

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, November 1, 2017

9:00 AM

BOCC Meeting Room

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

*Pursuant to Resolution #007-2016, adopted by the Board of County Commissioners on January 20, 2016, members of the public are allowed to address the County Commission for a period of time limited to not more than five minutes or such time limits as may become necessary.*

*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 Crissy Magee, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203. Phone: 316-660-7056, TDD: Kansas Relay at 711 or 800-766-3777*

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

## ORDER OF BUSINESS

### CALL MEETING TO ORDER

*The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:05 a.m. on November 1, 2017 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro-Tem Commissioner Michael B. O'Donnell II; Commissioner David Dennis; Commissioner Richard Ranzau; Commissioner James M. Howell; Mr. Michael Scholes, County Manager; Mr. Thomas Stolz, Deputy County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Assistant County Manager of Public Works, Facilities Maintenance, Project Services and County Engineer; Mr. Justin Waggoner, Assistant County Counselor; Mr. Dale Miller, Director, Metropolitan Area Planning Department; Mr. Rick Durham, Deputy Chief Financial Officer; Mr. Joe Thomas, Director, Purchasing Department; Mr. Mike North, Assistant County Counselor; Ms. Kate Flavin, Public Information Officer; Ms. Heddie Page, Deputy County Clerk.*

### GUESTS

*Ms. Robin Ulmer, 12528 Cherry Creek Court, Wichita  
Ms. Jane Byrnes, 322 S Lorraine Street, Wichita  
Ms. Janice Bradley, 214 Buckeridge Court, Wichita  
Mr. Bill Anderson, 1227 Jefferson, Wichita  
Mr. Tom Kneil, 6110 Edinburg Street, Bel Aire  
Mr. Doug Ballard, 920 North Buffum Street, Wichita  
Mr. James Roseboro, Proclamation recipient  
Ms. Janet Wilson, Proclamation recipient  
Dr. Carla Lee, Proclamation recipient  
Ms. Tammy Sheridan, 12340 West 34th Court South, Wichita*

*Chairman Unruh said, "Pastor Bammel, thank you for being with us this morning thank you. I might say that Pastor Bammel is on the staff at the church where I worship at Eastminster Presbyterian, so I'm especially blessed to have you here today. Madam Clerk, next item."*

### INVOCATION: Pastor Paul Bammel, Eastminster Presbyterian Church.

### FLAG SALUTE

### ROLL CALL

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

*Chairman Unruh said, "Next item."*

### PUBLIC AGENDA

*Chairman Unruh said, "Alright, we have several folks who signed up to speak on the public agenda today. I might just, before we call you up make a couple of comments.*

*We want to first of all thank you all for being here today and we welcome input on this issue that's presently a matter of interest and concern in our community. As you know we're going to have many different opportunities for public input as we go forward as Kate mentioned from the podium in her introduction, we have a opportunity for online comments to at [communityinput@sedgwick.gov](mailto:communityinput@sedgwick.gov). So we just ready to go forward and hear your comments and I think you all are aware that this is not an agenda item today, no decisions are going to be made at this time, we don't even have a proposal in front of us to consider.*

*"So however the input is welcome, we're glad you're here and as you're at the podium, please keep in mind that we will allow you three minutes to speak and it might be good if folks coming up if they're going to just say what someone else in front of them has already said, perhaps you may not want to take the time, but we're here to listen and so appreciate you being here. I might also say there has been one publicized meeting that was held last Saturday and Commissioner Dennis attended that on behalf of the Commission and so just wanted to make the point that we are interested in what the public has to say on this issue.*

*"So with that let me call up to the podium those who have signed up, I think two folks have signed up, but they're going to speaking on one of our proclamations today. So I won't call them up for the Tyson discussion, but first is Robin Ulmer and if you wanted to speak if you say your name when you get to the podium and you have three minutes."*

*Ms. Robin Ulmer, 12528 Cherry Creek Court, greeted the Commissioners and said, "I'm retired Air Force and retired from Mulvane School District under KPERS (Kansas Public Employees Retirement System). I'm here this morning to tell you I don't think Tyson slaughter house or the 300 chicken houses is a good fit for Sedgwick County. Sedgwick County just doesn't have the workers to fill these 1,600 jobs. Tyson usually brings in immigrant workers typically from Guatemala, Mexico, and Somalia. These people would need housing right away, schools would need to be increase their capacity.*

*"We don't have the infrastructure to support Tyson's needs huge amounts of water. We would need to increase our sewer treatment plant capacity. The large trucks coming and going to the chicken houses would tear up our roads, healthcare facilities would need to handle these poor and uninsured patients, who work in Tyson's very dangerous and polluted facilities. Tyson has a history of polluting air and water in the areas around their slaughter houses and chicken houses. We don't need that here.*

*"According to the Wall Street Journal, Wichita is the air capital of the world yet we can't supply enough skilled labor for the good paying jobs right in Wichita. We have less than five percent unemployment rate that's fantastic, but we have workers leaving Kansas for states that have better schools, expanded Medicaid, cheaper healthcare, better paying jobs.*

*"We have companies with good jobs leaving Kansas because they can't find workers. I think we would be better of spending taxpayer money on technical and trade schools, universities and junior colleges and K (Kindergarten) through 12 education. Not on incentives to bring a slaughter house here that pays poverty wages and has a high turnover rate, not on the infrastructures to support that.*

*"Tyson would burden our water supply, sewer system, roads, schools and healthcare facilities, that at time when the Kansas budget has made devastating cuts in these*

areas. Tyson would expect an 80 percent tax abatement for 10 years and beyond that possibly like they did in Leavenworth County. They would want our county to sell municipal bonds at \$500,000,000 to build their plant, so Tyson gets a big tax break, needs a huge taxpayer investment from us to upgrade infrastructure for them and they only pay most of their workers wages below the poverty line.

*"Their workers will be injured and sick frequently and won't have healthcare. Their families will qualify for food stamps, LIEAP (Low Income Energy Assistance Program) programs, free and reduced lunches, low income housing. Their employees would not make enough to buy a home and pay back taxpayer dollars. We will not see a return on our investment with Tyson.*

*"I don't want my taxes going up to support this company. When I moved here in 1989, I since that..."*

*Chairman Unruh said, "Ma'am, excuse me for interrupting, but your three minutes are up. Can you kind of wrap it up?"*

*Ms. Ulmer said, "...last paragraph it's a short one."*

*Chairman Unruh said, "Okay."*

*Ms. Ulmer said, "I was amazed to see Boeing, Learjet, Bombardier, Beech, Raytheon, Cessna, and Spirit to name a few were the air capital of the world, yet we're not training our young people to work in these skilled jobs. We're not finding ways to help high wage businesses stay here. A slaughter house, no it doesn't fit. Let Tyson go to a town who needs employment and wants the burden to keep their towns alive. We don't need it. We can do better."*

*Chairman Unruh said, "Thank you for your comments. The next person who signed up was Ann Byrnes."*

*Audience member said, "Jane, he may mean Jane Byrnes."*

*Chairman Unruh said, "Oh, I'm sorry. It is Jane, I'm sorry and I know you, we've met."*

*Ms. Jane Byrnes, 322 S Lorraine Street, greeted the Commissioners and said, "In fact, I'm one of your constituents, although I visited with other County Commissioners, and I admire those I've visited with. Thank you so much for permitting me to input on the topic of the future. Not only am I a dietician interested in the health and nutrition of all of us and my clients, but also I teach therapeutic nutrition at the college level.*

*"I like to input positively that clean water is most important to our population here in Sedgwick County and downstream including the Gulf of Mexico. Animal protein waste pollutes water, in fact because I teach therapeutic nutrition, I want to emphasize that as a nation we get plenty of animal protein and animal fat that's saturated fat. We don't need more. What we need in Sedgwick County throughout Kansas and throughout the United States is more plant based food. We don't get enough fruits and vegetables, and I would like take this opportunity to ask you to support fresh food here in Sedgwick County. Thank you so much for your attention. Are there any questions?"*

*Chairman Unruh said, "Thank you, Jane. Thank you for your comments."*

*Ms. Byrnes said, "Thank you."*

*Chairman Unruh said, "Next person asking to speak is Tammy Sheridan."*

*Ms. Tammy Sheridan, 12340 West 34th Court South, greeted the Commissioners and said, "It's in regards to your new business. Do you want me to comment now or once that's presented? It's on item F under new business. Do you want that now or once that has been presented to you on the agenda?"*

*Chairman Unruh said, "Well, no, it's up to you. If you would like to make your comments now you may or if you want to speak on that issue, we will allow comments at that time."*

*Ms. Sheridan said, "I would like to speak once it's been presented, if possible."*

*Chairman Unruh said, "Okay, very good."*

*Ms. Sheridan said, "Alright, thank you."*

*Chairman Unruh said, "Next person, Janice Bradley."*

*Ms. Janice Bradley, 214 Buckeridge Court, greeted the Commissioners and said, "What I would like to speak to on the chicken complex is the farmers that go under contract with Tyson, and we have been, we have begun studying this and they are going to require something like at least 70 farmers, contract farmers, each of which has four to six barns holding 30,000 chickens apiece. These chickens are raised for a seven-week growing cycle.*

*"The litter is kept by the farmer, and speaking of this litter, I mean, for seven weeks, we are going to have smells in these areas, dust, and like Jane said, increasing pollution of our waterways. The agricultural run-off is responsible for dead zones in the gulf, and this is from our, the kind of agriculture that's going on in this country. We have had, you know, something of a movement towards local and organic production, smaller farmers, and this is going the opposite direction of that. This is huge corporate farming. It's going to change the whole landscape of the area that it comes into.*

*"Imagine 300 huge chicken barns dotted all over the landscape. The other thing is, these farmers have to go into pretty serious debt to build these structures. They are what Tyson calls, they want premium structures with computer controlled ventilation systems, which they need, they don't have windows, the chickens never go outside, and they are locked inside, sometimes in blazing heat, where they have die-offs if it gets too hot. But under these expensive and premium air conditioning units, anyway, it is a huge investment for the farmer and not easy to, I mean you say, oh, there is a 90-day period, you can get out of the contract. How are you going to do that after this huge investment of money. They have to take out loans.*

*"So they are going to be underwater if they do that. Anyway, it is not a good deal for the small farmers. That's what we are concerned about. Please join our Facebook group, we have a group called 'No Tyson Sedgwick County, and we would like your support. Thank you."*

*Chairman Unruh said, "Thank you. Next speaker is Bill Anderson."*

*Mr. Bill Anderson, 1227 Jefferson, greeted the Commissioners and said, "I am in District 4. I am interested in you guys really paying attention to the externalities. Those are the indirect costs that we are going to have to pay in terms of water, in terms of increased use of public resources, many other things that these kinds of projects when it's being sold do not include. These are the real costs that that kind of, that this kind of operation will drop onto the county. You guys are going to have to be dealing with water issues if this happens. You guys are going to have to be dealing with people complaining about the noise, increased traffic as the trucks are coming, bringing the chickens, taking them away. Problems with workers being injured. This is a very dangerous operation, very dangerous jobs.*

*"A lot of repetition. So you get things like carpal, things like that. People don't keep these jobs, at least we learned on Saturday, people don't keep these jobs very long. They are too demanding physically. The workers in the plants, the people who are supplying the chickens, that's a whole different issue. Their problems with Tyson are different, but they definitely have problems. I was glad to see Mr. Dennis and the gentleman, I am sorry, I forgot your name, sir."*

*Mr. Michael Scholes said, "Mike Scholes."*

*Mr. Anderson said, "Okay. They were both at that Saturday meeting. For me, it was really instructive, those two speakers, Chris Peterson, I believe his name was, the hog farmer from Iowa, made a hell of a case, a very, very strong case about just, as Janet said, this is going in the wrong direction, the wrong direction. So I really want, hope you guys, particularly my Commissioner, Mr. Ranzau, would really give this some serious consideration. It's not just about jobs. It's about the externalities of those jobs. Okay, thank you."*

*Chairman Unruh said, "Thank you. Another speaker on the Tyson issue is Mr. Tom Kneil."*

*Mr. Tom Kneil, 6110 Edinburg Street, greeted the Commissioners and said, "Some of you, well at least one of you, Commissioner Unruh, may recall my being here a number of years ago to speak on behalf of the Arkansas River Coalition, asking for your support of the boat passage when the Lincoln Street Dam was being reconstructed. My concern is the water in the river for recreation, as well as just general positive amenity, attracting people to come to the city and county area.*

*"My concern is that we are in a, not exactly a water pour, but a precarious position with groundwater, as you well know. In areas in times of drought, we sometimes struggle to get enough water for the area. That impacts what happens on the river for amenity, for recreation. It impacts the appearance of the river area, which we are trying to make attractive. The surface water in good part is supported by the ground water. If the ground water falls, ground water level falls, the surface water falls also. They are tied, even though they're in two different bowls.*

*"Whatever the decision is to bring or not to bring, well, not on the second part, but whatever the decision is as to where this plant might go, whether it's north of Wichita or south of Wichita, I don't know what that will be, as I suspect you don't, either. But I ask you to think in term of protecting the water in the river for recreation, for personal contact, for The River Festival, other activities that are centered around the river. Protect it. Make sure that whatever happens, that it is going to be protected from pollution. Thank you."*

Chairman Unruh said, "Thank you, sir. I don't have anyone else signed up to speak on this particular issue. Is there anyone who came in late who wants to speak? Yes, sir. If you want to step to the podium, say your name and you have three minutes."

Mr. Doug Ballard, 920 North Buffum Street, greeted the Commissioners and said, "I don't have anything prepared for this. You certainly couldn't do it in three minutes, but as an activist, one of the things that I am most interested in and have been for a long time is water and all of the things that go with this. So I've recently been touring some of the city's, facilities, and they are somewhat challenged anyway because it's hard to see those things and most citizens don't know what goes through, what the city goes through to process water, to get it to where it needs to be used, to bring it up to drinking water, and then we use it for whatever we use it for, washing our cars, or drinking or whatever.

"But we bring it to that highest standard, and strictly based on all of the things that I have been studying in the last several years, mostly surrounded around water to take somebody that is going to use that much water, and then do what they do with it, which we also have to process. That, plus a company that as an activist, I don't think I can remember any company that has more violations between the FDA (Food and Drug Administration), the [US] EPA (United States Environmental Protection Agency), and the OSHA (Occupational Safety and Health Administration) and all of the other regulatory concerns that have to do with that industry. I just don't think this, of course, we would like to have 1500 jobs, but I am just not sure it's going to be a good investment for the city of Wichita and the county. Thank you."

Chairman Unruh said, "Thank you, sir. Are there others who, anyone else who wants to speak that didn't sign up? Alright then the other folks who signed up on specific agenda items we will allow you to speak at that time. I would just remind you all that there is opportunity for continued public input at our website [communityinput@sedgwick.gov](mailto:communityinput@sedgwick.gov) and would also pledge to you that the Commissioners are all going to keep an open mind on this issue, so that when and if a proposal comes we will have all the information we need to make a decision. Commissioner O'Donnell did you want to, okay. Alright with that being said I believe we will go on to the next agenda item. We will close this public agenda portion of the agenda. Madam Clerk, next item please."

## **CONSIDERATION OF MINUTES**

**A**     [17-918](#)     REGULAR MEETING MINUTES OF OCTOBER 4, 2017.  
All Commissioners were present.

Chairman Unruh said, "Commissioners, you've had the opportunity to review the minutes, are there any additions or corrections?"

### **MOTION**

Commissioner Dennis moved to approve the meeting minutes from October 4, 2017 and October 11, 2017.

Commissioner O'Donnell seconded the motion.

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

VOTE

Commissioner Dennis           Aye  
Commissioner Ranzau           Aye  
Commissioner Howell           Aye  
Commissioner O'Donnell II       Aye  
Chairman Unruh                Aye

*Chairman Unruh said, "Next item."*

**Approved**

- B**     [17-921](#)                   REGULAR MEETING MINUTES OF OCTOBER 11, 2017.  
All Commissioners were present.  
*Action for this item was taken with item A.*

**PROCLAMATIONS**

- C**     [17-947](#)                   PROCLAMATION DECLARING WICHITA JUNIOR ROTC LEADERSHIP  
WEEK.  
Read by: Chairman David Unruh or his designee.

RECOMMENDED ACTION: Adopt the proclamation.

*Chairman Unruh said, "Alright, Commissioners, we have a proclamation for your consideration, and I have asked Commissioner Dennis, retired Colonel Dennis, to read this proclamation."*

*Commissioner Dennis said, "Thank you, Mr. Chairman."*

*WHEREAS, Junior ROTC was officially implemented in American high schools in 1916, began in Kansas in 1917 and in Wichita in 1994; and*

*WHEREAS, cadet Leadership Programs were started in selected middle schools in 1997 making Wichita a leader in the nation in this initiative; and*

*WHEREAS, the Junior ROTC and Leadership Programs are recognized in Wichita for building citizenship and good character in our youth; and*

*WHEREAS, there are now more than 2,300 Wichita youth participating as cadets in 18 of our public schools.*

*NOW, THEREFORE BE IT RESOLVED that I, David M. Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 5 – 11, 2017 as*

**WICHITA JUNIOR ROTC LEADERSHIP WEEK**

*in recognition of these fine young men and women who are becoming better leaders and citizens for the future through their involvement in the Junior ROTC and Leadership programs.*

MOTION

*Commissioner Dennis moved to adopt the proclamation.*

*Commissioner Howell seconded the motion.*

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

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

*Chairman Unruh said, "We have the folks from the ROTC leadership here to accept the proclamation, and receiving it is Cadet Colonel Jeremy Tull."*

*Cadet Colonel Jeremy Tull, greeted the Commissioners and said, "I am the Wichita Public School JROTC (Junior Reserve Officers' Training Corps) Corps Commander. On behalf of the eight high school JROTC programs and the 10 middle school leadership programs, and the 2,423 enrolled cadets, my corps staff and I are proudly and honored to be accepting this Sedgwick County [Board of County] Commission proclamation, established November 6th through November 12th as the Wichita JROTC leadership week.*

*"You should know the cadets in our corps value hard work, and they challenge themselves to better the community, their schools and their peers around them. This is evident because of the 11,000 hours of community service they performed over the past year. As you all are aware, the JROTC program was established in Wichita in 1994, and since then, the cadets have continued to proudly demonstrate strong leadership and citizenship by conducting a multitude of patriotic ceremonies, in honoring our military veterans, namely the Veteran's Day ceremony at Century II on November 8th and the Veterans Day parade on November 11th.*

*"This tribute demonstrates the gratitude we Americans have for those who serve in order to protect our nation's freedoms and liberties. Particularly noteworthy, the Veterans Day ceremony includes an impressive massive formation of the entire cadet corps.*

*"The highly presented color guard by the school's Wichita leadership and JROTC programs and uplifting rendition of the National Anthem and the patriotic songs by Southeast High School band, and motivational speech by guest speaker colonel Joshua Olson, Commander, 22nd Air Refueling Wing of the McConnell Air Force Base and past reviewer of the cadets, showcasing pride and spirit. We hope you will join us for a special ceremony.*

*"In closing, thank you so much for honoring the Wichita Public School JROTC leadership program and providing us with the opportunity to be honored by the powerful proclamation, and I hope to see you next week on Wednesday."*

*Chairman Unruh said, "I was going to say, I'm sorry I didn't mean to interrupt you, but thank you for being here today and we do plan to attend the ceremony next week. As a matter of fact, first time in my recollection that we have delayed our County*

*Commission meeting and moved it to the afternoon, so that we can be in attendance and celebrate with you and recognize all those young people involved in JROTC. But would you please ask your other leadership team to step to the podium and say their name, so that we can see who all is here?"*

*Cadet Colonel Hull said, "I will do so. Thank you very much for attending that, I appreciate that greatly. Okay, Dominic Harris my Corp XO (Executive Officer) is going to step to the podium now."*

*Cadet Deputy Lieutenant Colonel Commander Dominic Harris, greeted the Commissioners and said, "I am our Corps Deputy Commander for USD259 (Unified School District) public schools, and I would just like to introduce myself as my primary job within our Corps is I work with the middle school level with leadership programs. Just to give some background on what we do on that part is just recently in early October, Cadets Daniel Turner and Ryan Trail, they went and helped with their leadership camp that they have that one day, and basically that they helped with the rope bridging and helping them with that. Also as well, their recent drill meets that they have, we come and we attend those and we help judge those and scored them as they would in the high school level.*

*"Then also, just some background for my school Southeast (High School), just to give you guys on our service learning project, every school has one for their JROTC programs at the high school level, and ours is recycling. Just to give some background and some just excitement for me, this past year, from our recordings, we accumulated 40,000-plus recycled items, and it was a great amount for us this year. It's the most we have actually recycled through the years I have been in JROTC at Southeast. Overall this program for me has been a great program. I enjoy it a lot for the years and I have been in it, and I would like to introduce our CSM (Command Sergeant Major) Charles (Brown)."*

*Cadet Command Sergeant Major Charles (C.J.) Brown, greeted the Commissioners and said, "I go to Northwest High School. I have been in the program since my sixth grade year.*

*"I am a Drill Team Commander over at Northwest [High School], and my main job for the Corps is I am in charge of all the color guards. One thing that I would like to hit is, one thing we have seen improve is the cadets have been more motivated to go out and do more thing such as color guards and more of the volunteer opportunities for the Corps. They have gotten lot more involved in the community, which is a real big part of our main mission for JROTC in leadership is we want them to get out there and help the community and help get better, to improve on it. I do appreciate the JROTC week. That really, I think, is going to help boost our cadet morale and really show them that people are noticing what we are doing for JROTC and leadership programs. Thank you."*

*Chairman Unruh said, "Thank you. We have one more cadet here, would you like step to the podium and introduce yourself?"*

*Cadet J. D. Lewis, greeted the Commissioners and said, "The main reason I am here today is to give Dominic Harris a ride. It was a joke, I'm also known as the bodyguard for this whole, well Dominic at least I don't know about the other guys, I think they can handle themselves. Yeah, I'm at Southeast High School with Dominic Harris. I'm just a Company Commander, so I am in the battalion leadership. So what these guys do,*

*they actually do, fill it down through the ranks and I get their orders and I put them out through my Company. It is actually pretty cool. I have been in it since freshman year, and I didn't think I would get this far, but I did. So it's kind of cool to see the progression through the leaders down through the ranks."*

*Chairman Unruh said, "Very good. Well thank you. Thank you for your comment."*

*Cadet Colonel Hull said, "I just once again would like to thank the County Commissioners for their proclamation. It's extremely grateful, and we are honored that you would give us a week to contribute to JROTC and leadership program. Thank you."*

*Chairman Unruh said, "Thank you. We have a comment here from Commissioner Dennis."*

*Commissioner Dennis thanked the Chairman and said, "First of all, I want to thank Colonel Kennedy and all of the cadets that came and joined today. We are deeply honored that you are here. We are deeply honored that you are recognizing our veterans on November 8th. You can see on the bench on my left, we have a veteran of the Iraqi War. On the far end of the bench we have a veteran of the United States Air Force (USAF). We have Brigadier General sitting down in front of you. We have a number of folks that have served, and we want to thank you very much for recognizing the men and women that have sacrificed so much for our country. We look forward to joining you on November 8th, and also we are going to participate in the parade on November 11th. All five of the Commissioners and County Manager are going to be in the parade on the 11th, so we are looking forward to that."*

*"Just a couple words about JROTC. JROTC is one of the programs that connects students to the schools, and as a result of that, their grades are higher. We've got statistics that it is a proven fact that the grade are higher on average for JROTC cadets than they are for the general population of the school. Their graduation rates are higher. They are pretty well more physically fit than the rest of our students that we've got in the school."*

*"So it pays great dividends to be a member of the JROTC, and as veteran myself, I want to thank you very much for what you are doing, especially want to thank you for putting on the formal parade on Wednesday, and the Veterans Day Parade on Saturday. Thank you very much for being here today. That's all I have this morning, thank you."*

*Chairman Unruh said, "Thank you, Commissioner. We have a comment from Commissioner Howell."*

*Commissioner Howell thanked the Chairman and said, "I just wanted to commend you all for, I guess, being engaged in the Junior ROTC, I know this is an organization that does service to the community. You support each other as a family, there's discipline. Colonel Kennedy, thank you for your service as well. There's discipline that is taught, and I think it is just really a very positive thing overall for these young men, and by the way young ladies that are part of members of the Junior ROTC. I recently got to participate in a competition where they had to answer questions about government and political things, and I don't remember how many of the young people came and competed on that, but it was very, very difficult to judge, because these were very smart, intelligent young people that knew their stuff. I was just impressed in every way."*

*“So since 1994, this has been growing and growing. I am not sure how much bigger it can get, but I am extremely impressed. A little bit jealous because back when I was in Southeast High School, thank you for mentioning your schools as well, but we didn’t have anything like this back in the day. I was a floundering teenager, didn’t have any direction in my life. I needed some discipline, and it would have been really good for me to do that. I ended up joining the Air Force. It was one of the best things I have ever done. I know many of the members actually do go on to serve in the military. I think this is a great segue for them to do that potentially.*

*“But I remember that when I joined the Air Force, I went in with no insignia, they called me a slick sleeve. I didn’t have anything on my sleeves at all, I had the most plain uniform you could have, so I look at you guys today, and your uniforms look fantastic. They call that fruit salad. The ribbons that you have, the medals that you are wearing, the uniform is very important, customs and courtesy is very important, respect, patriotism, service, you guys have it all. I’m just extremely impressed.*

*“My colleague is Colonel David Dennis, I’m sure he had a uniform very similar to that, only his was from active duty service in the Air Force. Commissioner Ranzau probably had something like that. Certainly General Scholes had a uniform that had a fruit salad. I didn’t have much, so I am quite jealous today. I tried my best, but I didn’t get, you guys have much better uniforms than I ever had. Anyways, I want to say thank you for your service to the community. I am extremely impressed, proud of you all. Thank you, Colonel Kennedy for all you do. Please continue to grow the organization. I just want to say thank you. Thank you, Mr. Chairman.”*

*Chairman Unruh said, “Thank you, Commissioner. I see no other comments. Once again, appreciate you all being here, and I will second, you all look sharp. Looking good.”*

*Cadet Colonel Hull said, “Thank you.”*

*Chairman Unruh said, “Thank you for being here today.”*

*Cadet Colonel Hull said, “Thank you.”*

*Chairman Unruh said, “Madam Clerk, next item, please.”*

**Adopted**

**D**     [17-948](#)

**PROCLAMATION DECLARING NEIGHBORHOOD UNIVERSITY  
EMPOWERING NEIGHBORHOODS DAY.**

Read by: Chairman David Unruh or his designee.

**RECOMMENDED ACTION:** Adopt the proclamation.

*Chairman Unruh said, “Commissioners, I have a proclamation for your consideration.”*

*WHEREAS, Wichita Independent Neighborhoods (WIN) started with a few neighborhoods in 1993 and currently covers almost half of Wichita households and over 60 Neighborhood Associations; and*

*WHEREAS, WIN has established the Neighborhood University program as an educational forum to bring together leaders, businesses, city and county representatives to share and discuss ideas to find solutions for neighborhood*

*problems, improve conditions, and overall quality of community life; and*

*WHEREAS, Neighborhood University promotes team effort and offers learning experiences that will lead to success for individuals and organizations, and instill values of caring and consideration for all neighborhoods; and*

*WHEREAS, 2017 Neighborhood University continues WIN's vision to ensure an informed, empowered, and healthy living environment for the citizens of Sedgwick County;*

*NOW, THEREFORE BE IT RESOLVED that I, David Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 4, 2017 as*

*NEIGHBORHOOD UNIVERSITY EMPOWERING NEIGHBORHOODS DAY*

*in Sedgwick County and recognize the efforts of WIN and its partners by supporting the citizens in making Sedgwick County the best place to live and encourage citizens to attend the Neighborhood University Empowering Neighborhoods event on November 4, 2017.*

*Chairman Unruh said, "Commissioners, you have heard the proclamation. What's the will of the board?"*

*MOTION*

*Commissioner Howell moved to adopt the proclamation.*

*Commissioner Ranzau seconded the motion.*

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

*VOTE*

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

*Chairman Unruh said, "Accepting the proclamation today is Mr. James Roseboro and Janet Wilson, I think, is also here to help receive that."*

*Mr. James Roseboro, greeted the Commissioners and said, "I am James Roseboro, President of the Neighborhood of WIN, the Wichita Independent Neighborhood. I almost said the Northeast Heights Neighborhood. I just want to thank you for your support of the 15th anniversary of our Neighborhood University. We do a lot. I work with a lot of you up there before on different things, and I am going to say this before I turn this over to Janet [Wilson] and Dr. Lee, as a mere fact that we value quality of life issues in the neighborhoods.*

*"I noticed the group that spoke before us left, but that's what WIN is about. When we first started to organize in 1990, that's a long time ago, we want to speak as one voice for all the people in Sedgwick County, in the city of Wichita, and the surrounding area.*

*We have accomplished that over the years, and we have done that through the Neighborhood University, one of the ways, and I will let Janet and Dr. [Carla] Lee talk about that, but thank you very much for the proclamation.”*

*Ms. Janet Wilson, greeted the Commissioners and said, “Thank you for your proclamation. We have a dynamic speaker that is going to speak, Dr. Shirley Smith, out of University of Kansas Med[ical] School, and what she's going to talk about is the importance of neighborhoods and a neighborhood association. She was in [Hurricane] Katrina, and 12 years later, she wants to talk about how neighborhood associations affect quality of life, health, mental health, as well as social health.*

*“Also, why some neighborhoods are not being rebuilt in New Orleans because there was never a neighborhood association to begin with. So as they progress, when FEMA (Federal Emergency Management Agency) came in, FEMA directed all of their funding toward neighborhood associations, so if you didn't have a neighborhood association, you didn't get any funding. That's why New Orleans, the way it is now, is not thoroughly built back like it was. Then we have for lunch over speaker, and Dr. Carla Lee will speak on him.”*

*Dr. Carla Lee, greeted the Commissioners and said, “We've got an exciting program this year. The luncheon speaker, Mr. Dan Prater from Drury University in Missouri is a Wichitan, who is now in Missouri. He formed a not-profit center and is its Executive Director. He works on infrastructure training of boards, so we are really looking forward to his presentation. I have shared with him the five C's that are some of what I teach over the years: Communication, collaboration, commitment, collegiality, throughout whatever one does.*

*“He also has agreed to do a spin-out workshop. We have 15 speakers for 15 workshops, plus training on fire safety. We will close out with a panel. Jim Howell is serving on our panel in the afternoon, and will capstone, do a synopsis on each of the tracks from those spin-outs. So we are hoping that out of that we will come back to the large audience what happened in those spin-outs. Lavonta Williams will also be doing our final remarks on behalf of the city.*

*“So we're very grateful for the participation of the county on this coming up, and we are hoping in the end that Dan Prater, for example, may contract with neighborhoods across the county and the city, his lectures are on strengthening boards. He goes over conflicts of interest, all the IRS (Internal Revenue Service) rules, functions of officers for the boards, so it is a first time we have brought in this kind of a speaker, so we're hoping people might come, if only for the luncheon to hear his presentation. Thank you again very much for your proclamation. We look forward to an exciting day.”*

*Chairman Unruh said, “Dr. Lee, thank you. We do have a comment here from Commissioner Howell.”*

*Commissioner Howell said, “Thank you, Mr. Chairman. I was just curious, Dr. Lee, if you would be willing to tell us where this is going to occur, where the University will be. If someone is interested in attending, how can they do that. How can they find that information, and is there a cost. Can you please, tell me?”*

*Dr. Lee said, “The cost \$25. That includes a continental breakfast, a luncheon, and all the breaks and all the workshops ahead of time, so if you can call our office 260-8000.*

*For Janet, or call myself 213-7865, we will be glad to acknowledge your \$25 ahead of time. At the door it is [\$]35, and that also includes all of our exhibits. So you can contact us or the WIN office for that."*

*Commissioner Howell said, "The other question was where will the event be?"*

*Dr. Lee said, "We are the south fire training station, 4700 31st Street South."*

*Ms. Wilson said, "We are at the fire training station. We will be two blocks west of Oliver on 31st Street at the fire training station where the tower is, right behind Plainview Park. We go from 8:00 [a.m.]to 3:00 [p.m.]. It's an all-day affair, but it's very well worth your time, thank you."*

*Mr. Roseboro said, "I would also like to add I did drop off save the date cards for each Commissioner. I don't know if you received them, but or not, it did have the location and the times of the University on it. Also, I just want to say, I do have tickets here this morning ready to be picked up, if you are interested. So appreciate it. I will stand for any questions there may be for me."*

*Chairman Unruh said, "Alright."*

*Commissioner Howell said, "Well Mr. Chairman, I have a couple other comments as well. I will say number one, thank you for doing this. It is a great organization. It is a growing organization, 16 neighborhoods now, it is impressive. I have been involved in WIN, as much as I have had time and opportunity, but every time I go and experience anything that WIN puts on, it is always a great event and great people."*

*"So I appreciate the grassroots effort to educate and make your neighborhoods better and safer. Community coming together and help each other, to help solve problems, make your community safer, and its just really very impressive. Some of the points I want to highlight on this schedule, I am involved in what is called an area circles group, basically trying to help people find ways out of poverty. I'm actually personally involved in that. But you guys have a breakout session on there it's called Bridges of Poverty, taught by Danny Johnson. There's a segment by a former Commissioner Karl Peterjohn, there is a homeless outreach team has a section, there's a area on transportation, there is comments by, again, President Roseboro, which I think is going to be great, looking forward to that, as well as Vice-Mayor Janet Miller and closing remarks by Lavonta Williams. Of course, I have a session on a panel, my part will be a summary of civic engagement with government agencies."*

*"It is a great plan for the day. I'm looking forward to being a part of that. I want to say thank you for your leadership and bringing the WIN organization together and continuing to lead, help it grow and do what it does. It's very impressive, I want to say thank you for all you do. Thank you, Mr. Chairman."*

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

*Dr. Lee said, "Thank you, for sharing our tracks. We do tracks and I appreciate what Mr. Howell is sharing. We try to use different themes each year and this year we picked structural items. The first track is education with speakers in it, the second track is health and safety with speakers in it, citizenship and community engagement, finance, culture."*

*"Then we do train for fire and safety and first aid. So thanks for picking out who they*

were and we have tried to use workshop themes throughout our times of Neighborhood University. So appreciate seeing that, Mr. Howell. Thank you.”

Chairman Unruh said, “Well, thank you all for being here and much success on your event as it comes up. I think we’re ready for the next item.”

**Adopted**

**APPOINTMENTS**

**E**     [17-946](#)     RESOLUTION APPOINTING SUSANNE WELSHANS (BOARD OF COUNTY COMMISSION APPOINTMENT) TO THE SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE IN THE CITIZENS ORGANIZATION POSTION.

Presented by: Eric Yost, County Counselor

RECOMMENDED ACTION: Adopt the Resolution.

*Mr. Eric Yost, County Counselor, greeted the Commissioners and said, “Item E is a resolution appointing Ms. Welshans to the [Sedgwick County] Solid Waste Management Committee in the Citizen’s Organization position. This would fill the vacancy left when Ms. Elizabeth Bishop, her term expired. Ms. Welshans’ term would expire December 31st of 2018, and I don’t know that she’s present to be sworn, but I would urge adoption resolution.”*

*Chairman Unruh said, “Alright, thank you, Commissioners. What’s the will of the board?”*

**MOTION**

*Commissioner O’Donnell moved to adopt the resolution.*

*Commissioner Dennis seconded the motion.*

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

**VOTE**

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O’Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

*Chairman Unruh said, “I don’t think Ms. Welshans is here, so she will be sworn at appropriate time. Next item, please.”*

**Adopted**

**NEW BUSINESS**

**F**     [17-917](#)     ZON2017-00036 - ZONE CHANGE FROM SF-20 SINGLE FAMLY TO

LC LIMITED COMMERCIAL, GENERALLY LOCATED ON THE NORTHWEST CORNER 119TH STREET WEST AND 31ST STREET SOUTH (DISTRICT 3).

Presented by: Dale Miller, Director of Planning.

Recommended Action: Adopt the findings of the Metropolitan Area Planning Commission (MAPC) and approve the zone change; authorize the Chairman to sign the resolution and authorize the resolution to be published.

*VISUAL PRESENTATION*

*Mr. Dale Miller, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Commissioners, this is a 5.7 acre site there where the arrow is pointing, located on the northwest corner as indicated previously. The applicant owns not only the application area but also owns the land to the north and west as well. Limited commercial (LC) zoning would expand the range of permitted uses that would be currently allowed on the property. The property is currently zoned SF-20, Single Family 20, which means that basically you can have single family homes on half-acre lots and a few other, kind of, institutional and civic uses like churches and parks.*

*"So the existing land use is, is essentially limited single family homes they proposed rezoning to limited commercial would expand the range of uses to not only include single family residences, it would also allow a broad range of office and commercial uses as well. As you can see here, property to the north, to the west and to the south is also zoned SF-20. The property here to the northeast is zoned limited industrial (LI) and has a conditional use for soil mining. The soil mining conditional use is good for five (5) years from the time the property was platted. I'm not sure how much time is left on it, but I do know that they do have the ability to do soil mining for up to five years from the time it was platted, plus all the limited industrial uses.*

*"The property down to the southeast, this kind of purple color, is industrial park and it also has a protective overlay on it. The industrial park district is more restrictive than the limited industrial district. If you think of high/low or high medium and low district, the industrial park would be lowest intensity industrial. The limited industrial would be medium, and then we have general industrial which would be the highest.*

*"I did check to see how many people were notified because there are large ownerships here and I believe there were seven people that were on the official notification list. You can see this is a rural area, it's still primarily used for agricultural activities with a few scattered farm sites or home sites. Down here further south about 1300 feet is a subdivision of single family homes. The homes here and here are under separate ownership from this property and the application area. You can see that the comprehensive plans suggest that this is appropriate for new residential uses, and there is an aerial that gives it a kind of catawampus view, that's the application area, north is kind of here to the left.*

*"[Metropolitan Area] Planning Commission (MAPC) did review this and approved it 12-0 subject to a protective overlay that requires Planning Commission approval of a development plan that details permitted uses, maximum gross floor area, building height, setbacks, parking, etcetera. Things you would normally see in a Community Unit Plan (CUP). Community Unit Plan is a overlay district that typically is required by code that if you have six acres or more of land under unified ownership and you're*

*asking for limited commercial or general commercial zoning, you're required to submit that Community Unit Plan with the zone change.*

*"This property was submitted at 5.7 acres so the code did not require them to submit that additional document. However, Planning Commission felt it was appropriate that at the time before they can get building permits, that such a document be submitted and reviewed by the Planning Commission, so that was one of the conditions. The second condition was that no building permits be issued for non-residential uses until the site is served with sewer, water and other typical utilities. As best as I could tell yesterday the closest, let me go back here, the closest sewer and water services are approximately 3500 feet to the northeast. There off the site here is a subdivision over in this direction and there is sewer and water over there, but otherwise this area is not served by municipal services at this point.*

*"There was no official protest submitted. I understand at the Commissioner Dennis' CAB (Commissioner Advisory Board) meeting there were six or eight people that spoke and had concerns about encroachment of non-residential uses into what, in their view is a residential area and had concerns about traffic and other types of impacts that would be generated by limited commercial use. There was also concern that the applicant did not specify with any greater detail in terms of the amount of commercial activity, the types, those sorts of things like you would normally find with a Community Unit Plan or specified protective overlay. So with that I would try and answer questions."*

*Chairman Unruh said, "Alright thank you, Dale. Commissioner Dennis."*

*Commissioner Dennis said, "Thank you, Mr. Chairman. I have several questions for you Dale. First of all is the applicant or agent here today?"*

*Mr. Miller said, "I do not see the agent anyway."*

*Commissioner Dennis said, "Okay, thank you. Next question, as far as the CUP (Community Unit Plan) it's normally and you've already stated this but I want to make sure that it's clear, that a Community Unit Plan would be required if they were going six acres on this. But they decided to go 5.7 and they own all the other properties surrounding this, is that not correct?"*

*Mr. Miller said, "According to the Appraiser's information they do own this remaining land to the north and west of the application area."*

*Commissioner Dennis said, "So it looks like just from the surface that maybe they're trying to preclude us reviewing a Community Unit Plan prior to getting this zoning. That's just an observation. Let me ask you a couple of questions about if we approve this limited commercial, could a cemetery be put there?"*

*Mr. Miller said, "A cemetery?"*

*Commissioner Dennis said, "I have the zoning codes."*

*Mr. Miller said, "Yeah, I guess..."*

*Commissioner Dennis said, "Yes."*

*Mr. Miller said, "...I hadn't thought about that one."*

*Commissioner Dennis said, "Could a correctional placement facility be placed there?"*

*Mr. Miller said, "Correctional placement facilities if they are located, I believe within 750 feet of residential zoning requires a conditional use."*

*Commissioner Dennis said, "It does require some conditional use, but it could be put there."*

*Mr. Miller said, "Yes, with additional."*

*Commissioner Dennis said, "Subject to some other restrictions could a recycling station public or private be put there?"*

*Mr. Miller said, "Yes."*

*Commissioner Dennis said, "Subject to some other regulations could construction sales and service be placed there?"*

*Mr. Miller said, "Limited commercial, I don't think so, because that's outside storage."*

*Commissioner Dennis said, "It can."*

*Mr. Miller said, "Can it? Okay."*

*Commissioner Dennis said, "Could a night club in the county be placed there subject to some restrictions?"*

*Mr. Miller said, "Yes."*

*Commissioner Dennis said, "Could a sexually oriented business in the county be placed there subject to some restrictions?"*

*Mr. Miller said, "Yes."*

*Commissioner Dennis said, "Could a tavern or drinking establishment there subject to some restrictions?"*

*Mr. Miller said, "Yes."*

*Commissioner Dennis said, "Vehicle repair?"*

*Mr. Miller said, "That's allowed by right in LC, yes."*

*Commissioner Dennis said, "Asphalt, concrete plant?"*

*Mr. Miller said, "Certainly, if they meet the criteria that could be allowed by right for a limited. Yes."*

*Commissioner Dennis said, "Okay. So there's a whole lot of things that could be placed in this that we don't have any control over because we don't know. Normally you*

*do a CUP and we limit those things by having this protective overlay the CUP. Isn't that not correct?"*

*Mr. Miller said, "That's correct. There's typically a list of uses that most people voluntarily eliminate just to avoid having to deal with whether they're possible or not."*

*Commissioner Dennis said, "But in this case why the applicant or agent is asking just for a blank check to do, to rezone 5.7 acres limited commercial. It gives me some pause to think about this a little bit. Who in Planning would approve this once they submit the protective overlay?"*

*Mr. Miller said, "If it's approved as recommended by the Planning Commission, it would go to the full Planning Commission for their review and approval."*

*Commissioner Dennis said, "But would it come back to us?"*

*Mr. Miller said, "Not the way it's worded now."*

*Commissioner Dennis said, "Okay. So if we vote on this, we vote in favor of it today, why we have no control over any of these different things that I just read through."*

*Mr. Miller said, "That's correct."*

*Commissioner Dennis said, "Okay. That causes me some pause also. I wish the applicant or agent would have been here today, because I would have had questions for them. I will have some recommendations here later on, but there may be some other questions, and I know that there's at least one person that wants to speak on this. Thank you."*

*Chairman Unruh said, "Thank you, Commissioner. Commissioners are there any other questions directly of Mr. Miller? I don't see any, so it's not a public hearing but we will allow comment on zone change. So Ms. Sheridan has indicated she would like to speak."*

*Ms. Sheridan said, "I am in part of Redmond Estates Subdivision. I wanted to start off with, gosh, there are several things today the theme it seems like has been quality of life and making our neighborhoods better. I don't think that this falls into that same theme. I've been to both municipal zoning and also to the county meeting previous to this sharing my opinion that I think that this should not be rezoned."*

*"One thing, if you look at the pictures when you look at the views from the east, or I'm sorry the south and the west, I think a lot of the pictures on this zoning information that was given at meetings has been somewhat deceiving and even when it's said it is a rural area. When you look at this, yes it looks like nobody lives there. I live, when you look at the map one field away, but I'm not in the required zone to be notified. We had a little sign on 119th [Street] that I had to pull over onto 31st Street so I didn't get hit, so I could take a picture to get the phone number to find out what's going on with land and that is the only way we knew about it."*

*"At Redmond Estates, the picture that they also took at the initial zoning meetings was approximately five years old from the air, and there are about, I don't know, 15, maybe, houses in there. At this point there is almost 50 houses in Redmond Estates. All lots have been sold, there's two lots that haven't been built on, but are getting ready to be."*

*So every single lot in that neighborhood has been sold. Those houses range in from the \$300,000 to \$400,000 range, they're on one acre lots.*

*"Lots of children are in there. My concern with this is on 34th Court, I live directly at that 5.7 acres from my backyard, so I have one field in between us. Moving in there, I realized that wheat field will not always be there. If I could, I would buy the whole thing and have them plant wheat for the rest of my life, but we realize that's not going to be possible. But we also know those are single-family households, and since there's no water or sewer out there that they would have to be pretty much like in kind, one-acre lots at this point. So there's some control as to what is coming in and going in there. Most of us did not move there so that we could have businesses built next to us. Most of us moved out of city limits, so that you could be have a little more of that country feel.*

*"Our concern is lights that would be put up, watching parking lots, not knowing what's going in there. The other two concerns that I had is if you notice it is on the corner of 31st street and 119th. To me, it is the foothold to put an entrance to something. It is the way you are going to get to the rest of the property. There is no other easy access way, because 31st street is a gravel road. So that's the entrance off 119th, and it feels like it is just a way to get in there. But a way to get around also what's going to be put in there, if it is just a blank zoning change, we don't have a voice at that point.*

*"So I wanted to make sure that the County Commissioners heard that there are people, and we want to have a voice in what goes in there, and we want to make sure we still maintain that quality of life that we have. The last concern that we have is, we are part of Goddard School District, one of the things that we're missing on the south side is a mid-level subdivision development in that \$200-\$250,000 range. Quite a few of our constituents within the district, when they hit that middle school level are looking for that next house to move up to, have to bump to the north side. So they leave the south side.*

*"If you listen to the news, maybe you aren't into the high school stuff going on, Goddard just moved to a 4A school versus 5A school for next year. Eisenhower [High School] stayed at 5A, part of that is because people have to move to the other side of Kellogg, because there is no place for them to move. We are currently having a trend of more houses moving south. If you look at Southern Ridge, Southwest Passage, we have houses moving that direction. So there is a trend of it, but we need to have that space available to build those mid-level houses. My concern is if we keep putting industrial or light commercial, you're going to persuade people not to do that.*

*"The commercial for the purple area, unfortunately, that happened right as we were moving in. That sign was about 12 x 12 on a telephone pole nailed on there. By the time I saw it, it was a done deal. So unfortunately it is not a very easy way for constituents to find out what's going on when you are driving down 119th at 60 miles an hour to read like a piece of paper. So we just want to make sure that we heard through this process. If it is passed, we want to make sure that we have a voice before something is placed on that property."*

*Chairman Unruh said, "Alright, thank you for your comments. I don't think see any questions from Commissioners. But thank you."*

*Ms. Sheridan said, "Thank you."*

*Chairman Unruh said, "Thank you for your patience."*

*Ms. Sheridan, said, "Thank you."*

*Chairman Unruh said, "Commissioner are there any other comments? Commissioner Dennis."*

*Commissioner Dennis said, "Thank you, Mr. Chairman. Well, as I said before, I wish the applicant or agent would have been here, because I would like to see if they'd just agree to what I would recommend, but I think that there are too many unknowns. I would certainly like for this Commission to have the opportunity to weigh in on whatever kind of protective overlay or restrictions are placed on this property because if we approve it now, everything that I read earlier is approved. Then later on, they can come back and get, file whatever kind of protective overlay they want, and it gets approved below us, and we never see it again. The homeowners never see it again, it just kind of happens."*

**MOTION**

*Commissioner Dennis moved to adopt the findings of the Metropolitan Area Planning Commission, with the additional conditions that any future development plan on this property must: (a) be reviewed and approved by the governing body; and (b) notices of hearings must be given to property owners in the notice area before the Metropolitan Area Planning Commission and the Board of County Commissioners hear any such development plan.*

*Commissioner O'Donnell seconded the motion.*

*Chairman Unruh said, "Okay, we have a motion and second. We're ready for discussion. I would, I guess my question would be, Dale, if they could have voluntarily offered a CUP for this property?"*

*Mr. Miller said, "Yes."*

*Chairman Unruh said, "Okay, alright I think that helps me in my thinking. Commissioner Ranzau."*

*Commissioner Ranzau thanked the Chairman and said, "Okay, so if, right now the code says that less than six acres, you don't need a CUP, right?"*

*Mr. Miller said, "Correct."*

*Commissioner Ranzau said, "If something, a specific project is going to go in, it goes to the Planning Commission. Is that correct?"*

*Mr. Miller said, "Yes, only when you say project..."*

*Commissioner Ranzau said, "Well, I mean..."*

*Mr. Miller said, "...really it's a zone change and all the uses that are permitted in that district are allowed unless they're eliminated by a protective overlay, so with that caveat."*

Chairman Unruh said, "Well, I thought you said earlier some, when they decide to build something..."

Mr. Miller said, "In this particular case, what Planning Commission approved was they approved limited commercial zoning, but a development plan that provides pretty much the same thing as the CUP has to be provided for a Planning Commission review before they can get building permits."

Commissioner Ranzau said, "Okay."

Mr. Miller said, "But they're not required to submit a reduced list of uses."

Commissioner Ranzau said, "Okay."

Mr. Miller said, "They could just say all LC uses, and submit that and say that's what we want."

Commissioner Ranzau said, "That would be reviewed by the [Planning] Commission."

Mr. Miller said, "Yes."

Commissioner Ranzau said, "Can people speak then or no?"

Mr. Miller said, "Well, the motion they had didn't require any notification to the neighbors. This is after the fact the zoning would have been approved, it's just essentially site plan review."

Commissioner Ranzau said, "Okay. Which is above and beyond what currently is required."

Mr. Miller said, "For those properties under six acres, yes."

Commissioner Ranzau said, "Okay. So, but under six acres you don't need to. But they already have more requirements put onto them than what they would normally need."

Mr. Miller said, "Yes, the development plan is an additional requirement from just a plain, here's LC zoning, you don't have to do anything else except plat."

Commissioner Ranzau said, "Okay, well I guess my concern is we have a zoning code out there to give property owners certainty on what they can do with their property and their property rights, and now we want to kind of change it. We've already added some restrictions. Normally we wouldn't, they wouldn't come back to us for review. I am not necessarily inclined to want to have to micromanage that or second-guess that.

"I mean, otherwise, if you are a property owner and you have this code and we are not going to follow it, allow people to do it, then perhaps we need to change what's allowed in some of these areas, I guess. I'm just having a little problem of keep adding more and more stuff onto it that's outside, they are following the code, now we are saying you are following the code, we don't like that you are following the code. So we want to treat you like, you know, you have greater than six acres when you don't.

"So particularly if they are not here, I guess I am hesitant to want to put any more

*restrictions on what's already on the code without getting, you know, the applicant saying that they are okay with it. If you look, if you have the zoning close by and I know there are houses a half mile away, but we have to be very careful of how many requirements we put on people if they are trying to follow the code. So those are my concerns."*

*Chairman Unruh said, "Thank you, Commissioner. Commissioner Dennis."*

*Commissioner Dennis said, "I understand your concerns, and really, I hoped that the applicant would have been here, because it would have been very easy to say do you agree with what I would like to do? They would say yes, and we could move forward. Unfortunately, because they chose not to be here today, I can't ask those questions of the applicant. All I can do is look at the fact that they own all the property out there, but they chose to just zone enough, almost to the limit of the property to keep it under the requirement of six acres.*

*"So that gives me pause. If they would have just gone a little bit further north or a little bit further west on this, why what I am asking to happen would have happened no matter what. So I don't see that we are adding an undue burden on them when they would have had an opportunity to come and speak to me today and answer my questions, and possibly we could have just worked it out at this point in time.*

*"All I am asking is just to add a step, so that we can ensure that some of these things that I read off don't happen in that piece of property. One step so that it can come back to us and for us to take a look at it and make sure that we are protecting the homeowners that live just to the south there, across the dirt road and to the west. I don't know that this is an onerous addition to what the regulation says. Thank you."*

*Chairman Unruh said, "Thank you, Commissioner. I don't see anyone else asking to speak. My comment should be is that I'm, I want to be very sensitive to increasing regulation over regulation. I am in favor of fewer regulations. I also stated repeatedly that I am in favor of property rights of someone being able to do with their ground what they want to do. However, I am persuaded by Commissioner Dennis' comments, and I believe I will be in support of the motion. Mr. Counselor, do we have to itemize any parts of the golden..."*

*Mr. Yost said, "I was just going to suggest, if you would like to hear from the applicant, I suppose we could pass this over. I don't think there's any problem with the majority of the Commission asking to delay the vote or to pass this item over. If you don't wish to do that, you certainly don't have to do that. It's your decision to make."*

*Chairman Unruh said, "So you are suggesting, if we wanted to, we could just make this a deferral."*

*Mr. Yost said, "If you want to do that to hear from the applicant and ask those questions of that person."*

*Chairman Unruh said, "Okay. Thank you, Mr. Counselor. Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. I was just curious, do we know whether MAPC actually had any discussion about putting limitations on land use. Is one of our options here I see in front of us would be to send it back to MAPC, so they may consider adding condition of any future development plan to this property would*

*have to be reviewed and approved by the governing body, did they consider that option yet or was that something they talked about already?"*

*Mr. Miller said, "It was discussed as part of their deliberations."*

*Commissioner Howell said, "They chose not to do that and it was passed 12-0 vote."*

*Mr. Miller said, "Yes, I mean in general. I mean, there were Commissioners that were saying that they were used to seeing more detail, but they understood it was under six acres. There were other Commissioners saying, yeah but they own it so we should have seen it. It's kind of similar to what you've seen there."*

*Commissioner Howell said, "Was the applicant there during this discussion, do you know?"*

*Mr. Miller said, "The agent certainly was."*

*Commissioner Howell said, "Did their, was there any discussion between the agent and the Commission on whether that would be something they would be willing to support?"*

*Mr. Miller said, "He said he was satisfied with the requirement of them submitting the development plan to the Planning Commission. There was no discussion about whether the governing body would be required to review that or eliminating specific uses or those sort of discussion, that sort of detail."*

*Commissioner Howell said, "The options that have been listed here as potential motions here, I guess I don't see a point in sending it back to MAPC if they've already had that discussion. But I would be willing to say we don't need to rush at this. If we could take a little bit of time to give ourselves a chance to understand it from the applicant's perspective, if he supports this. I mean, it would be a small delay, but I would prefer to do that, if possible. He may be willing to have that discussion here. I think having his support or his input on that would be very reasonable."*

*Mr. Miller said, "My comment would be that if you decide to send it back, the Planning Commission would be advised to consider the comments that you made about wishing to have had more detail and that they would have to factor that in for whatever that's worth."*

*Commissioner Howell said, "Well, I'm inclined to want to have that discussion somewhere, whether here or there, if it's appropriate to be there, then that would something I would support as well. Thank you, Mr. Chairman."*

*Chairman Unruh said, "Thank you, Commissioner. Commissioner Dennis."*

*Commissioner Dennis said, "Thank you, Mr. Chairman. I don't know that there is a rush on this. I would like to hear from the applicant, that's why I was hoping they would be here today. I know we've had one homeowner that took off to come up here today, but I don't see that there is a problem with delaying this, so we can hear from the applicant. I need answers to these questions, that's why the first question I asked was the applicant or agent was here. So if it would please the Commissioners more to delay this, I would be happy to amend my motion to allow this to be deferred for 30 days and bring it back before the Commission at that time."*

Chairman Unruh said, "Commissioner Ranzau."

Commissioner Ranzau said, "Well, let me say, I prefer that we vote today to approve. Let's keep in mind that we've set rules for our constituents. We've put them in writing, said here's the rules, follow these rules and you can use your land. They went through the process, they read the rules, they got approved and they are here. I think they have a right to a reasonable expectation that we will follow those rules, and that when we say if you do this process, you can use your land and these uses under this category if you follow the process and they have.

"Would it be nice if they were here today, yes? But I am not sure it should be required for them to be here to ensure that we follow the rules. Now I understand you could say that maybe they intentionally went a little below 6 acres. I say, well, maybe they did. So what? I mean, when government creates regulation that impedes progress and economic development, people look for ways to minimize the impact of those and costs of those rules and regulations.

"But we have said in our rules and regulations, our zoning code, that if you are less than six acres, this is what you can do. We already put more requirements on them than are required in our rules, so I would prefer that we approve this and not delay it any further. I think that's the, I mean, more business-friendly way to do it. If we think our zoning codes allow for certain things that it shouldn't be allowed, then perhaps we should reconsider that. I would just caution, encourage my Commissioners to think about the person who's owning this property and the business owner and sees the rules out before him or her by the government, said follow these rules, you can do this. They went through the process, all of these sorts of issues were available for discussion at that time.

"Now we are saying, well maybe we don't like the fact that you used the rules, we think maybe you used the rules. Basically, we're complaining they followed the rules and now we don't want to necessarily follow the rules. So, I do support this zoning change. I wouldn't be open to adding more requirements. I am encourage my Commissioners, 30 days is another 30 days, I don't know if they have anything planned or not, it may not matter in the long run, but I just think, you know, we need to be cautious and respectful of the fact that we have established rules, and I think our constituents ought to be able to have confidence that we'll in general follow those rules. Thank you."

Chairman Unruh said, "Thank you, Commissioner. The motion that's before us at this time, however, say that we are approving the zone change, but that we have added a condition to it. We want to have some insight as to what is going in there. So this discussion and conflict, could have been avoided if the applicant would have indicated what he is going to put in there, even if it was 5.73 acres. We could have got through this, if we had known what he's planning to put in there. I mean, wouldn't that have been a solution?"

Mr. Miller said, "More detail would have enabled everybody to react in a different way, I suspect. But yes, the motion on the floor as I understand is to approve it subject to there being a development plan that the Board of County Commissioner reviews after there's public notice to the neighbors that the plan has been submitted and Planning Commission and County Commission review."

Chairman Unruh said, "Okay."

*Commissioner Ranzau said, "Can you say that again?"*

*Mr. Miller said, "That the motion is that the application be approved, subject to the Board of County Commissioners reviewing and approving the ultimate development plan, and as part of that, we would send notice to the neighbors and it would go to Planning Commission almost like a repeat of the process. The only thing that would be up would be the development plan, not the zoning."*

*Commissioner Dennis said, "(inaudible) go to planning."*

*Chairman Unruh said, "Okay. Alright, Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Just a quick question. Whatever limitations are agreeable by the agent or applicant, if they would choose to transfer that property or sell that property to somebody else, those conditions would transfer to the new owner; is that correct?"*

*Mr. Miller said, "Yes, the restrictions run with the land."*

*Commissioner Howell said, "I understand that's the motion, but there is a substitute motion that hasn't been seconded yet, is that correct? That would be the delay."*

*Chairman Unruh said, "I'm not sure you made that motion."*

*Commissioner Dennis said, "I haven't made that motion, yet."*

*Commissioner Howell said, "Oh, I kind of, thought you did. Okay, with respect to Commissioner Ranzau's comments, I am sympathetic to that position, but I would say there is not a timetable attached to those rights. I think we can take our time with some of these things, and it is not wrong to have a conversation with the applicant if they are willing to put some conditions on that would make people feel better, I would like to have that conversation.*

*"Doesn't mean we're taking his rights away, but I think having that conversation, it would put those things in place. Maybe they don't have an interest in having a tavern or sexually oriented business out there. If that was the case, maybe they would be willing to write some of those things into their restrictions and accept those things, so they would help people in the community feel better, perhaps, that they know at least a little bit about what is not going to happen in their community. So I think it would be reasonable for us to take a little time to have that conversation still. It doesn't mean we're stripping his rights, it just simply says we would like to protect people and do it in a way that the person that's making the application would be willing to put some things in place to help the community perhaps feel a little bit more at ease over what the plans would be in the future.*

*"I am still inclined to want to see a delay on this. I would accept the motion as you described it, I guess, but my intent would be to try to find a way to have a conversation with the agent and have him put up, you know, I guess willing accept some things that he would be willing to say or restrictions he's acceptable to and that would put the community at ease a little bit over things that aren't going to happen. Thank you, Mr.*

Chairman.”

Chairman Unruh said, “Thank you, Commissioner. Is there any other comment? I believe then that we have a motion and a second that needs to be dealt with. I see no one else asking to speak. So Madam Clerk, we will ask you to call the vote, please. Excuse me, I don’t, before we do that, is there, Mr. Counselor are there other legal considerations?”

Mr. Justin Waggoner, Assistant County Counselor, greeted the Commissioners and said, “I was just going to let you know that, and this may have been apparent, but in order to take the action proposed in the motion, it would require four votes to take that action.”

Chairman Unruh said, “We have that notation, but thank you.”

Mr. Waggoner said, “Thank you, Commissioner.”

Chairman Unruh said, “Any other comment? Madam Clerk, call the vote please.”

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	No
Commissioner Howell	Aye
Commissioner O’Donnell II	Aye
Chairman Unruh	Aye

Chairman Unruh said, “Alright, thank you. Next item, please.”

**Approved As Amended**

**G**     [17-919](#)

ZON2017-00037 - ZONE CHANGE FROM SF-20 SINGLE FAMILY RESIDENTIAL TO TF-3 TWO-FAMILY RESIDENTIAL ON PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF WEST 47TH STREET SOUTH AND APPROXIMATELY 500 FEET WEST OF SOUTH MERIDIAN AVENUE (DISTRICT 2).

Presented by: Dale Miller, Director of Planning.

RECOMMENDED ACTION: Adopt the findings of the Metropolitan Area Planning Commission and approve the zone change; authorize the Chairman to sign the resolution and authorize the resolution to be published.

VISUAL PRESENTATION

Mr. Miller said, “This is 38 unplatted acres. The applicant proposes to develop the property with a mix of single family and duplex units. At the Planning Commission meeting he indicated that he expected 80 percent of the site to be developed as single family, however they are asking for the TF-3 (Two-Family) zoning to allow for the duplexes. There was as you can see, there is manufactured home zoning to the east and to the south, when you get to the aerial you will see some of it is developed and some of it is not. To the west is a single family zoned, SF-5 subdivision, and then to

*the north are other SF-20 properties primarily large lot residential uses, and this is west 47th Street here with Meridian [Avenue] over here.*

*“There is the aerial, these aerials are about three years old. They’re the most recent that we have. You can see the manufactured home subdivision or park over here. It’s vacant down here and then it wraps around to the south. This is the single family subdivision immediately to the west. It is hard to see, but there is a significant drainage ditch that runs the entire length that separates the application area from the existing residential area. There is also one on the eastside and this is also a drainage ditch and these carry water down to this larger ditch and then it carries it on further south. You can see here large lot residential uses to the north.*

*“There were a number of people that spoke in opposition primarily concerned with the notion that duplex zoning equals rental properties and that rental properties equal lower maintenance than homeowner occupied properties. There was a couple of folks that mentioned that they thought rental properties would lead to transient folks that could increase the level of crime. There was also discussion about development at the duplex level would increase traffic on 47th Street. I think those were the, and then drainage was the other issue that was brought up.*

*“Planning Commission did review this and approved it, only what they did was they limited the TF-3 zoning to the eastern half instead of the entire site. So when the property is annexed, the SF-20 zoning that would remain if this is approved as recommended, the property on the western half would remain zoned SF-20. Then when it gets annexed upon annexation it automatically convert to single family five (SF-5) that would allow for the single family homes. Then if this is approved, the zone change would then allow for the duplexes to be on the east half and restrict them to the east half of the property away from the neighbors who felt that duplexes in close proximity to their homes would impact them. So with that I would try and answer questions.”*

*Chairman Unruh said, “Alright, Commissioners are there any questions of Mr. Miller? Then once again this is a zone change, it’s not a public hearing. But on zone changes we allow public input if there is anyone who wants to speak. I see no one rising to speak, so we’ll restrict the comments back to the bench. Commissioners, if there are no comments, what’s the will of the Board?”*

**MOTION**

*Commissioner O’Donnell moved to adopt the findings of the Metropolitan Area Planning Commission, approve the zone change, and authorize the Chairman to sign the resolution and authorize the resolution to be published.*

*Commissioner Dennis seconded the motion.*

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

**VOTE**

*Commissioner Dennis                   Aye  
Commissioner Ranzau                Aye*

Commissioner Howell                   Aye  
Commissioner O'Donnell II           Aye  
Chairman Unruh                   Aye

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

**Adopted**

H     [17-931](#)

**PRESENTATION OF THE QUARTERLY FINANCIAL REPORT.**

Presented by: Rick Durham, Deputy Chief Financial Officer.

**RECOMMENDED ACTION:** Receive and file.

*VISUAL PRESENTATION*

*Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "As we have Rick [Durham] come up and give the quarterly report, I wanted to take the opportunity in reference to the budget and specifically the CAFR (Certificate of Achievement for excellence in Financial Reporting) to deliver you some news that we received from the Government Finance Officers Association (GFOA). So Rick through his leadership and the team of finance received an award.*

*"I wanted to read it to you from the GFOA. The certificate of achievement for excellence and financial reporting has been awarded to Sedgwick County by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report or better known as the CAFR. The certificate of achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. An award of financial reporting achievement has been awarded to the individual or department designated by the government as primarily responsible for preparing the award winning CAFR. The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive spirit of full disclosure to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.*

*"So again, through Rick's leadership and in a team effort in the Finance Department, this is a pretty big deal, and I wanted to take this opportunity to publically recognize them. With that they were able to be given a bunch of, I think we have plaques that they were given, but this nice plaque that they will proudly display in their department. But I want to give Rick an opportunity to recognize the team that helped him in this."*

*Mr. Rick Durham, Deputy Chief Financial Officer, greeted the Commissioners and said, "Thank you very much."*

*Mr. Scholes said, "Alright."*

*Chairman Unruh said, "Congratulations."*

*Mr. Durham said, "I've never gotten an introduction before a quarterly financial report. Thank you very much. Before I go into the quarterly report, allow me to recognize the team that's responsible for this because this most certainly is a team award for the Accounting Department particularly, who's represented here, there they are right there. The Accounting Department sitting here in the back row very quietly the Director is*

*Hope Fernandez, next to her is Melissa Slaughter, next to her is Mandy Estes, sitting over here hiding behind the budget team is Marty Hughes, and did I miss, sorry Brandi Baily sitting there with the budget team. So those are the people that are responsible for putting the CAFR together. So once again, thank you very much Mr. Manager for bringing light to that, but its very much a team award. That's the team responsible for that, so thank you all very much.*

*"As the presentation is being handed out to you, just so you know what you're about to see here is obviously our standard quarterly report. At the end of each quarter, the Division of Finance does report on the financial condition of the county. So the following report will be a report as what our financial condition is at the end of the third quarter, the third fiscal quarter, which ended September 30th of this year. But the information contained in this report is based on the unaudited financial statements and would exclude any adjustments that would be necessary in the future.*

*"So the first section of the report that you should have received yesterday, so you have received the report. The first section of our report outlines financial information on a budgetary basis for applicable fund types and that includes comparisons to financial activities with the previous fiscal year and the adopted and revised budgets. The second section of the report outlines the financial status of active capital projects. The final section of the report is the fund statements which provides a broad overview of the county's finances in a manner similar to a private sector business and that's based on GAAP (General Accepted Accounting Principles) standards.*

*"This report again is prepared by this team behind me, the budget team, which is led by Lorien Showalter Arie, and they are represented here by, boy I tell you what, this is a test. This is what this is, Carli Sanchez, Lee McCrea, Todd Kawawa, Brandon [Mills] is not here today, and then the accounting staff which you have already, but that's the team responsible for putting this report together every quarter. I'm just the guy that gets to stand up here, and I'm the pretty face."*

*Commissioner Dennis said, "We're in trouble."*

*Chairman Unruh said, "I was hoping that wouldn't be said this time."*

*Mr. Durham said, "It needs to be said."*

*Chairman Unruh said, "Okay."*

*Mr. Durham said, "So when we report the financial status, the county typically aggregates information into one of several possible groupings: The general fund, property-tax-supported funds, other operating funds, or all operating funds. What we're going start with is this chart that details projections to year end by those groupings.*

*"We will start the very first there to the left, the general funds, is the county's primary operating fund and it accounts for county services that do not have a designated fund of their own. That includes most general government and law enforcement functions, and it receives the broadest variety of revenues. Currently, the operations of 42 divisions are funded from the general fund. The revenues are projected to exceed expenditures, and there will be a change in fund balance projected at \$994,000 and that will result in an ending fund balance of \$63.5 million. So you can see how I'm going down the chart. I'm just going to run down revenues, expenditures, there's a net*

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transfer line or I mean, a net change in fund balance line that was the [\$]994,000, and then the ending fund balance will be the bottom line.

“So as we move to the right, the county has seven other property tax supported funds, including bond and interest, EMS (Emergency Medical Services), COMCARE, Aging, Highway, Noxious Weeds, and Wichita State [University] (WSU). Each fund provides services related to a specific function and the property taxes levied in each fund are used only to support those specific functions. So the first of those is our debt service fund, expenditures are projected to be more than revenues, so we see a projected change in the fund balance of [\$]204,000 resulting in an ending fund balance of roughly \$3 million.

“Then we move to the right the other tax supported funds, those ones I listed prior, has a net change in fund balance of just over \$3.9 million. Mostly this is due to \$4 million in transfers to other funds, but again the ending fund balance is just over \$4 million. Moving now to non-property tax funds. The county has 31 budgeted other operating funds, which are not supported directly with property taxes, and those include grant funds, enterprise funds and internal service funds. These funds are estimated to decrease by approximately [\$]1.1 million in combined fund balance, it will have an ending fund balance of \$29.8 million.

“Next [Sedgwick County] Fire District [No.] 1. The Fire District No. 1 is a distinct government entity that is operated as a part of the Sedgwick County government and levies property taxes but is reported separately. The projected change in fund balance in the Fire District fund is [\$]725,000 and results in an ending fund balance of \$4.75 million.

“The next column is our enterprise and internal service funds. You see a net change in fund balance of [\$]1.4 million, ending fund balance of \$34.1 million. So reference says so, as we move to the very far right column, we call it total operating funds. References to operating funds mean the property tax supported funds plus all other funds. So taking all of these columns into account, the operating fund of the county is projected to have an ending fund balance of \$139.4 million.

“So now we’re going to look at just county property tax supported funds. The third quarter net revenues represented here were \$214.3 million. There were increases in property tax of [\$]3.2 million, and licenses and permits of [\$]5.6 million mainly from MABCD (Metropolitan Area Building and Construction Department). So, the county property tax supported funds, this is general fund plus all other property tax supported funds, had revenues through the third quarter of \$214.3 million.

“Here are the expenditures of the county property tax supported funds. At the end of the third quarter expenditures that totaled [\$]191.7 million, and the bulk of those increases are personnel costs and that’s due to the month of September having three payroll postings as opposed to last year. So here is the percentage change in revenues and expenditures, so a 4.8 percent increase in revenue and a 5.5 percent increase in expenditures. But we take that one more slide for county property tax supported funds, it shows our net income through the third quarter of \$22.6 million.

Here we show the Top 10 revenues in those property tax supported funds. Again, you see the increase in Ad Valorem taxes at 2.6 percent. Sales and use taxes see a slight decrease over last year, again comparing point in time third quarter 2016 to third quarter 2017, so it’s a year-over-year comparison. Motor vehicle taxes showed a slight

*increase of 1.9 percent. Then the huge percentage there in the miscellaneous non-business license and permits line is the MABCD revenue, which we are now the managing partner, so that was zero. So that shows that.*

*“So as we move down the chart you can see there are some relative high percentage changes in Medicare fees, but the dollar amounts are relatively small. Coming down, all revenues including all transfers again \$214 million that dollar change is \$9 million or a 4.8 percent increase. Now we look at key personnel expenditures. If I can, let me back up one real quick. What’s not shown on this chart maybe, as significant as what is shown on this chart.*

*“What you are not seeing on this top 10 revenues anymore is mortgage registration fees. Mortgage registration fees is no longer a top 10 revenue in this fund or in this category. But we knew that was coming because as they phase out mortgage registration fees, which will go away in 2019, okay, so it’s important to note that it’s not a top 10 anymore. What we’re seeing is an increase in officer fees. Yes, sir question.”*

*Chairman Unruh said, “Excuse me, Rick. But the mortgage registration fees were a top 10 and what level were they approximately?”*

*Mr. Durham said, “Well.”*

*Chairman Unruh said, “Three or Four million dollars?”*

*Mr. Durham said, “Yeah, I have the numbers right here. Last year at this point in time, mortgage registration fees would have been \$3.14 million, so that would have put it about number eight on the list. This year they are at \$2.23 million so that is a decrease in \$90,000. Then officer fees conversely, so we’re seeing an increase in that. In 2016, the officer fees were at \$1.87 million. This year they are at \$2.39 million, so that is an increase of [\$]52,000. So the decrease of the mortgage registration fee is obviously outpacing the increase that we’re seeing in officer fees, but there is some balance there. But I think it’s important to bring to your attention because that program will phase out completely in 2019.”*

*Chairman Unruh said, “Okay, but we have an estimation of what the net impact of that change is and what will it be?”*

*Mr. Durham said, “I’ve just been told that at the height, mortgage registration fees were about \$7 million and the projection for officer fees will be about \$4 million.”*

*Chairman Unruh said, “Okay, so we have a net impact of about \$3 million.”*

*Mr. Durham said, “Yes, sir.”*

*Chairman Unruh said, “Okay, thank you.”*

*Mr. Durham said, “Okay, no don’t apologize, thank you. So, sorry to go off tract there, but it just seemed important to bring to light. So here what we have is key personnel expenditures in the county property tax supported funds. Again, personnel is the largest single category of expense that we incur at the county. The 10.5 percent increase that you see on the salary and wages line and the 10.2 percent increase you see on the other line, is again, we had three payroll postings in 2017 in September as opposed to 2016. So that accounts for the large percentage increases on that line. Also, on the FICA (Federal Insurance Contributions Act) line, and then that will*

account for the 9.4 percent increase you see in all personnel expenditures.

*“On this slide, we list some of the key non-personnel expenditures in the county property tax supported funds. You can see that on this, this would be non-personnel expenditures would be grant awards, payments to Exploration Place, WATC (Wichita Area Technical College), Wichita State [University] mill levy, Extension Council payments. What you see on the grant awards the first line there, that is due to contractual in Aging and COMCARE. You will also see there’s a slight increase in Fleet Management charges. That is for some vehicles purchases that have been reported since the first quarter. Then the software and hardware maintenance also shows a percentage increase, or that is a decrease rather. That was also from the first quarter.*

*“We now shift from tax supported funds to non-tax, and again the county has 31 operating funds which are not supported with property taxes. In these non-tax special revenue funds, those are down in the third quarter from '16 to '17. The majority of that decrease is attributed to the [Kansas] Affordable Airfare Program. Through the expenditures, again you see a slight uptick there from [\$]52.7 [million] in 2016 to [\$]55 million in 2017. Once again, that slight uptick is due to the three payroll postings an we have in September. Here is the percent changes you see there is a 13 percent decrease in revenues and that 8.2 percent increase in expenditures. We look at some of the top 10 revenues here. Again, so you see there is a lot red there. There is a lot of decreases in these revenue streams. Here are the key expenditures in the non-tax special revenue funds.*

*“So, now we’re going to move away from the budgetary statements into what the second part of the quarterly presentation is, and that’s the part that behind, if you look at the report it’s behind the fund statement tab. What this chart shows is five years of historical trends, plus the current year of our total fund balance on a GAAP basis. So as you can see, the third quarter numbers are represented by the red numbers and the red data points. You can see that that they fall in a very narrow range over the last five years and our current year. There is a clear pattern obviously of when taxes are collected and then as we spend them down.*

*“This is the same data represented differently but on a percentage basis. So what we’re trying to show here is the county has a fund balance policy that states that unrestricted general fund balance has to be at least 20 percent of budgeted expenditures. So again, not unlike the previous slide you can see the clear pattern third quarter numbers represented in red and then that 20 percent line is highlighted down below. So you see our unrestricted balance falls above that policy minimum. But we watch that mostly in the fourth quarter as we spend down.*

*“Now we will take a look at the investment portfolio. So we will move away from the GAAP portion of the briefing. So what we notice here is that in the blue line represents the county’s yield. That is what we’re drawing right now on our investments, and that number is 1.01 percent.*

*“The green line, that dotted line that is posted above that is the benchmark, what we measure ourselves by which is one year T-bills (Treasury), which is right now are drawing 1.31 percent . The brown bars, as you can see through, that’s our par amount of our total investments which right now are \$208 million. So what you see is we’re chasing the benchmark a bit as the Fed increases the rate. We have investments that are already tied up that as they mature, we will be able to reinvest those at a higher rate. So right now we’re chasing the benchmark a bit. But I think all-in-all I’m going to mention another member of my team now, Brandi Baily, manages our investment*

*portfolio and I think she does a really good job at doing that.*

*“So now we will move to another section of the quarterly report, which is significant capital projects. There is a complete list in your quarterly to go into the depth, but these are some of the significant ones that we highlight for you. Starting at the top obviously, the Ronald Reagan Building. We see the budget, the amount committed, and that is on schedule to be completed in November, that’s this month. Second, Law Enforcement Training Center, that budget is [\$]6.13 million. We showed a commitment number there, that construction is to be completed on December 1, 2017.*

*“We next see the construction of the EMS Northeast Post, the design was recently awarded and then construction will be underway shortly. The entrance C remodel at INTRUST Bank Arena, obviously construction is underway and will be completed this month. Then the last is R175 preventive maintenance, it’s road projects, and there are seven projects in 2017 including crack sealing, overlays, seals, pavement recycling covering 215 miles of roads and the [Sedgwick County] Zoo’s parking lots.*

*“This slide shows a leading economic indicators as presented from the Center of Economic Development and Business Research at Wichita State [University]. What this shows is just those leading economic indicators and you can see, if you look from 2008, obviously with that huge downfall there, then as we climb out, as you concentrate on the last part, you see there is a small down or decrease there. But actually that ultimately represents if I were to zero in on that chart it only represents tenths of a point. So it is very, very small. Here you look at some of the key metrics for Sedgwick County or a lot of times this is from the Wichita area and these are also taken from various agencies. It’s information that I get from the Appraiser’s Office, from CEDBR (Center for Economic Development and Business Research), so as you can see that long term trends that we see, and this is annualized data through 2016. The long term trends and the tax base is up, home sales up, new home permits up, mortgages registered and then of course the sales and use tax is 2016 data, and as I showed you earlier there is a slight decrease in that this year.*

*“So if we look at the same data, but we compare them from what the third quarter of 2016 to the third quarter of 2017, you will see those arrows are actually the other way around. Home sales are down from that third quarter, new home permits are down from that third quarter, mortgages registered, sales and use tax as I showed earlier in a previous slide, slightly down. However, the employment numbers are total employed is up and our unemployment numbers locally are down.*

*“So here what we see is some of the potential threats. Obviously, the federal budget would be a potential threat to the county and as it pertains to grant funding. The state budget, the unknown of school funding, and again, our local economy seems to have a slower rate of recovery than national. However, in addition to these political and economic threats, there are other threats that we need to be concerned of here at the county. We see cyber threats, phishing attempts against the county. As the different divisions and departments go through and they conduct SWOT (Strengths, Weaknesses, Opportunities, and Threats) analyses, risk assessments, audits, policy and procedure reviews, we tighten our internal controls, but many of our county systems are in need of upgrade.*

*“So many divisions and departments throughout the county conduct their own internal control reviews and they identify the need for system upgrades. You have seen some of these in the 2018 budget, you’ve heard of others through forecasts or presentations*

at your staff meetings. So I think going forward that, that is one of the things we need to keep an eye on as a threat that isn't necessarily political or economic, but it's an environmental threat that we try to keep an eye on.

"So key points from the report is that there is no deficit projected in the general fund in FY2017 (Fiscal Year). We do see increasing reliance on taxes to fund the government, and we discussed the loss of the mortgage registration fee revenues. Our county focus reflects emphasis on core services to reduce funding to government services that can be provided by other government or private entities.

"So the third quarter financial performance is consistent with what we expected. Our fundamentals continue to reflect strong financial position, no projected deficit, and we continue to use a strategic plan as a road map for our success. With that I will stand for any questions you might have. But I probably was so thorough in my report that there shouldn't be any questions from the bench today, and I know I just set myself up for that."

Chairman Unruh said, "I noticed you turned the screen off, so I, we do have a question from Commissioner O'Donnell."

Commissioner O'Donnell thanked the Chairman and said, "It was very thorough, it was very good, probably the best I've ever seen. But my question is, on slide 22, you have the economy, the key metrics. Where do you receive that information about unemployed?"

Mr. Durham said, "That is from the, if you go to the CEDBR website at Wichita State and click on data, it's a chart that gives employment data. It gives it for all of the area, the regions and the state. It gives Topeka area, Wichita area, Kansas City, so that's where I get that from."

Commissioner O'Donnell said, "I knew we were the highest, but it shows here 9.2 percent."

Mr. Durham said, "Right."

Commissioner O'Donnell said, "Yeah, I know we had speakers at the beginning of the meeting saying we didn't need Tyson here because our unemployment was below five. So I think you're correcting that statement. So thank you, Rick."

Chairman Unruh said, "Alright, thank you. Commissioner Ranzau."

Commissioner Ranzau said, "I think just to clarify, that's a nine percent change? The unemployment rate is four percent."

Mr. Durham said, "Yes."

Commissioner O'Donnell said, "Oh."

Mr. Durham said, "That's not an unemployment rate."

Commissioner O'Donnell said, "Okay."

Commissioner Ranzau said, "(inaudible) previous chart."

*Mr. Durham said, "That is a change from the third quarter of 2016, so we are in a better position now than we were a year ago."*

*Commissioner O'Donnell said, "So what is the total then?"*

*Mr. Durham said, "The total unemployment?"*

*Commissioner Ranzau said, "It's on the previous slide."*

*Commissioner O'Donnell said, "Okay, I see it now."*

*Mr. Durham said, "It's actually, our unemployment rate is actually 4 percent."*

*Commissioner O'Donnell said, "Okay."*

*Mr. Durham said, "But I'll tell you what you I do, I'll go pull that data and send you all what the actual unemployment rate is from the CEDBR."*

*Commissioner O'Donnell said, "Thank you."*

*Chairman Unruh said, "Okay, thanks for that question. I needed help understanding that also. Are there any other comments or questions? Commissioner Howell."*

*Commissioner Howell said, "Thank you, Mr. Chairman. Looking at slide number 13, it seems like, do these columns add up to the numbers at the bottom, all revenues including transfers as [\$]58 million in the third quarter?"*

*Mr. Durham said, "No."*

*Commissioner Howell said, "Okay."*

*Mr. Durham said, "No, those are just highlights of top 10 revenues."*

*Commissioner Howell said, "I didn't think they added up that is why I was going to ask. But you know it talks about dollar change of \$7.6 million over what period of time?"*

*Mr. Durham said, "It's year to date through the third quarter comparing '17 to '16."*

*Commissioner Howell said, "That seems like a very large number."*

*Mr. Durham said, "That's correct."*

*Commissioner Howell said, "Six million dollar difference from year to year. Well that is concerning. Is there any explanation for that that we could understand?"*

*Mr. Durham said, "Well, these are non-tax special revenue funds, so many of those can be tied to grants, the grant funding."*

*Commissioner Howell said, "We have continued to engage our grant opportunities. I don't remember anything in the last year that we have done that would have changed that from our perspective, I don't think. Alright, I just want to point that out. I guess, are we doing less services as a result of this?"*

Mr. Durham said, "No."

Commissioner Howell said, "Are we providing less?"

Mr. Durham said, "We will look at that more closely, and we'll provide you some more data on that."

Commissioner Howell said, "I mean, if our needs are going down and we're asking for less money or they're providing less money because our needs are going down, again those might be reasons that would make sense, but this seems like a very large number. Then, I guess if that's going to continue, that needs to be something we would track very closely. Let me see if I have..."

Mr. Durham said, "Oh, okay. That reminder, [\$]4 million of that in excess of [\$]4 million of that is Affordable Airfares funding."

Commissioner Howell said, "Okay, well that helps."

Mr. Durham said, "Thank you."

Commissioner Howell said, "That's great, thank you for that explanation. Then likewise, I guess the same thing, I had one other question on slide number 12. Year over year, again so if I interpret that chart correctly our revenue are way down, our expenditures are way up."

Mr. Durham said, "The 13 percent revenue is also Affordable Airfares revenue."

Commissioner Howell said, "Alright, again so that is still a factor in that chart. Alright, that answers my question. Thank you, Mr. Chairman."

Chairman Unruh said, "Thank you, Commissioner. Any other comment? I think we need a motion to receive and file."

#### MOTION

Commissioner Howell moved to receive and file.

Commissioner Ranzau seconded the motion.

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

#### VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner O'Donnell II	Aye
Chairman Unruh	Aye

Mr. Durham said, "Thank you."

Chairman Unruh said, "Rick, thank you very much."

Mr. Durham said, "Thank you."

Chairman Unruh said, "Next item."

**Received and Filed**

I [17-925](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON OCTOBER 26, 2017.

Presented by: Joe Thomas, Director, Purchasing.

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

Mr. Joe Thomas, Director, Purchasing, greeted the Commissioners and said, "There is one item that's the result of our meeting of the Board of Bids and Contracts on October 26th.

1. 100Mb POINT TO POINT CIRCUIT OVER FIBER FOR LAW ENFORCEMENT TRAINING CENTER (LETC) -- DIVISION OF INFORMATION TECHNOLOGY AND SUPPORT SERVICES (ITSS)  
FUNDING -- SHERIFF'S OFFICE AND EMERGENCY COMMUNICATIONS

"The recommendation is to accept the quote from Cox Communications Kansas, LLC for a one-time installation charge of \$1,000 and a monthly rate of \$1,400 for 36 months for a grand total of \$51,400."

"I'll try to answer any questions you may have, and I recommend approval of this item."

Chairman Unruh said, "Commissioners, are there any questions?"

MOTION

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

Commissioner Howell seconded the motion.

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

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner O'Donnell II	Aye
Chairman Unruh	Aye

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

Chairman Unruh said, "Joe, thank you. Next item."

**Approved**

**CONSENT**

*Mr. Mike Scholes said, "Commissioners, recommend you approve consent agenda items Juliet (J) through Yankee (Y)."*

*MOTION*

*Commissioner Ranzau moved to approve consent agenda.*

*Commissioner Dennis seconded the motion.*

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

*VOTE*

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

*Chairman Unruh said, "Next item, please."*

- J**     [17-922](#)     Intergovernmental Services Agreement by and between Sedgwick County, Kansas and the City of Wichita, Kansas Regarding the Wichita-Sedgwick County Flood Control Operation.  
**Approved on the Consent Agenda**
- K**     [17-914](#)     Resolution establishing traffic control devices at intersections of section line roads within or abutting Ohio Township, Sedgwick County Kansas, and providing for the enforcement thereof. District 2.  
**Approved on the Consent Agenda**
- L**     [17-924](#)     Encroachment Agreement with Southern Star Central Gas Pipeline to allow construction of the Aviation Pathway, Phase 2, within portions of the a private pipeline easement along 47th Street South. CIP# R-330-A. District 5.  
**Approved on the Consent Agenda**
- M**     [17-920](#)     VAC2017-00031 - Vacation of a platted floodway reserve that is no longer located within flood plain maps, generally located on the south side of 47th Street South approximately one half mile east of 167th Street West (District 3).  
**Approved on the Consent Agenda**
- N**     [17-939](#)     Resolution to delegate authority to apply for zone changes and other related actions.  
**Approved on the Consent Agenda**

- O**     [17-866](#)           Resolution amending Section 2 of Resolution No. 10-2004 and rescinding Resolution No. 172-2009 regarding the Sedgwick County Criminal Justice Coordinating Council (CJCC).  
**Approved on the Consent Agenda**
  
- P**     [17-910](#)           Second Amendment to Developmental Disability Affiliation Agreement with In Sync Home Health, Inc.  
**Approved on the Consent Agenda**
  
- Q**     [17-929](#)           Participating provider agreement with Managed Health Network, Inc.  
**Approved on the Consent Agenda**
  
- R**     [17-897](#)           Increase budget authority for the Public Health Emergency Preparedness (PHEP) Grant.  
**Approved on the Consent Agenda**
  
- S**     [17-930](#)           Plat.  
Approved by Public Works. The County Treasurer has certified that taxes in 2016 and all prior years have been paid for the following plat:  
  
Hank's 1st Addition  
**Approved on the Consent Agenda**
  
- T**     [17-932](#)           Plat.  
Approved by Public Works. The County Treasurer has certified that taxes in 2016 and all prior years have been paid for the following plat:  
  
Armer Addition  
**Approved on the Consent Agenda**
  
- U**     **17-912**           Order dated 9/29/2017 to correct tax roll for change of assessment.  
**Approved on the Consent Agenda**
  
- V**     [17-915](#)           Treasurer Claim Certification.  
**Approved on the Consent Agenda**
  
- W**     [17-787](#)           General Bill Check Register for October 18, 2017 - October 24, 2017.  
**Approved on the Consent Agenda**
  
- X**     [17-788](#)           General Bill Check Register for October 25, 2017 - October 31, 2017.  
**Approved on the Consent Agenda**
  
- Y**     [17-789](#)           Payroll Check Register for the October 14, 2017 payroll certification.  
**Approved on the Consent Agenda**

## LEGISLATIVE ISSUES

*Chairman Unruh said, "Are there things to discuss?"*

*Mr. Yost said, "Mr. Chairman, only to announce that we will have a staff meeting next Tuesday morning the [November] 7th to discuss legislative program for the county, and then on November 29th at your BoCC (Board of County Commissioner) meeting, we will probably adopt something in the way of a platform."*

*Chairman Unruh said, "Alright, thank you very much. Next item."*

## OTHER

*Chairman Unruh said, "Commissioners, are there other things of interest to bring up? Commissioner Dennis."*

*Commissioner Dennis said, "Thank you, Mr. Chairman. You know that I'm fairly involved in high school sports. Be announcing again Friday night. But as I was looking through KASHAA (Kansas State High School Activities Association), of course, there is soccer going on for State, there is volleyball and so forth. But I was looking at the brackets for football, and I noticed just in our county and some real close to our county, Sedgwick, Douglas, Cheney, the Independent Wichita, Wichita Collegiate, Mulvane, Andover Central, Andale, Maize South, Goddard High School, Andover, Goddard Eisenhower, Bishop Carroll, Kapaun, Maize, Heights, Derby, and finally the one I want to talk about briefly is, all of those that I just mentioned are in the finals. Friday night, Northwest High School in my district is playing Campus, Haysville in Michael O'Donnell's district. So just to make it a little more interesting on Friday night, I'd like to place a little wager with Michael O'Donnell and see if he accepts."*

*Commissioner O'Donnell said, "As long as our attorney says it's okay."*

*Mr. Yost said, "Oh, it's very legal, yeah."*

*Commissioner Dennis said, "At the next meeting, of course I want to make sure that I support the booster clubs from these two organizations because they're helping support them going forward. So at the next meeting, why the loser purchases from the booster club a hat from the opposing team and wears it during the entire meeting the next time except during the invocation and flag ceremony. I was checking to see if you would be willing to accept that slight wager?"*

*Commissioner O'Donnell said, "The whole meeting?"*

*Commissioner Dennis said, "The whole meeting, except (inaudible)."*

*Commissioner O'Donnell said, "I'm not really a hat guy, but I'm not going to turn you down, on the bench. So that's fine, we'll do it."*

*Commissioner Dennis said, "Very good. Congratulations to all the teams in Sedgwick County that are competing in all the different sports. Thank you, that's all I have."*

*Chairman Unruh said, "I've been here 15 years. We have never done this before. Commissioner Howell."*

Commissioner Howell said, "Thank you, Mr. Chairman. That sounds like a lot of fun. I remember doing something similar to that up at the Statehouse. The losing person had to wear the other person's jersey during the meeting, so that was very similar. It was kind of fun and turned out okay. But anyway, I would like to raise a different issue entirely. I would ask my colleagues to consider with me an issue that's going on in our community that I'm very, very concerned about. If you've been watching the news, you've seen a number of stories it seems like especially in the last few weeks, on the issue of the opioid epidemic or crisis that's happening in our nation.

"Having said that, I did some research a little bit, I guess reading these stories. I wanted to reflect on a couple of these things that I think are very sobering numbers. I'd like to read a little bit of this to my colleagues and ask for a little bit of action at the end of this. I'd like to make a couple of points though. Number one, almost one percent of our population has an addiction to opioids and that may not be true for south central Kansas, but that's the national average. Over 2.4 million people in this country right now have an addiction to opioids. Another one, a number of Americans who died from opioids and other drugs in the last year was 64,000 people in 2016. That's 175 people per day that lost their lives to drug addictions. That is nearly twice the number of deaths from motor vehicle crashes. I think that was very interesting to see that number.

"The number of drug overdose deaths since 2000 is more than a half million people. That's nearly 300,000 more than the number of murders involving guns. I serve on the Criminal Justice Coordinating Council (CJCC). The sheriff, the Coroner, WPD (Wichita Police Department), the hospitals and the judicial system are all talking about this issue, and they're beginning to do some work to track this, but as the [Sedgwick County] Board of Health, I think that we ought to be a part of that as well. Let me make a couple more points about that in just a second.

"I'm going to read a couple more little ones here. Since 1999, it says despite reductions in the amount of opioids prescribed, remains approximately three times as high as it was in 1999. The peak was in 2010. But despite the fact that we were still three times higher than we were just about 25 years ago. That data was from the CDC (Centers for Disease Control), I think that's very interesting. In Kansas, we actually have three parts of our state, the northwest, southwest, and southeast corners are the most saturated with this problem. The more urban areas like Johnson County, south center Kansas, Sedgwick County, are actually faring a little bit better, and there has been a lot of speculation as to why that is. Although I think that's good, we don't have it as bad as other parts of the country or as bad as other parts of the state. It seems like the problem is an ever moving target and we ought to be vigilant, I guess to know what's going on in our community as the Board of Health.

"In 2015, the most recent year the CDC measured, there was one county in our state that was the 17th highest in the nation and there were 3,000 counties in the nation that were polled. 2,820 of those responded with data, and of those 2,820, the 17th highest in the state was Morton County here in Kansas. To me, that was another thing we ought to be aware of. Then on the national stage, just in the last year, there was 52,000 overdose deaths in this country. 20,000 of those had to do with prescription painkillers. So nationally, about 55 people per day are losing their lives to prescription painkillers. In 2014 in Sedgwick County, there were 160. In 2015, 159, so it's fairly stable. Last year and this year it's actually a little bit better. Last year it was 135, and this year has dropped quite a bit. I'm not sure what we've done if anything that's caused

that change.

*"I don't know that we've actually engaged in anything that has made that difference. With that being said, I guess I would say as a Board of Health, we ought to actually have a discussion. We can do this in a staff meeting later on perhaps. But I would like to ask a couple of questions from my colleagues and may be to other staff that is here. Number one, what should we do if anything, about what's going on in our community? As far as I know, we've not really engaged this issue. I think maybe we should. Then secondly, in terms of tracking the issue that's going on, I understand that the CJCC is starting this process, but again I think the [Sedgwick] County Board of Health ought to be fully involved, and we ought to see reports given to the Board of County Commissioners for us to track and know what's going on in our community. So those are my requests. With that, I was want to make those comments Mr. Chairman. Thank you for your time. Thank you, Mr. Chairman."*

*Chairman Unruh said, "Thank you, Commissioner. Just in response to your comments, I'd say that, not as a effort to get in front of it so much, but as a response to the growing needs of our community, Sheriff Easter is chairing a group of folks, that include key stake holders including the Community Crisis Center, COMCARE, both hospitals, city police, folks from WSU, the Substance Abuse Center of Kansas, and these folks have been meeting on several occasions already trying to respond to what we recognize is a potential crisis in our community, and as the Sheriff says, you know, we already have it, and it's going to get worse, and that group is working at least in a response to it, and of course, we all know the solution is to get in front of it, and that's a little more difficult. So but at any rate, appreciate your comments, and we do need to pay attention to that."*

*Mr. Yost said, "Mr. Chairman, in response to your comments and Commissioner Howell's request, I can reach out to counsel on the legal side. I believe there is an effort underway to form some national litigation about this related to conduct of the manufacturers of opioids and maybe bring to you in about a week something related to whether or not we want to join in a lawsuit for that. If that is alright with you?"*

*Chairman Unruh said, "Thank you, appreciate that. That's an effort to get on the front side of it, and that's the ultimate solution."*

*Mr. Yost said, "At least conceivably we provided for some funding to take care some of the programs that you just discussed and the needs that you've raised, Commissioner Howell, so I can maybe have that to you in about a week."*

*Chairman Unruh said, "Thank you, Mr. Counselor. Any other 'other'? Alright, I think we are going to have an executive session."*

*Mr. Yost said, "Mr. Chairman, before we go to the executive session, we do have a need for that. I'm told that we ought to have an off agenda item during this session related to moving the meeting time next week from 9 a.m. to 2 p.m. The law does require that the majority of the Commission agree to that, and I would ask that you take up an off agenda item to that effect. We don't need a resolution to do that, simply say we're going to move the meeting from 9 a.m. to 2 p.m. and have our regular agenda at that time."*

*Chairman Unruh said, "Alright, well thank you for keeping us in-bounds."*

MOTION

Commissioner Unruh moved to take an off agenda item.

Commissioner Howell seconded the motion.

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

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner O'Donnell II	Aye
Chairman Unruh	Aye

OFF AGENDA ITEM

Chairman Unruh said, "That off agenda item would be the cancellation of the November 8th, 2017 regular meeting and setting a special meeting by the County Commissioners for 2 p.m. on November 8th, 2017. Is there a second?"

MOTION

Commissioner Unruh moved to cancel the regular meeting on November 8th, 2017 and set a special meeting of the Board of County Commissioners for 2 p.m. on November 8th, 2017.

Commissioner Howell seconded the motion.

Chairman Unruh said, "Just as point of discussion, that's so the Commission and many of our staff can attend the JROTC program over at the Britt Brown Arena. Isn't that where it's supposed to be?"

Commissioner Dennis said, "Century II."

Chairman Unruh said, "Century II, alright. Commissioners, any discussion? Madam Clerk, call the vote."

VOTE

Commissioner Dennis	Aye
Commissioner Ranzau	Aye
Commissioner Howell	Aye
Commissioner O'Donnell II	Aye
Chairman Unruh	Aye

Chairman Unruh said, "Thank you for keeping us inbounds. Now I think we need have a motion for executive session."

**Approved**

**EXECUTIVE SESSION**

MOTION

*Commissioner O' Donnell moved that the Board of County Commissioners recess into executive session for 30 minutes to discuss personnel matters of non-elected personnel required to protect the privacy interest of an identifiable individual and consult with an attorney for this Commission which would be deemed privileged in the attorney-client relationship. The executive session is required to protect attorney-client privilege and the public interest and that the Board of County Commissioners return to this room from executive session no sooner than 11:45 a.m.*

*Commissioner Howell seconded the motion.*

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

VOTE

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

*The Board of County Commission recessed at 11:20 a.m. and returned at 11:54 a.m.*

**Approved**

[17-978](#)

CONSIDERATION OF SETTLEMENT AGREEMENT ON LITIGATION.

Presented by: Michael North, Assistant County Counselor

RECOMMENDED ACTION: Take action as deemed necessary.

*Chairman Unruh said, "Okay. We are back from executive session, so I will at this point call the Board of County Commissioners back to order and declare that while we were in executive session no binding action was taken. However, we do have some business to take care of, and County Counselor Mike North has a presentation to us."*

*Mr. Michael North, Assistant County Counselor, greeted the Commissioners and said, "I am here to ask for authority for a settlement of a pending lawsuit against the county. This lawsuit has been pending for a number of years. It involves a former inmate of the detention center. This young women was ordered to be incarcerated by a judge over in the City of Wichita City Court. She was in our facility for three days. She was admitted to the clinic area because they wanted to observe her as a possible suicide risk and for experiencing alcohol withdrawal.*

*"During the time that she was in our facility, our detention facility, she fell several times in the cell. As a result of this, she suffered a right traumatic acute subdural hematoma with some eventual injuries that turned out to be permanent. The lawsuit was brought as I indicated several years ago, named as the defendant was the county, was the Sheriff's Office and also the independent contractor that provides medical services for the jail area. After going through several years of discovery, this matter was submitted to mediation in early October.*

*"As a result of this, it was a tentative settlement reached between the county and the plaintiff. As a result of this, I am asking that the Commission authorize a settlement in*

*the amount of \$125,000 to settle the county's portion of this case. This will be contingent upon the execution of appropriate releases of liability. We continue to deny that we were, have any liability in this case or any fault in this case, but because of the pending chances of what could happen if this matter proceeded to court, and the expenses that it would take to proceed to trial in this case. Staff is asking for that authorization for \$125,000. As also, as part of this we are asking that the Commission authorize Commissioner Unruh to sign a settlement agreement memorializing the settlement on behalf of the county. Thank you, Mr. Chairman."*

*Chairman Unruh said, "Alright, thank you, Mike. Commissioners, what's the will of the Board?"*

**MOTION**

*Commissioner O'Donnell moved to approve the settlement in the amount of \$125,000.*

*Commissioner Dennis seconded the motion.*

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

**VOTE**

<i>Commissioner Dennis</i>	<i>Aye</i>
<i>Commissioner Ranzau</i>	<i>Aye</i>
<i>Commissioner Howell</i>	<i>Aye</i>
<i>Commissioner O'Donnell II</i>	<i>Aye</i>
<i>Chairman Unruh</i>	<i>Aye</i>

*Chairman Unruh said, "Thank you, Mike."*

*Mr. North said, "Thank you, sir."*

*Chairman Unruh said, "Mr. Counselor anything else? Mr. Manager?"*

*Mr. Scholes said, "That's it."*

*Chairman Unruh said, "Alright, that being the case. Commissioners, anything else you want to bring up?"*

*Commissioner O'Donnell said, "No, sir."*

**Approved**

**ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 11:57 a.m.*