

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



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Meeting Minutes - Final

Wednesday, December 5, 2012

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, December 5, 2012, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Tim R. Norton, with the following present: Chair Pro Tem James B. Skelton; Commissioner David M. Unruh; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Claudia Blackburn, Director, Sedgwick County Health Department; Mr. Seth Konkel, MMRS Program Director, Health Department; Mr. Scott Hadley, Director, Emergency Medical Services; Ms. Kristi Zukovich, Director, Communications; and Ms. Amanda Lee, Deputy County Clerk.

GUEST

Mr. Chris Freshour, Director of Sales and Marketing, KPTS

INVOCATION

Observed by a moment of silence.

FLAG SALUTE

ROLL CALL

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

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

NEW BUSINESS

A [12-0914](#)

VISIONEERING WICHITA 2012 FUNDING.

Presented by: William P. Buchanan, County Manager.

RECOMMENDED ACTION: Approve the payment to Visioneering.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Commissioners, you heard the request from last week for \$40,000 funding for 2013. We have it in the budget. You received responses from the Visioneering [Wichita] staff that you requested. I continue to recommend you approve the funding."

Chairman Norton said, "Commissioner Skelton."

Commissioner Skelton said, "Mr. Chairman, I'm supportive of this item. I think anything that gets people involved, especially a lot of young people, is a good thing for our community."

MOTION

Commissioner Skelton moved to approve the payment to Visioneering.

Commissioner Unruh seconded the motion.

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

Chairman Norton said, "I have a motion and a second. I do have some lights on. Commissioner Ranzau."

Commissioner Ranzau said, "Mr. Chairman, I'll just reiterate that I opposed this last time. I'll continue to oppose this today. While many of the issues that Visioneering have tried to tackle are honorable and important issues, they have demonstrated that they are clearly ineffective and unable to deliver any meaningful results in these areas, and I don't see any indication that will change in the future. Not to mention one of their things that they briefed us on was the priority project, which are three priorities, the same three priorities we've been dealing with for decades here, and the county is already spending millions of dollars a year to address these issues.

"So, in addition to that, we have two other processes, the sustainable development, the comprehensive plan that are already in place to develop plans for our community. So this is really a duplication and triplication of effort and in this particular budget situation we find ourselves, I think, we could very wisely spend this money on better things. For example, last time I suggested we spend this on the zoo. I'm not going to make that motion again, because I suspect it will fail just like it did last time. But, I just really think this is an unnecessary expense of money. Even though I like to spend cash, I want to make sure we spend cash on things that will be effective and provide benefit, and I just don't think this will despite the good intentions. Thank you, Mr. Chairman."

Chairman Norton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I will just state for the record that I spoke extensively on this, and we had an extended discussion last week. Really nothing's changed since then, so my vote today is going to continue the position that I had from last week and I'll let things proceed from there. Thank you."

Chairman Norton said, "I see no other lights. We have a motion and a second. I don't see any other discussion, so, Commissioner Skelton."

Commissioner Skelton said, "Well, I do, I'd just like to hear some comments from you folks. You know, Chairman Norton and Commissioner Unruh if you have anything to say about Visioneering, I'd like to hear some comments."

Chairman Norton said, "Well, that's fine. I've been involved with Visioneering since before there was even a term Visioneering in our community. I made it to all of the different early meetings. I was very active with the, in forming the YP Organization, the Young Professionals. I've continued to support their idea that it's grassroots, bringing people together, citizens, taxpayers, folks that have ideas at the grassroots level in these alliances to try to make a difference in our community, and I'll continue to support Visioneering, because I think it's a worthwhile cause, and it has opened our eyes to what other communities are doing around the United States to make their communities better. Sometimes you just don't know what you don't know."

Chairman Norton continued, "And the idea that we can look to other communities, other leaders, other entities to find out good evidence-based practices, movements that we can accept and push forward in our community are very important, so I'll continue to support Visioneering. I think this is a small price to pay for the kind of collaboration, and cooperation, and thought process that Visioneering has brought to the table in our community. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I would just continue to express my support for Visioneering. This is a, truly a community effort. They, through the life of this Visioneering effort we've had, I think the record indicated, over 17,000 people who have been involved at various levels at various times. I think initiatives that involve our citizens and thinking about the future are good things, and Visioneering, especially where it has an emphasis on getting our young professionals involved, I think it's especially important. So in partnering with the City of Wichita and the Chamber [of Commerce] and their effort to improve our quality of life in our city, it's a good thing, and I'm going to be supportive of it. That's all I have."

Chairman Norton said, "I see no other lights. So Madam Clerk, call the vote."

VOTE

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

Mr. Buchanan said, "Thank you."

Chairman Norton said, "Thank you, Bill. Next item."

A motion was made by Vice Chair Skelton, seconded by Commissioner Unruh, that this Presentation(s) be Approved. The motion carried by the following vote.

No: 2 - Commissioner Peterjohn and Commissioner Ranzau

Aye: 3 - Chairman Skelton, Chairman Norton and Vice Chair Unruh

Present: 0

B [12-0879](#)

ACKNOWLEDGE A DONATION OF \$6,000 TO THE SEDGWICK COUNTY HEALTH DEPARTMENT CHILDREN'S DENTAL CLINIC BY THE WICHITA DISTRICT DENTAL SOCIETY (WDDS).

Presented by: Claudia Blackburn, Director, Sedgwick County Health Department.

RECOMMENDED ACTION: Accept the donation and authorize the Chairman to sign a thank you letter.

Ms. Claudia Blackburn, Director, Sedgwick County Health Department, greeted the Commissioners and said, "As you know, tooth decay is the single most prevalent disease in children. Last year 19 percent of children screened in Sedgwick County had untreated decay in their teeth. And 43 percent had treated decay. What people may not realize is that tooth decay causes poor health and even learning problems, especially when children are in pain, and it is almost entirely preventable.

"The mission of the Health Department is to improve the health of Sedgwick County residents by preventing disease, promoting wellness and protecting the public from health threats.

"One of the ways that we prevent disease and promote wellness is through our Children's Dental Clinic. The Sedgwick County Health Department has been delivering dental services through our Children's Dental Clinic for over 30 years.

"Through the combined efforts of 25 volunteer dentists and oral surgeons, and the WSU (Wichita State University) dental hygiene students, we are able to leverage our three staff to provide over 18,000 dental screenings in the schools and care for over 550 school age children in our [Children's] Dental Clinic. This is the first year that we have received a donation from the Wichita District Dental Society, and we're really grateful for this \$6,000 gift.

"In the past, the [Wichita] District Dental Society has given that same money to the Wichita Children's Music Theater for the Molar Drama Program that has been done for elementary school students for years and years. Well that program has now transitioned to more of a traveling program going into the schools instead of bringing the children to the music theater. And that program is now being funded by Delta Dental.

"So this funding was available for us, and we will use it to purchase supplies for the Dental Clinic, including high quality dental sealants and applicators for the sealants. This funding is very timely, considering the cost of supplies and the budget issues that we've faced.

"Commissioners, we see many children in our clinic and in our school screenings that have lots of decay and poor oral health. At a recent middle school screening, our staff identified siblings that had extreme decay. They had emergency needs, and our staff were able to work with the school nurse and get them referred into our clinic for treatment very quickly.

"Through the patient, and I don't mean patient as in client, but through the patient teaching of our dental hygiene staff, we're able to promote behavior change in our children that we serve and also their families, because it's really, the whole family being involved makes the change a lot more sticky, you might say. And then

everybody can have healthier teeth. I recommend that you accept the donation, Commissioners, and that you authorize the Chair to sign the thank you letter to the Wichita District Dental Society."

Chairman Norton said, "Commissioner Skelton."

MOTION

Commissioner Skelton moved to accept the donation and authorize the Chairman to sign a thank you letter.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Norton said, "Thank you, Claudia."

Ms. Blackburn said, "Thank you."

Chairman Norton said, "Next item."

A motion was made by Vice Chair Skelton, seconded by Commissioner Unruh, that this Donation(s) be Approved. The motion carried by the following vote.

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

Present: 0

C [12-0925](#)

CONSIDERATION OF A GRANT AWARD IN THE AMOUNT OF \$281,693 FOR THE SOUTH CENTRAL KANSAS METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS) AT THE HEALTH DEPARTMENT.

Presented by: Claudia Blackburn, Health Director, Sedgwick County Health Department.

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

Ms. Blackburn said, "Before you is the Metropolitan Medical Response System (MMRS) grant for \$281,693. This grant originates with the U.S. (United States) Department of Homeland Security and passes to us through the Kansas Highway Patrol. MMRS started in Sedgwick County in 2000, and actually it was with the City of Wichita government at that time, as a contract to insure a community response to a disaster. The purpose of the MMRS is consistent with our mission to prevent disease and protect the public from health threats. Over the course of 12 years, the Sedgwick County Health Department has led the MMRS, and it has expanded to include a 19 county region that has improved communication between law enforcement, emergency management, hospitals, public health, EMS (Emergency Medical Services) and mental health in Sedgwick County, Kansas, or in South Central Kansas so that a coordinated response to a mass casualty event can occur.

"Much has been accomplished as a result of the most recent MMRS grants, including the purchase and implementation of a health and medical surge system, including 115 bed tent and a trailer that can be used as a mobile medical facility in a disaster, in an evacuation. And a system to track people and animals, domestic animals, from the site of an incident through treatment, either a tag, a wristband or a triage tag that has a bar code on it. With the grant before you, funding will be used to train members of the regional response team on how to set up and use the purchased equipment so that, if there's an ice storm, a flood, tornado, that equipment can be deployed to their area and they'll know how to use it correctly.

"In the first quarter of 2013, they will also receive very specific training on how to lead a disaster response to protect the health of people and animals, domestic animals, so that they'll be ready to respond during severe weather season. So this will happen in the first quarter of 2013 so that in the second quarter they will be ready to respond. The team will also coordinate with the Regional Forensic Science Center and other regional partners on completion and exercise of a regional mass fatality plan, and that exercise will be in 2014.

"During the last year, an example of how the MMRS response could be seen in Sedgwick County was during the Oaklawn tornado. The equipment that had been deployed out to other counties was brought back in to be used here. So that is how MMRS works. It's really a very sophisticated form of neighbor helping neighbor during a disaster, something that we're good at in Kansas.

"We have been told that this is the last MMRS funding that we will receive, and so staff

are currently working on a sustainability plan with our regional partners. Using the Sedgwick County management model, our staff has convened stakeholders to identify key strategies that should continue despite the lack of funding.

“Stakeholders have identified several possibilities for sustainment, including a possible transition of the MMRS programs and responsibilities to other programs and agencies in the 19 county region, insuring previously purchased equipment has a home within the region and an agency who will assure that it's maintained and deployed as needed, and then continued sustainment and development of the disaster response team that has been established and is continuously trained to support MMRS and the Sedgwick County Medical Reserve Corp.

“The regional partners will implement, evaluate and adjust the plan as needed over the next year and a half, because this grant runs from September 1st of last year, 2011, to May 31st of 2014. This grant supports a portion of five full-time employees at the Health Department, so it's very important to us, and I recommend that you approve the grant, authorize the Chair to sign all related documents, and I have Seth Konkel, who has been with the program since the beginning, almost since the beginning, 10 years. He is the Health Protection Coordinator for the Health Department. He knows all the details, so any questions that you have between the two of us, hopefully we can answer. Thank you.”

Chairman Norton said, “Claudia, this money, is this [United States Department of] Homeland Security money that flows through the state, or describe that.”

Ms. Blackburn said, “It flows through the Kansas Highway Patrol to Sedgwick County.”

Chairman Norton said, “But it is Homeland...?”

Ms. Blackburn said, “Homeland Security.”

Chairman Norton said, “...money?”

Ms. Blackburn said, “Right.”

Chairman Norton said, “Okay. Commissioner Ranzau.”

Commissioner Ranzau said, “Thank you, Mr. Chairman. Claudia, I appreciate all the work in this area. Certainly this is a worthy project. As you know, however, I've been a strong advocate for local control and local funding for these types of issues. I've also been a strong advocate for sound fiscal policy which helps maintain the future of our children and our grandchildren, and those values will be reflected in my vote today.

“However, I'd be interested to hear as you go along, if this funding goes away, I've said all along this is something we should be funding here locally, and I'd be willing to do that, and I would be interested to hear some of the strategies and possible suggestions I have about keeping this moving forward in the future.”

Ms. Blackburn said, “Thanks.”

Commissioner Ranzau said, “Thank you.”

Chairman Norton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Just a comment, you said this got started in 2000. That would have preceded Homeland Security. That department wasn't created until about, I think, roughly three or four years later. Do you know where that funding originally came from, Claudia?"

Ms. Blackburn said, "I don't. Do you, Seth?"

Mr. Seth Konkel, MMRS Program Director, Health Department, greeted the Commissioners and said, "It originally came from FEMA (Federal Emergency Management Agency)."

Commissioner Peterjohn said, "Originally from FEMA?"

Mr. Konkel said, "FEMA granted, and then when they combined with the [United States] Department of Homeland Security, it got transitioned to that side of the agency."

Commissioner Peterjohn said, "Seth, thank you. I'd make a comment from my colleagues in that regard, because earlier this year, we had a major event, and it turned out very well, in terms of we had no loss of human life, but in the spring, we had the tornadoes, I believe over 90, that hit the State of Kansas. Fortunately, no Kansans were killed, some other states nearby were not as fortunate, and there were no fatalities. But we did not qualify, I believe, for disaster relief at that point in time.

"My vote today is going to reflect the fact that when the feds (federal government) got involved and made commitments in that regard, I look at the recovery that occurred here after the tornadoes in the spring and look how basically the folks on the east coast with, who were suffering from the results of mega storm Sandy, in my view, many of them are in worse shape than the folks who suffered through Katrina were in Louisiana, so my vote today is going to reflect the fact that we didn't qualify in the spring, so I do think that this is, this may be kind of rough justice, but I do plan to support this measure this morning. Thank you, Mr. Chairman."

Chairman Norton said, "I see no other lights. Do we have a motion?"

MOTION

Commissioner Skelton moved to accept the grant award; sign the award documents to authorize acceptance of the grant and establish budget authority as provided in the financial considerations section of this request.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	No

Commissioner Skelton Aye
Chairman Norton Aye

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

Chairman Norton said, "Thank you, Claudia. Thanks, Seth. Next item."

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

No: 1 - Commissioner Ranzau

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

Present: 0

- D [12-0919](#) DONATION OF \$1,500 TO THE SEDGWICK COUNTY EMERGENCY MEDICAL SERVICES (EMS) FROM AIR PRODUCTS AND CHEMICALS, INC.

Presented by: Scott Hadley, EMS Director.

RECOMMENDED ACTION: Approve acceptance of the donation and acknowledge Air Products for their generosity and community support and authorize the Chairman to sign a letter of appreciation.

Mr. Scott Hadley, Director, Emergency Medical Services, greeted the Commissioners and said, "Before you for consideration is a donation from Air Products and Chemicals, Inc. located at 6601 South Ridge Road, Haysville, Kansas, in the amount of \$1,500 to Sedgwick County EMS. Air Products [and Chemicals, Inc.] does have a long-standing commitment with community partners to assist in programs that are not normally covered in other budgets. And they've been helping other entities for quite some time, and this year they have selected us to be a partner as well. We plan to use those funds to work towards safety initiatives for providers and patients in the near future, so with that, I'm requesting that the funds, you authorize the Chairman to sign the necessary paperwork, authorize a letter of appreciation to Air Products for their generosity and establish budget authority for that \$1,500. And I'll be happy to answer any questions."

Chairman Norton said, "Commissioner Peterjohn."

MOTION

Commissioner Peterjohn moved to approve acceptance of the donation and acknowledge Air Products for their generosity and community support and authorize the Chairman to sign a letter of appreciation.

Commissioner Skelton seconded the motion.

Commissioner Peterjohn said, "Thank you, Commissioner Skelton. And I'd like to expand upon this for a moment, because Air Products is one of a number of companies I think this year, in the terribly economic difficult times we're going through this year, this is not the first letter that we've had the Chairman to sign. In fact, maybe we've had as many that the Chairman, Commissioner Norton may have had a little bit of writer's cramps from signing so many letters.

"I think it's a good sign for this community. I think it's a good sign for the departments, whether it's, in this case, EMS. I know we've done them for the fire department and others. I think it's a real plus for this community, and it says a lot about the folks who live and work and play here in Sedgwick County, and so I am absolutely pleased to support this motion this morning."

Chairman Norton said, "I see no other lights, Madam Clerk, call the vote."

VOTE

Commissioner Unruh

Aye

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

Chairman Norton said, "Thank you."

Mr. Hadley said, "Thank you."

Chairman Norton said, "Next item."

A motion was made by Commissioner Peterjohn, seconded by Vice Chair Skelton, that this Donation(s) be Approved. The motion carried by the following vote.

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

Present: 0

E [12-0931](#)

CONTRACT WITH SEDGWICK COUNTY AND KANSAS PUBLIC TELECOMMUNICATIONS SERVICES INC. (KPTS) FOR 2013.

Presented by: Kristi Zukovich, Director of Communications and Community Initiatives.

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

Ms. Kristi Zukovich, Director of Communications and Community Initiatives, greeted the Commissioners and said, "I'm here to present the annual contract for services for televising the weekly Commission meetings. We have had a good long relationship with KPTS (Kansas Public Telecommunications Services Inc.) to televise our meetings every Wednesday morning from 9:00 [a.m.] until 11:00 a.m.

"This is, as you know, an opportunity for viewers of all ages to learn about county government and the important business in your meetings, and it helps us provide programs and services for our citizens. From our television feed, we're able to also stream live the meetings on our website. So folks have not only access through KPTS, but because of the television feed, we can stream live on our video Sedgwick County website.

"As you recall during the budget session, we were tasked to think of ways of doing business differently, to be more efficient or to possibly save money, and you were supportive of us pursuing the idea of reducing our meetings by one meeting a month, consolidating agenda items into the other meetings during that month. We are presenting the agreement today with the recommendation that we not have a meeting the last Wednesday of each month.

"We will still address all of the agenda items that we would normally address. We'll just package them into the other meetings during the month. We believe this is beneficial to staff. It may help reduce some of the costs because we believe by having one less meeting, we can do that, and it allows scheduled airtime for KPTS to use for other programming. As you know, it's not unusual for us to cancel meetings during the year, but by trying to say, this particular meeting each month, it might help to provide a little bit of schedule time and notice for others.

"The rates for our contract do not change, so other than reducing one meeting a month, we'll continue to conduct business as usual with KPTS. We'll still be on at 9:00 a.m. on the other Wednesdays of the month, but we believe this is an opportunity and a way for us to meet those challenges that we all have right now and a way for us to maybe be a little bit more efficient. We will of course make the appropriate notifications upon your approval to make sure that the public is aware.

"We'll put notifications on our website, as well, so folks know on that Wednesday of the month we would not have a meeting, and of course, we're always prepared that if you need special meetings, we can film those in-house and then post those to our website, as well. So, lots of opportunities and a different way of doing business, but I'd be happy to answer any questions you have, but would approve, recommend you approve the 2013 KPTS contract with the change of scheduling for each month."

Chairman Norton said, "Kristi, remind me, does it say fourth Wednesday or last

Wednesday?"

Ms. Zukovich said, "It is the last Wednesday of each month."

Chairman Norton said, "So if we have a five Wednesday month, it would be the last, not the fourth?"

Ms. Zukovich said, "Right."

Chairman Norton said, "Okay. I see no other lights. We do not have a motion. I would entertain a motion."

MOTION

Commissioner Skelton moved to approve the contract and authorize the Chairman to sign.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Ms. Zukovich said, "And Commissioners, I have Chris Freshour from KPTS who's here this morning with us."

Chairman Norton said, "Welcome, Chris."

Mr. Chris Freshour, Director of Sales and Marketing, KPTS, greeted the Commissioners and said, "Thank you very much. I'll tell you we value the partnership Channel 8 has with Sedgwick County and the County Commission to deliver these meetings weekly to our viewership and the community that we both serve.

"Open government is what makes the United States a great country, and we believe that broadcast television is still the best way to make these meetings available to everyone. So thank you for your support and continuing this."

Chairman Norton said, "Appreciate it, and we do have some comments. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I would just hasten to add I appreciate KPTS's flexibility when sometimes our meetings have stretched past 11:00 [a.m.] in the morning and very much appreciate your ability to be able to accommodate us when our schedule goes outside that 9:00 [a.m.] to 11:00 a.m. boundary."

Mr. Freshour said, "Thank you."

Chairman Norton said, "All right. Thank you very much. I think we've already taken action, so we're good to go. Madam Clerk, call the next item."

A motion was made by Vice Chair Skelton, seconded by Commissioner Peterjohn, that this Contract be Approved. The motion carried by the following vote.

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

Present: 0

- F [12-0915](#) AN AGREEMENT BETWEEN SEDGWICK COUNTY, THE CITY OF WICHITA AND THE KANSAS DEPARTMENT OF TRANSPORTATION FOR RECONSTRUCTION OF THE I-235/US-54/US-400/KELLOGG AVE INTERCHANGE AND RECONSTRUCTION OF WEST STREET INTERCHANGE. CIP# R-334. DISTRICT 2.
Presented by: David C. Spears, P.E., Director of Public Works/County Engineer.

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

Mr. David C. Spears, Director, Public Works, greeted the Commissioners and said, "In Item F, we are requesting your approval of a three party agreement with KDOT (Kansas Department of Transportation) and City of Wichita for construction of the I[nterstate] -235 and U.S. (United States Highway)-54 interchange project. This project is one of the major transportation projects for South Central Kansas in the T[ransporation] -Works program. KDOT has been working on designs for a four phase long-term program to completely rebuild the interchange. This agreement is for the construction of the first phase commonly referred to by KDOT as the red phase.

"The red phase will include the following improvements, an elevated one lane flyover ramp connecting northbound I-235 to westbound U.S. 54; a two lane flyover ramp from southbound I-235 to eastbound U.S. 54; the removal of the loop ramps in the southwest and northeast quadrants of the interchange; the reconstruction of the loop ramp in the southeast quadrant, that's eastbound U.S. 54 to northbound I-235; a configuration of the eastbound Kellogg ramp to West Street that will also accommodate the two ramps that access eastbound from U.S. 54 and I-235; the addition of auxiliary lanes on southbound and northbound I-235 between U.S. 54 and Central [Road].

"Construction of the red phase is estimated to cost \$116 million. Sedgwick County has committed to provide 10 percent of the construction cost, which is \$11.6 million. KDOT plans to let the project in late 2015. The county CIP (Capital Improvement Plan) has allocated local funding in the amounts of \$4 million in 2016, \$4 million in 2017, and \$3.6 million in 2018 to fund the project. We have negotiated with KDOT and they have agreed to provide 100 percent of our federal funds allocation to the project.

"KDOT currently stated that the federal funding to the county will be \$3.1 million per year. The CIP shows that the balance of the local share will be funded with bonds in the amount of \$2.3 million. The entire project is on the KDOT system, design, right-of-way acquisition, utility relocation, bidding and project administration will all be handled by KDOT.

"Wichita is a party to the agreement because the entire project is in their corporate limits and there are regulatory requirements and project coordination requirements that they must adhere to. The city council approved the agreement on November 20th. We recommend your approval of the agreement."

Chairman Norton said, "We do have some questions. Commissioner Skelton."

Commissioner Skelton said, "Mr. Chairman, I do intend to be supportive of this interlocal agreement. I think in my opinion the appropriate time to decide how to fund

it, using cash or bonds, is not at today's meeting. One note about using cash or bonds, if we use cash now, we're going to use our cash now, and we will, in my opinion, likely have to rely on bonds for future projects, so it's one half dozen of the other on how we pay it. I think it is appropriate for the county to participate in this regional project.

"All the citizens of the City of Wichita pay county taxes along with all the other 19 cities in Sedgwick County, and it's likely that all citizens in the region will use this piece of infrastructure later. Lastly, this things a safety disaster.

Commissioner Skelton continued, "I mean, there's trucks have overturned there, and a lot of unfortunate things that have happened there on a regular basis. So, it's important we get the ball rolling today by approving this interlocal agreement. Those are my comments, sir."

Chairman Norton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. When we discussed this last week, Mr. Spears, there was some discussion about the fact that we've got, this is one of the top, if not the top project that KDOT has provided in their proposal, and there was some question, in terms of how much city funding was actually going to go into this. Do you have any additional information beyond what we have from last week?"

Mr. Spears said, "Yes. I did send an e-mail request to Gary Janzen, City Engineer for Wichita, and got a reply. They have had money in this in the past. They don't have any in this agreement that is before you today, but in the past, they have put in \$1.9 million. They received those funds as earmarks, and then they turned around and gave them back to KDOT to apply to this project. And it's in the form of studies and design and many things that's been done in the past."

Commissioner Peterjohn said, "When you say in the past, are we talking, like, a year or two ago? Are we talking a couple months ago?"

Mr. Spears said, "He did not designate the time frame of that."

Commissioner Peterjohn said, "Okay. One of the concerns I've had and one of the reasons I've been voting, whether it was last week or last year, on this issue, is the fact that the city was not contributing to a project that's inside their city limits. It is an important project, and it does need to get done, I've had some people talk to me about it, both who have supported my position and those who don't. But all of them have said, you know, gee, this is going to take quite a bit of time.

"They won't get started until several years from now, and I've told them it would be the spring of 2016 or sometime in 2016 before we get started. So we've got a lot of time, regardless of what this Commission does this morning, people are not going to see much change in that intersection in the next few years. Correct?"

Mr. Spears said, "Correct."

Commissioner Peterjohn said, "Well, having said that, one of the concerns I had for this is the city has been strongly supportive of doing a very extensive \$50 million project up at 13th [Street] and Zoo Boulevard, have access off of I-235. I believe the bidding on that came in well below the \$50 million. Do you have an exact figure on how

much that came in, Mr. Spears?"

Mr. Spears said, "I do. Bid at KDOT and Dondlinger [and Sons Construction Company] was the low bidder was \$23,111,124.58."

Commissioner Peterjohn said, "Okay, so we're talking about roughly \$27 million below what they had initially expected. So the city is going to have \$27 million that they can put for other projects, and I know they've been intent on doing this half access improvement onto 13th Street and Zoo Boulevard and expanding that interchange, but because of this excellent bid that they've received, they could easily pay the \$11.6 million and have a good deal of money left over by my math. In fact, by my calculations, they could pay for this at least twice over. Correct, Mr. Spears?"

Mr. Spears said, "Well, if you're using those numbers, that they would have had \$50 million in the budget and it cost \$23 [million]. Now, there would also be inspection on to that. Could be at least 10 more percent on that \$23 [million]."

Commissioner Peterjohn said, "I mean, money is fungible, and it can be shifted around. The city's priority had been not the number one priority, which I believe in 18 or 19, is it 18 or 19 counties in the KDOT region that we're in? KDOT has the state split up into six regions, and I think we're in the south central region, and I'm not sure if that covers 18..."

Mr. Spears said, "They go by districts. We're in District 5."

Commissioner Peterjohn said, "Okay, how many counties are in that district?"

Mr. Spears said, "I think it's about 18."

Commissioner Peterjohn said, "18? Okay. So this I-235 and Kellogg is at the top of the list and the city has got little or no resources for it, however they have resources for another project. They are spending money. They get an excellent bid. I would think that if we're prudent as opposed to picking up the cost, I think it would be much better to see if we can visit with our friends across the street at the city and see if we can get, work out an arrangement here where the county, we're going to have to not do a number of projects, and \$11.6 million, you've told me, Mr. Spears, that it's about \$20,000 a year per mile that we need to do on average for road maintenance in Sedgwick County; is that correct?"

Mr. Spears said, "That's probably worst possible case, is \$20[,000], yes."

Commissioner Peterjohn said, "\$20,000. Okay. Well, we've got, what, 580, 600 miles of road in the county road system?"

Mr. Spears said, "You can round it to 600."

Commissioner Peterjohn said, "You know, if I take 580 and multiply it by \$20,000, that's about \$11.6 million a year. If we're going to shift \$4 million out of it, there's a

problem there. And I have another problem, and it's one that we've talked about. It goes back to when I was Chairman in 2010. We had a lot of discussions with a number of cities, not just Wichita, about the fact that when municipalities in Kansas annex up to the annex plan and put it on the city tax rolls, they're supposed to annex the streets to go with it.

"We have, I believe, about 35 miles of road with the City of Wichita that are either county or township road that would qualify and fall where the city is annexed up to the road but not annexed the road. Is that number correct, Mr. Spears?"

Mr. Spears said, "That's right. Twenty-seven and three quarter miles county and the balance is township."

Commissioner Peterjohn said, "Okay. Well, if I use that \$20,000 a mile figure, we're looking at about over a half million dollars a year that the city should be involved in maintaining those roads and not county taxpayers, and part of our county road plan, and if we've got about 27 miles, that's between four or five percent of our total. I won't bring the bridges into the matter, but that's a serious concern, and my vote a year ago and my vote last week reflected those facts and those concerns.

"I think I know where the outcome is going here. We're going to provide the funding for the City of Wichita, and they can go off and do other projects and have other expenditures for their priorities, but my responsibility is to the taxpayers in the entire third district, whether they live in Wichita or someplace else, and my vote today is going to reflect that fact, but I do appreciate getting the facts of this matter onto the record so that it will be available for people viewing this meeting or reading transcripts in the future. Thank you, Mr. Chairman."

Chairman Norton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. David, our, should we go forward with this, our obligation is limited to the \$11.6 [million]. If the costs of the project exceed that, does our participation increase?"

Mr. Spears said, "No. That is the number, and in fact, I double-checked that this morning. If it comes in under, also, our number is still \$11.6. Under or over, it's \$11.6 million, period."

Commissioner Unruh said, "Well, I understand that, in terms of planning, that that's, sometimes you have to arrive at a hard number, that that's how you're going to participate. I just would want to make a comment, without rehashing all of the discussion from a week ago, that I'm supportive of this project. It seems like we're Commissioners for the whole county, and this is part of the road system in our county. I don't see this as a conflict between Sedgwick County and Wichita. I just see it as a project where we've agreed to improve the infrastructure of our county.

"There are two other components in this long range plan that we are not going to be helping fund, but our county citizens will get the benefit, so it just, it seems like this is a reasonable agreement among governments, to both the state, the city, and county to go forward and improve that major arterial road across our county. And so we have sufficient time to plan for it and put it in our budget, and I'm going to be supportive. That's all I have, Mr. Chair."

Chairman Norton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Thank you, Mr. Chair. I'm going to echo much of what my fellow colleagues have said. I want to clarify a few things. I know a lot has been written about this particular issue, I want to make it very clear for the citizens out there. Whether or not this project would go forward was never in doubt, it was never questioned. It was just a matter of what term, an unanimous agreement (inaudible), the issue at hand is how we get there and what's the best way to do it."

"There's a variety of issues were involved there. (Inaudible) One of the things that I tried to do was (inaudible). It doesn't make sense to me for us to go further in debt when it's not necessary. (Inaudible)."

Commissioner Unruh said, "You don't have to start over."

Commissioner Ranzau said, "Are you sure? Well I'll say, yesterday in the staff meeting we discussed this, and I'm going to say I was very surprised and disappointed how it went after having spoken to each of the Commissioners prior, I thought the compromise to make the decision to pay cash now would have been an easy decision to make. But it turned into far more than what I anticipated. I want to address the arguments that I heard yesterday, and a little bit today. I don't believe they hold water."

"Paying cash does not mean we have to pay bonds for any other project. It means we start saving money now, and it saves us money in the long run. The idea that we say we can wait until then to decide if we're going to pay cash is not a practical solution. The fact of the matter is, when you put something in the CIP and it's cash or bonded, that creates an inertia that is very hard, if not impossible, to change."

"I can already hear the arguments years from now, if we say, hey, let's pay for this with cash, the argument would be well, we haven't planned for cash. We haven't saved the money. We've always been planning on doing this and if we were going to do cash, we should have decided that long ago, and that would be a valid argument."

"Making the decision today to pay cash, instead of getting further in debt unnecessarily, I think is a prudent thing to do and a better way to accomplish this task. It's the more practical approach to paying cash for it, because we have several years. We can begin today, and it will have no effect. It doesn't need to have any effect on any of our projects. That being said, as I've stated, this is a worthy project, and I do believe it needs to go forward. I'm going to make a motion that we take the recommended action and approve the agreement, as well as instruct the staff to begin the necessary plans to change the CIP and to save money to provide the additional \$2.3 million in cash."

"That is my motion. That being said, I'm prepared to vote for this project no matter what. I truly believe its better terms to use cash for the remaining portion. But if the majority of this Board is committed to going further in debt for this project, then so be it. It's an important project. I won't like it. I think it's not a wise decision. The terms would not be a wise decision, but I will support this project no matter what, and I encourage my colleagues to reconsider their position on making a decision now, because frankly, we are making a decision today."

"To say we can put it off until the future is not true. We make a decision today one way

or the other. Either we say we're going to borrow money and go further in debt or we say we're just going to pay cash for the project, and that would be my preference. But regardless, I will support this project."

Chairman Norton said, "Commissioner Skelton."

Commissioner Skelton said, "Okay. I appreciate that, Richard. I respect your opinion, sir. But, you know, clearly yesterday when I asked the Manager about cash and bonding, we do have limited amounts of each, so Mr. Manager, can you reiterate our discussion about financing and the opportunity costs of using bonds or cash? Commissioner Skelton continued, "Thank you, sir."

Mr. Buchanan said, "Thank you."

Commissioner Skelton said, "You're welcome."

Mr. Buchanan said, "We have, currently, we have planned to borrow the money for this project in the Capital Improvement Plan. During any given year, we amend the Capital Improvement Plan several times. At any point in time, we can use, change our mind to fund it with either cash, this project either by cash or by bonding. Commissioner Ranzau is right. If we choose to use cash, it helps us do planning differently than if we are going to bond the issue.

"But in both cases, in either case, it appears to me, and we reviewed the finances with Troy Bruun and David Miller, and it appears to all three of us that the Commission can choose to do it any way it wants, and you have chosen to bond it for now and keep, but the options are always open."

Commissioner Skelton said, "So you said if we choose to bond it now it increases our flexibility for future decisions?"

Mr. Buchanan said, "I didn't say that, but that's one way to look at it, yes."

Commissioner Skelton said, "Okay. I thought that's what I heard yesterday morning. You know, other comments, to respond to other comments, I know the City of Wichita has a lot of other responsibilities from parks to flood control, construction of Kellogg. There's hundreds of miles of residential streets that need to be dealt with over in the city.

"So I know that all cities in Sedgwick County do have other expenses on infrastructure, and I'm certainly supportive of Commissioner Peterjohn's approach and have indeed taken action in my district to correct some of the inequities of annexation on roads, on annexations of roads where the city will annex property but not annex the road and leave us to maintain it.

"And I suggest that that has nothing to do with this issue, but we do have the Commission, if there's support, become more aggressive in chasing that topic down, sir. I will definitely be at your side on that. Those are my comments."

Chairman Norton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I appreciate the comments from my colleagues on this issue. I agree with some of them, disagree with others. For

discussion purposes, as you can tell, I have no intention of supporting this motion, but I will, for discussion purposes, I would feel more comfortable with cash funding as opposed to bond funding, and I'll add a reason why that hasn't been mentioned so far.

"In theory, one Commission can't tie the hands of a future Commission. And the final decision on going ahead on this project will not occur until we do our budget for 2016 and sometime in the summer of 2015. I don't know who will be on the Commission at that point in time.

"Hopefully those of us who have just been reelected will be serving out our full terms, but there will be another election between now and then, and even the Kansas Supreme Court has acknowledged that one legislative body can't tie the hands of another, in terms of what will be there in the future, and that's one of the problems and concerns I have with this.

"That's why, for discusses purposes, I'm going to second Commissioner Ranzau's motion for discussion purposes to go with cash funding, because I think that would be more prudent at this point in time. But we may or may not have a majority at this point for going forward. But one of my discomforts with this issue, excuse me, is the fact that we are looking at tying the hand of the Commissioners who will have the privilege of serving on this bench 2.5 years from now. If my math's is right there, or 3.5 years from now, and just let me put it this way, in the summer of 2015.

"So I'll leave it, I'll leave that as a thought going forward, because I think we do need to have a full airing of this issue, because whoever is on this bench at that time may want to come back and look at what we did today, the way I know I've looked back at our discussions and our record from 2011 when this issue first appeared before this Commission."

Chairman Norton said, "Is that it? Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Well, I'm of the opinion that our action today is primarily whether or not to approve this agreement and it is not specifically about how we finance it. We have it in the CIP as bonding. I think that gives us the flexibility that we need without further making a cash requirements on a future Commission.

"So I appreciate the arguments made by Commissioner Ranzau, but I think that we can end up, or the Commission at the time the decision has to be made can end up with a cash solution. So, I won't be supporting this motion. However, I would want to express my genuine appreciation for the Commissioners declaration supportive of this project, and I think we all understand its importance to Sedgwick County and South Central Kansas. So that's all I have, Mr. Chair."

Chairman Norton said, "At this point, I see no other lights. We do have a motion on the floor. If there is no other discussion, Madam Clerk, call the vote."

MOTION

Commissioner Ranzau moved to take recommended action, and approve the agreement, instruct staff to begin necessary plans to change the Capital Improvement Plan, and provide the additional \$2.3 million in cash.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Norton said, "Okay. That motion failed. I would entertain another motion."

Commissioner Skelton said, "I move we take staff's recommended action."

Commissioner Unruh said, "Mr. Chairman, I would be willing to second that motion, but I wish that, or I would be pleased if the Commissioner would make the motion that we approve the agreement subject to review by the Sedgwick County Counselor."

Commissioner Skelton said, "Okay. I will withdraw the motion and the new motion will approve the agreement and authorize the Chairman to sign and have the County Counselor review as necessary."

Commissioner Unruh said, "Subject to review."

Commissioner Skelton said, "Okay. There's my motion, sir."

MOTION

Commissioner Skelton moved to approve the agreement and authorize the Chairman to sign subject to review by the County Counselor if necessary.

Commissioner Unruh seconded the motion.

Chairman Norton said, "We have a motion and a second. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Just for clarification purposes, then this is a question for the County Counselor, has this proposal not been reviewed by your office? Background information I have here says approve the agreement and authorize the Chairman to sign it. Why can't we just provide without that condition?"

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "We have had some ongoing discussions with KDOT about the applicability of the cash basis law and the budget law to this agreement, and those conversations are still occurring.

"And it concerns the ability of the Commissioners to fund or to approve an agreement that has future funding in it, and so we would, the idea behind having the approval is to

allow us to conclude those conversations and make sure that the appropriate language is in the agreement. And it's really just a technicality."

Commissioner Peterjohn said, "If I understand what you're saying, A, the agreement is not final, B, it's not clear that we can provide under the cash basis law as the agreement is currently written, and C, would this come back before us again when those, if there are any changes that come up because of the fact that we don't have the, all the details or maybe all the legal details worked out and that we're in compliance with the state's cash basis law?"

Mr. Euson said, "I don't think it is. We would just insert the appropriate language. I mean, it's very similar to passing a budget saying subject to technical adjustment as made by the Chief Financial Officer."

Commissioner Peterjohn said, "Well, I mean, I've had problems with that too. I hate to get off on digression on the fact that, you know, we meet that condition and then the mill levy can change and drift upwards. So, that's the problem I've had in the past with the budget. But coming back to this, if there's still details that need to be worked out on the contract, should we just, would it be better to maybe hold off for a week or two, get those details worked out and have it brought back before us? I mean, it's not like, this isn't going to provide until 2016."

Mr. Euson said, "Sure, and that's absolutely up to Commissioners and how you want to do it. I'm certainly comfortable with it either way."

Chairman Norton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Mr. Euson, do we, on other occasions, approve contracts subject to review by the Counselor's office?"

Mr. Euson said, "We have done that, yes."

Commissioner Unruh said, "So this is not unusual or out of the ordinary?"

Mr. Euson said, "Not entirely unusual, no."

Commissioner Unruh said, "Mr. Chairman, my opinion would be, is that we have debated this and had opportunity for input by different members of our community on whether we should go forward with it or not. I think we need to go ahead and approve this agreement subject to review by the County Counselor's office. That's all I have."

Chairman Norton said, "Commissioner Skelton."

Commissioner Skelton said, "I agree with that. I don't think there's any reason to pick apart this issue like a crow standing at a dumpster. We need to move forward with this and serve the citizens that have elected us. Those are my comments."

Chairman Norton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Well, I'll say I'm okay with going ahead today, but I would like Rich, at some point, to come by and talk with me in more detail both on what, more specifically on what the issues are and what the solution is likely to be."

Mr. Euson said, "I would be glad to."

Commissioner Ranzau said, "Thank you."

Chairman Norton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'd like to attend that meeting with Commissioner Ranzau, if I could, Mr. Euson. And just state for the record, I mean, we took, all of us took oaths to defend the Constitution of the State of Kansas and laws of the State of Kansa.

Commissioner Peterjohn continued, "And if we're potentially not in full compliance with the cash basis law, which is therefore an important reason and has been there, it's another reason for us not to proceed with haste, especially since time is not a crucial factor, as been provided.

"Having said that, I realize full well that we're going to proceed, but I disagree that being in compliance with the law is trying to unduly pick things apart. That's a colorful metaphor, but I think we have a higher obligation, in terms of making sure that we are operating in full compliance with, whether it's a state or federal statute since this project involves money from both of those sources. I would like to make sure that we would have our i's dotted and t's crossed, and that's another reason for my vote, Mr. Chairman. Thank you."

Chairman Norton said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Mr. Counselor, the way this motion is stated and on the assumption of bonding, we are not in violation of any state cash laws?"

Mr. Euson said, "I agree, that's correct."

Commissioner Unruh said, "Thank you."

Chairman Norton said, "Mr. Counselor, if we take action today, until a contract is signed and an agreement is signed by the Chairman, it doesn't take action; is that correct?"

Mr. Euson said, "Yes, that's correct."

Chairman Norton said, "So all the legal details will be worked out before I will sign that; is that correct?"

Mr. Euson said, "Yes, sir."

Chairman Norton said, "And that's been the protocol and procedure for how many years?"

Mr. Euson said, "As long as I've been here."

Chairman Norton said, "Okay. It's not an official thing until the Chairman signs it duly authored by the Commission and reviewed by the Counselor. I see no problems with this. Madam Clerk, call the vote."

VOTE

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

Chairman Norton said, "Thank you, David."

Mr. Spears said, "Thank you."

Chairman Norton said, "Next item."

CONSENT

- G** [12-0382](#) Consideration of a grant in the amount of \$108,000 for operations costs for the Juvenile Detention Facility.
- H** [12-0918](#) Memorandum of Agreement between McConnell AFB and Sedgwick County EMS.
- I** [12-0909](#) Amendment to an Agreement with FirstWatch for quality surveillance software.
- J** [12-0934](#) Addendum to the current Contract for Administrative Services for a Self-Insured Dental Program with Delta Dental of Kansas; Terms and Conditions offered to extend the current contract to 2016 with no administrative rate increase.
- K** [12-0881](#) Retail Dealer's Cereal Malt Beverage License Application for Cheney Lanes, /D'Mario's Pizza located at 1635 S. 383rd Street West, Cheney, Kansas 67025.
- L** [12-0882](#) Retail Dealer's Cereal Malt Beverage License Application for Clearwater Golf Course, LLC. located at 14100 West 95th Street South, Clearwater, Kansas 67026.
- M** [12-0883](#) Retail Dealer's Cereal Malt Beverage License Application for Kwik Shop #706 located at 3601 E. 47th Street South, Wichita, Kansas 67210.
- N** [12-0928](#) Retail Dealer's Cereal Malt Beverage License Application for Quik Trip #392 located at 4621 E. 47th Street South, Wichita, Kansas 67210.
- O** [12-0929](#) Retail Dealer's Cereal Malt Beverage License Application for Bomber Burger located at 4860 S. Clifton, Wichita, Kansas 67216.

- P [12-0930](#) Retail Dealer's Cereal Malt Beverage License Applicaiton for Sedgwick County Zoological Society, Inc. located at 5555 Zoo Blvd, Wichita, Kansas 67212.
- Q [12-0936](#) Retail Dealer's Cereal Malt Beverage License Application for Clonmel Pit Stop Grill & Flea Market located at 7015 S. 183rd Street West, Viola, Kansas 67149. (On Premise).
- R [12-0937](#) Retail Dealer's Cereal Malt Beverage License Application for Clonmel Pit Stop Grill & Flea Market located at 7015 S. 183rd Street West, Viola, Kansas 67149. (Off Premise).
- S [12-0938](#) Retail Dealer's Cereal Malt Beverage License Application for Viola Groceries located at 26320 W K-42 Highway, Viola, Kansas 67149.
- T [11-1325](#) General Bill Check Register.

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

MOTION

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

A motion was made by Commissioner Unruh, seconded by Vice Chair Skelton, that this Consent be Adopt the Consent Agenda. The motion carried by the following vote.

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

Present: 0

OFF AGENDA ITEM

Chairman Norton said, "Next is 'Other'. We do have an Executive Session. Oh, do we have an Off Agenda Item?"

Commissioner Skelton said, "Yes, that's correct."

Chairman Norton said, "We do have an Off Agenda Item to take today Commissioners, and I would entertain a motion to add that to our agenda."

MOTION

Commissioner Skelton moved to take the Off Agenda Item.

Commissioner Unruh seconded the motion.

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

VOTE

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

Mr. Euson said, "You have before you two resolutions, one appointing Tim Norton and the other appointing Commissioner Jim Skeleton to the Wichita-Sedgwick County Comprehensive Plan Steering Committee. These appointments expire when the committee has completed its work, and I would recommend that you adopt these resolutions."

MOTION

Commissioner Skelton moved to approve the resolutions.

Commissioner Unruh seconded the motion.

Chairman Norton said, "Okay. We have a motion and a second. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I, as an Off Agenda Item coming up, we had some discussion on staff, I think it was, several weeks ago, in terms of who was going to get these appointments and how it was going to go forward. Obviously it's up to this Commission to do it and not staff. But when I found out the names, and here we are with these appointments, I thought I'd kind of just make an understanding, a question I'd have, and looking at the cover and the background sheet, is there any time limit for these appointments, and if so, how long is it?"

Mr. Euson said, "Commissioner, there is no time limit, and it's just until the work of the committee is completed."

Commissioner Peterjohn said, "Well, because one of the concerns I have going forward, and I haven't been shy about expressing my concerns, in terms of the comprehensive plan is, we've got, also we've got the Visioneers, and they're doing their planning. We've got the sustainability group doing their planning. I guess before we proceed in supporting this, I would be interested to hear from our two appointments, Commissioner Norton and Commissioner Skelton, in terms of how we prioritize these various planning groups and who is going to be taking the lead and who will be in charge of whether it's our next, I don't know, five-year plan, 20 year plan, or however part of the time frame works.

"I think Visioneers use a 20 year plan. I don't know what the comprehensive planning group is doing. REAPs (Regional Economic Area Partnership) effort with the sustainability group I think is going to come back with us in a year or two with their next step for implementations. I would be interested in hearing my colleagues' comments in terms of where we are with this before we proceed, if they have any comments."

Chairman Norton said, "Well, first of all, we haven't voted, so I'm not the appointed person on the comprehensive plan yet. I do have thoughts about the comprehensive plan. I worked on it as the Mayor of Haysville many years ago when they did it, the last comprehensive plan. It is an arduous process. It has to do with growth of our community, land use planning, all the things that go with that. It's just a guideline for where the community will grow in a comprehensive manner. It does not address the same kinds of issues as the sustainability group will work on, nor the Visioneering group.

"There may be some overlap of thought and people, but truthfully, they are different kinds of documents by different entities that will not deal with the same kinds of issues. I see no problem with us having appointees to that comprehensive plan. And personally I wanted to be on there because I've gone through the process before. I understand it. I think it's important. It's important for not only the City of Wichita but for small cities, and I have been an advocate for small cities. I'm a small city guy, and I think it's important that we have somebody that understands that as an appointee. So, I am an advocate for the appointment. I don't know if Commissioner Skeleton wants to..."

Commissioner Skelton said, "Well, I just have served on a lot of planning committees over the years. You know, I spent six years on the BZA (Board of Zoning Appeals), and that is a zoning and planning related board. You know, I've taken part in the quad cities plan as Chairman, which we're still working on. I participated in the south central plan, and I accomplished many of the goals of the south area plan while on the city council. So I'm all about learning and getting into this and finding out what it's about. So when that happens, I'll be glad to tell you."

Chairman Norton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, thank you, Mr. Chairman. I appreciate both your comments, and background information, because the whole discussions we've had earlier went to the fact that the initial comprehensive plan group didn't include anyone from the smaller communities, and that was remedied, and the fact is that any elected officials that are involved in any one of those three organizations will be in the minority. We have a lot more appointed folks than elected folks who will be serving on those bodies, and I thought it would be important to have the discussions about this as part of the record going forward, because I frankly, I would disagree with the idea that there isn't an overlap.

"When the sustainability group comes back with their proposals I can see an awful lot of overlap, with both the comprehensive plan and when I participate in Visioneering activities almost a decade ago or maybe it even was a decade ago, there was a lot of, I could see a lot of overlap between the areas where the comprehensive plan is going as well as the sustainability group. But I do appreciate your comments this morning and getting this on the record. Thank you."

Chairman Norton said, "Commissioner Ranzau."

Commissioner Ranzau said, "Well, I'll support this motion, although I'm disappointed that other Commissioners haven't had the opportunity to be involved in this and perhaps other committees. If nothing else, I think it's important to have a diversity of thought on some of these issues. I think in a lot of ways you don't necessarily have that, but I understand you want to go down a certain road. It's probably best to be participating.

"But nevertheless, I'll support it. And I guess we'll have to keep it, I'm concerned about this and the sustainability committee both. Of the significant, I mean, if it goes down the wrong road, it could have a significant negative impact on our communities. I will continue to watch this and encourage citizens to watch this as well. Hopefully it's a benign process, but it doesn't necessarily have to be, and that's my concern. I'll watch it going forward. Thank you, Mr. Chairman."

Chairman Norton said, "I see no other lights. So Madam Clerk, please call the vote."

VOTE

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

Chairman Norton said, "We are now to 'Other'. We will, let's do other and then we'll come back to the Executive Session. Commission Peterjohn."

OTHER

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'd like to provide an update because of the trends that continue and I've reported on in the past continue, in terms of the number of folks who are in custody of the Sheriff. At the moment, as of this morning, there were 1,354. There were 1,041 in the main jail facility, 133 in Work Release and out of county there were 180.

Commissioner Peterjohn continued, "And the Sheriff's Office has classified them for security purposes and broken it down into these categories: there were 412 in maximum security classification; 492, in the medium; 34 in protective custody; 49 in the special housing unit; and 311 in minimum security.

"On a much lighter note, I want to, we mentioned at the very beginning of this meeting the decorations that are up here in the Commission chamber room. Frankly, I'd like to take a minute in this other section and talk about, if folks who are as chronologically gifted as myself remember going to the downtown shopping stores when they used to have the beautiful window displays and those sorts of decorations and Christmas way back in the past, well, if you come to the Sedgwick County courthouse, the decorations that we have in front of us here are just a small part.

"The Christmas trees and other decorations that are in our lobby, it truly looks like I remember some of those shopping stores would have way back in the 20th century days when I was a good deal younger, and we mentioned Lela Albright and Eula West, and they have done a fabulous job, but they also had help from Keith Albright, Barbara Moody and Carrie Seyam, and I wanted to recommend all five of those folks. I'd like to recommend to the Chairman we ought to pass a resolution thanking them for this truly voluntary effort, and urge the citizenry if they want to get in the Christmas spirit to come on down to the Sedgwick County courthouse and check out the decorations that we have in the lobby, because it does take me back, and it's a wonderful event, and it really brings the holiday season back into the equation.

"I'd also like to add, in terms of other, that last week we had a number of legislators and legislators elect in to talk about the [Judge James V. Riddel] Boys Ranch. I went out with a number of legislators to tour that facility last week. I think that that was a very positive educational experience for everyone involved. Thank you, Mr. Chairman."

Chairman Norton said, "Thank you. I see no other lights. We do have an Executive Session. I would entertain a motion."

MOTION

Commissioner Skelton moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with Legal Counsel on matters privileged in the attorney-client relationship relating to pending claims and litigation and legal advice, and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:25 a.m.

Commissioner Unruh seconded the motion.

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

VOTE

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

The Board of County Commissioners recessed into Executive Session at 10:13 a.m. and returned at 10:26 a.m.

EXECUTIVE SESSION

Chairman Norton said, "We are back from Executive Session, there was no binding action taken in our Executive Session. Mr. Counselor, is there anything else to come before us?"

Mr. Euson said, "No, sir."

Chairman Norton said, "And the Manager's moved on, so we have nothing else today. In that case, we're adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:26 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

*JAMES B. SKELTON, Chairman
Fifth District*

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

*TIM R. NORTON, Commissioner
Second District*

*KARL PETERJOHN, Commissioner
Third District*

*RICHARD RANZAU, Commissioner
Fourth District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
