

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

### **REGULAR MEETING**

**May 13, 2009**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 a.m. on Wednesday, May 13, 2009 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. William P. Buchanan, County Manager; Ms. Jennifer Magana, Deputy County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Jim Weber, Deputy Director, Public Works; Ms. Kristi Zukovich, Director, Communications; Mr. Ashok Aurora, Department of Aging; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Bob Weeks, Board of Zoning Appeals; Mr. Craig Perbeck, Wichita/Sedgwick County Access Advisory Board; Mr. Glen Wiltse, Director, Code Enforcement; Mr. Michael North, Assistant County Counselor; Ms. Irene Hart, Director, Community Development; Mr. Marty Hughes, Revenue Manager, Division of Finance; Mr. Chris Chronis, CFO; Mr. Bob Lamkey, Director, Public Safety; Mr. Ron Holt, Assistant County Manager; Ms. Iris Baker, Director, Purchasing Department; Mr. Carl Cox, Division Chief, Fire Department; Mr. Eddie Fajardo, Division Chief, Fire Department; Mr. Jay Holmes, Field Service Administrator, Corrections; Ms. Caroline Hosford, Environmental Training Specialist, Environmental Resources; Ms. Terrilee Jones, Lieutenant, Sheriff's Office; Mr. Tavis Leake, Captain, Fire Department; Mr. Terry Mauldin, Division Chief, Fire Department; Ms. Janice McCoy, Health Protection Coordinator, Health Department; Ms. Deanna Scott, Division Manager, Appraiser's Office; Col. Richard Powell, Chief Deputy, Sheriff's Office; Ms. Katie Asbury, Deputy County Clerk; Ms. Angela Lovelace, Deputy County Clerk; and Mr. Kelly B. Arnold, County Clerk.

### **GUESTS**

Mr. John Rolfe, President and CEO, Go Wichita Convention and Visitors Bureau  
Mr. Franklin Higgs, Wichita Area Quarter Horse Association  
Mr. Jason Dilts, Director of Community Development, ROK ICT!  
Dr. John Wong, Director, Hugo Wall School of Urban and Public Affairs, Wichita State University  
Ms. Gayle Martin, Public Affairs Associate, Center for Urban Studies, Wichita State University  
Ms. Laura Higby, Graduate Assistant, Wichita State University  
Mr. Lyndon Wells, Volunteer Chairman, GWEDC (Greater Wichita Economic Development Coalition)  
Mr. Harold Smith, Mayor, Bel Aire, Kansas  
Mr. Ty Lasher, City Administrator, Bel Aire, Kansas

### **INVOCATION**

Led by Pastor Keith Koch, Grace Presbyterian Church in Wichita, Kansas

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**FLAG SALUTE**

**ROLL CALL**

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

**CONSIDERATION OF MINUTES**

Regular Meeting for April 8, 2009

Regular Meeting for April 15, 2009

**Ms. Katie Asbury**, Deputy County Clerk, greeted the Commissioners and said, "Regular meeting for April 8th, 2009, Commissioner Norton was absent."

**Commissioner Welshimer** said, "I move we accept the minutes as read for April 8th and April 15th. Oh, wait. Were you here for April 15th?"

**Commissioner Norton** said, "Was I? I was here for the 15th."

**Ms. Asbury** said, "The 15th, not the 8th."

**Commissioner Welshimer** said, "Okay. For April 8th."

**MOTION**

Commissioner Welshimer moved to approve the minutes for the Regular Meeting of April 8, 2009.

Commissioner Peterjohn seconded the motion.

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

**VOTE**

Commissioner Unruh

Aye

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

**Ms. Asbury** said, “Consideration of minutes for the Regular Meeting of April 15th, 2009. All Commissioners were present.”

**MOTION**

Commissioner Welshimer moved to approve the minutes for the Regular Meeting of April 15, 2009.

Chairman Parks seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Next item.”

**PROCLAMATIONS**

- A. PROCLAMATION DECLARING MAY 9 - 17, 2009 AS TRAVEL AND TOURISM WEEK.**

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

**PROCLAMATION**

**WHEREAS;** travel to and within the United States provides significant economic benefits for the

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nation; and

**WHEREAS;** the travel industry ranks as the fifth largest employer in the United States and among the top 10 industries of 49 states (including the District of Columbia) when measured by employment; and

**WHEREAS;** 3.4 million travelers visit Sedgwick County each year contributing \$356 million per year to the local economy; and

**WHEREAS;** leisure and hospitality services provide employment for 28,300 people in the Wichita MSA, generating a combined payroll of \$352.1 million; and

**WHEREAS;** travel contributes to personal growth, health, professional advancement, education, cultural understanding and the enhancement of America's image around the world; and

**WHEREAS;** meetings, events and incentive travel are core business functions that help companies to strengthen business relationships, align and educate employees and customers, and reward business performance;

**NOW, THEREFORE, BE IT RESOLVED** that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim May 9-17, 2009 as

**'Travel and Tourism Week in Sedgwick County'**

"It's dated May 13th, 2009 by the Chairman, Kelly Parks."

**Chairman Parks** said, "Be it so proclaimed and I believe we have some people here to receive that."

**Ms. Zukovich** said, "We do, John Rolfe from Go Wichita."

**Mr. John Rolfe**, President and CEO, Go Wichita Convention and Visitors Bureau, greeted the Commissioners and said, "Thank you so much. I just wanted to thank you for the Proclamation. Yesterday, as you probably are all aware, we did hold our U.S. Travel Rally Day, it is the day, that Tuesday of this week, which is May 9th through the 17th, is always the day that we recognize the

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'National Travel and Tourism Day,' and want to certainly thank Commissioner Welshimer for her appearance and her remarks yesterday, we really appreciate that. But I also want to thank you for your continued commitment. I know financially, and otherwise, for what you do for our area attractions is just so critical and an important piece of our community and our County to have your commitment there, to make these available for visitors who come into our city.

"But I also want to recognize, certainly your support for the Intrust Bank Arena. I think it is just going to be a tremendous asset to our community, and certainly already we have had many inquiries of various events, who are looking at that venue for future years, even as early as next year. So I want to thank you for your commitment to the Intrust Bank Arena and I think it's going to be a significant asset and improvement to what we already have here in the area. My colleagues here with me from Go Wichita, four of them here, four of our key management team members are here, also joining me, and last but certainly not least, I want to thank Mr. Ron Holt, Assistant City Manager, who also serves on our Board, for his continued leadership and support there on our Board, so thank you very much."

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

**Chairman Parks** said, "John, if you will just remain there for a few minutes, Commissioner Welshimer."

**Commissioner Welshimer** said, "Well, I thought your event yesterday was a lot of fun, and I was especially impressed with your staff that got out in the rain with a sign showing all the cars that 'we're gonna Go Wichita,' and it was so gloomy and rain was pouring down on them. It was a nice event."

**Mr. Rolfe** said, "Thank you."

**Chairman Parks** said, "And I would also like to add that with all of the gas prices going up and I think the events in the Middle East, they are going to continue to go up, invite everybody from around Kansas to think about a staycation, stay in Kansas, and we have a lot of things here for them to observe and take a vacation in Kansas. I think this just goes hand in hand with what we're doing here. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chair. John, I just wanted to add my comment that we appreciate the hard work that you all do. The economic impact, as indicated in the Proclamation, is not minor, it's very significant. A \$356 million annual impact to our community. So it's important work that you're doing. I mean, when you talk about tourism, a lot of times you think about fun and games and you quit thinking at that point. I know that it's hard work, and it does have

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a significant economic impact, so I appreciate your work on behalf of the citizens of South Central Kansas, and it looks like you brought us a gift. I want to thank you for the goody bag. I haven't looked in it yet, but I appreciate that."

**Mr. Rolfe** said, "Most definitely. Just a little bit of information about tourism facts that happen across the world, as well as locally a little bit. Our new visitor guide, which is also in there, and I think there's a little treat, so in between the meeting if you want to take a quick snack, I think there's a treat in there that you can snack on. But also, Commissioner Unruh, we want to thank you, I know over the years, and even most recently as a couple months ago, you were involved in a bid for us, a wrestling bid. We certainly appreciate your continued commitment there and always willing to assist us when there's a relationship with others that can help us win bids for our area."

**Commissioner Unruh** said, "Well, thank you. That's all I had, Mr. Chair."

**Chairman Parks** said, "Okay. Any other comments for John? What's the will of the Board?"

**MOTION**

Commissioner Unruh moved to adopt the Proclamation

Chairman Parks seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, "Thank you, John."

**Mr. Rolfe** said, "Thank you."

**B. PROCLAMATION DECLARING MAY 2009 AS OLDER AMERICANS MONTH.**

**Ms. Zukovich** said, "I'll read this for the record."

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**PROCLAMATION**

**WHEREAS;** Sedgwick County is a community in which 64,481 citizens age 60 and older make their home; and

**WHEREAS;** older adults in Sedgwick County and throughout the nation are an increasing population with evolving needs; and

**WHEREAS;** the increasing number of baby boomers reaching traditional retirement age highlights the need for increased support of older adults; and

**WHEREAS;** it is the responsibility of all Sedgwick County residents to work collaboratively to address older adults' unique health and long-term care challenges; and

**WHEREAS;** Sedgwick County Department on Aging, Central Plains Area Agency on Aging and other human service agencies can improve older citizens' overall quality of life by helping them:

- Make behavioral changes in their lifestyles that can reduce the risk of disease, disability, and injury;
- Obtain the tools they need to make informed decisions about, and gain better access to, existing health and long-term care options in their communities;
- Have more options to avoid placement in nursing homes and remain at home as long as possible.

**NOW, THEREFORE, BE IT RESOLVED** that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim May 2009 as

**'Older Americans Month'**

"And it's dated May 13th, 2009 by the Chairman, Kelly Parks."

**Chairman Parks** said, "Do we have someone present to accept this Proclamation?"

**Ms. Zukovich** said, "We do, Commissioners. We have Ashok Aurora who is here and I will let him tell you a little bit more about what's happening. Thank you, Ashok."

**Mr. Ashok Aurora**, Department of Aging, greeted the Commissioners and said, "Thank you very much for this award for my organization. I have been with this organization for the last six years, and I think we try to do the best we can for the older generation in this state. I am one of those. And

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I can say this much that I don't think I could get any better help than I do have now. And on behalf of all the older of us, I thank you all very, very much."

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

**Commissioner Unruh** said, "Thank you, Mr. Chair. Ashok, I just want to congratulate you on the Proclamation, but also give you thanks for your commitment and work on behalf of our aging community. I know that this is something that you do from your heart, and the whole effort in this area has the result of just increasing the quality of life for many of our citizens who need different categories, need different resources, and different areas of help; and you help make that available, so thank you very much for your leadership."

**Mr. Aurora** said, "Thank you, sir."

**Chairman Parks** said, "And it is certainly appreciated from this Board that you are serving in your capacity and it is a fate that befalls us all, unless we have such an infinite other fate, we all will be needing the services for the aged and just really appreciate your work. Thank you."

**Mr. Aurora** said, "Thank you, sir."

**Chairman Parks** said, "Any other comments? What is the will of the Board?"

**MOTION**

Commissioner Unruh moved to adopt the Proclamation

Commissioner Peterjohn seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye



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Chairman Parks

Aye

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

**Mr. Aurora** said, "Thank you, sir."

**C. PROCLAMATION DECLARING MAY 2009 AS MENTAL HEALTH MONTH.**

**Ms. Zukovich** said, "I'll read this for the record."

**PROCLAMATION**

**WHEREAS;** with increasing economic troubles adding to the stress at work and family demands, more and more Americans are suffering. In fact, 58 percent of Americans reported struggling in their lives at the end of 2008, and;

**WHEREAS;** the theme of Mental Health Month 2009, 'Live Your Life Well,' focuses on 10 specific tools that can combat stress and promote health and well-being, and;

**WHEREAS;** these tools, connecting with others, staying positive, getting physically active, helping out others, getting enough rest, creating joy and satisfaction, eating well, taking care of your spirit, tackling your problems, and getting professional help if and when you need it can help you to manage and strengthen one of your greatest assets: your mental health, and;

**WHEREAS;** good mental health keeps you productive, energetic, happy and hopeful, even in the face of life's challenges, and;

**WHEREAS;** caring for your mind, as well as your body, is good for your overall health and it is key to success at home, at work and at school; and

**WHEREAS;** COMCARE continues their dedication to educating the public on ways to preserve and strengthen its mental health, and that early detection, diagnosis and treatment of mental health problems greatly increases the likelihood of restored health, and so;

**NOW, THEREFORE, BE IT RESOLVED** that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim May 2009 as

**'Mental Health Month'**

"And it's dated May 13th by the Chairman Kelly Parks."

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**Chairman Parks** said, “Thank you, Kristi. And we do have somebody to accept this Proclamation?”

**Ms. Zukovich** said, “We do have Marilyn Cook, who’s the Executive Director of COMCARE here.”

**Chairman Parks** said, “Thank you.”

**Ms. Zukovich** said, “Thank you.”

**Ms. Marilyn Cook**, Executive Director of COMCARE, greeted the Commissioners and said, “Thank you very much for the Proclamation. Each year, May has been designated as ‘Mental Health Awareness Month’ and the primary goal is to educate the public about mental health and about mental illness. As you heard in the Proclamation, this year’s theme is to ‘Live your Life Well.’ They selected the theme as many Americans are experiencing stress in record numbers, last year and this year, and don’t always know what to do to reduce the stress that they are experiencing. We all need some stress in our lives.

“You might ask why is it so important to reduce it? But the answer is that when we experience continued high levels of stress, physical changes in our bodies become evident. For instance, sugars are dumped into our bloodstream to provide energy, muscles become tense and poised for action, your heart beats faster to get blood pumping and digestive and other functions react by slowing down to conserve energy. So sustained stress can lead to elevated blood pressure, to heart disease and stroke, decreased immune defenses at a time when we know there is a virus going around, and certainly can lead to mental health problems, such as depression and anxiety that have a likelihood of impacting your daily functioning.”

**Ms. Cook** continued, “If anybody had a chance to take a peek at this morning’s paper, page two had an article about the number of children in America right now that are experiencing increased amounts of stress, hearing their parents talk about financial difficulties that they are experiencing and layoffs and one young lady was quoted as saying, ‘mom and dad are talking about bankruptcy, does that mean they’re going to go to jail?’ So even kids are experiencing stress right now, you heard Kristi read the ten tools in the Proclamation, I want to just go over them one more time, more slowly, and make people aware of them.

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“The first tool to reduce stress is to connect with other people. People who are well connected with other people are generally happier and healthier than those that don’t. Another tool is to stay positive. People who are more focused on the positive tend to be less affected by painful memories and life’s situations that they are experiencing. Another tool is to stay and get physically active. Physical activity can reduce insomnia and certainly has an impact on depression. Another tool is to help others. People who focus on the needs of others experience less depression than those who don’t reach out to others. Get enough sleep is something that I have been really focusing on this year myself. Sufficient sleep is good for overall health, it’s good for weight loss and it’s good for your heart health. Create joy and satisfaction is another tool and tapping into positive emotions can make it easier to bounce back from difficult situations. Eat well is the seventh tool. Eating well can increase your energy levels, it can help you manage your weight and influence your mood.

“Eighth one is to take care of your spirit. People with strong spiritual lives, formal or informal, often experience a resilience that helps them mitigate the stress that they experience. Ninth tool is to deal better with hard times, encourage people to tackle the problems they experience directly, rather than hoping they’ll resolve on their own, and to certainly seek support from others when they are experiencing difficult times, share that and get the help you need. And then the last one is to get professional help if you need it. Eighty percent of people who seek mental health treatment improve, and those are really, really wonderful odds.

“So my advice to those who are listening is to take time to identify those things in your lives that are major stressors in your life. Select one or two of those tools that we mentioned this morning, try to find a way to accomplish them. Might be connecting more with others, joining a ball team this time of year, making conscious effort to get more sleep or to eat better, or to do something special for someone. I would suggest people schedule that, like you would any appointment that’s important to you, and see if it makes a difference in the stress you’re experiencing. And in ending, I would like to thank the Commission and the County Manager for the support that you have given COMCARE throughout the year.”

“We have an incredible team of providers, who make up the public mental health safety net for this community. I hear stories almost daily of something that one of our staff has done to improve the life of someone that we are serving and I’m very, very proud of their efforts. Also, thanks again for acknowledging May as ‘Mental Health Awareness Month’ and for giving me the opportunity to remind people to live your lives well.”

**Chairman Parks** said, “Thank you, Marilyn.”

**Ms. Cook** said, “You’re welcome.”

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

**Commissioner Welshimer** said, "Marilyn, give us a little run down on how the capacity of COMCARE, in other words, how many patients do we have, say in a year, or an average per day."

**Ms. Cook** said, "Well, COMCARE has eight different programs throughout the city. Each year we serve a little more. The national average this year, for increase in people seeking mental health services, is 20 percent and I checked ours last month and we are at 19 percent increase over people calling our intake and seeking services, which is a good thing. We serve between 13,000 and 14,000 people, we did last year, we took over 60,000 crisis calls. We had over 700 people brought to our crisis program by law enforcement, so we're there and available. And that's a good sign to me that people are reaching out. I think there is better awareness of mental health. Stigma is reducing, and we will see some parity in mental health coverage that starts next year which should help that even more."

**Commissioner Welshimer** said, "Now these are people that are not necessarily just having a bout of depression, these are people who have an actual mental illness needing treatment?"

**Ms. Cook** said, "It's all kinds of people. People who have acute stressors that are new to them, people who are grieving over the loss of someone, people who have mental health conditions that are impacting their work, and their recommending having treatment, recommending people who are in relationships that are dysfunctional. So we go from acute, what we call reactive kinds of depressions and situations to people with very, very serious illness."

**Commissioner Welshimer** said, "Okay. And about what percentage of that would be children?"

**Ms. Cook** said, "We serve about 1,300 children with serious emotional disturbances. So these are the most seriously ill at COMCARE, but there are many treatment providers and agencies in Wichita that are serving children, so our share of that is about 1,300."

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

**Ms. Cook** said, "You are welcome."

**Chairman Parks** said, "What's the will of the Board?"

### MOTION

Commissioner Welshimer moved to adopt the Proclamation

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Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, "Thank you, Marilyn."

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

**D. PROCLAMATION DECLARING MAY 17 – 23, 2009 AS NATIONAL PUBLIC WORKS WEEK.**

**Ms. Zukovich** said, "I'll read this last Proclamation."

**PROCLAMATION**

**WHEREAS;** public works services provided in our community are an integral part of our citizens' everyday lives; and

**WHEREAS;** the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as streets and highways, bridges, drainage improvements, noxious weed control and household hazardous waste collection; and

**WHEREAS;** the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS;** the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials.

**NOW, THEREFORE, BE IT RESOLVED** that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim May 17-23, 2009 as

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**'National Public Works Week'**

in Sedgwick County, and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions public works officials make every day to our health, safety, comfort and quality of life.

“And it’s dated May 13th, by the Chairman, Kelly Parks. And Commissioners, we have David Spears, who is our Public Works Director, who is here to receive the Proclamation. I think he has some show and tell.”

**Mr. David Spears**, Director of Public Works, greeted the Commissioners and said, “Since 1960, APWA, which is American Public Works Association, has sponsored ‘National Public Works Week.’ Across the nation, our 29,000 members use this week to energize and educate the public on the importance of the contribution of public works to their daily lives: planning, building, managing, and operating the essence of our local communities. APWA has selected ‘Revitalize, Reinvest and Renew’ as its theme for the ‘2009 National Public Works Week.’ We thank you for the Proclamation. I’ll show you the poster. This is across the nation. See that?”

**Chairman Parks** said, “And do we have a statement about infrastructure?”

**Mr. Spears** said, “In that the infrastructure is the mother’s milk of economic development.”

**Chairman Parks** said, “There you go.”

**Mr. Spears** said, “Is that what you’re talking about?”

**Chairman Parks** said, “Okay. I wanted that to be part of the record of this Proclamation, so Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you, Mr. Chair. David, I just want to congratulate your department and your leadership on this ‘Public Works Week.’ We’re really proud of the evidence of your work in Sedgwick County. I mean through roads and bridges and buildings and the things that you’re involved in, and I know presently you are almost drowning in drainage problems, but I know that you’ll do your best to handle those. But we think we have a wonderful Public Works Department, so you and Jim and your staff, we want to express appreciation at this time.”

**Mr. Spears** said, “Thank you on behalf of all 130 of us.”

**Commissioner Unruh** said, “Thank you. That’s all I had, Mr. Chair.”

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**Chairman Parks** said, "Seeing the former Proclamation with the stressors, you've had your share of stressors in the last 365 days."

**Mr. Spears** said, "Especially the last couple weeks."

**Chairman Parks** said, "Exactly."

**Commissioner Peterjohn** said, "Mr. Chairman, since I was at a meeting last night where water problems were discussed, I would like to move we adopt the Proclamation."

**MOTION**

Commissioner Peterjohn moved to adopt the Proclamation

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Mr. Spears** said, "Thank you."

**Chairman Parks** said, "And do you have a frame for that, are you going to be able to put that up somewhere?"

**Mr. Spears** said, "We have a wall of them down at Public Works."

**Chairman Parks** said, "Okay. Very well."

**Commissioner Peterjohn** said, "You might consider a traveling display, and maybe we put one up here at the Commission Office."

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**Mr. Spears** said, "I can do that."

**Chairman Parks** said, "Okay, appointments."

**APPOINTMENTS**

**E. BOARD OF ZONING APPEALS.**

**1. RESIGNATION OF JANA MULLEN FROM THE SEDGWICK COUNTY BOARD OF ZONING APPEALS.**

**Ms. Jennifer Magana**, Deputy County Counselor, greeted the Commissioners and said, "Item E-1 is a Board of Zoning Appeals resignation of Jana Mullen. She has submitted her resignation from the Board and recommend you approve that resignation."

**MOTION**

Commissioner Peterjohn moved to accept the resignation.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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



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**2. RESOLUTION APPOINTING BOB WEEKS (COMMISSIONER PETERJOHN'S APPOINTMENT) TO THE SEDGWICK COUNTY BOARD OF ZONING APPEALS.**

**Ms. Magana** said, "Item E-2 is the Resolution appointing Bob Weeks, Commissioner Peterjohn's recommendation for the Board of Zoning Appeals, to fulfill the vacancy created by Ms. Mullen's resignation for the remainder of the term. That term would expire April 15th, 2010. I believe he might be present. I recommend you approve that Resolution."

**MOTION**

Commissioner Peterjohn moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, "I believe Commissioner Peterjohn had a few comments, would you rather..."

**Commissioner Peterjohn** said, "Commissioner, Week's is here to get sworn in."

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

**Commissioner Peterjohn** said, "I'll save them for after the swearing in."

**Chairman Parks** said, "Okay, thank you."

**Mr. Kelly B. Arnold**, County Clerk, greeted the Commissioners and said, "I'll read this through and you say 'I do' after, all right?"

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*“I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of Office of Sedgwick County Board of Zoning Appeals, so help me God.”*

**Mr. Bob Weeks**, Board of Zoning Appeals, greeted the Commissioners and said, *“I do.”*

**Mr. Arnold** said, “Congratulations.”

**Mr. Weeks** said, “Thank you. I’ll just say thank you to Commissioner Peterjohn for this recommendation and thank you to the other Commissioners for your votes. Thank you.”

**Commissioner Peterjohn** said, “Mr. Chairman, I was just going to make a quick comment. Mr. Weeks has been an activist in the community, and has been a true community resource, especially on the internet, at his [www.wichitaliberty.com](http://www.wichitaliberty.com) website. And I’m glad that he’s going to be joining us on the other side of the fence, in terms of trying to do the best job to improve our community in this new capacity he’s undertaking. Thank you, Bob.”

**Mr. Weeks** said, “You’re welcome.”

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

**F. JUVENILE CORRECTIONS ADVISORY BOARD.**

**1. RESIGNATION OF KATHLEEN KAISER FROM THE JUVENILE CORRECTIONS ADVISORY BOARD.**

**Ms. Magana** said, “Commissioners, Item F-1 is the Juvenile Corrections Advisory Board. You have a resignation from Kathleen Kaiser, I recommend you accept the resignation.”

**MOTION**

Chairman Parks moved to accept the resignation.

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

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

**2. RESOLUTION APPOINTING EMILE MCGILL (AT-LARGE APPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.**

**Ms. Magana** said, "Item F-2 is the Resolution we've prepared appointing Emile McGill to fulfill the remainder of that vacancy created by Kathleen Kaiser's resignation to the Juvenile Corrections Advisory Board. And it would further appoint her for a new three-year term expiring June 30th, 2013. We recommend you approve that Resolution."

**Chairman Parks** said, "What's the will of the Board?"

**MOTION**

Commissioner Unruh moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**G. WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.**

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**1. RESOLUTION APPOINTING GLEN DAVIDSON (COMMISSIONER PARKS' APPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.**

**Ms. Magana** said, "Items G-1 through, I'm sorry..."

**Chairman Parks** said, "And Ms. McGill is not here? Okay, thank you. Go ahead."

**Ms. Magana** said, "Items G-1 through G-5 are the Wichita/Sedgwick County Access Advisory Board and there are appointments from each of you for one-year terms. I suggest you may take up these items as one motion, if you wish."

**Chairman Parks** said, "Is there any objection to taking that up as one motion?"

**MOTION**

Commissioner Norton moved to adopt the Resolution appointing Glen Davidson, Sanford Alexander, Susan Robinson, Nick Taylor and Craig Perbeck to the Wichita/Sedgwick County Access Advisory Board, all at one time.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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- 2. RESOLUTION REAPPOINTING SANFORD ALEXANDER (COMMISSIONER UNRUH'S REAPPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.**

**Item included in the motion with Item 1.**

- 3. RESOLUTION REAPPOINTING SUSAN ROBINSON (COMMISSIONER NORTON'S REAPPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.**

**Item included in the motion with Item 1.**

- 4. RESOLUTION REAPPOINTING NICK TAYLOR (COMMISSIONER PETERJOHN'S REAPPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.**

**Item included in the motion with Item 1.**

- 5. RESOLUTION REAPPOINTING CRAIG PERBECK (COMMISSIONER WELSHIMER'S REAPPOINTMENT) TO THE WICHITA/SEDGWICK COUNTY ACCESS ADVISORY BOARD.**

**Item included in the motion with Item 1.**

**Commissioner Welshimer** said, "Mr. Perbeck is here."

**Chairman Parks** said, "Yes. I know my appointee to that Board is not here, but he has a very good reason for not being here, but I would like to thank Glen Davidson for stepping up and serving in his capacity for my district. Thank you."

**Mr. Arnold** said,

*"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of Office of the Wichita/Sedgwick County Access Advisory Board, so help me God."*

**Mr. Craig Perbeck**, Wichita/Sedgwick County Access Advisory Board, greeted the Commissioners and said, "*I do.*"

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

**Mr. Perbeck** said, "Thank you. Good morning. I'd like to thank the County Commissioners for this opportunity, and especially Commissioner Welshimer for giving me this opportunity. I would just like to say the work that's done at Board, with the County staff and the City staff, is remarkable, and the coming together and looking at projects and seeing how we can make our community accessible to all its citizens, and to see that City projects, County projects, parks, things that everybody wants to go see and do is available, and they have that opportunity, so I appreciate this opportunity, and I'm saying opportunity too many times, but that's okay, because it is, you know, I do appreciate Commissioner Welshimer looking to see that the Board is diverse. Thank you and I will serve another year and give it a go."

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

**Commissioner Welshimer** said, "Well, thank you, Craig, and I'm very proud of the work you're doing, and most satisfied with the fact that I appointed you to this Board. And I know how busy you are, you have a full-time job, and yet you still excel at everything you, so thanks very much."

**Mr. Perbeck** said, "Thank you."

**Chairman Parks** said, "We think a lot, many times, of just physical barriers in terms of accessibility, but I know my appointee does sign language, and accessibility to those that have vision and hearing and speech problems are also an important part of access into the system. So I would like to thank Glen for his volunteering to do this. Any other comments from the Commission? Seeing none, next item."

### **CITIZEN INQUIRY**

#### **H. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE BRITT BROWN ARENA AND PAVILIONS.**

**Chairman Parks** said, "Mr. Higgs would you come to the podium, please?"

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**Mr. Franklin Higgs**, Wichita Area Quarter Horse Association, greeted the Commissioners and said, "Thank you for this opportunity. I'm Frank Higgs. I've lived in Grant Township for 49 years. I've been involved with many organizations, and in some personal productions that we did at the Coliseum and/or some of the pavilions, and I can recall back the first time I saw Sam Fulco was at a meeting of the Wichita Area Quarter Horse Association. He was there to address our organization and to solicit money to be contributed for the purpose of the Coliseum and the complex. And at that time, we were assured that the facilities would always be available and affordable to our kind of people. Over the years I've considered asking permission to talk to you about some of the problems that we have had, obviously not everything has been problems, but those are what concern me presently.

"I don't know how much chance you've had to be familiar with the contracts that we are required to use, but to me they are terribly slanted, so as to make it difficult for the leasee or the user. For example, in some cases we had a monthly event going for years, and with I believe it was 30 days notice, we could be cancelled in lieu of, or in favor of, another event. To me, that is unfair because of scheduling and planning, you know 30 days is not very long when you use media and other means of promotion, and especially when you've been a constant user month after month for years.

"One time we had an event, had the building rented. We had decided in order to better afford the facilities; we would have an additional event in the morning, whereas we had normally had one event in the evening. We received our bill, and we got \$250 charge extra because we had that event, which was a barrel race, in the morning. So I called Mr. [John] Nath, the manager at that time, and asked, 'why?' And he said 'well, you had two events.' I said, 'well, we had the building rented for all day. We didn't do any harm. And we were just trying to survive by spreading the cost,' but he kept repeating, 'you had two events, you had two events.' Finally he said, 'Frank, you go back to your people and tell them that you used a crowbar on me, and I knocked \$100 off.' Now, I don't know how anyone could have had the authority, or could have thought they had the authority, to charge us that \$250 extra for that barrel race in the morning. But that's just an example of what it's been like to deal with some of the management at the Kansas Coliseum."

"We just had in January, our eighth annual, what we call 'Cowboy Extravaganza.' It was in January, the 24th, I believe. I gave the check to the Coliseum for \$1,000 in July. I received what they called a 'fully executed contract' in November. The event was in January. Now, that's not a big deal, but why would I need to pay \$1,000 in July when the event's in January, and I don't even get the contract until towards the end of November, so that's just another example.

"The building that we use most often is the Arena building. There are temporary or portable, livestock cattle-holding pens on the north end of the building, and I can recall four different times, one of the events that I participate with is the 'Farm and Ranch Show' that's held there each

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November. I furnish the cattle so that they can demonstrate their cattle handling equipment. But anyway, we've had cattle get out, and that's a worry. If you get cattle running around over that kind of an area, it worries me for the liability. And the reason they get out is because someone didn't put some pens in, those temporary panel pens, and so then no one worries or does anything to retrieve the cattle except me, it's my responsibility, and nobody helps, so that's a worry. And I've asked for permanent pens so it would eliminate that concern, and it would also eliminate that constant taking them out and putting them up.

“We go back so far as to be, we were the first event in the Sam Fulco Pavilion, Wichita Area Quarter Horse Association, so I've had a lot of years of experience in dealing with Coliseum management and staff. Generally, the staff has been excellent. But when it comes to some of these things that I just mentioned, sometimes they refer me to the County as being responsible for why they have to do this, or why they have to do that, or why they can't do this, or can't do that. I've talked with Mr. Holt a time or two. He was going to read the contract and get back to me, that's been probably three years and I haven't heard from him about that.

“So I just think that there has to be more concern for how well those facilities are utilized. I think they are tremendous facilities, generally speaking. It's a great asset to the whole region and could be a tremendous economic asset, but it's just like it's so forgotten or so neglected, it's just not nearly fully utilized. I know there are events that could be had, on a national scale, if somebody would put together a package, invite the events, and try to get them to come to Wichita, because it is a great location nationally. For example, there is a 'National High School Rodeo Finals' that is held every year. It travels around, it's been in Oklahoma, been in Illinois, it's been in New Mexico, they tell me that it's about an \$8 million economic impact. It lasts a week. There's also a junior high school finals that's similar, but smaller than the high school one. And there are a number of cattle and horse breeds that could be, I believe, enticed to come and use that facility.”

**Mr. Higgs** continued, “I spoke to Britt Brown about the Britt Brown Arena recently. He didn't have a whole lot to say. He thought maybe it would turn into a 'cow palace.' Those were his words. He didn't indicate to me that he favored that or did not favor that. But I just think it's a tremendous asset out there that could be used to great advantage to the whole area. It's just, I think, a thing that's being missed, and I would encourage all Commissioners, the County Manager, and whoever else would be in a responsible position, to study some of the details of what I just talked about because it makes it difficult to do business. And, you know, when I do those events that I do, I don't put any money in my pocket from those things. We try to make sure that they pay their way, and that brings up another thing.



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“You know, I pay the rent on the building, and then I pay some for parking, of course, obviously I would pay for utilities. But then when it comes to if I want to charge admission, parts of the time I’ve let people come in free, period. But I need the income from the ticket sales, so the highest I’ve been able to charge is \$5 for adults without getting involved in a split, and I can’t tell you the percentages, but it would have to share with the Coliseum. Now, to me, once I’ve paid what is justifiable rent, how does the County or the Coliseum feel they earn or deserve part of my ticket sales? Because when I let them in free, they don’t get anything. When I charge \$5 or less, they don’t get anything, but if I charge \$12 they get a kick out of it, or \$10, or anything over \$5. And I don’t see anything fair about that. So, all I can ask is that there be some scrutiny about, now once when I talked to Mr. Holt, he said he didn’t like to micromanage. Well, no one does. But details accumulate into being a pain, and I think some of these details need to be addressed, and it would make a lot more pleasant, beneficial experience for everybody.”

**Chairman Parks** said, “Can you kind of wrap this up, Mr. Higgs.”

**Mr. Higgs** said, “That’s about it.”

**Chairman Parks** said, “Okay. I did have a question and it kind of dovetails into what you said there at the end. Now, this quarter horse show coming up this weekend...”

**Mr. Higgs** said, “Yes, there is one.”

**Chairman Parks** said, “...there’s no charge for that, is that correct?”

**Mr. Higgs** said, “No. It’s free admission.”

**Chairman Parks** said, “Okay.”

**Mr. Higgs** said, “And a lot of those events, there are people that come from four or five states around. It does have an impact on the economy; because a lot of those shows will last three to four days, and people, you know, use motels, hotels, and other services.”

**Chairman Parks** said, “And how many trailers do you think are in the parking lot when you hold one of your events out there?”

**Mr. Higgs** said, “Well, for example, the ‘Cowboy Extravaganza,’ we had 92 cowboys entered in the Ranch Rodeo, for example, and so I would say there was probably 70 to 80 stock trailer rigs. We had some other events that were minor compared to the Ranch Rodeo, but we probably had 120 contestants overall in that event, including cowboy contest and so on.”

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

**Mr. Higgs** said, "So, and generally I've tried to guess, but I would bet that four or five people accompany each contestant. You know, wives, husbands, moms and dads, and brothers and sisters, and so on, so it draws quite a few people."

**Chairman Parks** said, "And you are in favor of keeping this facility when the Downtown Arena opens?"

**Mr. Higgs** said, "I think the only opportunity that the Kansas Coliseum has, just based on my opinion, is to put dirt in the arena and have the events that the Arena Downtown won't want, because I don't see how in the world the Coliseum is going to get any events, other than just leftovers. Which brings up another thing, I read in the paper recently where it was a slim possibility maybe, but it was at least mentioned, would Wink Hartman's managers be willing to consider managing the Coliseum. Now to me, that would be the worst thing in the world that could happen, because the Coliseum would always, as it has been in the past, would be even more so playing second fiddle. They would not get the first choice of anything. So..."

**Chairman Parks** said, "I wasn't involved in that conversation, but to kind of wrap this up, are there any other questions from any of the other Commissioners at this time? Can you kind of wrap this up in summation in fifteen seconds?"

**Mr. Higgs** said, "Well, my main request is that at least familiarize yourself with some of the situation and make your own decisions. I'm offering you some of my opinions, and some of my experiences. You can take my word for it, I didn't prepare any documented stuff, but I don't believe it will be hard to figure out where I'm coming from."

**Chairman Parks** said, "And we will meet with staff and try to iron out some of these things, and I believe that you will have a contact back with you within a week or two."

**Mr. Higgs** said, "One thing I would like to mention also. When I have cattle over there, be it winter or summer, the only way I can give them water is to drag a 150 foot water hose from inside the building across the building and out into those pens. There needs to be some frost proof water facilities..."

**Chairman Parks** said, "Yeah."

**Mr. Higgs** said, "...that are available."

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**Chairman Parks** said, "We had up to \$9 million for the renovation of that, and that was reduced to \$7 million, and there are some things that could be put back on a list that we have to go back up there with, but certainly those things, maybe a meeting with staff and go over all these things and I think that will be happening in the next couple weeks here. Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Mr. Higgs, is there any sort of a user group for those facilities, in terms of the organizations that regularly rent the pavilions or other space out there at the Kansas Coliseum?"

**Mr. Higgs** said, "I beg your pardon."

**Commissioner Peterjohn** said, "Is there any sort of a user group of people who regularly lease space out there?"

**Mr. Higgs** said, "Yes. Wichita Area Team Penning Association, Wichita Area Quarter Horse Association, Kansas Quarter Horse Association."

**Commissioner Peterjohn** said, "No, no, no. I meant a sort of a group of regular users out there, not individual groups that use it regularly, but I meant as an umbrella organization over there..."

**Mr. Higgs** said, "No, there is none."

**Commissioner Peterjohn** said, "...that interact with the County staff..."

**Mr. Higgs** said, "No."

**Commissioner Peterjohn** said, "...or..."

**Mr. Higgs** said, "No."

**Commissioner Peterjohn** said, "...okay, thank you."

**Chairman Parks** said, "Okay. Along that line, I would like to ask the Manager, are you familiar with a user group out there? Okay, thank you."

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "No, I am not."

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

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**Commissioner Welshimer** said, "I appreciate you coming in and telling us this. We need to hear these things when we have problems there. That means you're not the only one that's had certain problems, I have heard of other things that you haven't mentioned, and some of these things weren't problems for them, but we'll do a little micro-managing and we'll look into it, and thank you for doing this."

**Mr. Higgs** said, "You're welcome. You know, I came close to backing out, not coming."

**Commissioner Welshimer** said, "I'm sure you did."

**Mr. Higgs** said, "It's not an easy thing to do."

**Commissioner Welshimer** said, "No."

**Mr. Higgs** said, "But I am serious, and I pride myself in being fair, and it really offends me when I'm being treated unfairly."

**Commissioner Welshimer** said, "Well, you obviously came because it needed to be done."

**Mr. Higgs** said, "Thank you."

**Chairman Parks** said, "Thank you so much..."

**Mr. Higgs** said, "Appreciate it."

**Chairman Parks** said, "...for coming in."

**Mr. Higgs** said, "You're welcome."

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

**Commissioner Peterjohn** said, "Mr. Higgs, thank you for coming in and I make a motion that we receive and file."

### **MOTION**

Commissioner Peterjohn moved to receive and file.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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

**I. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE POSITIVE ACTIVITY AND DEVELOPMENTS IN DOWNTOWN.**

**Mr. Jason Dilts**, Director of Community Development of ROK ICT!, greeted the Commissioners and said, "I am the Director of Community Development at ROK ICT! and a resident of downtown Wichita. And I'm a firm believer in positive energy, and when good things are going on in the community, I think the people that are in charge of the community deserve to hear about that. People often come here to complain, they often come here to talk about negative things. I'm here to talk about something positive today. ROK ICT! is six months old, as of May 8th. And in the six months that we've been around, we've started to see a lot of real positive things happen in this community. We're an organization that is seeking to highlight the cultural arts that this area has, and we're wanting to put a spotlight on Wichita, and we want to draw national and international attention to Wichita. We've got a lot of talent in this city, be it with our music, with our visual arts, with our comedy scene, with our film scene. We want people to get out, know about it, be part of it. So one of the things that we did to make that happen was we put on the First Friday Music Crawl." "It launched in April, and we had the second one in May, and I want to tell you a little bit about that, because that's been some of the neatest activity that I've seen so far. We had 12 venues in April and 13 acts within those venues. It was really neat for me to see what took place in Old Town that night. You had people from all walks of life, all ages, enjoying life in the downtown area. You had young people at City Arts; I think they had over 700 people in the building that night. You had parents going to the Larkspur to see jazz, you had grandparents going along with them, and you just saw a lot of really happy, jubilant people, and people who were just really happy to be part of this. So, it accomplished its goal.

"The venues that we had that night were full, I know that The Anchor over on Douglas and Washington, they were at capacity at 8:30 that night, and it was one in, one out till past midnight.

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It was a good thing for the businesses, because they made a lot of money. It was a good thing for the musicians, because they got a lot of exposure, and it was a good thing for the community, because it made us look good. The following month we had similar success. We expanded it, we had about 18 venues last month, and there were two really neat things that I saw happen. One of them was the Miss Teen Kansas Pageant was in town, and they held a press conference at Hotel at Old Town highlighting the importance of music education and the need for funding in music education. After they were done, the girls who were there, and they were anywhere from 13 to 18, wanted to go out and see what this First Friday Music Crawl was all about.

“I took a group of about 35 girls along with their chaperones out. And these were girls from all over the state. They were from western Kansas, they were from eastern Kansas, everywhere, and they got to see the rich resources that we have in this city. Many of the girls got to ride a trolley for the first time, and one girl said, ‘Why is everybody standing? You’re supposed to sit down!’ and I said, ‘No, this is what you do on a trolley, you can stand up and ride.’ They were really impressed. A couple of them made a comment that they’d never been to Wichita, but they were going to go home and ask their parents to bring them back here because they had such a good time.

“The other cool thing was we had two venues that night that were hotels; Hotel at Old Town and also the Marriott. And we had volunteers at every venue, to just sort of be a friendly face for First Friday and tell people about it. There were a lot of people visiting from out of town staying at the hotels who got to take part in the Music Crawl because we had volunteers there letting them know about it. One couple was here from Seattle, the husband was having a job interview and it was a sort of a chance for them to see Wichita, see if this was where they wanted to make it their home, and they were really impressed by what was going on downtown. They’re really impressed by the life that’s happening here.”

**Mr. Dilts** continued, “So, I think that those are the kind of things that we need more of in this community. We need more people coming together to showcase the rich resources that we have. I know that the County Commission has done a lot over the years to really help with the development in downtown, and I appreciate that. I live across from where the Keeper of the Plains statue is. I love going there at night. It’s a beautiful thing. So, that’s really why I’m here. I’m just here because I think we’re at a critical time in our County where we need to do things to attract and keep people my age here, but also do things for people from all walks of life to enjoy. I just appreciate being involved in the community here and I would just ask as this conversation about where to go from here moves forward, that you all keep an open mind and just know that there are positive things going on and that people are enjoying the life we already have here and I think that we can work together and just keep that momentum going. Thank you.”

**Chairman Parks** said, “Thank you, Jason. Commissioner Norton.”

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**Commissioner Norton** said, “Jason, I think it’s wonderful that you came and gave us a positive insight in to what’s happening. I had a chance to make it to that First Friday Music Crawl. The word crawl appealed to me as I get older. If it had been music sprint, I think I probably would have opted out, but it was a magnificent time to have a mixed generational kind of look at our city, because there were a lot of young people and folks from my generation that participated. Really, that’s what life downtown should become, is that multigenerational, something for everybody, sense of community kind of atmosphere. I feel good that we have young people that are willing to step up and make it part of their life’s work to promote Wichita, the positive things, downtown and the arts and culture as we try to make this the best possible community we can. So thanks for sharing that with us today. Continue to do the good work of ROK ICT!”

**Mr. Dilts** said, “Thank you, Commissioner. I appreciate that.”

**Commissioner Norton** said, “That’s all I had.”

**Chairman Parks** said, “Okay. Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well, Jason, you’re doing a professional job at bringing new and energetic ideas to Wichita. I think it’s just wonderful and I know you’re going to be very successful, so keep up the good work.”

**Mr. Dilts** said, “Thank you. I appreciate that. Then I’ll add, I toyed with the idea of leaving Wichita last year.”

**Commissioner Welshimer** said, “Oh you did?”

**Mr. Dilts** said, “I decided to stay here because I saw there were fun things happening and there was a lot of opportunity to do something for this community. I moved here almost ten years ago. This is my home. I want it to stay my home. You know, what we’re doing at ROK ICT! is trying to make this an enticing place for other people to make that same decision.”

**Commissioner Welshimer** said, “Well, I’m glad you made that decision.”

**Mr. Dilts** said, “Well, thank you.”

**Chairman Parks** said, “Thank you. What’s the will of the Board?”

### **MOTION**

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Commissioner Welshimer moved to receive and file.

Commissioner Norton seconded the motion.

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

**VOTE**

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

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

**PRESENTATION**

**J. PRESENTATION OF MiniMPA CERTIFICATES TO SEDGWICK COUNTY 2008-2009 GRADUATES.**

**Dr. John Wong**, Director, Hugo Wall School of Urban and Public Affairs, Wichita State University, greeted the Commissioners and said, "It is an honor and a privilege this morning to appear before the Commission to award miniMPA (mini-Master of Public Administration) Certificates to County employees that have completed that program."

**Dr. Wong** continued, "I think it is very noteworthy and we applaud the Commission and the Manager for encouraging staff to attend this program, because I think especially in light of the economic circumstances, education is even more important in terms of producing good government, which is beneficial to everyone. So with that as a given, while we're getting set up, I think Sheena, do you have some brochures, I think she's distributed to Commissioners and the Manager.

"I also would like to introduce a couple of our staff members who oversee the miniMPA program. First of all, Gayle Martin, who is behind me, who oversees our program and also Laura Higby, who's a graduate assistant, who assists with that program. But just to highlight a couple things in our brochure that tells us a little bit about the programs at the Hugo Wall School. The green tab has some information about the big Master of Public Administration program and if you'd flip to the last page of the green section, I think that's one of the things that makes our program distinctive. Our program does award graduate certificates that may be obtained in conjunction with the Master's Degree, or separately, that recognizes specializations. Specifically we have specializations in city



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and county management, economic development, public finance and nonprofit administration; and I think that is rather unique in the country. There's only a handful of programs that offer those specializations.

"The yellow section talks about the activities of the Center for Urban Studies. If you flip over the page, the first one listed is the miniMPA program, which we're specifically recognizing this morning. Some of our other programs are a program for local area managers, a program for nonprofit executives; we also have professional development programs for city clerks and municipal finance officers, Kansas city and county managers and Kansas county clerks and election officials. You look at the blue section; we also have professional development opportunities for finance officials. So I do have some additional brochures if there's any staff or any guests here that might be interested in any of those programs.

"Okay, so with that as a given, I think we'll get to the order at hand, awarding certificates to some of our County employees. Okay. I think the first certificate goes to Carl Cox. Carl is a Division Chief in the Operations Division of the Fire Department. Carl. Congratulations."

**Mr. Carl Cox**, Division Chief, Fire Department, greeted the Commissioners and said, "Thank you."

**Dr. Wong** said, "Our next awardee is Eddie Fajardo, who is also a Division Chief in the Fire Department. Congratulations."

**Mr. Eddie Fajardo**, Division Chief, Fire Department, greeted the Commissioners and said, "Thank you, sir."

**Dr. Wong** said, "The next nominee for a certificate is Jay Holmes, Field Service Administrator for Adult Intensive Supervision Program. Congratulations."

**Mr. Jay Holmes**, Field Service Administrator, Corrections, greeted the Commissioners and said, "Thank you very much."

**Dr. Wong** said, "Next award is Caroline Hosford, Environmental Training Specialist in the Environmental Resources Department. Congratulations."

**Ms. Caroline Hosford**, Environmental Training Specialist, Environmental Resources Department, greeted the Commissioners and said, "Thank you."

**Dr. Wong** said, "Next awardee, Terrilee Jones, a Lieutenant in the Sheriff's Department. Congratulations."

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**Ms. Terrilee Jones**, Lieutenant, Sheriff's Department, greeted the Commissioners and said, "Thank you."

**Dr. Wong** said, "Next, Tavis Leake, Captain in the Fire Prevention Section of the Fire Department. Congratulations."

**Mr. Tavis Leake**, Captain, Fire Department, greeted the Commissioners and said, "Thank you."

**Dr. Wong** said, "Terry Mauldin, Division Chief also in the Fire Department. Congratulations."

**Mr. Terry Mauldin**, Division Chief, Fire Department, greeted the Commissioners and said, "Thank you."

**Dr. Wong** said, "Next, Janice McCoy, Health Protection Coordinator for the Health Department. Congratulations."

**Ms. Janice McCoy**, Health Protection Coordinator, Health Department, greeted the Commissioners and said, "Thanks."

**Dr. Wong** said, "And then last, but certainly not least, Deanna Scott, Division Manager in the Appraisers Office. Congratulations."

**Ms. Deanna Scott**, Division Manager, Appraiser's Office, greeted the Commissioners and said, "Thank you."

**Dr. Wong** said, "And Gayle, I believe that is it."

**Ms. Gayle Martin**, Public Affairs Associate, Center for Urban Studies, Wichita State University, greeted the Commissioners and said, "One thing I would like to mention is we thank, one of our instructors is actually on your staff. Bill Buchanan is one of our instructors for leadership and we really appreciate his volunteering to do that."

**Dr. Wong** said, "And again, I would like to thank Commissioners and the Manager for encouraging and supporting employee participation in this and other of our development programs and as I said, in better times, and especially now given the economic circumstances, having the best possible workforce is critical to providing the best possible government for everyone. Thank you."

**Chairman Parks** said, "Thank you. And I would like to acknowledge the employees again and I'm familiar with the program, it's not just a seat warming program. It's an intensive, hard working

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program and I want to tell the people out there that the employees do work hard in this and that the department heads also, to give some time off and to make their schedules work, I know with the 24/7 services, especially with Public Safety and Fire Department, that's kind of difficult to get those schedules moved around. So, I'd like to thank them for that and being familiar with that program, I certainly think that the acknowledgment of these fine employees needs a round of applause."

**Dr. Wong** said, "Thank you Mr. Chairman."

**Chairman Parks** said, "Thank you. At this time we've been at this a little over an hour. I'd like to have a ten minute break."

**Mr. David Spears** excused himself from the Meeting at 10:12 a.m.

**The Board of County Commissioners** recessed at 10:12 a.m. and returned at 10:23 a.m.

**Chairman Parks** said, "We are back in session from our recess. Clerk, can we call the next item?"

### **NEW BUSINESS**

#### **K. LOCAL ENVIRONMENTAL PROGRAM GRANT PROPOSAL.**

**Mr. Glenn Wiltse**, Director of Code Enforcement, greeted the Commissioners and said, "What we have before you today is a grant application request that we would like to submit to Kansas Health and Environment. This is a yearly ongoing grant that the State of Kansas gives to counties who request money to enforce regulations on private water wells in wastewater systems."

"Currently, this grant funds two positions out of three in our department for these types of inspections. Last year, well, the first three months of this year, they have performed 593 inspections the first three months. They have received 1,800 phone calls just on wastewater, water well, mortgage type inspections and those kind of things. We provide training for staff in the wastewater division through this grant, but also participate in training for continuing education requirements for the contractors who are licensed to install these types of systems, and we are requesting permission to file for this grant."

**Chairman Parks** said, "Well, Mr. Wiltse, thank you for your presentation there and I believe we have all been briefed by you on this item. Are there any other questions from the Board of County Commissioners at this time for Mr. Wiltse? Seeing none, I would entertain a motion."

### **MOTION**

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Commissioner Unruh moved to approve the grant application and authorize the Chairman to sign all necessary documents, including 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.

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

**VOTE**

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

**Chairman Parks** said, "Thank you. Next item."

**L. LEASE OF OFFICE SPACE AGREEMENT BETWEEN CO-CO PROPERTIES, L.L.C. AND SEDGWICK COUNTY FOR HOUSING OF THE SEDGWICK COUNTY JUVENILE FIELD SERVICES PROGRAMS.**

**Mr. Bob Lamkey**, Director of Public Safety, greeted the Commissioners and said, "I am standing in for Mark Masterson who is winging his way to the District of Columbia. He has business to attend there. As a matter of background, the program has been housed at Parklane Shopping Center since April of 1998. Over the past 11 years, the programs have grown and expanded into adjacent space and there's currently a need for larger and different space, particularly classrooms and meeting rooms to meet the current demand for services provided by Juvenile Field Services. The current lease expires on August 31st, 2009. This lease will relocate these programs to the Wichita Mall at 3803 Harry. The move will provide co-location of Department of Corrections programs. Currently Pretrial Services and Drug Court are housed, or will be shortly housed, in space there. So it will bring all of the leased space that the Department of Corrections has under one roof and under one landlord.

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“The proposed lease agreement provides specifically tailored space consisting of approximately 16,180 square feet, I think currently they have just under 11,000 square feet, and again, it’s located at the Wichita Mall. The annual lease cost, including utilities, that’s electricity, gas, water, sanitary sewer and trash, is approximately \$128,307 dollars for the initial lease period of 60 full calendar months. This works out to be an annual cost of \$7.93 per square foot. I will tell you that the space that the Appraiser has and that we have there, the initial lease was for \$8.70 a square foot. It did not include utilities, and so, this is quite a bargain. Again, my recommendation is that you approve the lease, authorize the Chair to sign and I’ll be happy to answer any questions that you might have.”

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

**Commissioner Peterjohn** said, “Yes. Mr. Lamkey, I understand that folks at Parklane, where it’s currently at, have provided you with a lease around \$6.31 a square foot including utilities, is that correct?”

**Mr. Lamkey** said, “Well, what we had, and the way the process worked, Mr. Masterson met with the folks that owned that property initially. Their initial offer was for \$8.54, which is ten cents a square foot more than we currently have, as we sat down and looked at that opportunity. That included 2,000 additional feet built out. At that particular point we looked at this property; Mr. Masterson submitted the agenda item and then received a letter from the folks there that offered the 12,000 plus feet for \$5 a square foot, with no improvements to the additional 2,000 square feet. We currently have utility costs of about \$1.31 a square foot at that site.”

“At that particular point, in my discussions with Mr. Masterson, the amount of space, the 12,000 or so square feet wasn’t sufficient for his need and the estimated cost to renovate the additional 2,000 feet was about \$45 a square foot, I think, are estimates that we received from our Facilities folks, and he doesn’t have that cash in his budget. These programs are paid for through the State, through the funding that we get for juvenile programs. It presented a dilemma at this particular point. The lease is up August 31st. There’s a construction firm that’s building out the current space for both the Appraiser and us at this particular point, and I think there’s some concern that, you know, we did our due diligence early on and then we received something at the 11th hour, that really, the offer is certainly financially beneficial, but it doesn’t meet our needs for space without additional expense that might incur.”

**Commissioner Peterjohn** said, “Well, Mr. Lamkey, let me ask you this question. Did this go before the Bid Board?”

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**Mr. Lamkey** said, “No. Typically, these kinds of arrangements for property come to you as the Commission. I will let my folks from Facilities explain in greater depth, but of the unique nature of properties and needs out there, essentially what happens is we go through a search to determine what properties might meet our needs based on location, space, and amenities and really do some comparative work on what’s out there, make some decisions about what is both economically and operationally in our best interests and then we come before the Board of County Commissioners, and Paul, have I left anything out? Okay. So these typically do not come before the Bid Board.”

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

**Commissioner Peterjohn** said, “Not so much a question as a comment. Since we’ve got two offers and different criteria, and we’ve got an offer that you’re telling us is financially a lower cost than the one that’s there, Mr. Chairman, I’d feel much more comfortable if we refer this item to the Bid Board and have them take a look and give us a recommendation back on it. I don’t know if I’ll get a second for it.”

**Chairman Parks** said, “Is that a motion?”

**Commissioner Peterjohn** said, “That’s a motion on my part.”

### **MOTION**

Commissioner Peterjohn moved to have Item L go before the Bid Board for input at the May 14, 2009, meeting.

Chairman Parks seconded the motion.

**Chairman Parks** said, “Okay, we have a motion, and for the sake of discussion, I’ll second that. More discussion on this do we have any discussion from the other Commissioners? Commissioner Welshimer?”

**Commissioner Welshimer** said, “What would that do to you time wise?”

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**Mr. Lamkey** said, "Well, I would suggest that the earliest it could get to the Bid Board would be tomorrow. We would have to prepare information for the Bid Board to consider, and then, depending upon if it got to them tomorrow, it would be back to you next week. So that would be a nominal delay, but not a significant delay."

**Chairman Parks** said, "Mr. Manager, go ahead."

**Mr. Buchanan** said, "Commissioners, Mr. Lamkey said it correctly. It's a minor delay. It's not significant. We can do this."

**Commissioner Welshimer** said, "Well, I'm concerned about the expense that you described for the remodeling in order to provide that extra space that's needed. Also, we already have some of Mr. Masterson's departments in Wichita Mall."

**Mr. Lamkey** said, "Correct."

**Commissioner Welshimer** said, "They have provided space for us, you know, what we need, and there's going to be a lot of space there. We've sort of moved in that direction. So I am thinking that we have the advantage of pulling that all together, where we are not taking any of these departments and cutting them into pieces and putting them all over town which creates a management problem."

**Mr. Lamkey** said, "I think another part of Mr. Masterson's concern was that the 2,000 extra square feet doesn't really meet his business and operational need, and that's what's been offered in that particular issue. In this particular case it's about 16,000 square feet. Is that correct, Sandy? As you looked at their needs of specifically tailored space and, again, if I compare the cost of this to what we are currently paying, I know the lease for Drug Court, the basic lease for the property is \$8.70. On top of that, built into that lease, are utilities for \$1.40, so we are paying \$10.10 and I don't know who did the horse trading on this but we're getting the same kind of deal for \$7.93."

**Commissioner Welshimer** said "Both of these are in my district?"

**Mr. Lamkey** said, "Yes, ma'am."

**Commissioner Welshimer** said, "Also, we have Appraiser moving out to Wichita Mall."

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**Mr. Lamkey** said, "Yes, ma'am."

**Commissioner Welshimer** said, "So, I am going to support moving to the Wichita Mall. If there's no problem with the time element and no problem for the owner of either site, its fine with me if we go to the Bid Board."

**Mr. Buchanan** said, "We'll get her done."

**Chairman Parks** said, "I like the idea of consolidation, and, there's also a significant difference and so this Bid Board, one week delay, I don't think it's going to make that much difference right now. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chair. I'm going to repeat what Commissioner Welshimer and Chairman Parks said. Our agenda review with the details that you gave us on your analysis, the need for more space, the inclusion of utilities, the build out cost, were convincing to me it's a good move, especially in light of the consolidation and efficiencies that we gain by having these operations co-located. So, I'm convinced that this is the right thing to do in the best interest of our government. However, if the Commission wants to wait a month and it does not create..."

**Mr. Lamkey** said, "A week."

**Commissioner Unruh** said, "I'm sorry, a week, and it does not create a problem for us..."

**Mr. Lamkey** said, "Not a month, a month would create a problem."

**Commissioner Unruh** said, "Yeah. I'm willing to wait that week, but I am going to be supportive of the agenda item as presented. I will support the motion if you all want to take it to the bid Board."

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

**Commissioner Norton** said, "The only reservation I have is that we've done our due diligence, we've got great Facilities people who have looked at this, and it seems to me that it starts to create bidding wars. Now obviously we may benefit from that, but I have a problem with we move along, we get to something and at the last hour someone wants to bid lower. Now do we go out for bids, go through the whole process which it should take really longer than just a week, offer it up to other entities out there in an RFP (request for proposal) and then have a bidding war start? That gets



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pretty dangerous. It's interesting to me they wouldn't come to the table with their best offer until they found out that we were moving.

"That gets to be real dangerous if you're going to stop all your progress every time somebody finds out that you're going to move out of their facility and they start bidding for, so it's just a caution that we get into a dangerous situation every time somebody finds out that they didn't get the low bid they want to stop us, and relook at the numbers and go lower. Now that's a good advantage for the taxpayer, but boy the progress gets to be real slow if you allow bidding wars to start. So, just a little cautionary that we need to be rethinking how we do this. If we are going to put them out for bids we should do it every time."

**Chairman Parks** said, "And I think leases are a little bit different than, say, ambulances or police cars, on that reel, but I do certainly see what you are saying there. Commissioner Welshimer."

**Commissioner Welshimer** said, "Well, I just wanted to ask the Manager, if this goes to the Bid Board, they can review it, make a decision, and send their recommendation to us, right?"

**Mr. Buchanan** said, "Yes, ma'am."

**Commissioner Welshimer** said, "So we're not putting anything out for a bid?"

**Mr. Buchanan** said, "Nope."

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

**Mr. Lamkey** said, "What I will do is I will take the information that I have, that I've been presented, to the Bid Board for their recommendation, that's exactly what you want me to do, is that correct?"

**Mr. Buchanan** said, "Yes."

**Chairman Parks** said, "That's what I am hearing now. We do have a motion and a second on the floor, to delay this a week so the Bid Board can hear it. Commissioner Norton."

**Commissioner Norton** said, "Are we taking the facts as you know them today, and that's what goes before the Bid Board or are we re-contacting both the lessors to let them make a new, well, you know if you are going to let the second guy get a chance to lower the bid, you've almost got to give the guy that we're negotiating with a chance to lower his bid again. I don't know how you play that game, but that's what exactly we're saying."

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**Mr. Lamkey** said, "I would suggest that I would present the information that I have to the Bid Board and allow them to make a recommendation to you. I know that the negotiation that we had with the vendor that we're currently recommending is pretty darn close to the bottom of that process. I mean, I think that's where it is. We had an initial offer from the current vendor, and we had the subsequent one, and they all have benefits and drawbacks, and I'll be happy to articulate those, including one of the things that's not on here, is there's some moving costs to move, there's about \$41,000 that are embedded in technology, moving the technology, taking down the furniture, moving the furniture, signage, and there's about another \$40,000 that would be spent either place on additional furniture to configure classrooms and those kinds of things. One of the fundamental issues is the amount of space that's being offered by the other vendor currently does not meet our need, and so that's a fundamental issue in the decision making process."

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

**Commissioner Unruh** said, "Thank you Mr. Chair. Well, I may have misunderstood the intent of Commissioner Peterjohn's motion. I thought that you wanted to take this to the Bid Board to have their scrutiny on it, and so I'm willing to do that even though I'm satisfied. However, if we're taking this back for a new round of bids, well then I'm thinking that I'd prefer to go forward, so, maybe I need to have the motion clarified for me, and Commissioner Peterjohn might be able to that."

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

**Commissioner Peterjohn** said, "Mr. Chairman and Commissioner Unruh, my intent with the motion was just to get the Bid Board's input with the offers on the table and was not to make this open for bidding, just to have a party, because I was just briefed very recently on this proposal and I've learned a long time ago that if you legislate in haste, and I've told many legislators in Topeka, that you can then repent at leisure, and I get very uncomfortable when things are brought to me with a very short time frame that we are going to move very quickly on without due consideration. Having been criticized in certain quarters for moving too quickly in certain areas I thought this would be a good opportunity to have the two offers that are on the table, and have a Bid Board that is used to examining offers, take a look at it and get a recommendation back to us the next week."

**Chairman Parks** said, "I'm going to call for the question. We have a motion and second. Call the vote."

**VOTE**

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

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

**M. A RESOLUTION AUTHORIZING SEDGWICK COUNTY, KANSAS TO ACQUIRE LAND TO PROVIDE AN ADEQUATE SYSTEM OF STORM WATER AND GROUNDWATER DRAINAGE.**

**Mr. Michael North**, Assistant County Counselor, greeted the Commissioners and said, "Before you today is a proposed Resolution for the acquisition of real property for the purpose of developing a system of storm water and drain water management. This is a simple Resolution to be adopted under the County's Statutory Home Rule Authority. The legal reason behind this is that, under Kansas law, there are specific powers that are laid out by statute that counties have to exercise its power of eminent domain to acquire real estate, specific things or projects that the County seeks to do. Roads are an example, bridges, buildings, sewers, museums and some other things. For types of activities or types of projects that are not covered by statute, and storm water and groundwater management would come within that definition, there has to be a procedure where the County needs to adopt a Resolution under its Home Rule Authority that specifically delineates the extent of its power."

"There is Kansas case law that allows the counties to do this under a liberal construction or their home rule powers. The reason for doing this is to take care simply of storm water and drainage difficulties across the County that are otherwise not addressed by some other governmental function. This is simply for public purposes; it is not for the acquisition of any specific property for economic development, not to turn over for private properties for their own personal enterprise.

"This is also just a general power that we're seeking that the County adopt for itself under the home rule powers and at this time does not address any specific projects. We will be coming to the Commission in two or three weeks, concerning a specific project in the south part of the County, but that's not where we're asking you to address today. Today is just simply asking you to adopt the Resolution that gives the County power to either acquire by purchase, by donation or by eminent domain real property to use for storm water and ground water management. I'm happy to take any questions that you may have at this time."

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

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**Commissioner Norton** said, “Well, I’m going to be supportive. This action just codifies some abilities for us to move forward on issues of drainage, groundwater and storm water. Although, many of those have fallen in my district over the years, Commissioner Peterjohn and I have had conversations about problematic areas that he’s got in his district. I know Commissioner Parks has had some basements that have gotten flooded and eventually we’re going to have to look at groundwater, storm water drainage. Many times we do that as part of a road project. But there are also times when it may not particularly be part of a road project and we need to codify it in a Resolution, and I think that’s what this does, gives us the ability to move forward with projects that might require gaining property to do the projects, so I’m going to be supportive.”

**Chairman Parks** said, “As a whole, I have some problems with the eminent domain issues. However, I know that many of those are a necessary evil. The condemnation process, I believe, is at times unfair to people. However, this particular action that we’re making today does not include any condemnation of any property, doesn’t have any eminent domain impact immediately on our citizens out there. So it’s a vehicle that can be used on a case by case basis, if I’m understanding that right?”

**Mr. North** said, “That’s correct.”

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

**Commissioner Peterjohn** said, “Thank you, Mr. Chairman. I agree with both the comments of Commissioner Norton and Chairman Parks on this issue. I am also going to be supportive of this motion, stating fully that the misuse of eminent domain powers, it needs to be narrow in scope because it is a terrible power that the government can exercise and has misused in a number of cases and I am going to be watching closely when we get specific cases before us, but flooding and water-related issues are important. So I do appreciate the comments that were made on this issue because this is an area where we need to always proceed very, very carefully.”

**Chairman Parks** said, “Go ahead.”

**Commissioner Welshimer** said, “You say in two weeks you’re coming back with a proposal?”

**Mr. North** said, “That’s correct.”

**Commissioner Welshimer** said, “But what would pass today is just setting the framework so that we can address a problem in drainage?”

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**Mr. North** said, “Absolutely. This just gives us the authority to look at a project in this light.”

**Commissioner Welshimer** said, “I think that particular project affects my district as well and Commissioner Norton and I spoke about meeting with some of the officials from Derby and Mulvane and giving it one more try to see if we can’t figure out something to do where we would not have to condemn land, so we’ll get that set up, but I just wanted the Commissioners to know that we’re going to put some more effort into solving the problem.”

**Mr. North** said, “Certainly, I understand that and I think that’s certainly a wise course. I don’t think the two week is set in stone, if there are activities that may solve the problem without us taking the next step. That’s certainly to everyone’s benefit, I would think.”

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

**Chairman Parks** said, “For the record, I’d like to commend the two Commissioners for trying to have some forward thinking and some work out there to avoid eminent domain, so thank you for doing that. Seeing no other action on this, what’s the will of the Board?”

**MOTION**

Commissioner Welshimer moved to adopt the Resolution and direct the County Clerk to publish the resolution once in the official County newspaper.

Commissioner Norton seconded the motion.

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

**VOTE**

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

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**Mr. North** said, "Thank you."

**Chairman Parks** said, "Thank you. Next item."

**N. AGREEMENT BETWEEN THE STATE OF KANSAS, DEPARTMENT OF COMMERCE, AND SEDGWICK COUNTY, KANSAS TO GRANT A SUM OF \$4,643,123 TO SEDGWICK COUNTY TO ADMINISTER THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP). THE FUNDS AWARDED TO SEDGWICK COUNTY WILL BE USED TO ACQUIRE AND REDEVELOP FORECLOSED UPON PROPERTIES THAT MIGHT OTHERWISE BECOME SOURCES OF ABANDONMENT AND BLIGHT WITHIN THEIR COMMUNITIES, IN ACCORDANCE WITH THE ACTION PLAN, WHICH HAD BEEN APPROVED BY THE KS DEPARTMENT OF COMMERCE.**

**Ms. Irene Hart**, Director of Community Development, greeted the Commissioners and said, "The Agreement we're presenting today is an Agreement with the State of Kansas under the Housing and Economic Recovery Act of 2008 or HERA. That's a law that was passed before the stimulus package, but it's similar in many ways, in that it tries to remedy a situation. It's called a Neighborhood Stabilization Program (NSP) and by that, they mean keeping neighborhoods from deteriorating because there's a vacant, foreclosed home just sitting in that neighborhood."

**Ms. Hart** continued, "So the program will provide us with \$4.6 million dollars to work with local governments and with nonprofits to acquire vacant, foreclosed properties, rehab them if necessary and then sell them to qualified home buyers. The program is a nine month program. It utilizes federal funds only. I'd be happy to answer any questions you might have. Today we're just asking you to approve the Agreement between Sedgwick County and the State Department of Commerce."

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

**Commissioner Welshimer** said, "On the requirements in this proposal, is there a value limit on the properties that are in foreclosure?"

**Ms. Hart** said, "There's not a value limit, but there's an income limit of qualified home buyers. So the qualified home buyers' income can be no more than 120 percent of average area median income."

**Commissioner Welshimer** said, "Which is?"

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**Ms. Hart** said, "Which is, the homes probably run maybe - we could put someone in a \$250,000 house at a real inexpensive price, but then they wouldn't be able to maintain it and pay taxes and that sort of thing. So the rule of thumb we're looking at using is approximately \$125,000 to \$150,000 home as the maximum."

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

**Ms. Hart** said, "The program also has requirements on income levels of qualified home buyers, 25 percent of the program needs to be targeted for people at 50 percent of area median income, which for a family of four would be about \$30,000 dollars a year. Which means 25 percent of the program would be looking at homes between \$60,000 and \$80,000 dollars, so it's complicated. We're still working out the details. We'll have more specific information next week. But this is just the Agreement with the State of Kansas. Since we have nine months to operate, we are just trying to move through with the paperwork as quickly as we can."

**Commissioner Welshimer** said, "Sounds like a lot of work to me."

**Ms. Hart** said, "Yes, ma'am."

**Chairman Parks** said, "And for the record, there is \$127,700 and some odd dollars in this budget for demolition of blighted structures?"

**Ms. Hart** said, "Yes, sir. We needed to develop an action plan, which we made as generic as possible, and one of the activities under that program is demolition of rundown structures and we could go back in and build a new home in that area. But it is limited to only 10 percent of the funding."

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

**Commissioner Peterjohn** said, "Irene, when you said you're still working out details and bring it back again, would we be voting on it a second time or would you be bringing this back for informational purposes in a second time or please clarify the process for me?"

**Ms. Hart** said, "We're hoping by the middle of next week to have fact sheets and information for the public on how the program will actually operate. If there's lenders that have foreclosed homes that are sitting on the market, they will know how to get them in the program. But we're trying to package all that information in one package, so that it doesn't dribble out and people not have a complete picture or make phone calls when the information isn't available. We will not come back

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for further approval, but we will present to you, either in staff meeting or at a Commission meeting, more information about how the program will actually operate.”

**Commissioner Peterjohn** said, “Well, let me ask you then. Would the people who would be coming in to take over the homes, would there be any requirement that they have a certain percentage down payment to acquire the property? Because one of the big problems why we’ve gotten into so much housing problems nationally, with Fannie Mae and Freddie Mac, was tied to the fact that they’ve eliminated down payment requirements and people went in with little or nothing down. Do you have any idea in this program; will there be a requirement for the people moving in to have a significant percentage down payment?”

**Ms. Hart** said, “One of the issues we’re still working on is who our partners in this program will be, and those partners and their normal practices will give us a lot of that information. That’s one piece we don’t have entirely worked out yet.”

**Commissioner Peterjohn** said, “Well, Mr. Chairman, as Ms. Hart mentioned, the details are still being worked out and I would hate to see us do anything that isn’t going to solve the housing problem that’s out there. I’d really like to get some of the details before we vote on this. I don’t know if waiting a week’s a solution to have that worked out or not, but that’s where this Commissioner is sitting at this point in time [inaudible].”

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

**Commissioner Unruh** said, “Thank you, Mr. Chair. Irene, this is federal money that’s authorized through a 2008 congressional action.”

**Ms. Hart** said, “Yes, sir.”

**Commissioner Unruh** said, “And it doesn’t negatively impact our budget, we have some compensation for administrative purposes?”

**Ms. Hart** said, “Our plans are we need to have a Certified Community Development Block Grant (CDBG) Administrator. We don’t have one of those on staff. We have identified a local organization that has that certification and they would be receiving the administrative fees.”

**Commissioner Unruh** said, “All right. I guess I am willing to go forward with this, understanding the purpose of it and understanding that it doesn’t have impact on our budget and that we are being partners in trying to solve this housing problem. I realize that in the current economy with the different programs that are out there, there are a lot of things in the state of flux, but I don’t see this



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as having a negative impact on Sedgwick County and trust the fact that we have good community partners and administrative leadership here that will make this a viable project for the benefit of our community. So I'm going to be supportive of this."

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

**Commissioner Welshimer** said, "Well, we have, what is it 1,500 homes in bank foreclosure?"

**Ms. Hart** said, "I don't know the current number right now."

**Commissioner Welshimer** said, "And we're getting just a little over \$4 million dollars? That isn't going to spread very far with the number of foreclosures that we have and the ones that we expect might come about, I mean, we think that number's going to grow because it is growing daily and weekly. So, I think we're going to have to try to determine what is the best investment of this money and which homes, because we aren't going to be able to take care of them all. But this is not stimulus money, is that right? It comes under another program."

**Ms. Hart** said, "Yes, ma'am. There is a second phase of the Neighborhood Stabilization Program called NSP2 that is in the stimulus program and the rules for that one just came out and we're evaluating whether or not we want to apply for those funds."

**Commissioner Welshimer** said, "Okay. Well that would get us a little more if that happens. I think we should go ahead with this because there's a lot to work out and we need to get started on it and get that out of the way so that we can start addressing the problem we have."

**Ms. Hart** said, "Okay."

**Chairman Parks** said, "I had a question, back to the \$127,000 for the destruction of the blighted property. Our staff and the County actually put this together to include that in the grant?"

**Ms. Hart** said, "Yes, sir. There may be some vacant foreclosed properties that it would cost just too much to rehabilitate, to put back on the market. And sometimes it's easier just to tear those down and give an opportunity to build a new home there. There are five categories of funding in this program and demolition was one of them. The City of Wichita requested that we include demolition as part of that, so there's acquisition, there's down payment assistance, there's rehabilitation, there's new home construction and there's a land bank. And we're not doing the land bank."

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**Chairman Parks** said, "I know the State Legislature, for about five years, is trying to determine a definition for blight. So that's just one of those things that I was asking about. Commissioner Norton."

**Commissioner Norton** said, "I'm going to be supportive of moving forward. I think the details have already started being worked out. As I looked at the foreclosure map that we've had available to us, I think there's pockets that are very easily defined as where we'll start with this money. I know Commissioner Unruh and I looked at it yesterday and he's got a pretty good size pocket of, I think the targeted priced homes that we'll need to work on that are in foreclosure and in some disarray as far as how they can be sold. I think Commissioner Welshimer has got a couple of areas. As I looked at my district, there's a couple of pockets. You have to know that, based on the price of the home, some of them aren't going to be really advantageous to be in the mix for this money to forgo the foreclosure or to do anything with the property."

"So I think it's going to come down to pretty easy decisions. I think there's some partners already lined up and I really trust that Irene will put it together. She's worked with housing experts for many, many years and will come up with a good program. And I agree with Commissioner Welshimer, with the amount of properties that we have, this isn't a lot of money. But it's a great start for some of the things we've already done to try to revitalize neighborhoods, make sure foreclosures don't start the domino effect in neighborhoods of blighted properties and properties sitting empty."

**Commissioner Norton** continued, "So one of the things that I've seen nationally is that where there's a lot of homes on foreclosures and the housing prices change a little bit, home ownership is going up in some areas because people can't afford to buy properties because the property valuations have come down to a more realistic value, so I'm hopeful that this will spur some growth and sale of properties through our partners, so I'm going to be supportive."

**Ms. Hart** said, "There are two things that I'd like to make sure everyone is clear on. This is not a foreclosure prevention program. The homes need to be vacant, foreclosed on and vacant. Secondly, we need to work through our partners, which are nonprofits and units of local government, and individuals cannot apply for this funding, so I don't want any confusion about that."

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

**Commissioner Peterjohn** said, "Thank you. I agree with a lot of the comments that have been said by my fellow Commissioners, in terms of A; that there is a problem out there and B; that the \$4.6 million that we're looking at here isn't going to be able to solve this challenging environment that we find ourselves in. However, I would remind that since Irene had made the comment that 'still

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working out details,' I'm conversant of the old concern of 'ready, fire, aim,' and I'm very uncomfortable when we have a presentation here where we don't have the details and worse than doing nothing is to spend more government money on another government program that won't achieve the laudable and good intentions that I think everyone would like to achieve to address this important problem. So without those details, I have a discomfort factor here and I wanted to state that for the record."

**Chairman Parks** said, "What's the will of the Board?"

**MOTION**

Commissioner Norton moved to approve the grant agreement and authorize the Chairman to sign the agreement and any related documents; and approve establishment of budget authority at the time the grant agreement documents are executed.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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

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

- O. 2009 EDWARD J. BYRNE JUSTICE ASSISTANCE GRANT: PUBLIC SAFETY TECHNOLOGY ENHANCEMENT.**

**POWERPOINT PRESENTATION**

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**Mr. Marty Hughes**, Revenue Manager, Division of Finance, greeted the Commissioners and said, “The Edward J. Byrne Memorial Justice Assistance Grant Program (JAG) is the primary provider of federal criminal justice funding to state and local jurisdictions. The 2009 program allocation for Sedgwick County, and in jurisdictions within Sedgwick County, totaled \$2,347,178 dollars. This is a slight increase from last year where we were allocated \$160,000. This year’s program is under the Recovery Act and I think that probably prompted some additional funding going to the program this year. Under this year’s program, we added two new jurisdictions that were included in the funding allocation; that being the City of Derby for \$26,320 dollars and the City of Haysville for \$21,150 dollars. That left \$2,299,708 dollars to be split between the City of Wichita and Sedgwick County. They have agreed to a 50/50 split on those funds, which leave Sedgwick County with a share of \$1,149,854 dollars to be allocated to their programs.

“The use of the funds is primarily for law enforcement, prosecution and court programs, prevention education initiatives, correction programs and planning and evaluation technology improvements. Advisory Board met several weeks ago to review proposals submitted by various departments. The total of the requests from the departments was about \$2,150,000, so they had their work cut out for them to cut that down by a million dollars. They came up with recommendations to fund the Department of Corrections in the amount of \$299,903 dollars for supplemental funding for their Adult Residential Facility program. The Sheriff’s Office, the recommendation for the Sheriff’s Office was for \$248,000 for a telephone and P.C. equipment upgrades. About \$71,000 for patrol car [inaudible] package for their patrol cars, \$25,000 for ballistic shields, about \$10,000 for a HEPA evidence dryer, and about \$60,000 for 38 LED light bars.”

**Mr. Hughes** continued, “Regional Forensic Science Center, the recommendation from the Advisory Board was for \$250,000 for a liquid chromatograph mass spectrometer and about \$90,000 for a digital x-ray machine. On the District Attorney’s request, the Advisory Board recommended some new linear copiers and printers from about \$11,000, about \$4,000 for replacing two network printers, \$1,500 for two ballistic shields for their investigators to use. And on security services, they had two items that were recommended by the Advisory Committee; one item was for two security cameras for \$9,000 dollars to be placed in the front of the courthouse, and then a new x-ray machine for the courthouse lobby for approximately \$38,000 dollars.

“That is kind of the brief rundown of the recommendations from the Advisory Board for your consideration. I would be glad to answer any questions you might have and after which, we need to open a public hearing, one of the requirements of the grant is to take public comment on the proposals, and then after which, the Commission can take action as they see fit.”

**Chairman Parks** said, “Let’s just open the public hearing at this time. Is there anybody here that wishes to speak to this item? Anybody from the public that would like to speak to this item? During this section, I would say that I wanted to declare that I have been to one of the meetings over at the Ark Valley Lodge with the Undersheriff and have seen a well presented presentation on this, and I

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am going to be in full support of it. I just hope that the Derby D.U.I. (driving under the influence) materials, not the one that's in question in court now that they're wanting to order the new D.U.I. equipment, so having said that, I'll open it to any other questions. We're still in the public hearing, but I'll entertain comments from the bench."

**Commissioner Welshimer** said, "Three hundred contract hours to create reports which meet operational and statistical reporting needs in new case management system? What kind of a new case management system, I mean is that a part of this funding or do you have a new case management system?"

**Mr. Hughes** said, "That's the one for the District Attorney's Office. They are in the process of implementing a new case management system which would interact with other law enforcement agencies. Part of that process is to have this software to be able to work in that manner. So they are asking for funding from this source just for that additional software upgrade and work, but I think the bulk of the cost of that project is from other sources."

**Commissioner Welshimer** said, "As far as the Corrections and Police and Sheriff's Office, well mainly the Sheriff's Office, the jail would come under the Sheriff's category, is that correct?"

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

**Commissioner Welshimer** said, "Is there anything in here for video cameras?"

**Mr. Hughes** said, "I don't believe so."

**Colonel Richard Powell**, Chief Deputy, Sheriff's Office, greeted the Commissioners and said, "Within our agency, there were approximately 26, I believe, different requests for funding consideration within the Sheriff's Office and internally we took those under consideration and narrowed down our list to ones we thought were appropriate to deliver to the Advisory Board. To the best of my recollection, there were no requests made within the Detention Facility for any additional funding measures that related to video equipment or any type of recording equipment."

**Commissioner Welshimer** said, "Of the other request that you made, how much money is involved for just the Sheriff's Office?"

**Col. Powell** said, "I can give you a guesstimate. I think the total allocation was roughly \$440,000. Is that about right, Marty?"

**Mr. Hughes** said, "Yeah."

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**Col. Powell** said, "Someplace in that neighborhood. Out of the 26 that were total submitted through the agency, then the ones that were sent on to the Advisory Board, I think the Sheriff's Office total was around \$440,000 or \$450,000, in that neighborhood."

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

**Col. Powell** said, "Excuse me, \$424,708 dollars to be exact. Thank you."

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

**Chairman Parks** said, "Seeing no other comments from the open public hearing, I'll close the public hearing. Any other comments from the bench before I to proceed to make a motion?"

**MOTION**

Chairman Parks moved to open the public hearing, accept public comments, close the public hearing, approve the Grant Funding and authorize the Chair to sign all necessary documents.

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Mr. Hughes** said, "Thank you."

**Chairman Parks** said, "Thank you, Mr. Hughes. Next item, please."

**P. LAND PURCHASE CONTRACT**

**POWERPOINT PRESENTATION**

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**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, “The item that is before you now is a contract to purchase approximately 808 acres of land from the City of Bel Aire to be used by Sedgwick County for the creation of an industrial park. I visited with each of you individually to brief you on this, so today I am going to, because you have had a fairly long meeting already, I am going to go through this fairly rapidly, but I will be happy to go into greater detail if any of you would like me to or to answer any questions that you have when I have finished.

“I have a couple of maps to show the land that is in question. This first one is kind of a high altitude view of the general area in which this 808 acres is located. It is colored in blue on this map. It’s on the east end of Bel Aire in the northeast quadrant of Sedgwick County. Bel Aire is shaded green on this map. The very pale yellow just south of Bel Aire and southwest of the blue, the land that we’re proposing to acquire, is the City of Wichita. So you can see that the tract is very close to actually three cities, the gray in the upper left hand quadrant is the city of Kechi, which also extends over in this direction. To the east and north of this property is unincorporated Sedgwick County.

“You can see approximately a half a mile north of the northernmost part of the blue territory on this map is K-254, a divided four-lane highway, which is important for industrial development purposes. To the south, approximately two miles, is K-96, another four-lane divided highway. Running diagonally through the property is a Union Pacific rail line and that is a segment of rail that exists to serve industries between downtown Wichita and El Dorado. So this site is very well suited for that purpose as well.”

“Approximately a mile south of this site is Jabara Airport, which provides general aviation and corporate aviation for prospects that might choose to locate in this industrial park and about a half a mile south, three quarters of a mile south of the site is the NCAT, the National Center for Aviation Training, that is under construction right now. And as you know, located in that complex will be labs and research capabilities provided by NIAR (National Institute for Aviation Research). So all of those factors, we think, make this an ideal location for industrial development in this community.

“A large industrial park is something that we have not had available in our community and we have seen over the past several years that because of the absence of that resource, we have lost out on a number of very significant opportunities for economic development. The way that business works; typically a site consultant or in some cases the company itself, makes contact either with the State Commerce Department or with the Greater Wichita Economic Development Coalition (GWEDC) and initially makes a request for sites that meet certain specifications. For very large developments, those sites typically call for a very large tract of buildable land that is in very close proximity to major highways and very often that has direct access to rail.

“Economic developers almost always want their sites, the sites that are proposed to them, to have infrastructure, water and sewer and so forth, available at the site. They don’t want to incur the cost

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that's necessary to bring utilities to the site. This site serves all of those purposes, and with the enhancements that we propose to make to the site in the next two years, which I'll describe in just a minute, we think that it will become even a better site to make us more competitive for very large scale economic development proposals that we receive in the future.

“Drilling down now to a smaller scale map, you can see outlined in green the eight individual parcels that make up the 808 acres that we are proposing to acquire. They are generally bounded by 53rd Street North on the north, although there are 255 acres, more or less, tracts north of 53rd Street. It is bounded on the west by Webb Road, on the east by Greenwich, although there is a 76 acre tract on the east side of Greenwich, and the south by 45th Street. Immediately to the south is the City of Wichita and just off of the map here is the extension of Jabara Airport. The parcels are structured in such a way, or designed in such a way, that we will have the ability to either combine or subdivide them to meet the specific size requirements and proximity to resource requirements that individual prospects have in their solicitations that we receive in the future. It's a very, very flexible site. It is extremely good opportunity for us to do some good things in the way of economic development in this community.”

**Mr. Chronis** continued, “Now, why is the government doing it? Well, the government is doing it because nobody else has done it. As I said, we have suffered over the past couple of years, at least that I have been involved in some economic development discussions; we have suffered by the absence of a resource like this in this community. There are some industrial parks in the community but none that I'm aware of have multiple, large acreage tracts of land that are available. There are some industrial parks that have access to rail, but they don't have lots of parcels available and they don't have large tracts of land available. There are some parks that are available, but not at a price that an industrial prospect is willing to pay for the land. So all of those factors have caused us to have to tell economic prospects, developer prospects that we simply can't respond to their location requests. This site will enable us to be able to respond to those solicitations in the future.

“What do we need to do from this point forward? Well, the first thing, assuming that you approve the transaction that's before you, is to execute a land purchase contract with the city of Bel Aire for the County to purchase approximately 808 acres of land. The purchase price is \$6.5 million dollars or to be very specific, \$6,502,430 dollars. Once the land is purchased, then we will ask GWEDC to start marketing that land; that is to start making the economic development community aware of its availability, because many site location consultants to this point have scratched Wichita off of their list. They don't even come to us now, because in the past we have responded so many times that we don't have the resource that they're asking for.



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“We need to get back to that community and let them know that now we have that resource. And then, in the next 45 to 60 days, the city of Bel Aire and Sedgwick County need to enter into a Development Agreement for this tract of land. That Development Agreement will specify in some detail who is responsible for which infrastructure enhancements that we propose to make to this site. What has been conceptually discussed, and agreed to, is for the City of Bel Aire through the Chisholm Creek Utility Authority (CCUA) to extend water and sewer lines throughout the site; currently those lines terminate on Webb at the southwest corner of the site.

“The estimated cost for that, and I want to emphasize that all of these numbers that I’m about to say are very rough estimates at this point, we don’t have engineering drawings or designs, they’re very preliminary; but the estimate of that cost is \$4.1 million dollars to be borne by the City of Bel Aire. The County, in this conceptual agreement, proposes to pave 45th Street North and 53rd Street North for one mile each between Webb and Greenwich. Our estimate of cost for those two miles of road construction has been \$6.9 million dollars and I was talking with Jim Weber this morning and he tells me that he thinks that’s probably a very high estimate. As you know from budget discussions with me, I tend to estimate high on expenses so that we don’t overrun budgets. But we are expecting that that cost will come in somewhat lower than \$6.9 million dollars.”

“Finally, that Development Agreement will call for the County to install a rail switch to make that Union Pacific line that runs diagonally through the property, directly accessible to the businesses that would locate in this industrial park. All of those costs for Sedgwick County add up to something on the order of \$14 million dollars, based on these very preliminary costs. Again, we expect some of the costs to come in less than what you see on this page. We would expect the infrastructure improvements to take place through the rest of this year and through 2010, but we would be marketing this land and making it available to industrial prospects starting now if you approve this contract today. That is the extent of the presentation that I want to make.

“You have the contract before you. It was executed by the City of Bel Aire in a special called council meeting last night and they have signed the contract and we have it. If you have no questions, I would recommend that you approve the contract and the budget adjustment that is necessary within the general fund, and I’ve talked with you about that budget adjustment, to provide the spending authority to support this transaction and authorize the Chairman to sign the documents and the lawyers to make any legal adjustments that might be necessitated because of modifications in the legal descriptions of the land.

“The budget amendment that is before you is for the land acquisition, \$6.5 million dollars and funding for the rail switch, \$900,000 dollars, as I have explained to you in briefings, that we propose to fund with general fund balance, unreserved fund balance. That money is not budgeted in the general fund now, but as you know we have significant amounts of operating reserves that are budgeted in the general fund and so the budget adjustment moves some of that spending authority

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from operating reserve into the appropriate line item accounts to support this transaction. Funding source, again, would be general fund, unreserved fund balance.

“You know from prior presentations that we have plenty of fund balance on hand right now, above the minimum targets that have been established by County policy, and we can’t think of a better use for that fund balance than to make this kind of investment in the future of our community. I’m sorry, before I conclude, one last point that I should make. We have in the audience Mayor Harold Smith and City Administrator Ty Lasher from the City of Bel Aire and I’m sure that they would be happy to answer any questions if you have them about this transaction from their end also.”

**Chairman Parks** said, “I just want to make a general statement. We know roughly how many jobs that have been lost in aircraft industry and it just really bothers me that at times we have these companies coming to us and saying we need 40 acres, we need 100 acres, we need more acreage and we need rail through it and that’s been one of the major problems. I’m familiar with this area and the Union Pacific has a great track through this area and I think that this is an attractive piece of property for this purpose, for the creation and retention of good clean jobs in the County. I believe I will try to get these in the order that they were turned on. Commissioner Peterjohn.”

**Commissioner Peterjohn** said, “Chris, give me a rough time frame, in terms of how this came together, in terms of when we started negotiations, because this has been kind of, it’s come up very quickly as a public item and there was a big article in yesterday’s paper and I know there’s media interest, but we’re talking about an ultimate expenditure as you pointed out of over \$14 million dollars. And so I’m interested, in terms of any details that you might have, in terms of rate of return or analysis or how we got to this point so the public has a better understanding of how this came together, because if the City of Bel Aire has had this zoned for industrial purposes for quite a while, hasn’t it been out there as an industrial facility, and maybe that’s a question for the Mayor or City Administrator in Bel Aire.”

**Mr. Chronis** said, “On the issue of zoning, I need to correct something that I have told you in the past. I have said that the land is zoned industrial. In fact, it is not. It is zoned agricultural. The City’s master plan has been for this land to be used for industrial purposes and their practice has been to do the rezoning at the time the change of use actually occurs, as a part of the sales transaction at closing. Ty Lasher has told me the City will do the rezoning to industrial at that time, once the City has ceased to own the property.

“Now, regarding timing of the transaction, Irene Hart, our Community Development Director, and I visited with Ty Lasher and others from the City over the past couple of months, knowing that they had this land and that it was ideal for industrial purposes, but that the City had been unable to fund the infrastructure enhancements that are necessary to make it viable. We had visited with them once the stimulus funding was announced to see if there might be a way that Sedgwick County could access stimulus funds and apply those stimulus funds to this land owned by Bel Aire to do those

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infrastructure improvements to make it a viable site. We since subsequently learned that stimulus funding wasn't available for that purpose, so we kind of put that project in abeyance.

“The consideration of the County purchasing the property surfaced for the first time the week before last, on Thursday. After a transaction team, a transaction team, as you know, is a subcommittee, if you will, of people working with GWEDC on industrial location prospects; after one of those meetings that happen every week, we had some discussion about some prospects and once again, we had a prospect who wanted a large tract of land, wanted rail, wanted water and sewer available at the site and we were in a position of not having a good site in Sedgwick County to offer. So following that meeting, I went and visited the County Manager and said, ‘look, Bel Aire’s got this site, they can’t develop it, they don’t have the financing to make that available, we’ve got fund balance that we might apply to that and that seems like a pretty good investment, a pretty good use of fund balance.’”

“And so the County Manager considered that that seemed like a reasonable idea, so at that point, he and I together visited with each of you to discuss the concept and once we saw that all of you seemed to think that this might be a good idea, we then, later that evening, the Manager and I went out to Bel Aire and visited with Ty Lasher and made a purchase proposal to him. As it happened, and it was purely coincidence, the City Council was holding a meeting that evening and so they discussed it during that meeting; and Ty and I spent some time on the phone back and forth doing some negotiating, about exactly what form the transaction would take, and at the end of the meeting, the City conceptually agreed with our proposal and from that point forward, then we’ve come back to you with this purchase contract. So this has all taken place in the span of two weeks.”

**Chairman Parks** said, “Does that answer your question?”

**Commissioner Peterjohn** said, “Yeah, well, I certainly appreciate Chris's comments on the time frame, I’ll reserve on some of the other aspects of this. Thank you.”

**Chairman Parks** said, “Okay, Commissioner Welshimer.”

**Commissioner Welshimer** said, “Well, I appreciate what you’ve done here. We have got to be creative if we’re going to survive the economic situation that we’re in. I think that’s the level we’re competing on now with other states and cities, is what creative things we can come up with to bring business in, help replace jobs that are lost. From what I see, I haven’t seen the map myself or had it in front of me, it’s been a little difficult to look at it here, but I am concerned that I haven’t read the contract and that I haven’t looked at the title work. I mean, my background is in commercial real estate and I have to have some information on that. I would like also to compare the sales and make

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sure that we're in the right price range, which I feel sure you have done, but still, I need that for my own security. Are there any contingencies in that contract, anything contingent?"

**Mr. Chronis** said, "No, there are some requirements in the contract but I don't know that I would characterize anything as a contingency. I say that, though, with the caveat that I am neither a realtor nor a lawyer, so what's a contingency to you may not be a contingency to me. But the contract itself is in the backup of the agenda package that was distributed to you, I believe, last Friday. And as you can see, it's four pages, fairly abbreviated, fairly brief transaction that simply identifies what the land is..."

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

**Mr. Chronis** said, "...what the County is going to pay for it..."

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

**Mr. Chronis** said, "...and talks about the future Development Agreement."

**Commissioner Welshimer** said, "As we get into this, we might find that we need to change some zoning or setbacks or whatever. Do we have some assurance from Bel Aire that they will cooperate with us at that time?"

**Mr. Chronis** said, "We do. Yes."

**Commissioner Welshimer** said, "And is it in this contract?"

**Mr. Chronis** said, "There are some agreements that are in this contract, but I think what you're talking about is more the issue of what happens six months or a year or two years from now when some particular requirement might surface that wasn't contemplated now and I don't know that there's a way that we can embed all of those possibilities into a contract. I don't know that we can conceive of all of those possibilities, but I am certain that the City of Bel Aire is cooperative and is eager to participate with us in this venture."

**Commissioner Welshimer** said, "And do we have a title commitment? I mean, do we know if there are any pipelines in this site or..."

**Mr. Chronis** said, "We don't have a title commitment yet. It is to be provided at closing by the City of Bel Aire."

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**Commissioner Welshimer** said, "I know, but by then, it's pretty late to discover what you can and can't do with the ground. We need to know how much of that ground is developable, that's what I'm talking about."

**Mr. Chronis** said, "My understanding is that essentially all of the land is developable, there is..."

**Commissioner Welshimer** said, "Not around the railroad track, it's not."

**Mr. Chronis** said, "...there is, well we're not acquiring the railroad track."

**Commissioner Welshimer** said, "I know that."

**Mr. Chronis** said, "The hundred year floodplain, two fingers of the hundred year floodplain, extend into the 808 acres on the far north end and on the east end. So there would be some relatively small amount of acreage that would have to be built around for that purpose. But this land, to the best of our knowledge, is fully developable."

**Commissioner Welshimer** said, "So you're saying there's no pipelines underneath?"

**Mr. Chronis** said, "None that we're aware of."

**Commissioner Welshimer** said, "And the title policy, it shows that?"

**Mr. Chronis** said, "Yes."

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

**Chairman Parks** said, "I don't know if it would be appropriate if either of the officials from Bel Aire had any information on that, if they could provide that at this time."

**Mr. Ty Lasher**, City Administrator, Bel Aire, Kansas, greeted the Commissioners and said, "As far as the zoning, it's currently zoned agricultural and the reason that we've left it agriculture is because not knowing how that would develop, we didn't want to have something more stringent or less stringent than what was needed. Mr. Chronis and I were talking that what we would do is at the close, we would go through the process before that, so that when it would close, it would be all industrial, since that's what the County would like to use it at. As far as the usable land, it's all farmland right now. There's some pasture and some land being tilled. We've looked at some of the flood plains, there's very little floodplain in the area. The City conducted, I think it was back in 2004 or 2005, which we'll provide to the County, a Brownfield's Study that was done by the EPA (Environmental Protection Agency) and there was nothing found in that. So, I think that..."

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**Commissioner Welshimer** said, "How long ago was that?"

**Mr. Lasher** said, "I believe it was in '05. A Brownfield's Study was completed on all of the land that we owned, just to make sure in the development that there was no concerns on that, and there wasn't anything that came back and we'll provide a copy of that to the County. I know Commissioner Peterjohn had asked about the City, of course, we've owned this and many other acres, and that's been our problem is this site has been there, we've known that it's a great site, we've worked with GWEDC to possibly promote that. The problem has been a town of 6,800, and you've seen the cost of infrastructure, we just don't have the capacity to install that. As Commissioner Welshimer was saying, we've been meeting with GWEDC and the County and even the City of Wichita over the last couple of months talking about how do we think outside the box, how do we promote this area to benefit Wichita, Sedgwick County, Park City, Bel Aire and to create some partnerships in government to do something like this? And out of that, that's where the County came back with the idea of working together and that's what our goal is here. Was there any other questions I could answer on the City's behalf?"

**Chairman Parks** said, "Yes. CCUA, it's my understanding that this would be de-annexed out of the City of Bel Aire?"

**Mr. Lasher** said, "The property?"

**Chairman Parks** said, "Yes."

**Mr. Lasher** said, "No, it will remain in the City of Bel Aire. What we have agreed upon is, in working with trying to bring in businesses, that we would offer the same type of taxing incentives that the County will. So as a benefit and as trying to promote to bring in these businesses, but it will remain in the City of Bel Aire and the reason I think we had talked about that is obviously County will provide fire because Sedgwick County provides our fire service in Bel Aire, but that would benefit so that we could provide police protection to these industries that are there and the water and the sewer. We are a member of CCUA, Chisholm Creek Utility Authority, and one benefit that we see in developing this property is the fact that we get water from two sources. We purchase water from Wichita and we also bring water in from CCUA, so we have two sources of water to provide this area. Then, of course, all of our sewer then goes to the Chisholm Creek Utility Authority."

**Chairman Parks** said, "And they wouldn't have any problem providing the sewer and water capacity to the..."

**Mr. Lasher** said, "No. We're not at capacity on our water, and the fact that we also have a long-term agreement with Wichita to purchase water, so water is by no means, with two sources, any

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problem. And we're in the process of expanding our headworks at CCUA for sewer, so that will benefit the ability of sewer for this area as well."

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

**Mr. Lasher** said, "Sure."

**Chairman Parks** said, "I do want to deal with the issue of de-annexation back with staff members in a little bit here, but Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I got a couple comments that I want to make, but before doing that, if it pleases the Chair, perhaps the Chairman for the Greater Wichita Economic Development Coalition, I would appreciate a couple comments about his perspective on the criticality of this need in our area. If that's okay with you, Mr. Chair?"

**Chairman Parks** said, "If we open this up to one side for three or four minutes for presentation, I think that we have due diligence to open it up to anybody else that has two or three minutes that they want to say also, so if we can do that."

**Commissioner Unruh** said, "I am imperfectly..."

**Commissioner Welshimer** said, "I just [inaudible] question."

**Chairman Parks** said, "Yeah."

**Commissioner Unruh** said, "...yeah, this is a major deal."

**Chairman Parks** said, "Yes, it is. A major expenditure."

**Commissioner Unruh** said, "I just think that since Greater Wichita Economic Development Coalition is directly involved in economic development and represents partners from the various governments around and regional organizations, perhaps insight on our ability to hit and miss on economic development opportunities would be helpful to me."

**Chairman Parks** said, "Oh I agree that when we're spending this kind of money, we need to look at all sides of this. Go ahead, Mr. Wells."

**Mr. Lyndon Wells**, Volunteer Chairman of the Greater Wichita Economic Development Coalition, greeted the Commissioners and said, "Greater Wichita Economic Development Coalition, which is

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a public-private partnership (PPP) comprised of Sedgwick County, the City of Wichita and a hundred plus private investors that contribute to providing the staffing resources necessary to staff the Greater Wichita Economic Development Coalition. It is a partnership because it requires effort on all parties, both private and public, to be able to market our community in an effective way.

“The charge that the GWEDC has been given is to be the marketing arm for our community and for our region and additionally partner in is a representative of Greater Wichita Economic Development Coalition is a represent of REAP, the Regional Economic Area Partnership, and they are a party to this as well. We have a regional focus. We are continually approached, either through the Department of Commerce or through national site selectors or directly, by prospects who are saying ‘I’m looking for something that can either expand or relocate my business.’”

**Mr. Wells** continued, “Recently I attended a conference hosted by area development that featured national site selectors from around the country. One of the key messages of that meeting was to comment and to let everyone know in the economic development business that site selection has really now turned into site availability. A community needs to be able to have available shovel-ready sites in order to make the list before we’re even considered. Because one of the first things a site selector does is determine whether there is a viable site in an area and if it’s not, they will simply scratch that community off the list and move on to the next one.

“So site availability is a critical issue for us and although we have both private and public sites available and we market every site that we believe reasonably fits the parameters requested by the site selector or by the company, every time, this recent effort that Chris was referring to that brought this discussion to bear, we solicited sites from all around starting clear back in February. And we have a process by which we send out blast messages to all area developers, anybody that we know that has any kind of developable site, either developable or already developed, and ask for their feedback and their participation in the effort and we conduct meetings with these individual developers and with public development areas to try and make sure we can put our best foot forward. As the Greater Wichita Economic Development Coalition, we don’t represent a specific piece of property or a specific developer. We are simply trying to market our region and that is the job that we have.

“Our effort is in support of this, simply because we believe it’s important that we are at the table for all of these discussions. Not having the availability of a shovel-ready site that’s 80 to 100 acres has kept us at some disadvantage. As Chairman Parks has mentioned, in this economic environment, part of our charge is to try and diversify some of our jobs. We think aircraft manufacturing is critical to us and we will continue to use that as our cornerstone, but we also know that we need to



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continue to diversify and that's part of the charge that we believe that we have from our various partners."

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

**Commissioner Unruh** said, "Thank you. Mr. Chair, before I go with my comments, I mean, do you want to ask, I don't know what your pleasure is, do you want me to..."

**Chairman Parks** said, "Let's answer in the order that it was brought back up. I believe Commissioner Welshimer had a comment she wanted to make before we get too far away from the topic."

**Commissioner Welshimer** said, "Well, I wanted to ask Ty another question. That railroad right-of-way, do we have any paperwork on that, anything that describes what their rights are?"

**Mr. Lasher** said, "We don't. We've met and I know that the County has met with the Union Pacific, and we've worked with them some on another development that's in that area, to know the size of their right-of-way, I don't have it..."

**Commissioner Welshimer** said, "You don't know how wide it is?"

**Mr. Lasher** said, "I don't know have it right offhand, of how wide it is. We have met with them and they have been supportive of industrial development, more business development, along there for their facility, which is always important."

**Commissioner Welshimer** said, "But it could be 100 feet on each side or ten feet on each side?"

**Mr. Lasher** said, "I don't think it would be that large. It's a single track. Off the top of my head, I'm not sure what the right-of-way usually on a single track is, but just looking at the fence post and the track, I would think it's 30, 40 feet at the most."

**Commissioner Welshimer** said, "I think we're covered in the title commitment if that is not acceptable, I'm not sure."

**Chairman Parks** said, "I guess..."

**Commissioner Welshimer** said, "That's all I had."

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**Chairman Parks** said, "...before we go any further, I'd like to ask Irene Hart, or the Manager, of somebody that has dealt with some of this in timing, if timing is critical, would one week make a difference on answering some of these questions, on something that we may be looking at out there?"

**Mr. Buchanan** said, "Commissioners, I don't believe one week would make a significant difference."

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

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

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

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I just wanted to make comments here about my perspective on this, and not necessarily a question. I did have the opportunity to speak with a couple of realtors last evening who are particularly interested in this, and one who represents clients and associates who have property in that area, and his comment to me was that, you know, his client partner base are supportive of this development, and not necessarily opposed to our going forward, but wanted to know clearly that our purpose in going forward was not to be in direct competition in small parcels.

"And my understanding of what we're after here and what I'm going to be supportive of going forward is that we maintain our focus on large tract development that requires rail access, and that's what I said to this real estate person, that we're not in the business of trying to sell off five acre pieces and be in competition with other developers in the area. And maybe you would want to comment on that, Mr. Chronis?"

**Mr. Chronis** said, "Frankly, that would strike me as a pretty horrible waste of this resource. We have lots of five acre tracts available for development throughout the County. What we don't have is exactly what this tract provides. That is, several large acreage tracts that have access to rail and are very close to the major highways network. I think it would be a shame to lose that resource to something that can be done elsewhere in the community."

**Commissioner Unruh** said, "Alright. Thank you. And that's the answer I gave, and it is what my commitment going forward is going to be, that we are going to maintain focus on the type of developers that fit this model: large tract, need rail, with some reasonable proximity to good roads. So that's what our focus is, and what I'm going to be supportive of. I think it's important as we

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consider this also to realize that Sedgwick County is not going out and accumulating small pieces of ground, buying it from individual land owners. This is a piece of ground that is moving from ownership of one government to another government, so it is not like it is some sort of entrepreneurial effort in that respect. Our effort here is just trying to support and stimulate the opportunities to attract large tract developers. And the desired use of this ground, what we're proposing to do is the same thing the current owner is proposing to do, so that hasn't changed the competitive nature of the environment in northeast Sedgwick County. As we consider those factors, I think someone might say, 'then why are ya'll doing this at all, if government to government, and the purpose is the same,' well, the reason is because we, as County government, have better resources and staying power and ability to be in there for the long run, if that's requested."

"With this funding mechanism that's been described, Bel Aire has the ability then to bring water and sewer to the site and we have the resources available to get the roads that are going to be required to make this shovel ready for a potential investor. So I think that the components here are not going to be detrimental to other developers. It does provide an ability for us to attract that big fish, the really lucrative catch, not unlike what just recently happened in Reno County with the Siemens Company, went up there with 400 jobs. So my focus is on something that's large like that, I don't think anything like this is available anywhere else in the County. It hasn't happened yet to attract a more diversified manufacturing or industrial partner in our County and this gives us a way to do it, I think, without being detrimental to the other developers in the area. That's my thinking and I'm going to be in favor of moving forward with this, with the clear statement that our focus is on large tract industrial development that requires rail access. And for now that's all I have, Mr. Chair."

**Chairman Parks** said, "Okay, and I wanted to clarify something. I came into this meeting thinking that if this property was going to be de-annexed and specifically for the purpose of taxation, that a potential tenant might look at that as more of a favorable thing to be just in the County instead of in a city also. So if whichever staff member that I talked to last week, if they want a true confession now or later, that's up to you, so, anyway, I'll move on."

**Mr. Buchanan** said, "I'd like to take that opportunity."

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

**Mr. Buchanan** said, "In discussing this early on, it was our intention, and I know the road to hell is paved with good intentions, but our intention was to have the property de-annexed. When Chris

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Chronis got into the detail, and that's in the conversation with you, that's what I said. When Chris Chronis began negotiations, it became real clear that that was going to be a sticking point with Bel Aire, and that evening while the City of Bel Aire was in the negotiations and Chris was on the phone with Ty Lasher, who was also on the phone with me, and we made a decision, I made the decision to proceed without the annexation, without de-annexing."

**Chairman Parks** said, "Okay. Thank you for that. Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Yes, Chris, can you tell me how the figure of 808 acres, roughly, was selected because what I heard Mr. Wells say, that they were looking for a site ready to go that was 80 to 100 acres, this is not an area where I've got the expertise and I'm not sure, in terms of how much expertise is out there, but wanting to know why we picked that figure and have we done any comparisons in terms of for municipally or County owned or industrial parks in general, because we're talking about well over one square mile. This is not a small piece of real estate."

**Mr. Chronis** said, "The 808 acres is simply what was available. What we were interested in was not just a single large parcel, but multiple large parcels; and Webb Road provides a natural dividing point. There is development to the west of Webb Road, but there is no development to the east of Webb Road in this tract. So as you can see looking at the map here, what we are acquiring, or proposing to acquire, is everything that Bel Aire currently owns that is east of Webb Road in these large tracts. The two parcels that are on the far eastern edge of the City of Bel Aire are privately owned. This little corner parcel on the south end is privately owned. And this little parcel here is privately owned. But other than that, everything that is inside the City of Bel Aire and east of Webb Road is what we are proposing to acquire."

**Commissioner Peterjohn** said, "Well, because one of the things I'd like to make a motion here, and there have been some discussions in terms of details, and we haven't heard from anyone except for Mr. Wells from the general public and I very much appreciate him coming in and making himself available and having some questions, but I would like to make a motion that we postpone this item for a week and have a public hearing at that time and so that, I'm like Commissioner Unruh, I had a number of people who called me when they heard about it, saw the article in the paper, raised questions that I couldn't answer, that were very specific relating to industrial development, and I wish I could recall all of them right off the top of my head, but I do think having been criticized by parts of the media for not being willing to hear from the public, a \$14 million item deserves public attention. And I know we've got some folks here who I think are here for that reason, but with the timing being what it is, I'm going to make that motion so that we would at least go into this with our eyes open because there was some technical questions that Commissioner Welshimer raised that I'd like to make sure that we have completely performed all due diligence before we proceed."

### **MOTION**

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Commissioner Peterjohn moved to postpone Item P for 1 week in order to hold a public hearing at that time.

Commissioner Welshimer seconded the motion.

**Chairman Parks** said, "Further discussion at this point, Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I appreciate Commissioner Peterjohn's motion on delaying a week and understand his desire for caution and careful consideration and public input, those sorts of things, and I'm certainly not against public input. However, I won't be supportive of that motion; I think that the need for this sort of initiative has long been apparent in our community. We've been aware of this ever since I've been a Commissioner that a large tract piece of property with rail is an asset that we lacked and that we needed."

"This land's been sitting out there, we've had testimony from Mr. Lasher, they've had different sort of studies out there to attest to the suitability of the ground. We have an idea of the pricing of the raw ground from previous efforts by Bel Aire to move the property, so the majority of the \$14 million that was presented to us is for infrastructure items. If you take out the water and sewer portion of it, the road portion of it and the rail portion of it, we're getting down to somewhere around \$4 million or a little less than that, actually, for purchasing 800 acres of ground. So I'm prepared to move forward with it. I think we have lots of information and we know the need's there. So anyway, that's my position on it. I respect your motion, but I won't be supporting it."

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

**Commissioner Norton** said, "Well, I really don't have a problem if we postpone it for a week or two, but I do have some questions. The first one is, I have a little bit of problem with the value that we're not going to de-annex it. It doesn't make sense to me to have a piece of property that we are going to control and have to, if we're going to deal, have to deal with another government entity, you know, that complicates the whole thing. I was under the impression that it would be de-annexed, it would be County property. The truth is, that property was bought years ago because of conflict between the City of Wichita and Bel Aire and we got in the middle of all that, so now it would make sense to me that it becomes County property if we are going to move forward with this and we control the whole conversation. If not, then I see no reason for us not to just put that into the arsenal, maybe help with the roads, maybe even put some money into the water and sewer, but not pay the price for the land. If the land is still going to be offered up, all we're doing is compounding the conversation by having too many government entities in the pie. Just a thought."

"I'd like to talk about our change in the commitment to the GWEDC. Because at this point, we have a Transaction Committee that comes to meet about there's an offer, there's information, there's a

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site selector here, how much are we going to put into the pot? If we're providing all the land and infrastructure and shovel-ready projects, I'm not going to be real willing later to say, also we'll throw in another \$150,000 to sweeten the deal.

"We need to rethink that this is what we're putting into economic development, is a huge parcel of land with infrastructure shovel-ready and rail. So I think that rethinks what our commitment on all the projects are that come before the GWEDC; because we've been equal partners with the City of Wichita on most projects. It's usually if it's going to be \$100,000, \$150,000 that we'll sweeten the deal with, that's what they put in. I'm not going to be real anxious to have those deals come up and the entity say, 'well, where's your share of that?' Well, our share of a big investment. I have a little question about the road part of it, too. We didn't talk about that that was going to come out of general funds, that's going to come out of road funds, is that what I'm understanding?"

**Mr. Chronis** said, "It's going to be incorporated into the roads CIP (Capital Improvement Program), yes."

**Commissioner Norton** said, "That means that we put a lot of money into this project in an area that doesn't necessarily affect my district, so that's okay, but what does that do to the road projects around the rest of the County? Because if it only comes out of CIP and road projects, that means it's got to diminish the pot of money that affects all the rest of the area, so I think that's a question that needs to be asked.

"Maybe that's okay, maybe it's a good investment, but it does not come out of just the general fund, it comes out of CIP money, which generally every year, we all kind of look at and try to advocate for our district to get a portion of that. That pushes a lot of it into that one area. I would be interested in what we're going to do with additional incentives, because this is a huge amount of money that becomes an incentive that we're kicking into on the front end as an investment, and what does that do for any other incentives that we may be asked to come to the table with, because this is a large amount of money for us to invest.

"Now, having said all of that, I would like to now go back a little bit. Well over five years ago, I advocated for us putting together an industrial park. In fact the place I thought would be very advantageous is a place that had rail, that was close to an airport, that was close to interstate, had the Murray Gill [Energy Center] power plant and had plenty of infrastructure and water. Now, it just happened to be on the south side, so I am not going to be parochial. This is a great site, too. But it is amazing to me I had this conversation five years ago and we could have already had all this done when the Target Distribution Center was before us and we lost it because we had to run around like chickens with their head cut off trying to find land that was available to bid that one.

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“We’ve lost two other large projects that I know of, or at least weren’t in the running because we didn’t have it. So it is interesting to me that now we’re coming down to a very compressed decision we have to make with land that’s very similar to what I advocated for five, six years ago, because I do believe that it is something that site selectors look for. In my business that I grew up in, it was ‘one to go and one to show.’ You always had something you could sell to the customer right now if they came to you, and then you worked on the next one and later. But you always had one to go and one to show. We never had the one to go. We’ve always kind of had to run around and find the one to show.”

“I guess my final thought is on something this important, and I don’t hear it right now, I would be more comfortable if this is a 5-0 vote. This is pretty important. You know, when we launched the Arena, 5-0 vote. When we went after NCAT and the training center, 5-0 vote. To fragment this and have differing opinions and not being sure for the total community this is what we want to move ahead on, I would rather take a breath and make sure all of us are on board and can move this forward. I think it’s very important to our community. I think that site is good, but I would feel more comfortable that we’ve answered some questions, and that everybody feels more comfortable in moving forward on this, because it is a big deal. It is a big deal for the future of our economics, it is a big deal for our partnership with GWEDC and REAP and other economic organizations, but it is also a big deal to the taxpayer because that’s a lot of money that we’re saying that we are going to put on the table to try to build infrastructure and job creation and business climate in our community.

“Just like it is a good time to have bold action to bring in new businesses, it is also a tough time to look the taxpayer in the eye and say we’re going to spend this much money. It is a conflicting, competing thought process and I want to be sure that we are making the right decision. I am okay with it. But I was okay 5 years ago with a different piece of property too, but we didn’t do anything with it at that time, and I don’t think that we need to rush into this right away, although I am in favor of it, whenever it does come before us.”

**Chairman Parks** said, “Thank you and I want to repeat something, I was going to say this anyway, but I do think a 5-0 vote is important, that it sends a message to those industries that we want them in our community. I would also put a charge out to our County staff and Bel Aire staff to make sure that any de-annexation discussion includes CCUA, because they are going to be a player in this, and if they’re willing to go into an area that’s new for them, that doesn’t have a contract with them and what not, certainly look at that.”

**Commissioner Peterjohn** said, “Mr. Chairman, CCUA?”

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**Chairman Parks** said, "Chisholm Creek Utility Authority."

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

**Chairman Parks** said, "That's water and sewer provider, if I'm not mistaken. Commissioner Welshimer."

**Commissioner Welshimer** said, "I think the 5-0 vote is important, too, and I think we'll have it, but I think we are put in a position here to make a decision on something as big as this that maybe we need a little more time to get real comfortable with it, and I think we will. I had a little concern about the annexation issue as well. I mean, I think that might affect the price, but I can understand why Bel Aire would want that, of course. It would provide property tax on the improvements, I would think, if not more of it in the future for them. And I agree with Commissioner Unruh, the need's apparent and the goal is worthy, but I also agree with Mr. Peterjohn, we should postpone this for a week, at least a week, so that we really understand all the details and we feel comfortable and we have that 5-0 vote. The other thing, this goes into a CIP for the road project, does that mean if we purchase this land, we are not going to start on those roads right away? When does this road project happen if it is in the CIP, next month or next year?"

**Mr. Jim Weber**, Deputy Director, Public Works, greeted the Commissioners and said, "In the discussions that we've had in the last week on this thing, we are making plans to move these projects forward, start them by the end of this year and be ready to construct them next year. And that does cause some shifting of the projects that are already in 2010, a couple of projects, at least, would have to shift out and start pushing some things out. We are still working on what that should look like, and I'm certain that Mr. Spears would want to sit down with each of you and brief you on the result of all this, kind of like when things shake out a little bit."

**Commissioner Welshimer** said, "You know, I have one project in my district that can't get moved."

**Chairman Parks** said, "I think we all do."

**Mr. Weber** said, "We are open to input, but I think we can, from what I can tell, by shifting a few things around and picking some things that have the option really of going out a little bit farther, we can make this work."



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**Chairman Parks** said, “And I think out of those one-on-one discussions, we need to have a briefing at our staff meeting so the media and press can be informed about that, so we certainly can have that in open discussion. We have a motion and a second before us and I am going to call for the vote.”

**VOTE**

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

**Chairman Parks** said, “We will take this up next week with much more information. Next item, please.”

**Q. PUBLIC SAFETY**

**1. AGREEMENT BETWEEN SEDGWICK COUNTY AND THE CITY OF WICHITA.**

**Mr. Lamkey** said, “As a matter of background, since 2002, the County and the City of Wichita have engaged in a partnership effort to locate a joint military training center in Wichita. The project will bring together consolidated elements of the Kansas National Guard and the Marine Reserves in the center that will support eight distinct units and 674 authorized personnel. Construction start is planned for fiscal year 2011, which is October of next year. The City has provided approximately 30 acres in the vicinity of I-135 and K-96 for the training center. Federal guidelines for these kinds of National Guard Reserve projects will allow payment for design and construction of the military components, but not basic infrastructure to the site to make the site usable.

“The City and the County developed an Understanding to fund equally the design and construction of necessary infrastructure to make the site usable. Back in 2002, the County set aside \$2 million in the CIP for this purpose. Currently \$1,911,562 remains for this purpose, to allow construction in the

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timeline that's out there, the City and County's current CIPs envision infrastructure design occurring in 2009 followed by construction of the infrastructure principally in 2010; all this to be completed well before October of 2010.

"As the lead agency, the City has project management responsibilities and is ready to engage A&E Services for the design. To ensure clarity in our partnership, this agreement provides a maximum commitment subject to your approval, that is of \$1,911,562, the amount that we have set aside for this, and a methodology to expend the funds set aside for this purpose. County will not expend County funds for any contract without prior BOCC approval, and currently the long-term plan would co-locate a future Wichita Police Department, Sheriff's Officer, and inclusive of 911 training, law enforcement training on the site."

**Mr. Lamkey** continued, "So this is the real beginning of a project that we've been talking about for about seven years with some of the members of this Commission and previous members, so I would request that you approve the Agreement and authorize the Chairman to sign."

**Chairman Parks** said, "For the record, the Britt Brown Arena would not be large enough or enough acreage area for this project to have been moved to?"

**Mr. Lamkey** said, "Yes, if you are talking about the arena itself, the specific design of this includes not just a readiness center, but several vehicle maintenance facilities and those process, and we had some earlier discussions. But in order to meet the timeline for their project, and changes to the federal government, it really wasn't possible for them to shift gears at this point. Although I will suggest to you that they had interest in unencumbered land, unencumbered by facilities in that area, because, again, just as we're talking about the industrial site, access to roads and those kinds of things are very important to this project, but it just wasn't possible to shift gears at this point in the game for that process."

**Chairman Parks** said, "Thank you. Any other discussion on this matter? What's the will of the Board?"

### **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**

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

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

**2. AUTHORIZE EXPENDITURE TO GOSSEN AND LIVINGSTON FOR "HEARTLAND TRAINING CENTER" INFRASTRUCTURE DESIGN SERVICES.**

**Mr. Lamkey** said, "Commissioners, the City of Wichita's lead agency is prepared to execute a contract for Gossen Livingston for design services. This request is to authorize the expenditure of \$161,455 or 50 percent share of the design cost, subject to the City of Wichita approval of this cost sharing agreement. I would let you know that the estimate in the CIP for this service was \$213,456, so there's about a \$52,000 savings on this element of the project. Again, my recommended action is the BOCC authorize expenditure subject to the approval of the cost sharing agreement."

**Chairman Parks** said, "What is the will of the Board?"

**MOTION**

Commissioner Unruh moved to approve and authorize the expenditure.

Commissioner Norton seconded the motion.

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

**VOTE**

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

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

### **R. KANSAS COLISEUM MONTHLY REPORT APRIL 2009.**

**Commissioner Norton left the Meeting at 12:15 p.m.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, "I'm here this morning to give you a report for 2009, through the month of April for the Kansas Coliseum. I might just mention though, in April there were six events at the Coliseum; two in Britt Brown, four in the pavilions. Total attendance of 72,220 and total revenues, including Select-A-Seat of \$259,828 net revenues. Year to date, through April, there have been 43 events with 257,480 in attendance; resulting in \$1,065,186 in net revenues. And in the same period last year, there were 58 events, 294,496 in attendance and \$1,112,255 in net revenues. You'll note that attendance, events' attendance and revenues are down slightly. I would mention, though, that most of that difference is related to the hockey team, which last year were in playoffs and this year were not.

"I would tell you that looking forward, the economy is having an impact in this community on events, and we are continuing, though, however, to work very hard at getting what we can through Britt Brown and the pavilions for this year. Upcoming events for the rest of this month is the Kansas Amateur Quarter Horse Show, which is this Friday, Saturday, Sunday. The Goddard High School graduation is Saturday, Derby High School graduation is Sunday, and we have a flea market scheduled for Sunday, May 31. That's a quick update for you and I would be happy to answer any questions, otherwise I would ask that you receive and file the report."

### **MOTION**

Chairman Parks moved to receive and file.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

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

**Mr. Holt** said, "Thank you."

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

**S. 2010 BUDGET MESSAGE.**

**Commissioner Norton returned to the Meeting at 12:20 p.m.**

**POWERPOINT PRESENTATION**

**Mr. Buchanan** said, "I just want to take, what we have done in the past is take just a brief overview of the budget process that will begin next week and so I just wanted to take a minute for you to understand that. Our mission, you know, is to assure quality public service, provide for the present and future well being of citizens, and our goal is certainly to allocate those resources for essential services that are responsive to the changing needs of the community. So we'll be talking about what your definition of essential is. The budget overview, we continue the effects of the economic downturn, we are seeing that, we will continue to monitor that. The State budget difficulties, although the State has passed the budget, as we heard yesterday, in some cases the cuts have been general to various departments. We don't know how those departments of the State will affect our department's revenue stream yet. In some cases, it is still nebulous, in some cases we do know.

"Again, our goal is to make sure that citizens get those services. We say continue the budget as a plan, and we deliver these essential quality public services and you can see what they are: public safety, health and welfare, general government, culture, community development, public works. We are in the budget process, the Budget Commission budget adoption is certainly in the middle, we are in the commission in the target, the commission budget discussions, they will begin next week. We continue to gather information and identify potential impacts or service.

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“We’re compiling comprehensive impacts on the State budget, we will look for opportunities for greater efficiencies and certainly point out some of our cost increases that we are seeing and plans to make sure that they are reduced. What we know is that this is a, it says ancient philosopher, but I thought it was a new-age philosopher, and I’ll check the quote, said, ‘Planning is bringing the future into the present so that you can do something about it now.’ And I think that’s exactly what we’re doing. Our Sedgwick County mission is to insure that services are provided, again, we repeat that mission.”

**Mr. Buchanan** continued, “Let me tell you about the next steps. The next steps are budget hearings with Commissioners begin next Wednesday afternoon, so that you will be provided budget books and we will have hearings Wednesday afternoon and Thursday morning and Wednesday afternoon the 27th and Thursday afternoon the 28th, and we’ll take a little break then in the first two weeks of June, but reconvene in the third week of June, so that we put some of those issues off to the third week, mostly human service issues, so that we’ll have a better handle on knowing what the State is going to do to us by then.

“We will continue to crunch numbers and present to you a recommended budget in July. You will have two public hearings on July 24th and August 5th, and we will have the recommended budget on the website and an online public hearing, as we’ve had in the past, and then we plan to adopt that budget on August 5th, the first Wednesday in August. That’s a general overview, Commissioners. I will be happy to answer any questions. But we will get into the detail, the devil is in the details, and we will be getting devilish next Wednesday afternoon.”

**Chairman Parks** said, “Any further comments on that?”

**MOTION**

Chairman Parks 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

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Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**Mr. Buchanan** said, "Thank you."

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

**T. PUBLIC WORKS**

- 1. APPROVAL OF THREE SEPARATE AGREEMENTS WITH THE CITY OF BEL AIRE, CITY OF KECHI, AND 53<sup>RD</sup> AND OLIVER, LLC TO PROVIDE FOR THE CONSTRUCTION OF A COLD MIX ASPHALT PAVEMENT ON 53<sup>RD</sup> ST. NORTH FROM OLIVER TO WOODLAWN. DISTRICT 1.**

**Mr. Weber** said, "In Item T-1, we are requesting your approval of three interrelated agreements that will provide for the paving of 53rd Street North from Oliver to Woodlawn with cold mix asphalt. Portions of this one mile segment of road lie within Bel Aire, Kechi and the unincorporated portion of Sedgwick County. Approval of all three Agreements will provide the County with legal authority to perform the work and provide funding for the project. In our Agreement with Bel Aire, they agreed to allow us to pave the road within their corporate public limits, they will provide \$25,000 to fund the improvements and they will take back maintenance responsibility for their portion of the road when construction is completed.

"In our Agreement with Kechi, they also agree to allow us to pave the road within their corporate limits. They will not provide any funding for the improvements, but they will take back maintenance responsibility for their portion of the road when the construction is completed. Our third agreement is with a private developer with property adjacent to the road, under this Agreement, the 53rd and Oliver, LLC will provide \$25,000 to fund the paving project. The County will construct the pavement with our forces, and materials that are already included in our 2009 budget, after reimbursements are received from Bel Aire and the developer, our unreimbursed expenses are estimated to be \$25,000. Under the Agreements, the County would cover any project costs that exceeds \$75,000. We request you approve the three Agreements and authorize the Chairman to sign them."

**Chairman Parks** said, "Any questions of Mr. Weber? Mr. Unruh?"

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**Commissioner Unruh** said, “Thank you, Mr. Chairman. I don’t have any questions of Mr. Weber, but just by way of explanation, this is in District 1, and as Jim described, it is a difficult agreement between two communities, Sedgwick County and the developer in order to get a mile of road resurfaced that will help both Kechi and Bel Aire and the developer proceed with developing a residential area. It is difficult to get an Agreement like this accomplished, so I appreciate the extra effort and work that you went to. I am going to be supportive. It will be helpful to the County, the communities and the developers, so I think it is a win for everyone.”

**MOTION**

Commissioner Unruh moved to approve the three agreements and authorize the Chairman to sign.

Commissioner Peterjohn seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Next item.”

- 2. RESOLUTION DESIGNATING BRIDGE WEIGHT REQUIREMENTS FOR ALL BRIDGES WITHIN SEDGWICK COUNTY, KANSAS; PROVIDING PENALTIES FOR VIOLATIONS OF WEIGHT RESTRICTIONS; AND RESCINDING ALL PREVIOUS DESIGNATIONS OF BRIDGE WEIGHT POSTING REQUIREMENTS FOR ALL COUNTY BRIDGES WITHIN SEDGWICK COUNTY, KANSAS.**

**Mr. Weber** said, “This Resolution will update the bridge weight posting requirements for all County maintained bridges. We have a total of 628 bridges of which 113 are posted, five are closed, and the remaining 510 are open. Open load limit bridges are defined as those bridges that can



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handle any Kansas legal load. As far as posted bridges are concerned, in 1985 we had 318; and as of this date, we're at 113, which is a significant reduction over a time period of 24 years. This Resolution designates bridge weight posting requirements for all of our bridges in accordance with procedures outlined by the Kansas Department of Transportation (KDOT). Therefore, we will remain eligible for federal funds. We recommend that you adopt the Resolution."

**Chairman Parks** said, "I do have one quick question. Who enforces this weight requirement on the bridges?"

**Mr. Weber** said, "We don't have a separate enforcement department or anything, so this would be the Sheriff."

**Chairman Parks** said, "Sheriff would do that, okay, thank you. One other question here, Commissioner Peterjohn."

**Commissioner Peterjohn** said, "Jim, do you have any idea how many people may have been arrested for violating weight on County bridges..."

**Mr. Weber** said, "I would say..."

**Commissioner Peterjohn** said, "...a reasonable time, or is that a question I should turn over to, well, there's no one from the Sheriff in the room, have to save that for another time [inaudible]."

**Mr. Weber** said, "I think the answer is, it's a very insignificant number, and typically where these things are caught is if somebody happens to get out there with an overload and drops the bridge and they can't get out of there, and then they can be ticketed, fined, and we can go through and file against their insurance for damaging the structure."

**Commissioner Peterjohn** said, "Well, let me ask you the reverse side of the question, Jim. Do we have certain design sizes that we try and build to, so you take what should be a properly loaded vehicle, choosing a County road, shouldn't have problems?"

**Mr. Weber** said, "Yes. There's a national standards that are put out by the American Association of State Highway Transportation Officials, KDOT requires us to follow those standards. I can't tell you what the last [inaudible], it's probably what they call an HS-20, but new bridges are designed to handle a legal semi truck, which is probably 80,000 pounds. The big thing comes up, you got to look at the axle lengths and everything and find the worst case that you could have out there. They are required to meet the national standard."

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**Chairman Parks** said, “Okay. Thank you. What’s the will of the Board?”

**MOTION**

Commissioner Peterjohn moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Next item.”

**3. APPROVAL OF A RENEWAL APPLICATION WITH McCONNELL AIR FORCE BASE WING TOP 3/22 LRS FOR THE SEDGWICK COUNTY ADOPT A HIGHWAY PROGRAM ON ROCK ROAD FROM OAK KNOLL ROAD TO 47<sup>TH</sup> STREET SOUTH. DISTRICT 5.**

**Mr. Weber** said, “Item T-3 is a renewal Agreement with the McConnell Air Force Base Wing Top 3 for the Sedgwick County Adopt-A-Highway Program. They will be responsible for picking up litter along Rock Road from Oak Knoll down to 47th Street South. We recommend that you approve the Agreement and authorize the Chairman to sign.”

**MOTION**

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

Commissioner Unruh seconded the motion.

**Chairman Parks** said, “We have a motion and a second.”

**Commissioner Norton** said, “Pick one, I don’t care.”

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**Chairman Parks** said, “And an echo.”

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

**VOTE**

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

**Chairman Parks** said, “Next item.”

**U. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON MAY 7, 2009.**

**Ms. Iris Baker**, Director of Purchasing Department, greeted the Commissioners and said, “The meeting of May 7 results in four items for consideration today. First item;

**1. GAS CHROMATOGRAPH/MASS SPECTROMETER – SEDGWICK COUNTY REGIONAL FORENSIC SCIENCE CENTER FUNDING – FORENSIC SCIENCE CENTER**

“Recommendation is to accept the bid meeting specifications from Quantum Analytics in the amount of \$96,239.34. Item 2;

**2. MODULAR FURNITURE – DEPARTMENT OF CORRECTIONS FUNDING – KDOC ADULT INTENSIVE SUPERVISION PROGRAM**

“Recommendation is to accept the quote from John A. Marshall in the amount of \$41,162.86. Item 3;

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**3. CUSTODIAL SERVICE FOR VARIOUS DEPARTMENTS AT HARRY STREET MALL – VARIOUS DEPARTMENTS  
FUNDING – VARIOUS DEPARTMENTS**

“Recommendation is to accept the low bid from Air Capital Building Maintenance Company for services as needed, and establish contract pricing for one year with four one-year options to renew.”  
And Item 4;

**4. AMENDMENT TO CONTRACT FOR NAMING RIGHTS AND  
MARKETING AGREEMENT – FINANCE  
FUNDING – ARENA SALES TAX**

“Recommendation is to accept the amendment and modify the Agreement with the Superlative Group in the amount of \$72,000 and add 12 months to the time term of the contract. 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 Unruh seconded the motion.

**Chairman Parks** said, “I have a motion and a second, we have a little bit of discussion here. On the amendment to the contract for Superlative, their additional expenses in there, there was travel in there, even though they have a local office, is that correct?”

**Ms. Baker** said, “There is...”

**Chairman Parks** said, “Or the \$12,000?”

**Ms. Baker** said, “There is some travel for ‘to and from,’ then Mr. Chronis can answer your questions.”

**Chairman Parks** said, “Okay, thank you.”

**Mr. Chronis** said, “Superlative has opened a local office in Eaton Place on Douglas that is staffed by a local employee that they hired specifically for this project. That person is a recent graduate of

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Wichita State University and so essentially, what he does is make the initial contacts with prospective buyers on behalf of Superlative. And for the heavy lifting, if you will, the negotiations of the sales, the principals of Superlative Group come in from Cleveland, which is their home office to make those deals, and so the travel costs that are provided in this contract amendment are to pay for the travel costs of those people coming from Cleveland. The amount of money, the not to exceed amount of \$12,000 per year, is the same as what was provided for them in the last year of the contract that has expired.”

**Chairman Parks** said, “And can you kind of go over what they have done so far in the sale of the loge and the suites, in terms of numbers?”

#### **Commissioner Welshimer left the Meeting at 12:32 p.m.**

**Mr. Chronis** said, “Well, their scope of services is more complex than just that. They are charged in their contract with responsibility, first to assess the value of the various products that we have to sell, naming rights, premium seating of three different grades and sponsorship opportunities at the facility. They did that over a six-month period or so in 2006. Once that was concluded, and the County had accepted their recommendations, then the sales phase of their activity was undertaken.

“The first portion of the sales phase was devoted to naming rights for the facility. And as you know, they have negotiated and the County has sold naming rights for the building to Intrust Bank, for the main concourse to Spirit Aerosystems and for the plaza to Cessna Aircraft Company and the County will receive a total of \$14 and  $\frac{3}{4}$  million for those naming rights over the terms of those contracts. After those naming rights were sold, then Superlative started to sell the executive suites that are located in the facility. There are 20 that are being constructed and of those 20, they have sold 14 to date.

“Now, they are in the process of selling loge boxes. A loge box is something that hasn’t been available in this community until now but it essentially is a cordoned off area in the bowl of the Arena that has high-grade seating and has wait service for the premium food offerings of the Arena. And the loge boxes contain anywhere between four to eight seats each. There are 40 loge boxes that are available in the Arena, and of those, I believe to date, 22 have been sold. There are 300 club seats in the Arena that will be sold. Those have not been marketed yet. The plan is to begin selling those, starting this summer, about six months before we expect to open the building. The club seats are individual seats, and in effect what the purchaser is doing is buying a license to a designated seat that will be an upper tier kind of seating, not what you and I might sit in in the Arena, but they will pay a premium for that club seat and they will receive wait service from the food and beverage provider in the Arena as well. Again, those seats have not been marketed yet.”

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**Chairman Parks** said, “After my discussion with you yesterday, I went back in some of my documents from last June and it appeared that they had 17 of the suites sold. Have they lost several of those?”

**Mr. Chronis** said, “Yeah, there have been either two or three, I forget which, companies or individuals, who had placed a deposit on a suite, but ultimately elected not to execute contracts, and so they backed out of the deals.”

**Chairman Parks** said, “Okay. Thank you for your explanation on that. Seeing no other discussion, let’s call the vote.”

**VOTE**

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

**Commissioner Welshimer returned to the Meeting at 12:35 p.m.**

**Chairman Parks** said, “Next item.”

**CONSENT AGENDA**

**V. CONSENT AGENDA**

- 1. VAC2009-00007 – Sedgwick County request to vacate platted complete access control; generally located on the east side of 199<sup>th</sup> Street West, midway between 4<sup>th</sup> and 6<sup>th</sup> Streets North. District 3.**
- 2. Resolution stating finding made by the BoCC at the post-annexation hearing (City of Park City) held on April 29, 2009 – Ordinance No. 648-2004.**
- 3. Consideration of an agreement between McCook Community College Training Program and Sedgwick County EMS.**
- 4. Agreement with US Probation, District of Kansas providing on-line access to Sedgwick County’s electronic data.**

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5. **Set for public hearing on June 10, 2009, a petition for the alteration of boundaries of Sedgwick County Fire District # 1 and authorize the publication of a Notice of Public Hearing in the official County newspaper on May 20, 2009 pursuant to K.S.A. 19-3604(b) and K.S.A. 19-270(b).**
6. **Contract Agreement between Sedgwick County and “The Lofts at St. Francis Homeowners’ Association” related to the Intrust Bank Arena.**
7. **Payroll Check Register for the week of April 25, 2009.**
8. **General Bill Check Register for the week of April 22, 2009 – April 28, 2009.**
9. **General Bill Check Register for the week of April 29, 2009 – May 5, 2009.**
10. **Order dated April 22, 2009 to correct tax roll for a change of assessment.**
11. **Order dated April 29, 2009 to correct tax roll for a change of assessment.**

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

**MOTION**

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “I have a motion to amend the Agenda for V-2 [V-12], for an Executive Session. Do I hear a second on that?”

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**MOTION**

Chairman Parks moved to amend the Agenda for V-2 [V-12] to be an Executive Session.

Commissioner Welshimer seconded the motion.

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

**VOTE**

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

**Chairman Parks** said, “Call the next item, I guess, then V-2 [V-12] is Executive Session.”

**2. [V-12] EXECUTIVE SESSION**

**Chairman Parks** said, “I would like to make a motion to go into Executive Session for discussion of personnel and return to this room no sooner than 12:45 p.m.”

**MOTION**

Chairman Parks moved to go into Executive Session.

Commissioner Unruh seconded the motion.

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

**VOTE**

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



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**Chairman Parks** said, "We are in Executive Session."

**The Board of County Commissioners recessed into Executive Session at 12:37 p.m. and returned at 1:00 p.m.**

**Chairman Parks** said, "We are back from Executive Session, no binding action was taken. Next item."

### **W. OTHER**

**Chairman Parks** said, "Do any of the Commissioners have any 'other' statements that they want to make at this time? Commissioner Norton."

**Commissioner Norton** said, "I just wanted to talk a little bit, and maybe it's something for staff meeting, but based on the information that I've got from the court system and from what's coming down from the State, we need to have a conversation, and maybe link up with Judge Fleetwood to figure out what the judiciary budget is going to do to the running of the courthouse, because if they're going to be furloughed and close down the courts for a week at a time, I don't know what that does to security needs, what it does to all of our capabilities. I don't know what that looks like, but we probably need to have a discussion about that when we get a little more information."

**Chairman Parks** said, "And I do care about that, in fact I had a meeting with Judge Fleetwood from 4:30 to 5:00 p.m. just last night, Commissioner Peterjohn and I, and I've asked Judge Fleetwood to meet with each one of you about this furlough type thing. My concern was about the jail, it is going to have a lot of trickle down from other things, but this is going to delay hearings. Just the water being off the other day made a jury go out and they had to start over on that, so that took about seven hours out of our day there, so I can't imagine what a furlough of a week or month would be, but we need to be proactive on this. I don't know if there's any possible way with that the Legislature could do this during sine die or anything else, but it needs to be rectified and I think that the leadership in the House and Senate, from what he says, knows that it needs to be rectified."

**Commissioner Welshimer** said, "We pay their clerical personnel, don't we? They're on our payroll."

**Mr. Buchanan** said, "No."

**Commissioner Welshimer** said, "Their lawyers and their clerical personnel?"

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**Mr. Buchanan** said, “The judges are paid for and the clerical staff of the courts are paid for, but through the State, not through us. We do pay for the court trustee, but we’re reimbursed, again, by the District Court, so they are not our employees.”

**Commissioner Welshimer** said, “Well sometime back we had an issue over that and the employee said her paycheck came from Sedgwick County, thinking she was a County employee. And she’s an attorney.”

**Mr. Buchanan** said, “It may have been a court trustee person, but those dollars are their court employees, and we handle the bookkeeping for the trustees, which is separate system, they are not our employees.”

**Commissioner Welshimer** said, “Well, that’s certainly different from the way we understood it before, or from the way I understood it.”

**Chairman Parks** said, “And if Judge Fleetwood does not get in touch with the remainder of you in the next few days, contact me, and I will re-contact him and ask him to do that. Any other items to come before this Board?”

**Commissioner Peterjohn** said, “Mr. Chairman, I just wanted to second your comments concerning, since I did participate with you, with the comments with Judge Fleetwood, but my big concern with the Legislature remains that there are still some hidden provisions that we haven’t discovered yet and that’s why I’m glad we’ll have the report from Mr. Little next week, because if there are any other budget surprises out there, I’d sure like to uncover them sooner rather than later.”

**Chairman Parks** said, “Certainly. Any other business to come before this Board? Seeing none, we are adjourned.”

### **X. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 1:05 p.m.

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

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

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

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

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

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

ATTEST:

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

APPROVED:

**Regular Meeting, May 13, 2009**

June 10, 2009