second. Any further discussion? I would like to, Mr. Weber, just to understand a little bit, there is a variance between these two estimates. I would appreciate a little further discussion, if you could, because one is for \$36,000 and one is for \$9,000, and they appear to be, on the face of it, to be in the same location.”

**Mr. Weber** said, “Well, they’re different utilities.”

**Chairman Peterjohn** said, “They’re different utilities? Okay. Okay. Thank you. Seeing no further discussion, please call the vote.”

**VOTE**

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

- 2. APPROVAL OF AN ESTIMATE FROM REISS & GOODNESS ENGINEERS FOR RELOCATION OF WATER LINES FOR SEDGWICK COUNTY PROJECT 803-s ½ Q THRU U: 135<sup>TH</sup> STREET WEST FROM US-54 TO K-42. CIP# R-303. DISTRICT 3.**

**Mr. Weber** said, “Item E-2 is an estimate that was presented by Reiss & Goodness Engineers on behalf of Rural Water District 4. The relocation expense for the portion of their line that is located

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in the private easement is estimated to be \$36,000. Any additional expenses related to lines that are in existing public right-of-way will be borne by the utility. And, again, I recommend that you approve the estimate.”

**Chairman Peterjohn** said, “Is there a motion?”

**MOTION**

Commissioner Norton moved to approve the estimate.

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

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

**3. APPROVAL OF AN AGREEMENT TO REASSESS SPECIAL ASSESSMENTS WITHIN THE BENEFIT DISTRICT CREATED BY SEDGWICK COUNTY FOR THE TOWN AND COUNTRY ESTATES STREET PAVING PROJECT.**

**Mr. Weber** said, “Item E-3, we’re requesting your approval of an agreement to reassess special assessment taxes that were made by Sedgwick County within the benefit district that was created for the Town and Country Estates paving project. This neighborhood was recently annexed into the City of Derby and included some large, un-platted parcels. Some of these parcels have been re-platted along with adjacent property, and it is necessary to redistribute the special assessments to the newly created lots. The purpose of the agreement is simply to spell out the method of redistribution. After your approval, it will be filed with the County Clerk to be used as a basis for the adjustment of the taxes. I recommend that you approve the agreement, authorize the Chairman to sign the agreement and direct the County Clerk to make the reassessments. And this one I would be happy to try to answer any questions that you have.”

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**Chairman Peterjohn** said, “Seeing none so far, Commissioner Welshimer, are you going to make a motion?”

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

**MOTION**

Commissioner Welshimer moved to approve the Agreement, authorize the Chairman to sign the Agreement and direct the County Clerk to make the reassessments.

Chairman Peterjohn seconded the motion.

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

**Commissioner Parks** said, “The annexation that was done by Derby, was that a requested annexation? Do you know that?”

**Mr. Weber** said, “I believe it was probably a unilateral, but I don’t know for sure.”

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

**Chairman Peterjohn** said, “Seeing no further questions, please call the vote.”

**VOTE**

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

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

- 4. APPROVAL OF AGREEMENTS WITH THE CITY OF BEL AIRE, TO PROVIDE FOR THE CONSTRUCTION OF A COLD MIX ASPHALT PAVEMENT ON 53<sup>RD</sup> ST. NORTH FROM WOODLAWN TO ROCK ROAD. DISTRICT 1.**

**Mr. Weber** said, “In Item E-4, we’re requesting your approval of an agreement with the City of Bel Aire that will provide for the paving of 53rd Street North from a quarter of a mile east of Woodlawn

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to Rock Road with cold mix asphalt. Portions of this three quarter mile long segment of road lie within Bel Aire. Approval of the agreement would provide the county with legal authority to perform the work and provide funding for the project. In our agreement, Bel Aire agrees to allow us to pave the road within their corporate limits. They'll provide \$30,000 to fund the improvements and they will take back maintenance responsibility for their portion of the road when the construction is completed. The county will construct the pavement with forces and materials that are already included in our 2010 budget. After reimbursements are received from Bel Aire, our unreimbursed expenses are estimated to be \$30,000. Under the agreement the county will cover any project costs that exceed \$60,000. This is similar to an agreement we had with Bel Aire and Kechi last year. We request your approval of the agreement.”

**MOTION**

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

Commissioner Norton seconded the motion.

**Chairman Peterjohn** said, “Motion and a second. Commissioner Parks.”

**Commissioner Parks** said, “Can you tell me if this is a part of the annual one mile of cold mix that’s taken out of the sales tax fund, or is this something beyond that?”

**Mr. Weber** said, “This is part of that annual cold mix work that’s already in the budget...”

**Commissioner Parks** said, “Okay.”

**Mr. Weber** said, “...and in the fund.”

**Commissioner Parks** said, “Well I do know that I have another city that I need to verify that for. Thank you.”

**Chairman Peterjohn** said, “Seeing no further discussion, please call the vote.”

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye

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Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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

**Chairman Peterjohn** said, "Thank you. Next item, please."

**CONSENT AGENDA**

**F. CONSENT AGENDA.**

- 1. VAC2009-00041 Sedgwick County request to vacate a portion of platted street right-of-way, a platted easement, a platted setback, and a platted temporary cul-de-sac; generally located west of Hoover Road/55<sup>th</sup> Street West, on both sides of 76<sup>th</sup> Street South. District 2.**
- 2. One (1) Encroachment Agreement for Sedgwick County Project at the intersection of 93<sup>rd</sup> St. North and Meridian; CIP# R-321. District 3.**
- 3. One (1) Right of Way Easement for Sedgwick County Signalization project at the intersection of 167<sup>th</sup> Street West and Maple; CIP# R-320. District 3.**
- 4. Three (3) Right of Way Easements and One (1) Permanent Drainage Easement for Sedgwick County Project 803-s 1/2 Q thru U: 135<sup>th</sup> Street West from US-54 to K-42. CIP# R-303. District 3.**
- 5. One (1) Drainage Easement for Sedgwick County Project "North Greenwich Addition". District 1.**
- 6. One (1) Right of Way Easement for Sedgwick County Project 801-M; 151<sup>st</sup> Street West between 21<sup>st</sup> & 29<sup>th</sup> Streets North.**
- 7. Retail Dealer's Cereal Malt Beverage License Renewal for Vaquera's Tortilla Factory and Restaurant, located at 3331 E. 47<sup>th</sup> St. South, Wichita, KS 67216.**
- 8. Order to correct tax roll for change of assessment dated February 3, 2010.**
- 9. General Bill Check Register of February 3, 2010 – February 9, 2010.**

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**10. Payroll Check Register for the week of January 30, 2010.**

**11. Plat.**

Approved by Public Works. The County Treasurer has certified that taxes in 2009 and all prior years have been paid for the following plat:

**ASR MR-51 Well Site Addition**

**12. Plat.**

Approved by Public Works. The County Treasurer has certified that taxes in 2009 and all prior years have been paid for the following plat:

**Franklin Estates Addition**

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

**MOTION**

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

**Chairman Peterjohn** said, "We have a motion and a second. Is there any item on the Consent Agenda...Commissioner Parks."

**Commissioner Parks** said, "The right-of-way, and easement and all the projects that we see here for the engineering department, you are following the Manual on Uniform Traffic Control Devices in those projects, is that correct?"

**Mr. Weber** said, "Yes, that's correct."

**Commissioner Parks** said, "Thank you. No further questions."

**Chairman Peterjohn** said, "Seeing no further questions, please call the vote."

**VOTE**

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

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

**G. OTHER**

**Chairman Peterjohn** said, "I am going to turn this over to Commissioner Welshimer."

**Commissioner Welshimer** said, "Well I just want to say that I went to Topeka yesterday to visit with legislators, and they had had a long day, they were very tired, but we did have a good visit. We talked mostly about the jail situation, and the 10 percent reduction in Medicaid and what that's doing to our community. And I think they've just heard so much about that from us, I don't think they can forget what we're asking for. But it was very productive and I'm glad that I went. Thank you."

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

**Commissioner Parks** said, "For the record, I wanted to say that I would like to see the indirect costs be brought back up and talked about at staff, and the indirect costs for the Intrust Bank Arena with our staff. I think it's very near time to vote on that again. So in the future, I hope that staff can arrange some staff information and a public vote on that. Thanks."

**Chairman Peterjohn** said, "I'm sure we're going to have some extended discussions on the pavilions and Intrust Bank Arena going forward, at least I'm interested in doing that as a Commissioner, and would second your sentiments in that regard. I have a comment to make. I think we've got one other motion, but before we wrap this up. On my way in this morning, I heard a radio report saying that the Kansas Coliseum was going to close February 21st, and after the Sports, Boat & Travel Show, and I called into the station to let them know that that was incorrect. What is closing is the Britt Brown Arena and that the Kansas Coliseum complex remains open for business. In fact, I'm hopeful that they're going to be in a position to do more business at the pavilion portion in the future, and that we're going to have that venue operating, having more, and larger and longer

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events in 2010 than they had in 2009. I realize that with the Intrust Bank Arena opening, that has certainly changed the way the entire Kansas Coliseum complex opens, but the mothballing of the Britt Brown Arena is not a closure of the Kansas Coliseum complex, and I really want to use this opportunity to make that important distinction clear to everyone viewing this broadcast, as well as, hopefully, folks who may find out about this secondhand. There's going to be a lot of interesting and worthwhile events going on up at the Kansas Coliseum complex well after February 21st. And I think Commissioner Welshimer, oh, Commissioner Parks, I'm sorry."

**Commissioner Parks** said, "If I could respond to that, certainly if you've lived in the area for 25 years and have attended functions at Britt Brown, the term, and I don't want to sound like a broken record here, but man, that's what they've called that place forever is the Coliseum. So I'm using the term Kansas pavilions now, and I know in staff meeting we discussed a little bit about possible naming rights or being able to better name the buildings out there to not call it the Coliseum, because to a lot of people, closing Britt Brown is closing the Coliseum. And that's a 25 year indoctrination that I don't think you're going to overcome, especially those people north of 37th Street north and in the north end of the county that have taken up such ownership with the Britt Brown Arena and the Coliseum. Thank you."

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

### **MOTION**

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice and preliminary discussions relating to the acquisition of real property for public purposes, and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:10 a.m.

Chairman Peterjohn seconded the motion.

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

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**VOTE**

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

**Chairman Peterjohn** said, “We stand in recess.”

**The Board of County Commissioners recessed into Executive Session at 9:50 a.m. and returned at 10:38 a.m.**

**Chairman Peterjohn** said, “I now call this meeting back into session. Mr. Euson.”

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “No announcements at this time.”

**Chairman Peterjohn** said, “Okay. We did not take any binding action so we are back on Item G, ‘other,’ are there any comments from any of my colleagues? I’m going to point out for the record under ‘other’ that we are involved in litigation concerning the jail, and there was a hearing last week and there’s now a public record from that hearing concerning this case, and it gives me an opportunity that I often enjoy, which is to quote Winston Churchill. And from his comments during World War II, he made an awful lot of very eloquent statements, and I think with the hearing that was held last week, I can safely quote Churchill to the effect that, in terms of the jail lawsuit, that we are not at the end and we are not at the beginning of the end, but perhaps we are at the end of the beginning. And this motion that we had for partial summary judgment, I think, is a significant step forward in this Commissioner’s opinion and I look forward to seeing this litigation proceed and reach completion. Seeing no other comments, a motion to adjourn would be in order.”

**MOTION**

Commissioner Welshimer moved to adjourn.

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

**Chairman Peterjohn** said, "We are adjourned."

**H. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 10:41 a.m.

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

\_\_\_\_\_  
**KARL PETERJOHN**, Chairman  
Third District

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

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

\_\_\_\_\_  
**KELLY PARKS**, Commissioner  
Fourth District

\_\_\_\_\_  
**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**Kelly B. Arnold**, County Clerk

APPROVED:

March 3, 2010