

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes - Final

Wednesday, April 17, 2013

9:00 AM

BOCC Meeting Room

### **Board of Sedgwick County Commissioners**

*Pursuant to Resolution #131-2010, adopted by the Board of County Commissioners on August 11, 2010, members of the public are allowed to address the County Commission for a period of time limited to not more than five minutes.*

*Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Sedgwick County, should contact the office of Lindsey Mahoney, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203*

*Phone: (316) 660-7052, TDD: Kansas Relay at 711 or 800-766-3777*

*Email: [Lmahoney@sedgwick.gov](mailto:Lmahoney@sedgwick.gov), as soon as possible but no later than 48 hours before the scheduled event. Please include the name, location, date and time of the service or program, your contact information and the type of aid, service, or policy modification needed.*

## **ORDER OF BUSINESS**

### **CALL MEETING TO ORDER**

*The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:05 a.m. on Wednesday, April 17, 2013, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James B. Skelton, with the following present: Chair Pro Tem Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Mr. William P. Buchanan, County Manager; Ms. Jennifer Magana, Deputy County Counselor; Mr. David Spears, Director, Bureau of Public Works; Dr. Sabina Braithwaite, EMS System Medical Director; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Robert Parnacott, Assistant County Counselor; Mr. Joe Thomas, Acting Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Jill Bailey, Deputy County Clerk.*

### **GUESTS**

*Mr. Sheldon Lawrence, Grand Master, Albert Pike Masonic Lodge No. 303  
Mr. Dustin Francis, Teacher, Northeast Magnet High school  
Reverend Connie Pace-Adair, Founder, Earth Spirit Kansas Coalition  
Mr. Don Landis, 6610 East 10th Street North, Wichita  
Mr. Dale Miller, Metropolitan Area Planning Department  
Mr. Logan Pickett, Student, Douglass High School*

### **INVOCATION: Pastor Laura Frazey, Covenant Presbyterian Church.**

### **FLAG SALUTE**

### **ROLL CALL**

### **PROCLAMATIONS**

A [13-0219](#) PROCLAMATION DECLARING DUSTIN FRANCIS DAY.  
Read by: Chairman James B. Skelton.

RECOMMENDED ACTION: Adopt the proclamation.

*Chairman Skelton said, "Thank you. I will read this proclamation:*

*PROCLAMATION*

*WHEREAS, the Worldwide Fraternity of Free and Accepted Masons has long championed the need and responsibility of a lifelong and 'virtuous education'; and*

*WHEREAS, Albert Pike Masonic Lodge No. 303, in Wichita Kansas, in continuing its dedication to the community and public schools, has set out to distinguish Wichita's finest educators in the selection and promotion of the Albert Pike Lodge – Teacher of the Year Award; and*

*WHEREAS, our teachers keep democracy alive by laying the foundation for citizenship and demonstrate to the community and the world their commitment to our future; and*

*WHEREAS, the selection committee, comprised of men and women from various backgrounds and vocations have unanimously selected Dustin Francis for his dedication in teaching mathematic students at Northeast Magnet High School, USD 259; and*

*NOW, THEREFORE BE IT RESOLVED that I, James Skelton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 26, 2013 as*

*'DUSTIN FRANCIS DAY'*

*in recognition of his service to this County, the Wichita Public School District, Northeast Magnet High School and the many students and peer faculty that he has impacted through his dedication and fortitude in the discharge of his duties; in commendation of the qualities, capabilities and commitment that he brings to promote academic excellence, in building internally motivated confidence and teaching self-reliance to his students and all those around him."*

*MOTION*

*Commissioner Norton moved adopt the proclamation*

*Commissioner Unruh seconded the motion.*

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

*VOTE*

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>

Commissioner Unruh           Aye  
Chairman Skelton            Aye

Chairman Skelton said, "Thank you. Welcome, sir."

Mr. Sheldon Lawrence, Grand Master, Albert Pike Masonic Lodge No. 303, greeted the Commissioners and said, "The Albert Pike Masonic Lodge would like to thank the Board of Commissioners for their support over the last 14 years for our teacher of the year ceremony. Each year we pick a nomination submitted by the school principals. As in the past, it's always a hard job, and each nomination is worthy of the title.

"This year our judges selected a teacher submitted by Matt Creasman, Vice Principal of Northeast Magnet High School, with a task letter from Northeast Magnet math teacher Curt Melzer through the office of Principal Gil Alvarez. Our teacher is a math teacher with USD 259 Northeast Magnet High School located in Bel Aire. It is my pleasure to introduce the principal of Northeast Magnet High School, Gil Alvarez, and our Albert Pike Masonic Lodge Teacher of the Year, 2013, Dusty Francis. The Albert Pike Masonic Lodge is pleased that the Board of County Commissioners are proclaiming April 26, 2013 as Dustin Francis Day. On behalf of the Albert Pike Lodge and all Masons, we want to thank the Board for their work and for working with us in recognizing the school educators."

Chairman Skelton said, "Thank you very much. Let's give him a hand. Congratulations, your dedication is admired by me. Any comments you would like to make, sir."

Mr. Dustin Francis, Teacher, Northeast Magnet High School, greeted the Commissioners and said, "I'm just very honored to be here today, and it is a privilege to work at Northeast Magnet High School and a job that I enjoy doing every single day. So thank you very much."

Chairman Skelton said, "Absolutely. We've got a comment or two from some Commissioners. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I just want to express appreciation for your part in helping mold our future leaders and our citizens for Sedgwick County in our area. We've been involved in this, as the past Grand Master said, for many, many years, and we do put a high importance on the education in our community, and we want to respect those folks who distinguish themselves, and you have. So we're pleased to make this proclamation today. I want to wish you the best of luck in your future teaching endeavors."

Mr. Francis said, "Thank you very much."

Chairman Skelton said, "Yes, sir. Congratulations. Any other comments? Thank you very much, sir. Have a great day. Appreciate you coming out. Madam Clerk, next item."

B [13-0232](#)

PROCLAMATION DECLARING EARTH DAY.

Read by: Chairman James B. Skelton.

RECOMMENDED ACTION: Adopt the proclamation.

*Chairman Skelton said, "Thank you, I will read this proclamation:*

*PROCLAMATION*

*WHEREAS, Earth Day was created in 1970 to spark a revolution against environmental abuse; and*

*WHEREAS, Earth Day observations broaden the base of support for environmental programs, rekindle public comment and increase participation from many social and business sectors, they can be used to implement wide-scale programs that bring people together to act for the common good; and*

*WHEREAS, Earth Day activities remind us the environmental problems we face are everyday issues that require repeated attention and action with opportunities to make positive changes;*

*NOW, THEREFORE BE IT RESOLVED that I, James Skelton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 22, 2013 as*

*'EARTH DAY'*

*in Sedgwick County and encourage all citizens to protect our environment and conserve natural resources.*

*"I believe Connie Pace-Adair is present this morning to accept this proclamation."*

*MOTION*

*Commissioner Unruh moved to adopt the proclamation*

*Commissioner Norton seconded the motion.*

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

*VOTE*

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

*Chairman Skelton said, "Thank you. Good morning, Connie."*

*Reverend Connie Pace-Adair, Earth Spirit Kansas Coalition, greeted the Commissioners and said, "I'm the founder of Earth Sprit Kansas, which is an environmental coalition, all volunteer here in Wichita, Kansas. We established ourselves May 13, 2007. And since then, we've had an annual event. This will be the*

*fifth. We're Roman numeral V this year, EarthFest V. In that celebration, if you will, we not only celebrate, but we do educate our fellow citizens here in this area about the things that they can do to make the environment more liveable for themselves, their children, their grandchildren, in my case, and we send home usually something that they can have as a reminder. Last year, it was some refrigerator magnets, and I think we'll have some more this year and some brochures that will help them to understand about energy efficiency in their homes, ways that they can become more sensitive to that issue for themselves, as well as some water and air quality information.*

*"Dan Rutledge, who is an employee of the City of Wichita, a biologist, is going to present a game, if you will, that has to do with water quality at Herman Hill Park where we're going to celebrate EarthFest V. That's on April 27th. While it's not Earth Day, it is connected with Earth Day, because we always work within our community to plant trees and do cleanup, like the river cleanup, which will be this coming Saturday, the 20th, and we celebrate by having music all day on the city stage.*

*"Richard Crowson is going to be one of our entertainers this year, singing in the afternoon, and picking his banjo. One of my colleagues from Little Rock, Arkansas is coming as well, a hugely talented gentleman by the name of Marcus Hunt. We'll celebrate World Tai Chi Day, we'll have Native American and drumming and smudging to open the ceremony. Commissioner Norton was with us last year to be honored, as was Commissioner Skelton, and I know Commissioner Skelton will be with us again this year. He's our keynoter.*

*"We will have, as far as date night goes, I could suggest a full moonwalk at Great Plains Nature Center starting about 9:45. One of our volunteers is a vista there at the center, and she is going to lead a walk and talk about the full moon. On Earth Day, the 22nd, we'll have some truly spectacular sites from our neighbors. We're going to have huge meteor showers that night. So try to go outside and celebrate earth and our neighbors as well on that night. There will be tours of the water treatment plant. We'll have four that day with Kay Drennen and Libby Albers, who are the caretakers of that center. The museum will be open. We will have local businesses there.*

*"We always encourage people to shop with their own neighbors here in Sedgwick County, and it will be everything from products to massages and other things that can be helpful, such as supplements and blessings. So I want to invite you all to come and be with us. I want to thank you for honoring us by including us in this proclamation, and we are going to be at Herman Hill Park Saturday, April 27, from 9:30 [a.m.] in the morning for the opening ceremony, to 9:00 [p.m.] that night, and then we'll go to the Great Plains Nature Center and enjoy the full moonwalk, as well."*

*Chairman Skelton said, "Thank you. Comments by Commissioners. Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I appreciate the discussion, and when you mentioned the full moon and the meteors, I had to point out that out at Lake Afton, the observatory will be open that night, too."*

*Reverend Pace-Adair said, "Indeed."*

*Commissioner Peterjohn said, "And it's a great spot to see it. I think meteor showers are very interesting, but as long as they're small meteor showers."*

*Reverend Pace-Adair said, "Yes."*

*Commissioner Peterjohn said, "Not the larger variety."*

*Reverend Pace-Adair said, "Controlled ones."*

*Commissioner Peterjohn said, "...not anything near us, or like the more recent events in Siberia. Thank you."*

*Chairman Skelton said, "Thank you. I've always appreciated and found your events entertaining and exciting and look forward to attending again this year, Connie."*

*Reverend Pace-Adair said, "Thank you."*

*Chairman Skelton said, "Any other comments? Thank you very much. Madam Clerk, next item, please."*

### **CITIZEN INQUIRIES**

C [13-0230](#)

REQUEST TO ADDRESS THE BOARD OF COUNTY  
COMMISSIONERS REGARDING THE CLOSURE OF SOUTHEAST  
HIGH SCHOOL.

Presented by: Don Landis, Wichita.

RECOMMEND ACTION: Receive and file.

*Chairman Skelton said, "Is Don Landis present?"*

*Mr. Don Landis, 6610 East 10th Street North, greeted the Commissioners and said, "Yes.*

*Chairman Skelton said, "Good morning, sir. How are you? We usually typically allow five minutes for comments."*

*Mr. Landis said, "The lightly populated area around 127th Street East and Pawnee is currently an unimproved area of Sedgwick County. Unified School District (USD) 259 intends to build the southeast quadrant high school on the southwest corner. Who is going to pay to improve the area infrastructure so it will support 1,600 to 2,000 student high school?*

*"Will other areas of the city be short changed so these expenses can be paid, or will taxes be increased to pay for the roads and other infrastructure? Who will pay? The Wichita Eagle has a number of stories over the last year about the hard work that this Commission has done to keep the county budget under control. The school district, the Board of Education seems to think that they are the only ones with a shrinking pie of revenue. The pie is not growing for anyone. The slices are getting thinner for everyone. Sedgwick County should not be doing the heavy lifting for the school board. Is that the way it's supposed to work? The school board telling the county what to do without even consulting with the county first? I can find no record of the superintendent ever talking with the county about that matter. Is this correct? When will you talk? Is he at least going to buy you flowers or chocolates?*

*"Public transportation will need to go all the way out to the new high school because many parents in the neighborhood around the current Lincoln and Edgemoor area use public bus service now. Families will depend on public transportation so they can participate in their children's school activities, yet the current roads in this area will not be able to support public transportation, much less school buses and the addition of many private vehicles; 2,000 students, teachers and staff will generate a lot of new traffic in this area. Does Sedgwick County have the money on hand to expand the many miles of two lane roads in all four directions; one of them is a dirt road at the current time, to safely handle the increased traffic that will come with 1,600 to 2,000 students and the accompanying new businesses around the school.*

*"Besides roads, there may be flooding and storm water management concerns as well. There may be other major capital expenses facing Sedgwick County. Who will pay? Will our taxes go up to fund this expense or will other neighbors around Sedgwick County see their public works money transferred to the far southeast corner of the county?*

*"When will our county leaders talk with the school board members about this issue? Are you okay with being told what to do with no input asked or even wanted? That's my*

remarks.”

Chairman Skelton said, “Thank you, sir. No, we’re not, I personally can speak for myself, because I’m not okay with having no discussion.”

Mr. Landis said, “I read your commentary in the [Wichita] Eagle.”

Chairman Skelton said, “I appreciate that, sir. There has been no discussion in and around Southeast High School with any other citizens or constituency groups to my knowledge. Everything has been thrown at us in the paper. As I said earlier, you know, the children and parents deserve and need the school there at the location, and I believe the long-term health of the surrounding area is based on keeping southeast open, functioning as a school. And additionally, it’s pretty aggravating to many citizens I represent. This is kind of like a bait and switch with the bond issue.”

Mr. Landis said, “Absolutely.”

Chairman Skelton said, “That is very frustrating in my opinion. As far as who pays for the infrastructure, David Spears is our Engineer, and I think what I heard him, and he can correct me if I’m mistaken, the school district will pay for a lot of it, but the county could also be on the hook for widening roads and such to get to where the school is. Is that correct, sir?”

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, “Commissioner, that’s usually negotiated with the schools. We’ve helped out other schools on roads that they put out away from the primary of the city.”

Chairman Skelton said, “Okay, so the answer is it’s a potential costs to the county.”

Mr. Landis said, “Have you guys budgeted for this or do you have anything in the plans?”

Chairman Skelton said, “No, sir.”

Mr. Landis said, “Where is it going to come from then? Because, I mean, they’re going to vote June 24th on what to do.”

Chairman Skelton said, “Thank you sir, let me ask Commissioner Peterjohn for his comments here.”

Mr. Landis said, “Yes, sir.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. I appreciate your comments. I appreciate Mr. Landis coming down to speak with us. I would just like to state for the record, no one from USD 259 on the Board [of Education] or on the administration has contacted me concerning this issue. I do believe that some of the roads here, also the roads...and this is more of a question to direct to Mr. Spears, aren’t some of these roads that are involved here also involved in the issue of whether when the city annexes up to a road that they annex the road, too? That is an item we’re going to be taking up later on this morning, isn’t it, Mr. Engineer?”

Mr. Spears said, “Yes, that is correct. There is an item on the agenda this morning about that.”

*Commissioner Peterjohn said, "Mr. Landis, you may want to stick around for when we get to that discussion."*

*Mr. Landis said, "Yes, sir. I plan to."*

*Commissioner Peterjohn said, "The comment has been made also about not budgeted, but I want to bring up one other item. When I was elected in 2008, some controversial issues came before the County Commission, after I was elected but before I got to join the County Commission. I was frankly concerned that if the school board is going to take this item up June 24th, we've got two new members of the school board who were elected just a few days ago, at the election in early April, and they won't take office until July 1.*

*"I really think having a lame duck school board citing this issue, I think it would be much more appropriate going forward that the newly elected board members get involved and are able to participate in this as opposed to coming into office and having a fait accompli provided to them. But having said that, I understand that the issues, in terms of improving roads in the area, I've had situations in my district where we've had one school district, multiple municipalities and the county all involved in trying to work to improve roads and intersections in and around the schools. I want to remind my colleagues that the last cold mix road that we were able to do in District 3 basically was to assist the Goddard School District and pave a stretch of Colwich Road from Kellogg down to Pawnee that had been unpaved. I know the county has worked and put things in in this regard.*

*"Of course, the school expansion that occurred there occurred before I joined the County Commission. But in terms of trying to meet the needs in my district, that was something that happened in 2010, and I wanted to just put that on the record, Mr. Chairman. Thank you."*

*Chairman Skelton said, "Mr. Landis, if you'd like to discuss this further with me, please feel free to give me a call where we can get together and visit."*

*Mr. Landis said, "Absolutely."*

*Chairman Skelton said, "I'd enjoy that. Thank you for coming this morning. Madam Clerk, next item."*

**MOTION**

*Commissioner Peterjohn moved to receive and file.*

*Commissioner Ranzau seconded the motion.*

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

**VOTE**

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

*Chairman Skelton said, "Thank you. Okay, Madam Clerk, next item please."*

**PLANNING DEPARTMENT**

D [13-0247](#)

DER2012-00006 FURTHER CONSIDERATION OF AMENDMENTS TO THE JULY 9, 2009 EDITION OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE SECTIONS III-D.1 and 6.b; SECTIONS IV-E, SECTIONS IV-E.3.d,e,f and g; SECTIONS IV-E.5.i, j and k; SECTIONS VI-E.6; SECTIONS E.7.a,b,d,e,f and h; SECTIONS IV-E.8.e,f,h,j,l,p,q,r,s and t; and SECTIONS V-I.2.n,o and p, DEALING WITH PRINCIPAL USE REGULATIONS, SUPPLEMENTARY USE REGULATIONS, HOME OCCUPATIONS AND TYPES OF ADJUSTMENTS ALLOWED.

Presented by: John L. Schlegel, Director of Planning.

RECOMMENDED ACTION: Approve the proposed amendments as recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

*Mr. Dale Miller, Metropolitan Area Planning Department, greeted the Commissioners and said, "Commissioners, you may remember back on November 21st, 2012, the rural home occupation amendments were presented to you, and during that discussion, it was determined that there were three items that needed further review, and you had it sent back to the Metropolitan Area Planning Commission (MAPC) for them to consider those three items. That was done, and so the proposal that is before you today is identical to the one that you saw on November 21, except for those three items dealing with minimum lot size required for rural home occupation, currently is 20 acres. The proposal that first came to you was two acres, and now the recommendation is five.*

*"With respect to the separation between a property with a rural home occupation and a residence that is off-site that does not have a rural home occupation, currently the distance is 600 feet. The proposal was for 20 feet. Today the recommendation is for 120 feet. And then finally, for the separation between a rural home occupation with outside storage from all property lines and public right-of-way, currently that distance is 200 feet. The recommendation back in November was 20 feet, and what we're proposing for your consideration today is 50 feet.*

*"Then at the conclusion at the [Metropolitan Area] Planning Commission, there was a slight amendment suggested to the clause dealing with how many employees a rural home occupation may have, didn't really change what you had considered on November 21st. All it did was clarify that if there are products produced by an employee, they have to be produced on the site of the home occupation. They can't be produced at the home of the employee and then brought to the site of the home occupation. So those are the only changes that are different from the November 21st meeting, and we do have members of the committee, Joe Johnson, Charlie Peaster, Max Wedel are here, if you have questions for them. They were present at the Planning Commission, and I believe indicated their support for these revisions. So with that I will try and answer questions."*

*Chairman Skelton said, "Thank you. Commissioner Ranzau."*

*Commissioner Ranzau said, "Thank you, Mr. Chairman. Dale, thank you very much for all the work you put in. I know this has gone on longer than both of us wanted to, but I appreciate it very much."*

Mr. Miller said, "Thank you."

Commissioner Ranzau said, "I also want to say thank you to Charlie, Max, Joe, John, who is not here, for thier participation, as well. We're just trying to make it a little bit easier for small businesses to start up and for rural home occupations that don't affect the neighborhood to be allowed to prosper and not have to run into any regulatory burden, and I think we did a good job in moving in this direction. I appreciate everybody's involvement and support in this."

**MOTION**

Commissioner Ranzau moved to approve the proposed amendments as recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution

Commissioner Peterjohn seconded the motion.

Chairman Skelton said, "It's been moved and seconded to take the recommended action. Discussion to the motion? Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I just wanted to echo Commissioner Ranzau's comments and appreciate the staff reworking this and for the committee's extra work to try to address some of our concerns. We're at a point now in this regulation that I think we're all comfortable with, and I'm going to be supportive. I appreciate your hard work."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'm just going to second my colleague's comments and be supportive of this motion."

Chairman Skelton said, "Thank you. Any other comments? It's been moved and seconded to accept staff's recommended action. Madam clerk, call the vote.

**VOTE**

Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

Chairman Skelton said, "Thank you. Next item, please."

**NEW BUSINESS**

E [13-0235](#)

PATIENT SAFETY INITIATIVE: MEDICATION ADMINISTRATION  
CROSS CHECK.

Presented by: Dr. Sabina Braithwaite, EMS System Medical Director.

RECOMMENDED ACTION: Receive and file.

VISUAL PRESENTATION

*Dr. Sabina Braithwaite, EMS System Medical Director, greeted the Commissioners and said, "I appreciate the opportunity to speak to you this morning, Commissioners, about something that we're working on in the EMS system. As you know, I am Sabina Braithwaite, I'm the Medical Director for the Emergency Medical Services System here. I just wanted to share an initiative that we've worked on here locally that's brought some attention in a good way to our community, so I just wanted to bring you all up-to-date on that.*

*"What we've done, this is a medication administration cross check, and I just want to give you some background on why we did this and sort of the process we went through to move forward with this. One of the things we're doing as a system working in partnership with the system agencies, which include Wichita Fire [Department], Sedgwick County Fire [Department], Sedgwick County EMS and then multiple other smaller agencies, the airport, Boeing [Company], Colwich, Valley Venter, is really tried to do things across the system that work towards improving patient care outcomes. So one of the things we've looked at that's been an issue in health care that you've probably heard about in the past from the institute of medicine and other similar institutions is that medication errors are an issue in healthcare overall and can affect patient care in a very significant way.*

*"So rather than approaching this on an individual level with individual providers, it looked like there was a need for a system solution that looks not only at the people factors but also the methods and materials and machines, and the environment in which we work to look at how can we address errors. So the things we looked at were, first of all, are we making medication errors? Well, unfortunately, yes, and every other healthcare setting is also making medication errors. It's something you need to look at so that you can address it. We looked at what was our reporting mechanism so we could have an awareness of what was going on. Was it an individual provider problem or a system problem, and then was there a need to intervene, which we determined that there was. So the definition of a medication error is it is a preventable event that may cause or lead to inappropriate medication use or patient harm while the medication is in the control of either the healthcare professional, the patient or the consumer.*

*"And like I mentioned, the Institute of Medicine (IOM), To Err is Human, which is a report that was done some time ago, mentioned that medication errors are a significant cause of morbidity and mortality and may account for 1 out of 131 outpatient deaths and 1 out of 854 inpatient deaths in the hospital setting. So clearly it is a significant problem. In our environment in Emergency Medical Services there may be some additional risks that put us at risk for making medication errors. We are in emergency situations, there is no written medication order as there may be in a hospital. There is no provision for an external cross check. There is little electronic decision support and some of the other things that are available in the hospital. We tend to use high risk medications because the patients are critical, and then in addition of late, we've had*

*drug shortages that have been pervasive where we haven't been able to obtain either certain medications or the concentrations that we're accustomed to.*

*"So all those things make us more likely to make errors in the Emergency Medical Services settings. And clearly, this is not isolated to our system. So we did an evaluation of what was going on in our system asking our providers, when you administer a medication, do you use a verification process? Because that's something we've seen in inpatient environments that has decreased errors. We looked at how do they perform their verification process? Do they perform verbal or just a mental verification process and do they do it with every medication? So, all of our providers said yes, absolutely, we're doing verification processes to make sure we don't make errors.*

*"However, 40 percent of them recorded that they knew at some point in their career they had made a medication error that they recognized. So we knew there was an issue that we needed to deal with at the current verification process that we're using isn't doing what it needs to. The credentialing process, which I think I've also spoken to you about before, is something that we use to validate our provider's skills, and make sure they have the knowledge and the skills to do the best patient care possible in our environment. So we have folks come through annually to have those skills validated. Both the individual providers, but it really gives us a look at things that are happening as a system as a whole. So one of the things that we noticed, not in this cycle, but last year's cycle, was that there were issues with medication errors, not only medication errors that the provider realized they had made, but ones they didn't realize they had made, maybe a medication dosing area, they hadn't given the right amount of medication. So we felt like there was a need for a system-wide solution to this.*

*"So a number of us got together and tried to device a cross-check. There is, in fact, nowhere in EMS a medication cross-check, and part of the reason that I was encouraged to bring this to you is we presented this at the National Association of EMS Physicians as well as the U.S. (United States) Metropolitan Medical Directors Council this year, and everybody said this is the coolest thing since sliced bread. None of us ever thought of this, this is a really good thing, and we want to use what you're doing, so that's part of why we wanted to share this.*

*"So, we developed this medication administration cross-check (MACC) process to standardize the procedure for giving medications across the EMS system, did some beta testing with crews, devised something that is of moderate sensitivity and high specificity, so that means it won't catch every error but hopefully it will catch those that it was designed to catch.*

*"Needed to make it simple and short, we can't have something that goes on for 10 minutes to make absolutely 100 percent sure because of the environment we work in. But, we sort of shifted the focus to it's more important to get the right medication and the right dose than it is to give it really, really fast. And I'll show you a video in just a minute that this is something that really doesn't take very long. As the providers have gotten used to it, it takes 26 seconds maybe to do a cross-check process and really put that error trap in there to make sure we're not making mistakes that we don't have to.*

*"So it's been taught to all of our current providers. We use it for every medication, so the basic providers and the advanced providers do so. And the new hires obviously are*

*being taught this as well. We were so bold as to go to the community colleges that are training our new paramedics and ask them to go ahead and start teaching this, too, even though it's technically not part of the curriculum, but we feel like this is a best practice that needs to be incorporated into their education.*

*"So as you can see on this card, it's a little cheat sheet. I think the easiest thing to do is just show you the video of how it works, and I'll show you a video of a provider doing the cross-check. This is one where an error was found. So, as they do this verification, it will show you what happens when an error is found.*

#### VIDEO PRESENTATION

*"So you see there is a visual verification of the vial that the medication was drawn out of. There is visual verification of the amount that's given, and the second provider has to okay it. I just want to put a caveat in there that Paul Misasi who is sitting in the back, who was a big part of doing this, was not actually getting narcotics during this video in spite of what it looks like. We have a happy group, but not that happy.*

*"So it's a two-person verbal procedure. It contains error traps. It's fast and simple. Only the second provider authorizes the medication administration, and it has barriers to prevent the errors from reaching the patient by creating a pause point in the process that we give. So we've also been tracking, and this is, Paul has been instrumental in doing this and creating an evaluation process so we can monitor where we're at. The blue line, the red line is the number of medication errors per month that have been reported, and then the blue line is the number of medications, we don't have that on there....so, the blue line is where we would predict the number of errors to be if we had not introduced this process.*

*"So you notice here there was a huge bump in medication errors. This relates to the drug shortage issues where we had to change our Fentanyl formulation, because people weren't used to it and we didn't have a cross check process, errors went up. We introduced the MACC here in March of last year, and this yellow area is the error that did not occur because we have this process in place compared to what was predicted. So there have been numerous errors prevented. This doesn't even cover the near misses that we have had reported as well that have helped us refine this process further. We feel like this has been a success. This was very well received, like I said, at these other two meetings.*

*"In fact, all of these little triangles are places that have either asked for it or implemented it, all the way up to Canada, along the East Coast, Maine, Arlington, Texas has actually implemented it. Mayo medical transport up in Minnesota has implemented it system-wide, so this is something that I really want to recognize the efforts of Jon Friesen in our education group that helped create the curriculum and do the videos, and also Paul Misasi stand up, both of you. And that was all I had for you. Any questions that I can answer? Thank you so much."*

*Chairman Skelton said, "Yes, there is. Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. I've seen a number of*

articles in the past about how changes in policy have generated shortages in vaccines, and I've talked on the health department side. I would appreciate if you could be more specific, doctor, in terms of either the shortages of medicines or medicines that have become unavailable. What type of medicines are we talking about, and as a person who has had to take prescription medications from time to time, sometimes a doctor has told me, be sure you take all the medicine that's given to you, and if we're in a situation where we're giving, smaller doses are being provided or there are changes in what's available and you've got to use drug B instead of drug A, because you can't get drugs on A, I would appreciate more information to understand the dimensions of the problems we're looking at here, doctor."

Dr. Braithwaite said, "So, it is a huge problem. I could talk to you for an hour and a half, which I'm pretty sure you don't want. But it is a huge problem. It's ongoing. Drug shortages have been going on, and the number and quantity and types of drugs have been going up over the years. The FDA (Federal Drug Administration) and the DEA (Drug Enforcement Administration) can't seem to get their arms around this. It's an ongoing problem. Almost all of our critical medications are in shortage at some time or other. The latest one we can't get, we've been told that dextrose, for when your sugar gets low, that we can't get that.

"So we cannot get sugar water to put in people's veins because there is a shortage for whatever reason. Some of our resuscitation drugs or some of these other, like the pain medications go into shortage and we have to substitute medications. It is a huge problem, and there are a number of national organizations that are trying to do things about this, but we really haven't seen a whole lot of traction on the federal level as far as addressing this."

Commissioner Peterjohn said, "Well, let me put it this way, we won't be able to spend an hour and a half to discuss it today, but you've outlined a very significant and serious problem. I'd like to be personally briefed on it, and, Mr. Manager, I think it might be appropriate for a discussion at a staff meeting upcoming. Thank you."

Dr. Braithwaite said, "Thank you."

Chairman Skelton said, "Thank you. Additional comments?"

#### MOTION

Commissioner Peterjohn moved to receive and file.

Commissioner Ranzau seconded the motion.

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

#### VOTE

Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

Chairman Skelton said, "Thank you. At this time I'd like to recognize Logan Pickett.

*He's here from Douglass, Kansas, for a career program he's involved in. Welcome to today's meeting. Tell us about what you're doing real fast."*

*Mr. Logan Pickett, Student, Douglass High School, greeted the Commissioners and said, "I'm basically job shadowing District Attorney [sic] Jennifer Magana for today."*

*Chairman Skelton said, "Okay, she's a county attorney."*

*Mr. Pickett said, "County attorney."*

*Chairman Skelton said, "Are you going to get hauled up to court and do some of that later maybe?"*

*Mr. Pickett said, "I don't know."*

*Commissioner Peterjohn said, "I'd ask the County Counselor. County court is still on Monday, isn't it?"*

*Ms. Jennifer Magana, Deputy County Counselor, greeted the Commissioners and said, "Yes. We do have a schedule planned for him today though."*

*Chairman Skelton said, "I'm sure we could put together a court for him if we needed to. But welcome to today's meeting, sir. Thanks for coming."*

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

*Chairman Skelton said, "If you have any questions, just follow up with us. All right, Madam Clerk, next item."*

F      [13-0225](#)      A CONTRACT FOR A HOUSEHOLD HAZARDOUS WASTE REMOTE COLLECTION EVENT ON APRIL 20, 2013 FOR VALLEY CENTER, KANSAS.

Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Approve the contract.

*Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "Sedgwick County has a Household Hazardous Waste Facility located at 801 Stilwell. This is where residents can take unwanted paints, oils, cleaners and other household chemicals for proper recycling and disposal. National studies have shown that the majority of the people who use this type of facility typically live within a six-mile radius of the facility. In order to better serve our community, Sedgwick County has offered remote household hazardous waste collection events five times annually since 2005. The first event for this year is going to be this Saturday in Valley Center, located at the Valley Center City Hall, 121 South Meridian. It will be from 9 a.m. to 1 p.m., and it's free to the public. So I would encourage all residents in that part of the county to go to this event. We'll have four more remote collection events later this year. Valley Center City Council reviewed this contract and approved it at their council meeting on April 2nd. You have it before you. I'd recommend the Commissioners' approval, and I'd be happy to answer any questions."*

*Chairman Skelton said, "Thank you. Commissioner Ranzau."*

*Commissioner Ranzau said, "Thank you, Susan. As you said, this is no cost to the public to do this."*

*Ms. Erlenwein said, "That's correct."*

*Commissioner Ranzau said, "This is paid out of the hazardous waste fee."*

*Ms. Erlenwein said, "The solid waste fee."*

*Commissioner Ranzau said, "The solid waste fee."*

*Ms. Erlenwein said, "That's correct."*

*Commissioner Ranzau said, "Sometimes we get questions about that, and this is one of the sorts of things that it pays for. 9 (a.m.) to 1 (p.m.) o'clock, about four hours, is that the normal lengths that we normally do?"*

*Ms. Erlenwein said, "That's correct. We'll be going out there, setting up this Friday evening so people can come, drop off. We'll have volunteers there to help unload the material from their cars and then experts to sort it into the correct containers for proper disposal."*

*Commissioner Ranzau said, "Okay, you don't have to live in Valley Center to go do this. You can be from Park City, Wichita, rural areas, wherever you live, you can come*

do that.”

Ms. Erlenwein said, “That’s correct.”

Commissioner Ranzau said, “Does this include tires?”

Ms. Erlenwein said, “No, it does not.”

Commissioner Ranzau said, “Not tires, just household hazardous waste.”

Ms. Erlenwein said, “It does not include electronics, nor tires or plastics or other recycled materials. This is just paints, oils, chemicals from the house.”

Commissioner Ranzau said, “Chemicals, all right. Thank you very much.”

#### MOTION

Commissioner Ranzau moved to approve the contract.

Commissioner Peterjohn seconded the motion.

Chairman Skelton said, “It’s been moved and seconded to take the recommended action. Discussion of the motion? Commission Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Let me ask would people, if they have out of date pharmaceutical drugs, can they bring them to these events?”

Ms. Erlenwein said, “Yes they can, as long as it’s not a controlled pharmaceutical, such as morphine or codeine, but typical prescription drugs, over the counter drugs can come to this event for disposal.”

Commissioner Peterjohn said, “Okay, would you take a minute and kind of talk about, because we’ve got a facility down at Stilwell and people can use that facility Monday through Friday, I believe, and if you talk about the hours and availability and what people could do, I think this would be a good opportunity to get that on the record today.”

Ms. Erlenwein said, “The facility is actually opened Tuesday through Friday, 9 (a.m.) to 5:30 (p.m.), and Saturday 9 (a.m.) to 3 (p.m.). It’s closed Sunday and Monday. The residents can take material there for free. It’s, again, paints, any sort of chemicals in the household that they no longer use. Many people buy a cleaner that they think is great, and then it’s not good for them. They can take it there. We have a swap and shop area. We have material that comes in that’s in good condition, goes on the shelves, and then other residents can come in and take those materials home. So we’re saving money on disposal costs, they’re saving money on buying new products, so it’s a great area that’s used quite a bit. We take pharmaceuticals at that facility, as well. We also work with businesses that are called small quantity generators, meaning they don’t produce a lot of chemicals at their business, and they can get our discount by working with us and coming through our facility for proper disposal. So it’s a well used facility, we’ve collected over a 1.3 million pounds of material last year, had over 24,000 customers. So it gets quite a bit of use and it is free for the residents of Sedgwick County.”

Commissioner Peterjohn said, "Well, I appreciate you clarifying for me and correcting, Tuesday through Saturday hours in operation down there."

Ms. Erlenwein said, "That's right. And it's also on our website."

Commissioner Peterjohn said, "Oh, very good."

Chairman Skelton said, "Thank you. Any other discussion? We have a motion on the table to take staff's recommended action. Madam Clerk, call the vote."

VOTE

Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

Ms. Erlenwein said, "Thank you."

Chairman Skelton said, "Thank you. Next item, Madam Clerk."

**G**      [13-0252](#)

CONSIDERATION OF A GRANT IN THE AMOUNT OF \$3,997,281 FOR THE COMMUNITY CORRECTIONS ADULT OFFENDER PROGRAMS IN SEDGWICK COUNTY.

Presented by: Mark Masterson, Director, Department of Corrections.

RECOMMENDED ACTION: Approve the application for the grant, and if awarded authorize acceptance of the grant, the establishment of budget authority as provided in the financial considerations section of this request, and implementation of the staffing table changes identified in the personnel considerations section of this request.

Chairman Skelton said, "Item G, I believe that would be deferred. So please call Item H."

H [13-0245](#)

A RESOLUTION NOTIFYING THE CITY OF WICHITA TO ANNEX PORTIONS OF CERTAIN HIGHWAYS.

Presented by: Robert W. Parnacott, Assistant County Counselor.

RECOMMENDED ACTION: Approve the resolution and authorize the Chairman to sign.

VISUAL PRESENTATION

*Mr. Robert Parnacott, Assistant County Counselor, greeted the Commissioners and said, "Let me get you a map up on the screen. This is segments of Pawnee, Webb Road and 127th Street South on the east side of the county. These are all segments of road that are adjoining properties that were annexed by the City of Wichita over more than five years ago. Most of the land surrounding these right-of-way segments are zoned LC, limited commercial. The northwest corner, however on 127th (Street) and Pawnee is zoned SF (single family)-5. I think you see a mark on the map down there at the south, that corner of Pawnee and 127th is marked USD 259, and we can talk about that later if we need to. Pawnee and Webb segments are two-lane paved right now. They're maintained by the county. 127th Street is a gravel road maintained by the township. I believe we did a nova chip overlay on Pawnee last year from 159th Street to Webb Road. So we have done some maintenance recently on Pawnee at least.*

*"Over the years, since the statute was changed to require cities to annex roadway into the city, the county Public Works have been meeting with various cities, including the City of Wichita, so they've been made aware that these segments are adjacent to city limits and should be annexed. Right now, we have about 33 miles of county and township roads that are adjoining city limits of Wichita that have not been annexed. This includes about 24 bridges. I think of the 33 miles, 25 miles are county maintained and about 8 miles are township maintained.*

*"The statute provides that you may notify the city whenever a city has annexed up to the side of the road but has not yet taken the road in. Whenever there's different cities on each side of the road, you can only require the city to take their respective half of the road. Here you don't have any other city on the other side, so we can require the City of Wichita to take the entire roadway. Once the city receives this resolution, they have to certify that the legal description and the map attached are correct, and then they're required to annex the right-of-way by ordinance.*

*"So this resolution here provides the required notice, gives the legal description and the map. And once approved, Public Works will send this to the city to start their process of annexation. If you have any questions, I'll stand for them, otherwise I would request that you approve the resolution and authorize the Chairman to sign."*

*Chairman Skelton said, "Sir, how binding is this resolution here? I mean, we've got several cities all over the county that have roads that by law should have been annexed. Is this something the city can ignore or cities can ignore or what recourse do we have if they do ignore this request? Could you please elaborate a little bit on those perspectives?"*

*Mr. Parnacott said, "The statute requires the city, mandates the city annex the road once they receive this notice. If they ignore the resolution and take no action, we would have to proceed with some form of litigation, either declaratory judgment action or what we call writ of mandamus to force the city to act."*

*Chairman Skelton said, "Thank you. Those are my questions, and others? Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you. Let me just clarify. This resolution, we're not talking about, I think you said 34 bridges and 25 miles of road. We're just talking about the stretch that's out in the southeast part of southeast Wichita along Pawnee and some streets that intersect with Pawnee?"*

*Mr. Parnacott said, "Yes. On the map, you'll see that shaded red line. That is the exact roadway that has been described in the resolution that will be annexed."*

*Commissioner Peterjohn said, "Well, for the record, I think we ought to go after all the roads and then set an example. I mean, the city expects its citizens to follow the state law and city ordinances, and I would expect this is an issue that's gone back years. I know we've struggled with this, and I know the city, to give the City of Wichita some credit, they did annex some roads, that when we brought this issue up to their attention several years ago, although they did not annex all of the roads that we provided information to them at that time, but having said that, I'm going to be supportive of this motion, but I'm going to advise my colleagues that I'd really like to see all of the roads addressed on this, and I want for clarification purposes, I believe that when we've talked about other cities in the county that have this as an issue, it's more of a case in the cities of, I believe, just the first and the second class where there is a population of 5,000 or more, because some of the roads that we've got listed here for some of the smaller communities are third class cities and they're section line roads, and until they become second class cities or larger, those responsibilities would remain with the County Commission, if I'm correct. I see Mr. Spears nodding his head yes. If you would like to amplify on my comments, I would appreciate it, any thoughts he might have."*

*Mr. Spears said, "Just the one buzzword you left out, they are called connecting links."*

*Commissioner Peterjohn said, "Connecting links?"*

*Mr. Spears said, "Yes, that we maintain inside cities that are under 5,000 population, and that would be mile line roads, it's not every road in the city, it's just connecting links that connect one county road to another county road on the outskirts of the city."*

*Commissioner Peterjohn said, "Do you know how many miles we have of those types of road?"*

*Mr. Spears said, "No, sir, I don't have a number on that."*

*Commissioner Peterjohn said, "Well, this is starting the ball rolling that we've had a lot of discussion on and continuing over the past. I'm going to be supportive of it and advise my colleagues that I'd like to see this, that the areas not just in the southeast part of the city be covered, but all of the roads with the City of Wichita, so all 25, I believe it's 25 miles and 34 bridges be covered. Thank you, Mr. Chairman."*

*Chairman Skelton said, "Thank you. Are there additional comments? Okay, Chair to*

*entertain a motion, please.”*

*MOTION*

*Commissioner Unruh moved to approve the resolution and recommend the Chairman to sign,*

*Commissioner Peterjohn seconded the motion.*

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

*VOTE*

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

*Chairman Skelton said, “Thank you, Item I is deferred. Madam Clerk, call Item J, please.”*

I [13-0233](#)

A RESOLUTION ADOPTING RULES OF PROCEDURE FOR THE  
SEDGWICK COUNTY BOARD OF SEDGWICK COUNTY  
COMMISSIONERS.

Presented by: William P. Buchanan, County Manager.

RECOMMENDED ACTION: Adopt the resolution.

*Item I Deferred.*

J [13-0255](#)

A RESOLUTION TO PRESERVE AND DEFEND THE INDIVIDUAL RIGHT TO KEEP AND BEAR ARMS.

Presented by: Commissioner Richard Ranzau, Sedgwick County Commissioner.

RECOMMENDED ACTION: Approve the resolution.

*Chairman Skelton said, "Commissioner Ranzau."*

*Commissioner Ranzau said, "Chairman, I have asked that this resolution be adopted in light of the discussion going on at the national/international level with respect to the right to keep and bear arms."*

MOTION

*Commissioner Ranzau moved to approve the resolution.*

*Commissioner Peterjohn seconded the motion.*

*Chairman Skelton said, "Okay, it's been moved and seconded to approve the resolution. Is there any discussion? Commissioner Unruh."*

*Commissioner Unruh said, "Thank you, Mr. Chairman. Well, there has been considerable conversation about this in different forms of the media, and I just want to make a comment so that I can clearly express my opinion and position on the second amendment to the United States Constitution.*

*"As with all the Commissioners here, when we took our oath of office, we swore to uphold the Constitution of the United States and the Constitution of the State of Kansas, and when I took that oath, I had one hand up and one hand on the bible, and I took that oath seriously. So I will do all in my power, as a citizen and as a Commissioner, to support the Constitution, which includes the second amendment, that we have the right to bear arms.*

*"I want to be clear that I am supportive of that and took that oath seriously. In my election campaigns, I've always promised my constituents that I would try to be rational and practical, pragmatic in my decisions and reasonable, and it seems to me that my whole posture along with most the Commission has been one that fewer laws and fewer regulations are better than more laws and more regulations, and that adding what would be legislation for us, a county resolution, a county law that is binding, is just an unnecessarily multiplication of rules and laws and regulations. In light of the fact that these rights are protected by the United States Constitution and the state Bill of Rights, it just seems like this is just unnecessary and nonproductive duplication.*

*"I'm also reluctant to pass what would be a county law that presupposes some future condition and also presupposes my response to some future condition. And so this just seems to be unnecessary and drawing on a future condition that we don't know is going to happen. So I would be supportive, if the Commissioner would want to withdraw this and make it proclamation where we clearly state that we support our second amendment rights, and I can be supportive of that. But, to me, it just doesn't seem practical. It doesn't seem to be rational to pass a law on top of a law that already*

*exists. I appreciate Commissioner Ranzau's strong support of this, and I understand where he's coming from, and I frankly think he understands my position, also. Mr. Chairman, I think probably now is a good time for me to make a substitute motion, I don't know if you allow substitute motions."*

*Chairman Skelton said, "Well, there are no rules, and this Chair does not entertain substitute motions."*

*Commissioner Unruh said, "All right then, what's the right word I need to use?"*

*Chairman Skelton said, "If you want to amend a motion, go ahead."*

*Commissioner Unruh said, "I would like to amend the motion and have this Commission vote to, rather than approve the resolution, but instruct Commissioner Ranzau to bring a proclamation to us for consideration at the next meeting. I don't know if that's, that's what I want to do, and so Mr. Chairman..."*

*Chairman Skelton said, "Okay, your motion is to strike out this item and bring this resolution in the form of a proclamation at the next meeting. Is there a second? Okay. I don't hear a second, so the motion dies for a lack of seconds."*

*Commissioner Unruh said, "Okay. Thank you. Well, in that case then, I will just stand on my comments, and that's all I have at this time."*

*Chairman Skelton said, "Okay, thank you. I appreciate that, sir. Commissioner Norton."*

*Commissioner Norton said, "Well, I probably will not be in support of this resolution today. I've taken quite a few oaths of office where I've said that I would hold to the Constitution of the United States and the Constitution of the State of Kansas. I've signed off on as Chairman, and voted for, for many years a proclamation on Constitution Day, which reiterates that it is the law of the land, and that includes the second amendment.*

*"And finally, in some of the later paragraphs, I have a little problem with the language that's included where it says we'll do everything we can '...to nullify or rescind any treaty, statute, ordinance, resolution, executive order, regulation or proclamation that infringes upon the individual right to keep and bear arms.' That doesn't indicate that it could be constitutional or not, that it wouldn't be authorized by the legislation or the Supreme Court to be constitutional. It doesn't include any of that language, which I don't know that I want to get into a battle on this issue with what may come to be the law of the land, which goes through a process of legislation, which is defined in the Constitution, also, and the ability for the Supreme Court to weigh on that, which is also defined in the Constitution, and that we would nullify or rescind any of that that comes to us from federal legislation. And I'm not ready to do that right now. It has nothing to do with how I feel about the second amendment.*

*"I have a belief that it is part of the Constitution. There is some language there that we have debated as a country for many, many years as to whether it is an absolute individual right, or is it a right as you're called up to be part of a militia. At this point, I'm not ready to support this. I think it's superfluous. I don't think it adds value to the*

*things that we've already done, and some of it flies in the face of some oaths that I've already taken. So I would not be supportive today."*

*Chairman Skelton said, "Thank you. As far as the legality is concerned, the attorney has ruled that this is an appropriate and legal resolution. It doesn't suggest in my opinion that we're going to take any illegal action. I mean, I think if I were to, or you would, or the Commission would, we would have to deal with the orange jumpsuit factor. So that's not going to be an issue in my opinion. Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Well, thank you, Mr. Chairman. I would like to basically state for the record I've received comments from my constituents, some were for, some were against. I had a couple who live in my district ask me to read their letter in support of this resolution to the Commissioners. What I'm going to do is provide the Clerk with a copy of the letter and also pass copies along to my colleagues and kind of preface the letter with, just for the record, some information. Because in 2010, the Kansas Constitution was amended, and it was amended to add the words individual right to bear arms and armies in Section 4 of the Kansas Bill of Rights, and added this language, 'A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purposes'. And that was added to the existing language that was allowed to continue that states, and I'm going to quote again, 'but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.' And I've mentioned this, because this amendment passed, and I'm surprised it didn't get more discussion at the time. Because it was, it's important in the sense that this type of language had been in the Kansas Constitution going back to literally territorial days and was in the original Kansas Constitution, similar language was in the original Constitution when it was adopted in 1861.*

*"However, the Kansas Supreme Court ruled that this was a collective right. It's not an individual right. And the Kansas Supreme Court in my view, in some miss misguided legislation basically said, no, no, no, we're not talking about people; we're not talking about individuals, and kind of threw it by the wayside. Now, what was truly fascinating about this vote in 2010, statewide this passed, passed easily, and overwhelmingly. So overwhelming the statewide vote was 88.2 percent in support of this language and the change, and Sedgwick County, interestingly enough, was even higher, it was 89.1 percent. I provide this because I am concerned; we've got an unprecedented effort. The people, whether they're at the United Nations with this new Arms Trade Treaty that will go to Washington shortly for ratification, or folks in Washington. We've got leadership from Chicago where they think their efforts; they have a much better way of doing things in Chicago than folks here in the heartland do.*

*"I plan to be supportive of this motion this morning, because we live in, in my view, unprecedented times. I wish that we had been in a position that some of these efforts, there would be a consensus and agreement on what this language means. But there have been several U.S. Supreme Court cases, and they were narrowly decided, both 5 to 4 in this area, and I think it's important for this Commission to go on record, so I plan to be supportive today, Mr. Chairman."*

*Chairman Skelton said, "Okay, thank you. Commissioner Ranzau."*

*Commissioner Ranzau said, "Thank you, Mr. Chairman. I'd like to respond to a few of the comments made. First of all, I have spoken to Commissioner Unruh, and I do*

*understand his issues there. I spoke with Rich Euson about this, our County Attorney, before he left. We, and Jennifer, you can confirm this, we have the authority to do this in the form of resolution or a proclamation. It's up to our discretion, is that correct?"*

*Ms. Magana said, "Yes, Commissioner, that's right."*

*Commissioner Ranzau said, "And this resolution does not violate any state or federal statute?"*

*Ms. Magana said, "No, Commissioner."*

*Commissioner Ranzau said, "Nor does it violate the state or the United States Constitution to include the supremacy clause?"*

*Ms. Magana said, "No."*

*Commissioner Ranzau said, "The reason I think it's appropriate to do this as a resolution is that it just simply sends a stronger message to the federal government and others throughout the nation that would like to restrict or eliminate the individual right to keep and bear arms. We join other cities and counties within the State of Kansas who have also passed similar resolutions or ordinances to include: Lincoln, Ulysses, and Syracuse; and in the counties of Seward and Grant County.*

*"I think more counties and cities will do this, not just in Kansas but across the nation. Fortunately, our state legislature has not been a problem, they've been very supportive of the individual right to keep and bear arms. In fact, I believe Governor Brownback signed a Second Amendment Protection Act yesterday.*

*"However, there are lots of elected officials, local, state, and federal level, who have interjected their opinions and are making their voices heard through the actions and legislations that they are proposing and/or implementing, and I think it's important for us to not remain silent. If we remain silent, then we actually make a statement. This is a very important right, fundamental rights. The government that can take away your second amendment rights can take away your freedom of speech or freedom of religion, your right to due process, your personal property rights, et cetera.*

*"Some of things are being said by elected officials throughout this nation are very scary. Quite frankly, many of them who are opposing legislation on firearms don't really understand how firearms work. We have some congress people and legislators who think semiautomatic weapons are machine guns. We have a United States congresswoman from Colorado who wants to ban magazines, and she doesn't even know how they work. She didn't even understand that they could be reloaded. So here you have elected officials who took the same oath that we did, but clearly don't understand firearms, and I don't believe they even understand the second amendment of the Constitution, and so they're proposing legislation that would be dangerous to our individual freedoms.*

*"And when one person loses liberty, we all lose liberty. I understand that compared to the fundamental rights of free speech or religion that often time the individual right to keep and bear arms has more emotion involved, some people choose not to exercise their rights to keep and bear arms, and that's certainly fine. And I respect their rights to not have a firearm. But, we must protect the individual right to keep and bear arms*

*just as aggressively as our right to religion and free speech and all of our other fundamental rights, whether we like it or not, whether we exercise those rights or not. So that's the intent of this. I encourage people to read the resolution in its entirety. It basically reaffirms our commitment to the United States Constitution and the individual right to keep and bear arms and calls upon all elected officials at every level to do the same. I don't believe standing up for our individual freedoms and liberties is unnecessary or unproductive or superfluous in any way, shape, or form.*

*"Our primary goal and responsibility as an elected official is to protect the rights of our citizens, all of the rights. That's our number one priority, and that's what we're doing here today. We're lending our voice into this national discussion, just like other communities are doing, and I'm going to support doing this in the form of a resolution, and I would encourage my fellow Commissioners to do the same. I want to bring up one other thing. Some people say this is much ado about nothing, but there are people who have a very different view than we do, a very different view of the Constitution. In fact, I received an e-mail from someone here in Sedgwick County that said, it's time for the second amendment to be taken away.*

*"And she went on to say there's nothing to discuss. So not only is she saying get rid of the second amendment. She says disregard the first amendment right to free speech, let's not even discuss it. That is a dangerous position to take, because if we're not even going to, don't have time to discuss the second amendment, let's just get rid of it, then why would we have time to discuss whether we're going to need the first amendment or the fourth amendment or any other? So, this is the sort of thought process that is going on out there throughout the country, and it's particularly troubling when elected officials share this same view, and that's why I think it's important to make this stand and to make this statement and to pass this resolution. Thank you, Mr. Chairman."*

Chairman Skelton said, "Yes sir, Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Well, I would just like to reiterate again that I have sworn that I will support the Constitution of the United States. I think when I took that oath that I took it forever and that I don't have to retake that oath every week and I don't have to make laws every week that reiterate an oath that I took when I took this office. We could put ourselves in a position that we're going to make a county resolution weekly that we're going to support what we already swore that we would support. So my objection is this is just, it is not practical and it is not rational to put ourselves in that position.

*"Secondly, if we're concerned, as Commissioner Ranzau said, of the potential of losing our freedom of speech, our freedom of religion, our right of due process, we should probably make this county resolution, this new county law include all the amendments to the constitution, or we might expose ourself to the fact that each time somebody gets a headline or somebody gets a little publicity, we need to respond to it with a new county law that says we are still supporting the Constitution of the United States. So I don't disagree with the principle, I don't disagree with the intent. My negative vote on this motion before us is going to be based on the fact that I think this is just not a rational position to put ourselves in, it is not practical, and it's basically saying we can't trust our original oath of office, so we've got to repeat it, and we've got to continue to make county law. And so I'm fully supportive of the Constitution of the United States and the amendments therein, but I'm not supporting what I think is unnecessary county law. That's all I have, Mr. Chair."*

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I appreciate my colleague's comments and dialogue. I would add one new factor into this without getting into a discussion of the specifics. I've noted that some states and the federal government both have taken a position. Historically they've had the responsibility of defending all the laws and the Constitution as amended, even in cases where there were concerns that the law that was being enacted had problems, and sometimes you even have signing statements when, I know the President [of the United States] has done this, and this is not something new. It's occurred for several presidents in terms of what they will or will not support.

"But more recently, certain provisions that don't seem to fit in with the current administration's policies, they've said, well, we're not going to defend those when they go up into litigation, so we've had the ironic situation where the House of Representatives recently had their own attorney, who is now representing their position to defend federal law in front of the U.S. Supreme Court because the [United States] Solicitor General and the [United States Department of] Justice department under the current administration has said they're not going to do it.

"So we are into new ground here, and I would disagree with my colleague who said this isn't rational. Perhaps with what's coming down at the national level, you may be right, that it isn't rational. But I think at this level reaffirming and, I think, providing more publicity for what the people of the State of Kansas strongly affirmed in their vote in 2010, I was across the street yesterday at the city council and heard some of the members pooh-pooh the fact that over 60 percent of the voters had cast a vote a certain way at a referendum election in February of 2012. I think that it's important that we talk about the U.S. Constitution; we talk about the Kansas Constitution.

"These are our founding documents, and all of us here have taken an oath and sworn to preserve, protect and defend them as best of our ability. But we live in unique and challenging times, and so I think it's important that we take cognizance of the fact that the ground that we've traditionally and historically had, in terms of for government, even if they disagreed with the law, the attorney generals, whether it was at the state level or at the federal level, would defend those laws to the best of their ability in the court system, and that's changing before us, and so I think it's incumbent upon us to recognize that fact and recognize that with what we're doing here today. So that's another reason why I plan to be supportive of this measure this morning. Thank you, Mr. Chairman."

Chairman Skelton said, "Okay. Commissioner Ranzau, you have something to add?"

Commissioner Ranzau said, "Well, thank you, Mr. Chairman. I just want to comment, this is not about making a resolution or proclamation every week about a particular freedoms or liberty. I think it's important to note that I don't take this lightly. This is not the same thing as having constitutions on a yearly basis to celebrate an anniversary or something. This resolution is in response to a unique situation and the ongoing debate we have here nationally and internationally on the individual rights of keeping and bear arms. It's in response to a specific issue and problem and the antigun climate and anti liberty climate that's going on at various levels of government. That's why we're doing this now. That's why this is different than other sorts of things, and that's why we're proposing to do a resolution, to send the strongest message possible in relation to the

*current situation.”*

*Chairman Skelton said, “Okay. Commissioner Unruh.”*

*Commissioner Unruh said, “Thank you, Mr. Chair. My response is that I took a sacred oath, and it still is valid. That’s all I have.”*

*Chairman Skelton said, “Gentleman, the motion on the table is to approve the resolution. Is there any other discussion? Madam Clerk, call the vote, please.”*

**VOTE**

<i>Commissioner Norton</i>	<i>No</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>No</i>
<i>Chairman Skelton</i>	<i>Aye</i>

*Chairman Skelton said, “Thank you. Motion has passed. Okay, Madam Clerk, next item, please.”*

K      [13-0249](#)      AMENDMENT OF THE CAPITAL IMPROVEMENT PROGRAM (CIP)  
PROJECT B-325: PAVING OF 53RD STREET NORTH FROM WEBB  
ROAD TO GREENWICH ROAD.

Presented by: David C. Spears, P.E., Director of Public Works/County Engineer.

RECOMMENDED ACTION: Approve the amendment.

*Mr. David Spears said, "In Item K, we are requesting your approval of a CIP (Capital Improvement Plan) amendment for the road project on 53rd Street North between Webb Road and Greenwich Road, it's designated as B-325 in the Capital Improvement Program. In 2009, the Board of County Commissioners determined that there was a need to create large, shovel ready industrial sites in Sedgwick County. The Board focused on a large sight in Bel Aire roughly bounded by 45th Street North, Webb Road, 61st Street North, and Greenwich Road. During development of the 2010 to 2014 CIP in the summer of 2009, two projects were added to pave roads in the area, R-324 would improve 45th Street North between Webb and Greenwich along the southern boundary of the proposed industrial park. And R-325 would improve 53rd Street North between Webb and Greenwich through the middle of the industrial park.*

*"In 2010, bonds were sold to finance part of the costs of both projects, but there was renewed discussion by the Board of County Commissioners about the projects later in the year. Public Works was instructed to hold up on the projects until further notice. In late 2011, Public Works was directed to go forward with both projects, and in January of 2012, TranSystems were contracted to perform design work on both projects.*

*"Right-of-way acquisitions for the 53rd Street project is now complete and arrangements have been made for utility relocation work. On April 2, 2013, bids were received for the 53rd Street project, and the low bid exceeded the project budget. The approved 2009 budget was for \$1,400,000 for all aspects of the project. The low bid for construction was \$1,833,242.15. When the cost of design, right-of-way, utility relocation work and a six percent construction contingency are factored in, the total budget needs to be increased by \$658,103.77 to \$2,058,108.77. The primary driver for the shortfall are, one, the time that has elapsed since original project estimate was prepared four years ago. Two, the fact that the 2009 CIP was never amended to provide separate funding for design and right-of-way acquisition activities as was intended. Three, the project was originally intended to be constructed quickly and the original budget did not include any inflation factors.*

*"I think you all know that we don't bring you a problem without bringing you an appropriate solution. In this case, Public Works has been notified by KDOT (Kansas Department of Transportation) that the county is eligible to receive significantly more federal funds, exchange dollars, in 2013 than expected. These are state funds that are to be received by the county in lieu of federal highway funds. The state funds have significantly fewer strings attached to them than their parent federal funds. Sedgwick County is currently eligible to receive enough exchange funds to cover the projected shortfall. These extra funds have not been budgeted in the current CIP. Federal exchange funds are distributed to counties on a reimbursement basis. Public Works recommends a transfer of excess sales tax funds from B-443, which is a stream bank stabilization on the Ninnescah to the 53rd Street project to fund construction through the reimbursement period.*

*"Use of the federal exchange funds will require approval of an agreement between KDOT and Sedgwick County prior to receipt of any reimbursement. If you approve the CIP amendment, we will formally submit our request to KDOT for these funds and bring you an agreement with KDOT at a later date. The CIP committee met and discussed the proposed amendment on April the 5th.*

*"The committee approved the amendment as presented. The Manager has also reviewed and approved the amendment. In order to keep the project moving, we have worked with the Purchasing Department to include the bids for this project in this week's report of the Board of Bids [and Contracts]. The Board of Bids approved the low bid subject to your approval of this CIP amendment. If you'll approve the CIP amendment, you will be asked to approve the bid in the next item on the agenda. I'd be glad to answer any questions."*

*Chairman Skelton said, "Okay. Yes, we do have some questions. Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. Dave, let me begin by asking, 53rd Street from Webb [Road] to Greenwich Road, that's a section line road connecting link, am I correct?"*

*Mr. Spears said, "It's a section line road, yes, sir."*

*Commissioner Peterjohn said, "But that's entirely within the City of Bel Aire, correct?"*

*Mr. Spears said, "Correct."*

*Commissioner Peterjohn said, "And the City of Bel Aire has annexed that road?"*

*Mr. Spears said, "Correct."*

*Commissioner Peterjohn said, "And the City of Bel Aire, I believe, is the city of the second class, with a population greater than 5,000 people. I see Commissioner Unruh nodding his head yes. So in effect here, we've got a proposal to begin the process with the City of Wichita to annex roads that they hadn't done, but here we are, we're going to do a road project for a city that normally this would be a project within their city, within their city and the city's responsibilities. I had a problem with this when it was \$1.4 million when this originally came before us. You brought it back to us now, Mr. Spears, with a 47 percent increase, and the price tag of over \$650,000, and that comes down with the bid board, and I had trouble voting for this at that price. I would point out to my colleagues that we could do 13 miles of cold mix road, and there has been need for that in all our districts with this amount of money. In fact, we could do 2 miles each in each of our districts for 10 miles and still have money left in the bank.*

*"Now, having said that, there is a specific alternative that can be done, in terms of some of the construction. Now, I don't know if all the financial pieces come together the same way, but we've had some challenges with our county budget. I've looked at this whole issue with a great deal of skepticism, and I would be interested in hearing my colleague's comments why this is a good reason to proceed with this considering these facts, and maybe you can convince me. But I have a big problem. I had a big problem with this when it was \$1.4 million, and now that it's over \$2 million and it's likely to lead to another project that isn't before us today that will also cost more, too, I have a real hard spot with this. And I'd love to hear some reasons why, maybe there's something I'm overlooking here or maybe there is some fact that hasn't been*

*considered on why we should proceed with this project this way with a city of the second class on this connecting link section line road that has already been annexed into a municipality this morning. Thank you, Mr. Chairman."*

*Chairman Skelton said, "Thank you. Other comments, please. Commissioner Ranzau."*

*Commissioner Ranzau said, "Dave, have we asked the City of Bel Aire to pick up the shortfall?"*

*Mr. Spears said, "No, sir, we have not."*

*Commissioner Ranzau said, "Is there a reason why we haven't?"*

*Mr. Spears said, "I believe the county has committed itself to, previous Commission, to improve this road. This started in, like I said, in 2009, and I think the GWEDC (Greater Wichita Economic Development Coalition) was involved in it at that time, and it's a little different situation in that they're trying to get a big industrial site going."*

*Commissioner Ranzau said, "Well, I voted against this original proposal to begin with for the same reason the Commissioner Peterjohn did, and I'm still in that position. However, it's clear this is going to go forward, so the question in my mind is, how are we going to pay for it? And I guess I come to the conclusion that this option that's been put before us is a good option, a good way to go, and so that's why I'll be supportive of this particular, this resolution on how we fund the shortfall even though I would prefer if we had enough votes to reconsider the whole project, but that's the explanation for my vote. Thank you."*

*Chairman Skelton said, "Any other discussion, please. Commissioner Unruh."*

*Commissioner Unruh said, "Thank you, Mr. Chairman. Well, I'm still in favor of proceeding with our decision from a few years ago that this sort of resource in our community is necessary for us to be successful in our efforts to attract industrial and manufacturing concerns into our area and provide those sort of capital improvements and those sort of employment and that economic development in our region and in our community. This site up there is an attractive site. And a few years ago, we decided that improving the roads was a necessary component of getting it close to being shovel ready, making it a certifiable site, and so I think we need to proceed with that. The solution you've come up with for the higher estimate of construction by using the state resources, I think is, what's the name of that?"*

*Mr. Spears said, "Federal exchange funds."*

*Commissioner Unruh said, "The federal exchange fund, is a good solution, because it does support, actually, the economic development of the entire state. So, I'd also want to say, not only what it will do for our area, this is not just speculation or future thought. Some of the folks that are working out there trying to attract folks in say that there is substantial national firm with significant employment that is close to making a deal. And looking forward to having the road improved before they finish their deal. So, I guess I'm just saying that this particular asset that we're trying to develop is already showing signs of being successful. And I'm going to be in favor of completing the project that we started. And I'm just really thankful that we have this exchange fund*

resources (federal exchange funds) available for us, whatever you call that. So, that's all I have Mr. Chair."

Chairman Skelton said, "Thank you. Commissioner Norton."

Commissioner Norton said, "I don't have any problem putting money infrastructure money into an area that might be included in another municipality or another jurisdiction, the truth is within the borders of Sedgwick County's lines, all those constituents, every taxpayer, every jurisdiction falls under our purview. We still represent them. Several of us have worked with GWEDC and the economic development folks over the years. We understand that one of the items that keeps us from being as competitive, with economic development, is not having a large shovel-ready industrial site ready to go. We have hedged on buying that property our self, but we can certainly put some infrastructure money in to help that be an asset that we have in our community. Job creation is very important, and if we have that infrastructure ready to go, it will be very important to the future of the community and I am going to be supportive today. Thank you, Mr. Chair."

Chairman Skelton said, "You bet, thank you, sir. Commissioner Peterjohn."

Commissioner Peterjohn said, "I would like to thank my colleagues for their comments. I want to remind them since industrial park came up as a discussion, many, many years ago, in fact I think over a decade, City of Wichita established, I believe it's called the Skyway (West) Industrial Park. Some of it is inside the fence and some of it is just southwest of the fence, of the airport, and near Tyler Road, and just north of K[ansas Highway]-42. In fact, the county still owns a couple parcels down there, and I mentioned it because the city belatedly managed to sell off a portion of that property, and I'm glad to see that FedEx has set up trucking operations, and they've got a facility there. But my understanding is they still have a good deal of what would be considered greenfield that's available down there as part of this. So I appreciate my colleagues' comments, and I think this dialogue is important for the community going forward, but I'm still struggling with the issues that my earlier vote reflected, and that hasn't changed. Thank you, Mr. Chairman."

Chairman Skelton said, "Thank you. Additional comments? Has there been a motion made at this time?"

MOTION

Commissioner Unruh moved to approve the amendment to the Capital Improvement Program.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Peterjohn	No
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

*Chairman Skelton said, "Thank you, David. Next item, please."*

L [13-0263](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON APRIL 11, 2013.

Presented by: Joe Thomas, Acting Director, Purchasing Department.

RECOMMENDED ACTION: Approve the recommendations of the Board of Bids and Contracts.

*Mr. Joe Thomas, Acting Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts of April 11th results in 10 items for consideration. Item 1;*

1. THIRD FLOOR LOBBY REMODEL-- FACILITIES DEPT.  
FUNDING – CIP

*"Recommendation is to accept the low bid from Van Asdale Construction in the amount of \$50,600.00. Item 2;*

2. NATIONAL OFFICE FURNITURE CASEGOODS- FACILITIES DEPT.  
FUNDING – VARIOUS

*"Recommendation is to accept the quote from John A. Marshall Company and establish contract pricing through December 31, 2017. Item 3;*

3. FIRE STATION 34 -- SEDGWICK COUNTY FIRE DISTRICT NO.1  
FUNDING -- SEDGWICK COUNTY FIRE DISTRICT NO. 1

*"Recommendation is to accept the low bid from Snodgrass & Sons Construction in the amount of \$1,833,600.00. Item 4;*

4. EMC VNX 5100 SAN - DIVISION OF INFORMATION & OPERATIONS  
FUNDING -- DIVISION OF INFORMATION & OPERATIONS

*"Recommendation is to accept the low bid from Alexander Open Systems and establish contract pricing on all hardware and support at the discounts listed for one year with four one year options to renew. Item 5, this was the item just previously mentioned, previous agenda item;*

5. PROJECT 606-33: 53rd ST. NORTH BETWEEN WEBB & GREENWICH RDS.  
(R325)  
FUNDING - PUBLIC WORKS

*"Recommendation is to accept the low bid from Dondlinger Construction Co., Inc. in the amount of \$1,833,242.15. Item 6;*

6. 2013 SUPER SLURRY SEAL (R175-L) - PUBLIC WORKS  
FUNDING - R175 PREVENTIVE MAINTENANCE 2013

*"Recommendation is to accept the bid from Andale Paving, Inc. in the amount of \$118,800.00. Item 7;*

7. 2013 ASPHALT REJUVENATION (R-175A) - PUBLIC WORKS  
FUNDING - R175 PREVENTIVE MAINTENANCE 2013

*"Recommendation is to accept the bid from Cutler Repaving, Inc. in the amount of \$1,336,490.35. Item 8;*

8. TXI TYPE D CHAT - PUBLIC WORKS  
FUNDING - PUBLIC WORKS

*"Recommendation is to accept the low bid from Cornejo Materials for an initial purchase in the amount of \$87,270.00 and establish contract pricing for one year with two, one year options to renew. Item 9;*

9. CRS-TR OIL - PUBLIC WORKS  
FUNDING - PUBLIC WORKS

*"Recommendation is to accept the bid from Wright Asphalt Products Company for an initial purchase in the amount of \$138,880.00 and establish contract pricing for one year with two, one year options to renew. Item 10;*

10. CRS-1H AND/OR SS-1H OIL - PUBLIC WORKS  
FUNDING - PUBLIC WORKS

*"Recommendation is to accept the low bid from Ergon Asphalt & Emulsions, Inc. for an initial purchase in the amount of \$35,700.00 and establish contract pricing for one year with two, one year options to renew.*

*"I'll be happy to answer questions, and I recommend approval of these items."*

*Chairman Skelton said, "Yes, Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Thank you, Mr. Chairman. Let me begin with some questions for either Mr. Thomas or Mr. Spears. I believe Mr. Spears is also on the bid board and a number of these items are Public Works, and I noticed [Items] 6, 7 and 9 were all single bid items, and I was curious, in terms of, and they are all Public Works items, I noticed some of the other Public Works items, though, did have multiple bidders, and I was curious if there was any comments in terms of sole bids on those three items."*

*Mr. Thomas said, "Yes, sir. On Item 6, which was the super slurry seal, which I believe is the new process that's being used, this particular vendor is currently the only vendor in our area that's experienced in this new process. We did contact others who are interested in the process, but have not yet developed it. The other item I believe, single bid, are you referring to Item 7, sir, Cutler Repaving Incorporated?"*

*Commissioner Peterjohn said, "Yes."*

*Mr. Thomas said, "Okay, and that's regarding the asphalt rejuvenation. This, too, is limited regionally by vendors, and our region, Cutler Repaving is the only vendor, they have been doing this for the county since 1998. And, again, we are actively requesting if anyone would like to join in quoting that, we would happy to accept their bids."*

*Commissioner Peterjohn said, "Okay, well, I'm glad to have that added to the record. I don't know if Mr. Spears has anything to add to it."*

*Mr. Spears said, "I will piggyback on that. Joe did a fine job there. The super slurry seal is what we're going to use for the experimental road we're doing this year to possibly take the place of cold mix roads. So we're very excited about that, and that comes from Andale Concrete. They are the only ones that do it at this time. So that's the explanation of that one. The Cutler, like Joe said, we've used them since 1998. It actually, they take off one inch, mill off one inch of the pavement, they put it back with a new mixture of an additional one inch of virgin material, it actually adds an inch of depth to the pavement, increasing its stability, and did want you to know that over that bid, over \$800,000 of that comes from local suppliers, the hot mix and the oil, the fuel that they use, the propane that heats up the pavement that they use. So, most of that bid, a lot of that bid comes from local suppliers, and I think that's the explanation."*

*Commissioner Peterjohn said, "I appreciate the explanation from both of you."*

**MOTION**

*Commissioner Peterjohn moved to approve the Board of Bids and contracts with the exception of Item 5.*

*Commissioner Unruh seconded the motion.*

*Chairman Skelton said, "It's been moved and seconded to approve all the items except for number 5. Is there any discussion? Commissioner Ranzau."*

*Commissioner Ranzau said, "Yes. Just along the same line, Dave, on these no bids, or single bid items, are the prices that we got reasonable, though? In line with what we would expect?"*

*Mr. Spears said, "Yes, sir. They are reasonable. We've worked with these folks, Andale Concrete, of course that's just this year we've been working with them. I have a project engineer, and so, yes, we've worked on the depth that we wanted to use this, so we've had quite a discussion with them, and Cutler Repaving, that price is also in line. It is reasonable, yes, sir."*

*Commissioner Ranzau said, "And the [super] slurry seal of the one that you would like to use to replace cold mix for \$119,000?"*

*Mr. Spears said, "The super slurry, yes sir."*

*Commissioner Ranzau said, "It is more expensive than cold mix is right now."*

*Mr. Spears said, "Well, you know, I think cold mix has been going up in price, too, because the price of oil has been going up. So I think it would be a reasonable replacement, especially since this can be done without using our forces to put this down, it's using the contractor, and as you know in the budget the last two years we've lost a lot of folks."*

*Commissioner Ranzau said, "I understand the argument. That's all I have."*

*Chairman Skelton said, "Okay. Any other discussion? Motion on the table is to approve the consent agenda, or Board of Bids all items except Item 5. Madam Clerk,*

call the vote.”

VOTE

Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

Chairman Skelton said, “Please call Item 5. What is going on, Joe, Commissioner Peterjohn said with the exception of Item 5.”

Mr. Thomas said, “Item 5 is the project, 53rd Street North between Webb and Greenwich Road.”

MOTION

Commissioner Unruh moved to approve Item 5 of the Board of Bids and Contracts,

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Norton	Aye
Commissioner Peterjohn	No
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

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

Chairman Skelton said, “Thank you, next item, please.”

**CONSENT**

- M**     [13-0251](#)     Plat  
Approved by Public Works. The County Treasurer has certified that taxes in 2012 and all prior years have been paid for the following plat:
- G LEONARD 2ND ADDITION
- N**     [13-0240](#)     A resolution adopting a revision to the Sedgwick County, Kansas Grant Application and Award Policy.
- O**     [13-0238](#)     Authorization to hire a Senior Applications Manager-Hansen 8 Permitting Software above the pay range minimum.

- P**      [13-0236](#)      A resolution authorizing the County Manager to approve position migrations from the City of Wichita's Office of Central Inspection Department to Sedgwick County's Metropolitan Area Building and Construction Department Staff Table.
- Q**      [13-0262](#)      A resolution amending resolution 267-07, personnel reassignment policy.
- R**      [13-0229](#)      Lease agreement between Envision Inc. and Sheriff's Office for space located at 604 N. Main, Suite E, Wichita, Kansas.
- S**      [13-0234](#)      Resolution authorizing the Director of the Division of Health and Human Services and Department Directors to enter into certain facility rental contracts and agreements.
- T**      [13-0237](#)      Resolution exempting the Public Safety Building from K.S.A. 41-719(c) on April 25, 2013.
- U**      [13-0253](#)      Two (2) Right of Way Easements and Two (2) Temporary Construction Easements for Sedgwick County Project 620-14,15; Reconstruction of Maple from 167th Street West to 199th Street West. CIP# R-333. District 3.
- V**      [13-0254](#)      One (1) Temporary Construction Easement for Sedgwick County Project 620-10; project on Maple between 247th Street West and 263rd Street West. District 3.
- W**      **13-0222**      Order dated 04/01/2013 to correct tax roll for change of assessment.
- X**      **13-0241**      Order dated 04/05/2013 to correct tax roll for change of assessment.
- Y**      [12-1057](#)      Payroll Check Register.

Z [12-1029](#)

General Bill Check Register.

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

MOTION

*Commissioner Norton moved to approve the Consent Agenda.*

*Commissioner Unruh seconded the motion.*

*Chairman Skelton said, "It's been moved and seconded to approve the Consent Agenda. Discussion of the motion? Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Well, I would like to, I was briefed by staff on the changes recommended on grant policy, and that was an item I would, had some questions. I think it's basically a revision that's a solution searching for a problem, and I was not comfortable with the proposal before us on Consent [Agenda], we had enough other items here. I don't know if you all would be comfortable in substituting or amending the motion so that we would approve the Consent Agenda for all items except for Item N and proceed that way. I would rather not vote against all the Consent items, but Item N in its current form, I really don't think we should be expanding the way this is recommended, in terms of the additional changes in the grant policy that staff has recommended."*

AMMENDED MOTION

*Commissioner Peterjohn moved to amend the prior motion to approve the Consent Agenda with the exception of Item N.*

*Commissioner Ranzau seconded the motion.*

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

VOTE

<i>Commissioner Norton</i>	<i>No</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

*Chairman Skelton said, "Okay, Item N is off, Madam Clerk, call the vote."*

MOTION

<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Peterjohn</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Chairman Skelton</i>	<i>Aye</i>

Chairman Skelton said, "Okay, now we are going to vote on Item N."

MOTION

Commissioner Unruh moved to approve Item N of the Consent Agenda.

Commissioner Norton seconded the motion.

Chairman Skelton said, "Okay. It's been moved and seconded to approve Item N. Is there any discussion to this? Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. My understanding is if this policy had been in place last year, we would have removed about 73 items that came before the Commission, and this would just get reviewed by staff, and wouldn't come up before us. And that averages out to less than two items per Commission meeting. And I don't think that's too onerous for us to have oversight on this case. And frankly, I think this is a change where we're going to be, elected officials will be providing more latitude for staff, and that was something I think we've had a variety of discussions, most of the time we've approved the grants often by unanimous, sometimes it's been 4-1, and more rarely, 3-2 votes. I'm comfortable with the current policy. I don't see the need for this change. I referred to it earlier as a solution searching for a problem. I would be happy to listen to my colleagues tell me, you know, give me some information why I ought to reconsider my position and I will be all ears. Thank you, Mr. Chairman."

Chairman Skelton said, "Thank you, Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. I guess I would like to hear an explanation as to why we're proposing to make this change."

Mr. Buchanan said, "Commissioner Ranzau, we have had a policy on grants for a number of years. The intent of the original policy was to make sure that there was no grant that was applied for or received that would increase the number of full-time equivalent, or would require us, after the grant went away, to add full time equivalents. And that provision, in the current policy, would still be there. But, any time we would have to increase the number of employees by grant would come to you.

"The other seemed to be the renewals of grants that are routine and regular, for instance, the one that we deferred today from, on community corrections from the state. There is a number of those that are rather routine and mundane that we thought would be better handled administratively, if the Commission doesn't want to do that, we can continue to do business as usual."

Chairman Skelton said, "Well, okay, the motion on the table is to approve Item N. Is there any additional discussion, Commissioner."

Commissioner Ranzau said, "Okay, I was just going to say I would prefer to keep it the way it is, and not allow staff or the Manager this wide discretion for grant proposals. I don't consider grant proposals to be mundane, I understand the point, but I am going to oppose this particular resolution. Thank you."

Chairman Skelton said, "Okay. Thank you. Any other discussion? Madam Clerk, call the vote, please."

VOTE

Commissioner Norton	Aye
Commissioner Peterjohn	No
Commissioner Ranzau	No
Commissioner Unruh	Aye
Chairman Skelton	Aye

Chairman Skelton said, "Okay. At this time we do have a Fire [District No. 1] agenda, but I will go ahead and take any other items at this time. Is there other items by Commissioners? Commissioner Peterjohn."

**OTHER**

Commissioner Peterjohn said, "Mr. Chairman, I want to point out several things, and I want to thank some of my colleagues who, and also the folks who were helping sponsor the Link 4 Life Run Saturday. It was a great event. A lot of people turned out for it, a lot of young people. It was always great to see the kids out there, and I was very impressed with some of the times in the 5k. It was quite an event. I want to thank the sponsors, Lamar's Donuts that I can think of right off the top of my head, Papa John's Pizza. There was some great refreshments at the event, and I think it's important, too, to recognize that.

"I would also like to make a bit of a personal note. Because at least in the Peterjohn household this week, I consider ourselves, we're all Bostonians, and in light of the atrocity that occurred Monday, I brought in, I am going to show this, it's kind of old, an old paper weight that I have in my office, but I earned it by completing the Wichita marathon in 1987. So I very much know when I was looking at the finish line at the Boston marathon, and I never had the privilege, the marathon ran furthest away that I ever ran in was down in Dallas. And that was also, I hate to say it, over a quarter of a century ago, too.

"But Mr. Chairman, I think we are all Bostonians this week, at least I'll guarantee you that in the Peterjohn household, and affirm with the good folks up there, folks in the running community. Because we have a tremendous asset in this community, the folks who helped put on the race for the Link 4 Life earlier last Saturday, which I just talked about, as well as put on other events, the run for the Turkey Trot in the fall. There's a great Wichita marathon in November coming up. It is important that we recognize those facts, and I just wanted to get that on the record this morning, besides pointing to the usual mundane that we have fewer than 1,400 people in Detention in the Sheriff's custody. Thank you, Mr. Chairman."

Chairman Skelton said, "Yes sir, thank you. Any other comments, please? Okay. Well, at this time I am going to adjourn the Board of County Commissioners meeting."

**EXECUTIVE SESSION**

**ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 10:52 a.m.*

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

\_\_\_\_\_  
*JAMES B. SKELTON, Chairman  
Fifth District*

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*DAVID M. UNRUH, Chair Pro Tem  
First District*

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*TIM R. NORTON, Commissioner  
Second District*

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

\_\_\_\_\_  
*RICHARD RANZAU, Commissioner  
Fourth District*

ATTEST:

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*Kelly B. Arnold, County Clerk*

APPROVED:

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