

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 10, 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 10, 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 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; Mr. Larry Ternes, Youth Services Administrator, Department of Corrections; Ms. Deborah Donaldson, Division Director, Human Services; Mr. Steven D. Cotter, Director, EMS; Ms. Ellen House, District Court Administrator; Mr. Mark Masterson, Director, Department of Corrections; Mr. Michael Pepoon, Assistant County Counselor; Mr. Gary Curmode, Fire Chief; Mr. Glen Wiltse, Director, Code Enforcement; Ms. Iris Baker, Director, Purchasing Department; Mr. Michael North, Assistant County Counselor; and, Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Mr. Don Strong, Director of Education and Aging Services, Mental Health America of South Central Kansas

Ms. Kathryn Mahoney, Philanthropic Chair, Wichita Bar Association Auxiliary

INVOCATION

To be led by Pastor Brent Warkentin, First Mennonite Brethren Church

FLAG SALUTE

Chairman Parks said, "I do have one announcement before we start the flag salute. This week, we'll be having Flag Day and as we come up and say the Pledge of Allegiance, a lot of times there's kind of an echo at one part of it, so if we can try to do that, like I learned it, this time, 'one nation under God' without a pause in there, let's just try that and see how that works this time. Thank you."

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Unruh was absent.

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CONSIDERATION OF MINUTES

Regular Meeting May 13, 2009

MOTION

Commissioner Welshimer moved to accept the Minutes as read for the Regular Meeting of May 13, 2009.

Chairman Parks seconded the motion.

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

VOTE

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

Chairman Parks said, "Next item."

PROCLAMATION

A. PROCLAMATION DECLARING JUNE 14 – 20, 2009 AS WORLD ELDER ABUSE AWARENESS WEEK.

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

PROCLAMATION

WHEREAS; seniors are valued members of our community and it is our collective responsibility to ensure they live safely and with dignity, respect and as independently as possible, with the supports they need; and

WHEREAS; elder abuse is most often defined as any act that harms a senior or jeopardizes his or her health or welfare; and

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WHEREAS; elder abuse is grossly underreported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS; all our residents should watch for signs of abuse such as physical trauma, withdrawal, depression, anxiety, fear of family members, friends or caregivers; and

WHEREAS; we are all responsible for building safer communities for seniors in our area; the well being of our seniors is in the interest of all and further adds to the well being of Sedgwick County and Kansas communities; and

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners does hereby proclaim June 14 through June 20, 2009 as

‘World Elder Abuse Awareness Week’

and encourages all of Sedgwick County to recognize and celebrate the accomplishments of seniors in our community.

Ms. Zukovich said, “And it is dated June 10th, 2009, by the Chairman, Kelly Parks.”

MOTION

Commissioner Norton moved to adopt the Proclamation.

Chairman Parks seconded the motion.

Chairman Parks said, “And I do want to have a little discussion. As you heard in the Proclamation, it is an underreported crime, and in my years of law enforcement, I certainly saw a few cases of that. It is something that is our duty to step up and report as fellow human beings, if we see this. So I just wanted to put that little extra twist in there. Commissioner Norton.”

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Commissioner Norton said, “What’s interesting in so many cultures, the elders are held in such high regard and respect, and so many times we find in our culture that it is a throwaway society. If you’re not new and shiny and the new, new thing, you don’t have as much value; and we find that in the elder community all the time. It is certainly a sad disposition in our United States that we even have to have a Proclamation that talks about this. But if we can have awareness, we can get our community to understand that elders are important, and they have contributed to our society and they don’t deserve abuses in a lot of different ways; physical, mental, emotionally, that we need to always be aware that we can do something. So that’s all I have, Mr. Chair.”

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

Commissioner Welshimer said, “Well, one of the abuses that we haven’t mentioned is the financial abuse, and we see that quite often. It is very difficult to control.”

Ms. Zukovich said, “Commissioners, we do have Don Strong here this morning who is here to accept the Proclamation, maybe he has a couple more words that he’d like to share as well.”

Chairman Parks said, “Please step to the podium. Thank you.”

Mr. Don Strong, Director of Education and Aging Services, Mental Health America of South Central Kansas, greeted the Commissioners and said, “This is an honor to be here, and recognize those individuals who have made our lives possible, those elders who deserve the respect and dignity of life, and to be treated with fairness in life. Through our community, neglect of older adults largely remains unidentified. Estimates are, by the National Elder Abuse Center, that one in every 11 of our seniors will be abused at one time or another in their lifetimes. Translated in numbers, that would be approximately 6,500 seniors in our community that will be abused. Fifteen percent of our seniors will have financial abuse perpetrated upon them. Isn’t that amazing, fifteen percent. In most cases, it goes unidentified; most cases are not reported. Less than 10 percent are reported of those cases, which translates in to about 500 cases in Sedgwick County, are reported on abuse, of several thousand that have actually occurred. The problem goes basically unrecognized, unidentified, and in many cases, unreported because of shame.”

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Mr. Strong continued, “The person most likely to abuse a senior is the adult child of that senior. Isn’t that amazing? The person who has given them life is the person they are most likely to abuse, is their adult parent. The Mental Health Association, the TRIAD Council of South Central Kansas invite the communities of South Central Kansas to participate in the Second Annual ‘World Elder Abuse Awareness Week’ beginning June 14 by wearing a purple ribbon to symbolize awareness of the growing problem of elder victimization in our communities. The week of activities will be highlighted by a senior fair and balloon launch at the Mid-America All-Indian Center on Wednesday, June 17 from 11:30 to 1:30. We will recognize the vulnerable, at risk adults in our community and provide more awareness in terms of this issue. The Sedgwick County District Attorney, Sedgwick County Sheriff, the Wichita Chief of Police and the Kansas Attorney General will all appear in recognition of this growing problem in our community. Please recognize this problem. These are the individuals that made our lives possible and they deserve our care and our respect. Thank you very much.”

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

Commissioner Welshimer said, “Well, one bit in the news today, there are 85,000 citizens in all the states over 100 years old, and we expect 600,000 people to be over 100 years old by 2040. It was on the radio this morning.”

Chairman Parks said, “That is amazing. Commissioner Peterjohn.”

Commissioner Peterjohn said, “I would only like to second the earlier comments, but add that in the age of computers that we live in now, the technology plays a role in this, and it is another reason not only, we talked about the abuse within families, but I think it is the weakening of the family structure that’s behind this, but the fact that technology, which has given us so many tremendous benefits and sometimes also imposed some significant costs, particularly for the most vulnerable folks in our community and in our society. So I want to second the support for this Resolution.”

Chairman Parks said, “We do have a motion and a second on this, without further discussion, call the vote.”

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VOTE

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

Chairman Parks said, "Next item."

B. PROCLAMATION IN SUPPORT OF THE AVIATION INDUSTRY.

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

PROCLAMATION

WHEREAS; unemployment is a growing problem in our country as well as in Sedgwick County during the current economic downturn; and

WHEREAS; the aviation industry in Wichita and Sedgwick County has suffered substantially, with canceled orders and more than 9,000 skilled aviation employees who have been laid off; and

WHEREAS; the aircraft industry in the United States and Sedgwick County has played a crucial role in peacetime as well as during times of war; and

WHEREAS; growing productivity for businesses all over the United States and globally is aided and strengthened by the work of the aircraft industry in this community – which includes five major employers: Boeing, Cessna, Hawker-Beechcraft, Bombardier, and Spirit AeroSystems and the many aviation-related supplier and service companies; and

WHEREAS; on May 10, 2009, in a commencement address to Duke University graduates, one of the top U.S. businesswomen, Oprah Winfrey, reminded everyone that owning business jets are not a bad thing, when she said, "And it is really fantastic to have your own jet, and anybody who says it isn't is lying to you. That jet thing is really good;" and

WHEREAS; Oprah Winfrey's actions to publicly proclaim her love of her Bombardier Global Express jet is a necessary positive comment, in a time when businesses all over the country have

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been chastised for owning this essential business tool.

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does commend Ms. Oprah Winfrey for her forthright and compelling comments, lifting up our aviation industry in a time when our companies and employees critically need business, jobs and support.

Ms Zukovich said, “And it’s dated June 10, 2009, by our Chairman, Kelly Parks.”

Chairman Parks said, “What is the will of the Board?”

MOTION

Commissioner Welshimer moved to adopt the Proclamation.

Commissioner Peterjohn seconded the motion.

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “I want to add a comment. Unfortunately, the 9,000 figure, I saw some published reports recently that the number of aircraft folks, as of the beginning of June, had actually reached 10,000, and it’s a very regrettable number, the total of people who have been laid off recently in our community has reached 13,000. And in addition to those two distressing numbers, the overall percentage of unemployment is significantly higher this year; it’s approximately double what it was a year ago. As a person who saw Ms. Winfrey’s remarks and strongly felt that it was appropriate to call public attention to them, particularly among the folks who have made negative comments in Washington, D.C., I wanted to strongly support this Resolution and commend Ms. Winfrey for her frank and forthright comments.”

Chairman Parks said, “Okay. Seeing no other comments, call the vote.”

VOTE

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

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Ms. Zukovich said, "Thank you."

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

APPOINTMENT

C. SOLID WASTE MANAGEMENT COMMITTEE.

- 1. RESOLUTION REAPPOINTING GIL HOOVER (COMMISSIONER PETERJOHN'S APPOINTMENT) TO THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE.**

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "We've prepared this Resolution of reappointment. It will expire at the end of this year, at which time all members of the Board will be appointed and/or reappointed, as the case may be. I recommend you adopt this Resolution."

MOTION

Commissioner Peterjohn moved to adopt the Resolution.

Chairman Parks seconded the motion.

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

VOTE

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

Chairman Parks said, "Is there a presentation to be made or to be sworn?"

Commissioner Peterjohn said, "I don't see Mr. Hoover here."

Chairman Parks said, "Seeing none, move on to the next item."

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DONATION

D. DONATION OF A \$1,700 WATERMARK BOOKS GIFT CERTIFICATE TO BE USED TO BENEFIT THE YOUTH AT THE JUVENILE DETENTION FACILITY OF THE SEDGWICK COUNTY DEPARTMENT OF CORRECTIONS.

Mr. Larry Ternes, Youth Services Administrator, Department of Corrections, greeted the Commissioners and said, “The Wichita Bar Association’s Auxiliary is donating a very generous \$1,700 Watermark Books gift certificate for use at the Juvenile Detention Facility. This marks the fourth consecutive year the Auxiliary has made this type of donation to one of our youth facilities. As we have in the past, we will use the donation to purchase books for the direct benefit of the youth detained. The books will enhance the selection that we already have in our library at the Juvenile Detention Facility and we will offer those to all of our juveniles that are incarcerated there. I would recommend that you accept this donation and authorize the Chair to sign a letter of appreciation. Before you get to that, I would like to mention that we have four members of the Auxiliary with us today. I am not sure if any of them are prepared to speak, but I want to mention the names of the folks that are with us. First of all, Kathryn Mahoney, Karen Townsley, Judy Just, and Bonnie Bing. I don’t know if any of them are interested in having any comments. This is Kathryn Mahoney.”

Ms. Kathryn Mahoney, Philanthropic Chair, Wichita Bar Association Auxiliary, greeted the Commissioners and said, “Thank you. I would like to present this donation on behalf of the Bar Auxiliary and thank the Juvenile Detention [Facility] center for their work in our community and for the commitment to the children in their care.”

Mr. Ternes said, “I would be happy to answer any questions that you have.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “I don’t have a question, but I do know the importance of literacy. Sadly, a disproportionate percentage of the folks who are incarcerated in various institutions, not only in our community, but across the country, are folks who don’t have the basic literacy skills that are so important in this day and age, so I am very appreciative of this contribution and this support this morning.”

Chairman Parks said, “And it is a multi-year thing. I know that we’ve accepted this donation before, and I would just like to thank the Auxiliary, also, for their work, and this really shows that

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people that are in auxiliaries or service groups can step up and make a difference. This is really making a difference for us, and I'd like to thank you for that."

Ms. Mahoney said, "Thank you."

MOTION

Chairman Parks moved to accept the donation and authorize the Chair to sign a letter of appreciation.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Mr. Ternes said, "Thank you."

Chairman Parks said, "Thank you, Larry. Thank you again."

NEW BUSINESS

E. RECOGNITION GRANT FROM THE KANSAS HEALTH FOUNDATION FOR THE HYGIENE KITS FOR HOMELESS PROJECT.

Ms. Deborah Donaldson, Division Director, Human Services, greeted the Commissioners and said, "This is a recognition grant from the Kansas Health Foundation for \$5,000. This is focused on the Housing First project that houses the homeless that have the most difficult problems and also tend to be the most expensive to serve when they are on the street. These funds are going to be used for hygiene kits, things that people don't have when they come off the street into housing like toothpaste, toothbrushes, shampoo, I mean, the things we take for granted that we always have in our homes. This will give them a good start in a way of hopefully working towards employment or other activities and be being able to do the kinds of things that we all do every day. I'm asking that

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you accept this grant award and authorize the necessary budget adjustments. I would be glad to answer any questions.”

Chairman Parks said, “Well, I think this is a good process and a good grant.”

MOTION

Chairman Parks moved to accept the grant award and authorize the necessary budget adjustment authority.

Commissioner Welshimer seconded the motion.

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

VOTE

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

Ms. Donaldson said, “Thank you.”

Chairman Parks said, “Thank you very much.”

F. MEMORANDUM OF AGREEMENT WITH MCCONNELL AIR FORCE BASE AND SEDGWICK COUNTY EMS FOR AMBULANCE SERVICE.

Mr. Steven D. Cotter, Director, Sedgwick County EMS (Emergency Medical Service), greeted the Commissioners and said, “This Agreement is an agreement that is a long-standing agreement in our partnership with McConnell Air Force Base. It’s reviewed every two years. It simply outlines the standard response practices and staffing requirements for both parties, both for Sedgwick County EMS and for McConnell Air Force Base, with regard to their support for training, and it is a standard MOU (Memorandum of Understanding) that we have been engaged with for many years now. Since, I believe, the mid 1990s, so I present it to you today for your consideration and recommend that the Chair approve and sign, please.”

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MOTION

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

Chairman Parks seconded the motion.

Chairman Parks said, "Any further discussion? I would just like to say that it is a great relationship between the two, and we continue to foster relationships, not only in the EMS field, but the other things that we have with McConnell Air Force Base in Sedgwick County."

Mr. Cotter said, "Yes, sir."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Just a quick question. You said that this goes back to the 1990's?"

Mr. Cotter said, "Yeah. We believe the last formal agreements that I reviewed were back in the 90's. It is one that's reviewed every two years."

Commissioner Peterjohn said, "I'm curious, is there any specific reason for the every two years?"

Mr. Cotter said, "That's just a standard review process that both they and we have agreed to, to make sure it stays current."

Commissioner Peterjohn said, "Thank you very much."

Chairman Parks said, "I can certainly understand that in terms of public safety. If you get much longer than that, sometimes things are lost..."

Mr. Cotter said, "Yes."

Chairman Parks said, "...in either technology or other things."

Mr. Cotter said, "Response requirements change, technology changes..."

Chairman Parks said, "Right."

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Mr. Cotter said, "...we want to make sure it's current. Yes."

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

VOTE

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

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

G. APPROVE FUNDING FOR PART TIME COURT SERVICE OFFICERS PAID BY COURT DRUG TESTING FUND.

Ms. Ellen House, District Court Administrator, greeted the Commissioners and said, "I'm here this morning to ask for your approval for funding for two part-time court service officers out of the drug test fund. As I'm sure you're aware, the Supreme Court, last fall, in response to state budget issues, put a hiring freeze on the Judicial Branch. Since that time, we have lost five and a half of our court service officers, which is approximately 10 percent of our workforce in that area. We have the drug testing fund in the County. These positions would be self-funding through this fund. The people who are ordered to do UAs (Urine Analysis) through the court orders pay for this fund, and so the revenue goes into this fund and these people would be paid out of this. I'm happy to answer any questions you might have."

MOTION

Commissioner Welshimer moved to approve and authorize the funding.

Chairman Parks seconded the motion.

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

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VOTE

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

Ms. House said, “Thank you.”

Chairman Parks said, “Thank you very much.”

H. APPLICATION TO THE KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL FOR THE FEDERAL RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO BENEFIT THE SEDGWICK COUNTY DEPARTMENT OF CORRECTIONS ADULT INTENSIVE SUPERVISION PROGRAM.

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, “As you know, Community Corrections is a state-funded, intensive probation program to supervise felony offenders living in the community. The State Fiscal Year-10 Budget, which begins on July 1, has been cut by six percent. For us, that means we lose necessary funding to support four intensive supervision officer positions at a time when our caseload has grown by 142 per day since last year. We’re now supervising a caseload of approximately 1,600 offenders, and we need these positions to do the work. Before you is an application to the State for federal Recovery Act funding to replace the six percent reduction for a 24-month period. The funding will maintain these positions. The total amount requested for the period is \$416,547. That amount is subject to some minor technical adjustments, based on the grant rules. We will make those prior to submission on June 16. They are in the neighborhood of \$30, of what’s before you. I would be happy to answer any questions.”

Chairman Parks said, “What is the will of the Board?”

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MOTION

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

Chairman Parks seconded the motion.

Chairman Parks said, "We do have some discussion. Commissioner Peterjohn."

Commissioner Peterjohn said, "Mark, can you tell me, is this the first Byrne's grant that we've had that would pay for personnel, as opposed to equipment or other types of items that we've received, I believe, from a Byrne grant?"

Mr. Masterson said, "Do you mean historically is it, or right now? We currently have no Byrne grant funding for any of our positions. I've been up here previously because we have submitted several Byrne grant applications for funding and in the local grant that came down to communities, we did receive an allocation for support of six and a half positions at our adult residential facility."

Commissioner Peterjohn said, "Okay. This is for, I was working through some of the backup information, trying to understand this a little better, and I was looking that this is approximately \$200,000 a year, over two years, totaling \$416,000. Is that correct?"

Mr. Masterson said, "That is correct."

Commissioner Peterjohn said, "What would be the pay for each of these positions, because I'm trying to work through, just understand those numbers a little bit better."

Mr. Masterson said, "If we just divided that number in half, you would get the one-year total. They are approximately \$50,000 salary and benefits taken together per position."

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

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Chairman Parks said, “Okay. I had just another quick question. The Adult Intensive Supervision Program (AISP), is that another word for something that we’ve called that something previously, like intensive parole or intensive probation or something that we had?”

Mr. Masterson said, “Basically, it’s a Community Corrections Act program. We call it the Adult Intensive Supervision Program, and on a separate grant, we have the Community Corrections Adult Residential grant, so there’s two state funded Community Corrections Act programs.”

Chairman Parks said, “Okay. And the alternative, if this grant expires and we don’t have funding for that is what then?”

Mr. Masterson said, “You mean if we’re granted this grant at the...”

Chairman Parks said, “Yes.”

Mr. Masterson said, “...conclusion of the period? We would work through attrition to either request state funding to be restored to maintain these positions at that time when the state budget is in better health, or we would transition and eliminate those positions.”

Chairman Parks said, “Thank you. That answered my question very well. Thank you. We have a motion and a second. Let’s call the vote.”

VOTE

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

Chairman Parks said, “Thank you, Mark.”

Mr. Masterson said, “Thank you.”

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I. PUBLIC HEARING TO CONSIDER PETITION FROM JOSEPH P. AND CAROLYN SPEXARTH FOR THE INCLUSION OF THEIR PROPERTY WITHIN THE BOUNDARIES OF SEDGWICK COUNTY FIRE DISTRICT #1.

POWERPOINT PRESENTATION

Mr. Mike Pepon, Assistant County Counselor, greeted the Commissioners and said, “You have before you today a Resolution which would include the property of Joseph and Carolyn Spexarth into the Sedgwick County Fire District Number One. I’m going to pull up the property here. That’s a map of the property; the address is 18711 W. 61st Street North in Colwich, Kansas. The legal description is attached to the Resolution that you have in your backup. State statutes provide that any time you alter a fire district, in this case which enlarges our fire district, it’s the Board of County Commissioners that has to approve a Resolution which allows that alteration to take place. State statutes also provide that if you alter a fire district, or any kind of a district like this, within the fringe area of a city, and in this case you are within the three mile fringe area of the City of Colwich, you are required to go through a public hearing process.

“In this case, we published in the Wichita Eagle a notice of public hearing on May 20 and also sent a specific notice to the property owners in question, as well as the City of Colwich and Union Township. The factors that the statutes ask you to review is the compatibility of this enlargement with the city, and also you are supposed to look at the size and population of the city, the City of Colwich’s growth and population of business and industry over the past 10 years, the extension of the city’s boundaries in the past ten years, the probability of this city’s growth towards this affected area, the willingness of the city to annex and provide these services to these property owners and basically the general effect of the entire community in this area.

“The action I am a requesting that you take this morning is to open the public hearing, accept any public comment, close the public hearing, adopt the Resolution and direct the County Clerk to publish it in the official County newspaper in accordance with statute, and it will take a three quarter vote of the Board of County Commissioners to adopt this Resolution. There is a protest period for 30 days after your adoption, which would allow 19 percent of the affected land owners to file a petition with the County Clerk to nullify your action, but of course in this case, we have one property owner, husband and wife, and that won’t be relevant, but just wanted to let you know. That’s the way I would ask you to proceed.”

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

Commissioner Welshimer said, "Well, I have a question."

Chairman Parks said, "Okay."

Commissioner Welshimer said, "The purpose of this is that this property is in some kind of a purgatory, a fringe area in between the City and the County Fire District, is that correct?"

Mr. Pepoon said, "It's out in the unincorporated area of the County, that's right, Commissioner."

Commissioner Welshimer said, "But not in the County Fire District, so we're just doing this..."

Mr. Pepoon said, "Well, it's in the County Fire District area; they just haven't been part of it. We're including this; this would bring them in to the actual Fire District. I might also add that Chief Curmode is here, the Fire Chief, to answer any questions with regard to the Fire District or inclusion of properties into the Fire District."

Commissioner Welshimer said, "Do we have quite a few properties that are in these fringe areas that are in unincorporated areas, but yet are not in the Fire District?"

Mr. Pepoon said, "I will let Chief Curmode answer that."

Mr. Gary Curmode, Chief, Sedgwick County Fire District Number One, greeted the Commissioners and said, "Commissioner, in answer to your question, in the Colwich area in Union Township, there are over 83 parcels of homeowners that have asked to petition in, over the last several years, because they wanted full-time fire protection. And so periodically we get, you know, families every few months call us and ask us questions, what kind of services you provide and so forth, and then they think about it, and then here's, for example, the Spexarth family decided after talking to them, they just said, we would like to have your full-time protection. So they had asked to come in at this time. As you see our fire stations re-located, like the one going out west on 263rd Street, I think you are going to see, again, an influx of several homeowners wanting to come into the Fire District, similar to this one today."

Commissioner Welshimer said, "Okay. I guess what I am not understanding is if we are the Fire District, County Fire District, for unincorporated areas, why do we have people living in unincorporated areas that are not in the Fire District?"

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Chairman Parks said, “Chief, you may want to explain a little bit about the contracts with those cities that are in those areas, those volunteer departments.”

Chief Curmode said, “Okay. Let me give you a little history, Commissioner. Back in about 1955, 1956, when our fire district was formed, originally it was going to be the entire County. Cheney, Mount Hope, some places that were very distant from the one or two fire stations we had, which were in downtown Wichita off Stillwell, were so far, so they said, you know, we have our own volunteers, so that service would take too long to get here. At that time, they contacted legislators from Cheney in their district, they contacted the State and they allowed certain areas to opt out, if you will. Our County is about a 1,008 square miles, our Fire District is 623 square miles, and Wichita is about 160 square miles. So there’s about, give or take, about 300 square miles that are not in the Fire District which have unincorporated areas and those cities also have their own volunteer departments. So in like the union township area, we have a major plant, the Westar plant, and they are out of the Fire District, but they petitioned to come in because they wanted full-time protection, because we have had some fires there in the last 15 or 20 years. For their insurance and everything, they wanted to have full-time protection. I hope this helps a little bit.”

Commissioner Welshimer said, “It does, but as you say, we do have people out in the unincorporated areas that don’t get fire service from a city, and they’re not getting fire service from the County either. Such as the one we’re talking about today. I’m trying to figure out how many other people are in this position.”

Chief Curmode said, “I don’t have a number for you, but I can do some research and get that back to you.”

Commissioner Welshimer said, “Okay. I think, you know, we ought to look at that. Thank you.”

Chief Curmode said, “Okay.”

Chairman Parks said, “To explain that just a little bit further, a situation that I’m very familiar with, where I live, actually the township pays a contract to the City of Valley Center, an annual contract amount, and then there is a dual response when the fire call comes out, both fire departments respond to that location in the township. Now, there are just two townships, I believe, left that Valley Center has that agreement with, but that is put on our township mill levy, as well as just incorporated in that as a contractual, and then the County mill levy is also on our taxes when we get that. So it is a dual response type situation. It’s a little bit different at Colwich, but there are some variations out there, and I think that this program is good for efficiency and I think it is evolving rather well, with our new stations and whatnot. Commissioner Norton.”

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Commissioner Norton said, "First of all, I think we probably need to move ahead and have our public hearing."

Mr. Pepoon said, "Yes, yes."

Commissioner Norton said, "Because we do have to open that and close it, and then I'll have some comments after that."

Mr. Pepoon said, "Yeah, that's the action I would request you to make, Mr. Chairman."

Chairman Parks said, "Yeah. Let's go ahead and open the public hearing for the Spexarths to be in the Fire District. Is there anyone that wants to speak to that from, are the Spexarths here today? Seeing nobody from the public that would like to speak on that, I will close the public hearing and have a little bit more discussion on this. Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, Chief, questions I'd like to get a better understanding from looking at this property, is any of this procedure due to the fact that this looks like we're doing an island, and effect, I'm thinking of like in an annexation context, where we've got an area that's completely surrounded, apparently, by the Union Township and Colwich Volunteer Fire Department, is there anything in this process tied to the fact that this parcel appears to be completely isolated from the rest of the District, once we would vote to approve and bring this in?"

Chief Curmode said, "Commissioner, we have other parcels, homeowners in that, that it's not shown on this picture, that as I stated, there's over 80 different homeowners in the Township of Union that wanted to be members. We even have one member in the City of Colwich that joined several years ago because they wanted full-time protection, and they have that right. But they end up paying the mill levy for Colwich, and then also Union Township also contracts with the City of Colwich for volunteer fire protection. So you will see, there's other parcels of land that have been petitioned into the Fire District; some of it is farm property, some of it is ranch property, and some of it is the household owners that farm or ranch themselves. So, you'll see this, it is not uncommon for a fire district."

Commissioner Peterjohn said, "Next question I have for you, this is the first time I've had anything like this come up since I've joined the Commission, I was curious, how frequently does this occur, say in the last couple of years?"

Chief Curmode said, "This comes up, we have people petition in each year, and they also have the right to de-petition to get out. Normally, we might have one person every other year that wants to

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get out. We have several people that want to get in every year and it has to be done, I believe, Mike Pepoon has the..."

Mr. Pepoon said, "By July 1."

Chief Curmode said, "By July 1."

Mr. Pepoon said, "Yeah. The statutes provide that we do this before July 1 to give the County Clerk time to enter this on the tax rolls, and so about this time every year, Commissioner, we bring these properties, either to de-attach or attach to the Fire District."

Chief Curmode said, "Commissioner, if I may..."

Commissioner Peterjohn said, "Sure."

Chief Curmode said, "...information that might be interesting to you. After this is done, say we have a homeowner similar to this property, joins in January, even though it doesn't come on the tax rolls until next year. Once they find and sign the petition, I get that information to legal, we get it into the CAD system and we immediately start giving them fire protection. So we give that, and that was done prior to my arrival and we continue that same practice, and that way they're getting coverage because they want to become a member of our Fire District, so we give it to them immediately. And by July 1, you vote on that, and then at that point, they get the tax sent to their home at the end of November."

Commissioner Peterjohn said, "One other quick question. Do we have mutual aid agreement with the volunteer fire department in the union township, Colwich area?"

Chief Curmode said, "Yes, we have a mutual aid department, and we do cross training with Colwich and also Mount Hope and also Cheney, Valley Center and all the volunteer departments."

Commissioner Peterjohn said, "And Clearwater?"

Chief Curmode said, "And Clearwater. Yes, sir."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "Thank you."

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MOTION

Commissioner Norton moved to open the public hearing, accept comments, close the public hearing, adopt the resolution and instruct the County Clerk to publish the same according to law.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Mr. Pepoon said, "Thank you, Commissioners."

Chairman Parks said, "Thank you. And that did meet the criteria for the number of votes on that?"

Mr. Pepoon said, "Yes, it did, sir."

Chairman Parks said, "Thank you."

Commissioner Welshimer said, "I have a question."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "I have a question for our legal counsel. I'm sure there is a reason, but I am a little confused as to why we have this on the County Commission Agenda rather than the Fire District Agenda?"

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Mr. Euson said, "That is a good question, Commissioner, and the reason is, is that the Board of County Commissioners organizes the fire districts to begin with, and then you alter their boundaries as time goes on from there. So that is your authority to do, and once this land is included in the fire district, then any further action relating to it is taken by the Fire District."

Commissioner Welshimer said, "Okay."

Chairman Parks said, "Like if they would come into de-contract with them, or remove the contract with them, that would probably be on the Fire District Agenda, then?"

Mr. Euson said, "Yes."

Chairman Parks said, "Okay."

Mr. Euson said, "Yes, sir."

Chairman Parks said, "Thank you."

J. RESOLUTION AMENDING CHAPTER 6, ARTICLE VI OF *THE SEDGWICK COUNTY CODE*, THE "SIGN CODE".

Mr. Glen Wiltse, Director of Code Enforcement, greeted the Commissioners and said, "Approximately, in the middle of 2008, a new zoning district was added to the Wichita-Sedgwick County Unified Zoning Code. That zoning district is industrial park- airport, and the issue with that is that our sign code allows signs to be placed based on what zoning district. Our sign code was written previous to this addition, so what we're needing to do is add this zoning district into the sign code, so that we've had a request for a sign, but we're not allowed to issue a permit since it's not one of the zoning districts in our sign code. So this industrial park-airport would just be an addition to the industrial park zoning district, in which we basically have in the sign code now. We have had meetings with the sign companies; we have had meetings with the Wichita Area Metropolitan Planning Department. Nobody has any objections to this. It will meet all of the regulations, as far as size and height and that within the airport district, and we're just requesting you at this time to approve this, but I'm here for questions if you would like."

MOTION

Commissioner Welshimer moved to adopt the Resolution.

Chairman Parks seconded the motion.

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

VOTE

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

Chairman Parks said, "Thank you very much."

Mr. Wiltse said, "Thank you."

Commissioner Norton said, "Chairman, before Glen gets out of here, if I could catch Glen. Glen."

Chairman Parks said, "Glen, would you step back to the podium, please."

Commissioner Norton said, "I'm sorry. While we're talking about signs, I've started to get some information about these big digital signs."

Mr. Wiltse said, "Yes."

Commissioner Norton said, "Do we have sign codes that cover that? Because the complaints I'm getting is they're highly lit, they're obtrusive at night, you know, they're affecting neighborhoods, and I would like to know where we are positioning ourselves. I think probably the City has a sign code, but does the County have a similar sign code?"

Mr. Wiltse said, "We do have a similar sign code. The City went in, after the fact, and placed lighting standards on that. We did have one complaint on one electronic sign that was actually in the County. We called the company who installed it; they were out the same day and turned it down. They can adjust the lumens on those, and the only complaint we've had from that is that they immediately went out and took care of it. They are allowed in the sign code as it stands."

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Commissioner Norton said, "It seems to me the difficulty is going to be that some of them are placed along thoroughfares where it is basically commercial and industrial and it is an arterial. When you get down close to where residential is, it is a whole different conversation."

Mr. Wiltse said, "Right."

Commissioner Norton said, "Because they are bright at night and people have a hard time shielding their bedrooms from the light and all of that. So it's something we probably need to continue to look at..."

Mr. Wiltse said, "Okay."

Commissioner Norton said, "...as those proliferate in our community."

Mr. Wiltse said, "Right."

Commissioner Norton said, "It started out to be one at a high-volume intersection, and now they are all over."

Mr. Wiltse said, "Yeah, the one that we had the complaint on was actually out on East 21st Street, across from the Zoo."

Commissioner Norton said, "Okay."

Mr. Wiltse said, "And I know you and I had talked about one other one."

Commissioner Peterjohn said, "Glen, did you misspeak when you said east of the Zoo?"

Mr. Wiltse said, "It's across the..."

Commissioner Peterjohn said, "East 21st, West 21st or East 21st?"

Mr. Wiltse said, "West, I'm sorry, West 21st, out by the Zoo. They had a malfunction in some of the solid state circuitry. They went out the very first morning after we talked to them and they took care of it."

Commissioner Norton said, "Okay."

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Chairman Parks said, "I believe we might find remedy in the residential area in Subsection 2(d) in the code, where it says if the light is too obstructive, and it is a call by a code enforcement agent..."

Mr. Wiltse said, "Yeah."

Chairman Parks said, "...whether it is or not."

Mr. Wiltse said, "They have been very good about any issues that we've had, and they have modeled the lumens to whatever we've needed in the past."

Chairman Parks said, "Okay."

Commissioner Norton said, "We don't need to have a protracted discussion on it today, but I wanted to be sure while you were here that maybe we put that into the public consciousness..."

Mr. Wiltse said, "Okay."

Commissioner Norton said, "...we're going to try to deal with that sometime as it proliferates."

Mr. Wiltse said, "Right."

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

Mr. Wiltse said, "Okay."

Chairman Parks said, "I'll add to that, if they do think that there is one in the County that is too bright, that you would certainly go out and check that?"

Mr. Wiltse said, "Absolutely."

Chairman Parks said, "Okay. Very well."

K. PURCHASING DEPARTMENT.

- 1. RECONSIDERATION OF ITEM 2 OF THE MINUTES OF THE MAY 28, 2009 MEETING OF BOARD OF BIDS AND CONTRACTS: A/E SERVICES TO UPDATE MAIN COURTHOUSE ELEVATORS LOBBIES AND RESTROOMS – FACILITIES DEPARTMENT.**

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This item was deferred at the June 3, 2009 Board of County Commission Meeting:

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

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “This item, the recommendation is to accept the low proposal from Randal Steiner Architect PA in the amount of \$36,000.”

Chairman Parks said, “This is an item that was carried over from a meeting or two ago, and Mr. Manager, do you have any updates or anything you would like to speak to on this at this time?”

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “Certainly. At the last meeting, Commission raised some concerns about this issue and about the necessity to do these projects simultaneously. One of the things, we are recommending we proceed with the design of both the restrooms to meet ADA (Americans with Disabilities Act) requirements and for the elevator lobbies in this building. Once we have the design back, we’ll have a much better handle on the cost estimate for these projects, and at that time, we would be prepared to make a recommendation whether to proceed with part of it, all of it, or none of it. But we cannot make that decision until we have the design and have increased confidence in the construction costs. It would be our recommendation that we proceed with hiring this architect to provide us the information and we can make an informed decision.”

Chairman Parks said, “And I’ve said in a staff meeting, also, with some of the management, that just because we have the plans doesn’t mean that we are going to proceed with 100 percent of the project.”

Mr. Buchanan said, “That’s right.”

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

Commissioner Norton said, “Bill, what is the shelf life of the architectural work? We’ve already pretty well set standards for what it’s going to look like, so if we elect not to do it in one year, that doesn’t push us into the realm of having to go back and redo the architecture, it could stand for a few years if we don’t do it immediately, is that a good conclusion?”

Mr. Buchanan said, “I think that’s a very safe assumption.”

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Commissioner Norton said, "Yeah, okay. We want to be sure there is a shelf life. I don't want to spend the \$36,000 and decide not to do it in one year, then have to come back..."

Mr. Buchanan said, "Right."

Commissioner Norton said, "...one year later and do the whole thing over again, so it would have a shelf life if we postponed the actual construction for a year?"

Mr. Buchanan said, "Yes, sir."

Commissioner Norton said, "Okay."

Chairman Parks said, "The only exception would be if there were additional federal requirements with ADA or something like that, and that could be a minor modification in something like this. What is the will of the Board?"

MOTION

Commissioner Norton moved to approve the recommendation of the Board of Bids and Contracts.

Commissioner Welshimer seconded the motion.

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

VOTE

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

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

2. REPORT OF BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF JUNE 4, 2009.

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Ms. Baker said, “The meeting of June 4 results in six items for consideration today. First item;

**1. BRINE STORAGE TANKS – PUBLIC WORKS
FUNDING – PUBLIC WORKS SALT BRINE PRODUCTION STORAGE &
APPLICATION**

“Recommendation is to accept the low bid from Seneca Mineral Co., Inc. in the amount of \$36,123.20. Item 2;

**2. ANTI-ICING SLIDE-IN TANKS – PUBLIC WORKS
FUNDING – PUBLIC WORKS SALT BRINE PRODUCTION STORAGE &
APPLICATION**

“Recommendation is to accept the low bid from GVM, Inc. in the amount of \$53,450. Item 3;

**3. CHANGE ORDER #1 – UPGRADE HVAC CONTROL SYSTEM at the
ADULT DENTENTION FACILITY – FACILITIES DEPARTMENT
FUNDING – UPGRADE CONTROL SYSTEM ADULT DETENTION**

“Recommendation to accept the change order from Building Controls & Services, Inc. and amend the contract in the amount of \$33,882. Item 4;

**4. INTRUST BANK ARENA SUITE & LOUNGE FURNITURE 7.29B –
FACILITIES DEPARTMENT
FUNDING – FACILITIES DEPARTMENT**

“Recommendation is to accept the proposal from Encompas for Items 4.1 in the amount of \$450,858.22, and the overall low proposal from Scott-Rice Office Interiors base bid for Items 4.2, 4.4 through 4.18 in the amount of \$288,860, and the alternate bid for Item 4.3, in the amount of \$67,608. Item 5;

**5. SECURITY SYSTEM INSTALLATION AND MONITORING SERVICES –
APPRAISER
FUNDING – APPRAISER ADMINISTRATION**

“Recommendation to accept the low quote from Absolute Protection, Inc. and execute a three-year contract with two one-year options to renew for total five-year contract costs of \$9,151. Item 6;

6. EMULSIFIED OILS – PUBLIC WORKS

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FUNDING – R175 PREVENTATIVE MAINTENANCE – 2009

“Recommendation to accept the bid from Ergon Asphalt & Emulsions for an initial purchase of \$664,985 and execute contract pricing for one year with two one-year options to renew. Be Happy to answer any questions and I recommend approval of these items.”

Chairman Parks said, “Commissioner Norton.”

Commissioner Norton said, “I don’t have any questions. I would like to take Item 4 separately, just because it’s an Arena item and it is a lot of money.”

MOTION

Commissioner Norton moved to accept Items 1, 2, 3, and 6 of the Board of Bids and Contracts and take Item 4 separately.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Parks said, “Number 4, let’s delve into that a little bit more.”

MOTION

Commissioner Norton moved to accept Item 4 on the Board of Bids and Contracts.

Commissioner Welshimer seconded the motion.

Chairman Parks said, “We have a motion and second, we probably will have a little bit of discussion on this. Go ahead, Mr. Norton.”

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Commissioner Norton said, "I assume that it is sales tax money that will be paying for this item."

Ms. Baker said, "It is Arena sales tax money, correct."

Commissioner Norton said, "And it is been a budgeted item..."

Ms. Baker said, "It is."

Commissioner Norton said, "...that we put out for bid to get the lowest prices for those standard items that we're putting in the suites, is that correct?"

Ms. Baker said, "Correct. And the bids come in within that budget that we had projected."

Commissioner Norton said, "Okay. And we had three legitimate bidders and one alternate?"

Ms. Baker said, "Correct."

Commissioner Norton said, "Local companies?"

Ms. Baker said, "Not all were local."

Commissioner Norton said, "Okay, so it was a mixed bag on that."

Ms. Baker said, "Four were local, one was not."

Commissioner Norton said, "Okay."

Ms. Baker said, "And by local, a couple of them have a local presence..."

Commissioner Norton said, "Presence."

Ms. Baker said, "...while their corporate offices are..."

Commissioner Norton said, "Somewhere else."

Ms. Baker said, "...out of the area."

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Commissioner Norton said, "Okay. Pretty standard items; that was put together by the architectural team, as to how we were going to dress out the different suites and that's a standard item..."

Ms. Baker said, "Correct."

Commissioner Norton said, "...that we put in every one of them?"

Ms. Baker said, "Correct."

Commissioner Norton said, "Does this also include loge boxes' items?"

Ms. Baker said, "No. Those boxes are addressed in additional furnishings; this is primarily the suite and the two clubs that are in the facility."

Commissioner Norton said, "Okay."

Ms. Baker said, "Suites are the high-end leased spaces, generally by corporations. The club seating are generally going to be high traffic areas."

Commissioner Norton said, "Do you have an idea of how much money was set aside or encumbered in the budget originally for suite furnishings? We came in well under that number?"

Ms. Baker said, "We did come in under the number. There are some additional expenses left to cover the full furnishings of the suites."

Commissioner Norton said, "Okay."

Ms. Baker said, "Refrigerators, the smaller hardware that ends up going into suites, so we'll still be spending moneys to cover those items."

Commissioner Norton said, "You feel like there's plenty of budget authority to stay under that number?"

Ms. Baker said, "Yes, we do."

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

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Chairman Parks said, “The plumbing and the other things that are going to be put in for the refrigerators were in the original contract, though with Dondlinger [& Sons Construction].”

Ms. Baker said, “They are in the construction, yes.”

Chairman Parks said, “The loge boxes that we’re talking about, that will have to dovetail in with the contract that we have with Superlative [Group], will it not?”

Ms. Baker said, “A little of it will. There are discussions, in terms of options, but the actual furnishings will come through this process and from us, if that makes sense.”

Chairman Parks said, “I certainly think that should be discussed when we get ready to do that, in depth, at a staff meeting.”

Ms. Baker said, “Okay.”

Chairman Parks said, “Seeing no further discussion, let’s call the vote.”

VOTE

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

Ms. Baker said, “Thank you.”

CONSENT AGENDA

L. CONSENT AGENDA.

- 1. Affiliation Agreement with Trust Home Care, LLC.**
- 2. Housing Department Section 8 Rental Assistance**

<u>Contract</u>	<u>Rent</u>	<u>District</u>	<u>Landlord</u>
<u>Number</u>	<u>Subsidy</u>	<u>Number</u>	

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V09008	\$226	BU	Jim Phillips
V09021	\$ 82	2	Donna Dutton
V09024	\$331	2	County Walk Apts.

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V94034	\$341	\$345
V08025	\$103	\$166
V020030	\$280	\$309
V05019	\$233	\$249
V06032	\$529	\$601
V08027	\$548	\$524
V04032	\$172	\$148
V08021	\$ 63	\$ 73
V2038	\$255	\$218
V08023	\$624	\$655
V04039	\$301	\$300
V03046	\$360	\$193
V06033	\$286	\$315
V04024	\$445	\$486
V08030	\$254	\$254
V04025	\$239	\$258
V05027	\$234	\$217
V08028	\$218	\$276
V99036	\$259	\$287
V05017	\$304	\$331

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V05015	\$281	\$258
V06030	\$338	\$327
V08022	\$313	\$310
V07046	\$268	\$257
V05024	\$223	\$257
V06029	\$127	\$ 72
V08024	\$309	\$258

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V06024	\$317	\$305
V06027	\$485	\$485
V01098	\$357	\$347
V06031	\$220	\$208
V06028	\$319	\$335
V07047	\$330	\$337
V99029	\$317	\$314
V04026	\$206	\$282
V04031	\$450	\$450
V08020	\$650	\$287
V06025	\$390	\$284
V05023	\$245	\$241
V05020	\$169	\$145
V08031	\$423	\$475
V020046	\$133	\$135
V06057	\$192	\$110
V08027	\$592	\$548
V08047	\$456	\$ 0
V07101	\$159	\$136
V05096	\$262	\$226
V08067	\$276	\$195
V08009	\$337	\$298
V08093	\$293	\$364
V09019	\$352	\$377
V08101	\$400	\$448
V020021	\$179	\$370
V07085	\$550	\$550
V09010	\$206	\$633
V08005	\$317	\$530
V08074	\$400	\$130
V07083	\$246	\$296

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V08070	\$129	\$445
V08073	\$657	\$850
V05058	\$312	\$270
V09006	\$100	\$368

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V06003 \$162 \$400

4. General Bill Check Register for the week of May 27, 2009 – June 2, 2009.

5. Payroll Check Register for the week of May 23, 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.

Commissioner Welshimer seconded the motion.

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

VOTE

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

M. OTHER

Chairman Parks said, “Now we’re down to ‘other.’ When I started the meeting today, I started to say 19 instead of 2000. Let me explain a little bit. When I am up before crowds, a lot of times I have a presentation I make that I start out June 19, 1990. That is an important day that I remember very well because that was a storm in a city that I was in at that time. That’s where I started off that and I realized I wasn’t speaking about a tornado or any other storm, and as Commissioner Norton knows, those dates do stick in your head for a long time. Didn’t have any other things, I will refer to the other Commissioners, if you have anything going on in your districts. Commissioner Peterjohn.”

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Commissioner Peterjohn said, “Thank you, Mr. Chairman. Two quick points, mentioned earlier Exploration Place activities and I think they’ve got some good things going on out there, and for the citizens this is a good opportunity, their kids are out from school, to get out and see the whale exhibit that’s first rate. Also mention that for planning purposes, next month the Sedgwick County Fair will be occurring out in Cheney, so folks ought to get that marked on their calendar.”

Chairman Parks said, “Be a chance to have a ‘staycation’ and be able to go to Cheney to the Fair and enjoy that. Commissioner Norton.”

Commissioner Norton said, “Just a quick update. Commissioner Peterjohn and I have had discussions, but more and more we’re finding that drainage issues, storm water runoff issues, ground water issues are becoming a little more prevalent in all of the districts, not just mine. He and I are having discussions, but I think there’s going to have to be a broader based policy discussion at some point about how encumbered we get in drainage projects, how do we partner with the City of Wichita. I know we have the Storm Water Management [Program] group that is, you know, encumbered with that whole dialogue, but at some point I think as a policy body, we are going to have to have some discussions, because in some cases, some budget authority is going to have to be available to maybe help fix some of these things or participate with the City of Wichita. I don’t know what that looks like, but I did want to talk about it a little bit today, and I’m sure we’ll have staff looking at it, we’ll have staff meeting discussions, but water at a lot of different levels has become very important to our community; not only finding sources of potable water, but what to do with storm water runoff and ground water and pollution and on and on and on. Just wanted to make a comment on it so that we know that we are going to have to have that dialogue at some time.”

Chairman Parks said, “Certainly some of these structures were built back in the mid 50s, were built with certain capacities, of course the Big Ditch was overbuilt, so we don’t have any problem with that. Some of the smaller tributaries running into that weren’t built for 800 homes to be draining their driveways and the streets and etc., off into, so I’m looking forward to the report from our drainage committee and some of the things that we can get, hopefully we can kind of look at that before the drop dead date on the budget and see what they are recommending for some improvements there. Also, I think it is important that, you know, we have to keep our bridges and culverts cleaned, and I alluded to that yesterday in a staff meeting, where we had some equipment that needs to be replaced and I think we should hasten that also. Commissioner Peterjohn.”

Commissioner Peterjohn said, “I am just going to jump in and second your comments and Commissioner Norton’s comments, because this is an issue in my part of the County, and it’s not limited to my part of the County. We have got a number of situations where problems with drainage can impact property values in a negative way, and certainly looking for constituents out there to not

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only, they've got waterways through their property, anything they can provide to improve, prevent blockages, that often makes our drainage situation worse, if we get into a situation where we have a heavy rainfall in a short period of time."

Chairman Parks said, "Okay, thank you. We do have a need for an Executive Session."

Commissioner Welshimer said, "Mr. Chairman?"

Chairman Parks said, "Yes?"

MOTION

Commissioner Welshimer moved that the Board of County Commissioners recess into executive session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:25.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

The Board of County Commissioners recessed into Executive Session at 10:07 a.m. and returned at 10:30 a.m.

Chairman Parks said, "We are back in session; BeautyFirst."

Mr. Euson said, "While in Executive Session, we discussed a matter involving a settlement agreement with BeautyFirst, a company to which we gave a forgivable loan. At this time, we would recommend that you accept the settlement in that matter in the amount of \$174,889 dollars, and that you authorize the Chairman to sign the settlement agreement."

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MOTION

Commissioner Norton moved to accept and authorize the Chairman to sign the settlement agreement.

Commissioner Welshimer seconded the motion.

Chairman Parks said, "Motion and a second, and we do have some discussion on this, more for, I think, it's going to be for public knowledge. Commissioner Norton."

Commissioner Norton said, "Well, as we make these agreements over the years, which have to do with economic development, one of the things that the public needs to know is that these do, when they don't work out the way they want, we want or we anticipated, that the companies do come back and there's a clawback provision that they didn't create the jobs, they didn't build the infrastructure, in fact, they moved out of town, so the money did come back. It wasn't just a give the money away and then there's no ramifications later. I think the public needs to know that, because on the frontend, we get a little criticism for doing those economic development things, but on the backend, when it works out the way it was supposed to, even though the company didn't stay, the process worked the way it should have. Just a comment, Mr. Chair, thank you."

Chairman Parks said, "And I agree. Thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Rich, can you just walk through briefly a little bit of the history because I think Commissioner Norton is on to an important point, in terms of we're in a situation where the County is going to receive a sizable check in settlement on this agreement. This is not something that occurred, there's a significant history that's involved in this matter, correct?"

Mr. Euson said, "Yes, there is. You know, I might ask Mike North. Mike, if you would help me with some of that history, but this is essentially, as I recall, a five-year agreement whereby we gave a certain amount of money to BeautyFirst and they agreed to stay here, produce jobs and in fact, they left before the five-year term was up. So we had a provision, as Commissioner Norton indicated, that allows us to get that money back, but Mike can speak to those specifics."

Mr. Michael North, Assistant County Counselor, greeted the Commissioners and said, "Thank you, and I will give you the very short version on it. This is a contract that was entered into back in 2004, I believe it was. We advanced BeautyFirst, from the County fund, of \$120,000 dollars, which

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was deposited in their account on December 30, 2004. Of course, like most of these agreements, there was an obligation that they not only keep their corporate headquarters in town, but they meet certain employment benchmarks, that they have a certain number of employees and that the average salary of those employees be at certain levels, as well. BeautyFirst successfully performed under the agreement for a period of about three years, perhaps a little more than three years, and then was acquired by a bigger corporation, a national corporation that is in the same business as them, selling and servicing beauty products.”

Mr. North continued, “As a result of this, BeautyFirst headquarters was moved to another state, which we believed was in violation of the contract. BeautyFirst took the first position that all they really had to do was pay out the remaining portions of the \$120,000 loan, the remaining two years of the contract, which would have amounted to about \$48,000. We disagreed with that legal position and said that they owe us the entirety of the contract plus interest. The \$174,889 dollars is basically a compromise, it is substantially what we gave them, which is \$120,000 plus some interest on top of that. That essentially, is what the agreement is about.”

Commissioner Peterjohn said, “Thank you, Mike.”

Chairman Parks said, “Seeing no further questions, call the question.”

VOTE

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

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

Chairman Parks said, “Anything else to be brought before the Board? If not, we are adjourned.”

N. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 10:35 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

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APPROVED:

July 8, 2009