

Sedgwick County

525 North Main Street
Wichita, KS 67203



*Sedgwick County...
working for you*

Meeting Minutes

Wednesday, August 25, 2010

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

Pursuant to Resolution #215-1986, adopted by the Board of County Commissioners on September 24, 1986, 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, 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 9:07 a.m. on Wednesday, August 25, 2010, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Karl Peterjohn, with the following present: Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Kelly Parks; Mr. Ron Holt, Assistant County Manager; Ms. Jennifer Magana, Assistant County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Irene Hart, Director, Community Development; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Robert Parnacott, Assistant County Counselor; Mr. Bob Lamkey, Director, Public Safety; Dr. Sabina A. Braithwaite, Medical Director, Emergency Medical Services System; Ms. Marilyn Cook, Executive Director, COMCARE; Ms. Chris Morales, Project Manager, Corrections; Ms. Iris Baker, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

*Ms. Sally Dewey, Co-President, League of Women Voters Wichita-Metro
Ms. Amy Yearout, 1837 N. Honeysuckle Cir., Wichita, Kansas
Ms. Danielle McCoy, 3724 ½ E. Edgemont, Wichita, Kansas
Mr. Chris Steincamp, Depew Gillen Rathbun & McInteer, LC
Mr. Jeff Fluhr, President, Wichita Downtown Development Corporation
Mr. Craig Gable, 150 E. 44th St. S., Wichita, Kansas
Ms. Carolyn Hill, Chief Executive Officer, Starkey, Inc.
Mr. Joel Pile, City Administrator, City of Valley Center
Mr. Art Wood, 3300 W. 77th St. N., Valley Center, Kansas
Mr. Robert Kaplan, 1600 Epic Center, Wichita, Kansas
Ms. Sharon Trax, 3400 W. 77th St. N., Valley Center, Kansas
Mr. Richard Penn, 7948 Buena Vista, Valley Center, Kansas
Mr. Dillard Duerksen, 3800 Rio Grande Cir., Valley Center, Kansas
Mr. Sam Herr, 8147 Buena Vista, Valley Center, Kansas
Ms. Sonya Hamblin, 8125 Buena Vista, Valley Center, Kansas
Mr. Mark Stewart, 7845 Buena Vista, Valley Center, Kansas
Mr. Bob Hamblin, 8125 Buena Vista, Valley Center, Kansas
Mr. Melvin Kincheloe, 7953 N. West St., Valley Center, Kansas
Mr. Jacques Fluker, 3819 Rio Grande Cir., Valley Center, Kansas
Ms. Janet Southards, 3900 Rio Grande Cir., Valley Center, Kansas
Mr. Barry Harrold, 4020 Palos Verdes, Valley Center, Kansas
Ms. Valerie Brauer, 4301 Palos Verdes, Valley Center, Kansas
Mr. Mike Kelsey, City Engineer, City of Valley Center
Ms. Pamela Herr, 8147 Buena Vista, Valley Center, Kansas
Mr. Mark Hephner, Chief, Valley Center Police Department
Mr. Eldon Miller, Director, Community Development, City of Valley Center
Mr. A.J. Boleski, General Manager, Intrust Bank Arena*

INVOCATION:

**Reverend Rick Thornton, Aldersgate United Methodist Church,
Wichita**

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES

A [10-0266](#) Regular Meeting of July 21, 2010

Chairman Peterjohn said, "Everyone's had a chance to review the minutes for July 21st."

MOTION

Chairman Peterjohn moved to accept the Minutes as read for the Regular Meeting of July 21, 2010.

Commissioner Parks seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Chairman Peterjohn said, "Next Item."

Approved

PROCLAMATIONS

B [10-0288](#) PROCLAMATION DECLARING CELEBRATION OF THE 90TH ANNIVERSARY OF THE 19TH AMENDMENT.
Read by: Kristi Zukovich, Communications and Community Initiatives Director.

RECOMMENDED ACTION: Adopt the Proclamation.

Attachments: [90th Anniversary of the 19th Amendment 082510.doc](#)

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

PROCLAMATION

WHEREAS; in celebration of the 90th anniversary of the 19th Amendment, we remember the women – and men – who fought for equal rights between the genders in the United States of America; and

WHEREAS; while complete equality between the genders still has yet to be realized, the suffrage movement of 1920 remains a significant milestone; and

WHEREAS; any person born within the last 90 years has lived in a world where women can vote and run for office; and

WHEREAS; even after 90 years, women in elected positions are the minority by a large margin; and

WHEREAS; let not the courage of the women and men of the suffrage era be in vain; and

WHEREAS; Sedgwick County supports women in elected positions and encourages women to seek opportunities to become involved in the democratic process through casting their votes and running for office.

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

'90th Anniversary of the 19th Amendment'

Ms. Zukovich said, "And it is dated August 25th, and it is signed by the Chairman, Karl Peterjohn."

MOTION

Commissioner Norton moved to adopt the Proclamation.

Chairman Peterjohn seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Ms. Zukovich said, "Commissioners, we have Sally Dewey who is here to accept the proclamation. It's always nice to have her come."

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

Ms. Sally Dewey, Co-President, League of Women Voters Wichita-Metro, greeted the Commissioners and said, "Mr. Chairman, Commissioners, Manager, this is beautifully written. Thank you very much. Did you all get together on this? I am proud to accept it on behalf of the League of Women Voters Wichita-Metro, and I'm delighted to invite all of you, all of you, to a celebration tomorrow evening at 7:00 p.m. at the Wichita State [University] Metroplex. That's 29th [Street] and Oliver. There will be music, and marching and a real celebration. The younger generation probably doesn't even realize that although our country was established in 1776, 52 percent of the population could not vote until 1920. So it is a cause for celebration, the vote of women only makes our country better, and stronger and more united. So thank you again for this. I will share it with the group, and hope to see you tomorrow evening at the celebration. Thank you."

Chairman Peterjohn said, "Thank you. I'd like to segue way off of your comments a little bit and point out a couple of factors that I think are very relevant, because even though, in terms of equality of outcome, I think the equality of opportunity that's been brought forward is very important. And in 2008, we had a record number of electoral votes cast for a woman for national office, and by far, in fact, she received more electoral votes than any other women who have preceded her in running for national office, and I think that's a significant achievement. And I would be remiss if I didn't point out the fact that in 1912, when women got the full franchise here in Kansas, which was a good eight years before this happened nationally..."

Ms. Dewey said, "Yes."

Chairman Peterjohn said, "...the states had that power and authority, and somewhere along the line they lost it. I'm not sure how, but the Supreme Court said, we don't have that power in a Supreme Court decision in the 1990s. So, the challenge not only is to get the franchise, but also to keep it when you have it, because there are many places in the world where even though there are governments, the current Prime Minister of Australia, at the moment, is a woman, probably the most famous national leader was Margaret Thatcher in the United Kingdom, and, but unfortunately, there are many places in the world where women can't even go out and drive a car or let alone vote. So I think this resolution's important and timely, and I'm quite proud to be able to support it."

Ms. Dewey said, "Thank you. Chairman Peterjohn, many of us look forward to the day when there is a woman president of the United States. Soon, I hope."

Chairman Peterjohn said, "Well, we've got an election coming up in two years."

Ms. Dewey said, "Don't you say a word."

Chairman Peterjohn said, "Next Item."

Adopted

C [10-0240](#)

PROCLAMATION DECLARING AUGUST 27, 2010, AS SEDGWICK COUNTY JAZZ HISTORY DAY.

Read by: Kristi Zukovich, Communications and Community Initiatives Director.

RECOMMENDED ACTION: Adopt the proclamation.

Attachments: [Jazz History Day 082510.doc](#)

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

PROCLAMATION

WHEREAS; Wichita and Sedgwick County have a long history of jazz performance beginning in the 1920s; and

WHEREAS; Joshua L. Yearout wrote his thesis on Wichita and Sedgwick County Jazz 1920 – 1940 and was granted a Master's in Public History from Wichita State University and then passed away in July 2009 at age 33; and

WHEREAS; Rowfant Press has now published a book based on this thesis with profits going to Joshua's widow Amy; and

WHEREAS; this book is now available for sale at the Kansas African American Museum, as well as at a reception at Wichita City Arts from 6 to 9 p.m. August 27.

NOW, THEREFORE, BE IT RESOLVED, that Karl Peterjohn, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim August 27, 2010, as

'Sedgwick County Jazz History Day'

in honor of the many talented musicians who entertained the citizens of Sedgwick County and of the research and writing of the late Joshua L. Yearout about the history of jazz in the area.

Ms. Zukovich said, "And it is dated August 25th, and it is signed by the Chairman, Karl Peterjohn."

MOTION

Commissioner Parks moved to adopt the Proclamation.

Commissioner Unruh seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Ms. Zukovich said, "Commissioners, we have Patrick O'Connor who's here..."

Unknown audience member said, "Actually, Amy Yearout is here."

Ms. Zukovich said, "Okay. Alright. We will have Amy Yearout to accept this proclamation then."

Ms. Amy Yearout, 1837 North Honeysuckle Circle, Wichita, greeted the Commissioners and said, "Thank you..."

Ms. Zukovich said, "Thank you."

Ms. Yearout said, "...very much."

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

Ms. Yearout said, "Good morning. I am Amy Yearout, Josh Yearout's widow. I would like to thank you for the proclamation making Friday 'Sedgwick County Jazz History Day' in honor of my late husband's book, Wichita Jazz and Vice [Between the World Wars]. Knowing Josh, he would be both thrilled and humbled by the attention, but he would very much appreciate your interest and your faith in him. He loved both history and jazz, so his thesis topic was a perfect blend. Josh loved digging up the dirt behind the stories and making them feel real to others. History to him was anything but dry and boring; it was full of fascinating people with quirks and passions. I wish he could be here to enjoy the process of turning his thesis into a book that others can enjoy and to see how proud we are of him. Thank you. And we also invite everyone to come celebrate the book release party this Friday at City Arts from 6:00 to 9:00 p.m."

Chairman Peterjohn said, "Thank you very much."

Ms. Yearout said, "Thank you."

Chairman Peterjohn said, "Appreciate you being able to come down, and I understand how bittersweet this occasion may be for you. But good luck on your Friday event."

Ms. Yearout said, "Thank you very much."

Chairman Peterjohn said, "Next Item."

Adopted

APPOINTMENTS

- D** **10-0289** RESOLUTION REAPPOINTING TOM LINDSAY (COMMISSIONER TIM NORTON'S REAPPOINTMENT) TO THE SEDGWICK COUNTY BOARD OF ZONING APPEALS. Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the Resolution.

Attachments: [LINDSAY, TOM.tn.082510.wpd](#)

Ms. Jennifer Magana, Assistant County Counselor, greeted the Commissioners and said, "This resolution reappoints Tom Lindsay to the Board of Zoning Appeals. We'd recommend you approve the resolution."

MOTION

Commissioner Norton moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "Next Item."

Adopted

E

[10-0296](#)

RESOLUTION REAPPOINTING BOB WEEKS (COMMISSIONER KARL PETERJOHN'S REAPPOINTMENT) TO THE SEDGWICK COUNTY BOARD OF ZONING APPEALS.

Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Attachments: [WEEKS, Bob.kpj.082510.wpd](#)

Ms. Magana said, "Commissioners, Item E is a resolution that reappoints Bob Weeks to the Board of Zoning Appeals. This is Chairman Peterjohn's appointment. We'd recommend that you adopt the resolution."

MOTION

Chairman Peterjohn moved to adopt the Resolution.

Commissioner Parks seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "Next item."

Commissioner Unruh said, "Was Mr. Lindsay here?"

Chairman Peterjohn said, "Oh, I'm sorry. Is either Mr. Lindsay or Mr. Weeks here?"

Commissioner Norton said, "I don't see Bob."

Chairman Peterjohn said, "I don't see Bob. So, well, that's good to check. If they were here, we'd ask them to get re-sworn in, but they'll have to do that at a later date. Next Item."

Adopted

NEW BUSINESS

- F [10-0287](#) PURCHASE OF REAL PROPERTY LOCATED AT SECOND STREET AND ST. FRANCIS IN WICHITA, KANSAS.
Presented by: Ron Holt, Assistant County Manager.

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

Attachments: [Real Estate Purchase Contract](#)
 [Environmental Easement and Indemnity Agreement](#)

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, "As you know, early on in the development of the Intrust Bank Arena in downtown Wichita, it was recognized that a comprehensive integrated downtown parking and shuttle system was a critical element for the arena success, as well as the continuing resurgence of downtown Wichita. As such, the arena's success with the opening of the arena, the City of Wichita, in collaboration with Sedgwick County, Wichita Downtown Development Corporation (WDDC), the Wichita Transit Authority, Intrust Bank Arena and Century II put into place an integrated parking and transportation management system to oversee and provide coordination and marketing of the downtown parking assets.

"The objectives of the downtown Wichita arena parking and transportation plan for the arena and for Century II are to: coordinate parking for arena events, and Century II events and Old Town to limit and reduce parking conflicts in these three areas, to maximize the use of the parking and transit assets as part of an interconnected parking and transit system, to simplify and coordinate public communications and public relations regarding the availability and pricing of parking, public transit and other alternatives, to maintain safe, adequate and affordable parking facilities while planning for the development of new parking facilities in a cost-effective manner, to coordinate between private lot owners around the arena to increase the number of known public parking areas for arena events, to coordinate remote parking with shuttles, and to consolidate public parking management to advance efficiencies, share existing parking assets, better distribute parking demand and generally improve the overall parking experience for all user groups in downtown Wichita.

"While the study included 169 blocks in the downtown area, city blocks, and to some extent addressed parking and mobility for the entire area, the plan primarily addresses event parking for the arena and Century II. The core parking assets of the plan for arena events are the following publicly owned lots. Lot A, we call Lot A, State Office Building garage, which is the northwest corner of Emporia and Williams Streets. There's 457 spaces there. Lot B, the State Office Building surface lot, which is at the southwest corner of William and Topeka; 175 spaces. Lot C, which was a new surface lot at the southeast corner of Lewis and Emporia; 196 spaces. And Lot D, which is an expanded surface lot southwest corner of Waterman and Mead is 470 spaces, and in addition to these public/private spaces, a number of privately owned spaces have contracted with the City of Wichita to supplement these parking assets and make them available for arena events."

Mr. Holt continued, "And, of course, in addition to all of that, Sedgwick County and the Intrust Bank Arena has partnered with the Wichita Transit to provide the trolley, Q-Line service, six days a week, and then expand its shuttle services as appropriate for various events for arena events. Throughout the first six months of the arena operations, of course the downtown Wichita area arena parking and transportation plan has worked very well, and quite frankly, has exceeded our expectations. While the plan has worked well and has been successful, from the very beginning, Commissioners, we assume that as redevelopment occurs around the arena, some parking would be displaced, and consequently, that displaced parking would need to be replaced and additional parking added to meet the demand generated by the new development. In fact, the Downtown Wichita Master Plan, currently under development, contemplates that Lot B, which is 175 spaces, and one of the private owned lots, which is used at a high rate for arena events, the Spaghetti Works parking lot; 130 spaces are prime locations for new development.

"As such, to continue to meet and exceed the expectations of users of the arena, having replacement parking is prudent. Acquisition of the Coleman property would more than adequately fulfill the need for replacement parking as development begins to occur downtown. The Coleman property meets the following objectives of the arena event parking aspect of the downtown Wichita arena parking and transportation plan. There are 500 regular spaces, 14 accessible parking spaces for a total of 514 spaces on a surface lot that could be put at this location. The purchase price would be approximately \$3.28 per square foot, compared to the first offer that was made to us on this property of \$6.83 per square foot. It allows for efficient ingress and egress of traffic. Parking is within direct view of Entrance C of the arena from the site. Parking is on the established Q-Line route, and publicly owned parking at this location helps ensure the arena event parking does not conflict with any of the Old Town business operations.

"The property proposed for purchase includes tracts of land on both the northeast corner and the southeast corner of St. Francis and Second Streets located in the City of Wichita. The northeast tract is approved for surface parking and is zoned LI, Limited Industrial. Southeast tract contains a multi-story factory building and unimproved open area, and is zoned CBD, Central Business District. Each zone permits by right the use of the tracts for a commercial parking lot. The total acreage contained in the two tracts is approximately 183,000 square feet, or about 4.2 acres, according to the records of Sedgwick County Appraiser. This property was listed for sale back in 2008 for \$1.7 million, was offered to the county in 2009 for \$1,250,000, the proposed purchase price today is \$600,000. Again, the \$1.25 million price converts to a cost of approximately \$6.83 per square foot, and the proposed purchase price represents a cost per square foot of approximately \$3.28. Both price factors and the limited use that can be made of the property, due to the ongoing environmental remediation, neighboring properties without remediation have sold in a range of \$16 per square foot to \$50 per square foot."

"The proposed purchase price also takes into consideration the necessity to demolish the factory building at an estimated cost of \$300,000, and the cost to pave or repave the tracts for the proposed intended use for surface parking, which is right now estimated at \$600,000. The southeast tract is located within the Gilbert-Mosely Redevelopment District. A certificate and release of environmental conditions as to such tract has been obtained from the city. The Coleman Company will remain responsible for environmental remediation at the site except for any necessary asbestos removal during demolition of the building. Coleman will indemnify the county for the environmental process as approved in the environmental use control agreement, which is consistent with the county's use of the property.

"Commissioners, we want to assure you that we've done our due diligence. Susan Erlenwein, who is on the county staff in our Environmental Resources Department, reported at yesterday's staff meeting that KDHE, the Kansas Department of Health and Environment, has reviewed and approved the site for uses such as a parking lot or a green space. We have used outside counsel that is very familiar with the Coleman site. We've used the engineering firm of Burns & McDonnell to conduct a feasibility study for use of the property for parking. We received documents from Coleman and made a reasonable review of the Kansas Department of Health and Environment documentation, and beyond that, we have, as I mentioned earlier, indemnification in the agreement from Coleman for any environmental remediation that might be required. Commissioners, yesterday, and we have available a fact sheet that gets into further details about the environmental concerns, the remediation efforts, the KDHE restrictions and how the parking is proposed to be used. I would just, not go through all of this, but would indicate to you that the remediation efforts that have gone on there between the City of Wichita and the Coleman Company have contributed to an average of 75 percent decline in each of the contaminants that were initially identified on that property.

"The property is located within the historic preservation environs of the Old Town historic district and the old Wichita High School. Demolition of structures will require review by the Historic Preservation Board, and depending on the outcome of this review, would require approval by the City Council. Here today is Susan Erlenwein from the county's Environmental Resources Department, Chris Steincamp, who is our outside legal counsel, who has intimate, both of these folks have intimate knowledge, because of their long history in working with this property, of the environmental issues and remediation on the property. We have also Jeff Fluhr from downtown Wichita [Downtown Development Corporation] and Tim Daniels from the Coleman Company is here as well. I also have been asked to mention to you that there is a citizen here, Ms. Danielle McCoy, who has an interest in what might happen with the property today. Commissioners, I would ask that you approve the contract and authorize the Chairman to sign. I would be happy to attempt to address any questions or call on folks who have answers for you."

Chairman Peterjohn said, "Thank you. At this point, I would normally throw things out for questions and comments to Mr. Holt, however, I spoke with Commissioner Welshimer earlier this week, and because of her recent surgery she's not here today. She did tell me that she thought she would be here next week, and she was very much interested in this issue and wanted to participate on this from the bench. So I want to clarify that our...with the current agreement that we have in place, Mr. Holt, if we delay this item for one week, does that create any sort of problems with the agreement we have before us?"

Mr. Holt said, "The agreement we have says that we have, the county has 30 days from the time we received and executed agreement to put it on the BOCC (Board of County Commissioners) Agenda. We received the executed agreement on August 5th, so we would have up until September 5th."

Chairman Peterjohn said, "Okay. Well because I would normally like to have, and not only participation from all my colleagues on the bench, but obviously open it up to get some public feedback, too. But, at this point in time, if we could, I'm inclined to prefer that we have all five Commissioners here before we proceed with this item. And I think it would be a good idea, I'm going to make a motion we defer this item for one week, if I have a second, but we'll see."

MOTION

Chairman Peterjohn moved to defer Item F for 1 week.

Commissioner Parks seconded the motion.

Chairman Peterjohn said, "Okay. Well, I'm going to turn it over, I don't see any lights up here. I've given my reasons why I think the way I do. Commissioner Norton."

Commissioner Norton said, "Well, with all deference to Commissioner Welshimer, I'm ready to move forward today. We've dealt with this issue for quite a few months, and have gotten plenty of dialogue and information on it, and I thought it was pretty much the consensus of the Commission that we had charged staff with the idea to go out and bring back some kind of a legitimate contract to us, and that's what's before us today. You know, I worked on parking for almost two years, to be sure that what was available for the Intrust Bank Arena would suit the present. And I'm pretty proud that if you look around the community, that's become a non-issue. Now my worry becomes future parking. We know that one of the reasons we built the Intrust Bank Arena downtown was to help with the downtown redevelopment. We all know that when your core disintegrates, like many large urban cities do, that it is not good for your community and the economic viability of a large region, and Wichita is just that to us."

"Now, I live in Haysville. Haysville is my hometown, but I also understand that Wichita is my hometown, too. And that we have to make sure that the downtown is viable, and vital and is a great place for business to be engaged in. And parking is going to be so important, and I really believe as the downtown redevelops, Ron was right, parking is going to be the highest and best use for some of this land is going to be restaurants and other kinds of endeavors. So we need to be looking to the future. We know that site is in view of the arena, within walking distance, certainly the trolleys and other transit can go by there. And I know [Wichita] Transit's working on that right now. One of the things I've also heard a lot recently is on arena nights many people have discovered that you can eat in Old Town, park in Old Town, ride the trolley to the event and then come back via trolley. The merchants are telling me that that's great for that first wave of people, but it's clogging up their parking for other patrons that might want to come into Old Town while there's an arena event, and obviously not everybody goes to arena events. And I worry that that's going to start to denigrate our ability to do great business in Old Town."

"So this parking can serve two masters. It can serve Old Town, it can serve the arena, and it will also clean up a blighted property that's been around for a lot of years and can be used for nothing else other than green space and parking. It is a part of the Goody Clancy plan. I know that hadn't rolled out completely, but I have been involved with WDDC and the Goody Clancy plan. I've missed none of their meetings, and that's in part of the north sector that's very integral to that plan of redeveloping downtown. So I think that is a highest and best use. It's something we should engage in. The price has been negotiated down to well over half of what the original pricing was. It is only going to be funded by sales tax money from the arena, which was set aside for parking.

"And we made a commitment to the public that we would make sure that parking for the arena was always available, was usable and reasonable, and I think that we can make this very reasonable as a public parking lot. I don't...I tie this to the Washington and Waterman piece of property, which could've been used for parking, and we own it, but it's only 150 slots, and that's on the corner of two pretty highly trafficked areas. And I think there's a higher and best use for that. Certainly the Coleman property, there's only one really good use and we can use that. So I'm in favor of moving forward today, not deferring. I think, I thought we had talked and had a pretty good idea that once a good agreement was brought to us, we would be ready to move on this. So, I'm ready to do that today, Mr. Chair."

Chairman Peterjohn said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Normally when we have time to wait, if we're not right up against a deadline, I would favor deferral. In this case, I think I'm ready to move forward with the question when we get to that point. I understand that Commissioner Welshimer did have some questions about the broker-agent relationship, and she had questions about the contamination and liability issues, and had questions about the tightness of the contract. And I think that all those questions were clearly answered. So I don't think that there would be new information that could be brought to us by this time next week. We have a quorum and we have an item of business before us, so I'm prepared to go forward and I'll give those reasons when we talk about that issue."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "I, too, am prepared to go forward with this in great respect for Commissioner Welshimer and her concerns. And I had some of those concerns up until a staff meeting yesterday when those were answered. I made some phone calls, starting on Friday, and then on Monday, and I got those answered from our staff, primarily about the environmental situation down there, and the contract and the legal, and both of those departments have satisfactorily answered my questions. I do have a few other things that I wanted to say. There's a \$15 million left in the fund for the arena tax, and there's not going to be any county property tax used for this. This is all going to come out of that fund."

"When we do sell the other potential parking lot that Commissioner Norton referred to, that I happened to have vote for and was out voted on a couple weeks ago, or a month ago, we certainly will put that money back into that fund. That fund will be reimbursed by the SMG contract that says that we will get the next \$450,000 after the first \$450,000 profit on the acts that have come in. So that fund is not going to hurt by this use. Also, if this could've been used for building and get something back on the tax roll, I would've had a little bit of angst with that. However, I'm certainly confident that the KDHE's not going to let us build anything on there except a parking lot. And so this fulfills a promise to the people about parking. It fulfills a request, or any future requests from the City of Wichita, when they come for funds for the downtown project, so we can say, hey, look, we've put a lot of money into this deal. So I think that I am ready to vote on it today. I did second it just so we could get the...all these things out here.

"I would like to say, also, that I'd like to see this be a free parking lot for arena events. I don't know the particulars that we get into later and how long that will take to develop some kind of a plan for that, but I think that the tax, the arena tax money, the people that spent their sales tax on that, for that project, need to have some freebie there and be able to if they're going to an arena event, so we don't get the Old Town parking over in there and get that plugged up with that when there's an arena event. So I do think that that should take priority on those. I don't think the vote will change with Commissioner Welshimer here. I think that I've heard my colleagues up here saying what they would, so I guess I'm said my peace, and I'm ready to vote."

Chairman Peterjohn said, "Okay. Because I strongly believe in a lot of the comments that I heard about the property itself, and if there were all five of us here, I'd be inclined, I would not have made the motion that I did, and I appreciate, for discussion purposes, Commissioner Parks' second so that we could have at least this dialogue. Because if we do proceed today, I do want to, you know, I want to talk about this both on the substantive level, and I appreciate the substantive comments from all of my colleagues, but also on the process end, because I think it is important. This is not an...this is a substantial decision, and with a colleague's request that I think is reasonable, that's why I made the motion. But, having seen that, the motion before us, if the Clerk would re-read it so we can proceed with and dispose of it, and then take whatever appropriate action we need to follow from that motion, if you'd please re-provide the motion, I'd appreciate it."

Ms. Katie Asbury, Deputy County Clerk, greeted the Commissioners and said, "The motion right now is to defer Item F for one week."

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

VOTE

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

Chairman Peterjohn said, "Motion fails. We're back on the proposal and dialogue on the issue, since we are going to proceed today. I deferred, in terms of my substantive comments, but one of the things I've discovered, it's important at a public event like this, if I could get an idea, if there's people in the audience today who wish to testify on this issue, if they'd mind raising their hands? Is anyone here wanting to talk? Okay, I see one hand..."

Commissioner Parks said, "Two."

Chairman Peterjohn said, "...is there two? Okay."

Commissioner Parks said, "Yeah."

Chairman Peterjohn said, "Two. If there are no further questions for Mr. Holt at this point, I'd like to get some comments from the public, and whoever wants to come up to the microphone first is...welcome to the Sedgwick County Commission. Please state your name and address for the record."

Ms. Danielle McCoy, 3724 ½ East Edgemont, Wichita, greeted the Commissioners and said, "So, I didn't understand that this is an issue for such a long time. I fell in love with the property that you're talking about on the southeast corner of Second and St. Francis about three and a half years ago. I didn't realize that it was unable to be fixed. I've tried to reach Coleman about the property. There's one issue that's not even being considered. You've said that it's suitable for parking and suitable for green space, and green space hasn't been talked about, as far as I can hear."

Ms. Magana said, "Chairman, if I could clarify. The agreement with Coleman, with KDHE does specify parking lot use only."

Chairman Peterjohn said, "Parking lot use only?"

Ms. Magana said, "Yes."

Chairman Peterjohn said, "Okay. I hope that information is helpful."

Ms. McCoy said, "Yeah, not really. It kind of blows my whole case. So I'm not sure why it was said that there's a green space, but it has grass right there. It's a nice location. It's right by the railroad. Wichita, for the past, as far as I know two months, I don't know how much further back this goes, has failed our air quality test. Something that would improve that would be trees, a green space. That's a great location for that. I would of course like to see more development go on and try to fix that building, but I see that that's not really up for discussion. If we can't completely go in the direction of a green space, I would like to see a compromise be reached where trees can go in the parking lot. Maybe we sacrifice some spaces for some trees and help to clean up this place, because right now in our city and in our whole world, we see that there's a problem with pollution and with cleanliness, and we're talking about the future of our city and all I hear is development. And all I hear is parking. And I'm more concerned for our kids and for cleanliness. It helps clean up the water by getting roots into the ground system. It helps clean up the air. It's beautiful. A parking lot is not beautiful. Trees would help. So even if we can't completely stop this issue, and if we can't make it a complete green space, I would at least beg that we come to a compromise where we can integrate trees into the property."

Chairman Peterjohn said, "Thank you. Questions or comments? Commissioner Parks."

Commissioner Parks said, "Well I was just going to respond to Ms. McCoy on that. That is one of the questions that I asked yesterday at Tuesday's staff meeting of about the, if we do have any kind of a small green space, or a park bench with some grass around it or something there, that if the KDHE would approve that because of the possibility of rain coming down and that leeching on in, or the aromatic coming up, and I think that that's...we've hammered that out pretty well with other things, but if it says parking lot only, I don't know how much of a percentage or those kind of things that can, if we can define parking lot now. So maybe that's a question that Legal or somebody can answer, but, yes?"

Ms. McCoy said, "Well, I don't know, yeah, specifically what would be zoned as parking lot, but road runoff is one of the biggest pollutants contributing to, first of all, the river that's very close by. And a rain garden would be something very feasible to put in the green space that's already there. So basically the definition of a rain garden is a mixture of tree, shrubs and ground cover that would help to catch run-off, and I think that it would be something very reasonable to put in the center of a parking lot, since that's going to be a place of a lot of run-off, and especially in a place where we're going to see more development go and more traffic pick up. And basically the only trick is that you don't pave over the green part that's already there, so it's not even integrating anything more than what's already there. It's just working with the space that we already have."

Commissioner Parks said, "And I think that, a lot of that definition would come from the City of Wichita, how they define parking lot and then how Legal would come back with that. Jennifer, would you like to say something about that?"

Ms. Magana said, "Thank you, Commissioner. And Chris Steincamp is here, he has worked on this project and he's familiar with the KDHE use agreement that Coleman entered into. I might invite Chris to come forward and clarify the exact use that's allowed."

Chairman Peterjohn said, "Mr. Steincamp."

Mr. Holt said, "While Mr. Steincamp is coming, Commissioners, I would just say to you that the item today is to buy the property, and the county's interest primarily, and the use of the arena sales tax money, is for a parking lot. The next step then, once the property is purchased, we'd have to go through a design process, we would then bring that, you will have final say over that design. We could then take into consideration these concerns, but again, focused on our primary use is a parking lot. We would absolutely take a look at what kind of landscaping would go with that, that might meet some of these concerns. But I, again, that's the second step in the process."

Chairman Peterjohn said, "Thank you. Mr. Steincamp, welcome to the County Commission."

Mr. Chris Steincamp, Depew Gillen Rathbun & McInteer, LC, greeted the Commissioners and said, "Thank you. I've been working with the county, the County Counselor's Office, on this matter for some time, looking at the environmental agreements and those sorts of things, as well as the real estate purchase contract. To respond directly to the questions about green space, Coleman entered into, sometime ago, a environmental use control on this property with the Kansas Department of Health and Environment. And as you probably all know, the old Coleman factory property was kind of the genesis of the Gilbert & Mosely downtown pollution site. That property was the source of a substantial amount of contamination in the downtown area and the remedy that has been adopted by KDHE at present, and is going forward with this environmental use control, is essentially a cap. And what that means is, is that you put an impervious surface over the top of the property, which prevents infiltration of water, which can force continued contamination of the groundwater. The groundwater remediation system is going to continue to operate, and there's specific provisions in our agreements for that to happen. The environmental use control, the KDHE specifically states the property shall be used for parking purposes only. And there's not allowed to be any water wells, any lawn and garden, those kinds of things, because of the potential for the water to flush further contamination into the groundwater, which continues to exacerbate the problem in Gilbert Mosley."

Chairman Peterjohn said, "Thank you. Questions or comments? Next...I'm sorry, next speaker."

Mr. Jeff Fluhr, President, Wichita Downtown Development Corporation, greeted the Commissioners and said, "Mr. Chairman, County Commissioners, thank you for letting me..."

Chairman Peterjohn said, "[inaudible] your name and address for the record, Mr. Fluhr."

Mr. Fluhr said, "I'm sorry, sir. Jeff Fluhr with the Wichita Downtown Development Corporation. Thank you for this opportunity this morning. First I just want to thank you for the continued partnership with the parking management of downtown. I can tell you that your partnership has been vital to that success. And I just want to reiterate that this site does do all that you have talked about this morning, about as the sites around the arena are developed, this really does create a great opportunity, I think, for future parking. It is within sight of the arena. I think that we can work to incorporate all the type of things that Goody Clancy has been talking about in that area to really help with the walkability of that area. People are transversing in that, so I think, this is a really, I think for future parking, is a great solution to what we know we're going to be facing as we go forward. So just wanted to come forward and thank you for your opportunity to partner with you with the parking, I think this plays right into our future development, as far as parking needs for the arena. And I appreciate the opportunity to speak. Thank you."

Chairman Peterjohn said, "A question."

Mr. Fluhr said, "Yes, sir."

Chairman Peterjohn said, "If I wanted to get your input on how this parking would fit within the boundaries of the Goody Clancy plan as I've seen it so far, because they've made some comments about downtown parking, and I was interested in how these, this proposal to add 514 spaces to the arena related parking, how it would fit in from the perspective of your organization?"

Mr. Fluhr said, "In the Goody Clancy plan that's being proposed, this area is noted for parking. They understand the limitations of the site, and they see this as an opportunity to get it into a viable use that will help the surrounding areas. So the Goody Clancy plan does support this type of initiative that you're considering today."

Chairman Peterjohn said, "Thank you. Seeing no one else in the audience who wants to speak, we had two lights awfully during...oh, one more. Please come, welcome to the Sedgwick County Commission, and please give us your name and address for the record."

Mr. Craig Gable, 150 East 44th Street South, Wichita, greeted the Commissioners and said, "You know, I've been proud of this Commission for being very conservative for the last couple of years, and whatnot, about their ideals and about the way they've done things, providing basic services and with a minimum of frills. You know, the simple fact of the matter is that most of us citizens out here are limited to the information we get from The [Wichita] Eagle, and from what we've seen in The [Wichita] Eagle, and whatnot, that there's plenty of parking for the arena. There was big articles about, you know, what a success and how the opposition to the arena parking thing was a total failure, and things like that."

"And I was always a proponent of parking for the arena, to be honest with you, but anyhow. It seems that we have enough parking, and the simple fact of the matter is, is to spend \$600,000 to buy this building, and more to knock it down, and more to turn it into a parking lot seems like kind of out of the scope of what the county's normal business is, which is taking care of the basic services of the people. Now, the second thing is, you know, you know, it's a budget year. I mean, you know, that building's not going anywhere. Nothing's happening. It hasn't going anywhere in years. Why does it have to be now? Why does it have to be today? The third thing is, is, you know, if this is an economic remediation thing, which, you know, is kind of being played as and stuff that the building's in an area that, you know, you can't do anything else, and so we need to remediate it and stuff. You know, it's outside the county's scope once again, because in that area we have a TIF (Tax Increment Finance) district, the Gilbert & Mosely TIF district, and if it needs to be remediated, it should fall into the purview of that TIF district, which, unfortunately, is about \$2 million under water this year."

"But, and the third thing is, if this is economic development, you know, we, as the County Commission, you know, is all for economic development, but, you know, this has no direct line where you can see, if I do this and this, this will create jobs, or this will create business opportunities. You know, this is a peripheral thing that's being done with possible future needs and it seems kind of nebulous out there. Anyhow, but even if it is an economic development thing, the City of Wichita has \$10 million in its slush fund to take care of this problem. You know, the arena doesn't need parking. It's fully parked. You know, if the City of Wichita believes that this needs to be done bad enough, let them do it. And it's not, I don't think this Commission needs to put good taxpayers' dollars, which we just battled over a budget last week, and whatnot, to work, to try and do some nebulous project like that. Thank you."

Chairman Peterjohn said, "Thank you. Questions? Commissioner Parks."

Commissioner Parks said, "Well, I was just going to tell Craig that we talked about some stuff, and I don't know if you were in here earlier, but in my presentation on this issue, I went through and to talk about taxpayer money, this is from the sales tax fund from the arena. And my idea behind it was to get free parking for arena events. Also, there may be a need for parking that is not apparent now. If some of the parking areas are sold and there's a building on it, in the future, and it takes away 300 stalls, that's significant. And I do think that is a real possibility that that, some of that parking is going to be taken away, and I feel like that this was a promise to the people that there would be enough parking around it from the ballot questions. And you know I go back to that ballot question and try to hold feet to the fire on that one, and one of the things it said on the ballot question was for parking. And when we have the NCAA (National Collegiate Athletic Association) Women's [Division 1] Basketball [Tournament] here and if we have an event at Lawrence-Dumont [Stadium], I don't want anybody pointing fingers saying, this Commissioner or that Commissioner didn't do what was promised on the ballot. So that's going to be my reflection of my vote. Thanks."

Chairman Peterjohn said, "Any further questions for Mr. Gable?"

Mr. Gable said, "Can I comment? Can I comment on..."

Chairman Peterjohn said, "Well, if..."

Commissioner Parks said, "I don't mind, I asked..."

Chairman Peterjohn said, "Okay..."

Commissioner Parks said, "...some questions so..."

Chairman Peterjohn said, "...fair enough. Mr. Gable."

Mr. Gable said, "I appreciate your response, sir. And, you know, I said I understand it, you know. I just, you know, we came down to, I came down to express my opinion and I understand yours, and I said I appreciate it. Thank you."

Commissioner Parks said, "Thank you."

Chairman Peterjohn said, "Thank you. We're back...I'm a little flummoxed here, in terms of whether it was Commissioner Unruh or Commissioner Norton who had...their lights came on almost simultaneously. I don't know how you guys managed to do that."

Commissioner Norton said, "I will yield."

Chairman Peterjohn said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Alright. Thank you, Mr. Chairman. Well, I just wanted to make my comments. I'm going to be supportive of this property purchase. I can't find many things that are negative in the logic of proceeding, except spending money, which, you know, none of us are just eager to spend money, but this is financial resources that are provided by the one cent sales tax, and so it is not part of our county budget, per se. It's not on the mill levy revenue that we have. It comes out of the sales tax money. And I think it's an appropriate thing that we go ahead and acquire this last piece. I think that it kind of completes what we had promised to do in the arena project. It puts the finishing touches on it, if you will, and it provides that last piece of arena parking that a couple of studies said that long-term we need to probably come up with about 600 more spaces, and this, I think, accomplishes that.

"The parking will definitely be an asset to both the patrons and the merchants in Old Town, as much as it will be for the patrons of the Intrust Bank Arena. It does get rid of a blighted property in our community that has got a lot of negatives to it, including being somewhat of a health hazard. It can't be used for anything else. This is its only possible use that we have. It provides the replacement parking for future parking for downtown. We don't have to have a zone change to accomplish this. The price is good. So as I go through all the components that, as I can list them down and see is this plus or minus, they all seem to me like the appropriate thing to do. You know, I have to confess that about two years ago when this piece of property was first presented, I thought it was a great opportunity for us, and so I have been in favor of the process and getting this done for quite some time. The fact that now this particular usage is consistent with an overall downtown plan, the Goody Clancy plan, I think just is an underscoring of that it's the right thing to do. So I'm going to be supportive of it, and looking forward to the vote here in just a few minutes."

Chairman Peterjohn said, "Commissioner Norton."

Commissioner Norton said, "Well, I'd like to express to Danielle her appreciation for coming, and I, too, hope that we can find some ways to make it more than just a flat surface parking lot. There's a lot of ways to put planters and greenery on a parking lot, and make it usable and dress it up. It's going to have a good functional use, and I'd love to be able to make part of it a green space, but I don't know that's all going to be the way we can do it. There are other properties around there that maybe as they develop their uses, they'll plant some trees, make it a corridor. Since Kellogg has been blocked off from the way I come, I have to come down Second Street now instead of coming down Kellogg, and I drive by that every day for about four months now. And I have to tell you, I feel so good as I'm coming through Old Town, and it's vibrant and there's a lot going on. And I pass under the tracks, and then I get a different feeling about our community. And this is going to give us the chance to find a good function, but to start to let that good that's in Old Town spread to other parts of our community. And I think we should move forward today, and I'm going to be supportive, Mr. Chair."

Chairman Peterjohn said, "Is that a motion?"

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Peterjohn said, "We've got a motion and a second. I want to ask a question of Mr. Holt. Because the figure of \$300,000 has come up, is the \$300,000 strictly the estimate for demolition, or is it include demolition and repaving?"

Mr. Holt said, "The \$300,000 is an estimate for demolition, an additional \$600,000 is an estimate for paving. I just say, again, those are estimates, not based on any engineering drawings."

Chairman Peterjohn said, "Okay. I want to basically add to my colleagues' comments, but I don't want to repeat the ones, because I find myself largely in agreement with what my colleagues have said. I, too, am planning to support this. I had some reluctance after we had a successful opening. The initial price, and with the demolition and other questions that came up. The reason that I'm compelled to vote for it today is as this is a very good deal for Sedgwick County for all the reasons my colleagues have stated. And at the current price, at \$3.28 a square foot and a total cost of \$600,000, and even with the restrictions that the only, this is going to be a parking lot, the one thing that I would add to my colleagues to think about is whether we want to include this, since this would be a county-owned parking facility.

"If we'd want to have it treated going forward like we treat the parking at the Zoo or at the Kansas Pavilions complex, and this might give us future flexibility. That may be a discussion when that comes back at a future date. But with the price and with the commitment, there was no one stronger in opposition to the arena project during the 2004 campaign, but I'm going to repeat what I've told a lot of people privately. Since we have built this facility here in Sedgwick County and the voters approved it, I'm determined to do everything in my power to make this facility a success. And I think this parking lot is an important part of that going forward. So I'm going to be supporting this motion, too. Commissioner Parks."

Commissioner Parks said, "Just quickly, I wanted to segue off of something that you said there about that reminded me that I was in favor of de-annexing the arena property, which didn't happen, and that could be something later on that we would have control over the parking and the definition of parking instead of the City of Wichita if we were to de-annex that. Thank you."

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

VOTE

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

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

Chairman Peterjohn said, "Next Item."

Approved

G [10-0239](#)

CONSIDERATION OF A RESOLUTION AUTHORIZING THE AMENDMENT OF THE SEDGWICK COUNTY, KANSAS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2000 (UNITED WAREHOUSE COMPANY); TAXABLE INDUSTRIAL REVENUE

BONDS, SERIES A, 2002 (UNITED WAREHOUSE COMPANY); AND TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2006 (UNITED WAREHOUSE COMPANY).
Presented by: Irene Hart, Director, Community Development.

RECOMMENDED ACTION: Adopt the Resolution and Authorize the Chairman to sign.

Attachments: [DOCS-#337924-v1-Authorizing Resolution Sedgwick County United W:](#)

Ms. Irene Hart, Director, Community Development, greeted the Commissioners and said, "Since 2000, Sedgwick County has issued four series of taxable industrial revenue bonds for the United Warehouse Company. The company's primary facilities are located at 901 East 45th Street North. Due to the economic downturn, United Warehouse has negotiated with their bond holders and all have agreed to restructure bonds with a lower interest rate and to extend the maturity date. As issuers, Sedgwick County's agreement is also needed and that brings the item for your consideration today. Property tax abatements were granted on the property when the bonds were issued. The abatements will not be extended past the original dates. There is no cost to Sedgwick County for the amendments to the bond documents and no obligation for Sedgwick County to pay any principal, premium or interest on the bonds. This item has been reviewed by Joe Norton, who is county bond counsel and is here today. We recommend it for your approval. Also with us today are Charles Schaefer from the United Warehouse and J.T. Klaus, his bond counsel. We'd be happy to answer any questions you might have."

Chairman Peterjohn said, "Questions for Ms. Hart or any of the other folks who are here on this issue? Seeing no further, seeing no questions, what's the will of the Commission?"

MOTION

Commissioner Unruh moved to adopt the Resolution and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Ms. Hart said, "Thank you."

Chairman Peterjohn said, "Next Item."

Adopted

H **10-0245**

KDHE PERMIT APPLICATION FOR STARKEY, INC. FOR A SOLID WASTE PROCESSING FACILITY PERMIT FOR E-WASTE RECYCLING/RECLAMATION FACILITY.

Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Find that the proposed permit application is consistent with the Sedgwick County Solid Waste Management Plan.

Attachments: [S35C-410081108500](#)

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "The Kansas Department of Health and Environment requires any solid waste related permit application to come before the local government to make sure that it is in compliance with our Solid Waste Management Plan. Before you today is a permit for an electronic waste processing facility. Kansas Department of Health and Environment recently developed this permit process. This is within the last several years that they've required a permit for e-waste recycling. And Starkey is the first group in our community to go through the process to this point to come toward the Commissioners. They have gone before the Solid Waste Committee. The committee did approve that it is consistent with our Solid Waste Management Plan, because our plan calls for waste reduction and recycling, this certainly fulfills those requirements. Today I've invited Carolyn Hill with Starkey to come make a few comments about their process and she will be brief. I know this is a very long meeting for you. Carolyn?"

Ms. Carolyn Hill, Chief Executive Officer, Starkey, Inc., greeted the Commissioners and said, "Thank you, Susan. Good morning, Chairman Peterjohn and Commissioners. I wanted to thank you for the opportunity to speak to you today and to thank you for your ongoing support for children and adults with intellectual and developmental disabilities. We are here seeking your approval of our permit to continue operating our e-cycling project. And a little bit about Starkey. We're the oldest nonprofit organization in Sedgwick County serving individuals with intellectual and developmental disabilities. Hattie Starkey started at her kitchen table in 1930 with two children and today we serve 455 individuals; 225 of these individuals work in our Work Activity program. And they do a variety of subcontract jobs for community businesses for which they are paid.

"We began the de-manufacturing or tearing down of computers and their peripherals in 2006. The purpose is two-fold. One is work for the Work Activity program and its participants, and the other is protecting the environment. We have about 85 people who are trained to do this work. There are two advantages for them. They love the work and they make minimum wage, so it pays more than most of the jobs that we do. Initially, we began accepting computers donated by members of the community. We did little advertising but the word spread around the community. We worked with a local company to market the materials for us. This approach, while it provided good work for people, did not cover even our direct costs. In 2007, we entered into an agreement with the USD (Unified School District) 259 to recycle their computers. This has been a great relationship for us."

"We do three things for them. We pick up the equipment at their designated locations

within 48 hours, we maintain an inventory by serial number of the equipment and the location from which it was picked up, and then we clean their hard drives according to Department of Defense guidelines. The revenue from this work covers our direct costs, which includes the wages for the people doing the work. In the beginning, it appeared that donors were just cleaning out their basements. The computers were quite old, and were broken down and recycled. Today, the donations we receive and the equipment from the school district tend to be newer and some still have a useful life. In our agreement with our business partners, we can use these computers, printers, et cetera, within Starkey to meet our own needs or give them to the people we serve. When we do not have a need internally or from the people we serve, a local business IT Source, one of our partners, and they refurbish, and market the computers and sell the component parts and we share in the profit from that. However, the market for the components varies considerably, so this is not a steady source of income for us.

"I wanted to describe the typical process an individual can come to Starkey during business hours, ring a bell and we will come out to their vehicle and unload the equipment. If they want us to pick it up, we do charge a small truck fee. We accept computers all their peripherals; VCRs, DVD players, copy machines. We do not accept televisions or microwaves due to the hazardous waste involved. While we do accept monitors that come with computers often, we do not de-manufacture those due to the hazardous waste. They are placed on pallets and sent to the IT Source. We determine whether the equipment still has a useful life and whether Starkey or the people we serve have a need. And if they cannot be used, or refurbished and used, then we break them down into component parts.

"We were quite surprised that we were the first organization to get this far along in the process and we've been working on it for many months. We are not a typical recycling site and the Kansas Department of Health and Environment has worked closely with us to modify their process due to the size and simplicity of our operations. We appreciate their support and the support of the Solid Waste Management Advisory Board. We would appreciate your support today and would invite you to tour at any time you might like to."

Chairman Peterjohn said, "Thank you. Questions or comments concerning Item H and the permit for Starkey? Seeing none, what's the will of the Commission?"

MOTION

Commissioner Unruh moved to find that the proposed permit application is consistent with the Sedgwick County Solid Waste Management Plan.

Commissioner Parks seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Ms. Hill said, "Thank you very much."

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

Passed

I [10-0259](#)

HEARING TO CONSIDER WHETHER THE CITY OF VALLEY CENTER HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR THE ANNEXATION ORDINANCE NO. 1089-05.

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

RECOMMENDED ACTION: Open hearing, receive evidence from City and landowners, and make a finding as to whether or not the city has extended services as provided for in the service.

Attachments: [Notice of Post Annexation Hearing Valley Center Aug 25 Ord No 1089 05](#)
[Ordinance No 1089-05](#)
[BPvc1089-05](#)
[Valley Center Annexation Report](#)
[post annexation hearing questionnaire response from city](#)

Chairman Peterjohn said, "Before I turn this over to Mr. Parnacott, Commissioner Parks?"

Commissioner Parks said, "Since this may be lengthy, I think that maybe you started something there, Mr. Chairman, I would like to entertain a motion or a request for a 10 minute break."

Chairman Peterjohn said, "Ten minute recess. Well I normally do that about 10:30 a.m., but seeing that as a motion and request, I'll second that. And without objection, we'll be in recess until 10:25 a.m."

The Board of County Commissioners recessed at 10:12 a.m. and returned at 10:24 a.m.

Chairman Peterjohn said, "[audio missing] Mr. Parnacott."

Mr. Robert Parnacott, Assistant County Counselor, greeted the Commissioners and said, "I'll give some brief comments on the overall nature of these hearings, because we have three different ones, and then we'll talk about the specifics of each individual hearing, and you can open the hearing and hear the comments from the public. These are our five-year post-annexation hearings. They are held for any annexations in which the city had to prepare a service plan. Almost always those have been unilateral annexations that are done under a particular statute. The very first annexation today is actually what we call a county approved annexation, which is done under a second statute, where it actually came to this board five years ago for a public hearing on the annexation itself and you did approve that annexation. However, really what you're doing here is reviewing the service plan and whether the city has provided services substantially in conformance as promised in the service plan. So you're not reviewing the annexation itself, you're only reviewing the service plan that was associated with that annexation and whether the city has provided those services."

"We've provided notice to all the landowners involved. We had also sent out pre-hearing

questionnaires in each annexation. For this first one, we didn't get any responses back. We got responses back for the second one, and we did actually get one response on the third annexation, as well. But unless there's any...first comments or first questions on the nature and scope of these hearings, you are required to make a finding one way or the other as to whether or not the city has provided the services. It's a simple majority vote but you will need to have at least three votes in favor of a particular finding. If you can't get to the three vote majority, you'll probably have to defer this until Commissioner Welshimer can be back on the bench."

Chairman Peterjohn said, "Appreciate that background information. Questions or comments for Mr. Parnacott? Let's proceed with the first item."

VISUAL PRESENTATION

Mr. Parnacott said, "Okay. The very first annexation, again, was the county approved annexation this board heard in 2005. It was the hearing was actually, I think in February of 2005 thereabouts the annexation ordinance was formalized by the city on April 19th of 2005, and then published shortly thereafter. So we're just a little bit outside that five-year period here. It's a parcel in red that's showing on the map. It's west of Seneca and between, kind of halfway between, 61st and 69th. It was a 24 acre parcel, a little larger than the typical kinds of the smaller parcels that are taken under unilateral annexations, and that explains why it came to us as a county approved annexation. There is a residence on the parcel. I believe it also may be an ag [agricultural] use and it's un-platted.

"It was a fairly simple service plan. They promised they would provide fire, police, standard city services after the annexation. They would provide sewer upon petition and I think they indicated they were already maintaining the roads in the area. So that's the essentials of that particular annexation. At this point, I would recommend you open the public hearing to see if there's anybody that wants to testify in favor. I know the city has representatives here. We'd at least let them stand up and say that they have provided the services."

Chairman Peterjohn said, "Okay. We will take that under advisement. And I will open a public hearing on the first of these three annexation actions. And is there anyone in the audience who wishes to testify on 1089-05 as the annexation? Seeing none, I'm going to recognize Commissioner Parks."

Commissioner Parks said, "Now that was just the ones, the 1089-05, Mr. Parnacott, was at what location? We're talking about the one that's up on the map..."

Mr. Parnacott said, "We're talking specifically of this one parcel, 24 acre parcel, owned by a couple that is shown on the map, yes."

Commissioner Parks said, "And you say that was a 24 acre parcel?"

Mr. Parnacott said, "That's my understanding is 24 acres."

Commissioner Parks said, "Okay."

Mr. Parnacott said, "And we do have somebody from the city that could stand up and indicate to you that they have provided the services they said they would."

Commissioner Parks said, "Okay. Thank you. That's all the questions I had."

Chairman Peterjohn said, "Seeing no further comments or questions, what's the will of the Commission on this first of the three items?"

Commissioner Norton said, "Mr. Chairman, I move..."

Chairman Peterjohn said, "Oh, wait a minute, I'm sorry. I need to..."

Commissioner Norton said, "Close the public hearing."

Chairman Peterjohn said, "...close the public hearing."

Commissioner Norton said, "Yeah."

Commissioner Parks said, "Yeah."

Chairman Peterjohn said, "I'll make a, well, go ahead."

Commissioner Norton said, "I think you have to close the public hearing first..."

Chairman Peterjohn said, "I know, but I thought you were about to make that motion."

Commissioner Norton said, "No, I was going to make a..."

Chairman Peterjohn said, "Oh, okay."

Commissioner Norton said, "You can close the public hearing."

Chairman Peterjohn said, "Okay. I'm going to, without further comment, I'm going to close the public hearing. This is the last opportunity. Okay. The public hearing on the first item, 1089-05, is now closed and we're now back to the bench. Commissioner Parks."

Commissioner Parks said, "I certainly would like to bring up before we get started in a lot of this, I have not had any ex-parte communications with the people in this particular area. I just wanted to make that clear that I had not had any ex-parte communications with the people from this area."

Chairman Peterjohn said, "Okay."

Commissioner Parks said, "Thank you."

Chairman Peterjohn said, "We're back on the question as to whether we want to make a finding as to whether the City of Valley Center has extended services as provided for in the service plan concerning the annexation 1089-05. Commissioner Parks."

Commissioner Parks said, "We haven't heard from either side, I'd kind of like to hear from the city to see what they've provided on this parcel if they can. Not hearing any testimony from either side is kind of uncomfortable for me to vote on something."

Mr. Parnacott said, "Well, I might suggest you reopen the public hearing then so it's

part of the public hearing part if you want to hear comments from the city."

Commissioner Parks said, "Sorry about that, but..."

Chairman Peterjohn said, "Well, okay..."

Mr. Parnacott said, "No, that's fine."

Chairman Peterjohn said, "...do we want to have a motion made to reopen the public hearing? Nobody..."

MOTION

Commissioner Parks moved to reopen the public hearing.

Commissioner Norton seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Passed

Chairman Peterjohn said, "We're back, I'm going to reopen the public hearing on the first item and welcome to the County Commission."

Mr. Joel Pile, City Administrator, City of Valley Center, greeted the Commissioners and said, "As indicated in our survey that was sent to us by Mr. Parnacott, the city does believe and has indicated that they have complied with the service plan as presented five years ago, and so I would yield to any questions or concerns about that."

Chairman Peterjohn said, "Questions or comments? Commissioner Parks."

Commissioner Parks said, "The service plan that you have for the rest of them, does that apply to this one also?"

Mr. Pile said, "I believe, yes."

Commissioner Parks said, "The service plan for, and that may be a question for Mr. Parnacott. And if you could stand by, Mr. Pile."

Mr. Parnacott said, "There's a different service plan for this annexation that was prepared than the other two annexations..."

Commissioner Parks said, "Thank you."

Mr. Parnacott said, "...so we're dealing with very specific annexation service plan."

Commissioner Parks said, "Okay. Thank you. That's all the questions I should have."

Chairman Peterjohn said, "Any further questions for Mr. Pile? Seeing none, Mr. Pile, thank you. Anyone else? I'm going to give people another bite at the apple if they have any comments on this first annexation item before we...unless I hear from someone, I'm going to close this public hearing again. And we're back on the Agenda item. And my question is, what is the will of the Commission?"

MOTION

Commissioner Unruh moved to find that the City of Valley Center has extended services as provided for in the service plan.

Commissioner Norton seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Chairman Peterjohn said, "Next Item."

Passed

J 10-0261

HEARING TO CONSIDER WHETHER THE CITY OF VALLEY CENTER HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR THE ANNEXATION ORDINANCE NO. 1090-05.

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

RECOMMENDED ACTION: Open hearing, receive evidence from City and landowners, and make a finding as to whether or not the city has extended services as provided for in the service plan.

Attachments: [Notice of Post Annexation Hearing Valley Center Aug 25 Ord No 1090 05](#)
[Annex Ord 1090-05](#)
[Valley Center Ordinance No 1090-05](#)
[ID Service Plan for annex](#)
[Phase 2 Annexations](#)
[pHASE 3](#)
[Valley Center Phase 1 annexation map](#)
[Valley Center Water and sewer](#)
[post annexation hearing questionnaire response from city](#)
[Streetlight Policy](#)
[Follow up response from Valley Center](#)

Mr. Parnacott said, "Commissioners, this was a unilateral annexation done by the city.

All the parcels that were annexed in this particular ordinance are shown in red. There's a large part of them, there's 100 separate parcels involved. I assume most of them are residential. The largest part is to the west. It's north of 77th and west of Meridian. There are several platted subdivisions in that area. There were also some other implanted parcels and maybe some other subdivisions as shown, particularly I think over here by Seneca, I believe, and in between 93rd and 77th, and then a few to the south and to the west. Again, there were 100 different parcels involved. We sent notices to everybody, sent pre-hearing questionnaires to everybody. We did get 22 responses, a fairly significant return to the questionnaires.

"The landowners raised a series of issues that I'm sure some will be here to testify about today. There was a general indication they felt their services were better provided prior to the annexation, when it was in the unincorporated area, then they received after the annexation, particularly regarding police services. The city had provided in their service plan that they would prepare a streetlight installation plan after the annexation. Some landowners, I think, tried to find a copy of that and were not able to at the time. Since then, the annexation questionnaires went out probably in May or June, following that in July, the city has finally adopted the streetlight installation plan and that's been provided to you as part of their response and part of your backup. So they have finally completed that. This particular annexation was approved in early May.

"So, again, the five-year period we're talking about is from May of 2005 to May of 2010 that you're actually reviewing, in terms of whether they complied with their service plan. We had one comment that there had been no streetlights installed. Again, but I'm not sure that anybody requested streetlights and they didn't have the streetlight installation plan in place just yet. There was also a promise in the service plan that they would do a review of the emergency siren placement to make sure their coverage was adequate. I think some landowners had trouble confirming that. But the city has now confirmed that they believe they've reviewed the placement of the sirens and they believe everything is adequate there. Finally, there was a comment over by 85th and Seneca that some road surfaces were starting to erode and crumble. So there was a road maintenance issue raised there. The city has responded to us and made some statements by e-mail that they believe they provided the services. But I think at this point, unless you have any questions for me, I would recommend you open the public hearing and hear from the persons that want to testify."

Chairman Peterjohn said, "Thank you. Any questions or comments on this item for Mr. Parnacott? If I don't hear any, I'm going to open the public hearing and invite people who have signed up, and if you haven't signed up and do want to speak, we will get you...we will add folks towards the end. And everyone will have at least five minutes. And the Clerk up here has a, will give you a 30 seconds heads up if you get close to the end of your time period. I'd recommend for folks that if someone makes a point that you agree with, or is your point, I've discovered one of the best ways of basically saying, you know, I agree with that previous speaker and their point, and try to avoid duplicating what other people have provided. At this public hearing, the first name I have on the list is..."

Commissioner Parks said, "Mr. Chair, can I interrupt?"

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "I do want to say that I had approximately 10 ex-parte

conversations with people in this district. They are my neighbors, basically. So what I did try to do was tell them to go through their channels that are available to them and to take the information somewhere else, because I would stop them in that process and say that I had to do this. So I don't have any e-mails that I'm aware of that affected this. However, I did have phone calls at home. I did have personal conversations. However, we didn't get into any real particulars. Another fact that I need to bring up is that I was Chief of Police during this time at Valley Center when this was annexed. Our legal staff here, Mr. Parnacott, has advised me that I'm allowed to bring personal knowledge to the table. But I, just as I was when I was Chief of Police, I haven't made up my mind and I don't have an opinion on this yet until I hear the citizens. Thank you."

Chairman Peterjohn said, "Thank you. We are, the public hearing on this Agenda item is now open. And for the folks who signed up, the first name I have on the list is Art Wood."

Mr. Art Wood, 3300 West 77th Street North, Valley Center, greeted the Commissioners and said, "Mr. Peterjohn, I've given my place to our attorney."

Chairman Peterjohn said, "Oh, your attorney. Okay. Well then I'll recognize Mr. Robert Kaplan, welcome to the County Commission."

Mr. Robert Kaplan, 1600 Epic Center, Wichita, greeted the Commissioners and said, "Thank you, Mr. Chairman, Commissioners. I do appear, as Art suggested, at the request of a few of these folks, but I am advised on behalf of 55 homeowners in el Rancho [Del Rio] I and Rancho [Del Rio] II subdivisions. Mr. Parnacott has explained the purpose of this meeting; to verify compliance with the services plan provided to support the annexation of these two subdivisions. I know there are other properties. I am interested in Rancho I subdivision and Rancho II, and that does comprise 55 lots and 55 homeowners. I suggest to the Commission that perhaps we should look a little bit further into the services plan. Because, if you do, I believe you will come to the conclusion that there is no services plan. Oh there's a document entitled general services plan all right. You do have a plan. You do have words on paper. The problem is from the residents' perspective, Commissioners, it can't be implemented. Bringing water and bringing sewer across the river to service these two subdivisions is so far beyond the capacity and the ability of these folks to support that by petition and assessments that is tantamount to not offering the services at all. You can offer services and you can offer extension of water and service, but if the cost of doing that is so astronomical that it is totally infeasible and totally beyond the capacity of any resident to pay for it, it's tantamount to not offer services. There's no realistic possibility of these folks ever obtaining water and sewer service. It's nonexistent.

"The cost per lot, and I get this information from my clients, because I didn't find the particular documentation, but they were advised, according to the residents who advised me, that they were looking at approximately \$400 per month for water and sewer over a 15 year amortization. Then, in addition to that, they've got the hookup fees, which are going to run perhaps \$6,000 per home, somewhere between \$5,000 and \$10,000. So if you do the math, if you do the math on that, you're going to find that the cost on petition of paying for these services and paying for the hookups is totally infeasible. They're not capable of doing it. So what the city, and the city knows that. And the city knew that up front. You can annex anything, and you can put on paper that upon petition, we'll extend services."

"That annexation could be an island annexation, 20 miles away and you could make

that statement. You pay for it. Here they got to bring it across the river. It is an astronomical cost. We've been through this before on a previous one where we attempted to incorporate another municipality up there. When you offer a service, or you provide a service, that just cannot be implemented because it's financially so totally infeasible that nobody can beat the tab, nobody can do it, that's tantamount to not offering at all. So what's the city get? The city gets its increased tax base, at really a very minimal cost or no cost to the city. They got a tax base but at no cost to them. In addition, some of these residents are going to speak. I wasn't there, I don't know. I believe my clients know and they're going to speak to you about it. They're suggesting that the city is taking care of the original town lots first, and taking care of the original community first, and the annexed areas are taken a secondary position. If there's a police call in the city and a police call at the same time simultaneously with one of the properties in these additions that are annexed, they are told by the dispatcher that we'll take care of the city first. I'm sorry, may I have another minute?"

Commissioner Norton said, "Mr. Chair, if I might? How many people will Mr. Kaplan be speaking for that aren't going to speak on this sheet? Are there quite a few? That's my..."

Commissioner Parks said, "There's another 20 minutes."

Chairman Peterjohn said, "Yeah. Mr. Kaplan, since you're representing a number of folks who are using you as their..."

Mr. Kaplan said, "Spokesman."

Chairman Peterjohn said, "...counsel, we'll extend some extra time to you here, so please proceed."

Mr. Kaplan said, "I'll be quick, Mr. Chairman. I'll be very quick. Basically, what they're going to tell you, and I'm not in this debate, because I'm not there and I don't know, but these folks know and they're going to tell you, there's no equality of services. So I'll leave that to their argument. Here's what I want to do. I have a suggestion. I suggest you defer this one month, give these residents and myself an opportunity to meet with the, Mr. Pile and the officials of Valley [Center] and let's see if we can discuss these assessments and perhaps get some city at large contribution which might make it feasible for them to do it. Now, do they want services or don't want services? I suppose there's a division of opinion if you were to ask these folks individually about that. I'm not suggesting they all even want services. But I would suggest that they've got a right to know the number before they make that decision. And I think if you give us one month, it's been five years, another month isn't going to hurt anything."

Mr. Kaplan continued, "If you give us a month to visit with Valley [Center] and you

suggest, you can't force it, of course, but you suggest to Valley [Center] that they have a representative meet with these folks and let's discuss and see if we can come up with a better equitable division of the cost. Right now it's all on the homeowners. And if you take \$400 a month times 15 years plus hookup, all it's going to do, if they signed a petition, all it's going to do is result in tax foreclosures. They can commit to it, but they can't pay it. And then we're just going to be foreclosing homes because specials aren't paid. So I just don't believe that a services plan is a services plan simply because it has words on paper. I think it has to be something realistically capable of being enacted, capable of being implemented. And if it's not, because the cost is so bad and so huge, then you can't do it. I think the last thing I want to comment, and, oh, this is in the for whatever it's worth department, there was no streetlight plan. They passed that last month after it came to their attention that they didn't have one. That's in for whatever it's worth. So I'll stand for questions. I thank you for the additional time."

Chairman Peterjohn said, "Questions for comments for Mr. Kaplan? Commissioner Parks."

Commissioner Parks said, "Do you think that there may be somebody in the audience that would like to speak today even though...that aren't your clients?"

Mr. Kaplan said, "I'm sure, Commissioner Parks, that they are. I was actually contacted by a small committee representing both subdivisions, but I have not met, and that's why I'm careful, that's why I'm careful, Commissioner, to state that my representation here today is at the request of a few people but I am advised on behalf of all the lot owners. But I have not talked to all the lot owners, nor do I have agreements with them. I want to make that very clear, because that's come up before. And there may be those that would rather I didn't speak for them. I do not know that."

Commissioner Parks said, "Well I do know that there's been some that have taken vacation, and time off work and made special arrangements to be here. I just think that those people should be allowed to speak if they want to before any kind of a motion for deferment."

Mr. Kaplan said, "I quite agree."

Chairman Peterjohn said, "Further questions? Thank you."

Mr. Kaplan said, "Thank you Mr. Chairman."

Chairman Peterjohn said, "Next name I have on the list, Ms. Trax. Welcome to the County Commission. Please give us your name and address for the record."

Ms. Sharon Trax, 3400 West 77th Street North, Valley Center, greeted the

Commissioners and said, "And I retired last June thinking that I would be okay at my house. And I am a widow, and a senior citizen and I am the only income provider at my home. And I'm on social security with a fixed income and it would be a burden to have these improvements in that area. They are older homes and the cost would be more than the house is worth. And we are now paying Valley Center for five years over \$1,000 per year extra since we were annexed and we have not received any improvements to services for five years. To do improvements would be a very costly thing for each homeowner and it's not necessary. We don't need or want their services, such as streetlights, sewer, paving, all of that, because we already have everything we need. In the beginning, every homeowner in the associations signed a petition to the Valley Center that we did not want to be annexed but no one listened to us. And I have lived in that house for 25 years and I thank you for letting me speak."

Chairman Peterjohn said, "Thank you. Mr. Penn, welcome to the County Commission."

Mr. Richard Penn, 7948 Buena Vista, Valley Center, greeted the Commissioners and said, "And I'll be very brief. Our representative has been very eloquent in his presentation and I concur with everything he said. This nice lady has been very pleasant, as well. I bought out here in 2002. The reason I bought where I bought was because it wasn't in the city. I have no desire to be in the city. If I wanted to be in the city, I'd probably live in Wichita. I'm a very proud member of the community of Sedgwick County. I found nothing from Valley [Center]. In five years, they've annexed us. Not one thing has improved. In fact, I can give you four points of reference. In 2003, an alarm system was put on our house. Four times that alarm has gone off; once in 2003, once in 2005, once in 2007 and once in 2009, it's kind of interesting it's every two years. I hadn't thought about that. The first two were responded to by the county. First response took 16 minutes, second response 21 minutes. The last two were responded to by Valley [Center]. The first one took 48 minutes, the second one no one ever showed. For five years, our taxes have gone up from \$1,600, \$1,700 a year to nearly \$5,000. They've nearly tripled. And what do I get for that, Barney Fife drives by my house twice a day. I don't need that. I don't want the streetlights. I don't want the water. I'm very comfortable. Let me out of Valley [Center]. Thank you."

Chairman Peterjohn said, "Thank you. Next on my list is Dillard Duerksen, welcome to the County Commission."

Mr. Dillard Duerksen, 3800 Rio Grande Circle, Valley Center, greeted the Commissioners and said, "My wife Roberta would be here with me today but she's in the hospital at St. Francis. And I promised to say this whether somebody else has said it or not. We built our house where it is outside of Valley [Center] because we wanted to live in the country. We sold our house in Wichita when they annexed us over west of the airport and moved there. And so we never did want to have a city telling us how to live and what to do. As far as my point of view, it's a matter of whether they've done their due diligence as far as the services they said were going to do. Our roads, and I have some pictures here to kind of show what they're like..."

Chairman Peterjohn said, "Are those copies you want to provide for the public record, Mr. Duerksen?"

Mr. Duerksen said, "Pardon?"

Chairman Peterjohn said, "Are those..."

Mr. Duerksen said, "You can have these. I only have one set. Excuse me. But I have pictures of the streets as they are here..."

Chairman Peterjohn said, "Bring them up to the Clerk."

Mr. Duerksen said, "Okay. They don't really define exactly what..."

Chairman Peterjohn said, "I'll let you get back to the microphone so we can get you back on the record, Mr. Duerksen."

Mr. Duerksen said, "They don't really show totally what the problem is. Basically, this is what our problem is. We have country roads for streets. And as the time has gone by, when we were taken care of by the township, Valley Center Township, they kept bringing more sand in to fill in the roads as time went by. Since we've been in Valley Center, they have not done that. They just continued to grade the roads where we have a secondary ditch. Now, we, me and my neighbor went down and talked to the city supervisor about this problem. And he says, well we don't have, we can't afford to keep that filled up, or we don't have the funds to keep that filled up like it was when the township took care of the roads. He says, if you'll get your neighbors to sign a petition, we'll come in and dig that all out so you don't have the secondary ditch."

"Well, what happens at the driveway? Whenever you have a...that'd just put the ditch in the driveway is what they would do then. Also, I think you mentioned about the police protection. And I can't really comment much more other than I've sat the corner and watched the four-way stop where 86 percent of the people don't stop and there's never a cop there to make sure that they do. I've never seen one there as long as I've lived there, and I've been retired now for 10 years. We've lived there for 35 years. And thank you for your consideration."

Chairman Peterjohn said, "Thank you. Mr. Sam Herr, hope I pronounced that right, welcome to the Sedgwick County Commission."

Mr. Sam Herr, 8147 Buena Vista, Valley Center, greeted the Commissioners and said, "Thirty years ago my wife and I had a dream of moving out of Wichita, raising our family in the country. We bought a home here and we've lived there for 30 years filling our dreams with living in the country. Five and a half, six years ago, that dream was kind of busted because we heard that Valley Center was going to annex us. Myself, along with numerous neighbors, went to the Commission, or the City Council meeting, and protested, voiced our objection to being annexed. They didn't listen; they annexed us. We didn't have a chance to vote for them. I mean, they basically took over. Our taxes raised over \$1,000 a year in taxes to [inaudible] Valley Center. Since that time, I feel like our services are nil."

"I used to be on the Sedgwick County Sheriff's Department. I feel like their Sheriff's Department is professional. I dealt with the Sedgwick County Fire Department. They were professional. I don't feel like we're getting near the service out of the City of Valley Center as we had with the county. The local township maintained our roads, we had very few complaints, they were out constantly grading, bringing in extra gravel, sand. Now, we have little. Only in the last three months, I had a spot in front of my house probably 50 foot long, three or four foot wide that was almost a foot deep from ruts."

"The city finally came out with a high loader and dumped a load of gravel in it, and that fixed the problem. It's still almost impassable at times. City says we don't have money to fix it. There are still other locations in our addition that have never been patched up. Our roads have deteriorated greatly since the city has taken over. On the north side of my property, I have a ditch right-of-way. There's probably 30, 40, or 50 feet wide and a couple hundred feet long. It takes me 15, 20, 30 minutes to mow it. I inquired, since they took over, would they start mowing those ditches since they were city property. I was advised, we have no funds to do that. We would maybe mow them once a year. Every time we go to the city, we get told, we don't have the funds.

"We call the city, ask for information, costs of the sewer and water, we get no reply. I feel like the city has taken our tax money, using it for city projects in town and letting us go with no services. We're out in the country, we don't want streetlights. As far as I know, their streetlight plan was to call Westar. The nearest tornado siren that I know of is over a mile from my house. I can't hardly hear it if I'm outside in the backyard, more or less inside my house. I'm also retired, home during the days, I hardly ever see the police department drive by. When I have had to call them, I felt like I had very poor service. And then once again on the sewer and water, we all have our own septs, our own wells. The cost to have the city bring out those services is so high and astronomical, it would cause my house payment to go up over 50 percent. Plus, according to their City Engineer, it'd come out through the ditches in front of my house and through, which is the way most of the roads are, our septs go out the back of the house. I've been told by a plumber to even hook up to it, I'd have to have a pump station. That would be another \$10,000 cost to hook up a pump station to get it around the side of my house and out to the ditch. That means, you know, the cost of putting in city sewer and water would be over 50 percent of the cost of our house. No way I could ever afford that or comp [compensate] it.

"This leaves me living in fear that someday the city is going to make a decision to bring out. We were told at the time we were annexed that if the city decided to bring out water across the river and put a fire hydrant out there at the corner, if we were within a half mile, we would be fined specials, whether we wanted the water or not. As the city continues to annex, we live in fear that they're going to find another subdivision that some developer wants to develop, they bring out water and we're going to have to pay for it. So this has made our life miserable, worrying about what the city is going to do. We just feel like we're paying a lot of tax money, and getting a lot less services and care than we had when we were with Sedgwick County. I want back in the county. Thank you."

Chairman Peterjohn said, "Thank you. Next speaker is Sonya Hamblin, welcome to the Sedgwick County Commission."

Ms. Sonya Hamblin, 8125 Buena Vista, Valley Center, greeted the Commissioners and said, "And I understand that when you live in a town it's important to have regulations and laws so that people can cohabitate peacefully and healthfully. And you need the sewers, and the water, and the streetlights and all those things to keep everybody safe and healthy. Our properties are approximately two acres each, and so as our attorney mentioned, it would be quite expensive to bring those utilities out to our properties and to maintain them. Our homes aren't up close to the road. We're all set back off of the roads, so it would be quite expensive. Also, you've heard about our streets and the conditions of our streets, and that is the one service that this town has provided for us, but it hasn't been adequate."

"It hasn't been up to standard. It's been very substandard compared to what we had before the town started doing it. Our roads have become nightmares to drive down. It's the one thing that the town has done for us that has not been appropriate. It's not been taken care of adequately. And my concern is that we went four years and ten months, or whatever it was, without much concern from the town of keeping these streets up so that they would be suitable, and all of a sudden they're now trying to correct the neglect that we've had over these past four and a half years, which they haven't done a very good job of doing, and the streets are still in a substandard state. I thank you for the opportunity to address this and for your attention to this."

Chairman Peterjohn said, "Thank you. Mark Stewart, welcome to the Sedgwick County Commission."

Mr. Mark Stewart, 7845 Buena Vista, Valley Center, greeted the Commissioners and said, "Thank you. Appreciate the opportunity to come up here. I apologize for my appearance, I come straight from work. I have only lived in the area about four years. And like some of my other neighbors have said, the road conditions, just in the last six months I've seen them coming out in front of my place and doing something about it. As far as police, up until six, eight months ago, you hardly ever saw them in the area. Now you see them a couple times a day. I mean, they're trying to mask what they haven't done for the last four years. We moved out there, we knew that we were in the city limits, but we love it out there because it's quiet, it's dark. We don't want lights. I've lived on well and sewer all my life. I don't want that other stuff. And I won't be able to afford my place, which is our retirement home. I retire in a couple of years. I'm not going to be able to afford it if they want to bring all this stuff in. Like I said, the mask, they didn't come up with the plan like they said they did until the last minute when all these letters starting going out. That's when they decided they want to do something. My next door neighbor was telling me her alarm went off on their place three times in one day and it was four hours before a cop ever showed up. So, I mean, for a small town of Valley [Center], that should never happen. I'm sorry. But I appreciate the time to speak. And I hope you consider letting us back out."

Chairman Peterjohn said, "Thank you. Bob Hamblin."

Mr. Bob Hamblin, 8125 Buena Vista, Valley Center, greeted the Commissioners and said, "I'd just like to agree with everything. I'm not taking your time with repeating everything that's already been said, but I do agree with everything that's been said. I just would like to add that I feel that it's a terrible thing that in this day and age that we have to be forcefully annexed into, so a city can make money. We moved to the country because we wanted the country life, to raise our kids in the country, so we could have horses and stuff. And a lot of us are grandfathered in. If we sell our place, one of the good selling points of our property is the ability to have a horse or some sort of animals. Now that the city has us, whoever buys our homes after we sell don't have that ability to have horses or something for their kids to enjoy. And, again, I thank you for your time."

Chairman Peterjohn said, "Thank you. Carol Kincheloe. Carol? We'll skip over her. Melvin Kincheloe, welcome to the Sedgwick County Commission, sir."

Mr. Melvin Kincheloe, 7953 North West Street, Valley Center, greeted the

Commissioners and said, "Commissioners, thank you for the opportunity to speak. I would just like to reassure you of what you've already heard is pretty much factual. My major concern is why we went four and a half years before Valley Center started doing anything out there. Plus, the fact that if you look at these homes, and most of them are on the average of 30 years old, when you put the specials on that they're talking about in the future, who in the world is going to buy a 35, 40 year old home with \$500, \$600 a month specials on it. This is going to devastate that area because nobody is going to be able to afford to live there. They're not going to be able to sell the home because most intelligent people ain't going to buy something like that. Thank you for your time."

Chairman Peterjohn said, "Thank you. I'll just remind my colleagues, if anyone has any questions for any of the people testifying, next on my list Jacques Fluker. Welcome to the Sedgwick County Commission, I'm sorry if I mispronounced your name."

Mr. Jacques Fluker, 3819 Rio Grande Circle, Valley Center, greeted the Commissioners and said, "Everyone does. My nose proves that. I'm actually Jacques Fluker, 3819 Rio Grande Circle. I want to clarify something that Mr. Kaplan said. I'm the president of our homeowners association and we voted, the three directors, to retain Mr. Kaplan to represent all 22 homeowners in our addition, so all 22 homeowners are represented."

Chairman Peterjohn said, "Are you in Rancho I or Rancho II?"

Mr. Fluker said, "One."

Chairman Peterjohn said, "One, okay."

Mr. Fluker said, "And I have an interesting insight because when the annexation plan was first developed, I was actually part of the Valley Center Planning Commission, an out-of-city position. There's two of the nine are out of city. Two main points on the annexation brought to my attention by the City [Administrator] manager and others was we needed a broader tax base of higher valuation homes in lieu of the older homes in the center of Valley Center; more tax revenue. Second, was grab as much land as Valley Center could before Park City did. If you remember the time, Park City was having a heyday. I asked at the time how we could provide services to the areas we annexed and the answers I got was, well, we didn't have to. All we had to do is provide base services and any additional monies needed would have to be paid by the landowners. So nothing has changed. I will compliment I.D. Creech and Eldon Miller, they did ask me if they could have a meeting just with the homeowners, and I felt it was fair, we're all adults, for them to get the information, ask pertinent questions, make an informed decision. At that point in time, Mr. Creech, who was the City [Administrator] manager at the time, it was made very clear we did not want to be annexed. We didn't want the services. We didn't believe they could provide the services. But they went ahead and annexed us, even knowing how we felt, but whatever."

"Fire department I think is fine; I don't think anything's changed. The volunteer, I think,

fire department is still the first respondent. I have no problems with Valley Center Police Department personnel. They're wonderful. It's their response we don't like. We're second on the list, okay? I do believe the Sheriff's Department is better suited to handle the different set of problems in rural areas, such as dogs. We have a lot of them dropped off. Deer, horses, cattle, enraged turkeys. And we did have a 60 pound beaver there at one time. I don't even want to start telling you what they've done to our roads over the last five years. I will tell you this. They're a lot like Valley Center streets. They do now fill up with water; the water can't get to the ditch, so I guess that's good.

"I was transferred to Wichita in 1983. I actually lived in town for five years. As most of the people here said, we had a child, we wanted to live in the country and live the good life, okay? When I first moved to Valley [Center], the local joke was, the clean local joke, was if you spit in a street in Valley Center, it'd flood. Twenty-seven years later, that's still the joke. They've had 27 years to clean up the flooding. They're going to provide me a service plan to provide me services when they can't, after 27 years, take care of those. If you live in Valley Center and it rains, you know the different ways you can get out and in town. My way, by the way, is down West Street to 69th Street, all county roads. They don't flood, okay?"

"When the annexation process started, I actually believed, and I think the other homeowners believed, that our elected officials, that's you, the County Commission, would look after our best interests. For my part, I was naive in this assumption. The County Commissioners should have denied the annexation proposal because no services could be provided without the homeowners investing what might amount at a minimum 50 percent of what they originally bought their homes for. As a general rule, I don't believe in arbitrary forced annexation is to anyone's interest; the city or us. We're not happy. It's contentious. It's just not good for anybody. It's frustrating us. We're not happy. And let me tell you, we used to be very happy, very content. I believe 44, 40 states do not allow forced annexation in one form or another, okay? I don't know what you can or can't do for us, okay? But I would ask that you would correct the errors that were made in letting this happen in the first place. Thank you."

Chairman Peterjohn said, "Thank you. Before you leave, Mr. Fluker, I want to pose our question to our County Counselor, a statement was made that the county had the...or maybe Mr. Parnacott might be a better respondent, that the county could stop an annexation, a forced annexation, before it occurred. I'm not aware that the County Commission has that problem and I'd appreciate a clarification for the record. Mr. Parnacott."

Mr. Parnacott said, "You're correct. The County Commission does not have any role at the time of the unilateral annexation. We don't have any way to block that annexation ourselves. Our only role in a unilateral annexation is at the five-year mark is to have this hearing to determine if the service plan has been complied with. If it hasn't been complied with, then there's a possibility of a second hearing two and a half years down the road. The city, of course, is given some time to try to provide the services that they had failed to provide at the five-year mark, but that's your limited role in the unilateral annexation. You had no role in the initial approval of the annexation."

Chairman Peterjohn said, "That was my understanding, but I very much appreciate it for the record."

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

Chairman Peterjohn said, "Thank you. Next is Darrell Dunn. Okay. You're going to, for the record; agree with previous folks who have spoken. Thank you, Mr. Dunn. Next on my list is Janet Southards?"

Commissioner Parks said, "Southards."

Chairman Peterjohn said, "Southards? Welcome to the Sedgwick County Commission."

Ms. Janet Southards, 3900 Rio Grande Circle, Valley Center, greeted the Commissioners and said, "And I really have nothing more to say. I just want to reiterate what all has been said. I agree with everything that has been set forth in this room today. We, too, have had bad service with the police department. We've had our alarm go off and nobody responded. And that's happened more than once. And that is a great concern to me. I just feel that we've lived there for 33 years and we moved there to raise a family in the country, also, just like everyone else. And it was a wonderful life. It's been a wonderful place. And I just feel like that it's put a burden on us and on all the homeowners, especially those that are retired in the area, to have the additional taxes that we really don't need to be paying. And I'd appreciate getting back out into the county. Thank you."

Chairman Peterjohn said, "Thank you. Barry Harrold, welcome to the Sedgwick County Commission."

Mr. Barry Harrold, 4020 Palos Verdes, Valley Center, greeted the Commissioners and said, "Five years ago, Valley Center annexed us. We told them absolutely we did not want to be annexed. What can you give us? What can you do for us? You can't do anything for us. You can't provide us with water and sewer without it costing us an arm and a leg. It would cost \$50,000 in specials for 15 years. Valley Center went ahead and annexed us anyway. I recently was approached by one the council members and was told that Valley Center uses their general tax money to supplement the water and sewer. I wanted to ask, find out if that was true. So I went to Joel Pile, City Administrator, and he said, yes, this is true. That has been a general practice in the years past. But they've quit doing that. Well, if they quit doing that, how did this council member know that they were supplementing water and sewer with the general tax money? That's general tax money that I'm paying in taxes. I'm not getting water and sewer."

"I've called Valley Center Police Department 10 times. My general response time is 45 minutes. I was told, on a Sunday, we answer all in-town calls before we'll answer the annexed areas. And if we get another call before we get to your call, we'll answer it first, too. I recently talked to the chief of detectives. He advised me that they have 13 full-time officers, they run three officers per shift and one officer on Sunday. I don't understand how that they can run a police force with this minimal officers on duty all the time, and one on Sunday, and cover everybody's area. You never see them in our area. They come out twice a week, once a month, now lately for the last six months, like everybody else has said, you see them all the time. After this hearing, we'll never see them again. I called one time to the Valley Center police, wanted to make a report. The response I got was three hours later. The police officers came to my house, said it was more important for us to introduce our new police officer to the City Commissioners before we answered your call."

"With that said, I'll move on to everything else. I have pictures here of how they've

maintained our roads, how they've deteriorated. When Valley [Center] Township took over, was doing our roads, we had a crown over our roads. The water drained off into the ditches. Now there's no crown. It's a trough. I have pictures where it shows that it's holding water. I have pictures where they've came and they've graded the roads..."

Chairman Peterjohn said, "You want to bring those up to the Commission?"

Mr. Harrold said, "They've graded the roads, they threw the sand up into our yards three feet from when they've graded with snow on the ground. I have another picture where they didn't even grade the roads. They just left them. I have a picture where they don't come out and they pick up dead animals on the road. They just leave them there and let them rot. Valley Center has not given us the services they promised. And I would hope that you would take into account everybody's objection to Valley Center and de-annex us or give us the opportunity two and a half years from now to de-annex. Thank you."

Chairman Peterjohn said, "Thank you. Debbie Scaroggin, I hope I pronounced that right. Is Debbie here? Oh, okay. Valerie Brauer."

Ms. Valerie Brauer, 4301 Palos Verdes, Valley Center, greeted the Commissioners and said, "Good morning. I'm Valerie Brauer..."

Chairman Peterjohn said "Welcome to the County Commission."

Ms. Brauer said, "...Thank you. I'm Valerie Brauer and I live at 4301 Palos Verdes. And I'm here in support of my neighbors and they're wonderful. And I just ask that you please hear us and that you please help us. Thank you."

Chairman Peterjohn said, "Thank you. The following names I have are all with the City of Valley Center. Is Mr. Pile still here? First up...welcome back to the Sedgwick County Commission, Mr. Pile."

Mr. Pile said, "Commissioners, if you would allow me to address some of the concerns that we've heard from members of the citizens of the Valley Center. First of all, there's been a lot of discussion that the city differentiates between in-city and out-of-city calls. All of these annexations are considered to be part of the city and we certainly don't differentiate based on their location, whether they were recently annexed, or annexed four or five years ago, or have been in the city for a long time. Some numbers, we've talked, we've heard all about some of the police response times, and I'd like to share some facts with you from our police database.

"Since the annexation in these specific areas, we've responded to just under 500 calls. And for priority calls, the response time has been 3.5 minutes, for non-priority calls, it's been about 6.8 minutes. And that's the average of the 500 calls. Again, we do prioritize calls based on the nature of the call. So if a reporting party was making a call that was not urgent, to simply to submit a report, why, higher priority calls would be responded to before that report was taken. Considerable discussion has taken place about the road maintenance in the area. The city has maintained very accurate logs, since the annexations have occurred, and to date, we have graded 400 miles of road in the annexed areas, and we've spent approximately \$130,000 on material for maintenance and chip seal paving."

"There's been some comments about the sirens and storm siren location. This

was...the city has reviewed its storm siren location and coverage area, in accordance with the Sedgwick County Department of Emergency Management, and has found that to be adequate. Again, I would remind the Commissioners that the storm siren coverage area is for it to be audible outside. Some comments have been made that the sirens may not be able to be heard inside of a location. That is not the case. They're to be audible on the outside.

"To date, we've had no requests for any particular services for water, sewer, no petition circulated. Mr. Kaplan, so eloquently stated that he would like another month to address the City Council or meet with the city administration to further discuss the possibility of the city doing at-large sharing with the extension of the water and sewer. This has been annexed for five years and we've had no discussion, we've had a few inquiries about the cost of services, because as you know, these estimates were prepared five years ago, and moving forward, those costs have changed. And the cost estimates would be based upon the petitioning area, and in some instances, the city-at-large does participate when we extend mains to an oversize nature. The city pays for the difference in that oversizing at large. And I believe that addresses some of the concerns that we've had today. Any questions?"

Chairman Peterjohn said, "Questions? Commissioner Parks."

Commissioner Parks said, "When you...Mr. Pile, thank you for coming in today. When you said you chip sealed, do you have an area where you...are you talking about this area, or 93rd, or what areas are you talking about?"

Mr. Pile said, "Certainly all of our gravel streets that are within the city, we are working diligently to incorporate them in. The capital improvements plan and the city, and the city does do chip sealing at no charge. That is done city-at-large so there is no special assessment back to the homeowners. We have not got into the Buena Vista or the Rio Grande streets. Those are the high point streets that are to the north and east of town, and those streets have recently been chip sealed by the city-at-large."

Commissioner Parks said, "Okay. So the bulk of the people that testified today, there hasn't been any chip seal done in that area then?"

Mr. Pile said, "No, sir."

Commissioner Parks said, "Okay. Thanks."

Chairman Peterjohn said, "I would like to ask a question for clarification purposes. Mr. Kaplan mentioned Rancho I and Rancho II, of all the people who testified, was anyone, any of the folks who testified, were any of you who do not live in either Rancho I or Rancho II? You could show your hands. You're all in that one area? I very much appreciate that for an understanding of which part of...as you can see from the video, we've got, or the visual presentation here, it's not video, but what staff has put up, we've got a whole host of areas there, and I just, I'm not as familiar with Valley Center streets as Commissioner Parks is, and I just wanted to clarify and make sure I understood exactly what areas we were talking about. I knew most of the folks were in that large area, subdivision to the west; just appreciate the clarification on all those other points. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Could you...I've heard the

comment it costs a lot per homeowner to bring the utilities across the river. Where is the...I'm confused about where the river is in relation to the annexed area. Can you help me with that or someone?"

Chairman Peterjohn said, "Is the city..."

Commissioner Unruh said, "Or did I miss..."

Chairman Peterjohn said, "...is the City Engineer here?"

Commissioner Parks said, "The City Engineer is coming to the podium."

Chairman Peterjohn said, "Yeah, if we could have Mr. Kelsey..."

Commissioner Parks said, "Yeah."

Chairman Peterjohn said, "...welcome to the Sedgwick..."

Commissioner Unruh said, "Or maybe show me up on this screen..."

Chairman Peterjohn said, "Yeah."

Commissioner Unruh said, "...I mean, I know we can't hear you speak from there, but I can't see you pointing to your monitor."

Mr. Mike Kelsey, City Engineer, City of Valley Center, greeted the Commissioners and said, "The river runs right through here, in that area right there. There's a 12 inch water main along Main Street..."

Chairman Peterjohn said, "I'll tell you what, if you'll get behind the podium, that way we've got a television and a streaming video audience here, too..."

Mr. Kelsey said, "Okay."

Chairman Peterjohn said, "...and that way everyone can hear, including the...you're obviously projecting very well for the room..."

Mr. Kelsey said, "Oh that's fine."

Chairman Peterjohn said, "...and, but we want to get, make sure everybody can hear you."

Mr. Kelsey said, "Okay. I'm Mike Kelsey, I'm with the PEC (Professional Engineering Consultants); the city's engineering representative. There's a 12 inch water main, Mr. Parks will know where this is at, by Valley Creek Estates, along Main Street. We would have to extend that to the west to get to this area across the river. The sewer, basically the closest place to get sewer service to this area is the wastewater treatment plant. There's a main lift station that goes in the wastewater treatment plant. We looked at, we would have to pump across the river to basically the wastewater treatment plant to get service to that area, and then extend lateral lines past that. Does that answer your question?"

Commissioner Unruh said, "Well, yeah, I think it does. I assumed that's where it was,

but I can't see on our map, I couldn't really see very well on that map, so that explanation's helpful. But the estimates that have been broadly suggested for the cost of doing that, the cost to homeowners, is that reasonably accurate cost?"

Mr. Kelsey said, "I'm not sure of the \$500 per lot cost. I did an estimate five years ago, then I updated that three and a half years ago or so, I know it was substantially higher than a normal residential subdivision. If I remember correctly, the cost per lot was somewhere in the \$15,000 to \$20,000 dollar range for sewer, and I thought it was around 12 to 15 for water. And that's per lot. Now, that...there was not discussion with the property owners at that time. There was not discussion about the city participating in any of those costs. There was just, basically a pure take this area, look at how to serve it and take the total cost divided per the number of lots. So that's basically how that number was derived. Five hundred seems a little steep, but I can't dispute that right now."

Commissioner Unruh said, "Thank you. Thank you. That's all I have."

Mr. Kelsey said, "Okay. Thank you."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "Mr. Kelsey, while you're up there. Do you recall a, the request by somebody that had a five acre lot on an estimate where they didn't want a sewer district, they just wanted it themselves. Their neighbors didn't want it as being somewhere around \$800,000 for water and a million for sewer to the one lot?"

Mr. Kelsey said, "Yeah, was that the property further to the west, in this area..."

Commissioner Parks said, "That was..."

Mr. Kelsey said, "Yeah."

Commissioner Parks said, "...when the city was looking at..."

Mr. Kelsey said, "Yeah."

Commissioner Parks said, "...annexing one more time further to the west."

Mr. Kelsey said, "Yeah. Yeah, I vaguely remember that. I do remember preparing an estimate. I had an estimate to serve the entire area and then I split it out for an area further to the west. Yeah."

Commissioner Parks said, "So that was \$800,000 for..."

Mr. Kelsey said, "I don't remember the number honestly."

Commissioner Parks said, "Okay. Thank you."

Mr. Kelsey said, "Yep. Thank you."

Chairman Peterjohn said, "Thank you. Any further questions? Anyone else in the

audience who wishes to testify, please come up to the podium, and state your name and address for the record, please."

Mr. Wood said, "I was first on the list, but I gave up my place to...I would like to add a few comments. My name is Art Wood, and I..."

Chairman Peterjohn said, "Oh you're going to take Mr. Kaplan's place? He was number nine on my list, so you're okay. Please proceed."

Mr. Wood said, "...I live at 3300 West 77th Street North, Valley Center. And that is the property on 77th Street closest to the river. It's just across the river from the Valley Center sewage treatment plant. My wife and I have lived there for 30 years, and the first 25 years of that, of course, we were in the county. And we love that place and we love living there, and we certainly don't want lights, we don't want sewer, we don't want water, and it's not even worth discussing as far as we're concerned. Valley Center had a long history of just being a little bedroom community and that's what they wanted to be. But anybody with any sense could see, looming in the future, the point where they would get to the population numbers where they would have to assume maintenance of those main thoroughfares through town from the county. But they did...if they did any advanced planning as to how they would take care of those streets after they reached the population numbers, I'd sure like to know what they were. Because the reputation they have is very poor as far as attracting, or keeping, industrial and commercial people, companies. Of course, we're both retired and we're on fixed income, and that's true of a lot of us. And we're just not looking for any...we feel like our increased tax money going to Valley Center is just spent on nothing because we had better services before we were annexed. Thank you very much."

Chairman Peterjohn said, "Thank you. I believe there was another person who wished to speak? Welcome to the Sedgwick County Commission, and please give us your name and address for the record."

Ms. Pamela Herr, 8147 Buena Vista, Valley Center, greeted the Commissioners and said, "And my husband Sam has already spoken, and he wanted me to point out to you that, as president of the Ranchos Del Rio II, that our association did in fact engage Mr. Kaplan's services, along with Ranchos Del Rio II. I have one concern, that I understand that it is indeed legal for unilateral annexation. That doesn't make it right. I have another concern for the potential ecological damage if we bring water and sewer across the river. While the potential for disaster may be minimal, it's still there. And I would just point you to what happened in the Gulf of Mexico. People didn't think that the oil well would explode, but it did. And I do think that bringing water and sewer across the river does present a potential for damage down the road. So that's one of my biggest concerns. I want to commend my neighbors in bringing up their concerns. I do believe they have valid points about the response time and the services. I, too, have to dodge potholes and water, small ponds in the road, when I leave my house in the morning if it's been raining. There are puddles that develop right in the road and I have to dodge them, and it's tough. The road maintenance is very substandard. And I don't think that the substandard provision of services constitutes the level that we should have received. And I really would like to be de-annexed."

Chairman Peterjohn said, "Thank you. I've reached the end of my list, continue if there's anyone else who hasn't already previously spoken. Well, come on back up. Be very brief."

Mr. Hamblin said, "The city mentioned that it never was mentioned to them about them

sharing the cost of the expense. I personally presented that question when we had that meeting five years or six years ago, however long it was, about sharing the costs. And they said, no, that the costs would be upon the petitioners. Thank you."

Chairman Peterjohn said, "Okay. Commissioner Parks. Did you have..."

Commissioner Parks said, "I believe Mr. Harrold wanted to..."

Mr. Harrold said, "Can I have Carol Kincheloe's five minutes?"

Chairman Peterjohn said, "Well, if, I don't believe she spoke earlier, so she's certainly welcome to. Am I correct?"

Mr. Harrold said, "Thank you."

Commissioner Parks said, "Yeah, she didn't speak."

Chairman Peterjohn said, "Well she was on the list, but I..."

Commissioner Parks said, "Yeah."

Chairman Peterjohn said, "...I don't think she spoke."

Mr. Harrold said, "Valley Center just came up and said that in the last five years they've spent \$130,000 on maintaining, and bringing sand and bringing material in to do our roads. Just a rough estimate, if every homeowner paid \$1,000 taxes every year for the last five years, there's 50 homes, that's \$250,000. Where's the rest of the money being spent on our general taxes?..."

Chairman Peterjohn said, "Well..."

Mr. Harrold said, "...They cannot, to this day, give us an estimate of how much it would cost for water and sewer. They just stood right here and told us that. Thank you."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "Mr. Harrold, I believe when I asked Mr. Pile that chip and seal and part of that funding, or most of that funding, looked like it went to the 93rd and Seneca area, not to the Rancho Del Rios..."

Mr. Harrold said, "Yes, which is not even close to us."

Commissioner Parks said, "...if I'm wrong with that, Mr. Pile can correct me on that, so. Okay."

Chairman Peterjohn said, "Okay. Seeing...is there anyone else who has not previously spoken who would like to address the County Commission on this issue? If I don't see anyone, I'm going to be closing the public hearing..."

Commissioner Parks said, "Okay."

Chairman Peterjohn said, "...seeing no one, I'm going to close the public hearing and

bring the discussion back to the bench. Commissioner Parks."

Commissioner Parks said, "I did have a couple questions of Mr. Pile and Mr. Chief Hephner if he, if they could...I had a question of..."

Chairman Peterjohn said, "Well, Mr. Pile's here, I don't know..."

Commissioner Parks said, "Yeah."

Chairman Peterjohn said, "...I didn't see Chief Hephner on the list."

Commissioner Parks said, "Chief Hephner's on the way."

Chairman Peterjohn said, "Mr. Pile?"

Commissioner Parks said, "I've heard considerably more comments than I had anticipated about animal control. Can you tell us the animal control hours that you have an animal control officer and how many you have in that department?"

Mr. Pile said, "The City of Valley Center currently employs one animal control officer, who is on duty eight to five, Monday through Friday. She's also on call, if need be, for certain animal complaints. Beyond the hours of eight to five, Monday through Friday, and on weekends, our police officers respond to animal complaints. Their response is basically for animals that have been noticed to be vicious and/or injured. They will respond to those."

Commissioner Parks said, "Okay. I guess my next question will be for the Chief then. Chief, thank you for coming today, the question I had was, basically, Mr. Pile got into it a little bit, what's your animal control function for the police department?"

Mr. Mark Hephner, Chief, Valley Center Police Department, greeted the Commissioners and said, "We, of course, assist the animal control officer that is on duty. If the animal control officer is not on duty, the police department will respond to injured or vicious animal calls and take appropriate action."

Commissioner Parks said, "So, at large or other livestock problems, are those just referred to the animal control office when they come in then?"

Chief Hephner said, "We do have a book in dispatch, and dispatch will take calls about missing animals. They'll log information about missing or found animals. And they will be referred on to the animal control person when they come on duty."

Commissioner Parks said, "Okay. I'm going to change direction from the animal control just a little bit. In the past, I know you've had 24 hour dispatch for people in Valley Center, not a 911 number necessarily, but a 24 hour dispatch, is that been funded for your department?"

Chief Hephner said, "Yes. We're a..."

Commissioner Parks said, "You continue to..."

Chief Hephner said, "...24/7 hour operation. We do have a backup system where, if for

some reason we have a dispatcher that calls in sick and we can't find a replacement person, we can roll it over to Sedgwick County 911 and they'll dispatch our officers."

Commissioner Parks said, "So as far as the scheduling goes though, it's not a scheduled time off that you'll have..."

Chief Hephner said, "We have 24 hour..."

Commissioner Parks said, "...Sedgwick County?"

Chief Hephner said, "...regularly scheduled..."

Commissioner Parks said, "Okay."

Chief Hephner said, "...dispatch."

Commissioner Parks said, "Okay. And had you been made before today aware of any of these alarms that were lengthy or..."

Chief Hephner said, "No, you know, I guess I would encourage people, if they're not getting a response, to call me and let me know so I can address some of those issues. I pulled up the statistics, or had my staff pull up the statistics on response times, and the only thing I can tell you is that I know our response will be faster than the county's. The Sheriff has more, many more miles to cover and our response is going to be quicker in general than the county's response."

Commissioner Parks said, "Okay. Thank you."

Commissioner Parks said, "Thank you. What is the will of the Commission? Oh, okay, Commissioner Unruh."

Commissioner Unruh said, "I just want to clarify one thing. Mr. Parnacott, did you indicate that part of the fulfillment of the plan was done after the end of the five-year period, the lights or something?"

Mr. Parnacott said, "The testimony indicates that the streetlight installation plan that they said they would do after the annexation took effect was not done until a few months after, two months after the annexation five-year period ended."

Commissioner Unruh said, "Is that just a technical issue or is that, does that weigh heavily, should weigh heavily on our decision?"

Mr. Parnacott said, "I think that's your call. On one hand, I mean, the test really is whether they have substantially complied with the service plan."

Commissioner Unruh said, "Okay."

Mr. Parnacott said, "Okay? And again, you're reviewing that five-year period. Typically,

we have these a little bit closer to the five-year period. We got delayed out a little bit because we were adopting this new pre-hearing questionnaire procedure, so that delayed our process this year just a little bit. But you are technically reviewing the five-year period to see if they provided services during that five-year period. They're close enough, however, two months, that I think you have the discretion to decide whether you can consider that to be substantially compliant or not."

Commissioner Unruh said, "Okay. Thank you. That is helpful. Well, Commissioners, I'm inclined to think that deferring this a month, as a request was made, might be a good way to make an attempt to resolve some of these issues. I would think that the City of Valley Center would be open to that, in light of the fact that we have heard substantial negative testimony today that I think that they might be willing to talk with the representative of the homeowners and maybe come back in a month and then give us an opportunity to make a decision. Right now, it appears that, I mean that, I'm inclined to think that perhaps they have not substantially complied with their service plan. But because of the testimony we've heard, but rather than just make that decision today, I'd prefer to give them, as was suggested by the representative, a month to talk between themselves and hopefully come up with a good solution."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "The town, the people that formerly were in the township here, in terms of a little civics class today, the only people that they have to represent them, before they are in a city, is a county commission. And I wish the state law were different, but it's not, that we could stop some of these things that may be unnecessary. I realize, on the other hand, in being a chief of police for Valley Center, which I appreciated working for them for many years, have growth patterns. I would say that the way that this ordinance was drafted, I have a tendency to say, yes, they did in one area and no, they didn't in another area. We had nobody on this list from the 93rd and Seneca area. You know, those people must be satisfied to be in the city and I think that that, I guess, lends itself to a legal question. Ms. Magana, could you tell me if there's anything that we could do to bust that up and say, yes they did for 93rd and no, they haven't for Ranchos Del Rios I and II."

Ms. Magana said, "Maybe Bob Parnacott could speak to that on the annexation, but I would believe that it would be one plan you're taking up, and it'd be difficult to bifurcate those, but bob can speak to that."

Commissioner Parks said, "Well, let's let Mr. Parnacott..."

Mr. Parnacott said, "Well actually, we have had a history of doing this. We had that prior Park City annexation where your initial finding was the similar kind of situation where they had parcels that were very separated, and you only had testimony coming from one group of parcels. And although you initially made your finding to all the parcels, after discussion with Park City, after the litigation ensued, you came to a settlement agreement with them and agreed to make that finding only to a portion of the area. And so you have the history of doing that now."

Commissioner Parks said, "Yeah, I'm very aware of that, but I didn't know if we could do that at this time, or if that would be a first..."

Mr. Parnacott said, "I think you are charged with making a finding, and if your finding is that they provide services to only part of the area, I think that's an appropriate finding."

No Action Taken

Commissioner Parks said, "I don't know how the others feel. I'm just one vote on that, but I would have a tendency to want to approve one and not approve the other at this time. But I think we've heard some, many spoke about your taxes going up, and you know, that's a concern for all of us. We have no control over that at the County Commission. What we have control over is your county mill levy, which has gone down the last three years. But the state law, and somebody alluded to it earlier, about there's three states left that have this kind of unilateral annexation, and there's a reason for that. I think we need to adjust our clocks back up to get into the 21st century, and go along with the rest of the nation and get that changed.

"However, there's not a lot of people up at Topeka when those things come up. I know that I have been to Topeka and testified on that law, but the [League of] Kansas Municipalities is a very powerful lobby and they seem to get that squashed in committee, which I won't go any further into that. But I do, I wanted to say this and get this on the record, when I was chief of police and this annexed, this area was being annexed, I felt very uncomfortable there. When a lot of people got up and said what they did, I was agreeing with them, but I couldn't because I owed loyalty to my city and my employer, but I was uncomfortable. So when they asked me, can you serve this area? I said, we'll do the best that we can with the resources we have. And the resources just weren't there.

"I can remember one of the responses from one of the council members said, well, we may have to add a police officer. Come on. You're adding, you know, nearly a square mile here in this ordinance and you're dealing with a 24/7 operation. When you're talking about adding a police officer, you're talking about adding 40 hours a week, four officers; one to take the days off, one to take care of vacations, one to take, you know, other things. It's a beat management type of thing. And, you know, I don't know they have added a few more officers, but I haven't seen anything that said that they've addressed animal control.

"There are some changes apparently in animal control since I was there, and I know that when the 60 pound beaver comes up in Jack's yard, that he takes his .22 out there, it's just going to make him mad if you shoot him. Now you can't shoot because you're in the city limits, right? So, I guess the beaver doesn't have a watch or a calendar to know when the animal control officer is on. But the specials, I wish we could do something about that, but we, as a County Commission, can't do anything about that. That takes a special assessment. And unfair? Yes, but that's not what we're here for. But I do think that there are a couple of glaring things that come out. One of them is the service plan was woefully inadequate for the streetlights, has basically, after the fact, as ex post facto evidence out there that the streetlight plan was not in effect, whether they want streetlights or not, it wasn't in effect. And I think that's one of the major things that is out there. Another thing that not everybody said, but Mr. Herr alluded to, was the mowing."

"I do know the township in the past mowed those areas that were the right-of-way and they haven't been mowed by the city. And I know what their policy is now, or I believe I

know what their policy is now, that they don't mow right-of-ways. So I think there are two things out there that are glaring and some other peripheral things that they haven't, in at least the Rancho Del Rios area, served the public and I think they need another two and a half years to do that. So that's my opinion. Thank you."

Chairman Peterjohn said, "Well I'm going to just jump in for the record and say I have not had any ex-parte communications with anyone on this and entered the hearing with an open mind. But having just heard, not only the public testimony, but also the comments of Commissioner Unruh and Commissioner Parks, I find myself largely in agreement with them. And my vote, in terms of where we're going forward's going to reflect that fact. Commissioner Norton."

Commissioner Norton said, "Well, I've got a length of things to go over, but I think if we're going to maybe go to deferral, I'll talk just to a couple of them. First of all, I think this annexation happened during what I call the annexation years when Kechi, Bel Aire, Park City, Valley Center went above and beyond what I thought was reasonable with annexation. I'm a former small town mayor myself, so I understand municipalities trying to grow their ability where there's growth on the fringe areas, but if you look at what I call the jigsaw puzzle of the north side, it's pretty spotty annexation. And so I understand part of what we're dealing with here is the rules for unilateral annexation and what we have to deal with. And I'm not ready to discuss right or wrong and what the law is at the state today because that's a whole separate subject."

"I think during that time, as I've been a County Commissioner and these come to us, many of the plans were minimal plans. In fact, some of them were almost not plans. In fact, we got into that in Park City because the plans were so watered down that they met the plan because it was virtually a no plan. So I have a real problem with where we're going today, and maybe the deferral to let them strengthen it, citizens that are true citizens of Valley Center now, whether they like it or not, but that is the way it works out, need to talk with their government down there and come to some reasonable expectations on both sides. One of the questions I have is, does the river split the big piece to the west? Does it go through that so there's part of it on...all of it's on the west?"

Commissioner Parks said, "All these people are on the west, yeah."

Commissioner Norton said, "So there's no part of any of that red that's on the east side? Okay. Well I thought..."

Commissioner Parks said, "In Ranchos del Rios."

Commissioner Norton said, "In Ranchos del..."

Commissioner Parks said, "Yeah, these other parcels..."

Commissioner Norton said, "The far west, the big red piece, Bob. That. Is that all west of the river? Or does the river run through it, part of it?"

Unknown audience member said, "All the people here are west of the river."

Commissioner Norton said, "Absolutely, but there is a portion of that red, very small. Is it inhabited?"

Unknown audience member said, "There's only enough to get touching. That's all it was."

Commissioner Parks said, "Sewer."

Commissioner Norton said, "The sewer treatment plant?"

Commissioner Parks said, "Sewer treatment plant..."

Commissioner Norton said, "I've been up there before..."

Commissioner Parks said, "...is that it?"

Commissioner Norton said, "...but I just couldn't quite remember where this..."

Commissioner Parks said, "Okay."

Commissioner Norton said, "Okay. Okay. So really, that piece, if we segregated it, the whole piece could be segregated and say, okay, there's where the discussion lies. The far east pieces that are north of, is that 77th?"

Commissioner Parks said, "Yes."

Commissioner Norton said, "Okay. And Seneca. That's Seneca right through there, isn't it? Or is it..."

Commissioner Parks said, "West."

Unknown audience member said, "85th and Seneca."

Mr. Parnacott said, "Seneca would be right here."

Commissioner Parks said, "Yeah, there's Seneca, yeah over there."

Commissioner Norton said, "There's no citizens that have protested that here today?"

Unknown audience member said, "Can I mention?"

Commissioner Norton said, "No, you'll have to come back to the podium and the Chairman hasn't allowed that right now, so..."

Chairman Peterjohn said, "Well..."

Commissioner Norton said, "I'm trying to stay on procedure. Is that, is there anyone here that I understand that protested that, or here to speak to that portion of this

annexation? And there's three other small red pieces that I see, one along Seneca and then some along, I can't tell where those two are, Bob, but is there anyone speaking to those that are in protest? Okay. To me, we've defined much of what Commissioner Parks has described is that maybe it's that big west piece that the two Rancho sit in, and everything else may have met their obligations of the city, so we might as well quit debating those. We have set a precedent in Park City of looking at it and saying, the service plan was delivered in these distinctly different areas of the city, and we're only going to focus on the place where there's a protest, where the citizens are concerned and that there may be real value to their protest. So, I'm willing to split that out, and then on some sort of motion, make sure that if we defer it, it's only deferring the part of it that has had such stringent protest today.

"I do have some concerns on some of the issues that have come up, particularly on roads, because cities are not quite as good at dealing with dirt, and gravel and non-composition roads as townships are. In fact, that's why we have a township system, because their only charge is to take care of those kind of rural kinds of roads. So I worry about that, but that doesn't mean if the city comes to the table, they can't describe in a service plan how they really will take care of your roads, keep the crowns up. I worry about ditches being mowed; because that is typically something you have to do in a rural area to make sure that it drains properly. That it's no different than you would clean out a sewer pipe in an urban area, you clean out the ditches because that is their mode of draining their areas. So I'm willing, and I'll kind of defer to Commissioner Parks, but if we're going to split this out and defer, I would be okay with that. That's all I have, Mr. Chair."

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

Commissioner Parks said, "Mr. Parnacott, this portion there north of 77th, I think I misspoke and said that was a sewer treatment plant down in the right corner. That's a street called Paseo Madre, is it not?"

Mr. Parnacott said, "I don't know the street names in that area, sorry."

Commissioner Parks said, "I guess I'd defer to Mr. Kelsey or Mr. Miller there on that. That is Paseo Madre then? So that is not part of Ranchos Del Rios, but to my recollection, I didn't see anybody from Paseo Madre come in."

*Mr. Eldon Miller, Director, Community Development, City of Valley Center, greeted the Commissioners and said, "That is correct, Commissioner Parks. That's an area of about six houses that developed on the edge of the city back in the '70s."
Commissioner Parks said, "Thank you. If I still have...go ahead."*

Chairman Peterjohn said, "Okay..."

Commissioner Parks said, "...Commissioner Unruh..."

Chairman Peterjohn said, "...if you're done, Commissioner Unruh."

Commissioner Parks said, "...I'll come back then."

Chairman Peterjohn said, "Okay. Commissioner Unruh."

Commissioner Unruh said, "Thank you. I just wanted to make a comment that rather

than have us parse this issue out now, I would just, I would prefer that we send the whole, defer the whole thing for a month, let the city, the citizen representative and Mr. Parnacott come back to us with a clear recommendation and rather than us try to parse it out up here. So I'd like to defer the whole item for 30 days would be my choice, but I'll defer to Commissioner Parks."

Commissioner Parks said, Well..."

Chairman Peterjohn said, "I'm going to, basically, you know, I'm comfortable with the idea of proceeding with the...since there were no objections in the portions outside the Rancho, the two Rancho areas, I would be willing to proceed there and I'm also willing to, you know, give 30 days to let folks try and work it out for that one area and see if we could move forward. I'm very much concerned about the fact that there's substantial public questions about how things have been provided. And, Commissioner Parks."

Commissioner Parks said, "I see that my, the motion that I had thought I was going to make a few moments ago probably won't have the support, so I will go along with the Rancho Del Rios attorney requesting that, that we, I'll move that we delay this hearing for not more than, not less than 30 days no more than 45 days, to give a chance for the City of Valley Center and the Ranchos Del Rios homeowners' association to communicate."

MOTION

Commissioner Parks moved to defer Item J for not less than 30 days no more than 45 days to give a chance for the City of Valley Center and the Ranchos del Rios homeowners' association to communicate.

Commissioner Unruh seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Chairman Peterjohn said, "Next Item."

Deferred

K [10-0262](#)

HEARING TO CONSIDER WHETHER THE CITY OF VALLEY CENTER HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR ANNEXATION ORDINANCE NO. 1095-05.

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

RECOMMENDED ACTION: Open hearing, receive evidence from City and landowners, and make a finding as to whether or not the city has extended services as provided for in the service plan.

Attachments: [Notice of Post Annexation Hearing Valley Center Aug 25 Ord No 1095 05](#)
[Annex Ord 1095-05](#)
[BPvc1095-05](#)
[Phase 2 Annexations](#)
[Valley Center Phase 1 annexation map](#)
[pHASE 3](#)
[ID Service Plan for annex](#)
[Valley Center Water and sewer](#)
[post annexation hearing questionnaire response from city](#)
[Streetlight Policy](#)
[Follow up response from Valley Center](#)

Mr. Parnacott said, "Commissioners, this third and last hearing today is three parcels that are located east of Meridian, north of 77th. They all are part of the Miles 2nd Addition. I believe they're residential subdivision lots. It shows as one red triangle, but those are simply three separate lots covered by that red triangle. We did get one response from a landowner in that edition. I thought that we had none, but we actually did receive one. I'd gotten it mixed in with my other responses to the 1090 annexation. The person had raised the issue that after the annexation, city codes were not enforced, however, in their response, they didn't provide any particulars. If they're here to testify, then they might be able to explain that comment. Otherwise, I think at this point, unless you have questions for me, you should open the public hearing on this ordinance and see if there is any comments to be made.

"If not, then I would, before you close the public hearing, you might want to have the city come up and state that they have provided the services. The one thing I will note is that this service plan for this annexation is essentially the same as the service plan for the second annexation. So you had the same issue of the streetlight installation plan that was done after the five-year period, because this particular annexation ordinance was also approved in mid-May of '05, so the five year period would have run in mid-May of 2010."

Chairman Peterjohn said, "Thank you. I'm going to open the public hearing on annexation ordinance number 1095-05 and see if there's anyone in the audience, besides Mr. Pile, who wants to testify. If they are, please raise your hand. If not, Mr. Pile welcome back to the County Commission."

Mr. Pile said, "Thank you. Commissioners, again, as previously mentioned in this annexation area, the city believes, albeit the service plan is vague, that it has complied with the terms that were submitted and not challenged in court."

Chairman Peterjohn said, "Any questions or comments for Mr. Pile? If not, I'm going to ask one more time if there's anyone who wants to speak on this annexation item. If not, I'm going to close the public hearing. Before I do, I see Commissioner Parks."

Commissioner Parks said, "Now this is at the north end of the Miles runway, is this right, Mr. Pile?"

Mr. Pile said, "Yes."

Commissioner Parks said, "Okay. Thank you."

Chairman Peterjohn said, "Well, seeing no further discussion or comments, I'm going to close the public hearing and bring the hearing back to the bench and Mr. Parnacott."

Mr. Parnacott said, "Unless you have any questions, I don't think I have anything else to add."

Chairman Peterjohn said, "What is the will of the County Commission on this item? Commissioner Parks."

Commissioner Parks said, "I had a question, I guess, of who, if this is adjacent to the airport and the west branch of the Chisholm Creek flood control, if there's any plans for the city to mow that or take over the mowing of that, but I think maybe David Spears would be better to answer that, because there's some kind of a City of Wichita flood control mowing program out there, and I don't know...this is just one thing that sticks in my mind that we had on an annexation over on Seneca, and we had to define some mowing areas over there. So, Mr. Spears, could you talk a little bit about the mowing?"

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "The only thing I could tell you, Commissioner, is that the flood control is well-defined right-of-way and that the flood control personnel do mow it. That's about all I could speak to there."

Commissioner Parks said, "Okay. So from what I can see there, it looks like maybe they're annexing the west side of the flood control along in there, is that correct? Thank you."

Mr. Spears said, "[inaudible] annex the flood control."

Commissioner Parks said, "Thank you."

Chairman Peterjohn said, "What is the will of the County Commission on this, on item, Agenda Item K?"

MOTION

Commissioner Parks moved that the City of Valley Center has extended services as provided for in the service plan.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "Next item."

Passed

L [10-0255](#)

AGREEMENT BETWEEN SABINA A. BRAITHWAITE M.D., AND SEDGWICK COUNTY FOR SERVICES AS EMERGENCY MEDICAL SERVICES SYSTEM MEDICAL DIRECTOR.

Presented by: Bob Lamkey, Director of Public Safety.

RECOMMENDED ACTION: Approve the agreement and authorize the Chair to sign.

Attachments: [Braithpay.xls](#)
[Braith3.doc](#)

Mr. Bob Lamkey, Director, Public Safety, greeted the Commissioners and said, "And I'm well pleased to be before you today. If you recall, a number of years ago, we partnered with our friends across the street, the City of Wichita, to create an Emergency Medical Services System. The intent of that after, and it was a result of a detailed study into how to improve the operation of our pre-hospital care, a major component to achieve seamless system function, consistency of training, quality assurance and medical direction, as well as improve system integration, was to have a full-time medical director, and we've had one from that time forward until about December of this year. The vacancy was advertised nationally and five strong candidates were select for interview. There was a very deliberate in-depth screening and selection process involving participating agencies, senior management from Wichita and Sedgwick County and the Medical Society of Sedgwick County in coming to this decision. Dr. Sabina Braithwaite, who is to my right, is our new Medical Director with your consent. She comes to us from Charlottesville, Virginia.

"And as I offered to you, some of you, yesterday at our staff meeting, her father actually graduated from North High School 55 years ago and is returning soon for his reunion. Her uncle owns the family homestead, I guess, for lack of a better word and she has many cousins here. So she has good, strong roots in our community. She has a very diverse and extensive emergency medicine background as a practicing physician, EMS (Emergency Medical Services) medical director, educator and author. She has served and held on leadership positions and professional EMS related committees, at boards, at both the local, state and national level. She has been recognized for excellence at both the local and state levels in Virginia, where she is coming from. And she has extensive training in disaster management and incident command, has completed over five independent courses of study offered by FEMA (Federal Emergency Management Agency). She also possesses, since you're the Board of Health, she also possesses a Masters of Public Health degree, which she earned last year, and so she's exceptionally well qualified for this position. And so it's my recommendation that you approve the agreement and authorize the Chair to sign.

"And with me I have great support, Chief Ron Aaron who represents Chief Blackwell, who's at a fire conference, and the City Manager's here today, and he was part of the selection process. Cristin Keimig and Jon Friesen are her staff, Quality Manager and Trading Manager. And you know Garry Tolle, who is the Interim Director of EMS. And Buddy Pressnell, the Fire Chief is also off at the conference, and Buddy is the Acting Chief. And these are all people who were involved in coming to this decision, this process. Dr. Braithwaite's salary will be set at \$173,500, which is commensurate with other physicians employed by Sedgwick County. And that rate of pay will be from tomorrow, which is her official starting date, through the end of next year, and vacation benefits are consistent with other comparable county employees on moving, and relocation expenses will be provided in the course of policy. So it is my pleasure and wish to ask you to approve this agreement and authorize the Chairman to sign."

MOTION

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

Commissioner Unruh seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Chairman Peterjohn said, "And I'd like to welcome Dr. Braithwaite, and welcome to Sedgwick County in a more formal sense, and welcome aboard and certainly give you an opportunity behind the lectern to express the Chairman's appreciation for your joining Sedgwick County."

Dr. Sabina A. Braithwaite, Medical Director, Emergency Medical Services System, greeted the Commissioners and said, "Thank you very much to all the Commissioners and the Chair, as well. I'm really looking forward to this. I think this is a tremendous opportunity for all of us. I really hope to be able to bring a lot of experience and expertise in emergency medical services and public health, as well as connections across the country in other areas doing the same sort of activities to bear for the benefit of our community and for our patients. So I appreciate the confidence of the Commissioners, as well as of the other system components, and I really appreciate everybody coming to support me today and I look forward to working with all of you. Thank you very much."

Chairman Peterjohn said, "Thank you."

Mr. Lamkey said, "There is a symbol of office, and it's a badge, and so I'm going to present it to her today, assuming that you're going to approve this."

Chairman Peterjohn said, "We just did."

Mr. Lamkey said, "Oh you just did? Oh very good. I'm lost, I'm so excited. Thank you very much, Commissioners."

Dr. Braithwaite said, "Thank you."

Commissioner Norton said, "You might want to take his pulse rate right now. I think he's about to have a heart attack."

Dr. Braithwaite said, "He's very excited."

Mr. Lamkey said, "Yeah, this has been like an eight month journey for me, so I am absolutely thrilled."

Dr. Braithwaite said, "Thank you."

Chairman Peterjohn said, "Commissioner Norton."

Commissioner Norton said, "Well, I'm very tickled to have the doctor here with us today. It wasn't too many years ago that we were struggling with where EMS was going, what the future would look like. And we had a great staff that carried us for many years, but we knew that part of taking it to the next level was to have a medical officer that could guide us and work with the troops that are out in the field to make sure the protocols were good, the standards were good, the certifications were the best they could possibly be, and we're glad you're here to help us through that process then to take us to even that next level. And I can guarantee you, you've got the troops on the ground that can do that, now we just need your expertise and direction and we'll be ready to go."

Dr. Braithwaite said, "Thank you, sir."

Commissioner Norton said, "Thank you for being here."

Dr. Braithwaite said, "And there is no question that the troops are absolutely there for the patients and for the community. Thank you."

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

Approved

M [10-0247](#)

PROFESSIONAL SERVICES AGREEMENT WITH DR. DEBORAH BERGEN FOR CHILD PSYCHIATRY SERVICES.

Presented by: Marilyn Cook, LCSW, Executive Director, COMCARE

RECOMMENDED ACTION: Approve the agreement and authorize the chairman to sign.

Attachments: [Dr Deborah Bergen for agenda](#)

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, "This is a renewal of a professional services agreement with Dr. Deborah Bergen, who's a child psychiatrist, to provide 16 hours of medical services a week to children, adolescents and their families in our Children's [Services] program. Dr. Bergen brings many years of psychiatric experience to us and expertise to our Children's [Services] program. There is no change in the rate in the number of hours from the previous contract. We recommend that you approve the agreement and authorize the Chairman to sign it."

Chairman Peterjohn said, "Comments or questions? What is the will of the Commission?"

MOTION

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

Chairman Peterjohn seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "Next Item."

Approved

N [10-0249](#)

PROFESSIONAL SERVICE AGREEMENTS (2) WITH DR. MUKHTAR SHAH AND DR. LAURIE COYNER TO PROVIDE INPATIENT PSYCHIATRIC CARE FOR COMCARE CONSUMERS.

Presented by: Marilyn Cook, LSCSW, Executive Director, COMCARE.

RECOMMENDED ACTION: Approve the agreements and authorize the chairman to sign.

Attachments: [Dr Coyner for agenda](#)
 [Dr Shah for agenda](#)

Ms. Cook said, "Commissioners, these contracts are also renewals of professional service agreements that we have with Dr. Mukhtar Shah and Dr. Laurie Coyner. Both psychiatrists provide inpatient care for COMCARE patients who are hospitalized locally. Dr. Shah rounds daily on elderly patients in the geriatric psych unit out on the St. Joe campus and does consultations for us when our patients are hospitalized in medical units in that hospital. Dr. Coyner rounds Monday through Friday on COMCARE patients being treated at the Good Shepherd Campus of Via Christi. While the census can change daily, and it certainly does, there are generally an average of 25 COMCARE patients in this hospital daily. We recommend you approve the agreement and authorize the Chairman to sign."

MOTION

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

Chairman Peterjohn seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "Next item."

Approved

O [10-0246](#)

CONTRACT WITH MEDICAL TRANSPORTATION MANAGEMENT FOR COMCARE TO PROVIDE TRANSPORTATION SERVICES TO MEDICAID CONSUMERS.
Presented by: Marilyn Cook, LSCSW, Executive Director, COMCARE.

RECOMMENDED ACTION: Approve the contract and authorize the chairman to sign.

Attachments: [8-25-10 Letter of Agreement - Medical Transportation Management](#)

Ms. Cook said, "Commissioners, Medical Transportation Management, or MTM as it's known, is the new Medicaid broker who's contracted with the state to provide nonemergency transportation for clients with Medicaid coverage to get to and from health related appointments more easily. The agreement allows COMCARE to receive 50 cents per loaded mile reimbursement to transport our consumers, and our consumers only at this point, to medical appointments. The contract also allows for 99 cents per loaded mile for trips requiring an attendant care worker to accompany the transporter. This includes reimbursement for COMCARE state hospital team to bring back consumers from the state hospital to a first medical appointment here. As a licensed community mental health center, COMCARE is expected to either provide or pay for transportation of our consumers to get to the services they need. And this contract enables us to receive reimbursement for this transportation activity. The contract also actualizes one of the revenue, we had few revenue enhancing strategies this year in our strategic plan, but this was one of them, and it allows us to actualize that revenue enhancing strategy in our plan this year. We're recommending that you approve the contract and authorize the Chairman to sign it."

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Peterjohn said, "We've got a motion and a second, I've got a quick question..."

Ms. Cook said, "Sure."

Chairman Peterjohn said, "...when you say we've changed to enhance the revenue, I was going to ask you if this agreement was for the same...this contract had changed the amount at all compared to the previous contract, and so..."

Ms. Cook said, "This is new."

Chairman Peterjohn said, "...if you've got a revenue enhancement, I'd be interested in knowing a little bit more details, please."

Ms. Cook said, "This is a new contract for us. Prior to this, we used our case management staff and we had utilized funds from the state grant, which you know has been diminished significantly, to transport folks. We have never had an ability to be reimbursed for this. And this opens the door for us to do that for medical appointments and medically necessary appointments for our consumers. So it's new for us."

Chairman Peterjohn said, "Okay. Seeing no further discussion on this item, please call the vote."

VOTE

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

Chairman Peterjohn said, "Next item."

Approved

P [10-0251](#)

CONTRACT WITH ARROWHEAD WEST, INC. FOR RESIDENTIAL SERVICES.

Presented by: Marilyn Cook, LSCSW Executive Director, COMCARE.

RECOMMENDED ACTION: Approve the contract and authorize the chairman to sign.

Attachments: [8-25-10 Arrowhead West Agmt](#)

Ms. Cook said, "This is a renewal of a long-standing contract we've had with Arrowhead West to provide residential services and supports to eight consumers who are living at Arrowhead who were previously served through the developmental disabilities system. The contract pays for services provided by COMCARE case managers who provide assistance to those eight consumers in activities of daily living, such as assistance with shopping, and food prep and household chores. And those services enable those eight individuals to live in this non-institutional setting. We're recommending that you approve the contract and authorize the Chairman to sign."

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Peterjohn said, "Okay. We've got a motion and a second, Commissioner Parks."

Commissioner Parks said, "Is there some pass-through money with a grant on this one?"

Ms. Cook said, "The money came from the closure of the Heartland Nursing Facility well over 10 years ago. So that's where the money comes from. It's not changed. I think we started out with 10 consumers and there will be no new consumers added to this. So, yeah, it comes to us to be used through the state from the closure of that facility many years ago."

Chairman Peterjohn said, "Okay. Thank you."

Ms. Cook said, "You're welcome."

Chairman Peterjohn said, "Further questions or comments? Seeing none, please call the vote."

VOTE

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

Chairman Peterjohn said, "Next item."

Approved

Q [10-0250](#)

AMENDMENTS TO CONTRACTS WITH MENTAL HEALTH ASSOCIATION, BEHAVIORAL LINK, URBAN LEAGUE, UNITED METHODIST YOUTHVILLE, AND DCCCA, INC. TO RESTORE RATES TO 2009 LEVELS.

Presented by: Marilyn Cook, LSCSW, Executive Director, COMCARE.

RECOMMENDED ACTION: Approve the amendment, authorize the Chairman to sign, and authorize the necessary budget authority.

Attachments: [DCCCA for agenda](#)
[United Meth Youthville for agenda](#)
[Urban League for agenda](#)
[Behav Link for agenda](#)
[Mental Health Assn for agenda](#)

Ms. Cook said, "Commissioners, you may recall that effective January 1st of this year, the Governor found it necessary to reduce all rates for our Medicaid services by 10 percent to help with the financial deficit that the state was experiencing, and I know we brought this up with you many, many times throughout the first six months of this year. As a result of this, we amended our contracts in January to reduce the rates paid to our business partners listed above by five percent so that they would share in this financial burden with us, which has been about a \$1.5 million reduction in rates for us the first six months of this year. Also in January, when the 2010 contracts with our business partners that were mentioned here were presented to you, we did insert language that indicated that it would be our intent that if the rates were restored, that we would amend their contracts and restore this five percent rate, so this action does exactly that. It does not affect the contract caps and the contracts are funded through Medicaid through a fee for service arrangement. So we're recommending you'll approve the amendment and authorize the Chairman to sign, and authorize the necessary budget authority."

MOTION

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

Commissioner Unruh seconded the motion.

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

VOTE

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

Ms. Cook said, "Thank you."

Chairman Peterjohn said, "Thank you. Before we take up the next item, I'm going to request that we take a five minute recess. And without objection, we'll be in recess until 12:25 p.m."

The Board of County Commissioners recessed at 12:19 p.m. and returned at 12:27 p.m.

Chairman Peterjohn said, "I'm going to call this meeting back from recess, and next item."

Approved

R [10-0258](#)

SFY11 CONTRACT WITH WICHITA STATE UNIVERSITY TO CONTINUE PROFESSIONAL CONSULTATION SERVICES TO SEDGWICK COUNTY.
Presented by: Chris Morales, Department of Corrections, Project Manager.

RECOMMENDED ACTION: Approve the contract and authorize the Chair to sign the contract.

Attachments: [Signed Copy](#)

Ms. Chris Morales, Project Manager, Corrections, greeted the Commissioners and said, "Before you is a contract with Wichita State University (WSU) for professional evaluation services that are related to adult and juvenile corrections. The contract of deliverables include research, data collection, analysis and evaluation reports. The total contract is for \$34,625 and we request that you approve the contract and authorize the Chairman to sign."

MOTION

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

Commissioner Unruh seconded the motion.

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

VOTE

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

Ms. Morales said, "Thank you."

Chairman Peterjohn said, "Next item."

Approved

S [10-0235](#)

APPROVE CHANGING THE SCOPE OF THE OUTDOOR WARNING DEVICE RECEIVER CIP PROJECT.

Presented by: Randall C. Duncan, Emergency Management Director.

RECOMMENDED ACTION: Approve the proposed change of scope of the Outdoor Warning Device Receiver Project as recommended by the report.

Attachments: [09152010 Warning Presentation Updated](#)

Mr. Holt said, "Due to the lateness of the hour and the involved details that need to be made in this report, we would recommend that we defer this up to a month."

Chairman Peterjohn said, "Up to a month."

MOTION

Chairman Peterjohn moved to defer Item S up to a month.

Commissioner Unruh seconded the motion.

Chairman Peterjohn said, "And add just for the record, I think we do have an important discussion on outdoor warning devices, and we are looking at a challenge in this area, and I think it would be good to have this at a time when we have the broadest exposure for the public. And so I'm going to be, that's why I'm certainly going to be supportive of this motion. And seeing no further discussion, please call the vote on deferring this item for up to one month, I believe?"

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

Chairman Peterjohn said, "Next item."

Deferred

T [10-0286](#)

APPROVAL OF AN AGREEMENT BETWEEN SEDGWICK COUNTY AND THE YOUNG MEN'S CHRISTIAN ASSOCIATION (YMCA), OF WICHITA, KANSAS, INC FOR CONTROLLED ACCESS TO CERTAIN COUNTY ROADWAYS FOR THE PURPOSE OF SPONSORING A TRIATHLON ON SUNDAY, SEPT. 19, 2010.

Presented by: Ron Holt, Assistant County Manager.

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

Attachments: [Agreement YMCA](#)
 [Exhibit A - Map of Route](#)

Mr. Holt said, "This is an agreement between the YMCA (Young Men's Christian Association) for controlled access to certain county roadways for the purpose of sponsoring a triathlon on Sunday, September the 19th. This is a reoccurring event. The organizers of this event have coordinated, or will coordinate, with the Sedgwick County Sheriff's Office to make sure that that protection is provided. I would recommend you approve the agreement and authorize the Chairman to sign."

Chairman Peterjohn said, "Thank you. I'm going to make that motion and be supportive of it for several reasons. First, it's in my district. And secondly, having participated in a number of triathlons, I think it's a wonderful event and they've done this in the past. And it's one of those activities that...when I see discussions about how people are not as fit, there is at least a certain segment of our community that is extremely well fit, and I wish I was as fit today as I used to be when I was competing. Commissioner Parks."

MOTION

Chairman Peterjohn moved to approve the Agreement and authorize the Chairman to sign.

Commissioner Parks seconded the motion.

Commissioner Parks said, "And ask...we needed a second, right?"

Chairman Peterjohn said, "Well, I'm sorry, I may have gotten past and..."

Commissioner Unruh said, "I thought you seconded that you wanted him to be as fit as he used to be."

Commissioner Parks said, "Well, I'll second the motion, if that was indeed a motion."

Chairman Peterjohn said, "Okay, well I should've been more specific that I was trying to move that we approve the agreement and authorize the Chair to sign."

Commissioner Parks said, "I do..."

Chairman Peterjohn said, "And if I neglected to do so, I appreciate your comments, Commissioner Parks."

Commissioner Parks said, "...I do want to ask Legal, all the necessary contracts, and insurance abatements and everything are in with this thing?"

Ms. Magana said, "Thank you, Commissioner Parks. This agreement is standard for use of the facilities."

Commissioner Parks said, "Okay. Thank you. No other question."

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

VOTE

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

Chairman Peterjohn said, "Next Item."

Approved

U [10-0285](#)

MONTHLY INTRUST BANK ARENA REPORT.

Presented by: Ron Holt, Assistant County Manager.

RECOMMENDED ACTION: Receive and File.

VISUAL PRESENTATION

Mr. Holt said, "Due to the lateness of the hour, I'm going to give you the Reader's Digest version of this report today. I'm going to hit bottom line and the numbers. However, before I start, I do want to introduce to you, you've met him individually, but I want to introduce to you the General Manager for the Intrust Bank Arena, Mr. A.J. Boleski, who has been on board since July the 26th, and is doing a very fine job getting involved in the community and certainly in the operations of Intrust Bank Arena. A.J. comes to us from West Virginia, as his last place of employment with SMG, by the way of Canton, Ohio, by the way of Topeka, Kansas. All SMG run facilities. He is a Topeka, Kansas, native. A Fort Hayes State [University] graduate and we're glad to have him on board and have him here today for an introduction to you and the public."

Commissioner Norton said, "You might want to walk him over and let him be on camera."

Mr. Holt said, "All right."

Commissioner Parks said, "So the complainants will know who to..."

Commissioner Norton said, "Yeah."

Commissioner Parks said, "Yeah."

Mr. Holt said, "Again, I introduce you to A.J. Boleski, who is the General Manager of the Intrust Bank Arena, on board since July the 26th."

Chairman Peterjohn said, "A.J., welcome to the Sedgwick County Commission formally. And if you've got a few words for us, we're all ears."

Mr. A.J. Boleski, General Manager, Intrust Bank Arena, greeted the Commissioners and said, "I want to thank you very much for the opportunity, and thanks to Mr. Holt for all of his hard work and all of your hard work from the very beginning on this facility. I, personally, am very glad to be part of it. Appreciate the opportunity to lead our SMG team to work with County Commissioners and the county, our founding partners, community partners and the community as a whole. We're going to keep the bar high, and we've had a good first six months and we plan to continue that. Thank you very much."

Commissioner Norton said, "Great having you here."

Chairman Peterjohn said, "Thank you."

Mr. Holt said, "This report, Commissioners, I normally would have been giving it to you the second Wednesday in August. We had public hearing for the budget that day, long agenda, so we moved it to today. I will be back before you in about three weeks with the next month's report. So again, Reader's Digest version, starting on slide 12, if you're looking at the handout. We had four events at the arena in June and, Kristi, if you can get that off of there for me, I don't know what I did. Four events in the arena in June; 10 performances; attendance: 42,799; tickets sold: 41,414; \$2,533,820; average ticket cost: \$61.18. This report, this sheet, is the year-to-date through June report. Again, January through June; 71 performances; 331,403 attendance; 305,116 tickets sold, \$12,304,474 gross ticket sales for an average ticket cost of \$40.33. You see the net employee wages and benefits for June; \$197,869; 49 full-time employees during that month and 406 part-time employees. Year-to-date June net employee wages and benefits; \$1,486,582. Over that time, we've had anywhere from 44 to 49 full-time employees, anywhere from 392 to 441 part-time employees.

"Twenty community groups in June worked the concessions stands. They were paid \$37,051. You see the spending with Sedgwick County or Kansas companies during June; \$299,621. There were three arena presentations or arena tours in June, and local event or activity for June. Year-to-date, we've had 81 groups. Again, those are not separate groups, but recurring groups to do concession stands. Those groups have been paid a total of \$207,871. Spending with Sedgwick County, Kansas companies by the arena, January through June; \$1,589,978. We had seven pre-opening events, 30 arena presentations and arena tours, January through June, and six local events or activities January through June.

"Again, looking at upcoming events, you see there in July there were two events, two performances. August; four events, four performances. October; six events, six performances. November; six events, 10 performances. And in March next year, one event, three performances, and of course we'll be filling in other events and dates as we go along. Although, I will say to you, you see here there are no events or performances noted for September and it is clear now that we will not have any events or performances in September. For the staff at the arena, on the one hand, they're kind of angst about that. On the other hand, it gives them a month to breathe, to get reorganized, to get themselves brought up to speed. And this is not an unusual occurrence, going off the summer months, headed into the fall activities for tours to be off, not touring and we think it will pick back up and I know that the staff is working very hard to make that happen.

"Getting into now the financials, again, I'm just going to go bottom line, I'm not going to go through each of these line items. And the bottom line there gives you the monthly total number of performances for June; 11, number of events; 5. The reason there's 11 there versus 10 performances, you see there's one other there, which is a local event or performance. Number of events; five. Again, one other added to that four we talked about earlier. The monthly total for net direct income: \$82,930. Net food and beverage merchandise income: \$180,861. Net other income; \$412,156. The gross building income was \$675,947. You add to that then other operating income of \$125,189, you get total gross building income of \$801,136. The building operating expenses for June were \$363,031. Net building income: \$438,105."

"Commissioners, I want to again reiterate at this point that this is a very positive number. You're going to see the total number when we get to next month. Even when I come back in for the July report, we're going to have a loss for July operations, and even though it was less than budgeted, that's still an indication that the operating conditions in these kinds of facilities are up and down each month. We've had a very good ride the first six months; July is going to be down. I think August will be fine. We're going to see only the building operating expenses for September, but we're still going to be in the positive and this next slide shows you why.

"Through June, the net building income has been \$2,076,959. So even with the loss that we're going to be reporting for July, even with the negative numbers for September, we're still going to have, I think, a very good positive number at the end of the year, which will speak well for the overall operation of this facility in its first year. But we've been indicating to you that we're going to have some months during this year where there were going to be losses. The first month we had that is July, and we'll be talking about that at our next report. Let me move very quickly now to the parking numbers. Again, in the July activity we had, and these are just for the four lots that the city controls, owns and controls. We had a total revenue for those four lots of \$18,159, operating costs of \$4,564, so the net income, again, for just those four lots: \$13,595. The reason we continue to report this to you is because our agreement with the city says for those four lots, should they have a deficit, we're on the hook up to, I believe it's \$225,000. These numbers continue to be positive. We do not believe this year we will have any cause to pay any part of that for this year.

"This is the June to July, that same report through July, the number's \$89,196. So, again, we're very solid that that's not going to be, we're not going to have to pay to anything to that \$225,000 for this year. Moving to the arena transit services agreement, you see there that our agreement says we're on the hook for \$93,120 per year per the agreement. Although they got a grant, the Wichita Transit got a grant which for the first three years reduced that number to \$32,000. You see there the ridership for June, 4,237. For the January through June, \$34,876 and we are very pleased with how the Q-Line has worked and I think the feedback from arena event goers bears that out.

"The O&M (operations and maintenance) reserve, as of June 30th, Commissioners, is \$15,868,832. This was compared to \$15,898,449 as of May 24, 2010, a difference of a negative \$29,617. This includes reimbursements from naming right partners and sponsors for signage costs we incurred, as well as proceeds from the sale of property acquired for the project, but subsequently determined to be unnecessary. That \$32,000, as you will note, we paid, that \$29,000 is less than the \$32,000 we paid the city for transit services for this year and the reason there is we had some pluses and minuses on some encumbered items, equipment items that came in less than what we had budgeted them for. Again, authorized uses for this fund, major repairs, capital equipment for the arena. We don't have any of that yet. We'll be looking at that request for next year. Up to \$93,000 annually for the city Q-line the first three years, that's \$32,000. We made that payment on June 30th. Up to \$225,000 annually for any operating losses for Lots A, B, C and D. We don't expect to have any of those this year. Major repairs and capital equipment at the Kansas Coliseum Pavilions, you have voted to do two projects out there. We're working on those. In the operating deficits at the Kansas Coliseum Pavilions, we're working very hard to reduce those from what we had budgeted, and any operating deficits incurred by the county to operate the arena. There won't be any of those for this year either."

"Upcoming events, for all of you fighting fans, WWE (World Wrestling Entertainment) Monday Night Raw, October the 4th. Thunder hockey starts October the 16th. Carrie Underwood, October the 19th. The Radio City Christmas Spectacular, November 21 and 22. And then we're all looking forward to NCAA 2011 women's first and second round basketball tournament, which Wichita State [University] is going to be the host, and we're working very closely, we, I mean the county, the arena, WSU and the [Greater Wichita Area] Sports Commission, along with the founding partners to make that a successful event for our community. That's this month report, or the June report for this month, and I'd be happy to answer any questions you might have."

Chairman Peterjohn said, "Commissioner Parks."

Commissioner Parks said, "On number 37, just real quickly, the money that's sitting there in that fund, the interest off of that's going back into the fund or it's going to our general fund?"

Mr. Holt said, "All of the money, that interest investment income that comes off of that fund, goes to the general fund until and unless the Commission takes positive action to do something different."

Commissioner Parks said, "Okay. And then on number 39, the upcoming events, TSO [Trans-Siberian Orchestra], is that a plus or a minus? Thumbs up or down on Trans-Siberian Orchestra? Okay, so that should have been in part of that before the end of the year?"

Mr. Holt said, "A.J. says TSO will happen, it hasn't been announced yet, so that's why it's not on that list."

Commissioner Parks said, "Oh, okay. Well that's definitely one I'm looking forward to."

Mr. Holt said, "Great."

Chairman Peterjohn said, "Further comments or questions? What's the will of the Commission?"

MOTION

Commissioner Unruh moved to receive and file.

Chairman Peterjohn seconded the motion.

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

VOTE

<i>Commissioner Unruh</i>	<i>Aye</i>
<i>Commissioner Norton</i>	<i>Aye</i>
<i>Commissioner Parks</i>	<i>Aye</i>
<i>Commissioner Welshimer</i>	<i>Absent</i>
<i>Chairman Peterjohn</i>	<i>Aye</i>

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

Chairman Peterjohn said, "Next Item."

Received and Filed

V [10-0329](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS REGULAR MEETING ON
AUGUST 19, 2010.

Presented by: Iris Baker, Director, Purchasing Department.

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

Attachments: [Board of Bids and Contracts 08/19/2010](#)

*Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, "There's
nine items for consideration resulting from the August 19th meeting. Item 1;*

1. LAB PROJECTORS, CLASSROOM PROJECTOR SCREENS and
INSTALLATION for the NATIONAL CENTER for AVIATION TRAINING – FACILITIES
DEPARTMENT
FUNDING – NCAT FURNITURE FIXTURES & EQUIPMENT

*"Recommendation is to accept the low proposal from Senna Technology Systems, Inc.
in the amount of \$41,524 and establish contract pricing for one year. Item 2;*

2. PROPERTY/CASUALTY INSURANCE AGENT SERVICES – RISK
MANAGEMENT
FUNDING – RISK MANAGEMENT

*"Recommendation is to accept the proposal from Cretcher-Heartland to execute a
five-year contract for an estimated total cost of \$140,000. Item 3'*

3. PROFESSIONAL SERVICE HOURS – DISTRICT ATTORNEY'S OFFICE
FUNDING – BJA RECORDS MANAGEMENT SYSTEM

*"Recommendation is to accept the sole source quote from Cutting Edge Solutions in
the amount of \$36,250. Item 4;*

4. 4TH FLOOR COURTROOMS FURNITURE AND CHAIRS – FACILITIES
DEPARTMENT
FUNDING – ADD COURTROOM & CHAMBERS – MAIN COURTHOUSE

*"Recommendation is to accept the quote from John A. Marshall in the amount of
\$28,108.65. Item 5;*

5. SALT/SAND SPREADERS with HYDRAULIC LIQUID APPLICATION SYSTEM –
FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT

*"Recommendation is to accept the low bid from Midwest Truck Equipment, Inc. in the
amount of \$58,203. Item 6;*

6. ONE TON, TWO WHEEL DRIVE CHASSIS DUMP BED TRUCK – FLEET
MANAGEMENT
FUNDING – FLEET MANAGEMENT

"Recommendation is to accept the low bid from Shawnee Mission Ford in the amount of \$36,667. Item 7;

**7. TANDEM AXLE TRACTOR – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

"Recommendation is to accept the low bid meeting specifications from Wichita Kenworth, Inc. for an amount of \$105,324. Item 8;

**8. HEAVY DUTY SERVICE TRUCKS – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

"Recommendation is to accept the low bid from Shawnee Mission Ford in the amount of \$171,446. And Item 9;

**9. SELF-PROPELLED RIDING LAWNMOWER – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

"The recommendation is to accept the low bid from Maximum Outdoor Equipment and Service in the amount of \$13,465 and establish contract pricing on parts and labor for one year with two one-year options to renew. Be happy to answer any questions and I recommend approval of these items."

Chairman Peterjohn said, "Questions or comments for Ms. Baker? Commissioner Parks."

Commissioner Parks said, "The insurance contract, is that pretty standard, that five year, has that been history?"

Ms. Baker said, "Historically, we have done three years. This time where attempting five years. It is not unusual in the industry that others have done five-year agreements. We find this is very competitive pricing. It's very good. Such that we had a limited, we didn't get any other responses. And the main reason was, several people had through open records requested that last contract and notified us that they couldn't compete so they wouldn't be soliciting."

Commissioner Parks said, "Thank you."

Chairman Peterjohn said, "Further questions or comments? I'm going to point out if, we've got a tremendous amount of new equipment the county is hiring, and I stand by my earlier budget comments and concerns from that time. On these specific items, what is the will of the Commission?"

MOTION

Commissioner Unruh moved to approve the recommendations 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 Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	No
Commissioner Welshimer	Absent
Chairman Peterjohn	Aye

Ms. Baker said, "Thank you."

Chairman Peterjohn said, "Next Item."

Approved

CONSENT AGENDA

W [10-0294](#) Transfer Ownership of County Owned Property within City Right of Way at the Intersection of Washington and Waterman to the City of Wichita.

Attachments: [Quit Claim Deed SC to COW Washington St. Corridor](#)

Approved

X [10-0265](#) Plat
Approved by Public Works. The County Treasurer has certified that taxes in 2009 and all prior years have been paid for the following plat:

Strunk Estates

Y [10-0274](#) Payroll Check Register.

Z [10-0315](#) General Bill Check Register.

Mr. Holt said, "The Consent Agenda consists of Items W, X, Y and Z. I just point out, Item Y is payroll check register, it's for July 31, 2010, and August 14, 2010. Item Z is the general bill check register, August 4, August 11, August 18, 2010. I request your approval."

MOTION

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "Next Item."

OTHER

Chairman Peterjohn said, "I'm going to kick off my final comments in the 'other' section with just a quick report on the jail, because that continues to be a concern. We are in a seasonal upswing and we had 1,623 people in detention as of this morning. I went back, and took a look, and checked and got the data for where we were a year ago. And we were at almost 100 prisoners more. Of the 1,623 today, we have 492 are considered maximum and 511 medium. There were 322 out of county and 152 in the Work Release program. So, this continues to be an area of concern and CJCC (Criminal Justice Coordinating Council) will be holding a meeting later on this week. Commissioner Parks."

Commissioner Parks said, "Just wanted you all to set your calendars for the 24th, 25th and 26th for the Valley Center Fall Festival. It will be coming up, if you're not going to the World's Fair, the [Kansas] State Fair or since the arena's not going to have any events, you can run on up and use your entertainment time for the Ottaway Amusements, which is out of Commissioner, I believe, Norton's district..."

Commissioner Norton said, "It's Welshimer."

Commissioner Parks said, "...Commissioner Welshimer's district then, always has the largest, portable Ferris wheel set up on one location in the midway there. And there will be wristband specials and things going on. Once again, that's September 24th, 25th and 26th. Thank you."

Chairman Peterjohn said, "Commissioner Norton."

Commissioner Norton said, "I have no 'other,' but I'm ready to make a motion on an Executive Session if there's nothing else."

Chairman Peterjohn said, "Please proceed."

Executive Session

MOTION

Commissioner Norton moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation, and legal advice and personnel matters of non-elected personnel, and that the Board of County Commissioners return to this room from Executive Session no sooner than 1:25 p.m.

Chairman Peterjohn seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "We're in recess until no sooner than 1:25 p.m. for Executive Session."

The Board of County Commissioners recessed into Executive Session at 12:53 p.m. and returned at 1:25 p.m.

Chairman Peterjohn said, "I call this meeting back from recess and recognize the County Counselor."

Ms. Magana said, "There was no binding action taken during this Executive Session, Chairman."

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

MOTION

Chairman Peterjohn moved to adjourn.

Commissioner Parks seconded the motion.

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

VOTE

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

Chairman Peterjohn said, "We're adjourned."

Passed

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 1:26 p.m.

Adjourn