

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 7, 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, April 7, 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; Ms. Jennifer Magana, Assistant County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Cindy Burbach, Director of Health Protection & Promotion, Health Department; Mr. Bill Farney, Director of Administrative Services, Health Department; Mr. John L. Schlegel, Director, Metropolitan Area Planning Department; Mr. Glen Wiltse, Director, Code Enforcement; Ms. Charlene Stevens, Assistant County Manager; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Troy Bruun, Deputy Chief Financial Officer; Ms. Iris Baker, Director, Purchasing; Mr. Robert Lamkey, Director, Public Safety; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Ms. Fawn McDonough, Public Educator, Kansas Health Ethics
Ms. Brenda Salvati, Assistant Director, Regional Prevention Center of Wichita/Sedgwick County
Ms. Pat MacDonald, Recipient, Dr. Doren Fredrickson Commitment to Public Health Award
Mr. Jim Costlow, 14911 Black Oak Ct., Wichita, Kansas
Mr. Morgan Koon, General Counsel, Cornejo & Sons
Mr. Ben Sciortino, Cornejo & Sons
Mr. Mark Dick, Allen Gibbs & Houlik, LC
Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell

INVOCATION

Led by Pastor Kurtis Haynes, Westview Baptist Church, Wichita

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES

Regular Minutes for March 17, 2010
All Commissioners were present

MOTION

Commissioner Welshimer moved to accept the Minutes as read for the regular meeting of March 17, 2010

Chairman Peterjohn seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "Next item."

PROCLAMATION

A. PROCLAMATION DECLARING APRIL 16, 2010, NATIONAL HEALTHCARE DECISIONS DAY.

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

PROCLAMATION

WHEREAS; *National Healthcare Decisions Day* is designed to raise public awareness of the need to plan ahead for health care decisions related to end-of-life care and medical decision making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important health care decisions; and

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WHEREAS; it is estimated that only about 20 percent of people in Kansas have executed an advance directive. Moreover, it is estimated that less than 50 percent of severely or terminally ill patients have an advance directive; and

WHEREAS; it is likely that a significant reason for these low percentages is that there is both a lack of knowledge and considerable confusion in the public about advance directives; and

WHEREAS; one of the principal goals of *National Healthcare Decisions Day* is to encourage hospitals, nursing homes, assisted living facilities, continuing care retirement communities and hospices to participate in a statewide effort to provide clear and consistent information to the public about advance directives; and

WHEREAS; as a result of April 16, 2010, being recognized as *National Healthcare Decisions Day* in Sedgwick County, more citizens will have conversations about their health care decisions, more citizens will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient.

NOW, THEREFORE, BE IT RESOLVED, that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby recognize April 16, 2010, as

‘National Healthcare Decisions Day’

in Sedgwick County, and calls this observance to the attention of our citizens.

Ms. Zukovich said, “It’s dated April 7, and it is signed by our Chairman, Karl Peterjohn.”

MOTION

Commissioner Norton moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Ms. Zukovich said, “Commissioners, we have Fawn McDonough here to accept this proclamation.”

Ms. Fawn McDonough, Public Educator, Kansas Health Ethics, greeted the Commissioners and said, “Thank you. I’d like to recognize several of the committee that has been working on this: Karen Moore from Kansas Eye Bank, Carolyn Harrison from Kansas Health Ethics, Johnny Thompson from Home Healthcare Connections and Ann McShane from Galichia Heart Hospital, who was not able to join us. Benjamin Franklin once quipped, ‘In this world, nothing is certain but death and taxes.’ On April 16, many of us will be talking about taxes; on April 16, we’d like you to be talking about the other. ‘National Healthcare Decisions Day’ is an initiative to encourage all Americans to express their wishes regarding healthcare and to complete their advance directives. I don’t want to embarrass anybody in the audience, but do consider, have you heard of advance directives? If you have, have you completed your own? Because this is something that should be done before a crisis happens. Please refer to the article in [Active Aging](#) and visit www.kansashealthethics.org, and we are here to help you. Thank you for recognizing this.”

Chairman Peterjohn said, “Thank you, but let me, Commissioner Norton.”

Commissioner Norton said, “Well I’ve been attached to this issue for several years. I’ve worked with Carolyn at Kansas Health Ethics and was on their advisory board for several years. It’s such an important issue that our daily lives take over and we forget about the future for our kids, for our grandkids, for those that are left behind, and advance directives really make a clear statement about what your wishes are and it cleans up a lot of the legalese that happens with probate and everything. If you’ve got advance directives that tell the story of what needs to be done at those tough times in your life, whether it ends up being hospice, or the directive’s after someone’s passed away. So I’m very supportive of this proclamation. It’s a good conversation to have; a tough conversation to have in a lot of families. I know several years ago we sat our five kids down, and Susan and I told them what our wishes were, but showed them the advance directives that will guide them at some point in their lives. And hopefully that makes it easier for them. That’s all I have.”

Ms. McDonough said, “Thank you very much.”

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Chairman Peterjohn said, “Let me add that not only to make that information known, but let family members know where that information is stored, so you get in a situation where you don’t have to run around trying to find...”

Ms. McDonough said, “Absolutely.”

Chairman Peterjohn said, “...those legal documents, even if they have dotted all the i’s and crossed the t’s, the concerns I’ve heard is, is that even people who have prepared these documents, they need to be updated every so often, do you have a recommendation in that regard?”

Ms. McDonough said, “Yes, we do. I think that’s kind of one of the advantages of having a ‘National Healthcare Decisions Day’ is that we encourage people to think about that day, and on that day, if you currently have documents, get them out. Review them, make sure that the information is current, reflect on the past year as to whether there have been changes in your health, whether you need to contact your agents and kind of update them, whether you need to have further conversations with your physicians. So on ‘National Healthcare Decisions Day,’ look to yourself. If you have completed your documents, ask one other individual; a member of a family, a good friend. We think this is a very much a grass roots effort and it’s keeping it in the public eye.”

Chairman Peterjohn said, “Thank you.”

Ms. McDonough said, “Thank you.”

Chairman Peterjohn said, “Next item.”

B. PROCLAMATION DECLARING APRIL 2010 ALCOHOL AWARENESS MONTH.

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

PROCLAMATION

WHEREAS; Alcohol Awareness Month was established as a nationwide effort to provide the American public with information about the disease of alcoholism and the serious problem of alcohol abuse; and

WHEREAS; underage drinking is a growing problem with devastating consequences. Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

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WHEREAS; alcohol is the number one drug of choice for America's young people and is associated with traffic fatalities, violence, unsafe sex, suicide, educational failure and other behavioral problems; and

WHEREAS; alcohol is a factor in the four leading causes of death among persons ages 10 to 24; these include motor-vehicle crashes, unintentional injuries, homicide and suicide; and

WHEREAS; Sedgwick County communities are coming together in April to address underage drinking and hosting their own town hall meetings.

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

'Alcohol Awareness Month in Sedgwick County'

and urges all citizens to join the Sedgwick County Prevention Infrastructure Town Hall Planning Committee and the Wichita/Sedgwick County Regional Prevention Center in recognizing and participating in its observance through participation in town hall meetings on underage drinking throughout Sedgwick County.

Ms. Zukovich said, "It's dated April 7, signed by our Chairman, Karl Peterjohn."

Chairman Peterjohn said, "Thank you."

MOTION

Chairman Peterjohn moved to adopt the Proclamation.

Commissioner Norton seconded the motion.

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

VOTE

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

Ms. Zukovich said, “Commissioners, we have Brenda Salvati, who’s here to accept the proclamation.”

Ms. Brenda Salvati, Assistant Director, Regional Prevention Center of Wichita/Sedgwick County, greeted the Commissioners and said, “Thank you. On behalf of the Sedgwick County Prevention Infrastructure and the Regional Prevention Center at Mirror, Inc., we appreciate you recognizing ‘Alcohol Awareness Month.’ And I would like to recognize two of our planning committee that are here; Sandy Pickert and Mike Lloyd, who have worked real hard on our town hall that is coming up. No community is immune from the problems from alcoholism and abusive drinking patterns, and the problem’s not merely limited to underage drinking, but affects anyone with binge drinking habits or who becomes alcohol dependant. More than 16,000 people in the United States die annually as a result of drunk drivers. And in 2009, in Sedgwick County alone, youth ages 16 to 21 were involved in 121 or more traffic accidents in which one or more alcohol impaired drivers were involved. The Regional Prevention Center at Mirror, Inc. works with communities like the Prevention Infrastructure, and Stand Together Coalition and other coalitions across the county in order to prevent substance abuse, which includes underage drinking. Keep in mind that any use by youth is abuse. Join with us as we work together in building a safe and healthy community in Sedgwick County and for our children, and come to the town hall meeting that’s scheduled for the 12th.”

Chairman Peterjohn said, “Thank you. I would add that this Commission has faced many challenges, and as a Commissioner, I have been personally challenged with the problems we have with the large number of people who are under adjudication in this county. I’ve heard estimates as high as two percent. And sadly, and overwhelming and a very significant number of those folks involve, not only DUIs (Driving Under the Influence), which I think are kind of the tip of the iceberg, but also have an impact on other crimes that result in incarcerations, or probation violation, or putting people into work release. And so this is an issue that has wider ramifications, and I want to commend all of you here, and appreciate you coming down and speaking to the Commission this morning.”

Ms. Salvati said, “Thank you.”

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

C. PROCLAMATION DECLARING NATIONAL PUBLIC HEALTH WEEK.

Ms. Zukovich said, “Commissioners, I’ll read this last proclamation for the record:

PROCLAMATION

WHEREAS; health is affected by many things including one’s culture, environment, social influences, individual behaviors and access to healthcare; and

WHEREAS; individuals can help control their health risks by being aware of health risks, choosing a healthy diet, maintaining an active lifestyle and receiving annual preventative check-ups; and

WHEREAS; hundreds of thousands of deaths per year in the United States could be prevented due to behavior changes; and

WHEREAS; every day public health heroes emerge, making their communities healthier one at a time; and

WHEREAS; one of the Sedgwick County Health Department’s public health heroes, Dr. Doren Fredrickson, passed away in 2009 after dedicating his life to the health of the Sedgwick County community; and

WHEREAS; that life and legacy should be commemorated.

NOW, THEREFORE, BE IT RESOLVED, that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim April 5 – 11, 2010, as

‘National Public Health Week’

in Sedgwick County and invites members of the Health Department to come forward and award the first annual Dr. Doren Fredrickson Commitment to Public Health award.

Ms. Zukovich said, “And it’s dated April 7, 2010, and signed by our Chairman, Karl Peterjohn.”

MOTION

Commissioner Norton moved to adopt the Proclamation.

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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

Ms. Zukovich said, “Commissioners, we have Cindy Burbach here today from our Sedgwick County Health Department to receive the proclamation.”

Ms. Cindy Burbach, Director of Health Protection & Promotion, Health Department, greeted the Commissioners and said, “On behalf of Claudia Blackburn, who was unable to be here today, and the Health Department, I appreciate and accept this proclamation. A little bit of background. This is the 15th annual ‘National Public Health Week’ celebration to celebrate public health nationally, but mainly locally. ‘One Community At A Time’ is the theme nationally for this proclamation week this year, which recognizes the fact that communities are where it happens, and public health cannot be successful without local support from leaders like yourself, from communities like ours, and from especially from our partners. Kim Neufeld of the Health Department, she’s a Health Educator, has been the chair of this event this week and through the last couple of years, and has put together several events for the week that we’d like for you to know about. The first one has to do with H1N1, which has certainly been a case study for public health and our response to it, which would have not been at all possible without local support and community volunteers. The first thing that we’re going to do this week is, actually, not the first thing, but Thursday afternoon at four o’clock will be a thank you reception for the hundreds of volunteers that worked for nothing in the H1N1 response, primarily at the immunization clinic that was held on East Harry. That event will be at that location on East Harry, and it will give us yet another opportunity for us to celebrate the partners in the community who have visibly improved Sedgwick County’s public health. Chairman Peterjohn will speak at that event, as well as our Health Director, the County Manager, and our Health Officer, Dr. Garold Minns.”

“Another event to take place this week is the public showing of ‘Unnatural Causes, When the Bough Breaks.’ This is a series of professionally developed videos around various public health issues; many of you have seen at least one or two of them. It will take place tonight at the Wichita State University (WSU) Hughes Metroplex on north 29th Street. It will happen from 6:30 until

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8:30; it is free and open to the public. It is designed to increase community awareness of infant mortality rates and the problems of disparities within the nation, but within Sedgwick County. We are not immune to those disparities here in Sedgwick County. Free and affordable public health resources for moms-to-be will be highlighted and the various roles that communities can play to prevent further premature deaths will be discussed. Free to the public at 6:30 this evening at the WSU Metroplex. We are also celebrating our own this week with veggie trays that are funded by employee donations will be actually delivered to our Health Department employees. We're using little 'way to go' type notes; and we realize that that's just a token. Employees need more than veggie trays and little handwritten notes, but we realize that we could also not do it without the very dedicated and competent employees in the Health Department. The final thing that I have to notice is that we are announcing today the first ever award in the name of Dr. Doren Fredrickson, who was mentioned in the proclamation, who was our Health Officer for several years. It's the Dr. Doren Fredrickson Commitment to Public Health Award and Bill Farney will take over that part of the award. Bill."

Mr. Bill Farney, Director of Administrative Services, Health Department, greeted the Commissioners and said, "Before I get into the presentation, I would like to first introduce and welcome some of our guests; our award winner, Pat MacDonald, and Doren Fredrickson's parents, Ron and Pat Fredrickson. Welcome."

Chairman Peterjohn said, "Welcome."

Mr. Farney said, "In the fall of 2008, we presented a Public Health Thank You [Day] Award to Dr. Doren Fredrickson, and unlike the other awards that were presented that day, which were for contributions made in the previous 12 months, this one was for a lifetime commitment of public health in Sedgwick County. Doren had passed away suddenly and unexpectedly in the summer, in August of 2008, and his parents, Ron and Pat, accepted that award. Doren had been the Health Officer for the county for much of the previous six years before his death, though many in the community had worked with him and known him for many, many years before that. He was extremely bright and he was very well educated. He was a medical doctor, and also had a PhD in epidemiology. He taught public health at the KU (University of Kansas) School of Medicine, where he was also involved with research and was a practicing clinician. He was a triple threat, as Dean Dismuke liked to say."

Mr. Farney continued, "His work in the community was his passion and he was especially dedicated to those that he referred to as the working poor. He had a vision for what public health ought to be, and he worked tirelessly to make that dream a reality. And above all, he had a very kind and compassionate nature, and it was that quality more than any other that endeared him to so many. So we decided the Public Health Thank You [Day] Award was not enough, and we created

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an award in his name. So today, and annually going forward, we will honor Doren and someone within the community who has that same dedication. Our first ever Doren Fredrickson Commitment to Public Health Award winner, Pat MacDonald, certainly meets that criteria. A little bit about Pat. She was raised in Philadelphia, and like Doren, she was born to teach. Early in her career, she worked with nonprofits, such as the [American] Lung Association and the Arthritis Foundation, and she taught science in Nepal as a Peace Corps volunteer. She joined what was then the Wichita-Sedgwick County Health Department in 1973 at the invitation of then director Dr. Mervin Silverman, himself a fellow and Nepal based Peace Corps veteran.

“In 1979, she became the Director of Health Education, which is our Health Promotion section today. She was ahead of her time in promoting health and wellness, encouraging healthy lifestyle through good nutrition and exercise, as well as encouraging the public to eliminate tobacco from their lives. She was also devoted to educating the public about sexually transmitted diseases, including the deadly AIDS (acquired immunodeficiency syndrome) virus. Pat utilized the media to help spread the word on these and other health issues. As the official spokesperson of the Health Department for many years, she was known for her clarity and her professional manner, and above all, her credibility. She became known for Pat Mac Facts, which she says were sometimes just her own interpretation of public health common sense. A member of the old board of health, who was also a home healthcare nurse, spoke of a homebound elderly patient of hers who once told her, and I think this is a direct quote, ‘If Pat MacDonald said it, that’s good enough for me.’

“After three decades as the face of public health in Sedgwick County, Pat retired in 2003, but she didn’t stop her public health pursuits. More recently, she led the Tobacco Free Wichita Coalition effort towards passage of a Bel Aire Clean Indoor Air Ordinance; the first comprehensive Indoor Air Ordinance in Sedgwick County. And since that time, many cities in Sedgwick County have followed suit and passed ordinances of their own. Pat knew Doren well, worked closely with him on many projects over the years and had great regard for him and his work. So Pat, on behalf of Sedgwick County and in appreciation of nearly 40 years of public health service, I present to you the first ever Doren Fredrickson Commitment to Public Health Award. Would you like to say something?”

Chairman Peterjohn said, “Pat, would you like to say a few words?”

Ms. Pat MacDonald, Recipient, Dr. Doren Fredrickson Commitment to Public Health Award, greeted the Commissioners and said, “Thank you. I would love to say a few words. First, knowing Doren, and I hope all of you had the chance to meet him at one time or another, commitment is the word, I thought of a word, empathy. He had empathy for everyone’s situation. He was a wonderful, wonderful person, a wonderful physician. I want to congratulate his parents for giving him to the

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world, so to speak. I am deeply appreciative to be the first one to receive this award and I look forward to maybe working on the committee for future awardees. Thank you very much.”

Mr. Farney said, “Thank you.”

Chairman Peterjohn said, “Well, we’ve got...”

Commissioner Welshimer said, “Well I just have a question...”

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

Commissioner Welshimer said, “How many of our citizens do we treat as clients at the Public Health Department annually, an average?”

Mr. Farney said, “In a clinical setting, I think that number, including the WIC (Women Infants and Children) program, is probably around 100,000.”

Commissioner Welshimer said, “Thank you.”

Chairman Peterjohn said, “Commissioner Norton.”

Commissioner Norton said, “Well, I think many people know that I’m very attached to the public health continuum in our community. Ron and Pat, thank you for being here today; a wonderful award to honor your son. I have to tell you that over the years, once we became the local board of health, I worked very closely with Doren, and I often say that he was the person that continued to whisper in my ear what public health needed to look like, feel like and be like in Sedgwick County. And one of the things I always understood about Doren, is that he had in his heart, as we do for the least of these, we do for the most. And he always had that feeling that as you take care of the underserved; you’ll take care of everybody. You know, public health is very misunderstood in most communities. It’s about surveillance, and education, and epidemiology and health promotion and prevention, but it affects everyone’s lives. Because it’s about things like healthy habits, and clean water and many other broad-based issues as opposed to specific medical kinds of issues.”

Commissioner Norton continued, “As we move forward in our community, we need to understand that there’s a movement nationally for accreditation, and it’s going to be an arduous process that pushes us towards the 10 essential public health services, and we do most of those very, very well. But there’s going to be a time when those 10 essential services are mandated in our communities, that we will have to provide them, and we’ll have to understand them as a community. And that’s a good thing, because it will help serve that broad-based community that we work so hard to be in. I’ve worked pretty hard to try to understand public health, and being a member of the local board of

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health, and I'm proud to say, because of Doren's urging years ago, I've completed the Kansas Public Health Leadership Institute, and now I'm enrolled in the 19th annual National Public Health Leadership Institute for the nation. And it's a cohort group of 50 people, public health officials, and I hope that I can carry on at least a modicum amount of what Doren brought to our community. And Pat, congratulations. Three decades of work has been well used in our community, and now well recognized, and we're very proud of you. Thank you very much. That is all I have, Mr. Chair."

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

Commissioner Unruh said, "Thank you, Mr. Chair. Well I also want to welcome Ron and Pat Fredrickson back to our Commission meeting, appreciate you taking the effort to be here today as we make this first award in honor of your son. And also want to recognize Pat and congratulate her on this award, as you are the first one who has been elected and nominated to represent the legacy of Dr. Doren Fredrickson. So, in some of the comments they had about you, they mentioned clarity and professionalism. We might also add tenacious and maybe aggressive, do you suppose? But we thank you for your work in our community, and for your partnership in making this a more healthy place. That's all I have."

Chairman Peterjohn said, "Thank you. I'm going to just add that at the beginning of this resolution, I think we might have had left a slightly ambiguous statement when we said the volunteers worked for nothing. They worked without compensation, and I think they were working to help improve the community, and it had a spirit of volunteerism that I commend very, very highly. And I realize the bittersweet nature of this award for the Fredricksons because of their loss, but we have the challenge, and as an elected board that has the responsibility for health in this community, of also handling potential emergencies, and we faced that prospect earlier this year. And there was a great deal of unknowns at that time, and fortunately, the worst case scenarios came nowhere near to passing. But having that responsibility and having epidemiological aspects as part of the health process, I want to commend everyone here as part of that effort, and I'm glad that we had the award to be able to provide a starting point, for not only recognition today, but recognition in the future. Thank you. Next item."

DEFERRED ITEM

- D. 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

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Mr. John L. Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "You will recall that I presented this item to you at last week's meeting. The applicant is, just a quick reminder, is seeking to have a Conditional Use approved for mining and quarrying on this site in order to be able to do soil extraction. And at your meeting last week, you took action to defer this item until this week in order to allow the applicant to consider a request for fencing at least a portion of the property line along the western property line adjacent to the residential area. It is my understanding, that in the week that has transpired, that the applicant has been asked that question and has indicated that they are not interested in building a privacy fence along that western property line. And with that, then, I'll be glad to take any questions and return it to the Board for discussion."

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

Commissioner Parks said, "I don't have any questions of Mr. Schlegel, but, and I realize this is not a public hearing, but I think it's dangerous not to let people speak in the United States, so I would just ask when appropriate time comes up that the Chairman be indulged and allow a person or two to speak on this, if they are present. Thank you."

Chairman Peterjohn said, "Thank you. Well, this seems to be an appropriate time. Is there anyone in the audience who would like to speak on this issue? If there is, please raise your hand and come to the podium. State your name and address for the record, please."

Mr. Jim Costlow, 14911 Black Oak Ct., Wichita, greeted the Commissioners and said, "I'm President of the Deer Lakes Estates Homeowners Association. There are approximately 150 homes in the Deer Lake Estates area which adjoins the property that's being discussed today. Some of the mobile homes are located as close as 20 feet to the property line, so it is important that digging be kept at least 100 feet from the property line and the level of the ground not be higher, when filled in completely, to prevent water runoff. We don't want a big hump out there."

Mr. Costlow continued, "A privacy fence is needed for the residential area in order to maintain the aesthetics, and property value, and not designed to have construction equipment and materials stored right next to the door, unless it is screened in some way. There are lots of people and lots of children living in the area. Many of the children play in the streets. There's only one entrance, there's no through traffic in that area, so the kids run wild in the streets. It is very important that a good, tall fence be placed on the west side of Cornejo's property between the residential area and the work area. We do not want to add attraction such as equipment, big holes, or piles of dirt, or rubble where someone can get hurt or killed. If the property is to be used for storage later, there still needs to be a fence to keep the children from climbing on the equipment, and to screen the storage lot from the homes. The equipment is a great attraction for children to play on. We are only asking

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for a fence between Deer Lake Estates area and the Cornejo property, not a fence around the whole Cornejo property. We wonder what value Cornejo company places on the safety, and maybe the life of a child. Just to point some other safety requirements that exist to prevent unwanted attractions for children, the county code book has a requirement for a barrier fencing around swimming pools, which would be an attraction without fences. Likewise, we believe the equipment would be an attraction for children to play on and could be very dangerous.

“In summary, if approved, we request the following requirements be included in writing: build a six foot high protective privacy fence on the west side of the property, digging be kept 100 feet away from the west property line, and after completion of work, the ground level be returned to the same level as the adjoining residential property. Most important of all, we are concerned about the safety of our children and we want to stress the importance of a fence separating the residential area from a construction equipment storage area. And that about concludes my say on it. We have been to two other planning meetings and both times we’ve been shot down on it, so you’re about our last hope. If we can’t get a little something here, then we’re going to have to bite the bullet and fight every inch of the way to keep our children out of there. And at what cost is one child’s life? We like these little kids. They’re a nuisance; they’re into everything. You can’t keep them out. That’s the reason why they put the fencing around the swimming pools. Thank you.”

Commissioner Parks said, “I had a question.”

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

Commissioner Parks said, “Can you see this, sir? This map here?”

Mr. Costlow said, “Yes.”

Commissioner Parks said, “Where I have the red dot, you’re talking about the fence just around this area, in this area?”

Mr. Costlow said, “From there right on up to just to the end of the property.”

Commissioner Parks said, “That would be essentially along this green line from along...”

Mr. Costlow said, “Well, go right on up, right on up...”

Commissioner Parks said, “On up?”

Mr. Costlow said, “No, not up to there. To right there.”

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Commissioner Parks said, "I see. Okay."

Mr. Costlow said, "Just along that one side is all we're asking for."

Commissioner Parks said, "Okay. Thank you."

Chairman Peterjohn said, "Is there anyone else who wants to speak? Seeing no further comments from the public, we'll bring the discussion back to the bench. What is the will of the... questions for Mr. Schlegel? Commissioner Welshimer."

Commissioner Welshimer said, "Are there any requirements for a developer to put a fence along that area?"

Mr. Schlegel said, "Well in the Zoning Code for mining and quarrying conditional uses, there is a Supplementary Use Regulation that states that the entire site should be fenced, and it offers a number of options for providing that fence. In this particular case, the applicant is asking for a waiver of that particular Supplementary Use Regulation, and in lieu of that, what they've wanted to do, and what was approved by the Derby Planning Commission and by the Metropolitan Area Planning Commission (MAPC), is to fence off each individual 200 by 200 [foot] excavation area as they go about excavating soil from the site."

Commissioner Welshimer said, "My understanding was that there was no requirement in the Zoning Code to put a fence along the west side, along the property line. If you're saying there is?"

Mr. Schlegel said, "There is..."

Commissioner Welshimer said, "And that's being waived?"

Mr. Schlegel said, "...it's one of the Supplementary Use Regulations for mining and quarrying when a Conditional Use is granted for that particular use, and then there are a number of options that are given for the applicant for them to comply with that Supplementary Use Regulation."

Commissioner Welshimer said, "So why is it then that we didn't require that?"

Mr. Schlegel said, "Because the applicant has asked for a waiver of that particular requirement, which they can do under the ordinance, and which you as a board can do. You may waive any and all of the Supplementary Use Regulations at the request of the applicant, and that's what's being recommended you do, by both the Derby Planning Commission and the MAPC."

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Commissioner Welshimer said, “Okay. Well, it’s a little different from what I understood it to be when we talked about it. And somewhere or another in there, that fence along the west boundary was not a requirement. I understand there’s some encroachment by the neighborhood onto Mr. Cornejo’s land; they’re using it for storage and that sort of thing, so it would create a problem for those property owners if that fence went up. They’d have to bring their, all the items that they have on Cornejo’s land back. Is that correct?”

Mr. Schlegel said, “It would be a challenge to put, you know, what’s required in the Supplementary Use Regulations is to place that fence on the property line, and if you’ve been out to the site, you know that would be a challenge for the applicant to comply with that Supplementary Use Regulation. There’s a row of vegetation along that property line, and at least one of the neighbors, one of the residential properties, already has a privacy fence up there.”

Commissioner Welshimer said, “Okay. Is there someone here representing Mr. Cornejo?”

Mr. Morgan Koon, General Counsel, Cornejo & Sons, greeted the Commissioners and said, “Good morning, Commission...”

Commissioner Welshimer said, “Hi.”

Mr. Koon said, “...Morgan Koon again, representing Cornejo & Sons.”

Commissioner Welshimer said, “Thank you. What type of equipment’s going to be stored when this project’s done?”

Mr. Koon said, “More than likely none, Commission. While we are working there, there will be a backhoe excavator that will be excavating the clay out of the site. It’s our intent to voluntarily move that equipment to the east edge of the property every evening, and while we are working, and then if there should happen to be any equipment there after we are done excavating, we would voluntarily move that equipment to the east edge of the property as well. But it’s not a site where we have, you know, hundreds of pieces of equipment there. On occasion, we may have a motor grader there, or something of that nature, but it’s not an equipment storage site. If I may, to clarify the fencing issue, the Zoning Code, to my understanding, does not require a privacy fence to be placed around the entire site. The types of fencing that the Zoning Code requires, given that this is considered by the county as a mine or a quarry site, is a chain link fence six foot high with three strands of barbed wire at the top, or a four foot, 48 inch high, four foot high wood fence with barbed wire at the top. And I believe there’s one other type of wire, welded wire, woven wire type of fence with chain link at the top. So it’s not a privacy fence requirement, and our contention is that this isn’t a mine or quarry, as defined by the code, it’s more akin to a borrow pit. And because we will be restoring the property to its substantially similar condition as it is prior to the excavation, we are asking for a

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waiver of that fencing requirement, coupled with the fact that we would be putting up a construction fence around the borrow pit itself, and sloping the sides of the borrow pit so as not to create a vertical wall, but a ramp going into it to provide safety measures for children, animals and other humans.”

Commissioner Welshimer said, “So just the equipment, let’s say you stored even one piece of equipment on the property after this project was completed, what type of liability does that bring to you, or is there a problem with kids climbing on that kind of equipment, or is it pretty well contained and locked up?”

Mr. Koon said, “The equipment itself would be locked up, and it would be moved clear to the east side of the property along Oliver, so that’s, if I could guesstimate a distance, 600 feet to the east of the Deer Lake Estates area. So in that respect, given the fact that it was locked up, I don’t think, from my perspective, that that creates a substantial liability for us. Unfortunately, when you are the owner of any type of equipment and it’s stored anywhere, even on the street, there is a liability issue under the laws of the State of Kansas and the United States, but I don’t believe that this particular site generates any significant, or extra, liability than the general liability that we have as a construction company with heavy equipment.”

Commissioner Welshimer said, “When do you plan to have this project completed?”

Mr. Koon said, “Our hope is to have this project completed either by the end of summer or early fall. We want to get in, get the clay, place this clay cap on our landfill that’s located at K-15 and 31st Street and close out the landfill just as fast as we can. We’re asking for a year only to give us time in case we run into any unforeseen circumstances, but based off of our estimate, the end of summer, early fall, we would be complete with our operation there at 47th and Oliver.”

Commissioner Welshimer said, “And this digging area, you’re slanting the sides of the pit so that someone isn’t going to fall right in?”

Mr. Koon said, “That is correct.”

Commissioner Welshimer said, “All right. Thank you.”

Chairman Peterjohn said, “Commissioner Parks.”

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Commissioner Parks said, "As I understand it, there seems to be two issues here; one of fencing during the mining, and then post mining, a long-term storage. I would ask, do you know what the distance is here on this property along this line? Is that 1,000; 1,200 foot? What is that?"

Mr. Koon said, "I haven't mapped that one out. Knowing that along the Deer Lake Estates side, the white area that you can see on the west side, that is approximately 800 linear feet..."

Commissioner Parks said, "This is 800 feet here?"

Mr. Koon said, "Just the white area, Commissioner..."

Commissioner Parks said, "Oh just the white area."

Mr. Koon said, "Just the...right there..."

Commissioner Parks said, "Right there."

Mr. Koon said, "...that's 800 feet..."

Commissioner Parks said, "Okay."

Mr. Koon said, "...so then you're going to probably add on another, oh, 400 feet, so about 1,200 feet, that's about a square, so 1,000 to 1,200 feet. I misspoke before when I said 600 to 800; it's going to be closer to 1,000 or 1,200 when I look at the map."

Commissioner Parks said, "Well, looking at this area, what I would try to go by the golden rule, you know, if I were there and looking at this, if I were out on my porch in this area for my morning coffee and a diesel land mover was in this area, and I'm trying to have a peaceful cup of coffee and it's 20 foot away from this diesel blowing, prevailing south wind, is there any kind of a promise or agreement you can make to keep these vehicles back 300 foot when you're done with this?"

Mr. Ben Sciortino, Cornejo & Sons, greeted the Commissioners and said, "We would agree to voluntarily make a commitment to you that we wouldn't park any of our vehicles within 300 feet or 400 feet of that property line, if that would give some comfort to the neighbors, so we would be willing to do that on a voluntary basis."

Commissioner Parks said, "I had a question of Glen Wiltse, since he's here. During the mining process, whether it's typical, or atypical, or not typical, whatever, if I could ask on code enforcement, if they're back filling this, and I look at the neighborhood, if the neighbors up in this

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area have well water, who monitors what goes back in the pit and how often can that be monitored?”

Mr. Glen Wiltse, Director, Code Enforcement, greeted the Commissioners and said, “Typically we are not out monitoring the backfill, but we go out typically on a complaint basis.”

Commissioner Parks said, “Okay. Thank you.”

Mr. Wiltse said, “Okay.”

Commissioner Parks said, “That’s all the questions I have at this time.”

Chairman Peterjohn said, “Okay. If Mr. Wiltse could come back, I understand you were out looking at this site with some other county staff recently. Could you share kind of what you found and what happened during your visit?”

Mr. Wiltse said, “Basically we went out to look at the site, we were looking at particularly the west side along Deer Lakes. There is part of that Deer Lakes Estates; I think there’s maybe two or three properties that do have privacy fences along there. Like was stated earlier, there is some storage from the neighbors over on Mr. Cornejo’s property, there’s at least one large garden spot. It would be difficult to put a fence right on the property line. There’s some pretty large trees that are either on the property line. Without surveying, it would be difficult to see whose side that was actually on, but in order to put a fence up, they are going to have to do quite a bit of tree trimming, and depending on whose side the tree is on, some of those trees might go away, and that’s part of the screening for that area. Now, the other issue is, if they put a privacy fence along that line, there’s some of those homes that they will have very little backyard visibility whatsoever, because there are a couple of them they’ve got some decks and stuff, and all they are going to be looking at is a six foot fence. But that’s, you know, what we noticed while we were out there.”

Chairman Peterjohn said, “So basically the people who are encroaching on the Cornejo property, this fence goes up, they’d either have to remove that or they lose access to what they’ve been using the land for, whether it’s gardening, or storage, or anything else?”

Mr. Wiltse said, “I would assume so. Yes.”

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Chairman Peterjohn said, “Okay. I have a question for Mr. Schlegel. Could you, for the record, just clarify for me exactly how far the setbacks would be, especially since there is an easement in the middle and where the mining would actually, where this, I’m not sure if I can recall the exact phrase, but the pit that they’re talking about would be located vis-à-vis the neighbors to the west?”

Mr. Schlegel said, “Well, their condition number two that was recommended by the Planning Commission would establish a 100 foot setback from all property lines, and then 50 feet from either side of the utility easement, and that runs north and south in about that location that I’m showing on the graphic, so they would have to stay out of those areas. And I would ask the, if you want to be more precise about where they are going to put their excavation areas, oh, let’s see, I think we have a site plan. Well this really doesn’t show it. It does show the utility easement running north and south through here, so you can see that 50 feet on either side of that then really makes it very difficult to do any more excavating in this area, and I would ask, then, that you ask the applicant’s agents where in the future they’ll be doing excavating.”

Chairman Peterjohn said, “Well, that was my understanding that there was, because of the easement and the setbacks, that there was, that this was going to be well away from that west fence area. And I know the challenges of being a parent, but I wanted to make sure we had for the record an understanding of where the boundaries were on this. If the agents would like to stand back, or one of the agents, and maybe provide more clarity on my question, I’d appreciate it.”

Mr. Koon said, “Yes, Commissioner. The borrow pit site will start approximately 300 feet east of the Deer Lake Estates area; 300 feet east of that property line. And I don’t believe that you can see it there, but on my revised site plan, I actually have it highlighted in green in the middle of that phase one area on the east edge of the eastern easement line, and that is right at 300 feet from the western property boundary.”

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

Commissioner Parks said, “And this may be a Schlegel or a Cornejo question, either one, I don’t know. Can you put up the topo [topographic] map of the finished product where the drainage plan is for that?”

Mr. Schlegel said, “Is this the graphic you were looking for?”

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Commissioner Parks said, “Yes.”

Mr. Schlegel said, “This is, I think, meant to depict current topography; it’s not really a final grading plan. I would remind you that condition number three that was recommended by the Planning Commission would require them to restore the site to substantially this configuration when they are completed, unless they do submit a revised grading plan that would be approved by your Public Works Department.”

Commissioner Parks said, “Okay. So...”

Mr. Schlegel said, “And you can see from that topography that how it drains from basically from the northwest corner of the property down to the southeast, with some minor drainage ways that are shown on the site, but basically that’s how it slopes off to the southeast corner.”

Commissioner Parks said, “That would be a concern of mine, anyway, and I’m sure it would concern those citizens in the Deer Lake Estates if there was more fill put back in than had been taken out. And I’m sure that that’s something that will be highly monitored. We don’t want to flood the people out and I’m sure the Cornejo don’t want to be a bad neighbor, either, but I just wanted to kind of review that map. And if we can go back to the other, let’s do the google slider, the live. On this, it shows some of the trees along there. Recently we changed some of our coding for various zoning things to include Eastern Red Cedar and other things in there that are relatively cheap, and I would hope that Cornejo would consider some of those. In fact, you can get those free from about any farmer around who’s trying to till his land. Those kind of things, to be a good neighbor, would be good to be planted in along some of those areas that may not have the dense forestation there. And 300 foot sounds like a pretty good setback agreement with the Cornejo, and that’s the size of a football field, so. Thank you.”

Chairman Peterjohn said, “Seeing no further questions or comments, what’s the will of the body?”

MOTION

Commissioner Unruh moved to adopt the findings of the Metropolitan Area Planning Commission (MAPC) and approve the Conditional Use Resolution to permit mining and quarrying, and authorize the Chairman to sign.

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Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Peterjohn said, “Next item.”

NEW BUSINESS

E. PRESENTATION OF COUNTY SPACE ASSESSMENT REPORT.

VISUAL PRESENTATION

Ms. Charlene Stevens, Assistant County Manager, greeted the Commissioners and said, “This morning I’d like to review the results of our Space Assessment Study that we conducted in 2009. Before we kind of go to those results though, I want to give you a little bit of background on our space assessment, space planning and process in the county. As you can see from the slide, we have, as far back as 1991, done some space planning for the county. In 1991, we did a Space Utilization Planning Process and it was primarily limited to the courthouse complex. A lot of those recommendations have been acted on. Some of those recommendations included a central pay station, which we created, remodeling the jury room, creating some space standards, remodeling four floors of District Court functions and relocating EMS (Emergency Medical Services).

“In 2005, we again felt the need to try and take a more proactive approach in space planning. And so, internally, Project Services engaged department stakeholders in a discussion on needs. I tried to focus on now and the future, and the goal was to try and replace our just-in-time planning and just-in-time decision making with a more strategic plan. However, we ended up continuing really to respond to space needs as they arose. So, again, we took up this mantle kind of in 2008, and in 2008, we were looking at really limited abilities to expand in county owned buildings and we were

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also facing a need for additional courtrooms. So at the end of 2008, beginning of 2009, Sedgwick County Commissioners, you authorized a contract with MVP Architects, which is now actually merged with Gossen Livingston, is now GLMV [Architecture], to study and assess our current and future needs. And you can kind of see from the slides, sometimes our space assessment, space planning, has felt a little bit like a space odyssey.

“So again, to kind of put in context where we were in 2008; these are some of the needs we were looking at in 2008 that kind of drove us forward to get a more proactive planning process. In 2008, we were looking at a need to relocate Adult Probation. There was a request for two additional courtrooms and support space. The Appraiser’s Office wanted to consolidate their staff in one location. The Register of Deeds, the expansion of District Court would require us to relocate the Register of Deeds, and then the Treasurer’s Main Tag Office over on Murdock felt that there was inadequate parking at its current location. And of those needs in 2008, we’ve addressed many of those. Adult Probation will be relocated in the summer of this year. That project is about finished. They will be relocated in the main courthouse basement.”

Ms. Stevens continued, “The two additional courtrooms are under construction and we’re in process of relocating the Register of Deeds; a little earlier in the meeting you probably heard some of that work going on. The Appraiser’s Office, we also have consolidated their staff in one location at the Harry Street [Wichita] Mall. The Treasurer’s Office, the Tag Office, kind of remains as is. We also had the need in 2008, we had a couple of new programs; Drug Court, Sheriff Offender Registration, those were new programs that were starting and they needed space. Those space needs have been met at the Harry Street Mall right now in a leased space. COMCARE Children and Family Services; there was a desire for a more centralized location, yet they remain at their current location. The Health Department was looking at exploring centralizing and/or consolidating locations where practical. District Attorney felt a need for expansion space in the main courthouse and then DIO/IT (Division of Information & Operations/Information Technology) would like to co-locate their staff in one location. That is some of the context behind where we were.

“And then kind of a picture of what our leases look like today. We have about 10 departments, 10 leases and 10 departments leasing space. We lease 242,000 square feet at a cost of a little over \$2 million per year. So for this study that we undertook, we looked at four departments that were leasing; 171,000 square feet was considered and the lease costs were \$1.4 million. What we know about the upcoming space that we have; the only real space that we own, that we have that’s not programmed right now, is over in the Historic Courthouse. The first floor Historic Courthouse, that is where Adult Probation currently is, and when they relocate over to the main courthouse, that space will be vacated, and that has not been programmed. The fifth floor Historic Courthouse, half of that remains open and not programmed; half of it is occupied by COMCARE IT. And this space was vacated a few years ago when the Department of Aging moved to a lease over at Riverside

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[Medical Center] hospital. Our growth in personnel, on average it's been about three percent a year. There have been some spikes in that when we have added facilities or expanded facilities, such as most recently when we took the Public Health Department from the city, so we added a large number of employees at that time. But on average, it's about three percent a year that we grow.

“So our goals for the Space Assessment Study; we wanted to get a clearer understanding of our needs. We wanted the ability to be proactive going forward. We've had a very kind of just-in-time decision making, a reactive decision making, to our space planning needs. We wanted the ability to better assess opportunities when they presented themselves. We also wanted to update our office size standards and our space standards. We hadn't done that since 1991. So those were some of the goals that we had. Our Space Needs Assessment; we focused on three defined groups. We defined those groups as Administration and Tax, and Administration included: the County Commission, County Manager, Legal, HR (Human Resources), our ERP (Enterprise Resource Planning) Department.”

“And the Tax group also included what we consider the Tax group to be as the Treasurer's Office, Appraiser's, County Clerk and Register of Deeds, as well as the GIS (Geographic Information Services) function. Then we looked at the Health Department and we looked at COMCARE. And the reason we selected those two departments is they are our largest leaseholders. The Health Department doesn't own any of its facilities. It has seven leases. COMCARE also has a number of leases; the only facility that's owned is the administrative facility at 635 North Main, the rest are all leased facilities. And then we also evaluated reusing the vacant...part of this was also if we looked at the Administration and Tax group, and looked at removing functions from the main courthouse, we'll have to look at what could go back in the main courthouse. And we felt the best fit to evaluate with that would be the criminal justice group. So we looked at some of those, like the District Attorney, District Court, Corrections, and so if there was space that would be vacated in the main courthouse in this process, how could we refill that space.

“So our deliverables that we looked for; we wanted to establish the existing square footage, the parking, the public access for each department and sub-department. We wanted to project growth over a 10 year period. And what we did in this process is we asked departments to project the growth for two years, and then we used a historical trend to project after that, but we wanted a 10 year planning horizon. We wanted to identify opportunities for shared space, and that's where we used the architects really to help us define what would be shared space. We wanted to determine the public, the parking for both the public and the staff. Of course, we wanted to consider ADA (Americans with Disabilities Act) requirements. And what we wanted was an estimate of probable cost for new construction based on square footage need. And the reason that we looked at new construction, we realize that there's other options out there than just new construction, but the reason that we looked at that was we had to kind of have a baseline, and that was we felt kind of the

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easiest baseline for us to establish, and in some cases, maybe the worst case scenario to look at going forward on the cost.

“So I had a really good team that was working on this project: Paula Downs, Steve Claassen, Lindsey Mahoney and then Nathan Law, our intern. And Paula Downs, along with Jeff Van Sickle and Dave Clark of MVP, really did a tremendous amount of work on this. MVP created a survey, and each department also assigned a staff person and they surveyed the department on their needs, and on every existing space they were using, and how they were using that space, and what kind of new space they would need in conference rooms. There were just a number of meetings that were held to really kind of try and understand how departments were using the space that they have. And in many cases, departments have been put into space; again, kind of in a reactive mode where we’ve made the space fit and made the space work for us. So we tried to get departments to look at not only how they were using it existing, but what would be the preferred future going ahead.”

Ms. Stevens continued, “And then the challenge also is, when you have so many people located in multiple locations, and you think about consolidating them, it’s hard to get down to that number of how many real conference rooms would that take? Because at every site we have a conference room, so if you consolidated it, would you really need five or six, or could you get by with two or three? So a lot of work went into that process. Let’s look at the results of what we found. We’ll start with the Health Department. We looked at the Health Department, and if we were to try and consolidate the Health Department into one facility, we would need about 62,000 square feet. It would accommodate a little over 200 employees. It could be a multi-story building. It would support the latest technology, ADA, HVAC (Heating, Ventilating and Air Conditioning). It would not contain a records center or require security screening. The site would be approximately five acres would be needed for that, for the site, for the building and the parking. The potential cost of that is about \$11.6 million.

“Looking at COMCARE; consolidation would require 107,000 square feet, quite a large facility. It would need to accommodate almost 600 employees. Again, it could be a multi-story facility. Again, supporting our latest technology, ADA, HVAC, no records center. Would require some security screening for some of the functions that they have. Site would need to be larger; nine acres. The potential cost \$20.4 million of that. Last group we looked at, Administration and Tax; consolidating those functions, again, taking what we have in those functions, about 74,000 square feet. Would accommodate 330 employees. Again, could be a multi-story building. Support the latest technology, ADA, HVAC. Would not contain a records center. And the reason for that is, that issue would need to be addressed going forward. The issue, and concern and needs for a record center, or an expanded records center, came up kind of late in our planning process, so we did not include that, but we would, if we went forward, go back and reevaluate that need. And that may change that square footage. In terms of security screening, again, it could be accommodated in the facility and

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perhaps it is not necessary. It could be sized either way. This type of facility would require a parking structure. Site would be approximately two acres. The potential cost \$18.3 million. There are also additional costs that would be associated with reusing, remodeling the space within the main courthouse.

“So the next steps. We recognized, obviously, that 2010 is a lot different than when we started this process in 2008. The economy is different; our planning is a little bit different. At this time, we're not recommending consideration of new construction at this time. But what we do recommend is that those same factors that maybe make it less attractive to build a new building might make it more attractive to look at lease consolidations, and explore that possibility to see if there is efficiencies and cost savings that can be realized, because we know there are some commercial properties that are vacant out there.”

“Perhaps if we put together some proposals, we could get some lease proposals that might be more favorable to us and allow us to maybe have some more custom build out and some things that could improve our service delivery. We would recommend going forward with implementing the revised office and standards when possible for future remodels, and then we recommend that we utilize the Space Assessment to evaluate future opportunities as they present themselves. Really, what we got out of this process, and what we wanted to get out of this process, was a tool that we could use to evaluate future opportunities as they presented themselves. We now have a better understanding of how departments use space, how they need space. And so, if a department needs to modify their use, or again wants to look at another alternative, we have a better understanding of that, and so we think we could go forward with some of these things, such as a lease consolidation, and explore those and improve that process. With that, I'd be happy to answer any questions you may have.”

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

Commissioner Parks said, “Well when you're talking about consolidation, I just want to make a quick comment. It doesn't always mean that we're serving people better. I have heard people from the town of Sedgwick comment about the services we now provide at the Harry Street Mall, which is, if you look geography of that, that's quite a ways for them to drive. In fact, they made the comment to me that it would be better for them to go to the Harvey County Courthouse or Harvey County facility than it would be to the...in close proximity. However, I do realize consolidation does save money at times, but it doesn't always equate to effectiveness.”

Ms. Stevens said, “I would agree with you. There is a balance there between kind of the efficiency of dollars and then the service delivery. And so those are things that we would look at, certainly, if we were to pursue lease consolidations.”

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Commissioner Parks said, “And we are certainly getting a good deal at the Harry Street Mall on the square footage there. I would like to, and I’m just one Commissioner, but I would like to see a little further studied, and it shouldn’t take too much staff time to do this, to have staff put these numbers together and have them, and also put together the current bonded indebtedness that we have on our buildings and those buildings that are sitting out there, like the new ‘Heartland [Defense] Training] Center up north, how much we’re going to be involved in that, how many dollars are proposed to spend on that facility, and get all those numbers and have a grand total so we can look at some possibly, some other options for the future. Thank you.”

Ms. Stevens said, “We can do that.”

Chairman Peterjohn said, “Any further comments or questions? Commissioner Welshimer.”

Commissioner Welshimer said, “Well, the leasing seems to be considerably more cost effective, even over a number of years. Do we have any figures on that; comparing those two?”

Ms. Stevens said, “We’ve done some preliminary work to compare kind of the cost of new construction to leases. When you look at it over time, there is probably a 20 year horizon where it would take to drop off that cost. But the thing with leases to remember is that lease costs are going to continue to increase. They go up every year. And we really don’t get necessarily a return on investment. Sometimes it is a very efficient way. We do get some good lease clauses, and sometimes it is the best solution out there. But certainly, we don’t necessarily make a product like a commercial entity where we kind of recoup that return on investment in that process. But in the short term, and in some of our cases where we need greater flexibility, it’s a good solution.”

Commissioner Welshimer said, “Okay. Thank you.”

Chairman Peterjohn said, “Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Charlene, I just want to express appreciation for the process. I know this has been arduous and a long, well it started a long time ago...”

Ms. Stevens said, “It has. When we started this process, I was expecting a baby who’s now walking. So it has been a little bit of a space odyssey, and MVP was a different firm at that time. But it’s been thorough, and that’s what we wanted.”

Commissioner Unruh said, “Well I appreciate that. You know, I’d want our constituents to know that although it’s taken a long time, that this is a process that’s continually fluid as we continually adjust our mission and reevaluate our needs. And yet it’s a process that has to be engaged in, in

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order for us to have some kind of reference point to know how to make future decisions. And so I also want to express appreciation to Mr. Van Sickle and all of his team for the work they did in bringing us to this point. Sometimes it's a little frustrating. We've gone through the process, and here we are now and we say, well, we're going to continue to look at options. You know, I like to have an evaluation and a study, and then drive a stake in the ground and say; this is what we're doing. The process doesn't allow that. But if we don't engage and continually evaluate our options, we're not doing right in regards to how we invest. So I appreciate the effort. And we will stay tuned and do our very best to make the best financial decisions for our citizens. I just want to express my appreciation for your effort."

Ms. Stevens said, "Thank you. And again, we look at this as we have gotten a very good tool out of this to go forward with our planning process and to meet changing needs as departments, as the county changes its mission, or modifies its mission, or again, if outside factors influence that. I mean, when we were looking at this in 2008, we were adding two new courtrooms and there was a sense that the District Court would expand again. Well obviously the climate in Topeka has changed and that doesn't look likely today, but, I mean, it could in the future. And now we have a better tool for making that response going forward. We do believe we can still explore some of the things, such as some lease consolidations that might gain us in the short term some better programming and better efficiencies."

Commissioner Unruh said, "Well I appreciate that and agree with it. That's all I had, Mr. Chair."

Chairman Peterjohn said, "Thank you. I'd like to second some of the earlier comments, because as we have added courtrooms into this building, this building seems to be evolving more or less into a bit of a judicial center, and if we proceed down that road, I'm not sure exactly where the county functions will be and we've got to keep all the options on the table. But I think the key thing for those of us who are looking at this as Commissioners have to understand that this is a fluid situation because the real estate market for lease space, for instance, is different today than, say, what it was two or three years ago, and I suspect the way it will be two or three years from now. So having this background information and detailed reports that are available, I think, is very helpful. Commissioner Norton."

Commissioner Norton said, "Charlene, when you talk taxing [Tax] and Administration, is the County Commissioners, our Finance Division, all of the ancillary groups..."

Ms. Stevens said, "Yeah, all of those..."

Commissioner Norton said, "...included in Administration?"

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Ms. Stevens said, "...all of those would be included in that, yeah. All of those kind of that support; the County Commission, County Manager are included in that as well as then what we consider that Tax group of the other elected officials for the county are included in that. So it's about seven or eight different departments."

Commissioner Norton said, "Okay. Good work. As you know, I've been an advocate for looking forward because there's a day when this is going to be a judicial center only and the planning needs to be in the future to look at that 10 years out, 20 years out, as what our best interests are. And I really believe that there's going to be a time soon that we're going to have to launch some of this. I know times are tough, but we're on the verge of needing to move forward regardless of what time it is, and even though the economic conditions are tough in many parts of our segments of our economy, I think we're going to have to move forward on some of this, whether it's lease or building facilities ourselves. That's all I had, Mr. Chair."

Chairman Peterjohn said, "Thank you."

MOTION

Chairman Peterjohn moved to receive and file.

Commissioner Unruh seconded the motion.

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

VOTE

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

Ms. Stevens said, "Thank you."

Chairman Peterjohn said, "Next item."

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F. GRANT APPLICATION TO UNITED STATES DEPARTMENT OF JUSTICE – BUREAU OF JUSTICE ASSISTANCE FOR A JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM.

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, “This is an application for a grant by the Bureau of Justice Assistance. The purpose of the grant is to have funding to plan and to implement a collaboration between COMCARE and Community Corrections to identify and serve youth with serious emotional disturbances who are involved in the juvenile justice system. The grant would add three full-time equivalents to COMCARE’s staffing table; a clinician and two case management specialists. The clinician would primarily assess youth in the Juvenile Detention Facility and develop the plan of care for that youth, present that plan to the juvenile court judge. The clinician, however, can also get referrals to assess youth who touch the juvenile justice system at anyplace in the system, which would include referrals from JIAC (Juvenile Intake and Assessment Center), court services, Juvenile Field Services, or as I said before, the Juvenile Detention Facility. Much like a mental health court model for juveniles, this involvement in the program would have an intense treatment component to it and an opportunity for more frequent contact with the judge that’s involved. The funding is for two years. Six months of that would be designated for planning purposes and 18 months for implementation of the program. And the program is anticipated to serve 60 youth each year. There is a 20 percent in-kind match that’s required by this grant, which is a portion of our Children’s Director’s salary, a portion of the salary of a program manager and a part of the salary of support staff who would be documenting the planning process and tracking data once the program is implemented.

“There were long and short-term goals for this. The long-term goal is to divert youth into treatment and away from escalating criminal involvement. Short-term goals for the two-year project, there are four of them. The first one is to develop a collaborative structure to guide the strategic collaborative planning process. Second is to establish a juvenile justice mental health program. Third is to reduce recidivism of youth with mental illness. And the fourth would be to create a substantial collaboration and mental health program. We are recommending that you approve the grant application, authorize the Chair to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application, and approve the establishment of budget authority at the time the grant award documents are executed. I have Jody Patterson, our Children’s [Services] Director, here with me who has been working closely on this if there are questions that I can’t address.”

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MOTION

Commissioner Norton moved to approve the grant application and authorize the Chair to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Unruh seconded the motion.

Chairman Peterjohn said, "We have a motion and a second. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Well I'm going to be supportive of the motion and I don't have specific questions. You did a good job of briefing us about this Agenda item. But I've been to a couple of Justice and Public Safety Conferences where a lot of the conversation, or at least some comments, were made that we need to just redirect our focus towards this category of folks, because this is where we can get return on our investment. That we can redirect these youths, keep them out of further involvement in the criminal system and it's really difficult to change those where we are putting so much money today. So as part of the reinvestment strategy on a national basis, folks involved in this are encouraged to make this kind of investment to keep folks out of the system, change their habits and attitudes now and so that they don't continue recycling in the future. So I do believe it is a good investment. I'm glad that we have some grant funding available to help us do it. And I notice that the grant application is due tomorrow."

Ms. Cook said, "Yes, it is."

Commissioner Unruh said, "So I assume you are ready to go?"

Ms. Cook said, "Yes, we are."

Commissioner Unruh said, "All right. Well that's all I had, Mr. Chair."

Chairman Peterjohn said, "Thank you. The only question I would add; is there a property tax component or a match on the local level required for this grant?"

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Ms. Cook said, “No. This is all grant funding positions. There is no general fund money involved in this.”

Chairman Peterjohn said, “Okay. Thank you very much. Seeing no further comments, please call the vote.”

VOTE

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

Ms. Cook said, “Thank you.”

Chairman Peterjohn said, “Next item.”

G. PRESENTATION OF 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

VISUAL PRESENTATION

Mr. Troy Bruun, Deputy Chief Financial Officer, greeted the Commissioners and said, “I’m going to present to you today the audited numbers from our financial statements of 2009. Once I get done with my brief 28 page report, Mark Dick, our auditor from Allen Gibbs & Houlik, will step up and give you the results of the audit. Chris Chronis usually stands up when he does presentations and says he doesn’t do any real work, he just gets to take the credit. I’m not going to quite go that far, but I would like to thank the people that did the real work on this report. There’s Anne Smarsh our Accounting Director, Marty Hughes our Revenue Manager, Ginger Radley our Accounting Manager, Sara Jantz; Cash and Investments, Pam Kelly our Internal Auditor and Accountants Brandi Baily and Daniela Rivas. Thank you.

“I am going to briefly talk about the public-sector challenge and then go through three different perspectives for analysis. Our near-term financing, which is the traditional governmental fund statements, which is similar to an individual’s checkbook, recording cash in, cash out, not recording assets like a citizen’s home or vehicle, the worth of those; and then I’ll switch to the financial position, which is the entity-wide full accrual accounting, which Sedgwick County began in 2002. That includes all of our assets, all of our debt associated with those assets, depreciation, similar to

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what a private company would do. Then half of the presentation will be in our long-term trends focusing on the stat section of our annual report.”

Mr. Bruun continued, “As you know, the primary goal of all public companies, or good ones, is to make a profit. Government also has an economic goal, but our main objective, or our principal objective, is societal. We provide service to citizens. We provide the services that companies can’t or won’t provide. That’s what we’re here to do. I’m going to start with the fund statements. This graph shows you the total fund balance of our governmental funds. In 2009, the total fund balance of all of those funds, this excludes the arena and excludes the Coliseum, the total fund balance was \$190.4 million. In the very first sliver of the graph, the green portion at the bottom, is our general fund; the main operating fund of the county. The fund balance went up \$2.4 million over 2008 and we ended the year with \$68.8 million.

“The next color up, the blue, is our federal and state assistance. Those are our grant funds. Fund balance increased there as well. I’ll skip debt service. That ended the year at \$12.2 million and focus on the debt proceeds fund. That’s where when we issue debt, we receive the money in and we put it in the fund, and as the construction progresses, we spend down those funds. So that fund balance will go up and down depending on the amount of money that we bond every year and the amount of money we spend on projects. Then the top layer is all other funds. We have 50 or 60 funds, and those are the smaller funds and their balances at the end of the year were \$46.7 million. Focusing just on the general fund, on the far right is 2009. The fund balance is split into three different categories. Reserved, which at the end of 2009 was \$6.4 million. That is money that we have, that we are legally restricted to spend a certain way. Most of that is encumbrances. We’ve already made a commitment, we’ve signed a contract, we’ve reserved those moneys for that. The next section is designated. It’s \$24.9 million. Most of that money is designated for the 2010 budget. You have made a decision on what to use the money for. You can change your mind, that’s why it’s not reserved, but you have made the decision, so it’s designated for that purpose, so we don’t want to spend it for anything else. In the top portion of the graph, the remaining general fund balance is \$37.5 million. That’s undesignated and unreserved at the end of 2009.

“Looking at general fund revenues, compared to 2008, overall general fund revenues went up \$2.4 million. The very top line, property taxes, increased \$6.5 million. Yes, you did lower the mill levy for 2009, but for the viewer’s benefit, there’s six different funds in the county that receive mill levy money, and during the budget process, we change how much mill levy money flows into each of those funds depending on the needs. In 2009, we actually increased the amount of property tax flowing into the general fund by 1.7 mills. That explains the \$6.5 million dollar increase in property tax revenue. Intergovernmental revenue went up \$1.4 million. You might question in a year where the state cut back payments to the county, how our intergovernmental revenue went up? That is an accounting change. In 2008, we recorded the state JJA (Juvenile Justice Authority) funds and

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charges for services. We switched that in 2009, so that's the reason why the increase in 2009 for intergovernmental and the decrease in charges for services."

"Use of money and property; down almost \$9 million. We spent our cash balance building the Intrust Bank Arena. Those moneys were no longer invested and the return on our investments decreased in 2009 over 2008. So combining those two factors, we earned \$8.9 million less in our investments. In the big spike in reimbursed expenditures, if you recall, in 2009, Cessna returned the \$5 million payment we made in 2008 for their Columbus jet project, so that money was receded into reimbursed expenditures explaining the increase in that one. So once again, overall, the general fund received \$2.4 million more in 2009 than in 2008.

"Expenditures; Public Safety up \$4.7 million in 2009. It's not just one area of Public Safety. Our detention, adult detention was up \$900,000. The Sheriff judicial section was up \$300,000. Our out-of-county housing was up \$1.4 million over 2008. Medical services for inmates up about \$400,000. The Offender Registration Unit cost an additional \$90,000 in 2009. Our 911 Emergency Communications Center costs were up \$300,000. The District Attorney's trial costs were up half a million dollars. Judge Riddel Boys Ranch; costs were up \$130,000. The Juvenile Detention Facility were up \$375,000. So it's not just one area in Public Safety; the whole Public Safety function was up across the board. And the other notable change on this slide, economic development down \$5.2 million. We made our payment to Cessna in 2008. We did not make it in 2009.

"Now looking over the last five years, just charting revenues versus expenditures, revenues each year are typically about \$20 million more than expenditures in the general fund. The reason why our fund balance doesn't jump by \$20 million a year is because we have transfers out of the general fund. We receive all of our sales tax money in the general fund. Half of that goes to the Sales Tax Road and Bridge Fund for Public Works, so there's \$11 or \$12 million that we're taking out of there. We also have other year end transfers to fund some of our cash funded capital projects.

"Now, switching from the near-term, or checkbook, way of accounting, we're going to entity-wide. This is full accrual. We have all of our assets, and debt and we record depreciation. Similar to what a private company would do. On the left-hand side of this chart, or this slide, is a bar chart which shows total assets of Sedgwick County; net assets. We've taken out all the debt we owe, we've also subtracted off depreciation on our assets. What this bar graph shows you is the net worth of the county has increased every year from 2005. Actually, it's increased every year since we started recording this way since 2002, except, I believe, in 2003 there was a slight dip. In 2009, the invested in capital assets net of debt and depreciation was \$423.4 million. That includes the new Intrust Bank Arena. That's one reason why the green part grew so much in 2009. The next section is restricted. Our restricted net assets at the end of '09 was \$150.9 million. The pie chart to the right shows you the different categories of all those restrictions. Most of it is for capital improvements,

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some is debt service. And we've also restricted our grant funds, which was \$29.9 million. You can see the other smaller restrictions."

Mr. Bruun continued, "The very top of the bar, the \$ 84.3 million; that is unrestricted net assets. Those are the assets we can use to pay our creditors as we move into 2010. This comes from our statement of net assets on the entity-wide. It shows each different function of government. The total height of each bar is the total amount of expenses for that function of government. The green portion is the amount of program revenue. Let's say COMCARE in the Health and Welfare gets a grant from the state. That would be program revenue. That would be in the green portion. The blue portion of each bar is each function of government's reliance on general revenues of the county. General revenues of the county are our property tax, sales tax and investment income. As you can see, no function of government pays for itself. Public Safety...and I should mention the percentages above each bar is the percent of the expenses that are covered by general revenue. So, in other words, in Public Safety, spent nearly \$137 million in 2009; 71.2 percent of that came from general revenues of the county. Public Works, 71.3 percent of Public Works came from general revenues. Health and Welfare came the closest. Theirs were 14.7 percent dependent on general revenues. You can see the other functions.

"That was mainly review. I gave you most of that information a couple of months ago when I did the fourth quarter presentation. Now I'd like to focus on the stat section of our report which we never really spend much time on, but since the first part of this presentation was basically review, I thought there's a lot of good information in the back and I just pulled out information off of some of the charts and I'd like to share it with you. This is another way of showing, earlier when I showed the net assets of the county; this is the net assets or the net worth of Sedgwick County. I tried to not put many numbers on this just to give you the picture. The green portion is general government. That's traditional governmental functions. The blue portion is our business type activities. As you can see, both parts of Sedgwick County's net assets are increasing. So the financial position of both pieces are getting better. And some watching may ask, what is the large spike in the blue? Well, this is new for a Finance presentation, but we have pictures. This is the Intrust Bank Arena. That makes up the blue portion of that graph.

"On page G-3 of our stat section, looking at expenses, this is full accrual based. Interesting, the green line on this graph is general government. This is the administration. This is County Manager's Office, the county Legal, County Clerk, Register of Deeds, Finance, HR, Commission Office. Actually, in 2009, the amount of expenses were lower than in 2002, so basically flat across all of those eight years. The red line is Public Safety. In 2002, slightly over \$80 million. And in 2009, it was closer to \$137 million. Now, Public Safety, you know this, but maybe the people listening don't. Public Safety includes Emergency Communications, the 911. It includes EMS, Emergency Management, the Fire District, the Forensic Science Center, our Corrections, which

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doesn't mean Adult Detention, it means juvenile, the Corrections program, the Sheriff's Office, the District Attorney and the District Court. So that's all included in Public Safety."

"In the blue is all other functions of government. It kind of goes up and down depending on the year. It is also trending up. That includes Public Works, Health and Welfare, Culture and Rec [Recreation], Economic Development, interest on our long-term debt and also operations of our business type, which is the Kansas Coliseum. From that same page in the statistical section, pages 3 and 4, looking at revenue. The green line is program revenue. Again, that is all the revenue that I can assign to a specific function. It's all revenue except property tax, sales tax and investment income. So program revenue in 2002 was higher than property tax revenue. In 2009, it was nearly \$18 million lower than property tax revenue. So property tax revenue has been growing at a much faster rate than our program revenue. Property tax per year, on the average over the last eight years, increases 6.4 percent and the average increase for program revenue was 3.6 [percent]. So because I'm an accountant and I like to look at numbers, I graphed the property tax growth versus the Public Safety expense growth. The Public Safety expenses grew at an annual rate of 8 percent over those eight years while property taxes increased 6.4 percent.

"Turning to page G-10 in the stat section, this is the property tax collection rates for the first year the property tax was levied. So for 1999 was levied for the year 2000. And 2008 was levied for the year 2009. So in the first year when people got their property tax bills, did they pay them? In the year 2000, it was just under 96.8 percent in first year payment. In 2009, the first year payment was slightly less than 96 percent. This chart amplifies the difference. If I had a 0 to a 100 percent, it would be basically a straight line. But that 0.8 percent difference in first year payments, when I applied the 1999, or the year 2000 payment rate to the 2008 levy, it was a reduction \$1,031,000. So that 0.8 percent reduction in first year payments ended up to being \$1 million less in property tax in 2009. That will be delinquent, it will be collected eventually, but the first year payments are down. It is the lowest first year payment since, well, over the last 10 years.

"Now I'm going to switch to operating indicators. Public Safety, in 2009, the 911 Communications Center received on average 1,270 calls per day. Our EMS ambulances responded to on average 136 calls per day. Health and Welfare, our community has 11,934 mental health clients. We have 2,285 citizens eligible for community developmental disability services. The reason I'm telling you this is, I went through the numbers, and I like to show people what are they getting for their money. These are the kinds of services we're providing. The Health Department, in 2009, gave 27,327 immunizations. Sedgwick County Zoo had an attendance of almost 655,000 people. Sedgwick County is building the National Center for Aviation Training, which will train tomorrow's aircraft workers today. They're investing in economic development. Public Works, they improved 61 miles of road in 2009 and they maintained 617 miles of road. I know this is a bridge, but this is my first year using pictures."

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Mr. Bruun continued, "In General Government, Sedgwick County has 252,000 registered voters. We have 217,000 real estate parcels. The Register of Deeds processed 83,406 documents. Finance, well Sara, invested on average each month \$378 million. And our Purchasing Department received five bids for every purchase they made in 2009, on average. So at first I walked through the short-term, or the near-term, financing focus which is basically like a checkbook. Does Sedgwick County have enough money to pay its bills? And yes, yes we do. Our near-term focus is excellent. Then I went over the financial position and I showed you that the county's financial position improved dramatically over the last five years. Then in the stat section, the information I pulled out shows that Sedgwick County is dependent on property tax revenue to fund our increases in Public Safety. I'd be happy to answer any questions, or staff would be happy to help me answer the questions, or Mark Dick will come up and give you the results of the audit."

Chairman Peterjohn said, "We've got several lights up here. Questions for Mr. Bruun? Commissioner Welshimer."

Commissioner Welshimer said, "Well I'm interested in the...we rolled the property tax back a mill and a half, and that one mill was rolled back in, wasn't that rolled back, didn't that affect '09? And the half mill affect this year?"

Mr. Bruun said, "On page G-8 in the stat section, which is where I'm going to turn, it gives all the county's mill levies of the last 10 years and it tells you how much the mill levy was in each fund. In 2007, for 2008 the mill levy rolled back one mill..."

Commissioner Welshimer said, "I know."

Mr. Bruun said, "...which would have impacted 2009."

Commissioner Welshimer said, "But we still had a remarkable ending balance. In other words, we did very well in spite of rolling the mill levy back one and a half mills."

Mr. Bruun said, "We rolled the entire mill levy back. The amount of mill levy property tax going into the general fund actually went up."

Commissioner Welshimer said, "I understand that."

Mr. Bruun said, "Okay. But yes, overall the county has done well."

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Commissioner Welshimer said, "Yeah. But it would have been more tax that we've taken from the taxpayers had we not done that, even though the property values went up last year, so I just want to make a point that we didn't harm ourselves irreparably in taking the mill levy rollback."

Mr. Bruun said, "I just account for the numbers."

Commissioner Welshimer said, "Thank you."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "If you go back to slide five, please. I appreciate you numbering the pages; that always helps. On the other, even though that's other, it's the second largest number up there. Just for the general public, can you kind of review and tell us some of those things that might be in that other category please, or staff, if you need to ask somebody from staff on that."

Mr. Bruun said, "Capital project funds..."

Commissioner Parks said, "Okay."

Mr. Bruun said, "...take up most of that..."

Commissioner Parks said, "Okay."

Mr. Bruun said, "...The EMS fund is a small fund by itself. COMCARE has a nongrant fund. So we have a bunch of smaller funds."

Commissioner Parks said, "Okay. Thank you. Then on chart seven, you alluded to some interest on this, now the interest off of the IBA [Intrust Bank Arena] did go into this account, back into general fund, did it not?"

Mr. Bruun said, "Yes."

Commissioner Parks said, "Okay. And then on, well I had slide 12, I think, explain that a little bit also about the DA's (District Attorney's) Office being in the Public Safety, but I just wanted to make sure that that was on record, also. Then I don't know why I wrote down slide 19, but if you go there, I'm sure I could figure that out. I think Commissioner Welshimer asked and answered that question. Thank you."

Mr. Bruun said, "Okay."

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Chairman Peterjohn said, “Mr. Bruun, if you can go to slide 11. And while you’re doing that, I’m going to just make a comment to the staff from the Finance Department and Mr. Chronis, because I appreciate the hard work and I’ve already been making some notations of my own, in terms of the effort that went into producing this document. And I’d be remiss if I didn’t mention that when I first, after I had become elected as a Commissioner, this was literally the first county document, or I should say the predecessor document that existed at that time, that I had requested to get an understanding of how the county budget was situated. My question for you, Mr. Bruun, on this slide, you said that no depreciation was included on this, and I was curious if depreciation had been included how these numbers would change in general, and in particular, when we say capital improvements, if we added depreciation, how much that capital improvement section would shrink?”

Mr. Bruun said, “I may have mentioned that softly. Depreciation is included in this. It’s net of debt and depreciation.”

Chairman Peterjohn said, “Oh that is there, because...”

Mr. Bruun said, “Yes. The slide doesn’t say depreciation, I kind of ran out of room.”

Chairman Peterjohn said, “I thought you said it was without the...”

Mr. Bruun said, “It is included.”

Chairman Peterjohn said, “Okay. Very much appreciate that. That’s all I had. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Troy, I just wanted to have you put up the slide six again. And just to make it clear, at least my understanding is that what appears to be generous fund balances is what is going to fund our long-range financial plan and the deficit spending that we expect in the next few years?”

Mr. Bruun said, “True. Our financial plan actually calls for our fund balance to be almost exhausted in the planning horizon. So, yes, the amount of fund balance we have now is definitely going to fund our services that the community relies on in times like this. It will help us ride through that. And without any changes it will be exhausted.”

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Commissioner Unruh said, "All right, well thank you. We just, at a point in time look, it looks like at a point in time appearances that we just have a lot of money, but we have plans for that in the future."

Mr. Bruun said, "Yes, sir."

Commissioner Unruh said, "All right. Second is on slide number 20. That shows a comparison between property tax revenue and Public Safety expenses. I recall when we were being briefed on this, and I was with Commissioner Welshimer, and she pointed out what the future part of this slide is that if the property taxes level off or decline as we anticipate, then those Public Safety expenses are going to exceed our property tax revenue."

Mr. Bruun said, "Yeah. For 2010 the budgeted property tax is lower than the actual 2009. So the property tax bar will head the other way."

Commissioner Unruh said, "All right. Well, I hope that in our...I know our fund balance is going to help fund that disparity in the near-term future, and so we are hopeful that beyond that planning horizon that we can correct ourselves, because none of us are going to be supportive of deficit spending indefinitely. That's my only comment. Thank you."

Chairman Peterjohn said, "Thank you. And I'd like to segue off that question and comment, because one of my concerns has been that we might be in a situation that it was a lot easier when property tax revenues are growing an average of 6.4 percent a year, they actually decline, we've got, even if they grow at a very low rate, we have challenges. If they go negative, that challenge expands. Can you be more specific, in terms of how much of a decrease you're budgeting or anticipating at this point?"

Mr. Bruun said, "Well now you're switching departments. Budget, I'm not sure exactly what the percent is. I don't know if Chris knows that off the top of his head."

Chairman Peterjohn said, "Okay."

Mr. Bruun said, "I can certainly send you that information."

Chairman Peterjohn said, "I'm sure we'll have future discussions about that point. Further questions or comments for Mr. Bruun?"

MOTION

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Chairman Peterjohn moved to receive and file.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Peterjohn said, “I’m going to have us recess for five minutes and give everybody, take a break.”

The Board of County Commissioners recessed at 10:57 a.m. and returned at 11:04 a.m.

Chairman Peterjohn said, “I call this meeting back to order and am now going to recognize Mr. Mark Dick from the auditing perspective.”

Mr. Mark Dick, Allen Gibbs & Houlik, greeted the Commissioners and said, “Pleased to be here to report to you the results of the audit of the financial statements that Mr. Bruun just summarized for you. We completed our audit in late March and issued our opinion on your annual financial statements. That opinion was an unqualified opinion, which is the highest level that you can receive, so that part of the audit went very smoothly. In addition to that, we have provided to the Commission a two page letter which summarizes what we call required communication under the auditing standards. And it’s quite a bit of technical auditing issues, like the accounting practices you follow, were there any significant, unusual transactions, that type of thing. I know your time is very valuable. You’ve had this letter, and rather than step through it point by point, I just want to step back and maybe summarize it by answering three basic questions that I think you, as a governing body, have about a financial and compliance audit.”

“The first question really is, are the financial statements that Mr. Chronis and his staff prepare and provide to you, are they fairly stated in accordance with generally accepted accounting principles (GAAP) and can you rely on those numbers? And based upon our audit procedures, the answer to

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that question is yes. The statements are fairly stated in accordance with GAAP and you can rely on them. The second question, which I think is of equal importance, is does the county have adequate internal controls over the financial operations of the county, and then more importantly, do those controls really work and prevent material misstatements? The answer to that is yes. Based upon our understanding of your internal controls and the tests we performed during the audit, we did not notice any significant deficiencies or material weaknesses in your control systems. So that's very positive. Then last but not least, and government's a little bit different than private industry here, because you have a lot of finance related laws and regulations that you must follow; things like the Cash Basis Law and the Budget Law, and were your deposits adequately secured in financial institutions? So one of the basic questions is, did the county comply with finance related laws that could have a material adverse affect on the statements if you did not? And again, based upon our testing of both the local laws, and the federal laws, state laws, we did not detect any noncompliance that would have a material impact on your financial statements. So in summary, those are the three key areas. The answer to each one of those is affirmative, which is very positive, and I think it reflects very well on the professionalism and the skills of Mr. Chronis and the Finance staff. With that, I'd be happy to respond to any questions you might have."

Chairman Peterjohn said, "Thank you. Questions or comments? I'm going to begin by asking you, when you were sampling some of the accounts at the county level, can you give us an idea, in terms of how many accounts you looked at and what sort of dollar volume was involved?"

Mr. Dick said, "Oh, certainly. And that will vary because we put in between 1,500 and 2,000 hours of audit work, so we've got a lot of samples of various things. But typically, we use a statistical sampling approach that the accounting profession embraces. And a typical size is 60 items. So as an example, we will sample your payroll, and we will just at random pull 60 payroll transactions and check them in detail for compliance. And under statistical sampling, the profession is very satisfied that 60 would be representative of the population."

Chairman Peterjohn said, "Would it be a similar number for accounts payable?"

Mr. Dick said, "Yes. And other items, to give you an idea here of how we approach that, Mr. Chairman, other items, like on the revenue side, we'll sample ad valorem taxes as an example or individual bills. But a lot of the money coming from the state, the state shared revenues, we don't have to sample those. We can just confirm with the state that yes, indeed, you received 100 percent of what you should have."

Chairman Peterjohn said, "Seeing no further questions or comments, I very much appreciate having this audit information and I think that also reflects very well on our Finance staff, so I want to thank you, Mr. Dick, as well as the Finance staff for this presentation."

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Mr. Dick said, "Thank you."

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

H. RESOLUTION CREATING A BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING ROAD IMPROVEMENTS THEREIN (CEDAR HILLS ESTATES).

VISUAL PRESENTATION

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, greeted the Commissioners and said, "Also here is Jim Weber from Public Works to address any questions you may have about the project before you. For your consideration this morning is a resolution creating a road benefit district and authorizing improvements in an area called Cedar Hills Estates. The map before you depicts the area of the county where this is located, basically north and west of the intersection of Maple and 151st Street West. The county has received a petition signed by 100 percent of the owners of property within the proposed district which consists of six lots of residential, about two acres in size on average, to construct the road improvements therein. Public Works has prepared an estimate of cost of approximately \$192,000 to construct these improvements and make associated payment to the county for the costs associated with this project. That averages out about \$32,000 per lot or about \$3,000 per year over a 15 year period at an assumed rate of 5 percent. We find the proceedings to be in order and prepared the resolution for your consideration. I'd be happy to address any questions that you may have about this project."

Chairman Peterjohn said, "Thank you. Any questions or comments for Mr. Norton?"

MOTION

Commissioner Norton moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

Chairman Peterjohn said, "We have a motion and a second. Commissioner Unruh."

Commissioner Unruh said, "Thank you. Mr. Norton, is the annual assessment per lot, is that higher than most of these?"

Mr. Norton said, "It is higher than the typical residential size community project you've seen in the past. We're talking about a third acre lots and so forth. These are much larger tracts."

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Commissioner Unruh said, "Okay."

Mr. Norton said, "It also includes some arterial road pavement requirements that the county has imposed; 151st Street is not paved. They're making a deposit on that to satisfy the requirements of that program you adopted a few years ago. So it's a little bit higher than normal, but based on the size of the lots, which are probably three and four times the size of a typical city or residential type lot you usually address."

Commissioner Unruh said, "All right. But it's 100 percent approved by the residents?"

Mr. Norton said, "That is correct."

Commissioner Unruh said, "Thank you. That's all I have."

Chairman Peterjohn said, "Thank you. Seeing no further comments or questions, please call the vote."

VOTE

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

Mr. Norton said, "Thank you."

Chairman Peterjohn said, "Next item. Commissioner Norton."

Commissioner Norton said, "If I could, Mr. Chairman, on the Item G, and I didn't speak up in time, we voted to receive and file the annual financial report but we never received and filed the audit. I don't know if we need to do that, but I wanted to be sure we didn't get through the day without putting that on public record and receiving and filing the actual audit, because he delivered that after the other motion."

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Ms. Jennifer Magana, Assistant County Counselor, greeted the Commissioners and said, “The motion was for the prior presentation so I think it would be appropriate to make a secondary motion.”

Chairman Peterjohn said, “Well I appreciate getting that clarification. Okay.”

MOTION

Commissioner Norton moved to receive and file the annual audit from Allen Gibbs & Houlik.

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, “Thank you. And, Commissioner Norton, I appreciate the clarification. I thought that with the motion, we covered the whole shebang by accident and I hadn’t meant to cut off Mr. Dick’s presentation, but I knew there was some discomfort and some need for a break, so I’m sorry we got that turned around. Next item.”

I. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON APRIL 1, 2010.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, “The meeting of April 1st results in eight items for consideration today. First item;

1. MICROPRISMATIC LENS RETROREFLECTIVE SIGN SHEETING – PUBLIC WORKS

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FUNDING – TRAFFIC

“Recommendation is to accept the overall low bid from Osburn Associates, Inc. in the amount of \$5,074.50 and establish contract pricing for one year with two one-year options to renew. Item 2;

- 2. A/E SERVICES to CONSTRUCT SHERIFF’S OFFICE SQUAD ROOM – FACILITIES DEPARTMENT
FUNDING – SHERIFF’S SQUAD ROOM – DESIGN**

“That recommendation is to accept the low proposal from Schaefer Johnson Cox Frey Architecture in the amount of \$51,500. Item 3;

- 3. CONSTRUCT FIRE STATION #35 – FACILITIES DEPARTMENT
FUNDING – RELOCATE FIRE STATION #35 (from 247th W)**

“I’m going to change the recommendation and defer this item back to Bid Board for further review. Item 4;

- 4. COURTROOM AUDIO/VISUAL/TECHNICAL UPGRADES for SEDGWICK COUNTY COURTHOUSE 525 N. MAIN – FACILITIES DEPARTMENT
FUNDING – UPGRADE COURTROOM AUDIO VISUAL/ADA COMPLIANCE – 2010 (HIGH)**

“Recommendation is to accept the bid from Pinnacle Builders, Inc. for courtroom audio/visual/technical upgrades, including alternates 1, 2 and 4, and for ADA courtroom upgrades, including alternates 1 and 2, for a total negotiated cost of \$958,297. Item 5;

- 5. CONTRACTING SERVICES FOR THE RADIO COMMUNICATIONS SYSTEM UPGRADE – EMERGENCY COMMUNICATIONS/DIO
FUNDING – EMERGENCY COMMUNICATIONS**

“Recommendation is to accept the proposal from TUSA Consulting Services for costs of \$122,400 and establish contract pricing for additional consulting hours. Item 6;

- 6. QUARTERLY RCS SUPPORT RENEWAL – DIVISION OF INFORMATION AND OPERATIONS
FUNDING – TAX SYSTEM MAINTENANCE**

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“Recommendation is to accept the quote from PCI in the amount of \$18,083.89. Item 7;

7. FILENET ANNUAL SUPPORT RENEWAL – DISTRICT COURT FUNDING – COURT TECHNOLOGY / COURT TRUSTEE CASES IV-D / COURT TRUSTEE NON IV

“That recommendation is to accept the quote from International Business Machines, Inc. in the amount of \$48,210. And Item 8;

8. SELF PROPELLED RIDING LAWNMOWER – FLEET MANAGEMENT FUNDING – FLEET MANAGEMENT

“Recommendation is to accept the low bid from Hale’s Sales & Service for an amount of \$36,853 and establish contract pricing for parts and labors for three years. Be happy to answer any questions and I recommend approval of these items.”

Chairman Peterjohn said, “Questions and comments? Commissioner Parks.”

Commissioner Parks said, “On the services for the architecture for a new squad room, had there ever been any consideration for placing this in the ‘Heartland [Defense] Training] Center as previously stated; the consolidation efforts and everything? I didn’t know if that was ever, and that may be more of a Mr. Lamkey question.”

Mr. Robert Lamkey, Director, Public Safety, greeted the Commissioners and said, “Good day. If my recollection in the ancient past that there was some small discussion about this. But this is essentially the places where the Sheriff’s guys do their shift change, and one of the advantages of being where it is, is it’s close to the county gas station so they can refuel and do those kinds of things. And so this is a central location for them. The other thing that has emerged is that the Heartland Center site got very crowded. So quite frankly, I think it would be difficult to accommodate this need there, so this is the best location from the discussions that I’ve had historically with the Sheriff for this operation.”

Commissioner Parks said, “Thank you for that explanation.”

Chairman Peterjohn said, “Commissioner Norton.”

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Commissioner Norton said, "Iris, discuss Item 3. You said you wanted to defer that. Discuss that a little further."

Ms. Baker said, "I'm deferring it back to Bid Board. We had an issue early this week, late in the day on Monday, where one of the subcontractors for the low bidder has complained that he is listed as a subcontractor, but that's not who the low bidder was intending to use. And we've had a conversation with the low bidder, and we're now looking at the legalities of going forward with that recommendation. So once that research is completed, then we'll take it back to Bid Board and then back to you again."

Commissioner Norton said, "Okay. It's interesting that there's 16 bidders on that. That's a pretty healthy bid list."

Ms. Baker said, "And the bids were very, very competitive as well."

Chairman Peterjohn said, "I'd agree with that assessment, Commissioner Norton. Further questions and comments on the Bid Board items? What is the will of the body?"

MOTION

Chairman Peterjohn moved to approve the revised recommendations of the Board of Bids and Contracts, including the change from the Agenda on Item 3.

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

Ms. Baker said, "Thank you."

Chairman Peterjohn said, "Next item."

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J. CONSENT AGENDA

- 1. Range Reallocations.**
- 2. One (1) Right of Way Easement for Sedgwick County Project 636-13-4570; Bridge project on 71st Street South between 199th & 215th Streets West. CIP# B-439. District 3.**
- 3. One (1) Right of Way Easement and One (1) Permanent Drainage Easement for Sedgwick County Project 636-7-4560; Bridge project on 71st Street South between 295th & 311th Streets West. CIP# B-438. District 3.**
- 4. One (1) Right of Way Easement and One (1) Temporary Construction Easement for Sedgwick County Project 803-s ½ Q thru U: 135th Street West from US-54 to K-42. CIP# R-303. District 3.**
- 5. General Bill Check Register of March 24, 2010 – March 30, 2010.**
- 6. Order to correct tax roll for change of assessment dated March 24, 2010.**

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

MOTION

Commissioner Unruh moved to approve the Consent Agenda.

Commissioner Norton seconded the motion.

Chairman Peterjohn said, “We have a motion and a second. Seeing...Commissioner Parks.”

Commissioner Parks said, “I did want to make it known to the public that we do have some range reallocations and I believe that all of us, all the Commissioners, were briefed by HR on this. I am satisfied that it’s not merely an adjustment in salaries; that their job descriptions have changed, and I just wanted to make that public. Thank you.”

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Chairman Peterjohn said, “Further comment and discussion on the Consent Agenda? We have a motion. Please call the vote.”

VOTE

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

Chairman Peterjohn said, “Next item.”

K. OTHER

Chairman Peterjohn said, “Commissioner Parks.”

Commissioner Parks said, “Well I know we didn’t have a proclamation or anything, but there was a historic announcement for a community retirement this week. Johnny Western, who has provided us over 50 years worth of entertainment in the area, is retiring and moving out of the area from KFTI, and would certainly wish him well and thank him for his contribution to Wichita and Kansas. A couple of times I’ve been out of state and said that I was from Kansas, and then from the Wichita area, and people, especially in the entertainment business, say, oh, do you know Johnny Western? So that was something that is connected back to here and he’s kind of an icon for the area. And just like to publicly congratulate him on that.”

Commissioner Parks continued, “Second thing I have is Saturday, October 24th, or October...April 24th at 9:30 in the morning, law enforcement, and farmers and farm related people will have an opportunity to go to an emergency personnel and farmers training seminar. It’s the 25th year it’s been held. It’s great. If you’re out there, and you’re listening and you’re a law enforcement agency, get in contact with Farm Bureau or contact me for further information. But the Sedgwick County Extension is working with the Farm Bureau and our EMS, Fire Department, Sheriff’s Department, Highway Patrol and EagleMed to put on another great safety program, and I just can’t say how much that this helps both sides that the farming community and the Public Safety to interact and have this program. Once again, that’s April 24th in the morning, not to be confused with the evening events in Manhattan, Kansas. Thank you.”

Chairman Peterjohn said, “Do you have a location?”

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Commissioner Parks said, “The location is very detailed. I will try to give that information next week, and I didn’t want to steal too much of your thunder since it is in your district.”

Chairman Peterjohn said, “Okay. Well, we do have a little time between now and then. Commissioner Welshimer.”

Commissioner Welshimer said, “Well, another sad thing this week, we lost John Bell, used to be with the Security [Abstract &] Title, and he was our first Windwagon Smith. And he’ll be greatly missed in this community. The other thing, I want to make a comment on the reports we got from our Division of Finance. I think our staff does a great job, and they’ve obviously done very well with reporting processes and so on, but they work with what we give them to work with. And I think it’s our responsibility to also report on our policies and what we’re doing to create new revenue, which would include whatever it is we can do to create new jobs in this community, and new projects that will bring in new revenue, as well as reduce our costs, which we’ve been working on for quite a while now on our jail population reduction, and I think the report, I think we should have a report that follows any financial report like this so that we show that we are actively working for the people as well.”

Chairman Peterjohn said, “Thank you. I’m going to...I have several items to throw out, some on the challenging front. I hope everyone who is watching us is aware that the District Court will be closed this Friday and the next three Fridays; the 16th and the 23rd of April. That’s because of ongoing state fiscal problems impacting the court system. On a more pleasant and positive note, tomorrow, it was mentioned earlier, there will be an appreciation for all the volunteers who helped this community on the H1N1, and I think that’s extremely worthwhile and I urge, particularly those folks who participated, to get out and attend.”

“We also had a discussion about the April 17th Suicide Prevention [Link 4 Life] Run that’s going to be held out at the Sedgwick County Zoo, and several members of my family, including myself, will be participating and so if any of you want to try and take on a chronologically gifted County Commissioner in a 5k, here’s your opportunity. I’m going to be putting on my running shoes and doing the best I can at the 5k race, which will start early that morning. In fact, I think it’s around 7:45 a.m. The races for the children will be a little later on in the day, and they’ll be shorter distances and I hope there’s a good turnout from the students. There has been in the past. It’s a great event, great sponsorship and it’s really a good time for everyone. Seeing no further lights on here under ‘other,’ I’m going to make a motion that we adjourn.”

MOTION

Chairman Peterjohn moved to adjourn.

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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're adjourned."

L. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:27 a.m.

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

KARL PETERJOHN, Chairman
Third District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

April 21, 2010