

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes - Final

Wednesday, October 19, 2011

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

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ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:05 a.m. on Wednesday, October 19, 2011, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Tim R. Norton; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Commissioner Jim Skelton; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Robert Parnacott, Assistant County Counselor; Ms. Shawne Boyd, Director, Human Resources; Mr. Roderick Harris, Director, Children and Family Health; Ms. Sandra Reichenberger, Administrative Project Manager, Integrated Family Health; Mr. Tom Pletcher, Clinical Assistant Director of Mental Health, COMCARE; Ms. Nadine Long, Contract Specialist, COMCARE; Ms. Angee Sisco, Senior Buyer, Purchasing; Mr. Bob Lamkey, Director, Public Safety Director; Mr. Robert Lawrence, Project Services, Facilities Manager; Mr. Mark Sroufe, Superintendent, Lake Afton Park; Ms. Kristi Zukovich, Director, Communications; and Ms. Jill Bailey, Deputy County Clerk.

GUEST

*Mr. Charles Leiker, 4925 West 77th Street North, Wichita
Mr. Jim Stancer, Jr., 5011 West 77th Street North, Wichita
Mr. Joel Pile, City Administrator, Valley Center
Mr. Emil Bergquist, Mayor, Park City
Mr. Thomas Street, 11610 North 151st Street West, Wichita*

INVOCATION: Ms. Kimberly Jones, Westlink Christian Church

FLAG SALUTE

ROLL CALL

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

Present 5 - Chairman Karl Peterjohn, Commissioner Richard Ranzau, Commissioner Jim Skelton, Commissioner Tim Norton and Commissioner Dave Unruh

PUBLIC HEARING

A [11-1051](#)

PUBLIC HEARING REQUIRED BY K.S.A. 12-531 TO BE HELD FIVE YEARS FOLLOWING UNILATERAL ANNEXATION BY CITY OF VALLEY CENTER ORD. NO. 1126.

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

RECOMMENDED ACTION: Open the public hearing, hear testimony from the landowners and city, close the public hearing and make the required statutory finding.

VISUAL PRESENTATION

Mr. Robert Parnacott, Assistant County Counselor, greeted the Commissioners and said, "This is one of our five year post annexation hearings. Whenever there is an annexation the city had to prepare a service plan for, this annexation was done five years ago by the City of Valley Center. We have a map on the screen that shows you a total of 22 parcels, separated basically into two groups of 11, one is up to the north and east up around 93rd Street and Seneca, the other group of parcels is down to the southwest, off 81st, west of West Street.

"The service plan provided is the same service plan that up have seen in the last couple of Valley Center post annexation hearings, but I'll quickly summarize the services to be provided upon annexation were fire and police services, the city would provide streetlights and emergency siren coverage per their standard city plans, and then upon petition, they would provide for any water, sewer, or road improvements. The city in their service plan noted at the time of the annexation, most of the roadways in the area were either maintained by the county or township or were private drives that were maintained by homeowners. As usual, we sent out our pre-hearing questionnaires to the 22 landowners, we got three responses back. One landowner responded that only owned his parcel for about a year, it was an unimproved parcel, no need for services, and had not gotten any services, but had not raised any complaints about services either. So that was really neither here nor there, I suppose.

"Another landowner down in the area of 81st Street North had raised issues about the city limit problems, usually when you have these city limits that are somewhat irregular, sometimes responders have a little trouble identifying where the city limits are, so he noted that was a continuing problem for them. And that led to some unidentified duplicate services, I don't know if he was referring to emergency response services or some other kind of services, but that is an offshoot of these irregular boundaries sometimes. He asserted that he had petitioned for road improvements to 81st Street, but at the time of the petition, 81st Street was not included in the city, so the petition was not granted. And finally, he raised the question about some large potholes that are on 81st Street between West Street and Buena Vista, they would be in this area here, I'm showing, moving my cursor over between West Street, which is right there, and then moving to the farthest stretch of 81st Street annexed into the city. The city only annexed that portion of 81st Street in 2009, so during part of this 2006 to 2011 annexation review period, that street was not even in it the city, but the landowner has complained that since the city took over the maintenance they have had pothole problems.

"The city also responded to our pre-hearing questionnaire and they provided a report. I'll let the city manager, or administrator go into detail, but essentially the city has said

they provided services as set out in the service plan, including street maintenance, streetlights were installed per their city plan, their emergency siren coverage is adequate. They have not received any city water or sewer petitions, they have provided fire protection services, they've added a firefighter since annexation, they provided police services; ten calls were responded in the areas that were annexed over the last five years, and they also added a full-time police officer. The city indicates also that although not directly mentioned in the service plan, they provided ditch and culvert cleaning, code enforcement services, animal control and other city services.

"They've also provided you grading logs that show their frequency of the grading, including grading of 81st Street North. This is a quasi judicial hearing, you will have to disclose any ex parte contacts you may have received, that might be emails, that might be voicemails, phone messages, or person to person contacts. I understand there was an email distributed to the Commissioners from a council person of the City of Valley Center, who is not a landowner in the area that was annexed and was not speaking on behalf of the city itself. I'll remind you that the statute provides that you hear testimony in these hearings from only the landowners who are annexed and from representatives of the city. The city last night at their city council meeting adopted a resolution that has been distributed to you to state the position of the city council and the city itself. That resolution can be read into the record if you would like, otherwise we can let Mr. Apollo refer to it. Essentially the resolution states that the city council has reviewed the service plan, has reviewed the services they provided and the city believes they provided the services and they encourage you to make that finding today at the close of the hearing. So unless you have any other questions from me, I think you should open the public hearing and we'll hear any comment from the city or from landowners, and then you can make the appropriate findings."

Chairman Unruh said, "Thank you, Bob. Before we open the public hearing, we will give Commissioners an opportunity to disclose any ex parte contact, and ask you any specific questions. I have received an email, and one voicemail relative to this issue, but at this time it has not influenced my decision in any way. I think the next person asking to speak, Commissioner Skelton."

Commissioner Skelton said, "I'll disclose the same as the Chairman, one email and one voicemail. Okay. And that did not influence my decision, either. Could you please repeat what you said about potholes again, sir? I apologize."

Mr. Parnacott said, "One of the landowners who responded to our pre-hearing questionnaire who lives down in the area of 81st Street, northwest of West Street, is complaining about some large potholes in that stretch of 81st Street that runs west of West Street over towards Buena Vista."

Commissioner Skelton said, "Okay, he's complaining about them?"

Mr. Parnacott said, "Said there's some large potholes. And he says that has occurred since the city took over maintenance of that portion of 81st Street."

Commissioner Skelton said, "Did this individual say he reported this it to the city?"

Mr. Parnacott said, "Not in his email. Mr. Powell may indicate that he is aware of that complaint. I'll also note that 81st Street North is outside of the area that was annexed. It is to the east of the area, and on the way to the area, so to some extent, since the service plan didn't contemplate 81st Street North being part of the service plan area at

the time of the annexation, it is somewhat outside the service plan as well."

Commissioner Skelton said, "The area with the potholes."

Mr. Parnacott said, "Yes."

Commissioner Skelton said, "So, okay. Are you telling me that this is relevant or irrelevant?"

Mr. Parnacott said, "I'm telling you it is kind of a gray area. The city will probably assert that it's not relevant because it is outside of the service plan, it is on the way to the service area. You have a landowner who has been annexed and is complaining about that portion. I think it is relatively close to the annexation area, so I think you should give it whatever weight you desire in making your finding."

Commissioner Skelton said, "So you as an attorney are telling me that I have discretion here either way."

Mr. Parnacott said, "I think you should exercise your judgment as a quasi-judicial officer and determine what weight to give that testimony."

Commissioner Skelton said, "Okay. I appreciate that. It is a gray area, and a gray answer, Mr. Chairman."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. First I want to disclose I've received the same email, as far as ex parte communication, also received a voice message and I spoke to Mr. Jim Stancer after he left a voice message in relation to this. This morning I had a phone call from Jaylene Roberts about this issue, and I had not had an opportunity to share those with my fellow Commissioners. I have some questions for Bob, though. Could you speak in general terms with respect to the service plan and how it does or does not meet the state statute requirements?"

Mr. Parnacott said, "The service plan that was prepared five years ago is not quite up to snuff as far as the statute goes. We've had this discussion in the prior Valley Center hearing, because this is the same service plan, actually, and it is missing some of the pieces that the statute requires it to include as part of the annexation process. Now, having said that, as we've also discussed, you are not here to review the adequacy of the service plan itself, that should have been challenged, if it was going to be challenged, five years ago. Nobody challenged it. So for all intents and purposes you have to take the service plan as it is. And your charge under the statute is to determine if the city has provided those services that is they said they would provide in the service plan."

Commissioner Ranzau said, "So if it the bar was set low, then the bar is set low, and it's set low today as far as the services that they provide."

Mr. Parnacott said, "The service plan spells out what services the city said they would provide. It is a fairly limited set of services, but those are the services that you are

charged to determine if the city provided."

Commissioner Ranzau said, "What about the statute also requires them that basically to provide better or equal service than what they are providing previously, is that correct?"

Mr. Parnacott said, "The statute does say that."

Commissioner Ranzau said, "Now, as far as 81st [Street] is concerned, I am aware of this particular street. This is the street that had intended on doing the cold mix and we were trying to work with the city on trying to not just getting the city part done, but the part that is actually in the township. Unfortunately this is a victim of our budget cuts, so those problems remain. I am very sympathetic to the problems they're having on 81st Street, but I also understand it is not really part of the annexation, so that's problematic. I'll say to, if we have any constituents that are wanting to speak today, that I appreciate them coming out.

"They need to understand, as Mr. Parnacott said, I believe the bar has been set low with respect to the service plan so the city doesn't have to really provide very much. So the problem is really with the state statute. And everyone that calls me and is concerned about this, I let them know that they need to call the representative in this area, it's Steve Huebert. Because the League of Municipalities is a very strong lobbying agent in Topeka, and representatives don't often hear about these sorts of issues. So if a few people call and keep calling, it could make a difference.

"Additionally, I've been working within this Commission to change our approach and push the legislature to give us more authority with respect to annexation and service plans. We have agreed to amend our legislative agenda for this year that would address that issue and hopefully push to get the law changed in the future. However, that's not going to help you today, because, quite frankly, I think the deck is stacked against you. So what I need to hear is any specifics in the service plan that you feel haven't been met, otherwise it is difficult for us to find against the city based on the current law and the current service plan. As sympathetic as I am to all the issues that the constituents have, I think I've expressed them in the past, we've got to be fair and I've got to make my decision based on the evidence I hear today and based on the service plan and the current state statute. So I wanted to get that out there before everybody had a chance to speak. Thank you."

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

Commissioner Skelton said, "Yes, just a point of clarification, and I think my question has been answered. I think 81st Street with potholes is a township-owned road and not included in the city limits, is that correct?"

Mr. Parnacott said, "No, a portion of 81st Street now, the portion that the complaint has been raised about potholes is being maintained and is in it the city limits."

Commissioner Skelton said, "But it is not part of the new annexation."

Mr. Parnacott said, "It was not part, at the time of this annexation was done, it was not annexed into the city."

Commissioner Skelton said, "All right, thank you, sir."

Chairman Unruh said, "All right, thank you. Commissioners, any other, Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I will say for the record I haven't received any phone calls either from anyone with the city or any citizens on this matter on an ex parte basis, and I'm going to base my decision on the same restrictions that, or under the same limitations and rules that Commissioner Ranzau just described. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else asking to speak. So at this time we will open the public hearing, and ask if there are any citizens here who would like to speak to this issue. You can have three minutes to speak, so if you would go to the podium, state your name and address, and the clerk will cue you as your time runs out."

Mr. Charles Leiker, 4925 West 77th Street North, Wichita, greeted the Commissioners and said, "Nobody wanted to be annexed to start off with, but like a school yard bully, they imposed their will on us. And they promised nothing, and that's what we've got. You have to realize that this annexation was done in steps. We were the last step. We have no streetlights, we have no culvert improvements, we have seen an officer out there a time or two, but other than that, I see no benefit for the money that we're being charged to be part of Valley Center. That's about it."

Chairman Unruh said, "All right, sir."

Mr. Leiker said, "We aren't receiving anything for our money as far as I can see, other than an occasional police officer. We have no streetlights, we have nothing. We've got nothing for the money we've been charged. Thank you."

Chairman Unruh said, "All right, thank you. We do have, I think, a couple of questions by Commissioners. You might remain there. I believe Commissioner Ranzau was first."

Commissioner Ranzau said, "Could you, on my map, are you one of those southernmost parcels there?"

Mr. Leiker said, "Oh, gee. Uh..."

Chairman Unruh said, "Mr. Parnacott can help you locate your property."

Mr. Leiker said, "I think that we would be west-most, I think we're this one right there. A little south. The next one up. I think it's this one right there."

Commissioner Ranzau said, "Okay."

Mr. Leiker said, "But I'm not sure. Okay."

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

Commissioner Peterjohn said, "Just a quick question for Mr. Leiker. I am sorry to keep you."

Mr. Leiker said, "Sorry, I thought we were done."

Commissioner Peterjohn said, "Well, I am not sure how many more questions may come from other Commissioners. The question I have was, specifically in terms of the street that would be adjacent to your property and the properties nearby that are part of this parcel we're considering today, can you talk about the street maintenance before and between prior to when you were annexed and what's happened between then and now."

Mr. Leiker said, "Okay. We moved there, in 1989, and 85th or 77th Street was a county road, maintained by the county, but there was sort of a gray area there, because it seemed like there was some sort of a boundary, and there was always some sort of a contest whether it was county or Valley Center maintenance, and it was not maintained very well. And so to our surprise a couple years before we were annexed, Sedgwick County blacktopped the road, 77th was blacktopped from West [Street] all the way to Hoover [Road], and we thought how great could this get? And as far as the road to the west of us, that belongs to Mr. Stancer, and they maintain that themselves. And what else was it Karl?"

Commissioner Peterjohn said, "Just interested in the streets in your area. Appreciate your answer."

Mr. Leiker said, "But the 77th Street was paved way before we were annexed. And there's been no maintenance done on it because they did a really great job. County knew what they were doing."

Commissioner Peterjohn said, "Well, I wasn't sure in terms of the side streets that might be right in front of your house, or adjacent, if that was a township road prior to the annexation, how things had changed after you joined the city, as well as obviously the section line streets."

Mr. Leiker said, "I don't know."

Commissioner Peterjohn said, "Okay, well thank you."

Chairman Unruh said, "Thank you, sir. I think we have no more questions."

Mr. Leiker said, "I will step down then."

Chairman Unruh said, "All right. Is there another person wishing to speak? Yes, sir."

Mr. Jim Stancer, Jr., 5011 West 77th Street North, Wichita, greeted the Commissioners and said, "I have lived there for about 25 years, and as far as the direct questions go, fire protection, we had that before. And they still respond, that being the county fire department along with the city. The police protection, I can't speak to that, because I don't know of anybody that's called and needed help. The streetlights, we were told at the time that those streetlights would be put in according to when the land in our area was platted. To the best of my knowledge nobody has platted land in our area, we are all on tracts, which I brought up at the time of the annexation, that they did not follow the state law in regards to that annexation, because two-thirds of the property, or two boundaries of the property had to be touching what they were annexing, and they did not follow that.

"My property, my south most property was not touching anything of the city at the time of the annexation. That was brought to their attention by my lawyer, and they flatly said

we are not paying attention to that part of the law. It is because they were squaring it off. Tell me how that's squared off on the map. I don't see it. The emergency alert siren, they've got one at 85th [Street] in the big ditch, it's heard, that being a county siren, or county maintained. We don't have anything from the city. Water service and sewer service, I don't believe anybody is crazy enough to ask for a petition on that one, because we probably would be moving out of our homes because we couldn't afford it. Road improvements, they did have road improvements from the county, that being 77th Street. They made it very plain to us that they would not maintain that road going south, that being our private drives. All of those houses have private drives except those facing 77th [Street] and they are very long. One other thing that I would like to tell you, we asked from the city a copy of the service plan when this came up, and we have never received a thing. We asked from the county and got it that day sent."

Chairman Unruh said, "Okay, are you completed sir?"

Mr. Stancer said, "I'm not, but..."

Chairman Unruh said, "Okay. Well, we have a couple questions for you."

Mr. Stancer said, "Okay."

Chairman Unruh said, "First, Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. Mr. Stancer, could you tell me what parcels you're talking about that you own?"

Mr. Stancer said, "It would be the southernmost, those two little blocks down there onto the most southern right there. The one to the west would be my land. There are two tracts in there."

Commissioner Ranzau said, "Okay."

Mr. Stancer said, "So I actually own nine and a half acres there. In five-acres being one of them and two and a half another one."

Commissioner Ranzau said, "Now, the road on the south part, is that maintained by the city or no?"

Mr. Stancer said, "No, it is not."

Commissioner Ranzau said, "You don't have any roads that are touching you that are maintained by the city."

Mr. Stancer said, "No, sir."

Commissioner Ranzau said, "Now, when we spoke on the phone, didn't you talk about ditches being maintained?"

Mr. Stancer said, "The ditches are not mowed out there along 77th [Street], they are not going to mow mine because it is on private land, but they are not mowed or nor

have they made it better to be able to mow those by a private individual. The township always mowed them before."

Commissioner Ranzau said, "Township mowed them before, but now they are not being mowed at all?"

Mr. Stancer said, "To the best of my knowledge, they've never been mowed."

Chairman Unruh said, "Thank you, Commissioner. I don't see any other questions, sir, so thank you for speaking to us. Is there anyone else who would like to speak? I would offer the city manager an opportunity to make a comment."

Mr. Joel Pile, City Administrator, Valley Center, greeted the Commissioners and said, "As we have been here before, this is our service plan, similar service plans have been presented for the past annexations. You've heard testimony today from some property owners regarding the services and I would like to address some of those comments. Specifically the most recent comment in regards to mowing, the city does maintain and mow the ditches in the area of the intersection, similar method and pattern and frequency as the township does, and a visual comparison can see that the mowing is done in a similar manner.

"With regards to the streetlight placement, that was done when we adopted the policy. Streetlights went up at the arterial intersections and have been provided in accordance with the service plan. Talking about 81st [Street], although there's some discussion whether this is part of this annexation phase or not, the city has gone in from the portions of West Street though Buena Vista and put in 11 tons of gravel in the last four months on that. You can see our updated grading frequency for the area. To my knowledge, there have been no complaints filed by the city with the city regarding the condition of that street, or the potholes that need to be repaired. We did experience a long dry spell during the summer which did make grading difficult there, because there is no moisture in the ground. That has been maintained, and been resolved with the last rain we had. If there are any questions, I would be happy to maintain them."

Chairman Unruh said, "We have a comment from Commissioner Skelton."

Commissioner Skelton said, "I wanted to make sure I understood one of your comments, sir. There is no problem with 81st Street and potholes, is that what you are saying? Or it needs further attention, or..."

Mr. Pile said, "I'm saying that as of today, we have no record of complaint of potholes. We have issues with complaints of wash boarding up until we had the rain last week it is very difficult to grade that type of street under this conditions without the moisture, we did go in and incorporate a significant amount of gravel, six times, and have graded it several times."

Commissioner Skelton said, "That's fine, I appreciate that. You know, it is my observation that we have some complaints here today in this public forum. What would be your action in response to those complaints that have been expressed today? "

Mr. Pile said, "Certainly would pass those along to our public works department and have that looked at. I do know yesterday I drove the street and found it to be in very

good condition.”

Commissioner Skelton said, “I have another question for the legal staff, our county legal when it is appropriate. Thank you, sir.”

Chairman Unruh said, “Thank you, Commissioner. Thank you, Mr. Pile. Excuse me. We have one more question, Commissioner Ranzau.”

Commissioner Ranzau said, “Thank you. Mr. Pile, with respect to mowing the ditches, do you mow anything further down the road besides the intersection.”

Mr. Pile said, “No. According to city policy, right-of-way responsibility is that of the adjacent property owner. I believe that’s similar policy that the county and township maintain, we maintain arterial thoroughfares, to a certain degree, intersections and along agriculture fields.”

Commissioner Ranzau said, “Well, they were maintaining prior to the annexation that the township maintained all the ditches along there. Two questions: Do you have any reason to believe that’s not true, and second of all, what is the position on the county from the point of view if you are supposed to provide greater or equal service to what they had before? Shouldn’t you be obligated to maintain that if that’s what the township did?”

Mr. Pile said, “Yes, and conversations we’ve had with the township with respect to the county and state government, over the last several years, the amount of public mowing that has been provided by the governmental entities has significantly decreased, and so I believe that there are court justifications for reducing several levels of services in an instance if that would have occurred, if the township and county also reduced a level of service, that the city may also do that.”

Commissioner Ranzau said, “Okay, I will have some questions for Bob Parnacott later.”

Chairman Unruh said, “Thank you, Commissioner. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Mr. Pile, I just want to make sure I understand completely, if you have a situation where you have a private drive, ditches alongside the private drive and the township had been maintaining it, when the city took it over, did they stop, or do you still perform the mowing along the streets?”

Mr. Pile said, “We perform mowing along the streets, not along the private drives. I wasn’t under the impression there was mowing along a private drive without the dedication of public right-of-way.”

Commissioner Peterjohn said, “I want to just make sure I understand, because in the

past I have had a lot of problems with this. Kansas is one of the states where citizens are largely disenfranchised unless they have over 20 acres on these annexation cases. I've heard many citizens come in and talk about their problems that they have had with forced annexations, and so these hearings are always problematic for me, because it occurs five years after the fact, and five years ago, I don't believe you were with the City of Valley Center, so we're actually going over items that weren't directly in your purview when they actually happened. So that makes these hearings very challenging for me. Thank you Mr. Chairman."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. My understanding is that 77th [Street] is not a private drive, and that's where we are talking about. The other streets, which are private drives, I don't think there is a mowing issue, but I have some questions for Bob. But before we do, I would like the opportunity for citizens to clarify for us, to make sure that that's the correct understanding for both myself and Commissioner Peterjohn. Can we do that?"

Chairman Unruh said, "So who do you want to...?"

Commissioner Ranzau said, "I think if you can come up and..."

Mr. Leiker said, "One of the things that I see here is that when they talk about annexations, they lump all of the stages of annexation into one group. We were the last to be annexed and we have received no services. The one, the group that was annexed before us, they did get the streetlight. I just wanted to make that plain. The last group to be to be annexed, which is us, we've received nothing."

Commissioner Ranzau said, "Maybe Mr. Stancer could just clarify for us on the mowing, then, that's what I want. You're concerned about 77th Street, correct? There is not an issue with the private drives with respect to mowing. There is no expectation."

Mr. Stancer said, "No. The township, nor the county, mowed along those private drives. Along 77th [Street] they did. Always mowed the ditches along 77th, but now nobody is mowing them."

Commissioner Ranzau said, "Not just 77th [Street], all of them."

Mr. Stancer said, "What's happening is the individuals are mowing them, but with a lot of problems because those ditches are so down deep, especially the corner there on 77th [Street] and West Street. I take my tractor down there and I can't get my tractor down there. I've mowed the ditches on the south side myself with my own tractor. And as far as the streetlights go, I don't think there's anybody out there that wants streetlights, because we moved out there to be able to look up at night and see the stars more, not streetlights. That's basically it."

Commissioner Ranzau said, "I think that clarifies it, thank you."

Mr. Stancer said, "Okay. I might mention that the streetlight that they did put in at 77th and West Street is actually on the county property."

Chairman Unruh said, "Thank you, Commissioner. Any other questions, is there any other citizen that wants to speak? Seeing none at this time, I will close the public

hearing and Commissioners have an opportunity for discussion and questions of staff. Commissioner Skelton."

Commissioner Skelton said, "Mr. Parnacott, it's been stated that there are no public roads leading to county property, is that fall within the legal bounds, do you concur with that, does that fall within the Kansas statutes?"

Mr. Parnacott said, "That's my understanding, is the facts are that those drives that lead to the parcels are down in the southwest corner are on private drives and that's not unheard of. There are some private drives in the county that are maintained by either homeowner's association or by a group of homeowners. The annexation would have included that is part of the annexation area, but since they are private drives, you usually don't expend public funds on maintaining private facilities."

Commissioner Skelton said, "Of course it goes without saying that the public road goes with a private drive."

Mr. Parnacott said, "Yes, so to the extent that the public road is there, that's a consideration."

Commissioner Skelton said, "Thank you, sir."

Chairman Unruh said, "All right, thank you, Commissioner. Commissioner Ranzau."

Commissioner Ranzau said, "I have some questions with respect to the mowing of the ditches. I couldn't find anywhere in the service plans that they stated they would, but if you go on the premise that the city is to provide equal or greater service, is it reasonable to expect they should be doing this along 77th and if not, why not? And do we have any options here to find that they've met the service plan with the exception of mowing ditches, or is that not going to meet the bar, so to speak. I would just like you to talk on that."

Mr. Parnacott said, "I think the issue that I would see there is that you've had some anecdotal testimony from landowners on what the township did before annexation. It is not like they could say they came out and mowed every three months or every two months. So it is not very specific testimony, it is just in general we think it was better. So it's more of a subjective statement than an objective statement. So it is a little hard, I think, for you to weigh that and make that determination. It is a subjective determination when you are saying are the services provided by the city equal to or better than provided for the annexation, when it is a level, an objective inquiry that's fairly simple to address."

"If you don't have objective information, then you are relying on the landowner saying this and the city representative saying we have been equal to or better as Mr. Pile alluded to, and I'll kind of add to the comments, service plans are intended not to be straight jackets. They have to be flexible and circumstances change, developments change, economic times, budgets change. So cities have to provide their services in accordance with the current circumstances. As Mr. Pile indicated, I think a number of jurisdictions had been reducing their mowing frequencies based on budgetary concerns. So that's an example of how you need to take that into consideration when you're trying to weigh whether or not services have been equal to or better."

Commissioner Ranzau said, "And if we were to make such a finding, but the city sued

and the court that saw this would take that into consideration and very likely overturn that.”

Mr. Parnacott said, “I can't really guess what the court might or might not do, I don't think, it's a question of whether the court would believe there is substantial competent evidence to support that finding, if that's the finding you make.”

Chairman Unruh said, “Are there any other questions of staff? Commissioner Norton.”

Commissioner Norton said, “Not too many questions, just a couple of statements. First of all, I had one email and one voicemail and that's the only communication I had. I had no personal contact with anyone. I was interested that the city council for the first time I can ever remember passed a resolution that said they thought they met all the requirements of the annexation. Is that the first time we've seen one of those before, Bob?”

Mr. Parnacott said, “That is the first time. And I, you know, it is certainly appropriate if they want to do that. It is just the first time I've seen it.”

Commissioner Norton said, “Well, it obviously tells me that they come back and revisited it as a city council maybe different members than were there five years ago, but at least they revisited it, they thought of their citizens, and they came to that conclusion to give us some guidance of what they thought. We seldom have that kind of communication from a city and their elected body, as I remember.”

Mr. Parnacott said, “Yes.”

Commissioner Norton said, “Really just a statement. Well, truthfully, we find ourselves in a conundrum, because the state law guides what we can and can't do in this conversation, and it is much similar to what Commissioner Ranzau guided us with early on, whether we like the law or not, whether it conforms to all the things we would like on the front end, we only deal with it on the back end, and that's going to be our conclusion today. Unfortunately, as watered down as some of these plans are, and Valley Center is not the only one that we've dealt with over the years, at least I have, we find ourselves in that same situation many times of making a determination that is weak at best on a very weak plan. That's my thoughts.”

Chairman Unruh said, “Thank you, Commissioner. Is there any other comment?”

MOTION

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

Commissioner Norton seconded the motion.

Chairman Unruh said, “We have a second. Is there further discussion on the motion? Commissioner Ranzau.”

Commissioner Ranzau said, “Well, let me say that I am going to have to reluctantly vote for this finding. I am sympathetic to the landowner's concerns and the issue of

unilateral annexation, and I suppose I could arbitrarily vote no on all of these, but I don't think that's good government, I don't think that's being fair. In a previous hearing we had, we had very clear objective evidence, and in another situation we had video, photos, specific testimony, we even had statements by the city council that corroborated what the residents of that area said. But even then we didn't find in favor of the city. And I was very disappointed by that particular decision, because I think the evidence was clear and overwhelming on the side of the citizens. But I can't base my decision today on that previous testimony and that previous hearing regardless of how much sympathy I have with this. The complaints today I don't think, well the problem is with the service plan. It doesn't promise very much. And I think they have essentially met the service plan. They may have made some adjustments based on the economy, which I think we have, too. It is reasonable and the complaints that the citizens have, I think I share, but we're not able to address them through this hearing.

"Once again, I reiterate that I will continue to work here on this Commission to push the state legislature, to change the laws with respect to annexation, I would encourage all the citizens to continue to contact the state legislature, because that's where the ultimate solution to this problem lies, is improving the legislature and giving the residents more say, and quite frankly, giving this county more say in some of these annexations. I know we're somewhat reluctant as a Board to get involved with some of these annexation hearings when they are being annexed, but ultimately we get involved anyway, as we are here today, and if we can get involved and be more proactive on the front end and make sure that the citizens are being treated properly, as opposed to trying to react afterwards and meet a very low standard with respect to the service plan would be much more productive. While it doesn't help the citizens today, I would hope it would help protect some of our citizens in the future with respect to their rights and their property rights and them being annexed simply for, I think it is true that they oftentimes, particularly in some of these smaller cities, people are annexed for the tax revenue and they don't get very much. But right now that's authorized, permissible under state law, as much as I dislike it. So I am going to have to reluctantly agree with this finding."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I find myself largely in agreement with what I just heard from Commissioner Ranzau in terms of this event today. We had a previous hearing, and where I thought there was excellent and very explicit evidence, and so I find myself in the position today where we don't have as much evidence, and the problem that we've got at the state level on these issues, I think jumping in where we currently have a role five years after the fact is not the best way to proceed, but that's the law, and as generated in Topeka. So my vote today is going to reflect that set of facts before us today. Thank you."

Chairman Unruh said, "Thank you, Commissioner. I would state also that I am in agreement in principle with the comments being made, and our responsibility is to determine whether or not the elements of the service plan have been provided and the service plan is not very ambitious, and we will work as well as we can to have a greater say in making more substantial service plans as we go forward. With the information and facts we've had before us today, I'll be supportive of this motion. I don't see anyone else asking to speak. So Madam Clerk, please call the vote."

VOTE

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

Chairman Unruh said, "Thank you, Bob, and representatives both from citizens and from the city, we thank you for taking your time to be here. Madam Clerk, next item."

NEW BUSINESS

B [11-1021](#)

PRESENTATION OF CAREER DEVELOPMENT CERTIFICATES.

Presented by: Shawne Boyd, Human Resources Director.

The following individuals have completed the required curriculum for career development certificates. The focus of this program is to educate employees in areas of Diversity, Professional Development, and Supervisory Development while acknowledging their commitment to continuing education. Each certificate requires a diverse curriculum that encompasses many different levels of professional development, leadership or management skills.

Supervisory Management Certificate

Brad Burdick	Fire
Gina Roman	DIO

Professional Development Certificate

Brad Burdick	Fire
Pamela Schwartz	DIO
Kami Thatcher	Department of Corrections

Diversity Certificate

Lisa Davis	DIO
Ryan DeLeon	Appraiser's Office
Sondra Killian	Appraiser's Office
Nicole Jay-Monge	Department of Corrections
TaShanna Laskey	Appraiser's Office
Nadine Long	COMCARE
Shareese Maxey	Appraiser's Office
Laurel Ann Moser	Appraiser's Office
Jana Poff	Appraiser's Office
Gina Roman	DIO

RECOMMENDED ACTION: Recognize the Certificate Recipients.

Ms. Shawne Boyd, Director, Human Resources, greeted the Commissioners and said, "This agenda item recognizes employees from several divisions within the organization that have completed the required curriculum for Career Development Certificates. Just to provide a little background, the focus of the Career Development Program is to educate employees in three areas, the first being Diversity, the second Professional Development, and then the third, Supervisory Management.

"In addition, the program acknowledges the commitment of participants that go above and beyond completing their day-to-day tasks, and take on additional responsibilities to continue their education. Each of the certificates mentioned above requires quite a diverse and rigorous curriculum, and we both appreciate and are proud of each of these employees for completing this significant achievement. So right now, what we'll do, we'll go ahead and present each employee with their certificate."

"First we have Brad Burdick. He is with the Fire Department. And he is receiving two certificates today. One Professional Development and the second with Supervisory Management. Brad couldn't be with us today, but we still wanted to go ahead and make sure that we recognized him. Next we have Lisa Davis, with DIO (Division of Information and Operations), and she is being presented with the Diversity Certificate. Thank you, Lisa. Next we have Ryan DeLeon, with the Appraiser's office, he is also

being presented with the Diversity Certificate. Nicole Jay-Monge, with a Diversity Certificate. And Sondra Killian, she is with the Appraiser's office and is also receiving a Diversity Certificate. TaShanna Laskey with the Diversity Certificate. And Nadine Long, she is with COMCARE, and she is being presented with a Diversity Certificate. Thank you. Shareese Maxey, Diversity Certificate. Laurel Ann Moser, with the Appraiser's office, Diversity Certificate, congratulations. Jana Poff being presented with the Diversity Certificate. And Gina Roman with DIO, she is being presented with Supervisory Management Certificate as well as Diversity Certificate. Pamela Schwartz, she is being presented with the Diversity Certificate, she is with DIO. Thank you. And next we have Kami Thatcher, with Department of Corrections, and she is being presented with the Professional Development Certificate. Congratulations, Kami. And again, I would like to say congratulations to all of our participants."

Chairman Unruh said, "To each of you, we will offer our congratulations and express our appreciation for the extra commitment and energy and effort that you put forth to achieve this designation as you increase your professional skills, you know, you make our government better and our services to our citizens better, and we sincerely appreciate the commitment that you have made, and congratulations. I have another comment from Commissioner Norton."

Commissioner Norton said, "I am a real advocate for continuing education. It builds the intellectual capital of our organization, and it helps us deliver better services throughout the county, and I applaud you for the time and effort that you put in to increasing your own knowledge of the organization, but those things that make you a better servant to the people. Thank you very much."

Chairman Unruh said, "Well, thank you all for being here, and to the rest of the class who weren't able to be here, we want them to know our appreciation also. Thank you all. Madam Clerk, we're ready for the next item."

C [11-1048](#)

ESTABLISH 2012 COUNTY HOLIDAYS

Ms. Boyd said, "Still a good morning, Commissioners. This next agenda item for your consideration establishes the holidays to be observed by Sedgwick County Government in 2012. This set of holidays matches the set to be observed by the District Court with the exception they observe Columbus Day as a holiday, and we use that day as in-service training within Sedgwick County Government."

Ms. Boyd continued, "The holidays that we have for consideration for you today are New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, which includes Thanksgiving Day and the day after, as well as Christmas Day. Commissioners, we respectfully ask that you approve the resolution for the 2012 holidays as presented."

Chairman Unruh said, "All right. Thank you."

MOTION

Commissioner Peterjohn moved to adopt the resolution.

Commissioner Norton seconded the motion.

Chairman Unruh said, "Is there any discussion? Commissioner Norton."

Commissioner Norton said, "We have always had the discussion of how holidays fall in relation to weekends a lot of times, and we'll have that, I'm sure there will be some consternation a little bit on some of the holidays that fall close to weekends, but as we've looked over this, I think this is a prudent use of our holidays that serve our population well, our employee population, so although we know there's some realizations that every year the calendar changes a little bit, and some holidays can link up pretty close to where you can have a four-day weekend, but I think we've done a, personnel has done a nice job putting this together this year. That's all I have."

Chairman Unruh said, "Thank you. I see no one else asking to speak. Madam Clerk, call the vote."

VOTE

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

Ms. Boyd said, "Thank you, Commissioners."

Chairman Unruh said, "Thank you, Shawne. Next item, please."

A motion was made that this Resolution be Approved. The motion carried by the following vote:

Aye: 5 - Chairman Peterjohn, Commissioner Ranzau, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

D [11-1006](#)

CONSIDERATION OF AWARD IN THE AMOUNT OF \$2,220,978 FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) TO PROVIDE THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM OF WOMEN, INFANTS, AND CHILDREN (WIC) AT THE HEALTH DEPARTMENT.

Presented by: Roderick Harris, Children and Family Health Division Director, Sedgwick County Health Department.

RECOMMENDED ACTION: Accept the grant award; establish budget authority as provided in the financial considerations section of this request, and authorize the Chair to sign the grant application.

Mr. Roderick Harris, Director, Children and Family Health, greeted the Commissioners and said, "This agreement in front of you today is a renewal of our annual WIC (Woman Infants, and Children) contract. This contract is a pass through from the Department of Agriculture to the Kansas Department of Health and Environment down to the Sedgwick County Health Department. The WIC program has been in existence in Sedgwick County for over 30 years. The aims of the WIC program are to one, improve the overall birth outcomes here in Sedgwick County, as well as reduce pregnancy complications and ensure healthy growth and development for infants and children locally. This is certainly in line with the Sedgwick County Health Department mission, which is to improve the health of residents by, one, preventing disease, two, promoting wellness, and three, protecting the public from health threats. As for the clients in the WIC program, these are women who fall at or below 185 percent of the federal poverty level, and for those who are unaware this translates to \$41,300 for a family of four. These women also must be pregnant, recently delivered, and/or breastfeeding.

"The second component of the clientele are children under the age of five, and children and women must also demonstrate a medical or nutrition risk in order to qualify for the program. In Sedgwick County, we have served, through WIC, 29,700 clients in 2010 and 21,400 were infants and children and another 8,300 were women. Women that are formula feeding their baby may stay on the program for up to six weeks after delivering their child and may extend that up to six months depending on their eligibility. Women that choose to breastfeed their babies continuously may stay on the program for up to a year after delivering their baby. As for women who gave birth in Sedgwick County in 2010, 44 percent of those women said that they were receiving services from WIC during their pregnancy, and these women receive a number of services, and they are broken up into four categories that I will briefly describe for you. One would be the nutrition education. Women receive nutrition education at every appointment at WIC, and many of those are provided by the Registered Nurses (RN) and Registered Dietitians. They also have a breastfeeding component. Each of the women are educated on breastfeeding and the importance of breastfeeding and they may also opt for an additional breastfeeding counselor program that we'll discuss in the next agenda item.

"We also connect them to safety net services, so women who come in, we will refer them to Affordable Healthcare Options for prenatal care, maternal care. And then the Feds (Federal Government) actually mandates that WIC refer eligible women to food stamps, temporary assistance for needy families, and also Medicaid. What WIC is mostly known for are their monthly WIC food packages, and those packages are tailored to the needs of the client, whether it's nutritional or medical needs, these clients receive packages that are really packed with nutrients that are promoting healthy growth and development for their children. As far as how much women get in

these packages, for infants, that may go as far as \$143, and for children, ones through the age of 5, an average of \$63 a month. And then for women, depending on whether they are just pregnant or formula feeding or breastfeeding a child, that may range from \$55 to \$98 per month. These packages are received via a voucher system, and so these women may go to one of our 38 vendors in the county and these vendors receive more than \$10 million in revenue from these vouchers.

"To tell you a little bit about the impact of the WIC program, there are national studies that are out there that talks about the impact that WIC has on birth outcomes, and I'll share a few of those with you. Women in WIC actually have fewer premature births, they have a reduced rate of very low birth weight babies and have fewer fetal and infant deaths. They seek prenatal care earlier in pregnancy and consume more key nutrients in their diets, and they also have a greater rate of initiating breastfeeding. Again, the amount of this agreement is \$2,221,907 and \$1.98 million would be used for personnel costs and the remainder used for contractual and commodities. I request that you accept the agreement and establish the necessary budget authority and approve the chair to sign the agreement."

Chairman Unruh said, "All right. Thank you. Commissioners, are there any questions? Commissioner Ranzau."

Commissioner Ranzau said, "To clarify, you said out of the \$2.2 million, \$1.9 is for personnel."

Mr. Harris said, "Yes."

Commissioner Ranzau said, "You know, I have a problem with the idea that the Department of Agriculture is responsible for breastfeeding, or even prenatal care or immunization screening. I don't see the connection there. I oppose all these federal grants for a variety of reasons. Taking care of children, prenatal care, all these sorts of things are good things, but I think it is a local issue, and a state issue. Beyond that, you know, \$1.9 million is, the vast majority is spent on personnel, I don't think the government is the most effective and best way to achieve this need, particularly when it's coming through the Department of Agriculture. I just don't, well, my vote is on this and the other grants will reflect that."

Chairman Unruh said, "Thank you, Commissioner. Is there any other comment? What is the will of the Board?"

MOTION

Commissioner Norton moved to accept the grant award, establish budget authority, and authorize the Chair to sign.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "We have a motion and a second. Thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you Mr. Harris, how long has the county been receiving this grant, you said it's a renewal of an existing grant?"

Mr. Harris said, "Yes. It has been present in Sedgwick County since 1976, I believe."

Commissioner Peterjohn said, "1976. One of the things I find interesting, we are up to 44 percent of live births here are covered by this program, 185 percent of the poverty level. You know, at the same time, we see an increasing discussions about increasing obesity among the population in general, and when you've got 44 percent, we're covering a large chunk of the total population base."

"Is there any of the nutrition education that is tied in, in terms of, any way in terms of the importance of trying to avoid having too much weight?"

Mr. Harris said, "Well, I will say that the WIC food package and the educational trainings that they receive have changed over the past couple of years. And so the Department of Agriculture has put more of an emphasis on whole grains and more fruits and vegetables, so we may see some changes in our obesity outcomes as a result of this."

Commissioner Peterjohn said, "I would hope there would be an improvement. It is sad that I know some of the surveys indicated that we've got growing obesity problem, and we have not scored all that well in some surveys that have been out there. I believe you said \$1.9 million of this grant would be used for personnel, how many positions does that cover?"

Mr. Harris said, "Let me ask Sandy Reichenberger, who is the Program Manager. She would know how many staff she has."

Ms. Sandra Reichenberger, Administrative Project Manager, Integrated Family Health, greeted the Commissioners and said, "Fourty-one."

Mr. Harris said, "Fourty-one FTE's"

Commissioner Peterjohn said, "Okay, 41 full-time employees."

Mr. Harris said, "Yes."

Commissioner Peterjohn said, "Okay, thank you."

Chairman Unruh said, "Thank you, Commissioner. Is there any other Commissioners who want to make comment? Seeing none, Madam Clerk, call the vote."

VOTE

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

Chairman Unruh said, "Next item, please."

A motion was made by Commissioner Norton, seconded by Commissioner Skelton, that this Grant Application be Approved. The motion carried by the following vote:

No: 1 - Commissioner Ranzau

Aye: 4 - Chairman Peterjohn, Commissioner Skelton, Commissioner Norton and
Commissioner Unruh

Present: 0

E [11-1029](#)

CONSIDERATION OF AWARD IN THE AMOUNT OF \$50,936 FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) TO PROVIDE A BREASTFEEDING PEER COUNSELING PROGRAM WITHIN THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM OF WOMEN, INFANTS AND CHILDREN (WIC) IN THE HEALTH DEPARTMENT.

Presented by: Roderick Harris, Children and Family Health Division Director, Sedgwick County Health Department.

RECOMMENDED ACTION: Accept the award; establish budget authority as provided in the financial considerations section of this request, and authorize the Chair to sign the grant application.

Mr. Harris said, "This agreement that you have is actually a complement to the previous agenda item, similar to that, it is a renewal. We receive this grant initially last year, so for the first time, so we will continue that with your blessing today. The Breastfeeding Peer Counselor component of our WIC program strives to increase the number of WIC clients who choose to breastfeed and hope to increase the number of months that these women choose to breastfeed their infants. The American Academy of Pediatrics recommends that the infants are fed only breast milk for the first six months of life, but only 13 percent of American women actually meet the goal. As for the national agenda, the healthy people 2020 objectives states that for breastfeeding, 82 percent of the women say they have actually ever breast fed their babies and that 61 percent were breastfeeding for six months and 34 percent were in fact breastfeeding for a year. To do our part locally, the Sedgwick County WIC program has the Breastfeeding Peer Counselor Program, these are three women that are employed at the three local WIC sites, these are all previous WIC clients, and these are part-time employees. These women provide one-on-one education which involves exploring infant feeding plans with the women who are, again, WIC clients. They also provide free monthly breastfeeding classes that are in fact open to the public, and these are for women who are interested in learning more about breastfeeding in general. Lastly, we deliver WIC clients with simple breast feed being issues, and for more complex issues they refer the women to the primary care physicians.

"Last year was the first year for this grant, and we did in fact exceed our expectations, which were to modest to begin with, but we did notice that 70.4 percent of the women are initiating breastfeeding, and that's up 5.6 percent from the previous year. And for the same clients at six months, 26.5 percent remain breastfeeding at that period of time, and that's up 4.7 percent from the previous year. And the rate of infants that are breastfed for more than seven months was 13.1 percent, and that was a small increase of 1.5 percent from the previous year. The amount of this agreement, again is \$50,946, and \$44,500 will be used for personnel costs, the remainder will be used for contractals. My request is that you accept the agreement and establish the budget authority as outlined and authorize the Chair to sign the agreement."

Chairman Unruh said, "All right, thank you. Commissioners, are there any questions or comments?"

MOTION

Commissioner Norton moved to accept the award, establish budget authority, and authorize the Chair to sign.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Thank you, Roderick. Next item, please."

A motion was made by Commissioner Norton, seconded by Commissioner Skelton, that this Grant Application be Approved. The motion carried by the following vote:

No: 1 - Commissioner Ranzau

Aye: 4 - Chairman Peterjohn, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

F [11-1040](#)

CONSIDERATION OF A GRANT IN THE AMOUNT OF \$321,469.00 FOR RENEWAL OF COMCARE'S HOMELESS PROGRAM TRANSITIONAL HOUSING PROJECT .
Presented by: Tom Pletcher, Clinical Director, COMCARE

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

Mr. Tom Pletcher, Clinical Assistant Director of Mental Health, COMCARE, greeted the Commissioners and said, "Standing in for Marilyn Cook this morning, who is in Topeka. This item involves a grant program that's been before you previously both as a grant application and award, and when we have entered into lease agreements for the units, apartment units that are involved. We've been working with this program since its initial award in 2003. This grant is in two parts. Involving the initial project of 16 units, and then an expansion grant that added four more units to the program. The program provides apartments and supportive services for homeless adults with mental illness and co-occurring substance use disorders. They have experienced multiple and extended periods of homelessness due to their conditions, and these are people that have had multiple unsuccessful attempts at permanent housing.

"Individuals with such a combination of circumstances have been particularly difficult to serve in traditional programs, and this program allows them to begin their recovery journey and to start to move out of homelessness. As an example, one person that we'll call Doris was referred to the program by another COMCARE service. She has been receiving transitional housing program (THP) services since June of this year. Shortly after entering the THP, Doris overdosed, and experienced severe multiple health and physical health problems, mental health and physical health problems. With consistent encouragement from the treatment team she was able to begin to address her symptoms by working more closely with both her primary care physician and the psychiatrist. Through this she experienced additional stability in her symptoms. Now Doris takes better care of her physical health, is able to successfully maintain her apartment and displays an optimistic enjoyment of her life.

"Doris reports an increase, excuse me, a decrease in her mental health symptoms, and has been clean and sober now for three months. While still early in recovery, this is a very good start for her in terms of her path of rejoining our community. This grant provides support for leases for apartments that the units involved with 16 plus 4, it provides staffing in terms of a therapist, two case managers, one clerical staff, and approximately a half of an FTE addictions counselor who provides services within the program. The program also provides some support for contracting with the payee services and budgeting services as well that the residents have access to.

Mr. Pletcher continued, "As residents obtain benefits or other income, they contribute financially towards their future housing needs. Without this program, there would be a gap in support and services to this population, and it would weaken the community's HUD (Department of Housing and Urban Development) 2011 Continuum of Care Homeless Assistance Program, grant application. I would recommend approving the grant application, authorizing the chair to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application, and approve establishment of the budget authority at the time the grant

award documents are executed. I would be happy to share any other information or answer any questions that you have.”

Chairman Unruh said, “Thank you. We do have a comment from Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Tom, can you help me, do we have two grant proposals in this item or one?”

Mr. Pletcher said, “There are two parts to this, it is one program that is split into two parts as far as the application itself. One for the initial 16 units, and then the four additional units that were granted subsequent to the first one. But as part of the Continuum of Care [Homeless Assistance Program] grant, they are put together for the city, for the community's application.”

Commissioner Peterjohn said, “Here's the problem I have with it. On the agenda I have in front of me, it says consideration of a grant in the amount of \$321,469, but then when I go back in the back of the material on the backup material, on page three of the backup, or page 111 of our total packet here, it cites two figures: \$330,353, and it refers to each grant for the first part; and then a second amount, \$46,439, which by my math, that gives us a very different grand total of \$376,792 for apparently two grants. So I really want to clarify what is the amount that's being asked for. I am going to assume from your previous answer these two grants are rolled into one agenda item this morning.”

Mr. Pletcher said, “Karen McNally, who's the Director of our Community Support Services program is here with me this morning, and if you don't mind, is the \$321,000, that is the combined amount? I apologize. Nadine Long, who helped to develop this, may be able to help us answer that. Excuse me.”

Ms. Nadine Long, Contract Specialist, COMCARE, greeted the Commissioners and said, “The number that's included in the title of the agenda item is actually the grant funds that we're applying for. The two numbers you referenced in the back of the item include the match that COMCARE has.”

Commissioner Peterjohn said, “So the difference between \$376,792 and \$321,469 is?”

Ms. Long said, “The \$321,[469] is what we're asking for from HUD, and then the two numbers in the back include, I believe, about \$50,000 for the actual THP 16 grant and then an additional \$4,000 match for the enhancement grant.”

Commissioner Peterjohn said, “Okay. And those funds are coming from, the difference is coming from?”

Ms. Long said, “I believe part of that is Medicaid?”

Mr. Pletcher said, “Program income. The difference would come from program operations and program income that are generated from the services.”

Commissioner Peterjohn said, “Okay, well, I'm just wanting to make sure that the numbers add up and reconcile and we can understand what it entails and where the sources of the funds are coming from.”

Mr. Pletcher said, "Sure, it would come from program income, but there would be no county tax dollars that are going into this to support it."

Commissioner Peterjohn said, "Okay. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Are there any other questions? What is the will of the Board?"

MOTION

Commissioner Norton moved to approve the grant, authorize the Chair to sign, and approve establishment of the budget authority.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "Commissioner Norton."

Commissioner Norton said, "Well, this is just a piece of the comprehensive homeless task force's recommendations over the years. There's NOFA (Notice of Funding Availability) grants we've dealt with for many, many, many years and it is a part of a very comprehensive plan to help chronic homeless and certainly those with severe and persistent mental illness and drug addictions, dual diagnosis, and that really is what this grant will take care of, is those that not only suffer from mental illness but a drug addiction, too, and those are very complicated cases. And you will find that they will be out on the streets, chronically homeless if we don't have this program, so I am going to be very supportive of it."

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

Commissioner Peterjohn said, "Thank you. I notice this is a renewal. How long has the county been receiving this grant?"

Mr. Pletcher said, "The initial grant came in 2003."

Chairman Unruh said, "All right, thank you, Commissioner. Are there any other questions or discussion? Seeing none, Madam Clerk, call the vote."

VOTE

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

Chairman Unruh said, "Thank you, Tom."

Mr. Pletcher said, "Thank you."

Chairman Unruh said, "Next item, please."

A motion was made by Commissioner Norton, seconded by Commissioner Skelton, that this Grant Application be Approved. The motion carried by the following vote:

No: 1 - Commissioner Ranzau

Aye: 4 - Chairman Peterjohn, Commissioner Skelton, Commissioner Norton and
Commissioner Unruh

Present: 0

G [11-1062](#)

ACCEPT THE LETTER OF INTENT.

Presented by: William P. Buchanan, County Manager.

RECOMMENDED ACTION: Authorize the Chairman to sign.

VISUAL PRESENTATION

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You have received the letter of intent from Johnny W. Stevens to purchase a portion of the [Kansas] Coliseum site. Kristi, if you would put the map up. The recommended action is for you to approve the letter of intent and authorize the Chairman to sign it together with the contract deed and other instruments necessary to effect the closing of the sale. The letter of intent is straightforward and is a typical letter of intent. What we're doing essentially is taking the property off the market for 60 days, while Mr. Stevens and his partners examine the property to see if it suits their purposes for the purposes they intend to use it. It also gives the county an opportunity to sort out all the details necessary in finalizing a deal. You will see that the subject property, Mr. Stevens is requesting is shown here on the map as yellow, and it is approximately 154 acres. You will see that the remaining property, Sedgwick County will continue to own property east of I-135, and north of 177th Street. That strip is about 43 to 48 acres. We need to determine that.

"The proposal is before you. You know that the Board of County Commissioners has struggled with this site and we have been talking about what to do with the Coliseum site. In October 13th, 2009, we put together detailed background information for the Commissioners regarding the uses and the activities and how we got to there in anticipation of Intrust Bank Arena opening in January of 2010. You will recall that the Britt Brown [Arena] building has, the last event was in 2010, in February of 2010, and it has been closed since then. The [Kansas] Pavilions are still in use. The proposal is that Mr. Stevens would purchase those Pavilions, we have not worked out the timing of that, nor have we worked out who might operate them, or the details.

"The next 60 days would give us an opportunity to do that. You do recall that not this past budget, but the previous budget when we were discussing the Pavilions, the previous Board of County Commissioners made a commitment to keep those Pavilions open for five years, including through the year 2016, and that was what our intent was then, and I don't see any reason to think it would be any different. We do know that the effect of the casino south of town is building an equestrian center and we do know that many of the events that occur at the Pavilions, and we're speculating at this point, might go to the new equestrian center, the horse shows that we are currently holding. We do have events planned for the rest of this year, and we have some already contracted for 2012.

" My recommendation is that you approve the letter of intent and authorize the Chairman to sign it, together with the contract deed and any other instruments necessary to effect the closing of the sale. I would be happy to answer any questions. We have lots of people that are capable of doing that."

Chairman Unruh said, "All right, thank you, Mr. Manager. We do have Commissioners wishing to speak. First of all, Commissioner Norton."

Commissioner Norton said, "First of all, this is very complex issue. We have worried

with it for several years as we moved past building the Intrust Bank Arena and trying to decide what to do with the Britt Brown, the Coliseum, the Weideman [Park] Property and the skunk habitat property as it's called. A lot of those things have been cleared up, and now we've got a proposal in front of us that we should consider. It is a legitimate proposal from a legitimate businessman, but whether it is the best proposal for the citizens of Sedgwick County will be what we'll try to determine in the next 60 days. I do have questions. I have not made up my mind particularly on this issue. I am very warm to the fact that we will do something with the Britt Brown Arena and that it could go back on the tax rolls and be used for a purpose. I am a little more sketchy about what to do with the Pavilions. We have invested taxpayer money to upgrade the Pavilions. I am still a little lukewarm as to that part of the proposal.

"But I do have some questions, Mr. Manager. Some of them I hope that you can answer today. I did give you a heads-up on some of them, hopefully you will have some details. The first one, what are the plan losses or the subsidies for the Pavilions in the three years, maybe prior to today, and what do we expect to see over the next three or four years? I know that's your best guess, but what might that be?"

Mr. Buchanan said, "Let's start with 2009, the Pavilions and Britt Brown both being operated. The actual subsidy was \$608,000 that year. 2010 Britt Brown was operated only through the middle of February, and that subsidy was \$814,000. At that point we did down-size the staff and we did adjust the full-time equivalent, we think appropriately. For 2011, for this year, we're estimating a subsidy of close to \$743,000. We would anticipate if business continues as usual, and we have not seen an increase of business, we've tried some different kinds of advertising and different kinds of marketing, but we would assume that that would continue. When the new casino opens, we would anticipate an even greater loss than that because some of our biggest revenue sources are anticipated to go to the new equestrian center. And that would be a year, I think a year and a half away."

Commissioner Norton said, "My second question, what are the estimated costs of roof replacement, HVAC (Heating, Ventilation, and Air Conditioning) upgrade and ADA (Americans with Disabilities Act) infrastructure changes to Britt Brown rehab scenario? So if we were to go back in there and try to get it up to some kind of specifications to market it in a different manner, what would that cost?"

Mr. Buchanan said, "Thank you for giving us the heads up on that question. In fact Ron Holt, first of all, the interns and Ron and Kristi and Chris Chronis did a superb job gathering a lot of this data in the last couple of days. We had a proposal you will recall in 2003 to fix, to do the Britt Brown Arena. This is before the decision was made to do Intrust Bank Arena, to move downtown. We had proposals. We had plan a, b, c, and d about how to go about fixing the Britt Brown Arena.

Mr. Buchanan continued, "What we've done is compared two of those proposals. One is fan entities only, that was a, and b was fan amenities plus rehab of the operational issues. Plans were not detailed, we assume it is roof and air conditioning. In 2003, that number is \$4.8 million. That did not include ADA. That just included roof, heating, air conditioning, furnace, water chillers."

Commissioner Norton said, "ADA at the time was about \$12 million as I remember."

Mr. Buchanan said, "I think. But that's almost not relevant for this, because the

proposed use of the building would not be a public use, and the ADA issues at the Britt Brown Arena revolved about fan experience and people who use the facilities, who were protected under the ADA law."

Commissioner Norton said, "With the idea that many citizens said put it back into a large public use, that would be a reasonable number, because to make it a public facility again, with public access issues, the price tag continues to go up, is that correct?"

Mr. Buchanan said, "Absolutely. It is in 2003, that's eight years ago, it was \$26 million."

Commissioner Norton said, "Next question, what is the estimated land value per acre of the interstate frontage, that's just maybe from reasonable sales and the market area, particularly the Weideman and the habitat property."

Mr. Buchanan said, "We had the Weideman and the habitat both appraised last year, in April of 2010, and that was about \$16,000 an acre. If you cross I-135 across the road, vacant land south of Hartman Arena, farmland that's appraised at \$30 an acre."

Chairman Unruh said, "\$30?"

Commissioner Ranzau said, "\$30?"

Mr. Buchanan said, "\$30 an acre."

Commissioner Norton said, "That's what it's appraised at presently?"

Mr. Buchanan said, "Yes."

Commissioner Norton said, "Well, agriculture property a lot of times is very low value. So, what is your best estimate..."

Mr. Buchanan said, "Those are the numbers we got from the appraiser this morning."

Commissioner Norton said, "Okay. What is your last estimate to implode the Britt Brown Arena, to tear it down completely, and haul it off?"

Mr. Buchanan said, "We had a professional contractor take a look at that for us, and those figures are about a year and a half or two years old, and July of 2010, so it is a year old, was \$488,000."

Commissioner Norton said, "So, pushing towards \$.5 million, just if we had to take it down and couldn't do any repairs to it."

Mr. Buchanan said, "Yes."

Commissioner Norton said, "How many events have been or will be at the Pavilions in 2011, and what are the revenues looking like?"

Mr. Buchanan said, "We had 37 events, and we've had approximately \$550,000 worth of revenue. There are 12 events scheduled between now and the end of the year. Those are low-revenue events. One is the toy run, another non-profit, one is a free concert,

some flea markets and a gun show, I think.”

Commissioner Norton said, “So not a very robust agenda for the Pavilions as we speak for the rest of the year. Previously we’ve had offers several years ago, we’ve put out RFP’s (Request for Proposal) on the Britt Brown and Pavilions, and we’ve had offers, and the Commission, as we looked through them, as we tried to had conversations about those offers, we rejected both of them, explain those, the previous RFP’s, and what were the dollar offers and the monetary commitments we would have to make to sell those or to make those RFP’s work. In July of 2009, we issued an RFP, and we had questions from potential applicants were due in August, and they were submitted to you on August 25th. September and October, we reviewed and evaluated those and then September 30th, the responses and addendums were released to the public. If you recall, I thought there was two, too.

“But if you recall we had three. One was from Hartman Arena. And that was just to run the facilities and there was no county investment and we rejected that for a couple reasons. The other two, one was from Heritage Saddle Rock, and the other was from NORAM (North American Management Group) both of those required an investment of the county of some \$20 to \$25 million. So to the individual making the proposals to us were suggesting that if we invested \$20 or \$25 million to fix up the place, they would run it and make a lot of money and pay us all back. We figured the risk to the county in both cases were in the neighborhood of \$29 to \$40 million over the next 20 years. And that was the risk to us. So in both of those issues, the county was investing a great deal of \$20 to \$25 million to fix up the facilities and then assume that the operator would make enough money to pay us back.”

Commissioner Norton said, “So both of those proposals had the idea that we would invest capital money and then hopefully the business proposition, the business plan, would work and we would be paid back at a later date based on those revenues, is that correct?”

Mr. Buchanan said, “Right.”

Commissioner Norton said, “Okay. NIAR (National Institute for Aviation Research) is part of the conversation. I know that nothing has been signed. Have they signed a letter of intent to occupy the Britt Brown, or are they just in the conversation with the developers?”

Mr. Buchanan said, “I am not aware that they signed any letter of intent to be in that facility. Both Dr. John Tomlin and Johnny Stevens and his partners have indicated that they are part of this deal, but I have nothing in writing.”

Commissioner Norton said, “Okay. Two final questions. Because of that area on the north side, there’s quite a few different facilities that the county controls or doesn’t control, one of them is the [Wichita] Greyhound [Park] facility. What is the status there? We look at that whole area, and here’s a property that sat stagnant for quite a few years now, what is the status of that property?”

Mr. Buchanan said, “Mr. Ruffin continues to hold the lease, continues to pay the rent, and we have not have a conversation with him recently about what his intentions are.”

Commissioner Norton said, "But in that footprint that we call the Coliseum property we've got a facility that's sitting pretty stagnant for quite a few years now."

Mr. Buchanan said, "Yes, sir."

Commissioner Norton said, "And, finally, this is property we don't own, but it is contiguous, and that's the Wild West [World] property. Do you have any kind of status on that, Bill?"

Mr. Buchanan said, "The public information is that property was sold to a Mr. Gordon of Florida, who is involved in the development of casinos. We know that there's interest there in developing an Indian Casino. That's stuck someplace in the middle of the Department of Interior review process. We do know that the State of Kansas has entered a lawsuit on behalf of themselves to help block an Indian casino being constructed there."

Commissioner Norton said, "I guess where I'm going with that, there's already plenty of stagnant property up there that is not very dynamic, that has very little market value right now because it is sitting with nothing on it. The Britt Brown kind of falls into that category, I would guess."

Mr. Buchanan said, "Yes."

Commissioner Norton said, "And that we will be making some kind of conclusion today as to whether we want county property to start falling in that same category. That's all my question for right now, Mr. Chair. That at least kicks us off on some conversation. Thank you, Bill, for having the details."

Mr. Buchanan said, "Thank you."

Chairman Unruh said, "Thank you, Commissioner. I believe Commissioner Skelton was first."

Commissioner Skelton said, "Thank you. Manager, could you please explain the difference between the appraised value of \$20 million something, versus our interest in the \$1.5 million offer? Why is this even a consideration if our appraisal says \$20 million?"

Mr. Buchanan said, "Michael Borchard is not here to talk about the process. But, let me tell you what I know about it. The public process of appraising properties is mass appraisal, and mass appraisal is a system whereby you examine what has been sold with comparable properties and you do appraisals on that basis. Or you do it for commercial or do it on an income basis or on a market basis. They are not skilled, and they are not expert in appraising individual properties, specialty properties. "We are required to put a price on all properties in Sedgwick County, non-profits, the church across the street, this building, City Hall, all have a number that the appraiser puts on there. We know from the very get go that the appraisal number issued by the appraiser's office for non-profits and those kind of things are always suspect. I also would remind the Commission that, and, again, they are not in the business of doing specific, individual property appraisals, they are in the business of doing mass appraisals. You will recall that when we were looking at the downtown arena and looking at condemnation of properties, about how all of a sudden those properties were so very undervalued, when it came to settlement in terms of condemnation, again, our

appraisal people are not skilled, I shouldn't say not skilled, they are not in the business of doing individual property appraisals."

Commissioner Skelton said, "So we know about this discrepancy, perhaps we should have changed it."

Mr. Buchanan said, "Well of course, hindsight, but Commissioner, we could go around and try to get those non-profits and our buildings as accurate as possible, but there is no value. We would get no tax dollars for that. We have limited resources. So those limited resources need to be doing the stuff that we need to be doing to make sure the system is fair for homeowners and for business owners, not for governments and non-profits."

Commissioner Skelton said, "Okay. Because we are not paying any taxes to our self on this. I understand. I just want a clarification, Manager, and I just want to ask, are you telling, is it your statement that the value of those parcels is \$30 an acre across the street?"

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

Commissioner Skelton said, "Okay. You know, there's another concern of mine."

Mr. Buchanan said, "But that's agriculture, classified as agriculture land, and agriculture land is..."

Commissioner Skelton said, "All right, yes sir. I understand that. I am wondering where else in Sedgwick County agricultural land is appraised at \$30 an acre. And I'm wondering why the agricultural land out in Woodson County sells for over \$1,000 an acre. That's not in a place that can be economically developed. Those are my comments, Mr. Manager. Mr. Chairman, thank you."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'd share this with my colleague, concerning ag (agricultural) use evaluations. It's controlled by state law, and it's not market value in any way shape or form, and that was part of the constitutional amendment process that occurred roughly a quarter of a century ago when the reclassification amendment was adopted. So, this might be a topic to bring up when we talk about our legislative agenda, but in terms of what we're facing today, it's interesting, but it's not terribly correct, because I spoke with the appraiser yesterday to try and understand the values, and he told me that they still have the Britt Brown classified as an operating facility, which obviously it hasn't been and if it wasn't an operating facility the valuation would be dramatically lower."

Commissioner Peterjohn continued, "But, since it is exempt property, it doesn't matter whether you put the value at \$1 or \$11 million, any amount times zero will be zero. So it is a bit of a moot point. Mr. Manager, I didn't get a chance to run this by you in advance, if this catches you off guard. But the question I would like to throw out to you, you mentioned we've got contracts for events going through 2012. Do you know if we have any contracts that extend beyond 2012 on the Pavilions?"

Mr. Buchanan said, "I don't believe we do, sir. That was a question I had, because when we had agreed a couple of years ago to extend it out for an extended period of

time, I knew some of the groups wanted to have longer term contracts and I thought perhaps some of them did extend beyond at this point about 15 months."

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

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. I have several questions here. First of all, with respect to the appraisal, I understand what you're saying. Still, if it's appraised at \$22 million, and we are selling it for \$1.5, that looks strange to the taxpayer."

Mr. Buchanan said, "It looks awful. Again, Commissioner, it would be foolish to spend county resources going around, trying to put values on non-profit buildings, government buildings, when it is irrelevant."

Commissioner Ranzau said, "Unless of course you know that you are going to sell it at some point. Didn't we pay for professional appraisal just a couple years ago?"

Mr. Buchanan said, "We got appraisal for the Weideman Park and the land south of Weideman Park."

Commissioner Ranzau said, "What was the appraisal for Weideman Park?"

Mr. Buchanan said, "The Weideman Park was about \$800,000. And the other parcel was about \$650,000. I have those numbers some place here. Weideman Park was \$16,327 an acre, approximate value at \$800,000, and the southwest parcel valued at \$688,000."

Commissioner Ranzau said, "Say that again?"

Mr. Buchanan said, "Weideman Park was \$800,000. And the southwest land parcel was \$688,000."

Commissioner Ranzau said, "Which we are not selling?"

Mr. Buchanan said, "Which we are not selling."

Commissioner Ranzau said, "Okay. With respect to the Pavilions, you said the subsidy was \$700,000, why do I have in my head \$500,000?"

Mr. Buchanan said, "\$500,000 is what is budgeted, and what is in your head is what we budgeted for 2011. What has occurred, is some of the businesses that we anticipated did not happen, our expenses are pretty stable, and so we believe that subsidy for this year would be \$700,000."

Commissioner Ranzau said, "What did we plan for next year?"

Mr. Buchanan said, "We planned for next year, I think it was about \$580,000 again, but, again, those projections were made in June and July. We took a look at them

before you adopted the budget in August, we were pretty comfortable with them. We are not comfortable now."

Commissioner Ranzau said, "Okay. These subsidies don't come from property tax, they come from the sales tax arena fund, is that correct?"

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

Commissioner Ranzau said, "We subsidized a lot of other entities, for example, the Sedgwick County Park, Lake Afton, the [Sedgwick County] Zoo, Exploration Place we fund to the tune of \$2 million a year."

Mr. Buchanan said, "I think it's \$1.9 million, but close enough."

Commissioner Ranzau said, "I think we have budgeted \$2.2 [million] for next year, but nevertheless, it is roughly \$2 million. So, okay. Now, my understanding is we made a commitment to some people to keep this open through 2015. So I need a clarification. I don't think I am the only one here that has that impression, that we made some commitments to some people that that's the case."

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

Commissioner Ranzau said, "I thought you said 2012."

Mr. Buchanan said, "No. I thought I said 2016."

Chairman Unruh said, "Excuse me, I think you said we had contracts through 2012, but we had a commitment to honor contracts through 2016. So there is a gap in the terminology."

Commissioner Ranzau said, "Okay. Very good. Now, we were in the middle of issuing an RFP process for a broker that would allow us to take all comers. Are we just going to abandon that process?"

Mr. Buchanan said, "If we precede with this, yes."

Commissioner Ranzau said, "Okay. Why are we doing that?"

Mr. Buchanan said, "Because we have an offer in hand and it is timely, we've had this property open and available for folks since 2009, and people have come to us with this offer that seems to make sense."

Commissioner Ranzau said, "I know there are other people interested. And we've kind of been putting them off, and then we said we were going to have a process where we would sell it. Does the possibility exist that if we put it out there for everybody, whether it was with a broker or have an auction we might be able to get more than \$1.5 million? I know there's interest there."

Mr. Buchanan said, "Anything is possible, sir."

Commissioner Ranzau said, "That's all I have for right now."

Chairman Unruh said, "Commissioner Peterjohn, before I call on you, I want to, I know there are folks here who want to speak and I want to give them an opportunity. Do you want to..."

Commissioner Peterjohn said, "I'll wait until after."

Chairman Unruh said, "Thank you. Mr. Manager, if I can have you yield the microphone for a minute. Because I know there are some folks out here, this is not a public hearing, and not something we do every time. But if there are folks that want to make a comment, perhaps now would be a good time. If you could make your comments within three minutes, anyone who wants to speak. Mayor?"

Mr. Emil Bergquist, Mayor, Park City, greeted the Commissioners and said, "Thank you for giving me time to speak. We've heard about this within the media in the last few days, and we certainly appreciate the difficulty of the deliberation you all have had to endure in trying to prepare to disposition this land and these facilities. We certainly also appreciate the value of organizations such as NIAR to this community, and in the expansion that they can make towards research, towards education in the aviation industry and this community can be nothing but valuable for the future of our community. I do want to say that the Pavilions and the Britt Brown Arena have been of great value to our community as Park City, they have also been, we believe, a great asset to the region of south central Kansas to a multitude of cultural events that have value because of the people that are in this community, and the way that they use it.

"Also want to say that the tourism value and the economic value and the service plan value that we have had in our agreement with the county for the last almost 30 years has been a critical part of our overall plan as far as Park City. We believe we would desire that any disposition of these properties would include that extension of services as long as possible to the Pavilions. We understand the plight of the Britt Brown Arena at this time, and we certainly understand that you have to find a good use or find a good economic means of disposition for that. We did have just two questions, maybe three. Is it possible for NIAR or another viable recipient to be a part of your agreement when you get down the road? If we see it just be sold for a good price, such as this, and then come down to not having a description of what is going to be there, and then becoming something that would be less desirable than NIAR, certainly less desirable for the commercial and industrial development area that we're in, is it possible for you to make that a stipulation of your contract long term?"

Chairman Unruh said, "Mayor, I think we would have to ask our County Counselor to respond to that, and Mr. Euson, would you like to make a response now?"

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "We could do that, it probably ought to be mentioned in the letter of intent that is before you, but, yes, that could be done."

Chairman Unruh said, "So the answer is yes, we could, but whether we do or not, that's the other question."

Mr. Bergquist said, "Well we would like to request that you do. Something as positive as NIAR could be a bright spot for our community and for Sedgwick County, and we

know that NIAR already exists here, but anything we can do to promote the aircraft industry and aviation technology as a whole would be wonderful. The other question I had was the possible disposition of the Park City go-kart track, part of that complex that stands on that property, and whether or not it may be relocated if that property is sold."

Chairman Unruh said, "Once again, that's something we have to determine, but we want to be good neighbors with you. If this goes forward, we'll have a piece of ground left, that would certainly accommodate that. We just have to work out those details."

Mr. Bergquist said, "All right. We wish you the best in your deliberations and we appreciate your communication with us as well."

Chairman Unruh said, "Well, thank you, Mayor."

Mr. Bergquist said, "Thank you."

Chairman Unruh said, "I would make one other editorial comment, and that is that in my communications with our prospective buyers, it was absolutely clear that they intend to make an agreement with the National Institute for Aviation Research for the use of that facility. It is high enough ceilings, and large enough clear spans, and makes it an appropriate usage, and much more modification of the building actually ruins potential for an investor, so this would allow them, I guess what I am trying to saying, I think you can be assured that they are working hard to come to an agreement with the National Institute for Aviation Research."

Mr. Bergquist said, "Thank you."

Chairman Unruh said, "Is there anyone else who wants to speak on this issue? Yes, sir. You want to step to the podium and state your name and address, please."

Mr. Thomas Street, 11610 North 151st Street West, Wichita, greeted the Commissioners and said, "[I'm] not speaking on behalf of the member of the Wichita Kennel Club, Wichita Dog Training Club, that has been using the Pavilions for a long time. I see a little bit of an unbalance on the accounting in terms of the subsidies for the Pavilions that have been taking place. One, they do not take into account the tax income revenues from the participants that come and use the facilities at the various events throughout the years. There is no way of exactly accounting for that, but it needs to be part of the consideration that there is income as a result of the participants that come from many states across the country when they use the Pavilions.

Mr. Street continued, "The other is the recollection of funding for the so-called subsidies in the past, that came in large part from concessions apportionment back to use of the facilities, that went away from that when the downtown [Intrust Bank] Arena opened, without anything put into place to counter-balance that loss of revenue for the facilities there with the Pavilions that had been taking place legitimately through the past, it just kind of got wiped off the books. Thank you."

Chairman Unruh said, "Thank you, sir. Anyone else would like to make a comment? Okay, seeing none, we'll turn the conversation to the bench. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I would like to make some general comments on this proposal, because there are a number of issues that have come up, and I'm glad a lot of the information came today that solved and put me in a position where I didn't have to ask questions because someone else beat me to the punch and got those out into the record. You know, since I became a Commissioner in 2009, this property has been a challenge, and one of the goals I've been interested in trying to see the county do is if we don't have a public use for it, to get property back onto the tax rolls, that does not have a public use, and so the idea of putting a facility, and I've heard from some folks who like to preserve the Britt Brown Arena as a building. Well, the proposal before us today would do so, and it would have the added benefit that we would be able to save the money that if you had to tear it down, when you're talking about somewhere between \$400,000 and \$500,000, that is a significant cost, and I hope that the building could be kept in place, and the idea that NIAR would move out there I think would be a tremendous asset and it would attract people there that may offset some of the people who come into the area and who are use whether they are using restaurants or motels, hotels in the area, maybe some offsets on that.

"The biggest concern I had thrown out here was the relationship with the Pavilions, and that's why I was very much interested in terms of how long the contracts that we had in place with groups and people, and where we were going, because the proposal before us today would put the Pavilions into the private hands and I think that the model we've had with SMG operating the arena downtown, I had been hoping that we would have a stronger marketing plan, we would be able to reduce the operating deficits for the Pavilions, frankly it's been a concern that we have a significant negative cash flow on these events, and even if events don't move south to the proposed new casino, I've been told there are additional facilities opening up in the area, and there's more competitive marketplace for particularly horse shows, so that's a challenge going forward. The offer before us today I think has an advantage, in that I see a lot of proposals going forth to local governments and they require all sorts of benefits of one sort or another, and there is no benefit here.

"One of the concerns, and whether it's fifth district's or anything else that would come out, this proposal does not have that type of public involvement, I think that's a strong asset and strong positive for this proposal. The tax appraisal, when I spoke with the appraiser about the evaluation, he told me the appraisal currently considered Britt Brown as being open. Obviously we know, and he knows, that it's not, but for the evaluation purposes, it's never been changed, and if it was changed, it would have a dramatic reduction in the value. We're talking about a big drop from the figure, that was thrown out earlier, of over \$20 million. I think that would be almost cut, roughly cut in half. But having said that, I really do believe that this could, this would be a proposal before us today that has the potential to turn Britt Brown Arena from a sow's ears into an aviation technology silk purse, so Mr. Chairman, I plan to be supportive of the motion this morning."

Chairman Unruh said, "Thank you, Commissioner. I would like just to kind of get some relative values in my mind a little bit. We've heard the comment that it would probably cost a \$.5 million to demolish and raise the Britt Brown. What was our cost in raising the Coleman Company [Inc.] building, do you remember that? Mr. Holt? Seems like the number sticks in my mind, somewhere around \$350,000. So if that's about right, so that being the case, I mean, the point I'm going to make is that the Britt Brown is presently a substantial liability in my mind, because it is deteriorating, we don't have a use for it, and in order to get values up there anywhere near what they need to be, that

building has to come down. And although we've heard estimates of \$500,000 to raze that building, I had been told by someone who is interested in the property, that he could envision it costing \$2 or \$3 million to raze that building, because of the weight of the concrete, getting it down, hauling it away and paying the tipping fees at C & D (Construction and Demolition) Landfill because of that extra weight, so it is just conversation right now, but it seems to me that if we wanted to take that building down to get rid of that liability in order to increase the sale ability of the ground, we would be spending well over a million rather than what we accepted as \$500,000. Now, that's just a total layman's opinion, but comparing it to the Coleman Company, I think we have a greater liability than has been estimated.

"My perspective, I think, similar to Commissioner Peterjohn's, if we go forward and sign on this letter of intent, the prospective buyer of this is going to invest \$3 million to \$4 million, and maybe more than that, in the Britt Brown to make it usable. That's a substantial capital investment that our community will get the benefit of. They will probably employ, I'm using general terms here, because nothing is on paper, they don't yet have an agreement from NIAR, but it is expected to have 80 jobs there. And those are not 80 jobs on a weekend event, these are 80 jobs all day long, every day, which is a substantial economic benefit to Park City, Valley Center and those surrounding areas. We will have the opportunity to avoid a \$700,000 annual loss which appears to be increasing, rather than decreasing. We will be gaining property taxes up there on an enhanced valuation base than what we have now, which I think is a substantial benefit. The investors will have a million and a half cash in hand, and the investors are not asking for anything in terms of subsidy or abatements or anything like that. Where most economic development projects that we see coming into us that have a \$4 million capital investment, 80 jobs and cash, you know, most people want something back. These investors say I don't want anything, they just want to get the deal done and get NIAR out there to start developing the industry in our community.

"So the support of NIAR, WSU (Wichita State University) and aviation I think is also very significant in my thinking. along with that, compared to any other offer that we have had in the last three years, none of which was accepted, but this particular proposal leaves us with 45 acres of ground that we can use in the future if we find it necessary, we can make some sort of venue that our citizens can use, we can work in conjunction with Park City for their go-cart track. We still have flexibility with the remaining 45 acres. The value of the property, an appraisal is an opinion of value, they do it scientifically and in most cases they are right on target. This particular case, since it is not taxpaying property, it simply is kind of an irrelevant number. What determines the price of property is what somebody is willing to pay for it. Right now we've got someone willing to pay \$1.5 million for 150 acres, and take liability off our hands, at least \$1 million liability and \$700,000 operating loss. Commissioners, I think that this is a straightforward good business deal for the citizens of Sedgwick County, and I want to be supportive of the proposal. Comment from Commissioner Norton."

Commissioner Norton said, "I asked my questions and now I've just got some thoughts. I'm very supportive of NIAR. In fact, in 2003 I put together 30 things I'd like to see accomplished for Sedgwick County, and one them was the expansion of NIAR and research and aviation training. We've got the training site done, and although we don't control NIAR, it sits at WSU, we should be supporters of that because it is part of the future of aviation and aerospace in our community. And Dr. Tomlin has a very bold vision for that. And it could be in the Park City area. So, I am supportive of that part of the proposal. I have a little bit of heartburn about the Pavilions, because we've made some investments there, we've made some promises to individual organizations

that use and have used the Pavilions for many many years. So I've kind of vacillated back and forth on how I feel about that.

"The truth is, I've gotten no phone calls, no e-mails, no conversations from citizens since the article in the paper that talked about the price tag, what was going to be done with it, who the investors were, so as far as this being a real hot button for the public, I think they're much more worried about other things in our community maybe than the disposition of the Britt Brown Arena and Pavilions. So I haven't gotten a lot of consternation from the public. The property will go back on the tax rolls. I find that an interesting development, because right now all of it is off the tax rolls. Once it's invested with private investors, it goes back on the tax rolls. I assume now the land is now not unencumbered from annexation from Park City, and if they so deem, they can look into annexation and put it on their tax rolls, too.

"In fact, we had a, I think we had a long-term disposition that finally came to rest about whether Sedgwick County's property could be in the city limits and taxed through Park City, but that's off the table now. As I put the numbers together, it looks like other than the value, the \$1.5 million that comes to us in cash, there is a \$5 to \$6 million value back to the taxpayers over the next five years from not having to tear down the Britt Brown, not having to repair it to save the \$700,000 plus that we subsidize out of the Arena funds, so that's a value back to the taxpayer right there. So that's not exactly the investors paying us for that, but if they start to assume \$700,000 loss at the Pavilions, that becomes a pretty substantial value back. For me, there's really three qualifiers that really push me into supporting this. Number one is the future of the Pavilions, and do we have something built into the letter of intent or the contract that would keep them open for a few years as we make that transition, because I think there are some constituents, some organizations that have depended on those, and they'll have to make other arrangements, and for the next few years, we kind of made the commitment that they'll be open. So I'd like to see that.

"The second thing is that the cash money, I would like to see it go back in the sales tax fund and replenish that, because we paid out some money to the Pavilions, either in investment in the Pavilions or the subsidy, and I would like to see that earmarked to go back in to the Arena fund to fill that back up. And finally, I'd like to see a qualifier in the letter of intent that to move forward they have to have a letter of intent with NIAR, so that really is part of the deal. I would hate to give this much property up at this value and then find out later that NIAR is not part of the deal that we thought that that was going to be part of it and it's not. To me, that's almost a deal breaker. I'd like to be sure that NIAR flourishes, that we help our aerospace industry and that we really get kind of a three for one out of this. Those are just my thoughts. I don't know if other Commissioners agree with it or even like those ideas, but those are the three things as I've thought about it that would certainly gain my support if we could build them in."

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

Commissioner Peterjohn said, "Thank you. I don't recall any discussion about zoning in the letter of intent. Can you discuss, Mr. Manager, what the zoning is at the moment and if there is any discussion about changing that?"

Mr. Buchanan said, "The responsibility for zoning would go to the new owners, and they understand that, and if Park City were to annex it, that would be a Park City decision about zoning. Currently, the zoning would appear to allow manufacturing."

Commissioner Peterjohn said, "Thank you."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. Obviously this is my district, so it's something that's important to myself and my constituents. I want to say several things. Throughout my campaign, several issues that came up that relate to this, this particular deal. First of all, I've been very clear that I don't want special deals for anybody. I think everybody should work on an even table and everyone have the same chance as everyone. Secondly, I stated that we needed to do something with the Britt Brown Arena in that it's just sitting there falling apart, and so whether we did something or whether we sold it, I think it's important to get it back to the tax rolls, and that certainly does that with this particular deal. But, that's a little different then the Pavilions, I made it clear that I thought it was important to continue to operate the Pavilions, although I would like to see the subsidy for it reduced. I'll say that I'm new to the Commission and I wasn't here when all the Arena stuff was done, but I don't think we've done the taxpayers any, I think we've done the taxpayers a disservice by how we've treated the Britt Brown Arena itself. I think we have intentionally and willfully let it deteriorate in order to make it easier to sell and get rid of now that we have the downtown Arena. I'm not convinced that we made an honest effort to make the Pavilions work and reduce the subsidy. That's my impression. Nothing that I've seen since I've been here has changed that. Also, I feel like we have a different set of standards for the Pavilions.

"You know, we've subsidized a lot of things, Lake Afton, we've subsidized the Sedgwick County Park, we've subsidized Exploration Place, we've subsidized the Zoo. The subsidies for the Pavilion evidently is a reason to get rid of it. But we're not looking at all of the other things that we've subsidized. Now if we want to take an honest look of all of those entities, that's fine. I'm willing to do that. But to pick out one particular entity that we can get rid of that happens to benefit the north part of the county, I think is wrong, particularly since the subsidy for this situation for the Pavilions doesn't come from property tax. You're not going to help property taxes at all whereas the other ones certainly would if you took a look at that. I understand that it's probably more important to Park City, Valley Center, and the area and my district and not so much as some of the others, but you could say the same things about the other things. I think we need to treat all of those entities the same if we want it take a look at the subsidies. So I have a problem also with the commitments we've made with keeping the Pavilions open. It serves a certain segment of our population, it does serve as some economic development activity for Park City and the area up there. So I have a problem with that, although I am supportive of doing something with the Britt Brown Arena itself. I think getting NIAR involved is good. I don't have a problem with that part, per se. However, I also want to talk about the fact that we are abandoning the process for that we have RFP.

Mr. Ranzau continued, "I want to disclose publicly that one of the main investors is Mr. Johnny Stevens, who was a very significant contributor to my campaign. It's quite possible that I wouldn't be here if it weren't for his help financially and encouraging others to contribute to my campaign. I think that's important to disclose. I remember my conversation with him when I was first was introduced to him. I sat down and I said, don't support me if you think you're going to get a special deal from me, because I'm not going to give you a special deal, and I'm not going to give your competitors a special deal either. And that's ultimately why he supported me, because he says he doesn't support subsidies and special government handouts, and that's how he

operates his business, and I respected that, and he respected my stance. So now I am here in a position of which I think it appears that if I support this, I support abandoning the process that would allow all comers to take bids on this and possibly make more than \$1.5 million in favor of a special deal for someone who was a contributor to my campaign, and it's important to me to remain consistent and not be hypocritical and think I've taken a stand against a lot of situations that I have viewed as special deals for other people, and I think it's important that I remain consistent now. Now I'm confident that he would do a good job with this area and that NIAR would do a good job, but I think the process matters. I think the appearance of how we do things matters.

"Now, I've had some people, including some of my supporters, tell me that I'm over thinking this, that I'm worrying too much about the appearance, I'm worrying too much about the process, and I've considered those very carefully, but in the end, I just can't in good conscience support doing a special deal like this and abandoning the process. I do think it looks bad for me. Now, I'm not trying to say that anything here is being done illegally or my fellow colleagues are doing anything wrong, but if you just look at it, we're abandoning the RFP process for Mr. Stevens to buy this land, and he's a significant contributor to me, and I think that doesn't pass the smell test, so to speak, and so even if the Pavilions weren't included in this I would probably be inclined that I would have to oppose this for that same reason, because I think we could get to the same spot if we went through the process, if we went through the RFP process and took comers and took all bids. Nevertheless, for me, I think it doesn't look right, so that's why I'll oppose this. Some of the comments my fellow colleagues have had, there are good reasons to support this, and they do make sense. The fact that we're not having subsidies, and it will get on the tax rolls is obviously very compelling, but I want to be consistent. I don't want to be hypocritical in my positions, and in order to do that, this is clearly one of the most difficult decisions I've had to make that if I'm not going to support special deals for everybody and that means I'm not going to support special deals for the people who give significantly to my campaign, as well. My vote will reflect that. Thank you."

Chairman Unruh said, "Thank you, Commissioner. I would want to make a comment that it is, you've got to work hard to offend me. I just don't get offended very easy, but I would want the Commissioner to know that I take exception to the word special deal. This is not a special deal in any way, shape or form. Special deal implies something that is almost offensive to me. But I'm not going to be offended. This is not a special deal. This thing, we've been trying to do something with this property for, before 2009, and all we've got is several deals that required us to do the financing of up to \$20 million worth of public money, and I don't even know if we were going to get sales tax money back on that. We were totally at risk, and they were not good deals.

"This is the first legitimate, honest, straight forward, un-special deal asking nothing from us, no strings attached. We'll give you \$1.5 million. We'll take a building off your hands that is quickly becoming a piece of junk. We will off-load \$700,000 worth of operating loss. We will hire 80 people or more up. This is a great deal. It's a great deal for the citizens of Sedgwick County, but the implication somehow that this is a special deal, I'm going to reject the language, and I'm not going to be offended about it just to make myself clear. The other thing I would want to say is that I appreciate comments by Commissioner Norton that we are really supportive of NIAR and WSU and the aviation industry. Commissioner Norton is, our staff is, the Commission as a whole is

very supportive of that.

"However, to include that restriction in the letter of intent I think is probably something that I could not support. I know that these potential buyers are working hard with WSU and Dr. John Tomlin, as all the Commissioners are aware of that, and I think they want to make that happen. However, if for some reason that does not occur, I know that these are industrial developers. These are people who make their living putting together deals that increase value, provide jobs, and they, by the way, make a very nice living at doing this, which is that's what we're in favor of, free enterprise. So I'm convinced that should this deal for some reason not come together with NIAR, that they'll put in some other client that will bring jobs. If they in their 60 day due diligence find the building won't work, it costs too much to rehab, it's not going to work, they are going to decline this offer. That's what this whole 60-day due diligence is about, because they're going to spend \$40,000 to \$50,000 figuring if it will even work, and it's money we don't have to spend to find that out, so we get a benefit for it, also."

MOTION

Chairman Unruh moved to authorize the Chairman to sign the letter of intent.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "We are now ready for discussion. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I want to follow up and segue off some of the earlier comments, because I agree this is a property that basically first became available the day after the election in November of 2004, and that's almost seven years ago. Now, obviously there were events that continued through February of 2010, but at that point in time, I mean, the end date was pretty well clear once the opening of the Intrust Bank Arena occurred, and people knew that this property was available, and we've entertained offers. You know, the only thing I think that's remarkable about this offer is the fact that in light of seeing so many deals that have occurred in this community, that no special benefits, like the TIF (Tax Increment Financing) districts, and CIDs (Community Improvement Districts) and everything and anything around here was being requested. I am very much pleased that we had this come to us, but frankly, anybody could have during this last seven years, and we've tried to entertain some offers, and I appreciate my colleague's description, especially of the events that occurred prior to my appearance on this bench in January of 2009, because there's so many pluses here, and the Chairman is absolutely correct when he says this is going to start a 60-day window for people to take a look and do the due diligence and allow the buyers to get in there with their engineer to see if they can do the building or not.

Mr. Peterjohn continued, "Let me share an experience that I don't think I've mentioned to anyone here. A number of years ago, roughly about a decade, I had a chance to tour the NASA (National Aeronautics and Space Administration) facility out at Moffet Airfield, which is near San Jose, California. And there are characteristics in terms of having a large building, large enclosed space, that are very similar between the facilities in Moffet that Britt Brown also possesses. So when I said we may be able to turn this sow's ear into a silk purse, in a sense, the county is in a wonderful position. Because, if we sell this at a high price, it goes on the tax rolls as a high priced property. But if some people out there say we're selling this as a low price and things

happen and down the line we reappraise it and it's revalued, it's going to be on the tax roll. Currently, it's generating no revenue. I think the process was clear, fair and straight forward. While I personally have always preferred public auctions, we've had, in affect, kind of had a silent auction going on since November 2004 with this property that if people wanted to come forward, there were plenty of open ears up here at the Commission, both among staff and the elected side, and I am just delighted that we've got a tremendous opportunity here today, and I'm going to be proud to support this, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. If the Commissioners will allow me to correctly state my motion and perhaps a second will allow that."

MOTION

Chairman Unruh moved to approve the letter of intent and authorize the Chairman to sign together with the contract deed and any other instruments necessary to effect the closing of the sale.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "Thank you. Is there any further discussion? Commissioner Norton."

Commissioner Norton said, "Well, I've asked my questions. I think I've got plenty of information. Certainly I would be more interested if we could attach some language, but I understand the motion does not have that. I have a little problem with characterizing this as a special deal myself, although it came to us unsolicited and we didn't have an RFP on the street. The truth is, we had an RFP several years ago that was on the street that didn't garner too much for us. In fact, both proposals, or all three proposals, were rejected for many reasons. This is not the exact perfect offer that I would like to entertain, but I will probably support it today just because it gives us a chance for 60 days to see if we can work something out.

"I'm very supportive of NIAR, and moving that forward. I would hope that Dr. Tomlin, WSU, NIAR and the principal developers can come to some agreement that will help that proliferate in our community. I'm still a little iffy on the Pavilions, but I hope that we can move that forward and make sure that those are used for the citizens of our community for several years until other arrangements can be made.

"I'm sorry that we got into some of the conversation that we got into today. I really took the category of my questions as digging down deep into the history of where we're at and how we got to where we are and what is the most prudent action to not only deliver these properties in a good manner in our community but also do the best for taxpayers, and I've come to the conclusion that while this is not the best offer that I would like with all the different scenarios, it is certainly one that I can support today, as we try to figure out what to do with the Britt Brown and with the Pavilions. That's all I have Mr. Chair."

Chairman Unruh said, "Thank you, Commissioner. I don't see anyone asking to speak. We have a motion and a second. Madam Clerk, please call the vote."

VOTE

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

Mr. Buchanan said, "Thank you."

Chairman Unruh said, "Thank you, Bill. Commissioners, it's approaching two and a half hours. We don't have too much agenda left, but we do have one that might take some time. Commissioners do you want to press on or take a break?"

Commissioner Norton said, "Why don't we take a five-minute break."

Chairman Unruh said, "We will take a five-minute recess. We will be back in five minutes. Thank you all for your patience."

The Board of County Commissioners recessed at 11:24 a.m. and returned at 11:30 a.m.

Chairman Unruh said, "Okay, we are back from recess. At this time, I will call back to order the Regular Meeting of the Board of County Commissioners, October 19th, and we'll ask Madam Clerk to call the next item, please."

A motion was made by Commissioner Unruh, seconded by Commissioner Skelton, that this Contract be Signed. The motion carried by the following vote:

No: 1 - Commissioner Ranzau

Aye: 4 - Chairman Peterjohn, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

H [11-1038](#) RESOLUTION RECLASSIFYING 119TH STREET WEST BETWEEN 109TH STREET NORTH AND 117TH STREET NORTH (805-B) FROM THE EAGLE TOWNSHIP ROAD SYSTEM TO THE SEDGWICK COUNTY HIGHWAY SYSTEM. DISTRICT 3 & 4.
Presented by: David C. Spears, P.E., Director of Public Works/County Engineer.

RECOMMENDED ACTION: Adopt the Resolution.

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "The City of Wichita recently completed the offer for storage and recharge facility on 119th Street west between the 109th and 117th Streets north.

Mr. Spears continued, "One of the platting requirements was that the street be paved at the cities expense. Eagle Township is not equipped to maintain a paved road. We request that you approve a resolution to reclassify 119th Street west between 109th and 117th Streets north from the Eagle Township to the Sedgwick County highway system. I recommend that you adopt the resolution."

Chairman Unruh said, "Commissioner Peterjohn."

MOTION

Commissioner Peterjohn moved to adopt the resolution.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Thank you. Thank you, David. Next item."

A motion was made by Chairman Peterjohn, seconded by Commissioner Skelton, that this Resolution be Adopted. The motion carried by the following vote:

Aye: 5 - Chairman Peterjohn, Commissioner Ranzau, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

- I [11-1027](#) RECONSIDERATION OF ITEM 4 OF THE MINUTES OF THE SEPTEMBER 22, 2011 MEETING OF THE BOARD OF BIDS AND CONTRACTS: REPAIR LOWER SPILLWAY, LAKE AFTON PARK- FACILITIES DEPARTMENT.
Presented by Joe Thomas, Director, Purchasing Department.

This item was deferred at the September 28, 2011 Commission Meeting.

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

Ms. Angee Sisco, Senior Buyer, Purchasing Department, greeted the Commissioners and said, "We will be altering the original recommendation. The recommendation is to accept the low bid, base bid at alternate one and add alternate one from Utility Contractors, Inc., in the amount of \$1,580,600 even. Please note that add alternate three will continue to be researched by staff and most likely presented in the future as a change order."

Chairman Unruh said, "Thank you. But help me clarify that. Add alternate E?"

Ms. Sisco said, "Add alternate three."

Chairman Unruh said, "Thank you. First of all, that's a good help right there. Add alternate three is the...?"

Mr. Buchanan said, "The bridge."

Mr. Bob Lamkey, Director, Public Safety Director, "The utility bridge, adjacent to the Judge Riddel Boys Ranch."

Chairman Unruh said, "So the recommendation is to go ahead with the other two recommended actions except item three?"

Mr. Buchanan said, "Right."

Mr. Lamkey said, "Correct."

Mr. Buchanan said, "Right."

Mr. Lamkey said, "There is some time sensitive...correct."

Chairman Unruh said, "Commissioner Skelton."

Commissioner Skelton said, "Well, I appreciate that. I just was wanting to, if I could get that presentation again without any abbreviations for alternates. Explain the details to me please. Publicly, I'd appreciate that."

Mr. Lamkey said, "About what we've deferred?"

Commissioner Skelton said, "What is going on with this agenda item?"

Ms. Sisco said, "Okay. This agenda item is to repair the lower spillway at Lake Afton. There were three add alternates. This item came before you approximately three weeks ago and it was deferred as a result of add alternate three. Add alternate three will allow

the construction of a new pedestrian service bridge to be used by staff and residents at Judge Ridell's [Boys Ranch]. As a result of that particular add alternate, this entire item was deferred."

Mr. Buchanan said, "Yes."

Ms. Sisco said, "Staff has been researching alternatives but we need to move forward with that base project, so we're now requesting that you approve the base bid add alternate one, which was some dam maintenance, add alternate two, which was some resurfacing, and then we will continue to research alternatives for add alternate three."

Commissioner Skelton said, "I appreciate that. I think we need to get the dam maintenance done, Manager."

Mr. Buchanan said, "We're right on that, Commissioner."

Commissioner Skelton said, "Thank you Mr. Chairman. I appreciate that."

Chairman Unruh said, "Thank you, Commissioner. The process you've outlined, obviously, if we proceed with add alternate three later, it will not impact the bid or the work of one and two and the base bid, is that correct?"

Ms. Sisco said, "It will not."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. On add alternate two, I wanted to know, background information talks about application of a concrete surface treatment to various areas of the spillway. Can you go into any additional details in terms of what value we're going to receive? I mean, over \$300,000 is a significant price tag. If we're going to add that to the project, this is taking the bid up, without add alternate two, we could drop the price significantly. Is this going to significantly going to extend the duration of repairs?"

Ms. Sisco said, "Rob Lawrence, the Facilities Manager can assist in that question."

Mr. Robert Lawrence, Project Services, Facilities Manager, greeted the Commissioners and said, "Good morning, Commissioners. This particular item will extend the life of the dam. What we're doing is putting approximately four inches of concrete on the face of the spillway, which is the part that immediately comes over the top of the spillway. It's a stilling basin and we're going to resurface it. It's in pretty poor condition right now. Originally in the CIP (Capital Improvement Plan) this was the one portion that was slated for 2013. It was a \$500,000, approximately \$500,000 CIP item to be looked at in a couple of years. When we had this project designed, the engineering firm felt that they could include this portion of the project in this particular CIP portion, get it all funded at one time, thereby the 2013 CIP item can go away. So that \$500,000 that we had forecast for 2013 will now not be needed."

Commissioner Peterjohn said, "Okay. The reason I raised that question is I wanted to understand in terms of how much, what value we would be getting for that expenditure and how much additional lifespan we might be able to generate on this dam."

Mr. Lawrence said, "The lifespan expectancy, right now, the last resurfacing was, how

long ago, Mark?"

Mr. Mark Sroufe, Superintendent, Lake Afton Park, greeted the Commissioners and said, "[19]86-87."

Mr. Lawrence said, "So, we've got 30 years out of the last resurfacing that we've had on the dam, and we would expect at least that out of this."

Commissioner Peterjohn said, "Okay. I am supportive of this. This has been my project."

MOTION

Commissioner Peterjohn moved to approve the recommendations of the Board of Bids and Contracts with alternate one and alternate two included and excluding alternate three.

Commissioner Ranzau seconded the motion.

Chairman Unruh said, "We have further discussion. Commissioner Norton."

Commissioner Norton said, "I was just going to say, I'm going to be supportive. We've put this off for I can't tell you how many years. It's been in a CIP budget, been moved around, and it's time to do it. I like the idea that we're moving that one project up. Because \$500,000 estimate becomes \$300,000 at today's prices, it probably wouldn't be \$500,000 several years from now. So I think that's good use of our money, and this is a project whose time has come. We can't put it off any longer or we're going to have major problems out there, so I will be supportive."

Chairman Unruh said, "All right. Thank you. Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chairman. I want to say I'll be supportive of this. I've actually been out there and taken a tour and have seen all of these options, and certainly I have always supported options one and two, and I think it makes sense to move it up to save money. My concern has always been option three, and I'm just convinced that there's got to be a low cost alternative to what we have right now, and I think by going and approving this we can get the contractors started and that gives us time to talk to contractors. It's not going to hurt us. We can come back with a change order and kind of talk about this and find a way to get the horses to the pasture without spending a whole lot of money. So I'll be supportive. Thank you."

Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else asking to speak. We have a motion and a second, Madam Clerk please call the vote."

VOTE

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

Commissioner Norton *Aye*
Chairman Unruh *Aye*

Chairman Unruh said, "Next item."

A motion was made by Chairman Peterjohn, seconded by Commissioner Ranzau, that this Board of Bids and Contracts be Approved. The motion carried by the following vote:

Aye: 5 - Chairman Peterjohn, Commissioner Ranzau, Commissioner Skelton,
Commissioner Norton and Commissioner Unruh

Present: 0

J [11-1070](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON OCTOBER 13, 2011.

Presented by Joe Thomas, Director, Purchasing Department.

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

Ms. Sisco said, "The meeting of the Board of Bids and Contracts, October 13th, results in nine items for your consideration this morning. Item 1;

1. STORM SEWER INSTALLATION -PUBLIC WORKS
FUNDING-D11 -PHASE 1: 103rd St, Hillside -Arkansas River

"Recommended action is to accept the low bid from Nowak Construction Co., Inc. in the amount of \$748,455.05. Item 2;

2. HEALTHY BABIES FACILITY REMODEL -FACILITY PROJECT SERVICES
FUNDING --HEALTH DEPARTMENT

"Recommended action is to accept the low bid from Bauer & Son Construction in the amount of \$35,995.00. Item 3;

3. PROFESSIONAL STANDARDS SOFTWARE-SHERIFF'S OFFICE
FUNDING-INTERNAL AFFAIRS

"Recommended action is to accept the low proposal from CI Technologies, Inc. for an implementation cost of \$33,800.00 and a total 5 year cost of \$47,800.00. Item 4;

4. PNEUMATIC TIRE LIFT TRUCK --FLEET MANAGEMENT
FUNDING --FLEET MANAGEMENT

"Recommended action is for item to be taken separately and all bids rejected as a result of item G on today's agenda. Item 5;

5. 4WDSPORT UTILITY VEHICLES --FLEET MANAGEMENT
FUNDING --FLEET MANAGEMENT

"Recommended action is to accept the bid on item 1 and the low bid meeting specifications on item 2 from Don Hattan Chevrolet, Inc. in the amount of \$64,400.00. Item 6;

6. VARIOUS VANS --FLEET MANAGEMENT
FUNDING --FLEET MANAGEMENT

"Recommended action is to accept the low bid for Item 1 from Don Hattan Chevrolet in the amount of \$19,100.00 and accept the low bid on Item 2 from Landmark Dodge, Inc. in the amount of \$39,362.00. Item 7;

7. 4WD SUBURBAN--FLEET MANAGEMENT
FUNDING --FLEET MANAGEMENT

"Recommended action is to accept the bid from Don Hattan Chevrolet, Inc. in the amount of \$37,000.00. Item 8;

8. DROP DECK TILT TRAILER --FLEET MANAGEMENT
FUNDING --FLEET MANAGEMENT

"Recommended action is to accept the low bid meeting specifications from Kansas Underground Inc. in the amount of \$7,714.00. Item 9;

9. COX OPTICAL INTERNET CONNECTION -DIVISION OF INFORMATION AND
OPERATIONS
FUNDING-NETWORKING AND TELECOM

"Recommended action is to accept the quote from Cox Business at a rate of \$1,000.00 per month for 60 months and a onetime installation charge of \$500.00 for a grand total cost of \$60,500.00.

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

MOTION

Commissioner Norton moved to accept the recommendations of the board of bids and contracts.

Commissioner Skelton seconded the motion.

Chairman Unruh said, "Commissioner Norton."

Commissioner Norton said, "I don't have any questions. I just wanted to comment on item number one, which is the storm sewer installation. That's a project I've worked on for about five years. It came in well under the engineer's recommendation, and the original capital improvements budget. I would encourage us to continue to look at drainage, groundwater, storm water projects as infrastructure. I know Commissioner Skeleton and Commissioner Peterjohn have some areas that are problematic in their districts, too. I have several more, and as we continue to think about what is good for the public, what is infrastructure that we continue to support our storm water management committee and some of their recommendations as we think of that as infrastructure, particularly in those problem areas that can't either function very well or are underdeveloped because of drainage and storm water issues. That's all I have, Mr. Chair."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I wanted to segue off of Commissioner Norton's comments, because there are a host of issues on whether in Commission District 3, that I have the privilege of representing, has more bridges and more roadway, and I think also proportionally the equally large proportion of the drainage and creeks and streams here in the county where we have a number of challenges. I want to throw that out to my colleagues as one of the reasons, when we go through these, that there is an awfully lot of these issues in areas where the drainage is geographically located. I can put any three of your districts together, and I think I'll still have more square miles than any other Commissioner here. So thank you very much."

Commissioner Norton said, "You don't have more water than I have, I can tell you that."

Chairman Unruh said, "Well, thank you, Commissioner. We have a motion and a second. Have we voted? We have not voted. All right. Madam Clerk, call the vote."

VOTE

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

Ms. Sisco said, "Thank you."

Chairman Unruh said, "Thank you, Angee. Nice Job. Next item, please."

A motion was made by Commissioner Norton, seconded by Commissioner Skelton, that this Board of Bids and Contracts be Approved. The motion carried by the following vote:

Aye: 5 - Chairman Peterjohn, Commissioner Ranzau, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

CONSENT

K [11-1005](#) Agreement with Kansas Health Solutions (KHS) to Perform Care Level II Screenings.

A motion was made by Commissioner Norton, seconded by Commissioner Skelton, that this Agreement be Adopt the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Chairman Peterjohn, Commissioner Ranzau, Commissioner Skelton, Commissioner Norton and Commissioner Unruh

Present: 0

L [11-1023](#) Addition to the aging staffing table for a full-time van driver position, range 15.

M [11-1031](#) Lease Agreement with Elizabeth and Chad Watson for County owned land in Mulvane, KS.

N [11-1032](#) Affiliation Agreement with Hearts of Love, LLC.

O [11-1039](#) One (1) Temporary Construction Easement for Sedgwick County Drainage Project B811-B-2423; on Ridge Road between 109th & 117th Streets North. District 4.

P [11-1045](#) Resolution to add and amend policy to the Sedgwick County Personnel Policy and Procedure Manual.

Q 11-1044 Order dated 10/6/11 to correct tax roll for change of assessment.

R [11-0090](#) General Bill Check Register.

S [10-0663](#) Payroll Check Register.

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

MOTION

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Skelton seconded the motion.

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

VOTE

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

Chairman Unruh said, "Next item."

OTHER

Chairman Unruh said, "Commissioners, we have an opportunity to bring anything else to the Board that you would like at this time. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'll just give me weekly report in terms of the number of folks under detention at the moment. We've had a growth in the last week, last time since I gave this report, and there's 1,551 this morning, what's interesting in the last few days the volume of arrests has not been particularly large. There were 1,103 people in the main jail facility, 140 in Work Release, and 308 out of county. Those are broken down in terms of by security by the Sheriff's office with 480 maximum security, 582 medium security and 403 minimum security, and the rest unclassified."

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

Commissioner Norton said, "I just wanted to remind everybody that the Clearwater Fall Festival is this Friday and Saturday, in Clearwater, Kansas. I've just recently taken over that as part of my district. I'll be in the parade, but they have a chili cook-off, a carnival and parade, quite a few events, and I would encourage people, if they're looking for something to do that's fun and different and gets to see a little bit of small town life at its best, stop by Clearwater and enjoy the festival. I'll be there to enjoy a funnel cake, I'm sure. And finally, we had a pretty tough issue on our agenda today with the Britt Brown Arena and the Coliseum. It's one of the harder votes I've had to take in 11 years, and I would hope that the public will understand that we did our due diligence. We worked hard to understand the facts that many of us have dealt with this for well over five years to try to determine some kind of an outcome, and while that decision may not be popular with everyone, I hope that everyone would help us move forward and understand that we need to make sure that the Britt Brown has a future, the Pavilions have a future and that the best for Sedgwick County has been done today. Thanks, Mr. Chair."

Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else asking to speak, so at this time, we will be adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:47 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

DAVID M. UNRUH, Chairman
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

RICHARD RANZAU, Commissioner
Fourth District

JAMES B. SKELTON, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
