

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 23, 2010

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:06 a.m. on Wednesday, June 23, 2010, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Karl Peterjohn, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Kelly Parks; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Tim Millsbaugh, Fire Marshal, Fire District #1; Mr. Mike Mueller, Assistant Director, Human Resources; Mr. James Unruh, Purchasing Technician, Purchasing; Mr. Lyle Webster, Lieutenant, Emergency Medical Services; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Glen Wiltse, Director, Code Enforcement; Ms. Anne Jacobson, Intern, County Manager's Office; Ms. Irene Hart, Director, Community Development; Ms. Ellen M. House, Court Administrator, 18th Judicial District Court; Judge James Fleetwood, 18th Judicial District Court; Mr. Larry Ternes, Youth Services Administrator, Corrections; Mr. David Miller, Budget Director, Finance; Ms. Marilyn Cook, Executive Director, COMCARE; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Ms. CJ Cross, Vice President, DEA Entertainment Group
Mr. Nick Ard, Chairman, Chisholm Trail Development Committee
Mr. Ken Vandruff, Director of Communications, Go Wichita

INVOCATION

Observed by a moment of silence.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES

Regular Meeting June 2, 2010
All Commissioners were present

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CONSIDERATION OF MINUTES

Regular Meeting June 9, 2010
Commissioner Parks was absent

MOTION

Commissioner Welshimer moved to accept the Minutes as read for the regular meetings of June 2, 2010, and June 9, 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."

PROCLAMATIONS

A. PROCLAMATION DECLARING SUPPORT FOR FIREWORKS SAFETY EDUCATION.

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

PROCLAMATION

WHEREAS; Sedgwick County Fire District #1 is committed to ensuring the safety and security of all citizens living in and visiting Sedgwick County; and

WHEREAS; fire is a serious public safety concern both locally and nationally; and

WHEREAS; fireworks contribute significantly to fires that cause property damage and loss, personal injury, and even death when misused; and

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WHEREAS; for the past 30 years, fireworks were banned in the unincorporated areas of Sedgwick County; and

WHEREAS; after changes in the law, residents may now legally possess and shoot fireworks in unincorporated Sedgwick County; and

WHEREAS; it is imperative that increased fireworks safety education accompany this change.

NOW, THEREFORE, BE IT RESOLVED, that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby support

‘Fireworks Safety Education’

in Sedgwick County and encourages citizens to seek opportunities to learn about the dangers of fireworks and how to safely celebrate Independence Day with them.

Ms. Zukovich said, “And it is dated June 23rd, and signed by our Chairman, Karl Peterjohn.”

MOTION

Commissioner Parks moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Ms. Zukovich said, “Commissioners, we do have Chief Tim Millspaugh here from our Sedgwick County Fire District to accept the proclamation and tell you a little bit more.”

Chairman Peterjohn said, “Morning, Chief.”

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VISUAL PRESENTATION

Mr. Tim Millspaugh, Fire Marshal, Fire District #1, greeted the Commissioners and said, “Good morning, Mr. Chairman, Commissioners. I’m honored and a little bit ashamed at the same time that I got bumped ahead of my old, old friend Lyle Webster here for his retirement. Back in 1979, I was stationed with him out at 401 South Tyler at the old fire station out there; fire station/EMS (Emergency Medical Services) post, and about four of these other guys, too. There is a lot of older emergency workers here today; older, not old. Anyways, this brings back a lot of memories seeing all these guys together. Again, we’re allowing fireworks for the first time in 30 years in unincorporated Sedgwick County. You know, we’ve been through the ringer for the last 12 months over this whole deal, going back and forth, listening to the public. I’ve got a short presentation for you. What’s new this year, what’s legal and where, when are they legal, how can I protect my family from injury with fireworks and how can I protect my home from damage?”

“And I do want to announce that on Thursday we are going to have a press conference at Station 32 up in Park City, and we’re going to do some demonstrations on what fireworks can do to the human body if they are not handled properly. And I think that’s already been sent out by Amanda, so I think the media has all been put in touch with that. So we’re going to do some demonstrations on what fireworks do if they’re used improperly. What is new? Fireworks will be allowed to be possessed and discharged in unincorporated Sedgwick County this year. Fireworks will be allowed to be sold, and possessed and discharged in Bel Aire this year. Those are both new. In unincorporated Sedgwick County, we do not allow for the sales at this time. What is legal? It depends on where you live or where you plan to shoot. In most areas, fireworks that are legal are those allowed by the State of Kansas. Generally, no rockets on a stick in Kansas: bottle rockets, M80s, silver salutes, or similar type devices, okay? That’s what’s not allowed by the State of Kansas. Typically, what you find at a retail location in Sedgwick County should be legal by State of Kansas law. However, we will be doing inspections each and every day in our retail locations to make sure nothing gets slipped in. Typically we have never had a problem with this in the retail locations. It’s too risky to try this. In most of the cities in Sedgwick County, fireworks are legal, but you need to check with your local city just to be sure what is legal, when it’s legal and where it’s legal, because everybody has different times, different types of fireworks that are legal.”

Mr. Millspaugh continued, “We’re going to talk specifically about Wichita, since they do have a little bit of a different rule. The fireworks that you buy from a retailer in Wichita will be legal in Wichita. Anything that goes horizontal or vertical over six feet is not legal in Wichita. They test all of these fireworks prior to allowing the retailers on the street, and they tell them what they can sell and what they cannot sell. Anything that produces flaming balls is not legal in Wichita. And much of what you buy outside of Wichita will not be legal in Wichita; some of it could be, but a lot of it will not be legal in Wichita. The what’s legal and where map that GIS (Geographic Information

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Systems) put together for me. This looks different than it has in the past years, used to be a lot of red on there for not legal. You see the green area, that's the unincorporated areas of Sedgwick County where fireworks are permitted July 1st through the 5th. City of Wichita highlighted in yellow. You have to abide by their rules, their particular rules on fireworks. And then all of our smaller cities in white, in most of those areas fireworks are legal. But once again, check with each of those individual cities, because they can change from year to year.

“When are they legal? State of Kansas allows fireworks to be sold beginning on June 27th, which will be this Sunday, and ending July 5th. Fireworks may be discharged in unincorporated Sedgwick County beginning on July 1st and ending on July 5th, because this year July 5th is the federal holiday on Monday. If you live within any of the cities in Sedgwick County, check with your city, once again, on discharge dates and times. Shooting times; fireworks may be discharged, specifically in the unincorporated areas, between 8:00 a.m. and midnight on July 1st, 2nd, 3rd, 4th and 5th. Other rules; fireworks are allowed on private or residential property in unincorporated Sedgwick County.

“General rules that our state laws, as well, fireworks shall not be discharged within 1,000 feet of any hospital, sanitarium, infirmary, retirement or nursing home, wildlife preserves, parks or zoos. Fireworks shall not be thrown or placed onto or under a vehicle, motorcycle or other means of transportation, and should not be discharged within 100 feet of any facility where fireworks are stored. Those last two are fairly much common sense. Don't throw fireworks at people. Some tips on fireworks safety. National statistics, in 2008, that's the latest data that we have from the CPSC (Consumer Product Safety Commission), 7,000 fireworks injuries were treated in the United States (US) emergency room departments in the hospitals. Children under 15 accounted for 40 percent of the total fireworks injuries. The body parts injured mostly, hands and fingers, obviously, because that's what they're dealing with the fireworks with; 1,400 injuries, eye injuries, which is usually a foreign object in the eye; 1,000 injuries, legs; 900 injuries, and the rest of that number is different body parts that might have been injured.”

“Fifty percent of these injuries were burns; the remainder were contusions, lacerations and foreign bodies in the eye. Fatalities from direct involvement with fireworks in 2008 were all attributed to 1.3G or commercial grade fireworks. There were no records of consumer-type fireworks causing fatalities in 2008. Firecrackers caused the most fireworks injuries for all ages, mainly because they are the most used, and most bought and the cheapest thing you can buy for an effect. Sparklers caused the most fireworks injuries for children under the age of five. So those innocent looking sparklers are not so innocent when they're in the hands of a three year old.

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“Fireworks safety guidelines, don't allow young children to play with fireworks under any circumstances. You should know your child; you should know what he's capable of, how coordinated he is. Children don't know what to do if their clothes catch on fire necessarily under the age of five. We try to teach them, but that's a tough thing to remember when you're burning. Older children should only be permitted to use fireworks under close adult supervision, and don't allow any running or horseplay around a fireworks shooting site. Light fireworks outdoors in a clear area away from houses, dry leaves or grass and flammable materials. Keep a bucket of water nearby, and a garden hose, I would suggest, for emergencies and for pouring on fireworks that don't go off. Do not try to relight or handle a malfunctioning firework. Soak them with water and throw them away. Be sure other people are out of range before shooting fireworks. Don't use metal or glass containers to put fireworks in and shoot them off. You can only imagine what can happen in that case. Keep unused fireworks away from firing areas. Store fireworks in a dry, cool place and check the instructions for special storage directions. Observe your local laws, and, obviously, never put any portion of your body directly over a firework while lighting it. And something we're seeing a huge increase in all across the country is experimentation with homemade fireworks. They can take the powder out; they can tie things together, and make a larger firework out of a consumer firework. And it's all over the internet on how to do this stuff.

“And somebody renamed my slide grand finale, and I like that. Thank you, Amanda. With that being said, I would like to announce that Bel Aire Days is this Saturday at the Bel Aire City Park. We are going to have a fireworks safety tent set up at Bel Aire where we can reach a whole lot of people that haven't been legal to shoot fireworks before. So we're going to be out there from about 10:00 a.m. to 4:00 p.m. at that event, and then again the press conference on Thursday. The activities that we typically do during fireworks week, or the 10 days of fireworks, we will be out this weekend inspecting all of our fireworks retail tents. We have between 20 and 25 of them at this point. So we will be doing those inspections this weekend. During the week next week, our fire crews and the fire stations will be stopping in and doing pop inspections, pardon the pun, doing surprise inspections in those fireworks retail locations.”

Mr. Millspaugh continued, “Next, what will be the [July] 2nd, 3rd and 4th evenings, I will have six people out on the streets. We'll be operating with the Sheriff to handle fireworks complaints and take some of the load off of them that they get, and we'll handle most of the fireworks complaints and allow them to take care of those things that they should be taking care of instead of a fireworks complaint. I'm hoping we have less fireworks complaints this year. I'm not counting on it. If there's any questions, I'll be glad to answer them.”

Chairman Peterjohn said, “Questions? Commissioner Norton.”

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Commissioner Norton said, "Well really no questions, but nice presentation. I'm hopeful that our decision to allow more fireworks to be used out in the county will be a good one. I think we'll learn some lessons this year about what that looks like. As Mayor of Haysville years ago, I advocated for fireworks in Haysville, and it's proved out to be pretty good for the community on a lot of different levels. We'll find out if citizens can self-regulate themselves. You know, we hear so many times, that, well, government tells me everything to do. Well, we want people to be safe, we don't want to cause damage to property, we certainly don't want to hurt children, and that's going to be the responsibility of adults and teenagers to be sure that they use, you know, good thought processes to have a great time during the 4th, but not create situations that are going to hurt people and property. And I'm hopeful that that's what we've set in motion here. So thank you for coming today, Tim."

Mr. Millspaugh said, "Thank you."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "Just had a couple of clarifications. People are not supposed to shoot them in public streets or right-of-ways, is that correct?"

Mr. Millspaugh said, "That is correct. The law states that this should be on private property."

Commissioner Parks said, "Okay. And one of the things that you said earlier about wildlife preserves, the Kansas [Department of] Wildlife and Parks, a wild thing reserve program, is that considered a wildlife area, since that vegetation has grown up there and they have a kind of a reserve for that?"

Mr. Millspaugh said, "Would you be talking like Chisholm Creek Park and things like that?"

Commissioner Parks said, "Actually it's a private concern. I can think of one right off of, near Seneca and 61st Street North that a person has about a half acre in, it's a Kansas [Department of] Wildlife and Parks project, and it's called a wild thing..."

Mr. Millspaugh said, "Okay."

Commissioner Parks said, "...and they actually have signs out that says, it's a wild thing."

Mr. Millspaugh said, "That, to me, if that's considered a wildlife reserve or a preserve by law, yeah, that would be illegal."

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Commissioner Parks said, "Okay. And I just wanted to make a couple comments. You know, we're starting this on the 27th of June, that's correct?"

Mr. Millspaugh said, "That's when sales in the State of Kansas can begin, yes."

Commissioner Parks said, "Okay. And we're shooting them..."

Mr. Millspaugh said, "Beginning July 1st."

Commissioner Parks said, "July 1st?"

Mr. Millspaugh said, "Yes."

Commissioner Parks said, "I know several people at the meetings agreed that this would be good to have fireworks, and they mentioned it was one day only, but we are starting on July 1st and not on just the 3rd or 4th."

Mr. Millspaugh said, "That is correct, sir. July 1st through the 5th."

Commissioner Parks said, "Okay. Just wanted to clarify that for those watching."

Mr. Millspaugh said, "Okay."

Commissioner Parks said, "Some of these things I already know the answers to, but I'm just getting..."

Mr. Millspaugh said, "I understand."

Commissioner Parks said, "...it out there for education. I would encourage those people that have the flaming balls and things, and other aerals that are falling on property, to call the Sheriff or call 9-1-1, don't take this into your own hands, don't shoot back, don't try to try to self-enforce. I've heard some of this, and I certainly do not condone this. Be patriotic and keep the labor force involved and buy USA made fireworks. That's just kind of an editorial and I'll leave it at that."

Mr. Millspaugh said, "Thank you."

Commissioner Parks said, "Thanks."

Chairman Peterjohn said, "I've got a question, Chief, Fire Marshal Millspaugh, I'll get that right here. You mentioned that all the cities have legalized fireworks. Have they all gone to basically the

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1st through the 5th, or are there some cities that might only have them legalized for maybe the 4th and the 5th, or maybe even just the 4th?"

Mr. Millspaugh said, "They do vary, and I don't know that all cities have legalized fireworks. The ones I still have questions marks about are Colwich and Cheney in years past have not allowed fireworks. I don't know if that has changed. I haven't been able to talk to them at this point. But the dates do vary from city to city and the times that you can shoot vary from city to city as well."

Chairman Peterjohn said, "So, in other words, that 8:00 a.m. to midnight is strictly for the unincorporated areas in Sedgwick County, and you need to check with your, call your city clerk if you're inside a municipality and plan to shoot off fireworks so you know the exact dates and times that it's legal to discharge them in your community, would be a good recommendation?"

Mr. Millspaugh said, "That is correct, sir."

Chairman Peterjohn said, "Okay. Well I add these comments because I agree with many of the sentiments just expressed by my two colleagues, and I really hope that we're going to have a great 4th of July, and most importantly, also, a safe 4th of July celebration, because it's a great event to look back and see, not only for the discharge of fireworks, but to see why we're celebrating the day, and understanding the great history that led us to get to the position where we are today. Commissioner Welshimer."

Commissioner Welshimer said, "Well I want to say, also, that I hope everyone has a wonderful 4th of July, but the one thing I want to say is that I'm grateful to you and very impressed with the fact that you took this on so graciously. You could have opposed it and had all kinds of reasons that you didn't want fireworks in the county, and it could be a situation that may or may not be more difficult for your people, but you took it on, and I thank you for doing that."

Mr. Millspaugh said, "Thank you, Commissioner."

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

Ms. Katie Asbury, Deputy County Clerk, greeted the Commissioners and said, "We are ready for the next item."

Chairman Peterjohn said, "Oh, we're ready for the next item? Okay. Next item then, please."

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RETIREMENTS

B. PRESENTATION OF RETIREMENT CLOCKS.

- **JAMES UNRUH, PURCHASING TECHNICIAN, PURCHASING DEPARTMENT WILL RETIRE JULY 1, 2010 AFTER 4 YEARS OF SERVICE.**
- **LYLE WEBSTER, EMS LIEUTENANT, EMS WILL RETIRE JULY 1, 2010, AFTER 32 YEARS OF SERVICE.**

Mr. Mike Mueller, Assistant Director, Human Resources, greeted the Commissioners and said, “We’re here today to honor and celebrate the service of two Sedgwick County employees who will be leaving county service on July 1, into a very productive retirement, I might say.”

Commissioner Welshimer said, “The Chairman is coming.”

Mr. Mueller said, “Yes. The first employee is James W. Unruh, a Purchasing Technician with the Purchasing Department, who will retire after four years of service.”

Chairman Peterjohn said, “James, congratulations. We have, as a sign of appreciation, a token for your service, a clock that you can check out and enjoy your retirement or whatever ventures you decide to go into next.”

Mr. James Unruh, Purchasing Technician, Purchasing, greeted the Commissioners and said, “And I will.”

Chairman Peterjohn said, “Want to say a few words?”

Mr. Unruh said, “Sure. Chairman Peterjohn, Commissioners, my associates in Purchasing and the Division of Finance and the rest of the associates in Sedgwick County, I just want to say thank you for the opportunity to serve the citizens of this county.”

Mr. Mueller said, “The second...”

Commissioner Unruh said, “Before we go on, I’d like to just say one comment. Most of you know that Jim is my brother, and so this is a great opportunity for me to say publicly, thanks for all your hard work for the citizens of Sedgwick County. And I know you’re the person who stays busy all

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the time, so during the next few months, I'll look forward to your help, helping me personally as we have a great event that culminates the first week in November. So I'll need your help for that."

Mr. Unruh said, "You got it."

Commissioner Unruh said, "All right, thank you."

Commissioner Norton said, "Commissioner Unruh, that's not what you told me you were going to say the other day."

Commissioner Unruh said, "One of the benefits of growing older is you don't fight anymore."

Commissioner Norton said, "Well you told me about this thing when you were 12 that you hadn't gotten over. Okay, I guess we can move on then."

Chairman Peterjohn said, "Next item."

Mr. Mueller said, "The second employee that we're honoring today is Lyle Webster, an EMS Lieutenant, he will be retiring after 32 years of service."

Chairman Peterjohn said, "Congratulations."

Mr. Lyle Webster, Lieutenant, Emergency Medical Services, greeted the Commissioners and said, "Thank you."

Chairman Peterjohn said, "I want to wish you well, and as a token of appreciation, I want to present you with this clock on behalf of Sedgwick County, and thank you for your long service on behalf of the citizens of this community and the Public Safety/EMS area..."

Mr. Webster said, "Thank you."

Chairman Peterjohn said, "Would you like to say a few words?"

Mr. Webster said, "Yes, I would. Thank you. Good morning, Commissioners. I would like to thank you for support of Sedgwick County EMS over the last 35 years of its existence. As you know, EMS is a stand-alone service; a third service which draws employees to work here that want to be exclusive paramedics. This is an outstanding service under transition, and under the right leadership can be a model for what other EMS services around the nation should be. It has been my pleasure to serve as a paramedic for Sedgwick County EMS over the past 32 years. I have worked with some of the greatest, most dedicated men and women you can imagine."

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“I have been successful because they wouldn't allow me to fail. I sought out people that were smarter and better than me that would push me to improve and challenge me when I was wrong. New paramedics arrive at our service well trained and only lack in experience. It's very important when someone is faced with a critical event that they've been there before. Experience combined with a constant desire to educate and improve makes for a good paramedic. The single best predictor of overall excellence is a service's ability to attract, motivate and retain these talented people. Would the landing in the Hudson River have had the same outcome with an inexperienced pilot at the controls?”

“If you ever get the chance to ride on an ambulance, do so. It's an education that can never be taught in a classroom. I've learned that nice people have no boundaries; they live in some of the roughest neighborhoods and also some of the nicest. I've seen death in every age; from newborn to 107, and learned that caring for a patient extends to their families as well. It is with pride I return to you nearly 2,900 hours of sick leave. If you have a job you love, you'll want to come to work each and every day like I did. It's also because I was raised by parents that were great examples and never abused their sick leave. The best business decision that I ever made was to stay right here working for Sedgwick County EMS. I ask for your continued support of these fine people so that they have the same opportunity that I was given. Thank you very much.”

Commissioner Welshimer said, “Commissioner Norton.”

Commissioner Norton said, “Well, Lyle, first of all, I enjoyed what you had to say, and I agree that first responders of all nature are so important to our community, and I value your service. What I didn't hear was the stories about Millspaugh and those other guys back there that you...”

Mr. Webster said, “I got a lot of them.”

Commissioner Norton said, “Well we got the time if you've got...we'll talk later.”

Mr. Webster said, “All right. Thank you.”

Chairman Peterjohn said, “Thanks.”

Mr. Webster said, “Thank you, Commissioners.”

Chairman Peterjohn said, “Next item.”

CITIZEN INQUIRY

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C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING MIDWEST ROCKFEST.

Ms. CJ Cross, Vice President, DEA Entertainment Group, greeted the Commissioners and said, "Hello, Commissioners. We came to you a few months ago and of course we put together the event happening out at Lake Afton, and I was just coming in today to kind of give you an update and let you know exactly where we're at and kind of what is happening out there, so that we're all on the same page. DEA Entertainment Group is the organization that puts together Midwest Rockfest, and I'm the Vice President of that company, and then, of course, do the sponsorships and marketing for Midwest Rockfest. Things are 30 days away, as of today. I'm getting a little nervous. I guess I get a little nervous because I'm a Kansas girl and wanted to have a big event for Kansas, and after the last few months of marketing and getting the word out there, we've sold tickets in nine countries, including Australia, Peru, England, I can't list them all, because I can't remember them all. And we've also sold tickets in 25 states, including Florida and California, so that is very exciting to me. But, of course, I don't know what I'm going to do with the mate from Australia, I guess. So I guess that part kind of makes me a little bit nervous."

"The exciting part is, is that they are coming here to Sedgwick County and to Kansas, and that makes me really happy, because that's one of our goals is to get people to travel and to see what Kansas is about. Everybody says we don't have mountains and we don't have oceans, but we do have a lot of wonderful people, and the exciting part about being a part of DEA and doing the Midwest Rockfest is all of the businesses and the people that I've met in Sedgwick County. I've lived here my whole life, but it's a different aspect when you try to put something together like this, you really get to know everybody, and people become a part of it, and the businesses have embraced it. It's been a wonderful experience and we're excited about bringing in all the bands and everything that's going to happen at Lake Afton. I don't know if you have all the details, but you can camp for seven days at Lake Afton, under our camping agreement, you can come out on Monday and stay until the show. The show will be Thursday, Friday and Saturday, and the Thursday night will be a T-95, similar to a listeners' appreciation show, but they've embraced that show and taken it on as their own on Thursday evening, which will include Drowning Pool, and Buckcherry and MMA (Mixed Martial Arts) fights. And then on Saturday and Sunday, will be Twisted Sister and Styx, so we have some '80s music and we have some modern music.

"We've got everything in place, and we are moving forward. And, in fact, we have prepaid the lake, so that should hopefully make you feel good about that. And we've also sold a lot of tickets, which all of those funds and the taxes are paid here in Sedgwick County. So we hope that this improves our area, not only to bring new people into Sedgwick County, but while they're here to get them to

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come back again, which is kind of why I was here today, to tell you about where we are at, where our ticket sales are at, how things are going, which they are going amazing, which makes me very happy. It's kind of funny; we've sold a lot of tickets out of the state, but not so many in Wichita. I think that's something that will happen as the event gets closer. Wichita will buy as it gets closer. They're from Kansas, they know about the weather. The ones from California, they don't really know. So far it looks like it's going to be sunny skies and it's going to be awesome out there. I'm excited to be having all these people come into our area and see what we're all about. I hope that we can get lots of information from Sedgwick County.

“Something else that we have done, we have teamed up with the Goddard Chamber of Commerce and ConocoPhillips, and Epiphone [Company] guitars has endorsed our show. The Midwest Rockfest actually has their own limited edition Midwest Rockfest guitar. You can go on our website and you can see that, you can also go on our Facebook and see that. And actually on the guitar, it's designed like the Midwest Rockfest and on the license plate it says Wichita, Kansas that you can see. So it's kind of exciting to have that. We have taken one of those guitars, and we're going to have it autographed by all of the bands that are coming to perform, and we have donated this guitar, a value of \$7,500, because it is an electric Jay Jay French Epiphone guitar, which I don't know what any of that means, I just know that's really good.”

Ms. Cross continued, “And they are going to raffle tickets off. You can actually buy raffle tickets through the Goddard Chamber of Commerce. And what we are doing is raffling off this guitar, which will be autographed, so that we can put new playground equipment in the City of Goddard's park. So I want to be sure that everybody understands that I'm not a big company from LA (Los Angeles), I'm just little CJ from Kansas trying to have an event here in Kansas to bring more people into Kansas. So, with that being said, I just wanted to update you. I hope that eventually, or even this year, that maybe Sedgwick County could consider doing sponsorship to where we could maybe even hand out your event calendars and information at the gates to these people that are traveling in to encourage them to come back to our River Festival, and to come back to the Intrust [Bank] Arena and things like that. I think this is a great partnership and I appreciate you guys letting us have the event here. I hope to have it again and again for 20 years from now. Do you have any questions?”

Chairman Peterjohn said, “Commissioners Parks.”

Commissioner Parks said, “Yes. Have you told the cell phone companies that they need to have the capacity for the towers in that area?”

Ms. Cross said, “Yeah, actually Cricket Communications is one of our sponsors, so, yes, we have been working on that, so, yes.”

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Commissioner Parks said, "Great. And I think Undersheriff Stover is here. You have some international flavor that you're going to be using at this also, don't you, one of your staffers from Belgium? Your Malinois? No? Yeah, oh yeah. Okay."

Ms. Cross said, "Good, I might need him. I have a couple coming from, no, from all over. I'm going to need some help."

Commissioner Parks said, "Thank you."

Ms. Cross said, "Thank you. Anybody else? Thank you guys very much."

Chairman Peterjohn said, "Commissioner Norton."

Commissioner Norton said, "Well I went to the early incarnations of the Midwest Rockfest and I got to see Journey, and Blues Traveler and Black Oak Arkansas. That won't mean anything to everybody in the listening audience, but it certainly meant something to me. I'm excited that it will be an event that will draw a certain population to Lake Afton that maybe has never been there, that will bring people together of a lot of generations, and I'm excited that Commissioner Unruh will get to meet Dee Snider, maybe."

Ms. Cross said, "There you go. He's actually going to be giving away one of his guitars, a Twisted Sister guitar, and you can actually hang out with Twisted Sister at our event, so you might..."

Commissioner Unruh said, "Is Dee a girl or a guy?"

Ms. Cross said, "Oh, dear me. It's a guy."

Commissioner Norton said, "And Styx is a band."

Ms. Cross said, "Yes, not real sticks. Very good. Thank you, Commissioner Norton, for verifying."

Commissioner Norton said, "I'm just trying to help Commissioner Unruh along."

Ms. Cross said, "Thank you so much."

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Commissioner Norton said, “This is not Patti Page and Frank Sinatra. Well, I think it’s going to be a wonderful event. We hope for good weather, and huge crowds and people from all over the United States and even the world get to see what Sedgwick County looks like.”

Ms. Cross said, “Yes, they do. I think they’ll like it. We’re pretty awesome people here and they’ve been wonderful to work with us, [inaudible] hanging out with us today, so it’s been awesome. Thank you guys very much.”

Chairman Peterjohn said, “Well I’m hoping the weather accommodates.”

MOTION

Chairman Peterjohn moved to receive and file.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Chairman Peterjohn said, “Thank you.”

Ms. Cross said, “Thank you, guys.”

Chairman Peterjohn said, “Next item.”

PLANNING DEPARTMENT

- D. PUD2010-00003 – REQUEST FOR A PLANNED UNIT DEVELOPMENT FOR THE DEVELOPMENT OF THE CARMELITE MONASTERY GENERALLY LOCATED WEST OF 63RD STREET EAST (WOODLAWN) AND APPROXIMATELY ½ MILE SOUTH OF 77TH STREET NORTH. (DISTRICT 1)**

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VISUAL PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “The applicant for this case is proposing to create a 40 acre Planned Unit Development (PUD) on this tract of land; you can see the location of it, just to the southwest of the intersection of 77th Street North and 63rd Street East, just to the east of the City of Kechi. They are calling this the Carmelite Monastery Planned Unit Development, and it will consist of just this one parcel, with the purpose of creating a monastery with associated church uses on the property. The access will come off of 63rd Street through the middle of this 40 acre parcel. That probably shows up, no, it doesn't show up on the aerial photo. The following uses are the ones that they are proposing to be allowed within this Planned Unit Development: they would like to have a group residence for the nuns that will live here at this monastery, they would like to have a place of worship, conduct agricultural activities, they'd like to have a private mausoleum or columbarium, also an accessory apartment for a groundskeeper, and also to allow for retail sales of agricultural products that they intend to produce on the property and the sale of religious merchandise.”

“The group residence will have a maximum occupancy of 21 people. They do intend to enclose the monastery with a wall. You can see it depicted by the dashed line on the site plan that I've put up before you now. And that masonry wall will be developed, their intent is to develop that wall as donations allow. You can see on the site plan how the monastery and other associated structures will be arranged on the property. That would include the group residence, greenhouse, a chapel, also a barn and garage, within the main complex that you can see on the site plan, as well as a groundskeeper's dwelling unit. There are also, what's shown on that site plan, is a future wind turbine that they intend to erect at some point in the future. If you will recall, back on the zoning map, I'll go back to that, the area is entirely zoned at present as Rural Residential. And you can see on the aerial photograph that the surrounding land uses are agricultural fields and farmsteads, or large lot residential.

“The case went to the Kechi Planning Commission at its meeting on May 11, there were three people that appeared at that Planning Commission meeting to express concerns. They were concerned about the current condition of the property, which I'll show you in the photographs in a minute. They also expressed some concerns about the screening wall that's being proposed to be built around the property, and the possibility of future changes and additions to the property that might be proposed for the future. The Kechi Planning Department recommended two additional conditions, which were accepted by their Planning Commission in recommending this PUD. One of those conditions was to place a height restriction of 35 feet on all structures, except for silos and grain elevators, and also a height limitation of 80 feet on the wind turbine that's proposed to be erected. The applicant has indicated that they have no problem with these additional conditions that were recommended by the City of Kechi, and their Planning Commission did recommend by a 4-1

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vote to approve this request. The item then went to the Metropolitan Area Planning Commission (MAPC) on May 20th, and the MAPC voted unanimously at that meeting to recommend approval, subject to all the conditions that staff had recommended, plus the two City of Kechi additions. There was no one present at the MAPC public hearing to voice concerns about this proposal, and we have not received any protests as a result of the MAPC's action to recommend approval.

“Just to go through some of the photos, so you can see. Here's the existing drive back off of 63rd Street. Again, another shot of that drive, and you can see back in the background the start of this cloistered monastery, what they've put up. You can see the hay bales they've put up as a temporary wall with some of the structures showing in the break in the wall there. There is the temporary housing that they've erected on the site to get started, and they are doing this under a Conditional Use that they had already obtained. And here, this is a shot off to the east of some of the surrounding farmland, off to the southeast, just to give you a flavor for the character of the neighborhood. And with that, I'll be glad to take any questions you might have.”

Chairman Peterjohn said, “Questions for Mr. Schlegel? Commissioner Parks.”

Commissioner Parks said, “What were the people that testified at the Kechi Planning Commission, what were their concerns?”

Mr. Schlegel said, “Their concerns were about the current condition of the property. They weren't understanding what was going on and what the intent of the applicants were, and also about what the eventual screening wall, the masonry wall, would be like. And then a third concern that was expressed was just about the unknowns of what might be proposed in the future.”

Commissioner Parks said, “And this will be, I'm assuming, a tax-free parcel, then? It won't be on the tax rolls because it is associated with a religious [inaudible]?”

Mr. Schlegel said, “I would assume that, that it would be tax exempt, but I don't know that for sure.”

Commissioner Parks said, “But they would still pay like sales tax at their gift shop?”

Mr. Schlegel said, “As far as I know, they're not exempt from that, but I'm not an expert in that area.”

Commissioner Parks said, “Okay. I did have a call about a month ago, and it was on my home phone, and it was either Harris or Harrison, that was concerned about the parking. Is there, I see in the backup that there's 100 potential in the chapel, and do we have a planned parking lot off road...”

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Mr. Schlegel said, "They are providing..."

Commissioner Parks said, "...said something about parking on the...people would be parking on the road."

Mr. Schlegel said, "Well from time to time they'll have visitors. The monastery itself anticipates getting by with one automobile. It is a cloistered nunnery, so they don't go out much, I assume. And they will invite people, they will have visitors to the monastery, but there should be enough parking on this site, it's a 40 acre site, for them to be able to provide parking for the infrequent times when they need additional parking."

Commissioner Parks said, "So this gift shop's not going to be like a public retail, then?"

Mr. Schlegel said, "I don't know the answer to that question. I don't think that it's meant to be something that gets regular visitors. There is a representative for the applicant here; that might be a question that he can answer."

Commissioner Parks said, "Okay. And I just wanted to make sure that that parking issue was resolved anything from the Kechi Planning Commission and what their concerns were..."

Mr. Schlegel said, "We were satisfied as staff that there would be sufficient area for parking, for the intended uses."

Commissioner Parks said, "And if there does become a problem, that can be addressed back to the enforcement on this, would go back to Code Enforcement or have to be brought back to MAPC?"

Mr. Schlegel said, "Well I'm not sure where a problem would arise in the future. It is a 40 acre site, a very large site with presumably plenty of room for parking automobiles for the types of uses that are proposed for this PUD, and, yes, I guess if it becomes a problem, or people are parking out on 63rd Street, for example, then Code Enforcement would get involved."

Commissioner Parks said, "Okay, thank you."

Chairman Peterjohn said, "Thank you. While this is not a public hearing, this zone change proposal to the Planned Unit Development, I want to take this opportunity to see if there is anyone in the audience today who wishes to testify on this or provide their opinion on this issue? Seeing no one raising their hands or heading to the microphone, I'm going to turn this back to the bench and Commissioner Unruh."

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Commissioner Unruh said, “Thank you, Mr. Chairman. I’ll just make a statement in my support of the Agenda item. It was approved by the Kechi Planning Department 4-1 and approved by MAPC unanimously; it looks like the project is, according to the backup materials, for 21 folks who would be residents and a 100 seat chapel, so I think parking and all other issues are adequately addressed, and they have restrictions about the height of the structures and the height of the potential wind electricity generator, windmill, whatever we call those things, so I think this doesn't present any sort of a problem. It is in my district, and I haven't heard from anyone either protesting it or from the applicant, so it seems like it's met all the requirements.”

MOTION

Commissioner Unruh moved to approve the zone change to PUD #34 Carmelite Monastery Planned Unit Development, subject to conditions and platting within one year, adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate Resolution after the plat has been recorded and conditions have been met, and authorize the Chairman to sign the Resolution.

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, “Thank you. Next item.”

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NEW BUSINESS

E. GOVERNMENT SERVICE AGREEMENT AS REQUESTED FOR CODE INSPECTION AND ENFORCEMENT OF COMMERCIAL BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, FUEL GAS AND FIRE CODES BY SEDGWICK COUNTY IN THE CITY OF BEL AIRE, KANSAS.

Mr. Glen Wiltse, Director, Code Enforcement, greeted the Commissioners and said, “What you have before you is a standard service contract that we offer to the communities in Sedgwick County and actually outside for inspection and plan review services. Bel Aire approached us, about 45 days ago, and asked us if we’d be interested in doing some work for them on a couple of school projects. Of course we said, sure. They've already signed this contract, and it’s for building inspections, plan review, electrical, plumbing, mechanical on these two projects. We’ve met with the engineers. We should get plans on one of the buildings potentially by the end of the week, and the other building, we should get them sometime in August. So we expect the work to proceed quite rapidly as soon as the bids come in. So we're requesting you to sign this. I believe it’s around \$140,000 potential contract, our share of this. Of course, that's going to depend on what the actual project cost is, but that's the estimated value that they've given us. If you have any questions, I’d be glad to answer those for you right now.”

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

Commissioner Parks said, “And we’re not losing any money on this project if we provide these services?”

Mr. Wiltse said, “No. We're doing this with just our existing staff with no additional increases. At some point we may need a small construction trailer or something to put on one of these sites, but I

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do have a proposal that we can get something virtually for no money, but I'll be bringing that to you in the near future.”

MOTION

Commissioner Parks moved to adopt the Agreement.

Commissioner Norton seconded the motion.

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

Commissioner Unruh said, “Thank you. I just wanted to say, this is a good example of a mutually beneficial agreement between two governments and a school district that is helpful to everyone, and it doesn't have duplication of government services in any way, and so I think that our citizens need to know that, and something that we should be supportive of.”

Chairman Peterjohn said, “Commissioner Unruh, I'm going to second your comments. I agree with them in their entirety. Seeing no further discussion, please call the vote.”

VOTE

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

Mr. Wiltse said, “Thank you, Commissioners.”

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

F. 2010 EDWARD J. BYRNE JUSTICE ASSISTANCE GRANT: PUBLIC SAFETY ENHANCEMENT PROGRAM.

VISUAL PRESENTATION

Ms. Anne Jacobson, Intern, County Manager's Office, greeted the Commissioners and said, “I'm here today to present to you the 2010 Edward J. Byrne Memorial Justice Assistance Grant (JAG). This grant, commonly known as the JAG grant, is the primary provider of federal criminal justice

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funding to state and local jurisdictions. Currently, the City of Wichita and Sedgwick County are classified as disparate jurisdictions by the Bureau of Justice Assistance, which means that they receive funding in one lump sum. This sum can then be divided up through a memorandum of understanding between the city and the county. The total amount of funds available for both jurisdictions for 2010 is \$537,304. Sedgwick County has proposed to the City of Wichita that the two entities agree to split the amount 50/50, meaning that Sedgwick County's share for the year 2010 is \$268,652. Today, in addition to accepting staff's recommendation to accept this grant, we also ask that you conduct a public hearing to accept public comments as required by the US Department of Justice for this particular grant."

"The JAG grant allows funding for a variety of components of the criminal justice system, including law enforcement, prosecution and court programs, prevention and education initiatives, corrections programs, drug treatment programs, as well as planning, evaluation and technology improvement programs. Therefore, we receive requests for funding from six different county departments, including the Department of Corrections for \$346,571, the Sheriff's Office for \$265,931, the Regional Forensic Science Center for \$79,500, courthouse security for \$125,947, the District Attorney (DA) for \$7,029 and the 18th Judicial District for \$32,000. That brings the total 2010 request to \$856,978.

"After submission, these requests went to an internal advisory board comprised of county staff and elected officials for review. This board met on June 7th, and it consisted of Commissioner Kelly Parks, Bob Lamkey, Director of Public Safety, Richard Powell from the Sheriff's Office, Ann Swegle, the Chief Administrative Attorney for the DA's Office, Mark Masterson from Community Corrections Administration, Lela Albright and Lauren Miller of Security Services, Richard Vogt of DIO (Division of Information & Operations), Ellen House, District Court Administrator, Sheriff Robert Hinshaw, Dr. Tim Rohrig of the Regional Forensic Science Center, Marty Hughes, Revenue Manager from Finance, and myself. These members reviewed the requests, prioritized them and submitted their recommendations for the distribution of funds, which is before you today.

"Now I'm just going to take a minute to discuss the advisory board's recommendations and describe to you what the grant money will be used for. For 2010, the advisory board recommends funding multiple requests, included in those requests are funding for three FTE (full-time equivalent) positions of Intensive Supervision Officers (ISO) at a total amount of \$152,638 to help offset the state and client revenues, which are not expected to be sufficient in fiscal year 2011. These funds will provide the staffing needed to adequately supervise the current client population and reduce caseload burden on existing Intensive Supervision Officers. The next recommended request is from the Sheriff's Office for \$41,235 from the grant allocation would be used to replace the recording system for interview and interrogation rooms. The current recording system is outdated and unreliable, which could compromise the Sheriff's Office ability to effectively record victim, witness

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and suspect interviews regarding criminal investigations, which may later be used in the prosecution of criminal defendants.”

Ms. Jacobson continued, “The advisory board would also like to recommend allocating \$9,500 of grant funds to the Regional Forensic Science Center to purchase a new microscope for the biology lab. This additional microscope will provide increased equipment availability and reliability for the evaluation of biologically-based evidence samples. In addition, the board recommends \$32,650 for courthouse security services to provide for the purchase of one x-ray machine for the courthouse lobby. This machine will replace an outdated model which has grown increasingly expensive to maintain and repair. The new machine will provide a greater level of safety for employees and the public using the best technology available.

“The advisory board also recommends funding multiple requests from the District Attorney's Office, beginning with \$649 to purchase a new CD/DVD duplicator, which will be used to provide fast and efficient copies of evidence on CDs and DVDs for dissemination to defense counsel. The board also is suggesting providing \$5,000 to the District Attorney's Office to pay for dependent adult evaluations. These psychological and medical evaluations, as well as expert testimony, will be useful for several different types of cases, including elder abuse and neglect. \$1,380 is recommended to be allocated by the board to District Attorney's Office to replenish the supplies of brochures and coloring/activity books used as crime prevention materials. These books and brochures are distributed through multiple community agencies and events, and include topics such as 9-1-1 use, drug use, stranger danger and internet safety.

“Finally, the advisory board is recommending the 18th Judicial District Court be granted \$25,600 to purchase four sets of recording equipment for judicial proceedings. The recording equipment will decrease delays in courtroom proceedings due to current unavailable equipment or unavailable court reporters. At this time, Commissioners, it’s staff’s recommendation that you open the public hearing and receive any public comments, as well as accept the internal advisory board’s recommendation for the distribution of the 2010 JAG program funds and take the recommended action, including the approval of the agreement with the City of Wichita. I'd be happy to answer any questions if I can.”

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Chairman Peterjohn said, "Okay. I think we're going to hold off on questions for the moment and open the public hearing, and I'm going to do so at this time and see if there is anyone in the audience who wishes to testify concerning the proposed Edward J. Byrne Justice Assistance Grant, commonly called the JAG grant, for public safety. And if you have an interest in testifying, please either approach the microphone or raise your hand. At this time, I don't see anyone in that regard. I want to take full notice and give everyone, while we don't have a full house; we do have a number of people in the room, although that doesn't seem to show through on the video at the moment. But seeing no comments in that regard, I'm going to close the public hearing and bring the discussion back to the bench and questions, Commissioner Parks."

Commissioner Parks said, "Having served on this committee, there was a much larger want list. And I think actually the want list, to be fair about it, was a need list, and we had to pare down the need list considerably. So the things that you see here today weren't everything that was requested, but I think that we did get some very important things and I'm certainly going to be supportive of this."

MOTION

Commissioner Parks moved to approve the grant application and the related Agreement with the City of Wichita and authorize the Chairman or his designee to submit the application through the Justice Dept. Grants Management System (GMS) and accept a grant award agreement containing substantially the same terms and conditions as the application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Welshimer seconded the motion.

Chairman Peterjohn said, "We have a motion and a second. I'm going to make a comment, because this has been the second year and this is an ongoing grant, and I would hope that we can proceed with this grant and that the city and county can make sure that this renewal of this grant occurs, because I agree with Commissioner Parks' comments about addressing a number of needs that we have here, and I appreciate the hard work of the committee because it appears that they had to pare down, only about 30 percent of the requests could be received if the agreement goes through with this proposed 50/50 split. So I'm going to be supporting this motion. Seeing no further discussion, please call the vote."

VOTE

Commissioner Unruh

Aye

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

G. AUTHORIZATION FOR SEDGWICK COUNTY EMS TO SUBMIT AN APPLICATION TO THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR AN AUTOMATIC CHEST COMPRESSION DEVICE PROJECT. AUTHORIZATION IS ALSO REQUESTED FOR EMS TO ELECTRONICALLY SUBMIT THE APPLICATION.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “Commissioners, we want to withdraw this Agenda item at this time.”

Chairman Peterjohn said, “Seeing no objection to the Manager's request, we will withdraw this item and proceed to the next item.”

Item G was withdrawn

H. APPROVAL OF A RESOLUTION IN SUPPORT OF DESIGNATION OF THE CHISHOLM TRAIL AS A NATIONAL HISTORIC TRAIL BY THE CONGRESS OF THE UNITED STATES.

Ms. Irene Hart, Director, Community Development, greeted the Commissioners and said, “First I'd like to give you a little bit of background about this Agenda item, read the resolution and then introduce members of the working group who can provide more information on the issue at hand. Between the 1860s and the 1880s, cowboys and ranchers led millions of cattle from South Texas over the Chisholm Trail to railheads in Kansas. We've had a work group for the last couple of years composed of representatives from the five counties in Kansas through which the Chisholm Trail passes. That would be Sumner County, Sedgwick County, Harvey, Marion and Dickinson County. Coincidentally, in 2009, Congress authorized the National Park Service to conduct a feasibility study and environmental assessment regarding designation of the Chisholm Trail and the Great Western Trail as National Historic Trails.

“The National Park Service will hold a public meeting in Wichita tomorrow to receive comment to aid in evaluating the suitability and feasibility of designating the Chisholm and the Great Western

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cattle trails as National Historic Trails. The hearing here tomorrow will be held at the Wichita-Sedgwick County Historical Museum auditorium at 204 South Main from 5:00 to 7:00 p.m. The last hearing in the series will be held Friday in Abilene. I'd like to read the resolution that has been prepared and provided for your consideration. The same resolution has also been presented to the other four counties along the trail and several of the cities connected to, cited on and along the trail. The resolution is entitled 'Resolution in support of designation of the Chisholm Trail as a National Historic Trail by the Congress of the United States of America':

RESOLUTION

WHEREAS; the Chisholm Trail had a significant influence upon the growth and development of the Kansas economy from 1867 to 1887; and

WHEREAS; during that time, over five million cattle were moved along the trail from South Texas to railheads in Kansas; and

WHEREAS; the cattle trade was critical to the growth of the Kansas communities, including Abilene, Newton, Wichita and Caldwell; and

WHEREAS; the National Park Service is conducting a feasibility study for the designation of the Chisholm Trail as a National Historic Trail, a designation already received by the Santa Fe, the Oregon, the Lewis and Clark and the Pony Express Historic Trails in Kansas.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Sedgwick County recommends and supports designation by the Congress of the United States of America of the Chisholm Trail as a National Historic Trail, provided that landowner participation is voluntary.

Ms. Hart said, "So that is the resolution. I'd like to introduce Nick Ard, who is a former county employee and now a retiree, and also a Maize City Council member, who has graciously agreed to chair that five-county organization for some period of time. We also have other members of the taskforce, Ken Vandruff from Go Wichita is here today, but Nick has a few comments to make. Thank you."

Chairman Peterjohn said, "Welcome to the County Commission."

VISUAL PRESENTATION

Mr. Nick Ard, Chairman, Chisholm Trail Development Committee, greeted the Commissioners and said, "Thank you, Irene. Good morning. As Irene said, I'm representing a group of people that

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are involved in economic development, these five counties. And I want to thank you for taking a little bit of time to consider the Chisholm National Historic Trail. The resolution before you, if you pass it, expresses your support for the project begun by the National Park Service, to evaluate the feasibility of creating an historic trail. This project will ultimately include input from numerous other officials and citizens locally, as well as from three other states. I'd like to draw your attention to the map."

Mr. Ard continued, "I'm not sure how well you can see it, but it shows the National Historic and Scenic Trails in the United States. And, if you can tell the color coding, there are a lot of them. In Wisconsin, we have the Ice Age [National] Scenic Trail. We have in South Texas, the El Camino Real de los Tejas. We have the El Camino Real in New Mexico and we have the Santa Fe extending across Kansas. But what I want you to notice is what's missing. In the south central part of the United States, there's no apparent trail. They're running from central Texas northward into Kansas. Ironically, one of the most important trails in 19th century history with one of the most iconic names in American popular culture occupies that space, the Chisholm Trail. The Chisholm Trail was responsible for the first big economic boom in Wichita.

"When I talk about the Chisholm Trail, I'm not actually talking about Jesse Chisholm's original trade route from the site of Wichita down to Native American trading posts in Oklahoma. I'm talking about the post-Civil War cattle drive trail that Irene alluded to. That trail went through Sedgwick County, up from Clearwater through Wichita, up through the Park City and Valley Center areas, and quite possibly before the founding of Wichita, it went through this building. The process to become a National Historic Trail is lengthy, and by no means is the process going to be successful. The National Park Service was directed by Congress in March of 2009 to study the feasibility and give the trail a national recognition if suitable. The trail has to be found to satisfy three criteria. Basically, the trail must have significantly contributed to the nation's commerce and development and be nationally known. The trail must be traceable, even though certain parts of it will not be visible. And lastly, there must be sufficient resources along the trail to provide for recreation and research.

"In Sedgwick County, we're really lucky. We have a lot of good historians and we have a lot of good historical assets, some of them are even themed upon the Chisholm Trail. At tomorrow afternoon's meeting, we will hope that the National Park Service will make a favorable finding, at least in this area. Two other things have to happen besides that finding; Congress has to accept the recommendation, and lastly, they have to designate the National Park Service as the governing agency. It's important to note, as Irene said, that no one's property rights are threatened by this process. The Santa Fe Trail has been designated for 23 years as a National Historic Trail and we have that as a model to see what might transpire. The benefits, we think, include an uptick in tourism, both recreational and research oriented. When a multi-state association is formed, that organization can partner with the National Park Service and apply for grants that result in funding

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positions, as well as support for local museums and attractions. There will likely be annual symposiums and conferences in which Sedgwick County will take a turn hosting. So for those reasons, I would ask for your support of this resolution.”

Chairman Peterjohn said, “Thank you. Questions? I’m going to just throw out a comment, that as a history aficionado, I appreciate the critical importance of the Chisholm Trail and the cattle drives throughout the post-Civil War period in the 19th century played in the development of Kansas and also points south. It was significant. But my support for this resolution is really tied, included in the phrase, provided that landowner participation is voluntary, because that is very crucial in my mind. I noticed your map earlier on the Santa Fe Trail seemed to cover the western portions. My wife's family is from that part of the state, in fact, the Santa Te Trail goes right through their community, small town in which she went to school, and that did not appear to be on the map that was shown earlier, but the Santa Fe Trail, obviously, hugely important and historic. And so I’m glad to see that there's an interest in this state's fascinating history and if it has a possibility with some of the facilities we have in town with the city-county historical society, as well as Cowtown, obviously, that we can segue that and make this happen. I will be happy to support the resolution this morning. Commissioner Parks.”

Commissioner Parks said, “Well I have seen what Larry Mix and others have done with the Santa Fe Trail since their designation, so I’m going to be supportive of this to the point, in fact, that I’m going to make a motion that we adopt the resolution.”

MOTION

Commissioner Parks moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

Chairman Peterjohn said, “Okay. Seeing no further discussion, with...”

Commissioner Welshimer said, “I want to ask a question.”

Chairman Peterjohn said, “Commissioner Welshimer.”

Commissioner Welshimer said, “Is all of the trail through Kansas, or through Sedgwick County, is it all developed? Are there any areas of the trail that we can publicly mark?”

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Mr. Ard said, "Around seven to nine years ago, there was a couple of men, I believe Bob Klemme and Mr. Frazee, I'm trying to think of their names..."

Ms. Hart said, "Tom Frazee."

Mr. Ard said, "...Tom Frazee that actually went through and marked the centerline of the Chisholm Trail, basically from southern Texas to Abilene. There are markers from south of Caldwell, I followed the markers as best I could all the way to Abilene. So you cross into Sedgwick County, just south of Clearwater, across the Ninnescah, it angles up and the last marker I found was around MacArthur and Hoover. Then of course there are none in the city..."

Commissioner Welshimer said, "They're not along the..."

Mr. Ard said, "...that I know of, other than the ones that have been placed by other government entities, for example at the Douglas Street Bridge and also on North Broadway..."

Commissioner Welshimer said, "I see."

Mr. Ard said, "...and you pick them up in the county. I think there's a pretty good consensus of how the trail centerline came into Wichita. What happened to it after it crossed the river, which was in the vicinity of the Douglas Street Bridge, depended upon when Wichita was founded and whether it was the railhead, so I think it is traceable."

Commissioner Welshimer said, "Okay. Thank you."

Chairman Peterjohn said, "Thank you. I'm going to ask, our Director of Public Works, I believe he has a couple of questions."

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "Thank you, Mr. Chairman. I saw this on the Agenda. I noticed at the bottom of page 49 it says, 'There is no direct cost to Sedgwick County for Historic Trail designation.' From my viewpoint, so we're not going to be required to put up signs on county roads saying this is where the trail crosses, somebody else is going to do that?"

Mr. Ard said, "I would think that that would definitely not be a county action because basically they have to be the same signs throughout the entire route."

Mr. Spears said, "Okay."

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Mr. Ard said, “So I would think that that would be part of the federal assistance. And I see this as money coming the other way.”

Mr. Spears said, “Okay. And then one more question, and you may or may not be able to answer this. We deal with the federal government a lot and we deal with getting permits for road things, anywhere we cross with a county road and we're going to make road improvements where we cross this trail, will we be required to get a permit from the federal government for any road improvements where we cross the trail?”

Mr. Ard said, “I checked with two people. I checked with Frank Norris, who is the historian with the National Parks Service, he says that they can do nothing to prevent anybody from doing anything. And I checked with the President of the Santa Fe Trail Association, Joanne VanCoevern, and she also reiterated that. That you are to receive recognition if you preserve something but nothing happens if you don't.”

Mr. Spears said, “Thank you.”

Chairman Peterjohn said, “Thank you. Seeing no further questions or comments, I'm going to recognize, if we've got another person. Welcome to the County Commission.”

Mr. Ken Vandruff, Director of Communications, Go Wichita, greeted the Commissioners and said, “Thank you. And Go Wichita is actively participating in this effort. We're on the steering committee that Irene mentioned, and we see this as a fantastic opportunity to bring more tourists and visitors into the area. There will be people who will want to follow the Chisholm Trail from South Texas through Wichita and Sedgwick County on up to Abilene. And with our facility, such as the Historical Museum, Cowtown, the Mid-America All Indian Center's a really fantastic, perfect tie-in with the trail and I think it will help gain designation as a Historic Trail. It also will help draw more international visitors, because one of the things we're finding, particularly from the visitors we get from the United Kingdom and from German speaking Europe, is they are fascinated by the Old West. And they've seen Disneyland, they've seen New York, they want an authentic American experience, and they come to Kansas and Oklahoma so they can learn about the cowboys and the Wild West that they've really only had exposure to through American movies that have made their way across the ocean. This is really a fantastic opportunity for us to get involved in the creation of this trail and to create more tourism for Sedgwick County.”

Chairman Peterjohn said, “Thank you. Seeing no further comments or dialogue, please call the vote.”

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VOTE

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

Ms. Hart said, "Thank you, Commissioner. I will present the resolution to the park service hearing tomorrow night then."

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

I. ADD FOUR PART TIME CLERICAL SUPPORT POSITIONS TO DISTRICT COURT STAFFING TABLE 19007-110.

Ms. Ellen House, Court Administrator, 18th Judicial District Court, greeted the Commissioners and said, "On July 15th, the District Court will start providing parenting classes in accordance with KSA (Kansas Statutes Annotated) 60-1626. The program that will be taught is called Solid Growth and the same program has been proven successful in other urban Kansas districts. The costs associated with this program will be covered by revenues collected from the participants. I'm here this morning to ask you to approve the addition of four part-time clerical positions to our staffing table and also that you establish budget authority of \$86,000 and create fund 19007-110 for the purpose of the Solid Growth parenting class. Chief Judge Fleetwood and Family Law Presiding Judge Rumsey are here to answer any questions."

Chairman Peterjohn said, "Thank you. Welcome to the County Commission, Your Honors."

Judge James Fleetwood, 18th Judicial District Court, greeted the Commissioners and said, "Chairman, this is a program that has been long time coming. It's a process that I have discussed with Liz Armstrong, who has been a driving force in this process for some time, back since the time that I was the Presiding Judge over the Family Law Department. I would like to introduce Judge Rumsey, who is now presently our Presiding Judge and is taking an active role in developing this. The goal of this process is to have a uniform text and a uniform curriculum that we can present to our parents who are presently going through a divorce to help them understand what the process is, and what they can expect in the divorce process, what they can expect in the post-divorce process that involves their children primarily."

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“This is a copy of the text that they will be receiving as part of this. It has worksheets through it, and advice and guidelines that will allow them, not just with the divorce, but to allow them to continue a healthy parenting process throughout the next 18 years, as depending on the ages of their children. There's also a Spanish version of this that is available and we'll be making that available to the parents. The reasons up until now we have been using outside vendors that have been providing this service, we have been in contact with many of them and have made them aware of the fact that we will be taking this in-house, and they're aware of it. And we've heard no comments in response. This is going to allow us to have better control over the quality of the lessons and classes that are being given to these people. And it will also allow the judges to have a more direct involvement in talking to these parents outside of the courtroom to help them understand what they can expect. We hope for your support. I would like to say, that while Ellen and I have been speaking on this matter, I would like to point out that Liz Armstrong, who presently is running our Alternative Dispute Resolution program and is also assisting in the Court Trustees' dockets, she and Judge Rumsey have really carried the lion's share of this development. Do you have any questions?”

Chairman Peterjohn said, “Questions for Judge Fleetwood? Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Judge, is this designed to help move people through the system faster or is it just giving more information so that the end result is stronger family units after this?”

Judge Fleetwood said, “The purpose of this is to create stronger family units post-divorce, to help them understand. It does, one of the benefits will be that they have questions answered in advance. So it does clear the docket to some degree in that they know what the process is. They don't keep coming back to court because they know what their role is and the things that they need to do, so it will benefit in that way. However, the primary purpose, both through the legislature and our local rules, is healthier children at the end of the road, because most people have an idea of how they're supposed to parent as a traditional family unit, they haven't given a lot of consideration to how they parent after the family is broken up, and how do we take care of these special issues that then arise.”

Commissioner Unruh said, “And these classes will be required?”

Judge Fleetwood said, “Yes.”

Commissioner Unruh said, “And they'll be held in the early evening?”

Judge Fleetwood said, “Yes. They will be taught, the program now will be taught on Thursdays from 5:30 p.m. to 7:30 p.m. The parents will be attending a two-hour session twice; two two-hour sessions to receive the information.”

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Commissioner Unruh said, "Is there thought or consideration given to just the problems created by out-of-county residents who are going through our system? I mean..."

Judge Fleetwood said, "Yes."

Commissioner Unruh said, "...is it they just need to make provisions to be here at 5:30?"

Judge Fleetwood said, "We are anticipating that and what we are looking at is developing a video system that they can take, go through the internet and view the classes and the materials over the internet."

Commissioner Unruh said, "Okay. Well, that's helpful. I had talked with an attorney that handles some of these cases and was concerned about folks having to make a two-hour drive from Johnson County to come down here, and then..."

Judge Fleetwood said, "Right."

Commissioner Unruh said, "...have a class and drive home to keep their jobs, and whether or not it was going to be available in some sort of electronic format."

Judge Fleetwood said, "Now, we are not going to make it mandatory...if there is an acceptable program, if they are in Johnson County, this program is actually based on what is being used in Johnson County right now, and so we have a lot of faith in what they're receiving in Johnson County. And if there is a program like that available, we could make those special arrangements on an individual basis, that they could attend a class and provide to us proof that they have attended this class. Also another issue is military. Sometimes military personnel have a difficult time, and so we want to make it available to them, also, through the internet."

Commissioner Unruh said, "Okay. Well, I appreciate that. It was a question about, I think you already answered a question about other languages, you said you had a Spanish text there. Requiring people to do things, it just creates additional hardship..."

Judge Fleetwood said, "Yes."

Commissioner Unruh said, "...is not what we're after, and so I just wanted to clear that up."

Judge Fleetwood said, "Right. Thank you."

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Commissioner Unruh said, "Thank you."

Chairman Peterjohn said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well there's so much trauma involved in divorces..."

Judge Fleetwood said, "Exactly."

Commissioner Welshimer said, "...I think this should have been done years ago, so I'm going to support it fully."

Judge Fleetwood said, "Thank you."

Chairman Peterjohn said, "Is that a motion?"

MOTION

Commissioner Welshimer moved to approve recommended additions to the District Court Staffing Table.

Chairman Peterjohn seconded the motion.

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "I'm going to just say this, English is the official language. I don't think that Spanish is a big deal in this issue. Kathleen Sebelius signed that for the state back a few years ago. I know what you're trying to accomplish here, but it lends itself to bigger government when we're in a time when we may need to furlough or cut personnel in the future. Believe me; I know what you're trying to do here. I've seen it and I know it's needed, but my vote's going to reflect just those comments. Thanks."

Judge Fleetwood said, "Thank you."

Chairman Peterjohn said, "Just to duplicate, and clarify and add to the record, the funding in this is strictly from the users of the service..."

Judge Fleetwood said, "Right."

Chairman Peterjohn said, "...and there's no property tax dollars involved?"

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Judge Fleetwood said, “No. Specifically, we wanted it brought to you as a revenue neutral program. This does not absorb any tax dollars in this process. It will be paid for by the user fees.”

Chairman Peterjohn said, “Commissioner Parks.”

Commissioner Parks said, “On page 54 of the backup, it says estimated cost in 2010 of \$25,000, in 2011 of \$51,000, rounded up there a little bit. How is that going to be a revenue neutral or going to be charging, I guess that may be a question for Finance or the Manager, I don’t know.”

Judge Fleetwood said, “Those that attend the class are required to pay a fee to attend the class, and they have to pay that in advance, and those fees that are collected from the participants in the program are the ones that will be covering these amounts.”

Commissioner Parks said, “Thank you.”

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

VOTE

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

Judge Fleetwood said, “Thank you.”

Chairman Peterjohn said, “Thank you. I'm going to call a 10 minute recess before we take on the next item.”

The Board of County Commissioners recessed at 10:31 a.m. and returned at 10:41 a.m.

Chairman Peterjohn said, “Welcome back. I'm going to call the meeting back from recess and call it back to order. Please call the next item.”

J. KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES – WICHITA AREA OFFICE FUNDING FOR THE OPERATION OF THE PERMANENCY PLANNING & COORDINATING COUNCIL.

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Mr. Larry Ternes, Youth Services Administrator, Corrections, greeted the Commissioners and said, “This contract with the Kansas Department of Social and Rehabilitation Services (SRS) provides funding for one staff position to support the operation of the Permanency Planning and Coordinating Council. The original contract was established in May of 2000 between SRS and Sedgwick County to provide a program designed to accelerate permanency for youth in foster care and to promote ongoing improvement in the child need of care system as it functions here in the 18th Judicial District. This new contract is for a one-year period and the position funded by this contract serves as the Permanency Council Coordinator. In this contract, SRS is responsible for the salary and benefits for the position and the county is responsible for the provision of office supplies and any other business related expenses. The maximum amount under this contract payable to the county from SRS is \$72,886. I'm requesting that you approve this contract and authorize the Chair to sign, and I'd be happy to answer any questions that you may have.”

MOTION

Commissioner Welshimer moved to approve the Contract and authorize the Chair to sign.

Commissioner Norton seconded the motion.

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

VOTE

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

Mr. Ternes said, “Thank you, Commissioners.”

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

K. ADOPTION OF RESOLUTION IMPOSING SOLID WASTE FEES FOR 2011.

Mr. David Miller, Budget Director, Finance, greeted the Commissioners and said, “Before you this morning is a resolution for adoption of the Solid Waste Fee that will support Sedgwick County solid waste efforts for 2011. Over a decade ago, the state assigned responsibility for a local solid waste planning for municipalities and county jurisdictions, and provided authority for the implementation

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of a Solid Waste Fee to defray the cost of those efforts. Currently, the fee is used to support the Household Hazardous Waste Facility, solid waste enforcement and minimization and any special projects you may choose to put in place, with the last one being the popular e-waste (electronic waste) event that was held in 2009 at the Kansas Coliseum complex. The fee is imposed on the annual property tax bill by parcel and is collected by the County Treasurer with property tax payments.

“For 2011, the resolution before you proposes a fee of \$5.70 for residential owners, an increase of \$1.66, and for non-residential commercial owners, the base fee would be established at \$5.46, an increase of \$1.06 with differentiating amounts depending on the property class tier assignment for non-residential properties. A portion of that increase, 20 cents for residential owners, would generate an additional \$40,700 to mitigate the estimated drawdown in the fund balance to \$480,000, which is equal to the amount needed to maintain the small city storm debris removal contingency at that same level. The remaining portion of the increase for residential owners, \$1.46 and \$1.07 in the base non-residential fee, would generate an additional \$318,500 and would be used to implement a special tire roundup project in which the taxpayers could drop off unused tires for recycling. The last time a similar event was held in the county was in 2004. Overall, the fee is estimated to generate approximately \$1,266,623 and those fees, in combination with transfer station tonnage fees, construction and demolition landfill license fees, merchandise sales and cash from prior years would fund the county’s solid waste efforts in 2011. I’d be happy to stand for any questions that you might have and I recommend that you adopt the resolution.”

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

Commissioner Welshimer said, “All the things we're going to do with this money are very important or important to the community and they become more so all the time. I think what we're planning to do is good, but my biggest problem is putting this on the property tax bill, which in the end increases it, and so it puts me between a rock and a hard place. So what I'm willing to do is vote for this today and then when we get into budget meetings, I'm going to ask for a mill levy rollback that would be equal to what we're doing with this fee. Thank you.”

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

Commissioner Parks said, “In many of my previous comments, I have said very much similar to the same thing that Commissioner Welshimer has. I know how important storm debris removal is for small cities. If you've ever been in that event, and I know myself and Commissioner Norton have been in those situations; it’s very important. I don't want to speak for Commissioner Norton, but I know that he's had that experience also. Also, townships, other entities that deal with tires constantly, I just think that this is a fee that can be used in lieu of the mill levy property tax. Thank you.”

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Chairman Peterjohn said, "We need a motion."

Commissioner Welshimer said, "I move we approve the contract and authorize the Chair to sign."

Commissioner Parks said, "Second."

Chairman Peterjohn said, "Further discussion..."

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "Adopt the resolution."

Chairman Peterjohn said, "Excuse me?"

Mr. Euson said, "The action is to adopt the resolution."

MOTION

Commissioner Welshimer moved to adopt the Resolution.

Commissioner Parks seconded the motion.

Chairman Peterjohn said, "Okay, now that we've gotten to that point. I have had a lot of discussions in the past, and the staff level, and some discussions that we've had at our weekly staff meeting, and I want to go through the reasons why I'm going to be voting the way I am today. The county does have contingency funds, and I'm not as concerned about keeping the contingency in this department at a certain level as long as we have other funds available. The argument that this is a fee, I understand that that's what the statute calls out. In my previous role, when I lobbied on behalf of taxpayers up at the state level, this would often come up in Topeka in front of the two tax committees and legislature, and it's basically a charge that's going to show up on everyone's property tax bill. And I think of a fee, for instance, a fee in my mind is truly when you, for instance, if you go to a state park, for instance, and they charge you a fee to use the facility for a day or for a year, you pay the fee and you get to use the park. This being on property tax bills would not be the

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case. I'm going to ask a question of counsel, in terms of from a legal point of view, if a person paid their property tax and just paid the property tax portion, but did not pay this fee, how does the county go about collecting and would this trigger the same process that would occur for a non-payment of property tax on this, on a non-payment?"

Mr. Euson said, "I don't think it triggers the same foreclosure process that non-payment of taxes does. I think that what has to happen is there has to be a certification of unpaid fees to the Board of County Commissioners and then the Board of County Commissioners has to approve the collection of those fees. And I haven't read the statute for a long time, so I'm not more definitive than that. I'm sorry. But there is a special administrative procedure that you go through or the Board of County Commissioners has to take some action to collect those fees."

Chairman Peterjohn said, "If someone did what I just described?"

Mr. Euson said, "Yeah."

Chairman Peterjohn said, "Okay. Well, I share Commissioner Welshimer's concerns about doing anything. We've got a lot of people who are hurting and hurting badly out there when it comes to...and they're struggling to just keep food on their table, and keep their utilities paid and pay their mortgage, and anything that we do that's going to make that more of a challenge. I very much appreciate when I joined the Commission the e-waste event occurred out at the Kansas Coliseum pavilions, and was a very successful, and I agree with my colleagues, it was a very popular event. And I think people who utilized it could have paid a nominal fee, and we could have worked it out and proceed down that avenue, and the beneficiaries would also be the ones who would help pay for it directly as opposed to putting it on the property tax bill. I wish we were in a situation where we could do what Commissioner Welshimer has suggested, which would be we'd offset it by rolling back the mill levy."

"But the information I have at this point in time, and it is subject to change, we're looking at getting less property tax revenue for every mill this year with the budget's numbers that are going to be certified next month than we did last year. That's quite a change. In fact, it is a dramatic change. We're talking about instead of having three, or five, or seven percent growth in taxable assessed values, so one mill generates a lot more money; we're talking about a mill levy shrinking. And that's going to put us as an elected body, and it's true for all the other local governments that are dependent upon property tax revenues, in a very difficult financial situation, because revenues are going to be shrinking as property tax assessed values decline. So I'm not comfortable with the direction I think we're going to go today and my vote is going to reflect that. Seeing no further lights, Commissioner Unruh."

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Commissioner Unruh said, “Thank you, Mr. Chairman. Well I just want to make a couple comments to explain my vote. I’ll be supportive of the recommendation. I had said earlier that I would support the 20 cent increase that would keep the fund solvent and maintain appropriate fund balances, and that I would also be supportive of the highest priority service that was established by our staff; what’s the highest priority for services to our citizens. I understand the comments that have been made by my colleagues, but this particular fee is one time per household. It is not a recurring monthly fee and I think that makes it more understandable. I’d want our citizens to know that. If we should have these community services without this fee, those costs would be borne in our general fund by mill levy revenues. So I think having a specific fee for specific services and working within that type of a budget is a reasonable way to provide services for the Sedgwick County community. And trying to do everything on a user basis, I don’t think, on this type of activity, supports the community values. I think this will accomplish that. And I think government has to be responsive to the need of the community, but it needs to be very restrained in what it does and it has to be realistic as it approaches these challenges. And I think our approach with the Solid Waste Fee and the amount of the fee is appropriate, and so I’m going to be supportive.”

Chairman Peterjohn said, “I’m going to clarify my earlier remarks, because when I mentioned tax versus fee, one of the things that I ran on in 2008 was the requirement that for any tax increase, I think the voters ought to have a say. It’s true in Colorado today for state and local tax increases. It’s true in Missouri today for state and local tax increases. It’s also true in Oklahoma today for most state and local tax increases, unless, in the case Oklahoma, the legislature passes a super majority vote statewide by their legislature. It’s one of the reasons why I think Kansas regionally, compared to our surrounding states, generally has higher taxes and charges. So since this is called a fee by statute, that I see no distinction, I view it as a tax. It is a charge and it’s showing up on the property tax bills. I wanted to clarify my earlier remarks on that point and let everyone know out there that I will be voting in accordance with the position I took during my campaign. Commissioner Welshimer.”

Commissioner Welshimer said, “Well I see the protection of our environment is equally important as our economic development. In economic development, we have a set aside budget for such as that. We don’t have a set aside budget for these items that we’re putting into a fee. It makes it sound like it’s not very important, it’s just something on the side that we’re going to do, but it isn’t enough to bring it into our budgeting system, and I think it should be. I’m not so sure that we can’t adjust it in our mill levy and I think it won’t be discussed during our budget talks. And so I’m supporting the motion.”

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

VOTE

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

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

Mr. Miller said, "Thank you."

L. COMCARE

1. CONTRACT BETWEEN COMCARE AND KEITH BOMHOLT FOR APARTMENTS FOR THE HOUSING AND URBAN DEVELOPMENT (HUD) GRANT.

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, "This is a renewal of a contract with Keith Bomholt, who's the owner of the apartment groups that COMCARE utilizes for our Transitional Housing program services. HUD (Housing and Urban Development) funds the contract with secondary revenue coming from billing by the staff that we have positioned there. The contract funds 14 one-bedroom apartments and two two-bedroom apartments, as well as one of the apartments that is utilized as an office and a gathering place for the residents there. We're recommending that you approve the contract and authorize the Chairman to sign."

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Peterjohn said, "We have a motion and a second. I've got a question. Is there any property tax funds involved in this agreement?"

Ms. Cook said, "No."

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

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VOTE

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

Chairman Peterjohn said, "Next item."

2. AGREEMENT WITH HORIZONS MENTAL HEALTH CENTER, INC. FOR COMCARE TO PROVIDE PSYCHIATRIC SUPERVISION AND CONSULTATION SERVICES.

Ms. Cook said, "Commissioners, this is a renewal of a long-standing agreement with Horizons Community Mental Health Center in Hutchinson, Kansas. The agreement provides payment for Dr. DeAnn Jenkins, who's our board certified child psychiatrist, to provide supervision, consultation, and monitoring and medication administration of the two advanced nurse practitioners that are employed by Horizons, and she does this three hours a week by televideo. There aren't any substantial changes from the previous contract. We are recommending that you approve the agreement and authorize the Chairman to sign."

MOTION

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

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

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Chairman Peterjohn

Aye

Chairman Peterjohn said, "Next item."

3. AGREEMENT WITH HEARTSPRING FOR COMCARE TO PROVIDE CHILD PSYCHIATRIC CONSULTATION AND EVALUATION SERVICES.

Ms. Cook said, "This is another contract renewal for payment to COMCARE, this time for Dr. DeAnn Jenkins' direct service with children who are residents of Heartspring, as well as her review and monitoring of the use of psychiatric medications and consultation to the Heartspring medical providers there. The contract remains at eight hours a month, as it has been for a while and, again, there are no changes from the previous contract. We are recommending that you approve the agreement and authorize the Chairman to sign."

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Peterjohn said, "Motion and a second, questions or comments? Commissioner Parks."

Commissioner Parks said, "Just had one question. No matter what the caseload is, it's just going to be eight hours a month?"

Ms. Cook said, "Right. They pay us for that time, whether she's there or not, but yes."

Commissioner Parks said, "Okay. So even if she doesn't provide any services, she gets the..."

Ms. Cook said, "Yes."

Commissioner Parks said, "...\$165..."

Ms. Cook said, "Yes."

Commissioner Parks said, "...an hour. Okay."

Ms. Cook said, "That's never happened though."

Commissioner Parks said, "Okay."

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Ms. Cook said, "Okay."

Commissioner Parks said, "Thank you for clarifying that."

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

VOTE

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

Chairman Peterjohn said, "Next item."

4. SECOND AMENDMENT TO CONTRACT WITH BEHAVIORAL LINK TO PROVIDE GROUP AND INDIVIDUAL PSYCHOSOCIAL REHABILITATION, AND ATTENDANT CARE SERVICES AND SHORT-TERM RESPITE CARE SERVICES.

Ms. Cook said, "Commissioners, this is the second amendment to this year's contract with Behavioral Link. The amendment adds short-term respite care to the other services that Behavioral Link already provides to kids at COMCARE. Respite services provide temporary direct care and supervision of children who have serious emotional disturbances. The primary purpose of those services is to provide relief to families and caregivers with children who have these serious emotional disturbances. This can mean support provided in the home, or sometimes this happens in the community. The amendment increases the not to exceed amount by \$50,000. We're recommending that you approve the agreement, and authorize the Chairman to sign and authorize the necessary budget authority."

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Peterjohn said, "We've got a motion and a second. Questions or comments? I'm going to just ask, with this amendment, I know the backup provides additional detail that we at the Commission have, and obviously some of the folks out in the audience may not, is there any property tax funding involved in this change?"

Ms. Cook said, "No, there is not."

Chairman Peterjohn said, "No, there is not. Thank you very much. Seeing no further discussion, please call the vote."

VOTE

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

Ms. Cook said, "Thank you."

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

M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JUNE 17, 2010.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, "The meeting of June 17th results in four items for consideration. First item;

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**1. MEMBERSHIP RENEWAL – COMCARE
FUNDING – COMCARE ADMINISTRATION**

“Recommendation is to accept the quote from the Association of Community Mental Health Centers of Kansas, Inc. in the amount of \$35,863.86. Item 2;

**2. TIRES FOR FLEET MANAGEMENT – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

“Recommendation is to accept the bid from Becker Tire and establish contract pricing through June 1st of 2011. Item 3;

**3. SEDGWICK COUNTY PARK PARKING LOTS – FACILITIES
DEPARTMENT
FUNDING – BOUNDLESS PLAYGROUND PARKING/PARKING – PLUM
SHELTER**

“Recommendation is to accept the low bid from Cornejo & Sons, LLC in the amount of \$226,496. And Item 4;

**4. ARCHITECTURAL & ENGINEERING SERVICES TO REMODEL EMS
POST 10 – FACILITIES DEPARTMENT
FUNDING – EMS POST 10 – VIA CHRISTI**

“And that recommendation is to accept the low proposal from Law Kingdon Architecture in the amount of \$28,700. Would be happy to answer any questions and I recommend approval of these items.”

MOTION

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

Commissioner Norton seconded the motion.

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

Commissioner Parks said, “On number two, having 30 years experience with another major state contract provider, Goodyear did not bid on this?”

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Ms. Baker said, "No, they did not."

Commissioner Parks said, "I find that highly unusual."

Ms. Baker said, "Goodyear hardly ever submits a bid for tires to the county."

Commissioner Parks said, "Okay. Well maybe we should seek out them. I'm going to be supportive of it, though. I think it's very competitive with the Firestone, but certainly Goodyear has a lot of US and Kansas ties. Thank you."

Ms. Baker said, "They are on our bid list. They just don't submit bids."

Chairman Peterjohn said, "Appreciate that clarification, because, obviously, getting the best value possible, and there were a number of bids."

Commissioner Parks said, "I can see where they probably wouldn't seek out that, because the local dealer doesn't make a lot of money when it's net state price. But they are out there."

Ms. Baker said, "Common."

Commissioner Parks said, "Yeah."

Chairman Peterjohn said, "Seeing no further discussion, please call the vote on Bid Board."

VOTE

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

Ms. Baker said, "Thank you."

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

N. CONSENT AGENDA

Regular Meeting, June 23, 2010

- 1. ZON2008-19-Extension of time to complete platting requirement for a zone change from “SF-20” Single-family Residential to “LC” Limited Commercial; generally located south of 21st Street North, ¼ mile west of 159th Street East. (District #1)**
- 2. Approval of revised documents (4) pertaining to the Kansas Transportation Revolving Fund.**
- 3. Payment of invoice in the amount of \$3,905.52 to Brite-line for the purchase and application of striped decals on Ambulance #2013.**
- 4. Donations to COMCARE of Sedgwick County to be used as a memorial furthering programs for individuals with mental illness.**
- 5. Amendment to professional service agreement with Dr. Laurie Coyner to provide inpatient psychiatric care for COMCARE consumers.**
- 6. Authorization of a Service Agreement which will allow Osborne County to use Sedgwick County’s Motor Vehicle Tax Estimator.**
- 7. General Bill Check Register of June 9, 2010 – June 15, 2010.**
- 8. Payroll Check Register of June 5, 2010.**

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

MOTION

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye

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Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Peterjohn	Aye

Chairman Peterjohn said, "Next item."

O. OTHER

Chairman Peterjohn said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well we had our hazardous waste collection in Derby on Saturday, and we had 550 vehicles unload their hazardous waste at the high school, so it was very successful and I think everybody is very pleased about that. That's all I have."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "Mark your calendars for the Park City 4th of July parade. It will be on the 3rd of July instead of the 4th of July, so little calendar change there. And, of course, Kristi told us about the American Quarter Horse events at the pavilions. This is a large event. It's people from all over the nation show up to that event and the cost is a very nominal for you to go out to, especially if you live very close, it's very, very good for you to go out to an event that won't cost anything to actually get through the door. Thanks."

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

Commissioner Unruh said, "Thank you. I just wanted to remind folks that the Kechi Fair is this weekend with a parade and lots of activities. Sedgwick County will have an exhibit there. The folks who are interested can stop by and hear about the activities and services of Sedgwick County. But the parade at 10:00 is always a lot of fun. They have activities beginning Friday night, so encourage everyone, if they'd like to have a good time, go to Kechi."

Chairman Peterjohn said, "I'm going to mention something that's not quite as much fun as what my colleagues have mentioned, but just give a quick report on the number of folks this morning. We had 1,508 people in the Sedgwick County Jail, which is very close to the number that we seem to have between 2005 and 2008. Of that number, 146 were on work release. What's interesting is, is there were 934 of those folks who the Sheriff has classified as maximum or medium in the jail, and of course, since our jail is kind of a maximum security facility, we had 527 people who are classified as minimum. Of course, some of those folks would have been in work release and we had

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a number of folks out of county, and as well as 71 open beds as of this morning. I mention these figures, because there's been some news and editorial discussion about the numbers in the jail.

“And the fact is, in the month of October last year; we averaged 1,736 people in the Sheriff's custody at that point in time. And to bring the numbers down to where they've been, and 1,508 is pretty close to where we've been floating in the last month or so. We've occasionally gotten into the 1,400s, sometimes we're getting close to 1,550, but to have these numbers where they're at is a big accomplishment, and for everyone involved with CJCC (Criminal Justice Coordinating Council) and the elected officials, staff, our counterparts across the street, I'll even through a bouquet to our friends at the City of Wichita and the other municipalities in Sedgwick County, we've made some progress and I think these numbers reflect it. At this time, I'm going to recognize Commissioner Welshimer.”

MOTION

Commissioner Welshimer moved that the Board of County Commissioners recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and legal advice, and that the Board of County Commissioners return to this room from Executive Session no sooner than 11:25 a.m.

Chairman Peterjohn seconded the motion.

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

VOTE

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

Chairman Peterjohn said, “We’re in recess until no sooner than 11:25 a.m. for Executive Session.”

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The Board of County Commissioners recessed into Executive Session at 11:10 a.m. and returned at 11:30 a.m.

Chairman Peterjohn said, "I'm going to call this meeting back into session from our Executive Session and recognize Mr. Euson."

Mr. Euson said, "Thank you, Mr. Chairman. Commissioners, no announcements to make. The record should show there's no binding action taken while in closed session. Thank you."

Chairman Peterjohn said, "Thank you. Seeing no further discussion, I'm going to make a motion that we adjourn."

MOTION

Chairman Peterjohn moved to adjourn.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "We're adjourned."

P. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:31 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:

July 14, 2010