

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 31, 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 31, 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; Ms. Jo Templin, Director, Human Resources; Mr. Larry Maxwell, Lieutenant, Emergency Medical Services; Mr. John L. Schlegel, Director, Metropolitan Area Planning Department; Mr. Robert Parnacott, Assistant County Counselor; Mr. Steven Cotter, Director, Emergency Medical Services; Mr. Mark Sroufe, Park Superintendent, Lake Afton Park; Mr. Tom Pletcher, Clinical Director, COMCARE; Ms. Annette Graham, Director, Department on Aging; Mr. Pete Giroux, Principal Analyst, Budget; Mr. Vance Hill, Senior Construction Project Manager, Project Services; Mr. Steve Claassen, Facilities Director, DIO; Ms. Bev Dunning, Director, Extension; Ms. Iris Baker, Director, Purchasing; Ms. Amanda Matthews, Communications Coordinator; Ms. Angela Lovelace, Deputy County Clerk; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Ms. Cornelia Stevens, South Central Region Director, Kansas Children's Service League
Mr. Morgan Koon, General Counsel, Cornejo & Sons
Mr. Kent Hixson, City Administrator, City of Mulvane
Mr. James Marksberry, 301 Cypress Ct., Andover, Kansas
Mr. Kelly Dixon, Boy Scouts of America

INVOCATION

Led by Rev. Jeff Gannon, Chapel Hill United Methodist Church, Wichita

FLAG SALUTE

ROLL CALL

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

PROCLAMATION

Regular Meeting, March 31, 2010

A. PROCLAMATION DECLARING APRIL 2010 CHILD ABUSE PREVENTION MONTH.

Ms. Amanda Matthews, Communications Coordinator, greeted the Commissioners and said, "I'll read this for the record:

PROCLAMATION

WHEREAS; National Child Abuse Prevention Month will be recognized throughout the United States during April 2010; and

WHEREAS; approximately 9,900 children were reported abused or neglected in Sedgwick County last year; and

WHEREAS; child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risky behavior such as smoking; and

WHEREAS; the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS; preventing child abuse and neglect is a community problem and all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

WHEREAS; effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community – together we can strengthen families and prevent child abuse.

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

'Child Abuse Prevention Month'

Ms. Matthews said, "And that's dated today, March 31, 2010. And we do have someone here, Cornelia Stevens, who would like to address you."

Regular Meeting, March 31, 2010

Commissioner Norton said, “Mr. Chairman, before we go on, I would like to move we adopt the proclamation.”

MOTION

Commissioner Norton moved to adopt the Proclamation.

Commissioner Unruh seconded the motion.

Chairman Peterjohn said, “Commissioner Unruh beat me to the punch on the second. We have a motion and a second, seeing no further discussion, let’s call the vote.”

VOTE

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

Chairman Peterjohn said, “We return to the podium.”

Ms. Cornelia Stevens, South Central Region Director, Kansas Children’s Service League, greeted the Commissioners and said, “I would like to begin by thanking you for recognizing April as ‘Child Abuse Prevention Month.’ I have a few statistics, some of which you heard on the proclamation, that will kind of reinforce why we’re here today and why we’re recognizing April with this important cause. In 2008, there were 54,395 reports of abuse and neglect in the State of Kansas. In 2009, that number increased to 56,738. In Sedgwick County, there were 9,881 reports of abuse and neglect in 2008, and that number increased to 9,901 in 2009. Of those cases that were reported, there were 157 substantiated cases of abuse and neglect in Sedgwick County, which made Sedgwick County the second highest county in the State of Kansas for substantiated cases of abuse and neglect. And so, you can see that, you know, we have a local issue that we need to address.”

“And a lot of this is stuff that is preventable, based on prevention efforts that we work as an agency to form coalitions, as the Prevent Child Abuse America chapter, to really address community needs; looking at program development, looking at what marketing, what resources are available in the community to help families. I have several of the community members that are on this coalition here in Sedgwick County here today, and I would like to thank you all for attending. One of the

Regular Meeting, March 31, 2010

things that we are doing this year, which we've done for several years in partnership with the Sedgwick County Zoo, is our Family Fun Day, and that is an opportunity for people in Sedgwick County to come to the Zoo with their families. There's face painting, there's a moonwalk, there's the Sedgwick County Fire Department and Police Department, the Sheriff's Department that will be there with their vehicles. We'll have motorcycles there for the kids to look at and take their pictures on them. This is just a wonderful event for families. And that's one of the prevention efforts that we really try to stress, is the importance of families spending time together and having that bonding that we need. The event, again, is on April the 10th, from 12:00 to 4:00, and standard regular Zoo admission does apply, but we encourage people to come out to the Zoo and celebrate that event.

"I've also given each of you a tip card for 'Child Abuse Prevention Month,' so you each have information here that also talks about some of the prevention efforts and the messages that we want to get out to talk about, you know, advocating for people that might need that assistance, volunteering in the community, educating people about the importance of child abuse prevention, supporting programs and reporting it, most importantly reporting it. We see that increase in reporting, and we do believe that that is in part because people realize the importance of doing that, because if it's not reported, people can't do anything about it. The last resource I would like to give to everybody is a number that you can call if in fact there is a need in the community for any resource or referral. This is a statewide number that is available 24 hours a day, and that is 1-800-CHILDREN, and so it's very easy to remember, just 1-800-CHILDREN. And statewide, 24 hours a day, there will be a person that answers the phone that will help connect you to the resources in your local community that can help you. That is, again, it's a person that will be able to help you navigate systems, talk to you about things that are going on and make sure that you're connected to the supports that can help you."

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

Commissioner Norton said, "Well I have a long history with trying to deal with this issue. It's interesting, I look at this card which is before us, and right at the bottom is Target stores. And my original connection with the Child Abuse Prevention Council was through Target, and they have continued to be supportive over the years. It came to mind to me that child abuse was very prevalent back in the early '80s, and at that time, I served on a Child Abuse Prevention Council with Judge Burgess, Sherry Butenbach, Helen Cochran, I don't remember everybody on that."

Commissioner Norton continued, "But after about four years, we decided that the problem was much bigger than the small group of us, and I believe that's when Kansas Children's Service League engaged and took over the issue statewide, and then had offices here locally. It's an issue that has not gone away in our community. In fact, during tough economic times, we see an increase in the prevalence, and I think between '08 and '09 shows that in our own community. We have to deal with this every day. It's interesting, I look at the paper today, and there was headlines about a

Regular Meeting, March 31, 2010

child that was abused and the system may have known something. I'm not here to condemn anybody, but the truth is, as a community, we deal with it every day. Families in distress, whether it comes from an addiction or a financial condition, put children at risk, and we have an obligation to create a system that protects our most vulnerable population, and certainly children are it.

“And we know they're our future, but we also know their future is going to be in our juvenile justice system, it's going to be in alcohol addiction centers, it's going to be in family violence and violence against women centers if we don't do something about it. An ounce of prevention is worth a pound of cure. So we need to continue to put our resources into the prevention of child abuse, and we've worked hard trying to think about that in our community. We've had the issue before us about the Child Advocacy Center, and we're going to have to continue to deal with that issue, because now it's not just about family members abusing, it's about predators on the internet out there every day, thinking about how they can lure a child into their web, and we've got to be on the ground every day as elected officials, thinking about it, partnering with our nonprofits and other groups to be sure that we take care of this issue. Thank you for the work you do, and come back again next year and give us better numbers.”

Ms. Stevens said, “Thank you. Thank you, Commissioner.”

Chairman Peterjohn said, “Let me add, because we live in a time where the family is under an unrelenting assault, and the number of children, and I read the stories, and one that Commissioner Norton just alluded to that's been in the news coverage recently is a terrible, in one level it is a tragedy, in another level it is an outrage or perhaps even an atrocity, because no child should be hurt in these types of ways. And, sadly, all too often, and I think disproportionately so from the studies I've seen, this has ties to the fact that we have broken families. And I think unless we get to a point where we can look at the root causes, and I strongly want to commend the efforts of everyone who is trying to struggle to get to those root causes and see if we can find what leads us into these positions, I think we are going to be facing more tragedies like we read in today's Wichita Eagle. And while this particular instance did not occur in Sedgwick County, there are certainly cases that are occurring in all 105 counties in Kansas, and, sadly, all over the country, and I think, frankly, all over the world, because I think every child out there deserves to have a loving mother and father, and all too frequently in this day and age many children grow up without one or more. Thank you.”

Ms. Stevens said, “Thank you, Commissioner. To support what you've both stated, research actually indicates that for every dollar that is spent on prevention programs, saves seven dollars on the back end. And so investing in preventive programs, such as home visitation programs, like Parents as Teachers, or Healthy Families, or Early Head Start, you know, those are programs that go into the homes to work with these families that are dealing with multiple stressors that will be able to identify what's happening in these homes and get them connected to services. So we appreciate

Regular Meeting, March 31, 2010

you recognizing the importance of prevention, and of our efforts, and, again, recognizing April is 'Child Abuse Prevention Month.' Thank you."

RETIREMENT

B. PRESENTATION OF RETIREMENT CLOCK TO LARRY MAXWELL, EMS LIEUTENANT, EMS WILL RETIRE APRIL 1, 2010 AFTER 23 YEARS OF SERVICE.

Ms. Jo Templin, Director, Human Resources, greeted the Commissioners and said, "This Agenda item recognizes the long-term commitment to public service and sends best wishes, as you heard, to Larry E. Maxwell, who is an EMS (Emergency Medical Services) Lieutenant, and plans to retire April 1st, after 23 years of service."

Chairman Peterjohn said, "Lieutenant Maxwell, thank you on behalf of Sedgwick County and all the people who have benefited from your service here in the county. We want to show our appreciation of thanks, and provide you with a clock, as well as a certificate, and wish you well. And if you've got a few words for us, Lieutenant, we would be delighted to hear them."

Mr. Larry Maxwell, Lieutenant, Emergency Medical Services, greeted the Commissioners and said, "Sure. Thank you. It's been a great privilege for me over the last 23 years to be able to serve the residents of Sedgwick County EMS, as well as over the last 23 years, three different administrations that have been in charge of the EMS services here in Sedgwick County, as well as the many different changes on the board over the last 23 years. The current administration is taking Sedgwick County EMS into a new field, a more advanced type of services for the people of the community, and I really regret leaving this at this point in time. I really wanted to be a part of the changes that were going to take place, and even though I'm not here, I'll be gone, I will be watching very closely the changes that are being taking place here, and I will miss all of that. Thank you very much."

Commissioner Welshimer said, "Clerk, call the next item."

PLANNING DEPARTMENT

C. CON2009-00046 SEDGWICK COUNTY CONDITIONAL USE FOR MINING AND QUARRYING; GENERALLY LOCATED SOUTH OF 47TH STREET SOUTH AND WEST OF OLIVER. DISTRICT 5.

VISUAL PRESENTATION

Regular Meeting, March 31, 2010

Mr. John L. Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “The case that I’m presenting to you today is a request by the applicant for a Conditional Use (CU) to permit mining and quarrying on this 37 acre parcel that you see outlined on the map in front of you now in that light blue outline. You can see its location just to the southwest of the intersection of 47th Street South and Oliver. The applicant’s intent is to excavate clay, which is the predominant soil type on this particular property, to be used as a capping material at his C&D (construction and demolition) landfill not far from this location and for other construction uses. The access to the site will be off of Oliver on the east side of the site. And their intent is to excavate the clay from the site in 200 foot by 200 foot sections at a time. And as they complete each of those 200 by 200 foot excavations, then they will backfill it with other clean material, eventually returning the property to its original topography. They’re estimating that this will take them about a year to complete this activity.

“You can see from the map in front of you that the current zoning of the site is Limited Industrial, and the surrounding zoning off to the, just adjacent to the west, is an area of SF-5 zoning, Single-Family Residential. Off to the south at, oh, that’s purple, I suppose, is the Industrial Park-Airport zoning that was put in place when the McConnell Joint Land Use Study recommendations were implemented. And the black area off to the east of this site is the Air Force Base zoning. The center line, you can just see off in the upper right hand corner of that graphic the runway for McConnell Air Force Base, so the center line of that runway is just off to the east of this property. Most other mining and quarrying applications that we receive are for sand pit operations and usually result in a permanent pit, creating a lake. That’s not the intent of this particular mining and quarrying operation. As I stated, they’ll be backfilling their excavations and restoring the topography to its original condition. So as a result, there are a number of Supplementary Use Regulations in the Zoning Code that they are asking to have waived that would not be applicable to their situation. And those waivers are all listed as part of condition number one in the resolution in your backup material.”

“Since this application area is within the zoning area of influence of the City of Derby, it went to Derby’s Planning Commission for their review on March the 4th. The Derby Planning Commission is recommending unanimously for approval of this application subject to the staff recommendations, plus they recommended that around each excavation area that the applicant be required to put up what they called orange fencing, or construction fencing, in order to keep people from straying into the excavation areas. At the Derby Planning Commission meeting, there were four property owners who spoke about their concerns. They commented on the closeness of the homes in the Deer Lakes Estate subdivision, which you can see on the aerial photo that I’ve put up before you. They were

Regular Meeting, March 31, 2010

concerned about how close their properties were to some of the excavation areas. Some of those properties are within 20 feet of the property line. They were also concerned about the impact of heavy equipment would have on their homes. They expressed concerns about the lack of fencing along that property line, and their fears about children from that residential area playing on that property. And also, they expressed some concerns about this excavation activity altering the drainage patterns and causing water to drain back into their residential area.

“The application then next went to the Metropolitan Area Planning Commission (MAPC) at its meeting on February 18th. There were two neighbors there to testify at that public hearing, and they expressed concerns very similar to those that were expressed at the Derby Planning Commission. The MAPC voted unanimously to approve the request subject to the recommendations that were contained in the staff report, plus two additional requirements that were brought out during that public hearing. One of the additional requirements would be to install 48 inch high construction fencing around the perimeter of each excavation, and then to move that on as the excavation area moves. And then in response to some of the neighbors’ concerns, another added condition would be to require that at the end of each day, the equipment used in the excavation activity be stored over toward, on the east end of the property, toward Oliver.

“The applicant has agreed to all of these conditions and these are all listed out in the resolution that’s in your backup material. Again, I’ll repeat that as part of this, if you would go along with the MAPC’s recommendation, you would be approving five waivers to the Supplementary Use Regulations that are listed out in the resolution. We have received no formal protests beyond the testimony that was provided by citizens at the Derby Planning Commission and at the MAPC. And with that, I would be glad to take any questions you might have.”

Chairman Peterjohn said, “Commissioner Welshimer.”

Commissioner Welshimer said, “Are there people, are we having a hearing, are people here to talk?”

Chairman Peterjohn said, “I can open it up. Is there anyone here who wishes to speak on this issue? If you do, please raise your hand or proceed to the microphone.”

Mr. Morgan Koon, General Counsel, Cornejo & Sons, greeted the Commissioners and said, “I’m general counsel for the applicant. I would be willing to stand for the applicant for any questions the Commission might have. The applicant had a prior engagement that he was not able to move, but he also wanted to make sure that this was heard today with the hopes that we would receive approval from the Commission so that we could proceed with our activities.”

Regular Meeting, March 31, 2010

Chairman Peterjohn said, "Thank you for your comments. Any questions or comments for staff or the applicant's attorney? Commissioner Welshimer."

Commissioner Welshimer said, "At one time I think the applicant had refused to put the construction fence around the boundary of the property, has that changed?"

Mr. Koon said, "Commissioner, it wouldn't be around the boundary of the property. The agreement between the applicant and the MAPC, as well as the Derby Planning Commission, was that the construction fence will go around the borrow site itself, so it wouldn't be around the entire property, but it would be around the site itself. The other thing that I don't think that was mentioned is that in actuality, the borrow sites won't be straight sloped sides to allow somebody, or a child, to fall into them. We are actually going to slope the sides at angles from the four angles, so that it's a gradual slope into the bottom of the borrow pit while we're extracting the clay. And then as we extract the clay, then we will fill in to make the topography back to the original, or substantially similar, topography. So we believe that in the scope of the zoning ordinances, as well as state statutes, that the belief is for the safety of the general public, as well as for our employees, and we believe that the construction fencing around the pit itself, as well as the sloping, will provide substantial safety measures necessary to make sure that no accident happens there."

Commissioner Welshimer said, "But the residential property owners adjacent to this asked to have it fenced..."

Mr. Koon said, "I believe..."

Commissioner Welshimer said, "...not just around the digging area, but around the whole site to keep out the kids, and the mopeds and the..."

Mr. Koon said, "That is correct. They were, both the Derby Planning Commission and at the Metropolitan Area Planning Commission, they were asking for the entire site to be fenced, and then, I believe, that based off of questioning from members of the MAPC, as well as from the Derby Planning Commission, they were acceptable to the construction fencing being placed around the site, was my understanding."

Commissioner Welshimer said, "I hadn't heard that. Is that true they've decided to accept the terms on fencing, John?"

Mr. Schlegel said, "Yes. He stated that correctly that..."

Regular Meeting, March 31, 2010

Commissioner Welshimer said, "With the neighborhood?"

Mr. Schlegel said, "Oh, no, I don't know that the neighborhood has accepted that, if that's your question. That was the recommendation of both the Derby Planning Commission and the MAPC, that it just be the excavation areas that'd be fenced off. We have heard no testimony one way or the other from the neighbors of whether or not that's an acceptable solution, so I couldn't..."

Commissioner Welshimer said, "Have they been contacted? I mean, were they notified of this meeting?"

Mr. Schlegel said, "Well they were at both those meetings, so they would have had the opportunity there to, and they did, they stated their preference was for fencing along that western property line between their residential area and the application site."

Commissioner Welshimer said, "So it would divide the residences from all along where we have residential, it would, these houses that are just 20 feet from the site would have some protection with a construction fence?"

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

Commissioner Welshimer said, "The construction fence, where was it going to go?"

Mr. Schlegel said, "Around each excavation."

Commissioner Welshimer said, "No. There was another request..."

Mr. Schlegel said, "I'm sorry."

Commissioner Welshimer said, "...to put it around the site, so is it on the east side along Oliver or is it between the houses and where these heavy equipment is?"

Mr. Schlegel said, "I'm sorry. The request by the neighbors was to put a fence along that west property line between their properties and the applicant's property. That was the neighbors' request."

Commissioner Welshimer said, "Well, by looking at that, it's only half the distance of the site where you're doing your mining, so I don't know how many feet that is. But what is the reason for not fencing off so that the residents have a little more protection from all that equipment?"

Mr. Schlegel said, "What is the applicant's reason for..."

Regular Meeting, March 31, 2010

Commissioner Welshimer said, "Yeah."

Mr. Schlegel said, "Well, perhaps the applicant's agent could answer that question better than I could."

Commissioner Welshimer said, "Okay."

Mr. Koon said, "Yes, Commissioner Welshimer, primarily our understanding, at both the Derby Planning Commission and the MAPC meeting, was that the initial requests were for the entire western side of the site to be fenced. Based upon what our intent is and what we are needing the material under the property for, on a cost effective approach, it wasn't cost effective, and isn't cost effective, to place a fence along that entire western edge when it's our belief that the intent of the ordinance for a typical mining and quarrying operation that we see, which involves a dredge and a sand quarry system, is to protect the public from entering into the site, and with our limited borrowing from the smaller pits, it was our belief that the fencing around the pit itself was akin to the zoning ordinance belief that on a bigger scale you would fence the entire site. So it was our belief that the fencing around each particular borrow pit, plus the sloping of the sides, would provide sufficient safety to prevent children, or any animal, or any other individual from entering the site..."

Commissioner Welshimer said, "Yes, I understand that, but it doesn't...I mean, sitting at your breakfast and having a great big bucket go up and down in front of your window is a little bit disturbing, and if there's some kind of a barrier there, the houses are so close to the project, that that was what was bothering the neighbors..."

Mr. Koon said, "I can also tell you, if it would be somewhat helpful, the area of the site, while we asked for the entire site, for the CU for the entire site, the borrowing area will be, if you can see on the screen, more toward the eastern side of the site where you have the jog that comes from the north down to the south. So it's not going to be right up against that western edge where the property owners are at, where the homeowners are at, over in the, I believe it's Deer Lake Estates. It's going to be more to the east of the site, because part of the recommendations from MAPC is that we stay away from the 50 foot easement that runs north and south through somewhere close to the western third of that property, so we would be over on the eastern side of that property."

Commissioner Welshimer said, "Well, since there's no one here, I have to assume that this is not a big issue for them anymore. What is an issue for me though is to have a contractor start a project in the beginning without a permit, and then get the neighborhood all upset, and then we come back and we do this after the fact, and that disturbs me, so I would hope that that wouldn't happen again."

Regular Meeting, March 31, 2010

Mr. Koon said, “Yes, and Commissioner Welshimer, part of that is my fault. As general counsel for the applicant, it was discussed, and I looked at the Zoning Code itself, and didn’t believe that what we were doing fit the definition of mining and quarrying. Went to the state statutes because I thought that it was more akin to a borrow pit than a mine as defined in the zoning ordinances, and they acted based off of my legal opinion that was given to them that a borrow pit was not a mine or a quarry. And based off of the zoning of that property of Limited Industrial, it was my belief, and my legal opinion to the applicant, that they could do this. And then once, in talking with OCI (Office of Central Inspection), as well as other members of the county and the city, we decided at that point in time that we would go through with the application for the CU. So I don’t want the Commission to have the mistaken belief that the applicant didn’t consider this beforehand...”

Commissioner Welshimer said, “Okay. That’s good to know. Thank you.”

Mr. Koon said, “...the applicant did. It truly was my legal opinion that I gave to them that they operated off of.”

Commissioner Welshimer said, “Okay. Thank you. That’s all I have.”

Chairman Peterjohn said, “Commissioner Parks.”

Commissioner Parks said, “I spoke with a person that owns about four properties in this adjacent area here. I’m going to talk about fence again, but not during the construction, or mining, or anything like that. What this property owner is concerned about is after the mining is finished, the commercial storage of vehicles there and the possibility that you could have a fence up along from the upper, the north side there down to the residential area, some kind of privacy fence there.”

Mr. Koon said, “Okay.”

Commissioner Parks said, “Is that a possibility, or what is the thought there?”

Mr. Koon said, “That’s the first that we’ve been made aware of it. We haven’t discussed or considered the possibility of a privacy fence being placed there after the fact, because after the fact, the property would be placed back to substantially similar condition as to what it is now. I don’t know that the applicant would be too terribly opposed to that, however, in discussions before, the property owners were wanting that fence to be placed more on the applicant’s property than right on

Regular Meeting, March 31, 2010

the property line. So I believe that if the applicant was going to place a fence along that western edge of that property for privacy purposes, that that fence would be placed right on the property line, or as close to the property line as necessary. And I believe from my recollection of the meetings, that was one of the issues that the property owners had, was that they wanted it more on the applicant's property line, because they use that western edge of the applicant's property to plant gardens and things of that nature."

Commissioner Parks said, "Well the person that I talked with was not concerned about planting a garden or anything, he just, for the aesthetics of the neighborhood, and I'm not sure that there isn't some kind of screening requirement for that anyway, being that that's residential on that side, maybe I can put that back to staff then again."

Mr. Schlegel said, "There would be a screening requirement, because it's zoned Limited Industrial, if they were to put a structure on it. But what they've used it for in the past is simply for storage of equipment and materials, and that would not trigger the screening requirement. I think we have some photographs in here that show what that edge looks like. You can see in this one, the row of trees there and the houses in the background, that would be that edge along which they are requesting the fence. Let's see if there's another western view. Just that one. That shows that residential area, Deer Lakes Estates, off to the west."

Commissioner Parks said, "Yeah. That's quite a ways away from the tree row that separates that..."

Mr. Schlegel said, "Right."

Commissioner Parks said, "...or the shrub row, or whatever that is there. That looks probably quite a bit different than it would in the midsummer, or even up into the fall, because of the vegetation, but I can see where they would want this fence between, this barrier between the earth movers that are going to be stored there after this is done, and of course, counsel also kind of agreed to it, if you didn't, let me know if that's not the fact that you agreed that this could be done."

Mr. Koon said, "I believe that what I agreed to was that I would definitely take it back to the applicant for consideration, and I don't know that given the limited amount of area that wouldn't require a fencing on that northwest end, I don't know that there would be too many problems with doing that. I think that the issue was building that fence all the way along that western edge, given what we were doing and the nature of the zoning ordinances themselves. I guess, and I don't know the answer to this, but being that this property has been under the same ownership for so long, I guess I would also need to take into consideration whether or not this particular parcel is

Regular Meeting, March 31, 2010

grandfathered in and not subject to the fencing requirements that we are discussing here, and I just simply don't know the answer to that right now."

Commissioner Parks said, "Well I guess that's going to weigh on my vote and how the motion is made on that then."

Mr. Koon said, "And if I may, if that is a significant issue that the Commission would like an answer on, I guess at that point in time I would request a deferral of the matter so that I can take the issue back to the applicant and have those questions answered so that the Commission would be able to make an informed decision based off of that information, if that is substantial information that the Commission would like to have."

Commissioner Welshimer said, "Sounds good."

Commissioner Parks said, "Certainly would on my part."

Chairman Peterjohn said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I don't know if I speak to you or speak to John, my question is what we're proving here is that excavation would have a setback of 100 feet, is that part of the requirement? So they're not right up next to the property line?"

Mr. Schlegel said, "Correct. Condition number two requires the excavation areas be set back at least 100 feet from that western property line."

Commissioner Unruh said, "Okay. So 100 feet back, and then if there is excavation, it will be protected by a construction fence, and have sloped sides and you will control it so there is no ponding? I mean, those are all part of the requirements?"

Mr. Schlegel said, "That is correct."

Commissioner Unruh said, "All right. And this is a Limited Industrial site?"

Mr. Schlegel said, "Correct."

Commissioner Unruh said, "And at the end of the 12 month Conditional Use, it will be returned to its original, substantially the same condition, and it will be substantially used and appear as it does now?"

Regular Meeting, March 31, 2010

Mr. Schlegel said, "Correct."

Commissioner Unruh said, "And are they storing equipment on it now to some degree?"

Mr. Schlegel said, "Yeah. They have been storing equipment on here for many years, and as far as I know, they store some equipment and materials."

Commissioner Unruh said, "Okay, thank you. That answers my questions."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "Let me make it clear, I don't have any problem with the mining on the property; the fencing, the shoring and sloping, and whatnot that you...sloping, you're not going to do any shoring, of course. But the use after this, there is some concern that there might be more use of storage of vehicles there, or it may be expanded once they get done with the mining, that there'd be more vehicles there and maybe closer to it, so it's after the mining that I had the concern from the person that owns the four properties over there."

Mr. Koon said, "And I can answer that question. There won't be any more, or extra, storing of any equipment than is currently done now. In fact, once we started this project, the applicant actually went over to the site after some time of not being there and did not like the appearance of the site, and we have been in the process of removing a lot of the debris from the site. There was metal there, there were tires there, there were things like that stored on the site. So we have been in the process of removing all of that, just because it was unsightly at the time the applicant was there. But there won't be any extra or excess storing of any equipment or materials at the site after we're done."

Commissioner Parks said, "I think that just then supports what I just said about that, is that they've seen this in the past and now they're thinking that, you know, it may be cleaned up for a little while, but it could progress into this, so now is the time to take care of it, I think."

Mr. Koon said, "And I will let the Commission know that the actual excavation will take place approximately 300 feet to the east of that west property line, so that's where the excavation would be taking place. When we take in the 50 foot easement and the 100 foot setback, we actually have to start on the east side of that 50 foot easement that runs north and south through the property, so approximately 300 feet from the western edge."

Regular Meeting, March 31, 2010

Commissioner Parks said, "Thank you."

Chairman Peterjohn said, "Commissioner Norton."

Commissioner Norton said, "I have a couple of questions of John. John, did the neighborhood come, and the residential, was it built after this ownership of this property by the applicant? They've owned it for quite a few years, was Deer Lakes..."

Mr. Schlegel said, "Yeah, the testimony at the Planning Commission is that the applicant has owned this some 20 to 30 years, and I don't know exactly when Deer Lakes Estates went in there. I'm seeing if there's anything in the...I'd have to research that, Commissioner, to find out when Deer Lakes Estate was built."

Commissioner Norton said, "Well it's a large piece of property, whether it's agriculture or just acreage that people have built next to, and it would be interesting to know who came first. I guess the second thing I have is, can the zoning on that huge piece of property be changed to residential, or is there a limitation because of McConnell that that cannot be done?"

Mr. Schlegel said, "A request to change that from its current Industrial zoning to Residential would go against the recommendations of the Joint Land Use Study from McConnell, yes."

Commissioner Norton said, "So more than likely it will have to stay in the zoning that it is right now unless something would change in the future, is that correct?"

Mr. Schlegel said, "Yes. That would be what would be recommended by that Joint Land Use Study..."

Commissioner Norton said, "Okay."

Mr. Schlegel said, "...correct."

Commissioner Norton said, "If it were ever developed and they had to put lakes in for drainage or whatever, would all that have to be screened and cordoned off?"

Mr. Schlegel said, "They would have to put in, any type of drainage facilities that would be put in with conjunction with the development of the site would have to be compatible with the base being there, and by that I mean that they'd have to do it in such a way that it didn't attract water fowl. If that's getting at your question?"

Regular Meeting, March 31, 2010

Commissioner Norton said, “Well, really I was talking about the screening that you would put up around any kind of a drainage pond or whatever you’d put on the property...”

Mr. Schlegel said, “Well, drainage ponds...”

Commissioner Norton said, “Any kind of [inaudible].”

Mr. Schlegel said, “...for drainage purposes aren’t...retention and detention basins don’t necessarily have to be fenced off, no. You know, there are people that will do that, depending on the nature of how that detention or retention pond is engineered, but there is no requirement that a drainage facility be fenced off.”

Commissioner Norton said, “Is the screening that has been allowed, or has been suggested, is that done because it’s a mining and quarrying operation, by definition now, or because the citizens wanted some screening and this was the way we did it? Which was it? Is it mandated because it’s a mining and quarrying?”

Mr. Schlegel said, “Yes. The Supplementary Use Regulations in the Zoning Code for mining and quarrying require a perimeter fence around the entire property. The applicant has asked for that requirement to be waived, and in place of that requirement, they requested that each excavation area, 200 by 200 foot excavation area, have a fence around it to keep people and animals from going into that area.”

Commissioner Norton said, “Okay.”

Mr. Schlegel said, “The neighbors to the west, their testimony at the Planning Commission that I heard was expressed concerns about keeping children off this property, you know, not having their children go over, and play on the equipment and get into the excavation areas.”

Commissioner Norton said, “That would lead me, my next question, is this property posted no trespassing?”

Mr. Koon said, “I believe it is. I know that it is on that eastern side. I have not been over to the western side within the last month, so I don’t know if there’s a no trespassing sign on the western side, but there is one on the eastern side.”

Regular Meeting, March 31, 2010

Commissioner Norton said, “Okay. I guess you could say that this would become an attractive nuisance, but the letter of the law is that if it’s posted no trespassing, those kids and the neighbors don’t have any reason to be on that property, would that be a safe assumption?”

Mr. Koon said, “That would be a safe assumption. I think that what you’re asking is actually two different questions and we’re getting into a situation of criminal law versus civil law. So as a general rule, if it’s posted no trespassing, then yes, you’re not supposed to be on there, and if you do so, you do at your own peril. But then there is under the civil law, the theory of attractive nuisance, and even if it is posted no trespassing, if you do something to make the attractive nuisance expressly attractable, then I do believe that there is a potential liability on behalf of the landowner, or the operator, whomever made the attractive nuisance. Which is why, I mean, that honestly is my biggest concern, and I believe that the fencing that has been proposed around the excavation sites, along with the movement of the equipment to the eastern edge at the end of every workday, would prevent any attractive nuisance from being there, and I think that that would provide the safety measures necessary, not only for the applicant to the homeowners, but as well as for the county and the city for the homeowners.”

Commissioner Norton said, “Do we have any present indication that people are riding three wheelers or motorcycles on the property?”

Mr. Koon said, “From what I can remember of the testimony, the testimony was that smaller children go over onto the property. I don’t recall that there was any indication that there were ATVs (all-terrain vehicle) being ridden on the property. If there are and the applicant or I find out about it, that would be stopped immediately just because of the nature of the dangers of an ATV or a motorcycle on our property, regardless of what we have on the property itself.”

Commissioner Norton said, “Okay. I guess my last thing is not a question, it’s just a statement. This will be borrowing clay to cap another project that I think folks on the south side are ready to be sunsetted [sic], and capped and cleaned up, so it serves a good purpose to clean up another site that has been relatively controversial over a few years, and it’s sunsetting and is going to be capped off, replanted, and taken back to a natural state, is that correct?”

Mr. Koon said, “That is correct. The clay under this property would go to cap the landfill that’s located at K-15 and 31st Street South. And as I discussed before, and the legal opinion that I gave to the applicant was that we could do it, and our intent was actually to have it done prior by now, but then the issues arose that arose, and we’ve gone through the CU process. But had we continued, it would have been completed by this point in time, because we would have been able to extract the clay from that property all winter long while we were slow and the landfill would be capped. And I’m currently working right now to have the construction quality assurance plan for that landfill approved by KDHE (Kansas Department of Health and Environment) for the final capping

Regular Meeting, March 31, 2010

procedures. So we are in the final stages of closing out that landfill, and getting that closed and it has to, technically no waste can be taken past December 31st of 2010. We would like the entire site to have at least the initial layer of capping placed by December 31, 2010, with just the cover material and the seeding left to take place after that point in time.”

Commissioner Norton said, “Having known about this for quite a few years and had to listen to people complaining about the other site, it seems like granting this for a year to get good materials to close off a more controversial site and then substantially returning this one piece of property back to its original state makes good sense to me. So I probably am going to be supportive, but if we’re going to defer, I guess I’ll be okay with that, too. That’s all I had, Mr. Chair.”

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

Commissioner Unruh said, “Thank you, Mr. Chair. I just wanted to repeat the fact, this passed the Derby Planning Commission 6-0 and passed the Metropolitan Area Planning Commission 14-0. That’s all I had.”

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

Commissioner Parks said, “But it didn’t pass the neighborhood association unanimously. I would like to say that I think it’s admirable what they’re doing with the K-15, capping off, and I think this is good use of it. And like I’ve said all along, I don’t think that that’s a problem with me, the mining, everything else that’s there, but it’s this long-term thing. And just like the K-15 dump, the people that are over in Wildflower Circle will have to look at this for a long time, too. So this is why I...it’s not...I’m real close on this and I don’t think I can support this unless I get a few answers and I think those answers could be done within a week. So I know this is not a public hearing, but Mr. Chairman, I’d ask that you would ask if there was anybody in the audience.”

Chairman Peterjohn said, “I have asked...”

Commissioner Parks said, “Okay.”

Chairman Peterjohn said, “...but if anyone else wishes to comment or testify on this issue...”

Commissioner Parks said, “Okay. Thank you.”

Chairman Peterjohn said, “...I make that available. I’d like to ask, we’ve had some discussion about the setback on the west side, is there similar setbacks on any of the other perimeter areas of this property?”

Regular Meeting, March 31, 2010

Mr. Koon said, “Yes, Commissioner. There is a 100 foot setback...”

Chairman Peterjohn said, “On all sides?”

Mr. Koon said, “...on the entire parcel. So there is a 100 foot setback on all sides. And then like I said, there is an easement that runs north and south through the middle, a 50 foot wide easement, so all excavation would take place east of that easement, or more towards the eastern two thirds of this parcel, with 300 feet separating the excavation site from the western edge to the western edge of the excavation site.”

Chairman Peterjohn said, “Well I appreciate that clarification, because I also agree with some of the previous comments, in terms of that this would help solve another situation nearby, and it’s been a concern in the broader side of the neighborhood, and I know there have been some questions requested asked, but I appreciate all the testimony that’s provided to us again today. Commissioner Parks.”

Commissioner Parks said, “Well, I just wanted to ask Legal and staff if there was any problem with getting this on next week. I know the time is important to you, and I would like to see it, if it’s deferred, not to be over a week. So, Mr. Buchanan or Mr. Euson, is there any problem with doing this, deferring this a week?”

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “I don’t know of any legal problem.”

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “No, sir.”

Commissioner Parks said, “Okay.”

MOTION

Commissioner Welshimer moved to defer Item C for one week.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Unruh

Aye

Regular Meeting, March 31, 2010

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

Chairman Peterjohn said, "Next item."

NEW BUSINESS

D. ISLAND ANNEXATION REQUEST FROM MULVANE.

VISUAL PRESENTATION

Mr. Robert Parnacott, Assistant County Counselor, greeted the Commissioners and said, "I'll get a map up on the screen in just a second for you, I hope. There we go. I have another map that spreads out and shows a little more of the area, and I might go ahead and bring that up real quick. We're looking at 111th Street South running east and west. And there's a larger picture. We're talking about this property in blue here which is west of Webb Road, east of Rock [Road] and to the east of the main part of the city limits of Mulvane. This is an island annexation, which involves a parcel that has the consent of the landowner to be annexed, so the landowner is asking the city to annex the property. However, since the property is not adjacent to the city limits, they have to come to you. The city has to provide you a certified copy of their resolution requesting that you make a particular finding, that's required by the statute. We have received that certified resolution on March 3, 2010. You are not required to hold a public hearing. There's no notices that are required to be sent out. As a courtesy, we do send notices out to surrounding cities if they impact their growth area, or could impact their growth area, but that's not the case here, as we'll discuss a little further in a minute.

"So, once we've received the certified resolution, we have 30 days, you have 30 days that is, to make a finding whether or not the annexation will hinder or prevent the proper growth and development of the area, or of any other city in Sedgwick County. So we've got the resolution, we

Regular Meeting, March 31, 2010

have representatives of the city here. We've asked MAPD (Metropolitan Area Planning Department) to prepare a report; it's in your backup. This is, I believe, a two acre undeveloped tract that is going to be intended to be developed as a single-family residential tract. The homeowners are going to want city water and that's the purpose of requesting annexation. City has water lines in the area, can serve this property with water. It's in the Mulvane growth area. It's in the growth area that's contemplated by your comprehensive plan, so it's consistent with the comprehensive plans. The city is already maintaining 111th Street South under an interlocal agreement with the county, so that main road is already being maintained by the city as well. The major change, of course, in terms of the annexation, would be fire and law enforcement responsibilities would shift over to the city from the county. That is pretty much my report. I'll stand for any questions. Again, we have representatives of the city, we even have the landowners that could answer any questions if you would like. And after you've received any additional comments or had your questions answered, my recommendation is going to be that you make this finding in favor of the annexation, and approve the resolution and authorize the Chairman to sign, but I'll stand for questions at this point." **Chairman Peterjohn** said, "Okay. Questions for Mr. Parnacott? I believe Commissioner Parks had his light on first."

Commissioner Parks said, "The most important thing that I think is that the people asked to be annexed."

Mr. Parnacott said, "Yes."

Commissioner Parks said, "And in looking at this, is the ribbon or snake annexation anywhere close to this property?"

Mr. Parnacott said, "No. This has no connection with that at all."

Commissioner Parks said, "Thank you."

Chairman Peterjohn said, "Commissioner Welshimer."

Commissioner Welshimer said, "So they're asking for utilities..."

Mr. Parnacott said, "My understanding is they would like city water, yes."

Commissioner Welshimer said, "So they're going to pay for bringing the utilities to that property, the owner is?"

Regular Meeting, March 31, 2010

Mr. Parnacott said, "Well they already have a water line in place. The main water line for the city runs along 111th Street..."

Commissioner Welshimer said, "It's already there."

Mr. Parnacott said, "...so I would assume they would have to pay some hook up, or to run the line from the main line to the house, that may be the landowner's responsibility, but perhaps the city could answer that in a little more detail."

Commissioner Welshimer said, "Okay. Well I'm just a little confused, since the water line goes past the property that's not being annexed to the property that is being annexed, is there a reason why you're not picking up the property that is not being annexed?"

Mr. Parnacott said, "Do you mean the little flag shaped parcel up and above it, or...what we're looking at here, and let me get back to the other picture..."

Commissioner Welshimer said, "Okay."

Mr. Parnacott said, "This gives you a little closer in detail. The blue parcel, again, is what's being requested for annexation..."

Commissioner Welshimer said, "Right."

Mr. Parnacott said, "...there's this larger flag shaped parcel here that the landowners are not requesting annexation at this time. Again, because it's an island annexation, you need the landowner's request in order for this to go forward. The city would not be able to annex under the current situation because they have not grown out to that area yet."

Commissioner Welshimer said, "What about the property to the left of that?"

Mr. Parnacott said, "This property over here, these two parcels here?"

Commissioner Welshimer said, "The blue is the properties being annexed?"

Mr. Parnacott said, "Yes."

Commissioner Welshimer said, "Okay. Where does the property adjacent to the blue, on the left, isn't that county?"

Regular Meeting, March 31, 2010

Mr. Parnacott said, “That would be unincorporated area. That would appear to be part of a larger perhaps agriculture use parcel that may not be even eligible for annexation without the landowner’s consent, but again, the city may be able...”

Commissioner Welshimer said, “Okay.”

Mr. Parnacott said, “...to respond a little...”

Commissioner Welshimer said, “That answers my question.”

Mr. Parnacott said, “Oh, okay.”

Commissioner Welshimer said, “Thank you.”

Chairman Peterjohn said, “The question I’d like to ask is this parcel in blue, what’s the appraised value or assessed value for tax purposes, since we’d be losing this property for the Fire District and it would go into Mulvane’s fire coverage?”

Mr. Parnacott said, “I don’t have that answer. Obviously, right now it’s undeveloped property, but...”

Mr. Kent Hixson, City Administrator, City of Mulvane, greeted the Commissioners and said, “The property owner is here, he might be able to address what that value would be. I don’t know.”

Chairman Peterjohn said, “Well if he cares to testify, I’d be happy to ask him, just for the record, but he doesn’t have to. But I will, as a courtesy, we try and make our hearings open and give citizenry the opportunity to speak, and I’ll broaden this opportunity, not only to have the representative from the City of Mulvane, as well as county staff, but property owner wishes to testify, that’s fine, too, or anyone else who’s interested in the audience. Please come to the podium and state your name and address for the record.”

Mr. James Marksberry, 301 Cypress Ct., Andover, Kansas, greeted the Commissioners and said, “When I bought the property, did a title search on it, there was back taxes owed on it for two years. It was like \$25, so...”

Chairman Peterjohn said, “Okay.”

Mr. Marksberry said, “...I’d say, or about. And that was because of penalties, I think they run about \$6.80 a year.”

Regular Meeting, March 31, 2010

Chairman Peterjohn said, “Well that answers my question, thank you very much.”

Mr. Marksberry said, “Okay. Thank you.”

MOTION

Commissioner Welshimer moved to make a finding that the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Sedgwick County; approve the Resolution 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

Chairman Peterjohn said, “Next item.”

Mr. Parnacott said, “Thank you.”

E. CONTRACT TO PURCHASE BUILDING AND LAND FOR EMS POST 10.

Mr. Steven Cotter, Director, Emergency Medical Services, greeted the Commissioners and said, “Before you for consideration today is a contract to purchase and acquire the property located at 636 North St. Francis [Street] drive. This property is being acquired as part of our Capital

Regular Meeting, March 31, 2010

Improvement Plan (CIP) in order to replace our existing Post 10, which is one block due west of this property under your consideration today, also located on Pine Street at the corner of Pine and Emporia. The property in question is on the southeast corner of Pine, also at St. Francis. In research of the area, in order to acquire property for this plan, we looked at several options, including existing properties in the area, and found no viable properties that would be suitable for our purposes. This property became available and aware to us, and is suitable for our purposes in its current form. A little review for you for the property itself; it was built originally in 1978. The lot size is 8,400 square feet. The building size itself is 5,048 square feet. We've had the building reviewed for structural integrity, and analysis shows that it is in good condition. It is suitable for renovation instead of tearing it down and rebuilding it at a higher cost."

Mr. Cotter continued, "The property itself, the purchase cost of the property is \$175,000. The current appraisal on the property is shown at \$151,000. This translates to a per square foot price for the building only of \$34.67, with the property included a per square foot cost of \$20.83. We estimate right now that the renovation budget would be in the neighborhood of about \$500,000. Currently, we have allocations in the CIP plan that would more than cover the cost of purchase and renovation of this facility. And consideration of environmental impact in the area, the property does fall in the North Industrial Corridor for the City of Wichita and their cleanup efforts. We'll have to apply for a Certificate of Release once we acquire the property because the certificate is nontransferable, so we'll have to wait until your approval to purchase the property and we get that sale completed.

"Little bit more history so you understand the environmental impact to the property. There have been three businesses in that property since it was built: a picture framing business, a refrigeration equipment business and a beverage repair business. None of these businesses would give us any indication that there are any current environmental problems with the property or any underground storage tanks that would have to be considered or removed. It's also not on the KDHE identified sites list. This property does fit our operations within the core area of Wichita; it maintains our presence in that community. In looking at our long-range ambulance deployment plans, it maintains our presence and maintains our ability to maintain response times in the core area of the city. This is one of our busiest areas of operation, and it will allow us to continue to sustain that operation. With that, I'll stand for questions and request that you approve the contract."

Chairman Peterjohn said, "Questions for Mr. Cotter?"

MOTION

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

Commissioner Welshimer seconded the motion.

Regular Meeting, March 31, 2010

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. Cotter said, "Thank you."

Chairman Peterjohn said, "Next item."

F. APPROVAL OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE BOY SCOUTS OF AMERICA, QUIVIRA COUNCIL FOR THE EXCLUSIVE USE OF A PORTION OF LAKE AFTON PARK FOR THE PURPOSE OF SPONSORING A "CAMPOREE" EVENT TO BE HELD APRIL 16, 17, AND 18, 2010.

Mr. Mark Sroufe, Park Superintendent, Lake Afton Park, greeted the Commissioners and said, "I am here today requesting approval of an agreement between Sedgwick County Boy Scouts of America, the Quivira Council for the use of a portion of Lake Afton to hold a spring 'Camporee' on the aforementioned dates. The area in question is highlighted in your Exhibit A, I believe, in your backup. This is kind of a special event this year for the Boy Scouts. And I have in the audience today, Mr. Kelly Dixon, representing the Boy Scouts of America, and I would like for him to come up, kind of educate you on what this event is all about."

Mr. Kelly Dixon, Boy Scouts of America, greeted the Commissioners and said, "As you recall, back in January, there was a proclamation declaring February as 'Boy Scouts of America Month' in recognition of our 100th anniversary. In a continuing effort of recognizing that 100th anniversary, everything we do this year is going to be bigger and better. One of the reasons I took on the

Regular Meeting, March 31, 2010

chairmanship of this particular event was so that I could accomplish that goal. A 'Camporee' for Boy Scouts; 'Camporees' go back clear to its beginnings. It was an opportunity for scouts from different areas to come together, interact. They did activities such as patrol competitions for groups of boys; three to eight boys at a time would compete in skills events against boys from other units. We want to continue that tradition."

Mr. Dixon continued, "In some of our activities this weekend we will be doing just that, and we will be taking them back to the early 1900s in those skills events. They'll be doing such things as animal track identification, which is not something our boys are really up on today, but that's going to make it a little more fun. They will be doing a semaphore, or signaling with flags. Again, that's been taken out of the Boy Scouting program because we have numerous other opportunities for communicating today. But in keeping with that 1910 to 2010 tradition, we wanted to let them experience what scouts experienced 100 years ago. Other activities, more current to the boys that will be offered that weekend, we have the Wichita Area Geocaching Society and Kansas Society of Land Surveyors are going to be out there running geocaching sites, teaching the boys how to use current GPS (global positioning system) units, and land survey techniques. They're bringing out some of the old. They're going to bring out a couple old sextants, and kind of show them the difference between the way it was and the way it is.

"We have Air Capital Disc Golf is planning to come out and set up a little mini course to get the boys interested in some more outdoor activities, which, again, the core of scouting is outing, so we try to make that possible whenever we can. The National Shooting Sports Foundation has supplied shooting patches. We're going to set up a BB gun range. We have certified range masters to be out there. If the boys can shoot a pattern that qualifies, they'll receive a patch on-site provided by that group. We have standard stuff. We'll have a rope bridge, indian dancing, teepee construction. We have static displays we hope to have set up out there. The Sedgwick County EMS Explorer Post will be out there serving as our medics and also promoting the exploring program. We have the Wichita Fire Department Explorer Post will be out there, I believe they're going to bring at least a truck, maybe two out for the boys to take a look at. Who else? McConnell is going to send some folks out. We have the Kansas Search & Rescue [Dog Association] is going to have some dogs out there to play with. So, just a whole variety of activities.

"We anticipate right now, we have commitments from over 330 Boy Scouts that have signed on for this. Over my budget, you know. I'd planned on about 300 scouts, had always hoped for more, and that's happening right now. So we'll have 600 plus people on-site that weekend. So I am really excited about it. And I'm excited to be able to show off Lake Afton. You know, we do have scout camps where we could take this program to, but it's outside of the district, outside of Sedgwick County. Most of the participants will be from Sedgwick County; the two districts involved run from

Regular Meeting, March 31, 2010

basically Cheney to the west, to Eureka to the west and from Valley Center to Haysville. So the large core of the council, so it kind of shows off Marks' facilities, gets them out to Lake Afton, people kind of forget sometimes I think it's out there, as they are running off to some of the bigger facilities, so I've been appreciative to work with Mark on this. I'm open to any questions."

Chairman Peterjohn said, "Thank you. Questions for Mr. Dixon or Mr. Sroufe? Commissioner Parks."

Commissioner Parks said, "Yes, Mr. Sroufe, will the store be open during this time?"

Mr. Sroufe said, "Yes, it will."

Commissioner Parks said, "And, Mr. Dixon, will your people that come in use the store quite a bit?"

Mr. Dixon said, "Oh, no doubt. The only trading post I plan on running is selling some excess t-shirts or something like that. Scouts, though their motto is to 'Be Prepared' seldom are to the extent that they would have to run into a store every now and then."

Commissioner Parks said, "This is a great event, and it's a good activity for the kids, but we also have to look at bottom lines and running that as a business. And I'm sure I welcome you to buy whatever you need at the store there and support that."

Mr. Dixon said, "Not much doubt in my mind that the store will get a pretty heavy flow of traffic. Anytime you've got candy bars and 300 boys within the same vicinity, there's going to be interaction."

Commissioner Parks said, "I'm sure they'll be prepared for that. Thank you."

Chairman Peterjohn said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well, I want to welcome the Boy Scouts to Lake Afton Park and I think we should be honored that you are going to be there. It sounds like a marvelous event."

MOTION

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

Regular Meeting, March 31, 2010

Chairman Peterjohn seconded the motion.

Chairman Peterjohn said, "I was going to make the motion but you beat me to the punch, Commissioner Welshimer. I also agree with your sentiments on this and wish you well, Mr. Dixon, on this event. And I think we're going to have...the only thing I can't guarantee, although I would sure love to do it, is what sort of weather you're going to have."

Mr. Dixon said, "As I said, let's not use the 'r word.' It is April."

Chairman Peterjohn said, "That is true, but that's one of the...back in the dark ages when I was an active scout, the 'r word,' and sometimes even worse, the 'h word' and the 's word' also appeared on weather related the issues, we'll have to see how that works out. Commissioner Parks."

Commissioner Parks said, "I was just going to ask, Mark, do you sell the rain proofing for the tents also, either the spray or the brush on?"

Mr. Sroufe said, "Probably not for that number of tents, but..."

Commissioner Parks said, "I see."

Mr. Sroufe said, "...we'll have some on hand, yes."

Commissioner Parks said, "Okay. Thank you."

Chairman Peterjohn said, "Okay. Well, we've got a motion and second. I see no further lights up here, so let's call the vote."

VOTE

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

Mr. Dixon said, "Thank you all very much, and please do plan on coming out and checking it out. It's going to be pretty neat."

Regular Meeting, March 31, 2010

Chairman Peterjohn said, "What will the hours be again?"

Mr. Dixon said, "The activities will be running from 9:00 to about 4:00, will be most of the events."

Chairman Peterjohn said, "On all three days?"

Mr. Dixon said, "I'm sorry? No, just on Saturday."

Chairman Peterjohn said, "Just on Saturday the 17th?"

Mr. Dixon said, "Saturday the 17th, that's correct."

Chairman Peterjohn said, "Okay."

Mr. Dixon said, "All right."

Chairman Peterjohn said, "Next item, please."

G. DIVISION OF HUMAN SERVICES.

1. AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT WITH DR. DEBORAH BERGEN TO PROVIDE CHILD PSYCHIATRY SERVICES FOR COMCARE CONSUMERS.

Mr. Tom Pletcher, Clinical Director, COMCARE, greeted the Commissioners and said, "Standing in for Marilyn Cook this morning. Before you is an amendment to an existing agreement that we have with Dr. Bergen who is a board certified child psychiatrist. What this amendment does is just increases her the number of hours per week that she will be providing services for us from 8 to 16 hours, essentially covering hours that had previously been contracted with another provider whose contract sunsetted. So all we're doing is rolling those other hours into this existing agreement to be able to continue to provide appropriate services for the children that come to us for those medication services. We would ask that you approve the amendment and authorize the Chairman to sign and approve the necessary budget authority, but I would be happy to answer any questions that you might have."

Chairman Peterjohn said, "Questions?"

Regular Meeting, March 31, 2010

MOTION

Commissioner Parks moved to approve the amendment and authorize the Chairman to sign and approve the necessary budget authority.

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

Mr. Pletcher said, "Thank you."

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

2. GRANT APPLICATION TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (CNCS) SENIOR CORPS RSVP VOLUNTEER PROGRAM, PROGRAMS OF NATIONAL SIGNIFICANCE (PNS) GRANT.

Ms. Annette Graham, Director, Department on Aging, greeted the Commissioners and said, "Sedgwick County Department on Aging and the RSVP Volunteer Program have been invited to submit a grant request for the Programs of National Significance (PNS) funded by the Corporation for National Community Services (CNCS). Back in 2003, Sedgwick County Department on Aging took over the sponsorship of the RSVP program and have been a proud sponsor since then. Since that time, we've been waiting for an opportunity to apply for additional funding called an augmentation grant, and now that opportunity has arisen. This grant will fund the addition of a part-time volunteer coordinator position. The volunteer coordinator will assist in recruitment, monitoring and oversight of 70 additional volunteers to the program. The volunteers will assist in older adults to improve social functioning, self confidence and the ability to live independently in the community and overall improve their quality of life. The part-time volunteer coordinator would be responsible for recruiting at least 70 additional volunteers for the Peer [Support] program and additional volunteers for other programs that are considered high impact."

Regular Meeting, March 31, 2010

“These would be volunteer opportunities for the program and would also be assisting seniors in their ability to remain in the community. According to a needs assessment conducted by the United Way of the Plains in 2006, assisting elderly was listed as one of the four areas of primary importance in the Sedgwick, Butler and Harvey Counties. These programs for maintaining independence were identified as being critical, impacting a growing population of seniors in our communities, and an area where funds could be used and make a greater impact. The Central Plains Area Agency on Aging (CPAAA) has a long history of working to assist caregivers and seniors to assist them in identifying their needs, identifying opportunities, identifying services, coordinating those services and helping them get those services, both directly and through the community network of providers. This addition of a part-time volunteer would go a long way in helping us to meet the needs in the community. We know the population is growing. We also know that right now we’re experiencing a lot of cuts in funding at the state and federal level, and even local level, in different programs losing the abilities, so this would really enhance our ability to continue to provide much needed services.

“The Peer Support program that I mentioned is one that we’ve been working with for about two and a half years with the University of Kansas, Office of Aging and Long Term Care. And this is a developing best practice model to provide services to older adults with mental health issues. Not those individuals with the severe and persistent mental illness, but those with more the low level of mental health issues, such as grief, depression, anxiety, that impact their ability to remain in the community and to stay healthy. So this would be a continuation of this program, which is set to end June 30th. It has proven to have great results in reducing depression scores, improving the overall quality of life and their increased involvement in the community. The grant application does require a 30 percent grant match, and that is \$6,300, that would be Medicaid revenue. And the grant amount would be \$21,000. I would request that you approve the grant application, submitted to CNCS and authorize the Department on Aging to submit the grant application through e-grant and approve establishment of budget authority at the time the grant award documents are executed. And I would be happy to answer any questions.”

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

Commissioner Parks said, “For the record, Ms. Graham, what are we funding the dates, the start date and the end date, and who has previously administered this?”

Ms. Graham said, “This is a new grant opportunity, so it’s not funding that’s been taken from any other community organization, so it’s just a new opportunity. It is a three-year grant. Do you know when it would start? July 1 would be the start date and it is a three-year grant.”

Commissioner Parks said, “And the ending date and year would be? Fourteen?”

Regular Meeting, March 31, 2010

Ms. Graham said, "June 30th of 2013."

Commissioner Parks said, "Okay. However remote it may be, due to ethical considerations, I may have a reflection on that vote, but I am supportive of this program. But I may have some interaction with some of the principals in this."

Ms. Graham said, "Thank you."

Chairman Peterjohn said, "A question I would like to ask is, since 30 percent, we need to come up with, and there's the backup information indicates that that would be coming out of Medicaid revenues..."

Ms. Graham said, "Yes."

Chairman Peterjohn said, "...how that might be impacted with a 10 percent cut that the Governor has been talking about in Medicaid? Because, as it was mentioned, a new grant, and I'm just trying to understand if there's an exposure, and want to be sure that there's no property tax money that would be going in for this grant application."

Ms. Graham said, "At this time, we do have grant revenue in balance, and that would not be impacted by the budget reductions, the 10 percent. So that \$6,300, we're quite sure that we're going to have that available to do this match, because it certainly does extend the services, and that is the intent for Medicaid revenue, to make sure that that money goes back to enhance services available to this population in our community."

Chairman Peterjohn said, "Okay. And no property tax, local property tax money would be involved in this?"

Ms. Graham said, "No. There will be no mill levy money involved in this."

Chairman Peterjohn said, "Thank you. Seeing no further questions, what is the will of the Commission?"

MOTION

Regular Meeting, March 31, 2010

Commissioner Unruh moved to approve the grant application submitted to CNCS and authorize the Department on Aging to submit the grant application through e-grants; and approve establishment of budget authority at the time the grant award documents are executed.

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	Abstain
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, "Next item."

3. MIPPA-AAA AGREEMENT FOR THE PERIOD OCTOBER 30, 2009 THROUGH MAY 31, 2010.

Ms. Graham said, "The Central Plains Area Agency on Aging will enter in a MIPPA (Medicare Improvements for Patients and Provider Act) grant program with the Kansas Department on Aging. This is with the Medicare Improvements for Patients and Providers Act of 2008; the United States Congress authorized the Secretary of the United States Department of Health and Human Services to make grants to the states for area agencies on aging to provide outreach to Medicare eligible individuals who may be eligible for low-income subsidy or the Medicare Savings Program. The Central Plains Area Agency on Aging will continue to provide information activities to increase public awareness of the low-income subsidy and the Medicare Savings Program through local publications, public service announcements, media interviews, outreach activities and the distribution of printed materials."

Ms. Graham continued, "As one of the SHICK (Senior Health Insurance Counseling of Kansas) organizations in our community, we do already do these kind of activities, so this is additional funding to be able to expand our services and to be able to do more of that, because there is such a

Regular Meeting, March 31, 2010

large need in our community, and the Centers for Medicare & [Medicaid] Services and Social Security have identified that we have a fairly sizeable population here in our community of seniors who do not access these services that they are eligible for. So this is an opportunity to continue to provide that information, encourage seniors and their caregivers to apply for these resources that they're eligible for to help cover their medical care, cost, needs and prescription drug costs, and to reduce their copay amounts. This federal funds through the grant to the Central Plains Area Agency on Aging are \$8,870. There is no match requirement for this program, and I would request that you authorize the Chair to approve the agreement and to sign this. I'd be happy to answer any questions."

Chairman Peterjohn said, "Well I, for the record, I would very much appreciate if you would give us the full definition for the acronyms MIPPA, and when I think of the Central Plains Area Agency on Aging, I think of it as CPAAA, not just AAA. There's another acronym that a lot of my constituents might think of when they just see the letters AAA. Would you..."

Ms. Graham said, "Yes."

Chairman Peterjohn said, "...clarify that..."

Ms. Graham said, "Yes."

Chairman Peterjohn said, "...for the record, please?"

Ms. Graham said, "MIPPA is the Medicare Improvements for Patients and Provider Act."

Chairman Peterjohn said, "Okay."

Ms. Graham continued, "That is MIPPA. And our name, as an organization that serves Butler, Harvey and Sedgwick County is Central Plains Area Agency on Aging. Across the United States, there is a network of area agencies on aging, also referred to as AAA, sometimes confused with your automotive association. But there is a network of 629 area agencies on aging across the United

Regular Meeting, March 31, 2010

States, so across the entire United States, no matter where you are at, there is an area agency on aging there to serve your needs. And there is an array of different services that they provide that includes ones like we do: information and assistance, case management, meals programs, funding for community-based in-home services, counseling, legal assistance, so there's a wide array of services that are customized at the local level, as that is a grace roots based organization that receives federal funding through the state units on aging."

Chairman Peterjohn said, "Thank you for the additional information. Additional questions for Ms. Graham on this item? Seeing none, what is the will of the Commission?"

MOTION

Commissioner Unruh moved to approve the MIPPA-AAA Agreement and authorize the Chair to sign.

Commissioner Welshimer seconded the motion.

Chairman Peterjohn said, "Not sure if we got enough A's in there or not..."

Commissioner Unruh said, "I think so."

Chairman Peterjohn said, "...but I'll take your word on it. Seeing no further discussion, please call the vote."

VOTE

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

Ms. Graham continued, "Thank you."

Chairman Peterjohn said, "Next item."

H. BUDGET DEPARTMENT.

Regular Meeting, March 31, 2010

1. **AMEND THE 2010 CAPITAL IMPROVEMENT PROGRAM CIP TO INCREASE UPGRADE COURTROOM AUDIOVISUAL.**

VISUAL PRESENTATION

Mr. Pete Giroux, Principal Analyst, Budget, greeted the Commissioners and said, “Facilities has requested two CIP amendments to projects here in the main courthouse. The first of these is an increase to the project to upgrade courtroom audiovisual systems and capability. This bond funded project was approved as part of the 2009 CIP and provides the needed infrastructure to support the significant changes in courtroom technology. And, as you can see, the design includes a flexible low profile flooring system which should be easy to change and reconfigure, and a control consol for all the various systems, as well as appropriate upgrades to wiring data and sound systems. The project bid in late January, and because there were some concerns about the cost of the project, staff included four alternates in the bid. District Court and staff would like to include three of the four alternates, the most important being the improvement of lighting in 9 of the 19 courtrooms addressed.

“You can see the original budget and the requested increase to cover the three alternates and maintain an appropriate project contingency is \$85,000. Luckily, we are in a position where we are able to propose a transfer from the 2008 additional courtrooms and chambers project that added, or is in the process of adding, two additional courtrooms and supporting facilities for the Family Court on the fourth floor of the building. In that project, we’ve completed several moves that were needed to free up space, and the construction phase of that project recently bid successfully. Facilities staff indicated that the bid competition was highly competitive and resulted in bids that were well below the opinion of probable cost. The CIP committee and staff recommend approval of this increase in the project budget. Do you have any questions?”

Chairman Peterjohn said, “Questions for Mr. Giroux? I’ve got one. When you say the bids we’ve received are below cost, would they be able to absorb the staff recommended increase that’s included here or only a portion of that?”

Mr. Giroux said, “No, the additional courtrooms and chambers project is, the current estimate is running significantly below what we originally estimated, so it will be able to absorb this as well as you’ll see in the second project.”

Chairman Peterjohn said, “One of the slides you presented said that there were code requirements that were part of this, could you provide more detail? Is it county code, city code, I’m sorry, state code?”

Regular Meeting, March 31, 2010

Mr. Giroux said, "Well, I've got a wide array of experts here. It really was a combination of code and ADA (Americans with Disabilities Act), and I don't know if they'd like to come up and provide a little more detail on that."

Chairman Peterjohn said, "We'll welcome them to the podium."

Mr. Vance Hill, Senior Construction Project Manager, Project Services, greeted the Commissioners and said, "In particular, this is a city code and it relates to the platforms that sit behind the judges' benches and the witness stands. They are not code compliant with the rise on the tread, the steps vary in height and it becomes a hazard, so we have to correct all those deficiencies."

Chairman Peterjohn said, "So we're having to comply with a city code that's, can you provide, how much of the cost increase that's been presented here is tied to the code enforcement aspect..."

Mr. Hill said, "Well that's bid alternate number four and that was only \$5,100."

Chairman Peterjohn said, "Okay. Thank you very much."

Mr. Hill said, "You're welcome."

Chairman Peterjohn said, "Further questions? Commissioner Parks."

Commissioner Parks said, "I did, about six months ago, go through some of the courtrooms with Judge Fleetwood and I'm going to be in support of this one."

Chairman Peterjohn said, "Further questions? What's the will of the Commission?"

MOTION

Commissioner Welshimer moved to approve the amendment to the CIP.

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

Regular Meeting, March 31, 2010

Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

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

2. **AMEND THE 2010 CAPITAL IMPROVEMENT PROGRAM CIP TO INCREASE ELEVATOR LOBBIES AND RESTROOMS.**

VISUAL PRESENTATION

Mr. Giroux said, "The second request from Facilities is for a CIP amendment to increase the project to update elevator lobbies and restrooms. These lobbies and restrooms are generally original to the building construction. The original plan is to update the lobbies on 6 floors and a total of 20 public bathrooms on floors 2 through 11. The bathroom upgrades will make them fully ADA compliant. A detailed opinion of costs has been completed by the architect for this project, and it indicated to properly address the ADA upgrades, the scope of the project needed to be expanded, and as a result of that, the budget for the project increased. And most of that increased scope is attributable to the need to reconfigure the restrooms. As a prime example, the opinion of probable cost found that wider doors from the corridor into each of those 20 restrooms would be required to meet ADA guidelines, and that wasn't what the original A&E (Architecture & Engineering) estimate had found. Since these doors are all surrounded by marble, that's obviously going to require extra care and expense. The requested increase is \$331,972, and again, the proposed fund source is from the additional courtrooms and chambers project. As I indicated earlier, that project has presented fewer challenges than originally anticipated, so we are in a position to be able to fund this project. The CIP committee and staff again recommend approval of this particular amendment. We still have our experts in the room, and do you have any questions?"

Chairman Peterjohn said, "Thank you. And I will begin, if Mr. Claassen could come up, because I frankly had some concerns. And I thought the original proposal that we had voted on would be original amount in the amount of \$900,000 would include fully compliant for ADA purposes on some of the bathrooms, and to have a roughly 30 percent increase, I haven't taken my calculator to it to get an exact number, has me uncomfortable with this item. I would very much appreciate a more detailed explanation, in terms of this additional, this new cost that hadn't been, that I certainly hadn't anticipated."

Regular Meeting, March 31, 2010

Mr. Steve Claassen, Facilities Director, Division of Information and Operations, greeted the Commissioners and said, “The original project was introduced in the CIP stream, I think it was four, could have been five years, I know it was four years ago, and our estimates are of that vintage, the original estimates that were to provide for both the renovation of the lobbies and the renovations of the bathrooms. At that time, our understanding of ADA compliance was not as it is today. Through your commitment, and your predecessors’, we committed to full ADA compliance as much as possible and we have a better understanding of what that means, and so the scope has changed somewhat in that regard. Also, we have now completed the schematic design of that project. And so having gone through that level of detail, we are now able to project the cost much more accurately. This is a remodel of an existing 50 year old building, so our costs are more difficult to project on these remodels than they are on a new construction project. So those are several reasons, I guess, I would suggest to use to support this difference. We now have more detailed information to understand what these costs should be.”

Chairman Peterjohn said, “Well let me throw a question to Mr. Giroux. If the Commission approves this recommendation, I want to understand financially where we are going to come up with the money? Because when we last voted on this, we voted for a figure that would be significantly smaller than what is before us today, and even realizing that we may be getting, because of the poor economy, we’re getting better bids and prices are coming in below what have often been recommended, or what we believe they’re going to be, I want to understand how we are going to finance this recommendation.”

Mr. Giroux said, “Yes, sir. This will be a transfer from an existing bond funded project; the bonds that were issued late last year. So we’ve got available budget authority in that additional courtrooms and supporting staff areas that’s available to transfer. We’ve already sold those bonds. Facilities and I both took a very careful look at the current estimates for that project, and we are in a good position to cover both of these CIP amendments.”

Chairman Peterjohn said, “Okay. I think the next question I have would go back to Mr. Claassen. With this change, and since we’re talking about an older building, and since we are talking about basically a different remodeling plan than what was originally presented to the Commission, does this change the time frame, in terms of how long it’s going to take to complete the work?”

Mr. Claassen said, “No. I don’t think it will at all. These are refinements and I think, a note of clarity, Pete had mentioned, and I think it is significant that the ADA improvements that we’re trying to accommodate is a significant reason for this inflated number. But probably equally important is the level of accuracy of our new information following a thorough schematic design.

Regular Meeting, March 31, 2010

So, to answer your question directly, no I don't think it will affect timing. And I believe it's well planned, and is really the same scope of work, we just better understand what we're going to be doing."

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

Commissioner Parks said, "Is the architect or anybody from the architect's office here today?"

Mr. Claassen said, "No, they're not."

Commissioner Parks said, "Okay. Well I think this is yet another architect's estimate that's off the mark, and everyone can expect my vote to reflect my first vote on this issue, on this particular...thank you."

Chairman Peterjohn said, "Seeing no further comments or questions, what is the will of the Commission?"

MOTION

Commissioner Unruh moved to approve the amendment to the CIP.

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	No
Commissioner Welshimer	Aye
Chairman Peterjohn	No

Chairman Peterjohn said, "Next item."

Regular Meeting, March 31, 2010

I. COUNTY EXTENSION QUARTERLY REPORT.

Ms. Bev Dunning, Director, Extension, greeted the Commissioners and said, "I always consider it a privilege to be able to visit with you all about what we're doing at the county Extension Office, and I'm handing out a sheet, and today, I think I've told you in the past that I'm a storyteller to tell you what's going on, and today I wanted to tell you a little bit about agriculture, because we've not talked about that yet. But I'm handing out a sheet to you and I've highlighted some things just for your information. On the first part of that sheet, you'll see I've highlighted where it says all cattle, and cattle born, and how we rank in the state, how low we are ranking there, because we haven't as much livestock being raised, per se. And part of that's EPA (Environmental Protection Agency) regulations. You know the livestock; I guess you would say they're being raised out in the western part of the state. Anyway, if you'll flip it on over though, the one significant thing I think that's also important is that we rank third in the state, in terms of number of farms. And I know that each of you represent farmland in this county, and we often talk about how we're a very metropolitan county, but we're also a very agricultural county, and so we do have lots of farms. And I wanted to just visit about one of those today to tell you how we're helping some of the farmers and some of the things that are happening.

"In Sedgwick County, there was a couple that had, I guess you'd call it a 'ranchette,' or a small ranch of 70 acres, and their dream was that they would raise hay on this 70 acres, and raise horses, you know, to breed horses, and that the hay would help feed those horses, as well as they could sell some of their extra hay to make a little income too off of that. Well, the first year, three years ago, the first year they had 90, 1,000 pound bales of hay. And they thought that was pretty good return on what they had, or what they were harvesting off of their 70 acres, but their veterinarian told them that it was worthless hay. It was mostly weeds. And so he recommended that it not be fed to their horses because it wasn't good for the horses, nor any extra hay that he had, he was not going to recommend anyone to buy it either, because it just wasn't worth anything. And so, that's when we stepped in to the picture."

Commissioner Welshimer left the Board of County Commissioners meeting at 10:48 a.m.

Ms. Dunning continued, "They came to our Agricultural Agent and said, we've got a problem. What can we do about it? And so, Gary Cramer is very knowledgeable in this area of agronomy and he went out and did a forage inventory on that land. And he conducted it jointly with the owner, and they developed a course of action, and that course was implemented a weed control process, as well as a fertility program that he used on the land for the forages that they were growing. Well, the first summer after implementing this, they only got 50 bales, rather than 90. But it was 50 bales of quality grass, and so it was a good example of what was happening, all though you could tell how many weeds had been killed out of it. The second year, last year, they got 70 bales, because the grass was thicker and doing better. And so this time, the veterinarian said good grass, you can feed

Regular Meeting, March 31, 2010

it to your horses, and if you have any extra, we'll recommend it can be sold to other people for the same thing. So now this is the third year, and we're anxious to see how this is going to turn out, but I just think it shows a little bit of what we can do to help producers out there with some of the issues that they have on their farms.

“And so I just wanted to share that with you, because there's several things this did. It reduced their feeding costs by eliminating the need to purchase hay at \$70 a ton. It also improved the health of their horses by providing high quality forage that they could grow. It reestablished a source of income by selling the excess hay at \$70 at ton, and it potentially increases the value of their property by removing the weeds that they had growing there in the first place. So we think it's a real success story of what can be done with a little education on our part. If you have any questions, I'd be glad to try to answer them for you.”

Chairman Peterjohn said, “Thank you. Questions for Ms. Dunning? I'm going to begin with a couple, because I would be remiss in not noticing with the handout that you provided, in terms of farm facts, why we may be down in beef production. We are fifth among the 105 counties in milk production...”

Ms. Dunning said, “That's right.”

Chairman Peterjohn said, “...that I think is very significant. Sixth in wheat production...”

Ms. Dunning said, “Right.”

Chairman Peterjohn said, “...among the 105 Kansas counties, and fourth for irrigated soy beans...”

Ms. Dunning said, “That's right.”

Chairman Peterjohn said, “...so in certain specialized areas, especially considering the fact that a large part of Sedgwick County is urbanized, the areas are like in my neighborhood, what crops are out there are generally limited to maybe like strawberries, and asparagus, and tomatoes, and peppers and small vegetable related type of commodities. I think agriculture is very significant here in Sedgwick County, and the fact that we're number two, in terms of having the number of farms, albeit this is data that's 2007-2008, so it's a few years old...”

Ms. Dunning said, “It's the latest we have.”

Regular Meeting, March 31, 2010

Chairman Peterjohn said, "...well, but that's noteworthy and significant, but the question I have for you is, there is a very successful farmers' market that's normally held out at the Extension, outside on Saturday mornings, and that should be starting up again here soon..."

Ms. Dunning said, "In two days."

Chairman Peterjohn said, "In two days?"

Ms. Dunning said, "In two days."

Chairman Peterjohn said, "And that will be from what time to what time?"

Ms. Dunning said, "It opens at seven in the morning and goes to one, and it will be every Saturday, and it starts the first Saturday of April and ends the last Saturday of October. And Chair Peterjohn, too, think of all the farmland you represent between here and the Kingman County line."

Chairman Peterjohn said, "Well almost everything west of 119th Street."

Ms. Dunning said, "That's right. A big area."

Chairman Peterjohn said, "It covers 13 townships."

Ms. Dunning said, "That's right."

Chairman Peterjohn said, "Further questions?"

MOTION

Chairman Peterjohn moved to receive and file.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Unruh Aye

Commissioner Norton Aye

Regular Meeting, March 31, 2010

Commissioner Parks	Aye
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

Ms. Dunning said, “Thank you, appreciate that.”

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

J. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON MARCH 25, 2010.

Commissioner Welshimer returned to the Board of County Commissioners meeting at 10:51 a.m.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, “The minutes of March 25th reflect five items for consideration. First item;

- 1. BRIDGE IMPROVEMENTS – PUBLIC WORKS**
FUNDING – B438 29800 W. 71ST ST S/B439 2000 W. 71ST ST S/B440 8400 W. 71ST ST S/B441 5200 W. 71ST ST S AND B437 36100 W. 71ST ST S

“Recommendation is to accept the low bid from Klaver Construction Co., Inc. in the amount of \$1,049,869.96. Item 2;

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

“Recommendation is to accept the low bid from Vulcan Aluminum in the amount of \$14,170.50 and establish contract pricing for one year with two one-year options to renew. Item 3;

- 3. ONBASE ANNUAL LICENSE AND MAINTENANCE RENEWAL – DIVISION OF INFORMATION AND OPERATIONS**
FUNDING – DOCUMENT MANAGEMENT

“Recommendation is to accept the quote from Cutting Edge Solutions in the amount of \$112,457. Item 4;

Regular Meeting, March 31, 2010

**4. CISCO EQUIPMENT AND MAINTENANCE for the NATIONAL CENTER FOR AVIATION TRAINING – FACILITIES DEPARTMENT
FUNDING – NCAT FURNITURE FIXTURES & EQUIPMENT**

“Recommendation is to accept the low bid from Alexander Open Systems in the amount of \$464,845.89. And there’s a fifth item;

**5. XIOTECH STORAGE UPGRADE – DIVISION OF INFORMATION AND OPERATIONS
FUNDING – NETWORKING AND TELECOM (Carry over from 3/18/2010 Bid Board Minutes)**

“This recommendation is to accept the quote from Xiotech in the amount of \$42,355. I will also note, for the record, that this particular item was on the original Bid Board minutes of March 18, and that was the meeting in which Bid Board took action. It did not make it into the backup on the BOCC (Board of County Commissioners) Agenda last week, so I am presenting it this week for the final approval to complete that process. And if you approve it, then I will adjust my records. Be happy to answer any questions and I recommend approval of these items.”

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

Commissioner Parks said, “I actually have a question of the Manager on number four, I guess it kind of connects with this. Have we started receiving any revenue from any of the classes or any of the aircraft companies for training at NCAT (National Center for Aviation Training)?”

Mr. Buchanan said, “No, we have not, but we are not anticipating to receive any revenues for classes that are taught. The receipt of revenues for classes that are taught at the National Center for Aviation Training would be revenues for Wichita Area Technical College (WATC) who offers those classes, so it’s not anticipated that we would receive any of those funds. The aircraft industry has created a foundation which also will help in purchasing the equipment and assuring that the appropriate equipment is there for the high-end technology classes.”

Commissioner Parks said, “I will certainly need to go back on the streaming video and see where we were when we let the bonds for that and have that information I guess in the future. Thank you.”

Chairman Peterjohn said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Well just in another response to Commissioner Parks, in the current year budget, business and industry in the approved budget is

Regular Meeting, March 31, 2010

budgeted to provide almost a million dollars worth of training, or paid for a million dollars worth of training, out at NCAT, or in the aviation training center. So the aviation companies are buying training, that is a budgeted amount, and at this point they're still on schedule. And as the Manager indicated, that revenue, however, goes to WATC."

Commissioner Parks said, "Thank you."

Chairman Peterjohn said, "A question I'd like to raise is also on Item 4, because this refers to in the backup information, says that this is phase two of the project, and this will be expanding the system already in place in phase one. How many phases in total are there, and would you be bringing an additional item in the future that's going to have an additional price tag in a later phase?"

Ms. Baker said, "Phase two reflects construction. Phase one was the administration building, which is complete. Phase two are the labs and classroom buildings that are in the final stage of construction right now, so this particular product before you today is for those buildings, which is part of the phase two construction project."

Chairman Peterjohn said, "Okay. So if it's part of the phase two construction project, then that was included in the amount that we had approved originally..."

Ms. Baker said, "Correct."

Chairman Peterjohn said, "...when we had approved this, Mr. Manager?"

Mr. Buchanan said, "Yes, sir."

Chairman Peterjohn said, "Okay."

Ms. Baker said, "I will say for the record, there is a \$3.8 million FF&E, which is Furniture, Fixtures and Equipment budget, that's allocated for this, and this equipment comes out of that budget. We have also purchased already some classroom and office furnishings, and will be purchasing additional FF&E in the near future. So over the next couple of months you'll see several items that will be coming in for you, similar to what you saw with the arena as we bid those items. My understanding is that we are not assuming all of the cost of the FF&E. They were given a limited budget, and WATC is also investing in that."

Chairman Peterjohn said, "Of that \$3.8 million, can you tell me if this winning bid by Alexander Open Systems, if we approve it today, was that above what was estimated as part of that overall budget?"

Regular Meeting, March 31, 2010

Ms. Baker said, "It was within what was estimated..."

Chairman Peterjohn said, "Okay."

Ms. Baker said, "...for the budget..."

Chairman Peterjohn said, "So it did not exceed what was..."

Ms. Baker said, "Correct."

Chairman Peterjohn said, "Okay. Commissioner Parks."

Commissioner Parks said, "In reference to number four, I'm just anticipating a magical date out there somewhere where this facility's revenue neutral, like I had heard in the past. Thank you."

Chairman Peterjohn said, "Seeing no further comments or questions, what is the will of the body concerning the Bid Board?"

MOTION

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

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

Regular Meeting, March 31, 2010

Ms. Baker said, “Thank you.”

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

K. CONSENT AGENDA

- 1. A resolution to authorize destruction of Health Department mixed series records 1976-2003 (DISP 2010-88 DIO-Health mixed 1976-2003).**
- 2. A resolution to authorize destruction of Health Department WIC 1998-2004 (DISP 2010-97 DIO-Health WIC).**
- 3. A resolution to authorize destruction of Elections records for the year 2003-2004 (DISP 2010-99).**
- 4. Amendment to Lease Agreement between James Jay Ramsey Estate and Sedgwick County for space at 940 N. Waco, Wichita, Kansas for COMCARE – Addition Treatment Services.**
- 5. Agreement with Wichita Art Museum for Smithsonian photographic exhibition entitled “In Plane View.”**
- 6. Agreement with Wichita Open to provide off-duty Sedgwick County Sheriff’s deputies for traffic control and security for Professional Golf Association Nationwide Tour event.**
- 7. Amendment to agreement with Episcopal Social Services for Teen Intervention Program.**
- 8. Amendment to contracts (2) with Urban League of Kansas and Behavioral Link to provide group and individual psychosocial rehabilitation, and attendant care services.**
- 9. Agreement with Employee to provide clinical supervision to achieve licensure as a Licensed Specialist Clinical Social Worker (LSCSW).**
- 10. Two (2) Right of Way Easements for Sedgwick County Project 636-3-4500; Bridge project on 71st Street South between 359th & 375th Streets West. CIP# B-437. District 3.**

Regular Meeting, March 31, 2010

11. Housing Department Section 8 Rental Assistance.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V10004	\$281	BU	Sideline Properties
V10005	\$241	3	Mt. Hope Comm. Dev.
V10006	\$263	BU	Brookside Cottages
V10007	\$227	5	Springcreek Housing
V10008	\$620	2	Bridwell, Stephen
V10009	\$573	2	Bridgewater Apt. Homes
V10010	\$224	BU	Lawndale Senior Res.
V10011	\$572	2	Egan Realty

12. The following Section 8 contracts are up for annual recertification:

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V07028	\$278	\$288
V03027	\$193	\$203
V07020	\$494	\$541
V03010	\$649	\$649
V03029	\$294	\$305
V04018	\$106	\$130
V07029	\$484	\$522
V07033	\$237	\$143
V08019	\$277	\$294
V01064	\$331	\$337
V020019	\$391	\$393
V99022	\$200	\$222
V03028	\$354	\$375
V99021	\$ 88	\$124
V03017	\$337	\$325
V04010	\$225	\$221
V05011	\$297	\$304
V020029	\$337	\$341
V03013	\$247	\$251
V020021	\$370	\$323
V07025	\$212	\$190

Regular Meeting, March 31, 2010

V03024	\$244	\$253
V01041	\$462	\$471
V03019	\$262	\$284
<u>Contract</u>	<u>Old</u>	<u>New</u>
<u>Number</u>	<u>Amount</u>	<u>Amount</u>
V03019	\$240	\$245
V03020	\$377	\$383
V03021	\$298	\$295
V01042	\$337	\$343
V03022	\$274	\$260
V09024	\$331	\$260
V08079	\$509	\$228
V98004	\$111	\$136
V05049	\$143	\$162
V09035	\$326	\$298
V07048	\$545	\$575
V09016	\$411	\$449
V08010	\$291	\$179
V09046	\$560	\$560
V08017	\$125	\$ 73
V09051	\$371	\$276
V08072	\$428	\$399
V10002	\$420	\$479
V10008	\$620	\$570

13. General Bill Check Register of March 17, 2010 – March 23, 2010.

14. Payroll Check Register for the week of March 13, 2010.

15. Order to correct tax roll for change of assessment dated March 17, 2010.

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

MOTION

Commissioner Welshimer moved to approve the Consent Agenda.

Commissioner Norton seconded the motion.

Regular Meeting, March 31, 2010

Chairman Peterjohn said, "I have a motion and a second concerning the Consent Agenda. Commissioner Parks."

Commissioner Parks said, "On the Consent Agenda is an item that we have been doing for the past few years, and I thought I would let the public know, and just for the record, that our Sheriff's Department goes out and provides some service for the golf tournament, and it is an added expense for us, but it's also an opportunity for our deputies to get some work, and do some work for us, and through us, and bringing the nationwide tour event to the Sedgwick County area and supporting that function. Thanks."

Chairman Peterjohn said, "Seeing no further comments, help me out, do we have a motion?"

Ms. Katie Asbury, Deputy County Clerk, greeted the Commissioners and said, "Yes, we do."

Chairman Peterjohn said, "I see no further comments, so then please call the vote."

VOTE

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

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

L. OTHER

Chairman Peterjohn said, "I'm going to mention for the viewers, particularly in the audience out here, we have a whole host of events the next three weekends out at the Sedgwick County Zoo. And if the weather is accommodating, and we talked a little bit about the Boy Scouts earlier and their big event out at Lake Afton the weekend of the 16th of April, but with events beginning with the Easter egg hunt this weekend, we've got the Suicide Prevention Link 4 Life Run on the 17th and events also on the weekend in between. There is an awful lot going on here in Sedgwick County, and with the farmers' market opening up nearby, which is in actually good healthy walking distance if folks wanted to get a little exercise, you could park at the Zoo and walk to the farmers' market and then

Regular Meeting, March 31, 2010

back. Or if you're into rollerblading, bicycling or jogging, those paths are in good shape. In fact, I took advantage last weekend and was out jogging, and my kids were rollerblading and we had a good time until the front came in Saturday morning. But there's an awful lot going on here in Sedgwick County and I think I'd be remiss if I didn't point out the fact that there's a lot of opportunities to get Kansas and Sedgwick County based agricultural products at the farmers' market, and also, an awful lot of activities out there at the Zoo. And if you haven't been out there to see some of those new exhibits, there's also going to be some new arrivals out at the Zoo too. So you might want to go out there, and I'm not sure what's going to be popping up, or popping out soon, but I think what's happening at the Zoo ought to be an opportunity for an awful lot of folks here in our community. That's all I have, and seeing no other...Commissioner Unruh."

Commissioner Unruh said, "Well just to follow-up on your comments, Mr. Chairman, I think the Zoo is looking for its 15 millionth visitor in the very near future. And for the person that happens to be that 15 millionth entrant into the Zoo, I think they've got some nice prizes and some tickets to arena events. We would encourage everybody to hurry up and get in line and maybe you'll be the lucky person. The weather is going to be great, so it would be a good time to visit."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "One of the things, Commissioner Peterjohn, that's in your district that a lot of my constituents will be going and visiting also on April 24 is Farm Safety Day, and if you're going to the K-State [Kansas State University] spring game, that is in the evening, so you can make both of those. The Farm Safety Day is eight o'clock in the morning until about two o'clock in the afternoon or so, so you can make both of those events if you're so inclined. Also, at the farmers' market, out at that facility, I don't think we have a hitching post, do we for horses, if we want to ride our horse? Those of us that have bad knees, or bad backs and can't walk, run or rollerblade, if we could ride our horse, that would be good to be able to have a hitching post out there."

Chairman Peterjohn said, "Well Sedgwick County Park does have some excellent park benches..."

Commissioner Parks said, "Okay. Very well."

Chairman Peterjohn said, "...for less ambulatory folks, Commissioner Parks."

Commissioner Parks said, "Thank you."

Chairman Peterjohn said, "Commissioner Welshimer."

Regular Meeting, March 31, 2010

Commissioner Welshimer said, “I don’t have anything under ‘other.’”

Chairman Peterjohn said, “Okay. I’m sorry.”

Commissioner Welshimer said, “It’s all right.”

Chairman Peterjohn said, “But I do believe you have a motion.”

Commissioner Welshimer said, “I do have a motion.”

MOTION

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and legal advice, and that the Board of County Commissioners return to this room from Executive Session no sooner than 11:20 a.m.

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, “We are in recess until no sooner than 11:20 a.m.”

Regular Meeting, March 31, 2010

The Board of County Commissioners recessed into Executive Session at 11:05 a.m. and returned at 11:45 a.m.

Chairman Peterjohn said, "I'm going to call this meeting back from recess and recognize the County Counselor, Mr. Euson."

Mr. Euson said, "Commissioners, no announcement. There was no binding action taken during the closed session."

Chairman Peterjohn said, "Thank you. Seeing no further business in front of the Commission, I'll entertain a motion to adjourn. In fact, I'll make that motion."

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."

M. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:47 a.m.

Regular Meeting, March 31, 2010

**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:

April 21, 2010