

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

### **REGULAR MEETING**

**March 3, 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, March 3, 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. Bob Lamkey, Director, Public Safety; Mr. John Crosby, Deputy Director, Emergency Management; Ms. Sheena Lynch, HR Specialist, Organizational and Professional Development, Human Resources; Ms. Jo Templin, Director, Human Resources; Ms. Irene Hart, Director, Community Development; Mr. John L. Schlegel, Director, Metropolitan Area Planning Department; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Robert Lawrence, Senior Project Manager, Project Services; Ms. Iris Baker, Director, Purchasing; Mr. Randy Bargdill, Tech Support, Emergency Communications; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

### **GUESTS**

Ms. Vickie Burris, PO Box 256, Belle Plaine, Kansas  
Mr. Jeffery Crawford, 1449 N. Meridian, Peck, Kansas  
Ms. Jeanette May, 2330 W. 119th St. S., Peck, Kansas  
Ms. Vaunelle Burris, 2200 W. 119th St. S., Peck, Kansas  
Ms. Debbie Tussey, 1477 N. Meridian, Peck, Kansas  
Ms. Kathleen Carman, 1465 N. Meridian, Peck, Kansas  
Mr. Don Burris, 2200 W. 119th St. S., Peck, Kansas

### **INVOCATION**

Led by Rev. Dr. Steven Marsh, Eastminster Presbyterian Church, Wichita

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES**

Regular Meeting February 10, 2010

**Regular Meeting, March 3, 2010**

All Commissioners were present

**CONSIDERATION OF MINUTES**

Regular Meeting February 17, 2010  
Commissioner Parks was absent

**Chairman Peterjohn** said, “What is the will of the body?”

**MOTION**

Commissioner Welshimer moved to accept the Minutes as read for the Regular Meetings of February 10, 2010, and February 17, 2010.

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

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

**PROCLAMATION**

**A. PROCLAMATION DECLARING MARCH 2010 AMERICAN RED CROSS MONTH.**

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

**PROCLAMATION**

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**WHEREAS;** for more than a century, the American Red Cross has been at the forefront of helping America prevent, prepare for and respond to large and small disasters; and

**WHEREAS;** for more than 90 years, the Red Cross in Sedgwick County has relied on the everyday heroes who donate time, blood or money; heroes who help coordinate blood drives; heroes who drive elderly citizens to and from the doctor; heroes who rush to the scene of a fire to help families begin recovery; heroes who teach lifesaving CPR and first aid classes; heroes who keep military families connected; and

**WHEREAS;** the Central Plains Blood Region in Wichita provides much-needed blood to more than 100 hospitals across Kansas and Northern Oklahoma each day; and

**WHEREAS;** the Midway-Kansas Chapter and Central Plains Blood Region and their nearly 3,000 volunteers and donors provide valuable tools and education to individuals, families, workplaces and schools making us all stronger and more resilient.

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

**‘American Red Cross Month’**

in Sedgwick County and encourages all citizens to continue to give your time, blood and money to make a difference in the humanitarian fabric of the community. We help each other when we help the Red Cross.

“And it’s dated March 3rd, 2010, and signed by our Chairman, Karl Peterjohn.”

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

**MOTION**

Commissioner Norton 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

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

**Ms. Zukovich** said, “Commissioners, we have Bob Lamkey, who is here on behalf of the Red Cross to accept the proclamation.”

**Mr. Bob Lamkey**, Director, Public Safety, greeted the Commissioners and said, “You normally see me in your capacity as Sedgwick County’s Public Safety Director, but in some of my other time, I sit on the board of the Central Plains Blood Services portion of the American Red Cross, and in that capacity, I have a great deal of satisfaction and pleasure in watching that part of the American Red Cross meet its mission in providing blood, as you heard, to a hundred hospitals across Kansas. It takes about 500 donors a day to make that happen, and in our nation today, for various reasons, much of it around age, about 40 percent of our population is eligible to give blood; about 8 percent does. So I’ll take this opportunity for those who are listening today, if you have never given blood, take that opportunity to do it. If you have not done it in a while, please reengage. And for those of you who do it regularly, thank you very much. Now, if I put my public safety hat on, I’ve had a long relationship with the Midway-[Kansas] Chapter, and particularly their disaster services. They have a spot in our Emergency Operations Center, and from helping families in a fire to responding when we have a disaster to set up shelters, they’re an important part of this community.

“So the Red Cross has been here, Kristi has said, over 90 years. Actually, it was founded in 1915 in Wichita, so they’ve been here about 95 years providing important services in disaster, and providing a continuous flow of blood for our community and the communities throughout the State of Kansas, and helping families with their small emergencies and disasters, and supporting a host of programs with other partners to make this a better community to live in. I would suggest, and I’ll make one final pitch, that if you are compelled to volunteer or to give blood, if you go to [www.redcross.org](http://www.redcross.org), they have a wonderful website that will connect you with those opportunities, and if you don’t have access to a computer, toll free call, 1-800-red-cross. So with that, I want to thank you for this proclamation, and I would recognize Jennifer Keller, who is here today, who is the Communications Manager of the Central Plains Blood Services portion of the Red Cross.”

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

**Commissioner Norton** said, “Well when you think of mission and branding, you can close your eyes, and if you see the Red Cross, you know exactly what that means. It’s a part of our American fabric and I think it’s an international organization. You think of it as blood drives and disaster relief, and you know, I have a special part in my heart for their disaster relief segment, because I

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can remember standing in the basement of a city building at 2:00 in the morning with folks that were trying to help me to think about putting Haysville back together; and one of the entities that was there was the Red Cross, already on the spot with somebody assigned to Haysville to make sure that there was wraparound services and disaster relief for that community. So the Red Cross has a long tradition of helping people doing blood drives and disaster relief, and we honor them today. Thank you, Mr. Chair.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Well, I just want to express the appreciation for the opportunity to make this proclamation, and I like the language in the proclamation that identifies or names folks ‘everyday heroes.’ I don’t think that we can express our appreciation too strongly for the work that those volunteers do in their Red Cross efforts. And I also like the phrase in the proclamation that says, ‘we help each other when we help the Red Cross,’ so very pleased to participate in the proclamation.”

**Mr. Lamkey** said, “Thank you.”

**Chairman Peterjohn** said, “Thank you. And I’ll just add that I strongly agree with your sentiment about donating blood. I have done so in the past, and hopefully will be in a position to be able to do so in the not too distant future. Thank you.”

**Mr. Lamkey** said, “Very good. When we have some blood drives, I know where to find you.”

**Chairman Peterjohn** said, “Well I’m kind of a big target.”

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

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

### **B. PROCLAMATION DECLARING MARCH 7 – 14 SEVERE WEATHER AWARENESS WEEK.**

**Ms. Zukovich** said, “I’ll read this for the record:

#### **PROCLAMATION**

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**WHEREAS;** it is estimated that at any given moment nearly 2,000 thunderstorms are in progress over the earth's surface; and

**WHEREAS;** tornadoes occur in many parts of the world and in all 50 states, but no area is more favorable to their formation than the Continental Plains of the United States, and no season is free of tornadoes; and

**WHEREAS;** local government has the responsibility to inform the public and promote awareness in effort to limit personal injury and the loss of life and property; and

**WHEREAS;** the National Weather Service and the Kansas Division of Emergency Management will hold a statewide tornado safety drill Tuesday, March 9, 2010, designed to test the emergency warning systems throughout Kansas; and

**WHEREAS;** the Sedgwick County Department of Emergency Management will participate in this drill to enhance the public's awareness in this vital area of personal safety.

**NOW, THEREFORE, BE IT RESOLVED,** that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim March 7 – 13, 2010, as

**'Severe Weather Awareness Week'**

in Sedgwick County, and urges all residents to participate in the scheduled activities.

"And it is dated March 3rd, 2010, signed by our Chairman, Karl Peterjohn."

**MOTION**

Commissioner Norton moved to adopt the Proclamation.

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

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Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

**Ms. Zukovich** said, “Commissioners, we do have John Crosby from Emergency Management here to accept the proclamation.”

**Mr. John Crosby**, Deputy Director, Emergency Management, greeted the Commissioners and said, “Thank you. It’s always a pleasure to be here during Severe Weather Awareness Week and be able to provide the public information about what they can do during Severe Weather Awareness Week. An interesting statistic that I just pulled up this morning, since 1950 in Sedgwick County, we have had 78 tornadoes in our community, and we’ve lost 13 of our neighbors to those devastating storms. One of those things that we want to make sure that we do during Severe Weather Awareness Week is to not let that number increase. We certainly want to get information out into the hands of the public so that they know what to do when these severe weather events occur. If you have any questions, I’ll be more than happy to answer.”

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

**Commissioner Norton** said, “Well I can speak to severe weather week, too, because I’ve been in the belly of the beast. You know, I think we all know that we are prone to have severe weather here, and tornadoes is obviously number one, but ice storms affect us dramatically, and we have to deal with that. It is very important that we’ve had a dialogue recently about how we warn citizens, and what that looks like and what our job is as far as severe weather warnings in making sure, not only that we have an adequate system, but that we look at the new technologies that are going to reach everyone, whatever the disaster might be. Certainly we think of severe weather, but there’s other linkages to disasters that may be manmade that we need to think about. So I’m going to be very supportive of the proclamation. It is that time of year that we should all be thinking about how we shelter in place, how we take care of our family and our neighbors that may need help during severe weather week, and it generally lasts from now until September...”

**Mr. Crosby** said, “Yes, sir.”

**Commissioner Norton** said, “...I mean, there are a difference in patterns of climate and we have to be aware anytime there’s a chance for temperature reversions and everything, so I would encourage the public to understand severe weather, find a way to get a NOAA (National Oceanic and Atmospheric Administration) radio if they can, because that gives them a very good alert system. And we’ll continue to be supportive of this from year to year. Thank you, Mr. Chair.”

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

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**Commissioner Parks** said, “And I would like to thank Commissioner Norton, he was a teacher of mine back about 10 years ago when we went through a lot of items and classes, and so he has been in the belly of the beast. But I want to take this opportunity, I was going to say this in ‘other,’ but I think that this is an appropriate time to say this. We’ve been talking about the outdoor siren systems, and we have some money set aside for that, maybe not enough to do a total project, but I think it’s time that we move on that. And the technology, yes, we need to make sure that the technology is there, but outdoor warning, I think, is important for a lot of reasons, especially for those people over 60 that may not [use] Twitter, may not have even a cell phone, some people that are outside that depend on radios, or electric radios, and not battery operated ones, or have an old weather radio, or may not even have one at all. As I’ve said before, you know, we need to take care of the very young, the very old and the ones that can’t take care of themselves. And, you know, I think just about everybody knows what an outdoor siren means. I think that gets the message out. Our kids on the, whether it be the soccer, or the baseball field, or the girls softball field, I think that those are important to have those outdoor warning devices. So I just wanted to put my two cents worth in there. Thank you for your department and your teaching, also, throughout the community. I know this is the time of the year that you guys are out there in the evenings, talking to the communities, talking to police and fire departments, showing them your latest technology and your things, and it has grown immensely in the last 10 or 15 years also. Thanks.”

**Mr. Crosby** said, “Yes, sir. Thank you.”

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

**Commissioner Welshimer** said, “Well I think Commissioner Parks has pretty much stated what I am thinking and what I wanted to say. We are going to be addressing the upgrade of our warning system, and that does include a choice to be made as to whether or not we update our sirens or let them phase out of the system altogether, and I’m hoping that we can find a way to fund that and keep those sirens intact with new technology that’s available to us today. That’s all I have.”

**Chairman Peterjohn** said, “Thank you. I think that’s all the questions, and we’ll be certainly probably having more...Kansas will be consistent in one thing, there will always be a weather challenge in front of us...”

**Mr. Crosby** said, “Yes, sir.”

**Chairman Peterjohn** said, “...and what form it comes and when exactly it comes, we may not know. But I think the more awareness that we have, and the more preparation we have, the old Boy Scout motto of ‘Be Prepared’ applies very much to this situation and circumstance, so I appreciate being able to...”

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**Mr. Crosby** said, “Thank you, sir.”

**Chairman Peterjohn** said, “...help provide this proclamation today.”

**Mr. Crosby** said, “And anytime, if you have any questions about the outdoor warning system, don’t hesitate to give me a call. I’ll be more than happy to visit with any one of you on the subject if you have questions about that particular subject. Thank you.”

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

**PRESENTATION**

**C. PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.**

**Diversity Certificate**

Michael Beyer	Fire
Kevin Lovingier	Sheriff
Demia Martinez	Sheriff
Dawn Shive	Aging
Anthony Swartzendruber	Finance
Mae Williams	Corrections
Caleb Yoder	EMS

**Professional Development Certificate**

Sean Baker	Corrections
Kelly Dixon	Code Enforcement
Jennise Jenkins	Corrections
Kevin Lovingier	Sheriff
Sheena Lynch	Human Resources
Demia Martinez	Sheriff
Elora Randleas	Emergency Communications
Bryan Ronk	Corrections
Mario Salinas	Corrections
Dawn Shive	Aging

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Anthony Swartzendruber	Finance
Mae Williams	Corrections

### Supervisory/Management Development Certificates

Michael Beyer	Fire
Benjamin Breese	Treasurer
Monica Clemons	Treasurer
Cayle Eurton	Sheriff
Jennise Jenkins	Corrections
Kevin Lovingier	Sheriff
Sheena Lynch	Human Resources
Demia Martinez	Sheriff
Jennifer Pumphrey	Aging
Elora Randleas	Emergency Communications
Sommer Rose	COMCARE
Millie Sain-Taylor	Corrections
John Valko	Corrections
Mae Williams	Corrections

**Ms. Sheena Lynch**, HR Specialist, Organizational and Professional Development, Human Resources, greeted the Commissioners and said, “We are here today to recognize the recipients of the Career Development Certificates. We want to recognize their hard work and dedication to career development. Each of these certificates has a number of required and elective classes. Obtaining these certificates is quite an accomplishment as this can be a lengthy process depending on the availability of classes, as well as the employee’s schedule. I would like to thank those that support the career development process, and the supervisors and managers for the support of their employees, and of course, congratulations to our employees as well.”

**Ms. Lynch** continued, “If I could have those receiving the Diversity Certificate please join me on this side of the room: Michael Beyer, Jeri Edwards, Kevin Lovingier, Demia Martinez, Dawn Shive, Anthony Swartzendruber, Mae Williams, Caleb Yoder. Could I have those receiving the Professional Development Certificate please join us: Sean Baker, Kelly Dixon, Jennise Jenkins, Kevin Lovingier, Demia Martinez, Elora Randleas, Bryan Ronk, Mario Salinas, Dawn Shive, Anthony Swartzendruber and Mae Williams.”

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “Sheena, I think you forgot someone.”

**Ms. Lynch** said, “I also received the Professional Development Certificate. And could I have those receiving the Supervisory Management Certificate: Michael Beyer, Benjamin Breese, Jeri Edwards,

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Cayle Eurtion, Jennise Jenkins, Kevin Lovingier, Demia Martinez, Jennifer Pumphrey, Elora Randleas, Sommer Rose, Millie Sain-Taylor, John Valko and Mae Williams.”

**Ms. Jo Templin**, Director, Human Resources, greeted the Commissioners and said, “As the Manager pointed out, there is one more recipient of two of the Career Development Certificates. Sheena Lynch not only coordinates the Career Development program, instructs many of the classes, but has also found time to attend a lot of the classes and complete her Professional Development and her Supervisory Management Certificate, so I just want to award these certificates to Sheena and thank her for all her hard work on the Career Development program.”

**Ms. Lynch** said, “Thank you.”

**Chairman Peterjohn** said, “I think, on behalf of the entire Commission, I can safely say that we very much appreciate the efforts. It’s great to see approximately 25 different people; I noticed several folks got more than one award, just like you did, Sheena. I’m going to turn this over to Commissioner Norton now.”

**Commissioner Norton** said, “Well, you know, I’m very supportive of any kind of training. I think it builds the intellectual capital of our whole unit. It helps us serve the public that much better. I congratulate everyone who continues to learn. I think we know that lifelong learning is very important. Folks that think, well, I got my high school diploma, or I got my college degree, and now I can stop learning, really don’t understand life as we know it, because we all continue to learn every day. Sometimes it’s informal; sometimes it’s formal like this.”

“I always take the time to comment on those that hit the trifecta, and we have three of them today; Demia Martinez, Mae Williams and Kevin Lovingier, who made it for all three of those, and I think that’s powerful that we have people who are that dedicated in our organization to make sure they hit as much training as they can. So congratulations to everyone, but extra kudos to Demia, Mae and Kevin. That’s all I have, Mr. Chair.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Well I just wanted to express appreciation to each of you also. You know, oftentimes government bureaucracy is not looked upon very favorably, but this is a clear indication that we are doing our best within Sedgwick County government to be professional, and to be skilled and to raise our personal abilities as we serve Sedgwick County citizens. You know, our motto is, ‘...working for you,’ and this is an indication that we are working hard to do a better job of that. So I appreciate all of your efforts. Thanks.”

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

**Commissioner Welshimer** said, “Well I congratulate you, too. And one thing I’ve noticed since I’ve been here is that there really aren’t any complaints from the public about how they’re treated when they come to Sedgwick County. I think they are very pleased with the attitude that they are greeted with, and I think you all do a good job and thank you very much.”

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

**Commissioner Parks** said, “What they all said, but I want to add one more thing. As a student and a supervisor, I know that these aren’t seat warmer classes, and I want everyone to know out there in the public that this takes some work to get those certificates. It’s just not something you go, and you sit and you audit. They are learning experiences, and I would like to thank all of our dedicated employees for going that extra effort to do that, and I think they deserve a round of applause.”

**Chairman Peterjohn** said, “And as Chairman, I will second all of my colleagues’ comments, and thank you all, and I appreciate your hard work very much. Next item.”

### CITIZEN INQUIRY

#### **D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE PECK IMPROVEMENT DISTRICT.**

**Ms. Vickie Burris**, PO Box 256, Belle Plaine, Kansas, greeted the Commissioners and said, “I will be speaking today on behalf of my parents who live at Peck, Kansas, now known as the Peck Improvement District, and my parents are here today in the audience. On January 22nd, 2003, a presentation regarding the creation of an improvement district was made by Mr. Bob Parnacott to the Sedgwick County Commissioners. The Commissioners at that time were Tim Norton, Thomas G. Winters, David M. Unruh, Carolyn McGinn and Ben Sciortino. Also on the Agenda that day as New Business was the interlocal agreement with Sumner County, Kansas, regarding the Peck Improvement District. In reviewing the Commission meeting minutes for this day, it appears that there was very little discussion, no public input, and with the unanimous vote, business was concluded on this subject. Much has occurred in this small community once known as Peck since

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that January day over seven years ago; the day that some Sedgwick County property owners refer to as the day they were abandoned by their County Commissioners. The improvement district was created, a board was formed, grant monies were obtained and there was already an engineer on board.

“My concerns today lie with the way the sewer project has been, and continues to be, handled. Property owners are not always afforded the opportunity of attending meetings due to lack of proper notice; meetings have been held and decisions have been made without proper notification to the property owners. Because of the manner in which the Peck Improvement District board has handled this project, property owners have many times had to rely upon the word of others to try to determine what has happened, or what is scheduled to occur next. While trying to identify for my parents what has occurred and what they can potentially expect in the future, I have made several open record requests. The request made of the Peck Improvement board, their members, were not fulfilled as requested and now are in the office of the Sedgwick County District Attorney for review and determination. The grant monies initially awarded for this project were withdrawn due to lack of progress and increase of cost. I am still not clear on how cost could increase if there was a lack of progress. New grant monies were made available due to stimulus funding. These were announced, applied for and awarded all in less than 20 days, 20 calendar days. During my research, I was made aware that prerequisite documents for the new grant monies were never validated, and in some cases never even obtained.”

“On February 24th, 2010, I lodged a formal complaint and request for investigation with the Kansas Department of Commerce and state legislators. This has been awarded and is currently underway. The current footprint of this project does not even resemble the original footprint that was initially represented to these property owners. There is a tremendous difference in a gravity feed system and a grinder pump system. I am now told that my parents will be forced to have a grinder pump system and a three-day reservoir tank installed on their property; property that has been theirs for nearly 40 years. I have also been told that it would behoove me to convince my parents to sign permanent easements without compensation, because if I don't, their property will be subject to condemnation of property and eminent domain proceedings, which is reportedly the way this business is typically handled. This has already occurred for one Sedgwick County property owner. Additionally, he was approached just last night by a representative of this engineer seeking additional easement because they just didn't get enough of this man's property the first time around.

“The original cost projected for each property owner has tremendously increased to the point that it is not going to be feasible for most. What happens when these property owners cannot pay their monthly sewer bill of \$60 per month, or \$120, or more? Some homes will be abandoned. Some may fall into disrepair. The county, well, both counties, will have to eventually make decisions regarding

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these properties, incurring more costs and more waste to the taxpayers. It sickens me to witness what has occurred over the years on this effort. An improvement district must ensure that this project is beneficial for all within the district. The new current footprint does not in any way benefit all 77 households. In fact, it would be a stretch to say that 51 percent of the property owners are even in favor of this project today.

“The project has been erroneously represented as something that is needed for the community. Reports of raw sewage running in the roads and the ditches were indicated in some documents used to obtain federal and state monies. Further investigation, and yet another open record request, along with conversations with the Kansas Department of Health and Environment (KDHE), reveals that there are only a couple of private septic systems in Peck that are in need of repair or replacement. Ironically, three of these private systems are directly related to the Peck Improvement District board. My parents' current system is expected to last 50 years, and is working fine without issue. There are no monthly fees associated with this system, none of their property had to be signed off, condemned, or subject of eminent domain proceedings to acquire and maintain. What is now scheduled to happen is devastating for my family. The actions of the people associated with this project are deplorable, if not deceptive and potentially illegal. I would ask that you, the County Commissioners of Sedgwick County, act with all powers bestowed upon you to regain jurisdiction of these properties in Sedgwick County that were so easily signed off to another jurisdiction with a stroke of a pen. Thank you for allowing me to speak today and I will stand for questions.”

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

**Commissioner Parks** said, “Not necessarily a question of you, but I have a question of our Legal, kind of the history on this, I wasn't around when this went through, but I know when some of the people at West Valley unincorporated were talking about an improvement district, they were told that that went out in state law many years ago. Is this just a utility improvement district, or is this some kind of a special district? And I'm going to ask Mr. Euson of this next, and then if you want to reply to that.”

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, “Commissioners, I believe that this is an improvement district that is created pursuant to state law that allows those districts for the purpose of providing public improvements, such as streets and sewers, and that's primarily what they do. That law still is on the books, and in this case, we had a district that was covering two different counties, and so thus the need for the interlocal agreement.”

**Commissioner Parks** said, “So other areas could be an improvement district then, if they wanted to so...”

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**Mr. Euson** said, "Yeah, absolutely."

**Commissioner Parks** said, "...and that prevents them from being annexed then?"

**Mr. Euson** said, "Not anymore. My recollection..."

**Commissioner Parks** said, "I see."

**Mr. Euson** said, "...of the annexation law is that improvement districts that were created prior to, there is a certain date, 1998 or something like that, are more or less grandfathered in from unilateral annexation."

**Commissioner Parks** said, "Okay. I had one other question. The sewer project that's going in, is this a board that has been formed, or what is the push behind the sewer district?"

**Ms. Burris** said, "It is being pushed by a three member board of the improvement district. They were initially formed via the Sumner County Commissioners after this interlocal agreement was signed. They are now elected positions with the next election slated for the second Tuesday in November, I believe."

**Commissioner Parks** said, "Second Tuesday this coming November in..."

**Ms. Burris** said, "2010."

**Commissioner Parks** said, "2010?"

**Ms. Burris** said, "Yes, sir."

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

**Ms. Burris** said, "I believe the push is, Peck has been identified as a low to moderate income community. In what I used to refer to as the town of Peck, which I understand is no longer a legal term, since we are now an improvement district, but there are low to moderate income households in what I refer to as Peck proper. That's not the case with other property owners in Sedgwick and Sumner that live, again, on the outskirts of the actual town. The town itself is somewhat of a poor community. The homes are older, some over 100 years old. They are all on septic systems down there currently, septic or cistern systems. When I spoke with John Goetz of the Kansas Department of Health and Environment, he just shook his head and he said he didn't know why they were doing this, because there are just a few private systems that need to be repaired or replaced."

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

**Commissioner Welshimer** said, "You've done an excellent job presenting this situation to us..."

**Ms. Burris** said, "Thank you, Commissioner."

**Commissioner Welshimer** said, "...I want to tell you that."

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

**Commissioner Welshimer** said, "Through the election process, have you tried a recall petition, or anything..."

**Ms. Burris** said, "I have obtained documentation on that. I don't know that that's the answer. So much damage has occurred to date. The property owners, and several of them are here today with me, and several would have very much liked to have attended, but because of work, they couldn't. They've got to keep their jobs so that if this is forced upon them, they have to have some means of trying to pay for this. I'm sorry."

**Commissioner Welshimer** said, "But you just don't think that the election process, or the recall process, could solve your problem?"

**Ms. Burris** said, "No, I don't. I don't. I think too much has occurred, and I think that it needs to be looked into. I would very much appreciate the Commissioners here in Sedgwick County listening to the property owners in Sedgwick County, looking into this situation, seeing what has occurred and what hasn't occurred. In my limited research that I've done on this, just since two, three weeks ago, I think, is when I really got involved, and I'm just appalled at the things that have occurred. And I'm trying, and I'm one person, I'm trying to stop this locomotive from mowing everybody down."

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

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

**Commissioner Parks** said, "I was going to ask, are these people on the board were initially appointed by Sumner County?"

**Ms. Burris** said, "That's what I understand. I've reviewed 11 years of Sumner County Commission meeting minutes, and it appears by that, that they were initially appointed, and an election was scheduled, and I believe that was with the County Clerk in Sumner County and the Election

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Commissioner in Sedgwick, because this had to be somewhat of a joint effort, if I understand correctly. Sumner County refers to themselves as the host county for elections. I have obtained the information, and what would be needed for a recall election. I guess my personal opinion, and I think it's shared by others in the community, a recall election is not going to serve a great big purpose here, other than to remove those three people and to throw three other people into a very bad situation, and to date, I don't know of any three other people in that improvement district that would be willing to take on this mess, or be held liable for it in any fashion."

**Commissioner Parks** said, "Since this process has started, is this a Community Development Block Grant (CDBG), is that what we're talking about here?"

**Ms. Burris** said, "There is a Community Development Block Grant. That was one of the grants that was initially awarded, I believe back in 2005, and was pulled. There were also two KDHE grants that were awarded initially; they have been pulled. There is a USDA (United States Department of Agriculture) Rural Development grant and loan that have been awarded and appear to still be in place at this point. The CDBG grant that was recently awarded, in the 20 days that I referred to, is actually stimulus funding. It's part of the recovery act, and there are very strict guidelines on that money. As I stated in my research, I have found where a lot of those guidelines or requirements, prerequisites, have not been met, the money was just simply awarded, and they are marching forward with this. I think it's possibly at risk."

**Commissioner Parks** said, "I have one more question. Are these oversized lots, or are these a normal 150 by 150, or 60 by 150 lots?"

**Ms. Burris** said, "No, no. Sedgwick County, and with my parents' situation, they have about an acre. Some of the, I think we've got some other property owners here that have six acres; some have more, some have less. Down in the town of Peck, those would be small lots, I think, if I'm speaking correctly, very small properties down in the town of Peck. I think the majority of the property owners probably reside in Sedgwick County."

**Commissioner Parks** said, "Well I can certainly see where, if they are putting in a main and going by frontage then that there would be some devastating special taxes on that then. Thank you."

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**Ms. Burris** said, "Well, special taxes in addition to the monthly cost, and the loss of property through condemnation, that's devastating for us."

**Chairman Peterjohn** said, "I'd like to throw out, since it looked like you were using written testimony, would you like to submit that for the record?"

**Ms. Burris** said, "Absolutely."

**Chairman Peterjohn** said, "Okay. Well please feel free to do so..."

**Ms. Burris** said, "I would be happy to share any of my documents. I have documents that when I spoke to the Sumner County Commission a week and a half ago, I would be willing to submit as well for your information to give you little more history, if you would like."

**Chairman Peterjohn** said, "Well, I appreciate whatever you would like to submit, and if there are other folks in the audience who want to basically second your comments, or at least get on the record as supporting them, I'd give you an opportunity at this time to state your name and address for the record."

**Commissioner Parks** said, "Can you step to the podium?"

**Chairman Peterjohn** said, "Please step to the podium and give your name and address for the record, please."

**Mr. Jeffery Crawford**, 1449 N. Meridian, Peck, Kansas, greeted the Commissioners and said, "I live in Sumner County, about a half mile. I'm the last house south that's been incorporated in the improvement district. I own about five acres. I, too, don't need a sewer system. I'm not arguing the point that Peck may not need one, but through the research that I've done with Vickie Burris here on this over the last couple weeks, 11 days, we've stumbled on a lot of stuff we think has not been done correctly by the Kansas statute laws. They are out there to look at, and to follow, but there is nothing been followed from the very beginning to where it's at now. There's a lot of money involved. There's a lot of money that's been pushed through without proper documentation and by the law set up by Kansas. And that's why we've been to the Attorney General's Office this week, to report some of that, and they have those documents at this point in time. Some of the other things, when that failed in October the 2nd, when they didn't get their bond, well, they didn't get their information in time, within 20 days they pushed it through. We have pulled records that show that the money was actually pushed down to Sumner County through the CDBG and USDA rural money

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on the 20th of October. No documents, or some of the prerequisites to get this money, was turned in until the 26th of October.

“And that 51 percent, Vickie’s done a very good job of matching the, in Sumner County and in Sedgwick, the actual land property owners that are on the deeds records to the names that were signed on this document, which was actually a letter of agreement, which is actually not part of the public improvement district statute, Kansas laws. It’s the community, but not the public, and according to one lawyer we talked to, that this was formed under a public improvement district, not a community improvement district. So they are bouncing back and forth, pulling whatever that fits their needs. So they went around, had people sign a letter of agreement, and there was no petition put out by the Sumner County or this board for that.”

“And what they’ve done is they signed, they had people sign as they were the landowners; they were not the landowners, they are just the people who are renting there. Some of those signatures you can’t even read. We’ve contacted people that don’t even live in the state anymore that own that property, and they did not sign those. So they don’t even have the 51 percent that they needed to get these funds. And those funds were awarded before they even turned that document in six days prior to that; those monies were awarded to Sumner County.”

**Chairman Peterjohn** said. Okay. Well, thank you very much for your comments.”

**Mr. Crawford** said, “Thank you.”

**Chairman Peterjohn** said, “I had assumed, are there any other folks who want to just get on the record and their name and address? And I’m going to bring back Ms. Burris because we still had some other questions, and if there are other questions for anyone else on this issue, I’ll give the Commissioners an opportunity to raise them at this time. Please proceed.”

**Ms. Jeanette May**, 2330 W. 119th St. S., Peck, Kansas, greeted the Commissioners and said, “And I live in Sedgwick County. And I appreciate all the hard work Vickie has put in this effort. My husband and I, we have approximately 10 acres, so we have one of the larger properties. When we were approached with this idea several years ago, we were told that it would be about \$30 a month for the sewer fee. We have a septic system that works; we don’t have any trouble with it. We are aware there are some people, what I call within the town of Peck, not the outskirts, but within the town of Peck, who needed this, so we signed the agreement agreeing to pay for this, and so that it would help mainly the people within the town of Peck. Years passed, grants were withdrawn, and it just kind of died. And then back in October, I believe it was, Vickie? Back in October, it basically

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was brought back to life. At that time, not all people within the improvement district were notified of a public meeting that was held to find out if people supported this again. We were not notified of it, so obviously we didn't attend. And at the conclusion of that meeting, all the people that were there were people that, yes, we want this, you know, it will benefit us. So then at the conclusion of that, it was kind of brought back to life and now our fee is up to, what, \$60? They're saying it's like \$60 a month, and it could go higher, depending on how the project goes. At this point, they can't even tell us if the project is on budget or not. So I feel like when we signed this document it was agreeing to \$30 a month, that was one thing, but now it's double that. I mean, what we agreed for is not what we're getting now. And like Vickie said, I mean, this is going to be a big financial strain for many people within Peck. And so we are concerned, if they can't pay, does that fall back on the people who are paying? I just feel like, I mean, it hasn't been handled correctly. I mean, I feel like, I mean, it's really fraud is the way I feel it is. What we were represented and what we are getting are two different things."

**Chairman Peterjohn** said, "Thank you. Let me have a show of hands; are there other people who have not spoken yet on this issue out in the audience? And if so, please come to the microphone if you want to state your name and address for the record."

**Ms. Vaunelle Burris**, 2200 W. 119th St. S., Peck, Kansas greeted the Commissioners and said, "I am mother of Vickie, and I appreciate what she's doing for us, because we're elderly. And we are very upset about this. But we live on 2200 W. 119th St., Peck, and we live outside of the area."

**Chairman Peterjohn** said, "Thank you. Anyone else? I'm going to, if everyone..."

**Ms. Debbie Tussey**, 1477 N. Meridian, Peck, Kansas, greeted the Commissioners and said, "And I feel like we've just been lied to. It's getting shoved through, just the person, the main person that's on the board, doesn't even live in the improvement district. So it's of no importance to him what it does to the rest of the people."

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

**Commissioner Norton** said, "That's a Sumner County address, isn't it?"

**Ms. Tussey** said, "Yes."

**Chairman Peterjohn** said, "Commissioner, seeing no one else in the audience, I'm going to go to Commissioner Norton. Oh, two more? Two more. Okay, I'm sorry."

**Ms. Kathleen Carman**, 1465 N. Meridian, Peck, Kansas, greeted the Commissioners and said, "That's in Sumner County, and I'll just echo everything that everybody has said and add that this

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project started out to be an all gravity system. Then it changed to three grinder pumps, then a few more grinder pumps, but now we're up to 17 grinder pumps, was the last that I heard. So the project keeps changing without notification. We just hear things and we need some help with it. That's what I've got to say."

**Chairman Peterjohn** said, "Thank you. I think there was one other hand. Please come to the microphone and give your name and address for the record, please."

**Mr. Don Burris**, 2200 W. 119th St. S., Peck, Kansas, greeted the Commissioners and said, "And when this all started almost 10 years ago, I went along with it. It was supposed to be \$30 a month, and then the thing went on, and went on and it died. And then they got a grant, and then they lost a grant, and then all of a sudden, in October, they woke it up again and really went with it. Nobody was notified. Then they come around with a letter wanting me to sign it, and it didn't state, but she said it would be approximately \$58 a month now. It went up that much. Told them I couldn't afford that and they left the letter for me to sign, and after I looked at it, I read it, and it didn't have anything about the cost on the letter. It said this is open-ended and it will be decided what you will pay after the project is finished. And I notified them and said I can't sign that. And when the letter was delivered to my door, the lady that brought it, she told me, she said, we're only giving these to the people that we know want it. And that's not the way to run a project like this. Thank you."

**Chairman Peterjohn** said, "If I can call Ms. Burris back up to the podium, I'm going to turn this over to Commissioner Norton and give him a chance, since this covers his district, I believe."

**Commissioner Norton** said, "Well, at least the Sedgwick County portion is in my district of Peck. Certainly we were aware of this many years ago, and as it was presented to us, it was going to be a simple gravity fed system. I don't remember all the details. It seemed like a pretty simple conversation, and as I remember, the vote was, one of the jurisdictions, either Sumner County or Sedgwick County, needed to be the lead managing group, and Sumner County had brought this forward to us. They had someone that was willing to take that responsibility on from the government part of it, so it seemed like a pretty simple intergovernmental agreement, as I remember. Over the years, I've really only had two inquiries from citizens down there that had some questions, and we passed those on, I think, through Irene Hart to the entities in Sumner County, and then I didn't hear any more information, so I assumed that answers had come forward and that people were still okay with everything. This does not surprise me that you're here today, that there's some angst, particularly hearing that a lot of it has changed and the amount of money that citizens may have to pay has grown. So I think we do need to step back and look at it again, try

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to understand what our responsibility is for the citizens of Sedgwick County, and their part of it. I'm surprised that the district grew a little bit; that it added some larger parcels kind of outside Peck. I was trying to remember, as this came up, and I didn't get a chance to look at all the data, because the presentation was pretty simple, as I remember those many years ago..."

**Ms. Burris** said, "Yes."

**Commissioner Norton** said, "...that it was really zeroed in on the City of Peck, because there was some real extreme problems with several properties there that was affecting everybody, and just in the City of Peck. That they thought, I think, KDHE at the time thought that there was going to be manifest problems if some of those septic systems really went bad for the whole area. But I don't remember exactly. Now I did ask Irene Hart to be here today. It seems like when this was brought to us, that citizens had signed petitions and asked for the improvement district, but I don't remember that."

**Ms. Burris** said, "That is correct. In 2002, there was a petition, and it was signed by property owners, not all, again, but some. As I stated though, this was proposed as an entirely different situation. They were also told, you can always opt out when it comes time. Well that's not the case now. Now we have people knocking on our doors, you know, bullying. And I personally have not had anyone knock on my door and bully me, however, when I simply made phone calls to government agencies and asked very politely what would occur if one of these 11, which at the time I thought was 11 easements, were not signed, if one of 11 did not sign, would that kill the project? I just asked, what happens? Does it fall back on the property owners? And I believe I was threatened. In fact, one of those conversations, I specifically asked the lady, are you threatening me? And she said, nobody will ever know; this is between you and I. And I said, well, this conversation is being monitored, and then the roof really blew off. But it was. I've begun to record or monitor all my phone calls with these people."

**Commissioner Norton** said, "Vickie, was that someone from a neighbor association, the improvement district, or from Sumner County..."

**Ms. Burris** said, "State of Kansas, Department of Commerce."

**Commissioner Norton** said, "State of Kansas..."

**Ms. Burris** said, "Department of Commerce."

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**Commissioner Norton** said, “Okay. Obviously, we need to get some more information on all of that. If I could, I’d like to ask Irene to come up, because Irene has got some background, although we hadn’t been the managing partner, and our Community Development people hadn’t been involved in a lot of the discussions or meetings, I think Irene might have some history of kind of how we got to this so that all...”

**Ms. Burris** said, “Right.”

**Commissioner Norton** said, “...Commissioners will know that.”

**Ms. Burris** said, “I just want to note real quickly here, I came to the Sumner [Sedgwick] County Courthouse a little over a week ago, and I’ve been on every floor of this place, on that day, looking for documents or anything that I could get, and I went to a lot of your departments, and quite frankly, this is all I got, out of this courthouse, regarding this. And it’s the original interlocal agreement. I did note, and maybe you are not aware, but there was an addendum that was added to this that doesn’t appear here in your courthouse, but it’s in Sumner County, and it was added by the Sumner County Commissioners. That’s just a fun fact. I don’t think you’ve been aware of what has occurred. I would also like to invite you to the next Peck Improvement District meeting. I understand it’s scheduled to be March 10th at 6:30, but of course no one has given us a location. So thank you.”

**Commissioner Norton** said, “Okay. Irene, give us just a brief synopsis of kind of how we got involved, and what we really haven’t had too much responsibility since then. I’m glad this has been brought forward to us so we can deal with it, but give us just a little information on how we got to where we’re at.”

**Ms. Irene Hart**, Director, Community Development, greeted the Commissioners and said, “Actually, you know as much as I know. We do work with the SCKEDD (South Central Kansas Economic Development District) organization, who has applied for grants on behalf of the improvement district. I did obtain some timeline information from them about the grants, but I have no more information than what’s been presented today. I would be happy to work with the group, and see what else we can find out and what the appropriate county role is in this.”

**Commissioner Norton** said, “Okay. Is it true that when this was brought forward years ago, that there was a petition and a vote, and it seemed like it was more than 51 percent of the folks that lived in that area to solve the problem and create the improvement district, do I remember right?”

**Ms. Hart** said, “That’s the information I have, but it was eight years ago, so my memory isn’t clear, either.”

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**Commissioner Norton** said, "Okay. Well it seems to me that maybe Irene could get involved, get a little more information from the citizens, and understand what has got us to where we're at today and try to give us some thoughts on how we get involved to solve the problem and connect with Sumner County or the improvement district. Is Sumner County still the jurisdiction of record, Rich? Would that be safe to say? Or does it now turn over to the improvement district as the appointees?"

**Mr. Euson** said, "When an improvement district is created, much like a city or a drainage district, the Board of County Commissioners gives it life and then it is on its own. It has its own elected officials, and you have very little to do with it. My recollection of the interlocal agreement is that it deals with administrative matters of how you perform your elections in a two county improvement district, and how you would handle expansion petitions. There may be some other things in it, but that's pretty much what that interlocal agreement would do. There wouldn't be much else for the Board of County Commissioners to do, because the improvement district is a quasi-municipal corporation created by you, but it's pretty much hands off once you created it."

**Commissioner Norton** said, "So in other words, we set up the intergovernmental agreement for Sumner County to create that entity and now it's moved forward, is that a simple way of saying it?"

**Mr. Euson** said, "Well, it's been created, and the interlocal agreement tells how certain actions are performed after its creation."

**Commissioner Norton** said, "Okay. Can we meet at some point, maybe today or tomorrow, and go over that intergovernmental agreement so I understand..."

**Mr. Euson** said, "Sure, absolutely."

**Commissioner Norton** said, "...exactly what our responsibility either is, or could be, in this matter?"

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

**Commissioner Norton** said, "And, Chairman, I don't know how you want to proceed, but I would think that maybe Irene getting us more information on some of the history, and where it's at today, would be important."

**Chairman Peterjohn** said, "I agree with you, Commissioner Norton. In fact, I was going to ask procedurally another question of Mr. Euson. Is there, I'm thinking, in terms of a record, you said that we're involved, in terms of the creation of the district, do we keep a record of these creations? And if there is an addendum, or changes to them, does that come to us, like say if you have a

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modification to a deed, and we'd have it recorded like with the Register of Deeds, or are those records just included as part of our normal Commission proceedings in the minutes and that's as far as it goes, or is there some other entity that records these documents?"

**Mr. Euson** said, "I'm sorry, I'm not understanding. A deed for..."

**Chairman Peterjohn** said, "No, not a deed, per se. But you said when we created, the Commission as a body creates these districts and then they're on their own, I'm trying to understand the point that Ms. Burris made that apparently there was an addendum to the original interlocal agreement, and I'm just trying to understand that apparently we have a record of the original agreement here, but if it's changed, is there any procedure for recording, or keeping them as a record like we would, for instance, in a property transfer situation as a corporate entity that's operating in a portion of Sedgwick County?"

**Mr. Euson** said, "There would be, but it sounds to me, from her description, that Sumner County made an addendum on its own unilaterally without including us, so, of course, we wouldn't have a copy of that."

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

**Commissioner Parks** said, "My question also is for Mr. Euson on a legal thing. Is there a time on a petition when that expires, or once you sign a petition, that's good forever and that can go for eight years and then something else?"

**Mr. Euson** said, "On the sewer petition?"

**Commissioner Parks** said, "Yeah."

**Mr. Euson** said, "I just don't know. I'd have to look at it..."

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

**Mr. Euson** said, "...it depends on what's in the petition and it depends on what law it was created under."

**Commissioner Parks** said, "And can they be on a board and live outside the petition area, or live..."

**Mr. Euson** said, "Not to my knowledge, Commissioner. I believe the law requires all directors of the improvement district to be residents and electors of that district."

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**Commissioner Parks** said, “And would that be something that either the Sumner County or Sedgwick County Attorney’s Office might investigate for their investigation or...”

**Mr. Euson** said, “Yes. Yes, they might.”

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

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

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Well it appears that at the initiation of the improvement district, there was general agreement to go forward with it and everyone was, at that time at least, operating in good faith, but things have gone poorly since then. And it also appears that our ability to do a lot with this is somewhat limited, but I would suggest, Mr. Chairman, that we ask if Irene Hart could get involved, find out what the facts are, and find out what our ability is to make a change, and if we’re legally prevented from that, then perhaps we can just use our persuasive powers, or work with Sumner County, whatever we can do to try to improve the situation. But it appears that we’re very limited legally on what we can do. And we can’t solve it today, but I think that we ought to have Irene get involved and see what we can do to be helpful.”

**Chairman Peterjohn** said, “Well, the recommended action is to receive and file. I am in agreement with your sentiment, Commissioner Unruh.”

**MOTION**

Chairman Peterjohn moved to receive and file the comments, and also request that Ms. Irene Hart get additional information and report back to the Commission, so they will know where they are and have the proper records on hand, in terms of the current interlocal agreement on the Peck Improvement District.

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

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Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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

**PLANNING DEPARTMENT**

- E. DER2009-00013 – AMENDMENT TO THE “WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE” RELATED TO ENTERTAINMENT ESTABLISHMENTS, EVENT CENTER AND TEEN CLUB, RESIDENTIAL FENCE HEIGHT AND MINOR CORRECTIONS. ALL DISTRICTS.**

**VISUAL PRESENTATION**

**Mr. John L. Schlegel**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "This amendment to the Unified Zoning Code that we have before you today has changes that fall into two broad categories. The first category relates to changes that the City of Wichita made in 2009 to the city's licensing code. They had pretty much a yearlong review of a number of licensing code provisions dealing with a number of problem areas that they were having, and so they made two amendments in the course of 2009. The first set of amendments early in the year, in March, and then as they resolved other issues during the year, then they had a second licensing code amendment in December. We had brought before you a number of amendments to the Zoning Code back in September, which you adopted in September, which incorporated some of the earlier changes. We brought in some new terms, land uses that were developed for the licensing code by the city in those amendments back in September. And then what we're proposing to do with these amendments is to do the rest of the catch-up with the licensing code amendments that the city made in December. So what we're proposing to do in these amendments is to add a new use called Teen Club in the City as a defined use and then to establish in which zoning districts the three new uses that were established in the city's licensing code last year would be allowed. Those would be: Entertainment Establishment in the City, Event Center in the City and Teen Club in the City. And those three uses would be allowed in the zoning districts that you see listed there: Limited Commercial, General Commercial, Central Business District, Limited Industrial and General Industrial zones."

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**Mr. Schlegel** continued, “Then going on, still in that first category of changes relating to the city’s licensing code, there are certain distance requirements in the city’s licensing code, and in the Zoning Code, defining when certain uses are allowed by conditional use when they’re in proximity to a church, a place of worship, a public park, a school or a residential zoning district. And so for some of these new uses that were created in the city’s licensing code and for some established uses, such as taverns and drinking establishments, the distance requirement would now be increased to 300 feet. Any of those uses that are listed there in that first bullet, within 300 feet of church, school, park and so forth, would be required to obtain a conditional use.

“Then in the second bullet, that has to do with a different set of less objectionable types of uses, Event Centers in the City, Teen Clubs in the City and Entertainment Establishments where that type of use does not meet the criteria for Nightclub in the City. Then a conditional use would be required when that use is proposed within 200 feet of church, school, park, et cetera. And the purpose of all that category of change is simply to create consistency between the city’s licensing code changes that they made last year and the Zoning Code, so if you would adopt these today, this would make the provisions in the two codes uniform. Then the second category of change that’s being proposed today has to do with providing for sight distances where driveways come to a street right-of-way. I’m going to show you a series of photographs to show you what the issue is. This particular change was proposed in response to complaints that the city was receiving regarding vehicles, such as the one you can see in this photo, backing out of a driveway, across a public sidewalk into the street right-of-way, and not being able to see pedestrians on the sidewalk. And you can see how that would be an issue, I think, in this photograph. Again, you can see how both for the driver of that pickup that’s parked there, it could become an issue and for somebody walking along the sidewalk there, there’s not enough warning that a vehicle is about to cross that sidewalk. And just a few more examples just to make the point.

“The solution to that problem we are proposing would be that within 20 feet, along a side lot line, where there is a fence, an opaque fence, one solid screening fence, or wall, or vegetation that creates a solid screen, that the vegetation, or that wall, or fence be limited to no more than three feet in height. Then also, along the front lot line where there is a fence, within 20 feet of where the driveway intersects with the right-of-way, that this height limitation also be applied in those situations. And the idea there is to create a sight triangle so that pedestrians walking on the sidewalk can see a car backing up and then the driver of the vehicle can see whether or not there’s any pedestrians approaching the driveway. In addition, there are some other minor changes that were made, things such as some capitalization that needed to be done that was missed in the last round of zoning ordinance amendments; a minor editing, changes of that type.”

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“These changes were heard by the MAPC (Metropolitan Area Planning Commission) at its meeting on January 7th of this year, and at that time, because of an issue that was raised concerning the application of the three foot height limitation in rural areas, they held that public hearing over until January 21st, at which time staff came back with additional language which restricts the application of this three foot height limitation within the county to subdivisions that have curb and gutter. This is a standard that’s intended to be applied in either urban or suburban situations. So based on that concern being expressed at the January 7th meeting, we came back with that revision and the Planning Commission then recommended adoption of these amendments unanimously at the January 21st meeting. Then yesterday at the City Council meeting, I presented these amendments to them and they have adopted these amendments unanimously. And with that, I’ll be glad to take any questions.”

**Chairman Peterjohn** said, “I’m a little shaky on I’ve got a bunch of lights up here, Mr. Schlegel, so let me begin with Commissioner Welshimer.”

**Commissioner Welshimer** said, “Did I Miss it, or did you mention, is this retroactive? I mean, people who already have their fences up?”

**Mr. Schlegel** said, “No, they would be grandfathered in. They would become nonconforming under this new provision, but they would not be required to tear down a fence. It would only be in case, in a situation where they would have to replace the fence, then they would have to comply with this new standard.”

**Commissioner Welshimer** said, “Sometimes they put fences up because the neighbor is not a good thing to look at, so a three foot fence probably wouldn’t solve the problem. And this is going to apply to all 20 cities?”

**Mr. Schlegel** said, “No. The Unified Zoning Code only applies within the City of Wichita and within the unincorporated...”

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

**Mr. Schlegel** said, “...portions of Sedgwick County.”

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

**Mr. Schlegel** said, “And this standard would not apply, the way we wrote the provision, it would only apply in the unincorporated areas where the streets have curb and gutter.”

**Commissioner Welshimer** said, “Okay. I see.”

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

**Commissioner Parks** said, "I want to declare for public record that I was at the January meeting where this was discussed over at MAPC at the request of one of my constituents in the agricultural area, and I do appreciate the change in this to include the curb and gutter because many of these applications would not be good in the agricultural areas. And in fact, I have taken some pictures of that in my previous employment, very much similar to the photos you showed today, down on South Dexter Street and other places in Valley Center and do realize that this is needed for the sight triangle as found in the Manual on Uniform Traffic Control Devices. Thank you."

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

**Commissioner Norton** said, "The events code, does this reset the code or does this just talk about new fence height requirements as through the Planning Commission?"

**Mr. Schlegel** said, "I'm not sure I understand the question."

**Commissioner Norton** said, "Does this set the code, I guess I'm confused."

**Mr. Schlegel** said, "It sets a new standard for fences..."

**Commissioner Norton** said, "Right. And it will be through city [Central] Inspection and Code Enforcement that that will be enforced, is that correct?"

**Mr. Schlegel** said, "Correct."

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

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

**Commissioner Norton** said, "And the City of Wichita did not have a graduated step down three foot..."

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

**Commissioner Norton** said, "...fence code?"

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

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**Commissioner Norton** said, “Wow. I guess I’m surprised because we dealt with that in Haysville years, and years and years ago, that if you had a fence you wanted to put between a neighbor, particularly if there’s a sidewalk, you had to step it down so that the sight requirements were such. And I’m surprised the city hadn’t had that. Okay. I am going to be for this. I’m just very surprised that that had not been dealt with prior to today.”

**Chairman Peterjohn** said, “Mr. Schlegel, I’ve got a question, when it comes to the word fence, are we talking about strictly about a palisade that is opaque, you can’t see through it, and so this provision would not cover, say a wire mesh or a wrought iron type of fencing, is that correct?”

**Mr. Schlegel** said, “Correct. The way the wording of this is, is that for fences or screening walls with more than 80 percent opacity.”

**Chairman Peterjohn** said, “That’s all the questions I have. What is the will of the body?”

**MOTION**

Commissioner Unruh moved to adopt the recommendation of the MAPC to adopt the amendments to the *Wichita-Sedgwick County Unified Zoning Code*; approve the Resolution and authorize the Chairman to sign the Resolution.

Commissioner Norton seconded the motion.

**Chairman Peterjohn** said, “We have a motion and a second, I’m just going to just state for the record, Commissioner Parks’ comments, I was also at that January meeting and was involved and will second his comments from that meeting at that time. Seeing no further discussion, please call the vote.”

**VOTE**

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

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

**NEW BUSINESS**

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**F. AGREEMENT WITH DERBY UNIFIED SCHOOL DISTRICT 260 (USD260) FOR A COOPERATIVE ARRANGEMENT DESIGNED TO IMPROVE PROVISION OF CERTAIN SCHOOL-BASED MENTAL HEALTH SERVICES TO STUDENTS AT DERBY HIGH SCHOOL.**

**Commissioner Norton left the meeting at 10:20 a.m.**

**Ms. Marilyn Cook**, Executive Director, COMCARE, greeted the Commissioners and said, “Like other agreements we have with school districts, this is an agreement with USD (Unified School District) 260; Derby schools. The agreement allows COMCARE staff, a clinician and case manager, or managers when the population grows, to co-locate in Derby High School for the purpose of providing mental health services to students who are going to school there. Derby High School agrees to provide rent free space to us, a place to secure our forms and other documents that need to be protected and a confidential space for the providers to meet with students. Derby High also agrees to promote the school-based mental health services to parents during the enrollment process. COMCARE will place existing staff at that location, and I did want to point out that USD 260 is under no obligation to pay for the mental health services we provide. We would bill for services for individual students who have coverage for those services. We’re recommending that you approve the agreement and authorize the Chairman to sign.”

**MOTION**

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

Commissioner Unruh seconded the motion.

**Chairman Peterjohn** said, “I have a motion and a second, I have a question.”

**Ms. Cook** said, “Sure.”

**Chairman Peterjohn** said, “Besides USD 260 in Derby, of the other school districts in Sedgwick County, do we have agreements with any of the others, or we don’t have agreements with any of the others? And if so, which ones?”

**Ms. Cook** said, “We are in about 18 schools, primarily in USD 259, Wichita schools, but we have agreements with a number of schools and then, of course, we have the Proud of Me program that we have talked about recently.”

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**Chairman Peterjohn** said, “Okay. So it’s more a school by school case as opposed to school district by school district?”

**Ms. Cook** said, “Yes.”

**Chairman Peterjohn** said, “Seeing no further questions, what is the will of the body? Do we have a motion? I’m sorry. We do? Okay. Thank you. Please call the vote.”

**VOTE**

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

**Ms. Cook** said, “Thank you.”

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

**G. LEASE AGREEMENTS OF COUNTY-OWNED FEMA PROPERTIES. .**

**1. LEASE AGREEMENT WITH BOBBIE BELCHER FOR COUNTY OWNED PROPERTY IN MULVANE, KS.**

**Commissioner Norton returned to the meeting at 10:23 a.m.**

**Mr. Robert Lawrence**, Senior Project Manager, Project Services, greeted the Commissioners and said, “The item before you today is to take a look at the lease agreements we prepared with the county as the landowner leasing land that we had purchased years past using FEMA (Federal Emergency Management Agency) funds. I’d like to give you a little bit of history on that. Between the early ‘90s and up until as late as 2002, Sedgwick County purchased land that was funded 75 percent with federal funding, 10 percent with state funding, 15 percent with county funding.”

**Mr. Lawrence** continued, “We’ve purchased a total of 24 parcels throughout Sedgwick County with the majority of it, 19 parcels, located in Mulvane, in the River Vista Addition. Recently, we had been approached by some citizens that had asked for permission to utilize the land for agricultural purposes, primarily for grazing cattle. The original purchase agreements had covenants attached to them that were very specific on uses that Sedgwick County could have for this land in the future, one of them being agricultural purposes. Some of the things that we cannot do; erect any

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structures on the facility; any structures that are not open and conducive to open use, such as a playground or something like that could be used for these. These properties are all located within the floodplain. They are also, by virtue of our purchase, one of the other covenants is that the property is not available for any type of future federal assistance should any kind of flooding happen, any kind of damage happen on the property.

“The item that you’re looking at right now is an agreement with Mr. Bobbie Belcher. This is for three parcels that are located in Mulvane, a total of just over six acres. Right now we are asking for a lease rate that is consistent with pasture land throughout this part of Kansas, developed by the Kansas Department of Agriculture. It comes out to about \$18.10 an acre per year. So we’re not talking about a great deal of money, but we are talking about now someone that will have an opportunity to utilize the land. These pieces of property will also be reintroduced into the tax roll when all 24 parcels were purchased; they have been in a tax exempt status since their purchase. We’re going to be bringing them back on the tax roll and the lessee will be responsible for paying the property taxes on them. I recommend that you approve the lease and authorize the Chairman to sign and I will be happy to answer any questions.”

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

**Commissioner Norton** said, “Well I’m very familiar with the River Vista area along the river. It did have some problems many years ago, properties were bought out and they’ve remained undeveloped all that time. I do have two questions. If they’re allowed to have livestock, that would indicate that maybe they’re going to have a fence. Is a fence allowed?”

**Mr. Lawrence** said, “Fencing is allowed. They can put in an electric fence, something that is not an enclosed structure is allowed. The leases also stipulate that we have approval authority of what type of structure is going to be put up on the property.”

**Commissioner Norton** said, “And I guess my question that goes with that, if there is a flood, if the river backs up, and the fence is knocked down and livestock drowns, we’re not liable...”

**Mr. Lawrence** said, “That’s correct.”

**Commissioner Norton** said, “...and FEMA will not pay for that damage?”

**Mr. Lawrence** said, “That is correct.”

**Commissioner Norton** said, “And that’s somehow written into the contract, or the lease, so that they understand that they have all liability for it, that FEMA is not going to cover it...”

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**Mr. Lawrence** said, "Yes."

**Commissioner Norton** said, "...there isn't going back to the federal government and saying, I lost 20 head of cattle in this and I'd like to be reimbursed?"

**Mr. Lawrence** said, "That is absolutely correct..."

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

**Mr. Lawrence** said, "...the original covenants that were attached to the warranty deeds when we purchased the land have been also attached to each lease that we are looking at. We also are requiring the tenant to provide farm insurance on the property with Sedgwick County listed as an additional insured. So we are protecting ourselves in the event that they have any incidents on the property."

**Commissioner Norton** said, "Okay. Last thing I got. Rich, do you feel like this is going to cover us as a county legally, have you looked over those documents?"

**Mr. Euson** said, "Yes, sir, we have. And there is the appropriate indemnification in this document, so I think we're good."

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

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

**Commissioner Welshimer** said, "How many cattle are going to be on the six acres?"

**Mr. Lawrence** said, "That has not been stipulated in the lease. The tenants are to abide by all codes which would limit per acre how many cattle per square feet. How many cattle or hoofed animal are allowed."

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

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

**Commissioner Parks** said, "I believe that code says 10,000 square feet for every hoofed animal."

**Mr. Lawrence** said, "Per hoofed animal? I don't..."

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**Commissioner Parks** said, "I'm real sure that's what it says."

**Mr. Lawrence** said, "...pigs are a little bit more than that, I believe, but I think for cattle, horses, I believe you're correct, sir."

**Commissioner Parks** said, "I just wanted to kind of expand a little bit on the electric fence. This is within the City of Mulvane?"

**Mr. Lawrence** said, "I don't believe it's within the city limits, it's on the west side of the river. Yeah, it's in their Code Enforcement jurisdiction."

**Commissioner Parks** said, "Okay. Well I just want to make sure they didn't have a law against electric fences when that was brought up, and I believe Commissioner Norton covered everything else I had on the livestock issue. Thank you."

**Chairman Peterjohn** said, "Seeing no further questions, what's the will of the body?"

**MOTION**

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

Chairman Peterjohn seconded the motion.

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

**VOTE**

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

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

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**2. LEASE AGREEMENT WITH DARRELL BOGER FOR COUNTY OWNED PROPERTY IN VIOLA, KS.**

**Mr. Lawrence** said, “This is an identical lease with the exception of the parcel that we’re talking about and the parties involved. Mr. Boger is asking to lease one parcel that is located in Viola on the south fork of the Ninnescah. It’s about 7.86 acres, and looking at about \$142 a year. Otherwise, all terms and conditions are identical.”

**Chairman Peterjohn** said, “Seeing no further questions, I’m going to make a motion to approve the lease and authorize the Chair to sign, since this is in my district. And I will make a comment that anything we can do to increase the amount of taxable assessed valuation in our county, even albeit this is a very, very small amount, is helpful and needed. Is there a second?”

**MOTION**

Chairman Peterjohn moved to approve the lease and authorize the Chairman to sign.

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

**Mr. Lawrence** said, “Thank you.”

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

**H. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON FEBRUARY 25, 2010.**

**Ms. Iris Baker**, Director, Purchasing, greeted the Commissioners and said, “The meeting of February 25th results in five items for consideration. First item;

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**1. AUTOMOTIVE PAINT PRODUCTS – FLEET MANAGEMENT  
FUNDING – FLEET MANAGEMENT**

**Deferred from December 31, 2009, meeting**

“That recommendation is to reject all bids and re-bid the paint products with additional specifications and instructions. Item 2;

**2. ADDITIONAL COURTROOM AND CHAMBERS IN JUVENILE COURTHOUSE –  
FACILITIES DEPARTMENT  
FUNDING – ADD COURTROOM & CHAMBERS – JUVENILE COMPLEX**

**Deferred from February 18, 2010, meeting**

“Recommendation is to accept the low bid from Sauerwein Construction Co., Inc. in the amount of \$1,107,800. Item 3;

**3. DIGITAL RECORDING SYSTEM – EMERGENCY COMMUNICATIONS  
FUNDING – EMERGENCY COMMUNICATIONS**

**Deferred from February 18, 2010, meeting**

“Recommendation is to accept the proposal from Voice Products for an initial cost of \$210,786 and establish annual contract pricing for maintenance. Item 4;

**4. ROAD IMPROVEMENTS – PUBLIC WORKS  
FUNDING – R175 PREVENTIVE MAINTENANCE – SELECTED RDS**

“Recommendation is to accept the bid from Cutler Repaving, Inc. in the amount of \$1,404,185.02. And Item 5;

**5. RISK MASTER SUPPORT AGREEMENT – RISK MANAGEMENT  
FUNDING – RISK MANAGEMENT**

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“Recommendation is to accept the agreement with Computer Sciences Corporation for a total five year negotiated cost of \$101,630.48. I’d be happy to answer any questions and I recommend approval of these items.”

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

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

### MOTION

Commissioner Parks moved to approve the recommendations of the Board of Bids and Contracts with the exception of Item 3.

Chairman Peterjohn seconded the motion.

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

**Commissioner Norton** said, “Iris, on Item 2, talk about the subcontractors on the winning bid. Are they local? We’ve been having that discussion about local and minority subcontractors, and just a question I’d like. Do you know the answer to that?”

**Ms. Baker** said, “The majority of them are local, for those recommended, the majority are local.”

**Commissioner Norton** said, “Okay. Is Shields?”

**Ms. Baker** said, “I believe so. Electrical Systems, PMC, I believe is local...”

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

**Ms. Baker** said, “...Johnson Controls, Vision Communications.”

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

**Chairman Peterjohn** said, “Any further comments? We’ve got a motion and second to approve the Bid Board items except for Item 3. Seeing no further discussion, please call the vote.”

### VOTE

Commissioner Unruh

Aye

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

**Chairman Peterjohn** said, “Concerning Item 3, what is the will of the body? Commissioner Parks.”

**Commissioner Parks** said, “Yes. I’m looking at the bottom line on this. I think we need a little bit of a presentation from either Ms. Gage, or Mr. Bargdill, or whoever wants to presently that. I did talk with Mr. Bargdill yesterday. I do know that there is a technician for one of the companies that lives in my district, and then I believe we all got an email yesterday from one of the other vendors, and just kind of wanted to ask that this be publicly discussed, not only because of the connection with the local company. By the way, I know both of these companies that have communicated with us, the winning vendor on this. I dealt with him as a chief of police in another capacity, and dealt with Richard Connell who is the technician for DSS Corporation, also. They’re both good people, they’re both good companies. Just wanted to discuss the disparity in the price a little bit on that and tell us what we get for the buck on that.”

**Mr. Randy Bargdill**, Tech Support, Emergency Communications, greeted the Commissioners and said, “Absolutely. As you know, we found ourselves into a situation where we’re needing to replace our seven year old recording system. The recording system that we use for 911 captures all of the incoming, outgoing radio traffic and telephone calls in and out of the communications center. We’re capturing about 14.5 million radio transmissions a year and about 850,000 911 telephone calls, both emergency and nonemergency phone calls. We put together a RFI (Request for Information) in the first place to determine what kind of technology was even out there. Not having done anything with the recording system in seven years, we didn’t know what technology was available, so we sent out an RFI. We got responses back and then put together an RFP (Request for Proposal), sent that out as well, and we had five respondents who answered the RFP.”

“We looked at each of the companies, invited two of them in for demonstrations of their products. The short list that we went with was Voice Products and CEC (Commercial Electronics Corporation) out of San Antonio. I wasn’t aware when we were talking yesterday about REC, evidently that is a third party vendor from DSS is my understanding.”

**Commissioner Parks** said, “That’s their local technician. I did talk with him last night and he said that he is a local technician for DSS.”

**Mr. Bargdill** said, “Okay. Basically what we did was when we short listed down to CEC and the Voice Products, we took into consideration when we went out looking for a recording system,

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everything that we have right now, no extra bells and whistles, the only considerations that we needed to make them aware of was that in 2012 or 2013 we're planning on going to a digital radio system, so is there a recording system capable of capturing digital radio files? The second thing was, as we move towards next generation 911, and though we don't really know exactly what that is, it hasn't been clearly defined, what are they doing in their technologies to be able to move, or stay online, with the next generation 911 as the industry unfolds? The two companies that we ended up looking at was CEC and Voice Products.

"The CEC problem that we ran into was that, first of all, like I mentioned, a 24/7 operation and recording the volume of radio and telephone traffic that we do was maintenance issues. Are they a reliable company? Are they going to be able to be sturdy enough to a commercial grade quality recording system to be able to withstand that 24/7, day in, day out for at least seven more years? And we felt that with CEC, there were some maintenance issues. They advocated that we do our own maintenance for the most part; that they would train us how to do it. That they would ask us to run out to Best Buy and replace hard drives, or any other hot swappable power supplies, or things like that, rather than providing maintenance. That was what they advocated. In addition to that, what we currently have on our recording system was we have a linear timeline of visual ability to call up the calls that come in, whether they're telephone or whether they're radio, and we're able to see that on a timeline and reconstruct an event as to exactly what time, what position did a call come in. With wireless telephones now, we frequently get four or five telephone calls for every event that occurs on the highway. We're able to put that together and determine who called when, when did the dispatcher release the call, when did they dispatch the call and we're able to see that. It's a business practice that we have kind of put out there to local law enforcement, fire, EMS (Emergency Medical Services), and for the last seven years, has had this ability to see and put together an event as it happened. The CEC was not able to provide this at all."

**Mr. Bargdill** continued, "In addition to that, their ability to edit a call. And this is just their business practice, this is what they do, they seal their files to a point that they're encrypted, that we're unable to edit them. Where this is important is whenever we're putting out some information to the news media, when they're asking about a particular call, if there is any other information, and what we find out more often than not is it's a personal telephone call, or a call that's unrelated to that, and it's attached to that call, then we're unable to cut that part out. So if a dispatcher or a call taker is taking an emergency call regarding somebody who has a heart attack and then turns right around and takes a call, a different call about an injury accident, and they're wanting information about the injury accident, then that heart attack call is also attached to that, and with CEC, we're unable to edit that out. So they get the entire conversation and you can understand it would be somewhat embarrassing if it was a personal phone call that was attached to a high profile call that's

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going to be played on the news at 6:00 tonight. So taking that into consideration, CEC was disqualified.

“We had several DIO (Division of Information and Operations) personnel involved. We invited database people, networking people, application managers, as well as Quality Assurance staff and other users within 911. It was the recommendation of the DIO staff that we not go with CEC just on the maintenance issues alone. That we shouldn’t be out hunting down parts, and determining whether they’re commercial grade or not and doing those kind of maintenance issues that may be required. The Voice Products does allow for the scenario replay, which is the reconstruction of events like I’ve indicated the linear timeline. They’re local. They’re on site within a couple of hours, and they do have the editing abilities, as well as leading the, from what we could tell, from at least the people that responded to us, they pretty well lead the pack when it comes to the next generation 911 concerns. They’re also capable of recording the digital radio.”

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

**Commissioner Parks** said, “Yes. You’ve compared, and you’ve convinced me, that CEC is not the one we should go with. However, my comments were directed back to DSS and if you have any more information on DSS about where they’re manufactured, I guess the NICE product’s manufactured in Israel, it may be the best product out there. I’m just wanting to make sure that we are giving a fair comparison, and that my local vendor that contacted me in my district some three years ago and handed me a lot of business cards gets a fair shot at it.”

**Mr. Bargdill** said, “DSS did respond to the RFP. And as we went through it, we were concerned about their maintenance solution. As I have said, we really need something that’s going to be capable of 24/7 operation for many years. In their RFP, DSS responded that they require a dedicated and unrestricted work station be installed so that they can remote-in to provide service. That’s not feasible in our data center. It’s also, with network security, they’re not going to provide us with an unrestricted work station into the county networking environment. That’s what they cited in their RFP. In addition, they casually mentioned that they could be onsite for maintenance repairs, but they didn’t explain how they were going to do that. They didn’t suggest that there was a third party vendor, or whether they were going to fly from Michigan to come here. They just didn’t say at all how they were going to satisfy the onsite demands that we might have. So that’s why they were eliminated.”

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**Commissioner Parks** said, "Okay. Well, like I say, I had a personal knowledge of Rick Connell, and he lives in the City of Wichita, and he told me yesterday he worked for DSS. If there's something that you didn't have on that, I don't know, I guess, is this something that's imperative that we get in the next two weeks or..."

**Mr. Bargdill** said, "The recording system itself?"

**Commissioner Parks** said, "Yes."

**Mr. Bargdill** said, "We are currently out of contract, maintenance contract; it sunsetted [sic] December 31st of '09, so we're out of maintenance. It's something that we definitely need to move forward on as expeditiously as possible."

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

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

**Commissioner Norton** said, "First of all, I think this is one of those systems that I'm not ready to skimp on, so I want to be sure that it's adequate. I mean, when you think of disasters and issues in our community where people are the most vulnerable and have to get information, and we're obligated to record it so that we know from Quality Assurance that it's done right and that there could be some legal ramifications, I want to be sure we get this right. Is DSS a local company, or just has a local individual that would maintenance it, or works for them, Iris?"

**Ms. Baker** said, "I'll address that. DSS is actually out of Michigan. And I was not involved in this process. I did a little research on the company last night based on a question that Commissioner Parks had asked. And while they're out of Michigan, they did do have an e911 product that they manage and maintain from their facility. Mr. Connell, from what I can ascertain, DSS also sells many different products; the dictation, transcription equipment, digital court reporting devices, so we have added him to additional bid lists as of this morning. But from what I can ascertain in my research, REC is more along the lines of maintaining and servicing equipment. I don't envision him being part of this software project. That would all be maintained from Michigan. Generally speaking, when they're out of area, they rely heavily on being able to get into the system, and try to ghost in and troubleshoot. That's a common practice out there. And whether or not it's best suited for us in this environment is a different question. But it is a common practice. So the software itself would be supported off site unless they were going to train Mr. Connell in software issues, and how to troubleshoot, or create some kind of link with him. But I haven't read the proposal. I did kind of glean it and there is no reference to him. The only reference is that they will take care of this

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solution, this software and the maintenance and support related to it. And I had not had a chance to share this information with Commissioner Parks because I found it out late last night.”

**Commissioner Norton** said, “Okay. I have just a couple, Voice Products, Inc., Iris, is that a local company?”

**Ms. Baker** said, “Yes, it is.”

**Commissioner Norton** said, “Okay. They have their offices here and they’re not a national company, they’re local?”

**Ms. Baker** said, “They have a local presence. They have offices in other areas. The NICE product, I believe, is manufactured, if you will, designed by a different vendor and Voice Products will be maintaining it, will be taking care of the entire product, maintaining it and supporting it through the course of the project, the life of the project.”

**Commissioner Norton** said, “Well NICE is just the platform that we’ll use to gather information, that’s just the platform...”

**Ms. Baker** said, “It’s a little more than that, it’s the programming...”

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

**Ms. Baker** said, “Yes, yeah, programming.”

**Commissioner Norton** said, “Voice Products is local and has technicians and...”

**Ms. Baker** said, “Yes.”

**Commissioner Norton** said, “...everything here?”

**Ms. Baker** said, “Yes.”

**Commissioner Norton** said, “Okay. That’s all the questions I’ve got right now, Mr. Chair.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chairman. Well, when I saw the disparity and the bid prices on this, it would obviously get your attention, and you wonder what some of the details are, but I appreciate the explanation that’s been given this morning. And I appreciate my conversation

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with Diane Gage about the importance of this particular component. I know that as we go forward, we have to have more than adequate systems to appropriately handle all the calls that come in, in a very important part of our Emergency Communication Systems. So my questions have been satisfied, and although I had indicated that I was willing to wait before we approve this, I think that I'm willing to go forward in light of the explanations we have, and the fact that we're out of our maintenance contract now and I think we need to be moving forward with this. That's all I have."

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

**Commissioner Parks** said, "It is certainly dangerous to be out of a maintenance contract, I know about those things. In fact, when we were out of the maintenance contract one time at Valley Center, Mr. Connell did really help us out on that. I just wish that DSS would have added that to their original platform, and maybe that would have made a difference in getting the original bid and that would have made a difference in them getting in the short list. Thank you."

**Chairman Peterjohn** said, "Let me add that I agree with Commissioner Unruh. When I first saw these items and the prices, when you're looking at a total project cost, it's roughly three times what all the other bids are out there, that pulls me back, especially in this time with the difficult economy we're at. And if you look at the total five year costs, it's a slightly smaller percentage, in terms of compared to the next highest bidder, and that's why I think it's really imperative that we understand what is being provided here that gives us additional value, to not go with one of the other bidders, since it looked like there were several that meet the basic criteria from the RFP."

**Chairman Peterjohn** continued, "And I still have concerns and I am very concerned about the revelation that we're out of the maintenance agreement. I agree with Commissioner Parks in that regard. I think I'd like to find out from Ms. Baker, do we have any idea how many maintenance agreements that we have currently ongoing, and do we have any other agreements that we're out of compliance with at this point in time, besides the one for this product?"

**Ms. Baker** said, "I'm afraid I couldn't answer that. It would take a research project. But technology, in general, is high maintenance and there are a lot of agreements out there. Most of them come to annually at the beginning of every year. I think the dilemma with this is the fact that the agreement just isn't up, it's no longer supported, which created this need."

**Chairman Peterjohn** said, "Thank you. Seeing no further comments, I believe we have a motion?"

**Ms. Katie Asbury**, Deputy County Clerk, greeted the Commissioners and said, "No, Mr. Chairman, we do not have a motion."

**Chairman Peterjohn** said, "We do not? Okay. What is the will of the body?"

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**MOTION**

Commissioner Unruh moved to approve the recommendation of the Board of Bids and Contracts for Item 3.

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	No

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

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

**CONSENT AGENDA**

**I. CONSENT AGENDA.**

- 1. Scheduled post annexation public hearing for May 5, 2010 (City of Park City – District 3).**
- 2. Employment Agreement with Dr. Shreeja Kumar.**
- 3. Amendment to the Disproportionate Minority Contact (DMC) Agreement between Sedgwick County and the Center for Children’s Law and Policy.**
- 4. One (1) Right of Way Easement for Sedgwick County Project at the intersection of 93<sup>rd</sup> St. North and Meridian; CIP# R-321. District 3.**
- 5. One (1) Right of Way Easement and One (1) Permanent Drainage Easement for Sedgwick County Project 636-21-1132; Bridge project on 71<sup>st</sup> Street South between 71<sup>st</sup> & 87<sup>th</sup> Streets West. District 2.**

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- 6. One (1) Right of Way Easement and One (1) Permanent Drainage Easement for Sedgwick County Project 636-13-4570; Bridge project on 71<sup>st</sup> Street South between 199<sup>th</sup> & 215<sup>th</sup> Streets West. District 3.**
- 7. Order to correct tax roll for change of assessment dated February 17, 2010.**
- 8. General Bill Check Register of February 17, 2010 – February 23, 2010.**
- 9. Payroll Check Register for the week of February 13, 2010.**

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

**MOTION**

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Mr. Buchanan** said, “Thank you.”

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

**J. OTHER**

**Chairman Peterjohn** said, “I’m not seeing any lights up here, so I’m going to take the Chairman’s prerogative of briefly mentioning that the county, and the county employees, are involved in both exercise and wellness opportunities. And at this time with rising health costs and healthcare being a

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national issue, anything that we can do on the nutritional front to help ourselves, and to stay healthy and get out there and exercise, and I will admit that I have fallen away from some of the good habits I had when I was a wee bit younger, and sometimes my exercise is not as strenuous as it should be, but I'm going to take this moment to mention that. And Commissioner Parks."

**Commissioner Parks** said, "Just wanted to say that I attended the first great victory of the Wichita Wild football game last Friday night. There's some razzle dazzle and excitement and you can get good tickets for \$5, and good food and great atmosphere. Some former KU (University of Kansas) and K-State (Kansas State University) football players are on that team, and it's amazing that they do work together, but they have put those things aside. In fact we've had Friends [University], Tabor [College], some other area football stars that are on that team. And it wouldn't surprise me if some of those would go on and get into the NFL (National Football League) in the near future. Also, being it's March, Kansas [Wichita] International [Raceway] speedway is going to be opening up, that's the quarter mile racers, the side by sides before long. And the 81 Speedway is just right around the corner, so a lot of entertainment venues on the north end. Thank you."

**Chairman Peterjohn** said, "Thank you. I'm going to mention also that last Friday we had a Final Friday, and we're going to have one at the end of March and also at the end of April concerning health related issues, and I participated in this and several of my colleagues up here were at that event, as well as the Greater Wichita Economic Development Coalition luncheon last Thursday where there was a discussion, in terms of what challenges we face with our economy going forward. Having said that, I am going to make a motion that we recess this meeting and call on the meeting of the Fire District, if there's a second."

### MOTION

Chairman Peterjohn moved to recess into the meeting of the Fire District #1.

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

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Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

**Chairman Peterjohn** said, "This meeting is now in recess."

**The Board of County Commissioners recessed into the meeting of the Fire District #1 at 10:55 a.m. and returned at 11:05 a.m.**

**Chairman Peterjohn** said, "And we are back on 'other' at the...Commissioner Parks."

**Commissioner Parks** said, "I know that there's going to be a motion here momentarily for an Executive Session. I would like to add, I'd like to discuss some things about acquisition of real property, if there's no problem with the others discussing that. It's just going to be a brief discussion. Shouldn't take any longer than the discussion with what we had with legal advice and pending claims."

**Chairman Peterjohn** said, "Is that a motion?"

**Commissioner Parks** said, "No. I was going to defer to the vice on that."

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

**Commissioner Parks** said, "If we could add discussion relating to acquisition of real property."

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

### **MOTION**

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation, 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 11:25 a.m.

Commissioner Norton seconded the motion.

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

### **VOTE**

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

**Chairman Peterjohn** said, "We are in recess."

**The Board of County Commissioners recessed into Executive Session at 11:06 a.m. and returned at 11:43 a.m.**

**Chairman Peterjohn** said, "I'm going to call the meeting back to order. Mr. Euson."

**Mr. Euson** said, "No announcements at this time."

**Chairman Peterjohn** said, "Thank you. Seeing no further business, a motion to adjourn is in order."

**MOTION**

Chairman Peterjohn moved to adjourn.

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

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

**K. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 11:44 a.m.

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

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

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

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

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

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

ATTEST:

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

APPROVED:

March 17, 2010