

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, July 24, 2013

9:00 AM

BOCC Meeting Room

Board of Sedgwick County Commissioners

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

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

Phone: (316) 660-7058, TDD: Kansas Relay at 711 or 800-766-3777

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

ORDER OF BUSINESS

CALL MEETING TO ORDER

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:04 a.m. on Wednesday, July 24, 2013, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James B. Skelton, with the following present: Chair Pro Tem Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Commissioner Richard Ranzau; Mr. William P. Buchanan, County Manager; Mr. Richard Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Randy Bargdill, Interim Director, Human Resources; Deputy Michael Buss, Detention Deputy, Sheriff's Office; Ms. Karen Bailey, Chief Deputy Clerk; Mr. John L. Schlegel, Director, Metropolitan Area Planning Department; Mr. Chris Chronis, Chief Financial Officer; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Jim Weber, Deputy Director, Public Works; Ms. Linda Kizzire, Sedgwick County Treasurer; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Scott Hadley, Director, Emergency Medical Services; Ms. Annette Graham, Director, Department on Aging; Ms. Claudia Blackburn, Director, Health Department; Ms. Susan Wilson, Healthy Babies Program Manager, Health Department; Mr. Justin Waggoner, Assistant County Counselor; Mr. Joe Thomas, Director, Purchasing; Ms. Kristi Zukovich, Director, Communications; and Ms. Amanda Lee, Deputy County Clerk.

GUESTS

*Ms. Terri Moses, Appointee, Sedgwick County Juvenile Corrections Advisory Board
Mr. Hank Cocking, 22215 West 29th Street, Wichita
Mr. John Todd, 1559 Payne, Wichita
Ms. Susan Estes, 151 South Whittier, Wichita
Mr. Lonny Wright, 1721 South Lulu, Wichita
Mr. Don Landis, 6610 East 10th, Wichita
Mr. Joel Pile, City Administrator, City of Valley Center
Ms. Cornelia Stevens, South Central Region Director, Kansas Children's Service League*

INVOCATION

Led by Pastor Bruce Thomas, Glenville Baptist Church

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES

- A** [13-0557](#) REGULAR MEETING MINUTES OF JUNE 19, 2013.
All Commissioners were present.

Chairman Skelton said, "Commissioners, you have reviewed the minutes. Are there any corrections?"

MOTION

Commissioner Norton moved to approve the Regular Meeting Minutes of June 19, 2013.

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Chairman Skelton said, "Next item, please."

Approved

RETIREMENTS

B

[13-0999](#)

PRESENTATION OF A RETIREMENT CLOCK TO MICHAEL BUSS.
Presented by: Randy Bargdill, Interim Director, Human Resources.

RECOMMENDED ACTION: Present the clock.

Michael Buss, Detention Deputy, Sheriff's Office, will retire August 1, 2013 after 15 years of service.

Mr. Randy Bargdill, Interim Director, Human Resources, greeted the Commissioners and said, "This morning, we are honoring Deputy Michael Buss from the Sheriff's Office, who will be retiring August the 1st after 15 years of dedicated service. Michael graduated from recruit school in April of 1998, and in May of 2007, received a bronze wreath of meritorious service conduct. I reached out to the Sheriff's Office and I asked them, I said what kind of deputy is Mr. Buss? And I received several admirable comments. Mike is a hard worker and does an outstanding job. He is a self-starter and makes good decisions. This behavior has been consistent throughout his career with the Sedgwick County Sheriff's Office. Deputy Buss's best asset is his communication skills. He communicates very well with inmates, co-workers and supervision.

"He has deescalated situations with problem inmates through his outstanding communication skills. Deputy Buss has always upheld the Sedgwick County Sheriff's Office core of values of integrity, duty, ethics, attitude, leadership, and service. Deputy Buss has served Sedgwick County for 15 years, and will be missed. I think that's a great tribute, and with that, I am going to call Deputy Buss to the podium to receive his certificate and his clock."

Chairman Skelton said, "Deputy Buss, good morning. How are you this morning, sir?"

Deputy Michael Buss, Detention Deputy, Sheriff's Office, greeted the Commissioners and said, "Pretty good, yourself?"

Chairman Skelton said, "I'm doing well, thank you. Says here you've been around since 17, February [19]98. Does it seem like a long time to go you to you?"

Deputy Buss said, "Sure doesn't. Time goes by fast."

Chairman Skelton said, "Time went by fast for you. Well, you are a veteran, what branch of service did you serve in?"

Deputy Buss said, "I served in the (United States) Air Force for 21 years, retired and then came to work for the Sheriff."

Chairman Skelton said, "Okay. Thank you for your service to this country, sir. You are retiring in good health. Well, what are the options there, sir, tell me?"

Deputy Buss said, "I don't know. Good health is good health. Move on and enjoy life now for a while."

Chairman Skelton said, "Your wife called and said you spend too much time on the computer. What is going on with that?"

Deputy Buss said, "I do like to sit behind the computer and browse the internet."

Chairman Skelton said, "Okay. That's good."

Deputy Buss said, "Spend too much time there, but that will change I suppose."

Chairman Skelton said, "Maybe you should call her back for me, please."

Deputy Buss said, "I will."

Chairman Skelton said, "Okay, all right. Well, you know, in 1998 the best Oscar film was Shakespeare In Love. I don't know that I've ever seen that movie."

Deputy Buss said, "I don't think I have, either."

Chairman Skelton said, "I thought he always was in love, so I don't know the relevance of that. But number one song was Nice and Slow by Usher. Can you recall that one?"

Deputy Buss said, "Not really."

Chairman Skelton said, "Okay. I can remember a stamp was 32 cents and the Walt Disney World opened an Animal Kingdom in Orlando. And did you know in [19]98 Google was launched? So there's your computer thing right there for you."

Deputy Buss said, "Must be, that's where I got hooked."

Chairman Skelton said, "That's where the universe might come together with Google. All right. Well, congratulations, sir."

Deputy Buss said, "Thank you."

Chairman Skelton said, "I would like to present you with this retirement clock today."

Deputy Buss said, "Thank you."

Chairman Skelton said, "And I wish you good health and your certificate of retirement. Wish you continued good health and good fortune, sir, and God bless you, sir."

Deputy Buss said, "Thank you."

Chairman Skelton said, "Have a great day, sir."

Deputy Buss said, "You too. Thank you for the opportunity, Sheriff, to work for the Sheriff's Department and to work for the county. It's been a very good job. Been a very good career and I'm very grateful for it. I don't know what else to say, but, except thank you. And thank you again."

Chairman Skelton said, "Appreciate it. Thank you. Madam Clerk, next item."

APPOINTMENTS

- C** [13-0565](#) RESOLUTION APPOINTING TERRI MOSES (BOARD OF COUNTY COMMISSION AT-LARGE APPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.
Presented by: Richard Euson, County Counselor.

RECOMMENDED ACTION: Adopt the resolution.

Attachments: [Moses, Terri S., at-large.072413.pdf](#)

Mr. Richard Euson, County Counselor, greeted the Commissioners and said, "Commissioners, this is a three-year appointment to this board, and we prepared a resolution which I recommend you adopt."

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

MOTION

Commissioner Unruh moved to adopt the resolution.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Skelton said, "Thank you. Next item. Oh, I'm sorry. Madam Clerk, could you please swear Terri in, please. Thanks for bringing that to my attention."

Ms. Karen Bailey, Chief Deputy Clerk, greeted the Commissioners and said, "I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Juvenile Corrections Advisory Board, so help me God."

Ms. Terri Moses, Appointee, Sedgwick County Juvenile Corrections Advisory Board, greeted the Commissioners and said, "I will. Thank you. I just a thank you for the appointment. I've been part of the advisory board since its inception in [19]99. Took a hiatus, but certainly very passionate about juvenile justice issues and hope to continue to represent the community in this manner. Thank you for the appointment."

Chairman Skelton said, "Thank you for willing to serve. Okay, Madam Clerk, next item, please."

Adopted

PLANNING DEPARTMENT

- D** [13-0563](#) CON2013-00012 - CONDITIONAL USE FOR A BOARDING, BREEDING AND TRAINING KENNEL ON PROPERTY ZONED RR RURAL RESIDENTIAL (RR); GENERALLY LOCATED WEST OF 215TH STREET WEST, ON THE SOUTH SIDE OF 29TH STREET NORTH. (DISTRICT 3).
Presented by: John L. Schlegel, Director of Planning.

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the Conditional Use subject to the conditions recommended by the MAPC, and authorize the Chairman to sign the resolution.

Attachments: [CON2013-00012 Resolution.pdf](#)
 [CON2013-00012 Site Plan.pdf](#)
 [CON2013-00012 Addendum #1 to Site Plan.pdf](#)
 [CON2013-00012 Addendum #2 to Site Plan.pdf](#)
 [CON2013-00012 Map of Location.pdf](#)
 [CON2013-00012 Protest Map.pdf](#)
 [CON2013-12 6-20-13 MAPC MIN EXCERPT.doc](#)

VISUAL PRESENTATION

Mr. John L. Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Here to present this case to you. The applicants are seeking this conditional use for a boarding, breeding, training kennel, for a maximum of 12 dogs. As you can see on the zoning map that's up for you now, the property is zoned rural residential, as well as all the surrounding property. What they are intending to do is add onto an existing structure."

"The 12 kennels that you see on the left-hand side of that structure, the structure labeled 40 x 60 Morton Building is the existing structure. This would be added onto the immediate west of that structure.

"And you can see that the 12 kennels would be indoors with outdoor runs attached immediately to the left of the kennels. The kennel outdoor runs would be fenced with, partially with concrete block in order to screen the dogs from one another, and in order, with the intent of helping to reduce noise. This is an elevation view of the existing structure, the larger one and then immediately to the right of that is the new proposed structure where the kennels would be located. What I have put up before you now is the site plan for the property. You can see 29th Street North on the north side of this property, with the driveways coming in from that to their home. And to the existing structure and the proposed kennels just to the east of their home. Let me get the arrow going here. The kennels would be located right here.

"So in essence, the existing structure would provide some screening of the new kennel structure from the neighboring property. In addition to the kennels and their proposing two training areas, one would be in between the house and the new structure, and then another training area out in the large backyard. They do require two waivers in order to go along with this conditional use, if you're inclined to approve it today. The first waiver would be of the minimum property size, which in the standard in the code is five acres, and their lot size is 4.55 acres. The second waiver would be for the required setback from any other dwelling unit, other than the dwelling unit on the property. And you can see on the site plan that the edge of the, this neighbor's dwelling unit is over here, and although this is labeled at 160 feet, it was recalculated at 170 feet, so the waiver would be to reduce that from the 200 foot standard in the zoning code, to the 170 feet that they are proposing.

"The item did go to the [Metropolitan Area] Planning Commission (MAPC), at its meeting on June 20th, and at the meeting the Planning Commission did vote by 9-2 with one abstention to recommend approval of this request with the conditions that are listed out in your agenda backup report. Condition number one would grant the two waivers that they are requesting in order to allow for this conditional use. We did have one citizen, one neighbor who attended the Planning Commission public hearing, and raised some concerns about noise and odor and the character of the dogs and whether or not they would be a danger to the neighborhood.

"We also have a protest petition from two of the neighbors, which represent almost 40 percent of the notification area, so that would have an impact on the vote today, in order to approve this request today, you would have to have a super majority vote of four in favor. So with that, I will be glad to take any question. I believe that the applicant is here, if you have any questions for the applicant, and I don't know whether any of the neighbors are here or not, and maybe something that you want to ask."

Chairman Skelton said, "Okay. Would the applicant raise their hand, please? Is there anybody who is a neighbor of the applicant who wishes to make any comments that is present? Okay. I don't see anybody present. So if the applicant would like to make any comments, I would recognize you at this time."

Mr. Hank Cocking, 22215 West 29th, Wichita, greeted the Commissioners and said, "This kennel that we're building is, the inside is going to be heated and air..."

Chairman Skelton said, "Sir, I do apologize. Just for the record we ask that you are state your name and address."

Mr. Cocking said, "My name is Hank Cocking."

Chairman Skelton said, "And your address, sir?"

Mr. Cocking said, "22215 West 29th Street."

Chairman Skelton said, "Very good, thank you, sir."

Mr. Cocking said, "This kennel that we are building is going to have, it is going to be inside, 5 x 5, have a walkway before the kennel, and it will all be heated and air conditioned inside that portion. The block, it will have a four-inch block wall separating each kennel with fencing on top of it to cover the top and sides, and it will have a gate coming into that walkway area. The outside will run, it will have a door that is very secure. Kind of, the ones we have been researching are the ones that Tanganyika [Wildlife Park] uses, it runs out to the outside. It's 5 x 5 area there, it's also got four inch block that goes four foot high, both are four foot high, and it has fencing on top of it.

"So, and it will have fencing on top all sides and gate on the front. The neighbors are going to be shielded, not only with that for the noise, but also the existing building will shield any noise going back to the east. The front of this building will shield any view of this kennel from the roadway, and the view to the west will be shielded by my residence. I'm also going to put, for security purposes, which had been talked about, although these are going to be locked..."

Mr. Schlegel said, "Let's put the site plan up on the screen so they can see it."

Mr. Cocking said, "I don't know if you can see. This area right here is going to have an additional fence that comes around here and connects here, so if the dog would happen to get out, there would be an additional six-foot fence to contain the dogs. As I said, and also it will have a cover that will go over the top coming from the existing building, which will enclose the inside and go over the top of the outdoor portion so the dogs will have shade, and it will have a security system on it for fire and theft, and I will have a camera system that I will be able to monitor on my cell phone at all times."

Chairman Skelton said, "Thank you. Are there any questions of the applicant? There's no questions, thank you, sir. All right, with the presentation being made, is there any other comments by staff? Do you have any other conditional comments, sir?"

Mr. Schelegewl said, "I have no other comments."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. John, if we can jump back to the slide that showed the protest area, I think there are a total of, there we go. I think there's seven parcels within there. Am I looking at that correctly, or is it eight? I am a little bit shaky on the very thin parcel that seems to run from, it's the second one west of the applicant's property. How many parcels are in this protest area, John? Can you clarify that for me, please?"

Mr. Schlegel said, "I count nine."

Commissioner Peterjohn said, "Oh, you've got nine?"

Mr. Schlegel said, "I'm including that long narrow strip, which is probably some sort of access right-of-way, or easement of some type."

Commissioner Peterjohn said, "Okay. I was getting a somewhat smaller number, but I wasn't sure."

Mr. Schlegel said, "I'm counting on the neighbor to the north. That's two separate parcels."

Commissioner Peterjohn said, "Two separate parcels to the neighbor to the north."

Mr. Schlegel said, "Right. You can see the parcel lines there. I was counting both of those. Although it is under single, that's all one property owner."

Commissioner Peterjohn said, "Do you know how many property owners there are in the total, in the entire protest area?"

Mr. Schlegel said, "I think seven."

Commissioner Peterjohn said, "You think seven? Okay. Okay. So two out of, if we had a protest from two out of the seven. Do you know if all these lots are owner occupied at this point in time?"

Mr. Schlegel said, "I don't know that. My guess would be that most of them would be."

Commissioner Peterjohn said, "I've driven by there, but I am a little shaky, in terms of recollecting the houses. I assume the one to the north was one large parcel."

Mr. Schlegel said, "Yeah. Well, maybe if I switch over to the aerial photo. There. You can see the location of the residence on the north side of 29th."

Commissioner Peterjohn said, "Okay. Thank you, Mr. Chairman. That's the questions I have at this point."

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

Commissioner Unruh said, "Thank you, Mr. Chairman. I just want to declare for the record before we call for a vote on this that I had ex parte communication with the applicant a couple months ago at a social function. But, you know, reserved all judgments and opinions until our discussion here at the bench. That's all I have."

Chairman Skelton said, "Okay. Any other comments or motions by Commissioners? Commissioner Peterjohn."

Commissioner Peterjohn said, "Mr. Chairman, I was going to say that in terms of ex parte communications, I have not spoken with either the applicant or any of the landowners in this connected area. At the appropriate time I would be ready to make a motion."

Chairman Skelton said, "Is there any other discussion? Commissioner Peterjohn."

Commissioner Peterjohn said, "Okay, thank you."

MOTION

Commissioner Peterjohn moved to adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the Conditional Use subject to the conditions recommended by the MAPC, and authorize the Chairman to sign the resolution.

Commissioner Norton seconded the motion.

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

VOTE

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

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

Approved

NEW BUSINESS

- E** [13-0566](#) APPROVAL OF A RESOLUTION AUTHORIZING A FORGIVABLE LOAN TO TRIUMPH AEROSPACE SYSTEMS-WICHITA, INC. OF WICHITA FOR ECONOMIC DEVELOPMENT INCENTIVES, AND AUTHORIZING THE INTRA-FUND TRANSFER OF BUDGET AUTHORITY.
Presented by: Sherdeill Brethett, Economic Development Coordinator.

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

Attachments: [forgivable loan resolution - Triumph](#)
[Forgivable Loan Agreement - Triumph- 071213.pdf](#)

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "Triumph Aerospace Systems-Wichita [Inc.] is a company that's located here in Wichita and Sedgwick County. It was founded as Lee Aerospace in 1989. It has gone through several owners, and several iterations of name in the years since then, became Triumph Aerospace Systems-Wichita in June of 2006. Little over a year ago Triumph [Aerospace Systems-Wichita, Inc.] began negotiating with an original equipment manufacturer (OEM) based in Canada, a company called Viking [Air Limited], and Triumph began negotiating with Triumph to obtain a contract that would provide some work on a plane that is manufactured by Viking that is used extensively in rugged areas of the world, in Alaska, Africa, northern Canada, so forth.

"The plane is well suited for search and rescue, border patrol, special missions, and regional commuter transport. There are no U.S. Companies that were competing for that work. Triumph was the only one.

"They were in competition with companies, other suppliers located in Eastern Europe, Taiwan, China, and India, and additionally, the OEM Viking had the option of continuing to do the work at its own facilities in Canada. In about February of this year, Triumph approached the Greater Wichita Economic Development Coalition (GWEDC) and asked if there was any way that the coalition and the members of the coalition could assist Triumph in competing for that contract. And on that basis, we, Sedgwick County, and the City of Wichita, each agreed to offer the company a \$78,000 forgivable loan, contingent on the company's achievement of certain employment and capital investment commitments.

"The company now has accepted our offer, subject to approval of the two governing bodies, and the action that's before you is approval of the forgivable loan by Sedgwick County. The company just found out late last week, as I understand, that they were successful in winning the contract, and because of that, over the next five years, expects to add 100 jobs to its Wichita Workforce [Alliance of South Central Kansas], which currently stands at approximately 180 jobs at a facility located on 34th Street North. In addition to the hundred jobs, which pay an average of \$40,684 per year, the company has committed in the loan agreement to capital investment of at least \$2 million to pay for tooling costs, the installation of small equipment, and assembly jigs that would be used in the production of the new fuselage for that aircraft in Canada. The agreement that's before you is virtually identical to other forgivable loan agreements that we've brought to you.

"It provides a forgivable loan to the company of \$78,000 that would be forgiven in annual installments over a five year period, if the company achieves its commitments of adding at least 20 jobs per year, total of 100 jobs over the five year period at the wages that I identified, and investing at least \$2 million in the community in the form of the equipment and tooling and so forth at the facility. The company has said it intends actually to invest nearly \$2.5 million, and in the agenda summary, I identified for you the various components that the company has said it would need to acquire in order to fulfill the terms of that contract. We have run the proposed forgivable loan through the benefit cost model that we use that was developed by Wichita State University (WSU). And that model has produced a return to the county, a present value of benefits to present value of costs of 1.31 to 1. And that of course is measured over a 10 year period, as we always do.

"The company has clawback provisions contained in the loan, through which or because of which, if the company failed to fulfill its commitments under the agreement, it would be required to repay all or a portion of the loan. And depending on the nature of the default, the failure to comply, it might also be obligated to pay interest at the rate of 12 percent per year on the unforgiven portion of the loan. I would be happy to answer any questions that you have about this transaction. I understand that Commissioner Skelton did a tour of the facility yesterday, and was pretty impressed by what he saw, and I am not sure, I don't believe the rest of you were able to take that tour. But again, I would be happy to answer any questions that you might have about this transaction. If you have no questions, I would recommend approval of the agreement before you."

Chairman Skelton said, "Mr. Chronis, is there, on \$2 million capital improvement that they are scheduled to purchase, are there any tax abatements associated with that?"

Mr. Chronis said, "No, there are not. I'm sorry, I should have mentioned that."

Chairman Skelton said, "So they will be paying sales tax? Or property tax?"

Mr. Chronis said, "They will be paying property taxes on their facility. The equipment that is proposed to be purchased is not taxable in the State of Kansas. It is not subject to property taxes."

Chairman Skelton said, "Okay. Okay, right, right. Okay, that was my question. Any other questions, comments by Commissioners, please? Before I recognize any members of the public, Commissioner Peterjohn, please."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Chris, could you clarify for me, you said the agreement during the term of this loan, are we talking 10 years?"

Mr. Chronis said, "The agreement provides for a five year clawback. I think that's the question you're getting to. At the end of five years, the company has committed to achieve total employment of at least 100 more than the base of 185, I believe it is, that is contained in the agreement, and they have agreed to make the capital investment that I said. If they fail to fulfill those agreements, within the five year period, they would be subject to clawback provisions."

Commissioner Peterjohn said, "Okay. So, let me make sure I understand this. You mentioned the \$78,000 figure. Is this going to be paid out all at once and if so, is it in 2013 or is it spread out. I know in the past we've done some of these where they've been spread out over a number of years."

Mr. Chronis said, "Because the company is using it to defray a portion of the costs of the initial investment required to obtain the tooling and equipment to fulfill the contract, we will be paying the money to the company in a lump sum at the start of the transaction, depending on when the company needs the money. Whether it will be, I anticipate it will be this year. But it won't be before the company is ready to receive it."

Commissioner Peterjohn said, "Okay. So it would be a lump sum payment."

Mr. Chronis said, "Yes."

Commissioner Peterjohn said, "That's what you're saying. So we would make a lump sum payment, we've got a five year contract?"

Mr. Chronis said, "Yes."

Commissioner Peterjohn said, "With the clawback provisions. We've calculated it for 10 years, in terms of, to get to the 1.31 to 1..."

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

Commissioner Peterjohn said, "...calculation. And did we do a calculation on the return using the model for five years?"

Mr. Chronis said, "WSU did produce it for us, I don't believe I brought it, I'm sorry, but they did produce for us an estimate of the benefit to cost ratio at each year during the 10 year cycle so we could see how the benefit grew over time. The, what we're doing with these transactions is bringing both the public costs, the loan and if there is one, a tax abatement, and the public benefits in the form of additional taxes, additional economic activity in the community, we're bringing all that back to a present value. Because we're paying the loan amount at the front end of the agreement and the company is adding the jobs over time during the agreement, it naturally takes a fair amount of time to accumulate those benefits in it relation to the initial cost on a present value basis. And so what WSU has done for us is produce a chart that identifies that growth of the present value of benefits to costs over the 10 year period."

Commissioner Peterjohn said, "Okay. Because walk me through, if the five year agreement that's in the background sheet that I've got that's part of the contract shows an increase of 20 jobs per year, if they make 20 jobs in the first year, and we make the full payment, they don't make it in the second year, then they make it in the third year, how will that work, in terms of the clawbacks, since we're looking at a payment up front, but we've got a five year performance provision on the contract."

Mr. Chronis said, "At the end of the contract, we will look to see how the company has performed. We'll monitor the performance each year during the contract. At the end of the contract, we will determine what their cumulative performance was, and based on that we will determine if a clawback is required, and if so, how much. Using the example you cited, if the company added 20 jobs in year one, didn't add 20 jobs, any jobs, in year two, and then added 20 jobs each of year three, four, five, using that example, the county would have forgiven 80 percent of the loan and the company would owe us 20 percent of the original \$78,000 payment."

Commissioner Peterjohn said, "Okay, so roughly a little over \$15,000."

Mr. Chronis said, "Yes."

Commissioner Peterjohn said, "Those are all the questions I have at this point. Thank you, Mr. Chairman."

Chairman Skelton said, "You're welcome."

Commissioner Peterjohn said, "I look forward to hearing from the public."

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

Commissioner Ranzau said, "Yes. Let me clarify a couple things on that. This money is used to help them make a more competitive bid?"

Mr. Chronis said, "Yes."

Commissioner Ranzau said, "On a clawback provision, or on the return on investment, it takes 10 years to get return on the investment to 1.31."

Mr. Chronis said, "Yes."

Commissioner Ranzau said, "What provisions so we have in place to ensure that we get that return on investment? Do we have adequate..."

Mr. Chronis said, "After five years, we would no longer monitor the company, and the company would not be obligated to continue employment."

Commissioner Ranzau said, "And if they did..."

Mr. Chronis said, "Our expectation, however, is that the company will continue to have those jobs and probably more..."

Commissioner Ranzau said, "I understand..."

Mr. Chronis said, "...because of the nature of the product that they are going to be producing."

Commissioner Ranzau said, "That's the expectation. If something changes and they don't, then we won't get that return on investment."

Mr. Chronis said, "That would be correct."

Commissioner Ranzau said, "So we don't truly have adequate mechanisms in place to ensure we get that mechanism, or return on investment over a 10 year period."

Mr. Chronis said, "That would be correct."

Commissioner Ranzau said, "How long is the contract for?"

Mr. Chronis said, "As I responded to Commissioner Peterjohn, the contract..."

Commissioner Ranzau said, "No, the contract they got. They were rewarded..."

Mr. Chronis said, "Oh, I'm sorry, I don't know the answer to the question."

Commissioner Ranzau said, "Okay, all right. So, that's all I have right now."

Chairman Skelton said, "Okay. Well, I've got comments, but that's fine. I'll just save them. Is there any other comments by Commissioners before I recognize anybody that wants to speak in the public? Who wishes to speak today, can I see a show of hands, please? Okay. Three people? Okay, thank you. Please just state your name and address for the record. Thank you."

Mr. John Todd, 1559 Payne, Wichita, greeted the Commissioners and said, "I rise today to speak in opposition to the forgivable loan you are considering today for a company whose name I will not mention because I would oppose free money out of the public treasury for any company coming before this Commission asking for non-earned economic assistance. A democracy cannot survive as a permanent form of government, because when people discover they can vote themselves money out of the public treasury, they will bankrupt it. I have heard variation of this quote from several different sources, Alexander Tyler is one of them. In 1887, President Grover Cleveland vetoed a bill that would have given \$10,000 for seed money to farmers in drought-stricken Texas, saying something to the effect that he could not be a party to taking money out of the treasury to benefit one group of people at the expense of another group, no matter how worthy the cause."

"Stating it is the responsibility of citizens to support their government, and not the responsibility of government to support the people.

"In today's world, voting money out of the public treasury, the federal treasury is routine, and most people I know, including several members of this County Commission, think the massive federal debt that is piling up is unsustainable and is leading to the economic collapse of our country, along with the demise of the liberty of our people, and that is us. I believe local government has become a microcosm of the federal government in the forgivable loan or conditional grant you are considering today is a fine example of this same type of government largesse. And Sedgwick County has the opportunity to move away from this failed economic thinking by voting against giving away the people's money out of the county treasury. Please take a look at the cartoon I have asked the County Manager to pass out to you today showing the lemmings. You notice the lemmings are in pairs. These lemmings represent cities and counties, local governmental units marching down this hill into the water to their certain demise and destruction. I am going to call Sedgwick County the lemming that has the life support here. We are going to be the exceptional lemming and we are not going to follow the herd.

"And a quote on this is appropriate. This is by Mark Twain, 'Whenever you find yourself on the side of the majority, it is time to pause and reflect.' I believe the independence of this one lemming also reflects the nature of the entrepreneurial spirit that has led individuals in our community to create the Pizza Huts, Rent-A-Centers, Cessna's [Aircraft Company], Learjet, Koch Industries, along with the hundreds of other successful independently owned businesses that make our community prosperous and exceptional.

"These fine examples of entrepreneurial success teaches that exceptional people in any field or endeavor almost always do the exact opposite of what 98 percent of their competitors do. Can they buy a business with gifts and bribes to their customers, and always offer the cheapest price? Absolutely not. They know how to add value to their products by capitalizing on the creation of exceptional products, coupled with offering excellent customer service that sets them apart from the competition. They most certainly do not have a follow the herd mentality.

"I believe it is time for the citizens in Wichita and Sedgwick County to move forward by putting a sales marketing program in place titled 'Capitalizing on Exceptionalism-A new chapter in Wichita-Sedgwick County.' To make the concept work, we must enlist the support of the key, wealth-producing and connected people of influence in our community, as well as every day hard-working citizen, entrepreneurs, and we have to convince and believe that Wichita/Sedgwick County can be exceptional. We have to change the entitlement mentality that permeates the social and business segments of our whole country and this community.

"Wichita and Sedgwick County can be different and we can be the exceptional example of economic prosperity for other cities and counties to emulate. If we can move away from the entitlement attitude and get the government out of the way, our private sector entrepreneurs can match anyone in this country. And all this can be achieved by rejecting the business welfare trap we've fallen into and by following Charles Koch's fine example of principal entrepreneurship. Today you have the opportunity to kick start this capitalizing on exceptional movement in Wichita, Sedgwick County, by rejecting this request for free money out of the people's treasury. Thank you."

Chairman Skelton said, "Thank you, sir. Next speaker, please."

Ms. Susan Estes, 151 South Whittier, Wichita, greeted the Commissioners and said, "I frequently come up here and say that when a company, even a great company like Triumph, I've seen their facilities, I think they are a very good company. But every time a company comes up here, I say this is just a symptom of the problem. It is a symptom that our local companies are finding our tax burden and regulations too burdensome for them to be competitive, and I keep saying, you know, we need to help all the companies. So today I would like to expand a little bit on why I believe that this is the wrong prescription for the problem that we keep, that I keep seeing, and diagnosing.

"Every time we collect taxes, we take money out of our economy that is getting spent by local businesses, rather to reinvest, hire more employees, expand and then we redirect it to one company. Therefore I end up seeing our selective awarding of the incentives versus what would have happened anyway as a wash. I really can't say that we've done, actually added anything new that wouldn't have happened if we had lowered our mill levy by an equal amount to what we're awarding out in incentives. Instead we've, through our good intentions, because we very much want to help our economy grow, we just helped to pick winners and losers. That's my take, I tie this very much to your upcoming conversation next week on the budget. Instead of let's help this person here and there, and let's remember all the businesses around our you county that also struggling, families that are struggling, and let's continue the good work you've done on the mill levy, let's continue to drop it down more so all of our businesses can be competitive. I will be happy to take any questions."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Question for you, or in fact maybe Mr. Todd, if either of you have an answer for it, I'd appreciate it. Do you have any information, in terms of how Sedgwick County's economic growth has performed? We have been doing this model for quite a while, and I know every year GWEDC holds a meeting where they talk about successes that they have had, but I know our local unemployment continues to lag behind. We are better than the national average, but, unfortunately, below the state average.

"I mean, I know from hearing from some experts in this area, they talked about monitoring closely how you've performed, in terms of what you've been doing on this. Do you have any evidence on how Sedgwick County is performing compared to anyone else on a county or regional basis?"

Ms. Estes said, "Sadly, I have very little for you. I would be happy to explain why for a couple of reasons. It is very difficult to track, because a lot of times you see the return on investment based on the original numbers that are published. Such and such company plans to hire x number of people. Nobody ever goes back and readjusts the projections on those benefits based on what they were able to do. Infonxx is a great example of that, promised 900, they really tried to get there, they never were able to find enough of the right people and then smart phones came out and they are no longer in business. So it gets very hard to track that.

"And sometimes when I ask for information so that we make those measurements, I am told they are not available. I would say you might turn to Mr. Weeks, because he did look at, while given all the money we've put into downtown Wichita, what have property values done. He had some interesting information, but I really don't feel qualified to elaborate on that. I can tell you on a statewide basis that we continue to be much higher than our neighboring states."

Commissioner Peterjohn said, "You mean, in terms of unemployment?"

Ms. Estes said, "In terms of things that drive economic prosperity. Our sales tax is higher than our neighboring states, and I have a chart that I can provide you later, every single category of taxes that you might want to track. We're usually the second highest. The only one that's higher than us is Nebraska. But at least Nebraska can say they don't have debt."

Commissioner Peterjohn said, "I used to produce some charts like that myself, but let me kind of play devil's advocate here for the moment, because we are looking at a hundred jobs, paying a little over \$40,000 a year that would be phased in over time. We have an unemployment rate in the aircraft sector that has been an area where we have struggled. The question I have for you is, you know, what would be a better alternative than following the model we're following here today, because we have got a company that's looking at investing almost \$2.5 million, as well as adding these jobs into the local community, and that's a real challenge for any elected official to come back with. And I'd say compared with some other, I can think of some other economic development proposals where they've offered a lot more than basically \$156,000 that the city and county are looking at providing here, I think there's maybe some state money added in on this, too. But it's very modest compared to some other projects. I am thinking of one in the Topeka area."

Ms. Estes said, "I think your point is a very good one, because all of you guys sacrifice out of your personal life and your family to come up and serve, and all of you do it because you want to make Sedgwick County a better place. So even those who I disagree with how we get there, I respect the job that you do. And I know it's important to you. But at the end of the day, I would come back to the point that when you offer selective incentives, you are not really adding anything new, because you are just taking money out of your, from your tax base, you're just taking it out of your local economy and moving it around. I think we can all bring to mind certain headlines, certain economic development failures, and it would take a lot of work. And I think it is frankly a long time overdue to go through and do a comprehensive analysis of what is the real net advantage and disadvantage of what we've done, or do, because I think we work hard to do something good."

"But when I look at it, I really can't be convinced that we actually are. And every time a good company comes to you and says I need help staying in business, I need help being competitive; we have to look at the broader issues. And we have to look at where Kansas is positioned, where Sedgwick County is positioned. It is more laborious to get things started here in Sedgwick County than Kingman County. I kind of see a lot going on in Kingman County. We ought to take look at what they're doing and become competitive across the board for all our business in town."

Commissioner Peterjohn said, "Well the state passed a provision that put Kingman and a number of other small Kansas counties in much better shape compared to Sedgwick County, although the mill levy for Sedgwick County I believe is still well below. And I'm counting total mill levy, or average mill levy, including all taxing units is better in Sedgwick County than it is in Kingman. Let me ask you..."

Ms. Estes said, "The advantage that Kingman has, is they have made it much easier, the paperwork end of starting a business in Kingman much easier than it is in Sedgwick County. That's the specific item I was referring to."

Commissioner Peterjohn said, "Oh, okay, well maybe that is something we can and should be working on. Do you have any information, in terms of how Kansas corporate income taxes compare with the surrounding states, in terms of maximum rate?"

Ms. Estes said, "I don't have that information in front of me, but I believe, again, with our neighboring states, we're the second highest. But I would have to go back and look at that, given the new adjustments we've made. So perhaps rather than giving you an answer on the fly, I could come back to you again and give you a documented answer."

Commissioner Peterjohn said, "Thank you."

Chairman Skelton said, "Okay, thank you."

Ms. Estes said, "And John, did you, were you trying to answer Karl with this?"

Chairman Skelton said, "I have a question for Mr. Todd. I like this cartoon, I got to tell you, sir, pretty interesting. What is a lemming? I mean, I'm learning something new every day."

Mr. Todd said, "It's a small rodent. It was made popular by a cartoon that was drawn by Disney that showed all the lemmings go off the cliff for no apparent reason. So it is kind of a play on that."

Chairman Skelton said, "They are an actual species."

Mr. Todd said, "Yes."

Chairman Skelton said, "Interesting. Okay well, thank you very much. Appreciate this and yes, I do agree."

Mr. Todd said, "I hope so."

Chairman Skelton said, "You must always check your thinking. Thank you. Okay, other comments by Commissioners? Do we have one more comment from the public? Two more? Go ahead. Next."

Mr. Lonny Wright, 1721 South Lulu, Wichita, greeted the Commissioners and said, "I support jobs. If a person has a job, that's one of the most important things they can have in why their life. They've got a chance at life. They can have a family, they can do something. Governments all over the world for hundreds of years have helped private business create jobs, create economics. I don't think it is time for us to stop. And this is a loan. We're getting back the money."

"This isn't an expense that's taken from taxpayers. We may not get the money directly from that person, but as far as the impact on the budget, we get more. We get the 1.3. Yes, there is no guarantees. There's no guarantees in the stock market or business, but we do have some clawbacks. I think the proper thing to do for the Commission is say yes to receiving more money and receiving these jobs for our citizens. Thank you."

Chairman Skelton said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you for coming down and testifying, Mr. Wright, if I may ask you, the proposal before us here is for \$78,000 and creating 100 jobs, so that's about \$700 per job over the five years. If you don't view this as an expenditure, are we spending the right amount, are we spending too much, too little or what's your thoughts on that? How do you pick company A receiving this as opposed to company B or C?"

Mr. Wright said, "You asked me two questions. Let me go to the second part. I don't think it's a choose. I think if they qualify, I think we've got this procedure, and it is open to any business. If they feel they need that to make their idea work, it is not that we're saying yes to this one and no to this one. And I don't know what the right number is. I don't look at it as buying a job, although I think that's an observation that needs to be included in evaluating it. I think the simple thing is, it means more money for the budget, and it means more jobs for our jurisdiction."

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

Chairman Skelton said, "Okay. I don't see any other questions. Thank you."

Mr. Don Landis, 6610 East 10th, Wichita, greeted the Commissioners and said, "When Chris said identical to other loans, I thought here we go again. Interest-free loans. What is the track record of previous loans. Commissioner Peterjohn has brought that matter up and I think we need to address that long term. Look back, we're told today we are going to be there for 5 years, but payback is in 10 years. We don't know that what is going to happen there. Are these going to be new jobs, with new workers, or are these going to be jobs populated by people who worked over here, and now they see a better job, they go over there? Is there really a net gain on that? Or just simply shuffling deck chairs on the Titanic?"

"So, shall we give these interest free loans? It is interest free, unless they go out of business, in which case we are going to charge them 12 percent. I read that part of the agreement. Otherwise, we are going to forgive it if they give the jobs. Otherwise, if they don't meet those, it will be interest-free. Should we give those to all employers who promise to expand jobs? I think we need to level the playing field. Either we give it to all or we give it to none. Thank you."

Chairman Skelton said, "Okay. Any questions, please? Thank you, sir. Okay. Is there any other comments? I don't see any comments by the public. So bring the discussion back to the bench. Commissioner Peterjohn, please?"

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Question for Chris. Wanted to find out, in the past I know we've voted on similar types of packages for other companies. I can think of at least one case where we did approve a forgivable loan and then the company eventually went down the line and said, no, we don't want it, don't need it and basically gave it back to us."

Commissioner Peterjohn continued, "Actually I can think of a couple cases, although I wasn't on the bench for one of them, where there was a benefit provided. Do we have an assurance at all that this is definitely going to be sought and requested by the applicant, or by the company?"

Mr. Chronis said, "It already has been, which is why the agreement is before you. The transactions that I think you are recalling weren't situations where we approved a loan for a company, and then the company said, well I don't need that, give it back. Those were instances where the company recognized that it was going to be unable to fulfill the terms of the agreement, and so rather than waiting until the end of the agreement to be asked for the clawback, the company did the right thing, and said I am not going to be able to fulfill my end of the bargain, here's your money back."

Commissioner Peterjohn said, "Okay. That wasn't quite the way I remembered it in one of the two cases. But, I'll let that go. Let me ask a slightly different question. The background information I've got here, in terms of incentive policy wage comparison, NAICS (North American Industry Classification System) showed an average of \$47,073 per year, and the proposal before us is roughly about a little over \$6,000 less than that. I was curious if Chris or if there's any proponents here who could talk about, you know, is this the best value since this appears to me to be approving an agreement here for positions that pay less than the industry average in this area."

Mr. Chronis said, "That is true. We would be providing jobs that pay less than the industry average for that industry sector."

Commissioner Peterjohn said, "And let me make sure I understand it. This \$40,684, it says year at the end of the term, so would the starting salaries be below that for the first year?"

Mr. Chronis said, "No, the ramp up in the number of jobs and in the mix of jobs is what requires us to look at the entire period to figure out what the average is per job. This will be a mix, as I said, a little bit above that, in the agenda summary, this is a mix of direct labor jobs that pay between \$15 and \$20 per hour and salaried jobs that pay \$50,000 to \$80,000 a year. And the salary jobs don't necessarily get added at the same frequency or at the same rate as the direct jobs, and so you have to look at the entire 100 jobs in order to figure out what the weighted average is."

Commissioner Peterjohn said, "When it says \$40,684 divide it, well, per year at the end of the term, and that's why I wanted, end of the term, I want to understand, is that the 1st year, 5th year, 10th year or some other point in time?"

Mr. Chronis said, "I would say it's at any point during the deal. That's the best average that we have."

Commissioner Peterjohn said, "Okay. Because I haven't fully inspected the contract to try and go through it specifically for that, and I just wanted to make sure. Thank you, Mr. Chairman."

Chairman Skelton said, "Yes, sir. Additional comments, questions or motions, please? Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Just a couple comments. First of all, I want to let it be known that I forgive my good friend John Todd for comparing me to a rat."

Chairman Skelton said, "A rat...okay."

Mr. Chronis said, "At least he gave you a lifesaver."

Commissioner Unruh said, "And I also want to commend Mrs. Estes for recognizing the fact that no matter what the decision here, she recognizes that we are trying to do something good for our community, and I appreciate that. For 40 years, my, I ran a small business, you know, from 20 to 30 employees, and it's tough every day, and I developed a political and social and governmental philosophy that was very, very conservative. And theoretically, I'm still very conservative in my political thought. I realize, though, in this particular position I'm in now, there is a certain pragmatism required here. And I know that as a government official I have said, along with probably all my colleagues and almost every other government person that we're really concerned about jobs. And jobs is the number one priority. We want to try to help create jobs."

"In this particular environment we're in, sometimes creating jobs requires us to compete in the practical world. It would be better if folks competing for jobs and businesses and these opportunities did not get involved in incentives. That would be much better and I would prefer that. The truth of the matter is we have to sometimes provide incentives, subsidies, abatements, whatever category it falls in, in order to compete to secure the job or the company that we have, that we're trying to win the contest, in economic development issues. Sedgwick County has recognized that, and we have budgeted in our budget and our approved budget a certain amount of money for economic development incentives. So we've planned, we know we are going to have to do this sometimes. We have to be judicious in doing this."

"It seems like we are, pressed upon to make the best decision possible to do the most amount of good with our economic development budget monies. The City of Wichita is in the same position. They are partnering in this particular effort. The State of Kansas, to my understanding, is also partnering in this particular effort, unless my information is incorrect, but I think that they are also working, state government is working with the local government, trying to secure these jobs. So jobs is important, and I am persuaded at this point that since we budgeted for it, it is the nature of the competition, providing these jobs is important, that my inclination is to be supportive of this. That's all I had, Mr. Chair."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. Well, I want to say, I agree with Commissioner Unruh. We need to take...don't get your hopes up too much now, we need to take a pragmatic approach, a practical approach that's fact-based. And that's what I am going to do today and I want to present a few facts. First of all, it is well established, and a Commissioner said, we have to provide targeted incentives to compete. Research says otherwise. It's very clear, and I have asked people to provide me different alternatives or research that says otherwise and I've not yet been able to get anyone to do it."

Commissioner Ranzau continued, "But the research shows that these types of incentives don't do what they say they are going to do. They only work about 10 percent of the time. Because they are based on the premise that if we didn't do it, it wouldn't happen, and that's a false premise. The vast majority of this would happen anyway. So we don't have to take a targeted approach to this. We can take a more generalized approach and create a tax structure that applies to everyone so that, for example, Chris, you said this company won't pay property taxes on machinery and equipment is that right?"

Mr. Chronis said, "Yes."

Commissioner Ranzau said, "That's as a result of a change of state law a few back."

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

Commissioner Ranzau said, "And do they have to apply for this?"

Mr. Chronis said, "I'm sorry?"

Commissioner Ranzau said, "Do they have to apply for this?"

Mr. Chronis said, "For?"

Commissioner Ranzau said, "For not having to pay property taxes on this."

Mr. Chronis said, "No."

Commissioner Ranzau said, "Because it applies to everyone across the board statewide. You don't have to ask for it. Nobody had to ask for it. Not even the small businessman who might only be able to create one job, who wouldn't qualify for this assistance. We wouldn't give them the time of day if you were only creating one job. But we know the dynamics of our society, and job growth is created by small businesses creating one or two jobs at a time. But yet we focus on this targeted approach for a few key individuals, and in the long run, that's a flawed policy."

"I believe from a practical matter, if you truly want to compete, you do things like the state did with respect to not having to pay property tax for machinery and equipment. Some of the things they are doing at the income tax level, okay, that applies to everybody, or all small businesses. Has other states scared to death for what we're doing here, because the jobs are being created and people are coming here on their own, we don't have to go out to every single little specific business. Okay, 60 to 70 percent of jobs are created by small businesses, the vast majority of which will never even see the light of day in one of these proposals. But that's where the strength of our economy comes from."

"So if you want to be practical, that is a way to invigorate our economy. Unfortunately the state is taking the leadership role and doing some things on the state level that in the long run will, I believe, help us. Beyond that, a few other pragmatic issues that I'd like to bring up with this specific deal that I think are problematic. First of all, we are giving our citizens money to another entity so they can make a competitive bid. Is that a proper role of government? I believe the answer is no. I don't think anyone here would sit here and try to argue that point and say that is actually a proper role of government. It is not."

"There are thousands and thousands of businesses out there who don't have the opportunity. I don't suppose my fellow Commissioner, Dave Unruh, ever got a forgivable loan when he was working hard to make his business a success.

"Second of all, one of the biggest challenges for businesses are labor costs, okay. And we're being told that we need the \$78,000 to make the bid more competitive. By my calculation, they could reduce their labor cost by 13 cents an hour and make up for \$78,000. So they clearly have the power to adjust their rate structure, their wage structure and not even need this money. That tells me that it's not really needed.

"Second of all, or lastly, and this should be a deal breaker and I think this is a flaw in our economic development policy and I have suggested to my fellow Commissioners we change it as soon as possible. You know, we say that we are going to get this return on investment, but it's based on 10 years, clawback is only 5 years, and as Chris said, we actually do not have adequate protection to ensure that we get that clawback. No one in a private business would operate that way. You're not going to have a bank that gives you a 30 year loan but only protects it's investment for 15 years that would allow you then after 15 years to not make the payment.

"So, I think that's a fatal flaw, amongst other things. I don't believe this sort of thing is necessary to promote growth. I think it's actually counter-productive. You spend all this time, you know, talking about this stuff instead of looking at other issues. Ms. Estes talked about the paperwork in Kingman, you know, I've had developers here tell me that it's like night and day doing business with, for example, Park City and Wichita. You want to get something done in Park City, it's so much easier, so much quicker. Why don't we spend time, and effort and money into investing why that is? What can we do to create a better business environment that way, here in Wichita?

"We're driving businesses out of Wichita to Park City. There has to be a reason why. Let's address those issues. Those are important issues we can deal with right here and now. But it would be difficult, it would be time-consuming, and, you know, when you do those sorts of things, the jobs just happen. Kind of like if you build it, they will come. If you create a good environment, it just happens. You don't have the photo opportunities that we do now and all this other stuff. It is truly the best way in the long run to promote economic growth. That's why from a pragmatic point of view I will have to oppose this today. Thank you."

*Chairman Skelton said, "Other comments by Commissioners, please?
Chris...Commissioner Peterjohn."*

Commissioner Peterjohn said, "Mr. Chairman, I didn't want to interrupt you, you looked like you had a thought so, please complete it."

Chairman Skelton said, "Okay, sure, absolutely, thank you. Chris, why is it that we would have a 10 year benefit period but only monitor 5 years of that? Is there a reason for that? Clawback provisions would be, you know, eligible to be enacted for only half that time period."

Mr. Chronis said, "If there is a reason for it, I have no idea what it is."

Chairman Skelton said, "Okay. Well..."

Mr. Chronis said, "That's simply the model that has been used for, since longer than I've been with the county."

Chairman Skelton said, "Well, I do agree that maybe we need to take a look at that. I think that's a good point. You know, if we have mathematical equation that stretches 10 years, we sure need to monitor and make sure that does add up at the end of the time period, and I do believe that. But we can talk about it and if there's reasons not to do that, I would like to hear them. I would also agree with Commissioner Ranzau that we have a long way to go in making economic development easier and quicker and more streamlined and less of a headache for people here in Wichita and Sedgwick County that want to invest and locate businesses here, because I know that I have received complaints for years that it is difficult here, and easier in other parts of the country. Those are comments I have right now. I would recognize Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chair. I wanted to provide the public with reasons why I am going to vote the way I am today. Let me begin by stating clearly for the record, I mean, my priority is to try and grow and expand jobs in our community. If it has an ancillary effect outside Sedgwick County, that's great, too. Doesn't matter to me whether they are in Cheney or in Wichita, or for that matter, whether they are in Valley Center, Derby, Mulvane, even, Mr. Chairman, Bel Aire or Haysville. But having said that, you know, I am uncomfortable with the paradigm that we're in, and in some ways would like to try and break it."

"Now having said that, the case we have in front of us involves a company that is great corporate citizen. Triumph Aerospace Systems, I have not toured their facility, but I did go online and do some research and try to get more information about the company, and they are quite a distinguished company and great corporate citizen here in this community, and regardless of how this vote goes today, I want to wish them all the best. I want to walk through some of the things that I see are the pros and cons as I evaluate the measure that we have in front of us. We've got a proposal here before us that will be followed up with proposals from the state and the city that are tied together here, and there's, frankly, we are in a need to compete."

"We need to be in a competition, we are in a competition, and we have some real strengths here, whether commute time, residential housing prices, or the fact that our credit rating is better than the federal government at a time when large local governmental bodies are filing for bankruptcy. I won't mention any names. We have the challenge today, in terms of, you know, if we don't proceed with this, you know, what's the risk, in terms of for this going forward. I am concerned when we have the proposals come to us, I mean, they are vetted, GWEDCs board comes and provides suggestions to us, and they crank the model, the opaque model that CEDBR (Center for Economic Development and Business Research) has. I have concerns about the fact that our 1.31 is over 10 years, and I suspect if we ran it for 5 years it would be less than that."

"I agree with the Chairman when he talked about it, that we need to look at the fact that we're having our 5 year and 10 year variance and working at it, the compelling argument is, we need to, you know, here are 100 jobs, albeit over 5 years, that would come online with this proposal, having said that the average is below what that industry category is provided."

"So when I cast my vote, I am using these issues and criteria, but I really want to see if there's a way that we can make ourselves more competitive and we can break out of this problem of a select few who manage and meet the criteria, getting the these breaks if they come before us. But having looked at the bigger pictures side of things, when you've got investments around \$2.5 million in capital spending, \$78,000 is, you are talking about roughly 3 percent, and if you add in the city's share, at 6 [percent], I am not sure the state's side. Chris, do you have that number available on what the states kicking in?"

Mr. Chronis said, "I have been told that the state's offer to the company was \$250,000 in the form of training assistance."

Commissioner Peterjohn said, "Okay. Well, that's certainly a much bigger contribution than the city and state, city and county's portion when combined. So, those are all factors in my criteria and how I am planning to vote today. Thank you, Mr. Chairman."

Chairman Skelton said, "Yes, sir. Thank you. Alright, any other discussion and/or motion, please?"

MOTION

Commissioner Unruh moved to approve the resolution and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

VOTE

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

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

Approved

F [13-0562](#)

FINDING IN PETITION FOR DE-ANNEXATION FROM THE CITY OF VALLEY CENTER.

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

RECOMMENDED ACTION: Make the required statutory finding(s).

Attachments:

[RanchosPetition_20130710](#)

[Valley Center Petition for De-Annexation Filed April 23, 2013](#)

[Notice of Finding Valley Center Ord No 1090 05](#)

[Streetlight Policy](#)

[ID Service Plan for annex](#)

[Valley Center Phase 1 annexation map](#)

[Valley Center Water and sewer](#)

[pHASE 3](#)

[Phase 2 Annexations](#)

[County Commission deannexation letter](#)

[Al Hobson](#)

[City Councilman Letter](#)

[Follow-up Letter](#)

[Bob_Sonya Hamblin](#)

[Pamela Herr](#)

[Sam Herr](#)

[Brad Johnson](#)

[Melvin_Carol Kincheloe](#)

[Deanna Plank](#)

[Kevin Plank](#)

[Doug_Jodi_Jake_Patricia Kirkland](#)

[Edward_Julie Seidl](#)

[AL_Floris Blocher](#)

[John_Becky Oliver](#)

[Dillard_Roberta Duerksen](#)

[Rustin_Jennifer Siemens](#)

[Donald_Sandra Wille](#)

[Mark Koehn](#)

[Stacy_Denise Lacy](#)

[Tommy_Judith Randel](#)

[Sharon Trax](#)

[Arthur_Betty Wood](#)

[Jacques Fluker 2](#)

[Jarene Fluker](#)

[Douglas Powell](#)

[Roseann Cade](#)

[Donna Lowe](#)

[Jacques Fluker](#)

[Ranchos Del Rio SS-WL Concept](#)

[Ranchos Del Rio SS and WL](#)

VISUAL PRESENTATION

Mr. Robert W. Parnacott, Assistant County Counselor, greeted the Commissioners and said, "I will go over a little of the background here and then we'll get to the discussion, I suppose. The map up on the screen shows the two subdivisions involved, Ranchos Del Rio and Ranchos Del Rio II, they were annexed into the City of Valley Center in 2005. In 2010, you held a post-annexation hearing to determine whether they had provided services in accordance with the plan. That was required by statute. You made a finding at that time that they had failed to provide services in three areas: animal control, streetlights, and the road maintenance issues. The land owners end, or the city's end had a 2.5 year period that they were required to provide those services, at the end of the 2.5 year period, any landowner could petition you for another hearing on the basis of claiming that they had not provided those services during the 2.5 years.

"You received that petition in April. You held your public hearing in June, on June 5th. You received testimony at that time, you had some materials in the record that we also presented some photos and some documentary evidence. At the end of the public hearing, you closed the public hearing that allowed for 30 day written comment period that ended July 5th. We received a number of written comments, they were received by the [County] Clerk and were available at the Clerk's office and online and made available to the city, as well as the landowners through emails. The written comment period ended, and at that point we needed to bring it back to you, because you have a statutory requirement that you make a finding now based on your review of the 2.5 year period, in light of all the evidence presented during the public hearing and through the written submissions, whether or not the city has provided those services, the animal control services, streetlight services and road maintenance services over that 2.5 year period. Looking at the 2.5 year period as a whole, and not any individual circumstances, but trying to look at it as a holistic review.

"So you have these options today under the statute. You can, based on the evidence, if you determine that the city has provided those services, you may make a finding in that vein, and then you will, that will be all you need to do. If you determine, however, based on the evidence that the city has not provided services, you have two options at that point. One, if you don't think there will be any adverse impact, you can make a, you can issue an order that de-annexes these two subdivisions except for the four parcels that did not sign the petition. You can order that the city de-annex those parcels and that would be effective immediately. The city could appeal that order, of course. But if they don't, then it comes out of the city. The city has to wait a year before they can re-annex it. They would have to go back to the process of developing a service plan and then proceeding through the regular annexation procedure.

"However, if you make the finding that the city did not provide the services, but you think there might be some adverse impact by ordering de-annexation, then you would not order de-annexation and you would make that finding that even though the city has not provided services, de-annexation is inappropriate because of some adverse impact on the area and on the city. I will stand for further questions. And if not, then you should discuss this and make your findings."

Chairman Skelton said, "Okay, Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. You mentioned this decision we could make today can be appealed. To whom and how?"

Mr. Parnacott said, "It would be appealed from here to the district court, they would have to file a lawsuit depending on which side prevails and which sides loses, in this matter whether it's the landowners or the city. Either side has a right to appeal that to the district court. It would be reviewed like other types of zoning, and annexation matters that you had challenged based on whether or not you made your finding on substantial competent evidence and then whether it was a reasonable decision, I suppose."

Commissioner Peterjohn said, "Regardless of which way we decide this issue this morning, does the county become a participant in any appeal?"

Mr. Parnacott said, "The appeal or the lawsuit would be filed against the Board of County Commissioners of Sedgwick County, because you are the ones making the finding. So, yes, you would be the party, the defendant in the case."

Commissioner Peterjohn said, "Regardless of which way we decide."

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

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

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. Bob, so if we find in favor of the city today, do we have any further oversight in this issue from this point forward?"

Mr. Parnacott said, "No."

Commissioner Ranzau said, "If we find in favor of the petitioners and order de-annexation, the city could file a lawsuit, can they just re-annex them again?"

Mr. Parnacott said, "They would be able to re-annex them after one year. There's been a change in the law. This annexation occurred before the change in the law. The new law says they would have to wait three years, I think. Now, they would have the opportunity to re-annex this property, these properties, one year after the close of the litigation, or one year after the issuance of your order."

Commissioner Ranzau said, "Okay. That's all I have for now, Mr. Chairman."

Chairman Skelton said, "Okay, thank you. Are there any other comments, questions? Motions?"

Commissioner Peterjohn said, "Mr. Chairman?"

Chairman Skelton said, "Yes."

Commissioner Peterjohn said, "I don't have a motion, but we've received a whole bunch of material attachments in our background."

"Do we need to do anything to officially enter the material that's been presented to us since this is a quasi-judicial type of thing, into the proceedings before we make a recommendation either for or against de-annexation?"

Mr. Parnacott said, "I think it's been a more common practice for you now a days to make a motion to receive and file those comments. They were received as part of your direction so I don't know if that's necessarily required, but you could certainly make that motion if you would like."

Chairman Skelton said, "Okay. I have a question on animal control. Are you the appropriate person to ask that, or is there someone from Valley Center city that can answer a question on animal control?"

Mr. Parnacott said, "I think if you have a question about their practices, you ought to ask for somebody from the city. They have a couple representatives here."

Chairman Skelton said, "Okay, I would like to see a city representative up here, somebody from the governing body or staff."

Mr. Joel Pile, City Administrator, City of Valley Center, greeted the Commissioners and said, "Good Morning, Commissioners. Joel Pile, City Administrator, City of Valley Center."

Chairman Skelton said, "Good Morning, Joel. How do you run your animal control operation, can you please tell me about that?"

Mr. Pile said, "Currently we have one full-time animal control officer, generally works Monday through Friday, 8:00 [a.m.] to 5:00 [p.m.], handles the majority of our animal control complaints. After hours complaints referred to our police department."

Chairman Skelton said, "They are referred to your police department. Okay. Because my concern is, and you know, I have some experience with this, you know, you have a really hazardous animal, something that is very dangerous, it's broken loose on a Sunday at noon, let's say, is your city in a position to, you know, provide public safety for an animal that would fit that description?"

Mr. Pile said, "Yes, sir. Yes, the protocols of the city are very similar to the Sedgwick County Animal Control. Certainly our after-hours response, the levels of service provided are different in the fact that we are only providing service for something where if it threatens the life or property damage to people in the community."

Chairman Skelton said, "Okay, so if you have..."

Mr. Pile said, "So, a stray dog just running around would most likely have to wait, same as with the county animal control during after-hours periods. If it was appeared to be a vicious dog or had bitten somebody or attacked somebody, our officers would handle that issue."

Chairman Skelton said, "Okay. I wouldn't say, your community is basically in a rural area. What happens if, let's just take the remote possibility some cattle were to break loose and clog one of the streets. What would you do then on a weekend?"

Mr. Pile said, "The same as what we do during regular hours. We have a number of individuals that we utilize that have specialized equipment and training to help assist in corralling horses, cattle, things of that nature. And it does happen."

Chairman Skelton said, "And they would be available 24/7."

Mr. Pile said, "Yes. The majority of those type of calls do occur at night."

Chairman Skelton said, "Yes, sir. That is my understanding. Okay, have you deployed entire system streetlights in that area?"

Mr. Pile said, "What do you mean by..."

Chairman Skelton said, "You know, state law does require that you put streetlights up. Is that correct, when you annex the city, that you are required to install streetlights?"

Mr. Pile said, "I am not aware of a state law. Part of the service plan..."

Chairman Skelton said, "Service plan."

Mr. Pile said, "Yeah, did discuss implementing city policy to install streetlights or having a policy and adhering to that policy. The governing body did adopt a streetlight policy and subsequently did put in the streetlights at the main intersections and then beyond that, they are either to be paid for, petitioned by the homeowners to be put anywhere else. We did put them in according to city policy."

Chairman Skelton said, "Okay, somebody reports a pothole in a city street. What is your reaction?"

Mr. Pile said, "We typically turn that over to our streets department who fulfills a work order, investigates and then we do the repair."

Chairman Skelton said, "How long does that repair usually take?"

Mr. Pile said, "It varies on the nature of the request. Simple potholes are typically filled within 72 hours, 3 working days."

Chairman Skelton said, "All right. Thank you. I just have a question for Mr. Parnacott. Thank you, sir. I would like to know your legal opinion here if Valley Center has fulfilled obligation of the service plan."

Mr. Parnacott said, "I have to say I don't really have a legal opinion here. I think what you have is evidence presented from both sides as to whether or not the city provided the services. So you have conflicting evidence. You as the fact finder must weigh that evidence and determine the credibility for each witness, each of the witnesses involved. So, it is not really such a straight, up or down legal question. I will say, however, on two of the issues, that there's somewhat of a legal aspect to it, because you really do need substantial, competent evidence to support your finding either way. On the streetlight plan, again, the lack of services provided at the 2010 hearing level, was the fact that they had not adopted the streetlight plan that they had promised to adopt during the five year post-annexation period. They had adopted that streetlight plan shortly after the five year period ended. So they had fully complied with that part of the service plan."

"There's some evidence that complains about the way they installed those lights, but that's really not the issue that was presented to you back in 2010, so I think from a legal perspective, you do have a lack of sufficient evidence to move forward and make a finding that the city has not provided the streetlight services, because they have in fact provided those streetlight services. The animal control issue is also a little closer. You have had some, you almost had no comments really at the public hearing on animal control. You had the allegation in the petition that they had failed to provide those services, but when you got to the public hearing, most of the attention was spent on the road maintenance issues and some other unrelated issues.

"The written submissions have mentioned one or two or maybe three, but I think it's like no more than two incidents of where there was not a proper response after hours to a hazardous animal situation. However, when you look at that evidence in light of a 2.5 year review period, two somewhat isolated incidents doesn't necessarily, I think, support a finding, or would be very weak, in terms of supporting a finding if they had not provided services. So I suppose I would say from a legal perspective, it does appear that we would, that you would not have enough evidence to support a finding the city has not provided animal control services or the streetlight services because they have apparently provided those services."

Chairman Skelton said, "Okay."

Mr. Parnacott said, "The road maintenance issue, however, is a very complicated issue of the testimony you received from both sides."

Chairman Skelton said, "Okay. Can I ask Mr. Weber about the roads up there?"

Mr. Parnacott said, "You certainly may. He prepared your report that was included in your backup for the service, for the June 5th hearing, so he can answer any questions you might have."

Chairman Skelton said, "All right, Mr. Weber, please. What is your opinion of the road maintenance up there? The condition of the streets and the whole thing, what do you think of all that? What's your professional opinion?"

Mr. Jim Weber, Deputy Director, Public Works, greeted the Commissioners and said, "The, well first of all just a quick review. The roads up there were all sand roads when the annexation occurred. The city has gone in and they've done chip seals on about 60, 70, 68 percent, I think, of the roads that are up there. So they do have a basic asphalt pavement on them. At this point in time they are relatively new and they're in pretty good shape. We have an overall concern that they won't last all that long, and they are going to require pretty heavy maintenance going forward and eventually would have to be replaced with something more permanent.

"The roads that have not yet been paved, and some of those I think are in the process, you can see where they put some rock out there and started, I think, preparing to do the chip seals, but the roads that haven't been paved and, or are just sand at this point in time, are in comparable condition to the other roads that are maintained by the Valley Center Township, which would have had these roads before the annexation. Now, granted that's been some time since they were annexed. But if we go up and look in some of the neighborhoods close by, these are no better or worse than the roads that Valley Center Township is providing to other similarly situated folks."

Chairman Skelton said, "Is it your opinion that these citizens are receiving equal or better service than before the annexation on road maintenance?"

Mr. Weber said, "Based on what I know and what I have seen, I would say yes."

Chairman Skelton said, "Okay. All right. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Jim, if you could stay up there a little bit, because the roadwork that's been done up there wasn't done 7.5 years ago, was it?"

Mr. Weber said, "No."

Commissioner Peterjohn said, "Are we talking very, very recently?"

Mr. Weber said, "I'm thinking in the last two years. This may be the third year of the, they can tell you for sure, but this might be the third year of the chip sealing cycle."

Commissioner Peterjohn said, "Because one of the concerns I had is the service plan that was part of the original annexation, you know, after the five year period came up, and we found that they weren't in compliance with the service plan, they had 2.5 years to work on it, we've gone past that 2.5 year point and we still have about a third of the streets that haven't met the service plan then."

Mr. Weber said, "Well, I don't know if I would say they haven't met the service plan. They haven't been paved."

Commissioner Peterjohn said, "Okay, they haven't been paved."

Mr. Weber said, "And I'm not sure what the service plan says about that but that's maybe a distinction that we need to make."

Commissioner Peterjohn said, "Okay, well I appreciate it, in terms of, in terms of that we're still...some of the things that were there haven't yet occurred. I'm going to make a few general comments, because this is an area where I'm very frustrated, and for the citizens of this area who are concerned about it, regardless of how this Commission takes action today, and regardless of whether this goes into court or not, we're operating under what state law has created for us. And for you, if you're not happy with this, and if I was a citizen in your area I suspect I know which side I would have been, in terms of with the 90-some percent who signed this petition or with the handful who did not. This is all operating under a state law that basically puts the average citizen at a big disadvantage compared to municipalities.

"And that's a state law issue, and that's something that your state representative and your state senator, as well as the governor, have a role in looking at. And I think if you're not happy with how this whole process has been, and I think there are some unhappy folks in Rancho Del Rio I and II, the state law aspect of this, regardless of what we do today, you need to be in touch and talk about this, because frankly, citizens, unless you've got over 20, I think it's 21 acres in Kansas, you're a ripe target for forced annexation. Particularly if you're near a city and they can say you're adjacent, or next door to, or whatever the properly legal time we're talking about.

"But this is a process stretched out 7.5, roughly 7.5 years, and citizens aren't as disenfranchised in other states when it comes to forced annexations as they are in Kansas.

"This is an area where I'm frustrated, because these issues come to us because state law says we shall respond to this. But as has been pointed out, if we make a decision today, this goes out of our hands. You can't come back to us for this, and even if we say, okay, we're going to vote to de-annex you, the city can come back in a year and annex you all over again. And there is nothing this body or any other body under state law can do to stop that unless you can get the state law changed. While there are no legislators in this room today, I am very much impressed when, you know it's hard to get, sometimes it's hard to get 51 percent of the people to come together on anything, but to have over 90 percent, that's a number that I was very surprised to see when that was brought before me. Thank you, Mr. Chairman."

Mr. Parnacott said, "May I interject a comment? I just want to clarify. The chip ceiling was not a condition of the service plan. They did not promise, for example, to have the chip ceiling done within the 2.5 year period, so the fact that they may not have finished all 100 percent of the streets, I don't think you should take that into consideration. It was something they did. You're looking at the maintenance they've done over the 2.5 years for both the improved and unimproved streets. So the fact that they haven't done it, that wasn't part of the service plan."

Commissioner Peterjohn said, "I appreciate the clarification. Thank you."

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

Commissioner Ranzau said, "Thank you, Mr. Chairman. I have some questions for Jim to follow up with. So, Jim, you said you think they're providing equal to or greater than service?"

Mr. Weber said, "I would say equal to on the sand roads that are up there and at least temporarily greater than on the roads that they have chip sealed."

Commissioner Ranzau said, "Compared to what they had before they were annexed?"

Mr. Weber said, "Yes."

Commissioner Ranzau said, "What are you basing that opinion on?"

Mr. Weber said, "Well, let me back up. If I take a snapshot in time, we've taken a couple trips out to look at it, and I compare what they have today with what the township is doing in other locations, I say those are essentially equal at this point in time. We have a lot of experience, as you probably know. We work with 26 townships, and we get all over the place, and so we have a general sense for what township roads look like. They're all a little different, because they're all run by different boards, but, you know, we know what an average township road looks like.

"What they have up there today is probably average or maybe a little bit better than average township road. I can't tell you for sure what they looked like 7 years ago because we didn't go out and look at these specifically. So I'm giving you a judgment based on experience and based on observation in the last couple of months."

Commissioner Ranzau said, "I think that's a very important clarification."

Chairman Skelton said, "Right now we have no comments or anything by Commissioners, and something needs to happen here. Any other actions? Yes, sir, Commissioner Ranzau."

Commissioner Ranzau said, "Well, I'm prepared to make a few comments then if no one else wants to say anything and make a motion. So the task before us here is to determine if Valley Center has met the requirements of the service plan. This task is complicated by the fact that the service plan doesn't meet the requirements under the state statute. So one of the things we need to take a look at is the statute that says, the service plan, when you annex, you have to provide equal to or greater service than what they were getting prior to annexation, and that's one of the central claims throughout this. We have two sides. We have the petitioners saying they have not gotten greater to or equal service and we have the city saying the opposite."

"So in some respects, it comes down to credibility and who is best situated in my mind to accurately state if it's greater than or equal to. I don't live out there. None of the other Commissioners do. So we don't know for sure. We have to make a decision based upon the evidence. I think the people best suited to determine whether or not it's greater than or equal to are the citizens that live out there on a daily basis. They live it, for many, many years. They know what it was like before and what it was after. And me going out there, I went out there and looked at it. Some of them looked good. Some parts of the cul-de-sacs didn't look so good. But as Jim said, that's just an opinion based on what it looks like today, but we don't know what it's been like over the last 7.5 years and before that."

"I think it's also very difficult for the elected officials of Valley Center to truly know what it was like unless they made an effort before annexation to go out there and analyze the streets and have done throughout the entire time. Are they in a position, same position as the homeowners are to make an accurate assessment? I say no. Now certainly the City of Wichita has made some efforts and done some things, but in doing that, have they provided greater than or equal to service, greater than or equal to what they had before? So we've had a lot of evidence, testimony, from the landowners. Ninety-three percent of the people that live out there signed this petition."

"We've had tons of letters. I read them all. We had a lot of people show up in our meeting, which is very, very unusual for any meeting. Probably one of the biggest turnouts for citizens that we've ever had, saying, they gave us specifics, they gave us generalities. I asked them point blank in their opinion is it greater than or equal to what they had prior, and no one said yes. And then I have a lot of specifics of the testimony that was provided as well. I did have one ex parte communication with an individual that lives out there that said they think Valley Center has made an effort to provide services and we should try and find a way to settle this and get along basically. Outside of that, 93 percent of the people say they are not happy."

"Now, you could say that clearly the landowners don't want to be annexed. And you can say that the landowners will say and do anything to not be annexed, and so they could be deceptive. They could be lying to me. But you could make the same argument for the city. You could say they will say and do anything to keep it annexed. So I think clearly the landowners are best suited to know what the condition of the roads were before, during and after annexation. But the question is then, if the city disputes that, what about credibility? Well, I think the city's credibility is hurt for a couple of reasons."

"First of all, they instituted the service plan which didn't meet the statute. Second of all, five years after the annexation, we had a hearing here. I wasn't here, Commissioner Skelton was not here but the rest were. And the Commission was asked whether or not the city had met the requirements of the service plan at that point. The city made the argument that they had, just as they are doing now, but this Commission, including Commissioner Norton and Unruh and Peterjohn, thought otherwise. I think that hurts their credibility as well. It's a difficult call, but I cannot ignore what 93 percent of the citizens out there say, that live out there on a daily basis. They live it. It's just not statistics and paperwork of numbers, and et cetera. But they live it day in and day out. I'm not going to, I can't discount that. I find their testimony in the end to be compelling, credible and convincing. Some of the testimony, according to the landowner, there were pictures and testimony presented regarding the maintenance of 77th Street, that it was flatter, dustier and more washboard. Inadequate grading, or practices that contributed to grading problem.

"The example was given, a large enough puddle that people had to drive around. Testimony was representative regarding the poor condition of Buena Vista. A large pothole at the corner of 81st [Street] and West. The deterioration of Palos Verdes. Poor grading, digging, and edges too deep of the ditches. Large extensive ruts. Testimony regarding Rio Grande and Rio Grande Circle regarding failure to put in a solid base before chip ceiling, edges starting to deteriorate. Drainage issues where water stands on both sides after a rain. Lack of ditch and culvert cleaning and inadequate snow removal. And then there was the question of the accuracy of the grading logs and statements from some people and a written testimony that they've seen the graders go in, go drive around the neighborhood with legs up and then go back into the city. So there were a lot of specifics, and a lot of statements made in general by the landowners, and when we put it all together, I have to come down on one side, and like I say, no matter how you cut it, 93 percent is a big number on any issue. And I've stated I find it compelling, credible and convincing."

MOTION

Commissioner Ranzau moved to find the city has not provided services in accordance with the service plan and that the Board enter an order excluding the land from the boundaries of the City of Valley Center.

Commissioner Peterjohn seconded the motion.

Chairman Skelton said, "Okay. It's been moved and seconded to make a finding in favor of de-annexation; is that correct?"

Commissioner Ranzau said, "Yes."

Chairman Skelton said, "And it's been seconded. So, discussion of the motion, Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I just want to give reasons for my vote on this issue, and first of all declare that I went out and drove the roads in this area. I don't remember when, a month ago, and I did stop in at Valley Center city hall. So I did have a brief ex parte communication with the city manager, and I wanted to declare that for the record.

Commissioner Unruh continued, "As I've considered my observations and had conversations with Commissioner Ranzau concerning the issue, it appears to me clearly that the roads that have been chip sealed west of West Street are superior to the roads that have not been chip sealed east of West Street. I think, obviously, that draws me to the conclusion that that's better than it was before the annexation initiative.

"I've been led to believe that the roads west, or east of West Street that have not yet been chip sealed are in the plan to be done yet this year. So they will be improved, but I don't have, I mean, I guess my understanding is that the township maintenance of those roads was not superior to what the city has been doing since the annexation. So I'm going by testimony given to me, testimony given by the city and what I saw when I drove the roads. So since the primary issue here has to do with the roads, it seems to me that the condition of the roads are at least as good or superior to what they were before the annexation plan was initiated, and so I will, because of that, I'll be voting against the motion on the table."

Chairman Skelton said, "Okay. Any other comments? Commissioner Peterjohn, please."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. As the seconder of the motion, I plan to be supportive of it. I just wanted to state for the record, in terms of ex parte communications, that I haven't had any with either proponents or opponents from the city or people who live in Rancho Del Rio I and II. I have looked very closely at the material that's been provided, and I have been in Valley Center a number of times, although not in the last couple weeks. But I am familiar with the area. Thank you, Mr. Chairman."

Chairman Skelton said, "Yes, sir, thank you. Any other discussion? The motion on the table is to make a finding in favor for de-annexation. Madam Clerk, call the vote."

VOTE

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

Chairman Skelton said, "Motion fails. Is there a motion, an alternative motion, please."

MOTION

Commissioner Unruh moved to find the city has provided services in accordance with the service plan.

Commissioner Norton seconded the motion.

Chairman Skelton said, "Okay. Do we have to state basis of findings, sir, with the motion?"

Mr. Parnacott said, "You do not have to. It is advisable sometimes to have some statement of findings, but you do have enough discussion on the record. I think Commissioner Unruh made comments on the earlier motion, so I think you can go to the vote if you'd like."

Chairman Skelton said, "It's been moved and seconded to make a finding in favor of the city, so we'll have discussion on that motion. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Just to clarify for the motion maker or the seconder, there was some discussion about whether the exclusion of land from the boundaries of the city would have an adverse impact of the house, safety and welfare of the residents of the city or of the land, is that part of the motion or not?"

Commissioner Unruh said, "No, sir."

Chairman Skelton said, "No, sir."

Mr. Parnacott said, "That's not required as part of the motion in favor of the city. You only have to address the adverse impact issue if you decide you do not want to order de-annexation after you've made the finding the city has not provided the services. With the motion on the floor, that's really not an issue."

Commissioner Peterjohn said, "Appreciate the clarification. Thank you, Mr. Chairman."

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

VOTE

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

Chairman Skelton said, "Thank you. Okay. At this time, it's been requested that we recess for five minutes to take a break. Is there any objection?"

Mr. Parnacott said, "Mr. Chairman, one real quick comment."

Chairman Skelton said, "Yes, sir."

Mr. Parnacott said, "It is our standard practice in these matters to prepare a resolution for you that states this finding that you made, and we will put that on the next available Consent Agenda to have you formally approve that."

Chairman Skelton said, "Yes, sir. Hearing no objection, this meeting will stand in recess for five minutes."

The Board of County Commissioners went into recess at 10:52 a.m. and returned at 11:01 a.m.

Chairman Skelton said, "Thank you. This meeting will be reconvened at this time. Commissioners, we do have an off agenda item, and I'd like to have a motion to, from the Treasurer, to take this item at this time."

OFF AGENDA ITEM

MOTION

Commissioner Unruh moved to take an Off-Agenda Item.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Skelton said, "Thank you. Linda."

Ms. Linda Kizzire, Sedgwick County Treasurer, greeted the Commissioners and said, "I would like to thank you, first of all, for taking this off agenda item. But I feel this type of good news needs to be shared. This morning, I received information from the Kansas Department of Revenue that they are going to add a second driver's license office in Sedgwick County. I know that several of you have expressed numerous concerns to me and interest on behalf of your citizens, and that information I shared with the [Kansas] Department of Revenue, the Director of Motor Vehicles.

"The new location is going to be somewhere in southern Sedgwick County. I do not know an address. The state has not officially decided on an exact location, but I do know it's going to be in southern Sedgwick County. I also know that the state is hiring people for these positions, and they sent us flyers that they would like for us to post at numerous tag offices and various other county locations. I don't have any details as to when the driver's license office will open. As you know, I do not do driver's license, but since I am a part of the Kansas Department of Revenue, they shared this with me, and I am so very pleased that they are going to open a second office. And once we find out more details, I will make sure and let all of you know, and let Mr. Buchanan know, and Kristi know so that we're all kept in the loop. That was my good news for the day."

Chairman Skelton said, "Linda, I really appreciate you taking time to make this announcement. As you know, this has been an important issue to me."

Ms. Kizzire said, "Yes, sir."

Chairman Skelton said, "We have done research, I mean, I haven't, I mean, it just appeared to me that we were underserved here by looking at the numbers and populations of peer counties and so forth with their facilities. I'm very thankful for the state to make this move, and I think Derby, Kansas is a good location."

Ms. Kizzire said, "And in addition to that, they're going to also add some positions in the Andover location."

Chairman Skelton said, "Okay, so they're expanding that..."

Ms. Kizzire said, "Yes."

Chairman Skelton said, "...up to the capacity at Andover. Okay. Well, that's a good thing to hear. I find it frustrating to hear that people, like myself, can go to another county. I mean, this isn't true all the time. But I went to another county and was in and out in 30 minutes with both tag and driver's license. So hopefully we can approach those kind of standards here in Sedgwick County. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. It is great news. Appreciate you bringing this to us, and clarifying who has responsibility for this, it's not our local folks but the state."

Ms. Kizzire said, "It is the state."

Commissioner Unruh said, "And then my other question, I think, was just answered that you have information indicating they're going to increase their staffing at the current offices."

Ms. Kizzire said, "Yes. They are going to increase staffing at the Andover location as well as the 21st [Street] and Amidon location and avenue office."

Commissioner Unruh said, "Very good, thank you."

Chairman Skelton said, "Any additional comments?"

Commissioner Peterjohn said, "Mr. Chairman?"

Chairman Skelton said, "Yes, sir?"

Commissioner Peterjohn said, "Do we need a motion to receive and file?"

Chairman Skelton said, "Sure."

Commissioner Peterjohn said, "I'll make a motion if that's in order."

Chairman Skelton said, "That's in order, sir."

Commissioner Peterjohn said, "Now the question is, will a second be in order?"

Chairman Skelton said, "Well, I'm asking for a second."

MOTION

Commissioner Peterjohn moved to receive and file.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Skelton said, "I am very happy about that."

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

Chairman Skelton said, "Next item, please."

G [13-0548](#)

CONTRACT FOR A HOUSEHOLD HAZARDOUS WASTE REMOTE COLLECTION EVENT ON JULY 27, 2013 FOR DERBY, KANSAS.
Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Approve the contract.

Attachments: [HHW Remote Derby contract.pdf](#)

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "Sedgwick County has a household hazardous waste facility at 801 Stillwell. This is a place where citizens can take such materials as paints, cleaners, solvents, pesticides and other household hazardous waste items and be safely recycled and disposed of at that facility. To help our community, we also have remote collection events. National studies have shown that most people who go to the household hazardous waste facilities live within six miles of that facility. So we like to provide remote collection events to help citizens who live further away to conveniently dispose of the material in a proper manner.

"This Saturday, we have the fifth remote collection event in Sedgwick County, and it is the last remote collection event for this year. It's located at 512 East Madison, a large parking lot there in Derby, and it will be from 9:00 a.m. to 1:00 p.m. this Saturday. So we encourage residents to bring the material to that facility and have proper disposal. Before you is a contract with Derby to provide this event at their city. I would recommend that you approve it, and I'd be happy to answer any questions."

Chairman Skelton said, "Thank you, Susan. Is there any questions for staff?"

MOTION

Commissioner Unruh moved to approve the contract.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Skelton said, "Commissioner Norton, did you have a comment, please?"

Commissioner Norton said, "Yes, before Susan leaves, I know she has another item, but we were talking yesterday, and we've got another promotion that's going on right now, a coupon event, and I thought she could explain that while she's got the microphone."

Ms. Erlenwein said, "Sure. We are offering a coupon for residents that's for free disposal of up to 1,000 pounds of material at the transfer stations. So that's worth \$30 for 1,000 pounds. If they take more than 1,000 pounds, they would have to pay extra to the transfer stations. There is a transfer station located north of 37th [Street] north and west, and another one south at 55th Street South and Hoover. So if you have large items, bulky items, whether it's a TV (television) or sofa or an appliance that does not have refrigerant in it, this isn't good for refrigerators or freezers or air conditioners. Also tires are not accepted through this program.

"But if you have other items that you've been wanting to get rid of that is normally not picked up at the curbside, we encourage you to go to [www.]sedgwickcounty.org and sign up for the coupon and it would be mailed to you. We just started this program Monday, as of this morning, we have 2,700 requests already for this coupon. So if you have storm debris you still need to get rid of, this might be a good opportunity to do that. Also if you don't have web access, you can call the call center at 660-9110, and they can fill out a form for you."

Chairman Skelton said, "Thank you very much, Susan. Appreciate your help. Okay. Any other questions? Madam Clerk, next item, please."

Approved

H

[13-0555](#)

CONTRACT WITH RESOURCE RECOVERY MANAGEMENT, LLC TO REIMBURSE SEDGWICK COUNTY FOR GROUNDWATER MODEL STUDY ASSOCIATED WITH PROPOSED CONSTRUCTION AND DEMOLITION LANDFILL.

Presented by: Susan Erlenwein, Director, Environmental Resources.

RECOMMENDED ACTION: Approve the contract.

Attachments: [Resource Recovery Mgmt signed contract.pdf](#)

VISUAL PRESENTATION

Ms. Erlenwein said, "Resource Recovery Management, LLC owns property that they would like to build a construction and demolition (C&D) landfill on. And that's basically located on 55th Street South of Ridge Road, northwest of that intersection. Here is a map to show where that's located in reference to K[ansas Highway]-42. It's south of there, and if you went down Ridge Road, it would be on that northwest corner, 55th [Street] and Ridge. A close-up of that intersection shows the proposed landfill site in light gray.

Ms. Erlenwein continued, "If you notice north of it, about half a mile, there is a yellow triangle, and that shows where a public water supply well is located. We have local regulations that refer to sighting of construction and demolition landfills.

'And I have those displayed, but basically what it says is that in order to have public safety and health we do not allow C&D landfills to be built within one mile of the public water supply well. In this case, it's within half a mile. But we do offer a waiver that if the proponents of the construction and demolition landfill show that their landfill will not pollute the water well, the Commissioners can give a waiver for that site. In order to accomplish this for this site, we have looked at, the solid waste committee, they've reviewed the proposal, and they determined that a third party, nonbiased consultant should review this area and have a groundwater model study to show whether the landfill could potentially pollute that water well or would not pollute it, and so that's what the contract before you is about today, is the fact that the county would hire a third party consultant, but we would be reimbursed for the money spent on that by the landowner for the C&D landfill.

"We went out for a request for proposal (RFP). We had three companies respond to that proposal. We went with the lowest best bid with Burns and McDonnell of \$88,790, and that contract will come before you later today under bids and contracts. I've worked with Resource Recovery Management [LLC], representatives of that company. I've shown them the RFP before it went out, the list of companies. They felt comfortable that we were having qualified bids and qualified companies bidding for this. And I've also worked with the neighbors in the area to get permission to test their wells for water table depth. So I think everything is moving along well, and we have the contract before you today with Resource Recovery [Management, LLC] for the reimbursement, and I'd be happy to answer any questions you might have."

Chairman Skelton said, "Thank you, Susan. Other questions for Susan at this time? Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. So, in this relationship where we contract with Burns and McDonnell for services and contract with Resource [Recovery] Management [LLC] for reimbursement."

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

Commissioner Unruh said, "That [Resource Recovery Management] LLC is not going to have any contact with Burns and McDonnell through the process to maintain the integrity of the process?"

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

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

MOTION

Commissioner Unruh moved to approve the contract.

Commissioner Norton seconded the motion.

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

VOTE

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

Ms. Erlenwein said, "Thank you."

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

Approved

I [13-0521](#)

Consideration of a grant application in the amount of \$527,215 to the Kansas Department of Transportation under the Intelligence Transporation System set-aside program for Sedgwick County Emergency Medical Services (EMS).

Attachments: [APPLICATION_KDOTITSSetAsideProjectRequestFormFY2015](#)
[ITS-Grant-request-SedgCoEMS](#)
[Real World App White Paper](#)
[EMS Grant](#)

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "I'm filling in for Scott Hadley today. This grant is to the state [Kansas] Department of Transportation. It's going to provide us three items: replacement of current laptops in the ambulances that the crews use for cab dispatching information and navigation; it replaces onboard mobile gateways used to transport GPS (Global Positioning System) data to dispatch, it allows our dispatchers to make sure the ambulance closest to the scene is dispatched and it allows us to electronically send patient care information as we're moving; and the third is implement the road safety, what's commonly referred to as the black box that monitors driving habits, breaking, acceleration, speed. I would recommend you approve the submittal of this grant application."

MOTION

Commissioner Norton moved to approve the application, 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 Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Commissioner Unruh	Aye
Chairman Skelton	Aye

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

Approved

J [13-0529](#) CONSIDERATION OF A GRANT IN THE AMOUNT OF \$2,559,947 FOR THE KANSAS DEPARTMENT ON AGING (KDOA) FY 2014 AREA PLAN.

Presented by: Annette Graham, LSCSW, Executive Director, Central Plains Area Agency on Aging.

RECOMMENDED ACTION: Approve the new Four Year Area Plan. Authorize the Chairman to sign the grant application and other related documents necessary to complete the grant process and to establish the budget authority.

Attachments: [Title III Admin 2014 - SAP Form](#)
 [Title IIIB 2014 - SAP Form](#)
 [Title III C\(1\) - 2014 - SAP Form](#)
 [Title III C\(2\) - 2014 - SAP Form](#)
 [Title III D - 2014 - SAP Form](#)
 [Title IIIE 2014 - SAP Form](#)
 [Area Plan FY2014- KDADS Budget Sheets](#)
 [Area Plan on Aging FY 2014](#)

Ms. Annette Graham, Director, Department on Aging, greeted the Commissioners and said, "I did want to start out first that there is a correction in the agenda item for you in that it says it is a contract with the Kansas Department on Aging. They have changed their name. It is the Kansas Department of Aging and Disability (KDAD) Services, so I apologize for that. Every year, the area agencies on aging across the state are required to submit a plan that establishes what the community needs are and how they plan to spend the funding that comes down through the Older Americans Act (OAA) and through some state dollars for nutrition. The Central Plains Area on Agency on Aging (CPAAA) has been established as an organization within Sedgwick County governance for 33 years. This plan before you is a new plan. Every two to four years a new plan is completed. We do a community needs assessment, identify what the community needs are, look at our funding sources and determine how best to meet those needs in the community.

"And the CPAA that is Butler, Harvey and Sedgwick counties. This is area plan is for October 1, 2014 through September 30, 2017. The funding allocations are just for this one year time period that are outlined. The Central Plains Area Aging on Aging Advisory Board did review the plan on May 15, 2013 and approved it. Both the Harvey County Board of County Commissioners and Butler County Board of County Commissioners have reviewed the plan and have approved it and authorized the Sedgwick County to chair as the organization and agency that oversees this.

"So under the program, it is set up in different titles. So we have Title III, Administration of \$99,043. Title III B, which is Support and Community Services, \$447,889. Title III C-1, which is a congregate Nutrition [Congregate] program, and there are federal dollars, \$553,261, and state dollars of \$23,999.

"The Title III C-2 is the Nutrition, the Home Delivered program, federal dollars \$398,832, and the state \$773,263. Title III D is the Health Promotion and Disease Prevention program, \$33,664. And the Title III E is the Family Care Support Services program, \$229,996. These figures are all estimated and planning figures. We did not receive the real figures until late last week. So you don't have those figures before you, but this will be amended to include those.

"We were pleased that there was additional funding that was appropriated for our area agency on aging. The state revised the funding formula and implemented the funding formula based on the 2010 census data. So that did show more citizens in our tri-county area, so there was some increase in funding, so that's a good thing. The total grant for this is \$2,559,947. The required match is \$165,705. The Sedgwick County responsibility is \$73,943. So the providers for the in-home services in Butler and Harvey County provide the match for the usage in their communities. We monitor that on a regular basis and we know by client which area they live in and which county, so we keep tight control over that to make sure that Sedgwick County match dollar only matches funds for services in our county. I would request that you approve this four year plan, authorize the Chairman to sign the grant application and other related documents to complete the process and would be happy to answer any questions."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Annette, on the \$73,943, is that property tax funds, or is there any user fee money coming in as part of that? Do we charge people for a service and then use that as leverage to get this grant or some other funding source?"

Ms. Graham said, "No, that is the aging mill levy. Under Older Americans Act, we're not allowed to charge a fee for services. It's a donations only program. Any donations that are received are moved back into the program to expand the services provided."

Commissioner Peterjohn said, "The other counties, when it says providers, Butler and Harvey County, are those providers in those counties, or is it some other third party?"

Ms. Graham said, "Butler and Harvey County both have a Department on Aging, and through that, they have mill levies that they help support and provide the funding for that. And then for the in-home services, the actual providers across the three county area help pay for the, help provide the match dollars just for the in-home services component."

Commissioner Peterjohn said, "Okay, well let me ask, on the first page of the backup I have here, some of these did break out between state and federal. In terms of the III Administration, III B Support and Community Services, III D Health Promotion and Disease Prevention, and III E Family Caregiver [Support Services], are those state or federal funds or a mixture, also?"

Ms. Graham said, "The only state funds are the state funds in the [III C-1] Nutrition [Congregate] and the [III C-2 Nutrition] Home Delivered. All other funds are federally Older Americans Act dollars. And then through that Older Americans Act, they established the different titles and then the state determines how much money goes into each title. So they have a formula, and they tell us based on our allocation how much has to go in each one, but the only state dollars are in nutrition."

Commissioner Peterjohn said, "Okay. Well, let me ask you a slightly different question then. If it's coming out of the fed (federal government) side, do you know this is coming out of which federal agency?"

Ms. Graham said, "It used to be the Administration on Aging (AoA), and now it is the Administration for Community Living (ACL) services, which is under (United States Department of) Health and Human Services (DHHS)."

Commissioner Peterjohn said, "Health and Human Services and not HUD (United States Department of Housing and Urban Development)."

Ms. Graham said, "Right."

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

Chairman Skelton said, "Yes, sir. Any other questions? I need a motion. Is there one on the table?"

MOTION

Commissioner Unruh moved to approve the new Four Year Area Plan. Authorize the Chairman to sign the grant application and other related documents necessary to complete the grant process and to establish the budget authority.

Commissioner Norton seconded the motion.

Chairman Skelton said, "Thank you. So moved and seconded to take the recommended action. Is there any other discussion? Yes. Commissioner Ranzau."

Commissioner Ranzau said, "Annette, this has a combination of state and federal funds, correct?"

Ms. Graham said, "Yes."

Commissioner Ranzau said, "And in the past, I think, last year I voted against this because I oppose the federal funds. I still oppose the federal funds. This year I'll vote in favor of it because I support the state funds, and I would like to see the state fund all of this, because not only would it help our long-term finances in the country but it would free us from the restrictions and limitations that the federal government puts on us. I think that would allow us to deal more effectively with all these problems."

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

VOTE

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

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

Approved

K [13-0473](#)

CONSIDERATION OF A GRANT AWARD IN THE AMOUNT OF \$326,597 FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) FOR PUBLIC HEALTH INCIDENT PLANNING AND RESPONSE SERVICES AT THE HEALTH DEPARTMENT. Presented by: Claudia Blackburn, Director, Sedgwick County Health Department.

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

Attachments: [2013-14 KDHE PHEP Award Budget - \\$326,597.pdf](#)
 [2013-14 KDHE PHEP Grant.pdf](#)
 [2013-14 PHEP Grant Allocations.pdf](#)
 [2013-14 KDHE PHEP Line Item Budget Signed.pdf](#)

Ms. Claudia Blackburn, Director, Health Department, greeted the Commissioners and said, "The item before you is the Public Health Emergency Preparedness (PHEP) grant from the Kansas Department of Health and Environment (KDHE). We have received this grant for about 12 years. It used to be called the Bio-terrorism grant. And we are grateful for the funding, however, there was a \$16,000 reduction due to sequestration. We were able to manage that through a decrease in our contractals and commodities. This grant funds 4.325 FTEs (full time employees) of seven different positions. And this year we will be focusing on working with our regional healthcare partnership to address public health emergency response as a group that includes healthcare providers, hospitals, behavioral health, mental health professionals, EMS (Emergency Medical Services), emergency management, fatality management.

"So, we're bringing everybody together as a region to be able to respond in an even better manner than we have before. We'll also be working to increase tradings for the health department staff in the area of emergency response during a public health incident. This year, we plan to update our continuation of operation plan. That is how we decided what services we're going to continue to provide when we're being called to respond to an incident. We'll also update our pandemic influenza plan. That is being done with community partners and then we will combine all of these plans into one emergency operation plan. I recommend that you accept this award and authorize the Chair to sign, and I would be happy to answer any questions."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Claudia, one quick clarification from KDHE, is this a pass-through grant with federal funds or all state money?"

Ms. Blackburn said, "It's a pass-through grant from federal funds."

Commissioner Peterjohn said, "Do you know which federal agency it's coming from?"

Ms. Blackburn said, "I believe that it comes, I believe this comes from [D]HHS, but I will double-check. Our MMRS (Metropolitan Medical Response System) grant comes from (United States Department of) Homeland Security, but I believe this comes from DHHS."

Commissioner Peterjohn said, "Well I'm going to, just for my colleagues, the reason I'm asking this is I saw a federal report, or I saw a news report recently discussing the fact that some federal agencies, it did not mention DHHS, was looking at if local units don't meet certain, have not met certain criteria established by the feds that they were going to start withholding local grants to local governing bodies, cities and counties. And specifically it was coming out of HUD, and so if Washington does come out with this edict and it was going to come out with an administrative order, this could impact grants that might be up for renewal going forward. So I want to try and clarify and get this information on the record for staff if indeed this edict from Washington is implemented the way that this news report that I heard stated it would be. Thank you, Mr. Chairman."

Chairman Skelton said, "Yes, thank you, sir. Commissioner Ranzau."

Commissioner Ranzau said, "Claudia, we have a list of the positions this it's funding here, one of which is vacant. What happens to leftover funds?"

Ms. Blackburn said, "We usually use those funds to purchase items that we need, but most of our funding right now is dedicated to personnel."

Commissioner Ranzau said, "Well, if it's not full and you're not paying that, you'll spend it on something then."

Ms. Blackburn said, "If we don't, then it goes back."

Commissioner Ranzau said, "That would be a terrible thing, wouldn't it?"

Ms. Blackburn said, "It happens."

Commissioner Ranzau said, "All right. Thank you, Claudia."

Chairman Skelton said, "Okay. Is there any other discussion and/or motion, please?"

MOTION

Commissioner Unruh moved to accept the award, authorize the Chairman to sign the agreement and establish budget authority as provided in the financial considerations section of this request.

Commissioner Norton seconded the motion.

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

VOTE

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

Chairman Skelton said, "Thank you, next item."

Approved

L [13-0525](#)

CONSIDERATION OF A GRANT AWARD IN THE AMOUNT OF \$1,053,000 FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) TO PROVIDE OUTREACH, PREVENTION AND INTERVENTION SERVICES THROUGH THE HEALTH DEPARTMENT'S HEALTHY BABIES PROGRAM AND THE HEALTHY FAMILIES AMERICAN PROGRAM AT THE KANSAS CHILDREN'S SERVICE LEAGUE (KCSL).

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

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

Attachments: [2013-14 KDHE Healthy Babies Grant Award Agmt - \\$2.106m.pdf](#)
 [2013-14 KDHE Healthy Babies & KCSL budgets.xls](#)
 [2013-14 Matching Funds Overview.pdf](#)

VISUAL PRESENTATION

Ms. Blackburn said, "Today's presentation is going to focus on some of the work that we do to prevent disease and promote wellness through our Healthy Babies program, and I want to start by giving you, I'm going to give you an overview of what I'm going to talk about. I'm going to talk about the components of the Healthy Babies program, the goals and outcomes, the history of the Kansas Department of Health and Environment contract that we're considering today, thank you, and the budget and our infant mortality rates.

"The Healthy Babies program wraps services around at-risk moms from a life course approach. That means that we focus not just on prenatal care, because we know that prenatal care isn't enough to assure a healthy birth outcome, but we understand that life behaviors, decisions about health, environment, a number of different factors affect the health of the mother, and those all come with her into the pregnancy and affect the birth outcome and affect the baby's life. So we are trying to approach our work from a life course perspective, which is why we focus on other things just on education during the prenatal period, though that is still very important.

"The goals of the program are to increase first trimester prenatal care, increase breastfeeding initiation, reduce the rates of low birthrate and very low birthrate births and reduce the rates of premature births.

Ms. Blackburn continued, "The components of the program to address and meet these goals include prenatal and parenting education, group classes and individual visits. So we have pregnant women, they start off pregnant, we follow them for up to two years, who come to classes and learn about how to take care of themselves during the pregnancy. This is in addition to medical care that they receive someplace else, and part of our job is to connect them with that medical care. For women that don't want to participate in group, we make home visits, and then everybody gets a nursing home visit after they deliver.

"We also have the Healthy Today, Healthy Tomorrow program, which I would call upstream. We want to educate our teenagers, our children before they ever even think about getting pregnant so that they can be as healthy as possible when they do decide to get pregnant. So it's abstinence based education for actually seventh, eighth and ninth graders and then we have the personal responsibility and education program, which is an evidenced based program that we've talked to you about before for ninth graders. We have educated probably about 12,000 or more students since the inception of this program in 2010.

"We also have a Fetal Infant Mortality Review (FIMR) project, otherwise known as project Imprint. This is a group of health care professionals and social service professionals as well as community members that come together to review infant deaths and make recommendations to a community action team about the need for work on the problems that they have identified. So we have a community action team that has three task forces right now.

"One is focused on maternal smoking, because we know that almost half of the women who have lost babies smoke, and that's a major problem. It's a major risk factor for poor pregnancy outcomes. We have a physicians task force on safe sleep, because we know that's another imagine contributor to infant deaths, the sleeping environment. And then we have a healthy baby begins with you preconception education task force. Basically these are college age, peer educators that educate their peers about how to stay healthy prior to pregnancy. Obesity is also an issue with a number of our pregnant women. They come into the pregnancy obese, and so we have incorporated energy balance and nutrition education into everything we do in our Healthy Babies program.

"The program outcomes, we have really made great strides, excuse me, great strides in improving outcomes among our program participants. If you compare 2005 to 2012 for our Healthy Babies clients, first trimester prenatal care increased, that means they're getting in early. Breastfeeding initiation rates increased. Low birth weight births decreased, as did very low birth weight births. And our prematurity rates decreased. So this is good news. We certainly have a ways to go to reach the Healthy People 2020 objectives, but we're headed in the right direction.

"So the contract before you, the purpose of this grant, from the Kansas Department of Health and Environment, is to support the activities of the Healthy Babies program that I just described to you, and the funding is, it's a stream of Medicaid administrative money that comes down from the federal level through the state to us. It covers services that we can't otherwise bill for that really target that Medicaid eligible population. In order to draw down these funds, we have to match it dollar for dollar, and so we are able to do that using a number of different positions that we have.

"This is a renewing contract. We have had an agreement with the Kansas Department of Health and Environment for this contract for a number of years, and this year's award represents a \$53,000 increase over last year, \$29,000 of that to replace funding that was lost due to sequestration, and \$24,000 is with a contract through the Kansas Children Service League (KCSL). We receive funds on their behalf and then pass it to them through a contract that I'll be presenting after this, and they were able to increase their match and draw down some additional dollars, and so that's what this represents.

"I will tell you just a little bit about their program now and how it's different from ours. Our focus is mostly on pregnant women, and then we follow the babies for up to two years after delivery, and our focus is on improving birth outcomes. The Kansas Children's Service League has a program that focuses more on preventing child abuse, increasing school readiness, working with high risk families, and they can follow those families for three to five years. So there is a difference in what we do, though we work hand in hand with high risk families.

"I wanted to show you this slide so that you could see that \$1,053,000 that we get through this funding stream is about 49 percent of our overall Healthy Babies budget. We also have the federal Healthy Start grant. We get Maternal and Child Health Aid to Local. We get the PREP (Personal Responsibility Education Program) grant, the Abstinence-based Education Grant, local dollars of \$102,350 and then the trust accounts are revenue that we receive through Medicaid and insurance billing.

"This particular contract that's in front of you partially funds 15 positions. So the good news is that our infant mortality rate for the patients that we serve is less than half that of the state and the county rate. So this is really good news. So what we're doing for our clients works, and we believe that our program is very important. We wish we could do more, but we feel very good about what we're doing right now and that we're heading in the right direction. So I recommend that you approve this contract and that you authorize the Chair to sign, and I would be happy to answer any questions."

Chairman Skelton said, "Questions for staff, please? Commissioner Ranzau."

Commissioner Ranzau said, "Correct me if I'm wrong, Susan, I voted for this grant last time, I remember, because I made you cry as a result, and I may make you cry again but for a different reason. You know, we talked. I've been going to these FIMR meetings, Fetal Infant Mortality Review meetings and clearly I have opposed several grants for a variety of reasons, and some of these things we do here I think are good and should be funded by local and state dollars so that we have more flexibility, et cetera, to do this. But, you know I have some concerns about FIMR, just that I don't believe, I just don't think it's all that helpful. We talked about that. It's good from a ground perspective.

"But a lot of information we already know, I think it could be tackled at a more cost effective manner, better way to approach it. I've expressed those concerns. I think we have good intentions, but there again, I think there is some room for improvement. This grant will pass, but I still, as we talked about yesterday, would encourage you to kind of look at taking a different approach to make it more effective, more efficient and a little quicker. We've talked about it. Those are my concerns."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Claudia, same question that I asked on the last item, I assume this is HHS pass through money through KDHE, also?"

Ms. Blackburn said, "Yes. This is Medicaid funding."

Commissioner Peterjohn said, "Medicaid. I may have this mixed up with another item, but help me out. Was there some background data comparing, I guess our outcomes in 2012 with 2005 data?"

Ms. Blackburn said, "Yes. And I really bulleted it, but if you want the data behind this, I can send it to you."

Commissioner Peterjohn said, "I was interested in seeing in 2011, how we did in 2011 comparison to 2012 if that data is available."

Ms. Blackburn said, "I'm sure we can get it. I don't have it on hand right at the moment, but I'm sure that we can get it."

Commissioner Peterjohn said, "I would very much appreciate having that. Thank you."

Chairman Skelton said, "Commissioner Norton."

Commissioner Norton said, "Claudia, how many unduplicated clients are there in the Healthy Babies program?"

Ms. Blackburn said, "In the, with the group education and home visitation, it is 1,000, sorry, 1,128 in 2012. That's how many we saw."

Commissioner Norton said, "So would that equate to almost the cohort group of 1,000 live births that you draw your..."

Ms. Blackburn said, "No. Actually Susan and I just had this conversation. It's more like 300, 250 to 300, because we continue to follow clients for two years in a lot of cases. So, it's a small percentage of the high risk group. And it's, we don't really have a good way to calculate, like, what the percentage of the overall deliveries are that are high risk, but this would be, I would guess maybe 10 percent of the high risk."

Commissioner Norton said, "Okay, having said that and the numbers for live births per thousand is so much lower, but Sedgwick County is higher than the state. Why are we not reaching that other population that's not in the control group that has a higher incident? Why are we missing that group? They don't sign up? We don't have outreach? What are the reasons why we're not getting that whole core group to bring it down to that lowest number in the clients we serve?"

Ms. Blackburn said, "That's a great question. It is about referrals, usually from providers or from social service agencies. People can self-refer, as well. But that kind of gets to what Commissioner Ranzau was saying. One of the reasons for the Fetal Infant Mortality Review team, aside from just looking at the data, because yes, we do know a lot about what the precursors to a poor birth outcome are, is engaging the providers and the social workers and the folks that work with these high-risk women to increase awareness and help them to make those referrals and also to get involved in creating solutions."

"Like, one of the things we need to do is work on tobacco cessation. That happens in the doctor's office. There are a whole bunch of people that need to be educated about how to do that, and we know if we do it well, it will work. But we need them on board to make that happen. So we need further engagement in the community to get those referrals to us."

Commissioner Norton said, "Okay. One of the benchmarks for Visioneering [Wichita] was to lower the low birth weight and the extremely low birth weight in Sedgwick County, and infant mortality. It seems we've made great strides where it's attached to programmatic kinds of things, but we have a greater population that aren't accessing that that still have the problem of infant mortality, low birth weight, premature. And we know that there is a direct link to some of that, particularly if they get, if they're undernourished, a lot of things, that later start to affect their cognitive skills, their learning, their child development, all of that. It seems like this is the benchmark place to start making sure our children are healthy much later in life, yet we're not connecting with a pretty large part of our population."

Ms. Blackburn said, "True. Susan is probably, would you like to make a comment? Susan Wilson, she's the Healthy Babies coordinator."

Ms. Susan Wilson, Healthy Babies Program Manager, Health Department, greeted the Commissioners and said, "I really appreciate your question and the fact that you're all so in tune with the program and the issue that we have. Your question is really relevant. I feel like in the last year we have made better strides than we have in the past of reaching those moms who really need the services. You're right, we have a mom that maybe she's already, she's depressed. She's a single mom, this might be her first or second pregnancy, might be different fathers involved. I mean, there could be all kinds of different scenarios going on, and it's hard for her to be motivated in that scenario. So for her to actually seek us out for service, that can just be one more stressor in her life, and so we have made, we've created an outreach and recruitment plan this last year, and we targeted physician offices because we felt like they really need to know who we are, how we work and how they can get their clients to us, because we're an enhancement to prenatal care."

"The next part of that initiative that we're starting now is we're going to go out into some of those really high risk areas and we're going to talk to the beauty shops and the convenience stores and the folks in those zip codes so that when they have folks come in, they know they can refer to us. And then we're going to start having a much bigger presence at just community events because we're finding out that word of mouth is really what's getting those clients in the door, and then the other thing is we're really trying to meet the clients where they need to be, and if they need us to come to their home or to school or to a place of employment or wherever, we want to take our services to those clients."

Commissioner Norton said, "It would seem to me that many of that cohort group of clients would process through GraceMed, Hunter [Health Clinic], E.C. Tyree [Health and Dental Clinic], Center for Health and Wellness. Would that be the case?"

Ms. Wilson said, "It is. And we have have a good partnership with those entities. We just met with the Center for Health and Wellness a couple weeks ago and we're talking about an option for having one of our staff located at their place, you know, maybe a few afternoons a week or something like that, and just kind of trying to think outside the box so that we can reach those families that are truly at risk."

Commissioner Norton said, "And we have three zip codes that are of higher risk, higher prevalence in our Sedgwick County catchment area. Are we doing outreach and targeted outreach in those three zip codes?"

Ms. Wilson said, "We do have a federal healthy start zip codes and back in 1997 when we originally received that money, those were the highest infant mortality zip codes in Sedgwick County. We still focus on them. And 67214 is still the worst, especially when you look at African American rates, but we have also identified through the Project Imprint initiative, some zip codes in south Wichita, that have extremely high rates, too, and so we're at the point now where we're able to look at, what are some of those reasons? Let's dig down and have some community action tied to some of the things that we're finding in the FEMA (Federal Emergency Management Agency) project, and I appreciate Commissioner Ranzau's comments about the process.

"It can be tedious, I know, but a couple things that we found out through that process, while we can get vital stats from KDHE, and it's a known that maternal smoking is going to relate to poor birth outcomes, and it's a known that we have a problem with overweight and obesity in our nation and in our community. What we don't know from vital stats, though, and what we've been able to find out is that when we have that family interview or that maternal interview through that project, we were able to find out a greater number of moms that reported smoking that we were not able to see in the vital stats records.

"We were also able to find out some things about the overweight and obesity piece. Another thing that we found out is some of the deaths that that had been coded as a SIDs (sudden infant death syndrome) death were really safe sleep issues. Those are things that we can truly impact with some education. And so that is why that project is so important, and so I know that part that you sat in on seemed a little bit tedious, but once we get that data from that gathering, we take it and we're able to really focus on some community action."

Commissioner Norton said, "How many live births in Sedgwick County a year?"

Ms. Wilson said, "Just a little over 8,000. I'm going to say right around 8,000."

Commissioner Norton said, "Okay. And another program that we run, which is after the fact, but we have huge numbers, and it seems like there is a correlation, is the WIC (Woman, Infants, and Children) program. Where we give nutrition to infants, mothers, young families."

Ms. Wilson said, "Yes."

Commissioner Norton said, "It seems like that ties together. Do we backtrack and try to connect that backwards with that group? Because I would think that they're at the child bearing age and have the ability to now have another child that we could help."

Ms. Wilson said, "We get a great deal of our referrals from the WIC program. And then we connect, too, so we make sure that mom, if she's going to be eligible for WIC that she's included. That's probably the program that we work closest with, and we work very closely with our family planning program, too."

Commissioner Norton said, "Thanks, Susan. That's all I have."

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

Commissioner Ranzau said, "I was just going to say, as part of your outreach in some of those areas, if you're not already, I would include the churches in those areas. There is a culture there that if you could get some of the moms and grandmothers, et cetera, involved, you know, I think that could be a beneficial area to take a look at."

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

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

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

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

Approved

M [13-0526](#)

AGREEMENT WITH THE KANSAS CHILDREN'S SERVICE LEAGUE (KCSL) TO IMPLEMENT PROGRAM SERVICES UNDER THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) IN THE HEALTHY BABIES PROGRAM AT THE HEALTH DEPARTMENT.

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

RECOMMENDED ACTION: Approve the agreement and authorize the Chairman to sign; and establish budget authority as provided in the financial considerations section of this request.

Attachments: [2013-14 HB KCSL Agmt - \\$340K.pdf](#)
[2013-14 KDHE Healthy Babies Grant Award Agmt - \\$2.106m.pdf](#)
[2013-14 KCSL & KDHE Healthy Babies budgets.pdf](#)
[2013-14 Matching Funds Overview.pdf](#)

Ms. Blackburn said, "This is a subcontract with the Kansas Children Service League (KCSL) that I talked about in the last agenda item, and we will act as the administrative agency to draw down the \$170,000 for them, and we will do the administrative work to make that happen, and so I recommend that you approve this request and you authorize the Chair to sign this and any related documents, and I'd be happy to take questions."

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

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Claudia, do you know if Kansas Children Service League is a [501](c)(3) or a [501](c)(4)?"

Ms. Blackburn said, "I imagine they're a (c)(3). We have Cornelia Stevens from the Kansas Children's Service League here if you have any specific questions."

Commissioner Peterjohn said, "The question I had is that I was thinking the Kansas Children's Service League has lobbied up in Topeka, and I wasn't sure if they have a lobbying arm or how that works."

Ms. Cornelia Stevens, South Central Region Director, Kansas Children's Service League, greeted the Commissioners and said, "I know that Kansas Children's Service League is a nonprofit 501(c)(3). We have provided education to legislators, to my knowledge, about various issues or whatnot. I don't know, I'm not in Topeka, so I don't know, in terms of actual lobbying what any staff or whatnot would have done from that behalf. I know that we have been asked to provide testimony when testimony was needed on various issues. We have been able to provide that. But I could find out more information from our CEO (Chief Executive Officer) or whatnot to get you that information."

Commissioner Peterjohn said, "If you're a (c)(3), I appreciate it. I'd be interested in getting a confirmation, in fact, if you all have a, if you are registered to lobby as opposed to just providing testimony, I'd like to know that."

Ms. Stevens said, "I don't believe any of my history with the six years that we're registered lobbyists by any means. I don't believe that's the case."

Commissioner Peterjohn said, "Okay, thank you."

Ms. Blackburn said, "Commissioner Peterjohn, Justin Waggoner from the County Counselor's office can address the issue."

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, "To my knowledge, they are a 501(c)(3), but I guess more specifically, if you could rephrase your question about the lobbying piece."

Commissioner Peterjohn said, "I was just thinking I had seen the Kansas Children Service League was registered as a lobbyist at the statehouse, as a lobbying group, so I wanted a clarification on that. That's all."

Mr. Waggoner said, "I don't know that I'm able to address that."

Commissioner Peterjohn said, "Okay. I think that was previously addressed. Okay,"

thank you."

Mr. Waggoner said, "Thank you."

Chairman Skelton said, "Okay, any other discussion? Chairman needs a motion, please."

MOTION

Commissioner Norton moved to approve the agreement and authorize the Chairman to sign; 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

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

Chairman Skelton said, "Next item."
Approved

N [13-0572](#)

**REPORT OF THE BOARD OF BIDS AND CONTRACTS REGULAR
MEETING ON JUNE 18, 2013.**

Presented by: Joe Thomas, Director, Purchasing Department.

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

Attachments: [July 18, 2013-Bid Board.pdf](#)

Mr. Joe Thomas, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts for July 18th has resulted in three items for your consideration this morning. Item 1;

**1. GROUNDWATER MODEL STUDY - ENVIRONMENTAL RESOURCES
FUNDING - SPECIAL PROJECTS**

"Which was previously referenced to by Ms. Susan Erlenwein in Item H, and that recommendation is to accept the lowest and best proposal from Burns & McDonnell Engineering Company, Inc. in the amount of \$88,790.00. Item 2;

**2. TAHOE POLICE WARRANT VEHICLE-- FLEET MANAGEMENT
FUNDING -- FLEET MANAGEMENT**

"The recommendation is to accept the bid from Don Hattan Chevrolet, Inc. in the amount of \$26,481.75. Item 3;

3. TAHOE POLICE PACKAGE VEHICLE -- FLEET MANAGEMENT
FUNDING -- FLEET MANAGEMENT

"The recommendation is to accept the bid from Don Hattan Chevrolet, Inc. in the total amount of \$107,334.00.

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

MOTION

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

Commissioner Peterjohn seconded the motion.

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

VOTE

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

Mr. Thomas said, "Thank you."

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

Approved

CONSENT

- | | | |
|---|--------------------------------|--|
| O | 13-0381 | New Section 8 Housing Rental Assistance Leases. |
| P | <u>13-0998</u> | Addition of a new position to the Treasurer's Staffing Table. |
| Q | <u>13-0540</u> | Donation of surplus computers from COMCARE to Project Independence (PI). |
| R | <u>13-0567</u> | Lease Amendment for month-to-month lease option between Market Parking, Inc. and Sedgwick County COMCARE for leased property at 7701 E. Kellogg, Suite 300.

<u>Attachments:</u> <u>Lease Agreement.pdf</u> |
| S | <u>13-0554</u> | Plat
Approved by Public Works. The County Treasurer has certified that taxes in 2012 and all prior years have been paid for the following plat: |

SEDGWICK COUNTY MAKI ADDITION, SEDGWICK CO, KS

- T **13-0561** Order dated 7/9/2013 to correct tax roll for change of assessment.
- U **13-0560** Order dated 7/11/2013 to correct tax roll for change of assessment.
- V [12-1042](#) General Bill Check Register.
- W [12-1043](#) General Bill Check Register.
- X [12-1064](#) Payroll Check Register.

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

MOTION

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Skelton said, "Okay at this time the Chairman will entertain comments relating to 'Other'. Is there 'Other' today? Commissioner Peterjohn."

Adopt the Consent Agenda

OTHER

Commissioner Peterjohn said, "Thank you, Mr. Chairman, I'll just quickly mention there are 1,472 people in the Sheriff's custody as of this morning, and ran into some friends of my fellow Commissioners here at the NACo (National Association of Counties) meeting down in Texas and I plan to have some more information that I'll pull together and provide at a later date, and also information to the public. Thank you, Mr. Chairman."

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

Commissioner Norton said, "Just a reminder that we are keeping the burn pile at 63rd [Street] and Meridian open hopefully through the end of the month. We're trying to finish up that process. I know there are still a lot of limbs, and since we had a storm last night, there may be more debris, but we'd like to start to wrap that up by the end of the month."

Commissioner Norton continued, "Stay tuned as we make announcements. It will be opened extended hours this weekend, and we have a huge, huge pile of tree debris that's come in there. Last count was over 11,000 loads, and I figure it will go over 15,000. So, I think we've provided a great service for the citizens, but at some point we'll have to wrap it up and start worrying about disposal and burning. Please know that if you've got debris from the storms, try to get it to the burn pile, if that's your alternative, as quickly as possible. That's all I have."

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

Commissioner Unruh said, "Thank you, Mr. Chair. I just want to announce that Zoobilee tickets are on sale. Zoobilee, as you might know, is the major fundraising effort for the Sedgwick County Zoo. It's quite an enjoyable evening. And I don't think we're supposed to sell things from the bench, but I do have tickets."

Chairman Skelton said, "Okay, all right. We have no Executive Session. We have no Fire District [No. 1] meeting. Okay, are there any other objections to this meeting being adjourned? Hearing no objections, this meeting stands adjourned."

ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:55 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:
