

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

### **REGULAR MEETING**

**January 27, 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, January 27, 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. David Spears, Director, Bureau of Public Works; Mr. Kelly Dixon, Environmental Inspector; Ms. Jo Templin, Director, Human Resources; Mr. Gary Piatt, Assistant Building Supervisor, Kansas Coliseum; Mr. Donald Winter, Mechanic 1, Fleet Management; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Ms. Diana Mansouri, Safety Coordinator, Risk Management; Mr. Ron Estes, Sedgwick County Treasurer; Mr. Benjamin Breese, Supervisor, Treasurer Tag Office; Mr. Troy Bruun, Deputy Chief Financial Officer; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. David Miller, Budget Director, Division of Finance; Mr. Roderick Harris, Director, Center for Health Equity; Ms. Marilyn Cook, Executive Director, COMCARE; Ms. Iris Baker, Director, Purchasing; Ms. Melissa Thompson, Records Management; Ms. Kristi Zukovich, Director, Communications; Mr. Kelly Arnold, County Clerk; and Ms. Angela Lovelace, Deputy County Clerk.

### **GUESTS**

Mr. Mike Johnson, Scout Executive, Boy Scouts of America, Quivira Council

Ms. Nancy Woodson, Appointee, Sedgwick County Physical and Developmental Disabilities Advisory Board

Ms. Dorothy Myers, Appointee, Sedgwick County Advisory Council on Aging

Mr. Todd Allen, Taxpayers for Tickets

Mr. Jack Focht, Chairman, TECH Plan Oversight Committee

Mr. Karl T. Kraft Sr., 13013 W. 39th N., Wichita, KKI Design-Build LLC

Mr. Ed Crawford, 12111 W. 34th St. S., Wichita

Ms. Debbie Hudson, 6904 S. Broadway Ct., Haysville

Ms. B. Jane Mosteller, 4563 Cherry, Wichita

Ms. Carol C. Neugent, Director of Governmental Services, City of Haysville

### **INVOCATION**

Led by Pastor Rod Thelander, Woodland Lakes Community Church, Wichita

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**FLAG SALUTE**

**ROLL CALL**

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

**CONSIDERATION OF MINUTES**

Regular Meeting December 16, 2009  
All Commissioners were present

**MOTION**

Commissioner Welshimer moved to accept the Minutes as read.

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

**CONSIDERATION OF MINUTES**

Regular Meeting December 22, 2009  
Commissioner Peterjohn was absent

**MOTION**

Commissioner Welshimer moved to accept the Minutes as read.

Commissioner Parks 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	Abstain

**PROCLAMATION**

**A. PROCLAMATION DECLARING FEBRUARY 2010 AS BOY SCOUTS OF AMERICA MONTH.**

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

**PROCLAMATION**

**WHEREAS**, the Boy Scouts of America is one of the nation's largest and most prominent values-based youth organizations; and

**WHEREAS**; the Boy Scouts of America provides a program for young people that builds character, trains them in the responsibilities of participating citizenship, and develops personal fitness; and

**WHEREAS**; for 100 years, the Boy Scouts of America have helped build the future leaders of this country by combining educational activities and lifelong values with fun. The Boy Scouts of America believes - and through a century of experience, knows - that helping youth is a key to building a more conscientious, responsible, and productive society; and

**WHEREAS**; through the Quivira Council, the Boy Scouts of America serves more than 13,000 youth in South Central Kansas, including Sedgwick County.

**NOW, THEREFORE, BE IT RESOLVED**, that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners does hereby proclaim February, 2010 as

**'Boy Scouts of America Month'**

in Sedgwick County in celebration of the 100th anniversary of the Boy Scouts of America and encourages all citizens to join in this celebration by acquainting themselves with the contributions this organization makes on behalf of our youth and our community.

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“And it is dated January 27th, signed by our Chairman, Karl Peterjohn.”

### **MOTION**

Commissioner Parks moved to adopt the Proclamation.

Commissioner Unruh 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

**Ms. Zukovich** said, “Commissioners, we do have Kelly Dixon and also some folks here from the scouts who are here to accept the proclamation. We would like to ask them all to come forward.”

**Chairman Peterjohn** said, “Thank you, Kristi. This is a particular pleasure for me as the new Chairman for 2010. Once upon a time in a far distant time in the past, when I was a young person, I had the opportunity not only to be a Boy Scout, but I managed to make it to the rank of Eagle. I am very proud of that Eagle, so I am maybe a little over enthusiastic in getting up here to present this proclamation, but I am really honored to do so this morning, and want to wish you well, to the star scout in front of me. Thank you.”

**Mr. Kelly Dixon**, Environmental Inspector, greeted the Commissioners and said, “Thank you.”

**Chairman Peterjohn** said, “Thank you. Want to say a few words?”

**Mr. Dixon** said, “This is Mike Johnson, our Scout Executive.”

**Mr. Mike Johnson**, Scout Executive, Boy Scouts of America, Quivira Council, greeted the Commissioners and said, “Thanks very much for the opportunity to come before you. As the proclamation stated, the scouts celebrate their 100th anniversary next month, February 8th. We are

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all about helping young people grow into the best adults they can and have fun along the way. We appreciate the support of the County Commissioners in this endeavor. Thank you very much.”

### **RETIREMENTS**

#### **B. PRESENTATION OF RETIREMENT CLOCKS.**

- **GARY PIATT, ASSISTANT BUILDING SUPERVISOR, KANSAS COLISEUM WILL RETIRE FEBRUARY 1, 2010 AFTER 26 YEARS OF SERVICE.**
- **DONALD WINTER, MECHANIC 1, FLEET MANAGEMENT WILL RETIRE FEBRUARY 1, 2010 AFTER 12 YEARS OF SERVICE.**

**Ms. Jo Templin**, Director, Human Resources, greeted the Commissioners and said, “This Agenda item recognizes the public service commitment of two of our long-term employees. If I could have you both come forward, please; Gary Piatt and Don Winter. Gary Piatt is the Assistant Building Supervisor with the Kansas Coliseum. He will retire February 1st after 26 years of service.”

**Chairman Peterjohn** said, “As the Chairman of the County Commission, it is a pleasure and an honor to be able to extend not only my best wishes for your long service to Sedgwick County, but also best wishes for future events. I want to present this clock as a token of our appreciation, as well as this certificate. Thank you”

**Mr. Gary Piatt**, Assistant Building Supervisor, Kansas Coliseum, greeted the Commissioners and said, “Thank you.”

**Chairman Peterjohn** said, “If you have a few comments.”

**Mr. Piatt** said, “I just want to say thanks to all of you, and everyone at the Coliseum, especially Dave Rush for all the opportunities that were given to me. It’s been an honor. Thank you.”

**Commissioner Parks** said, “I would like to add to that, the many times and events that I have been to at the Kansas Coliseum, you’ve been an asset there, and I just wanted to thank you for that.”

**Mr. Piatt** said, “Thank you.”

**Ms. Templin** said, “Our next retirement is Donald Winter, Mechanic 1 at Fleet Management, and he will retire February 1st after 12 years of service.”

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**Chairman Peterjohn** said, "Thank you. I want to present, as a token of our appreciation, as the Chairman of the Sedgwick County Commission for 2010, this clock as well as this certificate. We thank you very much, and we appreciate your service on behalf of the citizens of Sedgwick County. If you would like to say a few words."

**Mr. Winter**, Mechanic 1, Fleet Management said, "Thanks a lot. Appreciate everybody being behind me, pushing me on."

**Chairman Peterjohn** said, "Congratulations."

**Commissioner Welshimer** said, "Call the next item."

### **APPOINTMENTS**

#### **C. SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.**

##### **1. RESIGNATION OF KENNETH DUNLAP FROM THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.**

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

#### **MOTION**

Commissioner Welshimer moved to accept the resignation.

Commissioner Parks seconded the motion.

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

#### **VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye

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Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

### **2. RESOLUTION APPOINTING NANCY WOODSON (COMMISSIONER WELSHIMER'S APPOINTMENT) TO THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.**

**Mr. Euson** said, "Commissioners, this resolution will fill the vacancy just created for a term to end in February 2011, and I recommend you adopt the resolution."

#### **MOTION**

Commissioner Welshimer moved to adopt the Resolution.

Commissioner Parks 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. Oh, I'm sorry. Thank you. Is Ms. Woodson here? Okay. Please step to the podium; we'll have the County Clerk swear you in."

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

*"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Physical and Developmental Disabilities Advisory Board, so help me God."*

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**Ms. Nancy Woodson**, Appointee, Sedgwick County Physical and Developmental Disabilities Advisory Board, greeted the Commissioners and said, "I do."

**Mr. Arnold** said, "Congratulations."

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

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

**Commissioner Welshimer** said, "Thank you very much, Nancy, for taking this post, and I appreciate it, and I hope it is something you'll enjoy."

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

**Chairman Peterjohn** said, "Clerk, please call the next item."

### **D. SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.**

#### **1. RESIGNATION OF ANITA HAFNER FROM THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.**

**Mr. Euson** said, "Commissioners, it is requested that you accept this resignation."

#### **MOTION**

Commissioner Welshimer moved to accept the resignation.

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

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**2. RESOLUTION APPOINTING DOROTHY MYERS (COMMISSIONER WELSHIMER'S APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.**

**Mr. Euson** said, "Commissioners, this appointment will fill the unexpired term of the vacancy just created, and I recommend you adopt this resolution."

**MOTION**

Commissioner Welshimer moved to adopt the Resolution.

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, "Is Ms. Myers here? Welcome. Please step to the podium so the Clerk can swear you in."

**Mr. Arnold** said,

*"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Advisory Council on Aging, so help me God."*

**Ms. Dorothy Myers**, Appointee, Appointee, Sedgwick County Advisory Council on Aging, greeted the Commissioners and said, "So help me God."

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**Mr. Arnold** said, "Congratulations."

**Ms. Myers** said, "I take this position because I think it is very important. I represent Derby as one of the finest communities in which to live in the United States of America. We have 2,700 registered senior citizens, and I hope to represent them. Our illustrious Director, Dee Williams, is trying to raise us to the Class III, which is the highest that can be attained in the quality of activities and programming for seniors, and I plan to work with Dee. I've known Dee for 25 years. We are friends. It is going to be a challenge, and I intend to do my best. Thank you."

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

**Commissioner Welshimer** said, "Dorothy, I thank you, too, for taking this position. I'm glad you're enthusiastic, and I am very familiar with the Derby Senior Center, and they are quite an active group, so I'm sure we'll accomplish that next level soon."

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

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

**Ms. Myers** said, "Pleasure."

**Chairman Peterjohn** said, "Thank you. Clerk, please call the next item."

### **CITIZEN INQUIRY**

#### **E. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING TICKETING AT THE INTRUST BANK ARENA.**

**Mr. Todd Allen**, Taxpayers for Tickets, greeted the Commissioners and said, "Good Morning." **Chairman Peterjohn** said, "Good morning. Welcome to the County Commission."

**Mr. Allen** said, "Thank you very much. I was here a month ago about the Taylor Swift tickets, and George Strait also. I was in line at the Intrust Bank Arena and I did get tickets, so it didn't seem to be a problem there. They sold tickets for another hour after that. Everybody in Wichita that wanted a ticket should have been able to get one. The problem I'm still seeing though, the day that the concert was announced, there were several ticket sites selling tickets way above before the arena was. StubHub, for instance, has a ticket right here for \$600 for the floor. I don't know how they are getting these tickets. The arena has not sold them to these people yet, but there they are, and this is

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StubHub. One of the things Connecticut did for StubHub was basically ask them to quit doing this and they did. I have an article in here somewhere about that. I have several articles here about state laws that have taken care of some of the scalping issues in their areas, and I want you guys to look over these. I'm not going to take up much of your time, because most of what I want to say is right here, so if you guys would please look at these over the next month, and if I could come back next month and talk to you more about this."

**Chairman Peterjohn** said, "Mr. Allen, if you want to include those for the record, provide them to the Manager, please. What is the will of the body?"

### **MOTION**

Commissioner Welshimer moved to receive and file.

Commissioner Parks seconded the motion.

**Chairman Peterjohn** said, "Seeing no further...Commissioner Parks."

**Commissioner Parks** said, "I did want to thank Todd for coming in. It's good to have citizen participation in these things, and it's part of the checks and balances system we have, and it is the freedoms that we enjoy in this country to allow people to come to the podium and speak freely, and bring attention to potential problems, and I want to thank you for that."

**Mr. Allen** said, "Well, it is a problem for everyone, because when you see somebody paying \$600 for a ticket, I don't have a problem with somebody paying \$600 for a front row seat. Problem is, it should be the arena that's selling that ticket, not somebody out of New Jersey. The money should stay in this county. When you're sending that kind of money away, that leaves less money for the t-shirt tables and the popcorn stands, which is revenue for this county."

**Commissioner Parks** said, "And I certainly agree with you on that, and I will diligently look over the materials and be educated on that."

**Mr. Allen** said, "Thank you. See you next month."

**Chairman Peterjohn** said, "Mr. Allen, I would also like to throw in a comment to the extent that I am delighted that the new Intrust [Bank] Arena is having great success in selling tickets for a variety of events and activities. I've been told that the Harlem Globetrotters event last week had the largest attendance of any of their appearances here in Wichita, and that there were tickets readily available, so I am hoping that we're going to be in a position to do so. These entertainment groups

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coming in from out of town, though, I agree with you, in terms of trying to keep the money in town, but it's part of the challenge, because the groups come in here, and they are obviously not coming in here for free, and they got, not only a large amount of the receipts, they can get almost all of the ticket sales, and it is a very challenging business to operate, which the counties found out with the operations we had for many years, actually, a number of decades out at the Kansas Coliseum, so I appreciate you bringing this information. I know we're still in the honeymoon, but that also can be kind of a shakedown for getting things to work right. I'm hopeful that some of these initial startup challenges will be addressed and this will continue to become the place to be in Wichita."

**Mr. Allen** said, "Well, it is a really nice arena. We would like to say that Chris Presson has done a great job at getting top name acts to come here. Like I said, we want to get the money that's being spent on those tickets, we want it spent here."

**Chairman Peterjohn** said, "Thank you. Clerk, please call the next item. Oh, I'm sorry, we have a motion to receive and file. I believe we had a motion and a second. Please call the vote."

### **VOTE**

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

### **PRESENTATION**

#### **F. REPORT FROM TECH PLAN OVERSIGHT COMMITTEE.**

**Mr. Jack Focht**, Chairman, TECH (Taskforce to End Chronic Homelessness) Plan Oversight Committee, greeted the Commissioners and said, "Back in 2006 I accepted a 30 day job, and I'm still here. When I was a sophomore at Wichita High School North 61 years ago, Katie Lansdowne, the English professor there, introduced me to literature with A Tale of Two Cities, which began, 'It was the best of times, it was the worst of times...' and that kind of explains, in some ways, what we're going through in this community and all over the country, in terms of the economics being down, people losing jobs, and homelessness growing. Some period ago we adopted a plan to end

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chronic homelessness. The charge that the Committee was given was to develop a plan to end chronic homelessness in Sedgwick County. At that point in time, there was a disagreement in the community among people who worked on homelessness, whether or not we ought to build 24/7 big shelters to try to manage homelessness or whether we ought to adopt a new approach, which became known as Housing First. The task-force recommended to you, and you approved, as did the City Council, a plan to end the chronic homelessness that was more cost effective, we believed, in terms of trying to end the problem of chronic homelessness by providing people a home first instead of trying to get them ready for that.

“You will remember that we’ve been operating under the HUD (U.S. Department of Housing and Urban Development) definition of chronic homelessness that is; an unaccompanied person, that’s a person that’s single, who has a disabling condition; that condition can be physical, it can be mental, it can be as a result of addiction, it can be all of them, and has been continuously homeless for at least one year or has had four episodes of homelessness in the past three years. That’s the definition of the plan that we were shooting at, and as a result of that, we came up with four responsibilities that you approved. One was to see about the development of a resource and referral center, two was to implement a Housing First program, three was to identify emergency housing options, and four was to identify sustainable funding sources. I’ll talk to you about all of those in some short degree as we go forward. I’ll start with the report on the Resource and Referral Center.

“The Open Door, the facility of the United Methodist Church, agreed to take that responsibility on. The facility is designed to have a capacity of 150; presently the facility they operate out of at 3rd and Market has at best 50, and I think the Fire Marshal has to be winking a little bit at that, but 50 people in there. It has to be central to the services and transportation. Yesterday the Open Door closed with the State of Kansas on the purchase of the building of \$1,250,000 at Topeka and 2nd Street; the old unemployment office. They have now raised \$2 million to go that far. They still need about \$3 million more to begin the renovations.”

“I talked to the Open Door executive two days ago and said, ‘How come we need this much?’ And I happened to, part of the job I got, I guess, I went on the fundraising committee, steering committee, to help raise money to do that. I said, ‘How come we need that much to renovate it and get it open?’ Well, we need that much because we need a new roof, we need a new boiler, we need new windows, and we have to comply with the HIPAA (Health Insurance Portability and Accountability Act) requirements. Why do we have to be concerned about the HIPAA requirements? Well, COMCARE is going to move in there, and there are certain rules and regulations that we have to follow. Things must be private. So Dave will be about doing that in the foreseeable future. That money came about, that \$2 million came from a variety of sources in this community. I personally made some of those calls. The Community Foundation, for example, gave us, I forgot if it’s \$250,000 or \$300,000; Spirit AeroSystems gave us \$300,000. Individuals, my wife and I made a three-year commitment, and I discovered when the United Way came around, and they were asking

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us to up our pledge, to the Tocqueville something society that if I did that, I could earmark \$5,000 of that to wherever I wanted it to go, in terms of 501(c)(3), so my wife and I decided to do that and added to our pledge another \$5,000 for the Open Door, designed for this particular Resource and Referral Center.

“The United Way has taken on the responsibility for the whole State of Kansas in what’s called the Point-In-Time Count. That’s when you count the homeless people in a community, they are now going to do it for the whole State of Kansas. It is always a particular day, and it seems to me it was always the coldest day in the year. It was January something or other, where you tried to go out and talk to all of the service providers, and find all of the homeless people in the community. When they did that in 2009, there were 384 homeless individuals counted, according to the HUD definition, and of that group, 71 were considered chronically homeless. The 2010 plans are underway. They’re going to do it in the summer next time. They are going to do that, in part, so they can compare the figures: how do we compare 2009 and 2010 when we’re doing it the coldest day of the year, as opposed to, I hope not the hottest day, but at least a warmer day.

“Let’s talk about the Housing First program that we had. First of all, the requirements for Housing First, and you recall the plan said we wanted to house 64 folks. We’ve been successful. That’s one of the successes. Those have to meet the definition of chronically homeless people, so bear in mind we’re putting into housing people that meet that definition; that they are single people, they have a disabling condition and they have been homeless for that requisite period of time. Those are not easy people to deal with, but they have agreed to do some things. They have to agree to meet with the case manager of COMCARE at least on a weekly basis, where they are living, and if they have income available, they have to pay up to 30 percent of their rent.”

**Mr. Focht** continued, “Here’s what our statistics showed as of January 14th. We had 61 people who remain successfully housed. I used those words on purpose, because some of them were not successful. Some we put in housing and it simply didn’t work. It didn’t work for them for a variety of reasons. They may have gone back to prison, for example; they are no longer in the program. Three more have been approved and are searching for apartments, and this was the 14th, so they may have them by this point in time. Two have been re-housed. What that meant was, we took them out of the housing, and then we had some consultation with them about whether or not they might fit within this program, whether or not they were willing to make the kind of changes in their lifestyle that would enable them to be successful. Two of them did. Twenty-eight apartment complexes and property owners have been utilized. Ten different zip codes are represented. That means that is scattered site housing. It is throughout the community, not the kind of thing where you have to worry about, please don’t put that thing in my neighborhood. You don’t realize it. It is whether or not the property manager is willing to do this. I asked our staff, how are we getting

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along with the property managers, and they said we only had one problem, and that was somebody trashed the apartment. After we got it fixed up, they said they were so impressed that this fella can stay there, and they stayed with it. So that's a success, as far as I'm concerned.

"Data from the survey; we surveyed all those folks who are willing to fill out a survey that are in the program, and of those 60 some, 55 of them showed us as of December 16th, these statistics, and I'll tell you in a minute a few anecdotes, because statistics are fine, but stories are better, I think. And this says an 83 percent reduction in individuals going to jail, 78 percent reduction in hospitalizations for medical reasons, 82 percent reduction in hospitalization for psychiatric reasons and a 41 percent increase in participants seeking treatment. Now for some of the stories, as Paul Harvey would say, for the rest of the story, perhaps. In the spirit of the holiday season, the City of Wichita Housing and Community Service staff donated a bunch of hats, gloves, scarves and socks for the Housing First participants, and staff packaged them individually so that folks had gifts, and included some donated toiletry items, and along with that went a Christmas card for every one of those people, so they got a Christmas card. I suppose you could look at that and say that's not a very big gesture; it might seem small, but to those folks it wasn't. And Sam, and the names have been changed because we don't identify these people, Sam was kind of a big rough, tough, gruff, long haired, motorcycle type of guy who couldn't wait, when he got his packages, to rip them open and go through the bag of goodies and see what he got, and he ooh'd and ahh'd over each item, but the thing that got him the most was the card from the staff, and Sam said, 'This is my very first Christmas card. This is my very first Christmas card, ever,' and that's a story that kind of tugged at my heart.

"Brandon was a fellow that we'd been trying to house for several months, and hadn't had much success. He's an addict; he suffers from serious medical conditions. He would admit himself, generally to the hospital through the emergency room for medical reasons, and after the hospital staff contacted his case manager, we couldn't find him, he couldn't be located, and we finally found him, got him housed. Since we've housed him, his alcohol consumption has decreased, hasn't gone away yet. He receives regular medical attention through a medical clinic, not a hospital. Now that may not seem significant to you, but to the hospital people we talked about at the time we were a task-force, that's significant. Because those are trauma centers with the most sophisticated kind of equipment, they are not there for somebody to check in because they have a cold, or a sore throat, or something like that. Randy was given a 30 day notice to vacate for participating in criminal behavior. A re-housing meeting was scheduled with him so he could tell his side of the story, and so the staff could discuss with him what support was necessary, to see if he could remain successfully housed. He admitted that the heavy alcohol consumption he participated in, and the folks he ran around with caused his behavior to change to the point that he inflicted bodily harm on himself and

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other people, and he understood that he had an alcohol addiction, and he knew that if he was going to remain successful in housing, he had to limit the amount of alcohol consumption he participated in, and stop spending time with those ‘undesirable’ folks. We agreed to re-house him. At first we put him six nights in a motel, and after that he moved into his new apartment. His case manager reports he’s doing well. He has a new appreciation for what his own apartment is.

“And Keith became housed in May. He was skeptical of the program. His attitude with the staff and the doctor he had was nothing in life is ever free. That’s what he said. Nothing in life is ever free. Well, when he was meeting with his doctor, his doctor asked him, what are your plans now that you don’t have to worry about rent and utilities, and Keith thought about that, and thought this was an opportunity for him to begin taking steps necessary to enter school to renew his CNA (Certified Nurse Assistant) license. He began school on the 11th of January, and he plans to continue his education on completion of that training. That’s another success.

“Due to Brian’s scheduling conflicts, his case manager had difficulty meeting with him as planned at his place, and when a scheduled appointment was missed, he would walk from his place to the case manager’s office, leave a note saying he would like to make another appointment, and for the first time we saw somebody acting proactively instead of acting in a way that indicated they were not in approval of the system. Those are just some of the stories that are behind those statistics. Some of you I knew would be, and if you would like to visit about them, I would be glad to, but I asked the staff, don’t just give me a bunch of statistics, because when you say 50 percent and you’re talking about two people, that’s one person. I want to know how we get there and what the stories are behind it.”

**Mr. Focht** continued, “Other Housing First information is 16 of those individuals are contributing to their rent and/or their utilities, 10 of them are veterans, 5 are employed, 15 received SSI (Supplemental Security Income) and SSDI (Social Security Disability Income), 10 receive general assistance, 43 receive food stamps and 2 receive a pension. When I got those statistics, I called our staff and I said, okay, if you’ve got a pension, how come you’re not paying your rent? Well, when your pension is \$100 a month, you can see how they are not paying the rent, but they are doing something with that money towards their own housing. Housing First offers individuals an opportunity to have the most important thing in their life right then, and that’s a home. If you can talk to the homeless people tonight that are out on the street what is the thing they need most, it is not going to be a meal, because they are going to be able to have a meal. Thank God for places like we have in this community where food is service, but they need a home. Once a home is provided we can start working on those other things, and we are. I want to say thank you for the opportunity to serve.

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“I want to say to you, though, that I didn’t address, and I want to address, what is going on right now in the emergency shelter, because as a part of that plan, we said, we are going to have always a small emergency need, because we’ll have 25 or 30 people out there that need emergency shelter. So we talked to the AECH group two years ago, the Advocates to End Chronic Homelessness, and they had a little war with the county, city and United Way who asked for proposals because they didn’t agree with the conditions put on them. I said, ‘you don’t agree with the conditions, go out and raise the money and do it yourself. You don’t have to worry about the conditions if you’re raising the money and doing it yourself,’ and they did, and they raised \$60,000. They did it last year; they’ve done it again this year. It was at my church this month, and I asked Sunday, when I was teaching Sunday school, I asked Ben Grismore, member of the AECH, and a member of the oversight committee, how many did we have last night? It was cold Saturday, and he said we had 90 in our gym, 90 people in the emergency shelter. Now, one of the things that we’ve noticed different this year than the past, there are more single women that were appearing, and we don’t mix them up, obviously. We had 90 men in our church, and I think it was Interfaith that took care of the others; the six women. Thank you for the opportunity of serving. There is money that is needed always. I’m not here to make a pitch, but any of you who feel the need can certainly give some money of your own. Thank you.”

**Chairman Peterjohn** said, “Thank you, Mr. Focht. What is the will of the Commission?”

### **MOTION**

Commissioner Welshimer moved to receive and file.

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

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**DEFERRED ITEM**

**G. PLANNING DEPARTMENT**

1. CON2009-00037 SEDGWICK COUNTY CONDITIONAL USE FOR AN ACCESSORY APARTMENT; GENERALLY LOCATED MIDWAY BETWEEN MACARTHUR ROAD AND 31<sup>ST</sup> STREET SOUTH, WEST OF 119<sup>TH</sup> STREET WEST. DISTRICT 3.

**VISUAL PRESENTATION**

**Mr. John Schlegel**, Director, Metropolitan Area Planning Department (MAPD), greeted the Commissioners and said, "As the Clerk indicated, this item was deferred from the meeting last week, just a real quick recap on this to refresh your memories. The applicant in this case is seeking this conditional use to allow an accessory apartment to the rear of their single-family home within the Redmond Estates subdivision. And you can see the location on the map now; Redmond Estates is on the west side of 119th Street West, about half a mile south of 31st Street South. It is a one acre lot, as I said, it has an existing two-story single-family residential on it, and a pool house to the rear. I'll show you a photo of that in a minute. The pool house has been converted into an accessory apartment, and the applicant is seeking to have this made legitimate by this conditional use."

**Mr. Schlegel** continued, "The item was heard by the MAPC (Metropolitan Area Planning Commission) at its meeting on December 17th. There were a number of neighbors present at that meeting to protest the application. Their main issue in opposition to the conditional use was that, as stated in the testimony given at the public hearing, was that it violated the subdivision's private covenants, which prohibit any outbuildings being used for either a permanent or temporary residence. I reminded you last week, and I'll remind you again, that the enforcement of private covenants are a private contract matter and should not be a factor in your decision today about the request that's before you. Another issue that was raised by the neighbors centered on possible mistakes that were made in the construction of the principal structure, and also the pool house, and how those errors have affected drainage on the subject's site and on surrounding properties. You'll recall that the vote was very close at the MAPC, it was an 8-6 vote, with the MAPC recommending approval of the request with a number of conditions, and the critical condition pertinent to this discussion today was that the MAPC recommendation is to limit the amount of time that they can continue to use this pool house as an accessory apartment to 12 months. We do have protest petitions associated with this case. You can see the neighboring properties that have submitted protest petitions, and that, because the percentage is over 20 percent, it will affect how you vote

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today. A super majority vote would be required to override the neighborhood protest. Going back through the slides real quickly, you can see from the aerial, the development pattern in Redmond Estates, this is an aerial ion site with the main house and the pool house behind it, the street is up on the upper part of that diagram, and some photos looking from the street at the main dwelling unit, you can see the pool house over to the left side in the year yard. Another shot from the street showing side view of the house and the pool house to the rear. With that, I'll be glad to take any questions."

**Chairman Peterjohn** said, "Thank you, Mr. Schlegel. Any questions for Mr. Schlegel? I'm going to throw out a couple points just for clarification. You said a super majority. My understanding, this is a three quarter super majority, so it would be four of the five Commissioners would have to vote to take action, is that correct?"

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

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

**Commissioner Parks** said, "I would say they shouldn't pop fireworks in that area. Anyway, the one year that the applicant requested at the time, at the MAPC, when does that start, or when would that start?"

**Mr. Schlegel** said, "Typically it would start with the approval, whatever action, with the action of this Board to make final approval."

**Commissioner Parks** said, "So that was the applicant's own request that they have one year, and he hasn't asked for any renewals after that one year then?"

**Mr. Schlegel** said, "No, sir."

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

**Chairman Peterjohn** said, "I am going to state for the record that I have had ex parte communications on this issue, and I do want to also point out that, is there anyone here in the audience who wishes to speak on this matter? Okay, whoever comes up first, please state your name and address for the record, and you'll have five minutes to speak."

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**Mr. Karl Kraft**, KKI Design-Build, LLC, greeted the Commissioners and said, “My name is Karl Kraft...”

**Chairman Peterjohn** said, “Karl with a K or with a C?”

**Mr. Kraft** said, “Karl with a K. Kraft with a K. I am in partnership with Clint Renollet.”

**Chairman Peterjohn** said, “Your address, please.”

**Mr. Kraft** said, “13013 West 37th Street North. I’m also a builder in that area and have built the majority of the homes for the buyers in that area. That’s the problem, we’ve sold homes in the \$300,000 and up range in that area, and that’s a new development, it is only 70 percent developed, and the buyers in that area feel that this would be real detrimental to their values, and we feel it would be detrimental for the future development of our property, because most of the people that bought homes in there understood the covenants and knew there would be no rentals. That’s why they spent their money in that area, because they wanted to keep it as homeowners. The developer at the time, Coleman Kelly Ventures, elected not to set up a homeowners association, so basically anything that goes on in there, not to the covenants or restrictions, is up to Don Colemen and Steve Kelly to take action on that.”

**Mr. Kraft** continued, “One of the things I want to point out; the restrictions and covenant during the development of the property to be approved, since that area does have alternative sewer systems, it is one of the areas that the county has approved for alternative sewer systems, and they are keeping a pretty good eye on them systems to make sure how they function in that area. So we’re trying to keep that working just fine, and we have had problems with their system and there’s controversy over what is causing problems, but I have had contacted Brand Plumbing that put their system in originally, and he felt, in conversation with me, it was from over usage, because these are regulated by how many bedrooms are in the house when they install them, and the pool house was put in after the system was already approved for that house. So we feel like for that reason alone, the alternative sewer system won’t be big enough to handle any more bedrooms allowed in that house. At the time when we gave him, he had to go through architectural plan review to get that pool house in, he submitted me drawings on what he was going to put in there, and I turned it down and declined it because it made for habitable space, and there’s no second habitable structures to be put on the properties. So it was declined, and we had some controversy over that, and made him resubmit the drawings to show one of the rooms wasn’t a bedroom, and he knew we wasn’t going to allow him to build something for habitable space.

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“A few months later, his father-in-law moved in, and he was handicapped, and so none of the neighbors, or I, made too much of an issue out of that; a family member living in that pool house. Now that the family member moved out, it is a rental for anybody. We just feel an accessory apartment, for that area, and I have letters from some people that’s not here today, stating that, you know, they just feel like they can’t control who is a renter in that area, whether they are a criminal, or child molester, or whatever. If you have that as a rental property, you just don’t know who is going to be living in your backyard. That’s the biggest problem. So almost 100 percent of the neighbors, buyers and owners in that area disapprove of that being an accessory apartment. Under the petition requirements, we were able to file the petitions. I know he’s been around, got some people that changed their mind on a signature, but it was on a non-approved petition. I don’t think the Commission should accept anything that wasn’t done prior to the original filing of the petitions in that area. Almost everything that touches his property; the people are not wanting that accessory apartment in place. The other thing I can say on that particular property, from the beginning of construction we had problems with the builders that they brought in. They didn’t want to follow the requirements. They didn’t want to submit the plans to architectural review until after the foundation was in. The house that they built requires a three car garage, and the contractors failed to submit their drawings in time before they put the foundation in, and they put a side load garage in that was only a two car garage, although it was a three car garage in the drawing, they put the garage door on the side and turned it around.”

“They also submitted to me the elevations that the house was to be put in from Baughman [Engineering Company] and the house wasn’t even put in according to the plot plan or the elevations. The house actually was too low, and I sent them a letter, I have a copy of both letters that I sent them where they wasn’t in compliance with our restrictive covenants, but the house continued on to the progress. The Crockers lived there for three years, and they still to this day haven’t put a yard in. So the drainage problem is a real serious issue. You can go back to the pictures that was submitted. I have other pictures, too, that the yard has never been put in, so the erosion has been terrible. The ditches are full, the engineered drainage is not working in front of their property and hasn’t for several years. We understand that times are tough. We understand we are all suffering a little bit on this thing, and we know he’s suffering since the father moved out, on money.”

**Chairman Peterjohn** said, “If you can you wrap it up in 30 seconds, Mr. Kraft.”

**Mr. Kraft** said, “You betcha. So we understand that. We’re not trying to do anything but what is right for that subdivision to continue on. We are only in the first phase, and only 70 percent into this deal, and we hate to see it, as a developer and owner of that, we hate to see it destroyed with one wrong decision.”

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**Chairman Peterjohn** said, “Mr. Kraft, thank you. I think we have a question. Commissioner Parks.”

**Commissioner Parks** said, “You heard me ask Mr. Schlegel earlier about the one year issue. Do you think that the neighbors would have a strong objection if this was allowed to happen for one year?”

**Mr. Kraft** said, “Well, they certainly do, and one of the things, this one year hasn’t started from the time you guys make a decision. Their tenant has been in there since October without the approval.”

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

**Mr. Kraft** said, “Any other questions?”

**Chairman Peterjohn** said, “No. Thank you, Mr. Kraft. Anyone else who wants to speak? Go to the podium please, sir, and state your name and address for the record.”

**Mr. Ed Crawford**, 12111 West 34th Street South, greeted the Commissioners and said, “I am the owner of the property in question. Basically all the issues that Karl is bringing up about the way the house is built, I don’t know what that has to do with the use of this property at this point in time, but none of that was made known to me until we went to the original hearing. I had no idea about the issues; how the house was built, height wise, and all this stuff for drainage. I do know there’s drainage issues, as you can see by the photo, looking east, there are two lots east of me that are also undeveloped that have had erosion going to the same ditch that runs in front of my house. The property you are looking at is actually one of my neighboring properties, my neighbors’ properties here, is the neighbors who live to the west of me. And in order for us to have proper drainage, their ditch is not deep enough, because the water stops at my culvert and drops off, and the silt and everything runs off right into my culvert. I have recently dug that back out and started moving dirt around again to try to get it to stay in my yard. We have tried seeding the yard. We had torrential rains in the spring that washed the seed out. We are continuing to try to get that established. As you can see, there is some grass in there, it is not barren, as you were led to believe, but, again, I am not sure that the problem is going to be solved until that entire drainage ditch is cleared out to the west of us, which is the direction of the drainage. That lot to the west of us was actually barren for about a year and a half. The first year and a half we were there, there was no lawn there either, and that’s what filled that ditch up as well.

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“Now moving on to the actual subject at hand, the gentleman we have living in our pool house right now is the father of a friend of ours. We’re not doing this as a rental, we’re just trying to help them out. They live in a small two bedroom house with two boys. They don’t have room to put him there. He was just moved from an independent living center that closed, they are trying to find some place to locate him that he can move to. We are not trying to do this for a long-term deal. I am not asking for it to be a rental property to be able to rent out in the future. Since we have had time to go back around and talk to our neighbors after the initial meeting Karl had, that we were not privy to, or even invited to, so we could talk about what we we’re doing, that’s where his petition was signed. We had no prior knowledge of that until we went to the original hearing. Once we did, we had time to go around and talk to the neighbors. There are still two or three on this list that we haven’t talked to, but the ones that we were able to talk to, they have said, you know, we don’t have a problem with you doing that, and I feel that kind of addresses of the covenant issue, because the people in the area are the ones who have the say of what goes on in the covenant, except for the fact that it does say in our covenants that the grantor has to approve that issue as well, which Karl is the grantor now, as I understand it. Steve Kelly was one of the original people in that drafting of the covenants, and I have spoken with him on the phone, and he said he does not have a problem with me doing this temporary use of this property like this. I do have this additional petition that we just did over this last week since we had this notice. I’d like to submit this to the Commission as well.”

**Chairman Peterjohn** said, “Mr. Crawford, please present it to the County Manager. That would be fine.”

**Mr. Crawford** said, “Okay.”

**Chairman Peterjohn** said, “Or to Mr. Schlegel.”

**Mr. Crawford** said, “Any other questions?”

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

**Commissioner Parks** said, “Commissioner, I would like to see the other document he had there if I could just momentarily.”

**Mr. Crawford** said, “That represents, I don’t know, there’s probably like a dozen lots maybe that are developed, and they have three of the lots that are definitely not, you know, they are part of the issue here of not wanting us to be able to use the property along with Karl, so actually four owners in the area. Three owners I have not actually spoken with, one just moved in last week and the property sold from a previous resident there, who did not have a problem with us, and then there are two to the south of us that I have not talked with. I have one, two, three, four, five, six, seven of the

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other property owners in the Redmond Estates that have signed that petition that say they don't mind us using it as we're using it for the temporary use."

**Chairman Peterjohn** said, "Let me ask you, Mr. Crawford, there was some discussion, in terms of how long with the approval by the Metropolitan Area Planning Commission was for one year. What is your understanding as when..."

**Mr. Crawford** said, "If we could go from a year from when he moved in would be fine, from October to October."

**Chairman Peterjohn** said, "He moved in, you said, in the beginning or end of October?"

**Mr. Crawford** said, "It was the beginning of October, so from October to September, whatever, would be a full year."

**Chairman Peterjohn** said, "Any further questions for Mr. Crawford? Is there anyone else in the audience? Thank you, Mr. Crawford. Is there anyone else in the audience who wishes to speak on this matter? Mr. Schlegel, a question for you."

**Mr. Schlegel** said, "Yes, sir."

**Chairman Peterjohn** said, "According to the records, and the approval of the Metropolitan Area Planning Commission, when they voted 8-6, did they specify, in terms of that condition for one year, when that one year would begin and end?"

**Mr. Schlegel** said, "No, they did not as a part of that, and like I said with my earlier response, typically that runs from the time when the final approval is made on conditional use, and in this case because of the protest petitions the final action would be by this Board. Now, if you wanted to change that, you could change that condition of approval to limit it to the end of October, like the applicant just stated."

**Chairman Peterjohn** said, "Thank you, Mr. Schlegel. Any further questions for Mr. Schlegel?"

### **MOTION**

Chairman Peterjohn moved to approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution, and add the condition for the one-year term to end at the end of October, 2010.

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Commissioner Unruh seconded the motion

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

**Commissioner Unruh** said, "I seconded the motion, and I will be supportive of it when we vote, based on the findings of the MAPC and their explanation of how they applied the golden rules to this particular issue, with the restrictions that they've already put on it from the MAPC, and the Chairman's further suggestion of the time limit. It's a difficult issue, it seems to me. I mean, this request meets the definitions of our zoning and of our conditional use permits. It meets it in every regard. However, I'm just concerned that it's not a family member, where these are usually applied, it's a family member with some sort of health issue. So I think it makes it a little bit more difficult for me, but as I try to apply the rules of zoning that we are under, I believe that it meets the criteria and I'm going to be supportive."

**Chairman Peterjohn** said, "Any further comment? Please call the vote."

**Mr. Schlegel** said, "Mr. Chairman, before you vote, one quick clarification on the intent of your motion, is that this conditional use will end as of the end of October 2010?"

**Chairman Peterjohn** said, "That is correct."

**Mr. Schlegel** said, "Okay. Thank you. Sorry."

**Chairman Peterjohn** said, "No, I appreciate it. If there's any unspecificity at the bench, any effort to clarify it is much appreciated, Mr. Schlegel. Call the vote."

### **VOTE**

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

### **NEW BUSINESS**

#### **H. ADOPTION OF THE 2010 SAFETY SLOGAN FOR SEDGWICK COUNTY EMPLOYEES – “SAFETY’S INTENTION IS ACCIDENT PREVENTION”.**

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**Ms. Diana Mansouri**, Safety Coordinator, Risk Management, greeted the Commissioners and said, “I am filling in for Mick McBride, the Risk Manager, who is on jury duty this week. I appreciate the opportunity this morning to share our organizational commitment to safety. Each year since 1994 Risk Management, with your support, has sponsored a Sedgwick County employee Safety Slogan Contest. This contest encourages individual employees and departmental safety committees to submit a safety slogan for possible adoption. There were 127 safety slogans submitted in this year’s contest by employees in almost all offices and divisions of Sedgwick County. A true reflection, indeed, of the value our organization places on safety. A special thank you goes out to each employee who submitted a safety slogan. Then we ask selected county employees to sit on a committee that selects a contest winner. We appreciate their willingness to participate in this program. For 2010, the committee had 22 employees representing 21 different departments. Simple majority determines the winner. The winner does receive a prize basket, which is sitting right behind me, of safety related items, a framed copy of the safety slogan poster, which I am about to display, and your recognition.

“The winning safety slogan for 2010 is Safety’s Intention is Accident Prevention. A copy of the safety poster for each of the last 16 years is on display in the Risk Management office on the 11th floor here in the main courthouse, if you’re interested in viewing our progress over time. Congratulations to Benjamin Breese for submitting this year’s winning slogan. Ben is an employee in the Sedgwick County Treasurer Tag Office. This is the 4th year the poster features the photographs of our own county employees engaged in the safe performance of their job duties. Copies of this poster will be displayed in every county department. The intention is to remind each person to do those things that will prevent accidents and injury to employees and citizens. This poster would not be possible without the dedication of Lori Westfall in the Division of Information and Operations Print Shop, and Tony Giuliano in Communications. They did the photography and assisted in the poster design. Lori prints the posters in house, which keeps our printing cost low. Special thanks go out to the departments and employees who volunteered to be photographed for this poster, and to everyone else in this organization for making this safety program possible. At this time, I respectfully ask that you adopt Safety’s Intention is Accident Prevention as the 2010 employee Safety Slogan and allow me to present the contest award.”

**Chairman Peterjohn** said, “Thank you very much for that presentation.”

### **MOTION**

Chairman Peterjohn moved to adopt the Safety Slogan and allow presentation of a framed poster and other safety-related items to Benjamin Breese, Sedgwick County Treasurer – Tag Office, winner of the 2010 Safety Slogan Contest.

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Commissioner Parks seconded the motion.

**Chairman Peterjohn** said, “My congratulations to him on winning the 2010 safety slogan contest. Any further discussion? Commissioner Parks.”

**Commissioner Parks** said, “I just wanted to ask how heavy the basket was that you have back there?”

**Ms. Mansouri** said, “It is not heavy at all.”

**Commissioner Parks** said, “Okay.”

**Ms. Mansouri** said, “It is an acceptable limit, sir. No back injury.”

**Commissioner Parks** said, “Okay. That’s great.”

**Ms. Mansouri** said, “No risk of a back injury, either.”

**Chairman Peterjohn** said, “Any further discussion? Seeing none, please call the vote.”

### **VOTE**

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

**Mr. Mansouri** said, “Thank you, Commissioners. I would like to invite Ron Estes, Sedgwick County Treasurer, to come forward to receive a framed poster of the 2010 safety slogan for his office, and also his employee and winner, Benjamin, to accept the contest award, which consists of a fire extinguisher, a smoke alarm, a first aid kit, a t-shirt and an emergency radio flashlight.”

**Mr. Ron Estes**, Treasurer, greeted the Commissioners and said, “I’d like to echo the congratulations and the thank you to Ben for his work. One of the things Ben has done over the last year is he has stepped up to fill in as the training coordinator for our office, for the safety committee that we have running. Our training coordinator was called up to active duty, so Ben ended up doing a lot of that work over the last year, and we’ve tried to put a lot of effort into going through quizzes on a monthly basis, and making sure that employees are just reminded of the safety aspect of their

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job. One of the things is that, with the tasks we do in our office, we end up with issues, ergonomic issues, carpal tunnel, a lot of people doing repetitive tasks, and how they sit and use their desk. We've done some things over the years to make sure we had the right adjustments and right furniture and the configurations. So again, I want to thank Ben and appreciate the job that he's done."

**Chairman Peterjohn** said, "Mr. Breese, would you like to step forward and add a few words? My congratulations to you."

**Mr. Benjamin Breese**, Supervisor, Treasurer Tag Office, greeted the Commissioners and said, "Thank you very much. First of all, I want to thank the Board of Commissioners for allowing me this time to speak for just a few minutes. I want to thank Risk Management and Diane Mansouri for the award. When she called me, I was pleasantly surprised that my slogan had been chosen. Safety's Intention is Accident Prevention, that is true. Mr. Estes said that they asked me to oversee the safety committee when Mike was gone to active duty. I was comfortable with it because I've had several years teaching first aid classes and things like that, but at the Tag Office and the Treasurer's Office, both sides, we do try to make sure that we have a safe environment for employees and for the citizens of Sedgwick County as well. So, again, I want to thank everybody for this award. Thank you."

**Chairman Peterjohn** said, "Thank you. Please call the next item."

### **I. PRESENTATION OF FOURTH QUARTER FINANCIAL RESULTS.**

#### **VISUAL PRESENTATION**

**Mr. Troy Bruun**, Deputy Chief Financial Officer, greeted the Commissioners and said, "You should have all received the financial report this morning, and that was put together by the hard work of everyone in finance. In particular, Budget led by our Director, David Miller, Pete Giroux, Chris Duncan, Jill Tinsley, Anthony Swartzendruber and Nikki Huntington, and our accounting department led by Ann Smarsh, the Director, Sara Jantz, Brandi Bailey, Daniela Rivas, Ginger Radley, Marty Hughes and Pam Kelly. Hopefully I didn't miss anybody. This first slide shows the net expenditures for all operating funds on a budgetary basis for all four quarters of 2009. I'm showing the expenditures at the top. Each bar, starting at the top, represents a year of expenditures. Each section of the bar is a quarter, and the percents refer to the amount of the budget spent in that quarter. So for 2009, we spent 21 and 1/2 percent in the first quarter. You can see throughout the

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end of the year, in the 4th quarter we spent 20.4 percent. That totaled, in 2009 we spent 86 percent of our budget. You might ask, well, what didn't we buy, we only spent 86 percent? But if you remember, we budget contingencies in the event of a disaster so we don't have to go through the budget again to spend funds quickly. In 2008, we spent 90 percent of our budget, and in 2007, 88 percent; so we're right in line. The lower part of the slide shows revenue. In 2009, we collected 97 percent of our budget, or \$372.5 million. Our budget is down 1.8 percent from 2008 where we collected \$374 million. So I just wanted to show you that revenues were down a little bit from last year and expenditures were up."

"Expenditures were up 1.8 percent over last year. Even though we spent less of our budget, our budget was higher in 2009. Focusing on key revenues, at the bottom, the yellow bar is 2009, the blue bar is 2008, the green bar is 2007. Ad valorem taxes, they're a main revenue; we collected \$139 million in 2009, that was up 1.7 percent over 2008. Motor vehicle taxes were almost flat, up about \$20,000 in 2009. Sales and use tax fell in 2009, 5.7 percent, charges for services up 2.5 percent, and investment income down almost 61 percent. Our portfolio in 2009 was much smaller, and our rate of return is much smaller. At the end of the year we were earning on average 0.52 percent on our investments. The 2009 ad valorem tax levies, they fund the 2010 budget. The county's levy is \$125.8 million. That's down from \$127 million last year, so our percent of the pie shrank about 1 percent, went from 25.2 percent down to 24.3 percent. You can see the others, City of Wichita 2010 tax collections will be 19.4 percent. USD (Unified School District) 259 grew about a percent to 27.6 percent and all other districts, taxing districts, combined total 28.7 percent.

"The largest individual revenues for the operating funds in 2009. Ad valorem taxes \$136 million; this includes back taxes and its net of refunds, and it also includes the Fire District. That's why it's a little higher than the previous slide that showed \$125 million. We collected 101 percent of the budget and it was up 1.6 percent from 2008. Local sales and use tax fell 5.7 percent. Medicaid fees down almost 12 percent. It's a little misleading; we had an accounting change in 2009, \$2 million dollars that we now receive to Corrections, JJA (Juvenile Justice Authority) would have been in here in 2008, and in 2009 we've taken it out. The other, a little bit less than a million was services that no longer are funded by Medicaid and CDDO (Community Developmental Disability Organization). Motor vehicles are flat. The state revenue from SRS (Kansas Department of Social and Rehabilitation Services) to COMCARE is down 22 percent, about \$312 million. That's a direct result of the state budget cuts. The Medicaid waiver up slightly, 5.4 percent. The Medicaid waiver adjusted their rates and have also added a few services that previously weren't allowed to be billed.

"Switching to expenditures; personnel, our highest category of expenditure. It includes salaries and wages, health insurance, taxes. In 2009, totaled a little over \$173 million, up 6.6 percent over 2008. Contractual, our next highest group of expenditures, you might be wondering why contractuels fell

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in 2009. The real story is why they grew in 2008. In 2008, we had a lot of one-time economic development incentive payments. If you remember, the Cessna payment of \$5 million. We paid almost \$1 million to Spirit. Those did not occur in 2009, so we dropped back to a more normal amount. Commodities were flat, capital outlay was up slightly and debt service jumped about 15 percent. Our debt service payment for the National Center for Aviation Training (NCAT) came online in 2009; that's why debt service is up. The largest single expenditures in the personnel area were salaries and wages at almost \$125 million, up almost 7 percent. In 2009, there was a 4 percent salary pool with several market adjustments throughout the year driving salaries and wages up 6.9 percent."

**Mr. Bruun** continued, "Health insurance up 10.5 percent to \$24 million. The county Sheriff health insurance in 2009 went up six percent, but we also added almost 5 percent of additional insureds on our plan. People before who may not have been taking advantage of the county's health insurance because their spouse was employed, may have been laid off in 2009, and now those people are coming on to the county's plan, so that bumped our health insurance costs up 10.5 percent. Grant awards, they've been trending down for quite a while. This is not money that the county is receiving, it's money we're paying out as awards for vendors to provide service; it's down 2.1 percent. Bond principal, up 15 percent due to NCAT. Retirement contributions up 7 percent, which is right in line with salaries and wages. Affiliate Medicaid is down 3.7 percent. This is when vendors bill Medicaid, but they bill them through Sedgwick County and the money passes through. Our largest affiliate biller, Mental Health Association, went through a billing system conversion in 2009. They're a couple of months behind in their billing, and that results in a dip of 3.7 percent. Social Security up six percent, as you would expect with salaries increasing.

"Fleet Management charges, the price of fuel dropped in 2009, so the cost of Fleet Management costs dropped 5.1 percent. And the interest on our debt, up almost 15 percent after the issuance of the debt for the National Center for Aviation Training. Significant capital projects; Intrust Bank Arena opened earlier this month. It's 99 percent complete. Contractors are still working on punch list items, but that project is almost complete. National Center for Aviation Training, the Gateway Building is open. It's 99 percent complete. Phase two is 73 percent complete. Fire station relocation plan; Fire Station 39 is 98 percent complete. Fire Station 35 in Goddard, construction documents are on the street. Forensic Science Center, it's a cash funded project, 87 percent complete, and the 2009 Highway Preventative Maintenance Program, a \$6 million budget, it's 100 percent complete and came in \$400,000 under budget.

"Unreserved fund balance, our policy first of all, unreserved fund balance, it's the part of our fund balance that's not legally restricted. We could have contracts with vendors that would be reserved. We could have other legal restrictions on our fund balance. This is the portion that is not legally restricted. And we have a policy that says in the general fund our minimum balance will be 20 percent of our budgeted expenditures, so for the end of 2009, our policy minimum is based on the

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2010 budget. So our policy minimum in the general fund is just under \$37 million. We ended 2009 with \$63.27 million of unreserved fund balance in the general fund. Special revenue funds and all the other funds are 7 percent of their budgeted expenditures, except capital projects; the minimum balance is zero. We expect to spend all those funds. So, again, at the end of 2009, Sedgwick County fund balances are still healthy, as we predicted they would be.”

“Now, I’m looking at total fund balance of just the general fund, and you can see the trend, the first half of the year fund balance goes up. That’s when we’re collecting most of our property tax. We collect it in January and then again in June, and we spend our money about evenly every quarter, but we’re taking in a lot less revenue the last two quarters of the year, so our fund balance naturally drops. We ended 2009 with total fund balance in the general fund at \$70 million, up \$4 million over 2008, a little bit misleading, well it’s not misleading, the numbers are the numbers. We paid Cessna \$5 million in 2008, they repaid it in 2009. If we had not made that payment in 2008, our ending fund balance in the general fund would have been \$71 million, so we would have seen about a \$1million drop in fund balance in the general fund, which is about what we were predicting.

“Turning to investments, at the end of 2009, we held just over \$530 million. You can see most of it is in repurchase agreements, that’s overnight investments. A lot of that money, there’s \$206 million in that gray section of the pie, that is money that’s held, the County Treasurer has collected the taxes. At the end of the year we’re holding that for the distributions in January, so we get to invest it, even though it’s not ours, but we get that month of investment to help pay for the cost of collecting taxes and managing that process. At the end of 2008, we had \$605 million, so the difference mainly due to construction on the arena. In here I show you the portfolio size of the last couple of years. You can see the spikes when we collect property taxes. The yield, trending down, as you would expect. The first part of the year we’re earning about 1.2 percent, average return. At the end of the year, it was 0.52. Our benchmark in December was 0.47, so we’re right at our benchmark, and I would guess, as hopefully rates will start inching up a bit, our yield will be actually under our benchmark, because we make investments and then we have to hold them, and by the time they mature, then we can reinvest. So I’m assuming our benchmark will be higher than our yield; sometime in 2010 that will correct itself.

“Three months ago, Chris Chronis showed this slide without the last three bars, and there was no question mark at the end of the title. He said that foreclosures in 2008 totaled 1,142, or an average of 95 per month, and no month in 2009 was higher than the average of 2008, so foreclosures appeared to have peaked. We just got the numbers for December 2009; it was 283. One possible explanation for the spike in December, you can see in December of 2008 there was also a spike of 123, although not as pronounced as this year’s. It could be the banks clearing out their books and getting rid of bad loans, getting ready for the new year, I don’t know. Nationally, in 2009, there

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were 3.9 million foreclosures higher. That was a record. There were 3.2 million in 2008. So hopefully this is just a spike and it's not ongoing, but we will be watching this, but the average for 2009, even after the spike in December, was 85 a month, which was 10 less than 2008."

**Mr. Bruun** continued, "Construction activity, construction permits issued by the City of Wichita. The last half of 2009, the number of permits issued was the highest since the last half of 2006, so the number of permits have been increasing, but their value is still growing much more slowly. The blue tip on each one of these bars is the remodel and repair construction permits, and the red portion is new construction. Employment; the number of filled positions bottomed out in July, inched up a little bit in October and November, and then back down in December. We're just slightly ahead in December, of where we were in July. We had 295,900 filled positions in December, and 295,700 in July. The unemployment rate is improving after July, but the number of employed dropped down in December along with the rate. Employment benefits are running out. One possible explanation is the people that have been laid off have stopped looking for jobs, so they're no longer in the unemployment statistic. Layoffs continue to occur. As reported through Workforce Alliance through January 22nd, through the number of layoffs through April of 2010 is 15,463. At the end of 2009, there were 14,851 confirmed layoffs. So from January through April, there will be 600 additional layoffs in our community, confirmed.

"So items that will impact Sedgwick County's finances; internally we have inmate reduction programs, we have workforce development efforts, the downtown development, KPERS (Kansas Public Employees Retirement System) pension system losses, the current economic conditions and what the state will do with its budget. That will impact us, but so far the impact has been muted. Unemployment appears to have peaked, but recovery, as the last few months has shown, is going to be extremely slow. One result of this is stagnant county revenue. You saw that county revenues in 2009 dropped 1.8 percent, but they didn't fall off a cliff. It wasn't the dramatic decrease that we've seen other places. Sedgwick County will have an increased demand for services: workforce development, mental health counseling, aging services, primary healthcare and law enforcement. Three months ago we reported state 2010 budget cuts. As you know, the state's budget of 2010 runs from July of 2009 through June of 2010. Previously we had reported a little over \$4 million in reductions, revenue reductions to Sedgwick County. The Governor in November reportedly released another \$3.3 million dollars in reductions for the 2010 state budget, but we can manage it. 7.4 percent, or under \$250,000 of the cuts were in property tax supported funds. Most of the cuts occurred because of a 10 percent reduction in the Medicaid payment from the state. Services will hurt either the county's financial position if we cover those cuts, or county residents who are not served by the services because of the state reductions."

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“In the 2011 state budget, which runs from July of 2010 through June of 2011, the Governor’s revenue enhancement package, has said if it’s not approved, he will extend the 10 percent cut in Medicaid, reduce SRS grants statewide by \$5.2 million, close the Sedgwick County adult Residential [Center] facility. The total amount of the Governor’s cuts is \$380.7 million. We don’t know what cuts will occur. We don’t know how they will impact Sedgwick County, but the only thing we do know is Sedgwick County is in a great financial position. We have healthy fund balances. We’re using those fund balances to ride us through this downturn, so we know our own financial position is strong, we’re just not sure what the local economy is going to do to us, and what the state budget cuts, how they will impact us, but there will be more information for you in our February 9th BOCC (Board of County Commissioners) retreat. The Budget staff is working on revising the financial plan and they’ll have more information on the state’s actions at that time. I’d be happy to answer any questions. If not, I ask that you receive and file.”

**Chairman Peterjohn** said, “Mr. Bruun, thank you. We’ve got some questions. Commissioner Welshimer.”

**Commissioner Welshimer** said, “I just have a comment. I think last year at this time, just before we had our retreat and this financial report was presented to us, we had a \$60 million dollar ending balance, isn’t that correct?”

**Mr. Bruun** said, “In the general fund?”

**Commissioner Welshimer** said, “Yes. We had a \$60 million ending balance and then we went through all of this procedure; we rolled the mill levy back another half of a mill, and then the year before, we rolled it back one mill. Now this year we have an even higher ending balance, we have \$63.27 million this year.”

**Mr. Bruun** said, “Okay. Last year we...”

**Commissioner Welshimer** said, “I’m just making a point that after all we went through last year to roll that mill levy back, it didn’t put us in a terrible financial position.”

**Mr. Bruun** said, “One of the slides I showed was \$70 million total fund balance, and you’re citing the \$63.27 million unreserved fund balance this year.”

**Commissioner Welshimer** said, “That was the unreserved that you gave us in the beginning.”

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**Mr. Bruun** said, “Last year the unreserved balance was \$65 million, so we had a reduction in the general fund unreserved fund balance of \$1.7 million during 2009.”

**Commissioner Welshimer** said, “\$65 million, okay. Well my understanding at the retreat last year was that it was \$60 [million]. I just had that in my mind all this time, but even so, that rollback was something that we survived, even in spite of the fact that property valuations have not risen the usual four or five percent that we usually tax every year, and our investments, income from our investments, have decreased, so I feel pretty good about that. Thank you.”

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

**Commissioner Parks** said, “Our constituents don’t have a chance to, many of them don’t have a chance to be at our retreat. It’s a workshop, and so I’m going to just tell them that I’m going to ask a few questions at the retreat, and one of them is an explanation and clarification of cash carryover, fund balance, encumbrances and the definition of those terms, and I plan on getting back with many of my constituents that have asked those questions also. Back, you said city permits on the construction, if you recall you were showing the slice of the pie there, does the City of Wichita, does the population figures that we normally have on that, is that 72 percent of the total, or 80 percent of the total, or, I’m just trying to figure out if we have other, outside the corporate city limits and the other cities in the county, are they growing, or are they attributing to that fund?”

**Mr. Bruun** said, “I don’t have information on the other cities.”

**Commissioner Parks** said, “Okay. Would it be safe to say they’re about the same percentage that the population is of Wichita, or do you have, I don’t want to put you on the spot, Troy, but that’s...”

**Mr. Bruun** said, “If I were to guess, I would guess yes.”

**Commissioner Parks** said, “That’s something you might...”

**Mr. Bruun** said, “But I will find out.”

**Commissioner Parks** said, “...have for us for the retreat, also. Less revenue the last two quarters last year, were there any glaring things that came out of that, that attributed to that?”

**Mr. Bruun** said, “You’re referring to the first slide?”

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**Commissioner Parks** said, “I think it was six slides in or so that you said that the less revenue the last two quarters of last year, significant revenue loss.”

**Mr. Bruun** said, “For the entire year we were down \$1.5 million in revenue for all the operating funds from 2008 to 2009.”

**Commissioner Parks** said, “But you made the statement that less revenue the last two quarters, so I didn’t know if you had anything that you could point your pencil to, to say this is why, is it the construction, is it the foreclosures that we’re not getting the tax money on? What may be that issue?”

**Mr. Bruun** said, “I was referring to the smaller percent of the budget in the last two quarters, because we receive almost 100 percent of property tax in the first two quarters, so we don’t have property tax flowing in, in the second half of the year, so the percent that we collect of the budget is much lower.

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

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

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Troy, I don’t have a question particularly. I appreciate your presentation, and I just want to congratulate you and the rest of the folks in Finance Department for getting us something that is broken down, that we can understand it and analyze it, number one, but also want to congratulate on a good job of managing county resources, so that we can see where we are and we can maintain the healthy situation that we are in, as opposed to what many government agencies are experiencing right now. So, just thank you for a job well done to you and to all of your staff. We appreciate it.”

**Mr. Bruun** said, “Thank you.”

**Chairman Peterjohn** said, “Mr. Bruun, I have a couple of questions. Slide 7, if you can jump back to that, please. I was interested in the final charge at the bottom, interest, in terms of largest expenditure. We had \$7 million in interest expenditures?”

**Mr. Bruun** said, “On our outstanding bonds.”

**Chairman Peterjohn** said, “On the outstanding, that’s strictly bonds?”

**Mr. Bruun** said, “Yes.”

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**Chairman Peterjohn** said, “Okay. On that slide, looking at the health insurance, retirement contributions and FICA Social Security, just a quick glance, it looks to me like those three items, if you combine them, total a little over \$40 million. Looking at what it costs to employ one person in Sedgwick County, approximately for the average Sedgwick County employee, we’ve got about almost a third of their costs for employment are in addition to their outright salary. Is that a fair statement?”

**Mr. Bruun** said, “Yes.”

**Chairman Peterjohn** said, “I wasn’t sure if there was anything else that might be included there, but when I was looking at retirement contributions, I wanted to make 100 percent sure that was all basically taxpayer supported. Am I correct on that assumption?”

**Mr. Bruun** said, “These are all funds, but yes, in some way taxpayers support everything we do.”

**Chairman Peterjohn** said, “Okay. Slide 17, I was a little bit confused on the left hand column there, and maybe, it has dollar figures on the left-hand side. I thought that was unemployment and employment figures. Can you tell me what that dollar sign means on that vertical column?”

**Mr. Bruun** said, “That’s an error.”

**Chairman Peterjohn** said, “Okay. I noticed in the report itself, and just received it a couple minutes before the meeting began; I noticed there was an uptick reported in the month of December for sales tax revenue. It was working against a very low base last year, and sales tax revenues were down over all for the year, do you have any feeling at all, in terms of if that’s a one month blip, or we’ve maybe turned a corner?”

**Mr. Bruun** said, “No. Historically, it’s very hard to look at just a couple of months of sales tax receipts, because we don’t know if the state didn’t process all of the receipts in November, so we got some November receipts in December, or if it’s actually a trend, so we like to take a good three to six months before we will make a guess at what the trend is doing.”

**Chairman Peterjohn** said, “Okay. My last question. You mentioned that they were down to working, I think you said punch list on Intrust Bank Arena, we were 99 percent done. Do you have any idea when we’ll be 100 percent on that?”

**Mr. Bruun** said, “I’m not sure if the contractor has 90 days, or 120 days, after the doors open to get everything done.

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**Chairman Peterjohn** said, “Okay.”

**Mr. Bruun** said, “It’s three or four months after the doors open.”

**Chairman Peterjohn** said, “Thank you very much. Let me check with the Clerk, I’m a little unsure, do we have a motion at this point?”

**Ms. Angela Lovelace**, Deputy County Clerk, greeted the Commissioners and said, “We do not.”

**Chairman Peterjohn** said, “We do not, so what is the will of the Commission?”

### **MOTION**

Commissioner Unruh moved to receive and file.

Commissioner Welshimer 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

### **J. NOTICE OF FINDING MADE BY THE BoCC AT THE POST-ANNEXATION HEARING HELD ON JANUARY 6, 2010.**

**Mr. Robert Parnacott**, Assistant County Counselor, greeted the Commissioners and said, “You held a hearing back on January 6th where you considered whether the City [of Haysville] had provided services in connection with an annexation, which you were required to hold that hearing by statute. You held the hearing, you received testimony from landowners and from the city. At the close of the hearing, after receiving all the evidence, there was a motion to find that the city had provided services.”

**Mr. Parnacott** continued, “That motion failed by a 2-3 vote. The statute requires us to provide a notice to the city if there’s been a finding that they have not provided the services, and that’s the result of the failure to find that they have not provided the services, is an implied, certainly, finding

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that they did not provide the services. So we have to prepare a formal statement of that finding and we have done that for you based on the record, the testimony that was presented and the comments by the Commissioners at the close of the hearing. That form of the notice is in front of you for approval. The result of the notice, once it's been sent out, is the city has two and a half years to provide those services. At the end of those two and a half years, if a landowner feels they still are not getting the services, they have to petition you for another hearing. You have to hold that other hearing and then make some findings related to whether or not the property should be de-annexed (sic), so for now all we're doing is recommend that you adopt this notice of finding, approve it, and then we can have the Chairman sign it and we'll send it out to the city and the landowners. If you have any questions about the form of the finding, I'll be more than happy to answer them."

### **MOTION**

Commissioner Welshimer moved to adopt the findings and authorize the Chairman to sign.

Commissioner Parks seconded the motion.

**Chairman Peterjohn** said, "Any further questions? Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I will not be supporting the motion in light of the fact that, in my judgment, the Commission erred in its findings, and I realize this is a procedural item before us, and so it would, on the one hand it would seem like it's just procedure and should vote in favor of it, but I will vote no in light of the fact of one, trying to be consistent with my other vote, but secondly just to emphasize the fact that we erred in our findings. That's all I had, Mr. Chair."

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

**Commissioner Norton** said, "I'm going to be voting no also. It has to do with, I think, that we did not follow the rules particularly on what we are charged with when it comes to annexations. I think we considered some things outside the realm of what we should have done. I voted no before. I know there's probably some citizens that would disagree with that. But as I analyze what our charge was from the state on annexation, I tried to, in my best interest, and the citizens' best interest, and the City of Haysville's best interest, follow what we're charged with doing through state statutes, and I will reflect that in my vote today."

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

**Commissioner Parks** said, "And on the contrary, I do believe that we followed the rules, and Legal staff has prepared the documents, and it appears that Commissioner Unruh and Norton will be

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subpoenaed by the City of Haysville if there is legal action on this, to testify on their behalf. Thank you.”

**Chairman Peterjohn** said, “Thank you. At this point, while this is not a public hearing, I would like to, we have in the past given the citizens an opportunity to testify. I believe if there’s anyone here who would want to testify on this issue, either for or against it, I’d like to give them the opportunity at this time. Is there anyone here who would wish to testify? Please come to the podium and state your name and address for the record.”

**Ms. Debbie Hudson**, 6904 South Broadway Ct., Haysville, greeted the Commissioners and said, “On the annexation, there’s just a few discrepancies on here that we feel, and first of all, not everyone got this letter. We got it by e-mail. So, is that correct then, no one else should have got this letter?”

**Chairman Peterjohn** said, “Refer to Mr. Parnacott.”

**Mr. Parnacott** said, “We are not required to prepare, we send them after the form of the notice is approved. I had a conversation out in the hall after the hearing closed where a couple landowners, Ms. Hudson and Ms. Mosteller, asked to receive a copy of that. We did provide a copy to the people that requested that, but there was no statutory requirement that we send it out to everybody.”

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

**Ms. Hudson** said, “Okay, and a couple of other things. Where Mr. Parks had, you know, we have this, it’s like the third paragraph down on the grading, the townships were going to pave, not just the Mosteller addition, they were paving all of our roads, so I think that needs to be some clarification, because they do not meet the service plan. It’s not equal to or better than. The county took fine care of us, you know, we loved you guys, we want back with you guys. And nothing against the City of Haysville, it’s just the county did, and we just don’t feel that they have done even the equal to part as of that service plan. And also, the numbers, well, we finally got a regular calculator, it’s \$241,666 per household for those services, and if you did 180 months, 15 years of specials, that’s \$1,342.59 in specials. So I would ask you, Mr. Norton or Mr. Unruh, if you could afford that for services?”

“That’s where we’re coming from. I mean, we just feel that the City of Haysville, on purpose, and also Ms. Neugent had said that they done it strictly for tax base and to get their boundaries, and so we just feel that that needs to be somewhere, those numbers need to be in this letter when it goes back out. And also I think you should talk to the townships. You know we were Riverside, and then Salem, and I think we went back to Riverside, but both of those townships took very good care of

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us. Let me think here. Oh, yeah, there was one senior in our area that just said, you know, she gets only \$700 a month, and so the \$1342, there's no way she could do that even if we petitioned for services. Anyway, that's all I have. I mean, I thank you for all you guys have done. I appreciate your votes, and I really hope that Kansas gets out of the whole unilateral annexation thing and it's only Nebraska."

**Chairman Peterjohn** said, "Thank you. Is there anyone else who wanted to speak? Please state your name and address."

**Ms. Jane B. Mosteller**, 4563 Cherry, Wichita, Broadway, Haysville, greeted the Commissioners and said, "I just wanted to clarify the confusion on Salem and Riverside Township. Our property there at the 6900 block of South Broadway is Riverside. During our initial annexation, the other half of the annexation group that they wanted to do was out of Salem, and that part they decided not to annex and then just forced annexed us, so that's where Salem and Riverside came in, but I really appreciate any help that you can give us to encourage, well no, demand that Haysville at least step up and give us something for all of this money or let us go. We appreciate that. Thank you."

**Ms. Carol Nugent**, Director of Governmental Services, City of Haysville, greeted the Commissioners and said, "I appreciate the opportunity to address this item, and on behalf of the City of Haysville, I'd like to read the following statement into the record. Let me get my glasses on. 'KSA (Kansas Statutes Annotated) 12-531(b) provides that "after the hearing, the board shall make a finding as to whether or not the city has provided services in accordance with its service extension plan. If the board finds that the city has not provided services as provided in its service extension plan, the board shall notify the city and the landowner that such property may be de-annexed, as provided in K.S.A. 12-532, if the services are not provided within 2 1/2 years of the date of the board's findings.' Information supplied by the city and subsequent testimony at the public hearing showed the following: one, the city has provided street maintenance as specified in the service extension plan; two, the city has provided police protection as specified in the service extension plan; three, the city has provided citywide services as specified in the service extension plan. The service extension plan required that one service would be provided upon request: street-lights. Testimony at the public hearing showed that no street-lights had been requested by any of the property owners."

"Assistant County Counselor Robert Parnacott further clarified that the provision of street lights was, in fact, an example of a service that was not automatic, but needed to be requested by homeowners. The service extension plan also required certain services to be provided upon petition of the property owners within the area annexed. These services are local street improvement, water supply line, water distribution system, sewer mains, sewer laterals. Testimony at the public hearing showed that the property owners within the area annexed had not petitioned for these improvements. The notice of finding does not respond to the requirements of the service extension

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plan, which was previously approved by the Sedgwick County District Court. The notice of finding appears to demonstrate that the information provided at the hearing by the City of Haysville about street maintenance, building inspection and the residents' access to the city's library, parks, senior center, recreational services and other city provided amenities was either missed or disregarded. Additionally, it appears that the Commission's decision was based on a general dislike of that portion of the District Court approved service extension plan that requires that the residents of the area petition for extension of services in the manner provided for by state law. The requirements provided for within the notice of finding amend the service extension plan and impose new requirements.

"First, the provision that road grading in the area meet a new vague standard developed by the County Commission. There is no information about how the city's current road grading does not conform to generally accepted road grading standards. Second, the provision that police services be provided in a manner that meets a vague standard developed by the County Commission, although at least three Commissioners appeared to approve of the police services provided to the area by the City of Haysville. Third, what appears to be a new mandate that residents of the Mosteller Third Addition will receive paved roads paid for by the city as a whole. Not only is this standard outside of the court approved service extension plan, but it sets this area apart from any other area of the Haysville community. Fourth, a new mandate that the city provide information about water and sewer services that area residents may or may not be interested in obtaining prior to a request for such services by petition. It was well explained, and all of the participants at the public hearing should understand that the County Commission may not order de-annexation of the properties after two and a half years for requirements that do not appear in the service extension plan, or for not providing services that must be requested by petition. In effect, this notice of finding of the County Commission fails to provide any relevant information to the City of Haysville regarding its existing service extension plan for the area. Instead, it leaves all parties in a state of confusion and will invariably require the District Court to review this action.' And just to clarify, the annexation; there were properties in both Riverside and Salem, so thank you."

**Chairman Peterjohn** said, "Thank you. Is there anyone else who wishes to testify on this matter? Any further questions for Mr. Parnacott? Seeing none, we have a motion before us. I see no lights lit, so please call the vote."

### **VOTE**

Commissioner Unruh	No
Commissioner Norton	No
Commissioner Parks	Aye
Commissioner Welshimer	Aye

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Chairman Peterjohn Aye

**K. RESOLUTION FOR THE ALLOCATION AND INTERFUND TRANSFER OF UNEXPENDED 2009 BUDGET AUTHORITY TO THE EQUIPMENT RESERVE FUND.**

**Mr. David Miller**, Budget Director, Finance, greeted the Commissioners and said, “Before you for consideration today are departmental requests to set aside funding for the acquisition of equipment and software in the equipment reserve fund as allowed by state budget laws through an interfund transfer. The transfers are made possible through unexpended 2009 budget authority. And the action requested of you today is to reserve the funding for the projects in the equipment reserve fund. The projects before you include a mix of items that were either budgeted for specifically in 2009 but not expended, or new equipment that wasn’t envisioned when the 2009 and 2010 budget was adopted. And if the Board will indulge me for a few minutes, I’d like to provide a brief review of each item requested for your consideration. The first item is the allocation of \$50,000 from the general fund for the acquisition of seven touch screen voting machines, two polling place ballot readers and one high-speed ballot reader for the Election Commissioner’s Office. The allocation of the \$100,000 for the acquisition of a whole body imager for the Sheriff’s Detention Facility due to current prohibitions on conducting strip searches. The machine will allow deputies to enhance their screenings on more than 33,000 bookings that occur each year in that facility, creating a safer working environment for the deputies and the inmates. Allocation of \$19,818 to replace 23 outdated computers in the Emergency Operations Center; 15 of the computers are used, that will be replacing the older computers and being reassigned from another department. Eight will be brand new at a cost of \$1,119 each. Fifteen new monitors will be purchased at an estimated cost of \$200 each, and identical software will be place on each of the 23 PCs (personal computer) at a cost of \$342 each. Allocation of \$383,265 for the upgrading of Public Safety radio systems to dual capable for analog and digital frequencies, as part of the Nextel West rebanding agreement as was included in the 2009 adopted budget.”

Allocation of \$92,209 from the EMS (Emergency Medical Services) fund for the acquisition of 37 laptop computers at a cost of \$2,281 per laptop computer and \$7,818 for mounting brackets. These laptops will be placed and embedded in the cab of each ambulance; they are touch screen laptops and they'll run the ambulance's computer aided dispatch, the mapping software and the deployment software utilized by the paramedics. Allocation of \$25,000 from the EMS fund to complete the Vehicle Area Network project to place a single wireless connection on each ambulance to run their data communication equipment. Allocation of \$13,200 from the highway fund for the replacement of four security cameras of the Public Works Stillwell complex. Allocation of \$27,500 for the replacement of five high pressure washers located at the Public Works yards, and the final transfer would move \$1.2 million from the 911 fund to the equipment reserve fund to be reserved to offset the cost of the planned replacement of the Public Safety system's 800 MHz (mega hertz) radio

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system as mandated by the FCC (Federal Communications Commission), and this would bring the total funding reserved for that project, after this \$1.2 million transfer, to \$3.5 million. I recommend you approve the reservation of these funds and I would be happy to stand for any questions that you might have.”

**Chairman Peterjohn** said, “Thank you, Mr. Miller. Any questions for Mr. Miller? If not, I’m going to throw out a couple.”

**Mr. Miller** said, “Yes, sir.”

**Chairman Peterjohn** said, “In looking at these figures, it looks like, between the requirement from the FCC, in terms of the mandated change, and the requirement by the 10th Circuit Federal Court of Appeals, in terms of putting in place an additional \$100,000 expenditure, I think something normally probably the Transportation Security Administration would use and it’s also going to put an unfunded mandate on to the Sheriff’s Office for \$25,000 a year operating expenditure, we’re looking at about almost two thirds of this total amount is coming from the, well perhaps even more than that, if you include the rebanded radios, that is the bulk of this money, is that correct, Mr. Miller?”

**Mr. Miller** said, “I’d concur with that comment, Chairman. We receive, as a lower level government, a number of mandates from higher level governments which costs us money and we have to oblige to those requirements.”

**Chairman Peterjohn** said, “Just also to help me out and my recollection, how much out of our capital improvement expenditures did we, what was our total for 2009? That this would be \$2 million out of, what was the total for last year?”

**Mr. Miller** said, “Of total Capital Improvement Project (CIP) expenditures?”

**Chairman Peterjohn** said, “Yes.”

**Mr. Miller** said, “I don’t recall the number off the top of my head. However, when we went through this process last year, the number was much higher than what you see this year. Last year, you might recall, we did the transfer for the Regional Forensic Science Center annexation to fund that with cash. I don’t recall that number off the top of my head, but I believe it is about \$1.2 or \$1.3 million, and there were a number of other projects. We also did parking at the boundless playground at the Sedgwick County Park was also included within those projects last year. The transfers that occurred last year were much higher than what you’re seeing this year.”

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**Chairman Peterjohn** said, “Thank you very much. What is the will of the Commission?”

### **MOTION**

Commissioner Parks moved to adopt the Resolution authorizing the transfer of funds to the Equipment Reserve Fund.

Chairman Peterjohn seconded the motion.

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

**Commissioner Parks** said, “I do.”

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

**Commissioner Parks** said, “I do have just a comment that I did dissect this document with the Manager and with Mr. Miller, and had quite a discussion about that, and a few things that I’ll say about that. I am planning to support this. Some of these federal mandates that are out there, certainly I applaud, and know that the some of the western Kansas counties are saying we’re not going to do the rebanding, and I don’t know that they will be jailed or otherwise admonished by the federal government or the FCC, however, for the safety of our officers out in the field, and our communication with other agencies that do have the rebanding, I think it’s important that we go ahead with this and comply with the unfunded mandate from the FCC. Having said that, certainly, I think that the Sheriff’s Department needs the tools that they need in the jail to have a faster and more efficient service over there, and I am supporting it for that reason also. Thank you.”

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

**Commissioner Norton** said, “Just an overall thought. Dave, how much is the complete rebanding and retooling of the system going to cost over the years?”

**Mr. Miller** said, “The entire project currently is estimated, and in the last adopted CIP, it was \$24.3 million.”

**Commissioner Norton** said, “Obviously this is small change today compared to what the horizon is going to be, that we’re going to have to save up to meet all the implications of the rebanding, the 911 and everything, is that correct?”

**Mr. Miller** said, “Yes, sir.”

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

**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

### **L. AGREEMENT TO CONDUCT COUNTY-LEVEL HEALTH PLANNING AND POLICY DEVELOPMENT ACTIVITIES.**

**Mr. Roderick Harris**, Director, Center for Health Equity, greeted the Commissioners and said, “The Kansas Department of Health and Environment (KDHE) aims to expand their ability to engage communities throughout the state in efforts to address health disparities. Disagreement from KDHE seeks the assistance of the Sedgwick County Health Department to develop capacity of Sedgwick County residents to initiate and take actions that will lead to health planning and policy development. This agreement expires on June 30, 2010, with the possibility of a renewal. As outlined in the agreement, \$25,000 will be provided to the Health Department to empower, educate and inform residents about these health disparities. Essentially, these will be accomplished by promoting a mutual exchange of ideas, information and resources between the Sedgwick County Health Department staff, as well as the community members.”

**Mr. Harris** continued, “Information, ideas and resources will then give the community members an opportunity to engage and allow their wisdom and experiences to inform our health programs locally; whether it’s with Sedgwick County or other providers in our community. And furthermore, this depth of communication fosters credibility with our residents, as well as inform public health leaders and elected officials with the necessary information to create viable solutions for everyone. The proposed activities are: one, to have health disparities forums throughout the county, and these workshops will engage all levels of stakeholders, especially our residents; secondly, we want to create and share local level data resources, and I want to emphasize local level data resources that are fundamental for tracking, as well as helping people understand what the community’s viability is; third, we would like to develop processes by which local policies and projects may be considered as to their potential impacts on the health of the community. These stated activities are aligned well with the three strategic goals of the Center for Health Equity, and also, these proposed efforts will afford us an opportunity to build on the data that we’ve collected in 2008 from our residents asking them what they felt their pressing health concerns were. I am happy to answer any questions that

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you may have. I request that the Board of County Commissioners approve the agreement and authorize the Chair to sign the agreement.”

**Chairman Peterjohn** said, “Thank you. Any questions for Mr. Harris. Commissioner Norton.”

**Commissioner Norton** said, “Rod, spend just a minute talking about health disparities and exactly what that is. Does that have to do with socioeconomic disparities, ethnic disparities? Explain that a little bit so the public knows where we are going with this.”

**Mr. Harris** said, “Well, simply defined, disparities are just simply differences in rates of exposure or prevalence, but they are predicted by, oftentimes, the social, economic and policy factors that are existing in a community. So there may be situations where poverty, or education, or crime statistics, are actually having a very positive relationship with the health disparities that we’re seeing. Some of the disparities that we’re looking forward to addressing are more associated with chronic conditions, such as diabetes, and so that’s something that we’re looking closely to address. We do have a disparity, for instance, with health insurance coverage, and we find that 44 percent of our Hispanics are uninsured here in Sedgwick County as compared to 10 percent with white residents in Sedgwick County. So some of them are racial, but we can also look at disparities, once we get this local level data collected, we can see geographic differences, we can also see differences between genders, and we can also see differences among socioeconomic status, and so we’re looking forward to having that level of data available, too.”

**Commissioner Norton** said, “Well, once we understand the disparities within certain populations, whether it’s divided socioeconomic, racial, parts of town, whatever it may be, then we’ll be able to, with policy decisions attack, that, is that...”

**Mr. Harris** said, “Correct. We want to make sure everyone has the information at hand to make the most informed decisions.”

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

**Chairman Peterjohn** said, “Mr. Harris, I’m going to ask you some questions. Because in the backup material, I wanted to get, and I appreciate Commissioners Norton’s questions to try to define disparities, and it says here that the purpose of this \$25,000 grant is to eliminate disparities, but the grant’s coming from the Kansas Department of Health and Environment’s Center for Health Disparities, and when I read Center for Health Disparities it sounded like they wanted to create it as opposed to eliminate it, terminate it, or mitigate it in some ways. And I appreciate any insight you can provide to me, because geographic disparities are another category besides obviously

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socioeconomic, ethnic, income related that come to mind, and a Center for Health Disparities, I think, sounds to me like it would be in opposition to this grant, as opposed to being the provider of this grant and I would appreciate your comment.”

**Mr. Harris** said, “Well, the mission of the Center for Health Disparities, and this KDHE's office is to eliminate health disparities that are existing based on race and ethnicity, and so that's what their mission is. Right now, the center does not have a director, and so they're looking to still continue the work of that center by taking some of those funds and pushing them to the local level; that's what this was an opportunity to do.”

**Chairman Peterjohn** said, “Do you know if this is a pass-through grant from the federal government or state funds? Because I was thinking, with the state having the massive budget problem, we get a regular infusion of state grant opportunities that come before this Commission, and kind of, it has me scratching my head, because I think there are certain programs that are more critical from the state that would help this community, as opposed to grant programs, apparently, because the state lost their person who had been serving in their data collection capacity apparently in the past, and that's what struck me here. Any thoughts you might have on that, Mr. Harris?”

**Mr. Harris** said, “Well the position that the director held; her responsibilities were really associated with capacity building. They have other offices at KDHE that really crunch the data, but her role was to work with local communities and she was on my advisory council, and I was on hers as well, but it was to build capacity of local organizations to better address health disparities, so giving them information to be more culturally competent, to have more information on what disparities existed in their area, and to bring in national speakers, health disparities conferences, et cetera, just to bring awareness and to increase urgency around the concerns. That's what her position really was all about, and her funds were from the state's budget. She was just locally funded from KDHE.”

**Chairman Peterjohn** said, “So these are directly state tax dollars and not a pass through?”

**Mr. Harris** said, “Yes.”

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

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**Commissioner Norton** said, “Well, truthfully, I’m glad that we’re doing all of this work at the local level. This ties in so well with our Health Access project. Now, that has a narrow scope and that’s to try to get people into medical homes and health coverage, but if you take it on a broader context of understanding those populations that don’t have health access, don’t have a medical home, that struggle in our emergency rooms, this is going to give us that picture in time. Now, we’ve done a lot of that work. We’ve been doing it for five years. This will give us that final snapshot as we move forward. We’ve set up some great collaborations with HRSA (Health Resources and Services Administration) recently, as they do a community engagement change from the federal government, and I’m excited that we’ll be able to put this through the filter of Sedgwick County which will be different than other jurisdictions. I think you’re right, Chairman, that geographically there are inequities. If you look at Johnson County, which is a newer community, not as mature as we are, if you look at rural Kansas, which is going to be a different demographic, a different population, a different ability to access any kind of healthcare, we need to be able to take a picture of our community and make those policy decisions that are going to be best for this area, and a blanket thrown over it at the state level could have some really unintended consequences if you’re trying to do what’s good for the rural part of the state in Sedgwick County. So I like the idea that we’re going to have control of that here locally, and Rod’s whole job is every day to wake up and think about health equity disparities and how we connect the Health Department to the medical wellness of our community, so I think this is going to be a good grant.”

**Mr. Harris** said, “I would like to add that Commissioner Norton is right, we have spent so many of our resources focused on health equity at the Center for Health Equity and really looking at health access, but what about keeping people from getting sick. If we can keep them from needing to access the emergency rooms for chronic illnesses or even acute illnesses and look at what their behaviors are, and what their environments might be like, and look at to address that upstream I think we could really help our situation holistically.”

**Chairman Peterjohn** said, “Mr. Harris, I appreciate your comments on this, and I appreciate Commissioners Norton’s. Any further comment from other Commissioners? I want to use the Chairman’s prerogative to basically state that when I went up to Topeka, I talked with legislators who were saying that they were struggling with the budget problem and I told them at that time that it was interesting being a County Commissioner, because we got so many grant applications that came through to us, and some of them are pass-throughs from the federal government, some of them are not. Some of them are fully state funded, some are partially state funded, and I know they are struggling with their budget issues, and so this is a small grant for limited time, but I’m not convinced that there aren’t other sources to get this data. We’re going to have a census here April 1st, and the federal government compiles massive amounts of data in great detail. I understand the

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desire to have this locally, but this falls into the category, there are certain things that I think this community must have, in terms of state funding; there are certain other things that would be nice to have, although I really wish the Center for Health Disparities would change their name. I really think that sends an inaccurate message of their purpose and goals, and so I am not going to be supporting this motion. Madam Clerk, please call the vote.”

**Ms. Lovelace** said, “We need a motion and second.”

### **MOTION**

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

Commissioner Unruh seconded the motion.

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

### **VOTE**

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

### **M. CONTRACTS (2) WITH URBAN LEAGUE OF KANSAS AND BEHAVIORAL LINK TO PROVIDE GROUP AND INDIVIDUAL PSYCHOSOCIAL REHABILITATION, AND ATTENDANT CARE SERVICES.**

**Ms. Marilyn Cook**, Executive Director, COMCARE, greeted the Commissioners and said, “These are renewals on two contracts with community partners, the Urban League and Behavioral Link. Both of these organizations provide psychosocial groups and attendant care for youth. The Urban League serves children ages 6 to 15, and Behavioral Link serves youth 9 to 21 in their groups, but they also do attendant care down to age three for us, so they serve children 3 to 21 years old. I do want to point out to you that the rate for psychosocial groups was reduced five percent in this

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contract from the rate we had with both of these organizations last year and in response to the recent Medicaid reduction that was imposed on all Medicaid providers January 1st. I would also tell you that should the Medicaid rates, and we hope they will be restored, we will come back to you at that time with an amendment to these contracts to restore the rate for our community partners as well. The Urban League is growing. It's a small organization for us, but it's growing and currently serves 21 youth. Behavior Link has been around a longer time providing mental health services and they're currently serving 317 youth.

"Just to give you a sense of what psychosocial services can do for a child, we had an 11 year old that came to Behavioral Link three years ago. He was really struggling in school. He was defiant, he was aggressive, he was running the halls, he got in-school and out-of-school suspension, wasn't doing his work, and was so out of control that kids just stayed away from him, so the friends that he had were friends that he made up. When he got to a treatment process, the treatment team thought what he needed more than anything was support and help in understanding how to interact with peers, how to behave, and he participated in Behavioral Link's psychosocial group for three years, in an environment where someone helped to coach him about his comments with other group members. He also participated in community service activities and found out he really liked those. So he really succeeded, really changed his behavior, and he was successfully closed from treatment September of last year."

"He now has real friends, not friends that he has had to imagine, and the case manager that was working with him during that period of time too said that you just wouldn't even recognize him as the same child as he was when he was 11 and entering the program. It's hard sometimes to understand what those terms psychosocial mean, but it's a group setting where there's good support and help in kind of reframing behavior and changing your behavior. We're very pleased with our relationship with both of these organizations, and we are recommending that you approve the agreements and authorize the Chairman to sign and authorize the necessary budget authority."

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

**Commissioner Parks** said, "Ms. Cook, on the backup it shows the funding source and the line item for the state funding on this."

**Ms. Cook** said, "It's Medicaid."

**Commissioner Parks** said, "The term of this agreement runs through December 31st, 2010, is there any point where there could be state funding in jeopardy for this to fall off? July 1st of this year?"

**Ms. Cook** said, "Well I'll tell you, all of our contracts with community partners used to go in accordance with the state fiscal year, July to July, but I've got to tell you, the last five or six years,

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our own contracts don't get negotiated until after that period of time, and as we saw this year, with the allotment process that happened Thanksgiving week, you can negotiate something and then have it change very dramatically, so we, as a system, all decided it was in our best interest to have these contracts go from January through the end of December now rather than in July. What will happen with these Medicaid rates is not known. The Governor did come to the SRS Stakeholders meeting on Monday, and said he really, really hoped the rates would be restored in July; that's dependent on the state revenue that comes in, and if that doesn't happen, he could extend this 10 percent cut up to 36 months, which would be pretty devastating for us. Does that answer your question?"

**Commissioner Parks** said, "Yes, but it creates another one for me that I might direct towards our counselor. Mr. Euson, are you comfortable if the state does cut these things out that we are not liable to continue the program?"

**Mr. Euson** said, "Yes, based on the appendices, the standard terms and conditions in the appendices, yes, I am."

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

**Chairman Peterjohn** said, "Thank you, Commissioner Parks. I want to make sure and maybe clarify, Ms. Cook, could you tell me what would happen if, for instance, the state would get to the end of their legislative session and instead of approving a 10 percent cut, they approve some other figure like 11 percent or 12 percent. What would happen to this program, and would you be back before us because of a larger cut, or a different cut by the state, between now and when they adjourn?"

**Ms. Cook** said, "What would happen is we would have to look at our fund balance, our ability to continue to provide these services and any modification we make to these contracts we'll be coming back in front of you with those. What we did last August when we saw this on the horizon was met with our community partners and said, here's the situation we're finding ourselves in. You might recall that COMCARE took a \$1.2 million cut in our grant from the state this year, and then found out about the \$712,000 to COMCARE's budget with the allotment process and were very surprised to see 10 percent rate reduction in Medicaid rates, so that environment changes almost every day, so we would continue to monitor that. We closely monitor the revenue that's coming in now, the demand for services, and make decisions with our community partners based on where we are. We have imposed very little, other than the five percent rate cut, which is less than what COMCARE is absorbing, we have imposed very little of these cuts on our community partners because we've had a fund balance that we can rely on. The county's Chief Financial Officer has said publicly a couple of times, we have enough reserve in these kinds of environments to last a couple of years like this. It really would depend on what happens in this next budget year. Is that addressing your question?"

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**Chairman Peterjohn** said, “In a way I think it is, because it goes to the key point that this county, and I think all the other local governments in Kansas that are in a similar, who are receiving money from either the state or federal government, have a significantly enhanced level of uncertainty, and in a sense financial risk, because of the changes that may occur at the state level, and possibly also at the federal level as we go through and look at items like this one and other grants and other programs where there’s state and federal participation.”

**Ms. Cook** said, “I would add one more thing. The Governor, very interestingly this week, the Governor admitted this rate reduction was very poor public policy because Medicaid providers in the state got an enhanced rate with some stimulus money, so instead of having a 60/40 split, this state for the last year has been enjoying, until the end of this year, a 70/30 split, so every time we give up some of that rate and money we lose federal dollars as well.”

**Chairman Peterjohn** said, “What is the will of the Commission? I don’t believe we have a motion before us at this time.”

### **MOTION**

Commissioner Norton moved to approve the Agreements, authorize the Chairman to sign, and authorize the necessary budget authority.

Commissioner Unruh 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

### **N. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON JANUARY 21, 2010.**

**Ms. Iris Baker**, Director, Purchasing, greeted the Commissioners and said, “The meeting of January 21st results in two items for consideration. Item 1;

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**1. KENWORTH PARTS, ACCESSORIES, AND LABOR; WARREN DUMP  
BODY PARTS, ACCESSORIES, AND LABOR  
FUNDING – FLEET MANAGEMENT**

“The recommendation is to accept the bid from Wichita Kenworth and Kansas Truck Equipment Company, and establish contract pricing for one year with two one-year options to renew. Item 2;

**2. MOBILE AREA NETWORK COMMUNICATIONS – EMERGENCY  
MEDICAL SERVICES  
FUNDING – EMS SECURE VEHICLE NETWORK AND GATEWAY**

“The recommendation is to accept the proposal from InMotion Technology for an initial cost of \$127,628 and establish contract pricing and ongoing maintenance support for three years. I’d be happy to answer any questions and I recommend approval of these items.”

**MOTION**

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

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

**CONSENT AGENDA**

**O. CONSENT AGENDA.**

**1. Addition of one Administrative Food Services Specialists, Band 219, sixteen (16) PT Maintenance Workers, Band 115, and four (4) PT Food & Beverage**

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**Workers, \$8.00 per hr, while eliminating ten (10) Maintenance Workers to the Kansas Coliseum staffing table.**

- 2. Annual Report for the Sedgwick County Foreign-Trade Zone Project for the 2008-2009 Federal Fiscal Year.**
- 3. Amendment to Agreement with Security 1<sup>st</sup> Title, LLC providing modification of subscriber notification information.**
- 4. Amendment to Agreement with Wichita Child Guidance Center to develop a collaborative project to provide community based services for children with a serious emotional disturbance (SED) receiving services at the Wichita Child Guidance Center.**
- 5. Employment Agreement with Dr. German Gonzalez.**
- 6. Amendment to Agreement with South Central Mental Health Counseling Center for COMCARE to provide inpatient, preadmissions screens.**
- 7. Retail Dealer's Cereal Malt Beverage License Renewal for Kansas Coliseum located at 1229 E. 85<sup>th</sup> St. North, Valley Center, KS 67147.**
- 8. A resolution to authorize destruction of Treasurer Tax dailys, tax statements, and routine correspondence 2001-2006 (DISP 2010-94 TRS-Tax 2001-2006).**
- 9. A resolution to authorize destruction of Treasurer Tag Office motor vehicle records 2006 (DISP 2010-96 TRS-Tag 2004-2006).**
- 10. A resolution to authorize destruction of Juvenile Field Services records (DISP 2010-95 PS-JFS 1998-2004).**
- 11. A resolution to authorize destruction of Kansas Coliseum records (DISP 2010-89 Coliseum 1981-2007).**
- 12. General Bill Check Register of January 13, 2010 – January 19, 2010.**
- 13. Order to correct tax roll for change of assessment on January 13, 2010.**

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

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### **MOTION**

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Welshimer seconded the motion.

**Commissioner Parks** said, “I have some discussion.”

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

**Commissioner Parks** said, “On number four, the financial impact, I know in the backup it says that there’s a fee for service on that, but how do we collect that, and just kind of give me an overview on that, Mr. Manager.”

**Mr. Buchanan** said, “Marilyn, maybe you can help me with this. This is the amendment for Wichita Child Guidance Center.”

**Ms. Cook** said, “Actually, Commissioners, really money does not get exchanged between us and the guidance center. This is really a collaborative agreement, much like we have in USD 259 and other schools where we have placed a case manager in their program and they give us access, they give us some space, we don’t pay for the space, and our case manager works with their team. We’ve had similar agreements with the schools, so it just spells out the conditions of that. We certainly bill for the services we provide there.”

**Commissioner Parks** said, “Thank you. On number 11, I have, this is my own fault for not asking this question earlier, but the destruction of documents at the Kansas Coliseum, I just wondered what that all entailed.”

**Ms. Melissa Thompson**, Records Management, greeted the Commissioners and said, “You are wondering about, you want a detail item of what is in the Coliseum disposal? Most of the items that are in the Coliseum disposal are contracts, activity report records, purchasing records. Most of what they had up there was, they were duplicates of what are currently being held in the Clerk’s Office, in Purchasing and in Finance. All of these records have fulfilled their life cycle and are eligible for destruction. Did that answer your question?”

**Commissioner Parks** said, “It did, and it kind of clarified something that, until I have further information, I cannot be supportive of that motion. So I’m going to make an amended motion that number 11 be from 1981 to 2003, instead of 2007.”

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**MOTION**

Commissioner Parks moved to amend Item 11 of the Consent Agenda for the range to be from 1981 to 2003.

Commissioner Welshimer seconded the motion.

**Chairman Peterjohn** said, “We have a motion and a second. Procedurally, would the motion maker and the seconder be willing to withdraw their motions and let us just adopt the rest of the Consent Agenda and handle Item 11 separately, as opposed to...”

**Commissioner Welshimer** said, “Did I make that motion?”

**Chairman Peterjohn** said, “You seconded it. Kelly made the motion.”

**Commissioner Parks** said, “No, I didn’t make the motion.”

**Chairman Peterjohn** said, “Oh I thought you said you were making a motion.”

**Commissioner Parks** said, “Well, I made the motion to amend it, but I didn’t make the initial motion to accept the whole Consent Agenda.”

**Chairman Peterjohn** said, “Okay.”

**Ms. Thompson** said, “I’d be happy to clarify...”

**Chairman Peterjohn** said, “I thought we had a motion.”

**Commissioner Welshimer** said, “Why don’t we just amend the motion?”

**Chairman Peterjohn** said, “Would the Clerk please clarify, do we have a motion on the floor?”

**Ms. Lovelace** said, “Commissioner Norton moved to accept the Consent Agenda, and Commissioner Welshimer seconded that motion.”

**Chairman Peterjohn** said, “Okay, so Commissioner Parks has made a motion to amend that to authorize destruction of Kansas Colisuem records through 2003?”

**Commissioner Parks** said, “Correct.”

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**Chairman Peterjohn** said, “And Commissioner Welshimer seconded it.”

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

**Commissioner Unruh** said, “Thank you. Just a point of clarification, Commissioner Parks, 2003, you chose that year because...”

**Commissioner Parks** said, “That’s not arbitrary, that’s something that I think I need more information on, just to have those records back to refer, we have a big investment out there, and I think that we need to make sure that we are not destroying something that we need to look to 2003 on to see some of the records from past things out there.”

**Chairman Peterjohn** said, “Commissioner Parks, I don’t know if this would assuage you, or your concern at all, but I know that the WSU Curator for the Special Collections and Archivist, Dr. Lorraine Madway, was an independent reviewer who examined those records and said that they, according to the backup information, lacked substantive research value and concurs in the recommendation to destroy. I don’t know if that’s comforting to you or not, but I wanted to throw out what’s here on the record.”

**Commissioner Parks** said, “It is not, because I think that person may have different thoughts than I do about this situation. Thank you.”

**Chairman Peterjohn** said, “Any further comment?”

**Commissioner Norton** said, “I withdraw my motion.”

**Chairman Peterjohn** said, “We’ve got a motion to amend, that’s the pending motion at this point, so we’ve got to vote on it, and it’s got a second; motion by Commissioner Parks and second by Commissioner Welshimer, unless they’re willing to both withdraw it, I’m going to proceed to a vote on that motion. Any further discussion?”

**Commissioner Unruh** said, “Excuse me, Mr. Chair. Is the vote just on the amendment then?”

**Chairman Peterjohn** said, “The motion is just on the amendment. Seeing no further discussion, have we had all the clarification here that everybody knows what we’re voting on, it’s Commissioner Parks’ motion to amend, and we will be voting on whether to change that to 2003 on item number 11. Please call the vote.”

### **VOTE**

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

**Chairman Peterjohn** said, “We’re back on the main motion, which is to approve the Consent Agenda, any further discussion?”

**Mr. Euson** said, “Commissioner Norton withdrew his motion.”

**Commissioner Norton** said, “Well, they didn’t withdraw a second, so...”

**Chairman Peterjohn** said, “Commissioner Norton tried to do it, but if you still want to make that motion, Commissioner Norton, we’ll see if the person who seconded wishes to [inaudible].”

**Commissioner Norton** said, “Is the motion still good or is it withdrawn? You’d have to withdraw the second, too.”

**Chairman Peterjohn** said, “You’d have to withdraw the second too.”

**Commissioner Norton** said, “I’m willing to remake the motion to accept the Consent Agenda.”

**Chairman Peterjohn** said, “That’s the pending motion, so seeing no further discussion, please call the vote.”

### **VOTE**

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

### **P. OTHER**

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

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**Commissioner Welshimer** said, “Well, I have two things. I think several of us went out to the Coliseum for the Million Meal event. I thought it was a very, very great, meaningful, humanitarian event for that day, and I was amazed at how well the Britt Brown Arena accommodated all the needs that were demanded of it there. And also I’m concerned about the layoffs. In the paper today, we have Bombardier, and Hawker Beechcraft and Boeing all announcing layoffs, and in our report from the Finance Department they said that we can expect another 600 layoffs, and I’m very nervous over the fact that we have not yet come up with another way of creating jobs. I see where the City of Wichita is expressing their desire to create jobs and I don’t think we even have that on the table right now, so I would like to see it there. We had some plans for that, that didn’t fly, so I’d like to hear some other ideas on what we could do.”

**Chairman Peterjohn** said, “There are no further comments under the ‘other’ section? Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chairman. I just wanted to make a comment about some of my activities from last week where I attended a steering committee meeting of NACO’s (National Association of Counties) Justice and Public Safety Subcommittee in San Antonio. We heard several people make presentations regarding diversion programs, alternative to incarceration, reentry programs and justice reinvestment, and there was a strong emphasis on the activities of a criminal justice coordinating council. All the information I heard was a reinforcement of the activities that Sedgwick County is currently involved in to improve our jail overpopulation problem and try to make a long-term solution that provides public safety, and provides lower costs and provides, hopefully, reintegration of the individuals in productive roles back into our society. So that doesn’t mean that we’re doing everything perfectly, or we’re doing it as well as we could do it, but we’re on the right track with the scope of our focus for our jail overpopulation problem. Just wanted to say that so the public could have at least a bit of input from the national level in regard to what we’re doing. That’s all I had, Mr. Chair.”

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

**Commissioner Parks** said, “I had a couple things about kind of connecting with volunteerism and not using taxpayer money on a couple of items. A couple months ago we had Jesse Huxman from KPTS (Kansas Public Television Service) here to talk to us about the tragic plane crash of the football team and the Black and Gold is a documentary on that that they have been airing, and other people across the country have wanted to use this and take that to their public television stations and they don’t have a license to do that. They need \$2,600 to do that, and I just think that, I have made a donation to that fund and I would challenge some of the people at either WSU (Wichita State University) or other Commissioners to step up. We’re already 10 percent there and we need to get that \$2,600 so they can move that documentary to other areas of the country. The second thing I have, on Sunday, I, too, attended the Numana distribution and packaging, and in fact they loaned

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me one of these to show here today. This little package will feed six people once the heated water is put in there; it expands out. There's vegetables in there, rice, soup with vitamins in it, and I think this was a very good humanitarian effort that we made to donate the Britt Brown Arena for and it did serve very well for that. However, there were some expenses to that, and utilities will be charged back to Numana, which Numana and the Salvation Army kind of had a combination in making these. You can see also the Salvation Army symbol here, but the Numana address is PO Box 572 in El Dorado, 67042."

"We have an expense that we have to charge back to them of \$1,285.47, and I just think that there are people out there that will step up, and we had the expense, and I think that it would be a good thing for, if you so desire to give to those organizations, that's a good place for the Haitian relief. We know where that money is going, and Numana, I talked with Mr. McNary about that and he said, certainly, that I could make that pitch today. I talked with some people yesterday at our staff meeting, brought this up about the oversight committee, and maybe modifying original committee appointments on that, or something to be adapted for the future, could be modified or something, but I think that the citizen oversight part of the downtown arena is not finished and we have many dollars worth of tax money out there that are not spent on it yet, and I think that it's important for us to keep a citizen committee, and I will be bringing that up, hopefully very soon, because their scheduled last meeting is, I believe, next week. So I'm going to be bringing that up and supporting that on the Agenda in the near future. That's all I had."

**Chairman Peterjohn** said, "Thank you, Commissioner Parks. I am going to second your comments, and also Commissioner Welshimer's comments concerning Numana. I went out there Sunday afternoon and I found their efforts to be extremely well organized. They had tremendous community support, and I'm very hopeful that they can get contributions in to mitigate all their costs. And I think, Commissioner Parks, you touched on one issue that's really critical, because in the past, I remember back following 9-11, there was a lot of discussion about the donations and charitable contributions getting to the people, and from talking with Mr. McNary, they not only had the good work that was done by all of the folks from Sedgwick County, and a lot of folks from outside Sedgwick County, who helped prepare over one million of those packets, and there are over six million meals, but they also provided the way that those packets are going to get to the people in Haiti. In fact, some of them have already been air dropped there, so there's often a lot of confusion about when will that actually get to the people it's intended for, and in this case, I have extremely high confidence that it's going to be one of the best ways of getting relief to the folks suffering from that terrible earthquake in Haiti. I also wanted to follow-up, because tomorrow we're going to have a CJCC meeting and it's an acronym, it's the Criminal Justice Coordinating Council, to discuss our ongoing efforts to try and improve public safety at as reasonable a price as possible in this community, and I am pleased that the effort that began last August with pretrial services, and the usage of pretrial services, and the support that this Commission has provided, is making some

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significant progress, and I hope to see it continue. To give the citizens out in the audience, and watching us on TV, a better idea, it's costing \$66 a day for a person to be in our maximum security Sedgwick County jail. If we have a person who, because of the charge against them we're mad at, because of misbehavior, but is not a threat to public safety and they can go to pretrial services, that costs us more in the neighborhood of closer to \$10 a day."

**Chairman Peterjohn** continued, "I think what we need to do is, I think everyone is supportive of the idea of trying to keep this community safe, but if we fill up the jail with people who miss court appearances, and then have failure to appear for taillights being out, and then get pulled out for failure to appear, bench warrants, or other petty offenses, I think having alternatives is an important way that we can try and improve public safety, and do so in as efficient a way as possible, and I want to express my appreciation to the folks who are making this happen, whether they're at the municipal level or at the county level, or if there are any other folks, perhaps at the state level, who are playing a role in this. Seeing that I think we're ready to move past 'other.' Commissioner Welshimer."

### **MOTION**

Commissioner Welshimer moved to recess into Executive Session for 30 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and 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 12:12.

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

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:42 a.m. and returned at 12:20 p.m.**

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**Chairman Peterjohn** said, “I’m calling this meeting back from recess, back into order. Mr. Euson.”

**Mr. Euson** said, “Commissioners, while in Executive Session, we discussed the litigation involving Board of County Commissioners versus City of Bel Aire, having to do with the jail fees litigation. One of the cities, Park City, has made an offer to settle their amount of jail fees in the amount of \$36,450 and to pay charges that will be incurred in the future, starting January 1st, and so we would recommend that you accept that settlement, with the understanding that they will be dismissed from the lawsuit.”

### **MOTION**

Commissioner Welshimer moved to accept the settlement.

Commissioner Parks seconded the motion.

**Chairman Peterjohn** said, “Any discussion? I don’t see any discussion, but I think it’s important, this may be a significant milestone in this litigation, and I hope this settlement is an important step in the effort to try and improve the issue related to the jail fees case and I will be supporting this motion. No further discussion, please call the vote.”

### **VOTE**

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

### **Q. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 12:22 p.m.

**BOARD OF COUNTY COMMISSIONERS OF  
SEDWICK COUNTY, KANSAS**

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**KARL PETERJOHN**, Commissioner  
Third 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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**KELLY PARKS**, Chairman  
Fourth District

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**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

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**Kelly B. Arnold**, County Clerk

APPROVED:

February 17, 2010