

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 3, 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, June 3, 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; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Kristi Zukovich, Director, Communications; Ms. Irene Hart, Director, Community Development; Ms. Caroline Hosford, Environmental Resources; Col. Richard Powell, Chief Deputy, Sheriff's Office; Ms. Marilyn Cook, Executive Director, COMCARE; Ms. Iris Baker, Director, Purchasing Department; Ms. Nicki Soice, Chair, Solid Waste Management Committee; Mr. Ron Holt, Assistant County Manager; Ms. Sandy Anguelov, DIO, Project Services; and, Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Mr. Mike Kuzdzal, Vice President of Operations, Nex-Tech Aerospace

INVOCATION

To be led by Pastor Rick Thornton, Aldersgate United Methodist Church

FLAG SALUTE

Chairman Parks said, "I would like to thank you, Rick, for not only the prayer today, but your service in the community, and that you've done a lot of work, I know, in Valley Center when you were my pastor up there, and also throughout the Wichita community with the homeless and the other things that you worked with, just like to thank you for your service to the community."

Pastor Rick Thornton, Aldersgate United Methodist Church, greeted the Commissioners and said, "Thank you."

Chairman Parks said, "Next item."

ROLL CALL

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

Chairman Parks said, "Next item."

CONSIDERATION OF MINUTES

Regular Meeting April 29, 2009

MOTION

Commissioner Welshimer moved to accept the Minutes as read for the Regular Meeting of April 29, 2009.

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."

NEW BUSINESS

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A. APPROVAL OF A RESOLUTION AND AGREEMENT AUTHORIZING A FORGIVABLE LOAN TO NEX-TECH AEROSPACE FOR ECONOMIC DEVELOPMENT INCENTIVES, AND AUTHORIZE THE INTRA-FUND TRANSFER OF BUDGET AUTHORITY.

Ms. Irene Hart, Director, Community Development, greeted the Commissioners and said, “We’re here today to present a forgivable loan for your approval to Nex-Tech Aerospace. Nex-Tech Aerospace is a manufacturer of metal components and structures for the aerospace and defense industries. Their clients include: Gulfstream, Cessna, Boeing, GKN, and Lockheed Martin. Nex-Tech operates a metal processing division located at 1702 S. Knight with over 100 employees. And in addition, Nex-Tech purchased, in 2007, the former Thayer Aerospace, located at 4201 S. 119th St. West, and currently employing 142 employees. They also have facilities located in St. Louis, Dallas, and Mexicali, Mexico. Nex-Tech recently found it necessary to consolidate operations and close at least one of their facilities, either in St. Louis or in Wichita. The outcome would be that either Wichita would lose 142 jobs, or keep those jobs and add another 85 jobs over the next five years.

“A proposal was coordinated by the Greater Wichita Economic Development Coalition (GWEDC) with their partners, the City of Wichita, Sedgwick County and the State of Kansas. Our portion of it was to provide a forgivable loan to assist Nex-Tech in moving over \$10 million in machinery and equipment to the Wichita facility. After considering offers from other states, Nex-Tech chose Wichita for the consolidation. The Agreement presented for your consideration today is to provide \$225,000 in forgivable loan funds to offset construction costs and the costs of moving the machinery and equipment valued at over \$10 million to the Wichita facility. In return, Nex-Tech has agreed to retain the 142 existing Wichita positions, and as a condition for forgiveness of the loan, will add at least 85 new jobs over the next five years for a minimum employment of 227 positions, at an average salary of over \$47,000 per year. The return on investment for this investment of ours is over 1.3. We would recommend this Agreement for your approval and answer any questions you might have. With us today is Mike Kuzdzal, who’s Vice President of Operations for Nex-Tech.”

Chairman Parks said, “Are there any questions or comments? Commissioner Welshimer.”

Commissioner Welshimer said, “The equipment that’s being moved, is that personal property tax on that equipment, or is it new?”

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Mr. Mike Kuzdzal, Vice President of Operations, Nex-Tech Aerospace, greeted the Commissioners and said, "There is personal property tax in Missouri where it is, but as it comes into the state there is no tax."

Commissioner Welshimer said, "It will be considered new?"

Mr. Kuzdzal said, "There is no tax on relocated equipment."

Commissioner Welshimer said, "Okay, are there any other tax abatements on the facilities?"

Mr. Kuzdzal said, "No, we don't, this package was for the forgivable loan. We do also have a State Impact Grant, but there were no tax relief packages with this."

Commissioner Welshimer said, "Okay, thank you."

Mr. Kuzdzal said, "Thanks."

Chairman Parks said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Well, Mr. Kuzdzal, I appreciate that you all have given good consideration to Sedgwick County to bring these jobs to our community. I am going to be supportive of this. To have a total of 227 positions at the pay level that you are talking about, it's about a \$10 million a year payroll, which is significant for our community, and to maintain that manufacturing base here in support of the rest of our aviation, I think, is extremely important, so we're glad that you're giving us this consideration and that we have worked out a deal with the other partners, the State, and the City, and County government so that we can attract this opportunity to our County. And I want to welcome you to Sedgwick County. I think that you're a recent Sedgwick County-an [sic], so we're glad to have you here with us. But I don't have a real question, just to say that from my understanding of the backup and from conversation with you, I am going to be very supportive. Glad you're here."

Mr. Kuzdzal said, "Thank you, Commissioner. And I did want to take a minute to thank all the Commissioners for this opportunity, and also Dave Bossemeyer and the GWEDC because they did

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put this package together. Nex-Tech, as everybody knows, is caught up in the current economic struggles of Wichita, being with some of our customer base right here in that same struggle. This will allow Nex-Tech to not only ride this out, but to actually come out stronger, because the majority of the work that we're moving here is military in nature, which the current Wichita facility does very little of, less than 10 percent. So it will change the mix of the Wichita facility and kind of allow us to better weather local economic struggles as well."

Commissioner Unruh said, "What is the time frame for you to have the equipment and the employees here?"

Mr. Kuzdzal said, "It is a multiple phase operation. The first phase, the majority of the equipment will be on site by July 27. In fact, we have crews in St. Louis right now doing the dismantling of the larger equipment as we speak. As those machines come up, each new part needs to be requalified with its current customer, so that's a little longer phase; we are anticipating that to be completed by the end of the year. However, we will require employees, we have actually started hiring new employees as we speak, June 1 we brought in two new people in technical roles, as we move forward throughout July, August, September, we will bring in people as the machines come up and as the parts are qualified. So, ultimately, it is probably a 12 month process to finalize everything, get everything in its place, but the bulk of the machinery will be here by the end of the July."

Commissioner Unruh said, "All right. Thank you. That's all I have, Mr. Chair."

Chairman Parks said, "Seeing your diverse client base there, I would like to thank you also for choosing Wichita, but seeing that diverse base there, anytime you're dealing with those companies you can certainly encourage them to seek out Wichita for their actual plant so they will be closer to you. I'm very serious about that, if there's anything out there that these other companies that Ms. Hart read off, if they look at Wichita and Sedgwick County, they will certainly see that there's a good business climate here for aircraft."

Mr. Kuzdzal said, "Absolutely agree, Mr. Chairman. The workforce here is one of the main reasons why we decided to expand here versus constrict, for lack of a better term."

Ms. Hart said, "You might describe how large the equipment is that's coming in."

Mr. Kuzdzal said, "Well, the first piece of equipment is a Mazak 1400 and it would pretty much take up this room, from front to back and side to side, so we're not picking up popcorn machines. It's quite an operation to move these things, especially across country, let alone get them out of the facility they are in."

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Chairman Parks said, "That's a pretty large widget."

Mr. Kuzdzal said, "Yes, it is."

Chairman Parks said, "Okay."

Mr. Kuzdzal said, "It's on the big side."

Chairman Parks said, "Yes. Any other comments? Commissioner Welshimer."

Commissioner Welshimer said, "Well, I have one more, just to clarify. I have read the Agreement on this, and half of the funds are coming from the City, half coming from us, isn't that correct?"

Mr. Kuzdzal said, "For that package, but the majority of the funds are actually coming from Nex-Tech."

Commissioner Welshimer said, "I mean for the move and..."

Mr. Kuzdzal said, "Yes."

Commissioner Welshimer said, "...what we are contributing. And then that amount is going to be audited for its use and there are provisions in here that if the company leaves before a certain time that that is repaid and it seems to be that everything is covered for the taxpayers. So I know we need to protect these jobs and so I'm going to be supportive."

Mr. Kuzdzal said, "Thank you."

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

MOTION

Commissioner Unruh moved to approve the Resolution

Commissioner Norton 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, "Thank you so much."

Mr. Kuzdzal said, "Thank you."

B. ADOPTION OF THE JUNE 10, 2008 – JUNE 10, 2009, SEDGWICK COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE.

POWERPOINT PRESENTATION

Ms. Caroline Hosford, Environmental Resources, greeted the Commissioners and said, "I'm here for Susan Erlenwein this morning. As you know, KDHE, the Kansas Department of Health and Environment, requires an annual update to our Solid Waste Management Plan, not such an extensive review as our five-year plan, but mainly just a review of any data and activities that have happened since June 10 of 2008. The State requires an updated list of the committee, and you will find that in your plan, and they also want to know how much municipal solid waste is produced in our community, how much is collected at the two transfer stations here in Sedgwick County. And the data looks like this."

"In 2008, there were 447,614 tons of municipal solid waste collected at an average of 1,226 tons per day; and this is a nine ton per day decrease from 2007, which is somewhat to be expected considering the economy. When the economy is down, so is trash. When people aren't buying things, they are not throwing away the packaging and the old items and things like that, so this is somewhat to be expected. If we use those figures for the pounds per person per day, we come with 5.15 pounds per person per day for every person in Sedgwick County, which is a 3.6 percent decrease from 2007.

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“Another category of waste that KDHE is interested in is construction and demolition waste, which we call C&D, and these would be items like wood and bricks and drywall, that sort of thing. It is considered inert, can go to construction and demolition landfills, and we have three facilities here in Sedgwick County that handle construction demolition waste, and they have reported that they have received 168,385 tons that were received, and this is also a 2.7 percent decrease from 2007. Nationally, the numbers for construction demolition waste are also going down. It is the economy.

“Another consideration is how much we recycle. There are recycling drop-off boxes at the larger grocery stores in our County, and they will accept newspapers, aluminum, tin cans, number one and two plastics, and magazines and catalogs. They are located all across our County, and 88 percent of our population is within two and a half miles of one of these, and that’s what this map depicts. The circles depict the two and a half mile range. We have three facilities in Sedgwick County that report their recycling figures to us; International Paper, which used to be known as Weyerhaeuser, Waste Connections and the Pro Kansas Miller Recycling Center, and they have reported that they have received 43,298 tons in 2008, which is an increase of 4.4 percent from 2007.

“There’s been something new on the horizon very recently in our community, and that is that one of our recycling companies, Waste Connections, has partnered with RecycleBank, and they collect, at curbside, mixed recyclables so that residents can put all of their recyclables into one container, they don’t have to separate them out. They are collected at curbside, and that cart has an RFID (radio-frequency identification) tag, it is tied to their address, and the consumer then gets points based on the weight of their recyclables that they can then exchange for discounts at area stores or online. I think this shows a bit of the impact that’s just beginning. This program began in January, and if you compare January through March, the first quarter of 2008, that company had collected 84 tons of recyclables. The same time period in 2009, they had collected 445 tons. So it is a significant increase. And just a couple of days ago I got the report through May, and now it’s up to over a thousand tons. So it is increasing as people are noticing this program.”

Ms. Hosford continued, “Last year in your 5-Year Solid Waste Plan Update, you challenged cities in Sedgwick County to contract for solid waste collection in order to lower their prices and increase their services, and since that time we have held a city summit for cities in Sedgwick County; held workshops, we had a national speaker come in, we’ve tried to provide our staff assistance to these cities. And the cities you see listed here in your report, that are listed in red on page four, I believe, these are the cities that have made changes in franchising since November of 2008, which is when our city summit occurred, so many of them are instituting contracts. Some have made new contracts, others have signed on with RecycleBank, some are just in the beginning stages, but there has been lots of movement in that area.

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“Another facet of municipal solid waste collection is household hazardous waste and you know that we own and operate a facility at 801 Stillwell that will take items, such as paint and liquids, fluids from automobiles, propane tanks, fluorescent lightbulbs, etc. It’s been a very popular program at the Household Hazardous Waste Facility. Last year, they had 18,736 customers, which was quite an increase over the previous year, almost a 17 percent increase. They collected over a million pounds of material, which also was an increase of almost eight percent over the previous year. Lots of the material that they collect is recycled, or sent out through the ‘Swap and Shop.’ Here you can see that 5,291 customers took nearly 180,000 pounds of material back home with them, so it’s a great place for items to get from my house to your house, or from your house to someone else’s house, without us having to pay the disposal costs.

“The Solid Waste Committee had recommended in the last Solid Waste Plan Update that the County hold an e-waste event, and so this was done in January. We held an e-waste event, collected electronic waste from over 2,600 vehicles, over 1 million pounds of electronic waste was collected, and you can see there the numbers of TVs and computer monitors. Lots and lots; very, very popular event. You’ve also asked the Solid Waste Committee, recommended, and in the last Solid Waste Update last year you approved, that we conduct a waste analysis at our transfer stations and so we are there quarterly for one year trying to determine what is in the waste and what makes up the composition of our trash, and see if it has changed over the past 10 years. We should finish that work in August of this year. We hope that this information will give you information so that you can direct future waste minimization efforts for our County. We also do Christmas tree recycling here in Sedgwick County. We have 20 locations. Last year there was an increase of the number of trees, one percent increase. We had just about 5,700 trees collected.”

“The Solid Waste Committee must review and approve any solid waste permits that come before them, and this year there were two that came before them and they were approved as being consistent with our Solid Waste Plan. Every year, by July 1, so it’s coming right up, the County Commissioners must set the amount of the solid waste fee. This past year it has been \$4.04 per residential property, so an item will be coming to you soon for your consideration for that. These are the major changes that have occurred over this past year. If you have any questions, I would be happy to try to answer them.”

Chairman Parks said, “Commissioner Norton.”

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Commissioner Norton said, "First, you mentioned the solid waste fee last, and I know we're going to get an update on that soon because we have to set the new rate."

Ms. Hosford said, "Correct."

Commissioner Norton said, "But tell the public just what that is used for, because it brings in x amount of dollars, and most of that, or all of it, goes for issues that surround solid waste minimumization, recycling. Tell us what those things are. What does that fund?"

Ms. Hosford said, "A lot of what that funds is the disposal cost at the Household Hazardous Waste Facility. As the number of customers are increasing and the amounts that they are bringing is more, of course we have more disposal costs, so that's part of it. Part of it is for education, trying to get the word out to people to minimize their waste and to protect the environment that we have, and it also goes for some of these other programs that you just saw listed here this morning."

Commissioner Norton said, "Okay. My second question is, e-waste was a phenomenal success, that we had at the Coliseum. Do we plan a second event, and have we looked further into an ongoing way to control electronic waste, because I think all of us believe that electronic waste isn't going to become less in the future, it's going to proliferate and having big events like we had was great, but we did let some people down because the lines were long towards the end, we had to cut some people off. So having big events is nice, because you can market them and get people out, but coming up with some kind of an e-waste collection every day that makes it easy for our citizens looks like the wave of the future. Where are we going there, Carolyn?"

Ms. Hosford said, "I do think that that is right. The big events get a lot of publicity and all of that, but ultimately you just can't handle the problem in one day and we certainly learned that. So it has to be a longer term solution. One of the things that is happening, is that some of the manufacturers and vendors though are now beginning to take the responsibility for this, and we are seeing it more and more. I think we are being very careful and strategic in how we do this, because you don't want to get in there too soon if they are actually going to be taking care of the problem. We are finding more and more outlets locally now for television sets that were not available, even in January. The problem is slowly beginning to take care of itself, but we definitely will have to continue to figure out what our long-term solution is going to be."

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Commissioner Norton said, “Is there a value to electronic waste that now the private industry is starting to see, by breaking it down and taking some of the elements out of it, is that what is happening now, or is it another issue?”

Ms. Hosford said, “Well, that’s part of it. There are some values to the materials, definitely there are values, but part of it is also just environmental stewardship. People have finally figured out that we really need to protect the environment, and the manufacturers are starting to step up and take that responsibility.”

Commissioner Norton said, “One of the big issues is that we had companies that collected it, but they shipped it overseas and then it became a human issue because they were dealing with some pretty dangerous materials. Most of that has been controlled now through regulation and other means, is that correct?”

Ms. Hosford said, “Yes. There’s been much tighter regulation on that, and more companies are really buying in to the fact that they just can’t do that, and it doesn’t need to happen and can’t happen. So, yes, I think there is a big improvement in that area.”

Commissioner Norton said, “I guess my final question is about franchising. We’ve seen movement towards that, and that franchising also builds in recycling programs in small cities. Where do we stand with those cities that have not adopted or moved towards that, are we having another workshop, are we continuing to work on that as we move this process forward?”

Ms. Hosford said, “We’ve made our staff available to those cities, and it is almost like a one-on-one kind of consulting situation where we will go to their city council meetings, and that sort of thing, and explain to them, we’ll make anything available that we can at their request. If they want it, we are right there to do it.”

Commissioner Norton said, “Okay. The final thing I have is I see Nicki Soice in the audience today and she has chaired the Solid Waste Committee for many years and been very active. Thanks for coming today. If she had anything to offer, I would certainly invite her to step to the podium and say something. She’s being too shy back there. Thanks for coming today. That’s all I have, Mr. Chair.”

Chairman Parks said, “Thank you. On the franchise list that you had that those cities that were working towards that, those were just the ones that had changed and were new, we could certainly add Park City and Sedgwick, I know, in my district out of that, that were already doing that. And I notice in my district also, that there are more and more of the one-stop receptacles that the company that put those out. And there’s more and more of the refuse company that comes and picks up my

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trash and refuse, certainly are increasing. So I think the privatization, the people are taking a lot of their own responsibility here, and they are really doing the right thing without having a lot of this stuff forced upon them, so I think that's a good deal. I did have an item here, while I'm speaking, that I told Susan that I would bring today. I have a sack, a reused sack by the way; number five sack, that I have some lithium batteries in. And these are used lithium batteries, and we're not supposed to put those in the landfill, are we?"

Ms. Hosford said, "That's correct."

Chairman Parks said, "So I would encourage all of the people in Sedgwick County not to throw those in the landfill, but to instead take those to our hazardous waste disposal site, down on Stillwell..."

Commissioner Norton said, "Or give them to Kristi. I'm bringing mine to Kristi, I don't know about everybody else."

Chairman Parks said, "You know, the courthouse might have something that they could do for our own recycling. You know, we do recycling in our offices; we have a receptacle in there. I know I recycle papers and newspapers and things. It's just another step and this is something else that we could maybe have a box somewhere for these. They are relatively small, and I would volunteer to take those down there once in a while."

Ms. Hosford said, "Good. Thank you. Thank you for doing your part. And I might just mention as far as batteries go, there is one little education piece that we usually try to remind citizens, and it says 'if it is rechargeable, it is recyclable,' so if you have batteries, if you have rechargeable batteries, please take those to the Household Hazardous Waste Facility."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, Caroline, a couple of comments. Let me begin with a question for you. The County has five special events for household hazardous waste, as well as, and I would agree with Commissioner Norton's comments about the success of the e-waste event in January of this year, but if people have e-waste or household hazardous waste, they can take it down to South Seneca during normal business hours on weekdays, is that correct?"

Ms. Hosford said, "That is correct."

Commissioner Peterjohn said, "Okay, well I appreciate that. As the new Commissioner here, and this is the first time I've had an opportunity, my experience as an economist in background, I have never seen a case where government franchised monopolies have been the most effective way of

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delivering services. We've even looked at a variety of things, so looking at page two of this municipal solid waste and collection, where it says that this is the preferred delivery method, and I have some concerns about the fact that that is actually the case. I think it's actually more of a reflection of the fact that we've got a government franchised, only one place for taking waste here in Sedgwick County, in terms of we have a single dump, so I have a concern about that aspect of the plan and that's more a comment rather than a question for Caroline at this point, Mr. Chairman."

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

Commissioner Unruh said, "Thank you, Mr. Chair. Thank you for the update. I appreciate the information that you've given and this whole issue of what to do with our trash, it's sometimes more emotional than rational as we approach it. I just want to also thank Nicki for her leadership on the committee. I know when I first became a Commissioner, it was somewhat guerilla warfare and hand-to-hand combat on the Solid Waste Committee, and when we were going through issues at that time and you've done a great job hanging there and continuing to lead that group. I would just make the comment that I think that this whole issue of municipal solid waste disposal does fall in the category of a utility; it's somewhat like sewer issues and water issues, and those sort of things. So in response to Commissioner Peterjohn's comment, I think that this is a defined area where franchising is appropriate and I'm appreciative of the communities in our County who have responded to our desire that they move toward franchising so they can achieve recycling and those sort of things that reduce our solid waste. If you had listed, I think nine communities, and then the Chairman said there were a couple others, how many total, I mean does that mean there are 11 or 12 that..."

Ms. Hosford said, "I can get that number for you here in just a moment. It's 11."

Commissioner Unruh said, "Eleven? Well, out of 20 cities and communities in Sedgwick County, I think that's showing significant progress in moving that way. But I think that the community is doing a great job and I'm appreciative of what they're doing. I think we're making progress on this issue and it's certainly not a perfect situation we have in Sedgwick County, but I believe that we're managing it in the best way we can, so I appreciate what our staff does, especially in their willingness to give one-on-one consultation when we get requests from cities, but I'm going to be approving of the update of the report, but just comments that I wanted to make. Thank you, Mr. Chair."

Commissioner Welshimer said, "We've addressed this issue several times since I've been a Commissioner, and it's just been difficult to find solutions so that we encompass the whole County and all the cities within it. I think we've found this very difficult to franchise out in the

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unincorporated areas because of the long distance between properties, and so forth, but I think we reached the consensus that we were going to inform the cities that we expect them to franchise and that was a big move on our part, but I want to thank the cities that did pick that up, and did do that. One of them is in my district, Derby, and you know, some of the cities have been very cooperative and have done an excellent job of carrying this out, so I just want them to know that we appreciate their cooperation.”

Chairman Parks said, “And I would, not only like to thank Nicki, but the rest of the committee, each one of us have an appointment on that committee and they work for long hours and low pay, so we certainly thank them for that.”

MOTION

Chairman Parks moved to approve the Annual Update for submission to Kansas Department of Health and Environment.

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	Aye

Chairman Parks said, “Next item.”

- C. APPROVAL OF AN OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) GRANT APPLICATION TITLED “OJJDP FY 2009 INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM**

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CONTINUATION.” FUNDING IN THE AMOUNT OF \$267,889 HAS BEEN ALLOCATED FOR SEDGWICK COUNTY’S APPLICATION WHICH CONTINUES THE EXISTING STATEWIDE TASKFORCE.

Colonel Richard Powell, Chief Deputy, Sheriff’s Office, greeted the Commissioners and said, “Recently the Sheriff’s Office received notification from the Department of Justice that they were accepting applications for continued funding under the Fiscal Year 2009 Internet Crimes Against Children Task Force Program continuation. That request entitled us to provide or submit a grant application for that amount of dollars that would allow for continued funding from January of 2009 through May of 2010 for the Sheriff’s Office ICAC (Internet Crimes Against Children) Task Force. The Task Force is a joint venture between the Sedgwick County Sheriff’s Office and the City of Wichita Police Department, where each agency currently provides one detective to do focused investigation and prosecution of those persons involved in the transmission of child pornography materials across the internet. This funding measure would fund the Task Force through May of 2010, and a portion of the funds that are a part of this grant process are passed on back to the City of Wichita to cover the expenses for the one detective they have assigned to the task force in addition to the one we have with the Sheriff’s Office. I’d be happy to address any questions you may have or any further explanation you may need.”

Chairman Parks said, “Well this certainly is a program that protects children, and I’m going to be supportive of it. What is the will of the Board?”

MOTION

Commissioner Unruh moved to approve the grant application and authorize the Chairman or his designee to submit the application through the Justice Depts. Grant Management System (GMS) and accept a grant award agreement containing substantially the same terms and conditions as the application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Norton seconded the motion.

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

VOTE

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

Col. Powell said, “Thank you, Commissioners.”

Chairman Parks said, “Thank you, Richard.”

D. AMENDMENT #2 WITH THE KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (SRS) TO PROVIDE FUNDING FOR INPATIENT MENTAL HEALTH TREATMENT OF UNINSURED AND INVOLUNTARILY ADMITTED CLIENTS TO VIA CHRISTI HOSPITAL.

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, “State SRS (Social and Rehabilitation Services) provides money to our community, to Via Christi specifically, to pay for involuntary uninsured patients who are presenting at Via Christi, Good Shepherd campus who need inpatient psychiatric care. The money is supposed to be paying three things. One thing is that it would pay for an assessment at the emergency room for those individuals who are uninsured and who clearly need care on an involuntary basis, and they would have that assessment done and be sent to one of the state hospitals.”

Ms. Cook continued, “Second thing, it pays for are those folks who start out at the Good Shepherd campus on a voluntary basis, end up becoming involuntary patients, and it looks like they are going to stabilize in a couple of days, so the State agreed, better to keep them here than start that treatment process all over when they become involuntary, so it pays for those days. Then the third thing is, on some very rare occasions when both state hospitals are full, it pays Via Christi to serve as the state hospital for local individuals who are uninsured and involuntary patients. The contract is for \$200,000 and it is an annual contract. So far from July to March, and we just kind of facilitate the process, COMCARE does, we’ve already paid out \$159,000 and we have three months to go.

“So we kind of track that, and of course we can’t anticipate to the dollar how many people are going to fall into that category, so we have conversations from time to time with SRS and they have agreed to add \$25,000 to the contract, which is what this amendment does, and we have been averaging between \$10,000 and \$20,000 a month that we’ve been paying Via Christi for this, and they have agreed to add this money to the contract. Part of the contract says that COMCARE will not pay that money unless it’s already secured in our coffers, so that’s why we always have to kind

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of anticipate expenses. We're recommending that you approve the Amendment, and authorize the Chairman to sign it."

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Parks said, "Motion and a second, I do have a little bit of discussion on this. If law enforcement brings somebody into the emergency room and they do have a COMCARE worker, how is that facilitated? I know we've had some problems in the past of getting those two, sometimes those two entities and then even the jail, if they have to go to jail afterwards or something, is that facilitated by the hospital, then?"

Ms. Cook said, "Yes. They go into the emergency room at various emergency rooms. If that emergency room happens to be the one at St. Joe, there is an assessment center there, so they would move the patient from the actual emergency department to the assessment center, but otherwise, whether they are at the Galicia [Heart] Hospital or Wesley or the St. Francis campus, they would have the patient present there, they would call our crisis program, and we have a determined amount of time to get over there to do an assessment to say this person should be an involuntary patient or not, and we do the assessment and then we coordinate that care."

Chairman Parks said, "So even if the patient says no, I don't have a COMCARE worker, and in fact they do, the hospital can run that name through something that we provided them..."

Ms. Cook said, "All the hospitals in a crisis situation are able to call our crisis program and we can divulge that information, since it is an emergency situation, so we verify whether they are open to us or not. But we're still, as the community mental health center that screens those patients, are responsible to screen everybody, whether they are our patient or not."

Chairman Parks said, "Okay, thank you."

Ms. Cook said, "Sure."

Chairman Parks said, "Commissioner Unruh."

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Commissioner Unruh said, “Thank you, Mr. Chair. Marilyn, I am going to be supportive of this, but I just needed a clarification. The third category of payment that you defined for us was for when the hospital serves as a...”

Ms. Cook said, “Kind of a backup.”

Commissioner Unruh said, “As a backup. But you said that doesn’t happen too often...”

Ms. Cook said, “No.”

Commissioner Unruh said, “...because there’s usually room at the hospital?”

Ms. Cook said, “It’s complicated for them, because there are two state hospitals, Osawatomie State Hospital and one in Larned. So if Osawatomie is full, it has to be a little bit over census for them to really start diverting patients to Larned, and so they kind of balance how many do you have today, how many do we have today. There’s also another hospital in the Kansas City area that takes adult patients called Rainbows, so there’s a lot of juggling around, who can take this patient. There have been times, the state hospitals are pretty full, and there have been times when no one on the state hospital campus can take the patient. And then, if it’s coming from our area, and a number of them do, and Via Christi agrees to take the patient and feels like they can handle that patient safely, that is the mechanism through which they would be paid for that.”

Commissioner Unruh said, “Okay. Well, I have just kind of been under the impression that we didn’t have enough state hospital beds and I got confused when you said that we usually had rooms.”

Ms. Cook said, “I think it’s always a problem, the number of state hospital beds. They are reducing in size all the time. There is a new committee looking at hospital closure right now on a state level and Representative Nile Dillmore, from our area, is on that committee, as well as our association president, and they are looking at the census at all the hospitals. Osawatomie was 17 people over a couple of weeks ago, earlier this week it was two over. And that becomes a staffing issue, because they actually have beds, but they have to have the staff in order to be able to handle the patient population that’s there at the time, but it’s always a tight squeeze these last couple of years.”

Commissioner Unruh said, “Alright. Well thanks for that explanation.”

Ms. Cook said, “Sure.”

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Chairman Parks said, “We have to realize the way some of those are facilitated, if they have 100 percent, like you say the beds that are there, but they close down a pod, and then they’re not at 100 percent, then their three quarters then becomes their 100 percent, if the 25 percent of their facility is closed down; same way with the state prison. And I just editorialized there a little bit on that. We have a motion and second on this. Are there any other discussion? Call the vote.”

VOTE

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

Ms. Cook said, “Thank you.”

Chairman Parks said, “Thank you.”

E. RFP PROCESS FOR SITE SELECTION OF AN INDUSTRIAL PARK.

POWERPOINT PRESENTATION

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “You have in front of you two solicitations for land to be used for industrial parks by Sedgwick County. The one I want you to look at is the one dated June 3rd. I inadvertently grabbed the wrong one. The only difference between the two in front of you is the date at the top of the page, June 3rd, and the date that we are requesting the request for proposal (RFP) to be returned to us, and that would be July 1, a month from now. In response to lots of citizens’ inquiries and questions about why we are proceeding, we thought we would step back and take a look at what might be available in the community and why would Sedgwick County be interested in buying over 800 acres for an industrial site.

“I think we need to keep in mind that a large site gives our community an opportunity to diversify our economy, so that we have a better opportunity position to deal with the next economic downturn. That’s certainly one benefit. We know what those downturns have done to us, and I will

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get to that in a minute about the history of those. But a large site also encourages activity in smaller industrial sites by attracting suppliers. We know what's happening currently in Hutchinson and in Sedgwick County because of the announcement of Siemens going there. Siemens' suppliers are now, some of the suppliers, are now looking around about how they can be closer to Siemens, so they're closer to their market. We've seen a little bit of activity here, and I am sure Hutchinson has seen more activity, because of that announcement. So it is my belief that a large industrial site for the big products that might come here, once we land those, those suppliers will have an opportunity to be closer to their market and be the ones who want to purchase the 5 and 10 and 15 and 20 acre sites.

"We know about the recent downturns in our community. We know manufacturing jobs lost 31 percent in '71. We know all those statistics. What we don't know is the total manufacturing jobs in 2009 because they haven't been reported. But it seems to me with this kind of a history and knowing how we have a boom and bust economy tied to the aviation industry, and we are thankful for that industry, should we not as a community think about diversifying to help offset the impact of that cyclical nature. And part of the purpose of this industrial park is to do that, is to try to encourage some high-end, high-tech, clean industries that would make a significant impact upon our local economy."

Mr. Buchanan continued, "Why should government do it? Well, private developers haven't done it, and will not do it, because we need to have land developable ready. Private developers can't afford to purchase 800 acres, make it shovel ready and then wait, provide the utilities, provide the access that's needed and then sit and wait. That's a bad business plan. Government can fill that gap as part of our strategy. Today that decision will help our community for tomorrow. We know that we have a recipe for success for economic development. Those include lots of activities, certainly the creation of the Greater Wichita Economic Development Corporation [Coalition], a private-public partnership to attack these issues, that markets and outreaches the programs, it is targeted outreach and targeted marketing. We have this community, and especially Sedgwick County government, has worked hard to make sure we have a trained workforce and available and that is highly skilled, and through your investment in our tax dollars going to NCAT, the National Center for Aviation Training, with its manufacturing and aviation components, will go a long way towards achieving that goal.

"Part of the success is to have available industrial sites and we have some sites, but we don't have shovel ready large sites to go. We have worked through David Spears' good effort, have some of the infrastructure, certainly the roads and highways, but it includes other infrastructure, as of water, sewer, gas and electricity. The community has been stable and responsive, in terms of economic development, and part of the success requires us to have local government incentives. Why issue

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this RFP? Well, we've heard from private developers and citizens and we've heard from other municipalities, and so I recommend we issue this RFP to determine if other available sites exist, and that certainly could have an effect on our decision making process. What we know today is there is an internet site called LoopNet, this is a site that's used by industrial developers, and used by all kinds of developers, to find properties available for sale. Looking between Sedgwick County, from Wichita to El Dorado, on LoopNet we've discovered these six properties. They are available currently. We don't know whether they are ready, we don't know whether they are shovel ready, we don't know at what stage they are, but by doing an internet search, you can see at least someone has amassed some land for sale.

"We know about the ones that got away. We know that over the past 18 months we've asked GWEDC to look at the kinds of proposals that have been submitted to GWEDC that we've responded to that have not occurred in this community. I am not suggesting for one minute that had we had this industrial park or the large land acreage available for rail that we would have landed those, because there could be all kinds of other factors. I do know that we didn't have it, and so it was, as we know about economic development, this is a process of elimination and when we didn't have large sites, we weren't considered. You can see the ones that I think that got away."

"That's the end of my presentation. You have before you the solicitations for the industrial park, and we are asking for seven minimum criteria. One is 700 buildable acres for industrial facilities. Two is a nearest point within 500 feet of a functioning rail line. Three is the nearest point, three miles from a four-lane highway. 2,000 feet from a 16 inch water line, 2,000 feet with a 15-inch sanitary line,

one mile from three-phase electrical service, and one mile from natural gas service. We tried to make these as loose as we can, but at the same time to accomplish the task that we want, a large mass of land adjacent to or close enough to a rail line that could serve us. What we've discovered in the economic development in the last five years or so, is that 8 or 10 years ago, rail was not significant in industrial development. And because of what has occurred, and with gas prices and other things that are going on in our economy, that rail has become a much more important role in the decision making process, and so that's why we've included that. If there are any questions, I'd be happy to answer. Otherwise, I recommend that we proceed with this RFP. We would send it out this afternoon and ask for a request to be returned in one month."

Chairman Parks said, "On the response information on number four, we don't have anything in there about the mineral rights on the property. Is that something that we're covering under some other avenue there, Mr. Manager?"

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Mr. Buchanan said, “No. We have not covered, we haven’t asked that question. There’s no reason we couldn’t, under response information, to ask who owns the mineral rights. There would be no reason we couldn’t ask for that.”

Chairman Parks said, “I think that would be good considering some of the revelations that have come about on one of those tracts of land that we had been looking at.”

Mr. Buchanan said, “Consider it done, sir.”

Chairman Parks said, “We don’t need a motion for an amendment on that, but I’m just throwing that out and if any other Commissioners have any other thoughts about that, certainly bring that up. I don’t know who was first; we lit up like a Christmas tree here. So I’ll just start with Commissioner Unruh. I believe he was first.”

Commissioner Unruh said, “All right. Thank you, Mr. Chairman. First of all, I’d say that including some understanding of the mineral rights is appropriate...”

Mr. Buchanan said, “Sure.”

Commissioner Unruh said, “...so I would recommend that we do that also. Mr. Manager, I would suggest that rather than having the criteria for 750 acres that we reduce that to perhaps a 500 acre site size. I am concerned that we do ask for responses that will bring to us land size that does truly define an industrial park. I don’t want to reduce it to the point that it just a variety of sites around the County, but I think that 750 is too big of an acreage. I would recommend that we drop it to 500 acres rather than that larger number. As another comment, I would just say that I think this is an appropriate way to proceed, asking for an RFP, so that we can see what the response is in the County and that we can have an inventory of property and that we can respond to some of the questions and some of the objections of both some of the municipalities in the County and to some of the developers who have some real concerns about this. Those are my comments at this point, Mr. Chair.”

Chairman Parks said, “Okay. I guess we can have the discussion about the acreage and the mineral rights as we go along here. Commissioner Welshimer.”

Commissioner Welshimer said, “Is this the document that will be available, is this the RFP?”

Mr. Buchanan said, “Yes.”

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Commissioner Welshimer said, "Is there somewhere on here, does it say that they have 30 days..."

Mr. Buchanan said, "Yes."

Commissioner Welshimer said, "...from a certain date, have I missed it?"

Mr. Buchanan said, "Ma'am, if you would turn on the backside."

Commissioner Welshimer said, "Oh, the back over here."

Mr. Buchanan said, "Yep."

Commissioner Welshimer said, "Okay."

Mr. Buchanan said, "If you would look at the next to the last paragraph, above where Chief Financial Officer, responses may be delivered in person by postal, by overnight delivery service or fax regarding responses must be received by 5:00 p.m. July 1. That's 30 days."

Commissioner Welshimer said, "And is this going to be available on our website?"

Mr. Buchanan said, "Yep. Of the people we've talked to, we've identified 187 people that we're going to send this to this afternoon, and we will make sure it will be on our website."

Commissioner Welshimer said, "Okay. I think 750 is a little bit large myself."

Mr. Buchanan said, "Okay."

Commissioner Welshimer said, "I think 500 would give us more choices."

Mr. Buchanan said, "We can do that."

Commissioner Welshimer said, "Okay. That's all I have right now."

Chairman Parks said, "We've identified 187 potentials with 750 acre number or..."

Mr. Buchanan said, "We have identified developers, real estate agents, municipalities and other interested parties who have been in touch with us, that total 187 people that had said we're in that kind of business."

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Chairman Parks said, "Okay. I was just trying to do the math real quick in my head. I didn't think we had that much property available..."

Mr. Buchanan said, "No."

Chairman Parks said, "...in Sedgwick County. Commissioner Norton."

Commissioner Norton said, "Well, I have a little bit of concern about the land size also. But I also have some concerns about all seven points, because if you leave them just as they are, it pretty well describes and limits us very similar to when we bid vehicles through the bid process. If you say it has to be double axle, it has to have all these amenities, that it has to have this, this and this and there's only one company and one model that fits that criteria, then you pretty well limit it to that. I think it's prudent that we lower the acreage, but what if the functioning rail is 600 feet? Does that throw it out or does that make it different? I guess, all of those criteria, I think, are up for discussion as far as I'm concerned. Because, although it said required on rail for some of them, some of them said not required and only preferred, so rail may not be as important, although we think it is in today's environment."

Commissioner Norton continued, "I would rather be a little more loose on that, particularly since it's an RFP. Because it could be that we're going to get a great piece of property that meets five of the criteria that puts it pretty close to where we want to be. The other thing is, when it comes down to price and how we would purchase it, any funding options where it could be carried for a period of time, pieces of it could be sold with options for more, so that we have it in our arsenal, but we don't necessarily have to put all the money out on the front end. I think that would be interesting if there are landowners that would be willing to negotiate that. Maybe that's embedded in here somewhere and I just don't see it, but I would think that would be good. The last thing is, this is named a Solicitation, but we are calling it an RFP. Is there a difference, legally? An RFP is request for proposal, and although this has a lot of the same language, it is called a Solicitation. So does that just mean they're going to give us information or are they actually offering us a proposal? I don't know if I know the difference."

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "I don't think there's really any significant difference between a Solicitation and a RFP. I think they can be used interchangeably."

Commissioner Norton said, "Okay."

Mr. Euson said, "Obviously, the significance of the RFP is that its criteria are a little looser and allow for some more discretion than otherwise might be."

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Commissioner Norton said, "Okay."

Chairman Parks said, "Well, when you are looking at the minimum criteria here, I know the Bid Board occasionally will have something that has an asterisk on it and they'll say we don't have a two speed axle but we have a three speed axle in this bid process, if we're talking about Fords and Chevys and what not. The asterisk may come from the people that are bidding that and I think the Bid Board does a good job of sorting those out."

Commissioner Norton said, "That's all I had, Mr. Chair."

Chairman Parks said, "Okay."

Mr. Buchanan said, "Mr. Chairman, if I could respond to a couple of those issues. Commissioner Norton, I think we can change the words enough on the second page so that we could consider any variations. Because it's not our intent to make it so restrictive that we're out of the game, so if you look on the second page after Item 7, it says 'any response failing to meet or exceed the stated minimum criteria will not be considered' and next sentence, 'responses that meet or exceed the minimum criteria will be evaluated.' I think that if it's okay with the Commission, if you give us permission, we can use the technical language change that will allow, here's the minimums, but we will consider variations from the minimum; to your first point. To your second point, Item 5 and 6 on the second page; Item 5 asks for the total purchase price and then Item 6, the 'price of an option giving the County the right to purchase any or all,' I think that may attack, or at least gives the person a foot in the door, to talk about alternate purchasing options."

Commissioner Norton said, "Well I just know that land has been purchased in a lot of different ways, and sometimes you get the option, you purchase a parcel of it..."

Mr. Buchanan said, "Yep."

Commissioner Norton said, "...and you don't put much money out front..."

Mr. Buchanan said, "Yep."

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Commissioner Norton said, "...It's paid in a trust or is done later and I don't know that I read that into that, but I just got this, so it was a first blush. I'd like to have it as loose as we can in case there are other ways to consummate the deal without putting out millions of dollars on the front end."

Mr. Buchanan said, "Will do."

Commissioner Norton said, "That's all I had."

Mr. Buchanan said, "Will do."

Chairman Parks said, "Along that line, I took number 6 to be kind of a rolling option."

Mr. Buchanan said, "Yeah. That's how I..."

Chairman Parks said, "That's the way I perceived it."

Mr. Buchanan said, "Mr. Chairman."

Chairman Parks said, "Anything else?"

Commissioner Norton said, "No, I don't have anything else."

Mr. Buchanan said, "We've had an opportunity, and if you remember, there were some right-of-way purchases that we were working on, on the extension of K-96, that the offer was made, that the payment didn't have to come right away. The payment could come over a series of years. I think when you're talking about total purchase price in Item 6, I think if I were making that kind of offer to the County, I'd certainly want to include that sentence or paragraph."

Chairman Parks said, "Yes. I have another comment from Mr. Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Bill, I want to second the comments, Commissioner Parks' comments, concerning mineral rights. I strongly agree. That was brought up and I think it strongly needs to be addressed. Commissioner Unruh and Commissioner Welshimer's points, in terms of the size, I frankly think we might look, GWEDC, in the presentations we've had, said what was lacking in the community was the site that had 100 acres and rail access. They weren't more specific, in terms of; it wasn't within 500 feet of a functioning rail line. Those were the two criteria and I'm concerned with the minimum criteria that we have here. Criteria five says within 2,000 feet or a sanitary sewer main and within one mile for three-phase electrical service. My concern on the minimum criteria, Mr. Manager, is why it wasn't one mile for the sanitary sewer

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main and 2,000 feet for the three-phase electrical line, because that's not criteria the GWEDC has presented to me. Now, has GWEDC, Mr. Manager, presented other criteria to you..."

Mr. Buchanan said, "Yes."

Commissioner Peterjohn said, "...that was needed, that had to be there?"

Mr. Buchanan said, "We ask GWEDC, specifically, if we were asking for proposals for land to be shovel ready for development, what are some of the criteria? And those criteria came from GWEDC. We know that sewer line and water line need to be close. What we didn't know, that how close electrical service line was. It's not terribly expensive to extend it for a mile, but it starts when you start extending it more than a mile; it becomes prohibitive in developing land, the same way with natural gas. If we are developing a park that's going to be attractive to business, it seems to me that we have to have much of the amenities as close as possible."

Commissioner Peterjohn said, "Mr. Manager, following up on that, we didn't include in this initial request any information, in terms of the responses, concerning easements or pipelines as well as Commissioner Parks' comments concerning mineral leases. I would think that that would be something that we'd want to include, as well as obviously any site that is submitted with this, whether it has waterways, creeks, floodplain exposure that would be something we'd want to get a response on too, wouldn't we, Mr. Manager?"

Mr. Buchanan said, "Absolutely. I think it's covered under number one; at least 750, but 500 buildable acres. So it would be the responsibility for those who submit. Before we would purchase it, of course, we'd do the due diligence. Under this proposal, we would expect people that are assembling the land or have the land to understand what buildable means and for them to submit sites that meet that requirement and to have a pipeline or an easement or a floodplain on the land, restricts the number of acres that you can build upon."

Commissioner Peterjohn said, "I wanted to make sure that, to my mind, that that would be clearly understood from the front end. I agree with Commissioner Norton's comments, in terms of having the flexibility in terms of the purchase, I think it's absolutely imperative and I have said so from the first time I have heard about this project, that options and flexibility, that often the real key was having shovel ready site of 100 acres available. I do have a concern, in terms of having a much larger site. I am doing a little information I have received and dug into, it appears the City of Wichita got involved in a smaller site by Mid-Continent Airport, the Skyways project [Skyway Industrial Park], about eight years ago. To the best of my knowledge, there's nothing that's been built in and on that acre and one of the concerns I have as a Commissioner going forward is that the

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initial cost may only be a small part, this could up being a fiscal iceberg where the purchase price is the visible part we see today and other costs could be much more substantial in the future. At this point, Mr. Manager, do we have any money budgeted beyond the purchase price for any of the costs that might be accrued for this project at this time?"

Mr. Buchanan said, "No, we do not, but we've tried to examine what those costs might be. Until we know the site specific, we are probably unable to determine that. We know that if it's municipally owned, there will be no taxes. There may be some slight increase in liability insurance, but besides that, if it's farmed, whoever's farming the land would pay for all the taxes and all those necessary things. I don't know that any mowing is required, but would have to be site specific. It's hard for us to conjure up what some of the expenses would be without knowing the site specific."

Commissioner Peterjohn said, "I understand that, Mr. Manager, and I think you are absolutely correct. I mean, when we had discussions concerning the Bel Aire site in particular, whether we'd be within Bel Aire or outside Bel Aire, and obviously, if we're looking at a broader quote for looking at a broader location all across the County, I think it would be good. That may be an issue that needs to be addressed after we go forward, if we can work out a criteria. I am just concerned that the criteria that GWEDC has given us, I mean, if this is the criteria, we need to go forward in a timely manner that provides a large site that's 100 acres or more that's available or perhaps 200 acres or more. If it turns out there are already sites that are smaller than 200 acres that are available at the moment, I don't want the County to be involved in competing with other municipalities or private developers already incurring those costs in the County at the moment. That's all I have at this point, Mr. Chairman, although, if I think of another question, I may turn my light on again a little later."

Chairman Parks said, "This is good dialog and I think we need to discuss this because this is a major purchase, a major policy thing. Having dealt with solicitations, bids and RFPs over my career also, I know that any of these can have the caveat that we do in here that we can approve or reject any or all for any or all reasons. If that is not correct from our legal staff, please correct me on that, but we don't have to take anything for any reason."

Mr. Euson said, "That is correct and I believe that language is in the submittal."

Chairman Parks said, "Yes. Commissioner Welshimer."

Commissioner Welshimer said, "What concerns me is GWEDC has recommended to us that we create something that's going to attract business, such as an industrial park, probably up at Bel Aire,

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and they're basing this on inquiry. The inquiries that come in are from developers or businesses that say they need so many acres, they need this railway, they need this and this. Not necessarily all of these in one package. The problem we have is that we don't hear from them again, they don't come to Wichita and we don't know why. I don't know what has been submitted to these companies upon their inquiry. Apparently, we have not hit it right on the dot for what they have asked. There's not a long list of them, there's probably six or seven, from what I could see. So I'm not so sure that we need to be inflexible on these requirements. It puts us in a position of having to make a decision on assumption, and I am just concerned that we really don't have anything concrete here that I can put my hands on."

Mr. Buchanan said, "That's true, ma'am. Once we release the RFP, the solicitation for land, and we receive responses, then we'll be in a way better position to understand what our options are. At this point, you're absolutely correct."

Commissioner Welshimer said, "And maybe we should have a little time to see what that inventory will do for us..."

Mr. Buchanan said, "Exactly."

Commissioner Welshimer said, "...before we jump in to the industrial park business."

Mr. Buchanan said, "That's right."

Commissioner Welshimer said, "Okay."

Chairman Parks said, "In response to one of those things, and several of you have brought that up, GWEDC also, in some of our meetings that we've had with them, and I do serve on that Board, has said 400 acres would be even greater. I know that 100 acres have been used here quite loosely, but I do know that there are companies out there that have been soliciting 440 acres."

Mr. Buchanan said, "Yep. That's right."

Chairman Parks said, "I certainly wouldn't want to look at anything less than that. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. I'm in favor of going ahead with this with the changes that the Commissioners have suggested, but this is just an information level that we're after right now. We're trying to find out what's available before we make a decision to go ahead. If we decide it's the will of this Board to move forward though, my perspective is that it has to be something that, as Commissioner Peterjohn said, does not compete with the private sector. So it

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needs to be a large piece that the private sector has not put together. It needs to be on rail, which doesn't exist right now in large pieces.

“And we need to be focused on landing that home run company to come in here, because we're not wanting to compete in 30, 40, 50 acre pieces that compete with what's out there in the market now; smaller pieces of ground that do not need rail service. That's my whole motivation in being interested in this and moving forward is to supply an asset for Sedgwick County that gives us an opportunity to compete in an area that we are not competing now and trying to attract national clients. I think the description we have, with the modifications we made, will serve the purpose of establishing an inventory and then giving us the information we need then to make a decision, are we going to try to fund an industrial park or not. I think the discussion has been good and I'm still at the point where I will be supportive.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Mr. Manager, minimum criteria included two points, four and five, it said point four was that the nearest point within 2,000 feet of a 16-inch water main and point five was at the nearest point within 2,000 feet of a 15-inch sanitary sewer main. Can you walk me through, so I have a better understanding how, at first the number that jumped out at me was the 2,000 feet. In looking at it, why we had a 16-inch water main and a 15-inch sanitary sewer main versus a 15-inch water main and a 16-inch sanitary sewer main. Why are those numbers critical as a minimum criteria, sir?”

Mr. Buchanan said, “Those numbers are critical because GWEDC has suggested that large industrial users, those who would want a hundred acres or more, these are the kinds of utility lines that they would need. GWEDC has checked with water and sewer professionals at the City and other places to determine if that criteria is accurate and that's where we received that information.”

Commissioner Peterjohn said, “Okay, because I...”

Mr. Buchanan said, “But again, Mr. Peterjohn, if we remove the absolutely minimum requirements, as Commissioner Norton has suggested, and a municipality or developer presented us a proposal that said we're within 2,200 feet, or half a mile, with a 13-inch water line, that would be something we would want to consider.”

Commissioner Peterjohn said, “Mr. Manager, I appreciate that insight, and I agree with Commissioner Norton and my colleagues points, in terms of having a more open criteria, because I hate to have it restricted. GWEDC had not, and just for the record, I, like Commissioner Parks, am one of the two County representatives on the elected official side serving on the GWEDC Board, and I haven't seen anything. The only communication they've had with me was concerning sites

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that would be more than a hundred acres that would be on a rail line. The site in Bel Aire with 808 acres and having a rail line bisecting it certainly met those two basic criteria. But, Mr. Chairman, have you received any communications from GWEDC with specific, in terms of water mains and other criteria that they requested?"

Chairman Parks said, "Not of water mains, but if you'll recall about two meetings ago, I guess, with the committee that they had, were working on a company that was wanting 400 acres, so that was..."

Commissioner Peterjohn said, "I know they're working on several projects, but in terms of the criteria we have the RFP here, I hadn't seen anything, so that's why I was trying to understand if it was more criteria because the June 3 letter and May 26 letter I just received, I think we all just received this morning."

Chairman Parks said, "I believe those were industry standards also."

Commissioner Peterjohn said, "Are they?"

Mr. Buchanan said, "That is my understanding."

Chairman Parks said, "Having worked in a municipality that had water and sewer in the past, those things come up and you wonder why one of them is a certain size and the other one is the other size. I believe that goes back to the industry standards and the Manager has verbalized that through professionals, also, that they have sought out. I just think that this is, if I can paraphrase and it's not a very good one at this point in our economy, economic development is not your father's Oldsmobile anymore. We saw where Oldsmobile went. If we look at this and it's not that developers can go out there and sell their land to people that want to have industry. Industry is out there looking all over this nation for free land. To land any of these industries that we see out there, they're getting free leases and free land on things. To be competitive, it's about jobs. Basically, the job situation, we would hate to slip up and not get something that was out there for us that could provide 1,000, 500, 400 jobs during this economy. And if it's more diverse than aircraft, so be it. It certainly behooves us to check into this and I'm going to be supportive of that because of all those things that I just said. What is the will of the Board?"

Commissioner Unruh said, "Mr. Chairman, I would move that we approve the release of the RFP with the modifications that were suggested and I'm assuming that we have a clear understanding of what the modifications are."

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Mr. Buchanan said, “Number one, that we would include to ask about who owns the mineral rights. Number two, that the number be reduced to 500 acres and then a sentence would be stricken and one created that would give us more flexibility than the one provided. That we would remove the concept that properties that don’t meet the minimum will not be considered. But we need to make a sentence and I’m not prepared to make one yet today.”

Commissioner Unruh said, “Well, thank you for the clarification. That will satisfy the motion that I made.”

Chairman Parks said, “Okay. I’ll second that for a little bit more discussion.”

MOTION

Commissioner Unruh moved to approve the release of the RFP with the modifications that were suggested.

Chairman Parks seconded the motion.

Chairman Parks said, “The minimum criteria would then be preferred criteria?”

Mr. Buchanan said, “Yes, yes.”

Chairman Parks said, “Okay.”

Commissioner Peterjohn said, “Mr. Chairman, if I can?”

Chairman Parks said, “Commissioner Peterjohn, go ahead.”

Commissioner Peterjohn said, “I had thrown out the idea of the possibility of 200 acres or more. Information the Manager had presented had mentioned there were some sites between 100 and 200 acres, but only a couple, I’m aware of a municipal site in Clearwater with 118 total acres, slightly smaller amount I believe are usable and it does have rail service. I’m not familiar with any of the other ones that were mentioned. But if we’re looking at this, we’ve got to, I think, have a balance between sites that would handle a large facility and let me state, I mean, you could put a 2 million square foot building into 200 acres and still have a huge, huge amount for rail and landscaping and just about any other accoutrements, and probably sell off a good chunk of it and still have it available. Two hundred acres is a huge amount of square footage, so the idea of 500 being the criteria is not necessarily one I’m comfortable with. I don’t know if anyone else would be

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supportive of going to a smaller level, but I would certainly like to hear my colleagues' thoughts on that."

Chairman Parks said, "Well, I am comfortable with 500 acres if I may say so, just right off the bat. When you are looking at industrial things, I guess one of the things that I would be looking at would be parking, green space around the building, drainage, those kind of things. I think that we really need to look at that. If we have an industry that runs 24/7 or 24/5, you will have people coming in and out of that parking lot and you'll have to have a large enough parking lot to accommodate those. I am comfortable at this point with 500 acres. Commissioner Welshimer."

Commissioner Welshimer said, "Well, when it comes to the acreage, we do have some examples. Do we know how many acres Boeing and Spirit facility occupy?"

Mr. Buchanan said, "I'm sure we do, but I don't know them."

Commissioner Welshimer said, "That would be interesting information to have. You know when you drive through there, you don't know how far that extends, but it looks to me like it might be a mile or maybe two square, so that would probably take up the 800 acres."

Mr. Buchanan said, "Easily."

Commissioner Welshimer said, "And [Hawker] Beech[craft] probably around 500 or 600 acres."

Commissioner Peterjohn said, "Mr. Chairman..."

Mr. Buchanan said, "Yes."

Commissioner Peterjohn said, "...if I may throw in, Ms. Hart is in the back and she works in this area. If she has any thoughts, I would welcome her answer to that question."

Chairman Parks said, "If you can shed the light on present industry that's out there and how many acres or anything that we've done recently"

Ms. Hart said, "I know that Hawker Beechcraft, they refer to their campus as the square mile."

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Commissioner Welshimer said, "Okay. So, 600 okay."

Commissioner Peterjohn said, "Only 640 acres."

Commissioner Welshimer said, "Okay. Well, the one for Boeing and Spirit is bigger."

Mr. Buchanan said, "Probably, yeah."

Commissioner Welshimer said, "I believe."

Commissioner Peterjohn said, "I am like the Manager, I wouldn't hazard a guess."

Commissioner Welshimer said, "Well, 500 for the RFP is still going to get us some properties, but a better assortment to look at and have on record that those are available."

Mr. Buchanan said, "And I would suggest again, it says preferred, so if someone is absolutely in love with a 350 acre site or 200 acre site that they think we need to consider, we will take our time to consider it."

Commissioner Welshimer said, "Okay."

Chairman Parks said, "I don't want to drag this out, but now is the time for discussion before we call the vote. Is there any further discussion?"

Commissioner Welshimer said, "I'm ready to vote."

Commissioner Peterjohn said, "Well, Mr. Chairman, if I may..."

Chairman Parks said, "Yes."

Commissioner Peterjohn said, "...I still feel strongly about the 200 acres or more and I'd be willing to make a motion to that effect, but if there's no desire for a second, I'll let it die without a second."

Chairman Parks said, "Well, we already have a motion and a second."

Commissioner Peterjohn said, "I mean, as an amendment to Mr. Unruh's motion."

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Commissioner Welshimer said, “I think we better stay [inaudible].”

Chairman Parks said, “I’m just going to call for the vote. Call the vote.”

VOTE

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

Mr. Buchanan said, “Thank you.”

Chairman Parks said, “Commissioner Norton.”

Commissioner Norton said, “Just a quick comment. I think by changing that language to preferred, that gives us the option later to look at if it’s a site that’s 250 acres and it has everything else perfect, we’d be going wow, that’s pretty good; or if it’s 750 acres, but two or three of the criteria are iffy, I think we can make that decision pretty easily. That preferred really gives us a lot of latitude as opposed to minimum. That’s all I have, Mr. Chair.”

Commissioner Welshimer said, “Good idea.”

Chairman Parks said, “That’s certainly the way I’ve put out RFPs myself before. Thank you. Next item.”

F. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON MAY 28, 2009.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of May 28 results in four items for consideration today. First item;

**1. WEED CHEMICALS – NOXIOUS WEEDS
FUNDING – NOXIOUS WEEDS**

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“Recommendation is to accept the low responsible bids for Item 1 for \$9,349 from Crop Production Services and low bids for Items 2 and 6 for \$9,334 from Van Diest Supply Company, Option 2. Item 3 for \$6,150.60 from Vegetation Management Supply, Inc. Item 4, for \$3,425 from Red River Specialties. And Item 5, for \$3,182.40 from Crop Production Services for an initial total purchase of \$31,441 and execute contract pricing for one year. Item 2;

2. A/E SERVICES TO UPDATE MAIN COURTHOUSE ELEVATOR LOBBIES AND RESTROOMS – FACILITIES DEPARTMENT FUNDING – ELEVATOR LOBBIES AND RESTROOMS

“Recommendation is to accept the low proposal from Randal Steiner Architect PA in the amount of \$36,000 dollars. Item three;

3. CUSTODIAL SERVICES FOR THE OFFICE OF THE MEDICAL DIRECTOR, 4343 N. WOODLAWN – PUBLIC SAFETY FUNDING – PUBLIC SAFETY

“Recommendation is to accept the low proposal from 21st Century Cleaning Service and execute contract pricing for one year with three one-year options to renew. Item 4;

4. INMATE TELEPHONE SERVICE – SHERIFF’S OFFICE FUNDING – SHERIFF’S OFFICE

“Recommendation is to accept the proposal from Global Tel Link Option 1 and execute contract pricing for three years with two one-year options to renew. We’d be happy to answer any questions and I recommend approval of these items.”

Chairman Parks said, “We have quite a few questions about these, Iris, so I think what I’m going to do at this point is just call for questions on each one of them as we go through them. Are there any questions about number one? No questions about number one from anyone? Questions about number two?”

Commissioner Welshimer said, “Yeah, I have [inaudible].”

Chairman Parks said, “Okay. We’re going to have some discussion about number two. Commissioner Welshimer.”

Commissioner Welshimer said, “I need a little more explanation on why we’re taking on this type of courthouse construction right now.”

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Ms. Baker said, "The project manager can answer those questions."

Commissioner Welshimer said, "Okay."

Ms. Sandy Anguelov, DIO, Project Services, greeted the Commissioners and said, "Your question was why we're doing this?"

Commissioner Welshimer said, "Yeah. Why are we doing this?"

Ms. Anguelov said, "Mainly, we've got some poor lighting issues in the..."

Commissioner Welshimer said, "Some what? I'm sorry."

Ms. Anguelov said, "Poor lighting."

Commissioner Welshimer said, "Lighting?"

Ms. Anguelov said, "Lighting issues in the elevator lobby area and we believe that with a lighter color paint will help that, in addition to replacing the tiles. We've got buckling and cracking of the tiles, which is causing maintenance issues. We also are trying to be uniform. We did in some previous projects, we did like on the first floor, we changed out the tiles and the ceiling lighting and did some remodel in another project several years ago. And this is to pick up the ones that weren't included in that project to make the courthouse more uniform."

Commissioner Welshimer said, "Well, the total budget for it is almost a million dollars, \$927,280."

Ms. Anguelov said, "That's correct. We also, actually both sides, the lobby area tile, all of those, that will take quite a bit a portion of the money. We also have all of our restrooms, floors 2 through 11, that we'll be remodeling and we need to bring those up to ADA (Americans with Disabilities Act) compliance and a substantial amount of the money will be going to those as well, and that's included in this project."

Commissioner Welshimer said, "All the floors, restrooms?"

Ms. Anguelov said, "Restrooms, floors 2 through 11, the men's and women's, all of them will have to be updated and brought up to compliance. That is from our ADA Transition program, and they are listed individually on there. Then the floors will be the basement, 1, 2, 3, 4, 8 and 10."

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Commissioner Welshimer said, "And right now, today we're approving \$36,000 for architectural work?"

Ms. Anguelov said, "Correct."

Commissioner Welshimer said, "Seems like a lot for tiles and paint."

Ms. Anguelov said, "Well, we have the design broken down for about \$77,020, and the construction we estimate at about \$850,260, which gives us a total of \$927,280."

Commissioner Welshimer said, "Over what period of time is this going to be done and paid for?"

Ms. Anguelov said, "Actually the A&E (architecture and engineering) documents will go out and it will take approximately 60 days to produce the construction documents and then once we send out the construction documents for bid, we hope to have construction completed within four months. Basically, we hope to have this finished by the end of the year."

Commissioner Welshimer said, "Well, that's going to be a headache. Is this money in a special account, is this money been set aside or is this going to come extra out of our budget?"

Mr. Buchanan said, "This is..."

Ms. Anguelov said, "No. The CIP (Capital Improvement Program) project has been set up, and we do have the money allocated."

Commissioner Welshimer said, "Okay. Thank you."

Commissioner Peterjohn said, "Questions I have..."

Chairman Parks said, "Go ahead."

Commissioner Peterjohn said, "...Mr. Chairman. You mentioned that you're going to be working on the 4th floor. My understanding is, are all these costs in addition to the facilities expenditures that's being done involved with the remodeling for the courthouse on the 4th floor as well as moving the Register of Deeds out of the 4th floor, so these are supplemental in addition to those costs or are those part of those costs included?"

Ms. Anguelov said, "This is a separate project."

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Commissioner Peterjohn said, "It's a separate project. And this is all contained in the budget that was approved last year for the 2009?"

Ms. Anguelov said, "That's correct."

Commissioner Peterjohn said, "For 2009?"

Ms. Anguelov said, "For instance, the 4th floor, we're building a courtroom on that floor and that will be all construction, but that will be contained in an entirely different project, as well as the Register of Deeds moving them out of there, that will be included in the budget for the 4th floor courtroom."

Commissioner Peterjohn said, "Okay. So all of this expenditure is entirely separate from anything involved with the facilities on the 4th and 2nd floor involving people moving between those floors or out of the courthouse, correct?"

Ms. Anguelov said, "That is correct."

Commissioner Peterjohn said, "I agree with Commissioner Welshimer's concerns that spending almost a million dollars seems like an awful lot for this. I understand if you're going to be remodeling restrooms. That still is a very substantial expenditure, this \$36,000 that we're looking at just for the engineering and architect work being, I guess, just the front end. I take that as a comment more than anything else. Mr. Chairman, that's all I have."

Chairman Parks said, "Okay. On number two, this is not going to include anything outside the courthouse, it's all going to be interior, correct?"

Ms. Anguelov said, "Interior only."

Chairman Parks said, "Okay. Commissioner Unruh."

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Commissioner Unruh said, “Thank you, Mr. Chair. I don’t really have a question, I guess, just thinking out loud here with the Commissioners. When I first saw this, I thought perhaps this was just cosmetic, but from the explanation you’ve given, I don’t like spending money on maintenance either. It seems like I don’t want to have to fix that, but maintenance is a critical thing, to keep our assets in shape, so I understand the need for maintenance repairs, but this is also part of our commitment to make the courthouse ADA compliant and follow all those rules and regulations, which if you agree with them or don’t agree with them, I don’t know if that’s particularly the issue. The issue is that that’s what the rule is now and we’ve made a commitment to do that, so since we have legitimate maintenance issues and this does keep us on pace with trying to be ADA compliant, it’s not just making it prettier, I think I’m going to be supportive of this issue. I just wanted to express my perspective on it. That’s all I have.”

Ms. Anguelov said, “I might add, that the areas that we will be remodeling are very high traffic areas to the public. The restrooms, the public uses, obviously the elevator area, they are all high traffic areas.”

Chairman Parks said, “Commissioner Norton.”

Commissioner Norton said, “If we separated what is restroom and ADA responsibility from what is lobby and, which is more cosmetic, I mean the floor outside on our floor is old and it holds up fine, it wears well, but it doesn’t look like the rest of the floors. In fact, I’m okay with that, because I can always know where I’m supposed to get off the elevator based on the floor color. But if we delineated between what we’re required to do to upgrade the restrooms, which I think is important and is almost mandated, like many of our other facilities in the cosmetic of paint and lobby work which could or could not be done right now, have we looked at that?”

Ms. Anguelov said, “We were just going to try to keep it uniform. We were going to mirror the jury restrooms, very similar to that. We’ll use the same paint tiles, fixtures, because that one is ADA compliant. As far as the lobby and tile areas, again, we will be consistent with what we already have on the previously remodeled floors. We will be using the same product, same materials.”

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Chairman Parks said, "I guess my question is, though, if we had to break it in to a couple of years of what is important now and what we could put off, that might make it more palatable for the Commission to go, wow, \$500,000 to get all the restrooms updated is a good expenditure, even though times are tough; \$300,000 to paint and put new tile down in the lobbies might not be as important this year as maybe designing it this year and putting it off until next year so that you don't have that big CIP outlay. I think that maybe where some of the conversation was going of what do we have to do and pay for today and what could we put off for a year. Mr. Manager, you may want to comment on that."

Mr. Buchanan said, "We can certainly accommodate that. There's nothing that would prohibit us from developing the specifications in asking for alternative bids. The base bid would be for the restrooms and the alternatives could be for everything else and we could delineate those so that you could have at the end of the when you were considering the bid; you would have an opportunity to consider pieces, parcels or all of it. We will make that happen."

Chairman Parks said, "I think towards the end of this motion there might be an opportunity to sit back, not only this one, but maybe there's going to be another one or two that we might take off the Agenda today to look at either in staff or some other avenue. Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes. Thank you, Mr. Chairman. I'd like to pose a question to the Counselor concerning bringing me up to speed in terms of the County's position and what we do and do not have to do under the Americans with Disabilities Act, and current County policy in that regard. As a relatively new Commissioner, I hate falling back on that chestnut and especially after I've been here more than a couple months, but I'd sure appreciate a quick clarification for my benefit."

Mr. Euson said, "Sure. It's my understanding, Commissioner, that this is part of our transition plan that was approved and so, as a part of that, we at some point in time, need to do the work. Whether we need to do it this year or next year may be debatable, but there comes a point in time when we need to follow that plan and do the improvements that are identified in it. Certainly you have the opportunity to amend that plan if you want to do that, but I think the purpose of this is to allow a bidding of architectural services to start the compliance with the plan that was adopted."

Commissioner Peterjohn said, "Mr. Chairman. Thank you for the explanation, Mr. Euson. I agree with the comments of Commissioner Norton, in terms of trying to split out the costs and if the

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Manager is willing and able to do so, I'm comfortable with that. I think I have a concern about spending that total amount if it's strictly cosmetic. But if there are things that the Americans with Disabilities Act arguably set us down the road involves some very large County expenditures in the last decade and without digressing into that topic more broadly, it is an area where I would be willing to make sure that the County continues a policy that's going to keep us in step with our previous plan and being in compliance with ADA."

Chairman Parks said, "Yes, I do see that our ADA employee is here. However, I don't know that this is an appropriate time to get in to a one hour discussion on this, maybe this can be done at a workshop or at a staff meeting relatively soon. Commissioner Norton."

Commissioner Norton said, "I did see that Lindsey had come in and I believe you're right. I don't know that we want to get into all the details, but maybe at a staff meeting to have a workshop to talk about what is really important now, what fits into our long-range plan. You know, we've had some difficulties in some of our facilities over the year with ADA compliance. I think that's why we have an ADA compliance officer who is an architect that understands exactly what we're faced with. As we move this forward, I think we can come to some determinations of what we need to spend money on now to be in compliance and to be good purveyors of excess in our own buildings, but also maybe not move forward on those things that are nice to have, that make the courthouse look nice, but maybe aren't as prudent a use of funds in tough times as other things. I'm okay with moving ahead today with the architectural contract, knowing that that price tag maybe not what we're going to spend right away."

Chairman Parks said, "Okay. Any other comments on number two? Seeing none, let's move on to number 3, custodial services, and I don't know that anybody else, besides myself, has a comment on this. However, I did receive a lengthy comment from one of my constituents, who is also a vendor on this. It goes beyond and it needs to be another topic in another workshop and what not. The question was, does the County inspect I-9s and make sure that all of the employees for the cleaning service are actually citizens of the United States? In response to that, Iris, if you'll just kind of respond to that in terms of the Bid Board and what you had responded to me last week. It doesn't need to be lengthy, but just a brief review of that."

Ms. Baker said, "Sure. All of our bid and proposal requirements, in contractual language, tell vendors that they are required to follow all of the laws. Contractual language specifically says to be qualified in personnel, you have to follow all of the laws. You have to follow the laws, state, federal and local laws related to record keeping, employment, HR (Human Resources) responsibilities. We

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also have language in the documents that say the County has the right, at any time, to access those records and audit and review those records.”

Chairman Parks said, “So we do have the right to inspect I-9s in this process?”

Ms. Baker said, “At any time during the course of any contract, yes.”

Chairman Parks said, “Okay, and I think that’s going to satisfy my questions on number three. Any other questions on that one? Number four. Any questions on number four? I know we have the Sheriff’s Department here also if we need to ask any questions on that one. What is the will of the Board?”

MOTION

Chairman Parks moved to approve the recommendations of the Board of Bids and Contracts with the exception of Item 2.

Commissioner Welshimer seconded the motion.

Chairman Parks said, “Do I hear any more discussion on that? Call the vote.”

VOTE

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

Chairman Parks said, “The action to, I guess table number 2 for one week, would give us some time to do that. Are we prepared to that do, Mr. Manager, for a briefing at the staff meeting next week to go over that?”

Mr. Buchanan said, “Sure.”

MOTION

Commissioner Welshimer moved to table Item 2 for one week for further discussion.

Chairman Parks seconded the motion.

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

VOTE

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

Chairman Parks said, "Next item."

Ms. Baker said, "Thank you."

CONSENT AGENDA

G. CONSENT AGENDA.

- 1. Agreement with Bureau of Alcohol, Tobacco, Firearms and Explosives providing on-line access to Sedgwick County's electronic data.**
- 2. ZON2008-19 – Extension of time to complete platting requirement for a County zone change from SF-20 Single-family Residential ("SF-20") to LC Limited Commercial ("LC"), generally located south of 21st Street North, ¼ mile west of 159th Street East.**
- 3. Election Commissioner Range Reallocation.**
- 4. Amendment to Statement of work agreement with Askesis Development Group, Inc. for TouchScript software licensing and implementation.**
- 5. Amendment to the contract with the City of Wichita to provide Housing First apartments.**
- 6. Amendment to the agreement between Wichita State University (WSU) and Sedgwick County for professional consultation services.**
- 7. 2009 Wichita Flight Festival Sponsorship.**

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- 8. Sponsorship of three (3) permanently installed sculpture bases with sculptures selected on an annual basis to be displayed along the west side of the Intrust Bank Arena site.**
- 9. Reclassification from Fiscal Associate, B216 to Bookkeeper, B217 for Register of Deeds.**
- 10. General Bill Check Register for the week of May 20, 2009 – May 26, 2009.**

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

MOTION

Commissioner Norton moved to approve the Consent Agenda.

Chairman Parks seconded the motion.

Chairman Parks said, "Do we have any discussion? Do we want to...Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, I have some concerns about Items 5 and some questions about 7 and 8. We have a motion in front of us. If we want to proceed with the motion."

Chairman Parks said, "No. This is time for discussion, so we can certainly discuss it."

Commissioner Peterjohn said, "Okay. Mr. Manager, on Item 5, which is the Housing First apartments, we're appropriating about \$190,000 dollars for 32 apartments for the next year under that Agreement that we previously voted on, and that's about \$600 dollars a month by my calculations. Is that correct?"

Mr. Buchanan said, "I didn't do the math. I assume that's correct."

Commissioner Peterjohn said, "Okay. Let me jump in. Number seven, the 2009 Wichita Flight Festival sponsorship. I noticed that in past years, we've sometimes supported that at a lower level than \$15,000 instead of \$25,000. I was curious how the \$25,000 figure came from and why we were at \$15,000 a couple of years ago?"

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Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, “The Wichita Flight Festival, I think, 2009 will be about the 5th or 6th year that the community has held a flight festival. The first couple of years, it was managed by the City of Wichita, the next couple of years they contracted with Wichita Festivals Inc. to manage the flight festival, and this year City of Wichita is taking that back over again. Each year, we have had a request come to us, whether it was from the City of Wichita or Wichita Festivals to help with the flight festival financially. Those requests, we get them prior to the budgeting process, so this request for this year’s flight festival, the \$25,000 dollars, came last March, April. It was reviewed, discussed during the 2009 budgeting process last summer. The Commission, at that time, elected to agree to the \$25,000 which was more than, I think, 2008 was \$25,000. I can’t remember the year before that I think was maybe less. But it was the request for helping with those expenses, it was vetted through the budgeting process and I don’t know that I can give you a particular reason why it was tied to that, except that it was the level of support that, through that discussion review, the Commission agreed to provide.”

Commissioner Peterjohn said, “Let me ask you this, Mr. Holt. Can you tell me the overall agreements, in terms of if this is part of a larger package of other items that may come up in front of the Commission later on, because I wasn’t on the Commission last summer, this would be something that I wouldn’t have followed unless I happened to be here for the Commission meeting on that date. I mean, are there other commitments that we made at that time, as part of the 2009 budget for the City of Wichita, for helping fund other activities, whether, just off the top of my head, obviously the River Festival is one, itself would be one, but perhaps other city institutions or activities?”

Mr. Holt said, “Standing here today, Commissioner, I can’t think of any other. You’ll remember in my presentation for the 2010 budget, in the Division of Culture, Entertainment, and Recreation, we have an area called Community Programs. We provide the information relative to the funding request during that budgeting process. And then for items like this one, we come back to you when we get an invoice with the specific request for payment. I don’t, and can’t recall of any other items, we’ve done the Wichita River Festival; that sponsorship agreement came to you earlier this year. The other agreements are with like the Kansas African American Museum, the Wichita Historical Society. Once we approve those in the budget, we get a quarterly invoice for those. I can’t think of

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any others, Commissioner, out of the Division of Cultural and Entertainment, Recreation that would be coming back to you.”

Commissioner Peterjohn said, “Okay. Mr. Manager, we wouldn’t have any through any other County department, will we, sir? Okay. Thank you, Mr. Chairman.”

Mr. Buchanan said, “Mr. Chairman.”

Chairman Parks said, “Yes.”

Mr. Buchanan said, “I want to make sure we clarify the item on number five. The amendment to that contract is not the dollar amount. The amendment to the contract is the payment method. The original contract called for quarterly payments and this we’re amending it to do monthly payments upon receipt of an invoice. In terms of our cash flow, in managing the program, this is an improvement to that contract.”

Chairman Parks said, “So this would not be a monetary loss to us other than the interest that we would make on our 1.4 percent passbook then? Okay.”

Mr. Buchanan said, “Yes, sir.”

Chairman Parks said, “Okay. Thank you. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. On the item about the flight festival, when we go through the budget process and this gets specifically itemized in the budget, is that considered a commitment to the flight festival? I mean, at that point then they’re planning that we’re going to be supportive of him, because there was some thought a year ago and some non formal conversation that perhaps we would not be involved this year and then it was in the approved budget, so then I guess that implies that we are going to be involved. If there’s a different thought about that among the Commissioners, we need not to specifically give it a line item or else we’re implying we’re going to go ahead with it.”

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Mr. Holt said, "That has been my experience and my feedback from the groups that we do that with, the expectations based on practice and history. Yes, sir."

Commissioner Unruh said, "Okay. Because I was part of the conversations, I was thinking I'm not sure this is a good expenditure for the County and had thought it would come up to us, but now I'm kind of in a position where if I've implied I'm going to be supportive, I mean, maybe we need to go ahead this year. Perhaps for next year's budget, we need not to be specific on that, if there's some thought among Commissioners that we don't want to be supportive. I'm just trying to go through my thinking process here. That's all I had right now, Mr. Chair."

Chairman Parks said, "As we get in to the budget, I think there might be several of those line items that we might want to refer back to our contingency funds and from the Commission's side of it, instead of actually putting a line item out there, implying that we are supporting that item. Commissioner Welshimer."

Commissioner Welshimer said, "Well, Commissioner Peterjohn mentioned number eight, sponsorship of the sculpture bases at the Arena. Just to explain what this is about, this is an Arts Council project and I'm the associate member for the County on the Arts Council. The Arts Council promotes the art in Wichita and have done a beautiful job of it, we are nationally known for our art here, and they want this to be ongoing in improving our art for our public. They have come up with this idea for a Sculpture WalkAbout project in Old Town. And they have five permanently installed bases in the Old Town area, and that's not around the Arena. One of the sculptures has been placed on the base and that one is right in front of the Arts Council building across from the Warren Theatre in Old Town. That sculpture is there because it won a competition to be there, and it will be there for just a certain period of time, and then it will go away and another artist's sculpture work will be placed there. So it's a WalkAbout, over time periods, walking about in Old Town to look at the sculptures and see whose artist work is on display in Old Town Wichita."

"We followed through with that at the Arena. We chose three sites. We have three bases we're putting in and they will be on Emporia Street between Douglas and Second, right along the west side of the Arena and it will run from the northwest corner of the Arena north through the parking lots, we'll have three of those. They cost \$5,000 dollars each to put those bases in. We are paying for one of them. Another one is being paid, will reimburse us, from Dondlinger [& Sons Construction Co., Inc.], and the third one, I'm working on getting someone to do that with us. Anyway, it should be nice and we will have some notification and be able to work with the Art Council if there's sculpture that we don't particularly want there. They are not going to be the ones who choose that and decide which sculpture has won. There's going to be an expert that they choose to do this for them that will decide on the winner. It should be an interesting point of interest for people just driving by and seeing the Arena and visiting Old Town. That's what this is about."

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Commissioner Peterjohn said, "Commissioner Welshimer, I very much appreciate the explanation and my understanding had been the Consent Agenda item on that one had been for three \$5,000 expenditures. I presumed they were all going to be coming from the dedicated sales tax for the Arena..."

Commissioner Welshimer said, "Ours will be."

Commissioner Peterjohn said, "...am I correct?"

Commissioner Welshimer said, "Ours will be."

Commissioner Peterjohn said, "From the County side?"

Commissioner Welshimer said "Yes."

Commissioner Peterjohn said, "Is that correct, Mr. Holt?"

Mr. Holt said, "That is correct, and then any, as Commissioner Welshimer has indicated, any additional funding that comes back will go back into that fund, so that we can move it along, it's all been programmed as a part of the Arena sales tax with any receipts we get from Dondlinger and others to be reimbursed that way."

Commissioner Peterjohn said, "Because my understanding had been, and I think I might have heard, that one of the sites was going to be donated so that we weren't going to have an exposure of \$15,000, it was going to be no more than \$10,000 and possibly only \$5,000..."

Commissioner Welshimer said, "That's right."

Commissioner Peterjohn said, "...and if that's the case, I was looking at \$15,000 that was on the consent item and I thought, well, maybe can we go with the smaller figure rather than a larger figure?"

Mr. Holt said, "You could do that, Commissioner. The only problem is, if we don't have the funds dedicated, then we don't move forward with the project and it's timing as far as the landscaping design and construction on the Arena site. That's why you see the \$15,000, it lets us move forward while we're invoicing and collecting the moneys back. I think Commissioner Welshimer's commitment has already raised that one \$5,000, all we need to do over the process is invoice them, would be the basis for making this decision and getting that reimbursed."

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Commissioner Peterjohn said, "I appreciate the explanation."

Chairman Parks said, "And those reimbursements would go back into the tax..."

Mr. Holt said, "They would."

Chairman Parks said, "...tax funds?"

Mr. Holt said, "Yes."

Chairman Parks said, "And who has the final approval on those when they go up then? Is this the artist? We wouldn't have anything to say about what kind of art might go up there?"

Commissioner Welshimer said, "We will have something to say, they will let us know what they're going to put there, I think, if we don't like it they'll take it back."

Chairman Parks said, "Okay."

Commissioner Welshimer said, "But, it is an honor for the artist to be able to place their artwork there, and they are chosen by someone, the Art Council has as an independent person to do that."

Chairman Parks said, "Okay. Any other questions about the Consent Agenda? What's the will of the Board on any of these items, do we want to remove any of those, or do I hear a motion?"

Commissioner Unruh said, "I move we approve the Consent Agenda as presented."

Commissioner Welshimer said, "Second."

Ms. Katie Asbury, Deputy County Clerk, greeted the Commissioners and said, "Mr. Chairman, we did have a motion and a second earlier."

Chairman Parks said, "We did that? Okay. Thank you for advising me about that. We do have a motion and a second. I guess we call the vote at this point then."

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	No

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Commissioner Welshimer	Aye
Chairman Parks	No

H. OTHER

Chairman Parks said, “Okay, ‘other.’ Commissioners, do you have anything that you would like to present at this time? If not, I have an announcement about Valley Center Moonlight Madness is this Saturday. Of course, the Lions Club will participate in a car show at that location and sell their all beef franks and I will be participating in the early stages of that, but not too late in the evening. But this car show, historically, has provided 70 to 80 cars, so it’s just as big as any of the others in the County, with the exception of Lake Afton, so I just wanted to tell you that this Saturday come on out to the Valley Center area and we can show you a good time. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Mr. Chairman, just a quick comment that tomorrow over the lunch hour, we’re going to have a celebration for volunteers in our community out in Goddard at the Tanganyika Wildlife [Park] center. I think it’s important to keep in mind some of the words from the French aristocrat, Alexis de Tocqueville, in his classic work, Democracy in America, where he talked about the importance of civil associations and the role that civil associations have played in making the American dream what it is today. De Tocqueville wrote this back; his book was published, in the early 1830s. So when we have this celebration tomorrow, I think it’s for everyone who is out there, whether they’re able to attend this luncheon or if they’re just helping in their own area, in their own way, on their own time, they all deserve commendation, not only from this elected Board, but I think from all the elected boards in our community. I wanted to just give a public thank you from, and I think I’m speaking for folks here at the courthouse, in terms of all the volunteer help and support that helps make Sedgwick County as good as we are. Thank you.”

Chairman Parks said, “Thank you. Seeing nothing else to come before the Board, this meeting is adjourned.”

I. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:15 a.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:

June 24, 2009